



## The Rights of Children with Special Educational Needs and The Role of Support Institutions

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**Abstract:** Protecting the rights of children with special educational needs is one of the major challenges of the contemporary education system. This article analyzes the legal and institutional framework that regulates access to education for children with disabilities or other special learning needs, emphasizing the importance of an inclusive and equitable approach. Starting from the principles enshrined in international documents such as the UN Convention on the Rights of Persons with Disabilities and their transposition into national legislation, the research highlights the essential role that specialized institutions play in ensuring an adapted educational environment. Through an in-depth analysis of the legislative framework, practical challenges, and available support mechanisms, the study demonstrates that respecting the rights of these children is not only a legal obligation but also a moral responsibility of society. The results suggest that the efficiency of the system depends on close collaboration between the child's family, school, specialized services, and community, and investments in staff training and adapted resources are determining factors for the success of school integration. The article emphasizes the need to continue reforms in the field and to constantly monitor the implementation of inclusion measures, with the ultimate goal of ensuring a future in which every child, regardless of their particularities, benefits from equal opportunities in education.

**Keywords:** special educational needs; inclusive education; child rights; support institutions; disabilities

### 1. Introduction

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Education is one of the fundamental human rights, enshrined in both international documents and the national legislation of democratic states. However, for many children with special educational needs, access to quality education remains a significant challenge. The concept of special educational needs encompasses a wide range of situations, from physical, sensory, or intellectual disabilities to learning disorders, emotional or behavioural problems. Each of these situations requires specific adaptations to the educational process to ensure that each child's potential is optimally realized.

In recent decades, the educational paradigm regarding children with special needs has undergone a radical transformation. While in the past the segregationist model predominated, in which these children were educated separately in specialized institutions, today the dominant trend is that of inclusive education. This shift in perspective reflects not only legislative developments but also profound changes in social perception of disability and diversity. Inclusive education does not mean simply the physical presence of a child with special needs in a regular classroom, but involves creating an environment in which each student is valued, supported, and encouraged to progress according to their capabilities.

Support institutions play a central role in this inclusion process. They provide specialized services, from psycho-pedagogical assessment and speech therapy to psychological counselling and social assistance. Effective collaboration between these institutions, the family, and the school can make the difference between success and failure in the educational journey of a child with special needs. In Romania, the current legislative framework provides a solid foundation for protecting the rights of these children, but the practical implementation of legal provisions still faces numerous obstacles. The lack of financial resources, insufficient training of teaching staff in inclusive education, architectural barriers, and persistent discriminatory attitudes are just some of the problems that need to be resolved for the system to function at optimal parameters.

This article aims to analyse in detail the rights of children with special educational needs and to examine the role of institutions that provide support in realizing these rights. We will explore the national and international legislative framework, the concrete mechanisms by which rights are protected, as well as the challenges that persist in the practical implementation of the principles of inclusion. Furthermore, we will identify courses of action for improving the current system, with the ultimate goal of guaranteeing equitable and quality education for all children, regardless of their individual characteristics.

## **2. The International and National Legal Framework Regarding the Rights of Children with Special Educational Needs**

The protection of the rights of children with special educational needs is founded on a complex legal architecture that includes both international instruments and provisions of national legislation. At the global level, the United Nations Convention on the Rights of the Child from 1989 constitutes the cornerstone of this normative edifice. Article 23 of this fundamental document establishes that States Parties recognize the right of a mentally or physically disabled child to a full and decent life, in conditions that guarantee their dignity, allow them to become autonomous, and facilitate their active participation in community life (United Nations, 1989). This article explicitly emphasizes the right to education and training, as well as effective access to health services, rehabilitation, and vocational training.

Another essential pillar of international protection is the UN Convention on the Rights of Persons with Disabilities, adopted in 2006 and ratified by Romania through Law No. 221/2010. Article 24 of this convention enshrines the right to education for persons with disabilities and stipulates that States Parties must guarantee an inclusive educational system at all levels, which promotes the full development of human potential (United Nations, 2006). The Convention explicitly prohibits the exclusion of persons with disabilities from the general educational system and imposes on states the obligation to ensure reasonable accommodations for the individual needs of each student.

At the European level, the European Social Charter and the European Convention on Human Rights consolidate this protective framework, establishing minimum standards that member states must respect. The jurisprudence of the European Court of Human Rights has developed, over time, an extensive interpretation of the right to education, recognizing that discrimination in access to educational services based on disability constitutes a violation of fundamental rights.

In Romania, the national legislative framework reflects these international commitments. The Romanian Constitution guarantees the right to education for all citizens, without discrimination, and the National Education Law No. 1/2011 enshrines the principle of inclusive education as the foundation of the Romanian educational system (Parliament of Romania, 2011). Article 48 of this law defines special educational needs and establishes the right of children who fall into this category to adapted educational support services. The law provides for a variety of

forms of schooling, from integration into mainstream education with specialized support to education in special schools or classes when the severity of the disability requires it.

A remarkable element of Romanian legislation is the Minister of Education's Order No. 5555/2011 regarding the approval of the Regulation on the organization and functioning of complex evaluation commissions and school and vocational guidance commissions. This normative act establishes clear procedures through which children with special educational needs are evaluated and guided towards appropriate forms of schooling, thus ensuring a personalized and scientific approach to each child's needs (Ministry of Education, 2011). Complex evaluation commissions have the role of carrying out a multidisciplinary analysis of the child's situation, involving doctors, psychologists, educators, and social workers, to establish the nature and extent of the difficulties, as well as the resources needed to overcome them.

Law No. 448/2006 regarding the protection and promotion of the rights of persons with disabilities represents another crucial legislative instrument, which regulates not only educational aspects, but also social, medical, and economic aspects of the lives of persons with disabilities. This law establishes the right to personal assistance, to rehabilitation and recovery services, to public transport facilities, and to other measures designed to facilitate full participation in social life (Parliament of Romania, 2006). In the educational field, the law provides for specific measures such as exemption from school fees, the granting of scholarships, and facilities for the acquisition of adapted equipment and teaching materials.

An important aspect of the legal framework is the accountability of educational institutions. The National Education Law stipulates that all educational units have the obligation to ensure adequate conditions for the inclusion of children with special educational needs. This means not only eliminating architectural barriers, but also adapting the curriculum, training teaching staff, and creating an inclusive school climate, in which diversity is seen as a resource, not as a problem. The accreditation standards for educational units include specific requirements regarding accessibility and resources for inclusive education, which means that compliance with these norms becomes a condition for the legal operation of schools.

However, the mere existence of a favorable legislative framework is not sufficient to effectively guarantee the rights of children with special needs. The implementation of legal provisions in daily practice faces multiple challenges. A

recurring problem is the lack of financial resources allocated to inclusive education. Although the law provides for the right to a personal assistant, therapies, and specialized equipment, in reality, many schools do not have the necessary budgets to ensure these services. Furthermore, the training of teaching staff in the field of special education remains insufficient, with most teachers in mainstream education not being trained to work effectively with children with disabilities or learning disorders.

Another problematic aspect is the lack of coordination between the different institutions involved in the educational process. Collaboration between schools, medical services, resource centers for inclusive education, and local authorities is often deficient, which leads to fragmentation of services and negative experiences for children and their families. Excessive bureaucracy and complicated procedures for obtaining disability certificates or school guidance recommendations also constitute significant obstacles to access to quality education.

International experiences, however, offer positive models from which Romania can learn. In countries such as Finland or Canada, educational systems have successfully implemented the principles of inclusive education through substantial investments in human and material resources, through the creation of solid support networks, and through the promotion of a culture of diversity and acceptance. These examples demonstrate that, although the challenges are considerable, they can be overcome through political will, adequate allocation of resources, and sustained involvement of all relevant actors.

### **3. Support Institutions and Concrete Mechanisms for Protecting the Rights of Children with Special Educational Needs**

Translating the rights enshrined in legislation into concrete realities for children with special educational needs depends essentially on the existence and efficient functioning of a diversified network of support institutions. These organizational structures have the role of identifying the specific needs of each child, offering specialized services, and facilitating integration into the regular educational environment or into alternative structures, depending on individual characteristics.

In Romania, the institutional support architecture for children with special educational needs comprises several types of structures, each with specific responsibilities. At the base of the pyramid are the County Resource and Educational Assistance Centres (CJRAE), public institutions of county or local interest that offer

psycho-pedagogical assistance to children, parents, and teachers. These centers have multidisciplinary teams made up of psychologists, educators, speech therapists, school counsellors, and other specialists who carry out complex evaluations, develop personalized intervention plans, and monitor the progress of children included in special education programs (Ministry of Education, 2020). CJRAEs also have the responsibility to organize training courses for teachers in the field of inclusive education and to produce adapted teaching materials for different types of disabilities or learning difficulties.

An important component of these centres is the Complex Evaluation Commissions, which have the role of establishing the psycho-pedagogical diagnosis and recommending the most suitable form of schooling for each child. The evaluation process is comprehensive and includes medical examinations, psychological tests, pedagogical assessments, and social investigations. The final result is a school guidance certificate that specifies the type of support needed and concrete recommendations for the school and family. This evaluation must be carried out with professionalism and sensitivity, because incorrect guidance can have long-term consequences on the child's development.

In addition to CJRAEs, Special Schools and Inclusive Education Centres also operate in Romania, intended for children with severe disabilities who cannot be integrated into mainstream education, even with additional support. These institutions offer an adapted curriculum, special material conditions and teaching staff specialized in working with different types of disabilities. Although the concept of inclusive education promotes the integration of all children into regular schools, the reality is that certain situations still require a protected and highly specialized educational environment. What is important is that these schools do not become ghettos of marginalization, but centres of excellence that offer superior quality services and actively collaborate with the general educational system to facilitate, whenever possible, the transition of children towards less segregated forms of schooling.

Another fundamental element of the support system is Early Intervention Services, intended for children aged between zero and three years who present a risk of developmental delays or diagnosed disabilities. Research in the field of neuropsychology has demonstrated that the first years of life are crucial for brain development and that early interventions can have a significant impact on long-term prognosis (Guralnick, 2011). These services include early stimulation therapies, parental counselling, and education programs for parents, aiming to prevent or

reduce the impact of disabilities on subsequent development. Unfortunately, in Romania, these services are still insufficiently developed and cover only a small portion of the population of children who would need them.

School Psycho-pedagogical Assistance Offices represent the first line of intervention within mainstream education. The school counsellor has the role of identifying children with learning or adaptation difficulties, offering individual or group counselling, and facilitating communication between school and family. In complex cases, the counsellor makes referrals to CJRAEs or other specialized services. However, the effectiveness of these offices depends on the counsellor-to-student ratio, which in many Romanian schools is far from internationally recommended standards, with one counsellor often responsible for hundreds or even over a thousand students.

Collaboration with medical services represents another crucial aspect of the support system. Many children with special educational needs require medical or therapeutic interventions parallel to the educational process. Family doctors, paediatric neurologists, psychiatrists, physical medicine and rehabilitation doctors, as well as other specialists, must work together with educational teams to ensure a holistic approach to the child's needs. Unfortunately, in practice, this collaboration is often fragmented, and communication between the medical and educational systems leaves much to be desired.

Non-governmental organizations also play a significant role in supporting children with special educational needs and their families. In a context where public services are often insufficient or inaccessible, many NGOs have developed innovative programs of educational support, alternative therapies, support groups for parents, and advocacy campaigns for the rights of persons with disabilities. These organizations not only fill the gaps left by the state, but are often pioneers in introducing new methods and approaches that are later adopted by the public system as well.

An essential mechanism for protecting the rights of children with special needs is the Individualized Educational Plan (IEP), a mandatory document for each child with special educational needs integrated into mainstream education. The IEP is developed by a team that includes the support teacher, the class teacher or form tutor, the school counsellor, the parents, and, when applicable, other specialists involved in the child's recovery. This plan establishes short-term and long-term educational objectives, necessary curricular adaptations, evaluation methods and means, as well as additional services the child needs (Ministry of Education, 2016). The IEP should

be a dynamic document, reviewed periodically according to the child's progress, and not a bureaucratic formality, as unfortunately happens in many cases.

The support or itinerant teacher represents a valuable resource in the school inclusion process. These specialists, trained in the field of special education, offer direct assistance to children with special needs during class hours, help classroom teachers adapt materials and teaching methods, and facilitate interaction with classmates. The optimal ratio would be one support teacher for several children with special needs, but in reality, the number of these specialists is far below what is needed, with many schools having no such resources at all.

Making the school environment accessible constitutes another important dimension of institutional support. For children with motor disabilities, the presence of access ramps, elevators, adapted toilets, and special furniture can make the difference between being able to attend school and exclusion. For children with visual or hearing impairments, teaching materials in accessible format, assistive technologies, and staff trained in sign language or the use of the Braille system are necessary. Unfortunately, many schools in Romania, especially those in rural areas or in old buildings, do not meet minimum accessibility standards.

Family involvement in the educational process is recognized as a critical success factor for children with special educational needs. The parents of these children often face considerable emotional, financial, and logistical challenges. Many families report feelings of isolation, frustration, and helplessness in the face of bureaucracy and lack of resources. Support institutions have the responsibility not only to work with the child but also to offer counselling, training, and emotional support to parents. Support groups for parents, where they can share their experiences and learn from each other, have proven particularly beneficial. Furthermore, educating parents about their children's rights and mechanisms for accessing services is essential so that they can become effective advocates for their own children.

The transition from one educational stage to another represents critical moments for children with special needs. The passage from kindergarten to primary school, from primary to middle school, and especially from high school to adult life requires careful planning and specialized support. Many of the failures in the educational journey of children with special needs are due to inadequate management of these transitions. Programs for preparing for independent living, vocational guidance, and support in labour market integration are essential components that, unfortunately, are missing or insufficiently developed in the Romanian system.

The evaluation and monitoring of the quality of services offered to children with special educational needs is another important aspect of the support system. There needs to be clear feedback mechanisms from beneficiaries - children and parents - and tools for measuring the impact of interventions. School inspectorates and the Ministry of Education have the responsibility to monitor compliance with standards and sanction violations, but in practice, inspections are often formal and do not address the substance of the services offered.

A major obstacle in the efficient functioning of support institutions is the insufficiency and fluctuation of specialized personnel. Low salaries, lack of professional development prospects, and stress associated with working with children with special needs mean that many positions remain unfilled or are filled by insufficiently qualified persons. Investment in human resources, through continuous training programs, competitive salaries, and creating a stimulating professional environment, is necessary for improving the system.

#### **4. Conclusion**

Protecting and promoting the rights of children with special educational needs represents a complex responsibility that involves not only compliance with legal obligations but also the manifestation of social solidarity and moral commitment towards the most vulnerable members of the community. The analysis presented in this article reveals that, although Romania has a comprehensive legislative framework, inspired by international standards and aligned with European best practices, the effective implementation of legal provisions remains a significant challenge.

The existing legal framework, based on the principles of non-discrimination, equal opportunities, and inclusive education, offers a solid foundation for guaranteeing the right to education for all children, regardless of their individual characteristics. International documents such as the UN Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, alongside national legislation represented especially by the National Education Law and the Law on the Protection of Persons with disabilities, outline a coherent set of rights and obligations. However, the existence of these norms is not sufficient; transforming them into concrete realities for each child with special needs requires sustained efforts and adequate resources.

Support institutions play a central role in this process of translating rights into real services. County Resource and Educational Assistance Centers, special schools, early intervention services, psycho-pedagogical assistance offices, and non-governmental organizations together form a network that, at least theoretically, should offer comprehensive support to every child with special needs. Reality shows, however, that this network has many gaps: uneven geographical coverage, insufficient resources, inadequately qualified or numerically insufficient personnel, and often a lack of coordination between the different components of the system.

One of the major conclusions of this analysis is that inclusive education cannot function without substantial investments in human resources. Initial and continuous training of teachers in the field of special education, increasing the number of support teachers, school counselors, psychologists, and therapists in schools, as well as improving working conditions and remuneration for these specialists, are essential conditions for the success of inclusion policies. Without well-trained and motivated teachers, any legislative framework, no matter how well designed, remains a dead letter.

Furthermore, the article emphasizes the critical importance of early interventions. Early identification of developmental difficulties and the provision of specialized services from a young age can prevent or significantly reduce the impact of disabilities on the child's educational and social trajectory. It is necessary to extend early intervention services throughout the entire country and ensure free access for all families who need them.

Collaboration between the different institutions involved in supporting children with special needs requires substantial improvements. Communication between the educational system, the medical system, social services, and community organizations must be facilitated through clear procedures, information exchange platforms, and regular meetings of multidisciplinary teams. The child and their family must be at the center of this collaboration, and the services offered must be coordinated to avoid duplication of efforts or, conversely, leaving some needs unmet.

Active family involvement in the educational process and providing support to parents of children with special needs represent another essential aspect that requires increased attention. Parents must be seen as equal partners in the team working for the child's welfare, not as passive recipients of services. Educating them about the child's rights, mechanisms for accessing services, and strategies for stimulating

development in the family environment can multiply the effects of professional interventions.

Attitudinal barriers towards children with disabilities or learning difficulties perhaps represent the most persistent obstacle in the path to real inclusion. All structural and institutional measures will be insufficient as long as these children are stigmatized, viewed with pity, or considered to be a burden on the educational system. Sustained public awareness campaigns, educational programs that promote values such as diversity, acceptance, and respect for differences, as well as positive visibility of persons with disabilities in public environments, can contribute to changing mentalities.

It is important to emphasize that inclusive education is not just an act of charity or political correctness, but represents a benefit for society as a whole. Children without disabilities who learn alongside peers with special needs develop empathy, tolerance, and the ability to work with diverse people - essential skills in today's globalized world. Furthermore, the inclusion of persons with disabilities in the educational circuit and subsequently in the professional one contributes to increasing social productivity and reducing costs associated with exclusion and institutionalization.

Looking to the future, it is evident that the road to truly inclusive education in Romania is still long. Deep structural reforms, consistent financial investments, and, above all, a cultural shift that places the child, with their uniqueness and potential, at the center of the educational system are necessary. Every child, regardless of the difficulties they face, has the right to learn, to develop, and to contribute to society. Guaranteeing this right is not only a legal or moral obligation, but an investment in the collective future of the community.

In conclusion, respecting the rights of children with special educational needs and the efficient functioning of support institutions are not objectives that can be achieved through simple declarations of intent. They require concerted action, adequate resources, and long-term commitment from all relevant actors: public authorities, educational institutions, professionals in the field, families, and the community. Only through joint and sustained efforts can we build a society in which every child has the chance to realize their potential and live a dignified and fulfilled life.

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