

LEGISLATIVE DEFINITIONS AROUND LEARNERS VULNERABLE TO EXCLUSION

Country Report: Sweden



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You may cite this publication as follows: European Agency for Special Needs and Inclusive Education, 2023. *Legislative Definitions around Learners Vulnerable to Exclusion – Country Report: Sweden*. Odense, Denmark

The information in this document was current in November 2022.

See the [Legislative Definitions around Learners Vulnerable to Exclusion web area](#) for further information about this activity.



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INTRODUCTION

Since the foundation of the European Agency for Special Needs and Inclusive Education (the Agency) in 1996, there have been key conceptual changes in the thinking behind and policy priorities for developments on the journey towards inclusive education.

A first shift was from the concept of special educational needs (SEN) to special needs education (SNE). This represented a move away from focusing on the learner (special educational needs), towards a focus on the provision that learners who experience difficulties at school may need (special needs education). The term '**special needs education**' widened the focus beyond learners with disabilities to include learners who appeared to be failing in school for a wide variety of reasons – for example, children living in poverty or those from different linguistic or cultural backgrounds. Special needs education, however, continued the deficit or medical model that still saw the problems as being within the learner.

There has never been an agreed definition of SEN or SNE that could be used across countries. The groups of learners considered to have **special needs** requiring additional provision largely differ across countries.

Inclusion requires a move away from a concern with the categories a learner may or may not fall into, to focus on the barriers some learners experience that lead to marginalisation and exclusion. This leads to an overall focus on **learners vulnerable to exclusion** by the education system. Agency work focuses on supporting the development of **inclusive education** systems in its member countries to ensure every learner's right to inclusive and equitable educational opportunities. This aim is directed at **all learners**, while recognising the need to specifically address specific **learners vulnerable to exclusion**.

Agency work acknowledges that every learner has their own unique experiences of discrimination and/or barriers to learning. All aspects of Agency work aim to consider everything and anything that can marginalise learners and increase their chances of exclusion (European Agency, 2021¹). This requires a move away from a medical approach and labelling with separate provision for different groups, towards a rights-based approach that focuses on the barriers within the system ([European Agency, 2022a](#)).

Central to this commitment and understanding of inclusive education are the legal definitions or descriptions in policy that Agency member countries use to identify and potentially label learners to make additional provision and resources available for them based on their needs.

The Agency also acknowledges the growing need to take account of **intersectionality** – the interconnected nature of all social categorisations – when considering the needs of all learners. Intersectionality is the understanding that a person, group of people,

¹ European Agency for Special Needs and Inclusive Education, 2021. *Multi-Annual Work Programme 2021–2027 Parameters*. Odense, Denmark. Unpublished



organisation or social problem is affected and impacted upon by a number of pressures, forces, levers, discriminations and disadvantages. It considers everything and anything that can marginalise learners and increase their chances of exclusion. This includes, but is not limited to:

... gender, remoteness, wealth, disability, ethnicity, language, migration, displacement, incarceration, sexual orientation, gender identity and expression, religion and other beliefs and attitudes ([UNESCO, 2020](#), p. 4).

The Agency's current [Multi-Annual Work Programme](#) (2021–2027) highlights the concept of intersectionality.

The Legislative Definitions around Learners Vulnerable to Exclusion activity

[Legislative Definitions around Learners Vulnerable to Exclusion](#) aimed to collect information from Agency member countries focusing on legislative definitions around learners vulnerable to exclusion in education systems. It collected evidence to indicate where countries currently stand regarding the **definition of** and **approach to** learner groups and risk factors within inclusive education systems. There was a particular focus on legislative definitions and descriptions around a broad vision of inclusive education for **all learners**.

Specifically, the activity examined how Agency member countries legally define and describe learners' needs in terms of considering them as groups of **learners with special needs** or **learners vulnerable to exclusion**. It also considered how **anti-discrimination legislation** and **legislation for inclusive education** define and/or describe learners' needs, and explored the concept of **intersectionality**.

In the activity, the term '**learners' needs**' is understood as a way to highlight a requirement for educational provision and/or support without applying a label based on an external factor that in some way describes or impacts upon an individual or group of learners. Using the non-categorical term 'learners' needs' would be an **ideal** approach for countries to take and is in line with the Agency position on inclusive education systems ([European Agency, 2022b](#)).

The **reality** – as evidenced by analysing countries' legislative definitions or descriptions in policy around learners' needs – clearly indicates that legislation and policy documents describe learners' needs with less of a focus on learner requirements for provision and support, and more on externally generated labels that identify groups of learner characteristics.

The activity uses the terms '**categories of groups of learners**' and '**groups of learners**'. They refer to the groups of learners identified through the analysis conducted in this activity. However, it must be made clear that references to categories of groups of learners do not in any way endorse or promote the labelling of learners. The term 'groups of learners' has been applied as a way of investigating where and how country legislation and policy make distinctions between different groups of learners who may be vulnerable to exclusion.



As with the journey towards inclusive education, legal definitions may be developing towards **learners vulnerable to exclusion** and the consideration of **intersectionality**. Therefore, to respect the context of all countries, information on **special needs** categories is considered, as well as definitions considering **all learners**.

Please refer to the [Legislative Definitions around Learners' Needs – Policy Brief](#) for more information about the activity.

How the country reports were prepared

Agency team members compiled evidence from 35 Agency member countries.

Agency team members collected the information in this country report from Agency reports, the [country information pages](#) and [Eurydice](#) sources. The extracts focus on identifying **legal definitions** around learners vulnerable to exclusion. They do not cover the different forms of provision for these learners. However, it is recognised that in some cases there may be *operational* definitions rather than *legal* definitions.

The extracts are considered evidence of a *legal definition* and are included if they explain how a term is understood within legislation and policy. In some cases, there may not be an extract that provides this information; however, the legal documents provide indirect evidence that a legal definition may exist. Where this indirect evidence was found, it has been included.

It is to be expected that there may not be information available in response to every question, as country contexts differ and each country is at a different stage on the journey to develop inclusive education. Therefore, a wide range of questions was selected to allow evidence to be collected from every Agency member country.

Each of the first three sections begins by clarifying key terminology.

This report includes three sections with information that the Agency team compiled:

1. [Legal definitions of special needs](#)
2. [Legal definitions of learners vulnerable to exclusion](#)
3. [Legal definitions of inclusive education](#).

Section 4 contains [additional questions](#) that country representatives could choose to answer. Country representatives also had the option to review and amend sections 1–3.

The completed country reports served to identify trends within and across countries on legal definitions related to learners vulnerable to exclusion. The activity report, [Legislative Definitions around Learners' Needs: A snapshot of European country approaches](#), explains how the country reports were used for the analysis and presents the findings.



LEGISLATIVE DEFINITIONS AROUND LEARNERS' NEEDS IN SWEDEN

1. Legal definition of special needs

A **learner with special needs** is understood as a learner who:

... for a wide variety of reasons, require[s] additional support and adaptive pedagogical methods in order to participate and meet learning objectives in an education programme. Reasons may include (but are not limited to) disadvantages in physical, behavioural, intellectual, emotional and social capacities ([UNESCO Institute for Statistics, 2012](#), p. 83).

1.1 There is a legal definition of special needs

Evidence

Although there are legal documents which address provision for learners with special needs, no single definition of learners with special needs was found.

Some groups were identified:

- Learners with disabilities
- Learners who will not meet the minimum grading criteria or criteria for assessment of knowledge
- New arrivals.

1.2 The legal definition of special needs is found in laws and policies

Evidence

§ 4 / Entry into force I: 2022-07-01 / A special assessment shall be made of a learner's knowledge development in:

1. the pre-school class, if, based on the use of a national mapping material, there is an indication that the learner will not meet the criteria for assessment of knowledge for years 1 and 3 in Swedish, Swedish as a second language or mathematics;
2. primary school, if based on the use of a national assessment support or a national test in Swedish, Swedish as a second language or mathematics, there is an indication that the learner will not meet the criteria for assessment of knowledge for year 1 or 3
3. primary special school, if based on the use of a national assessment support or a national test in Swedish, Swedish as a second language or mathematics, there is an indication that the learner will not meet the criteria for assessment of knowledge for year 1 or 4.



If, after such an assessment, it is feared that the learner will not meet the criteria for assessment of knowledge that apply to the school form in question, such support as specified in section 5 shall be promptly planned or a report made to the principal in accordance with § 7.

Consultation with staff with special educational competence

§ 4 a The pre-school teacher or teacher in charge shall consult with staff with special educational competence in:

1. a special assessment in accordance with section 4;
2. planning of support specified in section 5 when it is discovered in the pre-school class or primary school that such support needs to be given in Swedish, Swedish as a second language or mathematics;
3. follow-up according to § 4 b.

Support in the form of extra adjustments

§ 5 / Ceases to apply U: 2022-07-01 / If, within the framework of the teaching, through the use of a national mapping material or a national assessment support, the result of a national test or information from teachers, other school staff, a learner or a learner's guardian or otherwise, it appears that it may be feared that a learner will not reach the minimum knowledge requirements or the requirement levels that apply, and nothing else follows from section 7, the learner shall be promptly given support in the form of extra adaptations within the framework of the regular teaching.

The support must be given on the basis of the learner's education in its entirety, unless it is clearly unnecessary.

This applies to learners in all school forms and in after-school centres (Act 2018: 1098).

§ 7 / Entry into force I: 2022-07-01 / If, within the framework of the teaching, through the use of a national mapping material or a national assessment support, the result of a national test or information from teachers, other school staff, a learner or their guardian or otherwise, it appears that it may be feared that a learner will not meet the minimum grading criteria or criteria for assessment of knowledge, despite support having been given in the form of extra adjustments within the framework of regular teaching according to § 5, this must be reported to the principal. The same applies if there are special reasons to assume that such adjustments would not be sufficient. The principal must ensure that the learner's need for special support is promptly investigated. The need for special support must also be investigated if the learner presents other difficulties in their school situation.

Consultation should take place with learner health, unless it is clearly unnecessary.

If an investigation shows that a learner needs special support, they must be given such support. The support must be given on the basis of the learner's education in its entirety, unless it is clearly unnecessary.

How special support may be given

§ 8 Special support may be given instead of the teaching the learner would otherwise have participated in or as a supplement to this. The special support shall be given within



the learner group to which the learner belongs, unless otherwise provided by this law or other statute (Act 2018: 1098).

Action programme

§ 9 An action programme shall be prepared for a learner who is to be given special support. The programme must state the need for special support and how it is to be met. The programme must also state when the measures are to be followed up and evaluated and who is responsible for the follow-up and evaluation, respectively. The learner and their guardian must be given the opportunity to participate when an action programme is prepared.

The action programme is decided by the principal. The principal may not transfer their decision-making power to anyone else if the decision means that special support must be given:

1. in another group of learners or individually according to § 11;
2. in the form of distance education and other education according to § 11a;
3. in the form of an adapted course of study in accordance with § 12.

If an investigation in accordance with § 7 shows that the learner does not need special support, the principal or the person to whom the principal has transferred the decision-making power shall instead decide that an action programme shall not be prepared (Act 2020: 605).

§ 10 / Entry into force I: 2022-07-01 / For a learner in compulsory school, compulsory special school, special school and Sami school, the special support shall be provided in the manner and to the extent necessary for the learner to be able to meet the minimum grading criteria or criteria for assessing knowledge (Act 2022: 146).

Special teaching group or individual teaching

§ 11 If there are special reasons, a decision pursuant to section 9 for a learner in compulsory school, compulsory special school, special school or Sami school may mean that special support shall be given individually or in a different teaching group (special teaching group) than the one to which the learner normally belongs.

Distance education

§ 11a A decision pursuant to section 9 may mean that special support shall be given in the form of distance education and other education in accordance with Chapter 22, if the requirements in Chapter 22 § 5 or 7 are met.

A decision pursuant to the first paragraph may relate to a maximum of one semester at a time (Act 2020: 605).

Adapted timetable

§ 12 If the special support for a learner in compulsory school, compulsory special school, special school or Sami school cannot be reasonably adapted to the learner's needs and conditions, a decision pursuant to section 7 may entail deviations from the timetable and the subjects and goals that otherwise apply to the education (adapted studies). In compulsory school, special school and Sami school, the adapted course of study shall be



designed so that the learner, as far as possible, has the conditions to reach eligibility for the upper-secondary school's national programme.

The principal is responsible for ensuring that a learner with an adapted course of study receives an education that, as far as possible, is equivalent to other education in the current school form.

(Act 2017: 620)

1.3 The legal definition of special needs is found in strategies and programmes

Evidence

The general advice is under reconstruction due to changes in the education law. The general advice is based on the Education Act and explains the purpose of the law and how to carry out its purpose in schools

The changes relate to:

- the mission of the learner's health;
- special need support in separate settings which is to take place next year;
- mapping of special needs.

1.4a Does your country's legal definition of special needs specify particular groups of learners?

Yes.

1.4b Which specific learner groups does the legal definition of special needs address?

Specific learner groups	Evidence
Learners with disabilities	<p>The Education Act chapter 3 § 2 / Entry into force I: 2022-07-01 / All children and learners in all school forms and in after-school centres shall be given the guidance and stimulus they need in their learning and personal development so that they can develop based on their own conditions as far as possible according to the goals of the education.</p> <p>Learners who, as a result of a disability, find it difficult to meet the various grading criteria or criteria for assessing knowledge that apply, must be given support that aims to counteract the consequences of the disability as far as possible.</p> <p>Learners who easily meet the minimum grading criteria or criteria for assessment of knowledge must be given guidance and stimulus to be able to further develop their knowledge (Act 2022: 146).</p>



Specific learner groups	Evidence
Learners who are new arrivals in Sweden	Measure in support of new arrivals and other learners whose knowledge has been assessed in accordance with § 12 c (Act 2018: 1098).
Learners: <ul style="list-style-type: none"> • who are deaf or hard of hearing; • who have combined visual and hearing impairment or acquired deaf-blindness; • with congenital deaf-blindness; • with severe language impairment. 	The Education Act chapter 12 Special schools for learners: <ul style="list-style-type: none"> • who are deaf or hard of hearing • who have combined visual and hearing impairment or acquired deaf-blindness • with congenital deaf-blindness • with severe language impairment
Learners with severe intellectual impairments Learners with visual impairment and severe intellectual impairments Learners who are deaf or have a hearing impairment in combination with severe intellectual impairments	The Education Act Särskoleförordningen, 1995:206 Förordningen om gymnasiesärskolan, 1994:741 Förordningen om vuxenutbildning för utvecklingsstörda, 1992:736 Source: Eurydice



Specific learner groups	Evidence
Learners with severe physical disabilities/severe mobility impairment	<p>The Education Act chapter 15</p> <p>Severe mobility impairment in upper-secondary education – Target group</p> <p>§ 35 In this chapter, a severe disability refers to a disability which, alone or in combination with another disability, results in a young person who:</p> <ol style="list-style-type: none">1. to be able to follow a programme in a high school needs access to a school with physical-adapted education;2. needs rehabilitation and, in some cases, housing in dormitories and nursing in housing. <p>Right to education</p> <p>§ 36 Young people who have a severe mobility impairment have the right to receive education in a high school with physical-adapted education if they:</p> <ol style="list-style-type: none">1. have completed the last year of compulsory school or equivalent;2. can start the education no later than during the first calendar semester of the year they turn 21;3. fulfil the other eligibility conditions that follow from §§ 29–34, in the case of national programmes. <p>Source: Eurydice</p>
Learners with exceptional learning abilities Learners who easily meet the grading criteria	<p>§ 2 Learners who easily reach the minimum knowledge requirements or the applicable requirement levels must be given guidance and stimulus to be able to further develop their knowledge (Act 2018: 1098).</p>



Specific learner groups	Evidence
<p>Learners who are hospitalised</p>	<p>The Education Act chapter 24, Special education</p> <p>§ 17 For learners in compulsory school, compulsory special school, special school, Sami school, upper-secondary school and upper-secondary special school who due to illness or similar reasons cannot participate in ordinary school work and who are cared for in a hospital or an institution attached to a hospital, special education shall be arranged at the hospital or institution, unless it is unnecessary for the learner to acquire knowledge. Such teaching shall, as far as possible, correspond to the teaching in which the learner is unable to participate.</p> <p>§ 18 Special education, according to section 17, shall not be given to a learner if the doctor responsible for their care advises against it.</p> <p>Principal</p> <p>§ 19 Special education according to § 17 is arranged by the municipality where the department is located. Such teaching must also be open to those who undertake compulsory schooling outside the school system.</p> <p>Education at home or in another suitable place</p> <p>Special education</p> <p>§ 20 For learners in compulsory school, compulsory special school, special school, Sami school, upper-secondary school and upper-secondary special school who due to illness or similar reasons cannot participate in ordinary school work for a longer period but who are not cared for in a hospital or an institution attached to a hospital, special education is arranged at home or in another suitable place. Such teaching shall, as far as possible, correspond to the teaching in which the learner cannot participate (Act 2015: 176).</p> <p>§ 21 Special education according to § 20 shall not be given to a learner if the doctor responsible for their care advises against it.</p> <p>Special education may be given at home only if the learner or their guardian agrees.</p>



2. Learners legally considered vulnerable to exclusion from education

Within this document, the term **learners vulnerable to exclusion** encompasses all learners whose educational experience is 'impacted upon by a number of pressures, forces, levers, discriminations and disadvantages' (European Agency, 2021, p. 6). These learners may or may not fall into categories of special needs and a special type of provision may or may not be available to support them.

Although there may not be an official definition of learners vulnerable to exclusion, learner groups which are addressed in different legal documents as receiving support and not identified as learners with special needs are listed here.

2.1 There is a legal definition of learners vulnerable to exclusion from education

Evidence

See [section 1](#); it is the same groups.

2.2 The legal definition of learners vulnerable to exclusion from education is found in laws and policies

Evidence

The Education Act; see [1.1](#).

2.3 The legal definition of learners vulnerable to exclusion from education is found in strategies and programmes

Evidence

The Education Act; see [1.1](#).

Inclusive education is a human right. Inclusion means that the education must be organised so that everyone can participate based on their conditions and succeed in learning.

[Right to inclusion](#)

All children and learners have the right to an inclusive education. To offer an inclusive education, those who work in pre-schools and schools need to ensure that the education is based on those who participate and their conditions.

In an inclusive education, all children and learners, regardless of functional ability, have their rights respected. The special education school authority has compiled a number of starting points for providing support in the work for an inclusive education.

The principles are based on the following conventions and laws:

- The Education Act (2010: 800)
- The curricula
- United Nations Convention on the Rights of Persons with Disabilities



- United Nations Convention on the Rights of the Child
- The Discrimination Act (2008: 567).

Inclusive education

§ 1 The purpose of this Act is to counteract discrimination and in other ways promote equal rights and opportunities regardless of gender, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

The Discrimination Act (2008:567)

§ 4 For the purposes of this Act:

1. 'Direct discrimination' means that someone is disadvantaged by being treated worse than someone else has been treated or would have been treated in a comparable situation, if the disadvantage is related to gender, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.
2. 'Indirect discrimination' means that someone is disadvantaged by the application of a provision, criterion or procedure which appears to be neutral but which may be particularly detrimental to persons of a certain sex, certain transgender identity or expression, certain ethnicity, certain religion or other belief, with a certain disability, a certain sexual orientation or of a certain age, unless the provision, criterion or procedure has a legitimate aim and the means used are appropriate and necessary to achieve the purpose.
3. Lack of accessibility: this means that a person with a disability is disadvantaged by the fact that reasonable accessibility measures have not been taken to put that person in a comparable situation with people without this disability, based on requirements for accessibility in law and other statutes, and with regard to:
 - the economic and practical conditions;
 - the duration and extent of the relationship or contact between the operator and the individual;
 - other significant circumstances.

In the Discrimination Act (2008:567)

An equivalent education

Teaching must be adapted to each learner's conditions and needs. It shall promote learners' continued learning and knowledge development based on the learners' background, previous experiences, language and knowledge.

The Education Act prescribes that the education within each form of school and within after-school centres must be equivalent, regardless of where in the country it is organised. The standards of equivalence are set out in the national targets. An equivalent education does not mean that the teaching must be designed in the same way everywhere or that the school's resources must be distributed equally. The learners' different conditions and needs must be taken into account. There are also different ways to reach the goal. The school has a special responsibility for those learners who, for various reasons, have



difficulty achieving the goals of the education. Therefore, teaching can never be designed equally for everyone.

The school must actively and consciously promote learners' equal rights and opportunities, regardless of gender. The school also has a responsibility to counteract gender patterns that limit learners' learning, choice and development. How the school organises education, how the learners are treated and what demands and expectations are placed on them, contribute to shaping their perceptions of what is feminine and masculine. The school must therefore organise the education so that the learners meet and work together, and test and develop their abilities and interests, with the same opportunities and on equal terms regardless of gender.

([Reference](#))

2.4a Do your country's legislation, policies or strategies specify particular groups of learners?

Yes.

2.4b Which specific learner groups are legally considered to be vulnerable to exclusion from education across legislation, policies or strategies?

Specific learner groups	Evidence
Visual impairment combined with additional disabilities	See 2.2
Deafness or hearing impairment combined with learning disabilities	See 2.2
Severe speech and language disorders	See 2.2
National minorities	Part 1 of Lpfö 18 (revised curriculum for pre-primary education) Source: Country Policy Review and Analysis (CPRA), p. 3



Specific learner groups	Evidence
<p>Migrant learners/ newly-arrived learners who are starting with the language</p>	<p>The Education Act chapter 3 § 12 Reception and teaching of new arrivals and some other learners</p> <p>Definition of newcomer</p> <p>In this Act, a newcomer means a person who:</p> <ol style="list-style-type: none"> 1. has resided abroad; 2. now resides in the country; 3. has started their education in Sweden later than the start of the autumn term in the calendar year in which they turn seven. <p>A learner should no longer be considered a newcomer after four years of schooling in Sweden.</p>
<p>Young people with developmental disorders or acquired brain injuries</p>	<p>Source: CPRA, p. 6</p> <p>Chapter 18 –The purpose of education</p> <p>§ 2 The upper-secondary special school shall give learners with intellectual impairment an education adapted to them that shall provide a good basis for professional activities and further studies, as well as for personal development and active participation in society.</p> <p>The education must be designed so that it promotes social community and develops the learners’ ability to independently, together with others, acquire, deepen and apply knowledge.</p> <p>The education in the upper-secondary special school shall mainly be based on the knowledge that the learners have acquired in the special school or in the corresponding education.</p> <p>Of chapter 29 § 8 follows that what is stated in this Act on young people with developmental disabilities shall also apply to certain other young people (Act 2012: 109).</p> <p>Chapter 29 – People with intellectual disabilities</p> <p>§ 8 What is said in this Act about persons with intellectual impairment also applies to those who have experienced a significant and permanent intellectual impairment due to brain damage, caused by external violence or physical illness.</p> <p>Persons with autism or autism-like conditions shall, in the application of this Act, be equated with persons with intellectual impairment only if they also have a developmental disorder or such a disability as is referred to in the first paragraph.</p>



Specific learner groups	Evidence
Children who are ill or are at risk of falling ill	<p>Chapter 5 § 1 of the Social Service Act (SFS 2001:453), Chapter 29, § 13 of the Education Act, § 2 of the Act of Health and Medical Care (SFS 2017:30) and Chapter 6, § 5 of the Police Act (SFS 984:387)</p> <p>See 1.4b</p>
Young people with psychosocial problems	<p>Chapter 24 The Education Act</p> <p>Education in special youth homes</p> <p>Education for compulsory schoolers</p> <p>§ 8 During a stay in a special youth home referred to in § 12 of the Act (1990: 52) with special provisions on the care of young people (especially youth homes), compulsory school children, who cannot suitably fulfil their compulsory schooling in any other way, shall fulfil it by participating in education in special youth homes.</p> <p>The training shall be arranged through the care of the principal of special youth homes. It must correspond to the education in compulsory school or, where applicable, compulsory special school or special school. For such education, the relevant provisions of the Education Act shall be applied with the necessary deviations that follow from the child staying in such a special youth home. However, the following provisions need not be applied:</p> <ul style="list-style-type: none">• Provisions on register control (Chapter 2, Sections 31–33)• Provisions on premises and equipment (Chapter 2, Section 35). <p>(Act 2015: 176).</p> <p>Act 1990: 52 with special provisions on the care of young people</p> <p>§ 2 Care shall be decided if, due to physical or mental abuse, improper use, deficiencies in care or any other situation in the home, there is a significant risk that the young person's health or development will be harmed (Act 2003: 406).</p> <p>§ 3 Care shall also be decided if the young person exposes their health or development to a significant risk of being harmed by the abuse of addictive substances, criminal activity or some other socially destructive behaviour.</p>

2.5a Does anti-discrimination and equal rights legislation address different learner groups in the education system?

Yes.



2.5b Which specific learner groups are listed in anti-discrimination and equal rights legislation?

Specific learner groups	Evidence
<p>The measures apply to pre-primary and compulsory education and other activities regulated under the Education Act. The measures form part of discrimination law. The active measures against discrimination stipulate actions against seven types of discrimination:</p> <ol style="list-style-type: none"> 1. Gender 2. Gender identity or gender expression 3. Ethnicity 4. Religion or other beliefs 5. Disability 6. Sexual orientation 7. Age. <p>One form of disability discrimination is lack of accessibility. Lack of accessibility means an activity does not take reasonable measures to ensure that a person with disabilities is in a comparable situation with a non-disabled person.</p>	<p>The Discrimination Act (2008:567) entered into force on 1 January 2009.</p> <p>Chapter 3 of the Discrimination Act</p> <p>National legislation: 1 January 2017, the Discrimination Act</p> <p>Source: Country information</p> <p>The Equality Ombudsman</p>

3. Legal definition of inclusive education

The Agency views **inclusive education** as:

... a systemic approach to providing high quality education in mainstream schools that effectively meets the academic and social learning needs of all the learners from the school's local community ([European Agency, 2015](#), p. 2).

In inclusive education:

Learners are placed at the centre of a system that needs to be able to recognise, accept and respond to learner diversity. Inclusive education aims to respond to the principles of efficiency, equality and equity, where diversity is perceived as an asset. Learners also need to be prepared to engage in society, to access meaningful citizenship and to acknowledge the values of human rights, freedom, tolerance and non-discrimination ([Soriano, Watkins and Ebersold, 2017](#), p. 6).



3.1 There is a legal definition of inclusive education

Evidence

The Swedish education system is based on the philosophy that all learners have the same right to personal development and learning experiences. The inclusion of all learners within this principle is crucial and the rights of learners who need special support are not stated separately.

Chapter 1 Education Act

The purpose of education in the school system

§ 4 The education within the school system aims for children and learners to acquire and develop knowledge and values. It should promote the development and learning of all children and learners, as well as a lifelong desire to learn. The education must also convey and establish respect for human rights and the fundamental democratic values on which Swedish society rests.

The education must take into account the different needs of children and learners. Children and learners should be given support and stimulation so that they develop as far as possible. One aim should be to offset differences in the children's and learners' ability to assimilate the education.

The education also aims to, in collaboration with the home, promote children's and learners' all-round personal development into active, creative, competent and responsible individuals and citizens.

The right to education

§ 3 According to chapter 7 § 18 first paragraph of the form of government, all children covered by the general compulsory schooling have the right to free basic education in public school.

Source: [CPRA](#), p. 6

3.2 The legal definition of inclusive education is found in laws and policies

Evidence

Chapter 1, § 1 of the Education Act.

Source: [CPRA](#), p. 6

Chapter 1 § 4

The education must also convey and establish respect for human rights and the fundamental democratic values on which Swedish society rests.

The education must take into account the different needs of children and learners. Children and learners should be given support and stimulation so that they develop as far as possible. One aim should be to offset differences in the children's and learners' ability to assimilate the education.



The education also aims to, in collaboration with the home, promote children's and learners' all-round personal development into active, creative, competent and responsible individuals and citizens.

It does not define inclusive education but the values behind the law are based on the concept of inclusion from international conventions such as the Convention on the Rights of Persons with Disabilities.

3.3 The legal definition of inclusive education is found in strategies and programmes

Evidence

Inclusive education is a human right. Inclusion means that the education must be organised so that everyone can participate based on their conditions and succeed in learning.

[Right to inclusion](#)

All children and learners have the right to an inclusive education. To offer an inclusive education, those who work in pre-schools and schools need to ensure that the education is based on those who participate and their conditions.

In an inclusive education, all children and learners, regardless of functional ability, have their rights respected. The special education school authority has compiled a number of starting points for providing support in the work for an inclusive education.

The principles are based on the following conventions and laws:

- The Education Act (2010: 800)
- The curricula
- United Nations Convention on the Rights of Persons with Disabilities
- United Nations Convention on the Rights of the Child
- The Discrimination Act (2008: 567).

[Inclusive education](#)

§ 1 The purpose of this Act is to counteract discrimination and in other ways promote equal rights and opportunities regardless of gender, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

The Discrimination Act (2008:567)

§ 4 For the purposes of this Act:

1. 'Direct discrimination' means that someone is disadvantaged by being treated worse than someone else has been treated or would have been treated in a comparable situation, if the disadvantage is related to gender, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.
2. 'Indirect discrimination' means that someone is disadvantaged by the application of a provision, criterion or procedure which appears to be neutral but which may be particularly detrimental to persons of a certain sex, certain transgender identity



or expression, certain ethnicity, certain religion or other belief, with a certain disability, a certain sexual orientation or of a certain age, unless the provision, criterion or procedure has a legitimate aim and the means used are appropriate and necessary to achieve the purpose.

3. Lack of accessibility: this means that a person with a disability is disadvantaged by the fact that reasonable accessibility measures have not been taken to put that person in a comparable situation with people without this disability, based on requirements for accessibility in law and other statutes, and with regard to:
 - the economic and practical conditions;
 - the duration and extent of the relationship or contact between the operator and the individual;
 - other significant circumstances.

3.4 Do legal documents related to inclusive education refer to all learners, specific learner groups, or both all learners and specific learner groups?

Legal documents refer to all learners.

According to the Swedish Education Act ([Skollagen](#) 2010:800, § 4), the basic principle guiding all Swedish education, from childcare to the transition period, is access to equivalent education for all. This means that learners who need special support should not be treated differently or defined as a group that is any different from other learners. Their rights are not stated separately, but the obligation for schools to attend to all learners' needs is emphasised. (Source: [Country information](#)).

4. Additional questions

4.1 Are there other specific learner groups that receive additional support within the education system that have not been accounted for in this document? If yes, which legal documents (legislation, policies or strategies) address them?

No.

4.2a Is the term or concept of 'intersectionality' mentioned in legislation?

No.

4.2b Share details on how the concept is mentioned in the legislation

The word intersectionality comes from the English 'intersection', which can mean crossroads or interchange. It is used to denote how different power structures and grounds for discrimination affect and sometimes reinforce each other. An individual order of power cannot be understood independently of others. However, the execution of an intersectional analysis does not presuppose that all systems of power are lifted; one can instead choose the categories that are relevant to the current analysis.

Intersectionality can be used as an analysis tool in many different areas and also function as a tool. An intersectional analysis can, for example, show how special investments in certain target groups, such as new arrivals, low-skilled people or people with disabilities,



do not take into account that people can belong to several target groups at the same time and have needs that require a combined effort.

[Find out more about intersectionality.](#)

[Swedish Gender Equality Agency](#)

A [report by the Equality Ombudsman](#) shows that grounds for discrimination other than disabilities often interact in the reported events. For example, notions of gender or motherhood can play a significant role when the social services investigate the parenting ability of mothers with disabilities. It is therefore important to keep in mind that there are more grounds for discrimination than disability that can have an impact on the reported events.

4.3a Are there any proposals/plans for changes in legislation focused on learners vulnerable to exclusion?

Yes.

4.3b What proposals or plans exist for changes in legislation focused on learners vulnerable to exclusion?

No information.

4.4 Do you have any further comments?

There is a proposal for changes in the law regarding special needs. The proposal focuses on special settings within compulsory schools for longer-term placement in a so-called resource school where special needs may be more fitted in an action plan.

The [Law Council's referral](#) from the Ministry of Education on resource schools and additional amounts for special support (published 21 February 2022) proposes amendments to the Education Act (2010: 800). The aim is to develop and clarify the conditions for so-called resource schools, i.e. schools that limit their enrolment to learners who need special support.

Proposal from the Ministry of Education on [more equal learner health and strengthened education for learners with intellectual disabilities](#) (published 21 February 2022)

How you feel and how you perform in school is closely linked and therefore the school's work with learner health is important. For that reason, the government has decided on a Law Council referral with proposals that will strengthen learner health. The Law Council's referral also proposes initiatives for a strengthened education for learners with intellectual impairment.