

# LEGISLATION, EDUCATION AND THE RIGHT TO EQUAL ACCESS: INCLUSION IN A CHANGING SOCIETY

## LEGISLAÇÃO, EDUCAÇÃO E DIREITO À IGUALDADE DE ACESSO: INCLUSÃO NUMA SOCIEDADE EM MUDANÇA

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### Abstract

This expert article focuses on the issue of inclusive education in the Czech Republic, primarily in terms of the legislative framework, social context and human rights. The aim of the text is to analyse the development of inclusive policy in relation to key legislative changes, especially the amendment to the so-called School Act of 2016, and to assess their impact on the practice of primary schools. The text also reflects on broader societal changes affecting the notion of education as a tool for equality, equity and participation. The discussion focuses on the tensions between normative frameworks and the realities of the educational environment, as well as the role of the state, educators and other actors in the process of promoting the right to equal access to quality education. Finally, the article concludes that truly inclusive education is a long-term process requiring interdisciplinary cooperation, institutional support and a transformation of value paradigms throughout society.

**Keywords:** Czech Republic. Equality. Inclusive Education. Legislation. Right To Education. Social Change.

### Resumo

*Este artigo especializado aborda a questão da educação inclusiva na República Tcheca, principalmente em termos do arcabouço legislativo, do contexto social e dos direitos humanos. O objetivo do texto é analisar o desenvolvimento de políticas inclusivas em relação às principais mudanças legislativas, especialmente a emenda à chamada Lei Escolar de 2016, e avaliar seu impacto na prática das escolas primárias. O texto também reflete sobre mudanças sociais mais amplas que afetam a noção de educação como ferramenta para igualdade, equidade e participação. A discussão se concentra nas tensões entre os arcabouços normativos e as realidades do ambiente educacional, bem como no papel do Estado, dos educadores e de outros atores no processo de promoção do direito à igualdade de acesso à educação de qualidade. Por fim, o artigo conclui que a educação verdadeiramente inclusiva é um processo de longo prazo que requer cooperação interdisciplinar, apoio institucional e uma transformação de paradigmas de valores em toda a sociedade.*

**Palavras-chave:** República Tcheca. Igualdade. Educação Inclusiva. Legislação. Direito à Educação. Mudança Social.

## 1 INTRODUCTION

The current direction of the Czech Republic's education policy is profiled by an effort to create an education system in which education occupies a leading position not only in terms of social importance but also in terms of the individual development of each



citizen. Education is not only understood as a formal process that takes place in the classroom, but as a lifelong value whose importance is reflected in all stages of human life. The purpose of this approach is to enable every individual, regardless of his or her initial circumstances, to obtain a quality education that will give him or her an equal chance of personal and professional fulfilment in society.

The basic prerequisite for a functional and equitable education system is its accessibility and clarity. At all levels of education, it should be clear to pupils what their goals are and what they can expect from the educational process. Similarly, educators, as well as parents and other education stakeholders, should have clearly defined boundaries and support tools to enable them to effectively meet the demands of the contemporary school. Educational content should reflect the current state of human knowledge, promote creativity and critical thinking, and respond to the needs of a dynamically evolving society. Teaching staff play a key role in this process, as their level of training and ability to create a safe, stimulating and stimulating environment is essential to achieving the goals of quality education. The role of the teacher is not only to impart knowledge, but above all to inspire, guide and support pupils to learn in an active and meaningful way. It is in this context that the issue of inclusive education comes to the fore, which not only transforms the view of teaching as such, but also places new demands on the entire education system, its structures and legislative framework.

Inclusion, as a dynamic and constantly evolving concept, is one of the main currents of contemporary pedagogy and education policy, reflecting a broader societal shift towards greater equality, participation and social cohesion. At the heart of this philosophy is the belief that all pupils - regardless of ability, disadvantage or personal situation - have the right to be part of mainstream education. This is not just about being physically present in the mainstream classroom, but more importantly about full participation in the educational and social life of the school. In order for these ideals to be realised, it is essential to create and systematically develop legislative, institutional and pedagogical conditions that actively support inclusive principles. Not only the existence of a legal framework is essential, but also its practical implementation through concrete teaching methods, effective use of support measures, functioning interdisciplinary cooperation and adequate professional development of teachers. In this respect, the role of special educators, teaching assistants and other professionals who contribute to the implementation of the objectives of inclusion in the daily running of the

school is becoming increasingly important. Despite the broad international consensus on the benefits of inclusive education, its implementation remains fraught with a number of challenges. These include insufficient material and staff capacity in schools, as well as more general obstacles consisting of institutionalised attitudes, lack of preparedness of teaching staff or the absence of long-term support and strategic planning by the state. In some countries, deep-rooted inclusive approaches can be observed, supported by clear legislative policies and sufficient funding. In other contexts, however, these are rather fragmented efforts, often faced with low levels of understanding, poor coordination and resistance to change.

In this respect, the question of the legislative anchoring of inclusion and its interconnection with real educational developments becomes crucial. Legislation not only defines the boundaries of inclusive education, but also creates a framework for its long-term sustainability, quality and development. Legal norms can be an impetus for change in school culture, but only if they are accompanied by real support for schools and consistent monitoring of the implementation of their content. Inclusive education is thus not only a pedagogical challenge, but also a legal and political agenda whose success depends on the synergy of all levels of education system management.

## **2 INCLUSIVE EDUCATION**

Integration efforts combine elements of normalisation and humanisation. Individuals with disabilities should not only have the right to social and employment opportunities, but also the right to live a full life in a socially natural environment. The basic idea of humanisation is the equal acceptance of all individuals whose personality or personality is part of the whole of society. If this is a positive influence on the integrating member of a given society, then we can classify this process as positive. Special education in particular strives to achieve the aforementioned goal by identifying the factors necessary for successful integration. (Boardman et al., 2005; Kaleja, 2014; Valenta & Müller, 2021)

The goal of special education has become the integration of individuals with disabilities into a society where all members are equal. Inclusion is a concept that promotes the integration of individuals with disabilities. We understand this concept as the integration of individual students into mainstream schools. It builds on a rejection of

labeling or stigma and aims to end special education and special education. (Šiška & Vítková, 2014) The primary goal of inclusion involves the shared education of individual pupils in mainstream schools without regard to the degree of disability of these pupils. (Hájková & Strnadová, 2010)

The term inclusive education has been used a lot recently for a wide range of activities and activities, which can lead to confusion. Inclusive education can currently be assessed as a domain of the Czech Republic's education policy. It is important to understand what creates inclusion, i.e. efforts for change, alternative ways and forms of working. A very sensitive area in the process of inclusive education is especially the moral aspect, the right of every member of society to equal access to education, and also financial support for inclusive education. These are key aspects of putting inclusive education into practice. (Clough & Corbett, 2005)

By education, then, we mean ... "any deliberate action on a person that develops his physical and mental capacities." (Průcha, Walterová, Mareš, 2013, p. 312)

The access to education is basic human right and it cannot be taken from anyone nor the pupils with any disabilities. It is important to acknowledge the accessibility and inclusivity, differentiation, and individualization of education. Plus, the activation of pupils is crucial throughout educational process. Although, we can support Daněk and Klugerová (2023) thought who recognise inclusive education as tool of social exclusion.

Within the essence of inclusive education, we must not forget the family, not only from the perspective of the environment in which the child/student lives and which shapes him/her, but also from the perspective of a partner for the educational institution. Communication, trust and respect are areas that serve to make effective cooperation between the family and the school work. The parent, and by extension the school, has a shared responsibility in the educational process of the child and without mutual cooperation it is impossible to ensure a positive impact on the child himself. (Stárek, 2022)

### **3 CURRENT OVERVIEW OF THE EDUCATION OF PUPILS WITH SPECIAL EDUCATIONAL**

The Statistical Information System of the Ministry of Education, Youth and Sports of the Czech Republic has published in its Statistical Yearbook of Education performance

indicators for the school year 2022/2023 in the code Basic education: 'Pupils with special educational needs' statistics that show a clear increase in the number of these pupils. If we look back five years, the total number of pupils with special educational needs in the 2017/2018 school year was 107772. In the last school year 2022/2023, the number of pupils was already 142744." (Statistická ročenka školství - výkonové indikatele školního roku 2023/2024/ Statistical Yearbook of Education - Performance Indicators for the 2023/2024 School Year)

We can also mention here the analysis of the Ministry of Education, Youth and Sports of the Czech Republic and its conclusions on the implementation of common education in primary schools, published by the Czech Society for Inclusive Education on 4 April 2018. It points to trends that occurred in the period from 1 September 2016 to 31 October 2017 in primary schools: "The number of pupils diagnosed with developmental learning and behavioural disorders has increased dramatically, by 20% compared to the previous period. Overall, there has been a gradual implementation of a system of new diagnostic procedures." (Ministerstvo školství, mládeže a tělovýchovy ČR/Ministry of Education, Youth and Sports of the Czech Republic, 2018)

The report issued by the Ministry of Education, Youth and Sports of the Czech Republic also deals with a year-on-year comparison of the support measures provided. It concludes that there has been an increase in the support measures provided, especially in the high increase in the function of teaching assistant, hourly pedagogical intervention and hourly special education care. "As of 30 September 2017, a total of 42,208 primary school pupils with special educational needs or giftedness were provided with 97,365 support measures. Of the 97,365, 84,631, or 87%, were provided in mainstream primary schools." (Foist, 2018)

As we can see, the number of pupils with special educational needs and the support measures provided have increased. However, the current measures taken by the Ministry of Education, Youth and Sports to reduce the salaries of non-teaching staff are in direct contradiction to the actual increase in the number of pupils with special educational needs. The measure thus logically does not support the idea of inclusion and puts it back into a non-systemic solution; we see it as a step backwards. We can reflect on how prepared the Czech education system is to work with pupils with special educational needs. The situation is very complicated. Some schools are certainly prepared, they try to include pupils with special educational needs as effectively as possible, and teachers are trained

effectively in this area. But there are also schools and teachers who do not agree with the whole concept of inclusion. Inclusion is therefore not unequivocally accepted by society and all schools and is not fully supported by the Czech state in all areas. The readiness of schools for inclusion can be assessed neither as full and committed readiness nor as complete unreadiness. The conditions for inclusion could be described by the term 'awkward' or 'incomplete'.

According to the Nielsen Admosphere survey, the biggest problem in the area of inclusion is the high number of children in classrooms and the lack of teaching assistants and special educators. Principals and teachers also talked about the high administrative burden related to educating students with special educational needs, and respondents would also like to see more methodological support from school counselling centres. (Open Society Fund, 2017)

Let us now present the output of the survey of the needs of schools involved in the project Supporting Collaborative Learning in Pedagogical Practice (APIV B), which was implemented by the National Institute of Further Education and published on 18 November 2019 on the website Inclusion in Practice (Akční plán inkluzivního vzdělávání/Inclusive Education Action Plan, 2019) The survey was conducted across the country and was answered by a total of 6 349 teachers and 355 principals of various types of schools and educational institutions. Most of the participating schools have experience of including children with special educational needs in the classroom. "Teachers most often have experience ranging from 2 to 5 years. 26% of them reported more than 16 years of experience. In terms of the number of children with special educational needs educated, more than a quarter of the teachers surveyed (27%) reported educating more than 10 such children." (Národní pedagogický institut České republiky/National Pedagogical Institute of the Czech Republic, 2019)

Teachers mostly encounter pupils with developmental learning disabilities, speech and behavioural disorders, as well as those from socially unsupportive backgrounds. The most difficult job is working with pupils with developmental behavioural disorders, with up to 16% of teachers finding this job rather difficult. Behind them are mental illness, combined and intellectual disabilities. In contrast, chronic illnesses such as diabetes, social disadvantage, physical disabilities, exceptional ability and speech impediments are what teachers manage best.

We can also indicate how teachers perceive barriers to education for pupils with special educational needs. According to the results of the survey, 61% of the teachers in the participating schools do not feel any barriers in educating pupils with special educational needs. Of the rest of the teachers who do feel barriers, 68% said that they are prevented from implementing quality education together by uncooperative parents of children with special educational needs. (Národní pedagogický institut České republiky/National Pedagogical Institute of the Czech Republic, 2019)

Let us also outline the current issues related to Ukrainian refugees. Precisely because the situation is still relevant from the perspective of inclusion across the European Union, it is important to mention it here. The Ministry of National Education and Youth in France, under the auspices of the EU Erasmus+ programme and the Directorate for Evaluation, Forecasting and Performance, published Education in Europe: Keyfigures (2022) in 2023, which, among other things, deals specifically with the reception of Ukrainian refugees in European education systems. A large majority of European Union countries, such as France, Italy, the Czech Republic and Portugal, support the integration of migrants and refugees from Ukraine into mainstream classrooms with other pupils from the same country. In addition, they receive increased support in the teaching of the local language, which takes place intensively in small groups during the school day. In 2022, the total number of refugees from Ukraine in the country was around 50,000. Countries such as Finland, Austria and Greece prefer to place children from Ukraine in separate classes with occasional teaching in mainstream classes. There is also an emphasis on learning the local language. For comparison, the total number of Ukrainian refugees and migrants in 2022 in these countries was in the range of 1-5 thousand, with the exception of Austria with a total number equal to the Czech Republic, i.e. 50 thousand. The last sector consists of countries where this issue is not regulated nationally, but local regions and areas decide on their own how to integrate children. These are Germany, Sweden and Spain, for example. The number of migrants as of 2022 was around one thousand. In Germany and Spain, there is an effort to integrate pupils quickly into the classroom, especially in primary education. Pupils receive all the necessary support such as speech therapy, language support, homework help, etc. These types of support are most often provided by specialists, teaching assistants or counsellors. (Education in Europe: Keyfigures (2022))

As we can see, inclusion is a trend across Europe and affects us all. So it cannot only include pupils with special educational needs who are exceptionally gifted, culturally or socially different, but successful inclusion also includes the general public.

#### **4 LEGISLATIVE ANCHORING OF INCLUSION**

After the Velvet Revolution in 1989, the Czechoslovak education system began to change fundamentally and one of the priorities of the new school policy was the need for modernisation. This process included the implementation of foreign integrative and later inclusive approaches that had already established themselves in the international context. In line with democratisation tendencies and respect for fundamental human rights, the Czech Republic began to promote the understanding of education as a right accessible to every child regardless of their health, social background or other specific needs. This attitude was anchored in the Charter of Fundamental Rights and Freedoms, which became part of the Constitutional Order of the Czech Republic, and more specifically in Article 33 thereof, the adoption of which was formally confirmed by the Resolution of the Presidency of the Czech National Council under number 2/1993.

The beginnings of a systematic anchoring of the inclusive approach in Czech legislation can be traced back to the first half of the 1990s. The Czech Republic's participation in the UNESCO World Conference held in Salamanca, Spain, in 1994 played a crucial role. There, a key document known as the Salamanca Declaration was adopted, whose signatories - including the Czech Republic - committed themselves to supporting and promoting the right of all children to quality education in a mainstream school environment. This human rights commitment emphasised the need to create a school environment that could respond appropriately to the diversity of pupils and enable effective education for those with specific learning needs. An integral part of the Salamanca document was also the Framework for Action for the Education of Children with Special Educational Needs, which offered specific strategies and recommendations for each level of the education system - national, regional and local - in implementing inclusive measures.

The Salamanca Declaration became the impetus for the development of Czech education policy towards a modern and egalitarian model of education, the basic idea of which was the integration of pupils with milder or moderately severe forms of disability

into mainstream primary schools. Children with more severe disabilities were to continue to attend special schools that provided adapted conditions and specific support. The first specific legislative document to address this issue was Act No. 390/1991 Coll. on pre-school and school facilities. It was followed by other decrees of the Ministry of Education, Youth and Sports of the Czech Republic - for example Decree No. 35/1991 on kindergartens, Decree No. 291/1991 on primary schools (with amendment No. 225/1993) and Decree No. 354/1991 on secondary schools.

However, these normative acts provided only a very general framework and it has become clear that it is necessary to specify more precisely the rules for the education of pupils with disabilities in special schools. This shortcoming was addressed by Decree No 399/1991 on special kindergartens and primary schools, which was later amended by Decree No 127/1997. The decree laid down specific rules for the establishment of classes according to the type of disability, namely for children with hearing, vision and speech impairments, children with physical or mental disabilities, children with combined disabilities, children with autism spectrum disorders or children with deaf-blindness. In this way, at least a basic system was established that took into account the different types of special educational needs and made it possible to create a specifically adapted learning environment.

However, the real systemic shift was brought about only by Education Act No.561/2004 Coll, which unified the legal regulation in the area of pre-school, primary, secondary, higher vocational and other education. This law precisely defined the conditions under which education and training take place, and at the same time established the rights and obligations of all entities involved in the educational process - both individuals and institutions. The subsequent Act No 563/2004 Coll. on Teaching Personnel supplemented this legislation by defining the teaching profession and the requirements for its qualifications. Alongside traditional teachers and educators, new professional roles such as special educators, school psychologists, prevention methodologists and teaching assistants have gained a firm place, and their role has become crucial, particularly in inclusive environments.

A major amendment to the Education Act was adopted in 2015 and came into force on 1 September 2016. This amendment brought several key changes to the education system in the Czech Republic, which have significantly affected not only the conceptual framework of inclusive education, but also everyday practice in schools. The

most significant change was the introduction of so-called support measures, which were defined as tools, means and forms of support enabling pupils with special educational needs to participate fully in the educational process in mainstream schools. These tools could take the form of personal support (e.g. a teaching assistant), organisational adaptation of teaching, adaptation of teaching materials, special didactic aids or the use of the services of a school psychologist or special educator.

The support measures have been divided into five tiers under the legislative framework according to their complexity and financial cost. This scale was intended to ensure the adequacy of the support provided depending on the specific needs of the pupil and at the same time to provide a systemic solution for financing inclusive education. While the first level of support could be provided by the school independently and without a recommendation from the school counselling centre, the other levels required a professional assessment and recommendation from the school counselling centre - the pedagogical-psychological counselling centre or the special education centre. This mechanism was intended to ensure an expert assessment of each child's situation and to prevent inefficient or unfair distribution of support.

The amendment also included the legal enshrinement of inclusive education as a legitimate part of mainstream education. By taking this step, the Czech Republic signed up to the principles of equal access to education and the protection of the rights of children with disabilities, in line with international obligations - in particular the UN Convention on the Rights of Persons with Disabilities, which the Czech Republic ratified in 2009. Article 24 of this Convention obliges signatory states to ensure inclusive education at all levels of the education system, while guaranteeing reasonable adjustments so that education takes place on an equal basis with others.

However, the changes were not accepted without reservation. The 2016 amendment to the Education Act sparked an intense public and professional debate in which different views of the concept of inclusion clashed. Critics pointed to the unpreparedness of schools for the new requirements, the lack of material and staff support, and concerns about disruption to the quality of education. On the other hand, the proponents of inclusion argued for a human rights approach, long-term benefits for society and the need to abandon segregationist models that have led to the social isolation of children with disabilities.

From a practical perspective, the 2016 amendment initiated an intensive process of transforming the school environment, which included increasing the professional qualifications of teaching staff, building the capacity of the school counselling system, creating methodological materials, expanding staff capacity to include teaching assistants, and increasing the degree of individualisation of teaching. Another important step was the strengthening of the role of the school counselling centre, which began to function as the main coordinating unit of support in the school. School special educators, school psychologists, educational counsellors and prevention methodologists began to be systematically included in school teams.

At the same time, a new system of funding support was set up, based on the diagnosis of the school counselling centre and providing schools with funds corresponding to the level of support measures. This was intended to eliminate the previous practice where schools often did not have sufficient resources to provide support or were reliant on projects and individual grants. The introduction of systemic and predictable funding was also intended to help stabilise staffing and strengthen staff expertise.

In the wider European context, the Czech Republic's efforts in the field of inclusive education have been followed with great interest. In its analytical reports, the European Agency for Special and Inclusive Education praised the legislative progress towards mainstreaming pupils with special educational needs, but also pointed to the need for continuous improvement of practice, especially in the areas of methodological support for teachers, inclusive culture in schools and effective change management.

In conclusion, the Czech education system has undergone a complex but fundamental evolution from the 1990s to the present, resulting in a legislatively well-anchored framework for inclusive education. However, it requires constant evaluation, support and open professional debate in order for inclusion to be implemented in a quality, equitable and respectful manner and to meet the needs of all stakeholders - pupils, their families and teaching staff.

## **5 INCLUSIVE IMAGE IN THE CONTEXT OF CASE STUDIES**

Almost thirty years have passed since the famous Salamanca Declaration was adopted in 1994, which became the official manifesto for inclusive education. During this

time, the principles of inclusion have been variously reflected in education systems across continents and cultural backgrounds, with different countries applying them in different forms and with varying degrees of intensity. Inclusion has thus become a global concept, the practical implementation of which in schools has been a subject of long-standing professional interest. The process has been studied in detail by both mainstream educationalists and the research community, which has focused on the theoretical underpinnings and the practical aspects of implementation.

Despite this widespread attention, however, it is still evident decades after its advent that the expectations placed on inclusive education remain largely unfulfilled. A certain degree of disillusionment persists in the professional and lay public - inclusion, which was supposed to represent a major turning point in the approach to education for all pupils without distinction, has failed to bring about sufficient visible and systematic changes in practice. Particularly in the context of mainstream education, it appears that the declared principles of inclusion are often not adequately translated into educational reality. The Salamanca Statement was intended to be a milestone that would end the tradition of separating pupils with special educational needs and open the doors of mainstream schools to all children, regardless of their differences. However, instead of a real transformation of school institutions, there is often a superficial adaptation in which traditional models of integration persist.

The legitimacy of the inclusive approach itself remains a major challenge of the present, and is still being debated among parents, teachers and the professional community. One of the main problems is the lack of understanding of inclusion as a complex and dynamic process. Many educational actors, from teachers to school founders, lack the comprehensive knowledge and practical competences that would enable the effective and long-term integration of inclusive principles into the daily running of schools. In this context, Nilholm (2020) points to the potential of using case studies as a valuable methodological tool that enables detailed analysis of specific educational situations and the identification of effective strategies for the future development of inclusive practice.

From his point of view, case studies and subsequent comparative analyses are a way to bridge the gap between theoretical concepts of inclusion and its implementation in concrete school settings. Although inclusion was supposed to be a qualitatively higher form of inclusion compared to integration, the reality often shows that educational

practice stays with the traditional integration approach. While disadvantaged pupils are physically present in mainstream classrooms, their education continues to be viewed through the lens of their specific needs, rather than as an integral part of the classroom community. Yet research that focuses on the actual ways in which inclusive environments can be shaped to include all pupils without exception remains scarce. (cf. Göransson & Nilholm, 2014 in Nilholm, 2020)

In this respect, there is considerable potential for the positive evolution of inclusive theory itself in practice - not just through normative postulates, but through empirical findings from specific cases. Nilholm (2020) himself illustrates this approach with two examples of the successful use of case studies at different levels of the education system - at the level of the individual classroom and at the level of the whole school.

At the micro level of class, the author describes his own case study carried out in Sweden in 2010. The aim of the study was to assess the level of inclusiveness of two school classrooms in terms of their openness to pupils with neuropsychiatric diagnoses. Specific criteria reflecting the characteristics of the classroom environment were developed for the research, which were then evaluated through a combination of qualitative and quantitative methods - interviews, questionnaires, sociograms, pupils' literary production and direct observation of teaching. Based on the data collected, specific recommendations and suggestions for strategies were developed to promote the emergence of a cohesive and respectful classroom community, with other teaching staff playing an active role in the process.

At school level, Nilholm analyses the example of Nossebro High School, also in Sweden, which has undergone a major transformation since 2007. Within a few years, the school has managed to implement an inclusive approach in all areas of the educational process so successfully that it has become a model institution recognised by school authorities and political leaders. A key role in this transformation has been played by linking research on teaching with practical action at the level of educational leadership. The school introduced continuous evaluation of inclusive strategies, consistently worked with the individual needs of pupils, while emphasising structured and comprehensible teaching methods. The approach of the teaching staff, who combined high expectations with the ability to offer pupils acceptance, support and understanding, was also a significant factor in their success.

A key tool in differentiated instruction is the individual education plan, which is the basic document that sets out the specific educational goals, methods and strategies for a particular student. The Individual Education Plan is developed in collaboration between teachers, special educators, psychologists and the pupil's family, reflecting the pupil's current needs and capabilities. In the Czech education system, the individual education plan is a key element of inclusive practice, which enables the content of teaching, support and assessment to be tailored to the pupil's individual capabilities. (Bendová & Zíkl, 2012; Goupil et al., 2022; Kaleja et al., 2014; Valenta & Müller, 2021) Cooperative learning, which replaces traditional competitiveness, plays a crucial role in strengthening social bonds among students and developing their collaborative skills. (Bačová, 2024)

These examples show that the answer to the current weaknesses of inclusive education lies not only in changes to legislation or systemic measures, but primarily in an individual approach - both to pupils and to entire classrooms and school teams. The current form of inclusion is often bound by rigid regulations, a centralised system of school management and an over-reliance on the initiative of individual schools, which can lead to uneven development of inclusive practice. It is therefore essential to look for new ways to strengthen the inclusive nature of schools through practical knowledge, sharing of experiences and systematic support, so that they become truly inclusive and supportive environments for all children.

## **6 DISCUSSION**

A description of the current state of inclusive education in the Czech Republic, based on legislative frameworks and socio-political developments, points to several key challenges that fundamentally affect the extent to which inclusive principles are implemented in practice. Although the Czech education system has formally subscribed to the inclusive paradigm as required by the UN Convention on the Rights of Persons with Disabilities and other international documents, the implementation of these principles in everyday pedagogical practice remains fragmented and dependent on many variables - in particular the quality of school leadership, the availability of support measures and the professional preparedness of teaching staff.

The text shows that inclusion is not only a pedagogical issue, but above all a deeply social one, which is linked to general values such as equality, justice and respect for human dignity. In this sense, inclusive education is an indicator of the level of democratisation of society and its capacity to reflect diversity as a natural part of the human experience. While the legislative framework - in particular the 2016 amendment to the Education Act - has declared the transition to a fully inclusive model, its implementation faces systemic limits, such as funding, lack of professional staff or persistent stereotypes in the mindset of a part of the professional and lay public.

One of the key findings is the discrepancy between the declaratory level of legislation and its application practice. While laws and methodological guidelines set relatively clear boundaries for support measures and the rights of pupils with special educational needs, reality shows that the use of these tools is not uniform. Some regions or types of schools have significantly higher levels of inclusive approaches than others, which can lead to inequalities in access to quality education. This situation is alarming from a human rights perspective, as it violates the principle of equality of opportunity enshrined not only in the Charter of Fundamental Rights and Freedoms but also in international conventions.

Another problematic point brought up by the analysis is the tension between the professional concept of special pedagogy and the pressure for the widespread introduction of inclusive measures. Some experts point to the risk of losing individualisation and specialist care for pupils with special needs if inclusion is understood only formally - as physical presence in the classroom without adequate support. This attitude suggests that inclusion should not be an end in itself, but a means to fulfil the educational and social rights of each individual. From this perspective, inclusive education should be understood as a dynamic process that requires constant reflection, evaluation and a flexible approach on the part of all actors.

The discussion also shows the importance of interdisciplinarity in the field of inclusion. The legislative framework, pedagogical practice, psychological support and social work must complement each other and create a synergistic environment that supports not only academic but also personal and social learning of pupils. Teacher training, continuous professional development and the opportunity to participate in decision-making on inclusive strategies play a key role in this respect. Best practices from

abroad, in particular from Norway, Finland and Italy, show that the support of teachers and school teams is crucial for the successful implementation of an inclusive model.

Technological advances have brought a wide range of assistive technologies that allow for more effective inclusion of students with intellectual disabilities in the educational process. According to the authors (Cvetković, 2021; Gajzlerová, 2015; Kopecký, 2021; Maierová & Klugerová, 2024; Mølster & Nes, 2018; Němejc et al, 2019; Ramos & Andrade, 2014; Stárek & Klugerová, 2025), modern technologies can make a significant contribution to inclusive education by compensating for some of the cognitive and communication barriers that students with intellectual disabilities face.

It should also be remembered that inclusion has a broader social dimension - it is an indicator of the quality of democracy, the openness of society and its ability to adapt to changing demographic and social conditions. Thus, the process of inclusion is not an isolated issue in school policy, but part of a broader civilisational development in which relations between majority and minority, between normative notions of the "standard" and the legitimacy of difference, are being redefined.

## 7 CONCLUSION

The issue of inclusive education in the context of legislation, social change and human rights is a complex and multilayered phenomenon that cannot be reduced to the level of school practice or individual support measures. The analysis shows that inclusion is not only an instrument of pedagogical policy, but also a fundamental expression of the value orientation of society. The adoption of an inclusive approach requires a profound transformation of thinking - both at the systemic level and in everyday pedagogical practice and social discourse. Legislative amendments, in particular the 2016 amendment to the Education Act, have created a formal framework for introducing inclusion in educational institutions. However, the effective implementation of these principles faces many barriers, including both structural weaknesses in the system (e.g. funding, staff capacity) and persistent cultural and institutional stereotypes. In conclusion, there is still a significant discrepancy between the declared goals of legislation and the actual practice of inclusive education, which requires a targeted and coordinated effort on the part of the state, the professional community and civil society. From a human rights perspective, it is essential to understand inclusion as the right of every individual to equal access to

quality education regardless of ability, social origin, ethnicity or other differences. This approach is not only an ethical choice, but also an obligation arising from international treaties to which the Czech Republic is bound. However, the fulfilment of these commitments cannot be ensured by the mere existence of legislation, but only if real conditions are created for their implementation - including support for teachers, building collaborative teams in schools, involving families and communities, and developing a professional culture based on respect and trust.

Inclusion should not be seen as a final state, but as a process that requires constant reassessment, adaptation and openness to change. Every actor in the education system - from the ministry to the individual teacher - has a responsibility to participate in creating an environment that is truly open and accessible to all. This requires not only competence and knowledge, but above all a commitment to building education on the principles of equity, solidarity and human dignity. The future of inclusive education in the Czech Republic depends on the ability to bridge the gap between policy and practice, between norms and the everyday reality of schools. This requires systemic courage, interdisciplinary cooperation and continuous professional development of all those involved in education. Only in this way can inclusion fulfil its potential as a means of social cohesion, civic equality and the human rights of the education system.

## REFERENCES

- Akční plán inkluzivního vzdělávání/Inclusive Education Action Plan (2019). *Podpora společného vzdělávání v pedagogické praxi*. Online. Available from: <http://www.inkluzevpraxi.cz/apivb/akcni-plan-inkluzivniho-vzdelavani>.
- Báčová, V. (2024). Developing a safe learning environment in primary-level innovative schools in the Czech Republic. *Education 3-13 International Journal of Primary, Elementary and Early Years Education*, 1–11. doi: 10.1080/03004279.2024.2410482
- Bendová, P., & Zíkl, P. (2012). *Dítě s mentálním postižením ve škole*. Grada.
- Boardman, A. G., et al. (2005). Special education teachers' views of researchbased practices. *Journal of Special Education*, 39(3), 168 - 180. <https://files.eric.ed.gov/fulltext/EJ722295.pdf>
- Clough, P., & Corbett, J. (2005). *Theories of Inclusive Education*. Paul Chapman Publishing.
- Cvetković, D. (2021). *Virtual Reality and Its Application in Education*. IntechOpen

- Daněk, A., & Klugerová, J. (2023). Inclusive education as an instrument for preventing social exclusion. *ALTA: Journal of Interdisciplinary Research*, 13(2), 142-144. <https://doi.org/10.33543/j.1302.142144>
- Decree No. 27/2016 collection., Public notice about education of pupils with special education needs and talented pupils. *Collection of Laws of the Czech Republic*.
- Decree No. 72/2005 Coll., on the provision of counselling services in schools and school counselling facilities, as amended. *Collection of Laws of the Czech Republic*.
- Education in Europe: Key figures 4th edition (2022). Online. Available from: <https://www.education.gouv.fr/education-europe-key-figures-2022-378422>.
- Evropská agentura pro speciální a inkluzivní vzdělávání. (2017). *Rovnost a inkluze ve vzdělávání: Reakce na rozmanitost ve školním prostředí*. Online. Available from: <https://www.european-agency.org>
- Foist, V. (2018). *Koordinátor inkluze: klíčový člověk*. Podpora společného vzdělávání v pedagogické praxi.
- Gajzlerová, L. (2015). *Multimediální technologie a jejich využití u žáků se speciálními vzdělávacími potřebami v inkluzivním prostředí školy*. Masarykova univerzita.
- Goupil, G., Tassé, J. M., Garcin, N., & Doré, C. (2002). Parent and teacher perceptions of individualised transition planning. *British Journal of Special Education*, 29(3), 127-135. <https://doi.org/10.1111/1467-8527.00255>
- Government Regulation No. 75/2005 Coll. Government Regulation on the determination of the scope of direct teaching, direct educational, direct special pedagogical and direct pedagogical-psychological activities of pedagogical workers. *Collection of Laws of the Czech Republic*.
- Hájková, V., & Strnadová, I. (2010). *Inkluzivní vzdělávání: teorie a praxe*. Grada.
- Kaleja, M. ed. (2014). *Inkluzivní dimenze primárního a sekundárního vzdělávání ve speciální pedagogice*. Ostravská univerzita.
- Kohout-Díaz, M. (2013). Inkluze: minulost, současnost, budoucnost – příklady z českého školství. *Pedagogická orientace*, 23(1), 5–25. <https://doi.org/10.5817/PedOr2013-1-1>
- Kopecký, K., Szotkowski, R., Kubala, L., Krejčí, V., & Havelka, M. (2021). *Moderní technologie ve výuce: (o moderních technologiích ve výuce s pedagogií pro pedagogy)*. Univerzita Palackého v Olomouci.
- Law number 109/2002 Coll. Act on the implementation of institutional education or protective education in school facilities and on preventive educational care in school facilities and on amendments to other acts. *Collection of Laws of the Czech Republic*.
- Law number 262/2006 Coll. Labour Code Act. *Collection of Laws of the Czech Republic*.
- Law number 561/2004 collection, law about preschool, primary, high school, higher specified and other education (school act). *Collection of Laws of the Czech Republic*.

- Law number 82/2015 collection., Law, changing the law number 561/2004 collection, about preschool, primary, high school, higher specified and other education (school act). *Collection of Laws of the Czech Republic*.
- Maierová, O., & Klugerová, J. (2024). Civic Competences of Pupils with Hearing Impairment with Emphasis on Financial Literacy. *Cadernos De Educação Tecnologia E Sociedade*, 17(se5), 23–32. <https://doi.org/10.14571/brajets.v17.nse5.23-32>
- Mertin, V. (2016). Inkluzivní vzdělávání: hledání rovnováhy mezi možnostmi, limity a potřebami. *Pedagogika*, 66(1), 7–27.
- Ministerstvo školství, mládeže a tělovýchovy ČR/Ministry of Education, Youth and Sports of the Czech Republic (2018). *Hlavní závěry analýzy implementace společného vzdělávání v základních školách*. SOFA. Online. Available from: <https://cosiv.cz/cs/2018/04/04/msmthlavni-zavery-analyzy-implementace-spolecneho-vzdelavani-v-zakladnich-skolach/>
- Mølster, T., & Nes, K. (2018). To What Extent Does Information and Communication Technology Support Inclusion in Education of Students with Learning Difficulties? *Universal Journal of Educational Research*, 6, 598-612. doi: 10.13189/ujer.2018.060403
- MŠMT. (2016). Zákon č. 82/2015 Sb., kterým se mění zákon č. 561/2004 Sb., o předškolním, základním, středním, vyšším odborném a jiném vzdělávání (školský zákon), ve znění pozdějších předpisů, a některé další zákony. *Sbírka zákonů České republiky*.
- Nadace Open Society Fund (2017). *Rok poté – dopady reformy společného vzdělávání*. Online. Available from: <https://www.societyforall.cz/vysledky-vyzkumu-prezentujidopady-reformy-spolecneho-vzdelavani>
- Národní pedagogický institut České republiky/National Pedagogical Institute of the Czech Republic (2019). *Vzdělávání dětí se speciálními vzdělávacími potřebami – co se daří a jaké jsou hlavní bariéry?* Online. Available from: <http://www.inkluzevpraxi.cz/kategorie-pedagog/2027-vzdelavani-deti-se-svp-co-se-dari-a-jake-jsou-hlavni-bariery>
- Němejc, K., Smékalová, L., & Kříž, E. (2019). A Reflection of the Quality of Education in the Use of Teaching Aids and the Importance of Lifelong Learning. *Rural, Environment Education Personality (REEP)*, 12, 94-103. doi: 10.22616/REEP.2019.012
- Nilholm, C. (2020). Research about inclusive education in 2020 – How can we improve our theories in order to change practice? *European Journal of Special Needs Education*, 36(3), 358–370. <https://doi.org/10.1080/08856257.2020.1754547>
- OSN. (2006). *Úmluva o právech osob se zdravotním postižením*. Online. Available from: <https://www.osn.cz>
- Průcha, J., Walterová, E., & Mareš, J. (2013). *Pedagogický slovník*. Portál.
- Příhodová, R. (2017). *Podpůrná opatření ve školní praxi: výklad a příklady*. Portál.

- Ramos, S., & Andrade, A. (2014). ICT in Portuguese reference schools for the education of blind and partially sighted students. *Education and Information Technologies*, 21, 625-641. doi: 10.1007/s10639-014-9344-6
- Stárek, L. (2022). Inclusion as a Tool for Educational strategies in the Czech Republic Focused On People With An Intellectual Disability. *Pedagogika-Pedagogy*, 94(2), 233-246.
- Stárek, L., & Klugerová, J. (2025). The usage of information and communication technologies in education of children and pupils with mental disability. *Pedagogika-Pedagogy*, 97(2), 250-267. doi: 10.53656/ped2025-2.07
- Statistická ročenka školství - výkonové ukazatele školního roku 2023/2024 (2023). Online. Available from: <https://statis.msmt.cz/rocenka/rocenka.asp>.
- Šiška, J., & Vítková, M. (2015). *Podpora inkluzivního vzdělávání v ČR: Analýza systému poradenských služeb*. Masarykova univerzita.
- Valenta, M., & Müller, O. (2021). *Psychopedie: [teoretické základy a metodika]*. Parta.

**Authors' Contribution**

Both authors contributed equally to the development of this article.

**Data availability**

All datasets relevant to this study's findings are fully available within the article.

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