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Making Schools Responsible for Students with Special Needs: Swiss Country Report

Small-Scale Dutch Study, 2011

To the attention of:

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1. Which are the governing bodies for regular schools (school director, school board, municipality, etc.), and what roles and responsibilities do they have?

Switzerland is a federal state that is organized in three political levels: the communes, the cantons and the Confederation. Communes are the smallest political units; there are 2,551 communes at this time (the number is declining due to mergers of smaller communes). The next largest political units are the 26 states called cantons that unite to form the Confederation. The Confederation is the name given to the largest overarching political unit, the Swiss state.[1]

The Confederation has responsibilities in those areas where it is granted powers by the Constitution – for example, in enacting legislation that applies throughout the country. Tasks that are not expressly designated federal matters are the responsibility of the next lower political unit, the cantons. Under the Federal Constitution, all cantons have equal rights and a high degree of independence. Each of the 26 cantons has its own constitution and its own parliament, government and courts.[2]

Education is one of the policy areas where cantons hold sovereignty. They are responsible for the whole of compulsory schooling. The cantons enact school law and school legislation for regular schools and special schools. Special schools are a rather recent development that came as the result of constitutional reform. In 2006, the Federal Constitution was amended by Article 62, which for the first time addressed school education as a federal issue. It states that:

> The Cantons shall be responsible for the system of school education. They shall ensure the provision of an adequate primary school education that is available to all children. (…) The Cantons shall ensure that adequate special needs education is provided to all children and young people with disabilities up to the age of 20.[3]

In cases where the cantons do not reach an agreement on educational matters that are of countrywide importance, it is now possible for the Confederation to intervene. Moreover, the cantons are expected to be more uniform with regard to school enrollment and school attendance and the duration, aims and reciprocal acceptance of the different school levels. Notwithstanding such expectations, the sovereignty in all educational matters remains firmly placed with the cantons.

However, the main governing bodies for regular schools are the communes. Whereas some tasks are allocated to them by the Confederation and their canton, they also have their own responsibilities, including responsibilities relating to schools. Communes are highly autonomous, which is why all cantonal frames of reference for schooling take communal autonomy into account. Communes are in charge of the regulation and provision of schooling under their jurisdiction, including hiring of personnel and allocation of funding. In many cases,

[1] Federal Chancellery (2010), *The Swiss Confederation: A brief guide 2010*, pp. 14–15. This brochure and other information are available at www.admin.ch/org/polit/index.html?lang=en.
[2] Federal Chancellery, 2010, pp. 14–15.
[3] SR 101 Federal Constitution of the Swiss Confederation, Art. 62: School education, sec. 1–3. See: www.admin.ch/ch/e/rs/101/a62.html.

the communal schools are governed by an elected honorary board of laypersons, but communes may also professionalize communal autonomy by establishing school offices and/or by creating the post and role of a headmaster/principal. In general, regular schools are authorized by the commune, whereas private and special schools are authorized by the canton.

All in all, Switzerland's educational landscape is variously shaped. The specifications and descriptions given in this report aim to convey a general idea of the main features, but they may differ considerably depending on a canton's size, geographic location, culture and history.

2. Who provides special needs funding and how is it forwarded to / divided over schools?

Funding is provided by every canton but with a principle of shared costs (cost-splitting with the communes).[4] The share of the cost that communes have to put up varies from canton to canton. As a rule, high-level provision of special education commonly implies a higher share of cantonal funding, whereas low-level provision usually means a higher share of communal funding. High-level provision, for example, refers to students with severe disabilities that are placed in special schools. Low-level provision, for example, refers to supporting a child with mild problems in learning or language acquisition within the regular school (with or without involvement of special education staff). Between low-level and high-level provision there are a diverse range of intermediate measures with diverse funding mechanisms.

Many cantons pool the low-level provision of special needs education – that is, the cantonal share of funds is made directly available to the communes and the canton does not supervise its allocation at the communal level. Whereas the canton (in the majority of cases) or sometimes the commune may earmark the directly available funds for specific educational purposes and target groups, it falls to the communes to identify the schools and students eligible for funding. In contrast, funds for high-level provision of special needs education are virtually never pooled but assigned individually. The funding schemes vary in the details. A canton may meet all costs or a specified percentage only, and other funding sources are of increased importance (for example, insurances, charitable trusts and private parties), leading more often than not to mixed financing.

3. Is the local school responsible for students with special needs? Is this prescribed in law or community regulations?

The commune is the pivotal point of responsibility for students with special needs. It is the commune – not a specific school or school unit – that is responsible for students. This is prescribed in cantonal school law and by-laws.

[4] See also the brief note on financing at European Agency for Development in Special Needs Education (2010), *Country information for Switzerland: Financing* (last modified March 29, 2010) at www.european-agency.org/country-information/switzerland/national-overview/financing.

4. Which role and rights do parents have concerning the choice of school for their child? Are they involved in discussing the programme and support for their child? Do parents have access to a court for appeal?

Regarding school choice, parents of children and youth with special educational needs are generally on an equal footing with other parents. They have no particular right to choose the place of provision and schooling and very little room (if any) for legal action. To take legal action, they would have to allege either that their child is discriminated against or that different places of schooling are not on a par in terms of the quality of provision. Neither of these allegations is easily supported. However, if parents are unsatisfied with their child's assignment to a school, they can usually request a transfer to another school. Communes are to be expected to examine their request thoroughly but will not always comply. Some cantons may allow for parents to have more to say in the matter.

If parents can afford it, they may refer their child to a private special school. Parents who do so will have to bear at least a share of the costs and sometimes the full costs. A commune will usually accept private schooling as long as the best interest of the child is not affected.

5. How are responsibility issues dealt with in case of referral of a student with special needs to other (special) schools in or outside the catchment area?

Regardless of a student's placement in low-level, intermediate or high-level special needs education, and regardless of the place of schooling, the responsibility for the student stays with the commune in which he or she resides (see Question 3).

6. Are teacher training and support regarded as prerequisites for making teachers responsible? If this applies: What training and support are made available?

This question is not being raised in Switzerland.

As explained, schooling in Switzerland is locally based. In addition, and not mentioned above, the people have extensive decision-making powers as in virtually no other country in the world, including the power to propose *and* to block constitutional amendments and law-making at all political levels.[5] These extensive decision-making powers lead to an emphasis on consensus and to a readiness for compromise as two of the most striking features of the Swiss political system and political culture.[6] This applies to schooling as well. Teachers are expected to deliver high-quality instruction and to be able to take action in a highly professional manner, yet teacher training and support do reflect in some measure the broader consensus and compromises resulting from the democratic process. While upholding professional standards, teachers need to be able to meet communal requirements

[5] See Federal Chancellery, 2010, pp. 16–17.
[6] For a discussion from an international viewpoint, see OECD (2006), *OECD Reviews of Regulatory Reform: Regulatory reform in Switzerland – Government capacity to assure high quality regulation* at www.oecd.org/dataoecd/42/48/36279389.pdf.

and regulations of schooling and school life. Consequently, responsibility is not ascribed to teachers as actors and stakeholders as might be the case in more centralistic systems of schooling and education. In addition, up to now the output of educational institutions and the impact of learning are not criteria in the management of schooling.[7]

VIGNETTE 1

The Swiss school system would most likely deal with this case along the same lines as described in the vignette.

Once school staff felt that they are out of options for educating the student, the case would be referred to the School Psychological Services (SPS). In most cases these services are communally based, but they may also be cantonal or private. They are the primary body to evaluate the student's needs to determine eligibility for special education and related services. They may call in other services during the assessment process, such as a child psychiatric or paediatric clinic. SPS will also consult with school staff and with the parents. It will finally give its recommendation to the commune's school board for decision. – The details of the assessment procedure and of competency in jurisdiction may vary considerably.

To clarify, although there is no comprehensive practice of assigning students to special education, an assignment generally follows the lines of application, assessment and decision. School staff, medical personnel, administrative bodies, guardianship bodies and sometimes parents may request an application. The case is then assessed by cantonal, communal or private services such as school psychology, child psychiatry, paediatrics and other specialized services. Eventually, the commune's or canton's administrative body responsible for schooling decides whether the student is to be referred to special education or not. If the student is referred to special education, the case will be reassessed periodically.

In most places, regular schools can resort to a range of services meant to address the special needs of a student while avoiding his or her referral to a special school. Among these services are early childhood (special) education, counselling, language and psychomotor therapy, specialized support and training, family intervention, deployment of special education staff and the option to conduct special classes in the schoolhouse.

In the case described – a student diagnosed with Attention Deficit / Hyperactivity Disorder, Oppositional Defiant Disorder, seriously worsened behaviour, negative impact on school performance and learning, little social contact (if any) with peers, many conflicts and disturbances in class, regular and integrative supportive measures maxed out – referral to a special school seems the most likely option.

[7] See also the brief sketch on teacher training for special education at European Agency for Development in Special Needs Education (2009), *Country information for Switzerland: Teacher training / Basic and specialist teacher training (*last modified July 21, 2009) at www.european-agency.org/country-information/switzerland/national-overview/teacher-training-basic-and-specialist-teacher-training.

VIGNETTE 2

The Swiss school system would most likely deal with this case along the same lines as described in the vignette.

As in Vignette 1, school staff would get the case going, and the School Psychological Services (SPS) or a respective counterpart would be the primary body for the assessment of the student's needs. Since the medical conditions described in Vignette 2 are not a conventional area of expertise of SPS staff, it would most certainly call in institutions with specialized medical and clinical knowledge. It is not uncommon for these institutions to be service providers as well: Unlike in the vignette, there are virtually no independent centres of expertise. Instead, interconnections on the institutional and/or personal level are commonplace. It must be emphasized that this is generally not seen as calling a sound professional assessment into question.

In the case described – tumour in the pituitary gland, hormonal regulation disturbances, extensive medication, many surgeries, wheelchair and rollator, slow monotone voice, IQ < 70, slow processing speed, accepted in class but increasingly not able to participate effectively, learning gap widening more and more, regular and integrative supportive measures maxed out – referral to a special school is the most likely option. Note that in Switzerland, the student is likely to have had support from three different professions prior to his or her referral, namely, by special education staff, speech therapists and psychomotor therapists. As mentioned, these specific therapies are part of regular school provision in many cantons. Outside of regular school provision, physiotherapy and/or occupational therapy are likely to have been employed.

Further references

The National System Overview entry for Switzerland in the Eurybase database (http://eacea.ec.europa.eu/education/eurydice/eurybase_en.php) was used in the preparation of this report but is not available in English at this time. The German version can be downloaded at www.ides.ch/dyn/bin/12961-13439-1-eurydice_10d.pdf.

A more detailed overview of the Swiss education system (including special needs education) is available from the Swiss Education Server at http://educationscene.educa.ch/en/swiss-education-system-1.