


REGULATORY PROFILES FOR SCHOOL INCLUSION PROFILI NORMATIVI PER L'INCLUSIONE SCOLASTICA

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ABSTRACT

This contribution offers an overview of the legislation and its practical applications in relation to the school inclusion of students with disabilities, highlighting that both the international community and our country have at heart the overcoming of inequalities to be pursued through school inclusion, and to this end have prepared a varied and complex legislation. Nevertheless, every year ISTAT notes that the resources deployed are still not sufficient to effectively reach all those who need inclusive support, especially in the South of Italy, necessitating a further economic effort by the Government, which should allocate the necessary and sufficient resources and not only those deemed compatible with the State budget.

Il presente lavoro offre una panoramica della normativa, e delle sue applicazioni pratiche circa l'inclusione scolastica degli studenti con disabilità, evidenziando che sia la comunità internazionale sia il nostro Paese, hanno a cuore il superamento delle disuguaglianze e a tal fine hanno predisposto una normativa varia e complessa. Purtroppo, ogni anno L'Istat rileva che le risorse impiegate sono ancora insufficienti per raggiungere adeguatamente tutti coloro i quali hanno bisogno di un supporto inclusivo, soprattutto nel sud Italia, necessitando di un ulteriore sforzo economico da parte del Governo, che dovrebbe stanziare le risorse necessarie e sufficienti e non solo quelle ritenute compatibili con il bilancio dello Stato.

KEYWORDS

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Introduction

Speaking of school inclusion, it is essential to make a brief yet fundamental reference to the Italian Constitution. From it certainly arises the concept of integration and inclusion, both in the social sphere and in the field of education. In fact, our Fundamental Charter decidedly holds dear the idea that no one should be “left behind.”

The Italian Constitution, in a decidedly innovative manner for the year 1948, is concerned with ensuring that social inclusion becomes a legal principle, deriving substance from constitutional principles of human and social dignity (Article 3, paragraph 1, and Article 41, paragraph 2), solidarity (Article 2), formal and substantive equality (Article 3), and the full development of the human person (Article 3, paragraph 2). These principles form the foundation of the rule of law and the social state in our country (Falanga, 2022:141).

The duty of solidarity under Article 2 of the Constitution, according to the prevailing doctrine, even receives a contribution to its realization through the “duty of education,” thereby expanding and encompassing both the right to education and the “duty to educate”(Polacchini, 2016:197).

Article 38 of the Constitution asserts that individuals with disabilities have the right to education and vocational training.

Article 34 of the Constitution provides that “basic education, imparted for at least eight years, is compulsory and free. The capable and deserving, even if lacking means, have the right to reach the highest levels of education. The Republic makes this right effective through scholarships, family allowances, and other provisions, which must be awarded through competition”.

It is interesting in our view to point out that all these promises are partly realised more than 70 years later!

The first paragraph of Article 34 of the Constitution is now considered an immediately enforceable provision, also given the combined provisions with Article 33, paragraph 2 of the Constitution, which charges the State with establishing state schools for all levels, and the fourth paragraph of the same Article 34, which guarantees progression in studies for the deserving by removing external obstacles (Poggi, 2022).

Law 59 of 1997 pushes in this direction, as it provides for a school in the service of the citizen, of social interest, and individually accessible (Poggi, 2022, De Benedetto, 2007: 2).

1. The right to education within the international and European legal framework.

The international community, and therefore international law, recognizes education as the foundational substance of society and a means to overcome inequalities.

1.1 International Legal Framework

The United Nations, initially through non-binding instruments such as the “World Programme of Action concerning Disabled Persons” in 1983, and the adoption of the “Standard Rules on the Equalization of Opportunities for Persons with Disabilities” by the United Nations General Assembly in 1993.

Subsequently, with a binding instrument, the UN Convention on the Rights of Persons with Disabilities was approved in 2006. This Convention obliges participating governments to take all necessary measures to achieve the rights contained therein. Regarding the matter at hand, this includes the right to education for persons with disabilities without facing discrimination and on the basis of equal opportunities. It also aims to promote the development of the talents and creativity of individuals with disabilities, both in terms of physical and mental abilities, to the fullest extent possible.

For the achievement of the objectives, in accordance with Article 24, paragraph 2, states must undertake a series of activities as provided therein¹.

¹ In implementing this right, States Parties must ensure that:

- (a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free primary education or secondary education on the basis of disability;
- (b) Persons with disabilities can access, on an equal basis with others in their communities, primary education that is of quality, free, and compulsory, as well as secondary education;
- (c) Reasonable accommodation is provided based on the needs of each individual;

Point (c) specifically refers to a State's obligation to provide “reasonable accommodation.” This phrase originates from Canadian and American legal systems, and to avoid excessive openness that could lead to ineffectiveness, a definition is provided in Article 2: “For the purposes of this Convention, the term 'reasonable accommodation' means necessary and appropriate modifications and adjustments that do not impose a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment and exercise, on an equal basis with others, of all human rights and fundamental freedoms”.

1.2 The European Legal Framework

In Europe, the reference legislation is represented by the combined provisions of Article 14² of the ECHR (European Convention on Human Rights and Fundamental Freedoms - signed in Rome in 1950, ratified, and made effective in our country by Law n. 848 of August 4, 1955); and Article 2³ of Protocol 1 to the ECHR, according to which the right to education must not be denied for any reason.

(d) Persons with disabilities receive necessary support within the general education system to facilitate their effective education;

(e) Effective individualized support measures are provided in environments that optimize academic progress and socialization, in line with the goal of full integration.

² Article 14 Non-discrimination

The enjoyment of the rights and freedoms recognized in this Convention must be ensured without any discrimination based on, among other things, sex, race, color, language, religion, political opinion, or any other status such as national or social origin, membership in a national minority, wealth, birth, or other status.

³ Article 2. Right to Education

The right to education cannot be denied to anyone. The State, in exercising its functions in the field of education and teaching, must respect the right of parents to ensure such education and teaching in accordance with their religious and philosophical convictions.

The protection afforded by this legislation is ultimately ensured by the European Court of Human Rights, the judicial body aimed at ensuring compliance with the ECHR by the States party to the Convention, including Italy.

The Court has repeatedly clarified that it is within the discretion of the Member States to choose the tools deemed most appropriate for the purpose, even to the extent of excluding any action if deemed absolutely unnecessary. Evidently, the Court retains only the formal control of the legality of the actions in accordance with the law, without the obligation to include students with severe disabilities in schools.

This sometimes restrictive approach taken by the ECtHR has been criticized by legal scholars (Patti, 2020).

However, despite the strongly restrictive orientation of the ECHR described above, sometimes citizens, having received no positive response from domestic courts, have obtained favorable judgments. This is the case of the judgment in the matter of G.L. v. Italy (Application n. 59751/15), in which, interpreting Article 14 of the ECHR in light of the United Nations Convention on the Rights of Persons with Disabilities, an unjustified difference in treatment due to the petitioner's disability was noted. Italy had unsuccessfully justified it with an alleged lack of budgetary resources, while the Court, instead, observed a lack of determination on the part of national educational institutions regarding the petitioner's real needs and solutions to meet them, allowing her to attend elementary school under conditions as equivalent as possible to those enjoyed by other children, without imposing a disproportionate or excessive burden on the administration. The Italian state's non-compliance, the judgment concludes, resulted in serious discrimination given the importance of primary education due to the lack of diligence on the part of national authorities⁴.

⁴ Further insights are contained in the judgment *Causa G.L. v. ITALY* (Application n. 59751/15), available at website: https://www.giustizia.it/giustizia/it/mg_1_20_1.page?facetNode_1=1_2%282021%29&facetNode_2=1_2%28202109%29&contentId=SDU329863&previousPage=mg_1_20.

2. The right to inclusive education in the Italian legal framework

Italian legislation, in particular, has addressed on multiple occasions the right to education in favor of disadvantaged individuals, including those facing challenges beyond economic and social factors.

2.1 Progressive Development of Italian Legislation: From the Establishment of Special Schools to Full School Inclusion

Pre-republican and, therefore, pre-constitutional Italian legislation (Royal Decree 1981 of 1921, R.D. 3126 of 1923) can be traced as having facilitated school attendance for certain individuals with physical disabilities by providing for the establishment of special schools.

Following the aforementioned Royal Decrees, the establishment of special schools occurred despite the absence of additional regulatory provisions. During the constitutional transition, the Decree-Law 1200 of 1947 intervened, maintaining the existence of previously established special schools.

In more modern times, ordinary legislation had to align with constitutional provisions. With Law 118/1971, a professional path was envisaged for certain categories (mutilated and disabled individuals) to be pursued after compulsory schooling. This path aimed at professional qualification or requalification, facilitating entry into the workforce and, consequently, integration.

However, it was with Law 517 of 1977 that the Italian school system embraced preliminary regulations for greater integration of differently-abled individuals into society, starting from the early years of a child's life.

In summary, Law 517/1977, titled "Norms on the evaluation of students and the abolition of remedial exams, as well as other provisions amending the school system", was groundbreaking as it significantly altered the Italian education system.

Indeed, aside from abolishing separate classes for disadvantaged students, allowing all students with disabilities to access elementary and lower secondary schools, it introduced the role of specialized support teachers, capped the number of students

per class at twenty, and involved targeted interventions by the State and Local Authorities.

Over forty years since its enactment, it remains the foundational framework for the implementation of educational integration.

2.2 The additive intervention of the Constitutional Court in favor of upper secondary schools (now secondary education of the second degree).

As often occurs when legislating new rights, the Constitutional Court intervened in the matter in 1987 with judgment No. 215, summarized as follows:

“In regards to scholastic education, from the integration and specification of general provisions (Articles 34, 2, 3, of the Constitution) with Article 38, third paragraph, of the Constitution, it is evident that the right to higher education must also be guaranteed to the aforementioned individuals. This education is also aimed at their integration into the workforce—a task primarily entrusted to public authorities (Articles 31, first paragraph, and 32 of the Constitution).” Therefore, it is necessary to immediately confer prescriptive and compelling value to Article 28, third paragraph, Law n. 118 of 1971, imposing on the competent school authorities both the obligation not to pose any unauthorized obstacles to the realization of this right, in accordance with the aforementioned constitutional principles, and to implement measures that can already be concretized or promoted. It is, of course, the responsibility of the legislator to promptly establish a comprehensive framework to resolve such a significant human and social issue. Consequently, the constitutional illegitimacy of Article 28, third paragraph, Law of March 30, 1971, n. 118, is hereby declared, insofar as it pertains to individuals with disabilities, providing that “Facilitation will be provided” rather than stipulating that “Assurance is guaranteed” for attendance at upper secondary schools. - See S. No. 7/1967, 163/1983⁵.

As a consequence, what the legislator had provided in 1971 for elementary and middle schools had to be applied to upper secondary schools as well. According to the Court, this was necessary because the attendance of individuals with disabilities in upper secondary schools was not sufficiently guaranteed. While this judgment might, at first glance, open the door to criticism against the Constitutional Judge for seemingly taking on a legislative role, it actually ensures full protection of the right to educational inclusion, as envisaged by Article 38 of the Constitution. At the time,

⁵ For further insights, it is recommended to consult the webpage:
<https://www.cortecostituzionale.it/actionPronuncia.do#massima>

this right was touched upon but not guaranteed by ordinary legislation, thereby violating the provisions of constitutional law.

With the aforementioned judgment, the Constitutional Court aligns itself with the social model of disability, broadly understood, albeit not exclusively, based on the principle that arises from the interaction between an individual's impairment and social, environmental, and cultural barriers. Despite the criticisms it has faced, this approach brings together sociological and legal meanings (Ferri, 2020).

Subsequently, the legislator also adjusted to the provisions of the Constitutional Judge, intervening to address the practical gaps related to upper secondary education.

a. From Law 104/1992 onwards, an uninterrupted path towards inclusion. With Law 104/1992 (subsequently amended multiple times), titled “Framework Law for the assistance, social integration, and rights of disabled persons,” the legislator systematically intervenes to guarantee the right to education for students at all levels, regardless of the type and severity of their disability.

The innovative scope of Law 104/92 lies in the attempt to ensure that no one is left behind, preventing situations of severity or complexity of disability from being obstacles to the exercise of the right to education and training, while balancing these considerations.

Articles 12, 13, 14, 15, and 16 are still considered today a reference point, not only in Italy, to achieve a sufficient level of inclusion in the school environment and to define the competencies and methods of exercising the support teacher's role.

Precisely, within the educational institution, «once the health assessment has been conducted, giving rise to the right to avail oneself of the related services, a Dynamic-Functional Profile (DFP) must be formulated. This document should delineate the physical, psychological, social, and emotional characteristics of the student, highlighting both the learning difficulties arising from the disability situation and the possibilities for recovery, as well as the possessed capabilities that need to be supported, encouraged, and progressively reinforced and developed in accordance with the cultural choices of the disabled individual.

Moreover, the DFP prioritarily indicates, after an initial period of school integration, the foreseeable level of development that the student in a disability situation demonstrates in the short term (six months) and the medium term (two years) (art. 4, paragraph 1, D.P.R. February 24, 1994 - Directive and coordination act concerning

the tasks of local health units regarding students with disabilities). Its definition is jointly carried out by the operators of local health units, specialized teaching staff for each level of education within the school, with the collaboration of the parents of the disabled person, and with the participation of the designated psychopedagogical teacher.

Following the initial formulation of the DFP, verifications are conducted to monitor the effects of various interventions and the influence exerted by the school environment. It is updated upon the conclusion of kindergarten, elementary, middle school, and during the course of higher secondary education (cf. Art. 12 L. n. 104 of 1992, para. 6 et seq.)»⁶.

In 2010, Law 170 “recognizes dyslexia, dysgraphia, dysorthographia, and dyscalculia as specific learning disorders, hereinafter referred to as 'SLD,' which manifest in the presence of adequate cognitive abilities, in the absence of neurological pathologies and sensory deficits but may constitute a significant limitation for some activities of daily living” (art. 1, paragraph 1, Law 170/2010). It takes a further step forward by acknowledging a handicap even in the absence of neurological or sensory pathologies, yet involving situations of evident distress that could compromise the right to education or, at the very least, academic success, impact relational and emotional distress, and hinder equal opportunities for the development of capabilities in social and professional contexts.

With MIUR note no. 2563 dated november 22, 2013, complementing the pre-existing regulations, it distinguishes between “ordinary learning difficulties,” “severe learning difficulties,” and “learning disorders,” also in relation to the development of the PDP (Personalized Didactic Plan, a tool provided for by Law no. 170 of 2010, aimed at students “diagnosed with dyslexia, dysgraphia, dysorthographia, and dyscalculia as specific learning disorders, hereinafter referred to as 'SLD,' or on a residual basis «in the case of unspecified difficulties, only if within the Class Council (in secondary schools) or the teaching team (in primary schools) there is agreement to assess the effectiveness of specific tools. This may lead to the adoption and consequently the compilation of a Personalized Didactic Plan, with possible compensatory tools and/or dispensation measures»

Through various measures thus, also (starting from the Ministry of Education Directive of December 27, 2012) of various types (directives, circulars, notes),

⁶ See exemplary reconstruction carried out by the Regional Administrative Court (T.A.R.) of Campania, Naples, Section IV, Judgment, (hearing date 02/03/2022) 22/03/2022, n. 1904.

intervention tools have been identified for students with special educational needs (SEN). This category has the merit of encompassing both those with a disability certification, those assessed with Specific Learning Disorders (SLD), and those facing mere learning difficulties or familial distress of a social, economic, cultural, or linguistic nature.

Furthermore, there followed Law No. 107 of July 13, 2015, Legislative Decree No. 66/2017 later amended by Legislative Decree No. 96/2019, the latter entitled “Provisions for the promotion of school inclusion of students with disabilities, pursuant to Article 1, paragraphs 180 and 181, letter c), of Law No. 107 of July 13, 2015”, and the recent Ministerial Directives n. 182 of December 29, 2020, entitled: “Adoption of the national model of the individualized educational plan and related guidelines, as well as methods of assigning support measures to students with disabilities, pursuant to Article 7, paragraph 2-ter of Legislative Decree n. 66 of April 13, 2017, amended by Ministerial Decree No. 153 of August 1, 2023”.

The Individualized Education Plan (hereinafter referred to as IEP) is the document in which integrated and balanced interventions are described, specifically tailored for the student with a disability, over a certain period, for the purpose of realizing the right to education and instruction (Article 5, paragraph 1 of the Presidential Decree of February 24, 1994).

The IEP is an educational plan tailored to the individual needs of each student with certified disabilities. Each educational institution must adopt a distinct IEP for each student with disabilities, as the customization of educational interventions is the prerequisite for full school inclusion. The IEP should outline educational objectives, presumably the highest attainable, and identify activities and tools deemed suitable for achieving the set objectives. For this reason, evaluative criteria for the progressively achieved results must also be highlighted, and, if deemed necessary, the IEP should be modified at the outcome.

The IEP has been subject to regulatory attention on multiple occasions, most recently by Ministerial Decree No. 153 of August 1, 2023, which introduced changes to several previously adopted regulations, primarily the Interministerial Decree of December 29, 2020, n. 182. This is due to its significance in achieving the realization of the right to education and instruction.

These latest modifications were made taking into account the observations made by the Lazio Regional Administrative Court (Tar Lazio) in the judgment of September 14, 2021, n. 9795, following an appeal filed by various associations (Coordinated by - National Coordination of Associations of People with Down Syndrome (Trisomy

21), Italian Coordination of Support Teachers, A.S.S.I. Gulliver Association Sotos Syndrome Ita-Lia Aps, Prader Willi Lombardia Association - Odv, Regional Autism Association Abruzzo Onlus (Auti-Smo Abruzzo Onlus), Cepim Onlus Foundation, Williams People Italy Onlus, Down Planet Onlus, Spazio Blu Autism Varese Onlus). Initially, the Tar Lazio had declared the Interministerial Decree n. 182 of 12/29/2020 and its annexes illegal, a decision later overturned by the Council of State due to the “absence of a concrete and current injury to the subjective situation of the interested party, which in turn determines the existence of a current interest in the appeal” (Judgment of the Council of State n. 3196 dated March 15, 2022, published on April 26, 2022), but the highlighted critical issues by the Regional Administrative Court (Tar) still remain. Additionally, it takes into account the opinion of the Higher Council of Public Education, approved in plenary session No. 95 on October 13, 2022, with particular regard to: «elimination from the Guidelines attached to the interministerial decree n. 182/2020 of the provision for non-request by families of the individual project; the possibility of referencing the functional diagnosis and the dynamic functional profile, if prepared, in cases where the Functional Profile has not been drawn up; [...] gradual use of IEP models starting from the entry of students with disabilities into kindergarten, from the first grades of all school levels, and from the third grades of upper secondary school. Instead, it foresees the possibility of taking into account the functional diagnosis and the dynamic functional profile, if completed, in the absence of the Functional Profile».

The IEP, as currently envisaged, having overcome the major issues of interministerial decree n. 182/2020, should better fulfill the functions for which it was designed.

2.3 Jurisprudential Profile Evident in the application of the Legislation.

Numerous cases are brought before Italian judges concerning the proper application of the aforementioned legislation, particularly on the correct drafting and implementation of the IEP. Equally numerous are the judgments of Italian judges condemning an incorrect normative application by educational institutions.

Regarding the obligation to draft the IEP, the jurisprudence is unequivocally oriented in this direction. Consequently, the absence of the IEP, in cases where its formation is prescribed, ipso facto implies the recognition of the educational institution's non-compliance and an order to remedy it⁷.

⁷ As evidenced by the judgment of the Regional Administrative Court (T.A.R.) of Campania, Naples, Section IV, Sentence, (hearing date 12/10/2022) 05/01/2023, n. 120, 'it should be

Regarding the obligation to draft the Individualized Educational Plan (IEP), case law considers that it should be provided even in the context of Article 3, paragraph 1 of Law n. 104 of 1992, without the connotation of severity.

However, even when the IEP is prepared, the administrative judge is required to conduct a formal review of the correctness of all relevant steps leading to the formation of the IEP, ordering its renewal in the event of errors or omissions identified within it.

Conclusions

Inclusive education has taken significant strides during the “short century,” particularly since the end of the Second World War, both on the international stage and in Italy. Internationally and in Europe, the prevailing idea is that integration and cooperation among nations can effectively work to eliminate all forms of discrimination, whether environmental (different cultures, different religions, etc.) or personal (physical, cultural, etc.). Inclusion is seen as a tool for preventing international conflicts, and it is no coincidence that this concept gained ground in the aftermath of the end of the Second World War.

It is an innovative and revolutionary idea that can be systematically observed in the daily life of each one of us. Therefore, the pursuit of inclusion through education and, concerning our topic, through inclusive education, must continue to advance and improve, being implemented in the best possible way by educational institutions.

noted that the Individualized Educational Plan (IEP) for the academic year 2022/2023 has not been adopted. Consequently, since the reduced number of support hours was allocated solely based on the available organic staffing and in the absence of the Individualized Educational Plan (IEP), the validity of the claim is affirmed. As the allocable hours must be quantified exclusively through the IEP, any determination to the contrary is deemed illegitimate, in accordance with the consistent jurisprudence of the section (see, among others, TAR Campania Naples Section IV, November 4, 2019, n. 5222).

Therefore, the minor's right to be assisted by a support teacher according to the ratio or quantification determined in the Individualized Educational Program (IEP) must be recognized consistently with its contents. The school administration is obligated to adopt the IEP, if it has not done so during the course of the judgment, and to implement it within fifteen days from the notification upon request or from the administrative communication of this decision.

In this highly varied and layered regulatory context, the analyses conducted by Istat lead us to a picture that is not entirely satisfactory:

In the 2018/19 academic year, pre-pandemic, Istat highlighted the following: “The increase in the number of students with disabilities is confirmed (+10 thousand) attending Italian schools (3.3% of the total enrollment). Accessibility for students with motor disabilities is limited, guaranteed by only 34% of schools, and the availability of aids for students with sensory disabilities is particularly critical (2% of schools). Only 15% of school buildings have undergone renovations to eliminate architectural barriers.

The student-to-teacher ratio for support is better than the legal requirements, but there is a deficiency in training: one in three teachers is selected from curricular lists⁸.

In the last year before the pandemic, despite the growth in the number of support teachers, some critical issues highlighted by Istat persisted:

In the 2019-2020 school year, the number of students with disabilities attending Italian schools increased again (+13 thousand, 3.5% of enrollees). The number of support teachers also increased, with a student-to-teacher ratio better than legal requirements, but 37% lack specific training. There is a shortage of autonomy and communication assistants in the South, where the student/assistant ratio is 5.5, over 11 in Campania and Molise. Accessibility for students with motor disabilities is limited (only in 32% of schools), and the availability of aids for students with sensory disabilities is very critical (2%)⁹.

In the 2021-2022 school year, there are 316,000 students with disabilities attending Italian schools (+5% compared to the previous school year). There is less distance learning and more participation: the percentage of students with disabilities excluded from remote learning decreases to 1.7% from the previous year's 2.3%. Many schools (76%) have computer stations adapted to the needs of students with disabilities, but support technologies are still insufficient for one in five schools¹⁰.

Therefore, aside from the issue arising from the lack of support technologies for remote learning due to COVID, there is a highlighted need for legislative intervention to strengthen staffing, especially in the South, to train more support

⁸ <https://www.istat.it/it/files/2020/02/Alunni-con-disabilita-2018-19.pdf>

⁹ <https://www.istat.it/it/files/2020/12/Report-alunni-con-disabilit%C3%A0.pdf>

¹⁰ <https://www.istat.it/it/files/2022/12/Alunni-con-disabilita-AS-2021-2022.pdf>

teachers, increase the availability of aids for students with sensory disabilities, and eliminate architectural barriers.

The next frontier that the legislator should address is the other aspect of inclusion, related to “talents,” as mandated by Article 24 of “The United Nations Convention on the Rights of Persons with Disabilities.” Talented individuals are also considered disabled, in the now widely accepted sense of the term, which defines disability in relation to the environmental context in which a person lives: “The concept of disability no longer indicates an absolute characteristic of the individual, as in the past, but concerns the relationship between the person and their reference environment.”(Sacconi, 2009:3)

The Ministry of Education, with Note 562 of April 3, 2019, acknowledges and deems correct that some educational institutions have included students internationally defined as Gifted children, with high cognitive potential (APC), in the list of students with Special Educational Needs (BES).

Students demonstrating high intellectual potential, therefore, have the right to personalized study plans that allow them to express themselves to the fullest. The Note further states that the strategy in these cases will be «left to the decision of the Class Council or Teaching Team, which, in the presence of any critical situations with consequent manifestations of discomfort, may adopt specific teaching methodologies from an inclusive perspective, both at the individual and class levels, considering the possible appropriateness of a personalized path formalized in an Individualized Educational Plan (PDP)».

The question arises as to whether the extension of the legislation provided for differently-abled individuals, carried out through a simple ministerial note, is sufficient to provide adequate support to a population of young geniuses representing approximately 8% of students¹¹.

When behaviors suggest a student with above-average intelligence, it would be appropriate to proceed with an official assessment through the administration of specific tests. If not adequately supported and stimulated, they may isolate themselves and choose to hide their intelligence to conform to others, or they may exhibit hyperactive behaviors, with the consequence that an evident strength could turn into a detriment for themselves and others.

¹¹ For further insights, please refer to the website:

<https://istruzione.cittametropolitana.genova.it/content/studenti-ad-alto-potenziiale>

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