

LEGISLATIVE DEFINITIONS AROUND LEARNERS VULNERABLE TO EXCLUSION

Country Report: Czech Republic



The European Agency for Special Needs and Inclusive Education (the Agency) is an independent and self-governing organisation. The Agency is co-funded by the ministries of education in its member countries and by the European Commission via an operating grant within the European Union (EU) education programme.



Co-funded by
the European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Commission. Neither the European Union nor the European Commission can be held responsible for them.

The views expressed by any individual in this document do not necessarily represent the official views of the Agency, its member countries or the European Commission.

© European Agency for Special Needs and Inclusive Education 2023

This publication is an open-access resource. This means you are free to access, use and disseminate it with appropriate credit to the European Agency for Special Needs and Inclusive Education. Please refer to the Agency's Open Access Policy for more information: www.european-agency.org/open-access-policy.

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

The information in this document was current in November 2022.

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



This work is licensed under a [Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License](#).

You may not modify or translate this publication without the Agency's approval.

With a view to greater accessibility, this report is available in accessible electronic format on the Agency's website: www.european-agency.org

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



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 CZECH REPUBLIC

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

The definition in Czech Republic refers to special educational needs:

... a pupil (and a child and a student) with special educational needs is, in the current inclusive term a person who requires the provision of support measures to cover their educational possibilities or to assert or use their rights on an equal basis with others.

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

Evidence

Education Act regulating the whole education system in the Czech Republic (approved and was last updated on 1 February 2022)

Act on Sign Language (approved in 1998 and amended in 2012)

Decree No. 27/2016 Coll. on [Education of Pupils with Special Educational Needs and of Gifted Pupils](#)

(Source: [Country information](#))

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

Evidence

Frame Educational Programme for Basic Education

[National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2021–2025](#)

(Source: [Country information](#))



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

Yes.

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

Specific learner groups	Evidence
Learners: <ul style="list-style-type: none">• with hearing impairment;• with visual impairment;• with physical impairment;• with speech impairment;• in hospitals;• with specific learning difficulties;• with specific behavioural difficulties;• with intellectual impairment/cognitive disabilities;• with multiple impairment or autism;• who are gifted;• with different cultural and living conditions, etc.	<p>Decree No. 27/2016 Coll.</p> <p>Education Act includes only a definition of learners for whom schools, classes, departments and study groups can be set up (related to their impairment) – learners with mental, physical, visual or hearing impairments, severe speech impairments, severe learning disabilities, severe behavioural disorders, multiple disabilities or autism. There is no list of who belongs to the group of learners with special educational needs.</p> <p>Decree No. 27/2016 Coll. includes an appendix with an overview of the levels of support measures. This states, among other things, the nature of the learner's educational needs, the type of disability, etc., that affects this. The list of learners with special educational needs is not limited; the table shows the main groups according to the annex to Decree No. 27/2016 Coll.</p> <p>(Source: Eurydice)</p>

2. Learners legally considered vulnerable to exclusion from education

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

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



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

Evidence

In the Czech Republic there is no exact definition of learners who belong to the category of special educational needs. The category is wide; there are also learners with different cultural and living conditions, with insufficient knowledge of the educational language, etc. It depends on diagnosis from the school counselling facility (if they recommend support measures). In the first stage of support measures the school itself decides who needs support. As such, learners vulnerable to exclusion can be included in the category learners with special educational needs. There is no special definition for this group of learners.

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

Evidence

No information.

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

Evidence

No information.

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
... learners with special educational needs and gifted pupils	Education Act Decree No. 27/2016 Coll. (Source: Eurydice)
... one of the most important comprehensive national documents related to people with disabilities.	National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2021–2025 (Source: Country information)



Specific learner groups	Evidence
... when a child (up to 15 years of age) or a juvenile (from 15 to 18 years) has committed a crime and the lack of proper education which caused the violation of a law cannot be corrected in any other way	Act on Judiciary in the Matters of Youth Source: Eurydice
... where the education of a child has been seriously threatened or has seriously deteriorated and other measures have not led to an improvement, or if parents are unable to ensure their child's education	Ordered by a court in accordance with the Civil Code Child Protection Authority (Source: Eurydice)

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
... national minority is defined as a community of citizens of the Czech Republic living in the Czech Republic, who differ from the other citizens mostly by their common ethnic origin, language, culture, and traditions ... Currently, there are 14 national minorities with an official status (Belarussian, Bulgarian, Croatian, Hungarian, German, Polish, Roma, Ruthenian, Russian, Greek, Slovak Serbian, Ukrainian, and Vietnamese).	Act on the Rights of Members of National Minorities Framework Convention on the Protection of the Rights of National Minorities (Source: Eurydice)
Education is based on the principles of equal access to education for every citizen of the Czech Republic or another Member State of the European Union without any discrimination on the grounds of race, colour, sex, language, religion and belief, nationality, ethnic or social origin, property, gender and health status or other status of a citizen.	Education Act, section 1



Specific learner groups	Evidence
... foreigner is a natural person who is not a citizen of the Czech Republic, including a citizen of the European Union.	Act on the Residency of Aliens in the Territory of the Czech Republic and Amendments of Some Acts Act on Asylum Act on Temporary Protection of Aliens (and the Directive of Council 2005/55/ES) Source: Eurydice

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

In the Czech Republic, inclusive education has been in place since 2016, but its definition is not in the legislation. Every learner has the right to equal access to education and the fulfilment of their educational opportunities without any discrimination on the grounds of race, colour, sex, language, religion and belief, nationality, ethnic or social origin, property, gender and health status or other status of a citizen. For this purpose, support measures are provided free of charge to learners with special educational needs.

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

Evidence

No information.



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

Evidence

No information.

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

Legal documents refer to all learners.

4. Additional questions

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

No information.

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

No.

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

No information

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

Yes.

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

The main change being prepared is the institutionalisation of supportive pedagogical staff – school psychologists and school special pedagogues – so that, depending on the number of learners, each mainstream primary school is entitled to them.

4.4 Do you have any further comments?

No information.