

ANED country report on equality of educational and training opportunities for young disabled people

Country: Bulgaria

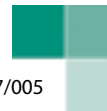
Author(s): Kapka Panayotova

The information contained in this report was compiled by the Academic Network of European Disability experts (ANED) in May 2010.

The [Academic Network of European Disability experts](#) (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network will support the future development of the EU Disability Action Plan and practical implementation of the United Nations Convention on the Rights of Disabled People.

This country report has been prepared as input for the Thematic report on the implementation of EU Equality of educational and training opportunities in European countries with reference to equality for young disabled people.

The purpose of the report ([Terms of Reference](#)) is to review national implementation on equality of educational and training opportunities for young people, and in particular the National Strategic Reports of member states from a disability equality perspective in education and training, and provide the Commission with useful evidence in supporting disability policy mainstreaming.



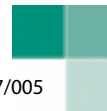
Section 1: Executive summary and conclusions

The Bulgarian education system is still dominated by segregated forms of teaching and learning. Despite considerable progress towards inclusion of disabled children in mainstream schools – the number of students with SEN in mainstream schools has grown by 10 times over the last five years – their share remains too low, at only 1,4% of the overall enrolment in primary and secondary schools. A large proportion of disabled children are outside the system: children with extensive disabilities and complex needs, as well as those in residential care. Another large group is enrolled in special schools with or without boarding facilities that are excluded from the community. Latest policy documents of the Government sound promising, although there is as yet no indication of real action.

Despite legislative changes in favour of inclusive education there is still much to be done. An extensive list of necessary measures has been compiled by NGOs and passed on to the Government but as yet there has been no response. The current needs assessment procedures, teaching methods and funding mechanisms need serious revision and improvement, not to mention the physical accessibility of education settings, which requires immediate adjustments.

Funding mechanisms in the public education system have changed recently and a standard per student has been introduced for all students, which is higher when the child has special needs. However, the assessment of these needs does not affect the funding in a form of an individual budget to follow the child. Thus, money earmarked for disabled children cannot be traced in order to judge its effectiveness and efficiency. It is clear though that funding of special schools costs twice as much as per student with SEN status than it does in mainstream settings.

The above findings make monitoring and evaluation of inclusion an area that needs urgent measures. This requires the information gap to be filled in as soon as possible. Quality of inclusion is another serious issue. Quality standards and follow up procedures need to be introduced to make sure that the resources and efforts involved in inclusive education are made in the best interests of the child. Since the process started, in real terms no study or research has been performed – if anything, reports focus on access to education in general.



Section 2: Legal and policy context

The key piece of legislation that regulates the education system in Bulgaria is the Public Education Act (PEA).¹ It differentiates education levels, types of schools, governance and management mechanisms for all public education units – school settings and school support organisations. Detailed regulation is included in State Education Requirements. These by-laws are issued by the responsible Government body, namely the Ministry of Education, Youth and Science. The Law on Integration of Disabled People – the special disability act – assigns all education-related responsibilities of the State to the Ministry of Education, Youth and Science (MEYS).

Generally, the PEA proclaims equal rights for all children, including those with special educational needs (SEN), to education in all primary, secondary and professional training schools. The PEA amendments of 2002 and its articles 21 and 22 place a requirement on mainstream schools to enrol students with special educational needs (SEN).² Enrolment in special schools is allowed “if all options for integration are exhausted” and if parents express an explicit preference for their children to attend a special school. A 2002 Regulation on Education of Children and Students with SEN and/or Chronically Ill provided much detail on special schools, mentioning integration in mainstream school settings briefly and vaguely.³ It made no inclusion provisions that would channel resources for children with SEN to mainstream schools.

In 2004, a National Plan for Integration of Children and Students with SEN and/or Chronically Ill was passed, covering the period 2004 – 2007, and the Plan was meant to be revised and upgraded each year.⁴ No evidence could be traced either of such revisions or mention in later policy documents in the area of education of an evaluation of the mentioned plan showing how effective and efficient its implementation was, lessons learned or evidence based policy to be further developed.

It was only in January 2009 that the government fully regulated integrated education of students with SEN. The Council of Ministers Regulation Nr 1 on Education of Children and Students with SEN and/or Chronically Ill replaced an old legal document on education of children with disabilities in special schools.⁵

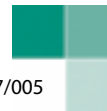
¹ Public Education Act, State Gazette, Nr. 86, 18th October 1991

² Public Education Act, State Gazette, Nr. 86, 18th October 1991, disabilities related amendments published in Nr 90, 2002, latest amendments published in Nr 74 of 15th September 2009; http://minedu.government.bg/opencms/export/sites/mon/left_menu/documents/law/zkn_prosveta.pdf

³ Regulation No 6 of 19th August 2002 on the Education of Children with Special Needs or Chronically Ill (State Gazette, 83 of 30th August 2002)

⁴ http://minedu.government.bg/opencms/export/sites/mon/left_menu/documents/strategies/plan_sp_ec_potrebности.pdf

⁵ http://minedu.government.bg/opencms/export/sites/mon/left_menu/documents/process/nrdb_1-2009_deca_SOP.pdf



Its Art 2 defines the group of children and students with SEN as those who have physical, visual and hearing impairments, intellectual and/or multiple disabilities; speech problems and/or learning difficulties and sets up the procedures to allow resources for support in mainstream schools.

The process was triggered by a court case under the Anti-discrimination Act of 2006⁶, in which a coalition of human rights NGOs challenged the Ministry of Education and Science for unequal treatment of children on the grounds of disability. The petitioners argued that children with SEN are not given equal chances due to the lack of supportive environment in mainstream schools, and that their needs are not accommodated. In October 2008 the Supreme Court of Bulgaria ruled in favour of the petitioner saying that the Government has to ensure access and reasonable accommodation for children with SEN in all mainstream educational settings.

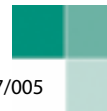
In the meantime – shortly after the above court ruling was issued – the then Ministry of Education and Science (now the Ministry of Education, Youth and Science) passed a Regulation on Resource Centres to Support the Integrated Education of Children and Students with Special Educational Needs (SEN) (State Gazette, 77, dated 19th September 2006).⁷ Resource Centres are assigned the task to “run consultative, educational, developmental, rehabilitation and coordination functions”. There are 26 Resource Centres (RC) geographically covering the area of the regional education authorities.

This piece of legislation regulates the assessment of the child’s needs, the reference procedure and the protocol for enrolment of children and students with SEN in mainstream schools. However, the choice of whether to apply for SEN assessment and integrated schooling or to choose special education for the child was left to the parents. Complex SEN Assessment Teams are set up with Regional Education Authorities (26 in number around the country) and they bring together professionals with different expertise who review applications based on a medical diagnosis when asked to by parents. The document they issue entitles a child to support in a mainstream class, which is provided by the relevant Resource Centre.

The mechanism of needs assessment –described vaguely in the regulation – requires that education, healthcare, social welfare and local government authorities collaborate in the best interests of the child. The intention was that an institutional support network would be created that would provide all resources needed to accommodate the learning and development related needs of the child caused by their impairment. A lack of more specific collaboration procedures in the basic document has resulted in variation in implementation from one region to another, thus placing at risk the quality of support, educational outcomes and making procedures dependent on the performance of local authorities.

⁶ http://kzd-nondiscrimination.com/start/index.php?option=com_content&task=view&id=15&Itemid=30 (accessed 27th September 2010)

⁷ http://minedu.government.bg/opencms/export/sites/mon/left_menu/documents/regulations/prvlnk_resursnite_centrove.pdf



Thus, 2006 was marked by completion of the regulatory framework on integrated education in primary and secondary education levels. In order to implement it though there was a need for further training of teachers and support staff, technical aids to facilitate the learning process and financial provisions to ensure that accommodations for students with SEN were provided for.

Chapter IV of the Vocational Education and Training Act adopted in 1999 regulates matters related to students with SEN, chronically ill students, juvenile delinquents and children from institutions.⁸ It does not provide details on the mechanisms to make sure that disabled students receive reasonable accommodation of their needs in mainstream settings but allows for special vocational education schools for disabled children, most of which provide boarding as well.

The Higher Education Act⁹ prohibits discrimination on the grounds of disabilities but does not include an explicit obligation on colleges and universities to accommodate the needs of disabled students and report on the measures taken. Review of most university websites shows that some of them waive their admission fees for disabled applicants but fewer have appropriate accommodations for disabled students. Most universities announce equal opportunities policies but no evidence could be traced of special measures to implement them (administrative or resource allocations).

In August 2009, a new Government took office and one of the first policy documents adopted by the new Parliament was the Education, Science and Youth Policy Programme for the period 2009 – 2013.¹⁰ A whole chapter of this document is dedicated to *Equal Access to Education and Opening up of the Education System* in which the Government commits to providing access to high quality education for all children and to create conditions for sustainable development.¹¹ As far as children with SEN are concerned, the document states that this goal will be achieved through creating supportive environments. (p. 19).

The public education system is financed on the basis of financial standards (amounts) per student, which differ depending on the type and location of the schools. Standards are supposed to cover teaching staff salaries, administration and costs of running the school and these make up the delegated school budgets for the whole school year. Rates are revised each year and adopted by the Council of Ministers (CoM) for the next calendar year – the 2010 standards have been adopted with the CoM Decision dated 8th December 2009. Separate standards are set up for children and students with SEN in mainstream schools, in special schools, as well as the provision per student for Resource Centres.

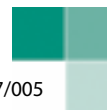
⁸ Vocational Education and Training Act, State Gazette, Nr 68, 30th July 1999, latest amendments Nr 36, 15th May 2009

http://minedu.government.bg/opencms/export/sites/mon/left_menu/documents/law/zkn_prof_obu_cenieEU.pdf

⁹ http://minedu.government.bg/opencms/export/sites/mon/left_menu/documents/law/zkn_vo.pdf

¹⁰ http://minedu.government.bg/opencms/export/sites/mon/left_menu/documents/strategies/programa_MOMN-2009-2013.pdf

¹¹ Education, Science and Youth Policy Programme for the period 2009 – 2013, p. 18



Section 3: Evidence of outcomes and progress towards inclusion

There are unquestionably positive developments in the education of disabled children, although there is still a long way to go. The legal framework is certainly one issue, as is the setting up of the RCs. This conclusion has been stated by a senior government official at a conference on inclusive education organised by the RC network.¹² There is no official government report supporting such a statement, however. Furthermore, a major policy document – *Programme for Development of the Education, Science and Youth Policies in the Republic of Bulgaria for the Next Four Years* issued by the new political leadership – admits that “there is a National Plan on Integration of Children with SEN in the national education system but for the time being it is more of a wishful thinking document, since the policy behind it is isolated with no strict financial estimates, clear responsibilities and time frame” (p. 19).¹³ The document also outlines the reasons why disabled children do not acquire a decent education: (1) lack of physical accessibility; (2) lack of teaching methodologies that would meet the needs of the disabled children; (3) low capacity of professionals to facilitate the learning of children. There is no evidence that the government is considering measures to address these issues. The MEYS Annual Report for 2009 shows that under the School Modernisation Programme, 8 schools in four regions of the country have been made accessible and there is no mention of the costs (p. 17).¹⁴ Several calls for proposals came out of the Regional Development Operational Programme (funded by the EU Structural Funds) which included provisions for “accessibility adjustments in the area of education”. Results of the implemented projects have not been reviewed yet and made available to the public.

At the same time, data collected from the RCs (request under the Access to Public Information Act¹⁵) shows a rapid increase of students with SEN enrolment in all ages, levels of education and types of schools. In the 2009/2010 school year the number of students with SEN was 8,820 supported by 1,089 special education/resource teachers, psychologists, speech therapists, etc. The trend over the last five years is shown on the chart below.¹⁶

¹² This presentation was never published officially but only distributed at the event.

¹³ MEYS;

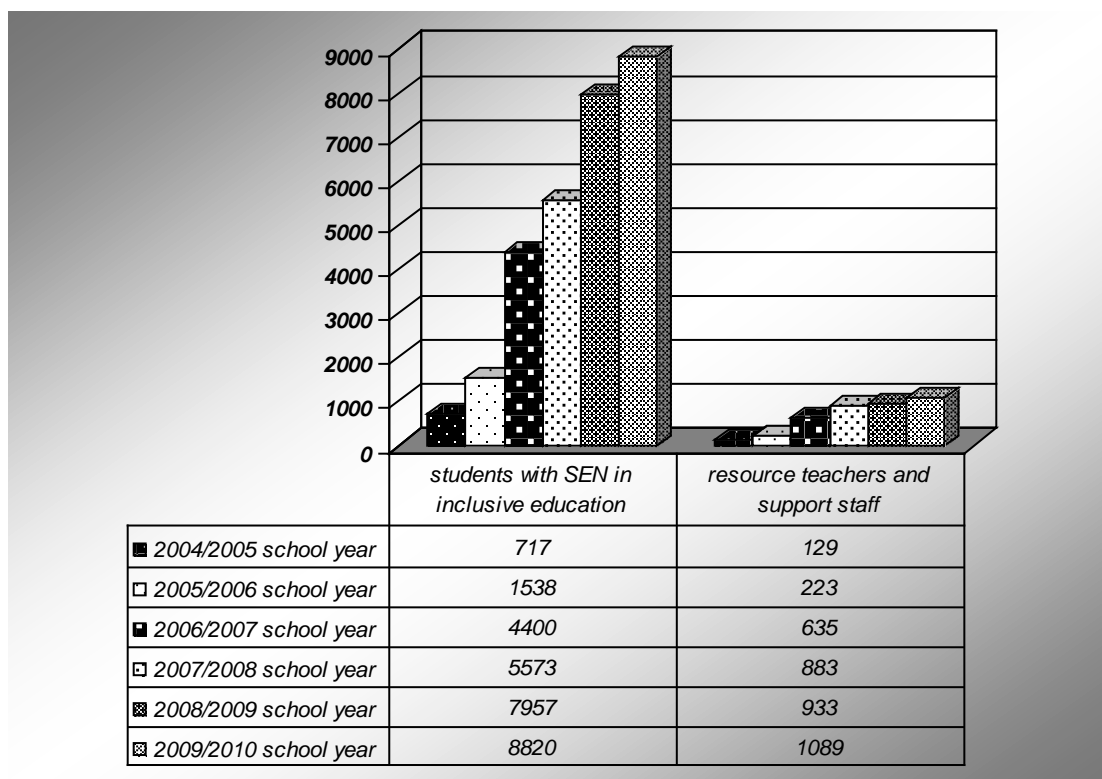
http://minedu.government.bg/opencms/export/sites/mon/left_menu/documents/strategies/programa_MOMN-2009-2013.pdf

¹⁴ http://minedu.government.bg/opencms/export/sites/mon/left_menu/projects/national_programs/otchet_programi-2009.pdf

¹⁵ <http://www.aip-bg.org/apia.htm>

¹⁶ Data provided by the MEYS under the Access to Public Information Act, letter dated 15th July 2010.

Chart 1: SEN Student Enrolment in Inclusive Education and Teaching Support
2004 - 2010



It can be easily seen that the growth in number of students is not matched by the number of resource teachers engaged in the system. This is often mentioned as one of the reasons for the questionable outputs.

The distribution of integrated students with SEN by levels of education shows that the largest number is reported in the primary school level (I – IV grade - 3.973) followed by middle school level (V – VIII grade – 3.387) and pre-school level (4 – 6 years of age – 1.070). The lowest number is reported in secondary schooling – only 390 students, which could be explained by the lack of resources during early education.¹⁷

The statistics on school children in the country for 2009/2010 report a total number of 627,163 students in 2,688 general (primary, lower secondary and secondary) school settings and 217,804 in kindergartens.¹⁸ Children and students with SEN account for only 1.4% of the total number of students in the education system, which is remarkably low for an EU member state.

¹⁷ Data provided by the MEYS under the Access to Public Information Act, letter dated 15th July 2010; National Conference of the Resource Centres (June 2010) – report, unpublished

¹⁸ National Statistics Institute; <http://www.nsi.bg/otrasal.php?otr=23>

Anecdotal evidence shows that a lot of disabled children, particularly children with extensive disabilities and complex needs, are not registered in the education system at all. They usually stay at home, are in institutions or attend care centres, which are controlled by the Ministry of Labour and Social Policy. Institutionalised children with mental disabilities also constitute a large group of those who are excluded from education; even not registered in the educational statistics of the country. In February 2007 the *Mental Disability Advocacy Centre* (MDAC)¹⁹, based in Budapest, together with the Bulgarian Helsinki Committee (BHC)²⁰ filed a collective complaint under the European Social Charter. The Committee found evidence that the Bulgarian government failed to provide education for up to 3,000 children with intellectual disabilities living in so-called ‘homes for mentally disabled children’ across Bulgaria. Bulgaria was in violation of Article 17 (right to education) and Article E (right to non-discrimination) of the Revised European Social Charter with respect to institutionalised children with disabilities, the Committee concluded. MDAC and BHC produced a summary of the MDAC v. Bulgaria decision, and a set of detailed recommendations for the government to bring its laws, policies and practices in line with the European Committee on Social Rights decision²¹. A year later – in October 2009 – another report examined the extent to which the recommendations have been met. It shows that only four out of 11 recommendations in total have been *partially met*; the remaining 7 *were not met at all*.²²

At the same time data from MEYS showing the distribution of children and students with SEN by type of impairment shows that children with mental disabilities (e.g. Down’s syndrome) are on the top of the list when it comes to inclusion through education – 3,951, followed by students with learning disabilities (e.g. dyslexia) – 1,690 and chronically ill children – 849. The latter category includes children with different kinds of health problems, including diabetes, attention deficit disorders, kidney dysfunctions, somatic problems, etc. Surprisingly, students with physical impairments account for only 379 and those with speech problems for 797. The graph below illustrates these numbers.²³

¹⁹ MDAC, website; <http://www.mdac.info/en/node/165>

²⁰ <http://www.bghelsinki.org/index.php?lg=en>

²¹ <http://www.mdac.info/node/165>

²² An evaluation of progress towards inclusive education of children with disabilities in Bulgaria: one year after the decision of the European Committee of Social Rights in the collective complaint MDAC v. Bulgaria; MDAC and BHC, October 2009; http://www.bghelsinki.org/upload/resources/ESCR_MDAC_2009_Roundtable_summary.pdf

²³ Data provided by the MEYS under the Access to Public Information Act, letter dated 15th July 2010; National Conference of the Resource Centres (June 2010) – report, unpublished

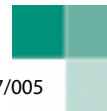
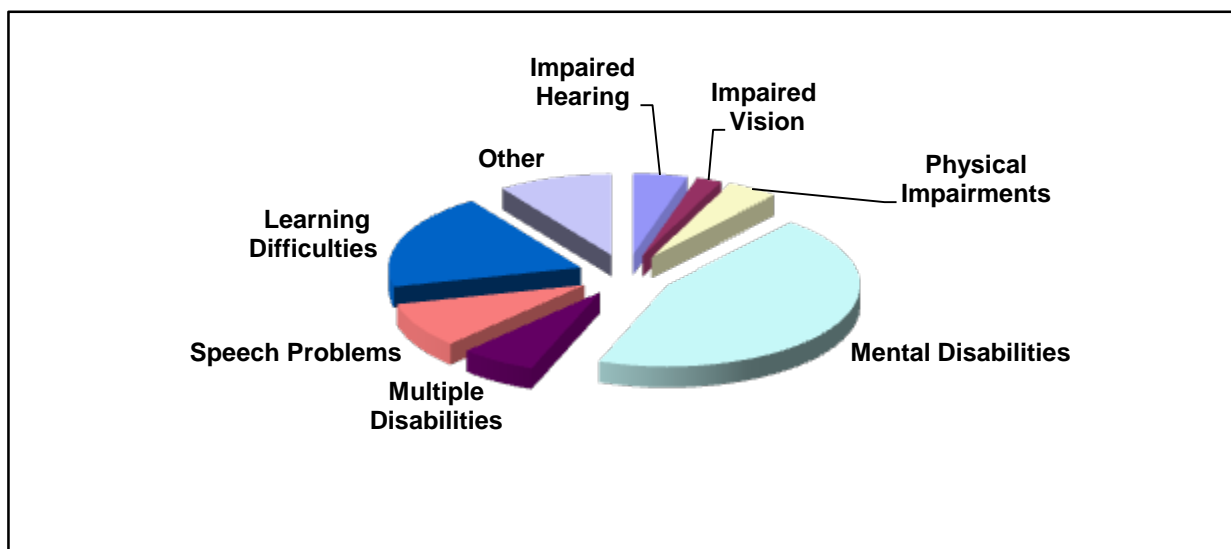


Chart 2: Children with SEN in Mainstream Schools – by type of impairment



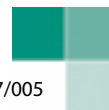
There is no independent research, monitoring or evaluation report publicly available that would indicate the process of inclusion in education through support for the needs of children with disabilities. Raw data is also scarce and difficult to find. Information is usually provided at public events as presentations by various officials, with no reference to the primary sources.

The only available reports published by NGOs are dated 2006.

- (1) *Save the Children, UK* and its Sofia-based office have developed a position paper on inclusive education called *Inclusive Education in Bulgaria: How Much Remains to be Done? - Position Paper*²⁴. The report outlined seven main issues for the public education system that needed attention from the authorities: segregation of children on the grounds of ethnic origin and/or disability and the damage it causes to young human beings; an irrelevant legal framework; quality of education; and a need for urgent reforms. The report includes a number of recommendations based on the concept of inclusion and best European practices in the field. It concludes that there is no convincing evidence of action addressing all the issues, although small steps have been made to improve the system.
- (2) *Research on the Methodology to Assess the Needs of Children and Students with SEN* (October 2006) is another report showing the deficits of the system related to the initial stage of the inclusive learning process.²⁵

²⁴ Inclusive Education in Bulgaria: How Much Remains to be Done? - Position Paper; http://cie.bg.eu/cgi-bin/index.pl?_state>AboutUs&aboutus.ID=5&o=5&FatherID=1

²⁵ Research on the Methodology to Assess the needs of Children and Students with SEN (October 2006); <http://www.sapibg.org/?lang=bg&page=235>



Conclusions and recommendations focus on the necessity for raising the awareness of administrators and experts, for raising their capacity and improving the coordination between the different actors and stakeholders involved. Another target group of the research are parents of disabled children who have the final say as to which school their child will attend. Based on the finding that the parents are overprotective and easily manipulated by experts, the report recommends that more efforts be put into working with parents.

None of the reports seems to have received the attention of the policy makers that they deserve.

Apparently as a result of the expansion of inclusive practices the network of special schools has been optimized by the closure of 43 settings. Students enrolled there were referred to supported education in mainstream schools. Table 2 illustrates the scale of special education in Bulgaria in the 2009/2010 school year as presented by the Ministry of Education, Youth and Science.

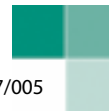
Table 1: Special schools and number of students

Type of school	Number of schools		Number of students with SEN	
	2008/2009	2009/2010	2008/2009	2009/2010
Schools for children with impaired vision	2	2	316	173
Schools for children with impaired hearing	3	3	553	487
Support schools (boarding schools for children with mental disabilities)	53	50	3 738	3 053
Total:	58	55	4 607	3 713

A 2009/2010 National Statistics Institute (NSI) report shows that there are 5,034 students in special education, of which 2,962 students with mental disabilities.²⁶ There are no statistics differentiating between children with mental disabilities and learning problems, which makes it difficult to assess the coverage of inclusive vs. special education when it comes to the individual needs of the students. The overall funding of special and support schools amounts to BGN28,656.334 (€14.3mIn.)²⁷

²⁶NSI; <http://www.nsi.bg/otrasal.php?otr=23>

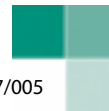
²⁷ Letter of the MEYS dated 25th June 2010 in response to a request for information under the Access to Public Information Act



Section 4: Types of support for students and trainees

Students who pass the needs assessment procedure and are referred to mainstream schools also receive a development plan, which should specify all the individual support that the child needs, except for technical aids, which are provided under another piece of legislation – the Law on Integration of Disabled People of 2005 and its implementation by-laws.²⁸ There is no evidence of such an individual planning and implementation process that would reveal the specific types of support provided, but anecdotal evidence exists that the ‘package’ comprises predominantly of extra hours with a special education teacher in or outside the classroom.

²⁸ <http://www.mlsp.government.bg/bg/law/law/index.htm>



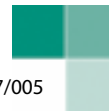
Section 4a: Financial support

Currently, for each student with SEN, mainstream schools receive the regular per student amount of money per year increased by BGN 194 (€100) and supplemented by another BGN 1.861 (€940), which is allocated to the relevant RC. Thus, it takes the funding of inclusive education per student with SEN to at least BGN 3,230 (€1.650) per year.²⁹ At the same time, the standard per student for children with mental disabilities in special schools varies from BGN 3.353 (€1,700) for non-residential settings to BGN 6,116 (€3,100) for school and boarding of the students. A child with hearing impairments in a special school costs BGN 6,981 (€3.500) and one with visual disability BGN 7.256 (€3.600).

Money goes to the schools and RCs following each child, with reference to the relevant school. It depends very much on the RC management how this money will be spent. There is no individualised budget for each student with SEN and no research or evaluation of the efficiency and effectiveness of this public spending either.

The Law on Integration of Disabled People (2006) provides a monthly integration allowance for training and education, which amounts to BGN11.50 (€5.50) when a proof of course/classes attendance is presented. It is fair to assume that this money supports the family budget more than the learning process of the child or adult.

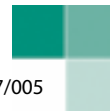
²⁹ Letter issued by the MoEYS dated 15th May 2010 in response to a request under the Access to Public Information Act submitted on 3rd April 2010



Section 4b: Personal assistance, equipment and adaptations

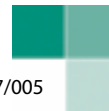
Personal assistance at school or at work is not available to Bulgarian children and adults. Several programmes provide monthly salaries for personal assistants to children without individual assessments, which usually go to the parents or relatives. One of the problems that RC staff share (anecdotally) is a lack of assistance in school for children who need it, which either prevents them from enrolment or makes it very difficult to attend classes.³⁰

³⁰ Interview with the Director of the Resource Centre in Stara Zagora, held in May 2010



Section 5: Evidence of good practice

No reports show evidence of explicitly good practice, although individual cases of inclusion are shared in informal conversations without being recorded. Success depends very much on the personality, competence and creativity of the school principal, the director of the relevant RC and the parents of the disabled children. It is not part of the system.



Section 6: References

1. Public Education Act (PEA), State Gazette, Nr. 86, 18th October 1991 disabilities related amendments published in Nr 90, 2002, latest amendments published in Nr 74 of 15th September 2009
2. Regulation No 6 of 19th August 2002 on the Education of Children with Special Needs or Chronically Ill (State Gazette, 83 of 30th August 2002)
3. Regulation Nr 1 on Education of Children and Students with SEN and/or Chronically Ill replaced an earlier legal document on education of children with disabilities in special schools (State Gazette, January 2009)
4. National Plan for Integration of Children and Students with SEN and/or Chronically Ill was passed covering the period 2004 – 2007, Ministry of Education and Science
5. Vocational Education and Training Act,
6. Regulation on Resource Centres to Support the Integrated Education of Children and Students with Special Educational Needs (SEN) (State Gazette, 77, dated 19th September 2006)
7. State Gazette, Nr 68, 30th July 1999, latest amendments Nr 36, 15th May 2009
8. Programme for Development of the Education, Science and Youth Policy for the period 2009 – 2013, Ministry of Education, Youth and Science, 2009
9. An evaluation of progress towards inclusive education of children with disabilities in Bulgaria: one year after the decision of the European Committee of Social Rights in the collective complaint MDAC v. Bulgaria, MDAC and BHC report, October 2009
10. Inclusive Education in Bulgaria: How Much Remains to be Done? - Position Paper, Save the Children, UK; Bulgaria Office, 2006
11. Research on the Methodology to Assess the needs of Children and Students with SEN, Institute for Social Activities and Practices, Sofia, October 2006