



# Children with Special Educational Needs (SEN) in the Polish Education System

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## **Abstract**

*The law currently binding in Poland favors students with disabilities and SEN. The parents have a right to choose between many forms of education and facilities which, in their opinion and according to the suggestions of a psychological and educational support centre, will give their child the best opportunities of development. The Ministry of National Education Regulation of 10 June 2015 on grading, classifying and promoting students demands adjustment of educational requirements to the needs of the student with a certificate confirming his/her special education needs (&3 clause 1) in each education establishment. Theoretically, the situation is extremely favorable. However, for now, the research studies have shown that the readiness of teaching staff, children, and parents for these different possibilities are insufficient; therefore, the legal regulations do not make the conditions of educating students with disabilities or SEN perfect. What is more, the perception of e.g. integrated education as a "cheaper" solution causes that not all legally provided possibilities of supporting a student are applied.*

**Keywords:** Special Educational Needs (SEN), support of children, educational system

## **Introduction**

### *Rights to Education in Poland*

In Poland, the right to education was already provided by the Constitution of 3 May 1791 and it can be traced back to the tradition originating from the period of the operation of the Commission of National Education (1773-1794). Currently, it is guaranteed by the Constitution of the Republic of Poland (Article 70), which, on the other hand, considers Poland's obligations within the scope of human rights resulting from the UN documents. What is more, the right to education is recognized in the Act on Education System of 7 September 1991 (Dz. U. of 1996 No. 67 item 329 and No. 106 item 496; of 1997 No. 28 item 153 and No. 141 item 943 as well as of 1998 No. 117 item 759). The preamble of this Act goes as follows: "Education in the Republic of Poland constitutes the common good of society as a whole; it is guided by the principles embodied in the Constitution of the Republic of Poland, as well as the indication contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child". Among the provisions of Article 1 of the Act, one can find the one providing the possibility of learning in all types of schools for disabled children and young people in accordance with their individual developmental and educational needs as well as predispositions.

### *Disability and Special Educational Needs*

Terms as "disability" and "special educational needs" are not synonymous and cannot be used interchangeably. The Polish education system recognizes the fact that students' needs may differ and in some cases, they may require special approach of teachers, both when it results from certain disabilities and when they are not found in a student.

For several decades, the Polish special education has been distinguishing the main types of disabilities, namely: hearing and sight impairment, chronic condition, physical and intellectual disability, social maladjustment (cf. Chrzanowska 2015, Doroszevska 1989, Sękowska 1998). However, the educational situation of these people is ambiguous. Certain disabilities do not necessarily have to involve knowledge acquisition problems (e.g. physical disability, chronic condition). On the other hand, some dissimilarities which are not included

in the group of disabilities (e.g. autism spectrum disorders, partial deficits, e.g. dyslexia, spelling difficulties, students showing above-average abilities) hinder knowledge acquisition in the traditional educational conditions and require the creation of a favorable environment. There are also those which are not considered disabilities in the education system (e.g. social maladjustment), but a student may obtain certificate showing his/her need of special education.

In Poland, separate authorities deal with issuing certificates confirming disability and special educational needs. Disability is confirmed by District/Municipality Disability Assessment Boards (children and youth up to 16 years of age) and Level of Disability Assessment Boards (children and youth over the age of 16); SEN is decided upon by the assessment boards operating in public psychological and educational support centers. The documents obtained from the former authority enable one to use different kinds of allowances and authorizations facilitating everyday functioning (for more information, see: Self-governments and Government Administration Working to the Benefit of the Disabled: a Guide for Parents of Children with Disabilities). The document issued by the second authority, "evaluation for special education", constitutes the basis for organizing special education in preschools, schools and other education system facilities. This certificate may be obtained by a child with a disability or "specific learning difficulties", that is, a student with normal intellectual capacity who has difficulties with acquiring learning contents resulting from the specific character of his/her perceptive and motor as well as cognitive functioning, undetermined by any neurological condition (Dz. U. 2015 item 357). This certificate should guarantee "provision of conditions enabling the use of special organization of learning and learning methods for children and youth protected within special education system" (Dz. U. 2015 item 357, section 7 clause 1a). Special education is an organized process adjusted to the needs of a pupil and disabled student who, with regard to significant disorders and dysfunctions in different realms of development (motor skills, senses, intellect, psyche) needs specialist educational and revalidation impact directed towards his/her comprehensive development (Serafin 2016).

The implementation of the recommendations included in the certificates is supported by the Department for Special Educational Needs organized within the Centre for Education Development. Among others, the Centre supports the research on and dissemination of the information on issues connected with SEN students, while the department supports teachers and the following facilities: schools, teacher training centre, psychological and educational support centers, etc. (<https://www.ore.edu.pl/specjalne-potrzeby-edukacyjne-99676>).

Via the website, the editors convey current legal information, inform about implemented projects supporting the particular groups of SEN students (e.g. talented students, the ones with dyslexia, depressive disorders). The Centre also publishes books (in paper and electronic formats).

### *Forms of Fulfilling Schooling Obligation*

Students diagnosed with developmental disorders may have their schooling obligation deferred if they are considered to be unprepared for entering school. Before starting school, each student is obliged to receive a year preschool preparation. A disabled student may receive it at the age of 6,7 or 8 (she/he has a right to use the possibility of deferring schooling obligation twice). Therefore, a child with a disability may start school in a school year when he/she turns 7 or later: in a school year when he/she turns 8 or 9 years old (Dz. U. 2016, no. O, item 35).

What is more, students with different types of disabilities may have their schooling obligation prolonged (successively, in primary school, junior high school, and upper secondary school). At the primary school level, this obligation may be fulfilled till 16 years of age. The junior high school level may be finished at 21 years of age (this type of school will be liquidated in 2019), and at the upper secondary school level it is 24 years of age (Article 15 of the regulation of the Minister of National Education of 4 October 1993, Dz. U. MEN No. 9 item 36 on organization of care-taking over disabled students, teaching these students in public schools and schools and facilities of integrated education, rules of organization of special and integrated education). Disabled children and youth have a possibility of learning in general and integrated schools and special classes (Article 22 section 2 clause 9 of Act on Education System of 1991).

#### *Schools Available to General Public*

In 1991, there was the Act on Education System adopted in Poland which provides "the possibility of learning in all types of schools by disabled children and youth according to their individual developmental and educational needs and predispositions" (Dz. U. 1991 No. 95 item 425 Article 1, clause 5). However, children and youth with profound mental disability faced compulsory school education only in 1997 (The Regulation of the Minister of Education of 30 January 1997 on organization of revalidation and educational activities for children and youth with a profound mental disability, Dz. U. No. 14, item 76). Since 1 January 2016, each school attended by a student with autism, Asperger syndrome or multiple disabilities has an obligation to employ additional teachers with qualifications in special education in order to contribute to organization of teaching these students, and in the case of first to third grade of primary school, these are teaching assistants. This is to provide the implementation of recommendations included in the evaluation for special education. Each student has an individual educational and therapeutic program developed by a specialist team (teachers, tutors and other specialists) (Dz. U. 2015 item 1113).

#### *Integrated Schools*

Classes in integrated schools may number 15-20 students including 3-5 students with a disability (this can be different types and levels of disability). Students are admitted to the school upon the request of a parent/legal guardian. Integrated schools and classes may be organized at every education level (preschool, primary school, junior high school, upper secondary school). It is a school's task to provide specialists who will co-organize teaching in this type of school/class.

#### *Special Classes*

Schools, according to the Ministry of National Education Regulation on rules of providing and organizing psychological and educational assistance (Dz. U. of 7 May 2013) organize assistance provided to students in forms of, among others, therapeutic activities, teaching-compensatory classes, specialist corrective and compensatory, speech therapy and social therapy classes as well as therapeutic classes.

Therapeutic classes – it is a form designed for students with homogeneous and multiple disorders requiring long-lasting assistance for whom the environment appropriate for their educational needs is organized. The class may number 15 students. The aim of creating such classes is eliminating or alleviating disorders which are the reasons for a certain child's presence in the class (Dz. U. of 7 May 2013 &8 clause 1).

### *Revalidation and educational activities for children with profound mental disability*

Children with profound intellectual disability of 3 to 25 years of age also have to fulfill schooling obligation. This can be done by participating in revalidation and educational activities (Article 16 section 7 of Education System Act and Dz. U. of 1997 No. 14 item 76) individually or in a group. The document which forms the basis for granting and organizing the revalidation and educational activities is a certificate of the need for revalidation and educational activities issued by an evaluation board of public psychological and educational support centers, including a public specialty care clinic.

The aim of these activities is supporting the development of children and youth with a profound intellectual disability, promoting their interest in the surroundings and supporting their independence in everyday activities according to their psychophysical abilities and individual developmental needs.

The revalidation and educational activities may be organized in a preschool or school (including special preschool and school) but it has to be the one closest to a student's place of residence. These classes are given by teachers with proper qualifications. During group activities, a teaching assistant provides care and during individual classes this is provided by parents or legal guardians. This is parents' or legal guardians' task to arrange proper conditions for the revalidation and educational activities. Group activities are organized for groups of 2 to 4 participants and their duration (as well as individual activities' duration) is specifically defined by the mentioned Regulation. Each participant has got a detailed schedule of activities developed in cooperation with teachers and a psychologist as well as (when needed) other specialists. The basis for the schedule is a diagnosis and recommendations included in the certificate of the need for revalidation and educational activities. The schedule is subject to inspection and possible modification, depending on the level of participant's functioning, at least twice a year.

### *Individual Year Preschool Preparation and One on One Teaching*

When organizing compulsory education in these forms, the basic principle is a child's health condition which temporarily or permanently hinders attending preschool or school classes. The document indispensable for organizing this form is a certificate of the need for individual year preschool preparation or one on one teaching issued by a public psychological and educational centre upon the request of parents (legal guardians). Individual year preschool preparation or one on one teaching is organized in the special situations, in the place of child's residence: family home, foster family home, children's care home, residential home (The Ministry of National Education Regulation of 28 August 2014 on individual compulsory year preschool preparation of children and one on one learning of children and youth). Teaching in a form of individual year preschool preparation or one on one teaching should take place in a direct contact with a student. Number of hours and methods of implementation is provided by The Ministry of National Education Regulation of 28 August 2014. A child who has to receive preschool preparation gets 4-6 learning hours with a preschool teacher. A 1 to 3-grade students of primary school gets 6-8 learning hours (with one or two teachers). In higher grades, one on one teaching may be organized by several teachers and a number of hours is as follows: 4 to 6 grade it is 8-10 hours, in junior high school it is 10-12 hours, in upper secondary school it is 12-16 hours.

### *Hospital preschools and schools functioning within health care institutions and community care units*

Education in hospital preschools and schools is organized under the Ministry of National Education Regulation of 8 March 2013 on organization of education as well as

conditions and forms of implementing special care and educational activities in special preschools and schools organized in health care facilities and community care units. Learning is organized for a student who stays in a health care facility for more than 9 days or who requires frequent hospitalization. A principal of preschool or school organized within the facility, upon the request of a teacher, the facility's manager or authorized physician, considering a student's health condition, may authorize: 1) withdrawal from teaching of some contents of compulsory educational classes; 2) reducing the number of educational classes' hours; 3) withdrawal from student's participation in educational classes for the period indicated by a physician (section 2. 1. clause 3 of the Regulation). In proper circumstances (a small number of students or specific conditions of their treatment and therapy), teaching and learning in the above-mentioned school may take place in combined grade classrooms. The preschools and preschool departments in primary schools organized in the facilities implement preschool education programs taking the core curriculum of preschool education into consideration (section 4. 1). The schools organized within the facilities implement education programs which include the core curriculum for general education determined for a certain educational stage as well as curriculum frameworks of schools which students had attended before being admitted to the facilities (section 4. 1. clause 2). The mentioned facilities also organize special care and educational activities in order to satisfy students' educational and developmental needs, support their therapeutic process and manage their free time.

The above-mentioned Regulation governs the organization of education in community care units (section 9. 1.). Here, one may organize: 1) special preschools; 2) special primary schools; 3) special junior high schools; 4) special upper secondary schools.

These provide students with education and special care and educational activities which, in the case of preschools and schools organized in residential homes, take the recommendations of therapeutic and care teams into consideration (Article 57 section 8 of the Act of 12 March 2004 on social care services (Dz. U. of 2013 item 182). Preschools and preschool departments in primary schools implement preschool education programs considering the core curriculum of preschool education. On the other hand, schools take curriculums including the core curriculum of general education determined for a certain educational stage as well as curriculum frameworks of schools which students had attended before being admitted to the facility into account.

#### *Fulfilling Schooling Obligation/Learning Outside of School*

The Education System Act of 19 March 2009, Article 16, Section 8 has introduced guidelines concerning a possibility of organizing child's education outside of school/preschool. Generally, the compulsory schooling obligation is in force from a school year in which a child turns 7 to a junior high school graduation; however, at any time during the school year, parents may file an application in a selected school for getting permission for out-of-school education, the so-called "homeschooling". The application should include: 1) opinion from a psychological and educational support centre (this cannot be identified with a referral or certificate concerning the need for homeschooling), 2) parents' statement about providing the child with conditions enabling the completion of core curriculum obligatory for specific level of education and 3) parents' commitment that their child would take an annual qualifying examination during each school year. At the end of a school year, a child receives a school certificate listing the results of his/her examinations. This certificate does not include a conduct grade. In the case of students with moderate or profound intellectual disability, the qualifying examinations do not apply.

Homeschooling is also available to students with disabilities or special educational needs. Parents/guardians of a child with a moderate or profound intellectual disability do not have to include the opinion from a psychological and educational support centre, neither the obligation that their child would take annual qualifying examinations in the application (these do not concern students with disabilities of this type).

This form of fulfilling compulsory schooling obligation may be especially willingly chosen by conscious parents of talented children (with general or specific abilities) or students with less potential, specific school problems or disabilities whose parents have a possibility and essential skills within the scope of education (rehabilitation) of their child.

However, the organization of homeschooling for a child is related to a great effort made by parents since they are the ones burdened with the constant care of a child and responsibility for his/her performance. Still, the parents do not have to teach their child personally – this could be done by a hired tutor and, in the case of children with disabilities, a proper specialist (special education teacher, physical therapist). The costs are borne by a family. If parents do not use a specialist support, providing them with proper assistance by a school, specialists or a psychological and educational support centre is challenging.

#### *Alternative Schools*

Taking advantage of freedom given by homeschooling, there have been different types of alternative schools established in Poland (democratic schools, free schools, Montessori schools, educational groups). Parents who have filed a formal application for permission for teaching a child outside of school may (usually for a payment) use services of this kind of alternative school. An example here are the Good Education Academies where a quite large group of students with different disabilities or problems with adaptation to the traditional school system are taught (Bartnikowska 2015, Kichler 2015).

#### *Individualized Program of Study*

Another possibility found within the functioning of each type of school is the individualized program of study. It is the form designed for students showing general or specific abilities. The act and provisions of the regulation of 19 December 2001 on the conditions and procedure of granting permission for the individualized program of study and organization of the individualized program of study Dz. U. of 2002 No. 3, item 28, Article 66 regulate formalities. The application may be filed by parents/guardians or a student himself/herself (if of age). Then the principal – after eliciting the opinion of the teaching staff and a public psychological and educational support centre (also specialist one) - gives (or does not give) permission for this learning mode. This student has a teacher-guardian assigned. This student is graded on the basis of end-of-term examinations. Thanks to the individualized program of study, a student may use the individualized program of study concerning one or more subjects or the one developed outside of school. The Minister of National Education Regulation of 10 June 2015 on detailed conditions and methods of grading, classifying and promoting students and course participants in public schools (Dz. U. item 843), as well as the in-school grading system, determine the method of classifying these students. The student following the individualized program of study may be given end-of-term grades during a school year or take examinations of more than one school year.

Considering the fact that disability or specific learning difficulties may not concern the whole body system of a student, this form of study may also be implemented in these cases. One should consider the students with a savant syndrome demonstrating special abilities, often in a quite narrow range.

Apart from the above-mentioned forms of educating children with SEN, the Polish law allows the possibility of proposing educational innovations and experiments (Dz. U. 2002, no. 56, item 506). These regulations enable one to use other solutions after obtaining the permission of a school's principal, teaching staff and chief education office (government administration representative who performs and supervises educational tasks in a particular province); in the case of educational experiment, one should get a permission of the Ministry of National Education.

## Conclusion

The law in Poland currently favors students with disabilities and SEN. The parents have a right to choose between many forms of education and facilities which, in their opinion and according to the suggestions of a psychological and educational support centre, will give their child the best opportunities of development. Theoretically, the situation is extremely favorable. However, the research studies have shown that the readiness of teaching staff, children and parents for these different possibilities is insufficient; therefore, the legal regulations do not make the conditions of educating students with disabilities or SEN perfect. What is more, the perception of e.g. integrated education as a "cheaper" solution causes that not all legally provided possibilities of supporting a student are applied (cf. M. Gołubiew-Konieczna, 2015).

According to Sue Gerhardt (2010, p. 150) "The X factor, the mystery tonic that enables babies to flourish as soon as they get it is responsiveness". The currently binding legal regulations give one the foundations for this to be happening. However, it is important to keep in mind that teaching and learning conditions should be adjusted to a child and his/her needs and not the other way around: a child adjusted to the current conditions of a particular school.

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### **Regulations:**

The Ministry of National Education Regulation of 9 April 2002 on the conditions of performing innovative and experimental activities by public schools and facilities (Dz. U. 2002, no. 56, item 506)

The Ministry of National Education Regulation of 28 August 2014 on individual compulsory year preschool preparation of children and one on one learning of children and youth

The Ministry of National Education Regulation of 8 March 2013 on organisation of education as well as conditions and forms of implementing special care and educational activities in special preschools and schools organised in health care facilities and community care units

The Ministry of National education Regulation of 23 April 2013 on the on conditions and organisation of revalidation and educational activities for children and youth with profound mental disability

The Ministry of National Education Regulation of 10 June 2015 on detailed conditions and methods of grading, classifying and promoting students and course participants in public schools

The Ministry of National Education Regulation of 24 July 2015 on the conditions of organising education and care for disabled, socially maladjusted or at risk of social maladjustment children and youth (Dz.U. 2015 item 1113)