
Legislation Updates

2017



EUROPEAN AGENCY
for Special Needs and Inclusive Education



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PREAMBLE

This short document presents information on new legislation – laws and policies – for special needs and/or inclusive education that has been introduced in Agency member countries in recent years.

As far as possible, information on updates from countries appears under these four headings:

- Overview of the new law or policy
- Focus and aim of the law or policy
- Likely impact of the law or policy
- Where to find more information.

Information is available for the following nine countries:

- [Croatia](#)
- [Czech Republic](#)
- [France](#)
- [Hungary](#)
- [Ireland](#)
- [Italy](#)
- [Sweden](#)
- [United Kingdom \(Scotland\)](#)
- [United Kingdom \(Wales\)](#).



CROATIA

Overview of the new law or policy

In March 2015, the Minister of Science, Education and Sports (now Minister of Science and Education) adopted a Regulation on Primary and Secondary Education of Students with Developmental Difficulties (Official Gazette, No. 24/2015). The new Regulation replaced the two existing regulations, Regulation on Primary Education of Students with Developmental Disabilities (Official Gazette, No. 23/1991) and Regulation on Secondary School Education of Students with Developmental Disabilities and Extensive Developmental Disabilities (Official Gazette, No. 86/1992).

The new Regulation is based on the principles of inclusion and an individual approach to every pupil with developmental difficulties. It ensures that differences among pupils are acknowledged and that schools and the education system are adapted to pupils' needs. The implementation of the new Regulation aims to ensure greater inclusion of pupils with developmental difficulties in the mainstream education system. This is to improve their quality of life (socialisation and training for independent life and work) and integrate them into life in the community after a period of suitable and adjusted education.

The Regulation states that pupils with developmental difficulties are entitled to follow suitable education programmes and receive suitable support during their school education. Suitable programmes and support are provided in the form of programme and professional support, as well as spatial, pedagogic and didactic adjustments.

Programme support entails the implementation of a suitable education programme, which is assigned to the pupil based on their skills, abilities and needs. Suitable education programmes are as follows:

- Mainstream programmes with individualisation
- Adjusted programmes
- Special programmes
- Special training programmes for independent life and work.

Suitable education programmes can be implemented in the following places:

- Mainstream classes in mainstream schools
- Partly in mainstream classes and partly in special classes in mainstream schools (partial inclusion)
- Special classes in mainstream schools
- Special schools.

Furthermore, if necessary, a prolonged, professional treatment or educational rehabilitation procedure is organised after mainstream classes. This provides pupils with developmental difficulties with additional help in their studies, through education and rehabilitation programmes, creative workshops and leisure activities.



Pedagogic and didactic adjustments include securing adapted information technology, specific didactic tools, textbooks adapted to pupils' special educational needs (whether in language, script or medium), electroacoustic equipment, adjusted forms of communication, etc.

Professionals in the field of education who work with children with developmental difficulties provide professional support. In mainstream schools, staff involved in supporting pupils in the classroom situation include the following teachers and expert associates employed in the school:

- Pedagogues
- Psychologists
- Educational rehabilitators
- Speech therapists
- Social pedagogues.

Teachers, educational rehabilitators, speech and language therapists, social pedagogues, and other experts, such as kinesiotherapists, music therapists, physical therapists, occupational therapists and nurses, provide support and conduct rehabilitation programmes in institutions which provide special educational programmes (special schools).

Pupils with developmental difficulties are also entitled to temporary forms of education, such as home education and education in a health care institution. Home education is approved for pupils who cannot attend school due to severe motor disabilities or chronic illness. This type of education is organised by the school with the approval of the Ministry of Education.

Forms of support also include securing pedagogical assistants and sign language interpreters as additional non-teaching staff in schools.

Pedagogical assistants assist pupils during school time and in extracurricular and out-of-school activities. They provide support in communication, social inclusion, mobility, food and drink intake and toileting. Pedagogical assistants help pupils to carry out their school tasks and should also co-operate with teachers, expert associates in school and the pupils' peers in the classroom.

Sign language interpreters provide support to deaf, deaf-blind and hard of hearing pupils in their communication system of choice.

In January 2017, changes to the Primary and Secondary School Education Act defined the allocation procedure of pedagogical assistants and sign language interpreters for pupils with developmental difficulties. The changes also set out the necessary level of education and training, work assignments and the process of including additional staff in schools.

A draft of a new regulation on pedagogical assistants and sign language interpreters has also been prepared, which prescribes a unified system for securing the support. The regulation will be put to public consultation and is expected to be adopted later this year.



Where to find more information

More information is available on the official [webpage of the Ministry of Science and Education](#) and the official [webpage of the Education and Teacher Training Agency](#).



CZECH REPUBLIC

Overview of the new law or policy

In 2016, the Czech Republic implemented major amendments to the Education Act of 2015 (Act No. 82/2015 Coll.), which significantly modified the rules for education, especially regarding inclusion. These subsidiary regulations include the following:

- Decree No. 27/2016 Coll., on the education of pupils with special educational needs (SEN) and talented pupils
- Decree No. 197/2016 Coll., which amends Decree No. 72/2005 Coll., on the provision of counselling services and facilities in schools, and certain other decrees.

The above amendments to the Education Act came into effect on 1 September 2016. They removed the unreasonably strict definition of SEN, which took the form of a list of specific types of disabilities. This approach significantly restricted the support measures available to pupils who truly needed them.

The amendments to the Education Act specify the conditions for providing support measures where necessary. They also include rules for communication and concerning co-operation between schools, pupils, counselling facilities and child protection authorities. Furthermore, the new law safeguards against the excessive use of support measures where they are no longer necessary, by both schools and statutory representatives.

The amendments to the Education Act are based on the presumption that everyone has the right to an education where the content, forms and methods reflect educational needs and possibilities. The necessary conditions that enable this education should be established, with counselling assistance provided by school counselling facilities. Education should be enjoyed by everyone; it should not be the privilege of a narrowly defined circle of people with disabilities or disadvantages.

Focus and aim of the law or policy

Statutory legal regulation

The amendment to the Education Act redefines a pupil with SEN as a pupil who needs support measures to fulfil their educational possibilities and pursue their right to education on an equal basis with others. Support measures are selected to reflect the pupil's state of health, the cultural environment and/or different living conditions. Classification of support measures is thus at the forefront, with classification of SEN subsequently derived from it.

The law defines the types of support measures without predetermining the level of support, so the decree may include measures of the same type at different levels. In essence, support measures represent exemptions from general rules that are also laid



down by law and guarantee on-going support to certain groups of people. They allow the following:

1. The possibility to adjust the conditions, content, forms and methods of education
2. Prolonging the standard duration of education
3. Adjustments to the conditions governing admission into, and completion of, education
4. Support for deaf and blind people
5. The adjustment of learning outcomes
6. The use of individual education plans
7. The use of teaching assistants and/or the opportunity to use relevant school counselling facilities or staff who provide support to pupils with SEN during their time at school
8. The construction and alteration of school premises.

Use of support levels two to five requires a recommendation by a school counselling facility and the informed consent of the pupil or their statutory representative.

Before the amendment, the school counselling system lacked unity of operation. Among other things, the new law stipulates that school counselling facilities must submit a recommendation, such as a formalised output of counselling services, to the pupil's school. This obligation is particularly important when the school counselling facility recommends that a support measure is no longer necessary. In this case, the school is obliged to terminate the provision of this support measure, especially if it involves education outside of the mainstream. The school counselling facility sends the recommendation directly to the school, rather than relying on the discretion of the statutory representative.

Reports and recommendations from school counselling facilities are subject to review. A review may be requested by the pupil, their statutory representative, the school or education facility, the public authority that requested the counselling assistance, or the Czech School Inspectorate. If necessary, the review procedure may include a new determination of the pupil's educational needs, which may be done only with the consent of the pupil (or their statutory representative). The introduction of a review authority directly accountable to the Ministry represents a significant step towards the standardisation and predictability of the activities undertaken by school counselling facilities.

Schools and their staff should always be primarily responsible for independent work with pupils with SEN which requires low levels of teaching and material demands. The new law therefore stipulates that schools may apply level one support measures without a recommendation from a school counselling facility. This reflects the subsidiarity principle, in that the school itself should work with the pupil first, and only if this proves insufficient should assistance be provided by specialised facilities, such as a school counselling facility.



However, in certain cases, strict adherence to this principle may be ineffectual. Therefore, the law does not rule out the following:

- A school counselling facility may recommend level one support measures to the parents or school.
- A statutory representative or school may request assistance from a school counselling facility straight away, without the school providing prior independent care.

An application and a recommendation by a school counselling facility are still required for placement in a special class or school. It is vital that school counselling facilities always determine, and prioritise, the possibility of educating pupils in mainstream classes with the use of support measures.

Subordinate legal regulation

The implementing legal regulation in this context includes Decree No. 27/2016 Coll., which stipulates:

- a specific list of support measures, their purpose and their breakdown into different levels;
- the rules for the use of support measures two to five by schools and standardised financial demands for the purposes of acquiring funding from the state budget pursuant to the law;
- the steps taken by schools or school facilities before granting support to a pupil;
- the organisation of the provision of support measures;
- the organisation and rules of education in classrooms, sections and study groups and in schools established pursuant to S. 16(9);
- the course and organisation of counselling services provided by schools and the activities of school counselling facilities, the basic principles for using diagnostic instruments and the rules governing co-operation between school counselling facilities and schools, other entities and public administration authorities;
- elements of reports and recommendations issued by school counselling facilities;
- the conditions for using teaching assistants and their activities and the conditions for the activity of support staff in accordance with special legal regulations;
- elements of the individual education plan;
- elements of informed consent with the provision of a support measure pursuant to S. 16(4) and (5) and an application pursuant to S. 16(9);
- rules and elements related to determining the educational needs of talented pupils, adjustment of the organisation, admission, course and completion of their education and conditions for transferring them to a higher grade.

Another comprehensive amendment to various subordinate legal regulations, implemented by Decree No. 197/2016 Coll., aims to align the provision of school counselling services with the wording of the Education Act. It also aims to ensure the



interconnection of all other implementing legal regulations, in particular relating to the amendment to the Education Act and Decree No. 27/2016 Coll. An interim goal of the amendment has been to align the rules of operation of the school counselling facility system, particularly through more precise standards for the provision of counselling services by school counselling facilities and schools.

School counselling facilities maintain their position in the new system; however, the new legal regulations provide greater standardisation and responsibility for the outcome of counselling assistance. This enables unified access to support measures for all pupils with SEN.

Likely impact of the law or policy

- The implementing legal regulation clearly defines a specific list of support measures and their target groups and indicates possible increased financial demands that follow from support measures.
- Lower level support measures have priority, as per the subsidiarity principle. This means a pupil's needs shall preferably be dealt with at school level and only subsequently with the help of the counselling system.
- Mainstream education always takes priority, if it is in the pupil's interest.
- The implementing legal regulation lays down the determination of the pupil's school environment as one of the basic rules. Pupils can therefore be sure that they will be recommended support measures reflecting not only their own prerequisites but also those of their educational environment.
- Counselling activity will be more predictable, as it will follow a unified set of support measures and refer schools to a unified methodological catalogue of support.
- The legal regulation will increase legal certainty for pupils and statutory representatives, who can request a review of the report and recommendation made by a school counselling facility. The law provides the chance to rectify those cases when a school fails to fully meet a recommendation made by a school counselling facility.
- It standardises the practice of school counselling facilities, which will increase the predictability of the system and the ways of testing its effectiveness (an implementing regulation will lay down the basis for unifying the practice in the new wording of S. 19 of Act No. 561/2004 Coll.).
- Informed consent of the pupil or their statutory representative regarding support measures is applied more broadly.
- The amendment standardises the supplementary charges in the Czech Republic, as an assessment of financial demands for support measures will serve as a binding basis to calculate supplementary charges. The supplementary charges for specific support measures will be unified across regions to remove differences in financing the same type of support measures in different regions. However, the purpose of



the amendment is not to equalise supplementary charges. Differences in the charges for different types of support measures shall not be eliminated.

Where to find more information

Consolidated wording of the individual legal regulations in Czech is available in the following documents:

- Education Act (Act No. 561/2004 Coll.)
- Decree No. 27/2016 Coll., on the education of pupils with special educational needs and talented pupils
- Decree No. 72/2005 Coll., on the provision of counselling services in schools and school counselling facilities.



FRANCE

Overview of the new law or policy

Since the Law of 11 February 2005 on the equality of rights and opportunities, participation and citizenship of people with disabilities, and the Law of 8 July 2013 on the orientation and schedule of public school reform, the French Ministry of National Education, Higher Education and Research has introduced numerous measures in favour of the education of young people with disabilities. These measures aim to offer more inclusive training paths in school and higher education, to facilitate the occupational integration of the young people concerned and to strengthen the professional competencies of staff such as teachers and assistants for learners with disabilities.

These laws and measures have led to significant progress in educational inclusion and a better awareness of the special needs of learners with disabilities. Nearly 280,000 young learners were enrolled in mainstream schools at the beginning of 2015, a 25% increase since 2012. Similarly, in 2016, there were more than 23,000 learners with disabilities in higher education, representing an average increase of 13% per year.

Focus and aim of the law or policy

Since the last update of this document (May 2015), several regulatory changes should be noted. They relate to:

- The training path for learners with disabilities, particularly their occupational integration and the procedures for exam accommodation available to them:
 - training and occupational integration (Circular no. 2016-117 dated 8 August 2016, Circular no. 2016-186 dated 30 November 2016, Order dated 1 July 2015, Circular no. 2017-011 dated 3 February 2017);
 - simplified examination and competitive exam procedures (Decree no. 2015-1051 dated 25 August 2015, Circular no. 2015-127 dated 3 August 2015, Order dated 10 October 2016).
- Programmes for educating learners with special educational needs (SEN):
 - ULIS – local units for educational inclusion (Circular no. 2015-129 dated 21 August 2015)
 - SEGPA – special needs classes in mainstream middle schools (Circular on the SEGPA dated 28 October 2015)
 - pre-school teaching units for children affected by autism spectrum disorder (Inter-ministerial instruction dated 10 June 2016, the instruction dated 23 June 2016).
- Professional competencies, particularly:
 - the reform of training for specialist teachers through the creation of the CAPPEI – Certificate of Pedagogical Competence in Inclusive Educational



Methods (Decree of 10 February 2017, Circular no. 2017-026 dated 14 February 2017, two orders dated 10 February 2017);

- training for support staff with the DEAES – state diploma in educational and social assistance (Decree no. 2016-74 dated 29 January 2016, order dated 29 January 2016, order dated November 2016);
- the creation of a single professional body of National Education Psychologists (Decree no. 2017-120 dated 1 February 2017, Memorandum no. 2017-004 dated 17 January 2017, Memorandum no. 2017-042 dated 28 February 2017).

Likely impact of the law or policy

The French Ministry of National Education, Higher Education and Research has made major efforts to improve the education of learners with disabilities in mainstream schools. The various educational programmes, individualised training paths and teaching adjustments tailored to learners' needs all comprise interlocking measures designed to make inclusion an integral part of the standard practices of primary schools, middle schools, high schools and higher education institutions. Apart from the aforementioned regulatory provisions, three projects to reform educational policy for learners with disabilities or general SEN are currently under consideration or are underway.

A circular specifying the assignments and activities of staff in charge of providing human assistance to learners with disabilities (AVS) was published in May 2017 (Circular no. 2017-084 dated 3 May 2017). It reiterates the different statuses of these assistants, their assignments and activities, especially regarding the setting in which learners with disabilities participate.

Similarly, in June 2016, the Ministry of National Education, Higher Education and Research set up a working group on the operation of EREAs (local special high schools), leading to the publication of a new circular reforming the one dated 17 May 1995. In particular, the new circular will pertain to pedagogical and educational supervision in boarding schools.

With regard to young deaf learners, the new school programmes adopted during the 2016 school year are currently being adapted to French Sign Language (LSF) and should be available for implementation starting in the 2017 school year.

Where to find more information

Official texts (from most recent)

[Missions and activities of staff accompanying students with disabilities](#) (Circular no. 2017-084 dated 3 May 2017)

[Primary level teachers – Conditions for introducing a single profession of National Education Psychologist for the school year 2017](#) (Memorandum no. 2017-042 dated 28 February 2017, in Official Bulletin of the French Ministry of Education – No. 9 dated 2 March 2017)



[Implementation of the training programme for young deaf learners](#) (Circular no. 2017-011 dated 3 February 2017, in Official Bulletin of the French Ministry of Education – No. 8 dated 23 February 2017)

[CAPPEI – Inclusive educational methods and specialised professional training](#) (Decree no. 2017-169 dated 10 February 2017, Circular no. 2017-011 dated 3 February 2017, in Official Bulletin of the French Ministry of Education – No. 7 dated 16 February 2017)

[Circular on specialised professional training and the CAPPEI](#) (Circular no. 2017-026 dated 14 February 2017, in Official Bulletin of the French Ministry of Education – No. 7 dated 16 February 2017)

[Organisation of the examination to obtain the CAPPEI](#) (Order dated 10 February 2017, in Official Bulletin of the French Ministry of Education – No. 7 dated 16 February 2017)

[Organisation of specialised professional training and preparation for the examination leading to the CAPPEI; Organisation of specialised professional training for teachers in charge of educating learners with special educational needs linked to disabilities, major learning difficulties or illness](#) (Order dated 10 February 2017, in Official Bulletin of the French Ministry of Education – No. 7 dated 16 February 2017)

[Decree no. 2017-120 dated 1 February 2017 relating to the statutory provisions regarding National Education Psychologists](#) (Official Journal of Laws and Decrees – No. 0028 dated 2 February 2017)

[Decree no. 2016-74 dated 29 January 2016 on the state diploma for educational and social assistants, modifying the social action and families code \(regulatory section\)](#) (Official Journal of Laws and Decrees – No. 0026 dated 31 January 2016)

[Order dated 29 January 2016 on the training required to obtain the state diploma for educational and social assistants](#) (Official Journal of Laws and Decrees – No. 0026 dated 31 January 2016)

[External, internal and reserved competitive examinations for National Education Psychologists – 2017 session](#) (Memorandum no. 2017-004 dated 17 January 2017, in Official Bulletin of the Ministry of Education – No. 3 dated 19 January 2017)

[Training and occupational integration of learners with disabilities](#) (Circular no. 2016-186 dated 30 November 2016, in Official Bulletin of the Ministry of Education – No. 45 dated 8 December 2016)

[Order dated 14 November 2016 on the training manual for the state diploma for educational and social assistants](#) (Official Journal of Laws and Decrees – No. 0273 dated 24 November 2016)

[Order dated 10 October 2016 concerning adaptation of and dispensation from some sections or parts of sections of the examination for the *Diplôme National du Brevet* \(school certificate\) for candidates with disabilities or who benefit from a personalised support plan](#) (Official Journal of Laws and Decrees – No. 0253 dated 29 October 2016)

[Directive no. DGCS/3B/2016/207 dated 23 June 2016 concerning the specifications of teaching units outsourced to social and socio-medical institutions and services \(ESMS – *Établissements et Services Médico-Sociaux* – Medical-Social Institutions and Services\) –](#)



[2016](#) (Official Bulletin of Health-Social Protection-Solidarity – No. 8 dated 15 September 2016)

[Training path in educational institutions for learners with disabilities](#) (Circular no. 2016-117 dated 8 August 2016, in Official Bulletin of the Ministry of Education – No. 30 dated 25 August 2016)

[Inter-ministerial Directive no. DGCS/SD3B/DGESCO/CNSA/2016/192 dated 10 June 2016 relating to the modification of national specifications for pre-school teaching units provided for in the 3rd autism plan \(2013-2017\)](#) (<http://circulaires.legifrance.gouv.fr/> – 10 June 2016)

[Order dated 29 January 2016 concerning the training required to obtain the state diploma for educational and social assistants](#) (Official Journal of Laws and Decrees – No. 0026 dated 31 January 2016)

[Sections of general education and adapted vocational training](#) (Circular no. 2015-176 dated 28 October 2015, in Official Bulletin of the Ministry of National Education – No. 40 dated 29 October 2015)

[Classes of general education and adapted vocational training](#) (Order dated 21 October 2015, in Official Bulletin of the Ministry of National Education – No. 40 dated 29 October 2015)

[Provisions for accommodating school education examinations and competitive exams to the needs of learners with disabilities](#) (Decree no. 2015-1051 dated 25 August 2015, in Official Bulletin of the Ministry of Education – No. 31 dated 27 August 2015)

[School education examinations and competitive examinations – Organisation for candidates with disabilities](#) (Circular no. 2015-127 dated 3 August 2015, in Official Bulletin of the Ministry of Education – No. 31 dated 27 August 2015)

[ULIS, programmes for schooling disabled learners in primary and secondary education](#) (Circular no. 2015-129 dated 21 August 2015, in Official Bulletin of the Ministry of Education – No. 31 dated 27 August 2015)

[Parcours Avenir \(Future Path\)](#) (Order dated 1 July 2015, in Official Bulletin of the Ministry of National Education – No. 28 dated 9 July 2015)

Summary documents (from most recent)

[Preparing for the 2017 school year: Demand for inclusive education for learners with disabilities](#) (updated March 2017)

[Educating disabled learners](#) (updated December 2016)

[Inclusive education: increasingly inclusive paths for learners with disabilities](#) (updated December 2016)

[2016 National Disability Conference: a positive progress report on inclusive education](#) (updated June 2016)



HUNGARY

Overview of the new law or policy

Hungary ratified the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol on 6 July 2007. Even before the ratification, Hungarian laws included regulations about special educational needs (SEN) and inclusive education. Act LXXIX of 1993 on Public Education, which was in force between 1 September 1993 and 31 August 2012, included the following rules:

- Educational institutions involved in special education must employ specialist educators. Experts with appropriate professional qualifications may also be provided through the mobile network of specialist educators.
- According to the law, learners with SEN can be educated partly or completely with peers and learners in the same pre-school group or school class.

Act LXXIX of 1993 on Public Education was followed by Act CXC of 2011 on National Public Education, which came into force on 1 September 2012. This new Act and its implementing decrees kept these rules, but also introduced some important changes:

- Organising the mobile specialist educator system: this is a mobile network of specialist educators, regularly shared among several pre-schools and schools. The duty of this mobile network is to support learners with SEN and offer guidance to teachers. These experts have appropriate professional qualifications, in case the educational institution does not employ an expert with a specialist qualification.
- Reorganising pedagogical assistance services: pedagogical assistance institutions involved in SEN diagnosis and educational and rehabilitative service provision were organised into regional networks. The state replaced the municipalities as the operator of these institutions and services. The service capacity was revised and restructured. The structural change aimed to create a coherent system and provide more stable access to services. As a result, there is now a pedagogical assistance service in every county and in the capital, with a sub-institution and units in every district. These are under unified leadership and follow professional protocols. Pedagogical assistance services include:
 - Special education consulting, early development and care
 - Expert activity (professional diagnostic committee)
 - Educational guidance
 - Speech therapy
 - Further study and career counselling
 - Conductive educational service
 - Adapted physical education
 - School and pre-school psychology service



- Promotion of talented learners.
- Reorganising the pedagogical professional services. These services include:
 - Pedagogical evaluation
 - Professional counselling and special subject-related tasks
 - Provision of educational information
 - Public education administration services
 - Support and organisation of teacher training, in-service training and self-education
 - Organisation and co-ordination of study, sports and talent promotion competitions
 - Information and counselling services for learners
 - Early warning and pedagogical support system to prevent drop-out.

The mobile specialist educator system and the pedagogical assistance services work with learners and assist teachers, while the pedagogical professional services work with teachers.

Focus and aim of the law or policy

Learners, teachers and parents, whose rights and obligations form an integrated unit, are the focus of public education. It aims to raise educational outcomes and improve access to inclusive education for all.

A priority of public education is to provide for early childhood development before school and to account for learners' SEN or difficulties in integration, learning or behaviour. It must support learners' development by adjusting to their individual needs and establish possibilities for their complete social inclusion.

Compulsory rehabilitation activities shall be organised for pupils with special needs in educational institutions, for health and pedagogical purposes. Learners will take part in as many rehabilitation activities as are necessary for health and pedagogical purposes.

When calculating the number of children in kindergarten groups, school classes or groups in halls of residence, learners with SEN including mild intellectual disabilities, physical development disabilities or speech disorders will be counted as two; learners with sensory (visual, hearing) or locomotor disabilities, moderate intellectual disabilities or autism spectrum disorders, or with multiple disabilities shall be counted as three if they are educated together with non-disabled peers. If the individual capabilities and development of the learner with SEN so require, the principal can make an exception, based on the expert committee's opinion.

In the secondary school leaving examination, pupils can choose different subjects, in accordance with the examination rules. At the request of examinees with SEN substantiated with the opinion of a committee of experts and under the authorisation of the principal, the time allotted for answering the written questions can be increased by a maximum of 30 minutes. Pupils with SEN can use any tools they generally use during their



studies and may sit an oral examination instead of a written examination. Their preparation time can also be increased by a maximum of 10 minutes.

Public education institutions may be established and operated by the state, nationality self-governments and churches registered in Hungary, as well as other authorised organisations or people. Kindergartens may also be established and operated by local governments.

In public educational institutions which are maintained and operated by the state and the local governments or the nationality self-governments, the following are available free of charge:

- Kindergarten education
- Compulsory primary education
- Secondary education, until the secondary school leaving certificate and training for the first (and, under certain conditions, for the second) vocational qualification are obtained
- Use of pedagogical assistance services
- The provision of halls of residence
- Vocational training for disadvantaged learners and learners with SEN.

In higher education, Act CCIV of 2011 on National Higher Education states that conditions for studying and taking exams shall be adjusted according to any disabilities that students have. Moreover, students with disabilities will receive assistance in fulfilling their obligations. In justified cases, they shall be exempt from taking certain modules, studying certain units or taking exams and being tested. If required, they will be exempt from taking language examinations. A longer preparation period shall be given during exams. The use of technical aids, such as typewriters and calculators, will be allowed for compiling reports in writing, or a written exam can be substituted by an oral one and vice versa. Exemptions granted under the Higher Education Act may not lead to exemption from fundamental academic requirements necessary to obtain a certificate in higher vocational education or a Bachelor's or Master's degree. Students with SEN get extra university entry points and four free semesters in which to finish their studies. They can have extra human help too, such as someone to take notes or to provide additional tutoring.

Likely impact of the law or policy

The current number of public educational institutions in Hungary is 5,885, including:

- 173 segregated institutions
- 150 partly segregated institutions
- 3,807 inclusive institutions
- 1,344 non-inclusive, non-segregated, non-partly segregated institutions
- 411 other institutions.



Sixty-eight percent of learners with disabilities take part in inclusive education in the public educational system.

The main priorities for education and inclusive education in 2014–2020 are determined by the National Disability Programme 2015–2025, the Human Resources Development Operational Programme 2014–2020 and the Public Education Development Strategy 2014–2020.

The objectives of these strategies are:

- developing the SEN welfare system that provides the ability to recognise individual needs and characteristics and relevant additional services;
- strengthening inclusive education in mainstream institutions;
- strengthening the role of Uniform Special Educational, Conductive Pedagogical Methodological Institutions (USEMI) in inclusive education;
- improving support for children with severe and multiple disabilities;
- developing pedagogical assistance services;
- improving quality-based early childhood education and care;
- career-building, further education, career counselling system, dissemination and practice of individual transfer programmes.

Where to find more information

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

[Act CLXXXVII of 2011 on Vocational Education](#)

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

[Decree No. 20/2012 \(VIII. 31.\) EMMI on the operation of educational institutions and on the use of names of public educational institutions](#)

[National Disability Programme 2015–2025](#)

[Human Resources Development Operational Programme 2014–2020](#)

[Public Education Development Strategy 2014–2020](#)



IRELAND

Overview of the new law or policy

The Department of Education and Skills published Primary Circular 13/2017 and Post-Primary Circular 14/2017 on 7 March 2017. These circulars provide details on the Department's new Resource Allocation Model (RAM) for learners with special educational needs (SEN) in primary and in post-primary schools and on how special education teachers will be allocated to schools at both levels. This replaces the existing allocation model, which was introduced in the late 1990s and further developed in the mid-2000s. This is a very significant development for the Irish education system.

The new RAM has been introduced based on policy advice received from the National Council for Special Education (NCSE) in 2013. The advice stated that the existing allocation system was inequitable, as:

- Some children could experience delays in accessing support because of delays in accessing the assessments required for the allocation of resource teaching hours.
- It took little account of the differing needs of different schools, as allocations were made based on the number of mainstream teachers in each school.
- There was a real risk that children were being diagnosed as having a special educational need for resource allocation purposes, rather than such a diagnosis being required for medical reasons.
- There is a spectrum of ability and disability within every category of special educational need.
- It allocated the same level of support for pupils within certain categories of SEN, even though one pupil may have a greater need for support than another with the same disability.

Under the RAM, the Department provides a single unified allocation for special educational support teaching needs to each school. This is based on a baseline component which every school will receive, as well as the school's educational profile. The educational profile takes account of:

- the number of learners with complex SEN enrolled in the school;
- the learning support needs in the school, as evidenced by standardised test results;
- the school's social context, including gender and disadvantage.

This single allocation will allow schools to provide additional teaching support for all pupils who require it. Schools will deploy resources based on each pupil's individual learning needs.

An additional 900 special education teaching posts are being allocated to schools to support the introduction of the RAM. This means there will be 13,400 teachers working with learners with SEN at primary and at post-primary levels in September 2017.



Focus and aim of the law or policy

The new RAM is designed to ensure that learners who need support can be supported immediately, rather than having to wait for a diagnosis of disability. It is also designed to ensure that:

- pupils will not be unnecessarily, or inappropriately, labelled in order to access resources;
- deployment of resources will be closely linked with the pupils' learning needs;
- pupils with SEN are better integrated into the school;
- the administrative burden on schools to source and submit assessments is significantly reduced;
- schools will no longer have to engage in an annual application process for resources.

The new allocation model will ensure that schools have greater certainty as to the resources available to them to provide additional teaching to support the inclusion of pupils with SEN on an on-going basis. This will allow schools to better plan and timetable for this provision. The earlier allocation process will also allow schools to plan in advance of the school year.

The new model will provide a greater level of autonomy for schools in managing and deploying additional teaching supports within their school, based on pupils' individual learning needs, as opposed to being based primarily on a diagnosis of disability.

Likely impact of the law or policy

The introduction of the new RAM means that schools will have the autonomy to deploy their resources based on the pupils' needs. The challenge for schools will be to ensure that, having received an allocation of resources from the state, the pupils who are in greatest need of additional support at any given time can actually receive that support.

Schools have received guidelines to support them in deploying their resources effectively. The guidelines outline six key principles for schools:

- Resources provided to support pupils with SEN should be used to facilitate the development of truly inclusive schools.
- Support provided to pupils with SEN should be based on their identified needs and be informed by regular reviews of progress (in consultation with parents and pupils), as outlined in the *Continuum of Support Guidelines*.
- The class or subject teacher has primary responsibility for the progress and care of all pupils in the classroom, including pupils with SEN.
- Special education teaching support provided to schools should be used solely for the support of pupils with identified SEN, including those pupils for whom English is an additional language. The special education teaching support cannot be used



to reduce the pupil–teacher ratio for general subject teaching or to provide additional subject options for pupils who do not have SEN.

- Pupils with the greatest levels of need should have access to the greatest levels of support and, whenever possible, these pupils should be supported by teachers with relevant expertise who can provide continuity of support.
- Schools should establish and maintain a core team of teachers to meet the needs of pupils with SEN. While members of this team may change from time to time, all members should have the necessary experience and access to continuing professional development to support the diverse needs of pupils with SEN.

Where to find more information

[Primary Circular 13/2017](#)

[Post-Primary Circular 14/2017](#)



ITALY

Overview of the new law or policy

The Italian government adopted the Good School (*La Buona Scuola*) reform of the national education and training system in July 2015. This reform sets out changes in education and training provision management and in the curricula.

Law 107/2015 (the Good School Reform Act) aims to affirm the central role of the school in society and raise all learners' levels of education and skills, based on individual learning times and styles. This will counteract inequalities, prevent school drop-out and create open schools as permanent labs for research, experimentation, educational innovation, participation and education for active citizenship. It will also guarantee the lifelong right to study, equal opportunities and achievement.

It enhances the school community and professional development through interactive collaboration and planning with families and the local community as a whole, including local bodies, authorities, associations, non-governmental organisations, etc.

Since all pupils with special educational needs attend mainstream schools, the reform is aimed at ensuring they receive good quality education and better job opportunities.

The reform is linked to the measures for Innovative Schools, which include:

- the National Plan for Digital Schools: a comprehensive strategy made up of 35 measures concerning new digital skills for learners, online tools for education, the promotion of open educational resources, work-school rotation in digital business, training for school staff, etc.;
- EUR 300 million for the construction of new innovative school buildings;
- the school bonus: 65% tax credit on private donations (maximum EUR 100,000) for new schools, the maintenance of existing ones, and for educational projects.

Focus and aim of the law or policy

The Good School Reform includes the following points:

Curricular activities

Primary schools have the task of boosting English, music and physical education. Lower-secondary schools have the task of strengthening the study of foreign languages and environmental education. Upper-secondary schools have the task of strengthening disciplinary teaching in foreign languages (content and language integrated learning), mathematical and logical skills, art and intercultural education.



Work-based learning

The law introduces the following points:

- A new vision of vocational education and training, providing between 200 and 400 hours of work-based learning for pupils each year
- A better link between secondary education and university programmes
- Particular emphasis on digital skills
- Provision (especially in terms of simplified procedures) to support post-secondary education at technical institutes (*istituti tecnici superiori*) as an alternative path to university
- Improved dialogue between the education system and the world of work.

School autonomy

The law also:

- establishes the creation of school networks at local level;
- provides schools with more teachers: 100,000 units, plus a further 50,000 via a public competition;
- gives school leaders responsibility for planning the school's main goals over a three-year period, in accordance with the three-year budgetary term (PTOF – Three-Year Educational Plan);
- includes PTOFs linked to a national triennial teacher and school staff training plan;
- introduces provisions for teacher training and evaluation and sets out compulsory on-the-job training for teachers.

Accountability

The law includes the implementation of the National System for School Evaluation (SNV). Through the drafting of the Self-Evaluation Report (RAV) and especially through the Improvement Plan (PdM) contained in the PTOF, educational institutions are rethinking their educational activity and improving it.

School leaders' evaluation

School leaders' evaluation started in 2017 and consists of a self-evaluation followed by an external evaluation. The head teacher will also be evaluated, taking into consideration the achievement of the objectives set in the PdM.

Enabling legislative decrees

The legislative decrees were approved by the Council of Ministers on 7 April 2017. The decrees put learners at the centre of an educational project that starts from birth through the 0–6 year integrated system, to provide everyone with equal access to quality education and to foster their learning achievements.



The decrees concern:

- initial training and recruitment of teachers for lower- and upper-secondary education;
- the inclusion of pupils with disabilities;
- revision of the vocational education and training paths;
- integrated education and training system for 0–6-year olds;
- measures to promote the right to education;
- the promotion of humanities and arts;
- Italian schools abroad;
- evaluation and state examinations.

In particular, the decree on the inclusion of pupils with disabilities introduces important novelties through:

- the redefinition of support teachers' initial training;
- the identification of early school leaving in education, health and social provision, taking into account the different institutional competences;
- the provision of indicators for self-evaluation and evaluation of school inclusion;
- the revision of criteria and procedures relating to certification;
- the reorganisation of the workgroups for inclusion;
- the provision of compulsory initial and in-service training for school leaders and teachers on pedagogy, didactics and organisation for inclusive education;
- the identification of in-service training requirements on school inclusiveness for administrative, technical and auxiliary staff, according to their specific expertise.

It aims to ensure an ever more welcoming school for pupils with disabilities, strengthening the role of families and associations in inclusion processes and involving – especially through in-service training – all the school staff.

Each school will draw up a specific Inclusion Plan within the framework of the three-year PTOF. School teaching and non-teaching staff will also be provided according to the school Inclusion Plan. Assessment of school inclusiveness has been introduced in the school evaluation (accountability).

Likely impact of the law or policy

The Good School Reform aims to strengthen links between schools and the labour market by mandating school-to-work experiences for all learners in the last three years of secondary school. It also includes a plan to strengthen digital competences among teachers and learners and provide a modern learning environment.

Participation in vocationally-orientated tertiary programmes is low in Italy. In recent years, Italy has taken steps to implement tertiary education programmes, with the creation of



technical institutes (*istituti tecnici superiori* – ITS). The reform supports the ITSs with new provisions.

The school reform is part of a more general set of structural reforms in a comprehensive strategy toward economic growth.

Where to find more information

[Ministry of Education, Universities and Research](#) website (in Italian)

The [Good School Reform](#)



SWEDEN

Overview of the new law or policy

From 1 January 2017, a Discrimination Act introduced new rules on active measures against discrimination. The new rules apply to pre-school, school and other activities regulated under the Education Act and form a part of discrimination law. The active measures against discrimination contained in Chapter 3 of the Discrimination Act stipulate actions against seven grounds of discrimination:

- Gender
- Gender identity or gender expression
- Ethnicity
- Religion or other beliefs
- Disability
- Sexual orientation
- Age.

One form of discrimination concerning disability is lack of accessibility. Lack of accessibility means an activity does not take reasonable accessibility measures to ensure that a person with disabilities is in a comparable situation with non-disabled people.

Lack of accessibility was introduced in the Discrimination Act 2015 due to Sweden's commitment to comply with the United Nations (UN) Convention on the Rights of Persons with Disabilities. The Convention was adopted by the UN General Assembly in 2006 and has applied in Sweden since 2009.

Focus and aim of the law or policy

One of the innovations of the Discrimination Law for pre-school, school and other activities regulated under the Education Act is the obligation to work with active measures that have been extended to cover all seven grounds of discrimination.

There is a new obligation to carry out the work with active measures as an overall framework. It also introduced an obligation to have policies and procedures in place to prevent harassment and sexual harassment. The requirement of a treatment plan has been replaced by a general requirement of written documentation.

The work should be done in collaboration with learners, as well as with business employees. The education provider should continuously document the work.



Likely impact of the law or policy

Work on active measures means that the education provider must prevent and promote by implementing an on-going process in four steps (investigate, analyse, correct, evaluate and follow up) within the framework of their activities.

Employers and schools now have greater responsibility to work with prevention and promotion to combat discrimination and work for equal rights and opportunities. The new law will help schools and pre-schools to prevent discrimination more effectively with the participation of learners and professionals. The work will therefore be active and affect the mindset of the participants.

Where to find more information

[New rules on active measures in the Discrimination Act](#)

[Discrimination Act](#)

[Education Act](#)

[Regulation on the participation of children and students in the work on a plan against abusive treatment](#)

[On-going process in four steps](#)

[Discrimination Act Chapter 3, Paragraph 19](#)



UNITED KINGDOM (SCOTLAND)

Overview of the new law or policy

The Education (Scotland) Act 2016 received Royal Assent in March 2016. The Act is a multi-purpose piece of legislation with a mix of measures covering education in Scotland. The Act introduced measures to contribute towards improving Scottish education, including:

- improving the attainment of pupils from lower socio-economic backgrounds;
- widening access to Gaelic-medium education;
- extending the rights of pupils with additional support needs.

The Act makes amendments to the Standards in Scotland's Schools, etc. Act 2000, the Education (Additional Support for Learning) (Scotland) Act 2004, the Education (Scotland) Act 1980 and the Welfare Reform Act 2007. The Act introduced the National Improvement Framework.

Focus and aim of the law or policy

Educational attainment

The Act introduced a duty on Scottish ministers and education authorities to take steps to reduce inequalities for pupils as a result of socio-economic disadvantage or other causes. Both Scottish ministers and education authorities must prepare and publish an annual plan setting out the steps they propose to take to reduce inequalities. In deciding what steps to take, the authority must seek and have regard to the views of pupils and parents, as well as head teachers and others.

The Act introduces the National Improvement Framework, a statement of Scotland's 'strategic priorities and objectives in relation to school education'. The Framework must be reviewed each year.

The programme for raising attainment is called the Scottish Attainment Challenge. It focuses on targeted improvement activity in literacy, numeracy and health and well-being in specific areas of Scotland.

There is an Attainment Scotland Fund, a targeted initiative focused on supporting pupils in the local authorities of Scotland with the highest concentrations of deprivation. There were nine original 'Challenge Authorities', with schools in these areas identified due to the significant proportion of pupils and families from communities that are facing some of the greatest challenges across Scotland. In February 2017, an announcement was made about the share each school will receive for 2017/18 from the Scottish Government Pupil Equity Funding.



Gaelic-medium education

The Act's provision around Gaelic-medium education included that parents of pre-school children can now request an assessment of the need for Gaelic-medium education in their area. A request can only relate to one child and must be accompanied by evidence that there is a demand from parents of other children in the same area. Local authorities must, as far as is reasonable, seek to accommodate the demand for Gaelic-medium childcare, early education and primary education. Every education authority must promote the potential provision of Gaelic-medium school education in the area by publicising it in a way the authority considers appropriate.

School meals

The Act set out revised eligibility criteria for free school meals related to the Welfare Reform Act 2007 and the Children and Young People (Scotland) Act 2014. As a result of the Children and Young People Act, all pupils in Primary 1–3 (aged around 5–7 years) are entitled to a free school meal. The Act provides the power to require provision of meals other than school lunches.

Mandatory Head Teacher Qualification

The Act introduced a mandatory qualification for head teachers.

Likely impact of the law or policy

In relation to children with additional support needs, the Act contains provisions that change the Education (Additional Support for Learning) (Scotland) Act 2004. These changes are to enable children themselves to use the rights available under the Act, if they are 12 years of age or over and have the capacity to do so. This goes beyond the suggested extension, by the 2008 Concluding Observations from the United Nations Committee on the Rights of the Child, of rights for children with special educational needs to the Tribunals process. These rights will be enacted in late 2017.

The Act also introduces a new service to help children aged 12 and over understand and make use of their rights. It will also provide advocacy (if the child wants it) to support them in any meetings between themselves and the local authority.

Where to find more information

More information is available on the [Scottish Government](#), [Education Scotland](#) and [UK legislation](#) websites. Further information about the [Scottish Attainment Challenge](#) is also available.



UNITED KINGDOM (WALES)

Overview of the new law or policy

On 12 December 2016, the Minister for Lifelong Learning and Welsh Language introduced the Additional Learning Needs and Education Tribunal (Wales) Bill into the National Assembly for Wales (the Assembly). The Assembly's scrutiny of the Bill is well underway.

The Bill makes provision for a new statutory framework for supporting children and young people with additional learning needs (ALN). If passed by the Assembly, it will replace existing legislation surrounding special educational needs (SEN) and the assessment of children and young people with learning difficulties and/or disabilities (LDD) in post-16 education and training. The Bill also continues the existence of the Special Educational Needs Tribunal for Wales, which provides for children, their parents and young people to appeal against decisions made by the local authority in relation to their or their child's ALN, but renames it the Education Tribunal for Wales.

The introduction of the Bill followed a period of public consultation on a draft Additional Learning Needs and Education Tribunal (Wales) Bill. The responses to the consultation, and feedback from the Assembly's Children, Education and Young People Committee following their pre-legislative scrutiny, were used to inform the refinement of the Bill. The Minister published the [responses to the consultation](#) in July 2016; these are available, along with a summary, on the Welsh Government's website.

To support scrutiny of the Bill, in February 2017, the Minister provided the Assembly's Children, Young People and Education Committee with a working draft of the ALN Code. The Code is a mandatory requirement of the Bill, which will ensure that the new ALN system has a set of clear, legally enforceable parameters within which local authorities and other organisations responsible for the delivery of services for children and young people with ALN, must act. The [draft Code](#) is available on the Assembly's website.

Focus and aim of the law or policy

The Bill is based on the following 10 core aims:

- The introduction of the term 'additional learning needs' (ALN). This replaces the terms 'special educational needs' (SEN) and 'learning difficulties and/or disabilities' (LDD) with the new term ALN. Using ALN as a single term, which encompasses children and young people aged 0 to 25, reflects the move to a more equitable system for supporting learners with ALN across early years, schools and further education settings.
- A 0 to 25 age range. The Bill brings together the existing and different legislative systems for supporting children and young people of compulsory school age who have SEN, and young people in further education who have LDD. This means that there will be a single legislative framework to support all children of compulsory school age or below with ALN, and young people with ALN in school or further education.



- A unified plan. The Bill creates a single statutory plan – the individual development plan (IDP) – to replace the existing variety of statutory and non-statutory SEN and LDD plans for learners in schools and further education. This will ensure greater consistency and continuity, and ensure that provision and rights are protected, regardless of the learner’s severity or complexity of need.
- Increased participation of children and young people. The Bill requires that the views of children and young people should always be considered as part of the planning process, along with those of their parents. They and their families will, therefore, be supported to participate through the provision of clear and impartial information, advice and advocacy.
- High aspirations and improved outcomes. IDPs will focus on making provision that delivers tangible outcomes that contribute in a meaningful way to the child’s or young person’s achievement of their full potential.
- A simpler and less adversarial system. Producing and revising an IDP will be much simpler and less adversarial than is currently the case.
- Increased collaboration. All services involved in working with children, young people and their families, including education, health and social services, will have a crucial role to play in working together to deliver efficient, effective, child-centred support for learners with ALN.
- Avoiding disagreements and achieving earlier disagreement resolution. The new system will focus on ensuring that, where disagreements occur about an IDP or the provision it contains, the matter is considered early and resolved at the most local level possible.
- Clear and consistent rights of appeal. Where disagreements about the IDP cannot be resolved at the local level, children and young people entitled to an IDP, or those who believe that they should have an IDP (and their parents in the case of those under 16), have a right of appeal to the Education Tribunal for Wales.
- A mandatory Code. A new statutory ALN Code will support the provisions set out in the Bill.

Likely impact of the law or policy

The proposed legislation establishes a much more equitable and consistent framework for planning to meet the needs of children and young people with ALN. The Bill and wider ALN transformation programme place a strong emphasis on multi-agency collaboration and ensuring that children and young people can participate in making the decisions which affect them.

In turn, it is anticipated that this improved approach to planning will facilitate the attainment of better and more consistent outcomes, and an improved experience for those with ALN. Adoption of the approaches outlined in the Bill, and changes in practice and culture being delivered through the wider ALN transformation programme, will impact beyond learners with ALN; the benefits of the new model will be felt across the education system.



Where to find more information

More information on the ALN transformation programme, of which the Bill is an integral part, is available on the [Welsh Government's website](#). The Bill's progress through the Assembly can be followed on the [Assembly's website](#).

Secretariat:

Østre Stationsvej 33
DK-5000
Odense C
Denmark
Tel: +45 64 41 00 20
secretariat@european-agency.org

Brussels Office:

Rue Montoyer 21
BE-1000
Brussels
Belgium
Tel: +32 2 213 62 80
brussels.office@european-agency.org

www.european-agency.org

