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Legal and strategic framework for supporting inclusive education in Kosovo

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Abstract: The post-war period in Kosovo is characterized by radical reforms in all fields, especially in the field of education. Such changes in the education system in general were aimed firstly at aligning our education system with the education system of Bologna, and secondly at acquiring the successful educational practices of developed western countries. In this context, in addition to the changes in the structure of the educational system, the legal and institutional framework, management, the change in the approach to teaching compared to the past, our priority as a society was also the inclusion of children with special needs in regular schools. Inclusive education, as a first step towards social inclusion, benefits the whole society. The experience of the last century gave a valuable lesson to society, that segregating some students in separate schools has negative effects on their future lives, but also on society in general. In many educational systems of different countries, inclusiveness has already become a reality, but accompanied by many difficulties. Kosovo is also facing this challenge, which for two decades has been making efforts towards the realization of the concept of inclusive education.

Key words: *Education system, educational reforms, strategic framework, legal framework, quality education for all.*

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1. Overview of inclusiveness

Inclusion in education in the broadest sense of the word aims to include all children regardless of race, gender, ethnicity, disability or any other difference in the nearest regular school. As

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components, of special importance for the Kosovar society, inclusiveness is a component and of special importance of all the policies of the Ministry of Education, Science and Technology, and as such, they make it possible for education in Kosovo to be in line with the trends contemporary education. The continuous efforts for comprehensive education in Kosovo started years ago, first by creating a legal basis supported by the highest legal act of the country, to continue with the Law on Pre-University Education 2011, and other by-laws. Inclusive education has now become a reality for me, and as such has made the concept of inclusiveness an inseparable and particularly important part of all MEST policies. The legal framework for supporting comprehensive education in Kosovo is quite prosperous and ensures the successful realization of this process of special importance for our society.

2. Documents that ensure comprehensive education in Kosovo

The legal framework, which regulates education in general, and comprehensive education in particular, is quite broad and well structured. This legal framework includes the following documents:

2.1. Constitution of the Republic of Kosovo, (2008).

In the highest legal act of our country, namely in the Constitution of the Republic of Kosovo, Article 47 provides for the right to education, which is summarized in two points:

1. Every person enjoys the right to basic education free of charge;

2. Public institutions ensure for each person equal opportunities to be educated, according to his/her special abilities and needs.

While relying on Article 65 (1) of the Constitution, the Assembly of the Republic of Kosovo approves another document of special importance.

2.2. Law No. 04L-032 for pre-university education in the Republic of Kosovo, (2011).

The purpose of this document is to regulate education and pre-university education, from ISCED level 0 to 4, including the education and training of children and adults who receive qualifications at these levels. In this document, which is the basis of the regulation of pre-university education, inclusive education as a concept permeates the entire law, which is based on the provisions of the United Nations Convention on the Rights of the Child (1989), the Declaration of Salamanca of UNESCO (1994), and of the UN Convention on the Rights of

Persons with Disabilities (2007). With this law, in addition to regulating pre-university education in general, the right to education is reflected as follows:

In Article 3, point 1, of this document, the general principles of pre-university education it is specified that: *point 1. No person dares to be denied the right to education.*

While point 6 of this same article states: point 6. Access and progress through all levels of education and pre-university training will be enabled in accordance with the provisions of this law without discrimination on existing or assumed grounds such as: gender, race, sexual orientation, physical, intellectual or any other disability, marital status, colour, religion, political or other opinions, national, ethnic or social affiliation, association with any community, property birth or any other condition of the student or his family.

Inclusive education in this document is regulated through Article 40, Principle of inclusive education, point 1:

The clear purpose of this Law is to implement the principle of inclusive education in the Republic of Kosovo as a best practice in accordance with international norms, as provided in The UNESCO Convention on the Rights of the Child (1989), the Salamanca Declaration (1994), the UN Convention on the Rights of Persons with Disabilities (2007), and other relevant international conventions or recommendations. Point 2. The principle of inclusive education implies that:

2.1. Educational and training institutions must accommodate all children, regardless of their physical, intellectual, social, linguistic or other conditions and must promote integration and contact between children

2.2. Appropriate support should be provided based on the intellectual needs of the students and

2.3. Special educational facilities or special schools are justified only after the expert's assessment shows that it is not practical to enroll any child in a regular public school or training institution.

Article 3. Municipalities take measures to support the inclusion of children in regular municipal schools, including the establishment of resource rooms and classes adapted for students with physical disabilities, including sensory ones.

Article 4. According to individual professional evaluations, the municipalities provide free, safe and suitable transportation for children with disabilities or learning difficulties who attend lessons in the municipal school.

2.3. Law no. 04/l-037 on Higher Education in the Republic of Kosovo (2016).

Based on Article 65 (1) of the Constitution, the Assembly of the Republic of Kosovo approves another document of special importance for the regulation of higher education in the country, namely the Law on Higher Education in the Republic of Kosovo. With this document, namely **in article 5 access to higher education, in point 1 of this same article it is specified as follows:** *1. All persons inside or outside the territory of Kosovo will have access to the higher education offered by licensed holders of higher education in Kosovo, without any kind of discrimination.* The description of the right to higher education at this point, in general, is the basis for comprehensive education, which is specified in more detail with other supporting documents such as the **Administrative Instructions which we present below:** MEST administrative instruction no. 02/2018 for Resource Centers

This administrative instruction aims to define the scope, role, structure, tasks and responsibilities of the Resource Center for learning and counseling, as an integral part of the education system. MEST administrative instruction no. 24/2014 Conversion of attached classes into resource rooms

This document aims to determine the way of converting attached classes into resource rooms, the scope, role and tasks of resource rooms as support units of regular schools as well as student support that are integrated into regular classes within the school. Administrative instruction no. 18/2013 Use of the individual education plan
The instruction defines the procedures for realizing the right of children and students to the individual education plan (IPA), its implementation and evaluation at all levels of pre-university education, with the aim of optimal inclusion and ensuring full access of children and students with special educational needs in the educational system.

Administrative instruction (MEST) No. 16/2017 Pedagogical evaluation of children with special needs

The instruction aims to define the procedure by which the pedagogical evaluation of children with special needs is done, in order to provide them with appropriate education based on their individual needs.

Administrative instruction (MEST) no. 19/2018 on the establishment and operation of educational centers

This administrative instruction defines the criteria and procedures for the establishment and operation of learning centers that provide additional support and other educational activities.

Administrative instruction (MEST) no. 14/2019 for children/students with exceptional abilities, gifts and talents

This document defines the criteria and procedures for identifying and supporting children/students with exceptional abilities, special gifts and talents in creative and artistic academic fields, in order to develop and reach their full potential.

Administrative instruction (MEST) No. 34/2014 The functioning of the pedagogical - psychological service in schools

With this administrative instruction, the operation of the pedagogical-psychological service in the school is regulated, namely the work of the pedagogue and the school psychologist.

3. Strategic and policy framework for inclusive education

Based on the legal framework for supporting inclusive education in Kosovo, the strategic framework of inclusive education has been built, the purpose of which is the successful implementation of this process in the Republic of Kosovo. Among the most important strategic documents for inclusive education are:

3.1. The strategic plan of education in Kosovo (2017-2021).

The strategic plan is the basic document for the development of the education sector in Kosovo in the period 2017-2021. The planning process is organized into seven thematic areas that cover all relevant segments of education in Kosovo: 1. Participation and inclusiveness, 2. Management of the education system, 3. Quality assurance, 4. Teacher development, 5. Teaching and students, 6. Vocational education and training and adult education, 7. Higher education. PSAK has seven strategic objectives, one for each thematic area. Below is a summary of each strategic objective: Strategic Objective/SO

1. Participation and Inclusion Increase inclusion and equal opportunities for development, training and education of every individual in pre-university education. Increasing inclusiveness and preventing dropouts in education take time and cannot be achieved without full implementation of the legal framework. Therefore, this strategic objective has clear links with

other aspects of PSAK, in particular with the creation of an integrated system for the collection, processing and use of data that will also enable the monitoring of children with special needs and children who drop out of school, as well as by improving the quality of teaching, both through the provision of training programs for inclusiveness, and through the implementation of the basic ideas and goals of the KKK.

3.2. Strategic plan for the organization of comprehensive education of children with special needs in Pre-University Education (2016-2021).

This strategic plan defines in a structured and integrated way how to approach and how to handle the issue of the inclusiveness process, but in its most practical and functional aspect. Since it respects and relies on some of the basic documents, such as the Pre-University Development Strategy (2007-2017), the Millennium Goals, the Laws that protect the rights of the child (the implementation of which guarantees inclusiveness in education), the National Action Plan for Persons with Disabilities disabilities (2009), Different strategies in education, etc., the main purpose of this strategic plan for action is the impact on the most practical level in dealing with this issue, the realization of effective activities, ensuring cooperation and coordination in all links of society , its compatibility with budget planning and other development frameworks in Kosovo and monitoring and evaluating the progress of its implementation, contributing to the creation of an inclusive society in which everyone has the opportunity to fulfill and express their individual capacities in the service and for the betterment of society.

The objectives of the strategic plan are set within a single framework, which addresses: Relevant objectives, the realization of which will enable the creation of schools ready to accept all children. - *The specific activities/actions*, which break down the relevant objective, making it possible to fulfill them more easily and safely

The main bearers responsible for the realization of the relevant activities;

The partners who will help in the realization of the relevant activities;

The time frame in which the activity will be developed;

The source of the budget, which reflects the financial support for each funding action from the budget of Kosovo, the budgets of the Municipalities or the support from donors as well as the necessary amount;

Indicators of the activities / indicators, through which the feasibility will be measured and its evaluation;

The evaluation mechanisms, which will be responsible for the process of monitoring and evaluating the realization of activities and therefore of the defined objectives, while the defined objectives are:

Objective I: Early identification and intervention and increased inclusion of children with special educational needs;

Objective II: Ensuring and strengthening support mechanisms for inclusive schools;

Objective III: Professional development of educational staff for inclusive education;

Objective IV: Improving infrastructure physical education for the inclusive school;

Objective V: Raise inclusive awareness;

3.3. Curricular Framework of Pre-university Education of the Republic of Kosovo (revised, 2016).

One of the main principles on which the KKK is built is inclusiveness. KKK is aligned with Education for All and the Millennium Development Goals.

Inclusion - This principle refers to the right of every child and young person to equal access and inclusion in quality education. Guided by this principle, the Curriculum Framework offers modifiable solutions to address students' differences in the learning process and their special needs, contributing to provide each child\student with the opportunity to develop individual values, to feel accepted, valued and to get the most out of the learning process.

In this context, the Curricular Framework promotes:

a) learning environment that enables access, accommodation and support for all students;

b) promoting learning and active participation in the learning process for all students, including students with special needs, talents, geniuses and those with learning difficulties;

c) learning that reflects students' prior experiences and information; their interests, potentials, opportunities, needs and learning styles;

d) teaching planning taking into account the needs, experiences and different learning styles of each student;

e) *the active involvement of students in the selection and planning of learning experiences, being aware of their importance and being able to self-evaluate their own learning outcomes.* The realization of the above-mentioned opportunities ensures the improvement of attendance at school and the level of achievement of students.

3.4. Individual PIA education plan

The individual education plan is an official pedagogical document that is drawn up for children with special educational needs, for whom the evaluation team of experts from various developmental fields has made the decision for education and education with special needs. The goals of individual curricula are many, but the goal during preschool, elementary school, lower secondary, and upper secondary is that every student with a disability has the opportunity to have a successful experience in school, which will lead them to a career or further education. The ultimate goals for these individuals are to be present in the community, to have a real participation in society, good jobs and a happy life. These excellent results are a product of appropriate education, delivered with as few constraints as possible, by highly effective teachers who use research-based practices, and make decisions based directly on student performance in the classroom. The Individual Education Plan (IEP) is an official pedagogical document, which is drawn up for children with special educational needs, for whom the municipal evaluation team or even the team at the institution level has made a decision for education with special educational needs. The Individual Education Plan serves for the systematic planning of learning, teaching, for the support and follow-up of the child's individual progress. The individual education plan should be developed through a collaborative process, involving the school, parents, children (where appropriate) and other relevant staff. The IEP is a reliable (confidential) document and information about it can be given to others only with the parents' permission. It refers to the adaptation of the curriculum and focuses on the priority needs of the learner.

The PIA defines:

- » Educational, educational goals of the child for the period that the individual plan lasts;
 - » The results of the child's learning, through which the goal is realized
- Intended;
- » Methods and forms of work, necessary to realize the results of learning;
 - » Resources needed for the services to be provided as well as existing resources;

- » Individualized content of teaching subjects or fields of activities;
- » Child assessment forms;
- » The persons responsible for the drafting and implementation of the PIA;
- » Its monitoring and review process.

The quality of the process for the development of the Individual Education Plan in a way determines the quality and effectiveness of the plan. Therefore, good coordination of work, cooperation and division of responsibilities between different actors is essential during the drafting of this plan.

The Individual Education Plan consists of:

Administrative part - The purpose of which is to collect the main data of the child, for which the consent of the parent or guardian is required in advance.

Pedagogical part - Is the most important part of PIA. Include information about the child's current condition, abilities, skills, tendencies and needs. Learning goals and results, work methods, adaptations, necessary didactic materials and ways of evaluating the child must be clearly described.

Rehabilitative part - In addition to the pedagogical part, some children also need rehabilitative treatments, which are mainly offered outside educational institutions. Apart from resource centers, which can provide some services, other services are in the domain of health institutions. This part must be completed only in cases where the child receives rehabilitation services.

4. Literature

<https://masht.rks-gov.net/ua-me-nr-16-2017-e-dt-22-12-2017-vleresimi-pedagogjik-i-femijeve-me-nevoja-te-vecanta-arsimore/>

<https://masht.rks-gov.net/wp-content/uploads/2022/05/02-2018-ua-per-qendrat-burimore-x.pdf>

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<https://masht.rks-gov.net/wp-content/uploads/2022/05/udhzimi-administrativ-me-nr-14-2019-per-fnxajdht-rotated-1.pdf>

<https://gzk.rks-gov.net/ActDetail.aspx?ActID=10421>

<https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>

<https://gzk.rks-gov.net/ActDetail.aspx?ActID=2761>

<https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2770>