A CHILD WITH LEARNING DIFFICULTIES IN THE MAINSTREAM SCHOOL OF LATVIA. ARE THE RIGHTS TO EDUCATION FULLY ENSURED?

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Abstract

Although the children's rights to education are consolidated in the normative documents of Latvia the practice reveals that there are problems with executing these rights for children with learning difficulties in the mainstream school. The paper analyses the basis of normative documents of Latvia evaluating the rights of children with learning difficulties to education as well as analyses the case study about a girl with learning difficulties Maya (name is changed to ensure privacy), presenting the range of problems that teachers and a student with learning difficulties face in the mainstream school.

The integration and inclusion of children with special needs in the mainstream school started in Latvia already in the beginning of 90s of the 20th century when individual education institutions admitted children with special needs. Twenty years have passed since then, the normative basis has been straightened out and the long-term planning documents of Latvia incorporate the concept of inclusive education which is being explained as "the process which ensures the respective diverse needs of learners increasing every learner's participation possibilities in the teaching/learning process, culture and different communities and decreasing the exclusion possibilities from the process of acquiring education."[1]. Unfortunately, the practice reveals that not always the children's rights are executed in cases when the child has some learning difficulties.

Keywords: A child with learning difficulties, mainstream school, child’s rights.

1 METHODOLOGY

The research is based on the case-study method, analysing Maya's situation in the particular school in the discourse of Latvia's legislation which allows researching profoundly and diversely one social phenomenon applying qualitative research methods [2], [3]. Different data pertaining to Maya were collected in everyday pedagogical work in the particular school which were then analysed in the aspect of ensuring full rights to education. The study summarised the assessment of academic achievement in tests, the student’s involvement in everyday learning activities as well as cooperation between the school and family.

In order to perform the legislation discourse of this case, documents were analysed using the hermeneutic approach in the text analysis.

2 INTRODUCTION

The integration and inclusion of children with special needs in the mainstream school started in Latvia already at the beginning of the 90s of the 20th century [4] when individual education institutions admitted children with special needs. Twenty years have passed since then, the normative basis has been straightened out and the long-term planning documents of Latvia incorporate the concept of inclusive education which is being explained as "the process which ensures the respective diverse needs of learners increasing every learner's participation possibilities in the teaching/learning process, culture and different communities and decreasing the exclusion possibilities from the process of acquiring education." [1] Unfortunately, the practice reveals that not always the children's rights are executed in cases when the child has some learning difficulties.

3 EVALUATION OF THE LEGISLATIVE BASIS

Traditions that everything should be fixed by different normative documents to regulate any activity are still alive in Latvia as the post-Soviet country with the authoritative regime therefore sometimes there emerge problems in the education system if a solution has to be found to the problem situation that is
not explicitly defined in the normative documents. This problem has already been pointed out by S. Huntington who has defined that in countries in which the system changes from authoritarian to democratic there is still strong belief in the power of law. [5]

All the international agreements and conventions in the field of human rights that are signed by the European Union are binding for Latvia as the member state of the EU and the observance of human rights is one of the prerequisites for any country willing to join the EU or to sign the cooperation agreement with the European Union. Article 26 of the Universal Declaration of Human Rights is said that every person has the right to education. Basic education must be compulsory. [6] Article 13 of the UNO International pact on economic, social and cultural rights states that the participating countries recognize every person’s rights to education. Article 2 of Protocol 1 of the European Convention on human rights and the protection of basic freedoms define that no man should be denied the right to education. Since 1945 when the UNO Statutes had been adopted human rights have been secured in several important international agreements and conventions, including the agreements of establishing the European Union and the agreement on the functioning of the European Union [7].

The common feature of all the international documents on human rights binding for Latvia is the prohibition of different attitude and discrimination as well as observation of the equality principle. At the same time the United Nations Convention on Children’s Rights (ratified 20.11.1989.) in Article 3 moves forward “the priority principle of children’s rights and interests” [8], which means that the execution of the equality principle has to be assessed in relation with the priority principle of the child’s rights and interests [8]. According to UNO Convention on Children’s Rights (Item 3, Article 23) [8] it is stated that children’s rights to education are to be implemented on the basis of equal opportunities.

The rights of children with special needs to education in Latvia are ensured by the Law on education formulating that persons with special needs receive special education (special education — adjusted general comprehensive and vocational education to persons with special needs and health disorders or special needs, or health disorders. [9] Chapter VIII of the Law on general education lists all types of special education and states that special education programmes ensure the possibility for learners with acquired or inborn functional disorders to obtain general education in accordance with their special needs [10]. If the child living in the municipality is diagnosed special needs and the municipal education institutions do not have a respective licensed educational programme then it is the responsibility of the local government to ensure that the child receives such education in any other educational institution because this is defined by Article 42 of the Law on education that a person with special needs can obtain special education in the educational institution if this institution ensures the possibility to receive education corresponding to the health condition and the character of the developmental disturbance. Article 51 of the Law on general education states that learners with special needs can acquire the special education programmes in special education institutions or classes [10].

Article 50 of the Law on general education envisages that the learner with special needs is admitted to the mainstream school if it implements a respective licensed special education programme [10]. If the education institution has such a licensed programme then it has to follow the regulations of the Cabinet of Ministers No. 710 which define the provisions that allow integrating children with special needs in the mainstream schools [11]. Such regulation can decrease the risk that schools license programmes for the realization of which they do not have the respective resources which, in its turn, can create social exclusion risks as the regulations envisage not only having the material resources but also appropriately prepared teachers. The appendices of these regulations [11] show that it is possible to ensure many support activities if schools open special education classes or children are integrated in the mainstream classes, which points to the possibility for schools to organize the teaching/learning process in accordance with the child’s special needs. Item 1 of Article 53 of the Law on General education, in its turn, defines that the education institution that has adequate provisions can integrate learners with special needs emphasizing that the requirements which are set for the education institution that integrates children with special needs are defined by the Cabinet of Ministers. Item 2 of the same law establishes that “The accessibility of respective support activities for learners with special needs who are integrated in the mainstream school are ensured by the education institution. The education institution develops an individual plan for the acquisition of the curriculum for each integrated learner with special needs.” [10]

Item 2.3 of Article 11 of the Law on General education defines that the administration of the general education institution is responsible for gathering the information about learners with special needs and their education according to the special education programmes [10]. The Law on education, article 30, in its turn, defines that “the head of the education institution is responsible for the functioning of the
education institution and its results, about observing the execution of this law and other normative documents regulating the functioning of the education institution, ...” [9]. However, these laws do not state how the evaluation of the child is incited so that he/she later receives the support and what is the responsibility of each involved party.

This allows concluding that a definite order has been developed in the country how to ensure rights to education for children with special needs envisaging different possibilities that ensure the rights of these children to education according to their needs. The way how the schools have to act when admitting a child with special needs is clear and it envisages that children can learn by integration ensuring the individual plan of acquiring the curriculum and individually by organizing learning in a special class and acquiring the special education programme. The responsibility for the execution of this, like with other legislative norms, lies on the head of the school.

Situations when the school during the pedagogical process finds out that the learner needs specialized support in learning and probably has special needs have not been sufficiently regulated in normative documents. There is no legislation defining that teachers or any other staff at school has an obligation to evaluate learners at school in order to determine if they have special needs and then ensuring them the necessary assistance and support unless it has not been included in the employees’ work agreement which then describes these responsibilities. Special needs are defined in general in the normative documents without sufficient linking with the specialised support that the learner needs in the teaching/learning process, including the learning difficulties. Although the law defines it in general that it is the function of the school administration – exploring the learners’ needs as well as the responsibility for the learning of the child with special needs in the special programme yet the mechanisms how to proceed with this process are not revealed in the normative documents and there are no particular regulations adopted by the Cabinet of Ministers regulating this. It is not clear what support can be given until the child receives the statement about special needs. The responsibility of the teacher, the school administration, and support specialists in this process and what the involved resources could be is not clear. Regulations on pedagogically medical commissions [12] reveal that State and municipal level pedagogically medical commissions are the ones that basing on the documents submitted by the parents, family court or guardians and custodians, the examination and expertise provide the statement on what education programme would be the most appropriate for the learner with special needs, what support measures the school should implement. Another function of the commission is to consult teachers, parents and other persons about the issues of special education. Article 13 of the Regulations of the Cabinet of Ministers No. 1510 on “The Order on Running National Examinations” establishes that besides State pedagogically medical commissions (hereafter in the text- SPMC) or the statement provided by the municipal pedagogically medical commission about the implementation of the respective education programme the statement given by the speech therapist, educational or clinical psychologist about the learner's needs is also binding. This serves as a basis for establishing different dates for the state examinations and support measures. The education institution evaluates the support measures recommended by the centre and if necessary has the right to apply additional support measures. The learner or his/her legal representative has the right to refuse from applying the support measures in the national examinations submitting a written application to the head of the education institution [13]. Article 14 states that “Support measures that have been envisioned for the respective kind of disorder and which the learner has received during the implementation of the education programme are applied in the national examinations” [13]. Thus, also the speech therapist, educational or clinical psychologist can admit the special needs.

Article 16 of the Law on Family court, in its turn, defines the rights of the Family court “to ask the psychologist to perform the psychological examination of the person or the family and to receive the statement about the findings of the examination” which means that the Family court has the rights in cases when parents are unable to ensure such an examination or are unwilling to perform it but the child needs [14]. This points out the intrinsic role of parents in stating the special needs and in ensuring the support. The procedure how the school has to act in this situation is not defined.

4 DESCRIPTION OF THE CASE STUDY AND THE PROBLEM

The concrete case study deals with the situation when one of the researchers working at school faced the problem – when starting the work in the class and evaluating the academic achievement of the class the teacher found out that one of the students had had low achievement in the basic school subjects protractedly.
The information was obtained that student Maya had had learning difficulties for a long period of time. She is 13 years old and attends Grade 6, she came to this school 3 years ago, learned in the mainstream class and showed low achievement in the basic school subjects continuously. In order to prepare better for the work with the student and in case of need to adjust the teaching process, the teacher wanted to specify the situation and consulted the vice-principal responsible for the pedagogical process. She denied that there existed such a problem in the class. She also refused to admit that Maya had a problem and stated that the problem situation had developed as a result of insufficient professional competence of the previous teachers.

Despite the continuous difficulties the student was not classified as a student with special needs at school, thus she did not receive specialised support in the learning process. Usually in the second half of the school year there is planned a state examination in Grade 6, which would mean that the student would not receive the necessary support in this examination. When colleagues spoke about this student, they used the term: learning difficulties. Thus, there developed a certain contradiction between the continuous poor academic progress on the one hand, and the inaction on the part of the school administration, on the other hand. As student Maya did not receive the statement about the special needs for a long period of time, she could not receive specialised support in the learning process or start learning according to a special programme which decreased the possibility for the student to learn according to her abilities and which is contrary with what has been defined in the normative documents that a child has to receive the support according to his/her needs.

As maintained by Stake, when the researcher chooses a case for some study the researcher has to evaluate how typical that case is. Stake admits that in a case study the researcher does not deal with the selection, he rather looks for a typical case to explore [15]. The case of this typical and comparatively widely spread in mainstream schools of Latvia. The pedagogical dilemma is characteristic in the situation of Latvia; the teacher often has neither legal nor pedagogical means to take further action in such a situation to ensure the extra support in the learning process.

Learning difficulties are connected with both with the risk of low academic achievement and the drop-out risk. Learning difficulties may have social character that are related, for example, to poverty, not enough stimulation for children in their childhood or social neglect on the part of the family. Raščevska a. o. explain the appearance of learning difficulties as the existing conflict between the student’s cognitive and motivation resources (named the individual’s factor) and the standard requirements of the school subject or the pedagogical methods that are used to find out them which are inadequate (named the environment factor) and are not appropriate for the individual’s age and the individual resources [16].

If learning difficulties in most cases are used as a pedagogical term then in order to receive the statement about the learning difficulties or mental developmental disturbances, or the language and speech development disturbances that could also serve as causes of the learning difficulties [16], then speech therapeutic, medical and psychological assessment criteria should also be applied. Teachers are not always able to evaluate how big these learning difficulties are and to differentiate the learning difficulties from more serious disturbances which are of neurobiological origin. As indicated by Raščevska and others, several aspects, including low academic achievement that are not the outcome either of the fluctuations of the achievement or reduced intellectual abilities characterise the learning difficulties [16]. Children who have learning difficulties will need specialised support and assistance almost the whole learning period. The sooner it is provided, the more positive the outcomes will be. Learning difficulties will be a “lifelong problem” for these children that usually starts before the adolescence will influence the child’s development therefore it is necessary to receive help at the very beginning to be able to understand the basic information, to master the basic skills and to learn independence.

The term learning difficulties will be used in the particular case study because Maya at the beginning of the case study had not yet received the statement about the special needs.

**Research question:** How to ensure rights to education according to the child’s needs in case learning difficulties are stated? Are and how are they implemented in practice in case X in the mainstream school of Latvia?
5 SUMMARISING OF DATA

The study analyses the two following sets of data: the document study, teachers’ inquiry on learning difficulties experienced by student, the analysis of academic achievement, individual discussions with learners and parents, the analysis of e-class data.

6 RESEARCH OF THE DOCUMENTS

Starting the work with the class, the teacher has a possibility to get acquainted with the student’s personal documents in which she could learn that already in Grades 4 and 5 in both semesters and the whole school year the student had insufficient assessment in the basic school subjects (Latvian, Mathematics, and English)\(^1\). The fact that both in Grades 4 and 5, judging by the assessment, the student despite the low assessment received all through the year during one summer month had been able to get positive assessment in post-examinations and was transferred to the next grade caused a surprise. Examining the personal documents it was not stated that student’s difficulties had been explored; the *Individual plan of acquiring the education programme* had not been developed during this period although it is defined by the normative documents, no recommendation to carry out an in-depth research, to consult the specialists, to visit the *Pedagogically medical commission* was given, although all the necessary resources had been available at school – both the social pedagogue and the psychologist. During the consultation about this situation with the social pedagogue of the school the teacher received an oral confirmation that the problems had been lasting for a long time, already in Grade 5 there had been several discussions with the student X parents but the main focus had been laid on the behaviour problems.

Thus, examining the personal documents of Maya it was stated the she has continuous and stable learning difficulties.

7 TEACHERS’ INQUIRY ABOUT THE ACADEMIC ACHIEVEMENT OF STUDENT

In order to evaluate the learning difficulties experienced by Maya and determine whether they are only in one school subject as well as to determine the essence of the difficulties, the teacher can use the analysis of students’ works, the analysis of academic achievement, perform the pedagogical observation and to interview other teachers. All these methods are time consuming, and time is the thing that the teacher often lacks in order to manage her direct responsibilities. Therefore the teacher would need some fast strategy that would provide all-embracing information in a short period of time. Inquiry gives such a possibility. In order to assess whether there are learning and socialization difficulties and what learning and socialization difficulties are in other school subjects a questionnaire had been prepared and given to the teachers of all subjects (the Latvian language, literature, mathematics, informatics, the 1st foreign language, the 2nd foreign language, science, social studies, history of the world, history of Latvia, visual art, sports, home economics and technologies (for girls and boys). The questionnaire included several indicators related to learning (insufficient level of achievement, regularity of doing home tasks, difficulties to concentrate in doing the tasks, difficulties to cope with the key requirements of the subject, doing other things during the less) and to socialization difficulties (emotional and interaction difficulties, behaviour problems, emotional violence towards classmates, defiant behaviour that provokes and challenges others, exclusion, lack of friends). Teachers had to evaluate the offered statements that describe the problems on the scale 0 - 5 where 0 means – the concrete problem has not been observed and 5 – the concrete problem is strongly pronounced.

Although the researchers’ main interest was about student X, it had not been particularly pointed out so that the inquiry would not become biased. Data were collected about all students of the class. 14 questionnaires were distributed to 12 teachers (two teachers teach two subjects) of whom only 5 teachers filled it (the Latvian language, literature, mathematics, the first foreign language, science). The other teachers refused to fill in the questionnaire explaining their choice with the fact that students do not have any learning or socialization difficulties in their subjects.

\(^1\) The academic achievement in Latvia is assessed on scale 1-10. Insufficient academic achievement is on scale 1-3.
8 FINDINGS OF THE INQUIRY AND THEIR ANALYSIS

Although the results of the inquiry give a wider insight into the learning and socialization difficulties of all students in the class, the analysis of the results pertaining only to the learning and socialization difficulties of Maya were analysed. As predicted in advance the summary of the findings revealed that teachers considered the student had the greatest learning and socialization difficulties. Other students were indicated to have difficulties only in separate cases and separate subjects with separate teachers; they were not mentioned by several teachers; they did not overlap and repeat that served as a proof that the problems were not stable.

![Girl 6th grade](image)

The findings of the teachers’ inquiry are summarised in Fig. 1., which shows that all the questioned teachers have admitted that student X has some learning or socialization difficulties. Teachers point out that the girl has difficulties in fulfilling the basic requirements in all main school subjects; however, at the same time regular insufficient level of academic achievement is indicated only in one subject. Teachers have mentioned both the difficulties to concentrate, home tasks that are regularly not done and forgetting the learning materials at home. Teachers’ questionnaires also reveal Maya behaviour and emotional difficulties which in comparison with the learning difficulties are less pronounced.

The inquiry findings allow concluding that several teachers have observed that there are noticeable learning difficulties as well as socialization difficulties. The inquiry gives the confirmation that Maya has learning difficulties not only in one subject but they have been mentioned by several teachers who also point to the problem areas.
9 THE ANALYSIS OF STUDENT’S ACADEMIC ACHIEVEMENT AND BEHAVIOUR

One of the duties of the class teacher that is included in the job responsibilities of the teacher who performs the class teacher’s functions is regular analysis of students’ academic achievements. The class teacher’s duty is to report on the students’ academic achievement in the pedagogical meeting at least twice in the school year or more frequently if special class teachers’ meetings are organized.

Analysing Maya academic achievement it was possible to state that in the interim-assessment of the first term she had insufficient assessment in three subjects from 14 (the number in the brackets after the subject means the student’s mark): English (1), history of Latvia (3), mathematics (2). Optimal mark was in visual art (7), social studies (7), music (7), Russian (6), high assessment was in home economics and technologies (9). The analysis of the assessment dynamics allowed predicting that insufficient assessment in the first term could be already in 5 subjects: English, informatics, Latvian, literature and mathematics.

Thus, having analysed Maya academic achievement, researchers came to the conclusion that learning difficulties in the basic subjects continued as it had been in the previous school years, there were more subjects Maya were facing difficulties.

10 ANALYSIS OF THE INDIVIDUAL DISCUSSIONS WITH LEARNERS AND PARENTS

It is convenient to record the individual discussions with parents about the children’s problems in the e-class thus accumulating the necessary information about the number of discussions with the child and parents, and to record the topic and content of the discussion which allows judging about the dynamics of the cooperation. Themes that were discussed with Maya and her parents during one school year were the following: the academic achievement, absence from the school, conflict with classmates, suspicion about stealing, application to the Pedagogically medical commission, failing to attend consultations, participation in the excursion, positive remarks about the participation in the excursion, post-examinations, fulfilment of the Individual plan, mobbing from other children.

The greatest number of entries in the e-class is about the assessment and academic achievement. 12 entries out of 20 were exactly about the academic achievement.

The content of the recorded discussions with Maya parents reveal that:

1 Already during the first discussion parents are aware that there are learning difficulties. However, until the discussion the parents had the impression that what the girl had failed to learn during the school year she could acquire during the extension of the school year in summer. Usually the girl had had positive assessment in the post-examinations.

2 Parents are not informed about the possibilities of the school to provide a specialised support during the teaching/learning process, e.g., extended time for learning, giving repeated reminders, the possibility to use the reminders, etc. Parents also were not informed about the possibility to develop the Individual education plan; such kind of assistance had not been offered by the school.

3 Having received the information about the support possibilities in the learning process and in national examinations the parents are interested in meeting in order to agree on the further action that is needed for the psychologist to start the examination of the student. Despite the agreement, the class teacher has to approach parents several times to agree on the meeting time that would be suitable for all.

4 It has been decided after the class teachers’ meeting that school administration and support staff, too, would participate in the talk with parents.

5 Parents agree to evaluate the girl abilities by psychologist; however, due to the illness of student the psychologist had problems in meeting her thus the class teacher has to take the mediator’s role who coordinates the meeting.

6 Parents support the endeavours of Maya to learn, including the participation in consultations. The class teacher has to coordinate the consultations because Maya often forgets about the consultations or mixes the study rooms, fails to come or arrives with delay.

7 The class teacher is involved in preparing all the necessary documents for the State pedagogically medical commission (SPMC), gets the girl’s character description from other teachers, coordinates
the meeting time between the parents and SPMC. The psychologist carries out the examination of the student’s cognitive abilities.

8 Based on the psychologist’s examination, the Individual education plan has been developed and other teachers and parents are informed about it. Maya starts to receive support activities in the teaching/learning process and national examinations: she has additional time for fulfilling the tasks, there is a separate room and additional time to write the state examinations (30%), Maya is allowed to use reminders about the grammar rules and mathematics which can be used also in the school and national examinations, there is support provided also in understanding the terms of the tasks, additional oral explanations.

9 The class teacher informs the parents about insufficient assessment in four subjects that Maya has in the second term as well as informs that it would be necessary to evaluate the Individual education plan. Parents are not informed that the plan had been evaluated. According to parents this has not helped much or it had been just a formal event.

The analysis of the e-entries that have fixed the main content of discussions, allows judging about the chronology of events, the cooperation with parents, problems and ways of their overcoming. Evaluating these entries leads to the conclusion that parents over the course of several years have interpreted the positive assessment of student X during the extension of the school year as their child’s ability to pass successfully the post-examinations providing special conditions - the individual work. Parents have no understanding about the possible causes of student’s problems. At the same time it has to be admitted that parents do not have enough information at their disposal about the school’s possibilities to support the child with learning difficulties in the pedagogical process. Parents are ready to participate if the school offers constructive support. However, this is a time consuming process. The recognition of student’s special needs by the SPMC can happen only if the student has undergone a validated and qualified psychological examination. The school based on the examination performed by the school psychologist develops the Individual plan which is rather general without concrete recommendations for teachers. Unfortunately the evaluation of the individual plan in this particular case was not carried out during the school year. The analysis of e-entries reveals the time consuming process that is needed to ensure the support for the student with learning difficulties. The long inaction of the particular education institution has promoted lasting failure in solving this situation.

Table 1. Findings

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<th>Legislative documents</th>
<th>Case X</th>
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<td>The administration of the general education institution is responsible for exploring the learners with special needs and their education in the respective special education programmes [10]</td>
<td>If the teacher does not recognize the problem, does not inform the education institution or even if he/she informs but the administration of the education institution does not admit the problem, the student for a long period of time does not receive the necessary support and assistance, the student’s rights to learn according to his/her abilities are not executed.</td>
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<td>It is defined that the statement about special needs is given by the pedagogically medical commission – national or municipal level [12]. For the pedagogically medical commission to issue such a statement it needs a direct initiative from the parents/custodians or the family court – only parents have the right to ask the commission to evaluate the child. The statement about special needs can be given also by the clinical psychologist and speech therapist. Parents should give the permission to the clinical or school psychologist to examine their child.</td>
<td>The parents’ agreement and permission to perform the examination is necessary to receive the statement in all cases. If parents do not have enough information or understanding about the problem as well as sufficient information about the existing possibilities to give support to the student in the teaching/learning process parents can refuse from performing the necessary activities to examine evaluate the child and to admit his/her special needs. Parents’ rights in this case exceed the child’s rights to receive education according to his/her abilities. The priority principle of children’s rights and interests is being violated in this case. The statement about the learning difficulties can be provided also by the school psychologist. SPMC does not give the school recommendations about further work with the student; however, SPMC does not give the school this information making a pretext of the confidentiality of the data. The school can learn this information if parents willingly share it. Children’s rights to education and to receive specific support in the learning process are threatened in such situations.</td>
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Persons with special needs have the right to special education, ... or to general and vocational education adapted to health disturbances [9]. If the student has particular special needs the school can offer possibilities for the student with special needs to learn in accordance with his/her abilities in an integrated class developing an individual plan for the acquisition of the education programme or offering learning according to a licensed special education programme.

If the student has learning difficulties that are not recognized as special needs then this student does not receive support in his/her learning. The teacher’s competence and action is the decisive to ensure further advancement of the case.

The teacher has separate pedagogical tools at his/her disposal with the help of which to encourage the student to receive the statement about the special needs: the analysis of documents, the analysis of student’s academic achievement, individual discussions with parents and the child, consultations with the school administration, support staff, the inquiry of other teachers.

However, this is a time consuming process; it depends on each teacher’s decency, it has an unpredictable outcome.

The teacher’s actions should be sequential:
1) Examination of documents.
2) Consultations with other teachers or carrying out the inquiry in order to find out the spread of the problem.
3) Consultations with the representatives of school administration, support staff.
4) Individual discussions with parents.
5) Moving the case for the discussion in the pedagogical staff meeting or the class teachers’ meeting.
6) Receiving the parents’ application.
7) Examination of the student, ensuring the support in the teaching/learning process (established by the psychologist developing the Individual plan for the acquisition of the programme).
8) Summarizing the results of student’s examination and moving for receiving the statement from the SPMC.
9) Receiving the statement, planning of further activities.
10) Evaluation of the individual plan for the acquisition of the education programme together with all the involved parties.

### 11 CONCLUSIONS

The analysis of the normative documents of Latvia, the evaluation of the rights that children with learning difficulties have to education as well as the analysis of the concrete case X in the mainstream school of Latvia evaluating the implementation of the rights of the child with learning difficulties in practice allows stating that the rights of children with learning difficulties to education according to their abilities are executed only partly. Additional normative regulation is needed which would define the way how to recognize the special needs and how to ensure support in learning.

### 12 DISCUSSION

To fully understand the child’s possibilities to develop, one should understand the whole ecological system in which the child develops and in which the child’s education possibilities are realized. The child’s development is affected by the social interaction with the environment in which the child lives [17]. The issue of children’s rights, the children’s rights that are consolidated in the normative documents of Latvia refer also to the so called macro environment defined by Bronfenbrenner which comprises in itself the values and attitudes of the existing society and culture, which are formulated in the laws and other normative documents. The impact on the child’s development possibilities is the most indirect, however, it can influence directly the child’s possibilities to receive support in the teaching/learning process.

Article 3 of the UNO Convention on Children’s rights has stipulated “the priority principle of the child’s rights and interests” [8]. The evaluation of the normative documents of Latvia allows concluding that the statement about the student’s special needs is received if parents agree to the examination that is necessary for the work done by the educational or clinical psychologist, the speech therapist as well as the pedagogically medical commission. Parents can refuse from applying support measures to their children in the school examinations. As regards the case X, it is possible to conclude that parents...
were not the driving force who understand the situation and seek the solutions as during the last three years parents had not initiated any further activity or promoted the examination of their child despite stable learning difficulties. Parents also did not have the information or understanding about the problem or the possible help. The fact that parents were not informed led to the situation that the needed help and support for Maya was not ensured in due time. Parents’ rights in this case exceed became the children’s rights to receive education according to the abilities. The priority principle of children’s rights and interests has been violated in this case. The case study also revealed that weakness of the education institution in supporting the student and ensuring the execution of her rights. In case X it was the subjective factor, the arrival of a new teacher at school that determined the solution of the situation instead of systemic and systematic action on the part of the education institution.

Although legislation defines the rights of children with special needs to education, defines the rights of the education institution to admit and to provide all the necessary support to such children in the pedagogical process, defines that the school administration is responsible for recognizing the child with special needs and his/her education, it has to be acknowledged that normative documents do not regulate the order in which students' special needs are explored; it is not clear how to perform it, who should participate in it, who manages each individual case and follows the progress, how the evaluation is taking place. The teacher’s responsibility and duty to perform the pedagogical observation in order to start moving the case towards receiving the necessary support has not been defined. The lack of such an order can create similar situations in practice as it happened with Maya. This led to the fact that Maya did not receive the necessary support in the learning process for a long time. In countries where the normative system is based on Germanic traditions, in education this is regulated by normative documents that are binding to all the involved parties [18]. The order of solving these issues should also be defined normatively in Latvia

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