The fundamental role of legislation for inclusive education

El papel fundamental de la legislación para la educación inclusiva

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Abstract

Inclusive education is a term we encounter more and more often. The main objective of our article is to present the results of qualitative research that investigated whether residential support workers in children's homes are familiar with legislation related to inclusive education. Although residential support workers have already implemented the ideals of inclusive education in their practice, they need to be aware of its legal implications. Based on our results, we will discuss the need for greater awareness of inclusive education in the school sector and in other areas of our lives. We will also outline the benefits of inclusive education in the economic and social spheres. Above all, we will point out that inclusive education can only be achieved with adequate legislative support. In the conclusions, we suggest that inclusive education goes beyond simple academic goals to represent a social ideal, which is expressed in the idea of a community where mutual respect and empathy flourish. In any scenario, the symbiotic connection between schools and families is essential for the achievement of inclusive education.

Keywords: inclusive education, legislation, re-socialization, children's home, social inclusion.

Resumen

La educación inclusiva es un término con el que nos encontramos cada vez más a menudo. El objetivo principal de nuestro artículo es presentar los resultados de una investigación cualitativa que indagó si los trabajadores de apoyo residencial en hogares infantiles están familiarizados con la legislación relacionada con la educación inclusiva. Aunque los trabajadores de apoyo residencial ya han implementado los ideales de la educación inclusiva en su práctica, necesitan ser conscientes de sus vínculos legales. Basándonos en nuestros resultados, discutiremos la necesidad de una mayor concienciación sobre la educación inclusiva en el sector escolar y en otros ámbitos de nuestras vidas. También esbozaremos los beneficios de la educación inclusiva en las esferas económica y social. Por encima de todo, señalaremos que la educación inclusiva sólo puede lograrse con un apoyo legislativo adecuado. En las conclusiones, sugerimos que la educación inclusiva vaya más allá de los simples objetivos académicos para representar un ideal social, el cual se expresa en la idea de una comunidad donde florezcan el respeto recíproco y la empatía. En cualquier escenario la conexión simbiótica entre las escuelas y las familias es esencial para el logro de la educación inclusiva.

Palabras clave: educación inclusiva, legislación, resocialización, hogar infantil, inclusión social.

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Introduction

Many years have passed since the Salamanca conference, which is considered a pivotal moment in the history of inclusive education. There was a critical demand that every child had a fundamental right to education and must be allowed to achieve and maintain an acceptable level of learning. Inclusion and participation are essential to human dignity and the enjoyment and exercise of human rights (UNESCO, 1994). However, even today, we can still encounter widely conflicting views on inclusive education (Pivik et al., 2002). Opponents of inclusive education repeatedly argue that inclusive education is a kind of activist chimera, implemented only based on the personal beliefs of the supporters of inclusive education. However, the idea of inclusive education is firmly embedded in several national and international legislative documents.

The main aim of this paper is to present the results of qualitative research that focused on the level of knowledge of legislation related to inclusive education among residential support workers in children's home. Residential support workers in children's homes work in heterogeneous environments where they encounter children with a range of special educational needs and children from different socio-cultural backgrounds. Therefore, they must have an idea of their perspective on inclusive education. We conducted our research using qualitative research methods in a children's home in Prague, Czech Republic.

We found that residential support workers need a clearer idea about the legislative anchoring of inclusive education. Although we observed generally applied inclusive approaches, these pedagogical models were not underpinned by knowledge of legislation. Our findings point to the need to modify not only the training of future residential support workers but also the need for regular training on existing legislation. We believe that socially accepted inclusive education is conditioned by emphasizing the role of legislation in the inclusive educational process.

Methodology

We employ a qualitative research approach recognized in academic literature for its significant impact on the modern inclusive paradigm (Lindsay, 2003; Willing, 2017). This method finds application across diverse disciplines such as sociology, anthropology, psychology, and educational sciences. Qualitative research aims to provide a deep, thorough, and nuanced understanding of the research issue. It enables us to examine cases meticulously, consider their evolution, and make specific comparisons. Rather than merely scratching the surface, qualitative research delves into the influence of context, nuances, and conditions, allowing for a comprehensive analysis of individual processes and their broader implications (Hendl, 2016).

Qualitative research is a methodology geared towards interpreting and understanding human behavior and experiences, employing observation, interviews, and document analysis techniques. Typically conducted on a small scale with a limited group of participants, it requires a detailed examination of collected data. This approach facilitates the capture of subjective views from individuals directly involved with the research topic, which are then transformed into scientific knowledge through qualitative design (Given, 2008; Leavy, 2014). An advantage of qualitative research lies in its ability to refine the subject of inquiry and uncover new perspectives and research goals over time (Gulova & Sip, 2013).

Our research design comprises two stages. We conducted interviews and analyzed pedagogical documentation to collect initial data. Subsequently, this information undergoes grounded theory methods and phenomenological interpretive analysis. Grounded theory is well suited for research that does not confirm the evidence but seeks new theories (Saliya, 2022). Interpretive phenomenological analysis allows for valuable insight into the issue under investigation from the research subjects themselves (Alase, 2017).

The research methodology is continually reviewed and adjusted to meet current research objectives. Employing a variety of instruments and techniques allows for flexible responses to the research context and targeted population. Continuous refinement and incorporation of new research tools contribute to ongoing enhancement. Research is a dynamic and evolving process requiring appropriate tools and methodologies.

Current state of knowledge

Inclusive education is a crucial means of providing all children with equitable opportunities to participate in schooling, learning, and developing the skills they need to succeed. The inclusive approach acknowledges the individual differences among participants in the educational process, but it does not permit their stigmatisation (Deppeler et al., 2015). This form of education is the inclusion of all children in the same classes and schools, providing real educational opportunities for groups that have historically been excluded - whether they are children with disabilities or speakers of minority languages. Inclusive systems recognize the unique contribution that individual pupils from diverse backgrounds bring to the classroom and allow different groups to develop alongside each other, benefiting all involved.

Inclusive education is a pedagogical strategy crafted to encourage educators to cater to the distinct needs of each learner. Its core aim is to forestall any potential marginalization stemming from the differential treatment of students, thereby nurturing an environment conducive to the flourishing of every student (Florian & Spratt, 2013). Inclusive education represents a significant shift in the conceptualization of most education systems, requiring a commitment to create systems and schools that are responsive to the needs of individual children rather than forcing children with different abilities to adapt to their needs and subjecting children with special educational needs to a rigid, predetermined structure. Investing in a wide range of measures that remove the barriers to the ideal of inclusion is necessary.

Inclusive education is so important that it requires explicit anchoring in national laws and international conventions. Indeed, only a legal anchor guarantees controllability and enforceability. The cornerstones of this legislative basis are the Universal Declaration of Human Rights (United Nations, 1948), the Convention on the Rights of the Child (United Nations, 1989) and the Convention on the Rights of Persons with Disabilities (United Nations, 2006).

In the Czech Republic, the Universal Declaration of Human Rights is implemented in the Constitution of the Czech Republic (Czech Republic, 1993). The Universal Declaration of Human Rights clearly states in Article 1 that: "*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood*". It is already clear from this position that inclusion is defacto a fundamental human right.

Inclusive education is primarily the responsibility of the Department of Education. In the Czech Republic, the critical legislation regulating education is the Education Act, which again clearly states that education is based on the principles of equal access to education for every citizen of the Czech Republic or another Member State of the European Union without any discrimination on the grounds of race, colour, sex, language, faith and religion, nationality, ethnic or social origin, property, birth, and health or any other status of the citizen (MEYS, 2004). Again, we can see that inclusive education is embedded in the very foundation of the Czech school system. This system is complemented by several implementing decrees that regulate the level of support for children with special educational needs.

Target groups of the research

We conducted the research in the Children's Home Klanovice (from now on referred to as CHK). The CHK is a school-type facility intended to provide institutional care, which is imposed the moment the child's

family cannot ensure a background suitable for the safe development of the child. This facility is in Prague, Czech Republic. Teaching staff–residential support workers are responsible for education and training in children's homes, so knowledge of inclusive legislation is essential.

Over the last two decades, the composition of residential support workers in educational terms has changed (Danek, 2022). In the past, higher education was not required to work in children's homes, but that is not the case today. The residential support worker in the children's home obtains a professional qualification through university studies in an accredited degree program in the field of pedagogical sciences focused on special pedagogy or social pedagogy, or higher vocational education obtained through the completion of an accredited training program of a higher vocational school in the field of special pedagogy or education provided for ordinary residential support workers through an enriched education in a lifelong learning program undertaken by a university and focused on special pedagogy. Being of sound moral character and successfully passing a psychological test are additional criteria.

In the CHK, over half of the 25 members of the teaching staff have university degrees. An additional observable change concerns the gender composition. Although children's homes struggle with the disproportionate feminization of the education system, the team of residential support workers at the CHK has managed to achieve a staff composition that is half men. As with other areas in the education system, the CHK has an issue with the growing age of the teaching profession. The average age of a residential support worker in the research setting is 52 years. Therefore, we could assume that these highly qualified workers can navigate inclusive issues easily. What results did we get when we examined a group of 25 residential support workers?

Course of the research

We set our research in the context of the two main research questions we proposed to respondents during our interviews:

Q1: Is there a need for an inclusive approach to education?
Q2: What is the legislation related to inclusive education?

We chose the questions with the aim of our research in mind. We tried to formulate the research questions so that there were no suggestive cues present in the research questions. The aim was to allow the respondents to freely choose their answers without reality adjustment based on the effect of the researched individual, as Disman (2021) talks about it. The interviews were conducted between July and December 2023. The interviews were conducted during standard CHK operations to allow respondents to conform to their home environment. Research participants were asked for and gave consent to conduct the research. They were also aware of our home research organization's Code of Ethics. We recorded responses on a dictaphone along with written notes. After conducting the interviews, we compiled the recordings and notes into a coherent text, to which we then applied the methods of grounded theory and interpretative phenomenological analysis. We then presented the results to the interviewees for approval.

Results and Discussion

In the course of our research, we obtained several exciting suggestions. However, we must clearly emphasize that our findings are merely a qualitative probe and are very difficult to generalize. Nevertheless, our insight into the environment of residential support workers has the potential to inspire other similar settings. In Q1, all respondents answered that inclusive education is needed. However, these responses were not supported by knowledge of inclusive legislation, which was asked about in Q2. There were answers like: "*inclusion is good, it is probably some regulation from the European Union*". Or:

"*inclusive approaches? They are definitely beneficial for children with special educational needs, I have been working like this for many years, I don't need some decree*".

This answer was prevalent: "*inclusion is a decree from above, they have no idea what a normal school operation looks like*". We can argue that residential support workers understand inclusive education as a necessary issue. In the interviews, they identified several areas significantly impacted by inclusive education. However, this acceptance of inclusive ideals is based on something other than knowledge of the legislation that addresses inclusive issues. If educators clearly understood the legislative obligation, applying inclusive approaches would be significantly more effective. We are all influenced and shaped by legislations (Gutmann & Thompson, 2010). What areas of society can be positively affected by inclusion?

- **General benefits of inclusive education**

Inclusive education benefits everyone involved in the educational process, enriching pupils with special educational needs and intact pupils (Amor et al., 2019; Bowers, 1997; Dewsbury & Brame, 2019; Ferguson, 2008). The classroom climate subsequently affects the well-being of all involved (Modin & Östberg, 2009). Inclusive ideals cannot be achieved without special education methods; therefore, special education can be described as a tool for inclusive change (Stárek, 2023a). In order to achieve inclusive goals, the training of special educators needs to be significantly improved (Stárek, 2023b). In addition to special educators, inclusive ideas must be conveyed to educators at all levels of education, from kindergartens to universities. Most importantly, inclusive ideas must be presented outside the school environment and become an integral part of society.

Only then will inclusive education be able to fulfill its potential. There is a considerable task for legislation here. Teachers' views on inclusion are crucial for inclusive education (Avradimis & Norwich, 2002; Brady & Woolfson, 2008). Accepting inclusive ideas is also greatly influenced by the attitudes of students' parents and intact individuals (Bates et al., 2015; Gasteiger-Klicpera et al., 2013; Paseka & Shwab, 2020). Adequate preparation of teachers to work with children with special educational needs is essential (Lee et al, 2015). This readiness depends significantly on the educator's attitude toward inclusive education principles and willingness to implement them in their teaching practice (Cook et al., 2007).

- **Benefits of inclusive education for the economy**

In today's globalized world, we are witnessing rapid changes to which an individual needs a solid education to respond. Despite frequent mention of the economic expenses associated with inclusive education, the benefits for students with special needs derived from their participation in education far outweigh the costs incurred (Hibel et al., 2010). Getting a good job is very difficult without a sound education. Without good jobs, the risk of falling into poverty is evident. Also, poverty is one of the significant factors reducing access to quality education (Main & Bradshaw, 2012; Ferguson et al., 2007). In the labor market, individuals with special educational needs without a quality education are at risk of long-term unemployment (Danek, 2022).

It has been shown that inclusion can be a tool to prevent social exclusion (Danek & Klugerova, 2023). The ideas of inclusion apply to several areas. For example, we can use the requirement to use inclusive language (American Psychological Association, 2021, p.15). In this way, language is a significant tool of social reproduction (Jones, 2013, p. 176), but it may be understood as a tool to prevent social exclusion. Poverty and social exclusion are related to the issue of prisons. A significant proportion of offenders have low levels of educational attainment. Without educational competencies, individuals cannot successfully resocialise after leaving correctional institutions (Danek, 2023). All of this consequently puts a significant burden on the state budget.

- **Stabilizing element of inclusive education for the society**

Every education system is at considerable risk without inclusive support for all students with special educational needs (Basit & Tomlinson 2012). Not only the education system is in danger, but also society itself. Democracy is based on the principle of tolerance and respect towards individual citizens. We can argue that the process of inclusion is possible, especially in a society that is democratic at its core (Nilholm, 2006). Inclusion should be understood as an essential value of the educational system (Norwich, 2005) and as a fundamental pillar of the social system.

Conclusions

We propose that inclusive education transcends mere educational objectives to embody a societal ideal—a vision of a tolerant community where mutual respect and empathy thrive. The symbiotic relationship between schools and families is central to the success of inclusive education. To presume that even the most exemplary inclusive school can surmount the challenges of this paradigm without familial support is misguided. This collaborative ethos should extend beyond families to encompass school founders and policymakers, forging a cohesive alliance with the necessary resources for the demanding pursuit of inclusion.

Despite strides made since the Salamanca conference, a lingering hesitation persists in society to embrace inclusive principles fully. This reluctance underscores the substantial hurdles obstructing the advancement of inclusive education. As we navigate these complexities, our research serves as a rallying cry for a renewed dedication to inclusive education, recognizing its capacity to foster a society characterized by harmony and reverence, where every child's right to education is honored and protected. Our research outlined how inclusive education is essential for many areas of our lives. Just as inclusion is vital to us, legislation is essential to inclusion. Moreover, legislation is the cornerstone of the inclusive bridge that leads to a future time in which inclusive education is not just a theoretical term but a fundamental norm of any advanced society.

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