

MENDIVE



REVISTA DE EDUCACIÓN

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Inclusive education. Its legal component from international organizations and national public policy

La educación inclusiva. Su componente normativo desde los organismos internacionales y las políticas públicas nacionales

Educação inclusiva. Sua componente normativa desde as organizações internacionais e políticas públicas nacionais

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ABSTRACT

Inclusive education has entered the world as a transcendental response of all those who yearn for a different, inclusive and participatory society; This has generated a

legal response from the multilateral institutions of the United Nations system. The social exclusion of millions of children originates educational exclusion. The analysis from the legal perspective provides an approach to the conception of human rights and particularizes the right to education and the national public policies that guarantee it; Inclusive education is treated in response to attention to diversity from the perspectives offered in regular schools that favor the insertion of children with special educational needs, associated or not with disabilities.

Keywords: Human rights; fundamental rights; including education; integration; Special Educational Needs; disabilities.

RESUMEN

La educación inclusiva ha irrumpido en el ámbito mundial como respuesta trascendental de todos los que anhelan una sociedad diferente, inclusiva y participativa; ello ha generado una respuesta jurídica desde las instituciones multilaterales del sistema de Naciones Unidas. La exclusión social de millones de niños y niñas origina la exclusión educativa. El análisis desde la perspectiva jurídica proporciona un acercamiento a la concepción de los derechos humanos y particulariza el derecho a la educación y a las políticas públicas nacionales que lo garantizan; se le da tratamiento a la educación inclusiva como respuesta a la atención a la diversidad desde las perspectivas que se brindan en las escuelas regulares que propician la inserción de los niños y las niñas con necesidades educativas especiales, asociadas o no a discapacidades.

Palabras clave: Derechos humanos; derechos fundamentales; educación inclusiva; integración; Necesidades

Educativas Especiales; discapacidades.

Acción de Dakar..., 2000; Declaración de Salamanca, 1994)

RESUMO

A educação inclusiva irrompeu no cenário global como uma resposta importante de todos aqueles que anseiam por uma sociedade diferente, inclusiva e participativa; isto gerou uma resposta legal das instituições multilaterais do sistema das Nações Unidas. A exclusão social de milhões de meninos e meninas leva à exclusão educacional. A análise do ponto de vista jurídico fornece uma abordagem à concepção dos direitos humanos e especifica o direito à educação e as políticas públicas nacionais que o garantem; a educação inclusiva é tratada como uma resposta à atenção à diversidade a partir das perspectivas oferecidas nas escolas regulares que favorecem a inserção de meninos e meninas com necessidades educativas especiais, associadas ou não a deficiências.

Palavras-chave: Direitos humanos; direitos fundamentais; educação inclusiva; integração; necessidades educativas especiais; deficiências.

INTRODUCTION

Education for All with the perspectives of the changes required to promote the inclusive education approach, the declaration and the framework of action fostered by Jomtien and enriched from Dakar, together with the Salamanca framework for special educational needs that were adopted unanimously during the conference, it is based on the principles of inclusion of all children in regular schools, regardless of their physical, intellectual, social, emotional conditions; among others. (Declaración Mundial sobre Educación para Todos..., 1990; Marco de

The antecedents that have caused that from the international community of nation's articulate norms, procedures and values that allow governments to raise their educational public policies in correspondence with an ethical conception, principles and eminently humanist conception that comes from the subscribed texts themselves are analyzed. Its content constitutes a call to the peoples and their decision makers to consider diversity as a natural state of the human condition and nothing escapes it; its presence is enriching and legitimizes the yearnings of struggle for the coexistence of all and of all those who consider that an inclusive world is possible.

In the countries of Latin America and the Caribbean, inclusive education is increasingly receiving support at the international level articulated with "Education for All". The UNESCO and various organizations promote the approach to the inclusion of students with special educational needs in the regular classroom and requires the preparation of teachers to meet the challenge; this constitutes an urgency of teacher training; to achieve the objectives of inclusive and quality education.

The new concept of inclusive education that tends to be extended in the Ibero-American landscape reflects the changes that have taken place and that contribute to renewing current ideas to address these problems.

For our region, characterized by the extreme polarization of wealth that is concentrated in small oligarchic sectors that dominate all the scenarios that can be considered inclusive and do everything in

their powerful hands to prevent access to the cultural assets that come from of education, social inclusion and with it educational inclusion, constitutes a real challenge for the poors of Latin America; Fighting is the key to victory to achieve "all justice."

DEVELOPMENT

1. Education as a fundamental human right. An approach to its juridicity

Although there is a classification of human rights for generations according to their appearance over time, the truth is that their successful and updated study should lead us to recognize them in their basic principles , whose pillars are universality , indivisibility and interdependence, It implies that they cannot and should not be undervalued with each other, while these principles serve as a requirement to consider equality in their protection and in the mechanisms established for their defense.

Education constitutes one of those human rights that is the faculty and superior value of the human being and, consequently, necessary for the full development of his personality, in which human dignity is presented as a protective awning that obliges public policy designers. , for being a supreme value that implies the recognition and full exercise of the rights that have been enshrined by Declarations, Conventions, Protocols and Covenants, approved by the international community of nations within the framework of the United Nations and other regional organizations that has been included in the constitutions, which gives it the rank of the highest hierarchy .

On this important aspect, Scioscioli (2014) points out that:

"Recognizing education as a fundamental right implies a radical change in the way in which the relationship between active subjects of education (especially children and adolescents) and the State - target subject - is conceived. This view implies moving towards the study of educational dynamics from a *rights perspective* and not only from the design and evaluation of a mere public policy that may or may not develop, or fall under a discretionary content of the State". (p.7)

The importance of the recognition of the right to education as a fundamental right and therefore, endorsed in the constitution, obliges the State to seek its guarantee not only in the legal field, which implies its presence in the positive right or written norm; but in the material field, since the State is obliged to create all the conditions so that the educational policy is materialized in educational institutions, teacher training, specific material resources for the development of teaching, control of the process through supervision and other acts of control ; all aspects that need financial resources and a third group of jurisdictional guarantees, that make it possible to demand compliance and go to the courts.

It was Mexico that inaugurated social constitutionalism by endorsing in its 1917 Political Constitution the right to education as a fundamental social right. Fruit of a democratic, popular and agrarian revolution, which was endorsed in Article 3: "Every individual has the right to

receive education. The State (...) will provide preschool, primary and secondary education. Primary and secondary education is compulsory.

The education provided by the State will tend to develop harmoniously all the faculties of the human being (...)" (Constitución Política de los Estados Unidos Mexicanos, 2016).

This transcendent fact in modern history, set guidelines for socio-economic and cultural rights to be incorporated into the constitutions and generalized from the new political scene created after World War II. However, there is a certain reluctance to consider education as a fundamental human right; because - among other reasons - it would legitimize the popular struggles for its achievement because the constitutionalization of the right to education as a fundamental human right, requires that the states, as previously stated, offer guarantees for their enjoyment: the materials, establishing formal legal system, essential for exercise and for his defense.

One of the reasons for the reluctance referred to, which may or may not be considered the most important; but at last, it is related to the economic implications of its guarantee.

Sufficient examples exist in our region where social struggles have as main protagonists teachers and professors, who are sometimes joined by other unions for solidarity and because they feel the need to publicly express their disagreement; because they are directly affected by the exclusionary policies, by the high costs of school fees, or by the privatization of the education to which their sons and daughters must have access.

It should also be considered that the recognition of education as a social right provides a substantial legal link with the political decisions that must be materialized in public policy, both because it is an axiological principle of the State, and because it is considered a founding clause of any Rule of Law, which It is valid for the entire system of fundamental rights in which the principles of progressivity, equality and non-discrimination must prevail.

Reflection that makes it possible to understand education as an enriching force in the struggle for human rights; An approach to that spirit can be made from Gándara, (2014, p.79) when he says that: "(...) we need to articulate a reflection that allows us to stimulate the potential that the reference to human rights has for liberating practices (...)" .In the last decade of the twentieth century, there was an event of extraordinary importance; because it reflected at least the understanding of one of the phenomena that more clearly expresses the social exclusion that millions of people in the world have been condemned as a result of the unequal distribution of wealth; that event was Declaración mundial sobre educación para todos (1990), celebrated in Jomtien - Thailand - in which it was raised as an objective of high significance and significance: Education for all (EFA) for the year 2000.

The starting point of such an important event was the reality of the millions of children who do not have access to education and the millions of adults (the vast majority of women) who, without knowing how to read or write, face each other in the day -to-day struggle for subsistence, as opposed to what was declared by the Pacto Internacional de Derechos Económicos, Sociales y Culturales (1966), which generally

endorses in Article 13 the right to education of every person.

At the initiative of the United Nations Organization (UN) and two of its most prestigious organizations, UNICEF and UNESCO, launched the call to all countries and although there was no unanimity in the response, 155 representative delegations of governments of all continents made an appearance and multiple representative organizations of civil society attended and thus evidenced what was subsequently raised by the Director General of UNESCO in the Preface to the vision that Morin (1999) gave about the education of the future in his work *The Seven knowledges necessary for the education of the future*:

Education is "the force of the future", because it constitutes one of the powerful instruments to make the change (...) UNESCO has dedicated itself to think again about education in terms of durability, especially in its role as the' Program Manager international education, public awareness and training for viability, (...). (Sección Prefacio, párr. 2 y 3)

With Jomtien 1990 the expected results were not achieved; but it is interesting to note that among the many aspects that make the attempts made at the international and national level fail to guarantee the right to education, regardless of the difficulties that arise in the design and implementation of educational policies in different countries; The tendency continues to be that the main source of education financing is constituted by the State and must really be so ; But the current

indicators are very disproportionate and ultimately, the benefits of education at all levels are received by society as a whole. (*Declaración mundial sobre educación para todos*, Jomtien, 1990)

If Jomtien 1990, proclaimed in its *World Declaration of Education for All: the Satisfaction of Basic Learning Needs*; Article 3 evidences the intentionality that no one should be left out of such a comprehensive objective; In this regard, it states: Art. 3.- "Basic education must be provided to all children, youth and adults. To this end, quality education services must be increased and consistent measures taken to reduce inequalities. " (*Declaración mundial sobre educación para todos*, Jomtien, 1990)

And for the record that *Education for All and Satisfaction of Basic Learning Needs* cannot only be understood as access to the school for all, but, and is essential, the creation of all conditions so that in every school all children occupy the adequate place in correspondence with their development possibilities and the curricular design responds to the learning needs generated by the development itself.

Many of the initiatives related to educational policies promoted since 1990 are related to the Jomtien Declaration ; without ignoring that they have already existed in the *Declaración de los Derechos del Retrasado Mental* (1971); in the *Declaration of the Rights of the Disabled*, proclaimed by the General Assembly of the United Nations (1975); in the proclamation years later, in 1981 of the *International Year of the Disabled* by the General Assembly of the United Nations (UNGA) under the slogan "Full participation and equality" and in 1982, with the approval by the General Assembly of the resolution entitled *Global Program of Action for People with Disabilities*. The

ten years between 1983 and 1992 were considered as the United Nations Decade for People with Disabilities.

Other antecedent; immediately to Jomtien, in 1991, it was the approval within the United Nations of the Principles for the Protection of the Mentally Ill and the Improvement of Mental Health Care.

The Uniform Rules on equal opportunities for persons with disabilities, approved by the United Nations Organization & General Assembly (1994), were presented because of the work in a specialized commission. In Theme 109 of the program - although somewhat extensive - but interesting to mention them, the background is also stated:

- 6. (...) The most important result of the International Year of Disabled Persons (1981) was the World Program of Action for Disabled Persons (...) approved on December 3, 1982 by the General Assembly in its resolution 37/52. (...); for the first time, disability was defined as a function of the relationship between people with disabilities and their environment.
- 7. In 1987, the World Meeting of Experts was held in Stockholm to examine the progress of the implementation of the World Program of Action for Disabled Persons (...), the need to develop a guiding doctrine indicating the priorities for future action was suggested (...) should be based on the recognition of the rights of persons with disabilities.
- 8. Accordingly, the Meeting recommended that the General Assembly convene a special conference to draft an international convention on the elimination of all forms of discrimination against

persons with disabilities for ratification by States at the end of the Decade.

- 9. Italy prepared a first draft of the convention and presented it to the General Assembly at its forty-second session. Sweden submitted other proposals for a draft convention to the General Assembly at its forty-fourth session. However, in any occasion could a consensus be reached on the desirability of such a convention. In the opinion of many representatives, existing human rights documents seemed to guarantee people with disabilities the same rights as others. (United Nations Organization & General Assembly, 1994) ;

This may be one of the main reasons why UNGA rejected the proposals for the Convention.

There is a coincidence in the assessment that uniform standards (...) They constitute the United Nations instrument that guides action in the field of disability, and through which the traditional concerns of prevention and rehabilitation (...) have been relegated in favor of a human rights perspective even in relation to the denomination form (...) Thus, the Uniform Norms have been considered since their standardization as the basic international legal standard for the purpose of adopting programs, laws and policies in relation to disability. (Alcaín & Álvarez, 2015)

Until 2006, when the United Nations adopts the International Convention on the Rights of Persons with Disabilities, the Uniform Standards in practice, had been the benchmark that with high validity paid tribute to the Convention for their experiences, many of their values and its principles.

Pérez, (2015) considers that:

The International Convention on the Rights of Persons with Disabilities, adopted by the United Nations Organization on December 13, 2006, is the most relevant social, political and legislative event that occurred in the sphere of persons with disabilities in what it goes from century to century, and its transcendent effects are called to unfold for much longer. Finally, something has happened, in political and legal terms, at the height of the overwhelming requirements of rights, inclusion and welfare demanded by people with disabilities.

It is important to highlight that in the matter of legal norms and specifically in those related to human rights, the three-dimensionality of Law is presented with greater clarity, which according to the Online Legal Magazine <http://en.paperblog.com/derechos-humanos-e-inclusion>

(...) contains an axiological sphere referred to the field of principles and values; a sociological sphere referred to social processes that have generated a change translated into normative expression and a sphere of positivity, in terms of its manifestation in a written text. (Derechos Humanos e Inclusión, 2010)

In addition, adds:

(...) We must bear in mind that the United Nations Convention on the Rights of Persons with Disabilities constitutes the legal instrument agreed upon by the international community, within which, in turn, in connection with other international instruments, universality, indivisibility is manifested and interdependence of human rights. (Derechos Humanos e Inclusión, 2010)

It can be recognized that the international juridicity of the right to education as a fundamental human right, sometimes establishes from ethics as the principle of international relations and sometimes from the very binding nature of the international norm, the imprint of designing public policies, in correspondence with the postulates of inclusive education ; It is making it important to disclosure of issues related to legal education , to which decision - makers incorporated a in his actions the elements of this component is present in every educational system, defined by Sierra Socorro (2007) as:

Conscious process of teaching and learning, of a continuous approach to the right to appropriate its political, social, ideological, deontological, axiological, normative and behavioral content, (...) through the study of legal norms and aimed at the ethical formation of citizens the basis of the dialectic of duties and rights.

Interesting analysis of the important international regulation of the object of education, Cotino (2012) realizes that "International attention on the object of education is capitalized in treaties (...)" and refers to the content of the article 26 of the Universal Declaration of Human Rights, to article 13 of the International Covenant on Economic, Social and Cultural Rights; in which the object of education is defined and its contribution to the full development of human personality, respect for human rights, friendship, tolerance, peace is clearly highlighted; among other aspects of high importance for the coexistence between people and nations, so there is full recognition that education is the key and the key to a better and supportive society, which does not admit exclusion and hence the need to proclaim inclusive education as a current and future vision.

In that sense and closer in time, the Incheon Declaration was produced taking up the objectives of Education For All and the Millennium Development Goals related to education, which constitute the legacy of Jomtien (1990) and Dakar (2000) in which it is recognized that education:

It rests on rights and applies a humanistic approach to education and development, based on the principles of human rights and dignity, social justice, peace, inclusion and protection, as well as cultural, linguistic and ethnic diversity and responsibility and accountability for shared accounts (Incheon Declaration, 2015)

Principles all whose fulfillment constitutes a challenge for many countries in which the improvement of their

educational systems in correspondence with the demands of the new millennium, are part of their social debt. Hernández (2016) in analysis about this important document recognizes that "(...) inclusion (...) is not an educational or pedagogical issue, but a matter of respect for human rights that primarily affects the general policy orientations of a country".

2. Inclusive education. An approach to your current regional reality

Alvarado and Álvarez (2015) recognize that: "Inclusion is a philosophy of life, which forces the common people to recognize, understand, respect and tolerate the difference; tolerate in terms of fulfilling and enforcing the basic rights and principles of humanity". Philosophy that starts from the recognition of difference as an essence, as it is the most common among human being, which requires that tolerance and respect be at the center of any analysis of such a current problem.

In Latin American society as a whole there is a great demand around inclusive education, this is manifested in the educational exclusion that has its origin in social exclusion. The XIII Ibero-American Conference on Education analyzed the causes and conditions that give rise to social exclusion in the Latin American region and considers, among others:

- The phenomenon of poverty that puts it first (...)
- Exclusion is also generated from some natural or social differences that exist between individuals and social groups (...) Among those types of differences are:
 - Gender differences, often used as a criterion of segregation, assignment of

social positions or even exclusion.

- Differences of ethnic origin (...)

- The cultural and social uprooting caused by emigration.

- A final type of difference causing exclusion is that associated with some type of disability (...). (Statement of Tarija, 2003)

People with disabilities must also have the possibility of joining the educational system, to the extent of their limitations, avoiding the exclusion that they have historically experienced (...) the new concept of inclusive education that tends to extend in the Ibero-American landscape reflects the conceptual changes that have occurred and that contribute to renewing current ideas to deal with these problems.

A phenomenon like this that lasts over time, made reflect from the conference itself that the traditional exclusion of sectors of society has aroused over time a conscience favorable to its overcoming. The awareness to which reference is made is reflected in the institutions and persons that are consciously incorporated into national and international efforts to regulate and support educational integration processes, and more broadly educational inclusion, from general and specific perspectives, which it constitutes a true contribution to the achievement of Education for All.

The conference itself expands on that "social inclusion constitutes a real challenge for the countries of the Ibero-American community..." (Declaration of Tarija, 2003); recognition that makes understand the depth of the changes that must occur in a region characterized by the worst inequality in the distribution of wealth.

The analysis of educational exclusion due to disability that is treated in the aforementioned Declaration of Tarija (2003) states:

The concern expressed corresponds to the normative principles contained in the international instruments approved by the Ministers of Education of the region, to which their respective countries adhere; because they are articulated to "Education for All"; UNESCO and the different organizations promote the approach to the inclusion of students with Special Educational Needs in the regular classroom; what makes it possible to evaluate inclusive education as a model that demands structural changes to education and consequently a transformation process is carried out as far as the educational system is concerned, in some countries with more depth than in others, by the educational policies of Governments, which do not always meet commitments. When governments reflect on these realities and endorse the postulates that emanate from this type of conference; they are at the forefront of the educational work of their respective peoples and this allows them a relevant action; because it responds to the needs of society.

In the case of people with Special Educational Needs, what happened in Salamanca, Spain in 1994 is related to

the idea that the Jomtien Declaration was the propitiating framework of many of the educational policy initiatives that they promoted in the 1990s inclusive education, the transformation of school curricula to bring about changes and a permanent insistence on raising the quality of education. It approved the principles, politics and the practice for the special educational needs and a Framework for Action for Education for All under the prospects of the changes required to promote the approach of inclusive education. (Declaración de Salamanca, 1994; Declaración Mundial sobre Educación para Todos, 1990)

The statement itself states that schools are structured with an inclusive vision because they represent the most effective means to combat discriminatory attitudes, build an inclusive society and achieve education for all. (Declaración de Salamanca, 1994)

From a very early date, the problem of discrimination had manifested itself in international organizations. In Convención relativa a la lucha contra las discriminaciones en la Esfera de la Enseñanza (1960), it approved in its Article 1 what should be understood as discrimination; in that sense, it states Article 1.

1. For the purposes of this Convention, "discrimination" means any distinction, exclusion, limitation or preference based on race, color, sex, language, religion, political or other opinions, national or social origin, economic position or birth, whose purpose or effect is to destroy or alter equal

treatment in the field of education and, in particular:

- a) Exclude a person or a group from access to different grades and types of education;
- b) Limit the education of a person or group to a lower level;
- c) (...) institute or maintain separate education systems or establishments for individuals or groups; or
- d) Place a person or group of people in a situation incompatible with human dignity;

In the above, there is no reference to the separate education of children with Special Educational Needs (SEN) from the rest of the children; what may be linked to the date of approval of the Convention in which the term Special Educational Needs was not yet used; however, through an expanded interpretation of article 1.c and d, it could be included.

Another approved transcendental document, the Convention on the Rights of the Child (1989), in relation to educational attention, specific in its articles that: Article 23:

1. The States Parties recognize that the mentally or physically disabled child shall enjoy a full and decent life, under conditions that ensure his dignity, (...)
2. The States Parties recognize the right of the

disabled child to receive special care (...)

3. In attending to the special needs of the disabled child, the assistance provided (...) will be aimed at ensuring that the disabled child has effective access to education (...). (UNICEF, 1989)

The Dakar Framework for Action (2000), which enriched and updated what was achieved in Jomtien, in its guideline 19 explicitly states that: "Education for All should cover not only primary education, but also early childhood education, (...) children who work; (...) and those with special learning needs .

In its objective No.2: action 32.

All children must have the opportunity to exercise their right to quality education at school or through alternative programs (...) the inclusion of children with special needs (...) should be an integral part of the strategies to achieve the UPR (Universal Primary Education) before 2015.

The Dakar Framework for Action (2000), Education for All, recognizes the progress made in different countries; But he clearly stated that 113 million children remain without access to primary education and 880 million illiterate adults. It highlights that together with this dramatic situation, real discrimination between genders is revealed in educational systems; and a

quality of learning and an acquisition of human values and competencies, which are far from the aspirations and needs of individuals and societies.

The vast majority of governments did not meet the millennium goals set out in the Dakar Framework for Action (2000); inequality in access to schools has increased in all countries. Minority groups and people with special needs in learning often see their hopes for entry into education systems faded, resulting in the progressive increase in exclusion due to poverty and inefficient government policies.

It is true that education is on the road to social change; but this cannot justify the laziness and abandonment, nor can it be a uniform and static practice, since it is conceived and materialized in a system in which degrees, levels, curricula and programs; among other elements, they must be elaborated based on the recognition of their dynamics and a wide range of diversities that have an explanation in the object of their action: the human being as an active, creative and transforming subject of their own circumstances.

In the Declaration of Panama (2000), X Ibero-American Conference on Education states:

The respect for the dignity and rights of children and girls should take into account their individual differences, special, social, cultural, ethnic and religious, from a gender perspective.

13- We will promote specific programs for the attention

of girls and boys with special educational needs at the initial level, ensuring through their appropriate adjustments, and their full integration into the educational system.

the improvement of educators in service, as a permanent adjustment to the demands and possibilities of science and technology and as a substitute for training gaps and deficiencies (...)

The complexity of the educational process has been reflected in the actions of the international organizations and they give light to the existing debate about the educational problem, the Ibero-American Conferences of Education themselves to which reference has been made, have been included in their debates and agreed in his statements, deep pronouncements about the ways to solve educational exclusion and make the inclusive education of people with special educational needs a reality. In the Declaration of Buenos Aires (1995), it was stated that:

- o Strengthening the teaching profession is a fundamental condition to be able to produce the transformations that education requires. It is urgent to produce changes in the training of teachers, renewing their curricula. Ensure their improvement and training through knowledge of needs, situations and problems that occur in the establishment and in the classroom (...)

Six cooperation programs were approved at this Conference, one of them aimed at:

- d. Promote teacher education and training (...) [and] the execution of activities for

Precisely about the importance of teacher training; Peña, Peñaloza and Carrillo (2018), refer to the four values that, according to the European Agency for the Development of Student Education with Special Educational Needs, must conform the professional profile for teacher training in the teaching and learning process for all Inclusive Education educators; they are: "Value positive student diversity; support all students; work in teams and permanent professional development of teachers "(p.196); Then they refer to what should be done to comply with each of them:

(...) understand all the theoretical bases of Inclusive Education and be competent in dealing with student differences (...).
(...) promote the academic, practical, social and emotional learning of all students (...) work as a team and with families [and] (...) that the teacher recognizes the need to improve the teaching process to ensure an education of excellence; (...) (p.197)

It is important to highlight that it was in the Mary Warnock Report that, according to Mila & Cabot (1999), the concept of Special Educational Needs (NEE) appears for the first time. These authors explained that:

(...) the concept of Special Educational Necessity (...) offsets the child's problem; (...) it is the educational system that has to respond to these needs to ensure the child's learning. This concept operates by making special education more flexible, producing in several countries the transformation of special schools into centers for supporting school integration.

The purpose of the school integration of students with special educational needs is not the integration itself (...) It is necessary to prepare the educational system for change and one of the first essential elements, is to achieve the understanding, preparation and commitment of teachers, protagonists of the realization and success of any educational project.

This analysis is very interesting, since it introduces in this conception an essential element of great value for the time in which it was formulated, the one referred to school integration; then in the Warnock Report, cited by Aguilar (nd), it is stated:

- o Education is something to which everyone is entitled.
- o The aims of education are the same for everyone.
- o Special Education will consist of satisfying the educational needs (NNEE) of a child in order to approach the achievement of these goals.

This report begins according to the authors themselves "(...) a profound change in the conception of special education and special educational needs, in several countries of the world"; Mila & Cabot (1999) change related to school integration and educational inclusion; on which the specialists have pronounced with deep reasoning that have generated controversy and has forced the adoption of theoretical positions around the problem. In this regard López, (2005) points out that:

This author himself states that:

Many students with special educational needs can and should be educated in the general education system (...) It is evident that the more prepared the general school teaching staff is and the more they are designing better strategies to educate diversity, (...) many less than These children will need to be placed in special schools. (López, 2005)

Arnaiz (2019, p. 23) presents other elements that enrich the analysis, who recognizes that:

School integration is proposed to offer, in the same educational framework, a series of services to all students based on their learning needs. It is not intended to eliminate Special Education, but to avoid identifying it with special education centers, defending the attention to the characteristics and needs of

each student individually, adapting the programs, methods and resources in each specific case. In the framework of regular education.

Criterion of high value because it expresses the will that must prevail as the regular school adapts to the students; which allows him to coincide with Birch in the definition of school integration "(...) as the unification of ordinary education and special education, in order to offer all students the necessary educational services because of their individual needs." (Arnaiz, 2019, p. 23)

The conception about integral education is overcome by criteria such as Juárez & Comboni (2016.) Who point out as one of "(...) the challenges to be faced in the medium and long term is to overcome the conception of the school of integration to transit to inclusive school" (p.59); opinion already generalized and that is complemented with the idea that it is the school that must be projected in order to adapt to the needs of the students. Education inclusive of the basic assumption that there is to change the school system so that the design meets the needs of all students and do not have these to adapt to and integrate.

Most revolutionary conception about the issue of inclusive education, recognized as the right of all children, so should not be directed only to those with special educational needs associated or not to disabilities, which states that the Inclusion must be total.

At the National Pedagogical University of Mexico, there is a Bachelor in Educational Intervention and one of its mentions is Inclusive Education; what evidences that individualized attention to children with

Special Educational Needs is feasible; but it is very important that this professional knows, understands and develops all its potentials in terms of inclusive education.

On this essential aspect of teacher training, Gardea, et al. (2002) consider that:

Educating for inclusion requires identifying characteristics, possibilities and obstacles, of both people, social group in general and their fields. That is, the education professional, needs to reconstruct the natural environments, and with their intervention, transform them into learning environments that allow for an inclusive education.

With the process of inclusive education, it is emerging as one of its most notable consequences: "(...) schools have gradually become more diverse and complex spaces to develop teaching processes (...)" (San Martín, Villalobos, Muñoz and Wyman, 2017, p.21) ; which implies that in order to deal with this diversity and complexity, teachers in the case of the context of the Cuban educational system , both in their initial training and in their continuing education, are already nourished with proposals that provide them with didactic tools that make it possible to assume his role in correspondence with:

(...) The current demands, in correspondence with the field of action for which it is formed, based on the context of the third stage of

improvement of the National Education System and the requirements expressed in the fourth Sustainable Development Goal of the Agenda 2030 and the Declaration of Buenos Aires (2017), as a regional vision of Latin America on education. (Pérez and Sierra, 2018, p.366)

Arnaiz, (1997 p. 313) who states provides important reflection about integration, segregation, inclusion that:

We emphasize the term include and coined in the sense of wanting to take another step in the integration process, by referring to the fact that it is not enough for the child with special needs to attend regular school, but that the really important thing is that it is integrated and included, that is, that the school provide an educational response for each and every one of its students in the classrooms.

There is no doubt that over time there has been a deepening of the conception from school integration as a more particular conception, towards the more general conception of educational inclusion that overcomes integration.

Tomelloso (2009) raises the essential points that define inclusive education; they are:

Inclusion is a process (...); the classroom as a space for dialogue and

exchange of meanings (...); it implies participation of the entire educational community (students, families, teachers, (...); it pays special attention to groups or individuals at greater risk of exclusion (...); and the change that implies implies a proposal to modify cultures, policies and practices (...); I to inclusive school is nothing but a path to inclusive society (...).

At international level there is consensus from the theoretical about inclusive education; It has been included in various documents, but mainly in the Salamanca Declaration (1994), which endorses that: "(...) schools must be open to diversity in order to serve all children, especially those who have special educational needs" (Mila & Cabot, 1999); but it is very difficult and complex to achieve its materialization due to the multiplicity of factors that must intervene.

Very interesting are the statements to the press by Orlando Terré Camacho, President of the World Association of Special Education on participating in the VII International Congress on Special Education and Pedagogy, held in Havana, Cuba. When questioned about the need to transcend the walls of institutions to create a culture of inclusion on a social scale; express:

(...) the school has a lot to do. Any practical experience has to be given from consciousness. If we do not accept and recognize the individual in the community, inclusion is not real; it is not a complete process. The Cuban family,

regardless of what remains to be done, has a completely institutional conditioning that accompanies it. Social consciousness is closer than possible, unlike other nations where it is abandoned, excluded. (Granma, 2016, p.2)

CONCLUSIONS

The approach to the historical antecedents present in the legal regulations emanating from the international organizations of the United Nations system made it possible to deepen the studies carried out by numerous national and foreign authors who have developed the theoretical bases of the conception about inclusive education and It made it possible to understand the current concern and willingness to achieve the goals of education for all and the debate that exists around inclusive education.

Regardless of the binding nature or not of the international legal instruments that are approved by the UN agencies, the most important thing lies in the ethics and humanism that must prevail in those who, when defining their government programs, assume the commitments acquired by their respective countries as members of the international community of nations.

The materialization in the regular school of the inclusion of children with special educational needs requires continuous preparation of teachers for educational attention to act from the perspectives proposed by inclusive education and thus provides them with the essential theoretical and methodological tools for its work of differentiated attention.

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