**20/09/2013**

**Reply of Lithuania on the right of persons with disabilities to education**

1. **Do the national or local constitutions or laws of your country prevent or restrict access to any student with disabilities to regular schools at any levels? (E.g. based on a diagnosis or an assessment of their capabilities).**

Article 29 of the Constitution of the Republic of Lithuania states that no one’s rights may be restricted nor any privileges may be granted to anyone on any ground such as sex, race, nationality, language, origin, social status, religion, convictions, or opinions. Although protection from restrictions and discrimination on the basis of disability is not specifically set out in the Constitution, Article 6 states that „the Constitution shall be an integral and directly applicable act“. Thus every person may defend his rights by invoking the Constitution. In addition, Article 29 of the Constitution states that „all persons shall be equal before the law, the court, and other State institutions and officers“. Many other laws of the Republic of Lithuania governing various social relations enshrine the constitutional principle of equality and non-discrimination.

Article 4 of the Law on Equal Opportunities obligates the institutions of education, science and higher education to enforce equal opportunities. The institutions of education, science and higher education must provide persons with equal opportunities with regard to their age, sexual orientation, disability, race, ethnicity, religion or beliefs, when:

1) admitting persons to schools of general education, vocational schools, colleges, schools of higher education as well as qualification advancement, re-qualification and other courses;

2) granting student allowances and student loans;

3) drawing up, preparing, approving and selecting teaching programmes;

4) assessing knowledge.

Educational, science and higher education institutions as well as the bodies implementing adult education programmes must ensure, within their remit, that teaching programmes and textbooks do not contain provisions discriminating or promoting discrimination on grounds of age, sexual orientation, disability, race, ethnicity, religion or beliefs.

Article 3 of the Law on Social Integration of Persons with Disabilities provides that persons with disabilities have the same access as other members of society to education, work, leisure, social, political and community life (only in cases where the same conditions and measures have proved non-effective, special measures shall be drafted with a view to improving the situation of persons with disabilities).

The Law on Education (adopted in 2003, amended in 2011) provides definition of special educational needs (SEN). It includes not only the needs that might occur due to impairment/disorder, but also due to social and emotional disadvantages.

In 2010 Lithuanian Parliament ratified UN Convention on the Rights of Persons with Disabilities and its Optional Protocol. Ombudsperson Office monitors the implementation of this Convention.

1. **Is all education of children and adults with disabilities under the control of the Ministry of Education? Please specify if other ministries (e.g. Social Affairs or Health) have control over some educational facilities and detail the functions of such facilities**.

The education of children and adults (under 21 years old) with SEN is under the control of the Ministry of Education and Science. The education of students with very significant disabilities is provided in the social care houses (under the control of the Ministry of Social Security and Labor).

1. **Does your country have a plan or program that progressively promotes the transformation of the education system into an inclusive education system including some or all the following measures (please specify which measures):**
2. **Merge budgets and administration of special education and regular education within a geographical area;**

The financing of the education is based on the principle of a “student basket” (a fixed allotment for a single student). The financial allocation for a student with SEN is about 33% greater compared to a student without SEN.

Besides, the salaries of the administration and the teaching staff are higher where students with SEN are present.

b) **Transform existing special education resources – special schools or classes – into resources to assist the mainstream system to accommodate students with disabilities;**

 Existing special education resources, namely, special schools, are transformed to assist the mainstream system to accommodate students with disabilities. At the moment, there are 16 Regional Resource Centers.

Moreover, the EU Structural Funds are carrying out the financial Project ‘’The Reform of Special Schools, the Establishment of Resource Centres" (2012-01-03 till 2014-06-03).

c) **Train special educators to serve as additional resources to regular teachers;**

Special educators are trained to help students in the classroom serving as additional resources to regular teachers. Also, special educators advise teachers on the best teaching practice.

Furthermore, in addition to special educators, there are Teacher Assistants. Their functioning is regulated by the legislation of Minister of Education and Science.

d) **Progressively transfer all students from special programmes to regular classes**

 **supported by the resourced staff;**

The accessibility of inclusive education to a student with SEN is guaranteed by providing necessary educational support.

If there is a case that a student with SEN achieves significant academic accomplishments and social advancements, the student is transferred from special programs to regular classes.

1. **Allocate financial resources for the adequate accommodation, including reasonable accommodation of all students and for technical assistance to support ministry of educations officials, at the district, schools and classroom level;**

According to the Procedure for the provision of instruments of financial assistance to disabled students of schools of higher education, approved by Resolution No 831 of the Government of the Republic of Lithuania of 29 August 2006, disabled students (with severe or moderate disability level or whose capacity for work has been rated 45 percent or lower who study according to non-university, first or second cycle or university integrated study programmes and have no debts and no administrative sanctions were imposed on them) are provided with the following financial assistance instruments:

- for the fulfilment of special requirements – a targeted monthly benefit of the amount equal to 50 per cent of the State social insurance basic pension;

- for students of State schools of higher education whose tuition is party covered or is not covered from the funds of the State budget of the Republic of Lithuania – a targeted benefit equal to the amount 3.2 times the Government-set basic social insurance benefit for each semester as a partial reimbursement of the cost of studies;

- for students of State schools of higher education whose tuition is not covered from the funds of the State budget of the Republic of Lithuania – a targeted benefit equal to the amount 3.2 times the Government-set basic social insurance benefit for each semester as a partial reimbursement of the cost of studies;

- the persons mentioned in the sub-paragraphs above may be granted, using the European Union Structural Fund appropriations for the Ministry of Education and Science in accordance with the procedure prescribed by the Minister of Education and Science, a monthly targeted benefit intended to increase the accessibility of education of the amount equal to four Government-fixed basic social benefits.

In 2012, the amount of LTL 1,718 thousand was approved for implementation of the afore-mentioned measure, the amount of LTL 1,713.8 thousand, i.e. even 99.8 percent of the funds approved for implementation of the measure, was used. Following the Description of the Procedure for Provision of Financial Aids for the Disabled Studying in Higher Schools, 1,033 disabled students studying in 39 higher education schools including 932 (90.2 percent) disabled persons studying in 26 state higher education schools and 101 disabled persons (9.8 percent) studying in not state higher education schools were supported. 1,033 disabled persons were paid benefits for satisfaction of special needs, 464 disabled were paid target benefits for partial compensation of study expenses.

The financial resources concerning the learning materials are automatically allocated to schools through a ‘’student basket” once the application form is received at the National Centre for Special Needs Education and Psychology.

However, the financial resources relating to technical accommodation (e.g. school busses and appropriate software programmes) are assigned to the schools once application form is received at the Ministry of Education and Science or its subordinate institutions.

1. **Revise testing methods to ensure that (I) accommodation is made for students with disabilities and (II) they allow accessing adequate certification to reach the next level of education or graduate when finished;**

The programs and the exams are adapted to students with SEN according to their disorder or disability. Some students are exempt from the exam.

Furthermore, Mykolas Romeris University has developed a testing system, which is presented in the Article “Creating Suitable Physical Environment at the Institutions of Higher Education Considering the Needs of Students with Disabilities.”(S. Pilipavičiūtė, G. Ambrasas)

The main purpose of this research was to develop a model for measuring the suitability of a physical environment at the institutions of higher education considering the needs of students with disabilities. The article examines the progress under regulations made by the system of indicators.

1. **Provide pre-service and in-service training to teachers so that they can respond to diversity in the classroom (e.g. Train teachers in classroom techniques such as differentiated instruction and cooperative learning);**

At the moment there is functioning system for teacher training. The universities which run to programmes for special education provide compulsory pre-service training to students so that they are ready to respond to diversity in the classroom in the future. However, in some universities the credits for special education courses are optional.

In order to improve their qualification, the teachers must complete 60 hours of special education and psychology courses. The courses are fully funded by the educational institution.

The National Centre for Special Needs Education and Psychology is carrying out the project ’’Assist the Efficiency of a Student and the Development of the Quality”, stage 2, co-financed by the European Social Fund and the budget of the Republic of Lithuania for the period 2007-2013.

The main objectives are: to increase the effectiveness of student aid; to improve the teaching quality, education support; to support special educators; psychologists; speech therapists; social educators and other professionals to improve the functioning the education system by creating a safe environment for the student; to enhance the framework of assessment methodology of child development.

1. **Ensure that conditions that constrain teachers to teach inclusively are addressed (e.g. Address class size, Revise and adapt curriculum content in accordance with best practice; Ensure that school buildings and materials are accessible to children with disabilities and universal design is considered in construction);**

According to the Order of the Ministry of Education and Science, one student with high or very high SEN, studying in a general education classroom is equated to two students studying in regular class. The total number of students is automatically reduced accordingly.

The curriculum is being implemented in the educational process in accordance with the General Education program application guidelines.

Furthermore, formal education programmes may be adjusted to be shorter or longer than planned before. Students with SEN also have an option to have breaks from the programme or complete individual modules.

The majority of school buildings and materials are accessible to children with disabilities. In those schools the universal design is considered throughout the process of construction. All of this is being carried out according to the Project “Creating a Safe Environment at School’’, for the period 2007-2013.

1. **Recognize sign language as a language and teach sign language users in their own language in mainstream schools;**

On 9 April 2013, there was approved the Action Plan for the Use of the Lithuanian Sign Language for 2013–2017. Implementation of the measures under this action plan involves the improvement of the vocabulary of the Lithuanian sign language and development of sign language research, training of sign language researchers, preparation and publishing of specialised dictionaries for the Lithuanian sign language, enhancement of the methodological resources of the schools for the deaf and etc.

Lithuania has five sign language interpretation centres (in Vilnius, Kaunas, Klaipėda, Panevėžys and Šiauliai), and the Ministry of Social Security and Labour has the owner’s rights and duties in respect of these centres. Each centre for sign language interpretation provides interpretation services for two country territories and the deaf people residing therein. Sign language interpreter services are also provided by the public institution Centre for Educology for the Deaf and the Rehabilitation Centers of the Lithuanian Deaf Association.

In Lithuania, the Lithuanian sign language is recognized as a mother tongue of deaf children in 1995. Deaf children are educated bilingually at schools for deaf and hard of hearing. Parents of deaf and hard of hearing children who attend regular schools prefer their children to be educated in oral language. The right of the deaf to acquire higher education or vocational training and participate in society life is ensured by provision of free sign language interpreter services.

j) **Ensure support to attend to mainstream schools at request on individual basis as reasonable accommodation measure;**

According to The Law on Education Article 34, known as “Access to Education for Students with Special Educational Needs”, the Educational Psychological Service recommends specific school for the student.

In rare cases, if a student with SEN chooses a school that does not have support specialists, the teachers are tutored by school administration or municipal educational psychological service. In Lithuania students have the right to choose any school.

* 1. **Support organizations of persons with disabilities, civil organizations, including those of parents of children with disabilities to build capacity on the right to education and how to influence effective policy and practice.**

The rights of the disabled are protected by the associations of persons with disabilities which are representing them. When decisions are taken, efforts are made to consider the opinion and experience of the disabled. The laws and other legislation relevant to the disabled are drafted by the responsible public institutions in co-ordination with associations of persons with disabilities. One of the key institutions representing the disabled and their organizations is the Council for the Affairs of the Disabled, which includes, as participants, the representatives of the organizations of the disabled and vice ministers representing public institutions (ministries).

One of the key programmes whose measures have a direct impact as regards the improvement of the quality of life of persons with disabilities, is the National Programme for Social Integration of the Disabled for 2013-2019 approved by the Government of the Republic of Lithuania. The National Programme lists measures eligible for funding when implemented by non-governmental organizations operating in the area of social integration of the disabled and implementing a wide range of activities: social rehabilitation services for the disabled in the community, training of mobility and autonomy skills, relevant periodic information publishing and distribution among the disabled, and support for associations of the disabled. Non-governmental organizations are eligible for funding through their projects.

In implementing the project for social rehabilitation services for the disabled within a community and the project supporting the activities of the associations of the disabled wellness and leisure as well as work-linked training camps and hobby groups (drawing, sewing, needlework, knitting, handicrafts, sports, music, singing, dancing, drama, etc) are being organised. Courses, sessions and seminars are organised too. These activities implement the informal education of the disabled, contribute to their integration into the society and help them learn various skills.

There are many support organizations for children and adults with disabilities and civil organizations, aimed at the building capacity regarding the right to education and influencing effective policy and practice. Some of many examples: include Lithuanian Association of Disabled Persons ,,Viltis” and ,,Algojimas”.

1. **Does your country have accountability mechanisms in place to monitor exclusion, school registration and completion of education by persons with disabilities and are persons with disabilities and their families directly involved in the process?**

The legislation of the Republic of Lithuania oversees full rights of the disabled to schooling, appropriate support or modification of exams. However, the accountability mechanisms as such, exclusively related to students with SEN, are not in effect.