

UKRAINE ADMINISTRATIVE AND LEGAL REGULATION OF EDUCATION FOR PERSONS WITH DISABILITY

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Abstract

Education of people with disabilities as the object of administrative and legal regulation of public policy in Ukraine is analyzed in the article. It is stated that the society has passed a difficult path in its attitude to the people with disabilities – from aggressive rejection to realization of the need for their integration into the community. In the present conditions, the urgency of developing and implementing measures for professional training of all able-bodied and disabled people who want to work with the aim of integration them into society is proved.

Key words: *administrative and legal regulation, people with disabilities, education.*

Introduction

Development and functioning of national education systems for people with disabilities in all historical periods was associated with socio-economic systems of the country, values of the state and society, state policy towards people with disabilities, the law on education in general, etc. (Таланчук, 2014). Ukrainian scientists Засенко & Калупаева (2000), Коренев, Богмат, Толмачевої, & Тимофеев (2002), Таланчук (2010, 2014) and others paid their attention to the problem of administrative and legal relations in higher education of people with disabilities in Ukraine.

Despite the significant amount of scientific works on the subject, research was usually conducted within the framework of a constitutional law, social security law, labor law in the plane of the psychological problems of people with disabilities. After the ratification of international treaties concerning the needs of people with disabilities, the problem of awareness and formation by the community of educational opportunities in solving of constitutional rights and problems of people with disabilities in order to further integrate them into public life appeared. In its turn, this requires the development of the system of administrative and legal norms and mechanisms for legal regulation of education of people with disabilities.

Object of the research – Evaluation of Ukraine education system for people with disabilities highlighting positive development and barriers addressing the peoples with disability rights through statistics.

Aim of the research - To evaluate Ukraine education system for people with disabilities highlighting positive development and barriers addressing the people's with disability rights through statistics.

Methods of the research:

1. Analysis of scientific literature; 2. Statistical data based on the evaluation of situation in Ukraine; 3. Comparison of legal regulation of social protection of people with disabilities in Ukraine and other countries; 4. Research data was processed using descriptive text analysis.

Results and Discussion

During the years of independence Ukrainian society has formed the understanding of education as a strategic resource of socio-economic, cultural and spiritual development of

society, improvement of people's welfare, protection of national interests, strengthening of international prestige and origination of a positive image of Ukraine, creation of conditions for self-realization of each individual (Резюме Генеральної Асамблеї, 1993), including people with disabilities.

In the national report 2013 "On the status of persons with disabilities in Ukraine" the data of the Ministry of Social Policy (Національна доповідь "Про становище осіб з інвалідністю в Україні", 2013) were recorded – the number of persons with disabilities in Ukraine was 2 788 226 people or 6,1% from the total number of the population, against 5.3% in 2006. The graphics are presented below (Figure 1 and 2).

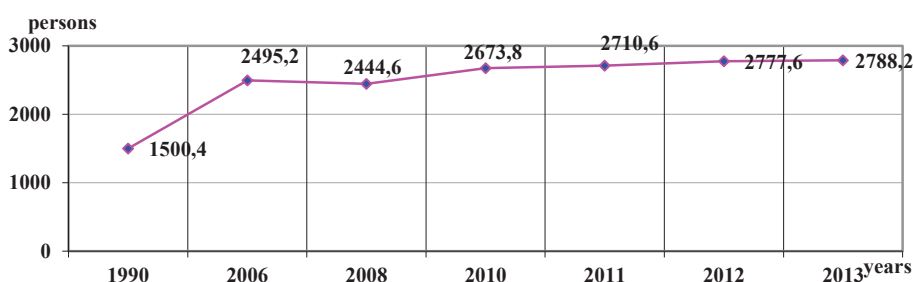


Figure 1. The dynamics of total number of people with disabilities in Ukraine at the beginning of 1990-2013.

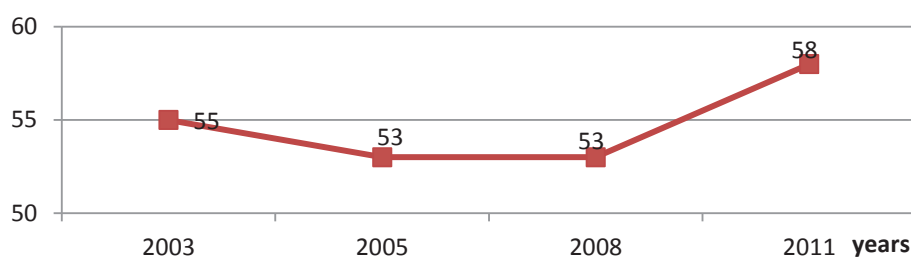


Figure 2. The number of people with disabilities per 1,000 population in Ukraine as of early 2003-2011.

Analysis of statistical indicators points to serious problems of socio-economic and demographic development of the country. Demographic situation in Ukraine, despite the growth since 2002, the absolute number of births, is characterized by an accelerated pace of reducing population and large-scale depopulation: over the past 20 years the population has decreased by nearly 7 million. Also disappointing are the indicators of the incidence and prevalence of diseases among children's population, which increased over the last 5 years at 15% and 10% respectively. This is confirmed by the data of the research of PMPC (psycho-medico-pedagogical consultation), according to which in the 2010-2011 academic year 1194,031 children (15% of the total) were considered to have impaired psychophysical development. While the number of recorded instances of children psychophysical development problems is increasing every year (12% in 2010/2011 compared to 2010/2009 academic year) (ГО "Європейська дослідницька асоціація" (ERA) у співпраці з дослідницькою компанією InMind, ГО "Демократичні ініціативи молоді", 2011, 2012). As a result of decreasing population and simultaneous increase of persons with functional limitations, their proportion in the population for 1990-2013 increased from 2.6% to 6.1%.

If we assume that depopulation will remain at such a rate and the number of people with functional limitations continues to grow (while naturally, demographic processes cannot be predicted by primitive extrapolation), then, for example, in 50 years Ukraine's population is 34 million, 5,4 million (16%) of them are people with functional limitations. If the source data for calculating is not an official statistic, but adopted in the world evaluation of landmark average number of disabled persons in the country (10% of the population), then the number of people with functional limitations in Ukraine over 50 years will constitute more than 30% of residents. (Таланчук, 2014).

Life practice of present time, benefits of Ukrainian and foreign scientists definitely affirm that education, in general, and higher education, in particular, is among the leading factors which considerably quicken and make more effective the integration of people with disabilities into the society. Among 2,6 million people with disabilities in Ukraine more than a half or 1,5 million – 52 %, and that is 6,2% in the general structure of economically active population, are employable. But more than 1 million people or 70% out of them are unemployed. Today the normative-legal base of Ukraine in the field of rights protection for people with disabilities is quite developed and includes twenty-five laws and about 30 legislative acts adopted from 1991 up to this time. The Ukrainian society during the years of independence understood the fact that education was a strategic resource of socio-economic, cultural and spiritual development of the society, improvement of welfare of people, securing national interests, strengthening international authority and forming a positive image of Ukraine, creating conditions for self-realization of every personality.

In the article 53 of the Constitution of Ukraine (1996) (Конституція України, 1996) the right of everyone for education is vested. The vested guarantees are for all, without exceptions, citizens of Ukraine, including persons with disability for attaining education at the level which corresponds their capabilities and possibilities, desires and interests, taking into account medical testimonies and contra-indications to next labour activity in such fundamental documents on education matters, as laws of Ukraine “About education” (1991) (Закон України “Про освіту”, 1991), “About preschool education” (2001) (Закон України “Про дошкільну освіту”, 2001), “About general secondary education” (1999) (Закон України “Про загальну середню освіту”, 1999), “About vocational education” (1998) (Закон України “Про професійно-технічну освіту”, 1998), “About higher education” (2014) (Закон України “Про вищу освіту”, 2014), “About the protection of childhood” (2001) (Закон України “Про охорону дитинства”, 2001) and in the special legislative acts on questions of social defence and rehabilitation of people with disabilities – laws of Ukraine “About the bases of social security of people with disabilities in Ukraine” (1991) (Закон України “Про основи соціальної захищеності інвалідів в Україні”, 1991) and “About the rehabilitation of people with disabilities in Ukraine” (2006) (Закон України “Про реабілітацію інвалідів в Україні”, 2006). It is necessary to draw attention to the fact that special legislative acts represent mainly post-soviet approaches to the education of people with disabilities that envisage studies foremost in the special establishments isolated from the system of general education.

As the Ukrainian legislature grants certain privileges to people with disability when entering Institutions of Higher Learning (IHL), and also the people with disabilities themselves begin to realize the importance of getting higher education, so their number in IHL of Ukraine grows constantly. If in 2007/2008 academic year in IHL I- IV level of accreditation there were 12 262 students – people with disabilities, then in 2012/2013 academic year – 18 825 students – people with disabilities. It presents 0,87 % from the general number of students of higher educational establishments. Out of all students with disabilities who studied during 2012/2013 academic year in IHL, 13 781 student (73,2 %) got education in IHL III-IV levels of accreditation, and 5 044 students (26,8 %) – in IHL I-II levels of accreditation.

According to the data of the General public electronic base on questions of education in 2013 to IHLs I-IV levels of accreditation of all patterns of ownership and submission, over 5,3 thousand people with disabilities of I and II groups and children having disabilities under age 18 (who do not have contra-indications to studies taking into account the selected specialty) were enrolled, that makes 1,4 % from all reckoned.

The annual increase of the number of students with disabilities in IHLs of Ukraine is confirmed by the table 1.

Table 1. Number of students with disabilities that got education in Institutions of Higher Learning of Ukraine

Academic year	Number of students with disabilities in IHLs		
	all	Including IHLs III- IV levels of accreditation	Including IHLs I- II levels of accreditation
2009/2010	16 615	12 446	4 169
2010/2011	17 242	12 437	4 805
2011/2012	18 239	13 403	4 836
2012/2013	18 825	13 781	5 044

The studies of students with disabilities are based on the creation of the special educational-rehabilitation conditions and system of complex accompaniment (correction-rehabilitation, psychological, social, socio-environmental, sociocultural, medical, valeological, sport-athletic, legal, organizational, architectural-environmental, material and technical and others) by IHLs.

The Ministry of Social Policy in National Report in 2013 “About the position of persons with disabilities in Ukraine” pointed out Open International University of Human Development “Ukraine” (hereinafter university “Ukraine”) as the institution of higher learning in Ukraine where professional training of students with disabilities of I-II groups of disability with different nosologies of disease takes place (sensory impairments, locomotorium disabilities and others like that). University “Ukraine” is IHL of inclusive type – that is, students with disabilities study together with healthy students there. In 2012-2013 academic year there were about 1 600 students with disabilities who studied in the university “Ukraine” and its territorial separated structural subdivisions, that makes 6 % from all reckoned (Національна доповідь, 2013).

Having such powerful normatively-legal arsenal in relation to the organization of studies of people with disabilities, home indexes increase gradually, but they remain modest, and the rates of their increase are insufficient.

The legal sphere “germinated” many positive sprouts on the way of solving numerous problems of people with disabilities, but it remains largely declarative. Providing higher educational establishments with necessary material resources is unsatisfactory, there is no good mechanism for financing of institutions of higher learning that teach children with disabilities. The situation gets worse due to the fact that present documents are not fulfilled as they should be, and there is no proper control of their implementation and responsibility for their non-fulfilment in the state.

Пакша (2007) points out that in the system of providing of human right for education a considerable place is occupied by the norms of administrative law, or, in other words, administrative-legal facilities. The efficiency of activity of organs managing education (in relation to providing the marked right) largely depends on quality of these facilities, that is why the questions of improvement of administrative-legal mechanism concerning the right of a citizen for education becomes more and more relevant and at the same time scientific research of basic problems of educational field gains more importance, too (Пакша, 2007).

To investigate the state of higher education field it is expedient to know the opinion of our society – if people are ready for the changes in this field. The public opinion poll showed that most people considered the problem of education for children with the special needs as important. 54% of the respondents think that in our country there is a real problem of rights limitation of people with disabilities; this situation must be changed.

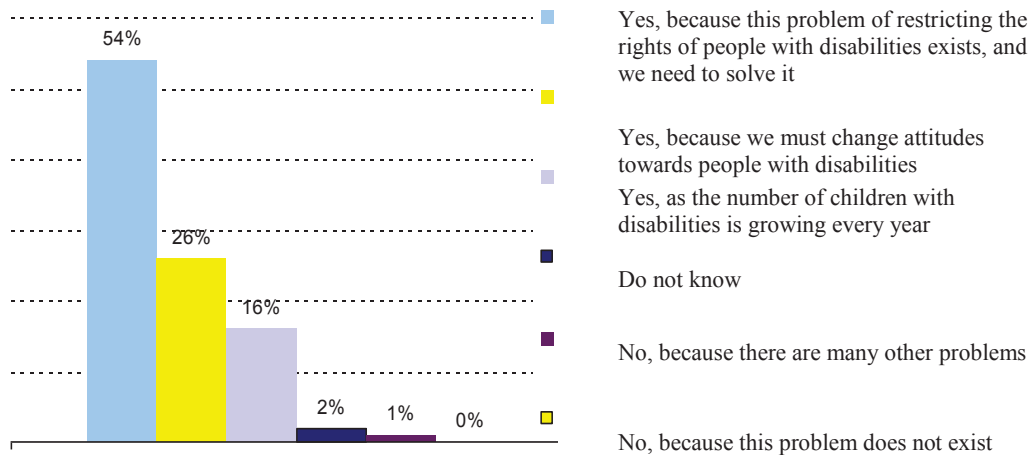


Figure 3. The perception of the magnitude of the problem of education for children with special needs in society, %

Respondents' opinion on the problems of education for children with special needs

The study found that the awareness of the population regarding the expression 'children with special needs' is high enough, the vast majority of respondents (75%) is familiar with that term, but only less than a half of them know what this concept exactly means and pointed out the correct definition (ГО "Європейська дослідницька асоціація" (ERA) у співпраці з дослідницькою компанією InMind, ГО "Демократичні ініціативи молоді", 2011, 2012).

At the same time, only a quarter of the respondents said they had heard of/knew a little about the implementation of inclusive education in Ukraine. For the vast majority of the respondents, this process remains unknown. Note that 61% of respondents have children (relatives) of school age, and only 9% of the respondents stated that in classes (schools) that their children or children from family circle attend, there are children with special needs. To the majority that have heard and know about inclusive education belong people of middle age and residents of western regions; the least awarded regarding inclusive education was the southern region of Ukraine. The main channels of information for those who know or have heard about inclusive education, were the media (53% – TV, 10% – newspapers and 10% – the Internet), neighbours, friends, relatives, colleagues – 15%.

European Research Association on the basis of its own research concluded that the main initiators of the ideas of inclusive education for children with disabilities in Ukraine, based on the principles of equal opportunities in different areas of life, including education, are parents and community organizations who are spreading the ideas of inclusion among the professional community, as well as activate and stimulate public activity in this direction. A special role among the community organizations in disseminating the ideas of inclusion is played by the foundation 'Step by step' and the National Assembly of people with disabilities of Ukraine.

Experts believe that the inclusive education in Ukraine has the future, however, suggest that using the experience of other countries, must necessarily be based on the achievements of the domestic speech correction and correctional education (for example, according to the standards of special education), as well as to develop its own models, taking into account the economic and financial possibilities of the State.

Experts do not conceal that the widespread and rapid implementation of inclusive education can bring more disappointments than successes, if appropriate conditions are not created, staffing problems are not solved, architecturally-constructive urges of schools are not met and low level of tolerance in society is not changed. So the experts attuned more to the gradual process and its localization.

The specificity of the communication in the integrated environment activates the structure reconstruction of the consciousness of students with disabilities in the direction of a healthy mind, adapted to the life of a person who aspires to self-realization, and contributes to the correction of subjective picture of life path deformities through ratio in retrospective and prospective elements, reconstruction cause-target links between events of life (Serdyuk, 2013).

It is impossible not to pay attention to the changes of the qualitative composition of the population. In fact, among people with disabilities, there are many functional youth, they only need help in getting a good profession where they can work with benefits for them and society (Таланчук П., 1999).

Thus, in terms of reforming the social sphere of Ukraine, its integration into the single European educational space increase requirements for the functioning of the public administration in this area, the activity of which is directed to the administrative-legal regulation of higher education for disabled persons, i.e. there is a need for improving legal provisions and administrative activities in this sphere (Терещенко, 2013).

The duty of the State and society is to ensure the proper social protection and support, social integration, creating equal opportunities for self-fulfilment, full life, education and employment, including people with disabilities to the spiritual, cultural, sports life. Ukrainian society, though belatedly, gradually begins to realize what is exactly needed to adapt to the needs of people with disabilities, and not vice versa.

If now the analysis on the basis of such platforms has already been done for people with disabilities and it has been realized what is that you must still finish, then you can make sure that the opportunities for education in the broadest sense of the word for resolving the existing problems are clearly undervalued.

Conclusions:

1. Over the years of independence in Ukraine the process of inclusion of people with disabilities into State and public life has intensified a lot. As a result 25 laws and 30 regulations were adopted that created a legal base for the successful solution of this problem.
2. Generated legal swamps has not merged into one powerful stream of laws, already corrected and adopted and new ones developed on a regular basis, with written out administrative and legal mechanisms of financing of the State order on the training of people with special educational needs for all possible professional areas and specialities in educational establishments.
3. There is a need to conduct monitoring in universities on the willingness of institutions to the full provision of inclusive education and the formation of a formal database of these universities.
4. In the Ukrainian State there is a place both for positive processes, in particular the increase in the continuation of life of population and negative processes, in particular reducing the birth of children, that together lead to a dynamic disability of society in general. Problems that were set up in the research require further study, and the results of these studies, depending on their importance, have to be printed in the relevant publications.

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