

DEVELOPING LEGAL AND ORGANIZATIONAL MECHANISMS TO IMPROVE THE EFFECTIVENESS OF TEACHING STUDENTS WITH DISABILITIES AT UNIVERSITIES

DESENVOLVENDO MECANISMOS LEGAIS E ORGANIZACIONAIS PARA MELHORAR A EFICÁCIA DO ENSINO DE ALUNOS COM DEFICIÊNCIA NAS UNIVERSIDADES

DESARROLLAR MECANISMOS LEGALES Y ORGANIZATIVOS PARA MEJORAR LA EFICACIA DE LA ENSEÑANZA DE ESTUDIANTES CON DISCAPACIDAD EN LAS UNIVERSIDADES

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ABSTRACT: This article considers how people with disabilities can obtain a higher education degree. This study aims at determining possibilities for improving legal, organizational, and technical mechanisms for inclusive education. The authors of the article conduct a comparative analysis of inclusive education models based on their implementation in Russia and foreign countries. The authors note that inclusive education models used in the Russian universities face organizational and legal, scientific, and methodological difficulties in their implementation. They also conclude that global inclusive education models are more independent, structured, and legally oriented, work with a wider range of people with special educational needs than the Russian models. To solve the existing issues of inclusive education at universities, a model of interaction between participants is proposed based on legal mechanisms for continuous support.

KEYWORDS: Inclusive education. Disabled people. Discrimination. Integration.

RESUMO: Este artigo considera como as pessoas com deficiência podem obter um diploma de ensino superior. Este estudo visa determinar possibilidades para melhorar os mecanismos legais, organizacionais e técnicos para a educação inclusiva. Os autores do artigo realizam

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uma análise comparativa de modelos de educação inclusiva com base em sua implementação na Rússia e em países estrangeiros. Os autores observam que os modelos de educação inclusiva utilizados nas universidades russas enfrentam dificuldades organizacionais e legais, científicas e metodológicas em sua implementação. Eles também concluem que os modelos globais de educação inclusiva são mais independentes, estruturados e legalmente orientados, trabalham com uma gama mais ampla de pessoas com necessidades educacionais especiais do que os modelos russos. Para solucionar os problemas existentes de educação inclusiva nas universidades, propõe-se um modelo de interação entre os participantes baseado em mecanismos legais de apoio contínuo.

PALAVRAS-CHAVE: *Educação inclusiva. Pessoas com deficiência. Discriminação. Integração.*

RESUMEN: *Este artículo considera cómo las personas con discapacidad pueden obtener un título de educación superior. Este estudio tiene como objetivo determinar las posibilidades de mejorar los mecanismos legales, organizativos y técnicos para la educación inclusiva. Los autores del artículo realizan un análisis comparativo de los modelos de educación inclusiva en función de su implementación en Rusia y países extranjeros. Los autores señalan que los modelos de educación inclusiva utilizados en las universidades rusas enfrentan dificultades organizacionales, legales, científicas y metodológicas en su implementación. También concluyen que los modelos globales de educación inclusiva son más independientes, estructurados y orientados legalmente, trabajan con una gama más amplia de personas con necesidades educativas especiales que los modelos rusos. Para solucionar los problemas existentes de educación inclusiva en las universidades, se propone un modelo de interacción entre los participantes basado en mecanismos legales de apoyo continuo.*

PALABRAS CLAVE: *Educación inclusiva. Personas discapacitadas. Discriminación. Integración.*

Introduction

One of the directions for developing modern higher education is its humanization. The social system of education should meet humanistic norms and ideals, as well as get an individual acquainted with the culture of humanism within the educational process and extracurricular activities (BUKHTEEVA *et al.*, 2019; SHISHOV *et al.*, 2018). To attain this end, it is necessary to create conditions for the development of students as persons, as individuals, and as independent actors, considering their interests, capabilities, and abilities, on the one hand, and in accordance with the requirements of society, on the other hand (BELOUS *et al.*, 2021). Indeed, this understanding of humanization will ensure the further effective development of an individual (PODDUBNAYA *et al.*, 2021; SHAPOSHNIKOVA *et al.*, 2021). From the viewpoint of humanization, any democratic state strives to provide conditions for the disabled and persons with disabilities to receive high-quality professional education, including higher

education, as a guarantee of their future independence and economic self-sufficiency. Over the past decades, there has been a steady decline in the level of the physical well-being of the population. This circumstance is one of the reasons for the influx of students with disabilities into educational institutions: "According to the Ministry of Education and Science of the Russian Federation, 5,190 disabled people were admitted to the country's universities in 2013, 5,179 people in 2014, and 7,594 people in 2018" (KANTOR; PROEKT, 2019). Similar processes take place in other countries. In the UK, almost 15% of the working-age population have health limitations, and about 4% of university students are people with disabilities (RIDDELL *et al.*, 2002). In this regard, the existing educational needs of all people should be regarded as a necessary resource for the development and improvement of each university, which involves a set of radical changes and transformations aimed at creating an inclusive society, adapting the quality of education to a wider range of students and their educational needs (ALEKSANDROVA *et al.*, 2021; AKHMEDOVA *et al.*, 2021).

Inclusive education models create a unified educational environment for all people, regardless of their physical or mental health, development level, ethnicity, religion, gender, or socioeconomic status (SHATSKAYA, 2021).

Due to its relevance, the topic of inclusive education is the subject of active discussion. There are many scientific works concerned with this issue. The studies reflecting different directions and aspects of inclusive education are prepared by representatives of psychology and pedagogy, such as Muller (2017) and Segal (2013) (the comparative analysis of the Russian and world experience), Mitchell (2011) (the use of evidence-based learning strategies in inclusive teaching), etc. The study also addresses general organizational (DAMADAEVA; BEKHOEVA, 2019), organizational and technical (PALKHAEVA; ZHUKOVA, 2017), and legal issues (BALASHOV; KRASNOVA; KHRISTOFOROVA, 2020) of inclusive education. Despite the concepts of "inclusive higher education" or "inclusive professionalization" being widely studied by various scientists, there is not enough research on this topic. Thus, one of the main tasks is to define and systematize problems, including legal, related to the creation of an inclusive education environment in universities. The research hypothesis is as follows: for the full implementation of inclusive education in universities of the Russian Federation, a fundamental legal framework has been created but it is still necessary to systematize the regulations to implement inclusive education and ensure its functioning at a more comprehensive level.

Methods

While working on this article, we used both systematic and integrated approaches that ensured the use of general and special scientific methods. Analysis, synthesis, comparison, and generalization were used to study literature sources related to the research topic. Using the statistical method, we determined the distribution of the phenomenon under consideration in society. The transition from a general concept to a particular one allowed to single out inclusive education in universities as a separate element of the educational environment. The comparative-legal method identified common and specific features of inclusive education in different countries in order to correlate the Russian experience with world practice. To prove the research hypothesis, the following information materials were used: legal acts; published scientific papers with scientific opinions on various aspects of inclusive education at the university; official statistics and other information on the topic available on the Internet. Based on the proposed hypothesis, special research methods were identified: a survey and an expert survey on the factors hindering the introduction of inclusive education into universities. We contacted 30 experts involved in organizing the educational process (heads of various departments, deans and deputy deans of various faculties of nine metropolitan universities) who agreed to answer some questions on the issues of inclusive higher education. The criteria for selecting experts depended on whether they had at least three articles on this topic published in journals included in the Scopus or Web of Science databases. E-mails were sent to the experts asking what problems and how much (in %) hinder the spread of inclusive education at the university (in the form of a questionnaire).

Results

The human right to education and guarantees of its receipt play a special role among the fundamental rights and freedoms. Article 43 of the Constitution of the Russian Federation of 1993 claims as follows: everyone shall have the right to education; guarantees shall be provided for general access to and free pre-school, secondary, and higher vocational education in state or municipal educational establishments and at enterprises; everyone shall have the right to receive on a competitive basis a free higher education in a state or municipal educational establishment and at an enterprise; and prohibits the discrimination of citizens for health reasons. Thus, any mental or physical handicap cannot become an obstacle to the realization of the above-mentioned rights.

Important steps towards the creation of the Russian system of lifelong inclusive education were signing (September 24, 2008) and subsequent ratification (May 3, 2012) of the

key international document in the field of protecting the rights of persons with disabilities, i.e., the UN Convention "On the Rights of Persons with Disabilities" (2006). The purpose of this document is to "promote, protect and ensure the full and equal enjoyment by all human rights and fundamental freedoms by all persons with disabilities". Article 24 establishes that "States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and based on equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning". The respondents (Table 1) identified the main problems representing the attitude of experts to inclusive higher education. All of the above-mentioned provisions are reflected in the main legislative act in the field of education in Russia, i.e., Federal Law "On Education in the Russian Federation" No. 273-FZ (RUSSIAN FEDERATION, 2012). Many of its provisions can be called innovative. For the first time, the concept of inclusive education was clearly regulated, which began to be understood as "ensuring equal access to education for all students, considering the diversity of special educational needs and individual opportunities" (Clause 27 of Article 2). The rights and freedoms of all categories of students (from preschoolers to postgraduate students) were defined, and the obligations of state bodies (federal and regional) and educational organizations to create the conditions necessary for obtaining high-quality education were enshrined.

Table 1 – Various answers to the question "What hinders the introduction of inclusive education in higher education?"

Challenge	Impact
Lack of technical capability	48%
Lack of specially trained personnel	35%
Unwillingness of ordinary students to study together with students with disabilities	12%
Insufficient legal framework for inclusive teaching and learning	5%

Source: compiled by the authors

In accordance with Article 79 of Law No. 273-FZ (RUSSIAN FEDERATION, 2012), to train people with disabilities, educational organizations (regardless of their level and profile of activity) should create "special conditions":

conditions for training, education and development, including the use of special educational programs and methods of education and upbringing, special textbooks, teaching aids and didactic materials, special technical training aids for collective and individual use, services of an assistant providing students with the necessary technical support, holding group and individual remedial classes, providing access to the buildings of organizations

carrying out educational activities, and other conditions without which it is impossible or difficult to master educational programs for students with disabilities (BALASHOV; KRASNOVA; KHRISTOFOROVA, 2020).

This obligation is reinforced by the regulation on licensing educational activities (RUSSIAN FEDERATION, 2013). Failure to comply with this requirement is the basis for refusal to obtain a license for the right to carry out educational activities or for the suspension of the existing license in the course of control and supervision measures, even if people with disabilities are not actually taught (BALASHOV; KRASNOVA; KHRISTOFOROVA, 2020).

According to legal documents in a professional educational organization, it is recommended to create a separate structural unit responsible for educating disabled people and people with disabilities; governing educational activities for teaching disabled people and persons with disabilities through local regulations; maintaining special records of students with disabilities and disabled people at the stages of their admission to an educational organization, training and subsequent employment; teaching students with disabilities both jointly with other students, and in separate classes, groups or in separate educational organizations engaged in educational activities; the number of students with disabilities in the study group is set to 15 people; adapting the official websites of educational organizations on the Internet with due regard to special needs of the visually impaired, bringing them to the international standard for the accessibility of web content and web services (WCAG) (MARCHENKO, 2019).

Universities should employ specialists who are competent in the implementation of individual programs for the rehabilitation of disabled people, as well as the adaptation of educational programs already being implemented by the organization for all categories of persons with disabilities: deaf, hearing-impaired, blind, visually impaired, severe speech impairments, impaired musculoskeletal motor apparatus, mental retardation, autism spectrum disorders. For representatives of all designated categories, it is necessary to create an accessible environment that includes the appropriate material base. In addition, the full socialization of people with disabilities and disabled people requires a favorable psychological, social and developmental environment (KANTOR; PROEKT, 2019). For these purposes, it is desirable to have psychologists, correctional teachers, mentors and assistants, as well as specially trained volunteers. In the Russian system of higher education, all this seems difficult to implement (BALASHOV; KRASNOVA; KHRISTOFOROVA, 2020).

In this regard, it is relevant to use the comparative approach to the state and technologies of inclusive education in Russia and other countries.

In world practice, the emphasis is not on the creation of special conditions, which indicate certain limitations in a person (OLKHINA *et al.*, 2016) (as well as the very requirement of documentary confirmation of the status of a disabled person can be regarded as a discriminatory condition (RIDDELL *et al.*, 2002), but on assistance to persons with HIA in their full integration into society. Thus, Professor of the Grenoble Alpes University A. Tretiak made a report at the international forum "Creating a system to support the activities of institutions of higher education for the implementation and development of inclusive education" and changed the focus from "facilitating" living conditions to helping people with disabilities understand their personal needs and goals, motivation for education and self-development. The issues of "life support" should be solved by state and public structures, and the task of universities is to build an individual vector of socialization for the disabled and people with disabilities in cooperation with these services (ANDREEV *et al.*, 2018).

The inclusive model of higher professional education in foreign countries is characterized by the variability and mobility of systems transformed into a holistic process that affects not only international legal relations but also "society, preventing discrimination at the state and any local level" (ARMSTRONG; ARMSTRONG; SPANDAGOU, 2011). In the United States, inclusive education is based on three major federal laws that protect the rights of people with disabilities: Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504) и Americans with Disabilities Act (ADA). Thus, IDEA is a law that provides for special education, Section 504 protects the rights of students with disabilities, ADA excludes discrimination in the labor sphere (GLUZMAN, 2019). At the same time, the creation of any special conditions for the functioning of an inclusive environment in educational institutions is not regulated by law. In practice, this grants universities greater freedom in forming their own inclusive environment, creating forms, approaches and methods based on the fundamental acts, social principles and traditions of a particular university.

The UK has established a nationwide support system for children and young people with disabilities. According to the Equality Law (2010), it is illegal for every educational institution, including private ones, to distinguish students based on their disability. According to Yu. V. Boginskaya (2016),

[...] in the UK, according to the Guidelines for the provision of students with disabilities with higher education, there are six groups of students with disabilities: dyslexia; hidden diseases (diabetes, epilepsy, asthma); mental disorders; hearing impairments; visual impairments; disorders of the musculoskeletal system (BOGINSKAYA, 2016).

The British system of financial support for students with functional disabilities is similar to the US one: "[...] the state provides students with government grants, loans or other payments to the Councils for Education and Training to organize appropriate support for students with disabilities" (MORIÑA, 2016). In the UK, scholarships for students with disabilities are regulated and provided by both government agencies or non-governmental organizations and universities.

All universities provide support services for students with disabilities. For example, the Queen's University Belfast has a Center for Supporting the Disabled. The Disability Service has been operating at the University of Edinburgh for many years. A service desk for disabled students and students with disabilities was established at the Open University in Yorkshire (GLUZMAN, 2019).

TU Dortmund University is a leader in the field of inclusion in Germany. For almost 40 years, the university has been making higher education accessible to people with disabilities. In 1977, the first advisory service for students with disabilities or chronic illnesses was established at TU Dortmund universities and colleges. For example, the University of Wuppertal has a Service for Disabled and Chronically Ill Students. The Service for Disabled and Chronically Ill Students functions at the University of Heidelberg. The Service for Students with Disabilities and Chronic Illnesses has been operating at the Technical University of Berlin for many years. The Dortmund Center for Disabilities and Academic Studies (DoBuS) operates at the Technical University of Dortmund, which is a renowned scientific, methodological and educational institution (GLUZMAN, 2019). DoBuS is unique in the Federal Republic of Germany, whose activities are supervised by experts from the Faculty of Rehabilitation Sciences. The center specializes in creating equal opportunities for persons with disabilities and chronically ill students. DoBuS strives to support other universities by providing recommendations to ensure the university is barrier-free and has access to education. For all students of universities, colleges and higher schools, the country provides people with disabilities with student loans, regardless of their status (GLUZMAN, 2019).

The above-mentioned information is compiled in a comparative table of inclusive higher education in Russia, the USA, Great Britain and Germany.

Table 2 – Comparative table of inclusive higher education in Russia, the USA, Great Britain and Germany

Country	Special legislation	Principles, approaches, features
Russia	Federal Law "On Education in the Russian Federation"	Creating special mandatory conditions for the functioning of an inclusive educational environment.
USA	Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section Americans with Disabilities Act (ADA) No Child Left Behind Act (NCLB)	Refusal of specialized care and special education, joint public and private funding, grants.
Great Britain	Disability Discrimination Act Every Child Matters (ECM) Program	Denial of special care and special education. Support services for students with disabilities.
Germany	Special education concept	Forming support centers for the disabled, advisory services, preferential support loans.

Source: Compiled by the authors

Thus, foreign universities utilize different inclusive education models due to cultural diversity. At the same time, they generally focus on the institutionalization of inclusion with the assignment of its functions to certain intra-university organizations, strict legal regulation, as well as a predominantly broader understanding of inclusiveness than in Russia.

Discussion

The fundamental basis of the Western concept of inclusive education is the recognition of the uniqueness of all people, their dignity and diversity, as well as the exclusion of all forms of marginalization and discrimination, the focus on ensuring the full and harmonious integration of all people into the education system. While analyzing inclusive education in developed economies, N.V. Segal claimed that education authorities in Austria, Germany, Greece, Portugal, France, Iceland, Norway, Denmark, Finland, Sweden, USA, Canada, New Zealand, and South Africa had significant powers in managing inclusive education and were fully responsible for this process. They grant educational institutions relative independence in choosing pedagogical approaches to the organization of inclusive education and monitoring its effectiveness in accordance with the main goals of the global and National Education System (SEGAL, 2013).

Modern Western studies spread the system of inclusive education to such a socially unprotected category of the population as migrants. Foreign scholars consider the educational opportunities for migrants as the most pressing issue of inclusion. Sedmak, Hernández, Sancho and Gornik (2021) mentioned how issues related to the integration and inclusion of migrant children and youth are addressed, how problems are studied, what methodological approaches are used, and, consequently, how research results are reflected in the educational policy pursued at the national and EU levels.

Damadaeva and Bekhoeva (2019) considered the problems and opportunities for the implementation of inclusive education in Russian universities. To fully realize inclusive ideas, normative or legislative reforms alone are not enough, a proper understanding on the part of society and educators is necessary. As a result, the authors concluded that it is necessary to create inclusive educational centers at universities. They also suggested the main possible directions of the center's activities, their structure and resources.

A number of authors mentioned legal barriers to the introduction of inclusive education in the educational environment of universities. Balashov, Krasnova, and Khristoforova (2020) drew attention to close but not identical concepts of a "disabled person" and "person with disabilities", and the need to confirm these statuses in different instances, as well as the indirect interaction of higher education institutions with medical authorities and commissions of psychology and pedagogical support since all communication comes down to receiving a document on disability or a recommendation from commissions of psychology and pedagogical support.

They also highlighted the lack of communication between medical and pedagogical bodies: medical and social experts often do not include either correctional teachers or psychologists. As a result, the individual rehabilitation card of a disabled person can say: "needs special pedagogical conditions", "an adapted educational program is required", etc. without any explanations and recommendations for educational organizations (BALASHOV; KRASNOVA; KHRISTOFOROVA, 2020).

According to O.Y. Muller, one of the largest problems is a contradiction, when social and personal needs in inclusive higher education require special approaches, forms, and methods, which is hindered by insufficient scientific and methodological support in universities (SEGAL, 2013).

Thus, the principle of equal access to education for everyone proclaimed in the federal legislation has not been implemented as it requires the development of basic approaches and the choice of management tools. The education system primarily focuses on creating special

conditions in each educational institution, regardless of its level and direction, and not on the socialization of the disabled and people with disabilities. This, as well as the lack of detailed and unambiguous state regulation of this area, leads to the fact that the introduction of inclusive education in higher education is often chaotic and fragmented.

Conclusion

In the course of the research, we have concluded that the Russian legislation enshrined equal rights for mentally and physically challenged students but mechanisms for their implementation have not been formed yet. Further studies should consider the world experience in realizing inclusive teaching and learning in higher education, as well as monitor their effectiveness and satisfaction of its participants with this process.

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