

# **Inclusion and Inclusive Education in the Federal Republic of Germany**

**2011**

Since the Federal Republic of Germany ratified the UN Convention on the Rights of Persons with Disabilities (26.03.2009) the discussion about “Inclusion” and “Inclusive Education” leave the impression that in politics, economy, medicine, social life, education and in cultural in general the term ‘Inclusion’ still meets people and institutions somehow ‘suddenly’ and ‘not well prepared’. The consequence can be interpreted that – perhaps because of the global perspective – there are on the one side ‘no antagonists’ (Gegner) of the Convention but there are on the other side many ‘adversaries’ (Widersacher) of Inclusion and the debates go up and down.

It is worth to start with Article 24 of the Convention: “States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels.” The text in easy language express it more directly: “All children should go in same schools... Disabled children and nondisabled children should learn together. There shall be no special school....Some children need special support. This support can be given also in a school for all...” It must be underlined that the argumentation is first a legal one – “...the right of persons with disabilities...” and after that follows the ‘educational view’. Therefore discussing the matter is equal with keeping in mind the development of the Human Rights Initiatives of the United Nations: 1948 Declaration of Human Rights, 1952 Convention on Political Rights of Women, 1959 Declaration of the Rights of Children 1959 and 1971 of Persons with Mental Disability and 1975 Declaration on the Rights of Disabled Persons. 1990 Standard Rules on Equalization of Opportunities for Persons with Disabilities, 1990 Education for all and 1994 Salamanca Statement on Special Needs Education. In this long row the Convention of 2006 is the last link or impulse to become aware that a real paradigm shift occurs. This means not to continue with ‘more of the same’ but to trans-form.

The first step of a trans-formation was done 1994 in the Salamanca Statement with the guiding principle Inclusion in a school for all. And what we easily forget is that not only the so called handicapped child is challenging us but there are many life and learning situations of heterogeneous children which ask us how we can accept them and meet their needs creatively. If those children have to adjust to an inadequate education- and school culture the risk becomes for them very high not to be able to fulfill the demands that school and society ask of them. If there is no other solution then to label students as ‘handicapped or disabled’ and send them to special schools under the cloak of ‘support education’, then this is the fault way, unacceptable and absolutely contradictory to the UN-Convention!

The year 2010, the first after the ratification of the UN-Convention on March 26th 2009, is characterized through verbal and written statements, demands, proposals and action plans. This report underlines three topics:

1. The status of School Education.
2. Demands of Academic Changes and Scientific Research.
3. National action plan for the realization of the UN-Convention.

In addition there will be mentioned some other impulse which accompany the discussions and the processes of change.

## 1. School Education

The Bertelsmann Foundation published in 2010 an analysis about the actual situation of education for students with special needs in the sixteen countries of the FRG. It is titled: 'Learning together. Inclusion lived. Status quo and challenge of Inclusive Education in Germany'.

([http://www.bertelsmann-stiftung.de/bst/de/media/xcms\\_bst\\_dms\\_32811\\_32812\\_2.pdf](http://www.bertelsmann-stiftung.de/bst/de/media/xcms_bst_dms_32811_32812_2.pdf))

The result of the research is: In preschool more the 60% of the children with SEN are included in 'normal Kindergarten'; 34% in primary school but only 15% in lower secondary school. 80% are still educated in special schools.

The report comments the status quo on the base of many detailed graphics about the development in the context of Inclusion in the sixteen countries. The author comes to the result:

In the FRG 'Inclusive Schools' are still exceptions not the rule. But the rate of inclusive settings in Kindergarten, primary and lower secondary schools show in many practical examples how effective Inclusive Education can be. This encourages us to accept the UN-Convention earnestly and not to follow a 'laissez faire' policy! Especially the parallel existence of two different systems – the special educational one and the inclusive one – will not correspond to and meet the expectations and aims of the UN-Convention. Parallel structures – special educational one and regular educational one – at the same time are only accepted as a transitional phase between the status quo and the new inclusive dimension.

In an Essay 'Adversaries of Inclusion and their contradictions' ([http://www.bpb.de/popup/popup\\_druckversion.html?guid=W3O4CB&page=4](http://www.bpb.de/popup/popup_druckversion.html?guid=W3O4CB&page=4)) Hans Wocken, an expert in inclusive education in Germany, comes to the same conclusion. Because of the global perspective there are no antagonists ('Gegner') of the UN-Convention itself but there are adversaries ('Widersacher') of Inclusion. Wocken calls Adversary those

who pay lip service to the Convention but who cling unswervingly to the special school. There is no con-sense by society as a whole in the FRG.

What are the contradictions?

1. Inclusive education teaches us that schools have to adjust to the students. A segregating education argues just opposite. There are schools to which students have to adjust: Gymnasium (high school), Realschule (lower secondary school), Hauptschule (modern secondary school) and Sonderschule (special school which is in it again divided in different divisions). The justification of this fixed system is given in the belief that students can be arranged in homogenous groups.

2. Another contradiction is the 'divided' answer: '...as well as...' This answer belongs to the standard argument of inclusion skeptics. The formula reads: As well inclusive as special schools. Though the UN-Convention suggests dissolving the special school system the adversaries request a further development of special education or at least to keep the status quo.

3. Nowadays – quite suddenly - the 'will of parents' is 'discovered' and underlined by politicians. Though for more than one century the 'will of parents' never has been taken in consideration now it is emphasized that parents should be given the responsibility about the decision in which school a child has to go. But it is not clear if there will be a real 'free selection' of schools.

4. And last but not least adversaries of the idea of Inclusion underline the 'best interest of the child'. Article 7, 2 of the Convention reads: "In all actions concerning children with disabilities, the best interest of the child shall be a primary consideration." This interest is surely the 'highest' principle for education. But the question arises: Who knows, what is the best interest of a child? Teachers, the school board, parents, other experts, the state? Who is competent to decide? And last but not least whose best interest is meant, the best interest of the handicapped child or the best interest of the child without handicap?

The background of these remarks might be helpful to understand the different actions of 2010 which I could collect in the field of education especially with the support of the internet platform "InKoe" which means 'Inclusion Koeln' (<http://www.inkoe.de/>). I collected the information about Education through the year 2010 and arranged them under various topics:

In April 2010 The Standing Conference of the Ministers of Education and Cultural Affairs of the Laender in the Federal Republic of Germany (KMK) offers a paper which should renew the recommendations for special needs education from 1994.

(<http://www.schulministerium.nrw.de/BP/Schulsystem/Behindertenrechtskonvention/Diskussionspapier-Stand-29-04-2010.pdf>) The paper was discussed in June at the annual Conference in Bremen.

(<http://www.tagesschau.de/inland/inklusion102.html>)

Associations of handicapped people criticized this paper from their point of views. They complain about the following points:

The recommendation doesn't take enough in consideration the UN-Declaration on the Rights of Disabled Persons (1975) and the subjective legal dimension of handicapped persons (subjektivlegale Dimensionen). Changes should not be postponed on the long run but have now to be effectively realized. And last but not least not 'special schools' should be developed further but the general schools have to be transformed!

(<http://www.deutscher-behindertenrat.de/mime/00060664D1276175808.pdf>)

In December 2010 the KMK published a discussion paper with the title: Inclusive Education for Children and Youth in Schools (Inklusive Bildung von Kindern und Jugendlichen mit Behinderungen in Schulen).

(<http://www.kmk.org/fileadmin/pdf/Bildung/AllgBildung/Anhoerungstext-Entwurf-2010-12-03-205-AK.pdf>).

The National Education Report from May doesn't refer explicitly on the UN-Convention.

([http://www.bildungsbericht.de/daten2010/bb\\_2010.pdf](http://www.bildungsbericht.de/daten2010/bb_2010.pdf)) This is the reason why on the base of the 'UN-Committee on Economic, Social and Cultural Rights' the German Trade Union of Teachers criticized it strongly.

(<http://bildungsklick.de/pm/76002/gew-deutschland-verletzt-voelkerrechtlich-verbrieftes-recht-auf-bildung/>)

Statements about 'Dissolving Special Schools' (Auflösung von Sonderschulen):

The City of Bremen is planning to dissolve its special schools step by step until 2017.

([http://www.radiobremen.de/fernsehen/buten\\_un\\_binnen/video16396-popup.html](http://www.radiobremen.de/fernsehen/buten_un_binnen/video16396-popup.html))

(<http://bildungsklick.de/a/74605/bremen-setzt-beharrlich-schulreform-um-ziel-inklusion/>)

Berlin starts in 2012 to dissolve the special schools for students with speech problems, slow learners and for students with emotional and social behavior problems (Förderschwerpunkte Sprache, Lernen und Emotionale und Soziale Entwicklung).

New school structures:

The country Northrhine-Westfalia starts – after the government changed last year - with a new school form: Gemeinschaftsschule. It means that students of the fifth and sixth grade will be taught together. It will be a six year school experiment.

([http://www.schulministerium.nrw.de/BP/Schulpolitik/Leitfaden\\_Gemeinschaftsschule.pdf](http://www.schulministerium.nrw.de/BP/Schulpolitik/Leitfaden_Gemeinschaftsschule.pdf))

The country Thüringen follows the same idea.

(<http://bildungsklick.de/a/75334/thueringen-fuehrt-gemeinschaftsschule-ein/>)

Bremen is going to establish ‘Oberschulen’ starting with the school year 2010/11. Parallel to highschools (Gymnasien) the ‘Bremer Oberschulen’ will have classes where disabled and nondisabled students are taught together and are able to make different secondary school qualifications.

(<http://www.spiegel.de/schulspiegel/wissen/0,1518,721445,00.html>).

The country Schleswig-Holstein will embody the guidelines of the UN-Convention in its school law.

## New School Culture

Inclusive Schools must become normality is also the guideline of the country Rheinland-Pfalz.

(<http://www.bizeps.or.at/news.php?nr=11561>).

The Minister of Education in Northrhine-Westfalia wants to create ‘an education culture of keeping students in regular schools without excluding them in special schools’

([http://www.schulministerium.nrw.de/BP/\\_Rubriken/Initiativen/Inklusion.pdf](http://www.schulministerium.nrw.de/BP/_Rubriken/Initiativen/Inklusion.pdf)).

The neurologist Gerald Huether underlines from the point of neurobiology the need of a new culture of learning and teaching in schools and asks therefore an inclusive education.

([http://www.inkoe.de/literatur/literatur\\_detail.php?literatur\\_id=1475](http://www.inkoe.de/literatur/literatur_detail.php?literatur_id=1475)).

In the same direction shows a statement of the ‘German Society of Social Pediatric and Medicine of the Youth’ in which psychiatrists refer on Article 24 of the UN-Convention and claim the ‘Inclusive School’.

([http://www.presseportal.de/pm/55202/1628002/dt\\_gesellschaft\\_fuer\\_sozialpaediatric\\_und\\_jugendmedizin](http://www.presseportal.de/pm/55202/1628002/dt_gesellschaft_fuer_sozialpaediatric_und_jugendmedizin)).

Last but not least is the ‘Index of Inclusion’ an exceptional tool to start anytime and anyplace an analysis about inclusive conditions and at the same time to intervene practically on different levels to realize a new quality of school education.

(<http://www.csie.org.uk/publications/inclusion-index-explained.shtml>)

To extend the idea of this Index beyond schools in Cologne (Koeln) an 'Index for Inclusive Community' was developed and a working book gives hints how to use it.

(<http://www.montag-stiftungen.com/kommunenundinklusion-hintergrund/>)

([http://www.montag-stiftungen.com/3213/?no\\_cache=1](http://www.montag-stiftungen.com/3213/?no_cache=1))

The Parents Association for Children with Mental Disability (Lebenshilfe) is nearly the only initiative which clearly demands for a change to Inclusive Schools. They published in June a book: Successful Schooling: Schools on the Way to Inclusion. (Gelingende Schulen: Gemeinsamer Unterricht kann gelingen. Schulen auf dem Weg zur Inklusion).

In November ,Inclusion International' published the English version of the lectures and reports from the World Congress ,Inclusion – Transforming Global Rights into Action'.

([http://www.lebenshilfe.de/wDeutsch/ueber\\_uns/weltkongress-2010/dokumentation/16-06-2010/index-en.php](http://www.lebenshilfe.de/wDeutsch/ueber_uns/weltkongress-2010/dokumentation/16-06-2010/index-en.php))

## 2. Demands of Academic Changes and Scientific Research.

According to the educational view point of the UN-Convention there will be needed changes in the field of academic qualifications of students but also in research too.

In Bavaria one can read about the demand to change the teacher training at universities from a quite narrow, school type oriented qualification to a more general and comprehensive qualification.

(<http://bildungsklick.de/a/72885/fdp-will-lehrer-schulartuebergreifend-ausbilden/>)

Students have to be trained to work with heterogeneous pupils.

(<http://bildungsklick.de/a/73876/eine-neue-lehrerbildung-fuer-die-alte-schule/>)

In the country Brandenburg from 2012 on all teacher students have to study elements of special education to qualify them for their profession in inclusive school settings.

(<http://bildungsklick.de/a/76117/sonderpaedagogik-fuer-alle-lehramtsstudenten/>).

There have been published a variety of books about Curricula and best practice examples of inclusive schools.

When we earnestly look again to the questions which Hans Wocken asks: 'Who knows, what the best interest of a child is? ... Who is competent to decide? ...?' Whose best interest is meant?' and when we try to find answers, then we have also to make a paradigm shift here.

On the 'Conference of Researches for Inclusive Education at Universities in German Speaking Countries' in Innsbruck in January 2010 the new and unexpected question arose how to make it possible to start scientific research work together with people with intellectual disability. Beyond the idea of normalization, emancipatory and participatory research the 'real vision' of Inclusion opens a new field of 'Inclusive Research' which basically will include disabled people (Tobias Buchner, Oliver Koenig, Saskia Schuppener, *Gemeinsames Forschen mit Menschen mit intellektueller Behinderung. Geschichte, Status quo und Möglichkeiten im Kontext der UN-Behindertenrechtskonvention, Teilhabe 1/2011, Jg. 50, S. 4-10*).

### 3. Federal Action Plans for Inclusion

Looking to the activities of 2010/11 it is not easy to find a clear red thread of the process towards Inclusion. I just want to mention some:

#### Action Plan

In April 2010 the Federal Ministry of Labor and Social Affairs announced a Federal Action Plan for Inclusion. (<http://www.bmas.de/portal/44638/>)

Different Associations have been asked to give their view to this Action Plan:

In June 2010 the Federal Association for Voluntary Welfare published a position paper about the demand to the National Action plan. Aspects are: Basic principle of inclusion, understanding of 'handicap', laws, health, education, labor and barrier free accessibility.

([http://www.bagfw.de/uploads/tx\\_twpublication/Stellungnahme\\_NAP\\_UN-Behinderten\\_210610.pdf](http://www.bagfw.de/uploads/tx_twpublication/Stellungnahme_NAP_UN-Behinderten_210610.pdf))

October 2010 the German Association of Rehabilitation also added a statement and demands to the National Actionplan Inclusion. ([http://www.dvfr.de/fileadmin/download/Schwerpunktthemen/UN-BRK/Stellungnahme\\_BRK\\_09\\_08\\_2010-Ef.pdf](http://www.dvfr.de/fileadmin/download/Schwerpunktthemen/UN-BRK/Stellungnahme_BRK_09_08_2010-Ef.pdf))

February 2011: The passing of the National Action Plan in the Parliament will be delayed again and is announced for May 2011. (<http://www.bizeps.or.at/news.php?nr=12146>)

The Federal Representative for Disabled Persons established a Committee for discussing matters of the Federal Action Plan, an Inclusive Board (Inklusionsbeirat) and 4 Expert groups to deal with the following fields:

Expert group 1: Health, Care, Prevention, Rehabilitation.

Expert group 2: Liberty and Property Rights, Women, Partnership and Family, Bioethics.

Expert group 3: Labor and Education.

Expert group 4: Mobility, Constructing Buildings, Living, Leisure, Social Participation, Information and Communication.

Two Project groups deal with the National Report for the UN and for the National Action Plan.

The Monitoring Agency of the German Institute of Human Rights

2001 the Federal Government established the German Institute of Human Rights. In 2008 this Institute has been put in charge for caring and observing the compliance of the Rights of Disabled Persons on the base of Article 33, 2 of the UN-Convention. Following Article 33, 3 a Monitoring Agency started to work.

In August 2010 The Monitoring Agency of the German Institute of Human Rights publishes the first magazine 'Position 1' and observes the activities of the Federal Government and is partner of NGO's and NPO's. 'Position 2 and 3' has followed. (<http://www.institut-fuer-menschenrechte.de/de/monitoring-stelle/publikationen.html>)

[http://www.institut-fuer-menschenrechte.de/de/publikationen/detailansicht.html?tx\\_commerce\\_pi1\[showUid\]=254&cHash=8d0156658d](http://www.institut-fuer-menschenrechte.de/de/publikationen/detailansicht.html?tx_commerce_pi1[showUid]=254&cHash=8d0156658d)

([http://www.institut-fuer-menschenrechte.de/fileadmin/user\\_upload/PDF-Dateien/Kurzdarstellungen\\_Selbstdarstellungen/kurzdarstellung\\_monitoring\\_stelle\\_2010.pdf](http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Kurzdarstellungen_Selbstdarstellungen/kurzdarstellung_monitoring_stelle_2010.pdf))

Policy

In November started the first meeting of the UNESCO Commission Expert group Inclusive Education. <http://www.unesco.de/ua47-2010.html>

In December 2010 the EU Government ratifies the UN-Convention. From now on at all levels of political, economical, cultural activities and so on the basic ideas, needs, suggestions, demands have to be connected with the Convention! <http://www.un.org/disabilities/>

Very informative and interesting is the 'Politic Atlas School Reform (Politikatlas Schulreform)' which includes many aspects of the Federal Republic School 'Landscape' with pro and contra arguments of different school systems! ([www.politikatlas.de/schulreform/](http://www.politikatlas.de/schulreform/))

Finally one can say, that all in all 2010/11 was like a melting pot in which now different elements become clear and that 2011/12 will become a challenge for a collaborative process of creating with these elements a new 'real vision Inclusion' and a 'vision guided reality Inclusion'.

Last but not least...

...I am convinced that there is a possibility to overcome the tension between 'No Antagonist and Adversary' especially needed for contradictions between Responsible Members of the Governing Political Parties and inflexible Bureaucrats.

Overcoming contradictions is a matter of the mental attitude of people and the earnest will of Trans-formation. This will be possible when people discover their blind spot which hinder them to verify that

Inclusion is not about organization (only), it's about attitude (Edward Burns, USA),

Special education is a service and not a place (Edward Burns, USA)

The ordinary teacher is the key-person in inclusive education... Set up support structures, but prevent specialist from taking over (Sip Jan Pijl, The Netherland)

Paradigm-shift from... 'learners with special needs' to... 'barriers of learning and participation' (Nithi Muthukrischna, South Africa).

I mentioned in my report 2009 this need of deep change in people, institutions and society. It is worth and it is time to approach actively this challenging venture 'Inclusion'. Perhaps C. Otto Scharmer's 'Theory U' may encourage people to do this step. (<http://www.eijipress.co.jp/sp/theoryu/index.html>)