

LEGISLATIVE DEFINITIONS AROUND LEARNERS VULNERABLE TO EXCLUSION

Country Report: Hungary



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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 HUNGARY

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

[Act CXC of 2011 on Public Education](#) defines learners with special educational needs as learners who – based on the opinion of an expert committee – have physical or sensory (visual, hearing) disabilities, intellectual disability or speech disorder, multiple disabilities, autism spectrum disorder or psychiatric disorders (serious disorder concerning learning or the control of attention or behaviour) which require special treatment.

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

Evidence

[Act CXC of 2011 on Public Education](#)

[Act LXXX of 2019](#) on Vocational Education

[Act CCIV of 2011 on Higher Education](#)

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

Evidence

[Guideline for kindergarten education of children with special educational needs](#)

[Guideline for school education of learners with special educational 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
<p>Learners requiring special attention include:</p> <ul style="list-style-type: none">• learners requiring special treatment:<ul style="list-style-type: none">- children and learners with special educational needs (see 1.1 for details);- children and learners with integration, learning or behaviour difficulties;- children and learners with outstanding talent;• children and learners with disadvantages or multiple disadvantages according to the Act on Child Protection and Guardianship Administration;• children and learners undergoing long-term medical treatment.	<p>Act CXCV of 2011 on Public Education</p> <p>Country information</p>
<p>Physical disability: significant and permanent disability due to congenital or acquired impairment and/or dysfunction of the locomotor system, which affects kinaesthetic experience learning and socialisation. A learner's special educational needs are determined by the time of occurrence and the form, extent and area of the impairment.</p>	<p>Guideline for kindergarten education of children with special educational needs</p> <p>Guideline for school education of learners with special educational needs</p> <p>Country information</p>
<p>Visual disability (blind, sight impairment, low vision): an impairment of the eye(s), the optic nerve or the pallial visual area, which affects cognitive functions, adaptability and personality. For special education purposes, learners whose visual acuity is between 0 and 0.33 – even with two eyes and if corrected (by glasses) – compared to full vision (visual acuity: 1) are visually impaired. In particular:</p> <ul style="list-style-type: none">• learners who have no visual acuity (visual acuity: 0) are blind;• learners with severe sight impairment are those who can sense light and see larger objects (visual acuity: sense of light to 0.1);• the visual acuity of people with low vision ranges between 0.1 and 0.33.	<p>Guideline for kindergarten education of children with special educational needs</p> <p>Guideline for school education of learners with special educational needs</p> <p>Country information</p>



Specific learner groups	Evidence
<p>Hearing disability (deaf, hearing loss): speech and language development and, as a result, personality are affected by lack or loss of hearing. In particular:</p> <ul style="list-style-type: none"> • deaf: severe loss of hearing (loss measured in the range of speech is 90 decibels); • hearing loss: the average hearing levels measured in the range of speech are 30–45 decibels for people with mild hearing loss, 45–65 decibels for people with moderate hearing loss and 65–90 decibels for people with severe hearing loss. <p>Learners who are deaf or have hearing loss have access to education from pre-school to higher education and vocational training. The state provides equal access to education through free sign language interpretation through inclusive education. In Hungary, Act CXXV of 2009 on Hungarian Sign Language stipulates a free sign language interpreter service for the hearing impaired for 120 hours per person per year, which is available to all citizens concerned. In addition, the state provides extra time during education. The necessary measures have been taken to introduce bilingual education. The Sign Language Act was amended in 2021, and the law now specifies the conditions under which Hungarian sign language must be taught, and the qualifications of the sign language teacher. The law also states that a person who teaches Hungarian sign language must register on the list of sign language teachers. The authority to maintain the list of sign language teachers was appointed in 2021.</p>	<p>Guideline for kindergarten education of children with special educational needs</p> <p>Guideline for school education of learners with special educational needs</p> <p>Act CXXV of 2009 on Hungarian Sign Language</p> <p>Country information</p>
<p>Intellectual disability: the Act on Public Education distinguishes groups according to the severity of intellectual disability and learners’ development needs: learners with mild intellectual disabilities (learning difficulties), learners with moderate intellectual disabilities, and children of school age with (severe and very severe) intellectual disabilities.</p>	<p>Guideline for kindergarten education of children with special educational needs</p> <p>Guideline for school education of learners with special educational needs</p> <p>Country information</p>



Specific learner groups	Evidence
<p>Speech impairment: a significant speech disorder due to congenital or acquired dysfunction of the nervous system, or to environmental effects, resulting in temporary or permanent disorders in language, communication and learning skills and in establishing social relations. It may present in:</p> <ul style="list-style-type: none">• disorders relating to the correct pronunciation of sounds of speech;• disorders relating to speech perception and cognition;• impairment of speech rhythm;• delayed graphomotor and visuomotor co-ordination;• the loss of skills involving general deficiency in speech;• dysphonia of various types and abnormal changes in intonation can also be considered speech disorders.	<p>Guideline for kindergarten education of children with special educational needs</p> <p>Guideline for school education of learners with special educational needs</p> <p>Country information</p>
<p>Autism spectrum disorder: the impairment of social, communication and special cognitive skills, resulting in specific behavioural symptoms. It is mostly characterised by cognitive deficits in social abilities and in the field of flexible ways of thinking and creativity, impaired communication compared to the level of speech and an unbalanced intelligence and ability profile.</p>	<p>Guideline for kindergarten education of children with special educational needs</p> <p>Guideline for school education of learners with special educational needs</p> <p>Country information</p>
<p>Multiple disabilities: co-existence of several disabilities.</p> <p>Severe and multiple disabilities: impairment of body structures causes a severe disorder in at least two specifically human functions, such as communication, speech, motion, intelligence and sensing-perception. Psychophysical performance differs extremely from the average, significantly restricting activities and social participation. As a rule, the underlying cause of severe and multiple disabilities is a complex impairment occurring early on in life. Disabilities might appear in a variety of combinations and severities and/or at different times.</p>	<p>Guideline for kindergarten education of children with special educational needs</p> <p>Guideline for school education of learners with special educational needs</p> <p>Country information</p>



Specific learner groups	Evidence
Other psychological development disorders (severe and permanent disorder of the cognitive functions or the development of behaviour): for example, dyslexia, dysgraphia, dyscalculia, severe attention or behavioural problems, etc.	Guideline for kindergarten education of children with special educational needs Guideline for school education of learners with special educational needs Country information

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

[Act CXC of 2011 on Public Education](#) defines learners with difficulties in integration, learning or behaviour as children/learners who require special attention and who, based on the opinion of the committee of experts, significantly underperform in relation to their age, face social relationship problems, or suffer from deficiencies in learning or the control of their behaviour. Their integration into the community or personal development may be impeded or they may show special tendencies but do not qualify as learners with special educational needs.

[Act CXC of 2011 on Public Education](#) defines learners undergoing long-term medical treatment as children or learners whose health care is expected to exceed thirty-six days of education in the current school year, based on the opinion of an outpatient or inpatient care specialist, which will prevent them from participating in their compulsory education by attending school.

[Act CXC of 2011 on Public Education](#) defines learners at risk of dropping out as learners whose average academic performance in the current school year shows a deterioration of at least 1.1 compared to the average performance of the previous school year, and for whom the application of complex, system-wide pedagogical measures becomes necessary.



The complex system of criteria for disadvantage and cumulative disadvantage are regulated by Act XXXI of 1997 on Child Protection and Guardianship Administration.

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

Evidence

[Act CXC of 2011 on Public Education](#)

Act XXXI of 1997 on Child Protection and Guardianship Administration

[Governmental Decree 1603/2014. \(XI.4.\)](#)

[Guideline for kindergarten education of children with special educational needs](#)

[Guideline for school education of learners with special educational needs](#)

[Methodological Recommendations for the education of children / learners with difficulties in integration, learning or behaviour](#)

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

Evidence

National Disability Programme 2015–2025

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
Early school leavers and learners at risk of drop-out Learners with disadvantages or multiple disadvantages	Act CXC of 2011 on Public Education Act XXXI of 1997 on Child Protection and Guardianship Administration Decree 1603/2014. (XI.4.)



Specific learner groups	Evidence
Learners with special educational needs	Act CXXV of 2003 on equal treatment and the promotion of equal opportunities Government Decree 110/2012 (VI. 4.) on the Issuance, Introduction and Implementation of the National Core Curriculum National Disability Programme 2015–2025 Guideline for kindergarten education of children with special educational needs Guideline for school education of learners with special educational needs
Learners undergoing long-term medical treatment	Act CXC of 2011 on Public Education Decree No 20/2012 (VIII. 31.) EMMI on the operation of educational institutions and on the use of names of public educational institutions

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>Every learner and all people. Act CXXV of 2003 on equal treatment and the promotion of equal opportunities lists the following discriminations:</p> <ul style="list-style-type: none">• gender• racial affiliation• skin colour• nationality• mother tongue• disability• health condition• religious or philosophical beliefs• political or other views• marital status• maternity (pregnancy) or paternity• sexual orientation• gender identity• age• social origin• financial situation• the part-time nature or fixed duration of your employment or other employment relationship• belonging to an interest group• other positions or characteristics.	<p>Act CXXV of 2003 on equal treatment and the promotion of equal opportunities</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

According to Act CXC of 2011 on Public Education, learners with special educational needs will be educated:

- in a special educational institution, kindergarten group or school class;
- partly or fully together with peers and learners in the same kindergarten group or school class.

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

Evidence

Public education regulations use the expression ‘inclusive education’, but do not define it.

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

Evidence

Public education regulations use the expression ‘inclusive education’, but do not define it.

‘Inclusive education’ is defined in:

- [Guideline for kindergarten education of children with special educational needs](#)
- [Guideline for school education of learners with special educational needs](#).

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 specific learner groups.



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?

In every county (and in the capital), there is a pedagogical assistance service, which has a sub-institution and units in every district. These are under unified leadership and professional protocols. The pedagogical assistance service's duties include:

- special education consulting, early development, education and care (early intervention and prevention, early childhood education and care);
- developmental education (after early development, but before school attendance for children with severe and multiple disabilities);
- expert activity (professional diagnostical committee);
- educational guidance;
- speech therapy;
- further study and career counselling;
- conductive educational service;
- adapted physical education;
- school and pre-school psychology service;
- promotion of particularly talented learners.

The pedagogical assistance service works directly with learners.

Decree No 15/2013 (II. 26.) EMMI on Pedagogical Assistance Service Institutions

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

Yes.

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

The Inter-Ministerial Committee on Disability Affairs was established in 2015. This advisory and consultative committee is operated by the State Secretariat of Social Affairs and Social Inclusion. Every ministry and every state secretariat (including the State Secretariat of Education) designates a member to this committee.

In 2016, the Hungarian Government launched a cross-sectoral programme to harmonise early childhood services and support. The educational, social and health care sectors were involved in the project, which is led by the State Secretariat of Family Affairs. The project ran until 2022.

Anti-segregation working groups within the school district councils send annual reports about their activity to the Klebelsberg Centre. Their responsibilities are to monitor anti-segregation processes, set up and operate early warning systems and propose anti-segregation measures.



Representatives of churches, other state-owned maintainers of public education institutions, civil organisations, child and family protection institutions, local self-governments, self-governments of ethnic minorities, micro-regional authorities, educational centres and higher education institutions can also be invited to the anti-segregation working groups ([Government Decree 308/2017 \(X. 27\)](#)).

According to Act CXXV of 2003 on equal treatment and the promotion of equal opportunities, the local government of the municipality, the city and the districts of the capital have to adopt a local equal opportunities programme every five years.

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

No information.

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?

No information.