INCLUSION

AND SCHOOL

INTHE

CITY-OF

OFENBACH

IGEL-OF e.V. is a parents' association.
We advise and accompany families with school children.

We help all parents in Offenbach.

We want parents to understand the school system.

Here parents will find information.



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School in Hesse



THE SCHOOL ACT

§1 HSchG

"Every young person has a right to education."

All children in Germany must go to school.

The state makes sure that the children are well at school and get the right education.

Parents ensure that their children attend school regularly and on time.

§3 HSchG

No one must be disadvantaged.

School is for all children and teenagers.

School respects the basic rights and values of living together. Parents have special rights to participate and help organise life at school.

The child has its own rights.

Every child has a individual right to support from school so that he or she can learn well.

Children who do not speak German well have a special right to support in learning the language.

ENROLLMENT

All children go to primary school (**Grundschule**) from the 1st to the 4th year of school.

The children go to primary school when they are 6 years old. Children with disabilities also attend primary school (**Inklusion**). If parents wish, children with disabilities can attend a special needs school (**Förderschule**).

Registration:

Parents receive a letter from the primary school one year before school starts (March/April).

The parents go to primary school and register their child. At the registration they can tell the school everything that they believe is important.

The parents receive an invitation from the health department (**Gesundheitsamt**).

The parents take their child to the public health officer (Amtsarzt).

The public health officer examines the child to see if the child can already go to school.

If the child needs more time,

- parents can apply to have their child attend pre-school (Vorklasse), or
- parents can apply to have their child stay in the Kindergarten for another year.

Parents can make a request to the school if they wish their child to attend a different primary school, but they need special reasons for such application. § 18 HSchG

§ 58 HSchG

§ 66 HSchG/

Language:

The school checks whether the child speaks and understands German well enough.

If the child does not speak German well yet,

the child has a right to a German course one year before school starts.

The school must not say that the child is not ready for school because of insufficient German knowledge.

The school may not send the child to a special needs school (Förderschule) for insufficient German knowledge.

At School:

The class teacher speaks regularly with the parents.

The class teacher reports about the progress of the child at school.

If the child has problems at school, the school must inform the parents.

There are means of special support available:

 First the school writes a plan with the special support they want to apply (Förderplan).

The child might have disadvantages due to its difficulties with learning.

§ 3 VOSB

§ 2 VOSB

§ 4/ § 6 abs. 2 VOSB

§ 21 VOGSV

The school **eliminates the disadvantages** through special support.

The special support can consist in very simple measures. For example, the teachers allow the child **more time to complete tasks** or exams.

The child gets another chair closer to the board or working papers with larger letters.

The school can get the advice from experts (**special needs teachers - Förderlehrer**)

2. If the special support from school is not sufficient, a special needs teacher may help the child in class.

Parents must be asked if they agree.

Parents can apply to have their child repeat the class.

TRANSITION FROM CLASS 4 TO CLASS 5

§ 77 Abs 3 HSchG In class 4 the class teacher informs the parents.

The parents then decide which **educational course** (**Bildungs-gang**) they want for their child:

Gymnasium, Realschule, Hauptschule, Gesamtschule.

The school gives a **recommendation** and advises the parents.

Parents can specify up to 3 schools of their choice.

However, parents only have the right to choose the course of education, not the specific school.

The **state school office** (**Staatliches Schulamt**) decides which school the child goes to.

The parents receive a letter from the school that takes in the child.

The parents should register their child there.

This letter is a formal notification. The parents may file an objection.

6

INKLUSION

Inclusion means that nobody is excluded.

Everyone has the right to full, equal and self-determined participation.

No one may be disadvantaged or preferred.

No one shall be discriminated against because of their disability.

Art. 3 GG

<u>Inclusion at school: All children are admitted to the general</u> school.

Children and young people with disabilities are entitled to special needs support.

§ 54, Abs. 1 HSchG

The special needs support is divided into 8 priorities in Hesse:

- Speech therapy: children who have problems with language development.
 Children with problems with perception, memory or attention.
 They find it more difficult to read and learn to write.
- 2. **Emotional and social development:** If children have problems with behaviour or have a mental disability.
- 3. **Physical and motor development:** children with physical disabilities, with organic damage or a chronic disease.
- 4. **Seeing:** Children with severe visual impairment or blindness.
- 5. **Hearing:** Children with severe hearing impairment, deaf children.
- 6. **Sick pupils:** children who are unable to attend school.
- 7. **Learning:** children with learning disabilities, with problems in cognition.
- 8. **Mental development:** children with mental disabilities, with comprehensive, severe and long-lasting learning impairment.

In Priority 1 - 6, the children learn on the basis of the same course material as all children.

In Priority 7 and 8, the children are given simpler tasks, and they do not take the same exams.

The school writes a report:

In the report, the special needs teacher describes the child.

The special needs teacher explains what support the school already gives the child.

The special needs teacher gives recommendations which further measures are necessary.

The report has 8 to 12 pages.

When the report is ready, the school invites to a meeting.

Parents receive a copy of the report.

The procedure is defined by law. It's a step-by-step process.

The school must always advise and inform the parents.

Parents must participate and co-operate.

Parents have the right to speak their minds.

The joint meeting is called the "Remediation Committee":

The school, parents and professionals who know the child well take part in the meeting.

Parents are allowed to bring a **trusted assistance**; this person can be a friend, a counselor or a lawyer.

§ 10 VOSB

In the meeting of the Remediation Committee, the school and parents discuss how best to support the child.

The participants make a recommendation:

School and parents vote on the **applicable support priority** (type of support – **Förderschwerpunkt**).

Schools and parents also vote on the **place of support** (the school – **Förderort**).

A decision is possible if more than half of those entitled to vote are present.

§ 10 VOSB

The school takes **minutes of the meeting**, the parents sign the minutes.

The parents receive a copy of the minutes.

The decision:

The school does not decide alone.

The school respects the parents' opinion:

For example, if the parents want **Inklusion** and the school does

not, the result is not unanimous.

The State School Office then decides.

The notification from the State School Office:

The State School Office announces its decision and gives its reasons.

Parents will then have the opportunity to be heard.

They can give their opinion in writing or orally.

Then the State School Office sends the letter (formal notification - **Bescheid**) to the parents.

In the letter the parents read the decision about the child's entitlement (priority of support) and about the place of support (the school).

§ 9 VOSB

Parents have the right to object:

If the parents do not agree with the decision, they can object:

- 1. against the support priority, or
- 2. against the place of support (e.g. the school).

The parents must send the objection in writing to the State School Office.

They give reasons for their objection.

The deadline is one month.

If the State School Office still rejects the objection, the parents can bring an action to court.

Important:

If the State School Office has determined the special needs school, the child must attend special needs school, until a new ruling or a court ruling changes the decision.

Parents, however, may apply for an interim order at court.

& 54 V HSchG

Right to Inklusion despite rejection by the school:

The School Act considers that inclusive education is not appropriate for every.

 $\label{thm:lowever} \mbox{However, schools must not simply reject Inklusion.}$

The school must give very good reasons why it is not possible in a

§ 54 IV HSchG

specific case.

SPECIAL NEEDS SCHOOL

If a child has a disability, parents can choose the special needs school.

§ 54 / § 58 HSchG

§ 17 VOSB

§ 72 HSchG

δ 14 VwVfG

§ 72, HSchG,

§ 29 VwVfG

Gebürenordnung Parents must inform the school by 15 December and apply for admission of their child to a special needs school.

The special school then decides on admission.

PARENTS' RIGHTS

The State School Office, the schools and the individual teachers form part of the school authority.

An authority must always act in accordance with the law and regulations.

Schools and teachers must advise parents in such a way that parents can decide for themselves.

Parents have rights against the authorities:

- Right to **information** on learning development, school grades
- Right to take along an **assistance** in meetings with the school
- Right to **inspect the student file** and receive copies
- Right of **objection** (Attention: there is a deadline for filing objection)
- Right to **complain** (to the school inspectorate)
- Right to be heard by the State School Office
- Right for their suggestions to be **respected**.

Parents can send their views and suggestions in writing to the school or the State School Office. However, the parents can also go the office and report their opinion orally.

The office must write everything down and pass it on. Inklusion has no deadlines for parents.

PARTICIPATION AND CO-DETERMINATION OF PARENTS AT SCHOOL

Parents-teacher evenings:

The class teacher invites the parents to a **parents-teacher evening** twice a year.

The class teacher reports about all events in the class or in the school.

Parents should attend the **parents-teacher evenings** regularly to stay informed.

Parents who do not speak German well should ask the school for an interpreter good time in advance.

The Parents' Council:

The parents of a class elect the **parents' representative** and a deputy every two years.

The Parents' Council is the link between the class teacher and the parents of the class.

The parents'representative or the deputy help other parents with questions or problems.

If a topic is important to parents, the Parents' Council can present it at school.

Round table:

Parents request a round table in case of problems which they cannot solve with the class teacher. The parents may also propose the persons who should participate.

At a round table everyone can talk to each other and find solutions.

The school records everything in minutes of the round table. Parents receive a copy of these minutes.

INTERPRETERS

The language at the authorities is German.

The authority must guarantee that it protects the rights of parents.

The authority has to make sure the parents understand everything well.

§ 106 HSchG

If the parents need an interpreter, the parents have to say it in time.

The authority must then pay the interpreter.

The authority will try to find someone.



Support for parents and additional help for the child



THE SOCIAL CODE (SGB)

The Social law is written down in the Social Code (SGB). The Social Code consists of 12 books.

It contains provisions regarding the **help for children with disabilities** to participate in school.

Help for children with disabilities:

A school assistance may accompany the child to school (**Schulbegleiterin**).

The school assistance should help the child to be able to participate in school and in lessons.

However, only the teachers teach the learning matter and impart the knowledge.

ACCOMPANIMENT AT SCHOOL

If the child can't get along in school without help, and

- the child has a mental or physical disability, a hearing disability or visual impairment, or
- the child has several disabilities,

§§ 53/54 SGB XII then the parents apply to the Social Welfare Office. If the child has a **psychological disability** (for example autism, ADHD, anxiety disorder, obsessive-compulsive disorder),

§ 35a SGB VIII

then the parents apply to the Youth Welfare Office for help. Parents need an expert opinion from a specialist doctor.

The child receives the help that is required for its individual case.

Attention: The school assistance for psychologically handicapped children will be granted by the Youth Welfare Office as a support to the child.

However, this aid is not an educational aid or youth aid. Instead, it is part of the **help for participation**.

At the same time, parents can also receive other types of help from the Youth Welfare Office.

Help for participation in school is independent of the type, form and extent of schooling: **It is not required** that the school also provides any type of special needs support.

Application

The parents go to the Social Welfare Office or the Youth Welfare Office.

Parents can also write a letter.

The parents describe the child's disability.

The parents explain what help is needed at school.

The parents bring a proof of the disability of their child.

The school sends the school report and lesson plan.

The parents present the child to the public health officer.

Time limits

From the request, the office has 2 weeks time to determine whether it is the competent authority.

Otherwise, it shall forward the application to the competent authority.

The office will inform the parents.

If it is the competent authority, the office must process the request.

The office must then determine the individual need of the child within 3 weeks.

If an additional experts report is required, then the office will decide within two weeks, once the report is available.

The office then sends the letter with the decision to the parents (formal decision – **Bescheid**).

§ 14 SGB IX

After approval

A service provider offering school assistance arranges with the parents the assistant and the specific services.

The service provider employs and pays the school assistant.

The service provider settles the costs directly with the Social

Welfare Office or the Youth Welfare Office.

Tasks of the school assistance

The school is obliged to co-operate.

Parents should always maintain good contact with the school, to help their child successfully.

It must be clarified: Who does what? How do they work together?

The tasks of the school assistance depend on the child's individual need for help.

Courts in Germany have already decided many questions about participation in school.

The school assistant supports, for example, with

- Attendance: The school assistant accompanies the child during lessons, on the way to school, during breaks and on school trips.
- The school assistant mediates between the child and the environment.
- **Care**: The school assistant helps with toilets, dressing and undressing, in medical aid measures, in the use of aids.
- School life: The school assistant organizes the work place, Repeats/explains the tasks again, helps to concentrate, encourages the child.

HELP IN THE FAMILY

"Family Relieving Service" (FuD)

Parents can apply for the FuD in case of disability and special problems.

The FuD is a practical support to relieve parents and relatives temporarily, e.g. attendance for the children, managing the household, care.

The employees of the FuD, for example, come along once or twice a week for a few hours.

If the parents want further support, they ask, for example, the Behindertenhilfe, Diakonie, Caritas, AWO.

These charities offer leisure activities and look after the disabled

family member.

Parents apply to the health insurance company or the social welfare office for payment of the costs:

as benefit of the care insurance as part of the integration assistance.

"Social-pedagogical family support"

Parents can take advantage of certain help within the family, if they have problems with the care and upbringing of their child. A professional helps the parents with their educational tasks, with everyday problems, in conflicts and crises, in contact with authorities.

Parents apply to the Youth Welfare Office for this support as "aids to education".

EDUCATION AND PARTICIPATION PACKAGE

If the parents receive unemployment benefit or social assistance, the state can cover the costs of tuition.

The child receives free tutoring until their 25th birthday, if he doesn't earn money from his professional training.

However, the service is only paid if there is no offer at school.

The school must confirm the need for tutoring in writing.

There is no tutoring for better grades, tutoring is for the transfer.

Parents apply for benefits for education and participation at MainArbeit.

There they receive the forms that they have to fill out. The MainArbeit then gives vouchers or pays directly the tutor.

EARLY INTERVENTION CENTRE/SOCIAL-PEDIATRIC CENTRE (SPC)

The **early intervention centre** can help the family until the child starts school,

- if the child's development is at risk,
- if the parents see or suspect a disability in the child, The early intervention center has special offers such as early detection, developmental support, therapy and counselling. The Social-Pediatric Centre (SPC) supports families in case of

§§ 39, 45b SGB XI § 53, 54 SGB XII

§ 31 SGB VIII

§ 28 SGB II

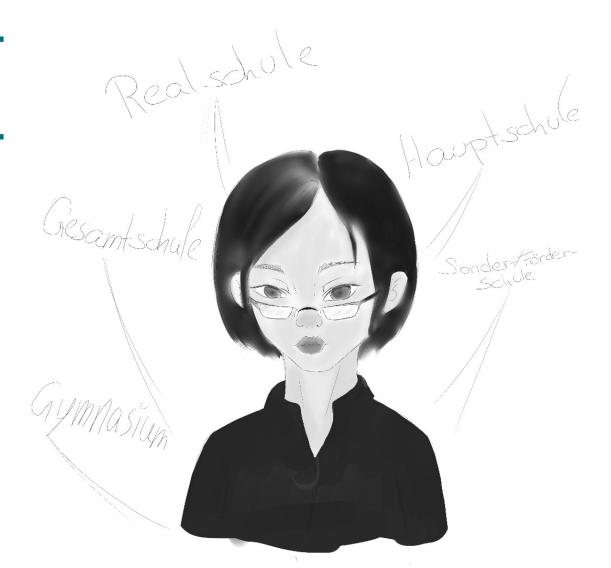
problems with the child's health or development.

Various specialists (doctors, therapists, psychologists) work together in the SPC.

The experts offer early detection and diagnosis.

The specialists offer therapies and help with the supply with auxiliary means.

The costs are covered by the health insurance. (The referral of the paediatrician is required).



Counselling centres für parents

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