

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

Country: Slovenia

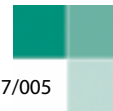
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The [Academic Network of European Disability experts](#) (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network will support the 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

Being a young person with disabilities in Slovenia is a difficult life condition which limits the person's inclusion in ordinary life, his/her chances for a good education, their chances for a proper paid job and life without stigma and self-stigmatisation.

Despite numerous laws in the area of disability, four key concerns are obvious:

- a substantial gap between formal rights and actual practice;
- on the surface newly developed laws (in the period of the last 10 years) give an impression of inclusion but actually maintain the status quo instead of promoting changes;
- there is both public and professional objection against ordinary living for people with disabilities, and they remain objects of medical and rehabilitation sciences;
- there is widespread professional rejection of grassroots initiatives by parents' advocates, people with disabilities themselves and other who fight for inclusion and independent living for young disabled people.

In such a societal and political climate being disabled means that it is very unlikely that young people will realise their potential and achieve a career similar to that of non-disabled people.

Nevertheless, there are more young disabled people than ever in Slovenia who are included in education and training, either in ordinary or in segregated schools. Primary education for children with intellectual disabilities has been compulsory since 1960; before then, many children with intellectual disabilities stayed at home and helped their parents in the household or on the farm. Today, these are exceptions to the rule, as people with disabilities would be at least included in sheltered workplaces after the age of 21, a welfare provision that has been expanding in Slovenia after 2000¹ (see also other ANED reports for 2009 and 2010).

While more equal opportunity has been achieved for children and young people with physical and sensory disabilities, **children and young people with intellectual disabilities are left behind**. While increasing numbers of children with physical and sensory disabilities are enrolled in mainstream schools and training, children with intellectual disabilities are still, to a large extent, segregated in special schools and have no chance to enter the labour market. Nonetheless, the numbers of children with intellectual disabilities integrated into mainstream primary schools and kindergartens, especially in latter, has steadily increased over recent years, due in large part to the preference of parents (and guardians) for a mainstream education for their child.

¹ Cf. Social Protection Institute of the RS (2008): *The Analysis of the Activities of the sheltered workplaces* (Orig.: Analiza delovanja VDC-jev). On-line published report; Ljubljana, March 2008.

Unfortunately, the processes of equal educational and training opportunities, compared with the non-disabled young people, are limited and changes are very slow. Despite recommendations from 2005² and the active advocacy of many professionals towards better education and training, the Ministries most responsible for this sphere (Ministry of Education and the Ministry of Labour, Family and Social Affairs) do not show enough political will to make a substantial step towards promoting diversity of inclusive education with proper individualised support and properly trained educational staff.

The extensive report and the recommendations from 2005, which dealt also with the education of young people with disabilities, have been hardly taken into consideration.³ There are still today examples where a child is re-categorised as more severely disabled in order to fill the place in a newly opened extended unit of an existent special school which “needs one more child to be full” (personal communication with a director of an institution for disabled young people in Slovenia, May 2010, op. cit. D.Z.). The Placement Commissions, severely criticised in the 2005 report, have been changed and became smaller in number of professionals who are involved, but the main problems remain the same.

Another sphere which was emphasised in the 2005 report was the need that the Government encourages the development of cooperation programmes between schools and other educational institutions offering vocational education or training and potential employers. This kind of strengthening of the cooperation would help young people with disabilities make the transition from education to employment on the open labour market. It was also suggested to make integrated vocational educational programmes, offering a broad range of qualifications, widely available in Slovenia. There are no evidences that these recommendations were taken into consideration.

Even though inclusion has been possible since 2000 or 2003, there are still a high number of special schools/programmes (no special school has been closed, yet) for children with intellectual, sensory or physical disabilities, and they are still being promoted as a good choice for parents (as they have the staff and equipment that can best serve their child's educational needs).

The major formal obstacle regarding inclusion is that the condition for placement in regular school in the child's local environment is an ability of the child to acquire the knowledge standard set for elementary schools. This means that children with any sort of intellectual disabilities can, under no conditions, be included in a mainstream school. By investing in the special education system segregated practices are being promoted instead of supporting teachers and other staff in mainstream schools and developing resource centres for the support of inclusion.

² Cf. the recommendations in the report: Rights of People with Intellectual Disabilities Slovenia (2005) Access to Education and Employment: EU Monitoring and Advocacy Program, Budapest and New York: Open Society Institute.

³ Ibid.

Section 2: Legal and policy context

Important legislation

The **Slovene Constitution** sets out basic rights in the area of education. It states in art. 14: "In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status, disability or any other personal circumstance. All are equal before the law. (Constitution of the Republic of Slovenia, Official Gazette of the RS, No. [33/91](#)). The Constitution also grants rights to people with special needs to education and training for an active life in society (so called "rights of invalids"); and obligatory and free education for all citizens (education and schooling).

Other basic legal documents:

- The Placement of Children with Special Needs Act 2007 (Official Gazette, 54/2000; changes and amendments 118/2006 and 3/2007); http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO5112.html
- The Primary Schools Act (Official Gazette 12/1996, 33/1997, 59/2001, 71/2004, 23/2005); <http://www.uradni-list.si/1/objava.jsp?urlid=200523&stevilka=771>
- The Kindergarten Act 2003 (Official Gazette [12/1996](#), [44/2000](#), [78/2003](#), [113/2003](#));
- The Organization and Financing of Education Act 2003 (Official Gazette [12/1996](#), [101/1999](#), [22/2000](#), [64/2001](#), [101/2001](#), [108/2002](#), [34/2003](#), [79/2003](#)).

The primary education of children and young people with disabilities is regulated by the Primary Schools Act, which applies to all children, and the Placement Act. The Placement Act defines the various programmes of education and training for children with special needs at pre-school, primary and secondary levels. The Act and its implementing regulations establish and regulate the placement procedures for these programmes, and define which groups of children can be placed into the various educational programmes. They also clarify the placement process and the role and responsibilities of the Placement Commissions. This includes the decision on which specific programme the child should follow, and the content of the written placement orders the commissions issue. The Act also provides for some rights to aid and personal assistance.

The Kindergarten Act gives priority to the mainstreaming of pre-school children with special needs and assures their integration into mainstream kindergartens or inclusion into so-called "developmental units".⁴ Together with the Primary Schools Act, the Kindergarten Act also obliges mainstream schools to ensure equal opportunities for children with special needs. However, there are no supplementary regulations to define what "equal opportunities" actually mean in practice.

⁴ Developmental units are special units in regular kindergartens, for children with special needs. Each unit has between three and eight children and there are 60 such units in Slovenia.

While children with *mild* intellectual disabilities are sent to primary schools with an adapted programme (special schools). Children with *moderate, severe* and *profound* intellectual disabilities are usually directed to residential institutions; during their schooling they fall under the jurisdiction of the Ministry of Education until the age of 18 and after this age the Ministry of Labour.

For children with intellectual disabilities in schools with an adapted programme (special schools), who are mainly children with *mild* intellectual disabilities, education is compulsory from age six to 15, as for other children.

In Slovenia, a child's knowledge and skills are measured mainly by examination grades; exam results reflecting a lack of knowledge are the basis for the decision to prolong a child's primary schooling. The legal limit for children attending a primary school is age 17.

For children and young people with *moderate, severe* or *profound* intellectual disabilities, the Government regulations have extended the maximum age at which they can receive education and training from age 17 to age 21, or at most age 26. Even before these changes, school authorities and staff were generally very flexible in this regard and in most cases adapted the period of education to the needs of the child, in some cases up to the age of 26. However, in some cases young people completed elementary school programmes before turning 18 years of age and so could not be included in sheltered workplaces (minimum age 18). According to the new regulations, these children can now receive a prolongation from the Placement Commission and stay on in the educational system until they enter a sheltered workplace; they no longer have to leave institutional care for a year. Examples of such extensions being ordered already exist in practice.

In accordance with the Placement Act, regardless of the type of school in which a child with special needs is placed, the school must prepare an individual educational programme (IEP). This plan should be evaluated and rewritten yearly and *must* be re-evaluated within a maximum period of three years. The IEP includes a methodology tailored to specific areas of learning; defines the methods and type of additional expert help required; and sets out necessary adjustments in the organisation of classes or in the evaluation of the child's knowledge. At the end of the school year, the same expert group evaluates the adequacy of the programme and prepares a new one for the following year.

The type of school that a child with disabilities will attend, and the educational programme that he or she follows, **depends on the diagnosed level of disabilities**. There are different types of educational programme available for children with intellectual disabilities at pre-school, primary and secondary levels.

The main types of programme for children with special needs are: programmes with “equal educational standards”, in which children with special needs are taught using the same curricula as other children, in a mainstream school; programmes with an “adapted implementation”, in which additional support is provided for children with special needs, such as a support teacher or special equipment; and “adapted programmes”, which are taught in special schools or special units of mainstream schools. Children with visual and hearing impairments are most often sent to the ordinary school but within a special institution for the deaf and blind (one for deaf and one for blind in the country) while children with physical impairments are sent to the ordinary school within an institution for invalid youth in Kamnik. This means that in practice the school system in Slovenia still **segregates children and separates them from their home environments.**

At **primary level** there are four types of educational programmes for children with special needs (three of them are only for children with intellectual disabilities). The majority of children with intellectual and mixed disabilities are placed in special schools or in other institutions with special programmes. Children with intellectual disabilities follow four types of educational programmes:

- “Programme with an adapted implementation and additional expert support” – for children with special needs who are integrated in mainstream primary schools. This is based on the same national curriculum that is obligatory for children without disabilities and has equal educational standards.
- “Adapted programme with an equal educational standard” - this programme is officially designed for children with physical and sensory disabilities and is taught in special schools. It is interesting that this programme does not officially include children with intellectual disabilities. However, in practice some children with intellectual disabilities in special schools are also placed in this programme, as children with the other types of disabilities are more often integrated in mainstream schools.
- “Adapted programme with a lower educational standard” – for children with *mild* intellectual disabilities who are either in special schools or in special units of mainstream schools. It does not have equal educational standards than ordinary school.
- “Special programme of care and education” - for children with *moderate, severe* and *profound* intellectual disabilities in residential institutions.

At secondary school level there are a wide range of educational and vocational programmes. However, children and young people with intellectual disabilities can enrol in a programme according to the disability label and **not according to the actual abilities of the person.** There are certain secondary schools in Slovenia that last for 2.5 years, called “Programme of lower vocational education with adapted implementation and additional expert support.” Young people with *mild* intellectual disabilities can enrol only in certain programmes and receive additional support. Importantly, young people with *moderate, severe* and *profound* intellectual disabilities have no secondary level educational programmes at all.

Parents or legal guardians have, according to The Primary Schools Act (Orig.: *Zakon o osnovni šoli*)⁵, the right to enrol their child to a public school in a school district where they live, and school is obliged to accept the child. Article 11 says that children with special needs should have proper conditions for education. For children with special needs there is a limitation in Art. 49 of the Act, which states that parents have a right to enrol a child with special needs to a school in their school district, except if this school does not meet the conditions of child's needs, in this case the placement commission names a school to which the child will be enrolled. In practice many children and young people with disabilities **have to leave home when they are placed in special educational programmes** in schools of institutions.

Placement of Children with Special Needs Act [Orig.: *Zakon o usmerjanju otrok s posebnimi potrebami*] defines children with special needs as: children with intellectual disabilities, blind and partially sighted children, deaf and hearing impaired children, children who have speech disorders, children with physical disabilities, long term ill children, children with deficiencies in specific areas of learning and children with emotional and behavioural problems, who need adapted implementation of educational programmes with additional expert help or adapted educational programmes or special programmes of education.

There were two recent changes in the Placement of Children with Special Needs Act (Official Gazette 118/2006, 3/2007) which do have an impact on the education of children and young people.

1.) In 2007 the **category of the "children with borderline intellectual abilities"** (*otroci z mejnimi intelektualnimi sposobnostmi*,) vanished from the legislation. Children with this label were, in recent times, those who achieved entry to ordinary education while children with other labels of intellectual disabilities were sent to special programmes in mainstream schools or to special schools. The category was rather common and many professionals believed that it was better to label a child in order to get some support while today the same children are left without support at all (cf. Sedej Rozman, 2009). Many professionals protested against this change in 2006 and until today some professionals believe that the change is only influenced by the legislation of other EU countries, which do not have the category of "children with borderline intellectual abilities", while the others believe that the government wants to save money for the additional support these children received under the past law (cf. Sedej Rozman, 2009). The authors of the report believe that **not labelling children is a positive move**, although children who need support in order to be successful at school should have the opportunity to receive it **irrespective of any label**.

⁵ Official Gazette 12/1996, 33/1997, 59/2001, 71/2004, 23/2005); <http://www.uradni-list.si/1/objava.jsp?urlid=200523&stevilka=771>, (27. 09. 2010).

2.) The newly changed Act brought some changes in the number of permanent members and composition of the Placement Commissions across Slovenia. **Three instead of six** actors are named as permanent members of the commission: special pedagogue (called defectologist), psychologist and medical doctor specialising in paediatrics or school medicine. The Placement Commissions can involve other experts if it is so decided by the president of the Commission, and if it is required because of the level of impairment, disability or specificity of placement procedure. Members are named or relieved of duty by the National Education Institute. Composition of the commission shows a continuing medical orientation of these commissions. The amended Act states that the teacher, teaching a child with special needs, can cooperate with the Commission and in cases of placement procedure of a child with emotional or behavioural problems a social worker from a relevant Centre for Social Work must be present (Art. 26). This means that the social worker is no longer a permanent member of the Placement Commission.

In accordance with the Placement Act, the Placement Commissions are responsible for the assessment of all children with special needs and for making placement decisions on the type of school each child should attend. Upon recommendation made by Placement Commission, the National Education Institute (orig.: *Zavod za šolstvo*) issues a written order of placement. The Placement Commission is extremely important as its written order of placement determines:

- the educational programme child is allowed to attend;
- the type of the educational institution (specific kindergarten, school or institution).

When relevant it contains also:

- extent, method and form of additional expert support;
- technical aids, equipment and spatial requirements that need to be provided;
- right to part time or full time assistance for physical help for child with physical disability;
- reduction of the number of children in class;
- time frame for next evaluation;
- possible other rights deriving from this or other Acts in the field of education.

When a child is placed into special educational programme, implemented in a social care institution, the relevant Centre for Social Work must give concordance to the placement order. The kindergarten, school or institution is obliged to produce an individualised programme for the child, no later than 30 days after the child starts the educational programme.

The Placement Commission can also state that the adequateness of the educational programme should be revised within a certain period of time. This should be from 1 to 5 years after placement.

Placement procedures are often so lengthy that children do not receive written orders within 6 months of the request being placed, which often means that the individualised programme is late and thus they are left without proper expert support and adaptations. This represents a breach of rights, which is also exposed in yearly reports by Ombudsman for years 2006, 2007 and 2008⁶.

Policy Context

The government of the Republic of Slovenia adopted on 30 November 2006 **the Action Programme for Persons with Disabilities 2007-2013**. "Education and training" and "training and employment" are considered to be important human rights issues for people with disabilities. **Objective 4** of the Action Programme speaks about **ensuring an inclusive education system at all levels and life long and about learning without discrimination and on equal basis:**

"Education is a fundamental element of ensuring social inclusion and independence of all persons - including persons with disabilities. In compliance with the Constitution and international instruments Slovenia ensures equal rights and opportunities in terms of education, schooling and training to all children.

Most educational systems are based on inclusion and additional particular measures, when needed. The Children with Special Needs Act, adopted in 2000 and the regulations for its application give children with special needs with equal opportunities in educational field through their inclusion in different adapted and adequate forms of education – regular education, adapted educational programmes and special programmes. These measures enable adaptation of programmes and methods of communication, adaptation of premises, tools and teaching methods, provision of professional assistance, interpreters and physical assistance.

Persons with disabilities are often less educated and are less integrated in any level of schooling in comparison with other people; their share in secondary and higher education structures is particularly low. Inclusion in secondary and higher education is a challenge for equal opportunities for persons with disabilities within the whole educational system, from the preschool level up to higher education level. In this context it is necessary to be aware of barriers they face, for instance in terms of the built environment (in particular for physically impaired), access to study literature (for blind and visually impaired), right to an interpreter (for the deaf), access to an induction loop (for the hard of hearing). It is also imperative to support awareness-building measures in all educational institutions. Particularly important is also to give persons with disabilities the opportunity to have practical training during their education, in order to obtain adequate professional qualification.

⁶ <http://www.varuh-rs.si/publikacije-gradiva-izjave/letna-porocila>

Professionals agree that individuals with moderate, severe and the most severe mental development disabilities need besides other adaptations, a longer time to be able to progress after the period of compulsory basic schooling. It is necessary to ensure to persons with moderate, severe and the most severe mental development disabilities equal opportunities of schooling, education and training by consistently providing conditions for the implementation of the Organisation and Financing of Education Act and of the Special programme of education that provides for the possibility of education and training until the age of 26.

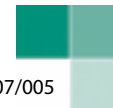
Actions:

- 4.1 ensuring equal opportunities for entering in all educational programmes;*
- 4.2 enabling persons with moderate, severe and the most severe mental development disabilities to enter all levels of the Special programme of education (also at the level of training for life and work);*
- 4.3 ensuring adequate implementation, termination and development of adopted programmes concerning education, schooling and training in the pre-school, elementary school, vocational/secondary school levels. Special attention must be devoted to programmes on early treatment of children with special needs.*
- 4.4 encouraging a more extensive inclusion of persons with disabilities into regular forms of education and training;*
- 4.5 ensuring adequate environmental and technical conditions for the realisation and implementation of educational and training programmes, including the provision of adequate transportation;*
- 4.6 ensuring an adequate number of professionals and dissemination of basic knowledge into educational programmes for teachers and school counsellors;*
- 4.7 ensuring that text books and educational tools are in a form adequate to the type of disability, including text books for children included in programmes with a lower educational standard; long-term illnesses, children with educational deficit in certain areas of learning, and children with behaviour and personality disorders that need adapted educational programmes with the aid of external professionals or adapted or special educational programmes.*
- 4.8 ensuring adequate educational equipment for individual use;*
- 4.9 granting the right to additional communication equipment necessary because of physical impairment;*
- 4.10 providing support for students with disabilities in the form of personal assistance, companionship and counselling;*
- 4.11 ensuring practical training, traineeship and practice in the context of secondary and higher education by providing incentives for employers;*
- 4.12 ensuring assistance to all students that need it, including the functionally impaired ones (currently, assistance is provided only to the physically impaired);*
- 4.13 providing for a bursary system that will encourage persons with disabilities to acquire a higher level of education;*
- 4.14 providing adequate residence for students with disabilities;*
- 4.15 encouraging public administration to offer work practice opportunities to students with disabilities;*
- 4.16 developing and encourage life-long learning of adult persons with disabilities, both employed and unemployed;*

*4.17 encouraging the learning of the sign language as second language;
4.18 encouraging bilingual education of the deaf.” (Action Programme for Persons with Disabilities 2007-2013, 2006).*

The Action programme also names the responsible bodies for implementing these actions. These bodies are:

- -Ministry of Education and Sports;
- -Ministry of Higher Education, Science and Technology;
- -Ministry of Labour, Family and Social Affairs;
- -Ministry of Health;
- -Association of Slovenian Sign Language Interpreters;
- -educational institutions;
- disabled people’s organizations (ibid., 2006).



Section 3: Evidence of outcomes and progress towards inclusion

Some recent figures show that inclusion is slowly taking place in Slovenia.⁷ In 2008 there were **7,696 written orders issued by National Education Institute**, out of which 1,121 children were not categorised in any of specific programmes (wording: “child is not going to be placed”). The other written orders on placement comprised:

- intellectual disabilities :727 persons;
- borderline intellectual abilities: 151 persons (despite the legislative changes mentioned above, the category is still used sometimes);
- blind and partially sighted: 54 persons;
- deaf and hard of hearing: 176 (persons);
- speech impaired: 338 (persons);
- physically disabled : 173 persons;
- chronically ill: 676 persons;
- disadvantages on specific learning fields: 2.383 persons;
- emotionally and behaviourally challenged: 38 persons;
- number of disadvantages (mixed disorders) 1.859 persons.⁸

There are altogether 67 locations across the country which are classified as pedagogical units on the primary level to educate children with special needs. They are defined as educational units which carry out the programme of a lower educational standard. Out of these 67 pedagogical units, there are 28 special schools, the rest are special schools that belong to a larger ordinary school, special schools which are part of kindergartens and those which are placed within public care institutions.⁹ Within the 67 locations are also three specialised institutions: CIRIUS Kamnik (for physically impaired children and young people), Institution for blind and visually impaired and Institution for deaf and hearing impaired. In the last ten years, since the processes of inclusion have been taking place in the country, no special schools have been closed, but new educational programmes for children with special needs were built.

Kindergarten

An adapted programme for pre-school children is implemented in developmental departments of regular kindergartens or in the kindergartens set up by institutions for the education of children with special needs. In 2008 there were 55 children placed in kindergartens in institutions.¹⁰ 251 were placed in developmental departments of kindergartens.¹¹

⁷ National Education Institute collects information on placement of children with special needs into educational programmes for each school year.

⁸ Dremelj, Polona et al. (2009): The Analysis of the State Care for Invalids [orig.: Analiza državne skrbi za invalide], Inštitut za socialno varstvo, Ljubljana, p. 15. <http://www.irsv.si/>

⁹ Darja Sedej Rozman, National Institute of Education, personal request for data, received 26. January 2010.

¹⁰ Ibid.

¹¹ Statistical Office of RS, www.stat.si (10. July 2010).

In the school year 2009/10 there were **850 children with special needs enrolled in kindergartens**. Three quarters of them were visiting regular departments and they received additional expert help, one quarter of them were enrolled in developmental departments (departments with an adapted programme). There were 46 developmental departments operating in the school year 2009/10, and they had, on average, 5 children enrolled in them. One expert worker, on average, is employed for 2.5 children with special needs in kindergarten.¹²

Elementary school

Special elementary schools intended for children with sight impairments, hearing or speech impairment, or physical impairments are also organised as institutions and children can live in them during the week. They offer an equal educational level to regular schools but have an adapted educational programme. At the end of the school year 2007/2008 there was one school for blind and partially sighted with 27 children, 3 schools for deaf and hard of hearing with 147 children and one school for physically impaired children with 56 children.¹³

Children with *mild* intellectual disabilities are placed in adapted educational programmes with a lower educational level. At the end of school year 2007/2008 there were 53 special schools/programmes (and units of these schools) in Slovenia and they had 1,348 children. Comparing the figures for the 67 locations from 2010, it seems that the number of the locations for special education has been increased.

Secondary school

After completing primary education, children and young people with disabilities can receive **secondary education or vocational education or training**. At secondary education level, children with special needs are included in programmes of secondary general or vocational education with adapted implementation and additional expert help. Beside the right to additional expert help (max. 3 hours per week), the organisation of learning process at secondary level might include: additional help, lower number of pupils in a class, use of adapted learning aids and adapted study materials.¹⁴

At the beginning of school year 2007/2008 in secondary programmes there were enrolled:

- 196 pupils with mild intellectual disabilities;
- 102 physically disabled pupils;
- 33 blind or partially sighted pupils;
- 127 deaf and hard of hearing pupils.

¹² Pre-school education in kindregardens Slovenia, School year 2009/2010-final data. [Orig.: Predšolska vzgoja in izobraževanje v vrtcih, Slovenija, šolsko leto 2009/10 – končni podatki], www.stat.si/PrikaziPDF.aspx?ID=3139 (10 July 2010).

¹³ <http://www.stat.si/letopis/2009/06-09.pdf>, pp. 123.

¹⁴ Gymnasium Act - ZGim-UPB1 (Official Gazette of the RS 1/2007), Art. 36.

Most of them were visiting regular secondary school programmes, but not those with mild intellectual disabilities.¹⁵

Those young people already segregated in special programmes at special schools or institutions can, either go to a two and a half-year lower vocational education programme for people with mild intellectual disabilities, or through a special programme of education and care which is provided in segregated, residential work training units. After completing these programmes, only people with *mild* intellectual disabilities can register as a job seeker at an Employment Office, while others with a more severe diagnosis, have no right for paid employment, at all (see a long debate about the law from 1983 in ANED reports 2009, 2010). People with mild intellectual disabilities then face competition in the open labour market for which they have been poorly prepared. There are no support programmes specifically targeted at job seekers with intellectual disabilities. People labelled as *moderate* intellectually disabled or *more severely* disabled, have a legal status of being “unemployable” and are set under guardianship system.

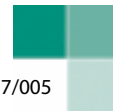
*Vocational education and training*¹⁶

The two and a half-year lower vocational programme is the only vocational education programme in which young people and adults with *mild* intellectual disabilities can enrol. This programme is offered at secondary vocational schools and is only open to those who have had at least six years of education in a mainstream elementary school or who have completed a special school. However, since employers now want better-qualified workers, interest in these programmes is falling and some are being cancelled. Such programmes now exist only in Ljubljana and some other cities, which means that they are inaccessible for many young people with intellectual disabilities. In the school year 2003, there were only 15 such programmes available, most of which offer traditionally male-orientated vocations such as assistant baker, butcher or pastry cook. Girls are therefore even more restricted in their choice of programme than boys. There is only one traditionally female profession, assistant housekeeper, although girls do also enrol in the programmes for assistant baker, pastry cook or farmer.

In 2003-2004, there were 432 young people enrolled on these programmes, of whom 51% were people with *mild* intellectual disabilities. In the school year 2003-2004, 86% of children from a primary school with an adapted programme for children with *mild* intellectual disabilities went on to do a two and a half year lower vocational programme.

¹⁵ Statistical Annual 2009, p. 123 <http://www.stat.si/letopis/2009/06-09.pdf> (27. June 2010).

¹⁶ Cf. Rights of People with Intellectual Disabilities Slovenia (2005) Access to Education and Employment: EU Monitoring and Advocacy Program, Budapest and New York: Open Society Institute, pp 81. Available at: http://www.soros.org/initiatives/health/focus/mhi/articles_publications/publications/romania_20050902/slovenia_20051102.pdf



*Training in residential institutions*¹⁷

Children and young people who, due to judgements about their intellectual or physical disabilities, cannot be involved in mainstream vocational and secondary schools receive training in residential institutions, where they attend work training units and follow a special programme of education and care. This programme is open to people with *moderate*, *severe* and *profound* intellectual disabilities. These units can be part of a primary school with an adapted programme (special school) or located at a separate institution. These people were mentioned above as those having no formal right to compete at the labour market, as they are defined as “unemployable” by the law (1983).

The work training units run special vocational training programmes; orientation programmes; art classes; and working production.¹⁸ Formally, the emphasis is placed on the social development of the person, while in reality the placements ensure simple activities and occupation. There is hardly any systematic good-quality learning of the basic social skills that would be useful for people with disabilities in everyday life.

These programmes enable a young person to prolong their formal education (this prolongation is referred to as “training”) and they can now be extended up to the age of 26. At the end of the training, the trainee receives a certificate with a narrative description of their achievements.

Those who have completed the two and a half-year lower vocational programme are in fact no longer considered as having intellectual disabilities. If they cannot find work, they can register as unemployed and receive unemployment benefits like all other unemployed people. There is no official data on what happens to these young people after they finish the programme of lower vocational education. However, their employment opportunities are nonetheless very limited, regardless of gender. The centres for social work only get involved if the person applies for social benefits, by which time the person is usually already in a very precarious position, both financially and socially. This is one of the reasons why many of them, desperate for a continuous social security, find a place in a sheltered workplace. The dramatic fact is that in order to get a place in a sheltered workplace, some are willing or benevolent to change their diagnosis into a more severe one (from light into moderate).

¹⁷ Ibid, pp. 82.

¹⁸ The working production programme includes the following techniques and skills: work with paper and cardboard (squashing, tearing, gluing, painting, printing); work with textiles (squashing, cutting, netting, hand and machine sawing, colouring); work with wood (moving, folding, grinding, sawing, drilling, polishing, binding, painting); work with synthetic materials (cutting, sawing, polishing, designing, painting); work with metal (wire designs, binding, painting).Ibid., pp 82.

Some figures on placement of children and young people into different educational programmes:

Table 1: Pre-school level 2006/2007, 2007/2008 in 2008/2009

		2006/07	v %	2007/08	v %	2008/09	v %
	Nr. of kindergartens	793	/	811	/	845	/
1.	Nr. of all children in kindergartens	58,127	64.8	61,359	68	65,966	<i>70% of all children of proper age</i>
2.	Nr. of children with special needs in kindergartens	759	1.3	636	1.04	796	<i>1,2% of all children in kindergartens</i>
3.	Children placed in regular kindergarten programme	523	0.89	474	0.77	545	0,82
4.	Children placed in developmental departments	236	0.40	162	0.26	251	0,38

Source: Statistical Office of the RS, 18th of April 2007 (data for 2006/2007).

Source: Statistical Office of the RS, 18th of April 2008 (data for 2007/2008).

Source: Statistical Office of the RS, 7th of May 2009 (data for 2008/2009).

Table 2: Children placed in elementary schools and institutions in school years 2005/06 to 2008/09

	2005/2006	2006/2007	2007/2008	2008/2009
Nr. of all children in schools and institutions	170,637 children	166,101 children	164,768 children	163,400 children
Nr. of children with placement orders in elementary schools and institutions	3,831 placement orders 2.2 % of all elementary school children	3,904 placement orders 2.3 % of all elementary school children	2,248 placement orders 1.4 % of all elementary school children	5,973 placement orders 3.6 % of all elementary school children

Source: Statistical Office of the RS, 7th of May 2009.

The number of children with placement orders in elementary schools and institutions in 2007/2008 is surprisingly low, which is due to the fact that in the year 2007 the legislation has changed and the placement commissions were reformed: they became under the jurisdiction of the National Education Institute (before Centres for social work); and the members of the Commissions changed as well.

Because of these changes the commissions did not work from January to July 2007 (Sedej Rozman, 2009).

At elementary school level children can be placed in educational programmes with adapted implementation and additional expert support (mainstream elementary school), adapted educational programmes (with equal or lower educational level), special programmes of care and education (care and education departments) and programmes for children with behavioural and personality disorders (mainstream elementary school, institutions).

Parents or the legal guardians for the child can at anytime start the process of placement at the National Education Institute. It is common for schools to support parents to start the procedures and there are several reasons for this practice:

- schools are very task oriented and teachers are hardly educated to deal with diversity;
- the child receives some extra support in the form of extra classes;
- the schools receives some extra finance for having a categorised child in the classroom, and they are allowed to have a smaller number of children in the class (one child with special needs for two "ordinary children"). In a time of lower birth rates, when the schools have difficulties to admit as many children, this is an important contribution.

At secondary school level it is most often the case that the status of pupil with special needs is granted only to those children who were categorised as children with special needs in elementary school.

Table 3: Number of places pupils in school years 2005/06 to 2008/09

	2005/2006	2006/2007	2007/2008	2008/2009
Nr. of pupils in secondary level education	97,885 pupils	96,310 pupils	91,623 pupils	87,123 pupils
Categorised pupils (by the number of written orders)	1,095 Categorised pupils <i>1.10 % of all secondary level pupils</i>	1,449 Categorised pupils <i>1.50 % of all secondary level pupils</i>	1,439 Categorised pupils <i>1.57 % of all secondary level pupils</i>	2,157 Categorised pupils <i>2.47 % of all secondary level pupils</i>

Source: Statistical Office of the RS, 7th May 2009.

Most of the professionals are still not concerned about the stigma attached to the label of disability, and have little long term perspective on the implications. The fact is that there are few vocational training opportunities for those who are labelled and almost no paid employment.

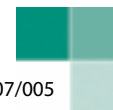


Table 4: Data on placement procedures since 2005 to 2008 according to the educational programmes

PLACEMENT OF CHILDREN WITH SPECIAL NEEDS ACCORDING TO THE EDUCATIONAL PROGRAMMES	2005	2006	2007	2008
KINDERGARTEN - total	356	458	286	533
Regular departments	304	382	227	416
Developmental departments	52	76	59	117
ELEMENTARY SCHOOL - total	3,479	3,512	1,952	3,970
Mainstream elementary school	2,927	2,962	1,682	3,371
Elementary school with adapted programme (lower educ. standard)	552	550	270	599
SECONDARY EDUCATIONAL LEVEL – total	902	969	645	1,463
High school	657	791	562	1,283
Lower vocational training	245	178	83	180
INSTITUTIONS – equal educ. standard - total	188	126	102	166
Elementary school	84	76	53	156
Secondary school	104	50	49	10
DEPARTMENTS OF CARE AND EDUCATION – special programmes in institutions	268	233	190	443
TOTAL	5,193	5,298	3,175	6,575

Source: Data of National Education Institute, 26. 3. 2009

Most children were placed in programmes with adapted implementation and additional expert support in mainstream elementary schools.

Most children, as shown in table 5, were categorised as having deficiencies in specific learning areas, followed by children with intellectual disabilities and children with borderline intellectual abilities. For reasons already mentioned, the number of the latter is decreasing (the label is not in the formal law, since 2007).

Table 5: Data on placement procedures of children with special needs since 2005 to 2008 – according to the impairment

PLACEMENT OF CHILDREN WITH SPECIAL NEEDS, ALL AGES, ACCORDING TO THE IMPAIRMENT / LEVEL OF DISABILITY	2005	DEL. V %	2006	DEL. V %	2007 ¹⁹	DEL. V %	2008	DEL. V %
Deficiencies in specific areas of learning	1761	33.9	2053	38.5	1,100	34.9	2,383	36.2
Intellectual disability	731	14.1	631	12.0	325	10.3	727	11.0
Borderline intellectual ability	671	13.0	373	7.0	128 ²⁰	4.0	151	2.3
Long-term ill	296	5.7	383	7.2	353	11.1	676	10.3
Physically disabled	205	4.0	182	3.4	99	3.2	173	2.6
Deaf and hard of hearing	191	3.7	172	3.2	80	2.5	176	2.7
Speech disorders	161	3.1	301	5.6	198	6.2	338	5.1
Blind and partially sighted	72	1.4	48	0.9	40	1.2	54	0.8
Behavioural and personality disorders	39	0.7	26	0.5	17	0.5	38	0.7
Combined multiple disabilities	1,066	20.5	1,129	21.0	825	25.9	1,859	28.3
Total	5,193	100.0	5,298	100.0	3,175	100.0	6,575	100.0

Source: Data of National Education Institute, 26. 3. 2009.

Transfer between educational programmes is very limited.

Most children with *mild* intellectual disabilities are placed in special programmes, either at a special school or in a special unit at a mainstream school. Although the Placement Act provides for the right of children with *mild* intellectual disabilities to transfer between different educational programmes, this is a very limited option which demands an enormous effort from parents as advocates for their children.

There have been many reports about the complaints against the placement procedures conducted by the Placement Commissions (2005; Ombudsman Yearly Reports 2003, 2004, 2006, 2007, 2008). Several critiques have also been made concerning the composition and operation of the Placement Commissions: First (and most importantly), children are assessed by experts who usually do not know the child. The permanent members of the commission usually have not met the child prior to the assessment and placement procedures and, in addition, the child's parents have little or no influence in the placement decision. The *Annual Report 2003* of the Human Rights Ombudsman refers to the complaints of several parents who felt that they had not been sufficiently involved in the decisions of the Placement Commission. Members of Association Sonček have stressed that parents and also people with disabilities should be equal members of the Commissions.

¹⁹ Ibid.

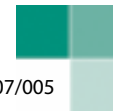
²⁰ The number is decreasing since the law has erased the category of "borderline intellectual disability", but it is obvious that even in 2008 new children with this label have appeared.

Unfortunately, the new changes from 2007 did not take into consideration any of these suggestions.

Professionals and parents also complained about the decisions of the Commissions concerning the specified number of hours of additional help that children who have been placed should receive. They say that the commissions try to save money by specifying a smaller number of hours of professional support than that actually required by the child. The law itself is discriminatory; children with intellectual disabilities do not have the right to a personal assistant - this right is reserved for children with physical disabilities. There have recently also been more complaints from parents about the decisions of the Placement Commissions in individual cases, mainly because parents are now better informed than in the past and want to prevent their child from being sent to a special school. Parents and activists often criticise the fact that a child has to be stigmatised by being “categorised”, just to obtain the right to additional assistance. Parents also complain that the Commissions emphasise the child’s disabilities rather than their needs for support. Although Commission members say that parents usually get the result they want and that their child is usually sent to the school they request, interviewed parents claim that the opinion of the Commission dominates and that the Commissions do not provide them with proper information.²¹

Racism towards Roma children in Slovenia is still evident, especially looking at the figures on the ethnic background of children in special schools. In 2003 one of the first research studies in the area showed that there was a disproportioned number of Roma children classified as disabled and sent to special schools with no real chance for proper further education and training (Zaviršek 2003; Rights of people with Intellectual Disabilities in Slovenia 2005). While in 2003 the figures showed that there were ten times as many Roma children in special school compared with non-Roma children from the same age, the figures from 2006 show that the share of Roma children in special schools were still seven times higher than the share of the non-Roma children. (Peček, Lesar, 2006: 81).

²¹ Cf. Rights of People with Intellectual Disabilities Slovenia (2005) Access to Education and Employment: EU Monitoring and Advocacy Program, Budapest and New York: Open Society Institute. http://www.soros.org/initiatives/health/focus/mhi/articles_publications/publications/romania_20050902/slovenia_20051102.pdf (23. July 2010).



Section 4: Types of support for students and trainees

Support for **students entering the universities** is given by the following organisations:

- **Organisation of the Students with Disabilities** (*Društvo študentov invalidov*);
- national associations for the physically impaired, visually impaired and blind;
- local invalid organisations;
- -humanitarian organisations such as Lions Club.

The Organisation of the Students with Disabilities²² has a 'service for the help for invalid students' which is meant to support secondary school youngsters and university students with disabilities and their parents. It has two offices in the biggest cities Ljubljana and Maribor. The aim of the service is to increase the number of the students with disabilities in secondary schools and university education and to shorten the period of students studying at the universities.

The service provided by the Organisation of the Students with Disabilities aims to support every student with disabilities, regardless of level or type of disability. It is comprised of three kinds of activities:

- Service related to questions of student's enrolment, study conditions, accessibility, adaptations, meeting the study obligations and advancement conditions. The service collects information and forwards it to students; if necessary it intervenes with faculties on behalf of students.
- "Social service" offers help in arranging boarding for students with disabilities, personal assistance, care and transportation.
- "Legal service" collects information with regard to legal questions of students with disabilities, questions concerning rights and benefits, and presents it to students.

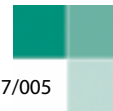
This service is available during office hours in Ljubljana and Maribor (two major university centres), over the telephone or by email. It also regularly collects and distributes new information. The aim of the service is to increase the number of persons with disabilities in the higher educational level, to support students in advancement in studies and thus decrease the total time of study.

The students receive the following types of support:

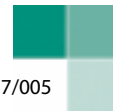
- Transportation support, most often for the students with physical impairments;
- putting books into oral forms on tapes and audio files for those with visual impairments.

The personal narratives of students with disabilities show a rather depressing picture, however. Two social work students with visual impairments have emphasised that they often have to order the transportation van one week ahead of time and even then, the van might be busy.

²² <http://www.dsis-drustvo.si/>



This means that their life cannot be flexible at all, and that they have learned to restrict themselves to the minimal transport support only when they need it for the most important educational activities. They also related that most often they have to wait up to one month to obtain the basic study books and other literature on the tapes (personal interviews, May 2010; op. Cit. D. Z.).



Section 4a: Financial support

The Constitution of the RS states in Art. 52: (1) Disabled persons shall be guaranteed protection and work-training in accordance with the law.
(2) Physically or mentally handicapped children and other severely disabled persons have the right to education and training for an active life in society.
(3) The education and training referred to in the preceding paragraph shall be financed from public funds (Official Gazette 33/1991).
Art. 57 of the Constitution: (1) Freedom of education shall be guaranteed.
(2) Primary education is compulsory and shall be financed from public funds.
(3) The state shall create the opportunities for citizens to obtain a proper education (ibid.).

The Placement Act defines the educational programmes available for children and young people with specific types of disabilities; all educational programmes are financed from the state budget.

Benefits

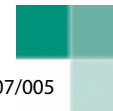
Regulations on state scholarships (Official Gazette of RS, nr. 51/2008) in Article 13, envisages a special supplement for students with special needs, who are entitled for scholarships. This supplement is currently 48,92 € per month which is an additional sum to the scholarship. Those without a scholarship have no money benefits being students with special needs.

Child care supplement (Dodatek za nego otroka)

It is intended to cover the increased cost, because of severe illness or disability of a child. One of parents is entitled to this financial benefit for as long as the child is in education system, but usually not longer that until 26 years of age. In 2010 the lower supplement was 100,57 Euro and higher 201,21€ per month.

Care allowance (*Dodatek za tujo nego in pomoč*)

Is a monthly income for disabled persons who need constant help and care by another person. The right to care allowance is connected to a certain disability status and only a small number of disabled students are entitled to it, mainly students with visual impairments, mostly blind students.



Section 4b: Personal assistance, equipment and adaptations

Assistance of the physically impaired children

Children with physical disabilities at pre-school, elementary or secondary level can be granted a right to a personal assistant. It must be suggested by the Placement Commission and it can be granted either part-time or full-time. Full time assistance is granted for the duration of implementation of educational programme at kindergarten; for the duration of compulsory and extended programme of elementary school; and for the duration of organised education in vocational training and high school.²³ This right does not apply to students at universities, who can only have assistance organised by different NGOs (disability organisations) running assistance programmes. These programmes are very different. This right also does not apply when the person gets into paid employment.

Assistance for the students at universities

The Organisation of the Students with disabilities runs a “personal assistance programme” which is implemented in students’ dormitories and available only to students who, during their studies, live in one of the dorms where assistants are available. According to the organisation’s web site they have 12 assistants in Ljubljana, working in two locations, and their work schedule is organised by programme managers.²⁴ In practice this means there are one or two assistants available for all disabled students there at any given time (though weekends are not always covered) they go to assist students who call them.

Some of disability organisations have apartments and rent rooms or beds for students with disabilities, and provide a limited level of assistance.

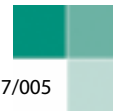
YHD – The Association for Theory and Culture of Handicap is still the only organisation in Slovenia providing PA according to IL principles, and it has (in 2010) 6 users – persons with extensive assistance needs - who live outside of institutions or dorms, and have the status of student.

Equipment and Adaptations

The Placement of Children with Special Needs Act, states in Art. 3 that: “Students at university programmes, should have additional equipment ensured in concordance with university statute.” In practice this means that universities themselves, in their regulations, state the extent to which they will meet the needs of disabled students and which rights they will grant. According to the Statute of the University of Ljubljana, disabled students have a right to take exams outside the regular exam period, and can progress to a higher class even if they have not fulfilled all conditions.

²³ Regulations on additional expert and physical assistance to children and youth with special needs [Orig.: *Pravilnik o dodatni strokovni in fizični pomoči za otroke in mladostnike s posebnimi potrebami*] Art. 9, Official Gazette, No. [25/2006](#).

²⁴ <http://www.dsis-drustvo.si/urnik-asistence.html> (20. July 2010).



The Statute of the University of Maribor states that students with disabilities have a right to adaptations in classes, practical work and exams. How this right will be implemented is up to the particular Faculty Unit of the University.

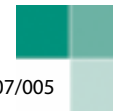
According to The Organisation of the Students with disabilities website, 9 Faculties within the University of Ljubljana are accessible for students using wheelchairs and 6 faculties of the University of Maribor, while 5 are only partially accessible.²⁵

Technical aid is regulated under Health Insurance Rules, and can be obtained under their procedures and conditions. Disabled students do not have any specific or additional rights, because of their “student” status.

Some adaptations and equipment are available to members of The Organisation of the Students with Disabilities, and they provide services like:

- use of computers (they have a few computers in their offices, that are connected to Internet and to printers, one of the computers in the offices in Ljubljana and Maribor is equipped with technology for partially sighted (Zoomtext), and one computer has Jaws and Braille display;
- copying, scanning, enlargement, printing of materials is available for disabled students;
- in cooperation with the Association of the Blind, texts can be read and copied to audio files.

²⁵ <http://www.dsis-drustvo.si/dostopnost-fakultet.html> (20. July 2010).



Section 5: Evidence of good practice

There is some evidence of good practices in the area of education of young people with disabilities.

1. According to the “Regulation on the graduation from a secondary school for the candidates with special needs” (Official Gazette [6/2006](#); Orig.: *Pravilnik o opravljanju mature za kandidate s posebnimi potrebami*), young people who are taking their leaving exams before finishing secondary school have the right to some accommodations during the exams.
2. A 14-years old boy with autism who attends special school programme in an institution is allowed to attend ordinary school in the town where he lives once a week. This achievement is the result of strong parent advocacy initiative.
3. A grassroots organisation, the Center for Autism²⁶, which was established by a mother of a boy with autism few years ago, published a film on inclusive education for young people with autism. The name of the film “You get what you see!” was made in 2009 in Slovene and English versions, was shown on national television, and has been used for educational purposes and for awareness raising among professional, parents and people with autism themselves.

There is a hope that with the erasure of the old-fashioned and often mentioned Law on Social Protection of Mentally and Psychically Retired Persons from 1983 (Official Gazette RS 41/1983; see other Aned reports, especially the report on Independent Living 2010), the chances **for education will get increased for people with intellectual disabilities, too**. The old law is supposed to be replaced by the new Law on Social Inclusion (Smolej et. al, 2010).

In June 2010 Social Protection Institute of the RS made a research requested by the Directorate for Invalids at the Ministry of Labour, Family and Social Affairs with the title “Institut of Advocacy for Adult Persons with intellectual Disabilities: Final report” (Smolej et. al 2010). The researchers were asked to explore the ways to develop the advocacy for adults with intellectual disabilities which is supposed to be put it into the future law. **The concept of the future advocacy includes also the right to education**. The very important and useful proposal will hopefully increase the rights of all people with disabilities to get **proper education**.

Nevertheless, in the report there are several disappointing and worrying elements:

- the person with disabilities himself/herself has according to the proposed concept no options to turn to the advocate individually;
- the advocate has to be proposed by the so called “Commission of decision-making about the rights of invalids” (*komisija za odločanje o pravicah invalidov*), which is a contradiction in terms itself; the advocate could also be proposed by the Center of Social Work (Smolej et. al 2010: 52-56);

²⁶ <http://www.avtizem.org/avtizem.html>

- the proposed members of the Commission are: defectologist (orig.: *defektolog*; special pedagogue) , general doctor/school doctor/or a paediatrician, psychologist, andragogist (orig.: *andragog*; specialist for adult pedagogy, op. cit. D. Z.), a specialist in the field of employment and a specialist for the ICF (ibid. : 53).
- the person with disabilities cannot choose any advocate, but can only get the one which is on the “list of advocates” confirmed by the Directorate of Invalids;
- the advocates will most probably be unpaid and volunteers but will need to have an education for an advocate who will be provided by a special company confirmed by the Directorate of invalids.

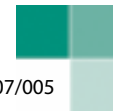
Analysing only these few issues it is obvious, that the proposal is made by an old-fashion medical oriented model which has been used in Slovenia for establishing new laws after the year 2000.

The worrying issues are:

- the person with disabilities is neither encouraged nor allowed to choose his/her own advocate or to turn to the advocate independently;
- there are in-between stages, like in other laws in the area of disability, which are supposed to regulate the relation between the advocate and the person who needs an advocate;
- the person is not free to choose a friend or a close person to be an advocate, but the person has to be approved by the Commission;
- the majority of the Commission members are from the medical, rehabilitation or defectology-oriented professions.

Nevertheless, there is a hope that the advocacy system might support some people to **experience less violations of rights and will get proper education**. The proposed obligations of an advocate are:

- supports the service user to achieve formal rights, like educational, employment, social inclusion, material rights, could use proper living conditions;
- empowers the service user, makes sure that the person get equal treatment;
- is the voice of the service user and is a mediator between him/her self and other authorities;
- is ready for issuing complaints;
- protects and advocates what is in the biggest advantage of the service user (Smolej et al. 2010: 56).



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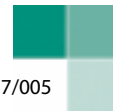
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