

Case Title: Discrimination in education

Decision of the Commissioner for Protection from Discrimination regarding the implementation of the Law No.10221 dated 04.02.2010 "On Protection from Discrimination" against the Director of Vau Deje School and the Regional Directorate of Education in Shkoder.

The scope and level of education from the case is taken:

Anti-Discriminatory Practices in Pre-University Education / Education

Description of the Case:

The Commissioner for Protection from Discrimination undertook the administrative investigation process for the Vau Dejes Director VDD and the Regional Directorate of Education Shkoder RDE with the object: Implementation of anti-discriminatory practices in favore of a special needs student who was excluded from school because It was possible for an assistant teacher to meet his needs.

Findings from an administrative investigation carried out:

1. VDD did not provide the creation of conditions for an assistant teacher on disabilities as provided by the applicable legislation.
2. The RDE has not taken any administrative measures to complete with VDD Assistant Teachers.
3. The RDE despite the knowledge of the case did not act to avoid discriminatory practices against the pupil.
4. The RDE had not established a multidisciplinary regional commission to review the needs for education of persons with disabilities and followed their fulfillment pursuant to Order 343 dated 19.08.2013 of the Ministry of Education.
5. The director of Vaut Deja's School did not react on the above-mentioned decision to establish a school commission for examining cases of special needs pupils.
6. The director of Vau Deja School did not set up a special curriculum for disabled pupils.

The Commissioner for Protection from Discrimination came to the conclusion that the above findings come in violation of Law No. 10221 dated 04.02.2010 "On Protection from Discrimination" The Commissioner concluded that the violations found are serious as they relate to the needs for equal opportunities for education of disabilities pupils, who should not be discriminated against because of his / her health conditions.

Commissioner's decision

1. Accepting the individual complaint and finding the case a flagrant discrimination according to the law
2. Urge the RDE Shkoder to set up a Multidisciplinary Commission and appointing an assistant teacher for the complainant.
3. Ordering the School Directorate of Vau i Dejes to accept the pupil in school and to offer him special education program
4. Fine to be set for RDE Shkoder due to violation of the law on protection against discrimination

Source: 2015 Commissioner's Decision on Protection from Discrimination.

https://www.parlament.al/wp-content/uploads/2016/03/Raport-Vjetor-2015_KMD.pdf

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