



Policy Paper with Normative Suggestions

Normative suggestions for ALBANIA regarding the needs of Students with Disabilities and/or Students with Learning Difficulties

List of Acronyms

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| ASCAL | Agency of Quality Insurance in High Education (Albania) |
| CRPD | Convention on the Rights of Persons with Disabilities |
| DCM | Decision of the Council of Ministers |
| EU | European Union |
| HEI | Higher Education Institution(s) |
| ICT | Information and Communications Technologies |
| KCAL | Code of Quality in High Education (Albania) |
| NAPPD | National Action Plan for Persons with Disabilities 2021-2025 AL |
| SWD | Students with disabilities and/or learning difficulties |
| SWLD | Students with Learning Difficulties |
| UN | United Nations |

INTRODUCTION

Access to university is a right for all people; however, access to higher education for people with disabilities and/or learning difficulties is still a challenge. The scientific literature shows that there is a wide range of definitions around access and participation of students with disabilities and/or learning difficulties in higher education.¹

Thus, according to the World Health Organization, barriers to inclusion are all those physical, social, and attitudinal factors that prevent or limit the full realization of individuals.²

Other authors classify barriers in three areas: organizational, attitudinal, and knowledge barriers.³ Organizational barriers encompass the configuration of institutions, class arrangements, teaching methodologies, and module management, all of which should prioritize inclusivity and accessibility for students with disabilities and/or learning difficulties (SwD) and those with learning difficulties (SwLD). Attitudinal barriers pertain to the attitudes and beliefs held by educators regarding the provision of educational services for students with disabilities and/or learning difficulties. These attitudes extend to areas like curricular adaptations, interactions with students, and involvement in institutional and community activities. Lastly, knowledge barriers impede the social and educational inclusion of SwD and SwLD within educational settings.

There are three aspects to be addressed as facilitators: *environmental modifications, changes in policies, and institutional resources*. Environmental modifications refer to changes in infrastructure and its adaptations to the needs of SwD. But, perhaps, the most important facilitator in need of rapid modification is the change in policy and institutional resources.

The change in policy needs to address the education of the population regarding disabilities and/or learning difficulties, and make curricular adaptations to include and facilitate the accessibility of the marginalized group. These changes affect the increase of SwD and SwLD's participation, both in the sense of belonging and perception of emotional well-being resulting from an established social and academic self-esteem; but also, the increase of their taking part in the formal and informal bodies and structures of educational participation.⁴

The facilitation of these barriers constitutes one of the ways of approaching the inclusion (and exclusion) of people with disabilities in higher education. In the Balkan country analyzed in this policy paper – Albania – the abovementioned effects need to come in terms of updated legislation regarding accessibility, newly created bodies to overview the implementation of such legislation, and improved institutional management to accommodate the needs of SwD and SwLD.

¹ Fernández-Batanero et al., *Access and participation of students with disabilities: The Challenge for Higher Education*, 2022.

² World Health Organization, *The World Health Report, 2001: Mental health: New understanding, new hope*, 2002.

³ Darrow, *Barriers to effective inclusion and strategies to overcome them*, 2008 p. 29–31.

⁴ Ibid n.l.

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As stipulated by law, Higher Education needs to provide equal opportunities for all individuals who wish to attend it, to benefit from higher education and lifelong learning.⁵ The key concept deriving from this principle and objective of the Law on High Education in Albania, is inclusivity and accessibility. Nevertheless, there are no provisions on the Law about one such groups, as SwD and SwLD. Unlike primary and secondary education, there is no legislative support for SwD and SwLD in tertiary education.

1. Analysis of Albania's Policy and Legislative Framework on SwD and SwLD

The current legal definition of persons with disabilities is quite limited, as it views disability only related to diseases and the inability to work.⁶ The legislative framework on the definition of disability and learning difficulties should be expanded in line with the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD). It should also be inclusive and specifically refer to learning disabilities as being included in the Law No. 93/2014, dated 24/07/2014, "On the inclusion and accessibility of persons with disabilities". Therefore, an amendment to the current definition is recommended as such on the Law on Social Assistance, to unify the definition as per the Law on Inclusion and Accessibility of the Persons with Disabilities⁷:

- People with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.⁸ Furthermore, the scope of the definition of disability should be extended to list and specify the following:
- Intellectual disabilities: an intellectual disability begins before adulthood and usually consists in the difficulty or "reduced ability to understand new or complex information and to learn and apply new skills (impaired intelligence)".⁹ It also includes a limitation in the skills needed to live in the community/ society (communication, social related skills, etc.).
- Learning disabilities: they include the various kind of conditions (dyslexia, dyscalculia, dysgraphia...) "that interfere with an individual's ability to learn and so result in impaired functioning in language, reasoning, or academic skills". People with learning disabilities can have difficulty reading, writing, reasoning, especially when taught in a conventional way.

In expanding the scope of the legal definition of persons with disabilities, the government can consequently implement inclusive strategies to facilitate higher education for Swd and SwLD.

⁵ Law No. 80/2015 "On Higher Education and Scientific Research in Higher Education Institutions in The Republic of Albania"

⁶ Law no. 9355 "On Social Assistance and Services" (2005)

⁷ Law No. 93/2014 "On Inclusion and Accessibility of the Persons with Disabilities", Official Gazette No. 135

⁸ Convention on Rights of People with Disabilities, 24 January 2007, A/RES/61/106.

⁹ WHO's definition: <https://iris.who.int/bitstream/handle/10665/352430/WHOEMMNH221E-eng.pdf?sequence=1>.

The Albanian Government introduced The National Action Plan for Persons with Disabilities 2021-2025 (NAPPD), which has been implemented very slowly to date. Although, it does address the three different barriers of inclusion, it lacks concrete legal modifications in the legal framework for Higher Education.

According to the European Disability Strategy, created to make Europe free from barriers, physical accessibility stipulates that SwD have access, on an equal basis with others, to the physical environment, transportation, information and communications technologies and systems (ICT), and other facilities and services. When it comes to environmental barriers, the government should implement strategies to make physical accessibility possible for SwD. Such legal measures need to be fully binding for Higher Education Institutions (HEIs), therefore, it needs to come in the form of a Law or a Decision of the Council of Ministers (DCM). The implementation phase should be specified in such act of law, and furthermore a task force could be created, comprised of engineers and architects in order to facilitate the transition of Higher Education Buildings into eliminating physical barriers. Such regulation would make it easier to enforce solutions that help in navigating public spaces and not only for people with reduced mobility.

The following guidelines could be provided to improve physical accessibility in HEI:¹⁰

- Interior must be integrated with exterior – ensure a seamless integration between indoor and outdoor spaces to provide an uninterrupted pathway for wheelchair users. This pathway should be free of steps and thresholds, extending from parking areas or public transportation stops through exterior and interior spaces, including halls, sanitary facilities, corridors, elevators, lecture rooms, theaters, and professors' and staff offices.
- Elevators, cloakrooms, facilities, and sanitary rooms should not be treated as mere adaptations; they require meticulous planning that includes precise measurements, appropriate equipment, the use of high-quality materials, and a focus on aesthetics.
- Design lecture theaters to prioritize accessibility, offering multiple accessible entry points rather than confining access solely to designated wheelchair-accessible areas.
- Embrace a universal and inclusive design approach, often referred to as a "democratic" design, to ensure accessibility and usability for everyone.

When it comes to policy drafting, European disability policy has moved from an explicit care model towards a human rights perspective. Starting in the 1980s, educational policies shifted from provision of segregated environments to more integrative forms.¹¹ Therefore, higher efforts have been made to eliminate special schools for SwD, but rather, to foster inclusive education for everyone.

In order to achieve this, firstly there is a need to train the teaching staff in the acquisition of competences to cater for the diversity of their students, training courses, and the modification of the specific training plans that are developed in the different universities. Currently, this is scarce or nonexistent. This recommendation is also in line with the recommendations that the UN Committee on the Rights of Persons with Disabilities has issued to the Albanian Government.

¹⁰ Czajka & Furmańczyk, *Physically disabled people in higher education buildings*, 2021, Builder, 284. P. 78–81.

¹¹ Biewer et al., *Pathways to inclusion in European Higher Education Systems* Alter, Volume 9, Issue 4, 2015, p. 278–289, ISSN 1875–0672

As per the NAPPD, the government intends to transform 9 public special schools in resource centers, which will be used to develop teaching-learning strategies as well as trainings for teachers in order to accommodate the needs of SwD and SwLD. Among these, the incorporation of Universal Design for Learning is recommended to be implemented, as it stands out to increase the participation of these SwD and SwLD.

Moreover, recent studies highlight the incorporation of ICT as potentially beneficial tools for the inclusion and participation of students with disabilities and/or learning difficulties.¹² Therefore, in order to accommodate the need of students with vision impairments, the HEIs need to introduce e-recordings of books, lectures, tutorials in every module. This can either be the responsibility of each publishing house, or of the HEI to organize and publish in the institution's website the recorded materials. A special application can be developed as part of the Higher Education institutions system, that will unify all teaching materials across different universities in the form of e-recordings. Regarding tests, exams or evaluations, HEIs could create personalized arranged assessments, to accommodate the need of every SwD and SwLD.

When it comes to institutional management, there is an urgent need for assistance services for SwD and SwLD during the educational process. Thus, centers for SwD and SwLD should be established in all HEIs, that will provide specialized support and guidance to these students in order to facilitate their integration into the university.

It is also very necessary to address the inclusivity and accessibility of not only students with disabilities and/or learning difficulties or learning difficulties in this policy, but also the academic or administrative staff with disabilities or learning difficulties of HEIs. To improve accessibility for academic staff, a comprehensive approach is needed. Firstly, universities should establish clear policies and guidelines that explicitly address the rights and needs of academic staff with disabilities.

This should include provisions for reasonable accommodations, such as accessible workspaces, assistive technologies, and flexible work arrangements.

Training programs on disability awareness and inclusive practices should be mandatory for all university staff and students to foster a more inclusive environment.

Secondly, HEIs should actively recruit and retain academic staff with disabilities through diversity initiatives and affirmative action programs. Ensuring that job advertisements are accessible, providing accessible application processes, and offering reasonable accommodations during interviews can encourage qualified candidates with disabilities to apply. Lastly, HEIs should prioritize the creation of accessible digital content and communication methods to ensure academic staff with sensory impairments can fully engage in teaching, research, and administrative tasks. Collaborating with disability organizations and experts can provide valuable insights into best practices for accessibility.

¹² Zubillaga del Rio et. al., *Technology as a tool to respond to diversity in the university. Analysis of disability as a differentiating factor in the access and use of ICT among college students.*, Revista Fuentes, (13), 2013, p. 193-216.

2. Conclusions

Following the European social model on disability, every government should actively work on removing physical and organizational barriers, which can prevent disabled people's inclusion and participation in all walks of life. In order to enforce the policy that will facilitate the removal of the environmental, organizational and knowledge barriers, the government should lobby for the drafting of either a new Law on the Accessibility of Persons with disabilities; or amend the current law, together with the Law on High Education.

The first step is amending the legal definition of disability to include several types of disabilities, including learning and intellectual. Comprehensive guidelines for physical accessibility in HEIs are essential to guarantee continuous wheelchair-accessible pathways, well-equipped facilities, and multiple access points in lecture theaters. Emphasizing inclusive design principles and transitioning towards a human rights-based perspective in educational policies is essential. It is recommended that the accreditation process of HEIs includes in their evaluation system the removal of barriers and facilitation of mobility in HEI buildings. Therefore, the Agency of Quality Insurance in High Education (ASCAL) should include in their Code of Quality in High Education (KCAL) provisions on inclusivity and accessibility of SwD and SwLD.

When it comes to the implementation of new legislation in enhancing accessibility, a separate entity in the form of a committee could be created. This committee could be composed by trained health or education professionals regarding SwD and SwLD, which could oversee the implementation of new teaching methods and trainings in the tertiary education field. Moreover, an independent budget should be granted to the committee, so that they could undertake the costs of trainings and module implementation.

To enhance digital accessibility, HEIs should provide accessible digital content, including e-recordings of materials through unified platforms and implement personalized assessments during evaluations. Furthermore, establishing support centers within HEIs dedicated to SwD and SwLD will offer specialized guidance and support, facilitating their integration into the HEI environment. Accessibility for academic staff is also critical, necessitating clear policies that explicitly address their rights and needs. Such policies should provide reasonable accommodations, mandate disability awareness training for staff and students, and actively recruit academic staff with disabilities to increase diversity.

To this end, the amendments to the Law on High Education in Albania are proposed as follows:

- **Article 1:** This mission of higher education should explicitly include a commitment to providing equal opportunities for SwD and SwLD. The amended article would read: a) to create, develop, transmit, and protect knowledge through teaching, scientific research, as well as to promote and develop arts, physical education, and sports, ensuring equal access and opportunities for SwD and SwLD
- **Article 2:** This article outlines the primary objectives of the law. To strengthen inclusivity, an additional sub-point should be incorporated: f) to promote inclusive education by eliminating barriers and ensuring accessibility for SwD and SwLD in all aspects of higher education.

- **Article 35:** As this Article provides the opening, closing, and reorganization of study programs, it should encompass a sub-point emphasizing accessibility standards for HEIs operating in Albania: HEIs offering study programs in Albania must comply with accessibility and inclusivity standards for SwD and SwLD, in alignment with Albanian law and regulations.
- Within **Article 70** regarding study cycles and programs, a new sub-point should be introduced to underscore the adaptability of study programs to accommodate SwD and SwLD: 6) HEIs should ensure that study programs are designed to be accessible to students with SwD and SwLD by providing necessary accommodations and support services, as required by law.
- **Article 103** addresses internal quality assurance measures. An additional sub-point is needed to focus on inclusivity: 7) As part of their quality assurance assessment reports, HEIs regularly assess and improve the accessibility and inclusivity of the educational environment for students with disabilities and/or learning difficulties, in accordance with the Quality Code in Higher Education (QCHE).
- **Article 104** should encompass a sub-point (perhaps in Point 4) specifying that external quality assurance evaluations should assess the inclusivity and accessibility of HEI: 4) ... Periodic evaluation includes an assessment of the institution's efforts to provide an inclusive and accessible educational environment for SwD and SwLD as part of external quality assurance processes.
- **Article 105** should ensure that the QCHE explicitly addresses standards for accessibility and inclusivity: Point 1 (end of): It also establishes quality standards that require HEIs to ensure full and sustainable accessibility and inclusivity for SwD and SwLD.

In summary, these normative recommendations aim to create a more inclusive and accessible higher education environment in Albania for SwD and SwLD. These measures are crucial for empowering students and academic staff with disabilities to participate fully in higher education and contribute to a more inclusive society. Collaboration with disability advocacy organizations and experts is essential for the effective implementation of these recommendations.

FURTHER RECOMMENDATIONS

Albania has made significant strides in promoting inclusivity and accessibility in higher education for SwD and SwLD. However, there remain important gaps in its legal framework and policy implementation. This chapter presents overarching conclusions and recommendations for the country, emphasizing key areas for improvement.

Legal Definitions of Disability:

Precise and internationally recognized definitions of disability that align with EU and UNCRPD standards should be adopted. These definitions should encompass a broad spectrum of disabilities, including intellectual and learning disabilities. Definitions should be consistent across all relevant legislation to ensure clarity and coherence in disability-related policies.

Accessibility Standards:

Specific accessibility standards tailored to higher education institutions should be developed and enforced through legislation or government decisions. These standards should address physical infrastructure, classroom technology, digital learning platforms, and all aspects of campus life, ensuring equal access for SwD and SwLD.

Reasonable Accommodations:

Clear guidelines and procedures should be established for providing reasonable accommodations to SwD and SwLD. These guidelines should allow for an individualized approach to accommodate students' specific needs. Faculty and staff should be trained to assess and provide accommodations promptly, ensuring consistent support for all SwD and SwLD.

Faculty Training:

Mandate comprehensive disability awareness and inclusive teaching training for educators in higher education. This training should encompass understanding disabilities, teaching techniques that foster an inclusive learning environment, and ongoing support. Regular refresher courses and professional development opportunities should be provided for faculty members.

Data Collection and Reporting:

Implement systematic data collection and reporting mechanisms to monitor the enrollment, retention, and academic success rates of SwD and SwLD in higher education. Disaggregate data to identify disparities and inform policy adjustments as necessary.

Awareness Campaigns:

Develop and implement nationwide awareness campaigns to promote understanding, acceptance, and respect for SwD and SwLD. These campaigns should target the general public, educators, students, and employers.

Financial Support:

Increase financial support to higher education institutions to facilitate the provision of appropriate accommodations and support services. Consider providing grants or incentives to institutions demonstrating a commitment to accessibility and inclusion.

Peer Support Programs:

Implement peer mentoring and support programs within higher education institutions to connect SwD and SwLD with peers who can provide guidance, share experiences, and offer emotional support.

Quality Assurance:

Integrate accessibility and inclusion considerations into existing quality assurance mechanisms for higher education. Ensure that accreditation and evaluation processes assess institutions' commitment to accessibility and the outcomes achieved in this regard.

Monitoring and Enforcement:

Establish independent and empowered bodies responsible for overseeing and enforcing disability rights in higher education. These bodies should have the authority to investigate complaints, conduct audits, and recommend sanctions for non-compliance.

International Alignment:

Each country should continue its commitment to aligning policies with the UNCRPD, engaging in capacity-building efforts to foster a culture of inclusion, and advocating for changes in legislation and policy that promote the rights and needs of SwD and SwLD in higher education.

By addressing these key areas of improvement, Albania can further advance its efforts to provide equal access and opportunities for SwD and SwLD in higher education, in line with international standards and human rights principles.

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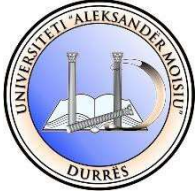
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