

UDC: 342(477)

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## ADJUSTMENT OF THE INCLUSIVE EDUCATION LEGAL INSURANCE IN UKRAINE TO INTERNATIONAL NORMS AND STANDARDS

*An analysis of the legal insurance of implementation of the inclusive education system in Ukraine has been performed in the article. Special attention is paid to the world experience, especially to recommendatory norms of the UN concerning the rights of children with special needs for education. It has been emphasized that the Standard rules of equal opportunities assurances for disabled, worked out by the UN are not an imperative norm, but recommendatory. However, most of the democratic legal states and Ukraine in particular, review these Rules as a distinct pointer, which should be followed. The peculiarities of the inclusive education at secondary educational establishments have been substantiated. The creation of the inclusion resource centres has been suggested. It has been proved that the improvement of the national legislation takes place in accordance with international norms and standards of the inclusive education legal assurance.*

**Keywords:** *inclusive education, international norms, international standards, legal assurance, human rights.*

### Introduction

Numerous conflicts and global catastrophes, firstly the events of the II World War attracted attention of the world community towards the necessity of the special assurance and guarantee of the rights of disabled people, whose number grows every year (Abrahám et al., 2015). An evolution of conception of their place and role in society life, from sympathy and support to their total integration into all life spheres, took place during the second half of the 20-th century. In such a way the concept of inclusion was realized in life. It provides taking measures concerning the involvement of disabled as full society members into social life. At the same time, the corresponding processes attracted attention towards the necessity of acquirement of high-quality education by disabled. It shouldn't be different from the general educational system and should be provided simultaneously at the same educational establishments.

**The aim of the article** is the analysis of the inclusive education system legal insurance in Ukraine and its correspondence to the international norms and standards.

### The tasks are as follows:

- to highlight the results of joint activities of UN concerning new strategies of ensuring the rights of children with special needs for education;
- to generalize international norms of providing rights of children with special needs for education;
- substantiate the peculiarities of inclusive education in secondary education;

### Research Methods

The methodological basis for analyzing the legal implementation of the inclusive education system in Ukraine is the provision of a set of methods and principles of international standards, discussion by experts of the Institute of Legislation of the Verkhovna Rada of Ukraine and methods of assessing the quality of inclusive education used by international experts. The implementation of international legislative norms should receive a commendable assessment by domestic specialists in inclusive education, which needs to be improved, first of all, by comparing key normative principles and mechanisms of their application.

An empirical study was carried out using a technique that combines the approaches of various methods of expert evaluation in a comprehensive way, in particular, a

combination of procedures for individual and collective evaluation. The study took place in 3 stages.

The preliminary stage is the collection and analysis of information on the state of inclusive education in Ukraine and in foreign countries by the method of desk study and expert survey, which supplement the information gathered from open sources.

The main stage is a survey of key participants in the inclusive education process: teachers / tutors and representatives of general, pilot and special schools; parents of children with special needs attending special schools.

Final stage involves general analysis of the results, discussion of the results in the expert circle and substantiation of the proposals.

### Research Results

Western Europe States, the USA, Canada, Australia and a lot of other countries began the implementation of inclusive education in the second half of the 20<sup>th</sup> century. (Zielińska, 2016; Strielkowski et al., 2016; Glazar and Strielkowski, 2010). At the same time the issues of inclusive education assurance, as well as legal assurance, became the object of attention of UN and other international organizations (Chamberlin, 2015). In such a way, on December, 3, 1982 the UN adopted a Worldwide program of actions concerning disabled people [6] with the aim to avoid disability, renewal of ability to work, realization of “equality” and “full participation” of disabled people in social life and development. According to the Program the states-participants have to conduct a policy, which recognizes the disabled people’s rights to have the same opportunities to get education as other people. At the same time the education of disabled citizens should take place primarily in terms of school system. The responsibility for their education should be laid on educational departments. Moreover, the system of education for disabled people should be individualized, affordable for local population, widespread. It should suggest a number of opportunities in accordance with the needs of this group of population. This Program was taken into account by the developers of national legislative acts in the sphere of education and the defense of rights of disabled people (Strielkowski et al., 2016).

A great attention has been paid by the UN to the working out of norms concerning the assurance of rights of children with special needs for education. In particular, the fifth rule of the Declaration of Child Rights, which was approved by the Resolution of the General Assembly 1386 (XIV) of the UN dated November, 20, 1959 runs that a child, who is not fully functioning in physical, psychological or social ways should have special schedule, education and care, which are necessary due to the person’s peculiar condition. In its turn, the Convention of the UN on children’s rights dated November, 20, 1989 [9], which was ratified by the Resolution of the Verkhovna Rada of the USSR № 789-XII dated February, 27, 1991, obliges the states-participants to assure an effective approach to the services in education sphere for a disabled child. That leads to the complete involvement of him/her into the

social life and achievement of the person’s development, including cultural and mental development.

Further cooperation of the experts in terms of the UN resulted in the creation of the Standard rules of the equal opportunities assurance for disabled people. They were approved by the Resolution № 48/96 of the General Assembly dated December, 20, 1993 [9]. A great attention in these Rules has been paid to the disabled people’s rights for education. According to the sixth rule the states should recognize the principle of equal opportunities in the sphere of primary, secondary and higher education for disabled children, youth and adults.

At the same time the education of disabled people becomes an integral part of the system of general education. The states have a recommendation to make the issues, connected with disabled people a component of the national planning in the education sphere, assure proper access and additional services, which are meant to satisfy the needs of the people with different forms of disability [10-13]. The rules suggest reviewing common education and social programs as additional elements of the economically effective system of education and professional training of disabled people. However, in cases when the system of secondary education still does not satisfy the needs of all disabled people properly, special education may be provided. The quality of such an education should correspond to the same standards and aims as secondary one. But the states should still strive for gradual integration of the special educational establishments into the system of general education (Gryshova et al., 2017; Shestakovska, 2015).

It is worth mentioning that the Standard rules of equal rights assurance for disabled people, which were worked out by the UN, are not an obligatory norm, they are only recommendatory. However, most of the democratic legal states review these Rules as a distinct pointer, which should be followed. Ukraine is not an exception in this case. In such a way, in the Ukraine’s President’s Decree “On Additional Measures on Strengthening Disabled People’s Social Insurance and Conduction of Disabled People Year in 2003” № 1112/2002 dated December, 2, 2002 [15], the Cabinet of Ministers of Ukraine had to assure the preparation and introduction of a bill on the ratification of the Convention of the International Labour Organization № 159 “Professional Rehabilitation and Disabled People’s Occupation” (the Convention was ratified by the Law of Ukraine № 624-IV dated March, 6, 2003) and joining the Agreement on the Import of the Educational, Scientific and Cultural Stuff (Florentine Agreement) and the Protocol to it in the set order for the review of the Verkhovna Rada of Ukraine. These documents have not been ratified yet. Moreover, the government was assigned to provide an official edition of the Standard rules of equal opportunities assurance for disabled people and take them into account in the process of creating corresponding statutory instruments. According to the President’s decree the Cabinet of Ministers of Ukraine has started working on field-oriented statutory

instruments due to the Standard rules of equal opportunities assurance for disabled people, in such a way creating a legal basis for inclusive education implementation in Ukraine.

Among the measures of the international communities towards the assurance of the right for education of disabled people the conference, which was conducted by the Spain's government in collaboration with UNESCO on June, 1-10, 1994 in Salamanca should be mentioned. According to the results of its work (the representatives of 92 governments and 25 international organizations took part in it) Salamanca declaration was adopted on June, 7-10, 1994 [16]. It emphasizes that disabled people should have an access to education in ordinary schools, which should be provided for them with pedagogical methods. At the same time ordinary schools with inclusive orientation were recognized as the most effective means of combating discriminative outlook.

The Ministry of Education and Science of Ukraine has approved the Plan of actions by Decree № 855 dated September, 11, 2009 concerning inclusive education implementation in preschool, secondary and out-of-school educational establishments for 2009-2012 in order to fulfil international obligations of our country [17]. The fulfilment of the Plan involved the creation of the number of statutory instruments, including the bill of Ukraine "On Special Education", Conception of the development of inclusive education in Ukraine, Complex regional program of inclusive education implementation based upon preschool and secondary educational establishments of the Autonomous Republic of Crimea, Lviv Region, Kyiv and others.

In its turn, the Cabinet of Ministers of Ukraine provides active work concerning inclusive education implementation. The Plan of measures according to the inclusive and integrated education in secondary educational establishments for the period up to 2012 has been worked out on the basis of certain developments. It was approved by the decree of the Cabinet of Ministers of Ukraine № 1482-p dated December, 3, 2009. [18]. According to the Plan the government has started the preparation of the project of the Law of Ukraine "On Making Amendments to Some Statutory Instruments of Education in Ukraine" according to the inclusive and integrated education implementation in secondary educational establishments, working out of scientific, methodic and organizational assurance for pedagogical specialists' and advanced training according to the issues of inclusive and integrated education, especially creating corresponding departments in the Institutes of Postgraduate Pedagogical Education. Moreover, amendments have been made in certain statutory instruments according to special positions implementation. In such a way, a position of the teacher's assistant of the secondary educational establishment with inclusive and integrated education has been included to the list of pedagogical and academic workers by the decree of the Cabinet of Ministers of Ukraine № 635 dated July, 18, 2012 [19]. Besides, local authorities were charged to

organize the delivery of pupils with muscle skeleton and sight disorders to the place of their education (or dwelling) by the specially equipped means of transport accompanied by the trained staff.

The Ministry of Education and Science of Ukraine approved measures on inclusive and integrated education implementation in secondary educational establishments for the period up to 2012 by the Decree № 1153 on December, 21, 2009 in order to fulfil the Plan of measures on inclusive and integrated education implementation in secondary educational establishments for the period up to 2012 [20]. The corresponding measures include working out the rules about classes with inclusive education and special classes of secondary educational establishments; involvement of the course "The Didactics of Inclusive Education" into the curriculum of higher educational establishments, which realize specialists' training according to the field of education "Pedagogical Education"; implementation of the system of achievements monitoring in the education of the pupils of inclusive classes; provision of secondary educational establishments with inclusive and integrated education with special text-books and audio-visual didactic aids.

At the legislative level the issue of inclusive education at secondary educational establishments and educational rehabilitation centres as a new type of educational institution for children with special needs has been regulated by the Law of Ukraine № 2442-VI dated July, 6, 2010 "On Making Amendments to Legislative Acts on Issues of Secondary and Preschool Education According to the Organization of the Educational Process" [21, p. 545].

The next step on the way of legal assurance of inclusive education in Ukraine involved the working out of the Conception of inclusive education development, which was approved by the Decree of the Ministry of Education and Science of Ukraine № 912 dated October, 1, 2010 [22]. Its positions were adjusted to international acts and standards in the sphere of inclusive education. The developers of the Conception recognized that organization and methodical fundamentals of the education process in secondary schools are oriented towards children with typical development and do not take into consideration the peculiarities of the education cognitive activity of children with special educational needs; implementation of the inclusive model of education in secondary educational establishments taking into consideration society needs.

General demands for inclusive education organization at secondary educational establishments with the aim to realize the right on education of children with special education needs according to the place of residence, their socialization and integration into the society, involvement of parents to participation in the educational process were defined by the System of inclusive education organization of children with special needs in secondary educational establishments. It was approved by the Decree of the Cabinet of Ministers of Ukraine № 872 dated August, 15,

2011 [23]. According to the part 3 of the System of inclusive education organization of children with special needs at secondary educational establishments, they provide the conditions for: assurance of unrestricted access of children with locomotor system disorders, especially those, who use a wheelchair and the children with sight problems to institutions of such type; provision with all necessary curricular and visual didactic text-books and individual technical means of education; arrangement of the room of a speech-pathologist teacher, psychological release room, speech training room for correctional developmental lessons; assurance with corresponding pedagogical staff.

A peculiar feature is that the statutory instrument provides complete integration of the children with special needs into the life of an educational establishment. In such a way, in accordance with part 10 of the System the educative process in classes with inclusive education is fulfilled according to the curriculum of the secondary educational establishment designed on the basis of typical curricula of secondary educational establishments taking into account individual peculiarities of educational cognitive activity of children with special educational needs. At the same time the individual curriculum involves from 3 to 8 hours a week for conducting corrective developmental lessons for children, who need correction of physical or mental development (Gryshova et al., 2017; Gryshova, Shestakovska and Zamlynskyi, 2017; Shestakovska, 2015).

With the aim to implement the System of organization of inclusive education in secondary educational establishments, approved by the Decree of the Cabinet of Ministers of Ukraine № 872 dated August, 15, 2011, the Ministry of Education and Science, Youth and Sports of Ukraine has worked out a number of practical and methodical recommendations, including methodical letter “Psychological and Social Support of Children with Special Educational Needs in the Context of Inclusive Education”. Moreover, heads of education departments and educational establishments were given practical and medical help locally to advance the process of inclusive education implementation.

Simultaneously with changes in secondary education corrections in the system of inclusive education in higher education were made. In particular, for fulfilment of the Decree of the Cabinet of Ministers № 1482 dated December, 3, 2009 “On Approval of the Plan of Measures according to the Inclusive and Integrated Education Implementation in Secondary Educational Establishments for the Period up to 2012”, the Decree of the Cabinet of Ministers of Ukraine № 872 dated August, 15, 2011 “On Approval of the System of Inclusive Education in Secondary Educational Establishments”, as well as with the aim to improve the system of pedagogical staff training and assurance of qualitative education of children with special needs in terms of secondary educational establishments, the Ministry of Education and Science of Ukraine has recommended to implement the subject

“Fundamentals of Inclusive Education” into the educational process of higher educational establishments, which fulfil the training of pedagogical staff according to the qualification “Preschool Education”, “Primary Education”, “Social Pedagogy” since 2012-2013 academic year with the letter № 1/9-456 dated June, 18, 2012. This subject has been worked out by the Institute of special pedagogy of the National Academy of Pedagogical Sciences of Ukraine [24].

In accordance with this Decree statutory instruments and methodical assurance according to inclusive education implementation in the preschool educational establishments have been worked out, postgraduate courses of pedagogical staff who work with children with special educational needs are held, a qualified psychological and pedagogical assistance of children, who are under private tuition, disabled children and their parents, as well as involvement of children with special needs to extracurricular and extra school activities, is being provided.

Renewal of legal assurance of inclusive education takes place in accordance with adoption of the Law of Ukraine “On making amendments to some laws of Ukraine on education according to the inclusive education organization” № 1324-VII dated June, 5, 2014 [25, p. 1011], which made the amendments to the third part of the Article 12 of the Law of Ukraine “On Preschool Education” concerning the opportunity of creation of special and inclusive groups for education of children with special education needs at preschool educational establishments. It also has supplements, according to which all types of preschool educational establishments while realizing children’s rights for preschool education take into consideration special educational needs, including children with special educational needs according to the principles of inclusive education. At the same time this Law amends the Law of Ukraine “On Secondary Education” which make the discrimination of people with peculiarities of intellectual, social and physical development impossible and give additional social guarantees for corresponding categories of pupils.

The norms of the Law of Ukraine “On Higher Education” № 1556-VII dated July, 1, 2014 [25] should be considered as well. They introduce the concept of a person with special educational needs, which should be interpreted as a disabled person who needs additional support for assurance of higher education acquisition. Moreover, subparagraph 4 of the seventh part of the article 33 of the Law refers the special educational rehabilitation subsection to the structural subsections of the higher educational establishment. This subsection is formed with the aim of inclusive educational process organization and special educational rehabilitation assistance of applicants of higher education with special educational needs, assurance of their access to the qualitative higher education taking into account the limits of vital functions. The corresponding positions are considered during the creation of subordinate legislation and methodical recommendations to the educational process organization at higher educa-

tional establishments of Ukraine.

One of the latest innovations is a creation of the inclusive resource centres according to the Resolution of the Cabinet of Ministers of Ukraine dated July, 12, 2017 [26] with the aim to assure the right of children with special educational needs aged from 2 to 18 years to receive preschool and secondary education by means of conduction of complex psychologic and pedagogic evaluation of child development, delivery of psychologic and pedagogic assistance and assurance of system qualified assistance (except for pupils of preschool educational establishments of compensatory type (kindergarten and nursery), pupils of special secondary schools (boarding schools). The centres are formed in the amount of not more than 7000 of children, who live in the united territory community (region) and not more than 12000 of children, who live in the city (city district).

### Conclusion

During the period of independence Ukraine has took an active part in the implementation of the international norms and standards according to the inclusive education

organization and assurance of rights of people with special needs for education into the national legislation. Legal norms completely correspond to the best foreign analogues and take into consideration the main demands of international acts, one of the participants of which is our country. At the same time there is a noticeable misbalance of statutory and methodical assurance of inclusive education in Ukraine. Most of the statutory instruments are dedicated to the inclusive education assurance in secondary educational establishments and to the system of secondary education, though inclusive education is regulated only partly. Besides, the lack of special pedagogical and medical staff can be identified in Ukraine. There is also a lack of explanatory work among the population and participants of the educational process according to the necessity of the active involvement of the people with special needs not only to education, but also to an active student life. The corresponding norms and activities have to be fixed and provided in the process of the further improvement of inclusive education legal assurance.

### REFERENCES

1. Abrhám, J., Bilan, Y., Krauchenia, A., & Strielkowski, W. (2015). Planning horizon in labour supply of Belarusian small entrepreneurs. *Economic Research-Ekonomska Istraživanja*, 28(1), 773-787. doi: <https://doi.org/10.1080/1331677X.2015.1084238> [in English].
2. Zielińska, A. (2016). Information is a market products and information markets, *Czech Journal of Social Sciences, Business and Economics*, 5(4), 31-38. <http://doi.org/10.24984/cjssbe.2016.5.4.4> [in English].
3. Strielkowski, W., Bilan, Y., Kalyugina, S. (2016). Social and public dimensions of international migration: a comparative study of Turkey and Ukraine, *Novedades en Población*, 12(24), 156-167 [in English].
4. Glazar, O., & Strielkowski, W. (2010). Turkey and the European Union: possible incidence of the EU accession on migration flows. *Prague Economic Papers*, 19(3), 218-235. doi: <https://doi.org/10.18267/j.p.p.373> [in English].
5. Chamberlin, G. (2015). Coordinating Monetary and Fiscal Policies in the Open Economy, *International Economics Letters*, 4(1), 15-25. DOI: <http://doi.org/10.24984/iel.2015.4.1.2> [in English].
6. *Vsesvitnia prohrama dii stosovno invalidiv : Mizhnarodnyi dokument vid 03.12.1982 r. [International program of actions concerning disabled people]*. Retrieved from: [http://zakon.rada.gov.ua/laws/show/995\\_427/page](http://zakon.rada.gov.ua/laws/show/995_427/page) [in Ukrainian].
7. Strielkowski, W., Tumanyan, Y., & Kalyugina, S. (2016). Labour Market Inclusion of International Protection Applicants and Beneficiaries. *Economics & Sociology*, 9(2), 293-302. <http://doi.org/10.14254/2071-789X.2016/9-2/20> [in English].
8. *Deklaratsiia prav dytyny : Zatverdzhena organization and assurance of rights of people with special needs for education into the national legislation. Legal norms completely correspond to the best foreign analogues and take into consideration the main demands of international acts, one of the participants of which is our country. At the same time there is a noticeable misbalance of statutory and methodical assurance of inclusive education in Ukraine. Most of the statutory instruments are dedicated to the inclusive education assurance in secondary educational establishments and to the system of secondary education, though inclusive education is regulated only partly. Besides, the lack of special pedagogical and medical staff can be identified in Ukraine. There is also a lack of explanatory work among the population and participants of the educational process according to the necessity of the active involvement of the people with special needs not only to education, but also to an active student life. The corresponding norms and activities have to be fixed and provided in the process of the further improvement of inclusive education legal assurance.*
9. *Rezoliutsiieu 1386 (XIV) Heneralnoi Asamblei OON vid 20 lystopada 1959 r. [Declaration of the Rights of the Child: Approved by Resolution 1386 (XIV) of the General Assembly of the United Nations of November 20, 1959]*. Retrieved from: [http://zakon4.rada.gov.ua/laws/show/995\\_384](http://zakon4.rada.gov.ua/laws/show/995_384) [in Ukrainian].
10. Gryshova, I. Ju., & Negodenko V.S., & Shestakovska T.L. (2017) The methodological principles of determining the level of performance of the functions of the functions of consumerism. *Scientific bulletin of Polissia*, 3 (11), 62-67 [in English].
11. Gryshova I.Yu., & Zamlynskyi V.A., & Shestakovska T. L. (2017) Implementing Cluster Forms Into National Education Development Strategy. *Science and education*, 5, 56-61 [in English].
12. Gryshova I. Yu., & Shestakovska T. L., & Glushko O. V. (2017) The economic measurement of convergence of institutional impact on the sustainability of development. *Scientific notes of the Institute of Legislation of the Verkhovna Rada of Ukraine*, 4, 75-80 [in English].
13. Shestakovska T. L. (2015) Conceptual principles of the functioning of the organizational and economic mechanism for the development of the national education system. *Scientific bulletin of Polissia*, 1(1), 34-41 [in English].
14. *Standartni pravyla zabezpechennia rivnykh mozhlyvostei dlia invalidiv : Rezoliutsiia 48/96*

*Generalnoi Asamblei OON vid 20.12.1993 r. [Standard rules for the provision of equal opportunities for persons with disabilities: Resolution 48/96 of the General Assembly of the United Nations dated 20.12.1993]. Retrieved from: [http://zakon.rada.gov.ua/laws/show/995\\_306](http://zakon.rada.gov.ua/laws/show/995_306) [in Ukrainian].*

15. *Pro dodatkovy zakhody shchodo posylennia sotsialnoho zakhystu invalidiv ta provedennia v Ukraini u 2003 rotsi Roku liudei z invalidnistiu : Ukaz Prezydenta Ukrainy vid 02.12.2002 r. # 1112/2002 [On additional measures to strengthen the social protection of the disabled and the implementation of the year 2003 in Ukraine for people with disabilities: Decree of the President of Ukraine dated 02.12.2002 № 1112/2002]. Retrieved from: <http://zakon.rada.gov.ua/laws/show/1112/2002> [in Ukrainian].*

16. *Salamanskaia deklaratsiia y ramky deistvyi po obrazovaniu lyts s osobymy potrebnyami [Salamanca Declaration and Framework for Action on the Education of Persons with Special Needs]. Retrieved from: [http://www.un.org/ru/documents/decl\\_conv/declarations/pdf/salamanka.pdf](http://www.un.org/ru/documents/decl_conv/declarations/pdf/salamanka.pdf) [in Ukrainian].*

17. *Plan dii shchodo zaprovadzhennia inkluzivnoho navchannia u doshkilnykh, zahalnoosvitnykh ta pozashkilnykh navchalnykh zakladakh na 2009-2012 rr. : Zatverdzheno nakazom MON vid 11.09.2009 r. # 855 [Action plan on introduction of inclusive education in preschool, general education and extracurricular educational institutions for 2009-2012: Approved by the order of the Ministry of Education and Science of Ukraine of September 11, 2009 No. 855]. Retrieved from: [www.mon.gov.ua/images/files/doshkilna.../855.doc](http://www.mon.gov.ua/images/files/doshkilna.../855.doc) [in Ukrainian].*

18. *Plan zakhodiv shchodo zaprovadzhennia inkluzivnoho ta intehrovanoho navchannia u zahalnoosvitnykh navchalnykh zakladakh na period do 2012 roku : Zatverdzeni rozporiadzhenniam Kabinetu Ministriv Ukrainy vid 03.12.2009 r. # 1482-r. [Plan of measures for introduction of inclusive and integrated training in general educational institutions for the period up to 2012: Approved by the order of the Cabinet of Ministers of Ukraine dated 03.12.2009 № 1482-p]. Retrieved from: <http://zakon.rada.gov.ua/laws/show/1482-2009-r> [in Ukrainian].*

19. *Pro vnesennia zmin do postanov Kabinetu Ministriv Ukrainy vid 14 kvitnia 1997 r. # 346 i vid 14 chervnia 2000 r. # 963 : Postanova Kabinetu Ministriv Ukrainy vid 18.07.2012 r. # 635 [On Amendments to the Decrees of the Cabinet of Ministers of Ukraine of April 14, 1997 No. 346 and of June 14, 2000, No. 963: Resolution of the Cabinet of Ministers of Ukraine No. 635 of 18.4.2012]. Retrieved from: <http://zakon4.rada.gov.ua/rada/show/635-2012-p> [in Ukrainian].*

20. *Zakhody Ministerstva osvity i nauky Ukrainy*

*shchodo zaprovadzhennia inkluzivnoho ta intehrovanoho navchannia u zahalnoosvitnykh navchalnykh zakladakh na period do 2012 roku : Zatverdzheno nakazom MON vid 21.12.2009 r. # 1153 [Measures of the Ministry of Education and Science of Ukraine on the introduction of inclusive and integrated training in general education institutions for the period up to 2012: Approved by the order of the Ministry of Education and Science of Ukraine dated December 21, 2009 No. 1153]. Retrieved from: [www.mon.gov.ua/images/files/doshkilna.../1153.doc](http://www.mon.gov.ua/images/files/doshkilna.../1153.doc) [in Ukrainian].*

21. *Pro vnesennia zmin do zakonodavchykh aktiv z pytan zahalnoi serednoi ta doshkilnoi osvity shchodo orhanizatsii navchalno-vykhovnoho protsesu : Zakon Ukrainy vid 06.07.2010 r. # 2442-VI [On Amendments to Legislative Acts on General Secondary and Preschool Education on the Organization of the Educational Process: Law of Ukraine dated July 6, 2010 No. 2442-VI]. (2010). Vidomosti Verkhovnoi Rady Ukrainy. – Bulletin of the Verkhovna Rada of Ukraine, 46 [in Ukrainian].*

22. *Kontseptsiiia rozvytku inkluzivnoi osvity : Zatverdzhena nakazom Ministerstva osvity i nauky Ukrainy vid 01.10.2010 r. # 912 [Concept of development of inclusive education: Approved by the order of the Ministry of Education and Science of Ukraine dated 10.10.2010 № 912]. Retrieved from: [www.mon.gov.ua/images/newstmp/2010/05.../doc.doc](http://www.mon.gov.ua/images/newstmp/2010/05.../doc.doc) [in Ukrainian].*

23. *Poriadok orhanizatsii inkluzivnoho navchannia u zahalnoosvitnykh navchalnykh zakladakh : Zatverdzeni postanovoii Kabinetu Ministriv Ukrainy vid 15.08.2011 r. # 872 [Procedure for the organization of inclusive education in general educational institutions: Approved by the Resolution of the Cabinet of Ministers of Ukraine dated August 15, 2011 No. 872]. Retrieved from: <http://zakon1.rada.gov.ua/rada/show/872-2011-p> [in Ukrainian].*

24. *Pro zaprovadzhennia navchalnoi dystsypliny «Osnovy inkluzivnoi osvity» : Lyst MON vid 18.06.2012 r. # 1/9-456 [On the introduction of the discipline "Fundamentals of inclusive education": Letter of the Ministry of Education and Science of Ukraine dated 18.06.2012, number 1 / 9-456]. Retrieved from: [mon.gov.ua/ua/about-ministry/normative/1293](http://mon.gov.ua/ua/about-ministry/normative/1293) [in Ukrainian].*

25. *Pro vyshchu osvitu : Zakon Ukrainy vid 01.07.2014 r. # 1556-VII [On higher education: Law of Ukraine dated 01.07.2014 № 1556-VII]. Retrieved from: <http://zakon4.rada.gov.ua/rada/show/1556-18> [in Ukrainian].*

26. *Polozhennia pro inkluzivno-resursnyi tsentr : Zatverdzheno postanovoii Kabinetu Ministriv Ukrainy vid 12 lypnia 2017 r. # 545 [Regulation on the Inclusion and Resource Center: Approved by the Resolution of the Cabinet of Ministers of Ukraine dated July 12, 2017 No. 545]. Retrieved from: <http://zakon3.rada.gov.ua/laws/show/545-2017-p> [in Ukrainian].*

## ЛІТЕРАТУРА

1. Abrhám J. Planning horizon in labour supply of Belarusian small entrepreneurs / J. Abrhám, Y. Bilan, A. Krauchenia, & W. Strielkowski // *Economic Research-Ekonomska Istraživanja*. – 2015. – 28(1). – 773-787. doi: <https://doi.org/10.1080/1331677X.2015.1084238>
2. Zielińska A. Information is a market products and information markets / A. Zielińska // *Czech Journal of Social Sciences, Business and Economics*. – 2016. – 5(4). – 31-38. <http://doi.org/10.24984/cjssbe.2016.5.4.4>
3. Strielkowski W. Social and public dimensions of international migration: a comparative study of Turkey and Ukraine / W. Strielkowski, Y. Bilan, S. Kalyugina // *Novedades en Población*. – 2016. – 12(24). – 156-167.
4. Glazar O. Turkey and the European Union: possible incidence of the EU accession on migration flows / O. Glazar, & W. Strielkowski // *Prague Economic Papers*. – 2010. – 19(3). – 218-235. doi: <https://doi.org/10.18267/j.pep.373>
5. Chamberlin G. Coordinating Monetary and Fiscal Policies in the Open Economy / G. Chamberlin // *International Economics Letters*. – 2015. – 4(1). – 15-25. DOI: <http://doi.org/10.24984/iel.2015.4.1.2>
6. Всесвітня програма дій стосовно інвалідів : Міжнародний документ від 03.12.1982 р. [Електронний ресурс]. – Режим доступу: [http://zakon.rada.gov.ua/laws/show/995\\_427/page](http://zakon.rada.gov.ua/laws/show/995_427/page)
7. Strielkowski, W., Tumanyan, Y., & Kalyugina, S. (2016). Labour Market Inclusion of International Protection Applicants and Beneficiaries. *Economics & Sociology*, 9(2), 293-302. <http://doi.org/10.14254/2071-789X.2016/9-2/20>
8. Декларація прав дитини : Затверджена Резолюцією 1386 (XIV) Генеральної Асамблеї ООН від 20 листопада 1959 р. [Електронний ресурс]. – Режим доступу: [http://zakon4.rada.gov.ua/laws/show/995\\_384](http://zakon4.rada.gov.ua/laws/show/995_384)
9. Конвенція про права дитини : Міжнародний документ від 20.11.1989 р. [Електронний ресурс]. – Режим доступу: [http://zakon4.rada.gov.ua/laws/show/995\\_021](http://zakon4.rada.gov.ua/laws/show/995_021)
10. Gryshova, I. Ju. The methodological principles of determining the level of performance of the functions of the functions of consumerism / I. Ju. Gryshova, V. S. Negodenko, T. L. Shestakovska // *Scientific bulletin of Polissia*. – 2017. – 3 (11). – 62-67.
11. Gryshova I. Yu. Implementing Cluster Forms Into National Education Development Strategy / I. Yu. Gryshova, & V. A. Zamlynskyi, T. L. Shestakovska // *Science and education*. – 2017. – 5. – 56-61.
12. Gryshova I. Yu., & Shestakovska T. L., & Glushko O. V. The economic measurement of convergence of institutional impact on the sustainability of development / I. Yu. Gryshova, T. L. Shestakovska, O. V. Glushko // *Scientific notes of the Institute of Legislation of the Verkhovna Rada of Ukraine*. – 2017. – 4. – 75-80.
13. Shestakovska T. L. Conceptual principles of the functioning of the organizational and economic mechanism for the development of the national education system / T. L. Shestakovska // *Scientific bulletin of Polissia*. – 2015. – 1(1). – 34-41.
14. Стандартні правила забезпечення рівних можливостей для інвалідів : Резолюція 48/96 Генеральної Асамблеї ООН від 20.12.1993 р. [Електронний ресурс]. – Режим доступу: [http://zakon.rada.gov.ua/laws/show/995\\_306](http://zakon.rada.gov.ua/laws/show/995_306)
15. Про додаткові заходи щодо посилення соціального захисту інвалідів та проведення в Україні у 2003 році Року людей з інвалідністю : Указ Президента України від 02.12.2002 р. № 1112/2002 [Електронний ресурс]. – Режим доступу: <http://zakon.rada.gov.ua/laws/show/1112/2002>
16. Саламанкская декларация и рамки действий по образованию лиц с особыми потребностями [Електронний ресурс]. – Режим доступу: [http://www.un.org/ru/documents/decl\\_conv/declarations/pdf/salamanka.pdf](http://www.un.org/ru/documents/decl_conv/declarations/pdf/salamanka.pdf)
17. План дій щодо запровадження інклюзивного навчання у дошкільних, загальноосвітніх та позашкільних навчальних закладах на 2009-2012 рр. : Затверджено наказом МОН від 11.09.2009 р. № 855 [Електронний ресурс]. – Режим доступу: [www.mon.gov.ua/images/files/doshkilna.../855.doc](http://www.mon.gov.ua/images/files/doshkilna.../855.doc)
18. План заходів щодо запровадження інклюзивного та інтегрованого навчання у загальноосвітніх навчальних закладах на період до 2012 року : Затверджений розпорядженням Кабінету Міністрів України від 03.12.2009 р. № 1482-р. [Електронний ресурс]. – Режим доступу: <http://zakon.rada.gov.ua/laws/show/1482-2009-p>
19. Про внесення змін до постанов Кабінету Міністрів України від 14 квітня 1997 р. № 346 і від 14 червня 2000 р. № 963 : Постанова Кабінету Міністрів України від 18.07.2012 р. № 635 [Електронний ресурс]. – Режим доступу: <http://zakon4.rada.gov.ua/rada/show/635-2012-p>
20. Заходи Міністерства освіти і науки України щодо запровадження інклюзивного та інтегрованого навчання у загальноосвітніх навчальних закладах на період до 2012 року : Затверджено наказом МОН від 21.12.2009 р. № 1153 [Електронний ресурс]. – Режим доступу: [www.mon.gov.ua/images/files/doshkilna.../1153.doc](http://www.mon.gov.ua/images/files/doshkilna.../1153.doc)
21. Про внесення змін до законодавчих актів з питань загальної середньої та дошкільної освіти щодо організації навчально-виховного процесу : Закон України від 06.07.2010 р. № 2442-VI // Відомості Верховної Ради України. – 2010. – № 46. – Ст. 545.
22. Концепція розвитку інклюзивної освіти : Затверджена наказом Міністерства освіти і науки України від 01.10.2010 р. № 912 [Електронний ресурс]. – Режим доступу: [www.mon.gov.ua/images/newstmp/2010/05.../doc.doc](http://www.mon.gov.ua/images/newstmp/2010/05.../doc.doc)
23. Порядок організації інклюзивного навчання у загальноосвітніх навчальних закладах : Затверджений постановою Кабінету Міністрів України від

15.08.2011 р. № 872 [Електронний ресурс]. – Режим доступу: <http://zakon1.rada.gov.ua/rada/show/872-2011-п>

24. Про запровадження навчальної дисципліни «Основи інклюзивної освіти»: Лист МОН від 18.06.2012 р. № 1/9-456 [Електронний ресурс]. – Режим доступу: [mon.gov.ua/ua/about-ministry/normative/1293](http://mon.gov.ua/ua/about-ministry/normative/1293)

25. Про вищу освіту: Закон України від

01.07.2014 р. № 1556-VII [Електронний ресурс]. – Режим доступу: <http://zakon4.rada.gov.ua/rada/show/1556-18>

26. Положення про інклюзивно-ресурсний центр: Затверджено постановою Кабінету Міністрів України від 12 липня 2017 р. № 545 [Електронний ресурс]. – Режим доступу: <http://zakon3.rada.gov.ua/laws/show/545-2017-п>

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#### **ПРИВЕДЕННЯ ПРАВОВОГО ЗАБЕЗПЕЧЕННЯ ІНКЛЮЗИВНОЇ ОСВІТИ В УКРАЇНІ У ВІДПОВІДНІСТЬ ДО МІЖНАРОДНИХ НОРМ І СТАНДАРТІВ**

Метою статті є аналіз правового забезпечення запровадження системи інклюзивної освіти в Україні та її відповідності міжнародним нормам і стандартам. Методологічною базою аналізу правового запровадження системи інклюзивної освіти в Україні є забезпечення сукупності методів та принципів міжнародних стандартів, обговорення експертами Інституту законодавства Верховної Ради України та методики оцінки якості інклюзивної освіти, що застосовують міжнародні спеціалісти. Емпіричне дослідження виконувалося за допомогою методики, яка комплексно поєднує підходи різних методів експертної оцінки, зокрема використано комбінацію процедур індивідуального та колективного оцінювання. Дослідження проходило в 3 етапи. Попередній етап – збір та аналіз інформації про стан інклюзивної освіти в Україні та у зарубіжних країнах – методом кабінетного дослідження та опитування експертів, які доповнюють зібрану з відкритих джерел інформацію. Основний етап – опитування ключових учасників процесу впровадження інклюзивної освіти: вчителів/вихователів та представників адміністрацій загальноосвітніх, пілотних та спеціальних шкіл та НВК; батьків дітей з особливими потребами, які навчаються в спеціальних школах. Заключний етап – узагальнюючий аналіз результатів, обговорення результатів в експертному колі та обґрунтування пропозицій. Україна за період незалежності активно долучилася до запровадження в національне законодавство міжнародних норм і стандартів щодо організації інклюзивної освіти й забезпечення права людей з особливими потребами на освіту. Чинні правові норми загалом відповідають кращим зарубіжним аналогам та враховують основні вимоги міжнародних актів. Разом із тим в Україні помітний певний дисбаланс нормативного і методичного забезпечення інклюзивної освіти – більшість нормативно-правових актів присвячено забезпеченню інклюзивної освіти в загальноосвітніх навчальних закладах і системі середньої освіти, натомість інклюзивна освіта у вищих навчальних закладах регламентована лише фрагментарно. Також відзначається недостатність спеціального персоналу педагогічних і медичних працівників, а також роз'яснювальної роботи серед населення й учасників навчально-виховного процесу щодо необхідності активного залучення людей з особливими потребами не лише до навчання, а й активного школярського та студентського життя. Відповідні норми та заходи мають бути закріплені й передбачені у ході подальшого удосконалення правового забезпечення інклюзивної освіти.

**Ключові слова:** інклюзивна освіта, міжнародні норми, міжнародні стандарти, правове забезпечення, права людини.

*Submitted on September, 11, 2017*