

Foreigners with disabilities in Italy

Easy guidance on rights and benefits



onlus

**ASSOCIAZIONE
ITALIANA
PERSONE
DOWN**

**Quaderno
AIPD 23**

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RIGHTS AND BENEFITS

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Introduction

This booklet is published in the context of the activities planned by the AIPD project “Easy Info. Knowledge Empowers”, promoted by the *Associazione Italiana Persone Down* (Italian Association for People with Down’s syndrome) as laid down by Law n. 383/2000 (art. 12, lett. f) and financed by the Labour and Welfare Ministry.

It is aimed first of all at foreign families with Down’s syndrome relatives who are living in Italy. This is why it contains specific information for these families.

What is the reason for this choice? As it is now well known, the number of foreigners in Italy has increased in the last few years and consequently also the number of foreign families with disabled children. Often these families – especially if they are newly arrived - have problems in communicating in Italian and therefore in understanding information on Italian websites, as well as when they are in direct contact with the local services to whom they refer. All this is an obstacle to obtaining one’s rights and can be a further cause of social isolation.

Hence the idea is to create - together with the restructuring of the AIPD website into a more accessible and comprehensible version - a paper bound instrument that facilitates access to information and the fruition of one’s rights independently from one’s capacities, education and mastering of the Italian language.

The booklet is divided into two parts. The first part concerns topics linked to welfare (Civil invalidity, work permits, health care) while the other concerns education. They were written respectively by Andrea Sinno, of the Telefono D (Down’s syndrome call centre) service, and by Nicola Tagliani of the School Observatory.

All those who need in depth clarifications and information on the topics covered by the booklet can call the following:

- Telefono D (06.3720891 - telefonod@aipd.it)
- School Observatory (Osservatorio Scolastico) (06.3723909 – osservscuola.legale@aipd.it - osservscuola.pedag@aipd.it)

Patrizia Danesi
Responsible for the project; “Easy Info. Knowledge Empowers”

Translation edited by Fabia Brunori

The rights and benefits

1. Civil invalidity and economic help

In Italy, those recognized as **civil invalids** with at least 75% disabilities percentage can obtain **benefits**.

Foreigners who **have at least a one year residence permit can** also be acknowledged as civil invalids and receive benefits.

Acknowledgement of civil invalidity follows a medical examination, which takes place after requesting it from INPS (*Istituto Nazionale della Previdenza Sociale*) (National Institute for Social Security) via e-mail, that is through the website (www.inps.it).

The request can be presented:

- **personally**; in this case one must first ask INPS for a personal code, called PIN, which is necessary to access online services on the website www.inps.it
- **through the Aid office**; the aid offices are those that provide assistance and information to citizens on matters of different sorts. In particular, they are concerned with the requirements needed for pensions, calculation of the ISEE (*Indicatore della Situazione Economica Equivalente*) (Equivalent Economic Situation Indicator); one can find them across the country.
- Through the **ANMIC offices**, *l'Associazione Nazionale Mutilati e Invalidi civili* (National Association of disabled and civil invalids).

Before presenting a request, it is necessary to ask one's doctor to send a medical certificate to the INPS of which it is necessary to get a copy.

Economic benefits are due from the first day of the month following the request. If one does not agree with what has been acknowledged, it is possible to appeal through a lawyer or an assistance office or by using "self-tutelage".

Summary outline of the benefits derived from disability. A person can only have one of the allowances indicated:

Minors				
Allowance	Economic benefits	Months	Amount 2014	Income limit 2014
Persistent difficulty in performing the tasks and functions of their age group	Attendance allowance	Paid for during the months in which the student goes to nursery, schools or has therapy in a Local Health Centre (ASL) or other structure operating within the national health service for a maximum of 12 months.	€ 279,19	€ 4.795,57
Needs constant assistance as they are not capable of carrying out the daily activities of life	Accompaniment allowance	12 months	€ 504,07	This is not taken into consideration
Those who have come of age				
Allowance	Economic benefits	Months	Amount 2014	Income limit 2014
The permanent reduction of their working abilities in excess of 2/3 (between 74% and 99%)	Monthly check	13 months (12 months plus the year-end bonus)	€ 279,19	€ 4.795,57
100%	Disability benefit pension	13 months (12 months plus the year-end bonus)	€ 279,19	€ 16.449,85
100% disability with the need for constant assistance as they are not capable of carrying out the daily activities of life		13 months annuity (12 months plus the year-end bonus), 12 months benefit	Overall amount € 783,89 (279,19 plus 504,07)	This is not taken into consideration for the accompaniment allowance; for the pension it is € 16.449,85

For those persons who have sight or hearing problems they can demand recognition of their blindness or deaf-mutism. The procedure is the same but the benefits are different.

2. Acknowledgement of a handicap

Together with the acknowledgment of civil invalidity, it is possible to ask for an acknowledgement of a handicap (law n. 104/1992).

People with Down's syndrome are **always** acknowledged as having a **serious handicap**.

This acknowledgement entitles these people to receive help of various kinds. For example, it allows asking for and enjoying special leave at the work; to have priority in nursery schools availability; it is indispensable to ask for an specialized teacher in schools; it is obligatory to receive tax rebates and many other things.

The procedure for acknowledgement is the same as that for civil invalidity but for people with Down's syndrome it is possible to ask it directly from one's doctor (according to law n. 289/2002). In this instance, it is necessary to take to the doctor, the relevant chromosomes map.

The handicap certificate given by the doctor has the same validity as that given by INPS. It has the added advantage to be given and be used immediately.

Here is a **facsimile** of the certificate to ask the doctor:

Having seen the medical report of the karyotype test made on _____ by [write the name of the institute or centre that has made the test] _____ concerning _____ who is a person with a Down's syndrome (Trisomy 21)

According to section **94, comma 3 of the Law 27th December 2002, n. 289**

We declare that

Mr/Mrs. _____ date of birth _____ resident in Via/
Piazza _____ my patient and/or welfare recipient, National Health
card N° _____

Is a severely handicapped person according to regulation 3 comma 3 of the law of 5 February 1992, n. 104

We give this declaration by request of the party concerned for the uses allowed for by law.

Date

Signature and stamp

3. Benefits at work

According to the age of their children, all parents who are employees are entitled to take leave of absence from their work.

These leaves of absence consist in a period away from work. Some are remunerated entirely, others only partially. Here are the main ones:

- Mothers are obliged by law to leave employment in the two months preceding childbirth and for three months after the birth of their child. These months, which are called “congedo di maternità” (maternity leave), are remunerated by 80%;
- Mother and fathers can take leave of absence from work for a total of 10 (or 11) months to subdivide between both parents.
- These months which are called “congedo parentale” (parental leave), are paid 30% and can be had within the child’s first 8 years;
- Mothers can take leave for two hours every day (or 1 hour, if she works less than 6 hours every day). These hours which are called “permessi orari per l’allattamento” (hourly leave for nursing) are 100% paid and can be taken during the first year of the child’s life.

Besides these leaves, parents of people with an acknowledged handicap can ask - in the event of a serious situation - further leaves of absence:

- Parents can take leave of absence from work for two hours a day (or 1 hour if he/or she works for less than 6 hours a day) until their child is 3 years old. This facility called “**permesso orario giornaliero**” (daily leave allowed) is remunerated 100%;
- Parents can take leave of absence from work for a period of three years, which include though the months of normal leave until their child is 8 years old. This period called “**prolungamento del congedo ordinario**” (extension of normal leave) is 30 % remunerated;
- Without limits of their children’s age, parents can take leave of absence from work for three days a month. This facility is called “**permesso mensile**” (monthly leave) and is 100% remunerated;

These three types of leaves of absence can be taken in alternation between them.

- Without limits of the child’s age, parents can take leave of absence from work for two years. This facility is called “**congedo straordinario**” (extraordinary leave) and is 100% remunerated. It can be distributed over days, weeks or months.

4. The placement of people with Down's syndrome in the work environment

People with civil invalidity greater than **45%**, with a work capacity recognized by the Local Health Centre (ASL) committees, can sign on at the *Centri per l'Impiego* (Employment Bureau), at the handicapped people's counter.

All the people with Down's syndrome – since they are all entitled to at least 75% invalidity – can therefore sign at the employment agencies. To ascertain which are their **work capacities** it is necessary to ask for a medical check-up, with the same procedure as that required for the request for civil invalidity and handicap. The request must be sent by e-mail to INPS (under the heading “Domanda di invalidità civile” (request for civil invalidity), selecting “COLLOCAMENTO MIRATO” (SPECIAL PLACEMENT).

Contrary to what is envisaged for the recognition of civil invalidity and handicap, the request for special placement here does not require an introductory doctor's certificate.

In addition, in this case it is possible to send the request through the aid office.

The government and private employers are obliged to take on a quota, which is variable according to the total number of employees with handicaps (of whatever kind).

Leave of absence from work for employees with handicaps

The employee with a proven handicap in a serious situation according to the parameters of comma 3, art. 3 of Law 104/92 (that is always granted to people with Down's syndrome) can alternatively benefit from paid **daily rest periods**, two hours long or all day long, up to a maximum of **three days per months**. If the employee asks the three days per month benefit, he or she will not be entitled to other leaves of absence.

It is possible to modify the type of leave from one month to the other and, exceptionally, to vary within the scope of each month, the programming that has already been previously scheduled when sudden needs occur which were not foreseeable at the moment of the request for leave of absence.

The handicapped worker has the right to choose the nearest place of work and cannot be transferred without his or her prior consent.

5. Tax benefits

Italian tax regulations include many tax rebates for handicapped people who have been acknowledged as such, as well as for their relatives. Rebates concern:

Dependent children

In the tax returns, each dependent child who is handicapped is entitled to get Irpef (*Imposta sul Reddito delle Persone Fisiche*) (personal income tax) rebates.

- rebates up to 1.620 euros are provided for children less than three years older;
 - rebates up to 1.350 euros are provided for a three years old or older child.
- In the case of more than three dependent children, the rebate increases by 200 euros for each child starting with the first one.

Cars

- When buying a car it is possible to pay it with a deduction of 4% on its VAT;
- When the car is registered at the PRA, (*Pubblico Registro Automobilistico*) (Official car registry) you are exempt from the registration on transfer of property;
- When compiling income-tax returns a 19% rebate on the Irpef on the total expense for this acquisition.

In addition, if one already owns a car it is possible to ask to be exempt from paying the Car Tax (*Bollo Auto*).

To receive these rebates the handicapped person must have accompaniment compensation and the certificate stating the person is severely handicapped. If the person with Down's syndrome has these requisites, these rebates can be asked by the relative who is responsible for the tax returns of the person with Down's syndrome. Other rebates concern people with disabilities.

Technical and internet facilities

When buying a computer it is possible to pay only 4% of its VAT but this rebate concerns only those who are blind, deaf, with impaired speech and with disabilities.

When compiling tax returns 19% IRPEF can be deducted from the total expense also for people who have a mental handicap such as Down's syndrome. In this case, it is necessary to include in the request a certificate signed by a doctor that states that the instrument is necessary for the handicapped person's autonomy and integration

Medical expenses

When compiling tax returns it is possible to take off from the total income, the whole sum corresponding to medical expenses and expenses incurred for specific assistance.

The tax collector's office published each year a Guide devoted to the rebates given to handicapped people. It can be perused and unloaded from the website *www.agenziaentrate.gov.it*

6. Family allowances

Employees and workers who are members of separate managements (for example those who have collaboration contracts limited to one project, or are doing agricultural work) and have dependent children or relatives can ask for family allowances.

The allowance is paid for handicapped children also after their eighteenth birthday.

The request must be presented to the employer in the case of employees and by e-mail to INPS in the other cases.

7. Health care

Foreigners who have a regular residence permit must sign in the National Health Service (*Servizio Sanitario Nazionale*) and can therefore obtain all the facilities regularly provided: generic health care, paediatrics, obstetrician-gynaecology, hospitals, pharmaceuticals and specialist's examinations.

First Aid, health and social care services of the ASL or Local Health Centre are provided in any case to people who do not have a regular residence permit. Each Italian Region regulates the costs of services provided to foreign citizens who are not registered in the National Health Service.

With regard to vaccinations, children who have vaccination certificates from their countries of origin must in any case partake of the obligatory vaccinations required in Italy.

Exemption from the payment of tickets

Citizens in Italy contribute to the health service through their taxes, which they pay in proportion to their income and through the payment of the so-called "ticket", required for some of the services given by the National Health Service.

It is however possible to obtain payment exemption for this "ticket":

- In case of low income and for children younger than 6 years of age or the elderly older than 65 years of age;
- In case of unemployment;
- When there is a chronic or rare disease – among the latter there is Down's syndrome;
- In case of disablement. In this case, it is necessary to ask from one's Local Health Centre (ASL) the identification card for disability ticket exemption by producing the statement of civil invalidity.

8. Acquisition of Italian citizenship

Foreign citizens with specific requisites *can become Italian citizens*.

There are two types of facilitations for the granting of Italian citizenship:

- Marriage;
- Residence.

Concerning the latter: foreign citizens require one of the following to make the application:

- To have been born in Italy and to reside there legally for at least 3 years;
- To be the son or daughter, nephew or niece in a direct line from Italian citizens by birth, and to have resided in Italy for at least 3 years;
- To be of age, to have been adopted by an Italian citizen and to have legally resided in Italy for at least 5 years after the adoption;
- To have been employed – also abroad – by the Italian government for at least 5 years;
- To be a E.U. citizen and to have resided legally in Italy for at least 4 years;
- To be a stateless person or a refugee who has been legally resident in Italy for at least 5 years;
- To be a foreign citizen who has been residing legally in Italy for at least 10 years.

A further requirement is related to income e.g. the income needed for 2014 is a minimum of €13.000 per annum. If the resident does not have a personal income documentation of the income of the other members of the family are required.

One has to go to the Prefecture (*Prefettura*) to make an appointment for citizenship.

9. Other

Regardless of general provisions, there are bilateral international agreements between Italy and other States and agreements between the European Union and non-EU countries whereby other rights are guaranteed. There is also a Foreign Office in each local council, the International Social Services and The Italian Red Cross to whom one can go for information.

The Caritas, the Italian Red Cross and other humanitarian organizations also have health centres that offer free medical care and medication.

Schools in Italy

1. The education system

In Italy, schools are divided into five parts according to the age group of the student:

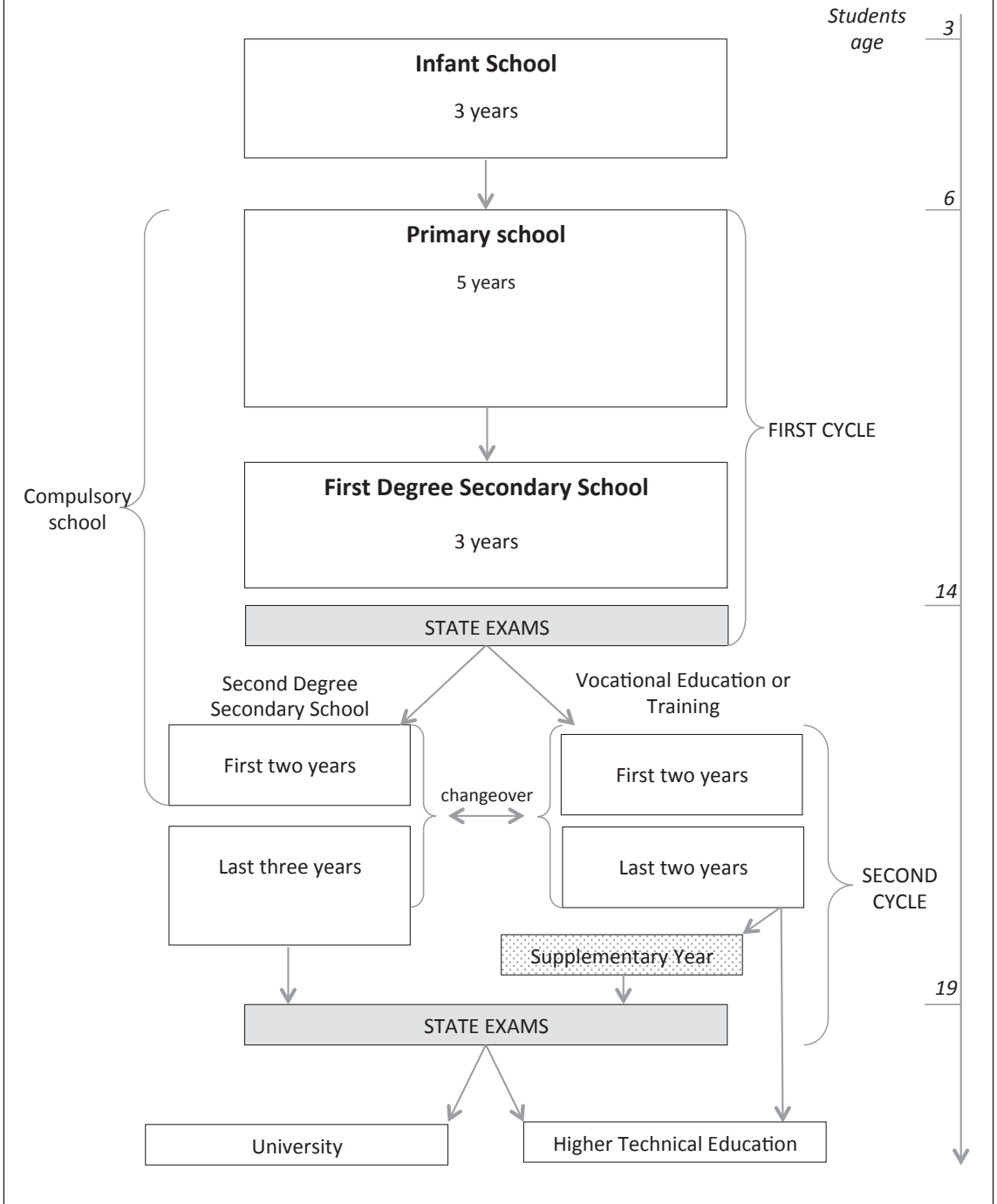
1. **Nursery:** from three months to 3 years of age.
2. **Infant School:** from 3 to 5 years of age.
3. **Primary School:** from 6 to 10 years of age (compulsory school).
4. **First Degree Secondary School:** from 11 to 13 years of age (compulsory school).
5. **Second Degree Secondary School or Vocational Training:** from 14 to 18 years of age (of which the first two years are compulsory school).

Primary school and First Degree Secondary School make up the **First Education Cycle** (6-13 years).

The Second Degree Secondary School is the **Second Education Cycle** (14-18 years).

At the end of each cycle, students undergo a State Exam to receive their **General Certificate of Education or Diploma**.

students in school



Second Degree Secondary School

High School

1. THE ARTS
2. CLASSICS
3. LANGUAGES
4. MUSIC AND COREUTICO
5. SCIENTIFIC
11. HUMANITIES

Technical Institutes

2 sectors - 11 curricula

1. ECONOMIC sector

- Administration, Finance and Marketing
- Tourism

2. sector

- Mechanics, Mechatronics and Energy TECHNOLOGY
- Transport e Logistics
- Electronics and electrotechnical studies
- IT and Telecommunications technology
- Graphics and Advertising
- Chemistry, Materials and Biotechnology
- Fashion Industry
- Agriculture, Food-processing and Agricultural Industry
- Construction, Environment and Territory

Professional Institutes

2 sectors - 6 curricula

1. SERVICES sectors

- Agriculture and Rural Development Services
- Social and Health Services:
Optician
Dental mechanic
- Oenology and Gastronomy services and Hotel Management
- Commercial Services

2. INDUSTRY AND HANDICRAFT sector

- Industrial production and handicrafts
- Maintenance and technical support

Who runs the schools and their costs

There are State schools of all categories:

- **Nurseries** are run by the Local Councils.
- **Infant Schools** are run either by the State or by Local Councils.
- **Primary and Secondary Schools** are run by the State.
- **Vocational Training Centres** are run by either the Provinces or Local Councils and are funded by their Region.

With regard to **Nursery Schools**, families have to pay a monthly rate according to their attendance and based on their income. All other State schools are free other than the following fees:

- A lunch rate if the student stays for the day. The rate is calculated according to the family income and how many days the student stays for lunch.
- The expenses that the school provides for the student: insurance, justification booklet etc.
- Expenses sustained for school trips and other extracurricular activities that the students can choose to take part in.

State schools can also require an economic contribution from families that is voluntary and therefore families are not obliged to pay.

There are also Private Nurseries and schools where one has to pay the fees.

The school year

Each school year begins in September and ends in June:

- **Nursery school and Infant School:** begin the first days of September and end the last days of June. Certain schools may continue during July and even August.
- **Primary and Secondary Schools:** begin at the end of September and finish the first days of June.

The last years of First Grade Secondary School and at the end of the last year of the Second Degree Secondary School there are the final exams that take place between the end of June and the beginning of July once lessons are over.

Holidays

All schools have holidays:

- 2 weeks for **Christmas** (from circa the 23rd of December to the 6th of January).
- 1 week for **Easter**.

There are also National holidays during the year: 1st of November, 8th of December, 25th of April, 1st of May, 2nd of June and that of the Patron Saint of the city.

Days and timetable

Lessons are generally given from Monday to Saturday but in many schools, the week ends on Friday.

1. **Nursery, Infant and Primary Schools** can have the following timetables:
 - a) Just the morning;
 - b) Morning and afternoon including lunch.
2. In **Secondary School**, students attend lessons only in the morning.

Many schools (above all Nursery, Infant and Primary Schools) organize a paid service for those who need to come in early or stay late after school hours.

2. The rights and duties to education and training

In Italy education is a **right** but also a **duty**.

The right to an education and training

The State guarantees everyone the right to an education and or training **until the age of 18**, therefore for **12 years** starting from the first year of Primary school.

The right to an education and training: compulsory school

School attendance is compulsory and free for all children between the ages of 6 and 16 that live in Italy even if they are foreigners or illegals.

This is why foreign students between the ages of 6 and 16, even if they are illegal immigrants, must enrol in school as soon as they arrive in Italy at any time during the school year.

Compulsory school begins in the first class of Primary School and ends in the second class of the Second Grade Secondary School or Vocational Training. Even disabled children must enrol in a Primary school as soon as they reach the age of six.

Disabled children can complete compulsory school up to the age of 18.

At the end, one is given a certificate that states that one has completed compulsory school.

During compulsory school books and fees are free with the exception of the following:

- A lunch rate if the student stays for the day. The rate is calculated according to the family income and how many days the student stays for lunch.
- The expenses that the school provides for the student: insurance, justification booklet etc.
- Expenses sustained for school trips and other extracurricular activities that the students can choose to take part in.

State schools can also require an economic contribution from families that is voluntary and therefore families are not obliged to pay.

3. Enroling in school

Foreign students, including illegal ones, can/must enrol, at any time during the school year, as soon as they arrive in Italy. They can do this by going directly to the offices of the school they would like to attend. Normally foreign students, even those with disabilities, are enrolled in **a class that corresponds to their age**.

The family of a disabled student must complete their enrolment by giving copies of the following documents:

1. Certificate of disability according to Law n. 104 of 1992 (see page 24)
2. Functional Diagnosis (see page 25).

With these documents, the school can quickly guarantee all the rights provided for disabled students: specialized teacher, assistant, Individual Education Curriculum (PEI) etc.

Enrolment in a Nursery

Once you have found the Nursery School you wish to attend, the registration form must be sent to Local Council to which the Nursery belongs.

Usually one enrolls a child during March/ April for the school year that will begin the following September. Each Local Council establishes a period of time for enrolment.

The places available in Council Nursery Schools are not many and thus there is a **list** to decide who can enter first. Each Local Council establishes the criteria, by which one obtains points in the ranking. They usually take into consideration: if the family lives close to the school, the number of family members, if the parents are employed, their income etc.

Children with certified disabilities in a situation of gravity (Law n. 104 of 1992, art. 3, comma 3) have the right to be first in the list.

If one cannot find a place in a Council Nursery School, it is necessary for them to register in a private one.

Enrolment in Infant School, Primary school and First and Second Degree Secondary School

Across Italy, in the first years of Infant school, Primary School and Secondary School one must register between January and February for the following school year that begins in September.

The registration forms for Primary and Secondary schools can **only** be filled in and sent **on-line** on the website www.iscrizioni.istruzione.it.

If a family does not possess a computer or does not have access to internet, they can go to any State School and send the form by using their computers and with the help of the staff.

All children and teenagers **between the ages of 6 and 16 must** enrol in school even if they are foreigners and or illegals.

Foreign Students:

1. **If they are legal**, (they have obtained their Italian Social security Number): they can enrol following the same procedures as all students.
2. **If they are illegal immigrants**, (they do not have their Italian social security Number) or they have entered the country in a different period of the year from that which is scheduled for enrolment: they can/must register directly in the offices of the school they wish to attend.

IMPORTANT: To guarantee the right to Education to foreign students all staff are exonerated from the duty to denounce the irregularity of the student and his family.

Usually there are also for the state schools rankings to establish who can get the available places in each school. Students with a certified handicap in a serious situation (Law n. 104 of 1992, art. 3, comma 3) have the right to be the first in the school lists.

If there no places available in the **State schools** (state or municipal) it is possible to register in a private school (this kind of school is **not compulsory**).

If one does not accede to the available places in the **Primary or Second level state schools** that one has chosen people will be directed to other State schools that are near. The family of the student can indicate in the registration form the list of the other schools that it prefers. This is because they are compulsory **State schools** and therefore the State must guarantee to everybody the possibility of registering in a state school.

In this case it is the family that - if she so wishes - can choose to register the student in a private school.

Registering for the classes subsequent to the first one

In all schools, registration in the years following the first one is automatic in the last school the student has attended - unless the family asks formally that the student be transferred to another school.

All the students with or without disabilities, can attend First Grade Secondary School only until 17 years of age. Students who are older than **18 years old** can attend First Grade Secondary School and **courses for adults**.

4. Disabled students

School inclusion

In Italy, all disabled students attend the normal schools attended by not disabled students.

To allow the inclusion of disabled students, the school must guaranteed additional facilities according to the needs of each student:

1. specialized teacher;
2. assistant for autonomy and communication;
3. school caretaker (for personal hygiene, transfers within the school).

Disabled students can also:

1. have more time to compile tests or to do them in ways different from those of their fellow students;
2. to follow personalized programs, even different ones from those of their fellow students;
3. to be examined in different ways from those of their fellow students.

Work groups for school inclusion

When there are disabled students in schools work groups are activated in each of these schools. These work groups meet regularly during the year to program and check the curricula of the disabled students and their inclusion within the school.

There are two kinds of work groups:

1. *Work Group for Inclusion (Gruppo di Lavoro per l'Inclusione (GLI)*
2. *Gruppo di Lavoro Handicap Operativo (GLH o GLHO) or Working Group for Operative Handicaps*

1. Work Group for Inclusion (GLI)

The Work Group for Inclusion (GLI) is the group that organizes and establishes the guidelines for the whole school in order to foster the inclusion of all its students who have Special Education Needs (*Bisogni Educativi Speciali* (BES)). Among these there are disabled students (certified by law n. 104) and the foreign students who - if they have just arrived in Italy or do not speak Italian well - can appear to be a “*social, economic, linguistic or cultural*” drawback.

The Work Group for Inclusion (GLI) is composed of the Headmaster and the representatives of the teachers, parents, school helpers, the Local Council, Local Health Centre the (ASL), the students, etc.

2. Working Group for Operative Handicaps (Gruppo di Lavoro Handicap Operativo (GLH or GLHO))

The Working Group for Operative Handicaps GLH is the group that programs and checks the **school curriculum of each disabled student**.

This group must include:

1. the Head of the School or a person who officially represents the Head of the School;
2. all the teachers in the class (both the auxiliary teachers and the curricular ones);
3. **the student's parents;**
4. **the social-health operators and/or the ASL therapists** (or from a ASL officially recognized centre) that follow the student;
5. the Assistants for autonomy and communication and /or the School Helpers who are possibly involved in the inclusion project for the student.

The school can call in to take part in the GLH **any other person** that knows the student outside the school environment and who can be useful to the work group, for example: operators in family associations Italian association for People with Down's syndrome or AIPD (*Associazione Italiana Persone Down*), private doctors and therapists, sports instructors, etc.

If parents want to do so, they must ask the Headmaster to summon these people. The Working Group for Operative Handicaps (GLH) must be summoned by the Headmaster **2 or 3 times a year** to programme and verify the student's curriculum and to **write up and verify the PDF and Individual Education Curriculum (PEI)** (See page 25). Parents can also ask the Headmaster for other meetings with the Working Group for Operative Handicaps (GLH) when they feel it is necessary.

Documents needed for a disabled student to be included in school

1. Personal certificate of disability (Law n. 104 of 1992)

For students with disabilities to be able to take advantage of their rights within the school (specialized teacher, free transport home-school, GLH, PEI, etc.) they must have a *Personal Certificate of Disability* on the basis of Law n. 104 of 1992.

This certificate is usually obtained at the Local Health Centre (ASL) once they have made the request on the website *www.inps.it*, but people with Down's syndrome can ask their family doctor (see the procedure at page 6).

Down's syndrome and other conditions are certified in a "situations of gravity" (according to comma 3 of the 3rd article Law n. 104). The specification of "gravity" gives one the right to more aid and benefits: priority in enrolment in school, more hours with a specialized teacher, time off from work for parents, economic concessions on certain types of purchases etc.

This certificate should be done only once in a lifetime. It only need to be updated only in where a specific date for a new visit is specified but in the case

of people with Down's syndrome this is not the case as it has been recognized by Law (Law n. 289/2002).

The certificate for disabled persons must be **brought to school when they first enrol**.

2. The Functional Diagnosis

Another important document, which must be brought to school when they first enrol, is that of the Functional Diagnosis. This document is obtained at the Local Health Centre and also contains, as well as the medical diagnosis, information for teachers on the area of development and potential of the individual. The school curriculum and all the activities that the disabled student will take part in are based on this document.

Usually the Functional Diagnosis must be up-dated after each school cycle.

3. The Dynamic Functional Profile (*Il Profilo Dinamico Funzionale*) or (PDF)

Based on the contents of the Functional Diagnosis and their knowledge of the student the Working Group for Operative Handicaps (GLH) write the Dynamic Functional Profile or PDF.

This document **describes the characteristics and skills the student begins with** in different areas: learning, communication, autonomy, socialization etc. Moreover, the Dynamic Functional Profile (PDF) **describes the objectives** that it is believed the student can meet in each area in the **following 2 or 3 years**. It is a very important document as it structures the curriculum of each school year.

The Dynamic Functional Profile (PDF) must be **updated every 2 years and at the end of each school cycle**.

4. The Individual Education Curriculum (PEI)

Every year the Working Group for Operative Handicaps (GLH), prepare the Individual Education Curriculum (PEI) based on the Dynamic Functional Profile (PDF). **It is the global project of student's life** for that specific year. It includes news and activities that have been carried out outside the school.

The Individual Education Curriculum (PEI) **should describe the student's overall situation** both at school and in the home as well as in other social contexts, (sports groups or other activities carried out outside the school). It must also indicate the most important medical, rehabilitation and social aspects.

The Individual Education Curriculum (PEI) must also include the PSP (*Piano di Studi Personalizzato*) or **Personalized Study Plan** which is the **education programme** prepared by the teachers for each specific year.

In each Personalized Study Plan (PSP), the following must be specified for each subject or curriculum:

1. The objectives that one wants to meet,

2. The **work method** to be used,
3. The criteria and verification tools.

Furthermore, the Individual Education Curriculum (PEI) must also signal **the resources** needed for the student during the school year.

The resources can be particular aids or materials (special tables and chairs, books, computer, software etc.) but also the number of hours needed with a **specialized teacher, the need for an autonomy or communication assistant or school caretaker** for toilet and general assistance. (See chapter 5).

The Individual Education Curriculum (PEI) should specify if there are any **specific projects** that will take place in school e.g. laboratories, alternated work/school courses, the use of specific methods or strategies etc.

The Individual Education Curriculum (PEI) is already agreed upon **by all the members of the Working Group for Operative Handicaps (GLH)** at the end of the previous school year or at the latest at the beginning of the new school year. The Individual Education Curriculum (PEI) is then verified and perhaps modified during the course of the year when the Working Group for Operative Handicaps (GLH) meet. **Parents** are part of the GLH and therefore they should **sign the Individual Education Curriculum (PEI)** in acceptance and **must keep a copy**.

Document	Who is responsible for taking action	Who has to do it	When
certification of disabled students (Law n. 104 del 1992)	The Family	Local Health Centre (ASL) or family doctor for those who have Down's syndrome	At the beginning of their school career, before enrolling (within January)
Functional Diagnosis (DF)	Local Health Centre or other accredited bodies either /or affiliated with the Local Health Centre	Local Health Centre or other accredited bodies either /or affiliated with the Local Health Centre	At the beginning of each school year, 45 days after enrolling (preferably before mid-March and not after the 30 th of July)
Dynamic Functional Profile (PDF)	Headmaster	Work Group for the Handicapped (GLH)	At the beginning of each school year, preferably before March-April and before the 30th of July
Individual Education Curriculum (PEI)	Headmaster	Work Group for the Handicapped (GLH)	At the beginning of each school year, preferably before May and before the 30th of July Definitely reviewed at the beginning of the school year (first test before the end of the second four month period – the second test before the end of the school year)
Personalized Study Plan (PSP)	Headmaster	The class council	The editing, definition and tests immediately after those of the Individual Education Curriculum (PEI)

5. School staff for the inclusion of disabled students

The Headmaster	The headmaster is responsible for all that happens within the school. He must ensure that all the student's rights are guaranteed including those with disabilities and of foreign origin.
The class council	This includes all the teachers of a specific curriculum of a class including specialized teachers for the disabled. It is part of the GLH (<i>Gruppo di Lavoro sull'Handicap</i>) or Work Group for the Handicapped and in particular, it defines and applies the Individual Education Curriculum contained in the PEI (<i>Piano Educativo Individualizzato</i>) or Individual Education Plan.
Teachers of a specific curriculum	They are teachers who teach a specific subject in a Secondary School or a subject area in Primary School. They teach all the students within a class and therefore also those with disabilities. Together with the specialized teacher, they are responsible for the school programme that a disabled student will follow and in particular, they define and apply what is expected in the Individual Education Curriculum (PEI).
The specialized teacher	This is a normal teacher, who also has special training to teach disabled students (specialization). She or he not only teaches disabled students but the class as a whole . They are a supplementary teacher for the class. They are there to aid the inclusion of the disabled student and work together with the other teachers. For this reason when there is a disabled student in a class, the school cannot take advantage of their presence to substitute other teachers - even when they are of the same class - when they are absent.
A.T.A. school staff (once called a school-caretaker or janitor they are now referred to as auxiliary technical supervisors)	They have the task of monitoring and supervising within the school. With regard to disabled students they must guarantee toilet assistance (accompany them to the toilet or change their nappies) and assistance during displacements within the school, both at their entrance and exit from school and during the school day (to go to the gym or to the canteen etc.). If the school-caretaker must perform toilet assistance, they must be of the same sex as the disabled student above all if these are pre-adolescent or adolescents. The Headmaster must guarantee this kind of assistance and find a member of

the school staff for each disabled student that is in need of one.

Assistants for individuals, autonomy and communication

They are not teachers but people who are involved in activities that favour autonomy, communication and socialization of students with disabilities. They can assist students while they study or during homework but always under the teacher's supervision.

Based on what is indicated by the Individual Education Curriculum (PEI) of each student the Headmaster can make a request to:

- **The Local Council** for Infant School and the First Cycle (Primary School and First Degree Secondary School);
- **The Province** for the Second Degree Secondary School.

The Province will provide staff specialized in communication for deaf students (sign language or oral translators) or for the blind (a typhlogist).

6. The assessment of disabled students

The assessment and result of their evaluation changes according to the type of curriculum scheduled by the *Piano Educativo Individualizzato* (PEI) or Individual Education Curriculum of the disabled student and the type of school they are attending.

Disabled students can have a curriculum that is the same as that of the rest of the class or not.

The Individual Education Curriculum (PEI) can always be updated and therefore the Working Group for Operative Handicaps (GLH) can decide to move from one kind of curriculum to another even during the current school year.

1. The same curriculum as that of the class

In the case of disabled students that are following the same curriculum as that of the class (or simplified so that they can attain a minimum number of objectives) they are evaluated in the same way and on the same subjects as their fellow students. If they pass the final State Examinations for the First and Second Cycle, they have the right to a Diploma.

Where necessary disabled students have a right to:

- More time than their fellow students to finish the test;
- Equivalent tests that will be different to those of their companions but which will examine the same contents (e.g. undergoing a written exam rather than an oral exam, a multiple-choice test rather than answering an open question and the use of a computer instead of pen and paper, etc.);
- The same instruments and media that have been used during the school year: computers, assistance from the supporting teacher or the communication assistant etc.

2. A different Curriculum from that of the class

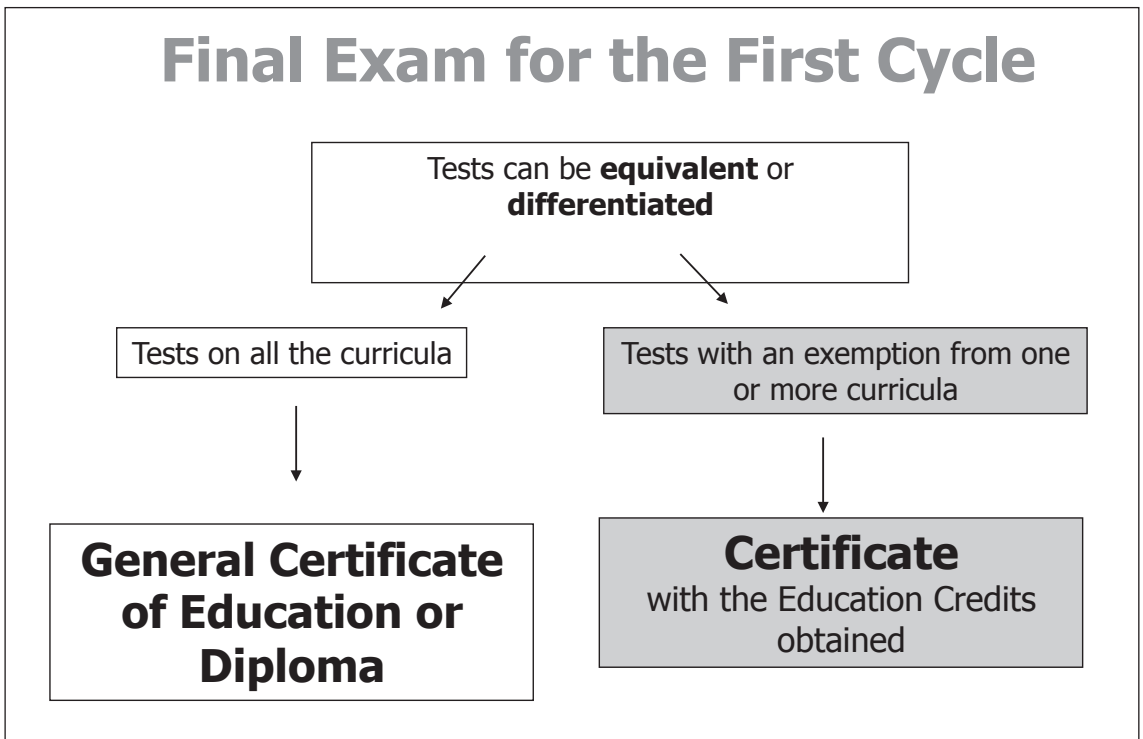
Disabled students follow a curriculum that is geared to their individual skills and capacities and are evaluated with exams different from those of their fellow students. Every year in the Second Degree Secondary School, families have to sign an agreement regarding the different curriculum and exams that are proposed by the Class Council. If the agreement is not signed, then the student will be evaluated in the same way as his fellow students. Therefore, one has to consider the risk that the student be faced with a curriculum that is too difficult, and that he or she may not pass their exams.

The result of conclusive State Examinations undertaken with differentiated tests depend on the education cycle.

a) Conclusive State Examinations of the first education *(at the end of the last year of a First Degree Secondary School)*

Students that **pass** their exams, even if they are differentiated, have the right to receive their **Diploma**, which concludes the First Cycle just as their fellow students will.

Those students who **do not** pass their exams, even those that are differentiated or that were exempt from tests regarding one or more subjects, will obtain a **Certificate** that gives them the education credits that they have obtained. Those students who have yet to reach the age of 18 can nonetheless enrol in a Second Degree Secondary School. In this case, once they have finished the second education cycle, they will only be able to obtain another Certificate of education credits at their final exam.

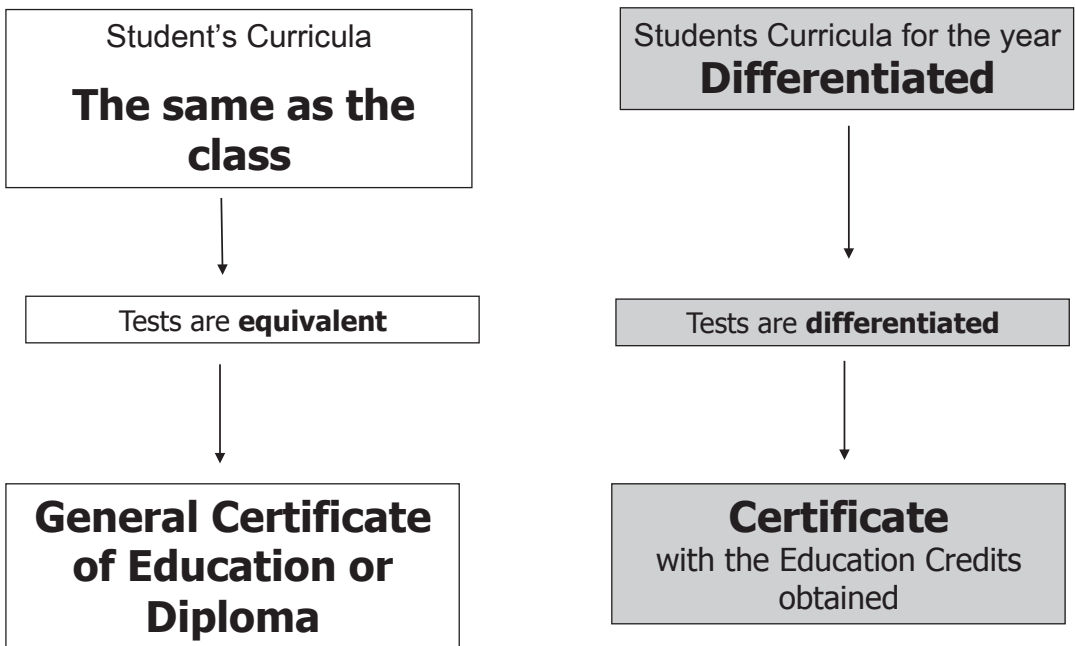


b) Final State Exams of the second education cycle *(at the end of the last year of their Second Degree Secondary School)*

Students that follow a differentiated curriculum and who are therefore evaluated with differentiated exams can only receive a Certificate with the education credits that they have obtained.

If a student is not permitted to take part in exams, the school will give them just a simple certificate of attendance.

Final Exam of the Second Cycle



7. Other aspects regarding inclusion in school

The number of students per class

Classes with one or more students with certified disabilities must not have more than 20 or 22 students.

The number of foreign students per class

Each class must not have more than **30% of their students** of foreign origin. To promote the full inclusion of these students one should avoid having more than one student from the same country within that class.

Free School Transport

Disabled students have the right to **free transport** from the home/school, which must be guaranteed:

- By their **local Council** for schools within the **First Cycle**
- By the **Province** for **Second Degree Secondary School**.

School trips and educational visits

Disabled students have the right to take part in school trips and educational visits organized by their class. The school must organize the trips so that they can participate. For this reason, they must assure themselves that the routes, places and transport take into account the disabled student's particular needs. If the school deems it necessary, it will add an **extra person to accompany the disabled student but they cannot ask the family to sustain the expense for this person**. The student's family will pay the same quota as that of the other students.

Preferably, the person accompanying the student should not be a family member but can be someone from the school: the specialized teacher, an assistant, a school collaborator, another teacher or an older student. If the school is unable to find someone to accompany the student the family can suggest one but the school must still sustain the expense.