Special report by the European Ombudsman following the complaint 1391/2002/JMA against the European schools

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PURPOSE : to present a Special Report from the European Ombudsman to the European Parliament following the draft recommendation to the European Commission in complaint 1391/2002/JMA.

CONTENT : on 25 July 2002, a Community official whose daughter is mentally handicapped complained to the Ombudsman about the failure of the European Schools to provide a suitable educational programme for Special Educational Needs (SEN) children of officials. Since the European Schools could not meet those special needs, the complainant was compelled to take her daughter to an alternative education system, the costs of which were not entirely covered by the Commission. Instead, the institution required the complainant to make a financial contribution to the cost of her daughter's special education. The complainant also argues that the Commission, as her employer, failed to carry out its duty to ensure a free education for her child.

Following his inquiry into the case, the Ombudsman took the view that the integration of children with special educational needs (SEN children) into the ordinary education system remains a general policy goal, albeit without a mandatory character. In the absence of a binding legal provision, the Ombudsman did not find that the fact that the complainant’s daughter could not be educated in one of the European Schools constituted maladministration.

The Ombudsman nevertheless found that the financial aspects of the situation constituted an unjustified discrimination, and made a draft recommendation that the Commission should take the necessary steps to ensure that parents of SEN children who are excluded from the European Schools because of their degree of disability should not be required to contribute to the educational costs of their children.

The Commission's detailed opinion, as well as the additional information sent by its services, do not accept unequivocally the draft recommendation. Nor do these documents indicate that the Commission appears willing to reverse its current policy on charging officials for the education of their SEN children. After fully examining the Commission’s arguments, the Ombudsman considers it appropriate to make a Special Report on the matter to the European Parliament and to include a recommendation

therein.

It should be noted that in the course of the inquiry into complaint 1391/2002/JMA, the Ombudsman received a significant number of additional complaints which involved similar facts and raised identical allegations. The Ombudsman also informed the Commission of these complaints. The Ombudsman therefore considers that the analysis in this Special Report and the recommendation also apply to these complaints, which are listed in an annex to this report.