

# **LEGISLATIVE DEFINITIONS AROUND LEARNERS VULNERABLE TO EXCLUSION**

**Country Report: Slovenia**



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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

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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, 2021<sup>1</sup>). 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,

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<sup>1</sup> 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

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[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

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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.



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# LEGISLATIVE DEFINITIONS AROUND LEARNERS' NEEDS IN SLOVENIA

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## 1. Legal definition of special needs

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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*

According to the law, learners with special educational needs (International Standard Classification of Education – ISCED – 1, 2 and 3) have one or more of the following:

- intellectual impairments;
- blind, partially sighted or have visual impairment;
- deaf or hard of hearing;
- speech and linguistic disorder;
- motor disabilities;
- long-term illness;
- deficiencies in individual areas of learning;
- autism spectrum disorder;
- emotional and behavioural disorders.

[Placement of Children with Special Needs Act](#), Article 2.

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

#### *Evidence*

Children with special needs are children with intellectual impairments, blind and partially sighted children, children with visual impairment, deaf and hard-of-hearing children, children with speech and linguistic disorders, children with motor disabilities, children with long-term illness, children with deficiencies in individual areas of learning, children with autism spectrum disorder and children with emotional and behavioural disorders who need adapted provision of educational programmes with additional professional assistance or adapted educational programmes or special programmes of education



([Placement of Children with Special Needs Act](#), Article 2; refers to ISCED 1, 2 and 3).

### 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
<ul style="list-style-type: none"><li>• Learners with intellectual impairments</li><li>• Blind and partially-sighted learners, learners with visual impairment</li><li>• Deaf learners and learners who are hard of hearing</li><li>• Learners with speech and linguistic disorders</li><li>• Learners with motor disabilities</li><li>• Learners with long-term illness</li><li>• Learners with deficiencies in individual areas of learning</li><li>• Learners with autism spectrum disorder</li><li>• Learners with emotional and behavioural disorders.</li></ul>	<a href="#">Placement of Children with Special Needs Act</a> , Article 2

## 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*

The [National Programme for Children 2020–2025](#) (Section 6.1.5, pp. 26–30) sets out goals to improve children’s well-being and opportunities and to strengthen their protection and rights. The programme identifies four priority areas of focus: equal opportunities for children, participation of all children, safety of children in a digital environment and a life without violence, and child-friendly procedures.

It also identifies groups of children who are particularly vulnerable: children from socially, culturally and financially disadvantaged backgrounds, children with special needs, deaf children, users of sign language, blind and partially-sighted children, children from national and ethnic communities (members of the Italian and Hungarian national communities, Roma children), migrant and refugee children (including unaccompanied children and asylum seekers).

## **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*

[National Programme for Children 2020–2025](#) (Section 6.1.5, pp. 26–30):

Particularly vulnerable children:

- are from socially, culturally and financially disadvantaged backgrounds;
- have special needs, especially deaf children, users of sign language and blind and partially-sighted children;
- are from national and ethnic communities (members of the Italian and Hungarian national communities, Roma children);
- are migrant and refugee children (including unaccompanied children and asylum seekers).

## **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
<p>The Basic School Act (which covers compulsory education – ISCED 1 and 2) defines the following groups:</p> <ul style="list-style-type: none"><li>• Minorities – Italian and Hungarian national communities</li><li>• Members of the Roma community</li><li>• Foreign citizens</li><li>• Learners in hospitals</li><li>• Gifted learners</li><li>• Learners with special educational needs (SEN)</li><li>• Learners with learning difficulties.</li></ul>	<p><a href="#">Basic School Act (in English)</a></p>
<p>Nine groups of learners with SEN who need more provisions and resources to support their learning are defined as follows:</p> <ul style="list-style-type: none"><li>• Learners with intellectual disabilities</li><li>• Blind learners and learners with visual impairments, learners with impaired visual function</li><li>• Deaf learners and learners who are hard of hearing</li><li>• Learners with speech and language disorders</li><li>• Learners with motor disabilities</li><li>• Learners with long-term illnesses</li><li>• Learners with deficiencies in individual areas of learning</li><li>• Learners with autism spectrum disorder</li><li>• Learners with emotional and behavioural disorders.</li></ul> <p>Learners are recognised as having SEN when they get an official decision by the National Education Institute Slovenia (NEIS). Parents usually request the introduction of official guidance procedures for learners with SEN, but schools or learners themselves (from 15 years old) can also request it.</p> <p>It is possible to complain against the decision. The Ministry responsible for education decides on the case of the appeal considering the recommendation by the second instance placement commission.</p>	<p><a href="#">Placement of Children with Special Needs Act</a> (Ministry of Education, Science and Sport, 2011)</p> <p>Guidance Commission <a href="#">Eurydice</a></p>



Specific learner groups	Evidence
<p>Roma children:</p> <p>The Constitution of the Republic of Slovenia sets out specific rights for the Roma community in Slovenia.</p> <p>According to the Basic School Act, basic education of members of the Roma community shall be implemented in accordance with this Act and other regulations.</p> <p>The Roma Community in the Republic of Slovenia Act determines that:</p> <p style="padding-left: 40px;">The Republic of Slovenia shall create the conditions for the inclusion of Roma community members into the system of education, and shall ensure the conditions to raise the education level of Roma community members and an appropriate scholarship policy (Article 4, paragraph 1).</p> <p>In 2021, the National Programme of Measures for Roma of the Government of the Republic of Slovenia for the Period 2021–2030 was adopted. It includes measures regarding education.</p> <p>In 2022, the Strategy for education of Roma learners was prepared.</p>	<p><a href="#">The Constitution of the Republic of Slovenia</a>, Article 65</p> <p>Human Rights Ombudsman of the Republic of Slovenia</p> <p><a href="#">Basic School Act</a>, Article 9 (in English)</p> <p><a href="#">Roma Community in the Republic of Slovenia Act</a>, Article 4 (in English)</p> <p><a href="#">National Programme of Measures for Roma of the Government of the Republic of Slovenia for the Period 2021–2030</a></p> <p><a href="#">Strategy for education of Roma learners</a></p> <p><a href="#">Ministry of Education, Science and Sport</a>, 2022</p>



Specific learner groups	Evidence
<p>Minorities – members of the Italian and Hungarian national communities:</p> <p>The Constitution of the Republic of Slovenia sets up specific rights of the autochthonous Italian and Hungarian national communities:</p> <p style="padding-left: 40px;">In accordance with laws, these two national communities and their members have the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling. The geographic areas in which bilingual schools are compulsory shall be established by law’ (Article 64).</p> <p>According to the Basic School Act, ‘protection of the special rights of the Italian and Hungarian national communities in the field of basic school education shall be regulated by an Act’.</p> <p>Rights are specified in detail by the relevant act on the special rights of members of the Italian and Hungarian national communities.</p>	<p><a href="#">The Constitution of the Republic of Slovenia</a>, Article 64</p> <p><a href="#">Basic School Act</a>, Article 7 (in English)</p> <p><a href="#">Act Regulating Special Rights of Members of the Italian and Hungarian Ethnic Communities in the Field of Education</a></p> <p>Some modifications to the curricula apply, <a href="#">Eurydice</a></p> <p>The Council of Experts of the Republic of Slovenia for General Education stipulated the <a href="#">Guidelines for implementation of bilingual education</a> (2016)</p>



Specific learner groups	Evidence
<p>Gifted learners:</p> <p>Gifted learners exhibit markedly above-average thinking skills or outstanding achievements in individual areas of learning, in art or in sports. The school shall provide these learners with appropriate conditions for education by adapting the contents, methods and forms of work and shall enable them to be included in supplementary classes, other forms of individual and group support, and other forms of work.</p> <p>Gifted learners in art or in sports may obtain special status – prospective or top-level athlete status may be obtained by a learner who is registered with a national sports federation and is to compete within the official competition systems of national sports federations or has secured a top-level sporting achievement at the international level respectfully. Prospective young artist status may be obtained by a learner who is to participate in national competitions in the field of the arts or has secured top-level positions or prizes in national competitions in the field of the arts respectfully.</p> <p>The acquisition of the statuses may be proposed by the learner’s parents.</p> <p>Requirements for adaptations within the school are regulated by a written agreement between the school and the parents. Class attendance and attendance in other activities, as well as methods and time limits for knowledge assessment may be adapted accordingly.</p>	<p><a href="#">Basic School Act</a>, Articles 11 and 51 (<a href="#">in English</a>)</p> <p>The Council of Experts of the Republic of Slovenia for General Education adopted the national guidelines for <a href="#">Identifying and working with gifted learners</a> (1999)</p> <p><a href="#">Ministry of Education, Science and Sport</a></p>
<p>Learners with learning difficulties:</p> <p>Learners with learning difficulties are those who:</p> <p>... without the adapting of methods and forms of work in the classroom, find it difficult to achieve the required standards of knowledge. Schools shall adapt methods and forms of work in the classroom for these learners and shall enable them to be included in remedial classes and other forms of individual and group support.</p>	<p><a href="#">Basic School Act</a>, Article 12a (<a href="#">in English</a>)</p> <p>The Council of Experts of the Republic of Slovenia for General Education adopted the <a href="#">Learning difficulties in basic schools</a> teaching concept (2008)</p>



Specific learner groups	Evidence
<p>Migrants (foreigners):</p> <p>Learners who are foreign citizens or stateless persons and reside in the Republic of Slovenia have the right to compulsory basic school education under the same conditions as citizens of the Republic of Slovenia.</p> <p>Groups of learners considered to be migrants:</p> <ol style="list-style-type: none"><li>1. Former migrants who hold Slovenian citizenship:<ul style="list-style-type: none"><li>- persons born in the Republic of Slovenia and living in Slovenia since birth (second and third generation migrants whose mother tongue is not Slovenian);</li><li>- persons not born in Slovenia who obtained Slovenian citizenship;</li></ul></li><li>2. Persons who do not hold Slovenian citizenship:<ul style="list-style-type: none"><li>- with a permit for permanent residence in the Republic of Slovenia;</li><li>- with a permit for temporary stay in the Republic of Slovenia;</li></ul></li><li>3. Asylum-seekers and persons under international protection;</li><li>4. Citizens of member states of the European Union;</li><li>5. Children of Slovenian emigrants and workers abroad (with or without Slovenian citizenship) who returned to Slovenia.</li></ol> <p>In addition, refugees have equal status to Slovenian citizens.</p>	<p><a href="#">Basic School Act</a>, Article 10 (<a href="#">in English</a>)</p> <p><a href="#">Strategy for the integration of migrant children into the education system (2007)</a></p> <p><a href="#">Guidelines for integration of immigrant children into kindergartens and schools</a> (adopted in 2012)</p>
<p>Learners in hospitals:</p> <p>For learners who require hospital treatment, classes may be organised on hospital wards.</p>	<p><a href="#">Basic School Act</a>, Article 10a (<a href="#">in English</a>)</p> <p><a href="#">Concept of education of learners in hospital care</a> approved by the Council of Experts of the Republic of Slovenia for General Education in 2013</p> <p><a href="#">Eurydice</a></p>

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

No.



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### 3. Legal definition of inclusive education

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The Agency views **inclusive education** as:

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

In inclusive education:

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

#### 3.1 There is a legal definition of inclusive education

##### *Evidence*

The principle of inclusion is embedded in the legislative framework and in national guidelines and strategic documents.

Education that follows the often mentioned generally accepted values and norms of civilization – human rights and duties, tolerance, respect, which promotes mutual assistance and solidarity, care for the environment, which supports knowledge and respect for intergenerational differences, etc. – also support the goals of inclusion and integration ([White Paper on Education, 2011](#), pp. 13–26).

One of the education goals of the Republic of Slovenia (defined by Article 2 of the [Organisation and Financing of Education Act](#)) is to provide the optimal development of the individual, irrespective of gender, social background or cultural identity, religion, racial, ethnic or national origin, and regardless of their physical and mental constitution or disability. Other goals also support the principle of inclusion.

In addition, Article 2a defines that kindergartens, schools and other institutions for education of learners with SEN shall, in line with the education goals, guarantee a safe and supportive learning environment wherein physical punishment of children and of any kind of violence against and among children, as well as discrimination on the grounds of gender, sexual orientation, social and cultural background, religion, race, ethnic and national origin, physical and mental development, are disallowed.



Access to inclusive education is defined by Article 11 of the [Equalisation of Opportunities for Persons with Disabilities Act \(in English\)](#) – amendments from 2017 are not included in the English version, but Article 11 is unchanged):

- (1) Inclusion in educational programmes at all levels and lifelong learning in their living environment shall be provided to persons with disabilities on an equal basis with other citizens. Inclusion in various programmes, such as programmes offering a special and adapted curriculum, and the adaptation of regular programmes to the abilities of a person with a disability shall not be deemed discrimination.
- (2) Persons with disabilities shall be entitled to appropriate accommodation for inclusion in educational or study process and shall have the right to have an educational or study process adequately adapted to their individual needs.

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

#### *Evidence*

One of the education goals of the Republic of Slovenia (defined by Article 2 of the [Organisation and Financing of Education Act](#)) is to provide the optimal development of the individual, irrespective of gender, social background or cultural identity, religion, racial, ethnic or national origin, and regardless of their physical and mental constitution or disability. Other goals also support the principle of inclusion.

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- (2) Persons with disabilities shall be entitled to appropriate accommodation for inclusion in educational or study process and shall have the right to have an educational or study process adequately adapted to their individual needs.

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

#### *Evidence*

No information.



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**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 both all learners and specific learner groups.

## **4. Additional questions**

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**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 information.

**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?**

No information.

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

No information.

**4.4 Do you have any further comments?**

No information.