



Law and Constitutional Guarantees in the Ecuadorian Educational System of Children and Adolescents with Disabilities



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Abstract

Education is a fundamental right determined in the Universal Declaration of Human Rights of 1948; it is legally guaranteed for everyone without any discrimination. The objective of the work “Right and Constitutional Guarantees in the Ecuadorian Educational System of Children and Adolescents with Disabilities” is to analyze the effective measures for the applicability of constitutional rights and guarantees in the educational system of people with disabilities. For its preparation, the documentary theoretical review methodology with a qualitative approach was used, using Articles related to inclusive education, from the Ecuadorian Constitution, Organic Law of Disabilities, Organic Law of Intercultural Education, information from UNESCO and Human Rights; also national and foreign scientific information from the Dialnet, Scielo, Redalyc databases, referring to this topic, with 5 years of publication, Laws and Decrees of 1948 and 1994, and from 2006 to 2016, which are rights and regulations that are maintained valid until today. The result was that from the educational legal framework, there is still a long way to go for the full application of education for people with disabilities; training is required for regular education teaching staff, provision of material resources and personalized pedagogical adaptations, and more work with the environment. educational and family, so that inclusion has the objective proposed by national and international laws.

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1 Introduction

Education is a fundamental right stipulated in the Universal Declaration of Human Rights of 1948. Various declarations and conventions have highlighted the importance of education for people with disabilities. According to studies carried out, (UIS, 2018; United Nations, 2018) cited in (UNESCO International Institute for Educational Planning, 2021) There is a great difference based on the nature of people's disabilities, that is, the level of illiteracy is higher in children with visual disabilities, multiple or mental disorders, compared to children with motor disabilities.

The UNESCO portal also points out that studies carried out in the United States have shown that students with disabilities achieve better academic results and have better social relationships when they study in an ordinary or conventional environment than students who study in specialized classes (UNESCO International Institute for Educational Planning, 2021). With this preface on the education of people with disabilities, hereinafter people with disabilities, it is necessary to refer to inclusive education, since this can be an essential way to overcome social exclusion that occurs not only in our country but worldwide.

According to [Hernández Pico et al. \(2021\)](#), it is through education that the acceptance and appreciation of differences of any kind must be promoted, to learn to live together, which implies the understanding and appreciation of the other. According to the 1948 Declaration of Human Rights, articles 1 and 2 collect values on which rights are based: freedom, equality, fraternity, and non-discrimination. Art. 1. All human beings are born free and equal in dignity and rights and, endowed as they are with reason and conscience, they must behave fraternally towards one another (Universal Declaration of Human Rights, 1948). Art.2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. [...] (Universal Declaration of Human Rights, 1948)

However, in practice the conditions of treatment of people are different; there are cases where they are treated differently or in a special way, according to specific needs. Hence, it has been identified that the key tool for people with disabilities to develop their activities as established by Human Rights is through the implementation of adequate legal bases and their correct application (Centers for Disease Control and Prevention, CDC, 2020). In Latin America, the right to education of children and adolescents can be affected by geopolitical, sociocultural, economic, and even physiological conditions, even more so when it includes inclusive education. Hence, to live in an equitable society, education for people with disabilities must be seen as the opportunity to build a more just society ([Márquez Moreira & Cueva Gaibor, 2020](#)).

In Ecuador, when the new Constitution of the Republic came into force in 2008, it included in the legal framework norms that regulate social inclusion, and in this sense, in inclusive education, the Organic Law of Disabilities and the Organic Law of Intercultural Education. From this point of view, the objective of this research work is to analyze the effective measures for the applicability of constitutional rights and guarantees in the educational system of children and adolescents with disabilities ([Minou, 2011](#); [Riddell Weedon, 2014](#); [Macías et al., 2018](#)).

2 Materials and Methods

The methodology applied in this scientific research study was a theoretical documentary review with a qualitative approach, which guided the synthesized bibliographic review, for which existing scientific information in different databases was used such as Dialnet, Scielo, Redalyc, among others, articles scientists, national and foreign third level theses.

Regarding the education of children and adolescents with disabilities, the articles referring to inclusive education contained in the Constitution of the Republic of Ecuador, the Organic Law of Disabilities, and the Organic Law of Intercultural Education, were read and analyzed. and Human Rights, UNESCO portal, etc., which allowed us to characterize and theoretically substantiate the constitutional guarantees that make up the block of constitutionality in Ecuador. The inductive-deductive and descriptive methods were used.

In the selection of information, all texts and works that had been published for more than five years and those that were not related to the topic were excluded. All updated works with 5 years of publication, and with contents referring to the study variables, were included.

3 Results and Discussions

Education is a fundamental right included in the (Universal Declaration of Human Rights, 1948). Several declarations and conventions have highlighted the importance of education for people with disabilities, among which we can mention: “Salamanca Declaration and Framework of Action for Special Educational Needs” (UNESCO, 1994), which was a fundamental milestone in the defense of quality inclusive education for the diversity of students and particularly for people with disabilities. Subsequently, it is consolidated and then evolved into the Convention on the Rights of Persons with Disabilities-CRPD- (UN, 2006).

The Incheon Declaration (UNESCO, 2015), recalled the importance of inclusive education for all, the Framework for Action SDG 4-Education 30, which aims to mobilize all countries and partners around the Sustainable Development Goal (SDG) on education and its related targets. Furthermore, the goals are, to demand access to education and the construction of adapted facilities that respond to the needs of children with disabilities, proposing possible strategies that could serve as a basis for countries to develop contextualized plans and strategies, taking into account the different realities, capacities and levels of development of the countries and respecting national policies and priorities (Education 2030, 2016).

Detecting students with disabilities is the task of all countries since prejudices and social attitudes lead to reducing or hiding the number of children with disabilities. Some families do not send their children to school for fear of stigmatization (Singal, 2015 and UNICEF, 2016) cited in (UNESCO International Institute for Educational Planning, 2021).

Inclusive education has constant challenges in modern society, laws have been created on this topic a priori worldwide, but however, the legal instruments have not been delved into, since the concepts of integrating and including must be differentiated, even if we are referring to people with disabilities, “inclusion covers many excluded groups and generates profound transformation in the teaching processes and organizational forms of educational institutions” (Villacís, 2019). In any case, the objective of this article is based on the rights and guarantees in the Ecuadorian educational system of children and adolescents with disabilities, for which we will give greater emphasis to the Ecuadorian laws, regulations, and standards that govern education. special and inclusive.

The constitution of the Republic of Ecuador and inclusive education

The Constitution of the Republic of Ecuador as the supreme norm of our country, contemplates the guiding principles of the state and the rights of all Ecuadorians, the right to inclusive education, and manifests it in the fifth section: Education, in Articles 26 and 27; and in the sixth section People with disabilities, article 47, paragraph 7, the following: Art. 26. Education is a right of people throughout their lives and an unavoidable and inexcusable duty of the State. It constitutes a priority area of public policy and state investment, a guarantee of equality and social inclusion and an essential condition for a good life. Individuals, families, and society have the right and responsibility to participate in the educational process (Constitution of the Republic of Ecuador 2008, 2013).

Art. 27.- Education will focus on the human being and guarantee its holistic development, within the framework of respect for human rights, the sustainable environment and democracy; It will be participatory, mandatory, intercultural, democratic, inclusive and diverse, of quality and warmth; will promote gender equality, justice, solidarity and peace; It will stimulate critical thinking, art and physical culture, individual and community initiative, and the development of skills and abilities to create and work. Education is essential for knowledge, the exercise of rights, and the construction of a sovereign country and constitutes a strategic axis for national development (Constitution of the Republic of Ecuador 2008, 2013).

Art. 47.- The State will guarantee disability prevention policies and, together with society and the family, will seek to equalize opportunities for people with disabilities and their social integration. People with disabilities are recognized the right to: 7. An education that develops their potential and skills for their integration and participation on equal terms. Their education will be guaranteed within regular education. Regular schools will incorporate differentiated treatment and special attention schools will incorporate specialized education. Educational establishments will comply with accessibility standards for people with disabilities and will implement a scholarship system that responds to the economic conditions of this group (Constitution of the Republic of Ecuador 2008, 2013).

The organic law of disability and education in Ecuador

In the context of the Organic Law on Disabilities published on September 25, 2012, it is established that the state, through its institutions, guarantees all people with disabilities access and full exercise of their rights, the same ones that are contemplated in the Constitution as in international treaties (Art. 16) (Organic Law on Disabilities, 2016). In the educational field, this Law establishes several guidelines that focus mainly on guaranteeing access, permanence, and completion, within the National Higher System, of people with disabilities, so that they can carry out their studies and obtain training and training in special or regular educational establishments in accordance with the conditions and requirements of each person (Art. 27) (Organic Law on Disabilities, 2016).

The Organic Law on Disabilities, LOD, establishes the term Inclusive Education, (Art. 28), which refers to the fact that the educational authorities will take the pertinent actions to promote the inclusion of students with special educational needs in all educational establishments. schooled, which implies taking measures regarding the availability of specialized personnel, curricular adaptations, and accessibility facilities to learning spaces, in addition to appropriate methodologies for communication. These regulations must be applied by all educational entities in the national territory and the actions undertaken must be adapted to future needs and requirements (Organic Law on Disabilities, 2016). Furthermore, the LOD, in Articles 29 and 30, includes regulatory guidelines related to evaluation for special education, which will allow students with special needs to have access to special education centers, where methodologies can be provided in accordance with their learning requirements (Law et al., 2007; Pratt & Greydanus, 2007; Oldfield et al., 2015).

Articles Art. 38 and 39 refer to Scholarships and Bilingual Education, respectively (Organic Law on Disabilities, 2016), among other articles referring to the good life of people with disabilities. However, there are no more than just articles that appear in the Organic Law on Disability, since to access these rights there are no support entities that cover these expenses and services, and if there are, they are scarce, they only apply them. the relatives of those who live in the main cities of the country, while in rural areas, where there is still no access to technology, the majority of families who have children with disabilities, who are generally people with limited resources, in many cases, they do not even send their children to school, due to lack of finances for their transportation, materials, among others.

The Organic Law of Intercultural Education, LOEI and Education for people with special educational needs

The Organic Law of Intercultural Education, LOEI, in Title VII of Specific Educational Needs, Chapter I of Education for People with Special Educational Needs Associated or not Associated with Disability, in Article 227 states:

Art. 227- Beginning. "The National Educational Authority, through its deconcentrated and centrally managed levels, promotes the access of people with special educational needs associated or not associated with disability to the educational service, either by attending classes in a specialized educational establishment or through their inclusion in an ordinary school education establishment" (Organic Law of Intercultural Education, LOEI, 2020).

Art. 228, defines the scope of who are students with special educational needs: "Students with special educational needs are those who require support or temporary or permanent adaptations that allow them to access a quality service according to their condition." These supports and adaptations can be for learning, accessibility, or communication.

On the other hand, it also refers in Article 228 to special educational needs not associated with disability. Art. 228. The following are special educational needs not associated with disability:

- a) Specific learning difficulties: dyslexia, dyscalculia, dysgraphia, dysorthography, dysphasia, attention deficit and hyperactivity disorders, behavioral disorders, among other difficulties.
- b) Situations of vulnerability: catastrophic illnesses, human mobility, juvenile offenders, victims of violence, addictions, and other exceptional situations provided for in this regulation.
- c) Superior endowment: high intellectual abilities

The following are special educational needs associated with disability:

- a) Intellectual, physical-motor, auditory, visual, or mental disability.
- b) Multi-disabilities; and,

- c) Generalized developmental disorders (Autism, Asperger syndrome, Rett syndrome, among others) (Organic Law of Intercultural Education, LOEI, 2020)

The regulations regarding the care of students with special educational needs in ordinary education establishments or in specialized educational institutions, in its Agreement 295-13 (Acuerdo, 2013), Chapter II Specialized Education, and Chapter III Inclusive Education established in Art. 12, as objectives of inclusive education, what is shown in figure 1.

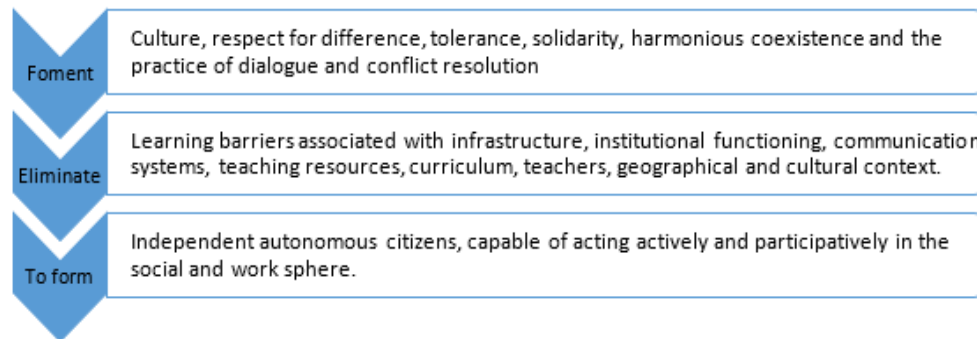


Figure 1. Objectives of inclusive education
Source: (AECID-Ecuador, 2020) (Acuerdo, 2013).

Teacher responsibilities

Likewise, in Chapter III of the Regulations, which refers to Inclusive Education, in Art. 15 we can observe the functions of Human Talent, describing that the teaching staff of ordinary school education establishments, within the framework of inclusive education, will assume the responsibilities detailed in literal b (Acuerdo, 2013). Teachers will have the responsibilities shown in Figure 2.

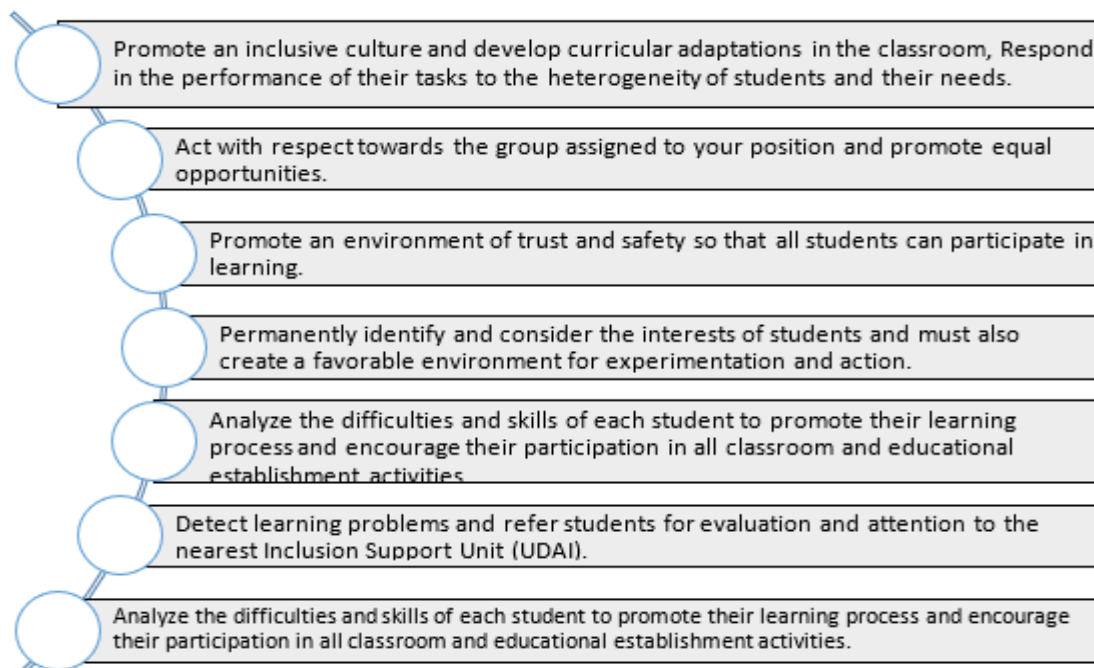


Figure 2. Teacher responsibilities
Source: (Acuerdo, 2013)

The International Convention on the Rights of Persons with Disabilities determines in its article 24 that “State Parties must ensure that persons with disabilities have equal access to inclusive education and even a lifelong learning process, which includes access to primary, secondary, tertiary and vocational education institutions. This includes facilitating access to alternative modes of communication, making reasonable adjustments and training professionals in the education of people with disabilities” (UNHCR, 2008).

Education has received a notable response worldwide from all those who long for a different, inclusive, and connected society; This has generated a legal response from the multilateral organizations of the United Nations system. From a legal perspective, this topic provides an approach to the conception of human rights and specifies the right to education and the national public policies that guarantee it (Socorro & Reyes, 2020). That is to say, inclusive education is given a procedure as a response to attention to diversity, from regular schools that support the inclusion of children and adolescents with disabilities.

The Regulations for Students with SEN (2018), on the right to education of people with disabilities without discrimination and equal opportunities in an inclusive educational system at all levels, as well as lifelong learning. of life, adds that to achieve all these rights or written norms, the propositions shown in Figure 3 must be considered.

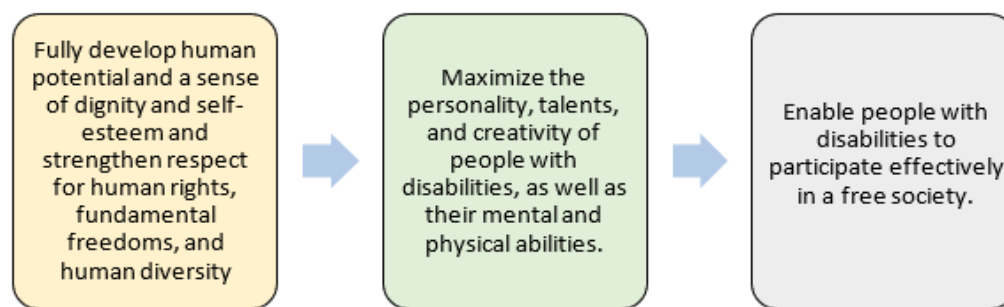


Figure 3. Right to the education of people with disabilities
Source: (Regulations for students with special educational needs, 2018).

Therefore, it is necessary to prepare the educational system for change, and one of the main and necessary elements is starting with the preparation, commitment and understanding of teachers, who are and will be the protagonists of the realization and success of any project. Educational (Pratt & Patel, 2007; Macías et al., 2018; Hinckson et al., 2013).

On the other hand, the recognition of the right to education as a right is in the Constitution, Art. 26: “Education is a right of people throughout their lives and an unavoidable and inexcusable duty of the State. It constitutes a priority area of public policy and state investment, a guarantee of equality and social inclusion and an essential condition for a good life. Individuals, families, and society have the right and responsibility to participate in the educational process” (Constitution of the Republic of Ecuador 2008, 2013). Therefore, it forces the State to manage its guarantee, not only in the legal field, but it is obliged to create all the conditions so that the educational policy is reflected in educational institutions, through the training of teachers, material resources special measures to address this type of new processes in education, which promote true changes in the conception of inclusion.

Likewise, in article 47 of the Constitution, paragraph 7, determines that the Ecuadorian State will guarantee disability prevention policies and, together with society and family, will seek to equalize opportunities for people with disabilities. ; regular schools will incorporate differentiated treatment and special attention [...] Section 8 refers to “Specialized education for people with intellectual disabilities and the promotion of their abilities through the creation of educational centers and specific teaching programs” (Constitution of the Republic of Ecuador 2008, 2013)

For its part, the Organic Law of Intercultural Education (LOEI), published in the second supplement of the Official Registry 417 of March 31, 2011 (LOEI, 2021), in its article 25 establishes that the National Educational Authority exercises the stewardship of the system National Education Department at the national level and is responsible for guaranteeing and ensuring full compliance with the constitutional guarantees and rights in educational matters, executing direct actions leading to the full, permanent validity of the Constitution of the Republic [...]

In Article 2, literal e), the LOEI recognizes as a philosophical, conceptual, and constitutional foundation of the educational field, the “priority and specialized care and integration of girls, boys and adolescents with disabilities or who suffer from highly complex catastrophic diseases”. In Chapter II of the obligations of the State regarding education, Article 6 literal o), establishes as one of the obligations of the State, “Develop and execute the curricular

adaptations necessary to guarantee inclusion and permanence within the educational system, of people with disabilities, adolescents and pregnant young people"; While, the LOEI in its Article 47 determines: "Both formal and non-formal education will take into account the special educational needs of people in the emotional, cognitive and psychomotor aspects. The National Educational Authority will ensure that these special educational needs are not become an impediment to access to education, educational establishments, without exception, are obliged to receive all people with SEN, in the same way, based on the psycho-pedagogical evaluation, they will create the necessary resources and support that allow the full exercise of the rights in the educational field, through the elimination of barriers to learning and participation. In addition, measures will be taken to promote their pedagogical reinforcement and avoid their backwardness or school exclusion (LOEI, 2021).

Regarding laws on the education of people with disabilities, there is also the Organic Law on Disabilities (LOD), which establishes in Article 28 that the national educational authority will implement the pertinent measures to promote the inclusion of students with special educational needs who require technical-technological and human support, such as specialized, temporary or permanent personnel and/or curricular adaptations and physical and communication accessibility and learning spaces, in a school-based education establishment (Organic Law on Disabilities, 2016). In Art. 29, the LOD refers to admission or referral to special educational establishments for people with disabilities, which will be justified once the comprehensive evaluation is carried out, justifying through a comprehensive report that it is not possible to include them in regular educational establishments (Organic Disabilities Law, 2016).

Due to the above, Larreátegui, cited in (Hernández Pico et al., 2021), points out that the Ecuadorian legal framework guarantees the right to inclusive education, pointing out that all children and adolescents, regardless of disability, can access an education. inclusive, also establishing the need to apply evaluation, to determine correct access with sufficient means for quality education for all students. He also adds that the application of the regulations depends on the interpretation of the authorities of each entity.

Corral (2019), he states that in accordance with these educational policies and laws, early childhood education is working on the inclusion process of boys and girls with particular characteristics; But many of these attempts have been frustrated, and they have not been completely successful, because although there are laws to include children with disabilities in the classroom, the process developed does not stimulate processes of creation and educational innovation that promote true changes in the conception of inclusion.

Corral adds that, in his research carried out with teachers on this topic, he was able to show that the work process, the teacher-student relationship with disabilities, are poor teaching practices, where the teacher is observed with fear in front of children whom they consider special, but at the same time they consider that education must be inclusive according to what is stipulated in the law, so this challenge represents a challenge for them, especially for those who prefer to stay in traditional education.

Teachers know what the law says, but they still do not take ownership of the recognition of the right of children and adolescents with disabilities to be part of their classrooms, like other students; For teachers, the fact of having students with disabilities takes away their time from attending to the rest of the class, much more so if they do not have the necessary pedagogical resources or the appropriate methodology to meet the needs of these students. Although education should be perceived as a facilitating element of human development (UNESCO, 2008), many teachers see these children and adolescents with disabilities as just another "job" that they must do in the classroom, forgetting that their main goal is to achieve that all your students learn at their pace and ability.

In this phase of the scientific research, the purpose was to know the constitutional rights and guarantees in the Ecuadorian educational system of children and adolescents with disabilities, and the criteria of analysts, researchers, and teachers on inclusive education, from the framework of educational legal in Ecuador. It is the duty of the Constitution of the Ecuadorian State to guarantee the effectiveness and efficiency of technical, administrative, and pedagogical actions in the different instances of the country's educational system, complying with constitutional and legal principles. In the use of the powers conferred on it by articles 154, paragraph 1, of the Constitution of the Republic, "1. Exercise stewardship of the public policies of the area under his/her responsibility and issue the administrative agreements and resolutions required by his/her management."

Art. 22, literals t) and u), of the Organic Law of Intercultural Education (LOEI), which says: "(t) Issue, in accordance with the Constitution of the Republic and the Law, agreements, and resolutions that regulate and regulate the operation of the National Education System; "in. Resolve, within the scope of its functions and in accordance with the Constitution of the Republic and the Law, matters not contemplated in this Law and its regulations; and in the Statute of the Legal and Administrative Regime of the Executive Function. Art. 17.- OF THE MINISTERS. "The Ministers of State are competent to handle all matters inherent to their ministries without the need for any authorization from the President of the Republic, except in cases expressly indicated in special laws.[. .] The official to whom the

Minister has delegated his functions will be directly responsible for the acts carried out in the exercise of such delegation (Statute Administrative Legal Regime Executive Function, ERJAFE, 2018)

From the point of view of [Arnaiz et al. \(2019\)](#), regarding laws both at the international and national level, consider that there are multiple social fields to strengthen for the disabled population, but in reference to education, it is a transversal axis for individual and collective progress, the fact of not having sufficient human resources to promote quality pedagogical education according to the special educational needs of each boy, girl, young person, adult, and older adult is of concern. A population that requires an adequate educational system that transforms knowledge, work, teaching-learning methodologies, and educational environments, encouraging the incorporation of educational establishments, knowledge, and respect for this right must prevail both in coverage and in quality.

Regarding the rights and guarantee of education of students with disabilities, Agreement No. 0295-13 issued by the Ministry of Education ([Acuerdo, 2013](#)), in the Regulations regarding the care of students with SEN, in ordinary education establishments or special educational entities in Chapter II on Specialized Education, Art. 3 points out that specialized education is that which provides educational care to children and adolescents with sensory disabilities (visual or auditory or visual-auditory), motor, intellectual, autism or multi-disabilities. Emphasizing that specialized education will tend to promote and include those who can access ordinary education institutions.

Art. 4 it refers to the Specialized Education Institutions (IEE) which will have human talent, teaching resources, and specialized infrastructure, they will also have specific early stimulation programs for parents and families, and educational inclusion programs, without detriment to others who are considered necessary for the best performance of their work.

Although it is true that all these laws are decrees that must be complied with, in practice they are not fully complied with, as pointed out by different teachers interviewed for this work, as pointed by the educational psychologist ([Burgos, 2023](#)), At the school where she works In addition to being a rural area of Manabí, where there is only 1 school and it is two-teaching, there are more than 5 students with disabilities, where the need is felt to have specialized personnel for these boys and girls, since it has nothing to do the curriculum that is given to the others, on the other hand, the time spent on them, has an impact on the teaching and learning of the other students, where it is considered that the teacher cannot adapt to this work methodology, even if he is trained. to face this type of work. There is a lack of human and trained resources for these special needs, much more so in rural areas, where parents have limited economic resources and cannot take their children to the city to a special school. The educational authorities are the ones who must ensure that special education reaches these parts of the country, otherwise, all that is achieved is linking them to society, but in terms of learning nothing is achieved.

In the interview with a teacher from the urban area of the city of Portoviejo ([Sánchez, 2023](#)), she states that, apparently, specialized educational institutions (IEE), taking advantage of Art. 12 of the regulations regarding the care of students with SEN ([Acuerdo, 2013](#)), students are referred to both public and private educational entities even with a high percentage of disabilities, and in many cases they do not follow up as stipulated by law for these cases, which is a total impediment to being able to advance with regular education kids, because it delays the thread of teaching for them, because two hours a day (according to the law) have to be dedicated to students with disabilities, which in addition to not having the proper training on how to teach, what to teach to these children and adolescents, it also causes discomfort to the parents of both groups, because the parents of regular education students protest because their children are not given the necessary teaching time. In my case, I work in a private educational entity, and they claim that that is why “they pay their pensions for better and personalized teaching”, and in the case of the parents of students with disabilities they demand greater dedication and dedication to their children and in many cases, they end up removing them from the campus, but not before filing complaints with the district ([Brown & Remesal, 2017](#); [Estrella, 2022](#); [Heymann et al., 2014](#)).

Regarding inclusive education for these individuals, Chapter III, Article 11 states that: inclusive education is defined as the process of identifying and responding to the diversity of special needs of all students through increased participation in learning, cultures, and communities, in order to reduce exclusion in education, emphasizing that inclusive education is based on constitutional and national legal principles and on the different international instruments regarding its promotion and operation, and Art. 12 defines the objectives of inclusive education:

- a) Promote in culture respect for difference, tolerance, solidarity, harmonious coexistence, and the practice of dialogue and conflict resolution.
- b) Eliminate learning barriers associated with infrastructure, institutional functioning, communication systems, teaching resources, curriculum, teachers, geographic and cultural context; and,

- c) Train autonomous, independent citizens, capable of acting actively and participatively in the social and work environment (Acuerdo, 2013).

In the opinion of González-Rojas & Triana-Fierro (2018), the establishment and implementation of this Inclusive Education Policy has generated important changes within educational institutions, and teachers are the primary protagonists in its development and implementation. For these researchers, the topic becomes important if we consider the first academic experiences we have in childhood. Therefore, it is important that the arrival to the classrooms, classes, and learning processes become a pleasant event, both for regular students and for those with disabilities, in a way that generates concern about the discovery of new knowledge and motivation to learn more (González-Rojas & Triana-Fierro, 2018).

In the research of Vélez Latorre (2013), the development of inclusive education implies changes in the scope of the educational system and policies, in the functioning of academic institutions, in the attitudes and practices of teachers, and in the levels of relationship of the different actors that allow facing and eliminating the barriers to learning and participation, which groups them based on the following realities:

- a) Teacher training does not always prepare educators to address the individual needs of their students.
- b) Curricular design and promotion and evaluation systems, tend to implement standardized, non-inclusive models.
- c) The absence of complementary technical pedagogical resources reinforces the institution's capacity to respond to diversity.

Cultural and attitudinal barriers have to do with discriminatory behavior on the part of other children, their families, or members of the teaching team (Vélez Latorre, 2013).

4 Conclusion

With the background exposed, both in the Constitutional laws, as well as the laws of: the Organic Law of Intercultural Education (LOEI) and the Organic Law of Disabilities (LOD), one can realize the relevance of addressing this problem and how the Inclusive education from the legal educational framework in Ecuador is still a pending task, since its dissemination and application must allow the development of knowledge and virtues that guarantee equal opportunities for all people in order to prepare them for their social and development. for the progress of the country.

Although inclusive education can be an essential way to overcome social exclusion, which is seen so much in our country, with more settlement in rural areas, where education and the economy is scarcer, teachers must be prepared to If this inclusion has its desired results, it must begin with the provision of special theoretical and methodological tools to regular education teachers, to obtain the proposed results, since responding to the educational needs of children and adolescents with disabilities implies not only individualized pedagogical adaptations by the student and teacher, it is adaptation of the educational and family environment

In the country, people with disabilities and their families are protected by national and international regulations: such as: The Constitution of the Republic (2008), Organic Law on Disabilities (2012) and its Regulations; the Convention on the Rights of Persons with Disabilities (UN-2006), among others, it is also true that these rights and guarantees do not reach all people with disabilities, especially families living in the countryside, in rural areas, who do not know about laws or rights that human beings have, even more so that their children with disabilities have the right to an education and a more dignified life.

Conflict of interest statement

The author declared that he has no competing interests.

Statement of authorship

The author has a responsibility for the conception and design of the study. The author has approved the final article.

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