

First EUSAPA meeting in OLOMOUC

Current state of legislation in **France** in relation to APA

***By P Flore (Joseph Fourier University Grenoble I, France)***

## **Preamble**

Two statements (text of law) can organize the activity of APA professionals:

**1. Article L.212-1 of Sport Code, Decree of October 12<sup>th</sup>, 2006 published (official Journal JO: n° 259 du 08/11/2006 text number 21) by the Ministry of Health, Youth, Sports and Associative Life** states:

A professional with a Bachelor degree in APA can lead physical activity sessions in the aims of maintaining health, of rehabilitation or integration for persons with motor or psychological disabilities, **except in sport field**.

**2. Form established by the National Committee of Professional Certification for a professional (bachelor degree) in APA and health:**

## **Kind of employment, activity sectors:**

Program conception, conducting, evaluation, in Rehabilitation and Integration by APA for persons with functional and metabolic, sensory motor, behavioral and personality disabilities, mental retardation, ageing, social maladaptation, chronic disease...

- Coordinator of Integration program by APA, Prevention and Health Education, Rehabilitation by exercise training
- APA Professor in specialized institute
- Coach in Adapted physical Activity and Sports
- Expert in prevention by physical Activity
- Trainer in APA, and in AP and Health
- Specialized Educator in APA

**(a) 1/2 page structure description of LEGISLATION in your country in relation to SPECIAL EDUCATION** (in special schools, special classes, inclusive setting etc.) Is PE (APA/APE) explicitly mentioned in law? What kind of support is mentioned? Who can work in children with special needs in PE (APA/APE) as teacher as support staff? What is their required training (in legislature)

### **Special classes in normal school settings**

Special classrooms do exist in normal school settings. They are set up if there are enough pupils with specific needs in the same geographical sector and according to the parents' request.

These classes are named:

- Social integration Class (CLIS in French) for primary school
- Integration Pedagogic Unit (UPI in French) for secondary school

Physical Education is mentioned in law but APA is not mentioned in law.

The teachers are recruited by the Ministry of Education (they have to take and pass a competitive exam: CAPEPS) allowing physical education teaching at school. Hence training in APA is not compulsory but the teachers' awareness of it is recommended.

## Special schools

As for **special classes**, the teachers are recruited by the ministry of education (they have to take and pass a competitive exam: CAPEPS) allowing physical education teaching at school. Hence training in APA is not compulsory but the teachers' awareness of it is recommended.

## Education in specialized institutes

They belong to the medico-social field.

APA is explicitly mentioned in law.

For instance, we have medico-educative institutes in which teaching of physical education can be provided by specialized APA educators (at least bachelors in APA). But in some cases, taking into account a convention with the national Ministry of Education, physical educators are seconded by this ministry. However, they have no skill in APA except for some of them who decide on their own, to follow some education or professional training in APA.

□ **(b) 1/2 page structure description of LEGISLATION in your country in relation to □ REHABILITATION** (in rehabilitation centers, hospitals, community setting).

## Hospitals setting

APA is not clearly explicitly mentioned in legislature.

For instance, in the decree published in 1993, it can be read the physical education is provided by sport animators.

**See Decree n°93-654 march 26<sup>th</sup> 1993 for animator status of hospital public service, revisited and consolidated in** **January 23<sup>rd</sup> 2009.**

More recently, a job form has been published in the **index of state hospital jobs** by the ministry of Health, Youth, Sports and Associative Life and Health: the job is entitled **Sport Medico-Educator (indeed this job correspond to sport animator)** : a professional in APA (bachelor degree at least) can work in this setting. However, it is mentioned in the text that all professionals (holder of a state certificate in sport) in animation, sport and competition can exert this profession in hospital settings!!!

Another problem is that despite the official inscription of APA professional in this setting, there is a gap between text and reality. Indeed, considering employment, the job "**Sport Medico-Educator (SME)**" does not exist in the **scale salary** of **state hospitals!!! Hence, in case of employment and until now, Sport Medico-Educators were employed as superior technician.**

However the legislation is evolving despite lack of official publication. For instance, the profession entitled "**teacher in APA**" (versus SME) is mentioned in the **catalogue of rehabilitation and readaptation acts** (information systems of medical programs or PMSI) and is recognized in medical rehabilitation centres (see bellow). In addition, a recent report has been published by the **Ministry of Health, Youth, Sports and Associative Life (** Pr Toussaint: National program of prevention by physical activity) **. In this program there are a lot of proposals improving integration of APA professionals in hospital settings.**

## **Rehabilitation centers**

The **management of hospitalization and care organization** (Ministry of Health, Youth, Sports and Associative Life), recently published 2 circulars (N°DHOS/O1/2008/305 october 3<sup>rd</sup>

, 2008 related to decrees n° 2008-377 of April 17<sup>th</sup>

2008 and N° DHOS/O2/2008/299, 26 September 26<sup>th</sup>

2008), regulating activity in follow-up care and rehabilitation institutes or care giving centers for addictive persons.

These texts are very important since they emphasise the role of teacher in APA in this framework.

□ **(c) 1/2 page structure description of LEGISLATION in your country in relation to SPORT/RECREATION** □ Are persons with disabilities explicitly mentioned in your SPORT/RECREATION legislation? In which specific way? Who can work in sport and recreation in your country? Who can work in sport and recreation with persons with disabilities in your country?

Disabled persons are explicitly mentioned in our legislation (Ministry of Health, Youth, Sports and Associative Life) and particularly persons with mental retardation, psychological troubles, motor and sensory disabilities.

#### **Professionals who can work with these persons in Sport:**

Persons with State Certificate of Sport Education delivered by the French Federation of Adapted Sport and the French Federation of Sports for the Disabled (Ministry of Health, Youth, Sports and Associative Life, **Decree of octobre 2<sup>nd</sup> 2007 modifying the circular of december 16<sup>th</sup> 2004**)

#### **Professionals who can work with these persons but in Recreative activities:**

**According to Article L.212-1 of Sport Code, Decree of October 12<sup>th</sup>, 2006 published by the Ministry of Health, Youth, Sports and Associative Life:**

A professional with a **Bachelor degree in APA** can lead physical activity sessions in the aims of maintaining health, of rehabilitation or integration for persons with

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