



‘Reasonable accommodation’ in the education of children and youth with disabilities – as based on the convention on the rights of persons with disabilities

Part 2

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The authorities of the Republic of Poland, by ratifying the Convention on the Rights of Persons with Disabilities, have undertaken the responsibility to implement such changes in the national legal order and in social policies that aim at ensuring full and equal enjoyment of all rights and freedoms by people with disabilities and preventing their discrimination in different aspects of life. One of the ways to fulfil this commitment is the ‘reasonable accommodation’. According to Article 2 of the Convention the term means ‘(...) necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden’ and its purpose is to reduce physical, technical or social barriers hindering or restricting the various roles and tasks of those affected by disorders in the structure or functions of the body.

The author of this article explored manifestations of such activities in the field of education laws and their practical application. He determined that in the analysed area, many solutions are in line with the spirit of the ‘reasonable accommodation’.

KEY WORDS: Convention on the Rights of Persons with Disabilities, reasonable accommodation, right to education

Introductory remarks

In the first part of this paper, published in the previous issue of *Interdisciplinary Contexts of Special Pedagogy*, the author explained the meaning of the term 'reasonable accommodation' used in the Convention on the Rights of Persons with Disabilities adopted on 13 December 2006 by the United Nations General Assembly (Resolution 61/106).¹ Let us remind that reasonable accommodation involves – as defined in Article 2 of the Convention –

'(...) necessary and appropriate modifications and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms'.²

He searched, and will search in this part of the text as well, for the elements of such reasonable accommodation in legal and organisational solutions concerning the exercise of disabled persons' right to education. It should be pointed out – which was already discussed in the previous part – that the paper was written after the Polish President signed the Education Act of 14 December 2016,³ which – pursuant to Article 1 of the Act on the Provisions Implementing the Education Act of 14 December 2016⁴ – comes into force, will enter into force, with a few exceptions (Article 18 and Article 47, and Chapter 6), on 1 September 2017. This means that solutions consistent with the idea of reasonable accommodation were sought after mainly with respect to the provisions of the current version of the Act on the Education System and the ministerial regulations

¹ *Convention on the Rights of Persons with Disabilities*, Journal of Laws of 2012, item 1169.

² *Convention on the Rights of Persons with Disabilities*, Journal of Laws of 2012, item 1169, Article 2.

³ *Education Law Act of 14 December 2016*, Dz. U. (Journal of Laws) of 2017, item 59.

⁴ *Implementing Provisions – Education Law Act of 14 December 2016*, Dz. U. (Journal of Laws) of 2017, item 60.

associated with this Act.Regulation.⁵ Solutions that involve reasonable accommodation discussed in the first part of this paper included, among other things: the adjustment of the preschool and school curriculum to the individual needs of children and students in the form of the so-called individual educational and therapeutic programme as well as the control of school performance. Below, the reader will find other numerous examples of the reasonable accommodation, incorporated in the Polish education law and its practical applications.

Elements of 'reasonable accommodation' in Polish education law – other examples and solutions

Aspects of 'reasonable accommodation' are also visible in the principles concerning lower secondary school final exams, secondary school final exams (Matura) and exams confirming vocational qualifications, defined in Chapter 3b of the Act on the Education System. The provisions of Article 44zw(1), (2) and (3) stipulate, respectively, that students with a special needs certificate issued due to moderate or severe intellectual disability do not have to take the lower secondary school final exam. A student with a relevant certificate issued due to multiple disabilities, none of which is an intellectual disability, can also be released from the obligation to take the exam or a part of it.⁶ A student holding a special needs certificate issued due to mild intellectual disability, who is taking a modern language exam and who continued to learn this language in lower secondary school in accordance with the requirements defined in the general education core curriculum, the analysed article provides for the release from the obligation to take this exam at the advanced

⁵ *Education System Act of 7 September 1991*, Dz. U. (Journal of Laws) of 2016, item 1943, 1954, 1985 and 2169 and of 2017, item 60, legislation in force as at 2 March 2017; www.prawo.vulcan.edu.pl 2 March 2017.

⁶ Article 44zw(1) of the Act states that students with multiple disabilities, including moderate or severe intellectual disability, do not take this exam.

level; however, they can take the exam at the request of their parents. Modern language is also the kind of educational course in relation to which the education law provides for the possibility of exemption from certain obligations related to the secondary school final exam. This situation is provided for in Article 44zzg(1). It says that a deaf student is relieved of the obligation to take the oral part of the exam. However, Section 2 of the above-mentioned article stipulates – which seems particularly important – that a speech-impaired student is released from the entire secondary school final exam.

Students and school leavers holding a special needs certificate can, due to their disability, take the above-mentioned lower secondary school final exam and secondary school final exam on conditions and in the form adjusted to the type of disability, as stipulated in Article 44zzr(1) of the Act. The manner of adjusting these forms was specified in Section 8 of the analysed article. Pursuant to this provision, it involved the preparation of separate examination sheets suitable for the type of disability of the person taking the exam, '(...) yet, no separate examination sheets are prepared for school leavers holding a special needs certificate issued due to mild intellectual disability'. The adjustment of the conditions of organising the lower secondary school final exam and the secondary school final exam involves, as defined in Section 10 of this article:

- '1) Minimising the limitations resulting from the disability (...);
- 2) Providing (...) a workplace suitable (...) for educational needs and psychophysical abilities;
- 3) Using appropriate specialist equipment and teaching resources;
- 4) Sufficient time extension (...);
- 5) Specifying the principles of evaluating solutions to tasks (...), taking into account educational needs and psychophysical abilities (of the person taking the exam – author's note);
- 6) Ensuring the presence and support during the exam (...) of an intervention teacher for a student or a school leaver to support them in reading and writing, or a specialist relevant for a given type of disability (...) if it is necessary for the proper communication with a stu-

dent or a school leaver, or support in the use of specialist equipment and teaching resources’.

It is worth mentioning that, pursuant to the provision of Article 44zzza(10) of the Act, the minister responsible for education specifies also, by virtue of a regulation, detailed conditions and manner of organising the discussed exams outside school if it is necessary due to the health condition or disability of the person taking the exam.

Elements of reasonable accommodation are also present in fragments of the Act that refer to an exam confirming vocational qualifications. Article 44zzzf(1) states that a student or a school leaver that holds a relevant special needs certificate issued due to their disability may take such an exam in conditions and in a form adjusted to the type of the disability. The adjustment of the form of the exam involves, pursuant to Section 7 of the discussed article, the preparation of separate exam sheets for a blind or visually impaired student, student, school leaver or a graduate. As regards the conditions in which such a person is taking the exam, they are analogous to the ones described above in relation to the lower secondary school final exam and the secondary school final exam, which is stipulated in points 1-5 of Section 8. Similar conditions – pursuant to Article 44zzzh(1) – are also ensured on the basis of a relevant medical certificate to blind, visually-impaired, deaf, hearing-impaired, physically disabled, including aphasia, mildly intellectually disabled or autistic (including those with the Asperger syndrome) persons who take the discussed exam after completing a qualifying vocational course or vocational training for adults, or job training for adults if the programme of such training met the requirements specified in the core curriculum for vocational education; or when conditions for the approval of external examination confirming vocational qualifications are met. Due to the health condition or disability of the person taking the exam confirming vocational qualifications, it can be organised outside a school, a facility or an employer’s premises or at the premises of the entity organising the qualification course under a relevant regulation of the minister issued in accordance with Article 44zzzv(8) of the Act.

The above-discussed adjustments of the manners and conditions of taking the lower secondary school final exam, the secondary school final exam or the vocational qualifications exam by disabled persons are to be implemented by the Central Examination Commission established under Article 9a(1) of the Act and by Regional Examination Commissions established by a relevant minister under Article 9c(1). The former is responsible for – as stipulated in Article 9a(2)(10)(a) of the Act – announcing detailed communications in this respect in *Biuletyn Informacji Publicznej* every year. Regional commissions use them as the basis for the organisation of these exam.

Reasonable accommodation is also reflected in certain regulations included in chapter 2 of the Education System Act entitled ‘Preschool education, schooling obligation and education obligation’. Pursuant to these regulations – Article 14(1) – in our country, preschool education obligation applies to children from the beginning of the school year in the calendar year in which they are 3 and lasts by the end of the calendar year in which they are 7. Children holding a special needs certificate – in accordance with Section 1a of the quoted article – may be subject to compulsory preschool education even if they are more than 7, but not longer than by the end of the calendar year in which they are 9. In such a case, the age at which such a child begins compulsory preschool education is ‘shifted’. Section 3a of the analysed article states that the obligation ‘(...) starts at the beginning of the calendar year preceding the school year in which the child begins to fulfil the schooling obligation’. Under Article 14a(4) of the Act, the legislator imposed on the commune (Polish *gmina*) the obligation to provide 5- and 6-year old disabled children subject to preschool compulsory education, but also those who are still subject to this obligation although they are seven years old, with free-of-charge transport and care during the travel to the nearest preschool or any other form of preschool education (day care facility), or to return the costs of the transport of the child and the carer if the transport is organised by parents.

The fact that a child holds a special education needs certificate may also – under Article 16a(1) of the Act – form the basis for the

postponement of the fulfilment of the schooling obligation, which, according to our education law, as specified in Article 15(2), '(...) starts at the beginning of the calendar year in which a child is 7 and lasts by the end of the lower secondary school, but not longer than by the age of 18', and the schooling obligation lasts – as stated in Article 15(1) – by the time the child is 18. The postponement cannot last longer than by the end of the school year in the calendar year in which the child is nine. It is worth mentioning here that, pursuant to the Regulation of the Minister of National Education of 24 July 2015,⁷ the education of disabled students may be continued by the end of the school year in which the student is, respectively: 1) 18, for primary school, 2) 21 – for lower secondary school and 3) 24 – for upper secondary school. The commune is obliged – as stipulated in Article 17(3a) of the Act – to provide a disabled student with a free-of-charge means of transport and relevant care during the travel to the nearest primary school and lower secondary school, and in the case of students with moderate or profound physical or intellectual disability – also to the upper secondary school, but not longer than by the age of 21, or to return the costs of transport and care if the service is provided by the parents.

Pursuant to Article 22(2) of the Act, the minister of education specifies, among other things, curriculum frameworks and core curricula by virtue of a regulation. Elements of reasonable accommodation are therefore also visible in ministerial documents issued in relation to it. It is expressed, among other things, in Article 2(1)(3) and (4) of the Regulation of the Minister of National Education of 7 February 2012 on Curriculum Frameworks in State Schools,⁸ which states that the curriculum defines, *inter alia*, the minimum number of hours and weekly number of hours of special therapy

⁷ *Regulation of the Minister of the National Education of 24 July 2015 on the conditions of organising the education and care for children and youth with disability, social maladjustment and at risk of social maladjustment* Dz. U. (Journal of Laws) of 2015, item 1113, Article 4.

⁸ *The Regulation of the Minister of National Education of 7 February 2012 on framework curricula in state schools*, Dz. U. (Journal of Laws) of 2012, item 204.

classes for disabled students at a given education level. In Appendix 1 to this Regulation⁹, it is stated that both in early school education and in grades 4-6 of the primary school, the minimum number of special therapy hours at an ordinary classroom setting is 190 hours per student, whereas the weekly number of special therapy hours per student in a school year is 2 hours. In Appendix 2¹⁰, on the other hand, it is stipulated that the minimum number of rehabilitation hours in grades 1-3 and grades 4-6 '(...) in the case of students with moderate or severe intellectual disability, including multiple disabilities if one of the disabilities is moderate or severe intellectual disability', attending a mainstream school is also 190 hours, while the weekly number of hours in each school year is also 2 hours per student. The same number of hours of rehabilitation classes in situations analogous to the above-mentioned ones are also stipulated in Appendix 3¹¹ concerning the curriculum in a three-year lower secondary school, including a special lower secondary school, Appendix 5¹² concerning the curriculum in a three-year lower secondary school for students with more severe intellectual disability (moderate or profound) and Appendix 6¹³ concerning a curriculum in

⁹ *Framework curriculum for primary school, including a special primary school, excluding a special primary school for children with moderate and profound intellectual disability*, Appendix 1 to the Regulation of the Minister of National Education of 7 February 2012 (item 204).

¹⁰ *Framework curriculum for special primary school for children with moderate and profound intellectual disability*, Appendix 2 to the Regulation of the Minister of National Education of 7 February 2012 (item 204).

¹¹ *Framework curriculum for lower secondary school, including a special lower secondary school, excluding a special lower secondary school for children with moderate and profound intellectual disability*, Appendix 3 to the Regulation of the Minister of National Education of 7 February 2012 (item 204).

¹² *Framework curriculum for special lower secondary school for children with moderate and profound intellectual disability*, Appendix 5 to the Regulation of the Minister of National Education of 7 February 2012 (item 204).

¹³ *Framework curriculum for basic vocational school, including special basic vocational school for students with disability, social maladjustment and at risk of social maladjustment*. Appendix 6 to the Regulation of the Minister of National Education of 7 February 2012 (item 204).

a three-year basic vocational school, including a special one. More diverse is the minimum number of hours of rehabilitation classes per disabled student in regular classroom settings of a three-year general secondary school (180 hours)¹⁴ and a four-year technical school (240 hours)¹⁵. In both cases, the weekly number of rehabilitation hours per one student in each school year is still 2 hours.

Concluding the issue of curricula and reasonable accommodation elements included in them, two important regulations are worth mentioning. Firstly – which we have already mentioned writing about the possible period of education of disabled children at individual education levels – pursuant to Article 5(1) of the analysed Regulation, for this category of students '(...) the period of education can be extended at every education level by one year, increasing the number of hours of obligatory education classes proportionally'. Pursuant to Article 5(2), a decision on the extension of education is made by the teachers' board. Secondly – notes no. 1 in Appendices 2 and 5 quoted above state that students with moderate and severe intellectual disability, including students with multiple disabilities if they include moderate or severe intellectual disability, attending a mainstream primary school or a mainstream lower secondary school, follow curricula designed especially for them rather than those intended for other students of the above-mentioned schools. In other words – they are not covered by curricula mentioned in Appendices 1 and 3.

Reasonable accommodation is reflected – in our opinion – by the approach to the issue of core curriculum. They are specified – as stipulated in Article 22(2)(2) and (2a) of the Act – by the minister of national education by virtue of a relevant Regulation. Generally, disabled students with normal intellectual ability as well as those

¹⁴ *Framework curriculum for general secondary school, including a special general secondary school for children with normal intellectual ability...*, Appendix 7 to the Regulation of the Minister of National Education of 7 February 2012 (item 204).

¹⁵ *Framework curriculum for secondary technical school, including a special general secondary school for children with normal intellectual ability...*, Appendix 8 to the Regulation of the Minister of National Education of 7 February 2012 (item 204).

with mild intellectual disability are covered by the same general education core curriculum for primary school, lower secondary school, basic vocational school, general secondary school, secondary technical school and post-secondary school as well as appropriate vocational education core curriculum as their able-bodied peers. However, the situation is different – which reflects the reasonable accommodation – in the case of children with moderate or severe intellectual disability. Pursuant to the Regulation of the Minister of Education of 27 August 2012, they are covered by a separate general education core curriculum in primary school and lower secondary school, specified in Appendix 3.¹⁶

Solutions concerning preschool education and education curricula for specific general educational classes and curricula for specific jobs seem to be less clear. They are selected in accordance with Article 22a of the Act, yet, the provisions included in it do not apply, among other things to disabled students, as defined in Section 8. Based on our previous reflections, we already know that an individual education and therapeutic programme developed for a given child or student with special education needs should contain information on the manner and scope of the proper adjustment of preschool education and the requirements from educational classes covered by the curriculum followed by the student. Suggestions included in the document published at the website of an education office imply that disabled students of mainstream schools,¹⁷ who are covered by the same curriculum as students with no intellectual disability follow a core curriculum applicable in given classroom settings, but properly adjusted to their needs and psychophysical abilities.¹⁸ We also know – which has been mentioned above – that

¹⁶ *Regulation of the Minister of Education of 27 August 2012 on preschool and general education core curriculum in different types of schools*, Dz. U. (Journal of Laws) of 2012, item 977.

¹⁷ The quoted document refers precisely to students with mild intellectual disability.

¹⁸ *Uczeń z orzeczeniem o potrzebie kształcenia specjalnego dla uczniów z upośledzeniem umysłowym w stopniu lekkim, pozostający w szkole ogólnodostępnej*, www.ko.rzeszow.pl/zalaczniki/dokumenty/0205200701.doc [accessed on: 17 III 2017].

separate core curricula for different types of schools were developed exclusively for students with more severe intellectual disability. Therefore, it seems that in respect to those who attend mainstream primary or lower secondary school, curricula developed for this category of students (put forward by the ministry or developed independently) should be adjusted individually.¹⁹

The title reasonable accommodation is, in our opinion, particularly visible in the statutory regulation concerning school handbooks and educational materials. They were specified in Article 22ab of the Act. Section 2(4) states that it is possible to include more than one handbook or educational material for a given education range in grades 1-3 or to given educational classes in higher grades into the set of handbooks and educational materials used in all classroom setting of a given school with respect to disabled students subject to special education in primary and secondary school, whereby – as specified in Section 3 – the team of teachers suggesting such a solution to the principal must take into account the educational needs and psychophysical abilities of these students. Due to the fact that such special education may take place in mainstream schools, the provisions cited here should be treated as ones that apply also to the principles of creating sets of school handbooks for children with disability attending these schools. At the level of primary school – as defined in Article 22ac(1) of the Act – they have a right, like their able-bodied peers, to use handbooks, educational materials or exercise materials free of charge in cases where they are intended for use during obligatory general education classes listed in the framework curriculum. If a school has got unused handbooks and educational materials adjusted to the educational needs and psychophysical abilities of disabled students, purchased from designated subsidy, they can be handed over to the principal of another school, as stated in Article 22ak(6) of the Act. This possibility pro-

¹⁹ See e.g.: *Program wychowania i nauczania dzieci i młodzieży upośledzonych umysłowo w stopniu umiarkowanym i znacznym*, Ministry of National Education (MEN), Warsaw 1997.

vides a chance to use to these resources by disable children that start attending a mainstream school during a school year, therefore they were not taken into account when a request for designated subsidy was formulated.

Pursuant to Article 22ae(1)(1)(3), schools are equipped with handbooks and materials by local government units at the request of public administration. The above-mentioned local government units receive adequate designated subsidy granted by the voivode under Section 3 of the analysed article. The subsequent Section 5 specifies detailed amounts per student by grades. As far as activities that can be identified as reasonable accommodation are concerned, regulations contained in Section 5a of Article 22ae are particularly important. It states values of indicators by which the amounts are multiplied for disabled students. These indicators have been specified as follows:

- 1) Not lower than 2 and not higher than 3 – in the case of students with intellectual disability, deaf, hearing-impaired, with autism, blind and visually-impaired, subject to points 2 and 3, holding a special needs certificate, provided that the students will use handbooks, educational materials and exercise materials adjusted to the education needs and psychophysical abilities of these students;
- 2) Not lower than 5 and not higher than 10 – in the case of visually-impaired students holding a special needs certificate, provided that the students will use handbooks, educational materials and exercise materials adjusted to the education needs and psychophysical abilities of these students, in large print;
- 3) Not lower than 10 and not higher than 25 – in the case of blind students holding a special needs certificate, provided that the students will use handbooks, educational materials and exercise materials adjusted to the education needs and psychophysical abilities of these students, printed in Braille'.²⁰

²⁰ Current regulations regarding the amount of designated subsidy for the purchase of handbooks for disabled students were signed on 16 March 2017, <https://men.gov.pl/strony/wskazniki-kwoty-dotacji-celowej-na-zakup-podrecznikow-dla-uczniowniepelnosprawnych-nowe-rozporzadzenia-podpisane> [accessed on: 20 III 2017].

One should mention at this point that, pursuant to Section 11 of the interpreted article of the Act, designated subsidy may be the source of financing for printing and producing handbooks as well as educational and exercise materials as well as purchasing devices used for these purposes. As opposed to children with special education needs, it can also be used to cover the costs of appropriate equipment and software required for the use of electronic handbooks and materials.

Handbooks are admitted for school purposes under terms specified in Article 22a of the Act by the minister of national education after obtaining a positive opinion of experts. Once the handbooks meet specified requirements, they are entered on relevant lists – which has been stipulated in Article 22a of the Act – at the website of the ministry.²¹ One should point out that the contents of the handbooks must comply with the current core curriculum, therefore those that become outdated can be used by teachers and students as auxiliary materials. At the same time, one should remember that disabled students who, in accordance with education legislation, follow the same core curriculum as their able-bodied peers may use current handbooks for mainstream schools.²² In practice, as Monika Gułubiew-Konieczna writes, students with mild intellectual disability attending mainstream schools use the same handbooks as their able-bodied peers.²³

Justification of funding to cover the costs of reasonable accommodation as part of education including disabled students

Education of disabled students requires greater funding than in the case of mainstream education. It results from the need for a spe-

²¹ <https://podreczniki.men.gov.pl/> [accessed on: 20 III 2017].

²² <https://men.gov.pl/zwiekszenie-szans/ksztalcenie-specjalne/informacja-o-podrecznikach-do-ksztalcenia-specjalnego.html> [accessed on: 20 III 2017].

²³ M. Gołubiew-Konieczna, *Edukacja uczniów z niepełnosprawnością intelektualną w świetle aktualnych przepisów prawa oświatowego*, Wydawnictwo Edukacyjne Akapit, Toruń 2006, p. 22.

cial organisation of the education process, taking into account technical conditions, methods and teaching resources relevant for the needs and abilities of such students, as well as establishing close and necessary social relations between the participants, including the cooperation with the family environment.²⁴ Analysing data concerning the way the part of the general education subsidy for local government units is divided in individual years, publicised by means of regulations of the minister of education, one can easily conclude that the provided weights reflect the evident care of the public authorities about the satisfaction of the development and education needs as well as the development of psychophysical abilities of students provided with special education, irrespective of where it is put into practice – in the conditions of segregation or non-segregation. As stated in an appendix to the above-mentioned regulation applicable also for 2017, these weights – reflecting, in fact, the multiplier of the outlays for the fulfilment of school tasks towards individual groups of students – may be as follows:

- P = 1.40 – for students with mild intellectual disability;
- P = 2.90 – for blind, visually-impaired students and students with physical disability, including aphasia;
- P = 3.60 – for deaf and hearing-impaired students and with moderate and severe intellectual disability;
- P = 9.50 – for children and youth with severe intellectual disability who fulfil their schooling obligation or education obligation by participating in rehabilitation and education classes organised by primary, lowers secondary and upper secondary schools as well as psychological and pedagogical counselling centres, for students with multiple disabilities and autism, including the Asperger syndrome.²⁵

²⁴ *Jak organizować edukację uczniów ze specjalnymi potrzebami edukacyjnymi?*, Ministry of National Education (MEN), Warsaw 2010, p. 90.

²⁵ Algorytm podziału części oświatowej subwencji ogólnej dla jednostek samorządu terytorialnego na rok 2017, *An appendix to the Regulation of the Minister of National Education on the manner of dividing the part of the general education subsidy for local*

At this point, there arises the question about the legitimacy of such preferences in the division of a given pool of money for the financing of education, namely whether it complies with the principle of social fairness. The author of this text has already made an attempt to answer such a question in a different place.²⁶ To this end, he referred, among other things, to the question teasingly posed by the authors of a characteristically entitled text: 'Integration as an Ethical Problem (Integracja problemem etycznym) ()', published in the collective work: *Integration of Children with Special Needs. Selected Ethical Issues (Integracja dzieci o specjalnych potrzebach. Wybrane zagadnienia etyczne)*. G. Fairbairn and S. Fairbairn wondered if it would not be better to increase the outlays on education for able-bodied students, following the principle that the most effective way to support 'weaker' members of the society is to help '(...) those that are well endowed, so that they could support less endowed ones'.²⁷ From this point of view, it is hard to call the above-mentioned method of dividing education resources fair, as many disabled people, especially those with more severe intellectual disability, will always be only participants in the division rather than the production of tangible goods. However, one cannot ignore the argumentation in favour of increased financing for special education based on the principle of social fairness understood – as stated by T. Sienkiewicz – as '(...) availability of services, creating equal opportunities

government units, <https://men.gov.pl/ministerstwo/informacje/podzial-czesci-oswiatowej-subwencji-ogolnej-w-2017-roku.html> [accessed on: 23 III 2017].

²⁶ See: A. Mikrut, 'O wątpliwościach moralnych wokół argumentowania i urzeczywistniania idei edukacji integracyjnej', *Wychowanie na co Dzień* 2015 no. 3, p. 24-29; A. Mikrut, 'Reflection of Inclusive Education in Ethic', [in:] *Reflection of Inclusive Education of the 21st Century in Correlative Scientific Fields (How to Turn Risks into Chances)*, ed. V. Lechta, B. Kudláčová, International Academic Publishers, Frankfurt am Main; Peter Lang; Veda. Publishing House of the Slovak Academy of Sciences Bratislava, Bratislava 2013, p. 54-60.

²⁷ G. Fairbairn, S. Fairbairn, 'Intergracja problemem etycznym', [in] *Integracja dzieci o specjalnych potrzebach. Wybrane zagadnienia etyczne*, ed. G Fairbairn, S. Fairbairn, Centrum Metodyczne Pomocy Psychologiczno-Pedagogicznej MEN, Warsaw 2000, p. 16 (translation: A. Fus, W. Tabisz).

and protecting weaker individuals'.²⁸ Following this way of thinking, social fairness is therefore expressed, among other things, by facilitating '(...) the access to various goods and services, including the discussed education, to persons with low internal and environmental resources (weak, ill, disables, lost or helpless in the face of the challenges of modern world and socially excluded)'.²⁹ Taking into account the fact that disabled persons are characterised – to a lesser or greater extent – by limitations concerning these resources, one can easily conclude that any actions to reduce these limitations should not be treated as favouring certain persons at the expense of others, but as a reasonably understood social fairness. It is the lack of such actions that should be considered unfair, as such a situation would widen the gap between educational opportunities of able-bodied persons and those with various kinds of body functions and/or structure disorders. After all, there are no doubts as to the fact that the former will naturally be in a privileged position in this respect.³⁰

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²⁸ After: B. Szczupał, *Prawa osób niepełnosprawnych w aspekcie realizacji zasad sprawiedliwości społecznej*, [in:] *Rozwój i funkcjonowanie osób niepełnosprawnych. Konteksty edukacyjne i prawne*, ed. Z. Gajdzica, *Impuls*, Kraków 2005, p. 182.

²⁹ A. Mikrut, 'Reflection of Inclusive Education in Ethic', [in:] *Reflection of Inclusive Education of the 21st Century in Correlative Scientific Fields (How to Turn Risks into Chances)*, ed. V. Lechta, B. Kudláčová, International Academic Publishers, Frankfurt am Main; Peter Lang; Veda. Publishing House of the Slovak Academy of Sciences Bratislava, Bratislava 2013, p. 55-56.

³⁰ A. Mikrut, 'O wątpliwościach moralnych wokół argumentowania i urzeczywistniania idei edukacji integracyjnej', *Wychowanie na co dzień*, 2015, no. 3, p. 27.

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