

LEGAL, INSTITUTIONAL AND FINANCIAL FORMS OF STATE AID FOR DISABLED STUDENTS

PRAWNE, INSTYTUCJONALNE ORAZ FINANSOWE FORMY POMOCY PAŃSTWA STUDENTOM Z NIEPEŁNOSPRAWNOŚCIAMI

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Abstract: One of the greatest challenges of the modern state is to care for and ensure the good life of its citizens. Elderly people, people with disabilities require additional care. This means that the state is expected to take special actions in this regard, as these are often different needs and problems than in the case of non-disabled people. For many years, numerous initiatives have been observed in Poland to meet these requirements: starting with the creation of legal, administrative or organizational frameworks, and ending with the transfer of funds for their implementation. This last issue is not the subject of the given article. In difficult post-pandemic times, with war in the background and in the situation of an increasingly intense economic crisis, financial issues take on special importance. The aim of the article is to analyse the system that supports the financing of the needs of people with disabilities. Support institutions and the mechanisms of their functioning, as well as financial issues, were the subject to analyses. Particular attention is paid to the financial situation of students with disabilities in Poland. The analysis of the extensive support system for students with disabilities in relation to the low rate of this group of students among all students in Poland suggests that it is non-financial considerations that are the main limitation of the study process for young people with disabilities.

Keywords: disability, a disabled person, a student with a disability

Streszczenie: Jednym z największych wyzwań współczesnego państwa jest dbałość i zapewnienie dobrego życia jego obywatelom. Szczególnej troski wymagają osoby starsze i z niepełnosprawnościami. Oznacza to, że od państwa oczekuje się specjalnych działań w tym zakresie, gdyż są to często inne potrzeby i problemy niż w przypadku osób pełnosprawnych. Od wielu lat obserwuje się w Polsce liczne inicjatywy, które tym wymaganiom mają sprostać. Począwszy od tworzenia ram prawnych, administracyjnych czy organizacyjnych, a skończywszy na przekazywaniu środków finansowych na ich realizację. To ostatnie zagadnienie jest przedmiotem niniejszego artykułu. W trudnych czasach popandemicznych, z wojną w tle i w sytuacji coraz intensywniejszego kryzysu gospodarczego, kwestie finansowe nabierają szczególnego znaczenia. Celem artykułu jest analiza systemu finansowania potrzeb osób z niepełnosprawnościami. Charakterystyce zostały poddane instytucje wsparcia, mechanizmy ich funkcjonowania, a przede wszystkim kwestie finansowe. Szczególną uwagę zwrócono na sytuację finansową studentów z niepełnosprawnościami w Polsce. Analiza rozbudowanego systemu wsparcia studentów z niepełnosprawnościami w odniesieniu do niskiego wskaźnika tej grupy studentów pośród wszystkich w Polsce sugeruje, że to nie względy finansowe są głównym ograniczeniem procesu studiowania dla młodych ludzi z niepełnosprawnościami.

Słowa kluczowe: niepełnosprawność, osoba niepełnosprawna, student z niepełnosprawnością

Introduction

One of the greatest challenges of the modern state is to care for and ensure the good life of its citizens. Elderly people, people with disabilities or with special needs require specific care. This means that the state is expected to take special actions in this regard, as these are often different needs and problems than in the case of non-disabled people. For many years, numerous activities have been observed in Poland to meet these requirements: starting with the creation of legal, administrative or

organizational frameworks, and ending with the transfer of funds for their implementation. This last issue is not the subject of the given article. In difficult post-pandemic times, with war in the background and in the situation of an increasingly intense economic crisis, financial issues take on special importance. The aim of this article is to analyse the system that supports the financing of the needs of people with disabilities. Support institutions and the mechanisms of their functioning, as well as financial issues,

were the subject to analyses. Particular attention was paid to the financial situation of students with disabilities in Poland. The analysis of the extensive support system for students with disabilities in relation to the low rate of this group of students among all students in Poland suggests that financial considerations are not the main limitation of the study process for young people with disabilities. For the purposes of this article, a survey was conducted among students with disabilities, the aim of which was to collect their opinions on financial supports during their period of study. The conclusions of the study are included in this article.

Literature review.

Needs of People with Disabilities

The concept of disability is very ambiguous and capacious, therefore it is difficult to present its definition in a uniform manner. Before defining the very concept of disability, it is worth considering the correctness of the phrase "a disabled person". This term was used for a long time, only for a few years it has been referred to as "a person with a disability". It is believed that the phrase "a disabled person" is a stigmatizing statement, it encloses the person in his/her disability and subconsciously associates him/her with this trait. On the other hand, the term "a person with a disability" also makes it possible to see in another person his/her other features, often very valuable. Disability, then, becomes an attribute which, however, does not have to be equated with the person all the time (Galasiński, 2013, p. 5). For the purposes of this study, both terms will be used, because in older documents (e.g. legal acts) the term "a disabled person" is still used.

Disability means functional limitations that make it difficult for an individual to move, hear, see, speak or think efficiently (Żbikowski, Dąbrowski, Kuźnicki, 2012, p. 11).

The Convention on the Rights of Persons with Disabilities of 2006, ratified in the Republic of Poland in 2012, defines people with disabilities as "having long-term physical, mental, sensory or intellectual impairment, and due to the impact of various barriers, the impaired fitness may hinder their participation in social life on the same terms as other fully able citizens" (Convention of December 13, 2006). The Convention envisages a very significant change in the approach to disability, consisting in the transition from a medical model of disability to a model based on human rights. The medical model of disability assumes that disability is the result of physical or mental limitation, while the human rights-based model assumes that the full rights of people with disabilities are guaranteed, and placed on an equal

footing with others (Strategy for People with Disabilities 2021-2030).

Data on people with disabilities belong to the so-called sensitive data. The last complete data on the occurrence of disability in Poland come from the 2011 National Census of Population and Housing. As a part of the census, people with disabilities were divided into two basic groups, which included: people who had a valid certificate issued by an authorized body – *legally disabled people*; and people with disabilities without a certificate of disability (up to 16 years of age) or a degree of disability, who had or felt completely or severely limited ability to perform basic life activities appropriate for the given age – *biologically disabled*. According to the census results, the total number of people with disabilities at the end of March 2011 was almost 4.7 million. Thus, the number of people with disabilities in Poland accounted for 12.2% of the country's population as compared to 14.3% in 2002 (nearly 5.5 million people with disabilities in 2002). The share of men among people with disabilities was 46.1% compared to 53.9% of women (Strategy for People... 2021-2030).

Other types of statistics are provided by the results of the representative Labour Force Survey (LFS) carried out as part of the activities of the Central Statistical Office (CSO). In 2020, there were 2,830,000 disabled people in Poland (with a disability certificate or an equivalent). The majority were women (51.02%), with 415,000 (28.74%) having a severely disabled or an equivalent certificate; 673,000 (46.60%) of them having a moderate disability or an equivalent; and 356,000 (24.66%) had a mild degree of disability (or an equivalent certificate). Of all people with disabilities, only 574,000 (20.28%) were economically active, including 290,000 (50.52%) men and 284,000 (49.48%) women. A large part of the disabled are professionally passive people. It is as many as 2,257,000 people, which constitutes 79.75%. More people with the certificate live in urban areas and it is 1,729,000 (61.1%), while 1 101,000 (38.9%) of disabled people live in the countryside. In terms of age, taking into account the working age, the largest group of the disabled are people aged 55-64 and it is 719,000 people (25.40%). It is also the group that shows the greatest economic inactivity (525,000). Taking into account the level of education of people with disabilities, most of them, 916,000 (32.34%), have basic vocational / sectoral education. It is also the most numerous group in terms of economic inactivity, amounting to 723,000 (32%). The smallest number of people with a valid disability certificate or its equivalent has general secondary education (7%) (CSO).

The Role of the State in Meeting the Needs of People with Disabilities

Disability already appeared in ancient times, but people with disabilities were often not treated as full members of society, due to the fact that they were not able to work and perform standard activities, which prevented their ability to function normally. Over time, the approach to people with disabilities has changed, and states are showing increasing concern for their disabled citizens. The state performs three economic functions towards its citizens: allocating, stimulating and redistributing. It is within the framework of the latter that the state acts as a guardian and is responsible for the care of people who, for various reasons, are unable to function independently. It can use a variety of instruments for this, ranging from basic, providing direct financial support, and ending with creating conditions for their independent existence.

The basic source of human and citizen rights and freedoms in Poland is the Constitution of the Republic of Poland. The basic law expressly states that all forms of discrimination or unequal treatment of selected social groups or a certain category of people due to psychophysical features are unacceptable (Constitution of the Republic of Poland of 1997).

On the other hand, the basic legal act regulating the provisions on disabled persons in Poland is the Act of August 27, 1997 on vocational and social rehabilitation and employment of disabled persons along with a number of executive regulations. The Act applies to persons whose disability has been confirmed by a certificate (the Act of August 27, 1997).

An important legal document opening the way for people with disabilities to a relatively normal life is the Act of July 19, 2019 on ensuring accessibility to people with special needs. The main purpose of the Act is to improve the living conditions and functioning of the citizens with special needs, who are often discriminated against or excluded from social life. The Act specifies in detail the measures to ensure accessibility to people with special needs and the obligations of public entities in this respect. The minimum requirements, set out in it to ensure accessibility to people with special needs, include architectural accessibility (e.g.: provision of barrier-free horizontal and vertical communication spaces of buildings; installation of devices or the use of technical means and architectural solutions in the building, which allow access to all rooms, with the exception of technical rooms; provision of information on the layout of rooms in the building, at least in a visual and tactile or voice manner); digital

accessibility of websites and mobile applications of public entities, as well as information and communication accessibility (e.g. service with the use of means supporting communication or by using remote online access to the interpreter service via websites and applications; installation of devices or other technical means to support the hearing impaired, in particular induction loops of FM systems or devices based on other technologies aimed at supporting hearing) (Act of July 19, 2019).

Public entities ensure accessibility by applying universal design, new solutions or rational improvements to remove existing barriers. The Minister of Regional Development, with the support of the Accessibility Council, is responsible for coordinating the implementation of the Act.

This Act is an important element of the governmental program "Accessibility Plus", the aim of which is to ensure free access to goods, services and the possibility of participation in social and public life for people with special needs. This program defines the actions to be taken in the field of adapting public space, architecture, transport and products to the requirements of all citizens. The implementation of the program involves not only the government, but also local self-governments and covers the years 2018-2025. In accordance with the assumptions of the program, new investments and modernization of existing facilities are to be supported with the development financial means from European funds (Program "Accessibility Plus").

Support Institutions and Mechanisms of Financing the Needs of People with Disabilities

An important entity in the field of support for people with disabilities is the State Fund for the Rehabilitation of Disabled People (SFRDP). It is a public organization which goal is to create conditions for the full participation of people with disabilities in professional and social life. Its operation is regulated by the Act of August 27, 1997 on vocational and social rehabilitation and employment of disabled persons (Chapter 10). The SFRDP financing mechanism is based mainly on payments from employers who have not achieved the appropriate employment rate for disabled people in their activities. It amounts to at least 25 full-time employees. The employment rate of people with disabilities in the establishment must be at least 6%. Failure to meet this criterion means the necessity to make monthly payments to the fund. Other incomes of SFRDP are grants from the state budget, inheritances, bequests, donations, voluntary contributions from employers, income from interest on loans, income

from business activity, repayment of loans granted from SFRDP for starting operations and others. Employers are the main beneficiaries of the fund. The largest part of SFRDP funds is meant for co-financing the salaries of disabled people. Means from the fund are also transferred to individual help for disabled people, as well as to financing specialist institutions or projects. Part of the fund's resources is distributed by powiat self-government units (SFRDP, 2022). The SFRDP's financial plan for 2022 shows that this year's budget will amount to PLN 6.9 billion. This is almost half a billion zlotys more than in the previous year. Traditionally, the highest expenditure in the SFRDP financial plan will be subsidies for the remuneration of disabled employees. PLN 3.6 billion is planned for this purpose. Another important item in the SFRDP budget is money for provincial and foreign self-governments under the so-called algorithm for social and vocational rehabilitation. From this pool, co-financing is granted, inter alia, to for rehabilitation stays, the purchase of wheel-chairs and prostheses, and for the activities of occupational therapy workshops. In 2022, the money from the algorithm will be PLN 1.56 billion, i.e. PLN 111 million more than in the previous year. In 2022, more funds will also be in the line of outsourced tasks. It is about money for non-governmental organizations that support people with disabilities. This year, the fund has reserved PLN 450 million for this purpose. Moreover, the fund intends to spend more on the programs approved by the supervisory board of SFRDP. Their implementation is to cost PLN 350 million. Now SFRDP runs 9 programs with a fairly complicated structure, based on additional modules. Among them there are such pilot programs as, for example, "Active Local Self-Government" (Rehabiznes.pl).

A relatively new mechanism of financial support for people with disabilities is the Solidarity Fund (formerly the Solidarity Fund for Support for Disabled People), which was established in 2018 under the Act of October 23, 2018 on the Solidarity Support Fund for Disabled People. Contrary to SFRDP, the fund is to implement tasks enabling people with disabilities to broaden support in the field of access to the physical environment, means of transport, information and communication, devices and technologies, and various types of services. Thus, it provides comprehensive social, professional and health assistance. The funds for the fund's operations come from the obligatory contribution. The same rules apply to contributions to the fund as to contributions to the Labour Fund. This means that the contribution is payable for the same

persons as for the Labour Fund and on the same basis. The interest rate is determined by the Budget Act. In 2021, it was 1.45% of its basis. The fund's revenues also include a solidarity levy on the income of natural persons, interest on bank accounts and specific subsidies from the state budget (Act of October 23, 2018).

In 2022, the fund is to implement 7 programs. Two programs for respite care – one addressed to local governments and the other to non-governmental organizations, and two programs aimed at financing assistant services for a disabled person (for communes and counties and a separate one for the third sector). The fifth program is also known from previous years, because it is related to the creation of residential-care centers. Only self-governments can apply for money under it, and the centers are facilities for adults with moderate or severe disabilities that provide them with stay, care and specialized services tailored to their needs. A novelty in the plan for 2022 is the "Family Support Centers" program. These are to be places where comprehensive and professional help will be provided in various areas of life, both for the disabled person and other members of his family. The information included in the plan also shows that entities not belonging to the public finance sector will be able to apply for support under this program (Government Plenipotentiary for Persons with Disabilities).

Support Institutions and Mechanisms of Financing Students with Disabilities

More and more disabled people study at Polish universities. In 2005, there were just over 9,000 of them, and in the 2020/21 academic year, 19.6 thousand people with disabilities were educated at universities (1.6% of the total number of students), and 5.2 thousand people graduated from them (1.8% of the total number of graduates). Among doctoral students, 3.3% were people with disabilities (0.8 thousand people) (CSO). Despite the increase in the number of students with disabilities, they still constitute a very small percentage of the total number of students. Therefore, it was necessary to introduce measures that would improve this situation. Thanks to the solutions introduced in the 2011 reform of higher education, universities have gained new opportunities to help disabled students. Today, the basic tasks of the university include creating conditions for disabled people to participate fully in the process of their admission to the university; and following on from this, their education and scholarly activity. In order to support these tasks, the state provides earmarked subsidies.

The rules of granting subsidies are regulated by the Regulation of September 25, 2018. The funds from the subsidy should be allocated to providing candidates for studies, students, doctoral students and employees with conditions for full participation in the process of admission to studies and doctoral schools, studies at universities and in doctoral schools, or conducting scientific activity. The amount of the subsidy depends on the number of disabled university employees as well as disabled students and doctoral students. It is also dependent on the type of disability. The greatest amount of funds is allocated to the support of deaf and blind people as well as people with motor dysfunction. Funds from subsidies are a very important support for universities, both public and private, to ensure decent conditions for functioning disabled people during their studies. The subsidy is used to finance the maintenance of university units serving disabled students, as well as the employment of sign language interpreters, supporting assistants or psychologists. As a part of the subsidy, universities can conduct special classes tailored to the specific needs of people with disabilities, as well as purchase specialized devices and equipment. Subsidies are awarded for one calendar year, and their amounts are announced in special communications. Universities, as well as other organizational units, also receive co-financing for employing people with disabilities from SFRDP, reimbursement of the cost of equipment for a disabled person's workplace registered in the Poviát Labour Office (PLO), reimbursement of the costs of adapting the workplace, reimbursement of employment costs employees assisting a disabled employee and reimbursement of training costs for disabled employees. Universities where employment rate of people with disabilities is 2% (in this case, the indicator is the sum of the employment rate of people with disabilities and the double rate of pupils, free listeners, students or learners who are people with disabilities and learning or studying under the generally applicable teaching and studying regulations in a given unit) are exempt from contributions to SFRDP.

Disabled students and doctoral students may receive financial support in the form of a special scholarship for disabled people, granted in the first major of first and second cycle studies or uniform master's studies. In order to receive such a scholarship, the student or doctoral student only needs to submit a certificate of disability. The special scholarship for people with disabilities, like other financial assistance benefits, is awarded for a semester or academic year and is paid monthly.

It can only be obtained in one field of study indicated by the student. Financial support does not depend on the university or type of studies. One can apply for it both at full-time and part-time studies, at public and private universities, and universities run by churches and religious associations, as long as they receive a subsidy from the state budget for material support to students and doctoral students. The amount of the financial support depends on the degree of disability. The amount of the special scholarship varies depending on the university and the degree of disability. Regardless of the special scholarship, disabled persons may receive, on the same principles as other students, other financial assistance benefits, including a social scholarship, a rector's scholarship for the best students, a scholarship for the best doctoral students, a minister's scholarship for outstanding achievements, and financial support.

Students and universities can also take advantage of the program financed by SFRDP entitled "Active Local Self-Government" (SFRDP). In 2022, over PLN 190 million was allocated to the implementation of the program. In the area of higher education, the program allows for co-financing or reimbursement of the costs of tuition fees, as well as co-financing in the form of an allowance to cover the costs of education or an allowance for the payment of a doctoral dissertation fee. However, it only applies to students or doctoral students with a moderate or severe degree of disability. Last year, SFRDP allocated PLN 65 million for this purpose. The second program is "Graduate", designed to enable disabled people with higher education to enter the labour market. Within the budget of PLN 8.5 million, in 2020 several areas of support were implemented: planning and implementing an individual professional path, improving professional qualifications, acquiring professional qualifications, completing courses and training, completing an activation internship or supporting employment and self-employment.

Results of the research

In the period April – May 2022, a survey was conducted in a group of students with disabilities. The survey form was sent by e-mail to 142 undergraduate and graduate students. 93 people responded to it. The main objective of the study was to answer the question: what is the importance of various types of financial support offered by the state for students? The intermediate aim of the study was to answer the following questions:

1. Does the support offered by universities matter for the decision to study? Would young people

with disabilities undertake studies without financial support?

2. Which forms of financial support are most important?

The respondents were asked to answer 4 simple questions. To the first question, whether the financial support offered to people with disabilities, especially students, was significant for making the decision to study, the majority of the students answered that it did not (74%). The next question was: Which forms of direct or indirect financial support do you use? There were four options to choose from: *scholarship for people with disabilities*, *equipment rental for people with disabilities*, *“Active local government” support*, *other types of support from PFRON*, and an open answer. All the respondents indicated a *scholarship for people with disabilities*, four people use *the rental*, and 17 people (i.e. 18%) use *the support of PFRON*. None of the respondents benefited from support under *the “Active local government” program* in the analyzed period. There were also no open answers. The next question was: What percentage of your monthly income is a special scholarship for people with disabilities? The largest group of students indicated the range below 30% (37 students), 34 students indicated the range of 31-50% and 22 students pointed at the range of 51-70%. The last question concerned the forms of support and students' assessment of their importance. To the question, as to which forms of support for students with disabilities offered by the University were the most important in their opinion, up to three answers were allowed. Here, opinions were divided. Special scholarship for people with disabilities was indicated by 65 people, architectural accessibility by 27, digital accessibility was chosen by 11, information and communication accessibility by 21, educational support in the study process (assistants, specialist classes, adapting the form of classes to the student's needs, transport, etc.) by 77 people, and other scholarships (social, scientific) were pointed out by 56 people. There was no answer to the open question.

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The study shows that financial support offered by the state is important for students, but not the most important and is not a key argument in making a decision to study. The University's support in the form of a special scholarship, in most cases, accounts for less than half of the student's income.

Conclusions

Since the 1990s, many legal, administrative and organizational measures have been taken in Poland to improve the situation of people with disabilities and to create a coherent system of their support that would enable them to fully participate in social life. In the context of the analysis carried out in the article, the following conclusions should be formulated:

1. The system of legal acts currently being developed in Poland is to serve the purpose of building effective mechanisms of supporting people with disabilities.
2. As part of the created institutional and organizational system, funds are transferred for its implementation. The amount of funds transferred is difficult to define. There is no consistent information regarding financial support for the implementation of individual programs or projects, so Poles do not know how much money is actually provided to support people with disabilities.
3. It must be objectively admitted that the system of financial support for students with disabilities is very friendly, and the financial burden should not be an obstacle in studying. However, the low number of students with disabilities at Polish universities shows that financial constraints are not the problem. It is, therefore, an interesting premise for further reflections on this topic, namely: what kind of barriers cause low interest in studies among young people with disabilities, and in that context, what kind of actions the state should take to minimize them.

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