

# Belgian (Flemish) Laws, Policies and Frameworks that underpin rights of access to arts education for disabled adults learners

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*Note in advance: Belgium is a federal state. The power to make decisions is not the exclusive preserve of the federal government and the federal parliament<sup>1</sup>. The redistribution of power occurs along two lines: communities and regions. Legislation on education, adult education and the inclusion of disabled people in the arts is a 'community' matter. The concept of 'community' refers to persons that make up a community and the bond that unifies them, namely their language and culture. Belgium sits across the fault line that separates German and Latin cultures. This explains why the country has three official languages: Dutch, French and German. As a result, Belgium today, has three communities: the Flemish Community, the French Community and the German-speaking Community. As the expertise of the Belgian projectpartner is mainly situated within the Flemish Community, we will be discussing Flemish Community Legislation with a small reference to the legislation in the French Community.*

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## 1. Education for disabled people

### **Compulsory education for all**

Under the Belgian Constitution, every child has a right to education. In order to guarantee this right, compulsory education was introduced. Compulsory education starts on 1 September of the year in which a child reaches the age of 6, and lasts 12 full school years. A pupil has to comply with compulsory education until the age of fifteen or sixteen. Afterwards only part-time compulsory education is applicable (= a combination of part-time learning and working). However, most young people continue to attend full-time secondary education. Compulsory education ends at the eighteenth birthday or on June 30 of the calendar year in which the youngster reaches the age of 18. Compulsory education also applies to disabled children and youngsters. They can attend schools for special education up to the age of 21 or sometimes even longer.

In Belgium, compulsory education does not mean compulsory school attendance. It means that children do not necessarily have to go to school to learn. Parents may opt for home education. Children with special educational needs who are unable to go to school, can also be home-educated.

### **Mainstream and special education**

For the education of disabled children and youngsters Flanders has a long history of using a segregated system of special schools, with an entirely autonomous branch of special schools in use since 1970. There are eight types of special nursery and special primary education, tailored to the educational and developmental needs of a particular group of children:

- type 1: children with a mild mental disability
- type 2: children with a moderate or severe mental disability
- type 3: children with serious emotional and/or behavioural problems
- type 4: children with a physical disability
- type 5: children admitted to hospital or in quarantine for medical reasons
- type 6: visually impaired children
- type 7: children with a hearing impairment
- type 8: children with serious learning difficulties

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<sup>1</sup> [https://www.belgium.be/en/about\\_belgium/government/federale\\_staat](https://www.belgium.be/en/about_belgium/government/federale_staat)

In special secondary education, types of education are organised in accordance with the type of disability and the possibilities of the pupil:

- Education type 1 provides social education aimed at the integration of the pupil in a sheltered environment.
- Education type 2 provides general and social education, and training for work aimed at the pupils' integration in a sheltered living and working environment.
- Education type 3 provides general social and vocational training aimed at the pupils' integration in an ordinary living and working environment.
- Education type 4 prepares for studies in higher education and aims at the pupils' integration in active life.

Triggered by the impetus of the integration movement, integrated education ([Geïntegreerd onderwijs] or GON) was established in Flemish legislation in 1980 as a form of cooperation between regular and special schools, teachers and other professionals working in special schools now provide additional support to pupils with special needs who attend mainstream schools (Sebrechts, 2014).

### **M decree**

From September 2015 the so-called M decree makes it possible for every child, including those with special needs, to enrol in a mainstream school, provided this is possible with reasonable adaptations. The M-decree has four key aspects:

#### 1. First regular education, then special education

A child with an impairment, disorder or disability remains in the first place in regular education. Every regular school must develop a far-reaching care policy and search for reasonable adaptations. And if that doesn't help? Then the child can go to special education.

#### 2. Right to reasonable adaptations

The regular school is obliged to look into which reasonable adaptations are possible. Reasonable adaptations are things such as longer testing times, verbal feedback instead of numbers or resting times during the day. They also include technical means such as a laptop with reading software or an adapted chair. The school can also make dispensations, i.e. substitute parts of the curriculum by something equivalent. Or make remedies, which means offering extra individual teaching help.

#### 3. Right to registration in a mainstream school

Every child has the right to register in a regular school. Therefore, the school may not refuse any pupil because he or she needs adapted measures or cannot cope with the regular curriculum.

#### 4. New admission conditions for special education

A child can only go to special education with a report from the "Centrum voor Leerlingenbegeleiding" (CLB; Pupil Guidance Centre). The CLB first looks to see whether all possible measures have been taken in the regular school before referring the pupil on to special education. Referral to a special school solely upon the basis of a child's social background (underprivileged, different language) is not allowed.

### **Part-time arts education**

Part-time arts education supplements school education and is aimed at children, young people and adults. Participants enrol voluntarily and pay an enrolment fee. Part-time arts education focuses on the artistic education of children and adults. In this way, it contributes to their personal development. Pupils become familiar with art in all its forms. They learn to critically approach and experience all art forms and can practise them themselves. They do so individually or in group. Part-time arts education thoroughly prepares young people for a professional artistic career in higher education in the arts. Moreover, it improves the quality of social and cultural life in Flanders. In

part-time arts education there are four different courses of study: visual arts, music, wordcraft and dance.

Part-time arts education is also subject to the M decree. Disabled people who want to enroll in the part-time arts education have a the right to an individually adapted curriculum and reasonable adaptations.

### **Higher education**

In Flanders, students with disabilities are entitled to support services and academic accommodations to help them overcome the barriers. Frequently recommended or granted accommodations are for example the use of compensating software, the possibility to leave a class earlier, or extended testing time to complete a written exam.

Each situation is considered to be unique and can require different solutions. Individual accommodations are therefore always customized to the needs of each individual student and granted in mutual agreement with the specific institution for higher education.

Every institution for higher education has a specific contact person for students with a disability. Within their institution they are responsible for the guidance and assistance of (both local and international) students with a disability.<sup>2</sup>

## **2. Education for adult learners**

Adult education and training is unrelated to the initial school career. It allows course participants to obtain a recognized qualification or certificate. Adults of 18 years and older and youngsters who have completed full-time compulsory education may enrol in adult education. In Flanders a distinction is made between adult education and adult training<sup>3</sup>.

Adult education comprises all programmes of adult basic education, secondary adult education and (adult) higher vocational education. In addition, the specific teacher training programme is organized in adult education. In Flanders the Adult Education Centres and the Adult Basic Education Centres provide adult education programmes.

The M decree does not apply to the adult education. Very little is know about the participation of disabled people in formal adult education or the specific measures taken to improve this participation.

Adult training is a broader concept than adult education and provides, next to the programmes of formal learning, all forms of non-formal and informal learning by adults. It comprises the programmes offered by the sector of adult education as well as those organized by the Flemish Employment Services and Vocational Training Agency, the Flemish Agency for Entrepreneurial Training, the employment sectors, socio-cultural organisations, private institutions, etc. 'Continuing education' and 'lifelong learning' are other descriptions often used for adult training.

The Flemish Government supports a number of specialised socio-cultural adult organisations who offer tailor-made courses to disabled adults. They offer non-formal education with a focus on informal and non-formal learning. The offer comprises both the simulation of intentional as well as non-intentional learning.

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<sup>2</sup> For more information: [www.siho.be](http://www.siho.be)

<sup>3</sup> For more information: [https://eacea.ec.europa.eu/national-policies/eurydice/content/main-types-provision-3\\_en](https://eacea.ec.europa.eu/national-policies/eurydice/content/main-types-provision-3_en)

The French community supports about 150 Creative Centres (Centres d'Expression et de Créativité – CEC) in Brussels and Wallonia<sup>4</sup>. On principal these centres also welcome disabled artists, although in practice some are more inclusive than others. Some CEC's focus mainly on the work of disabled artists.

### 3. Inclusion of disabled people in the arts

Up until 2013 the Flemish government acknowledged and funded community arts projects and organisations. Several of these projects and organisations offered disabled artists the opportunity to participate in the arts on a professional level. Since the reform of the Arts Act by the Flemish Parliament, specific funding for community arts was stopped. Arts organisations and projects now need to apply within the function of 'participation'. Some community arts organisations including disabled artists successfully managed to keep their funding within this new regulation. Others lost their recognition and were forced to return to charity and smaller or more temporary project funds. Individual artists can apply for individual grants to develop (new) ideas, explore (different) ways, initiate a (new) evolution, reflect on one's own practices and to deepen them. Some have successfully used these grants to develop inclusive arts practice.

### 4. Connecting the dots

During the compulsory education, many disabled children and youngsters get the opportunity to explore the arts and to express themselves creatively. Within the part-time arts education and the non-formal adult education of (specialised) socio-cultural organisations, disabled people can find opportunities to engage in arts projects and courses. But when pushing to a higher level, engaging in the arts in a professional way and pursuing a degree and a career, very little opportunities are provided and high barriers rise. Lack of funding and consistent legislation to often puts a stop to the artistic development of disabled people.

#### Resources

Afdeling Informatie en Communicatie - Agentschap voor Onderwijscommunicatie (2008). *Education in Flanders. A broad view of the Flemish educational landscape / 2008*. Brussels: Author. Derived from: <http://www.scholenbanden.be/files/onderwijsinvlaanderennotendopen.pdf>

Sebrechts, L. (2014). *Education for children with special needs in the Flemish community of Belgium: side effects of the current educational integration system*. Antwerp: University of Antwerp. Herman Deleeck Centre for Social Policy. Working Paper No. 14 / 05. Derived from: <http://www.centrumvoorsociaalbeleid.be/index.php?q=node/4550>

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<sup>4</sup> More information: <http://www.fpcec.be>