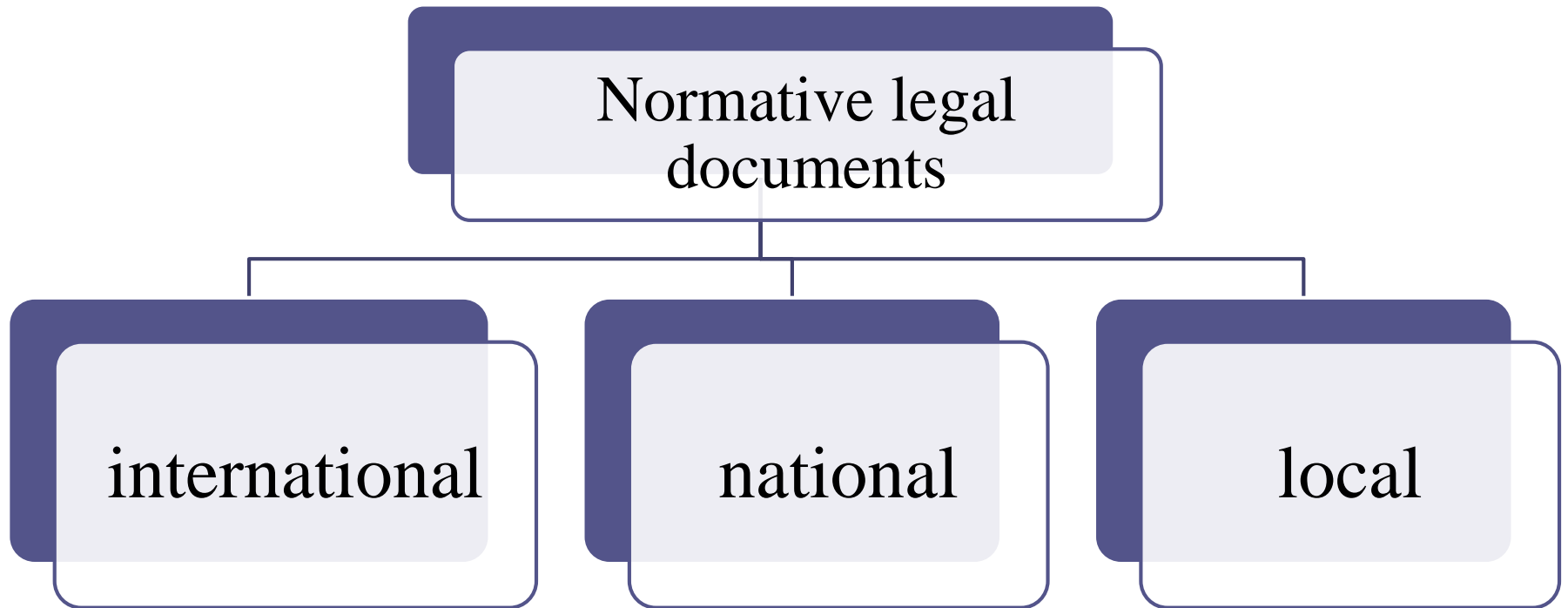


# **LECTURE: REGULATORY AND LEGAL FRAMEWORK OF ACTIVITIES OF THE TEACHER-DEFECTOLOGIST**

## **Lecture questions:**

- 1. Legal bases of activity of the teacher - defectologist: international and state legal acts.**
- 2. The Code of the Republic of Belarus on Education is the main document regulating the activities of a teacher of the special education system.**

## **Question 1. Legal bases of activity of the teacher - defectologist: international and state legal acts.**



## For reference

Implementation is the actual implementation of international obligations at the domestic level through the transformation of international legal norms into national laws and regulations.

Ratification is the process of giving legal force to a document (for example, a contract) by approving it by the relevant body of each of the parties. Before ratification, such an instrument is usually null and void and is not binding on the non-ratifying party.

In a number of States, ratified international treaties automatically become part of national legislation.

# Historical aspect

## Late XVIII - early XX century: origin and formation national systems of special education.

- |      |         |   |
|------|---------|---|
| 1817 | Denmark | Act on compulsory education of the Deaf.  |
| 1842 | Sweden  | Act on Primary Education, which provides for the introduction of a " minimum plan "for poor children and children with insufficient ability to acquire knowledge to the full extent offered by the education system". |
| 1873 | Saxony  | Law on compulsory education for the blind, deaf, Mentally retarded.   |
| 1881 | Norway  | Law on Compulsory Education for the Deaf.   |
| 1882 | Norway  | Law on the Education of the Mentally Retarded.  |
| 1887 | Sweden  | The new version of the Law on Primary Education distinguishes between poor and feeble-minded children.  |
| 1889 | Sweden  | Law on compulsory eight-year education for the Deaf.  |
| 1896 | Sweden  | Law on Compulsory Education for the Blind.  |
| 1893 | England | Act for the Primary Education of the Deaf and Blind.  |
| 1899 | England | Act for the Education of Mentally Retarded Children.  |
| 1900 | Prussia | Law on compulsory education for the deaf, blind, and Mentally Retarded.   |
| 1913 | England | Act for Further Improvements in the Care of the Feeble-minded and Other Mentally Deficient Persons.   |
| 1914 | Belgium | Compulsory Education Act initiates the opening of public schools for the mentally retarded.   |
| 1923 | Italy   | Law on compulsory primary education for the deaf and Dumb.  |

## International regulatory documents

### UNO

#### Universal Declaration of Human Rights (1948)

- equality of all persons "in their dignity and rights" (the right to social security and to the exercise of the rights necessary for the free development of the individual in the economic, social and cultural fields, the right to education)

#### Convention against Discrimination in Education (1960)

- the rights of children with special needs to education in special educational institutions and in ordinary schools among normally developing peers, depending on their capabilities.

#### Declaration on the Rights of Mentally Retarded Persons (1971)

- the right to adequate medical care and treatment; the right to education, rehabilitation and protection; the right to material security and to a satisfactory standard of living; the right to protection from exploitation, abuse and humiliating treatment; the right to live with one's family, if possible.

## International regulatory documents

### UNO

#### Declaration on the Rights of Persons with Disabilities (1975)

- the right of persons with disabilities to respect for their human dignity;
- to the fundamental rights of fellow citizens of their age, whatever the origin, nature and severity of their injury or disability;
- right to medical treatment, restoration of health and position in society;
- the right to education, vocational training, the right to receive, in accordance with their capabilities, and to retain a job;
- the right to live with one's family or in conditions favorable to them, to participate in all types of social activities and leisure activities, and to enjoy qualified legal assistance

## International regulatory documents

UNO

### Convention on the Rights of the Child (1989)

- The list of rights of children of unprivileged categories (including children with special needs ) and the state's obligations to protect and help such children is defined;
- the rights of such children to an appropriate level of medical care are enshrined

The Republic of Belarus acceded to the Convention on the Rights of the Child in the summer of 1990

## International regulatory documents

# UNO

### Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993)

- affirming the moral and political obligations of the State to ensure equality and opportunities for persons with disabilities



## International regulatory documents

### Salamanca Declaration on Principles, Policies and Practices for the Education of Persons with Special Needs (1994)

- every child has the right to education and should have the right to receive and maintain an acceptable level of knowledge;
- each child has unique characteristics, interests, abilities and learning needs;
- it is necessary to design educational systems and implement educational programs in a way that takes into account the wide variety of these needs and opportunities;
- persons with special educational needs should have access to education in regular schools, which should provide them with conditions based on pedagogical approaches aimed primarily at children, in order to meet these needs.
- Schools with such an inclusive orientation are the best means of combating discriminatory attitudes, creating a favorable atmosphere in society, building an inclusive society and providing education for all

## International regulatory documents

# UNO

### Convention on the Rights of Persons with Disabilities (2008)

- a social approach to understanding disability is formulated: "disability is the result of interaction that occurs between people with health disorders and environmental barriers."

By 2011 The Convention was signed by 148 UN member states, including the Russian Federation, which ratified it in 2012. The Republic of Belarus ratified the Convention in 2016.

The convention is a "strict action" document that requires States parties to fulfill their obligations. The Convention on the Rights of Persons with Disabilities records the historical development of international law in the field of education from 1948 to 2006: from the declaration in the World Declaration on the Right of Everyone to Education to the commitment to realize this right through inclusive education.

## National regulatory documents

Constitution of the  
Republic of Belarus  
(March 15, 1994)

- proclaims the human being, his rights, freedoms and guarantees of their realization as the highest value and goal of society and the state.

Law of the Republic  
of Belarus  
On the Rights of the  
Child (1993)

- Indicates the position of society and the state in relation to children with OPFR, their right to education (including vocational), family accommodation, medical care.

*Question 2. The Code of the Republic of Belarus on Education is the main document regulating the activities of a teacher of the special education system.*

The Code of the Republic of Belarus on Education entered into force on **01.09.2011**.

Education is divided into **basic, additional and special** (paragraph 4 of Article 11 of the Education Code of the Republic of Belarus).

**Special education** – training and education of students who are persons with special needs, through the implementation of educational programs of special education at the levels of preschool, general secondary education (paragraph 1 of Article 14 of the Code of the Republic of Belarus on Education).

The Education Code of the Republic of Belarus defines and regulates:

- legal, economic, social and organizational foundations of special education;
- opportunities and conditions for obtaining education for persons with special needs.

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