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Date: 10.19.2012.

THE MINISTRY OF EDUCATION AND CULTURE OF REPUBLIC OF SRPSKA

Attn / Minister Mr. Anton Kasipović

RECOMMENDATION: Personal assistants in schools

The Institution of Ombudsman for Children has received a number of reports - complaints of parents of children with developmental disabilities and related to the issue of engaging teaching assistants.

Parents state, that regardless that in findings and opinion of the expert committee for classification of persons with physical or mental disabilities as one of measures support of teaching assistants is proposed, which is confirmed by decision of social welfare center, children can not exercise that right, because according to response of the Ministry that is available only for children with autism.

In a number of cases in which the Institution has acted the Ministry, among others, states:

- Due to limited funds in the budget, the Ministry in previous years approved assistants only for students with autism, and suggests that the schools and the parents contact the Social welfare center in order to try to arrange engagement of assistant for the student, letter number - 07.020/610-1549-1/10 from 11.09.2010.¹

- We remind you of Paragraph 2. of Article 2. of Rulebook which reads - From the budget of Republic of Srpska public school are funded which are founded by the Republic and which are registered in the school network. Since it is about a private high school, the Ministry of

¹ The letter is a response to elementary school attended by a nine-year-old boy with developmental disabilities who under the decision of social welfare center is classified in group of persons with physical disability and with the same decision determines needed support of teaching assistant

Education and Culture is unable to fund a personal assistant. Letter number 07.021-611-516-12 from 08.30.2012.²

1) The Law on Primary Education³

Children with psychophysical developmental disabilities acquire primary education in regular schools and according to programs adapted to their individual needs, and in accordance with Article 19. of the Framework Law.

Children with moderate disabilities in psychophysical development are enrolled in school in accordance with the recommendations stated in decision of competent institution. Children with serious and severe disabilities acquire primary education in accordance with this law and are enrolled in special school or special class based on the decision which determines the type and degree of disability. (Article 83)

2) The Rulebook on Education of Children with Special Educational Needs in Primary and Secondary Schools⁴

Inclusion is accomplished by including children with special needs in classes of primary and secondary schools based on recommendations of expert team (Article 4).

A child with special educational needs from Paragraph 1. masters regular or adapted curriculum adjusted to individual needs of a child, by individualized procedures and specific additional assistance provided by the team.

Children with special educational needs are included in regular education based on decision of competent authority, and based on the opinion of expert team after a period of observation that will be performed in regular school (Article 7).

Through cooperation with the Pedagogical Institute the Government will plan projects of hiring assistants in regular classes (Article 5).

3) The Rulebook on classification of persons with disabilities in physical and psychological development⁵

Assessment of abilities and classification of persons with disabilities are performed by expert committee. Expert committees are established as first and second instance.

² The letter is a response to high school, private, attended by a boy with disabilities who are under the decision of social welfare center is classified in group of persons with autism

³ Official Gazette of Republic of Srpska No. 74/08, 71/09 and 104/11

⁴ Official Gazette of Republic of Srpska No. 85/04

⁵ Official Gazette of Republic of Srpska No. 115/03

Expert committees give findings on assessment of ability, classify and give opinion on relevant measures of protection of persons with disabilities.

Based on findings and opinions of expert committee, the local competent social welfare center brings decision on classification and directs a person with disabilities to exercise appropriate measures of protection.

Each committee member individually evaluates by using available documentation, methods and techniques of their profession and gives its written finding and opinion.

Finding and opinion must contain the proposed measures (Form no. 2).

Inclusive education means inclusion of children with developmental disabilities in regular classes. The introduction of teaching assistants aims to facilitate integration of students, to provide necessary assistance to a child with disabilities, but also to teacher and the entire class, in order that his/her education in regular class would be the least stressful primarily for that student, but also for other students, teachers and parents. Introduction of teaching assistants contributes to more quality inclusive education and exercise of rights of children involved in that process.

The Law on Primary and Secondary Education does not determine neither the right of a child to teaching assistant or obligation of school to engage a person for teaching assistant.

The Rulebook on Education of Children with Special Educational Needs in Primary and Secondary Schools in Article 5. determines that projects for employment of assistants in regular classes will be planned.

None of the normative acts defines what are competencies of an assistant, whether he is personal or pedagogical assistant or teaching assistant, what are his duties and responsibilities, is he employed and on what basis and under what conditions - except that Article 5. determines that it can be final year students of pedagogical academies / universities, graduate students of teacher-training schools, teachers who are preparing to take professional exam, persons in civil serving of military service and who are experts in this area.

Since the Rulebook is related to education of children with special educational needs in primary and secondary schools, it suggests that the support is related to children who have educational difficulties in primary and secondary education, which leaves no possibility for its engagement in preschool institutions nor in special schools (Article 2. determines that education of children with special needs is conducted in regular primary and secondary school).

Parents, schools, social sector and expert committees agree on the need of engaging teaching assistants in teaching who by its proposal of measures propose such support to a child. However, lack of clear and defined policies and procedures for engagement of teaching assistants is a problem for both, schools and parents and children always bear the consequences.

Considering that the issue of engaging teaching assistants for children with developmental disabilities is not normatively regulated even though it was provided for a specific category of children and for individually submitted requests,

The Ombudsman for Children suggests:

To the Ministry of Education and Culture undertaking of measures necessary that the issue of engagement of teaching assistants is normatively regulated, so to define, which children and under what conditions can realize assistance and support of assistants in educational system, and which persons and under what conditions and with what competencies can provide that assistance and support,

and that the Institution is informed, within 15 days, on the measures taken.

Sincerely,

Ombudsman for Children of Republic of Srpska
Nada Grahovac LL.M