

## **Report of the Commission on a request for information from the European Ombudsman - Own-initiative inquiry ref. OI/3/2003/JMA concerning the European Commission**

Correspondence - 13/07/2009

**Case OI/3/2003/JMA - Opened on 19/11/2003 - Decision on 04/07/2007**

Analysis of the progress accomplished by the European Schools on integration of pupils with Special Educational Needs

### **Introduction**

The Board of Governors of the European Schools adopted its first educational Programme regarding the integration of pupils with Special Educational Needs (SEN) in 1999, and approved a revised version of the Programme in 2005 (1) [\[Link\]](#) (hereinafter 'the Programme'). Pupils with SEN are defined as children who have physical, mental, behavioural difficulties which affect their capacity to participate in mainstream education.

The Programme emphasises the integration of a SEN pupil into school life as far as possible. Integration, with an appropriate support, allows SEN pupils to develop and to progress in the normal year group to which they belong, provided that their aptitudes allow them to do so (2) [\[Link\]](#).

The main objective of the SEN Programme in the European Schools is to ensure that the SEN pupils *'are able to participate actively in mainstream education and in the common activities of the year group and class, according to their abilities and with appropriate support'*. This stipulates a guaranteed minimum active participation of the child in collective cognitive activities.

Although the European Schools do their utmost, it is important to mention that not all children with SEN can be accepted in the European School System. As stipulated in the Programme:

*'A School is entitled to declare itself incompetent and to recommend that the parents seek an alternative solution for their child's education, in an establishment better suited and equipped to*



*meet his/her (the child's) special needs'.*

## **1. Role of the Commission**

As the Ombudsman has stated in his decision, (3) [\[Link\]](#) the Commission does not have a leading role in the decisional process regarding the European School System, as the European Schools are ruled by an intergovernmental agreement. In the Board of Governors all Member States and the Commission have one vote each. The Commission participates in a large number of working groups and committees that prepare the meetings of the Board of Governors and is a member of the Administrative Board of each European School.

Regarding the educational Programme for SEN pupils, the Commission's main tasks are to monitor closely the evolution of the overall integration of SEN pupils in the European Schools and to make the necessary budgets available. Although the European Commission is not a member of the SEN Policy Group, responsible for the drafting of the SEN Programme (4) [\[Link\]](#), the Commission defends the interests of all SEN pupils in the meetings of all respective committees, in the sessions of the Board of Governors and during the meetings of the Administrative Boards of the Schools. Within the Administrative Boards, for instance, the Commission insists on the fact that there is no ceiling on the SEN budget of a European School. The Commission makes sure that all the necessary budget(s) for the SEN hours considered necessary by the School in question will be put at its disposal in order to cover the needs of the SEN pupils.

The Commission is not entitled to participate in the meetings of the advisory group (5) [\[Link\]](#) and is never involved in the decision concerning an individual child. Nevertheless, the Commission informs parents of SEN children about the SEN Programme and all its conditions and implications. It also answers the parents' questions in person, by phone, mail or letter and supports them to find the best possible solution for the education of their child.

Being well aware of the needs of the families, the Commission has encouraged and continues to encourage the management of all European Schools to do their utmost to integrate SEN pupils as far as possible. During the meetings of the Administrative Boards of the Schools, the Commission insists that the totality of the expenses for SEN pupils will be covered by the budget as long as the School formally requests the Commission to meet the budgetary shortfalls.

*1.1. The Annual report on the integration of SEN pupils into the European Schools (Statistical and qualitative analysis report on the integration of SEN pupils into all European Schools for 2005/2006 (Feb. 2007)) (6) [\[Link\]](#)*

By decision in its meeting on 22 and 23 May 2002 in Nice, the Board of Governors of the European Schools mandated the SEN Policy Group (7) [\[Link\]](#), of which the Commission is not a member, to provide an annual report on pupils covered by a SEN agreement. Since then, the SEN Policy Group produced an annual report on the progress of integration of SEN pupils in the



European School System and presented it to the Board of Governors. The Commission has noted in all previous sessions of the Board of Governors where the annual report was presented, that the report primarily provides a numerical view of the situation and furthermore does not always provide accurate figures. It lacks a detailed and thorough qualitative analysis and formulates only a limited number of recommendations for the Schools.

The '*Annual Report on the Integration of SEN pupils in the European Schools*' for 2005/2006 was presented at the meeting of the Board of Governors in Lisbon on 17 and 18 April 2007. During this meeting the Commission insisted again on the insufficient quality of the report of the SEN inspectors and requested a more thorough analysis of the figures and causes of withdrawals of the SEN programme to be included in next year's report. The Commission also underlined that a series of recommendations and guidelines for all the European Schools, and not only the Brussels Schools, should be formulated in order to enable the Schools to improve the integration of SEN pupils.

## **2. The integration of SEN children**

### *2.1. The possibilities of integration*

The possibilities of integration of a SEN child in a European School are analysed by an advisory group, which includes the Deputy Director of the School, the SEN inspector responsible, the parents, the teachers and usually a medical specialist from outside. The advisory group gives a positive or negative recommendation on the possibilities of integration for each individual SEN child. After a positive opinion, the Director of the School and the parents of the SEN pupil approve and can sign a yearly renewable agreement (8) [\[Link\]](#). After a negative opinion of the advisory group, the school can declare itself incompetent and the parents have to find alternative schooling for their child. In this case the School gives the parents advice on other schooling possibilities for their child and guides them, as far as possible, to find the most appropriate educational establishment for their child.

It must be noted that the European School System provides only general academic schooling. The European Schools do not provide professional or technical education. Although the European Schools do their utmost to integrate as many SEN pupils as possible, the Schools have certain restrictions that do not allow them to integrate all SEN children.

### *2.2. The annual agreement*

The advisory group studies in detail every new application for a child with SEN. The advisory group also assesses the situation of each integrated individual SEN pupil at least once a year in order to reconsider the possibilities and/or modalities for the integration and adapts if necessary the terms of the renewable annual agreement. In case the integration is recommended by the advisory group, then it defines the learning scheme for each individual SEN pupil. The main objective is to make sure that SEN pupils follow as closely as possible the mainstream curriculum, which ensures a better integration of the SEN pupil. If necessary the advisory group



adapts the curriculum and proposes a slimmed down curriculum.

'Children admitted into a European School as a SEN pupil are covered by a yearly renewable agreement, signed by the parents of the SEN pupil and the Director of the School. In the agreement are set out: the acceptance conditions, the individual teaching and learning scheme (educational and pedagogical), the pedagogical and financial support provided by the school and the contribution benefiting the pupil to be made by the parents, normally outside the school.'

(9) [\[Link\]](#)

The Commission is an active member of the Administrative Board of each European School and of the Board of Governors during which all important changes to the SEN Programme are discussed. To the Commission's knowledge, no proposals were made to reduce or refuse the participation of parents in the advisory group and no complaint was received from parents of a SEN pupil stating that their role in the advisory group would be reduced or their presence refused. The Commission considers that the input of the parents is of crucial importance for the entire advisory group and especially for the well-being of the child.

The Ombudsman states in his decision that parents of SEN pupils express 'concern over the fact that the annual renewal of the convention upon which individual programmes for SEN children are established produces uncertainty among parents regarding how the situation is to develop over time'. (10) [\[Link\]](#) In this regard the Commission would like to point out that the situation of a SEN pupil has to be carefully monitored: it can improve - some SEN pupils may no longer have special educational needs (11) [\[Link\]](#) - or can get worse over a short period of time. The renewable annual agreement allows the parents and the school to make the necessary adjustments to the support or the curriculum in order to assure the best possible integration of the SEN child. The Commission considers that this way of proceeding helps the parents to find the best educational solution for their child and allows the school to adapt the schooling to the needs of the child over time.

### *2.3. The SEN policy group and the role of the SEN inspector*

The Programme foresees two SEN inspectors: one for SEN pupils in nursery and primary, and a second one for SEN pupils in secondary. In order to have a harmonised opinion in the different advisory groups, the inspector is present at all advisory groups and follows all files.

In order to make the System even more objective, the Board of Inspectors was asked to draw a document in which the minimum standards for all pupils are described in detail (12) [\[Link\]](#).

### *2.4. The minimum standards*

In 2005, the Board of Governors appointed a working group with the mandate to elaborate



proposals regarding the Future of the European Schools. During its meeting of 30 and 31 January 2007, the Board of Governors discussed the matter and proposed that *'the Board of Inspectors should indicate a set of minimum standards relating to the educational provision for all pupils and consider whether further measures are necessary to promote the concept of inclusive education in the European Schools'* (13) [\[Link\]](#).

In the sessions of the working group and during the meeting of the Board of Governors, the Commission supported the idea of creating a set of minimum standards. This document will give all parties involved in the integration of a SEN child a solid basis and objective standards on which the enrolment or the refusal of integration of each individual SEN child can be based.

### **3. Progress made by the European Schools regarding the integration of SEN pupils**

#### **3.1. Figures concerning the integration of SEN pupils** *3.1.1. The number of SEN pupils integrated in the European Schools*

According to the Annual Report on the integration of SEN pupils into the European Schools for the school year 2005/2006, prepared by the SEN inspector and presented to the Board of Governors at its meeting in April 2007 (14) [\[Link\]](#), the number of SEN pupils integrated in the European Schools is increasing every year. In 2004/2005 the total number of SEN pupils was 274 (7 in nursery, 165 in primary and 102 in secondary). In 2006/2007 the total number was 388 (21 in nursery, 210 in primary and 157 in secondary). Comparing those figures, a total increase of 41% (114 new enrolled SEN pupils) is noted. Furthermore, the number of SEN pupils increases in almost all European Schools and in all the different age groups.

The same Annual Report states that the existing differences in the number of SEN pupils between the different language sections can only be accidental.

#### *3.1.2. The number of pupils leaving the Programme*

According to the annual report, 16.3% of the SEN pupils (63 out of 387) withdrew from the agreement. Several reasons are put forward:

- (a) 43.28% of the parents (29 out of 67) decided to find another school for their child(ren). Unfortunately the report does not give us any further information as to why parents opted for another school;
- (b) 20.89% (14 out of 67) of the withdrawals were due to the fact that parents were changing jobs and had to move to another city, where some SEN pupils (exact figures are not known) were integrated in the European School of their new city;
- (c) 8.95% of the SEN pupils (6 out of 67) made a level of progress which allowed them to follow the mainstream curriculum and therefore no longer needed special assistance of any kind;



(d) For 26.88% of the SEN pupils (18 out of 67), after having received negative advice from the advisory group, the Director of the School decided not to extend their SEN agreement. This is based on the requirements for pupils with SEN to be able to participate in a minimum of cognitive activities, and the entitlement of the European School to declare itself incompetent to meet the needs of particular SEN pupils.

26.88% of the SEN pupils have to find another school which is better suited and has staff qualified to deal with their educational needs. With regard to the 26.88% of the SEN pupils whose SEN agreement was not extended, the Commission would like to stress its initiative to create a set of objective minimum standards (see 2.4).

The Commission's other concern is for the 43.28% of parents who decide to withdraw their children from the European School System. The Commission has requested a more detailed analysis of the reasons why these parents withdraw the enrolment of their children in future Annual Reports on the Integration of SEN pupils. This will help the Commission to promote and defend the necessary improvements and adjustments to the SEN Programme in the respective boards and committees.

### **3.2. Budget for the integration of SEN children** *3.2.1. Budget*

The Commission asks the European Schools to provide an estimate of the subsidy they will need for the school year to come. In case it appears necessary to allocate extra budget to a European School, which was not foreseen in the budget, the Community budget has always been able to cover such requests by schools. Indeed, the Commission supports the policy of the ES to integrate SEN pupils as long as their integration in a ES is considered possible by the advisory SEN group. For information, the budget planned for SEN pupils in the ES budget 2007 is € 2 785 927.

#### *3.2.2. Premises and material aspects*

Almost all the premises of the European Schools are built to integrate SEN pupils with physical special needs (e.g. a ramp has been built in Karlsruhe; in Frankfurt a bathroom hoist has been installed in order to lift a SEN pupil out of her wheelchair). According to the annual report, more small rooms for individual work with SEN pupils are not always foreseen in the schools. The Commission insists during the Administrative Board of each School that everything should be done, including changes to the school premises, to make the integration of SEN pupils as smooth as possible.

#### *3.2.3. Reimbursement of the cost of exceptional schooling for a SEN pupil*

When a European School declares itself incompetent to integrate a SEN pupil in the European School System and the SEN pupil goes to a specialized school, parents can under certain conditions ask for reimbursement of school fees. Article 76 of the Staff regulations of officials of the European Communities and Articles 30, 71 and 98 of the Conditions of Employment of other



Servants of the European Institutions are applicable. More information about the conditions and the reimbursement can be found on "

[http://www.cc.cec/pers\\_admin/social\\_bxl/social/funds\\_fr.html#4](http://www.cc.cec/pers_admin/social_bxl/social/funds_fr.html#4) [Link]" and on the Inter-institutional Guidelines which were last modified on May 1 st 2004.

The issue of the full reimbursement of educational costs for all those EU staff' children with SEN who are excluded from the European Schools System because of their degree of disability was discussed at the 249<sup>th</sup> meeting of the "Collège des Chefs d'administration " on 12 September 2007. At this meeting it was decided that the "Comité de Préparation pour les Affaires Sociales" should assess the impact for the Institutions of such full reimbursement.

### **3.3. Inclusive teaching methods**

In the SEN programme the following is to be found on the concept of inclusive teaching methods:

*'Real integration presupposes the use of inclusive teaching methods in all activities, as far as possible matching these pupils' aptitudes. Too great a proportion of individual tuition is yet another form of exclusion, marking out the pupils in question as different and stigmatising them. That is why it is desirable for LS (Learning Support) or SEN teachers to provide support for such pupils in the class into which they have been integrated .'*

In the working group on the Future of the European Schools, the Commission supported the idea of assessing to what extent inclusive teaching methods are being used in the European Schools. At its meeting of January 2007, the Board of Governors proposed that *'the Board of Inspectors considers whether further measures are necessary to promote the concept of inclusive teaching methods in the European Schools'*. (15) [Link] The results of this assessment are not yet available.

### **3.4. Coordination of SEN cases** 3.4.1. *The launching of a pilot project SEN Resource Centre*

In the working group on the Future of the European Schools, the Commission supported the idea of launching a pilot project for a SEN Resource Centre. This would be a centre that provides all European Schools with expertise and advice about facilitating to the maximum degree possible the integration of SEN pupils. The Board of Governors, at its meeting of January 2007, proposed this idea to the Board of Inspectors and awaits its opinion on the topic. (16) [Link]

#### *3.4.2. The SEN coordinator*

Each School has a certain amount of SEN coordination time. The SEN coordination time is used for the following tasks: compilation of the case files, note-taking during the advisory group meetings, drawing up of the agreement, monitoring the different cases, liaison with the SEN inspector, etc.





It is up to the School management to decide whether to appoint one SEN coordinator or to divide the SEN coordination time among different colleagues. The Commission has no say in how the School management should proceed. In the School of Brussels I-Uccle, for instance, two people have SEN coordination time in their task package: one person is in charge of the coordination of the SEN files in the nursery and primary school, and another person is in charge of the SEN files in the secondary school.

## 4. Conclusion

The Commission notes that, over the years the SEN Programme has been implemented, the number of SEN pupils integrated in the European Schools has seen a significant increase. It also appears that the Commission has made the necessary budgets available in order to give the European Schools the possibility of integrating SEN pupils as much as possible. The Commission will continue to monitor closely the reason(s) for withdrawal from the SEN programme and will continue to insist that the SEN Policy Group responsible for the annual report should provide answers to its questions regarding this issue.

The Commission continues to participate actively in the debate for the improvement of the SEN policy and awaits with great interest the reaction of the Board of Inspectors regarding the set of minimum standards and the advice of the same Board of Inspectors regarding the pilot project for a SEN Resource Centre. It also awaits the reaction of the Board of Inspectors on the question whether further assessment regarding inclusive teaching methods appears to be necessary.

The Commission will continue to defend the interests of SEN children in the Board of Governors and in the Administrative Boards of the Schools. Regarding the SEN Programme, the Commission's first objective has always been and will always be the well-being and the progress of children with SEN.

(1) [\[Link\]](#) *Integration of SEN pupils into the European Schools*, reference: 2003-D-4710-en-6. This document repeals the document of 1999 (reference: 811-D-1999).

(2) [\[Link\]](#) See point 2 of this analysis regarding the integration of SEN pupils.

(3) [\[Link\]](#) Decision on the Own-initiative inquiry ref. OI/3/2003/JMA concerning the European Commission (dated 4 July 2007).

(4) [\[Link\]](#) See point 2.3 of this analysis regarding the SEN policy group and the role of the SEN inspectors.

(5) [\[Link\]](#) See point 2.1 of this analysis regarding the modalities of integration of SEN children.





(6) [\[Link\]](#) Reference: 2007-D-431-en-2.

(7) [\[Link\]](#) See point 2.3 of this analysis regarding the SEN policy group and the role of the SEN inspectors.

(8) [\[Link\]](#) See point 2.2 of this analysis regarding the annual agreement.

(9) [\[Link\]](#) See point 4.1, 1 st indent, of *Integration of SEN pupils into the European Schools* (reference: 2003-D-4710-en-6).

(10) [\[Link\]](#) See point 5.5, second indent, of the Decision on the own inquiry OI/3/2003/JMA concerning the European Commission.

(11) [\[Link\]](#) See point 3.1.2 (c) of this analysis.

(12) [\[Link\]](#) See point 2.4 of this analysis regarding the minimum standards.

(13) [\[Link\]](#) See point X (iii) of *the Decisions of the Board of Governors of 30 and 31 January 2007* (Reference: 2007-D-282-en-1.)

(14) [\[Link\]](#) See point 1.1 of this analysis.

(15) [\[Link\]](#) See point X (iii) of *the Decisions of the Board of Governors of 30 and 31 January 2007* (Reference: 2007-D-282-en-1.).

(16) [\[Link\]](#) See point X, second paragraph, of *the Decisions of the Board of Governors of 30 and 31 January 2007* .