



## NEWS REPORT

**Date:** 24 March 2010  
**Expert:** Margarita Ilieva  
**Title:** Recognition of students' special needs  
**Country:** Bulgaria

### Context

**Issue at stake:** Indirect discrimination  
**Ground of discrimination:** Disability  
**Source:** Supreme Administrative Court decision  
**Field:** Education  
**Legislative provisions:** Regulations on the Implementation of the National Education Act

### Content

The Supreme Administrative Court, on appeal against decision No 87 of 28.05.2009 by the Equality Body, held that a provision of the Regulations on the Implementation of the National Education Act preventing students from completing the same level of secondary education twice indirectly disadvantaged students having mental disabilities. The court stated that compared to others students with mental disabilities notoriously had less opportunities to acquire professional qualifications and, accordingly, to access employment and social integration. Therefore, the legislative ban on graduating twice the same school level which prevents students from acquiring more than one professional qualification (diploma) from school affected them disproportionately. It barred them from maximising their employment chances by acquiring a second certified vocational qualification which disadvantaged them more than other students.

**Decision of the Court:** 1964 of 15 Feb. 2010