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**SPECIAL EDUCATION AS AN AREA FOR CHANGE –
POLISH AND CZECH SOLUTIONS**

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AND CZECH SOLUTIONS

Keywords: special education, changes in special education in Poland,
changes in special education in the Czech Republic.

The article is devoted to special education interpreted as an area for change. Its purpose is to show the changes that have occurred in the last 30 years and are still occurring in special education in Poland and the Czech Republic. The authors assume that the developments in special education in both countries have taken place thanks to new law and social change in both nations.

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EDUKACJA SPECJALNA JAKO OBSZAR ZMIAN – ROZWIĄZANIA W POLSCE I CZECHACH

Słowa kluczowe: edukacja specjalna, zmiany w edukacji specjalnej w Polsce, zmiany w edukacji specjalnej w Czechach.

Artykuł jest poświęcony edukacji specjalnej interpretowanej jako przestrzeń zmiany. Celem artykułu jest ukazanie zmian, które zaszły i nadal zachodzą w edukacji specjalnej w Polsce i Czechach na przestrzeni ostatnich 30. lat. Autorzy artykułu wychodzą z założenia, że zmiana w edukacji specjalnej obu państw dokonała się dzięki nowemu prawu oraz zmianie społecznej w obu narodach.

Change is a frequently used concept that is defined and perceived in numerous ways. Change can be defined as a final product of a certain process, for example, a social one. An example of such an approach to change is social change, which is of particular interest to contemporary sociology at the “macro level”. Sufficient examples can be the aging of European populations, transformations related to social structure, degradation of authorities, or the growing number of destructive behaviors (see Bokszański 2016; Fukuyama 2000). Change may concern a part (eliminated or new) in a whole – the systems approach; or time, and then it will be interpreted as physical change. Change can mean a new quality resulting from changing the essence of an item – the ontological approach. The term “change” is used in this article in one of the meanings proposed by Słownik Języka Polskiego PWN, which defines change as ‘fakt, że ktoś staje się inny lub coś staje się inne niż dotychczas’ (<https://sjp.pwn.pl/sjp/zmiana;2546666.html>) [the fact that someone becomes different or something becomes different from what it used to be (transl. by Baczała)] – the innovative approach. Change is a concept used in many scientific disciplines, for example, sociology, psychology or management theory. Undoubtedly, change brings something new that is not necessarily expected, positive or desirable.

The subject of our considerations is change in the process of special education (education and changes in it), and the object are students with one or multiple disabilities. In particular, we focus on individuals with intellectual disabilities (ID), that is, a social group that participates in special education and for whom the Polish integrative and inclusive education is available mainly in the case of a mild ID degree (see Bąbka 2015; Dryżalska 2017; Gajdzica, Mrózek 2017). The Czech educational realities are

similar to those in Poland. Children and youth with ID are educated in special schools, and integrative and inclusive education is available for those students with ID whose level of functioning, rather than their degree of disability, allows them to participate in this form of integrative and inclusive learning.

Individuals with intellectual disabilities constitute a social group characterized by mental disability, i.e., a state of the functioning of intellect that is lower than the intellectual norm, but which affects the overall cognitive and psychological processes of individuals (Kowalik 2018). Mental disability concerns not only the intellect but also the emotional and social functioning of an individual. We deliberately do not cite any applicable definitions of the state of intellectual disability on the basis of which the diagnosis and certification of this disability is made in Poland and the Czech Republic.

Our analysis, universal in nature, focuses on change in the area of special education, i.e., this type of developing of individuals and raising them to a higher level of development by using self-activity that is carried out in schools dedicated to individuals with a particular or multiple disabilities. We have adopted the definition by Zbigniew Kwieciński, who treats education as ‘ogół wpływów na jednostki i grupy ludzkie, sprzyjających takiemu ich rozwojowi, aby w najwyższym stopniu stały się one świadomymi i twórczymi członkami wspólnoty społecznej, kulturowej i narodowej oraz były zdolne do aktywnej samorealizacji własnej tożsamości i własnego „JA” poprzez podejmowanie zadań ponadosobistych, [...] to prowadzenie drugiego człowieka ku wyższym poziomom rozwojowym i jego własna aktywność w osiągnięciu pełnych i swoistych dlań możliwości. To ogół czynności i procesów sprzyjających rozwojowi oraz stan ich efektów, czyli osiągnięty poziom kompetencji, tożsamości i podmiotowości’ (Kwieciński 1991, p. 89) [the totality of influences on individuals and human groups that favors the development, helping them to the highest possible degree become conscious and creative members of a social, cultural and national community, as well as be able to actively self-fulfil their own identity and their own SELF through undertaking tasks that go above and beyond personal tasks, [...] it consists in guiding another person to higher levels of development and in the person’s own activity in achieving their full and specific opportunities. It is the totality of activities and processes conducive to development and the effects of these, i.e., the achieved level of competence, identity and subjectivity (transl. by Baczała)]. We are aware that defining special education is a difficult task due to the imprecision of the concepts accompanying it (see Kauffman et al. 2018).

The process of educating an individual is a “tool” of special education. ‘Educating’ is a concept narrower than the above-defined concept of ‘education’ and refers to ‘ogół czynności i procesów umożliwiających ludziom poznanie przyrody, społeczeństwa i kultury, a zarazem uczestnictwo w ich przekształcaniu, jak również możliwie wszechstronny rozwój sprawności fizycznych i umysłowych, zainteresowań i zdolności, także wyrobienie odpowiednich postaw i przekonań’ (Encyklopedia PWN) [all the activities and processes that enable individuals to discover nature, society and culture, and to participate in their transformation; possibly comprehensive development of physical and mental skills, interests and abilities, as well as the development of appropriate attitudes and beliefs (transl. by Baczała)]. Education can be formal and informal. This article concentrates on formal education, which as a process is carried out in kindergartens and schools (primary and secondary) and concerns the object of special education, i.e., children and youth – for the purposes of this article – with intellectual disabilities. We believe that the change (or rather changes) that has been taking place in this type of education in Poland and the Czech Republic (since the 1990s) has been possible due to other transformations – mainly due to legal and social changes.

Changes in Polish law (after 1989) – changes in special education

Polish normative acts on special education are numerous and they concern several ministries: the Ministry of National Education, the Ministry of Higher Education and Science, the Ministry of Health, and the Ministry of Family, Labor and Social Policy. In this article, we focus on the first two departments, which does not mean that we are downgrading the significance of legal acts issued by other ministries. Polish law could specifically deal with special education (education at school or kindergarten) because the provisions of the Polish Constitution guarantee the right to education for all Polish citizens (Constitution of the Republic of Poland). The right to education guaranteed by the Constitution, which is granted to every citizen of the Republic of Poland and which every citizen in the state is free to follow, is a private right of every individual (see Bała 2009, Kierzkowski 2017).

Undoubtedly, one of the leading legal acts modifying the Polish education system is The Act on the Education System of 1991 (Ustawa o Systemie Oświaty) (Dz. U. 1991 nr 95, poz. 425), which emphasized the right of the child and youth to education, regardless of their disability. This law ensured ‘możliwość pobierania nauki we wszystkich typach szkół przez dzieci i młodzież niepełnosprawną oraz niedostosowaną społecznie, zgodnie z in-

dywidualnymi potrzebami rozwojowymi i edukacyjnymi oraz predyspozycjami' (Article 1, point 5) [the possibility to receive education in all types of schools by children and youth with disabilities and socially maladjusted, in accordance with their individual developmental and educational needs and predispositions' (transl. by Baczała)]. The statutory provision of the possibility of education in all types of schools to children and youth with disabilities, including intellectual ones, allowed for a gradual departure from special schools in favor of integrative and inclusive schools or classes. Without this fundamental change brought about by 1991 and the new Polish Education Act, it would have been impossible to implement changes into special education in practice. Another issue is the assessment whether the introduction of integrative and inclusive education for individuals with ID into the Polish education system has brought the expected positive effects.

A turning point in special education of individuals with profound intellectual disabilities occurred when they were admitted to the Polish education system and the possibility of fulfilling compulsory schooling was ensured by law. This possibility was granted by the Regulation of the Ministry of National Education of January 30, 1997 on the rules of organizing rehabilitation and education classes for children and youth with a profound disability (Rozporządzenie Ministra Edukacji Narodowej z dnia 30 stycznia 1997 r. w sprawie zasad organizacji zajęć rewalidacyjno-wychowawczych dla dzieci i młodzieży upośledzonych w stopniu głębokim) (Dz. U. nr 14, poz. 76). The Regulation guaranteed the right to education for disabled individuals aged 3-25, and their participation in rehabilitation and educational activities was recognized as a fulfillment of compulsory education. This means that individuals who previously spent time mainly at home, were patients of the Polish healthcare system or recipients of the Polish social welfare, became subjects of the Polish special education with student rights (today participant of classes). Another legal act that brought about a change in special education is the 2005 Regulation of the Minister of National Education and Sport of 4 April on organizing early support of children's development (Rozporządzenie Ministra Edukacji Narodowej i Sportu z dnia 4 kwietnia 2005 roku w sprawie organizowania wczesnego wspomaganie rozwoju dzieci) (Dz. U. 2005, nr 68, poz. 587). For the first time in Poland, children became entitled to the psychomotor and social development stimulation from the moment a disability is detected until the child begins school, which was the goal of the team of specialists assigned by the state. This regulation was (and still is) a substitute for a nationwide system of early intervention. The system of early intervention is still non-existent in Poland.

Over the past 30 years, many published legal acts in Poland have had the rank of laws and regulations of the Ministry of National Education, giving grounds for change in the area of special education, and of the law created by the Ministry of Higher Education and Science regarding the education of special educators.

On October 1, 2018, the law of July 2, 2018 on higher education and science, called the Constitution for Science (Konstytucja dla Nauki), came into force in Poland (Dz. U. 2018, poz. 1668). On its basis, the Regulation of the Minister of Science and Higher Education of 27 September, 2018 regarding studies (Rozporządzenie Ministra Nauki i Szkolnictwa Wyższego z dnia 27 września 2018 r. w sprawie studiów) was introduced, in which a provision on the creation of master degree programs was inserted. For the first time in 20 years, the field of special pedagogy was qualified as five-year uniform, master studies. Thus, the legislator gave high priority to the process of educating special teachers and raising – at least, within the assumed time – the quality of education in this profession.

Changes in law give rise to changes in the area of special education. On the one hand, thanks to new normative acts, areas for new forms of education arise, on the other hand, a place in special education for all individuals with intellectual disabilities is created. Law may also contribute to giving a new and higher significance to the profession of a special pedagogue and to formally raising the quality of teaching.

Changes in Czech law (after 1990) – changes in education

In the Czech Republic, just as in Poland, the right to education for all citizens is guaranteed by the provisions of the Constitution. However, during the Communist era, this law was not implemented in relation to individuals with moderate, severe or profound disabilities (children with these disabilities were placed in social welfare institutions or remained at home). They were formally „released” from compulsory education, even though they had the right to education. Children with mild intellectual disabilities were educated in a wide network of special schools (“special schools”), and some children with moderate disabilities received education in „auxiliary” schools.

The fundamental change that followed the fall of Communism was the emergence of many new classes of auxiliary schools in already existing special schools, as well as the establishment of new special schools (including private and church schools, which are also financed by the state). As a result, since the beginning of the 1990s, all children with severe intellectual disabilities have been able to attend schools.

In the 1990s, legal acts regulating education began to be amended with one of the most significant changes being a separate Regulation of the Ministry of Education, Youth and Sport on special education from 1997 (Vyhláška o speciálních školách a speciálních mateřských školách) (MŠMT, 127/1997 Sb). These legal changes facilitated and made it possible to include children with special needs in mainstream schools. In that period, a system based on three pillars (forms of education) was created, and it still exists with some modifications. The first form was education in special schools, i.e., special schools for students with mild intellectual disabilities (“practical schools”, former special schools) and special schools dedicated to students with severe intellectual disabilities, students with multiple disabilities, and students with autism spectrum disorder (“basic special school”, former auxiliary school). The second form consisted in individual integration of children with intellectual disabilities in mainstream/public schools. The third form were special classes for children with intellectual disabilities who attended public schools (this form was created as a result of merging smaller special schools with public schools, usually for economic reasons).

The adoption of a new act on education (září 2004 o předškolním, základním, středním, vyšším odborném a jiném vzdělávání (školský zákon)), which has been in force since 2005 (561/2004 Sb.) should be considered a significant legal change. This document clearly states every student’s right to access to mainstream education. A local school (according to one’s residence) is obliged to accept such a student, regardless of the type and degree of disability (this applies to all children without exception). At the same time, a parent can decide which school their child will attend, so it is possible to choose a school.

Another groundbreaking legal change occurred in 2016, when the Education Act was amended and a new Regulation on education of students with special educational needs and particularly gifted students (Vyhláška o vzdělávání žáků se speciálními vzdělávacími potřebami a žáků nadaných) was adopted (Regulation No. 27/2016 Sb.). The essence of this change was the departure from the classification of students based on a diagnosis and the transition to the categorization depending on the level of help that a student required. One of the objectives was also to strengthen the inclusive potential of the Czech education system through prioritizing the adoption of social education (i.e., individual integration) in mainstream schools with the use of supporting activities. The placement of a student in a special class / special school is possible only if a legal guardian asks for it, if it is recommended by a school counseling center, and if it is in the child’s best interest (§16, paragraph 9, 561/2004 Sb., §20 Regulation 27/2016 Sb.).

This change has also brought about changes in the financing of education for students with special educational needs.

Before that time, schools received funds for a student and the amount depended on the degree of disability (i.e., there was a standard amount for a student with moderate intellectual disability, a student with autism spectrum disabilities, etc.). However, in 2016 a five-step assistance system was introduced, the essence of which was to provide a student with individual support tailored to their special needs. The first level of help falls within the competence of a school and it concerns supporting students with minor learning problems (e.g., children who have long-term or frequent illnesses, etc.). Supporting activities from the second level must be recommended by school counseling centers. These institutions deal not only with diagnosing and recommendations for working with children at school, but also provide specific support activities to which a student is entitled, and which are financed (i.e., a student has the right to them, and the funds are paid to schools).

These supportive actions were defined in the Education Act and detailed in the Regulation of the Ministry of Education, Youth and Sport 27/2016 (e.g., the right to have a pedagogue assistant, special textbooks and teaching aids, counseling assistance, educational and pedagogical care, teacher intervention, modification of content and learning outcomes, changing work methods, adjusting the assessment system).

The higher the degree of support, the more extensive support a child receives (e.g., children with dyslexia-type learning disabilities fall into levels II and III; students with a different mother tongue may be classified into levels I-III, depending on the level of their knowledge of the Czech language; students with mild IDs are usually in level III, students with a moderate ID fall into level IV, etc.). Supporting activities are provided by both public (“individual integration”) and special schools (however, only those activities that are not provided by special schools on a standard basis, such as the use of special textbooks, the presence of special educators in school, etc.).

Since 2017, all children have been required to attend one year of pre-school (the right to attend kindergartens existed earlier, but parents could decide whether to use this option or not).

Polish social changes – changes in special education

Social change is a broad and vague concept. The functioning of the term “social change” as the basic feature of dynamic social processes dates back to the times when August Comte introduced the concept of “sociology” in the first half of the 19th century and since its division into the static and the

dynamic one (Sztompka 2005). Theories of social change are closely related to sociology and have become leaders in this discipline (Bokszański 2016, p. 10). ‘Powiedzmy jednak najpierw, że w najczęściej spotykanych ujęciach zmiana społeczna to wszelka istotna zmiana struktur społecznych, norm i zwyczajów, instytucji społecznych, ról społecznych, a także wartości wyznaczających ludzkie działania, plany życiowe i światopoglądy’ (Bokszański 2016, p. 11) [Let us first say that in the most common perceptions social change is any significant change in social structures, norms and customs, social institutions, social roles, as well as values determining human actions, life plans and world views (transl. by Baczała).]

Over the last 30 years social changes which have taken place in Poland have had their causes in the following processes: political, economic, cultural, technological or globalization. The processes have contributed to changes in special education, enriching it with new forms and methods of work and adopted paradigms. Over the past three decades, special education has become open to special educational and development needs of students as well as to rehabilitation and education classes for participants with intellectual disabilities. In special education, new forms of education (apart from segregation) have appeared, namely integrative and inclusive¹, which are available to individuals with mild and moderate degrees of ID. Social change as interpreted by Zbigniew Bokszański draws attention to the values that determine human actions, which in the form of subjectivity, respect for dignity and personalization of the teaching process allowed for the introduction of a new law that instigated changes in special education for individuals with ID. Solutions which had been unacceptable in special education before 1989 have now become a fact – for example, professional activation of individuals with moderate and severe IDs on the open labor market, facilitated by new assumptions in the syllabus of special education for these individuals and by assisted employment projects. The social change has also influenced the approach to the independent living of individuals with IDs and the creation of training or sheltered housing. In the first type of housing, adults with ID learn independence in running households; and in the second, they live away from their parents in protected apartments. These changes are possible due to the subjective approach to a person with ID and a new outlook on their civil rights. The new and worthy pursuit of the rights of this social group has also resulted in struggles with the taboo issues of sexual education of students with moderate and severe degrees of ID. An example of innovation in the broadly understood sex education is

¹In the Czech Republic there is no distinction between integrative and inclusive education.

the board game “Challenges of Life” developed by an informal group of students from the Scientific Circle of Young Special Pedagogues from Nicolaus Copernicus University in Toruń.

Czech social changes – changes in special education

Over the last 30 years in the Czech Republic, just as in Poland, a big change has occurred in the approach to individuals with disabilities, which is reflected in many areas of life. Changes have taken place at the legal level, examples of which are the adoption of the Convention on the Rights of Persons with Disabilities (United Nations, 2006, ratification in the Czech Republic in 2010) or changes in social, health and educational provisions. The change of approach to individuals with disabilities seems fundamental as these persons have become a part of society and are no longer excluded from it, which was a common practice in the Communist era (children with severe disabilities were routinely placed in social care centers at young age and effectively excluded from society and family; today, people are placed in social care centers at the age of almost 50, while children very rarely).

In the area of social services, new services have gradually developed and transformed. Early care and interventions are now a normal element of life for individuals with disabilities, and so are day care centers, care facilities, employment opportunities in sheltered workshops on labor market. The trend is to normalize the lives of individuals with disabilities and help them in everyday life in family and community. Housing services also undergo transformation and the goal is to support living in natural conditions (e.g., building care facilities in cities, separating large centers into smaller houses/flats in normal buildings, etc.). In addition to modern social services, financial support is also an essential tool which is implemented in the form of care allowance.

This allowance is granted to all individuals who need help of another person to perform basic life activities (Act 108/2006 Sb.). The allowance is granted in accordance with the degree of dependence on another person’s help, regardless of the financial situation of an applicant or their family. The degree of dependence is determined on the basis of community interviews and health assessment, and is assessed in nine basic areas of mobility, communication, nutrition, physiological activities, home care, etc. This support is designated for individuals from 1 year of age and has four levels (since July 2019, persons with the highest level of dependence receive 13 200 Kč (which is 2 200 PLN) if they use housing services, and 19 200 Kč (3 200 PLN) if they do not use housing services and the care is provided by their family). This allowance is spent on assistance provided by the family, an assistant,

a social worker or other institution (orphanage, hospice, etc.).

In the field of education, the biggest change is a gradual process of integration / inclusion of children with intellectual disabilities into mainstream schools. This tendency is evident in all European countries, but in the Czech Republic its implementation was in the case of children with mild intellectual disability significantly affected by the ruling of the European Court of Human Rights in Strasburg, 2007, on discrimination of Roma students in education (the percentage of Roma learners in special schools for children with mild ID is 30-35%, while in the whole population about 1.4-2.8% (Varvařovský, 2012; MŠMT, 2016)).

A response to this ruling was a gradual implementation of measures aimed at reducing the number of Roma students in special schools attended by students with mild IDs, which also translated into the diagnosis of intellectual disability (greater emphasis was placed on the issue of social discrimination of students, more accurate diagnosis of students on the verge between norms and intellectual disability, strict adherence to the IQ threshold of 70 points, and the actual cancellation of the border zone of intellectual disability). A consequence of this ruling was, and still is, the decrease in the number of children diagnosed with ID and the inclusion of students with borderline intellectual functioning to mainstream schools, but unfortunately often without appropriate support (without the diagnosis of ID, it is impossible, for example, to reduce the school syllabus, etc.). This tendency is well illustrated by the percentage of intellectual disability in student population. While in the school year 2009/2010 there were 3.1% of pupils with ID in primary schools, after 10 years, there are only 1.6% of them (Statistická ročenka školství 2009 / 2010-2018 / 2019 in MŠMT 2009-2019).

Despite all the changes and a relatively high pressure for inclusion in mainstream schools, 17% of children with mild intellectual disability are individually integrated, while 83% are educated in special schools (Statistická ročenka školství 2009 / 2010-2018 / 2019 in MŠMT, 2009-2019). The number of individually integrated children, however, increases slightly every year (a large number of children with a mild ID take up classes in the first year of primary school, however, some of them move to special schools during that first year). However, it should be stated that the process of inclusion of children with intellectual disabilities arouses controversy in society, among specialists as well as in schools, and its impact on education, preparing for life and the quality of life is not positively perceived by all.

Summary

The concept of social change is not clear. An attempt to define it as well as to present all the premises for changes in special education in Polish and Czech realities after 1989 seems to be a “breakneck” challenge. However, we tried to show some similarities and differences that have caused changes in education processes of individuals with intellectual disabilities in both countries. Regarding similarities, it can be clearly seen that changes in special education were brought by fundamental legal acts and a new, different approach, of an integrative, inclusive and standardized nature, to individuals with disabilities. In both countries, there is one fundamental difference regarding financial support for individuals with disabilities. It seems that the Czech solution allows a person with a disability to become more financially independent.

Our considerations about the change in the Polish and Czech special education have prompted further questions that may become a subject of further analyzes. ‘Czy zmiana warunkuje instytucję, a instytucja zmianę? (...) Czy zmiana instytucjonalna jest również zmianą społeczną? (Mańkowski 2018, p. 234) [Does change condition an institution and an institution condition change? (...) Is institutional change also social change? (transl. by Baczała)].

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