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Legal Regulation of Health Restrictions and Current Law Enforcement Practices in the Organization of Training

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Abstract

The article provides an overview of the legislation of the Russian Federation regulating special features of education for persons with disabilities. The focus is on both national and local legislative acts, regulating health restrictions in education. First, we review the legislation on special conditions created for students with limited health opportunities in educational organizations. Second, we conduct a thematic review of court decisions on ensuring the rights of persons with limited health opportunities to receive education. The article also presents results of our analysis and reviews the current law enforcement practice on ensuring the rights of persons with disabilities on education, as well as considers additional rights and measures of social support for persons with disabilities in connection with their participation in educational relations. In addition, we analyze and generalize new trends in legal regulation on the implementation of educational activities according with adapted educational programs for the students with disabilities. The article concludes with the following statements: (a) a systemic analysis of the legislation can be used with the aim of improving the implementation of the adapted educational programs; (b) the legislation can be improved via special proposals that determine the features of education for children with limited health opportunities.

Keywords: Statutory regulation, Health limitations, Health opportunities, Educational opportunities, Organization of educational process, State regulations for disabled children.

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Introduction

The issues of determining the need to modify the educational process and the development of regulations for its inclusion in the national legal field have been extensively studied in the contemporary scholarship (Malofeev, 2010; Palhaeva & Zhukova, 2017; Khudorenko, 2010; Zhavoronkov, 2011; Bevzyuk, 2016). In addition, a number of aspects of monitoring the quality of management training in organizing inclusive education have also been provided (Bakhtin et al., 2017), including taking into account the processes and forecasts of the development of education in the modern digital environment (Robert et al., 2017) and in the development of corporate pedagogical research (Malyshevskay, 2016).

Analysis of the regulatory framework of the Russian Federation, scholarly publications, and results of applied research shows that the following main terms are used in the context of the topic under consideration:

- a person with disabilities;
- limited health opportunities;
- a student with disabilities;
- a disabled.

At the same time, it should be noted that legal definitions at the federal level do not exist for all the above terms.

Paragraph 1 of Article 2 of the Law of Moscow No 16 of April 28, 2010 on Education of Persons with Disabilities in the City of Moscow (Moscow State Duma, 2010) determines “limited health opportunities” as any loss of a mental, physiological or anatomical structure or function, or deviation from them, entailing a complete or partial restriction of the ability to carry out household, social, professional or other activities in a way and in a volume that are considered normal for a person, taking into consideration age, social, and other factors.

In Article 1 of the Federal Law No 181-FZ of November 24, 1995 on Social Protection of Persons with Disabilities in the Russian Federation (Garant, 1995), there are the following definitions:

- a disabled person is a person who has a health disorder with persistent impairment of the body’s functions due to illnesses, consequences of injuries or defects, leading to limitations in life activities and causing the need for his/her social protection;
- a limitation of life activity is the total or partial loss of the person’s ability to self-service, move independently, orient him/herself, communicate, control his/her behavior, learn, and work;
- a disabled child is a category for the people with disabilities under the age of 18 years.

Finally, Paragraph 16 of Article 2 of Federal Law No 273-FZ of December 29, 2012 on Education in the Russian Federation (hereinafter, the Federal Law on Education in the Russian Federation) defines a student with disabilities as an individual with shortcomings in physical and/or psychological development, confirmed by a psychological-medical-pedagogical commission, preventing from getting education without creating special conditions (Rossiyskaya Gazeta, 2012). Common to all the above definitions is that they focus on health violations, entailing certain restrictions on person’s life, who suffers from these violations. It should be noted that the definition of a person with limited health opportunities (or of a disabled person) and the definition of a student with limited health opportunities are not synonymous, because they only partially overlap. A person may have limited health opportunities but not be disabled, and a disabled person may not be a student with limited health opportunities.

Speaking about the last category of persons, it should be noted that one limitation of health opportunities is insufficient for being included into this category of students. There should be two other conditions: first, a statement of the availability of limited health opportunities by a psychological-medical-pedagogical commission; second, a limitation of health opportunities should prevent from getting education without

creating special conditions. It should also be noted that the term “student” does not imply any age restrictions, so the age delimitation for “adults” and “children” will not be relevant for this analytical review.

Thus, it can be concluded that the category “a person with limited health opportunities” is broader and includes the category “a student with limited health opportunities.” Such an approach to the definition of a student with limited health opportunities is significantly different from the concepts that existed before the entry into force of the Federal Law on Education in the Russian Federation. Thus, Paragraph 6 of Article 5 of the Law of the Russian Federation No 3266-I of July 10, 1992 on Education (hereinafter, the Law of the Russian Federation on Education) had the provision that the state creates for citizens with limited health opportunities, i.e. those having shortcomings in physical and/or mental development (hereinafter, with limited health opportunities), conditions for their education, correction of developmental disorders, and social adaptation on the basis of special pedagogical approaches (Garant, 1992). At the same time, this Law did not contain a separate definition of the term “a student with limited health opportunities” despite the fact that it used this term. Thus, based on the previous legal regulation, any student with shortcomings in physical and/or mental development was formally considered a student with limited health opportunities. It should also be noted that even earlier legislation used the term “citizens (students, children) with developmental disabilities.”

Here is a brief analytical review of the legislation of the Russian Federation regulating the special features of education for persons with limited health opportunities in terms of creating conditions of and organizing their educational process. Thus, the main normative legal acts in this sphere are the above-mentioned special federal state educational standards for students with limited health opportunities and the procedures for organizing and implementing educational activities in relevant educational programs.

Methods

The article provides an overview of the legislation of the Russian Federation regulating special features of education for persons with disabilities. The focus is on both national and local legislative acts, regulating health restrictions in education. First, we review the legislation on special conditions created for students with limited health opportunities in educational organizations. Second, we conduct a thematic review of court decisions on ensuring the rights of persons with limited health opportunities to receive education. The article also presents results of our analysis and reviews the current law enforcement practice on ensuring the rights of persons with disabilities on education, as well as considers additional rights and measures of social support for persons with disabilities in connection with their participation in educational relations. In addition, we analyze and generalize new trends in legal regulation on the implementation of educational activities according with adapted educational programs for the students with disabilities.

Discussion

Legislative acts and regulations for students with limited health opportunities

The enforcement of norms on the issue considered in this review in federal state educational standards is required by Para. 2 of Part 3 of Article 11 of the Federal Law on Education in the Russian Federation, according to which federal state educational standards include requirements on the implementation of basic educational programs, including personnel, financial, material and technical, and other conditions.

So, each supplement to the Federal State Educational Standard of Primary General Education for Students with Limited Health Issues, approved by the Order of the Ministry of Education and Science of the Russian Federation No 1598 of December 19, 2014, which clarifies the requirements of this standard, depending on the type of nosology in the student, contains a section 3 (Ministry of Education, 2014). For example, Paragraph 3.6 (Section 3) of Annex 1 to the Federal State Educational Standard contains requirements to the material and technical conditions for the implementation of the adapted basic educational program of primary general education for deaf students. In addition to general requirements, this section also contains

special requirements for the material and technical conditions, depending on the version of the adapted educational program being implemented.

These requirements are enshrined in the same way in the Federal State Educational Standard for the Education of Students with Mental Retardation (Intellectual Disorders), approved by the Order of the Ministry of Education and Science of Russia No 1599 of December 19, 2014 (Ministry of Education, 2014).

A different approach to reflecting these requirements was adopted in the Federal State Educational Standard for Secondary Vocational Education in the specialty “34.02.02 Medical Massage” (for training of persons with limited vision abilities), approved by the Order of the Ministry of Education and Science of the Russian Federation No 503 of May 12, 2014.

While the Federal State Educational Standards of General Education discussed above differs from the non-specialized standards of general education in terms of its structure and approach to formulating special conditions, this Federal State Educational Standard of Secondary General Education differs little from similar general standards. It seems that this is due to the fact that the legislator decided not to make certain federal state educational standards for each type of limited health opportunity in general education. The standard under consideration is devoted to only one kind of such a restriction, which determines its “ordinary” structure, in our perspective.

The next group of normative legal acts regulating the special features of education for students with limited health opportunities in terms of creating conditions and organizing the educational process focuses on the order of organizing and implementing educational activities for various types of educational programs. Almost all the documents contain a separate section titled “Features of the organization of educational activities for students with limited health opportunities”, or another section that is similarly devoted to this issue.

In a number of paragraphs, these sections literally quote the Federal Law on Education in the Russian Federation, but they also contain original norms on the issue under consideration. Basically, such norms begin with the following text: “For the accessibility of higher education programs ... the disabled people and persons with limited health opportunities are provided by an organization with ...”. However, specific conditions differ depending on the specific order of an organization and implementation of educational activities. Comparison of special conditions in these normative legal acts is given in Table 1.

Table (1): Special conditions created for students with limited health opportunities in educational organizations.

<p>The order of organizing and implementing educational activities in basic general education programs - educational programs of preschool education, approved by the Order of the Ministry of Education and Science of Russia No 1014 of August 30, 2013.</p>	<p>The order of organizing and implementing educational activities in basic general education programs - educational programs of primary general, basic general, and secondary general education, approved by the Order of the Ministry of Education and Science of Russia No 1015 of August 30, 2013.⁷</p>	<p>The order of organizing and implementing educational activities on educational programs of higher education - bachelor's programs, specialty programs, master's programs, approved by the Order of the Ministry of Education and Science of Russia No 1367 of December 19, 2013.</p> <p>The order of organizing and implementing educational activities on educational programs of higher education - programs</p>
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⁷ This procedure also provides for a number of additional requirements that are not the subject of consideration in this article (Order of the Ministry of Education and Science of the Russian Federation No 1015 of August 30, 2013).

	<p>The order of organizing and implementing educational activities for additional general education programs, approved by the Order of the Ministry of Education and Science of Russia No 1008 of August 29, 2013.</p> <p>The order of organizing and implementing educational activities for educational programs of secondary vocational education, approved by the Order of the Ministry of Education and Science of Russia No 464 of June 14, 2013.</p>	<p>for the training of scientific and pedagogical personnel in graduate school (adjuncture), approved by the Order of the Ministry of Education and Science of Russia No 1259 of November 19, 2013.</p> <p>The order of organizing and implementing educational activities for educational programs of higher education - residency programs, approved by the Order of the Ministry of Education and Science of Russia No 1258 of November 19, 2013.</p>
<p>In order to ensure access to pre-school education for children with limited health opportunities (LHO), an organization provides:</p> <p>1) For children with visual LHO: - presence of an assistant; - alternative formats of printed materials (large font) or audio files;</p> <p>2) for children with hearing LHO: - appropriate sound information retrieval;</p> <p>3) for children with musculoskeletal disorders: - unhindered access of children to educational facilities, canteens, toilet facilities, and other premises of an organization; - comfortable stay in these facilities.</p>	<p>In order to ensure access to education for students with limited health opportunities (LHO), an organization provides:</p> <p>1) For students with visual LHO: - adaptation of the official sites of educational organizations in the Internet, taking into account the disabled people's special needs of, in accordance with the Web Content Accessibility Guidelines (WCAG); - availability of information on the schedule of lectures, training sessions for students, which should be made large: the height of uppercase letters is not less than 7.5 cm, in relief-contrast font (on white or yellow background), and being duplicated in Braille; - presence of an assistant; - alternative formats of printed materials (large font) or audio files; - providing access for a student, who is blind and using a guide dog, to the educational organization's building, which should also have a place the guide dog during student's training hours;</p>	<p>In order to make higher education available for educational programs by people with disabilities and people with limited health opportunities (LHO), the organization provides:</p> <p>1) For the disabled and people with visual LHO: - an alternative version of the organization's official website in the Internet for the visually impaired; - availability of information on the schedule of lectures, training sessions for students, which should be made large, in relief-contrast font (on white or yellow background), and being duplicated in Braille; - presence of an assistant; - alternative formats of printed materials (large font) or audio files; - providing access for a student, who is blind and using a guide dog, to the educational organization's building.</p> <p>2) For the disabled and people with hearing LHO: - sound information on the schedule of training sessions should be available in a visual format; - information should be provided by appropriate sound means;</p> <p>3) For the disabled and people with musculoskeletal disorders:</p>

	<p>2) For children with hearing LHO:</p> <ul style="list-style-type: none"> - sound information on the schedule of training sessions should be available in a visual format; - information should be provided by appropriate sound means; - ensuring the availability of information provided by means of the Russian sign language (sign language translation)⁸; <p>3) For children with musculoskeletal disorders:</p> <ul style="list-style-type: none"> - unhindered access of children to educational facilities, canteens, toilet facilities, and other premises of an organization; - comfortable stay in these facilities. 	<ul style="list-style-type: none"> - unhindered access of children to educational facilities, canteens, toilet facilities, and other premises of an organization; - comfortable stay in these facilities.
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As Table 1 shows, the least number of requirements are imposed on the implementation of pre-school general education programs, which in this case is due to the features of pre-school education. At the same time, these requirements are also reflected as a condition for the implementation of other educational programs.

In addition, special requirements are almost identical for other educational programs. Minor differences and additional clarifications in the text of certain procedures, not found in the text of other documents, in our opinion, are caused more by the shortcomings of legal technology than by the desire of the legislator to take into account certain specifics of the implementation of one or another educational program. Such clarifications include requirements on the height of capital letters in information for visually impaired students, the need for a guide dog to be placed somewhere during student's hours of instruction, and so on.

Further we will make an overview of the legislation of the Russian Federation regulating the peculiarities of obtaining education by persons with limited health opportunities in terms of the possibility to be transferred to an adapted educational program.

In accordance with Para. 28 of the Federal Law on Education in the Russian Federation, an adapted educational program is such an educational program that is adapted for the training of persons with disabilities, taking into account the peculiarities of their psychophysical development, individual capabilities and, if necessary, ensuring correction of developmental disorders and social adaptation of these individuals. Proceeding from this definition, we can conclude that these programs can be implemented only for people with limited health opportunities.

⁸ The provision specified in this paragraph is found only in the Procedure for the organization and implementation of educational activities for additional general education programs, approved by the Order of the Ministry of Education and Science of the Russian Federation No 1008 of August 29, 2013.

Also, this Federal Law establishes certain features for admission to educational institutions and transfer to training on adapted educational programs for different categories of students. These features depend on students' age and the type of educational program for which they are being trained.

Part 3 of Article 55 of the Federal Law on Education in the Russian Federation states that the children with limited health opportunities are accepted for training on the adapted basic general education program only with the consent of their parents (legal representatives) and on the basis of recommendations of a psychological-medical-pedagogical commission.

Thus, this provision provides three conditions for admission (transfer) for training on adapted basic general education programs:

- the trainee must be a child (according to Clause 1 of Article 54 of the Family Code of the Russian Federation, a person who has not achieved the age of eighteen (majority) is considered as a child);
- recommendations of a psychological-medical-pedagogical commission should be provided;
- parents (legal representatives) must agree on admission (transfer) for further training on these educational programs.

A psycho-medical-pedagogical commission gives recommendations mentioned above in the manner prescribed by the Regulation on a Psycho-Medical-Pedagogical Commission, approved by Order of the Ministry of Education and Science of the Russian Federation No 1082 of September 20, 2013.

Paragraph 14 of this Regulation provides that a survey of children, following which the above recommendations are given, is carried out either on the written application of parents (legal representatives), on demand of educational organizations or organizations performing social services, medical organizations, as well as other organizations with the written consent of their parents (legal representatives). At the same time, medical examination of children who have reached the age of 15 years is carried out with their consent, unless otherwise stipulated by the legislation of the Russian Federation⁹.

An important guarantee is that the Regulation ensures that the examination of children, counseling of children and their parents (legal representatives) by the Commission's specialists is free of charge.

Commission's recommendations, which serve as one of the grounds for admission (transfer) for training on the adapted educational program, are provided in the commission's conclusion of a special form. In accordance with Paragraph 21 of the Regulation, this conclusion contains:

- Well-founded conclusions about the presence or absence of certain characteristics in a child in terms of physical and/or mental development and/or behavioral deviations, as well as the presence or absence of the need to create conditions for the child's education, correction of developmental disabilities, and social adaptation on the basis of special pedagogical approaches;
- Recommendations for determining the form of education, an educational program that a child can learn, the forms and methods of psychological, medical, and pedagogical assistance, as well as the creation of special conditions for obtaining education.

In terms of the organization of psychological, pedagogical, medical, and social assistance, there is the Letter of the Ministry of Education of the Russian Federation No VK-268/07 of February 10, 2015 on Improving the Activity of the Centers for Psychological, Pedagogical, Medical, and Social Assistance, in which a model program entitled "Psychological and pedagogical support for students with limited health opportunities and disabled children" was proposed.

It is worth mentioning the experience of regulation in this area at the regional level, particularly in the following regulatory legal acts of the subjects of the Russian Federation:

⁹ Exceptions are established in Parts 2 and 9 of Article 20 of the Federal Law No 323-FL of November 21, 2011, on the Fundamentals of Protecting the Health of Citizens in the Russian Federation.

- The Order of the Department of Education of the city of Moscow No 897 of December 1, 2014 on the Organization of the Central Psychological, Medical, and Educational Commission of the City of Moscow.
- The Order of the Department of Education of the city of Moscow No 245 of May 28, 2015 on the Interdepartmental Conflict Commission of the Central Psychological, Medical, and Pedagogical Commission of the City of Moscow.
- The Order of the Ministry of Education and Culture of the Tula Region No 28 of January 18, 2013 on the Opening of a Department of Psychological and Pedagogical Assistance for Children with Limited Health Opportunities, which regulate the creation of conditions for the provision of professional psychological and pedagogical assistance to children with gross health disorders from children's birth to 7 years.

At the municipal level, we would like to note the experience of the Administration of the city of Smolensk, which approved the Regulation on the Territorial Psychological-Medical-Pedagogical Commission of the city of Smolensk in its Resolution No 1721-ADM of August 13, 2015.

There is one more situation stipulated in Part 9 of Article 58 of the Federal Law on Education in the Russian Federation as a basis for transfer to training on adapted educational programs. According to this norm, students of primary general, basic general education, and secondary general education, who did not liquidate academic debt in time, at the discretion of their parents (legal representatives), are left for re-training and can be transferred to training on adapted educational programs in accordance with recommendations of a psychological-medical-pedagogical commission in order to get trained on an individual curriculum.

At the same time, it should be noted that this norm does not establish an additional basis for admission (transfer) for training on adapted basic general education programs, but this is only a special case of the general procedure for admission (transfer) for training under such programs, provided for in Part 3 of Article 55 of the Federal Law on Education in the Russian Federation.

At the same time, it seems that the admission (transfer) for training under the programs of vocational education of persons with limited health opportunities, despite the absence of a detailed procedure in the legislation, is carried out in a similar manner.

This conclusion can be supported by the following arguments.

In accordance with Part 8 of Article 79 of the Federal Law, vocational training and vocational education of students with limited health opportunities are carried out on the basis of educational programs adapted as necessary for the training of these students.

As already mentioned above, a person is recognized as a student with limited health abilities solely on the basis of the psychological-medical-pedagogical commission's opinion. The Regulation mentioned above does not establish that the conclusion and recommendations of this commission extend exclusively to general education. Accordingly, the status of a trainee with limited health opportunities can also be established in the manner prescribed by the aforementioned Regulation and, for the student, by the main professional educational programs and vocational training programs.

At the federal level, the Federal Law No. 329-FL of December 4, 2007 on Physical Culture and Sport in the Russian Federation regulates the fundamentals of adaptive physical education and physical rehabilitation of disabled people and people with limited health opportunities, regulates the fundamentals of sports training for disabled people, and relevant regional normative legal acts increase the availability of general education for children with disabilities and children with limited health opportunities by regulating the basis of adaptive physical culture, physical rehabilitation of disabled people and people with limited health opportunities, as well as the basis for sports training for disabled people.

The current law enforcement practices

Further, we will analyze and summarize the current law enforcement practice to ensure the rights of persons with limited health opportunities to receive education. An analysis of the current law enforcement practice was carried out by analyzing the decisions of the courts from the public domain in the Consultant Plus database on case law. In the search box, "Education" was indicated in the "Subject" field, we typed "later than 01/09/2013" in the "Date" field and had "limited health opportunities" in the "Document text" field, with the mark "Search as a phrase." We got the following results: 5 decisions of higher courts; 8 decisions of district arbitration courts; 171 decisions of courts of general jurisdiction.

The search results were combined on the basis of case topics considered by the courts and are presented in Table 2. We also did not include many court decisions, even though they contained the searching key words, because they considered those issues that were not relevant to this analysis.

Table (2): Thematic review of court decisions on ensuring the rights of persons with limited health opportunities to receive education.

1. Ensuring unimpeded access to the building or to the Internet resources for persons with limited health opportunities	
Decision on Appeal by the Khabarovsk Krai Court of May 23, 2014. Case 33-3197/2014	The claim for providing access for disabled people to the building of a boarding school by installing a ramp is legitimately satisfied, since it is established that the main entrance to the school building is not equipped with a ramp, which violates the rights of disabled children and disabled parents for unhindered access to the social infrastructure facility.
Decision by the Leningrad Regional Court of May 14, 2015 No 33-1864/2015	<i>Claim:</i> On the obligation to bring the official site in line with the National Standard of the Russian Federation "Internet resources: Accessibility requirements for the visually impaired." <i>Decision:</i> The demand is satisfied, since the lack of access by the visually impaired to the website of the educational institution is a violation of the rights of citizens guaranteed by the Constitution of the Russian Federation, this violation affects the interests of an indefinite range of disabled people and also violates their right to a decent life and free development.
Decision on Appeal by the Moscow Regional Court of October 1, 2014. Case 33-21797/2014	<i>Claim:</i> On the obligation to equip the entrance to the building of the municipal educational institution with a ramp. <i>Circumstances:</i> The prosecutor's inspection of the building revealed violations of the requirements of the Building Norms and Rules. <i>Decision:</i> The requirements are satisfied, since the defendant has failed to fulfill its obligations to provide low-mobility groups with conditions for unhindered access to social infrastructure facilities.
Decision on Appeal by the Moscow Regional Court of September 29, 2014. Case 33-21526/2014.	<i>Claim:</i> On the obligation to create conditions for unhindered access to the object of social infrastructure. <i>Circumstances:</i> The audit found that in the building, which is an object of social infrastructure, there are no specially equipped ladders and ramps for disabled people using wheelchairs. <i>Decision:</i> The demand is satisfied, as the defendant's responsibility is to create conditions for the disabled for unhindered access, training in educational institutions.
Decision on Appeal by the Irkutsk Regional Court of November 22, 2013. Case 33-9510/13.	The claim on the obligation to provide unhindered access for disabled people and other low-mobility groups of citizens to the social infrastructure by equipping the entrance of the municipal educational institutions with ramps and handrails is satisfied in terms of requirements, since the defendants are not

	obliged to ensure the unhindered access of the low-mobility groups to the school building.
Decision on Appeal by the Court of the Yamalo-Nenets Autonomous District of September 30, 2013. Case 33-2087.	The claim to impose the duty to ensure easy access for people with limited mobility is not satisfied legally, since the act submitted by the prosecutor in support of the claims does not meet the requirements of relevance and admissibility and can not be taken as the basis for a court decision
2. On the inadmissibility of training students with limited health opportunities on “general” educational programs that do not take into account their individual characteristics	
Decision on Appeal by the Vologda Regional Court No 33-4585/2013 of October 2, 2013.	The institution of general educational programs for children with disabilities, without regard for their individual characteristics, is unacceptable.
3. On the need to create special conditions by educational organizations for the education of persons with limited health opportunities	
Resolution of the Saratov Regional Court No 4A-634/2015 of October 1, 2015	The complaint’s argument about the lack of the educational organizations’ obligation to provide training for persons with disabilities on the basis of adapted programs is subject to rejection, because it is based on another, erroneous understanding of the applicant’s legal norms, is refuted by the provisions of Part 8 of Article 79 of the Federal Law No 273-FL of December 29, 2012 on Education in the Russian Federation.
Resolution of the Saratov Regional Court of June 11, 2015. Case 4A-371/2015	The materials of the case confirm that special conditions for the education of students with disabilities have not been created in the “Driving School Master Lux,” which directly contradicts the mandatory requirements of Article 79 of the Federal Law on Education in the Russian Federation. In accordance with Paragraph 9 of the Regulation on the licensing of educational activities, the above violations are related to gross violations of license requirements and conditions, responsibility for which is provided by Part 3 of Article 19.20 of the Code of Administrative Offenses of the Russian Federation.
Decision of the Moscow City Court of April 6, 2015. Case 7-1928/15.	<i>Claim:</i> On the abolition of the decision to bring to administrative responsibility under Part 3 of Article 19.20 of the Code of Administrative Offenses of the Russian Federation for the performance of activities not related to the extraction of profits, with a gross violation of the requirements or conditions of a special permit, if such permission is mandatory (special conditions for the education of students with limited health opportunities are absent). <i>Decision:</i> The claim was denied, since the fact of committing an administrative offense was confirmed by a Protocol on Administrative Offense, an Order to Conduct an Unscheduled Documentary Audit, an Expert Opinion, an Act of Verification.
Decision of the Moscow City Court of February 20, 2015. Case 7-1354/15.	<i>Claim:</i> On the abolition of the decision to bring to administrative responsibility under Part 3 of Article 19.20 of the Code of Administrative Offenses of the Russian Federation for the performance of activities not related to the extraction of profits, with a gross violation of the requirements or conditions of a special permit (license), if such permission (license) is mandatory In violation of Part 8 of Article 79 of the Law on Education, there are no educational programs, adapted if necessary for the training of the students mentioned above in the Academy.

	<p>In violation of Part 10 of Article 79 of the Law on Education, Paragraph “и”, Clause 6 of the Regulation on Licensing, there are no special conditions for the education of students with limited health opportunities in the Academy in accordance with Article 79 of the Federal Law on Education in the Russian Federation.</p> <p><i>Decision:</i> The claim is denied, since the fault of the person in committing the imputed offense is established by the case materials.</p>
<p>Decision of the St. Petersburg City Court No 12-1812/2014 of October 30, 2014. Case 5-1329/2014.</p>	<p><i>Claim:</i> On cancellation of the decision to prosecute for the performance of activities not related to the extraction of profit, with a gross violation of the requirements or conditions of the license.</p> <p><i>Circumstances:</i> In violation of Article 79 of the Law on Education, Paragraph “и”, Clause 6 of the Regulation on Licensing, there are no special conditions for the education of students with limited health opportunities in the Institute.</p> <p><i>Decision:</i> The claim is satisfied, the case is sent for a new examination, since the judge admitted an improper person to participate in the abatement of a suit, and also the judge, having satisfied the motion for adjournment of the consideration of a claim, ruled.</p>
4. On benefits for disabled children in the education system	
<p>Decision on Appeal of the Samara Regional Court of April 17, 2015. Case 33-3935/2015.</p>	<p><i>Claim:</i> On the recognition of the administration’s decision as illegal.</p> <p><i>Circumstances:</i> The contested decision did not include citizens with disabled children in the composition of citizens who were exempt from payment for supervision and care of a child in the municipal educational institutions of preschool education.</p> <p><i>Decision:</i> The claim is denied, since the contested decision was made by the authorized body within its powers, does not contradict the current legislation, and, accordingly, is lawful and justified.</p>
<p>Decision on Appeal of the Samara Regional Court of August 29, 2014. Case 33-8534/2014.</p>	<p><i>Claim:</i> On the obligation to restore a social benefit.</p> <p><i>Circumstances:</i> The plaintiff was exempted from paying for a disabled child in a kindergarten, in connection with which he was required to pay for looking after and caring for another child; therefore, the abolition of a previously declared benefit worsens the legal status that ensures his right to receive social benefits.</p> <p><i>Decision:</i> The claim was denied because the cancellation of the exemption on payment for a kindergarten is not a violation of the rights and legitimate interests of the plaintiff.</p>
5. On a psychological-medical-pedagogical commission’s mandatory conclusion	
<p>Decision on Appeal of the Sverdlovsk Regional Court of February 27, 2015. Case 33-2792/2015.</p>	<p><i>Claim:</i> On the recognition of the commission’ conclusion and the response of the authorized body, educational institution as being illegal.</p> <p><i>Circumstances:</i> The plaintiff believed that the conclusion of the psychological-medical-pedagogical commission and the response of the authorized body violated his child’s right to get education.</p> <p><i>Decision:</i> The claim is denied, since the conclusion of the psychological-medical-pedagogical commission is advisory in its nature, is not subject to appeal, evidence of the need to teach the child in the correctional class is not provided, the general educational institution has an individual curriculum, the conditions for minors to get education have been created.</p>

As can be seen from Table 2, there are a few decisions of the courts related to the cases on ensuring the rights of persons with disabilities to receive education. All of them can be combined on the following topics:

- Ensuring unimpeded access to the building or to Internet resources for persons with limited health opportunities.
- Inadmissibility of training the students with limited health opportunities according to “general” educational programs that do not take into account their individual characteristics.
- The need for educational institutions to create special conditions for the education of persons with limited health opportunities.
- Benefits for disabled children in the education system.
- A psychological-medical-pedagogical commission’s compulsory conclusion.

The largest number of disputes is related to the first topic, i.e. on the need for unimpeded access. It should be noted that almost all claims under this topic were met.

Conclusion

Thus, the analysis and generalization of the legal regulation of educational activities on adapted educational programs for students with limited health opportunities will significantly increase the level of professional competence of the educational organizations’ managers that implement adapted general education programs in terms of the application of the Russian legislation on education. In particular, the legislation can be improved with the help of special proposals that determine the features of education for children with limited health opportunities, including in the conditions of advanced training for managers of educational organizations, implementing the adapted general education programs in the framework of approbation of the modules of the advanced training programs.

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