

LEGISLATIVE DEFINITIONS AROUND LEARNERS VULNERABLE TO EXCLUSION

Country Report: Greece



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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 GREECE

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

Pupils with disabilities and/or special educational needs (SEN) are considered those who have significant difficulties in learning for the whole or some period of their school life, due to sensory, intellectual, cognitive or developmental problems, mental health and neuropsychological disorders that affect the process of their school adjustment and learning.

([Country information](#))

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

Evidence

Article 3, Law 3699/2008, as amended.

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

Evidence

No 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
<p>Learners with disabilities and special educational needs are those who exhibit mental disability, sensory sight disability (blind, visually impaired, low eyesight), sensory hearing disability (deaf and hard of hearing), motor disability, chronic non-curable diseases, speech impairments, special learning difficulties such as dyslexia, dysgraphia, dyscalculia, dysanagnosia, dysorthographia, attention deficit syndrome with or without hyperactivity, pervasive developmental disorders (autism spectrum), psychological disorders and multiple disabilities.</p> <p>Low achievers and learners with learning disabilities that derive from external factors, such as linguistic or cultural diversity, are not considered to have a disability or SEN. Learners with complex cognitive, emotional and social difficulties, delinquent behaviour because of abuse, parental neglect and abandonment or domestic violence, and learners with one or more special intellectual skills and talents are considered to have SEN.</p>	<p>Article 3, Law 3699/2008, as amended</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

No legal definition exists. However, sources listed in 2.2, 2.3 and 2.4 imply groups of learners considered vulnerable to exclusion from education.

These groups are:

- Learners with disability and/or special needs
- Learners who attend school in areas with low educational quotient, secondary school drop-out and limited access to tertiary education, as well as low socio-economic quotients, such as low component well-being quotient and high risk poverty quotient



- Learners with educational, social, cultural particularities (who attend intercultural schools)
- Refugees
- Roma.

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

Evidence

Learners with disability and/or special educational needs:

Article 3, Law 3699/2008, as amended:

Learners with disabilities and special educational needs are those who exhibit mental disability, sensory sight disability (blind, visually impaired, low eyesight), sensory hearing disability (deaf and hard of hearing), motor disability, chronic non-curable diseases, speech impairments, special learning difficulties such as dyslexia, dysgraphia, dyscalculia, dysanagnosia, dysorthographia, attention deficit syndrome with or without hyperactivity, pervasive developmental disorders (autism spectrum), psychological disorders and multiple disabilities.

Learners who attend school in areas with low educational quotient, secondary school drop-out and limited access to tertiary education, as well as low socio-economic quotients, such as low component well-being quotient and high risk poverty quotient:

Law 3879/2010 (Article 26§ 1a and 1b) (GG 163 A/2010):

1. a) In accordance with the decision of the Minister of Education, Life-long Learning and Religious Affairs, Educational Priority Zones (EPZ) are laid down, including primary and secondary school units in areas with low educational quotient, secondary school drop-out and limited access to tertiary education, as well as low socio-economic quotients, such as low component well-being quotient and high risk poverty quotient. Equal integration to the educational system is pivotal to EPZ, realised through support activities for improved learning outcomes, such as reception classes, learning support classes, summer courses and classes to maintain their mother tongue.

Following the above law, Presidential Decree 1403/2017 was issued in 2017, regulating issues of the function of the Education Priority Zone and Reception Classes EPZ in primary education school units.

In particular, in article 3, the Presidential Decree determines:

For learners with limited knowledge of the Greek Language (Roma, foreigners, repatriated immigrants, refugees, vulnerable social groups, etc.) in the context of intercultural education, a flexible plan of institutional and learning intervention is formed, allowing the school unit to choose the form of



supplementary learning support. The actual educational needs of learners and capabilities of the school unit are weighed so as to help them adjust and fully integrate in mainstream classes they are registered in, according to the applicable legislation.

The institutional format is as follows:

- Reception classes I EPZ
- Reception classes II EPZ

A yearly circular is issued for the application of the above.

Students with educational, social, cultural particularities (who hence attend intercultural schools):

According to Law 2413/1996 (Article 34):

1. The aim of intercultural education is the organisation and operation of primary and secondary school units for the provision of education to learners with educational, social, cultural particularities.
2. Intercultural schools follow the same curricula as mainstream public schools, which are adapted to the particular educational, social and cultural needs of their learners.

Refugees:

According to article 1 of the 139654/ΓΔ4/2017 Common Ministerial Decision (Government Gazette 2985B):

1. For the educational provision to children of third country citizens, Reception Centres for refugee education which belong to mainstream education operate as follows:
 - a) In school units of Regional Directorates of Primary and Secondary Education, within whose boundaries exist Reception Centres and/or any accommodation used by the Greek State or the United Nations High Commission and other international bodies for the accommodation of third country citizens (hereinafter accommodation facilities)...
 - b) In particular, for the education of four- to five-year-old children who are staying in accommodation facilities, Refugee Reception and Education Centres operate as branches of adjoining kindergartens within the accommodation facilities...
 - c) In particular cases, for the education of children aged 6–12 (primary school) and 13–15 (lower-secondary school), Refugee Reception and Education Centres can operate as branches of adjoining school units within the accommodation facilities...



2. The education foreseen by the present Ministerial Decision concerns all children of third country citizens who are staying in accommodation facilities.

Concerning the subcategories of refugee children and their education, the following are applicable:

Law 4547/2018, article 71 and articles 72, 74 as amended by article 46 of Law 4559/2018

Article 71:

Reception and education centres for refugee children. Scope of application. Education foreseen in the present Chapter is provided to minors falling into one of the following categories:

- a. refugee offspring: of third country or stateless citizens who meet the presuppositions of application of article 1A of the Geneva Convention (Legislative Decree 3989/1959,A 201)
- b. offspring whose parent-citizen is deprived of passport: offspring whose third country parent-citizens exhibit proof of inability to possess passports or any travel document, due to adversary conditions in their country of origin, their permanent or temporary place of residence
- c. offspring whose parents are entitled to international protection: offspring whose non-national or stateless parents have been granted refugee status or are adjunct protection beneficiaries
- d. offspring whose parent is beneficiary of adjunct protection: offspring of non-national or stateless parents, who, with reservation of article 17 Presidential Decree 141/2013 (A'226), do not meet the presuppositions of being recognised as refugees, however, in the event of returning to their country of origin or permanent place of stay, their health and physical integrity would be jeopardised according to article 15 of Presidential Decree 141/2013
- e. minors separated from their family or parted minors: a minor who arrives in Greece without being escorted by a person exercising parental care according to Greek legislature or other person to whom parental care has been assigned, according to law, but is escorted by an adult carer
- f. unaccompanied minors: a minor who arrives in Greece unaccompanied by an adult responsible for them by Greek Law as parent, carer or unaccompanied by an adult next of kin and effectively taken into their care, for as long as their care has not by law been appointed to another person. A minor who ceases to be accompanied on entrance to Greece falls under the same categorisation.



- g. minors in peril of persecution: every minor found outside their country of origin or latest place of residence due to justified fear of persecution for their race, religion, ethnicity or membership in a particular social group and therefore unable to ensure protection from their country, or, for fear of which, do not wish to place themselves under its protection.

Article 72:

Modes of education for refugee children

1. Education of minors who fall into the scope of application of article 71 is provided by school units of Primary and Secondary Education, integrated in the mainstream educational system under the conditions and presuppositions of the applicable legislation.

2. By exception, taking into consideration the particular needs of refugee population ensued from mobility, arrival time and residence time span in accommodation facilities, as well as the learning population quota, Refugee Reception and Education Centres can be established, operating in the context of the mainstream educational system and applying individualised curricula of limited duration.

3. The above established Refugee Reception and Education Centres operate:

- in Primary and Secondary Education school units of the Regional Directorates of Primary and Secondary Education within whose boundaries exist refugee accommodation facilities or any other form of accommodation, such as guesthouses, apartments and hotel rooms employed by the Greek State, the United Nations High Commission or other international bodies to cater for refugee stay (hereinafter accommodation facilities)
- in refugee accommodation centres as branches of adjoining kindergartens, attended by children aged four to five who are staying in the accommodation centres.

Roma

According to the Circular with protocol no. 180644/C1/26-11-2013 of the Ministry of Education, Research and Religious Affairs:

The Ministry of Education and Religious Affairs holds the basic principle of promoting measures which aim to ensure equal opportunities in education for all learners and prevent drop-out.

In this context, according to the laws and international conventions and declarations laid out by the Constitution, the Greek State and its institutions are under the obligation to take all necessary measures to ensure equal access to education for all children. In particular, access to education by new generation Roma children constitutes a core



mechanism in combating social exclusion and an essential prerequisite for equal participation in the social, economic and political life of the country.

The Ministry of Education and Religious Affairs promotes actions and programmes to all primary and secondary education school units, which aim to enable learners, educators and parents to an expedient educational process against school and social exclusion and school drop-out.

In particular, as concerns Roma children's school enrolments, studentship and vaccination, all content mentioned in Circulars Protocol No 116184/C1/10-09-2008, F.3/960/102679/C1/20-08-2010 and F.6/451/115136/C1/16-09-2010 of the Ministry of Education and Religion are applicable with the following notifications:

Circular F6/18466/Δ1/18-02-2022/

Circular F618474/Δ1/18-02-2022 refers to: Enrolment of learners in Kindergartens for school year 2022–2023. It designates that learners belonging to vulnerable social groups are:

- Families of moving populations
- Learners with disabilities and/or special educational needs.

Circular F618474/Δ1/18-02-2022

The circular refers to: Enrolments of learners in primary schools for the school year 2022–2023. In part E, special reference is made to enrolments of learners who belong to vulnerable social groups. This category includes:

- learners with disabilities and /or special educational needs
- Roma children
- juvenile seekers of international protection or juvenile children of seekers of international protection

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

Evidence

Reference to specific categories of vulnerable social groups is made in:

- the National Strategic Plan for the Rights of People with Disability
- the Strategic Plan for Equal Access to Education for students with disability and/or special educational needs
- the National Action Plan for the Rights of the Child
- The National Framework of fighting child poverty and social exclusion 5
- the National Action Plan against racism and intolerance 2020–2023.



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 disability and/or special educational needs	Law 3699/2008, as amended, Article 3
Learners who attend school in areas with low educational quotient, secondary school drop-out and limited access to tertiary education, as well as low socio-economic quotients, such as low component well-being quotient and high risk poverty quotient	Law 3879/2010 (Article 26§ 1a) (GG 163 A/2010)
The education of migrant and repatriated pupils (Country Policy Review and Analysis , p. 9)	Law 2413/1996 (Articles 34–37) Article 14 (par. 24) of Law 2817/00 1403/2017, article 3
The education of refugee children (Country Policy Review and Analysis , p. 9)	Article 1, 139654/CD4/2017 Common Ministerial Decision KYA (Government Gazette 2985B) Law 4547/2018 (article 71) και (article 72, 74, as amended in article 46 of Law 4559/2018)
Education of Roma pupils	Circular with protocol no. 180644/C1/26-11-2013 of the Ministry of Education, Research and Religious Affairs is valid

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
Education for learners with disability	<p>Article 2, Law 3699/08 (GG 199 A/2-10-2008)</p> <p>5. Special Education aims at:</p> <ul style="list-style-type: none"> • holistic and harmonious personality development of learners with disability and/or special educational needs; • improvement of their abilities and skills to include them in the mainstream school whenever possible; • inclusion in the educational system, social life and professional activity pursuant to their capabilities; • acceptance, harmonious co-existence in society and equal social development aiming at complete accessibility for learners with disabilities and/or special educational needs, as well as teachers and/or parents with disabilities in all infrastructure (buildings, logistics and electronics), services and goods which they provide. Application of the principles of Design for All ensuring accessibility for people with disability is mandatory during educational programme and materials design, mainstream and electronic equipment selection, infrastructure and policy development of Special Education school units and Centres for Interdisciplinary Support. <p>6. The above aims are achieved by:</p> <ul style="list-style-type: none"> • timely medical diagnosis; • diagnosis and assessment of special educational needs in Centres for Interdisciplinary Support and public Medical and Pedagogical Centres; • systematic pre-school intervention in regional school units of Special Education, by creating early intervention classes; • the application of special educational programmes and rehabilitation programmes, adaptation of educational material, use of special electronic equipment and logistics, provision and human factor arrangements by Special Education schools and Centres for Interdisciplinary Support.



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

Inclusive Education: Educational approach aiming at supporting heterogeneity in learner population, breaking through learner barriers and ensuring equal access to education of all learners, including learners with disabilities and/or special educational needs (Law 4823/2021, Article 4).

The same definition was included in Law 4547/2018, Article 2, though abolished as of the relevant passages.

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

Evidence

Law 4823/2021, Article 4

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

Evidence

Strategic Action Plan for the Rights of People with Disability

The Inclusive Education Guide will constitute the object of a pilot programme in the context of the Reform Support Programme of the European Committee.

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?

No information.

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 Strategic Action Plan for the Rights of People with Disabilities includes special provisions for people subject to multiple forms of discrimination.

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?

At present, law preparatory committees are investigating the possibilities of a common educational Law.

4.4 Do you have any further comments?

No information.