

## School Inclusion in the Framework of the New Legal Regulations in Chile

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### Abstract

### Review Article

Today, the link between concepts of education and diversity are far away in schools in Chile, and even more so in the country's educational policies, which only interests the concept of inclusion as a more segregating than inclusive concept. Three years after it was promulgated by President Michelle Bachelet, on Tuesday, March 1 of this year, the School Inclusion Law begins to be officially applied. Doubts, criticisms and marked differences persist from different sectors towards the new regulations that in principle intends to end the profit, selection and co-payment in subsidized private education establishments and not to the integration and inclusion of students with SEN as a focus principal.

**Keywords:** education and diversity, educational policies, private education.

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## INTRODUCTION

UNESCO (2010) defines inclusive education in its concept paper as follows: "Inclusion is seen as the process of identifying and responding to the diversity of the needs of all students through greater participation in learning, cultures and communities, and reducing exclusion in education. It involves changes and modifications in content, approaches, structures and strategies, with a common vision that includes all children of the appropriate age range and the conviction that it is the responsibility of the regular system to educate all children"

It is based on the principle that each child has different characteristics, interests, capacities and learning needs and it should be the educational systems that are designed, and the educational programs implemented, taking into account the wide diversity of these characteristics and needs. It is concerned with providing relevant responses to the full range of educational needs in school and out-of-school pedagogical contexts.

Far from being a fringe issue of how some students can be integrated into the mainstream, it is a method that reflects on how to transform education systems to respond to student diversity.

Education is a right, not a privilege

Inclusive education is a strategic approach designed to facilitate successful learning for all children

and youth. It refers to common goals to reduce and overcome all types of exclusion from a perspective of the human right to an education; it is about access, participation and successful learning Part of advocating for equal opportunities for all children. It has to do with removing all barriers to learning, and facilitating the participation of all students vulnerable to exclusion and marginalization.

Means that all students receive the supports they need to have the opportunity to participate as members of a class or regular classroom with peers of their same age and to contribute to their schools in the neighborhood. Inclusion means enabling all students to participate fully in life and work within communities, regardless of their needs. It is the process of greater participation of students in the school and the reduction of exclusion from the cultures, the curriculum and the community of the local schools.

Inclusion is seen more as an approach to education than as a set of educational techniques. Dyson, J. (2018), highlights that inclusion simply denotes a series of broad principles of social justice, educational equity and school response. The inclusive education means that every child / and young people with and without disabilities or difficulties, learn together in various regular educational institutions (preschool, college / school, post secondary and university) with an area of appropriate supports. More than the type of educational institution the children attend, it has to do with the quality of the experience; with the way to support their learning, their

achievements and their full participation in the life of the institution.

In recent times, the concept of “inclusion” has broken into the Chilean school system. We observe how the adjectives “inclusive” multiply to refer to schools, teachers, curricula, among others, trying to respond to a social demand for greater access and opportunities for all and all children. At the same time, the Inclusion Law that came into force in March 2016 calls on schools, especially subsidized schools, to review their admission and selection systems and, with this, their disciplinary regulations and their pedagogical and professional practices.

This law regulates three structural principles of the Chilean educational market. The first, prohibits the profit of private holders who receive state subsidy from a change in the legal conditions of their possession and school administration; second, it gradually eliminates the co-payment in subsidized private schools and, third, it prohibits the selection of students at all levels of education. The inclusion law has been defined as a first step to generate administrative and regulatory conditions that allow to partially weaken the segregating dynamics of the educational market.

However, the notion of inclusion was already installed in many schools after the application of Decree 170 and the educational integration program (PIE). Educational policy that regulates integration programs in Chile has been in execution 10 years (Decree No 170/09 S). The purpose of this decree is to regulate the diagnosis and care of students with temporary and permanent special educational needs (SEN), direct beneficiaries of the special education subsidy. It also regulates the evaluation procedures and instruments, specifies the suitable professionals required to diagnose SEN and establishes a regulatory framework for the operation of the School Integration Programs.

Thus, in the current Chilean school, at least two approaches coexist to regulate the processes of inclusion and integration. The first, rooted in the explicit and implicit conceptions of Decree 170, the second, incipiently, in the postulates of the inclusion law that obliges schools to rethink their admission processes and their disciplinary regulations.

In this scenario of new regulations and demands from civil society for inclusive schools, it is necessary to pause to analyze what is understood by school inclusion. There is a tradition from special or differential education that has held a debate on the scope of the notion of inclusion that has great force in the school system. On the other hand, there are studies of other social sciences, from critical and post-critical theories in particular, that offer definitions of inclusion that include cultural and political elements and that

transcend the school space. The objective of this article is to show different ways of understanding the notion of school inclusion collected from the specialized literature, to define criteria and guidelines for curricular adaptation that allow planning quality educational proposals for students of the preschool and basic education levels that they require it. The provisions and guidelines that are defined and developed in this document are directed to common education establishments, with or without school integration programs, and to special schools.

I believe that studies and policies on inclusion in school should take into account from what perspective they will understand it and how this will affect the ways of understanding equity and justice in school. We conclude by proposing a definition of “social inclusion” as a comprehensive framework for studying schools and the school system.

### **Inclusion in Chile?**

Two years after the Inclusion Law was promulgated by former President Michelle Bachelet, on Tuesday, March 1, 2017, the School Inclusion Law began to be officially applied throughout Chile. In the No170 / 2009 Education Act, in response to this mandate, defined criteria and guidelines to diagnose students who have special educational needs, regulating procedures for diagnostic evaluation for identifying special educational needs students as well as competent and suitable professionals to carry them out. This decree also indicates that said evaluation must be comprehensive and interdisciplinary and consider the psychoeducational and health fields.

For its application, the national curriculum must be taken as a reference, that is, the General Objectives described in the General Education Law, in its article 28 for children in preschool education, and in its article 29 for boys and girls of basic general education, including the adult modality, and the knowledge, skills and attitudes stipulated in the corresponding Curricular Bases.

Doubts, criticisms and marked differences persist from different sectors towards the new regulations that in principle intend to end profit, selection and co-payment in subsidized private education establishments and not the integration and inclusion of students with Educational Needs Specials (SEN) as the main focus.

That there has been a debate in our country regarding problematizing the possibility of installing the issue of inclusion in education is something in itself questionable. From international organizations, such as Unesco, the right to education implies the right to inclusion. It is something that cannot be separated. And it is a debate to the extent that education in Chile is extremely privatized to both secondary level and higher.

The approach of the academic of Juan Gonzalez (2015), a researcher at the Chilean Observatory of Educational (OPECH) Policy at the University of Chile, in conversation with the Special Program Press, points precisely to the complexity of this new legislation, adding " A Unicef study determined some years ago that in the Metropolitan Region, Santiago de Chile, 50 percent of the internal regulations of educational centers have articles that go against international law." So, it is in Chile that we are doing this debate. In other parts of the world this is no longer a matter of discussion.

In that sense, it is necessary to reflect on the disagreement that exists in the Law "inclusion, which has to do with the term of profit in education, is still enshrined in higher education. We as teachers understand that the issue of education is unique, where the State must have certain attributions that allow him to direct what is necessary to put at the service of all the inhabitants of the country. Education is a social right and not a market good.

#### **The Inclusion Law does not ensure this**

And while the Ministry of Education of Chile warns that it will be necessary to "apply common sense", as stated by Minister Adriana Delpiano, from private school organizations assure that it is an absolutely ideological measure.

All this is, that Chile effectively appears as one of the countries of the Organization for Economic Cooperation and Development (OECD) with more segregation, and it is thought that with this law there will be equality and equity in education.

That 16 years after the last reform, the same issues continue to be discussed, without developing a profound reform to public education, has to make us increasingly skeptical of the will of the political and business class to make changes, is It is essential that social movements do not fall into the conjunctural discussion. The minimum is to demand the strengthening of social rights, such as inclusion in all educational areas.

The Law of School Inclusion, a norm that must necessarily be considered in terms of others that are also part of the great Educational Reform announced by the Government. A norm that is added to bills that are still being debated in Congress, as well as others. The Inclusive Educational Reform seeks to provide comprehensive learning and development opportunities to all children, youth and adults without distinction. In this framework, the School Integration Programs (hereinafter PIE), regulated by Supreme Decree (Ed.) No. 170/2009, constitute a fundamental tool to provide opportunities for quality education to all people who wish to start, continue or complete their studies,

including those people who have greater need of support (NEE).

In this scenario, the PIE is a strategy that favors the creation of conditions in educational establishments and in the classroom, to respond to the individual differences of students, thus ensuring their progress in the school curriculum. For this, a collaborative and planned work is required, which benefits all students at the level, improving the general conditions in which the learning process takes place. To facilitate the implementation of the PIE, it must be borne in mind that it provides material and human resources that allow the establishment to have specialized support in the context of the common classroom, with hours to plan and evaluate teaching, and to work collaboratively. This also constitutes an effective opportunity to strengthen the management and technical teams of the establishments with other professionals, such as special education teachers, psychologists, speech therapists, occupational therapists, psychopedagogues, social workers, kinesiologists, sign language interpreters, among others, which allows the educational center to strengthen pedagogical practices, providing a pertinent, relevant and meaningful education to these students. Considering that one of the purposes of the educational reform is to ensure all students the right to a quality and relevant education, the School Integration Program (PIE) is a very important element that the Ministry of Education makes available to schools that offer those who wish to start or complete their studies an effective opportunity for care according to their needs and characteristics.

The School Inclusion Law provides the conditions so that children, youth and adults who attend schools and universities, which receive subsidies from the State, can receive a quality education. But what about students from other educational systems?

The school inclusion law provides the conditions so that children and young people can receive a quality and free education. This became effective on Tuesday, March 1, 2016, and does not contain specific contributions to ensure the real inclusion of students with disabilities. This is considered the author of this column (magazine Educate, 2019), who believes that the new rule is nothing more than a cluster of administrative actions to unify the rules of functioning of all institutions that receive funding. And he wonders: "When will we know of a law of real and effective inclusion for the great universe of students with Special Educational Needs and that not only are confused and weak intentions on the part of the ministerial authorities and the government?"

The law in question leaves out what refers to the much desired "quality in education", under the understanding that the measures of this new standard, due to resonance, will be a real contribution to improve learning. Apparently, little is understood about quality in the highest levels of government and their ministries, which confuse the contents of this law. Without detracting from some fair measures, such as ending the profit - indisputable abuse of the system -, it is clearly a limited law that represents a series of measures to unify the operating standards of the establishments that receive state subsidies and does not deserve the term of "inclusion".

It is enough to read the decalogue that describes the central points of this misnamed Inclusion Law to realize that nothing indicates about inclusive processes for children and young people with disabilities, it only mentions non-discrimination, a point that may well be contained in regulations emanating from the Mineduc and which are supervised by internal entities, such as the Superintendency of Education. Law No. 20,845 is a makeup of bad invoice for education that, today, we maintain in our country.

The new law states only as a suggestion: "The system will facilitate that educational establishments are a meeting place between the students of different socioeconomic, cultural, ethnic conditions, gender, nationality or religion." In another section, he points out, as a reference: "It is the duty of the State to tend to ensure an inclusive quality education for all people. Likewise, it is the duty of the State to promote the creation of the necessary conditions for the access and permanence of students with special educational needs in regular or special education establishments, depending on the best interests of the child or ward."

As can be seen, it is up to the holder to make changes or not and, most importantly, to his will in the selection of students. Now, the most important thing is that the educational inclusion -without discrimination- of students with Special Educational Needs (SEN) and the adjustments that this means is not mentioned.

In consideration of this false intention of "educational inclusion" through the law, it is worth reiterating the commitments acquired by our country, both nationally and internationally. Namely:

- The Law No. 20,422, which establishes standards for Equal Opportunities and Social Inclusion of Persons with Disabilities, which indicates that the state will be "responsible for promoting the creation of curricula for students with special educational needs, as well as equalization opportunities in access through services and resources for regular and special schools".

- The United Nations International Convention on Human Rights of Persons with Disabilities, which establishes that "the States Parties recognize the right of persons with disabilities to education", therefore they must ensure that "persons with disabilities have access to a inclusive, quality and free primary and secondary education, on equal terms with others, in the community in which they live".

We can continue to mention many validated documents and instances that have dealt with the subject from which clear and precise recommendations emanate to reverse the discriminatory situation suffered by children and young people with disabilities in our country, especially in education.

That said, the questions are obvious: Will we continue to listen to many officials and public figures misusing and abusing the concept of inclusion, which incorporates the educational process itself? When will the discourse of gradualness and slow movement in inclusive measures for the school population with disabilities end? Will we have to wait for the result of the II National Survey that still does not deliver results on children and young people between 2 and 17 years old in conditions of disability?

It is true that in order to achieve social inclusion, speeches and laws are not enough that ultimately do not translate into concrete actions for the benefit of people with disabilities. Sometimes it will be understood that the important thing is that we are all people, without surnames, and that they should not label us, because creativity and learning are born from our differences, since we have both abilities and disabilities and we travel in human communities, with greater or lesser difficulties to achieve the maximum possible well-being. It is overwhelming and it is time to say enough to the dirty game and mismanagement that until today is maintained with and towards children and young people with disabilities, even more so in school, with laws and statements that only lead to deception, confusion and confusion. transgression of the acquired commitments.

It is difficult to understand that after so many decades it is not understood and acted consistently with what the social and global vision of "disability and inclusion" indicates. Already knowing the basic conceptualizations and eradicating the medical-rehabilitative vision, and without continuing to search the already declared international conventions and national laws, there is no doubt that we are still behind in terms of the vision currently understood by the majority of Chileans. It must be understood, once and for all, that physical rehabilitation is only a means to achieve levels of independence that are functional, without detracting from its contribution to the personal

self-assessment acquired by the “rehabilitated” person. However, this is not enough, it has been shown to are few of examples of people who come to be included in the most important areas, such as regular education, at all levels, and work under equal conditions.

The common citizen is accustomed to validating their actions in relation to people with disabilities through charity and exculpations to what we call “positive discrimination” and does not manage to internalize that we all have multiple needs, only that some people require specific support to function in life in a more independent, effective, productive and autonomous way. We continue “to the debit” with the child and adolescent population in school stage. So, when will we know of a real and effective inclusion law for the great universe of students with Special Educational Needs and that are not only confused and weak intentions on the part of the ministerial authorities and the government?

Finally, a quote that is a good message for everyone:

“The ethics of diversity and inclusion combats homogeneity and privileges heterogeneous environments, celebrating any and all differences between the people in the group. It is, therefore, the basis for the formation of alliances in favor of inclusive and sustainable development in which each partner contributes with their experience and their own resources for the benefit of all”.

(Claudia Werneck, 2004).

Based on the promise contained in the educational reform to end the selection of students, the author of this column (educar magazine 2019) wonders how this will be effective for the thousands of children and young people with disabilities:

“Once the selection process has been eliminated, can a blind child or young person be educated without obstacles in any school, high school or university in the country? Can a child or young person with an intellectual disability, deafness, sequelae of cerebral palsy or autism, enter regular education without further formalities or academic demands? ”. Is now the time for inclusiveness in the Chilean educational system?

The educational reform makes us think so. The permanent and wide exclusion of the current educational system, which is poorly supported by supply and demand premises, should be affected by the structural changes proposed by the government. When we say inclusion, we refer to the most accurate and worthy conceptualization and it is the one presented by UNESCO (2008): “Process of addressing and responding to the diversity of needs of all students through greater participation in learning, cultures and communities, and the reduction of exclusion within and from education (...). Inclusion concerns issues of

gender, ethnic origin, class, social conditions, health, human rights, among others. This means that inclusion policies must ensure that all citizens, regardless of their social or economic conditions, have opportunities to access knowledge as widely and freely as possible in school and in society as a whole, to participate fully, to achieve the highest level and to enjoy a high quality of life.”

Keeping this definition in mind allows us to focus attention on one of the essential axes of the reform, such as “segregation and inclusion”, which implies - among its main objectives - eliminating “selection for admission to schools and universities.” This is an urgent and necessary intention, as well as well founded, in a society that boasts of advancing in the democratization of the essential spaces of citizen coexistence.

How to move forward? That is the question. From the perspective of students with disabilities, the first need that arises is to have a situational diagnosis of those affected. Unfortunately, we do not have updated statistics. It is therefore urgent to know where, how many and in what conditions are people with disabilities in the country. We can only mention the National Disability Survey (ENDISC) carried out by the National Institute of Statistics and the National Disability Fund (Fonadis) in 2004, which indicates that regarding access to education, only 8.48% study and 91.52% do not do so, nor have they had the opportunity to reach the classrooms. These figures are due to a population of 2,068,072 people with disabilities and a national universe of 15,998,873 Chileans. There is no doubt that more than a decade later, the census must be updated as soon as possible, if the intention is to formulate an inclusive, focused, timely policy with the seriousness that Chilean society deserves and demands.

The fact that the educational reform, in its sections, ends with the eminently academic selection, can generate unexpected and very positive changes in thousands of students, who are still in special schools, without any guidance at the time of their graduation, thus converted into young hopeless and historically abandoned by the State of Chile. That said, the questions are many: eliminated the selection process for admission, can a blind child or young person be educated without obstacles in any school, high school or university in the country? Can a child or young person with mental retardation, deafness, with sequelae of cerebral palsy or autism, enter the regular education without further processing or academic demands? How long is it estimated to achieve educational inclusion, at all levels of education, in the case of people with disabilities?

Gradually, we must answer these questions that make sense today because educational reform is a project of the country in the making. How do we cross the borders of ignorance and mediocrity to move towards a culture of educational inclusion? What should we do and what institutional tools do we have to make educational inclusion effective for all students in the country? Thus, many questions arise which at some point should be confronted with reality and the change towards an education as an inalienable right that tends to equal conditions for future generations.

Finally, the issue of disability in Chile must be treated transversally, in health, education, housing, access to the environment, communication. In summary, like any citizen, it goes without saying that we all have the same needs, only that some require specific support so that their development is more independent and effective. That is an inclusive look and act, no more segregation or positive discrimination, to which we are so badly accustomed.

Those involved in educational reform have a great challenge to fully accommodate people with disabilities, an inescapable responsibility of social movements to incorporate the "different" and make their silenced voices heard once and for all. For its part, the current political institutionality has a historic opportunity in this forgotten area and it is not new to note that if it is approached it will be a task that will bear fruit after several decades.

Many Chileans who have contributed with our professional work in the education of children and young people with "different abilities" advocate for a real positioning of inclusivity in basic, secondary and higher education, at the same time that we propose that this be a new paradigm for Chilean society. If we consider that the value of a good education is to be an indispensable means of personal development and collective progress, then the educational model has the obligation to open the doors to people with different capacities, giving a clear sign of wanting to definitively drive away from the classroom. Classes individualism, success, extreme competition among other modern evils. This will be the only way to make education a participatory, democratic space for everyone, even for the "different" and "different".

Just days away from the "24 hours of love" to raise funds for the rehabilitation of children and young people from the Teletón Foundation, Gina Basso (2019) -specialist in Differential Education- states that there is an even greater challenge of which the authorities are not aware. have made responsible: the post-rehabilitation process of young people. While the National Disability Service says it does not have any registry of state-funded workshops for people with disabilities, it also states that this problem is not solved with "pure heart", but requires public policies and a

system continuity labor training that welcomes young people who graduate from special education.

Humberto Maturana (2017), related to the emotional and reasonable in coexistence. Unfortunately, for these young people whose reality is to "confine" them to their homes, the possibilities of having a life that is pleasant at their young age are clearly diminished. On the contrary, not only their personal growth will be impeded, but their emotionality will also be diminished by not having opportunities in the socio-labor environment according to their age. We are talking about young people, whose fundamental rights are not respected, those who are proclaimed daily in political spokespersons and are topics of multiple national and international meetings that fail to adjoin this undeniable reality that young people and families of our country.

We do not need more cold and quantitative information from SENADIS or MINEDUC. The problem to be solved is another and refers to the non-existence of an intersectoral public policy for young people who continue and will be "cloistered" in their homes again. This is a serious call to the authorities, who are responsible for enforcing the mandate of a law and of many international treaties to which Chile has adhered to in order for there to be a true approach to the reality of young people with different types and degrees. Disability, those that have historically been adrift.

In turn, citizens, today more than ever, must become aware that the problem raised is not resolved "with the heart", since, once again, we will see millions of Chileans donating to the Teletón foundation, the characters of the showing off with pleasure by getting on the chariot of benevolence and with many attentive and eager citizens to fulfill the great goal. Well then, unfortunately there, the painful post-rehabilitation reality is NOT evident as one of the social problems that has been hidden for years and to which there is still no solution.

Now, is the Inclusion Law a contribution to the country?

On March 1, 2017, the School Inclusion Law came into effect. Chileans should be proud and satisfied with this important step towards building a quality education, according to the needs of this 21st century.

The Law of School Inclusion seeks to improve comprehensively, as explicitly provided by legislators, student training and coexistence within a school and universities. School is a place of rules, training and discipline, but also for dialogue and conflict resolution and everyone, it is the privileged space for the construction of society. If it is inclusive, inclusive and open to innovation, it will deliver better education,

quality education. In addition, if the entire school community is involved in the process, admitting its diversity and creativity, education will improve even more. For this, parents and guardians must ensure compliance with educational purposes, participate in the generation of School Councils together with teachers, officials and students; and be attentive to supervising and collaborating with the management of their establishments. (A. Palma. 2016).

The inclusion program in universities allows more universities to join initiatives to make access to higher education more inclusive, and each year more universities join the policies of greater access and inclusion. Whether through special quotas, agreements or preparatory courses, many universities seek to give opportunities to talented young people who study in vulnerable contexts or who have not been able to access a quality education. These programs are based on the principle that talents are equally distributed in society, regardless of socioeconomic status or where young people have studied.

### **Here is a list of equity and inclusion programs implemented by universities:**

#### **Propedeutic Network**

The Unesco Propedeutics network was a pioneer in promoting inclusive access to the university. 2007 began at the University of Santiago, Usach, and currently there are 5 other affiliated universities: Universidad Católica Silva Henríquez, Universidad Alberto Hurtado, UMCE, UTEM, Universidad Católica del Norte.

The initiative is based on the principle that talents are equally distributed between rich and poor, that education is a tool for social mobility, that high school grades are a good predictor of academic performance and that the PSU replicates the conditions of inequity and social exclusion from society.

The aim of the project is to help insert talented students from vulnerable backgrounds into the university. It is aimed at 4th grade students who have obtained an average between 1st grade and the first semester of 4th grade among the 10% best performance in each course.

#### **University of Chile**

A couple of years ago, the University of Chile implemented the Educational Equity Priority Entry System (SIPEE), aimed at good students from municipal schools who do not achieve the necessary score to enter in the traditional way.

To apply, the socioeconomic situation must be accredited. Applications open from Monday, September 30 to Tuesday, October 15.

#### **Catholic University**

The UC Talent + Inclusion Program aims to ensure access to and retention of talented students. The program includes special admission, financing, leveling and academic accompaniment. In addition, the program includes special vacancies for outstanding students from municipal and subsidized schools.

#### **Diego Portales University**

Last year the UDP created its Equity Program which, through special admission, seeks to incorporate talented students with socioeconomic disadvantages. This year there are 59 spots in all daytime races.

The initiative is aimed at students from municipal schools and subsidized individuals who, if selected, have the opportunity to study for free (they also receive a food, transportation and photocopying scholarship).

#### **University of Concepcion**

The University of Concepción has the Propedeutic Training Program aimed at outstanding third and fourth year high school students from schools belonging to the University of Concepción's Network of Engagement with the Environment. The objective of the program is to develop academic skills according to the university education that students seek to follow. Students who pass this program will be able to access, through the special admission process, a career at this university.

#### **Catholic University of the Holy Conception**

The UCSC Propedeutic Program summons fourth-year high school students that places them in the top 10% of their course ranking. To participate in the Program, students must attend classes at UCSC, during the second academic semester, between August and December, while they are in their fourth year. During 2013 UCSC Propedeutic works with students from 6 communes (Quillón, Hualqui, Chiguayante, Penco, Talcahuano, Hualpén) from 11 establishments in the Biobío region

#### **Leyde Inclusion: A new way to discriminate**

Inclusion Law, a fact highlighted by the press and the authorities, and which puts an end to all discrimination against students. Good news if we think about the right to education and the best interests of all children in our country. Unfortunately, this is not the case in practice. We could bring together a whole generation of students and not for that, comply with inclusion, if quality education is not added to them.

As the schools have a low academic performance, the worst of the inclusions is produced: that of knowledge. The fundamental and indisputable objective of all educational reform is to improve learning, the acquisition of knowledge and the development of values, cognitive and social

skills. Maintaining significant differences in performance between educational institutions or students results in an important social, economic and cultural division, which begins with school, but widens and strengthens strongly once the school stage is over.

The Inclusion Law does not contemplate this type of discrimination, which is the bottom of the problem, and puts its strength in ending the selection, but without any concern about what the children will find once inside. Little or nothing will be achieved if the learning standards that families and society expect are not achieved. That is why the idea proposed so many times by FIDE to the authorities takes on more and more force, not only during its debate in Congress, but throughout the reform process: the most important goal of an educational reform. is to improve the quality of education.

This exclusion from knowledge is the most common and the worst of all, as it is disguised discrimination. In a society like ours, one of the most unequal and segregated in the world, we want to have an inclusive and equal education for all, based on legislation and insufficient resources. The application of this Inclusion Law in an unequal society without deadlines or gradualness in accordance with the requirements, imposes an enormous task on principals and teachers. And furthermore, it imposes it under very adverse conditions. This is not a challenge, as those who have never taken classes in a school have posed it; In nonsense, given the financial and professional resources that the schools have. Aspiring to an egalitarian education in a deeply unequal society is a paradigm shift in the school system. Full inclusion is not achieved by decree.

The same school that was created for an unequal educational system must successfully overcome this insurmountable barrier under current conditions. The most urgent for families, especially for the poorest. It is that their children have a quality education, since it is the only tool they have to get out of poverty. Faced with these peremptory urgencies for improvement that our educational system requires, the debate on whether education should be public or private is completely irrelevant. Including all types of students in schools that are not prepared to receive a very diverse contingent of young people is truly irresponsible, with potential unwanted effects.

Universities continue to prepare professors to function in homogeneous classrooms, and this lack of competencies must be assumed by the directors, who are overwhelmed with duties, legally unprotected, without professional support or adequate funding. The tasks of higher education institutions should be done by the schools.

## CONCLUSIONS

Building an inclusive educational model is an essential measure to minimize social discrimination in an environment that is key when it comes to offering equal opportunity to children and young people of the 21st century. Especially those students who are permanently discriminated against and considered different from the majority.

Educational inclusion is a highly complex issue and there are no serious intentions yet to address this process with regard to what we call students with "Special Educational Needs" (SEN). In the logic of a visionary and responsible policy, the implementation of the Educational Reform must lay its foundations in preschool education, it is there where the projective and preventive becomes meaningful by intervening early in the country's infants. And it is at that moment that a minor in conditions of "disability" requires more attention.

The conflictive complexity of the phenomenon of inclusion does not accept a simplistic look that refers to opening the doors of the school and bringing children together. However, the legislator assumed that by prohibiting profit, co-payment and selection, integrated coexistence would automatically occur —with students from various socio - cultural sectors, with SEN or with serious behavior and socialization problems—, and thus we would finally have inclusive classrooms with better learning. It was only enough to prohibit, but prohibition only prevents, does not produce. Achieving inclusion is much more than removing some of the barriers to student entry into schools. The legislator oversimplified the problem of inclusion, sinned from naivety or from a profound ignorance of the low capacity of the reforms to process the real problems of the school: its internal dynamics; school environments; and the scope that differential pedagogy has to attend to diversity at this time. He assumed that it was enough to simply bring together boys and girls from a wide cultural diversity, and he hoped that from this massing of students radically different cultural differences would be overcome; that integration, friendship and learning would flourish for all; that deeply ingrained social prejudices in our society would be overcome; and that healthy cross-cultural coexistence would emerge.

The neoliberal socio-economic system produces inequality as a normal product of its operation, and the legislators assumed that the school should erase this inequality with the sole law of inclusion, placing this responsibility on the teachers. The most immediate achievements of this law are teachers with high degrees of stress and depression; with low levels of authority; with great anguish for not knowing how to work with all kinds of students; with unsolved pedagogical problems; unprotected before a guarantee legislation for students and parents;

threatened by external sanctioning evaluations ; attacked by students and violent guardians; and with the doubt of losing their jobs due to the closure of their schools if they achieve low scores on the SIMCE during three consecutive evaluations, in overcrowded schools, with high percentages of children with SEN or with serious cognitive and behavioral problems. This law should have kept its original name: "No copayment, no profit and no selection." This name very accurately describes the only thing it did: ban. Because it is not designed for something else and less to achieve inclusion. Today we have a misnamed law of inclusion that succeeded in creating diverse classrooms, but we do not have inclusive classrooms.

## REFERENCES

- Supreme Decree (Ed.) No. 170/2009, School Integration Programs, Chile.
- Edwards, Luz (2015). Make Family Magazine No. 229/09 September, Chile.
- González, J. (2016). Chilean Observatory of Educational Policies (OPECH) of the University of Chile.
- Lecannelier, F. (2013). Center for Attachment & Emotional Regulation (CARE) of the Universidad del Desarrollo, Chile.
- Inclusion Law No. 20,845. (2016). Ministry of Education of Chile.
- MINEDUC, (2015), Decree No. 83/2015, General Education Division Curriculum Unit, Santiago, Chile
- Palm. A. (2016). Ministry of Education of Chile.
- Red F. M., Armijo C. (2016). Faculty of Education Alberto Hurtado University, Education Notebook No 75, November 2016 Article Section , Santiago, Chile.
- Werneck, C. (2004). The ethics of diversity and inclusion.