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FLASH REPORT

Country:	Czechia
Title:	Access of children with disability to assistance during classes may be restricted
Date:	5 October 2020
Expert:	Jakub Tomšej
<u>Context</u>	
Issue at stake:	Access of children with disability to education
Grounds of discrimination:	Disability
Field of application:	Education
Source:	National legislation
Applicable law:	Sections 1; 3 (1); 33 Act No. 2/1993 Coll., Charter of Fundamental Rights and Freedoms; Sections 1 (1) i); 2 Act No. 198/2009 Coll., Anti-Discrimination Act; Sections 2 (1) a) Act No. 561/2004 Coll., the School Act; Decree No. 27/2016 Coll., on the education of children with special educational needs; Convention on Rights of Persons with Disability; Convention on Rights of the Child

Content

In September, the Ministry of Education, Youth, and Sports presented a draft amendment to the Decree No. 27/2016 Coll., on the education of students with special educational needs,¹ also known as the 'inclusion decree' which is the main executive document on the practical implementation of inclusive education in the Czech Republic. Although the Minister of Education has justified this amendment with a need to increase efficiency and cut costs, the draft seems highly problematic in relation to the principle of equal treatment for children with disability.

Proposed changes relate to the Section 5 of the Decree which specifies the reasons where children with special educational needs can request to be assigned an assistant teacher. The assistant teacher simultaneously helps a teacher and a student with special educational need during the classes. This supportive measure has proven to be very useful and inclusive for children with every type of disability. However, the draft amendment aims to change the scope of children who could ask for the support of the assistant teacher.

Currently, according to the Section 5, a child with any special educational need is eligible for the help of an assistant teacher. The only requirement is to obtain a recommendation of a special pedagogical centre.

¹ Draft amendment to the decree no. 27/2016 Coll., on the education of children with special educational needs, available at: <https://apps.odok.cz/veklep-detail?pid=ALBSBT2J3U3L>.

The proposed amendment limits the scope of this right only to children with mental, visual, or hearing impairment, serious behavioural disorders, more than one disability, or autism. This means that for example children with physical disability, speech impediment, or learning disability would no longer be eligible. It is estimated that approximately 6 000 children currently using the help of an assistant teacher would be negatively affected by this change.² As a result, the assistants working with these children would have to be discharged or their services would need to be covered from alternative sources (e.g. parents). Many experts have criticised this.³

Currently, the amendment is in the comments procedure and it is not yet known what the exact timeline of the next steps will be.

Source: Draft amendment to the Decree No. 27/2016 Coll., on the education of children with special educational needs, available at: <https://apps.odok.cz/veklep-detail?pid=ALBSBT2J3U3L>.

² Seznam zprávy (2020), „Školství překvapilo novou vyhláškou k inkluzi. Část žáků má přijít o podporu (Ministry of Education surprised with the new decree about inclusion. Part of the pupils should lose the support)” – news article, available at: <https://www.seznamzpravy.cz/clanek/skolstvi-prekvapilo-novou-vyhlaskou-k-inkluzi-cast-zaku-ma-prijit-o-podporu-119118>.

³ Neovlivní.cz (2020), “Pod rouškou koronaviru: Plaga chce sebrat školní asistenty postiženým dětem (Minister Plaga wants to take away assistant teachers of the children with disability)” – news article, available at: <https://neovlivni.cz/pod-rouskou-koronaviru-plaga-chce-sebrat-skolni-asistenty-postizenym-detem/>.