

# **COUNTRY SYSTEM MAPPING**

## **Country Report: Germany**

**European Agency for Special Needs and Inclusive Education**



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## INTRODUCTION

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The goal of the Country System Mapping (CSM) activity is to identify, map and analyse the key features that impact the effective implementation of inclusive education policy in practice in all Agency member countries' education systems. In a departure from previous thematic activities undertaken by the European Agency for Special Needs and Inclusive Education (the Agency), CSM considers the **whole** education system from the perspective of implementing policy for inclusive education in practice. However, within this system-wide view, there is a focus on the specific priorities Representative Board members (RBs) have already identified in relation to monitoring and evaluation, cross-sector working and quality assurance.

The main output from the CSM work is a systematic mapping of information on each country's education system.

Information from the individual CSM Country Reports has been analysed in two ways:

- **Thematic Analysis** to highlight issues (challenges and opportunities) emerging from the reports to use as the starting point for the Agency's Thematic Country Cluster Activities (TCCA).

Challenges for inclusion are defined as things the country needs to work on to reach an inclusive education system. Strengths for inclusion are things that encourage and reinforce inclusive practice in the country and could potentially be shown as an example to other countries.

- **Mapping** to inform TCCA groupings, based on the system structures and processes countries have (or do not have) in common.

The agreed goal for the mapping element of the CSM analysis work was to highlight parameters, or comparative factors, that indicate which country systems are structured and/or working in different – or similar – ways.

The information from the CSM work will be used within the remainder of the [Multi-Annual Work Programme 2021–2027](#) (MAWP). As of autumn 2024, country cluster activities will be organised which are closely aligned to individual country approaches to key issues for inclusive education, as well as system structures and processes countries have in common.



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## Work within a shared vision for inclusive education systems

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All Agency work is aligned with the [position on inclusive education systems](#). This agreed position states that the ultimate vision for inclusive education systems is to ensure that:

All learners of any age are provided with meaningful, high-quality educational opportunities in their local community, alongside their friends and peers ([European Agency, 2022, p. 1](#))<sup>1</sup>.

Agency work focuses on supporting the development of inclusive education systems in member countries to ensure every learner's right to inclusive and equitable educational opportunities. This aim is directed at all learners. However, all aspects of Agency work clearly recognise that some groups of learners face obstacles and barriers that mean they should be considered **learners vulnerable to exclusion from inclusive education in mainstream schools in their local community, alongside their friends and peers**.

UNESCO identifies the possible obstacles and barriers to education learners may face as arising from:

... 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](#))<sup>2</sup>.

Many learners may face a combination of these factors and the intersectional (inter-connected) nature of learners' needs must be acknowledged. Every learner has their own unique experiences of discrimination and/or barriers to learning. Everything and anything that can marginalise learners and increase their chances of exclusion from mainstream inclusive education must be understood and recognised.

All Agency member countries are committed to working towards ensuring more inclusive education systems. They do so in different ways, depending on their past and current contexts and histories. Inclusive education systems are a vital component within the wider aspiration of more socially inclusive societies that all countries align themselves with, both ethically and politically. However, all Agency work clearly recognises that countries have differences in their ways of thinking about, identifying and making provision for different groups of learners who may be considered vulnerable to exclusion from inclusive education.

All countries have undergone key conceptual changes in their thinking and policy priorities for developments as they move towards inclusive education as an approach that ensures high-quality education for all learners. Across countries, the first shift was made from the concept of special educational needs to special needs education. This shift represented a focus away from the learner (identified as having special educational needs) towards a focus on the provision they receive (special needs education for learners who experience difficulties at school). The term 'special needs education' has also widened the focus

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<sup>1</sup> European Agency for Special Needs and Inclusive Education, 2022. *Agency Position on Inclusive Education Systems*. Odense, Denmark

<sup>2</sup> UNESCO, 2020. *Global Education Monitoring Report: Inclusion and education: all means all*. Paris: UNESCO



beyond learners with disabilities to include learners who appeared to be failing in school for a wide variety of reasons.

It is worth emphasising here that there have never been agreed definitions of the concepts of special educational needs or special needs education that can be consistently used across countries. The groups of learners considered as having special educational needs which require additional provision largely differ across countries.

The most recent shifts emphasise a move away from a concern with types of special needs or the categories a learner may or may not fall into, towards thinking of inclusion and inclusive education as an approach for all learners. They emphasise the barriers experienced by learners and focus overall on learners who may be vulnerable to exclusion from educational opportunities for different reasons.

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 learners who may be vulnerable to exclusion from inclusive education.

## Overview of the Country System Mapping

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The information collected in the CSM activity aims to provide evidence of and reflection on **where countries currently are** in their inclusive thinking, policy and provision for all learners, but in particular for those learners vulnerable to exclusion from inclusive education.

CSM work focuses on the **whole** education system and how certain structures, mechanisms and processes may impact on the implementation of policy for inclusive education in practice. It aims to get insights into how the needs of all learners – including individuals or groups of learners vulnerable to exclusion from inclusive education – are being considered. Many questions refer to learners vulnerable to exclusion from inclusive education. Countries have opportunities to clarify what 'learners vulnerable to exclusion from inclusive education' means for them and their systems.

However, it is acknowledged that it may not be possible for countries to provide information covering all learners and all learner groups.

The questions specifically focus on four priorities RBs have identified for wider future Agency work in relation to:

- Monitoring and evaluation
- Cross-sector working
- Quality assurance
- Effective policy implementation.

There are six main sections:

Section 1. Background to the inclusive education system

Section 2. Overview of the education system

Section 3. Legislative and policy framework



Section 4. System governance

Section 5. Quality assurance and accountability

Section 6. Stakeholder collaboration, co-operation and effective communication

Where countries have provided additional comments and reflections, these are included in a separate Section 7.

In each of these sections, relevant information was collected covering International Standard Classification of Education (ISCED) levels 02 (pre-primary education) to 3 (upper-secondary education).

Each section has two subsections which require different types of country information, as outlined below.

All questions were rephrased into statements for the purpose of this report.

### **System description**

Sections 1 to 6 include specific questions that aim to provide a factual description of key aspects of the legislation and policy framework for inclusive education in the country. The system information aims to accurately describe the relevant policy frameworks in countries.

Different types of questions are used to collect information that describes important system features – structures, mechanisms and processes – relating to governance, monitoring, quality assurance and collaboration. The descriptive information includes sources of original material and, where possible, is supported with quotes and citations from relevant policy documents and published work.

The descriptive information will be analysed to highlight parameters, or comparative factors, that indicate how countries are structured and/or working. This mapping will be used to inform country cluster groupings based on system structures and processes that countries have in common.

The descriptive information will also be used to prepare thematic cluster activities with Agency member countries. These activities will elaborate and collect even more detailed country information for the different priority areas from 2023 onwards.

### **Evaluative commentary**

An important element of the questions is the evaluative, qualified and evidenced-based reflection on the factual information provided in sections 1 to 6.

The evaluative commentaries aim to provide a qualified reflection on the implementation of the legislation and policy framework for inclusive education in practice. They provide observations on and interpretations of the system factors that impact positively or negatively on inclusive education.

The evaluative commentaries reflect on **where and why the practice of inclusive education differs from or actively supports the stated policy intentions and goals** in the system description.





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For the evaluative commentaries linked to each section, the following general questions are posed:

- What have been the perceived main challenges (barriers and hindrances) for inclusive education? Why do they exist and what are the consequences?
- What have been the perceived opportunities (support and ways forward) for inclusive education? What areas for development are identified and how can they be successfully implemented?

In addition, specific topic-related questions are also suggested.

The analysis of the evaluative commentary information will take a grounded approach. It will aim to identify issues that emerge as barriers to or supporting factors for meeting the needs of all learners in inclusive systems.

This analysis will be used to inform future Agency activities with member countries regarding country-specific and common system challenges and opportunities.



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## SECTION 1. BACKGROUND TO THE INCLUSIVE EDUCATION SYSTEM

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This section provides key background information in relation to inclusive education in the country.

### 1.1 Overview of the historical development of inclusive education

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Historical development of inclusive education in Germany using the example of Hessen:

- **1972:** Hessen adopted the ‘recommendation to the order of the special education system’ of the Conference of Ministers of Education (KMK).
- **1983:** first attempt at joint education in primary school.
- **1989:** first law on the school integration of children with disabilities (Right of veto of parents of classmates).
- **1991:** second law – veto right void, establishment of a job pool, school experiments for Years 5–10.
- (GVBl 1 p. 183, 13th WP) Concerning the forms of inclusive education (*gemeinsamer Unterricht*) of disabled and non-disabled children and the co-operation of the general school with the special school, it was the right of parents to choose between both forms in elementary schools.
- **1992:** Adoption of the Integration Act into the new Hessian Education Act.
- **1997:** (GVBl 1 p. 121, 13th WP) Law regulating special education in school. It governed everyone’s issue of special needs education, determination of support needs and co-operation between special schools and public schools. The right of parents to choose between special and public school was established for secondary school.
- (GVBl 1 pp. 143, 204, 14th WP) Changes in the field of special needs education to the right of participation in inclusive education for children with disabilities and impairments in primary and secondary schools within the personal and spatial conditions of the general school.
- **2009:** Ratification of the UN Convention on the rights of persons with Disabilities (CRPD).
- **2011:** (GVBl 1 p. 267, 18<sup>th</sup> WP) Special needs education is being restructured and the forms of special education schools replaced by support priorities. Inclusive schooling ... takes place as a regular form in the general school in close co-operation with the ... special educational advisory and support centre and ... with the participation of the special school (§51). Parents have the right to choose between special and public school.



- **2017:** (HSchG, § 49, § 52) Change to all schools are responsible for inclusive education. The general schools and the special schools have the common task of participating in the rehabilitation and integration of learners who are entitled to special educational support in society. Implementing an inclusive school alliance (iSB; §52) to organise inclusive education in the area.
- **2019:** (VOiSB) For the implementation of inclusive education in schools, all general schools and special schools of the public district of a state school office form an inclusive school alliance (iSB) according to § 52 of the Education Act. The special educational advisory and support centres (BFZ) are part of the inclusive school alliances.
- **2020:** Decree (13 February 2020) opening up the possibility for primary schools larger than 250 learners to apply for special needs teachers being institutionalised at the school.

In addition to inclusive education, there are still schools for children with learning restrictions, behavioural problems and mental disability, speech impediment, hearing impairments and visual impairments, as well as for children who are mentally or physically sick.

## 1.2 Legislation and policy definitions linked to key concepts within inclusive education systems

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### Inclusive education

For the State of Hesse:

The school is to be organised in such a way that the common education and learning of all pupils is realised to the greatest possible extent and that each pupil is supported appropriately in physical, social and emotional as well as cognitive development, taking into account the individual starting position. It is the task of the school to take preventive measures to counteract impending performance failure and other impairments in learning, language and physical, social and emotional development. Pupils with partial performance disorders are entitled to individual support. Highly gifted pupils are to be supported in their development through counselling and supplementary educational offers.

Inclusive education with a need for special education takes place as a standard form in the mainstream school ([Hessian School Act](#) of 1 August 2017, §51, number 1).

Ordinance on the Teaching, Education and Special Needs Education of Learners with Impairments or Disabilities: Verordnung über Unterricht, Erziehung und sonderpädagogische Förderung von Schülerinnen und Schülern mit Beeinträchtigungen oder Behinderungen (VOSB) Vom 15 Mai 2012, [§ 12 Gestaltung des inklusiven Unterrichts](#)

Additional strategies and programmes are found in the [‘recommendations’ and ‘Resolution’ from the KMK](#) from the 20 October 2011.

Source: *Legislative Definitions country report*



## Special needs education

Special needs education means specific support for learners with disabilities. With respect to all organisational aspects, special needs education in the Federal Republic of Germany exclusively refers to special needs within the context of disability. Within the general system of support, a combination of measures of differentiation support:

- learners experiencing problems as a result of certain disabilities and/or in need of additional educational support because of problematic situations;
- 'learners with needs for special education or SEN relating to development' (*Schüler mit sonderpädagogischem Förderbedarf*).

Source: *European Agency, Country information*

This legal definition is found in [state law](#) and in (Kultusminister Konferenz) KMK's recommendation from 1994.

## Learners vulnerable to exclusion from inclusive education

Although there is no legal definition, different groups are addressed in programmes and strategies, including:

- '... aimed at day-care facilities for children with an above-average proportion of children with a special need for language education and support.' (Federal programme Language-Kitas: Because language is the key to the world – *Sprach-Kitas: Weil Sprache der Schlüssel zur Welt ist*, source: Eurydice);
- '... needs of refugee children and youths ...' (Education through Language and Writing (*Bildung durch Sprache und Schrift* – BiSS) [Declaration of the Standing Conference of the Ministers of Education and Cultural Affairs of young refugees through education](#). Source: Eurydice);
- '... pupils leaving school without a general education qualification in all sectors of education'. ('Action framework to reduce the number of pupils leaving school without a first general education qualification, to secure transition from the lower secondary school to the next educational level or to vocational education and training in the dual system and to lower the number of trainee drop-outs' – '*Handlungsrahmen zur Reduzierung der Zahl der Schülerinnen und Schüler ohne Schulabschluss, Sicherung der Anschlüsse, Verringerung der Zahl der Ausbildungsabbrecher*', source: Eurydice);
- learners 'from a weak socio-economic background/who are socially and economically disadvantaged' ([School gives you strength initiative](#) – *Schule macht stark*, source: Eurydice);
- '... children and young people whose life is characterised by continual moves and a consequent lack of continuity in their school development ...' ([School diary for children of travelling professionals](#), source: Eurydice).

Source: *Legislative Definitions country report*



## Learners with special educational needs

Specific learner groups identified as having special educational needs are:

- according to [state law](#):
  - blind/visually impaired and deaf/hearing impairment;
  - intellectual disability;
  - physical disability;
  - learning difficulties;
  - behavioural problems;
  - speech impairment;
  - illness/medical needs;
- ‘...learners who already display very good performances...’ (Support Strategy for High-Achieving Learners – *Förderstrategie für leistungsstarke Schülerinnen und Schüler*, source: Eurydice);
- children with disabilities – Basic Law (Grundgesetz, Art. 3 – R1), Book Twelve of the Social Code (Sozialgesetzbuch XII – Sozialhilfe) and the *Länder* constitutions (R14–29). More detailed provisions are set out in the school legislation of the *Länder* (R70, R72, R74, R76, R78, R81, R83, R85, R87–88, R90, R92, R98, R100–102);
- Children with autism spectrum disorder – Not a legal definition of special needs. Children with this disorder can be diagnosed with one of the official SEN, but if they do not fit, they are entitled to get support from specialist teachers via ‘preventive measures’ ([Recommendations for education and teaching of children and young people with autistic behaviour](#)).

Source: *Legislative Definitions country report*

## 1.3 Individuals or groups of learners vulnerable to exclusion from inclusive education focused on in the report

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Within Germany, there are different ways and approaches to secure individual support if learners are in danger of school failure or being socially deprived. The Standing Conference of the Länder (KMK) focused on various approaches and programmes to implement individual support strategies.

The prerequisite for opening up the best possible future opportunities for learners is individual support in line with their talents and potential. This can consist, for example, in support for learning difficulties of various causes, in additional offers for learners with a faster learning pace or in special incentives and offers for specific talents and pronounced interests.

The Conference of Ministers of Education and the individual states have taken numerous initiatives and set the course in recent years.



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These programmes and interventions are, for example:

- language enhancement (e.g. Bildung durch Sprache und Schrift – BISS);
- support for underperforming learners;
- federal–state initiative ‘School gives you strength’;
- promotion of high-performing learners;
- federal–state initiative ‘Achievement makes school’ (‘Leistung macht Schule’);
- learner and youth competitions;
- support and schooling for children of travelling professionals (‘Förderung beruflich Reisender’).

#### [KMK Language promotion](#)

In addition to the actions mentioned above, one of the most vulnerable groups is children and youth with a migration background. Starting in 2015, when large numbers of refugees migrated to Germany, school programmes and educational support centres for learners, parents and teachers were established.

### **1.4 Development of thinking around learners vulnerable to exclusion from inclusive education**

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On 6 October 2016, the Conference of Ministers of Education and Cultural Affairs passed a declaration on the integration of young refugees through education. The goals and challenges that the Conference of Ministers of Education names in its declaration include, above all, rapid language acquisition, the teaching of basic democratic values and the acceptance and successful completion of vocational training or a degree. A [report by the Conference of Ministers of Education](#) from 6 October 2016 gives a general overview of the measures taken in the federal states to integrate young refugees through education.

The Conference of Ministers of Education has also created the necessary framework for teachers to acquire the skills required for inclusive education. With the above-mentioned recommendation ‘Standards for teacher training: educational sciences’ in the 2014 version and the ‘Common content requirements for the federal states: Subject sciences and subject didactics in teacher training’ were revised from an inclusion perspective. At the beginning of 2015, the KMK, together with the German Rectors’ Conference, issued [comprehensive recommendations](#) for ‘teacher training for a school of diversity’

### **1.5 Future education system developments that may impact positively or negatively on inclusive education**

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Concerning Hessen, there are few future developments of the educational system in sight.

The stream of refugees from Ukraine in spring 2022 once again poses a major challenge for the school system. Thankfully, experience from the years since 2015 can be used and is helpful to fall back on known opportunities.













Type of educational institution in English (and in national language)	ISCED levels	Main orientation of the programme	Total number of educational institutions	Number of public educational institutions	Number of government-dependent, private educational institutions	Number of private, independent educational institutions
Day-care centres for children from the age of 2 to 8 years (excluding schoolchildren) <i>(Kindertageseinrichtungen für Kinder im Alter von 2 bis 8 Jahren (ohne Schulkinder))</i>	0	–	17,518	5,701	11,817	–
Day-care centres for children of all ages (including schoolchildren) <i>(Kindertageseinrichtungen mit Kindern aller Altersgruppen (einschließlich Schulkinder))</i>	0	–	34,232	10,824	23,408	–
Primary schools <i>(Grundschulen)</i>	1	–	15,431	14,505	926	–
<i>Hauptschulen</i>	2	G	1,915	1,748	142	–
<i>Schularten mit mehreren Bildungsgängen</i> (types of school with several courses of education)	2, 3	G	1,867	1,649	167	–
<i>Realschulen</i>	2	G	1,781	1,469	312	–



Type of educational institution in English (and in national language)	ISCED levels	Main orientation of the programme	Total number of educational institutions	Number of public educational institutions	Number of government-dependent, private educational institutions	Number of private, independent educational institutions
<i>Gymnasien</i>	2, 3	G	3,141	2,597	544	–
Co-operative comprehensive schools ( <i>Integrierte Gesamtschulen</i> )	1, 2, 3	G	2,130	1,851	279	–
<i>Freie Waldorfschulen</i>	1, 2, 3	G	232	0	232	–
No classification possible	–	G	457	457	0	–
<i>Berufsschulen</i> in the dual system	3, 4	V	1,493	1,298	195	–
<i>Berufsaufbauschule</i> <i>n</i>	2	V	4	4	0	–
<i>Berufsfachschulen</i>	3, 4	V	2,289	1,307	982	–
<i>Berufsoberschulen/ Technische Oberschulen</i>	4	V	203	192	11	–
<i>Berufliche Gymnasien</i>	3	V	898	780	118	–



Type of educational institution in English (and in national language)	ISCED levels	Main orientation of the programme	Total number of educational institutions	Number of public educational institutions	Number of government-dependent, private educational institutions	Number of private, independent educational institutions
<i>Fachoberschulen</i>	3, 4	V	833	684	149	–

Source: [Eurydice](#)

## 2.2 Specific features that are present within the education system

**Early tracking of learners into a particular educational pathway (i.e. streaming learners by abilities into different types of provision or school; this includes placing children into separate schools)**

Following the primary school stage at which all children attend mixed-ability classes (grades 1 to 4, in Berlin and Brandenburg grades 1 to 6) the structure of the [secondary school system](#) (grades 5/7 to 12/13) in the *Länder* is characterised by division into three educational paths with their respective leaving certificates and qualifications for which different school types are responsible, either as school types offering one course of education or as school types offering more than one course of education.

At school types offering one course of education, all teaching is channelled to a specific qualification. These have traditionally been the *Hauptschule*, *Realschule* and *Gymnasium*. *Schularten mit mehreren Bildungsgängen* (schools offering more than one type of course of education) bring two or three courses of education under one umbrella. In most of the *Länder*, they have meanwhile led to the abolition of the *Hauptschule* and *Realschule*.

The vote of the school which the learner is leaving is taken as a basis for the decision, or as guidance in the decision, regarding the learner's future school career. This is accompanied by detailed consultations with parents. The final decision is taken either by the parents or the school or school supervisory authority. For certain school types, it is dependent on learners demonstrating a certain level of ability and/or on the capacity available in the desired school. For an [overview of regulations specific to the various \*Länder\* with regard to the transition from the \*Grundschule\* to lower secondary education](#), see the website of the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* ([Kultusministerkonferenz – KMK](#)).

Source: [Eurydice](#)

5.3.1 A federal law (*Sozialgesetzbuch*, SGB IX, p. 30) gives parents the right to ECI for their children at every level. The 16 *Länder* organise ECI in different ways; each *Länder* is responsible for its own ECI.



5.3.2 Since 1976, every child can take part in a screening system from birth to 64 months (U1–U9) to detect delays and difficulties. During the child’s first year, six screening sessions are offered by paediatricians (U1–U6) (ECI questionnaire, p. 9).

Some *Länder* have established pre-primary classes (*Vorklassen*) for 5-year-old children who have not yet reached compulsory school age, but whose parents want assistance with their preparation for primary school. Attendance is voluntary (ibid., p. 26).

**‘Double-shift’ patterns to the school day (i.e. learners attend for either a morning or afternoon session)**

Not present.

**Grade retention (i.e. holding learners back to repeat school years, instead of providing flexible support that enables learners to progress with their peers)**

Not present.

**Multiple languages of instruction**

Not present.

**Specific policies on access to compulsory education in local schools (i.e. school selection policies)**

Learners with disabilities are required to attend school, as are their non-disabled peers. When a child reaches school age, their parents or guardians enrol them in either the *Grundschule* (mainstream primary school) or in the relevant *Förderschule* (special school). If a learner cannot be sufficiently helped in lessons at a mainstream school without special educational assistance, the school supervisory authority recognises that the learner concerned has SEN. A decision is taken on what sort of school they should attend and where (a certain type of *Förderschule* or a mainstream school offering individual additional assistance). Learners who attend a mainstream school but do not receive the assistance they require may be transferred to another type of school during their school career.

Decisions about a learner’s school career should be taken following consultation with the parents and, as far as possible, with their agreement. If the parents do not agree with the decision taken, they can seek redress or arbitration through the courts.

Source: European Agency, [Country information](#)

## **2.3 Public and private authorities responsible for different types of provision**

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### **Public authorities**

Federal Republic of Germany’s responsibility for the education system is determined by the federal structure of the state. Administration of the education system in these areas is almost exclusively a matter for the *Länder*.



Where the Federation has responsibility for education, science and research, within the Federal Government this responsibility lies primarily with the Federal Ministry of Education and Research (*Bundesministerium für Bildung und Forschung* – [BMBF](#)). The [Federal Ministry for Family Affairs, Senior Citizens, Women and Youth](#) (*Bundesministerium für Familie, Senioren, Frauen und Jugend* – BMFSFJ) is responsible for early childhood education and care in day-care centres and in child-minding services.

Wherever necessary, consultations between Federation and *Länder* take place in the [Bundesrat](#), the [Joint Science Conference](#) (*Gemeinsame Wissenschaftskonferenz* – GWK), the [Standing Conference of the Ministers of Education and Cultural Affairs](#) (*Kultusministerkonferenz* – KMK) and the [Science Council](#) (*Wissenschaftsrat*). The Federal Ministry of Education and Research is organised in one Central Directorate-General and seven further Directorates-General:

- Directorate-General 1: Policy Issues and Strategies; Co-ordination
- Directorate-General 2: European and International Co-operation in Education and Research
- Directorate-General 3: General Education and Vocational Training; Lifelong Learning
- Directorate-General 4: Higher Education and Research System
- Directorate-General 5: Research for Technological Sovereignty and Innovation
- Directorate-General 6: Life Sciences
- Directorate-General 7: Provision for the Future – Basic Research and Research for Sustainable Development.

The purview of the Federal Ministry of Education and Research embraces the [Federal Institute for Vocational Education and Training](#) (*Bundesinstitut für Berufsbildung* – BIBB). It is a major instrument for co-operation between employers, trade unions, Federation and *Länder* at the national level. The [Vocational Training Act](#) (*Berufsbildungsgesetz* – BBiG) defines the institute's responsibilities.

The main aim of the co-operation entered into by the *Länder* in 1948 with the founding of the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* in the Federal Republic of Germany ([Kultusministerkonferenz](#) – KMK) was to guarantee by means of co-ordination the necessary measure of shared characteristics and comparability in the Federal Republic of Germany's education system. The Standing Conference brings together the ministers and senators of the *Länder* responsible for education and training, higher education and research, and also cultural affairs. It is based on an agreement between the *Länder* and deals with policy matters pertaining to education, higher education, research and culture that are of supra-regional importance, with the aim of forming a common viewpoint and a common will as well as representing common interests. The resolutions of the Standing Conference can be adopted either unanimously, with a qualified majority or with a simple majority, depending on their content. They have the status of recommendations – with the political commitment of the competent



Ministers to transform the recommendations into law, however – until they are enacted as binding legislation by the parliaments in the *Länder*.

Source: [Eurydice](#)

### Private

In all areas of education there are also, to a greater or lesser extent, privately maintained institutions. Institutions which fall under this category are those at pre-primary level, which are assigned to child and youth welfare, schools and higher education institutions, as well as adult education institutions. The fact that state and non-state institutions exist side-by-side and co-operate with each other guarantees not only choice in terms of the educational programmes available but also choice between various maintaining bodies, which promotes competition and innovation in education. Through their maintenance of educational establishments, churches and other groups within the community help shape both society and the state.

Particularly in the *Länder* in western Germany, the education, socialisation and care of children up to school age takes place mainly in privately maintained day-care centres.

The right to establish privately maintained schools is expressly guaranteed by the Basic Law (*Grundgesetz*, Article 7, paragraph 4) and, to some extent, by provisions in the constitutions of the individual *Länder*. This freedom to establish privately maintained schools is combined with a guarantee of the privately maintained school as an institution. Thus, constitutional law rules out a state monopoly of education. The proportion of privately maintained schools varies considerably from *Land* to *Land* and between the different types of school. The main legal provisions for the establishment of privately maintained schools are the relevant provisions in the [Education Acts](#) and the special laws on privately maintained schools, as well as financial aid regulations in the form of laws and regulations of the *Länder*. Standard framework conditions in the *Länder* are guaranteed by an Agreement on Private Schools (*Vereinbarung über das Privatschulwesen*) of August 1951 drawn up by the Standing Conference of the Ministers of Education and Cultural Affairs ([Kultusministerkonferenz – KMK](#)).

In the primary sector, privately maintained schools may only be established on very strict conditions (Article 7, paragraph 5 of the Basic Law). Their establishment is permitted only where the school authority finds that they serve a special pedagogical interest or where – at the request of parents – they are to be established as *Gemeinschaftsschulen* (non-denominational schools), denominational schools or schools pursuing a certain ideology and no public-sector primary school of that type exists locally. Privately maintained primary schools are therefore the exception; in almost all cases they are either denominational primary schools, *Freie Waldorfschulen* (Rudolf Steiner schools), reformist schools and schools with a bilingual and international profile, or primary schools with an integrated boarding facility.

At secondary level, two types of privately maintained school are to be differentiated:

- *Ersatzschulen* (alternative schools) are, in terms of their overall purpose, to serve as a substitute for a public-sector school which already exists or is essentially provided for in a *Land*. They must acquire state approval. At these schools, compulsory schooling can be completed. However, these alternative schools – in





their capacity as, for example, denominational schools, reformist schools, schools with a bilingual and international profile, or boarding schools – may also fulfil an educational mission of their own.

- *Ergänzungsschulen* (complementary schools) are to complement the range of courses on offer from public bodies by offering types of education which do not generally exist in public-sector schools, above all in the vocational sphere. Complementary schools merely have to notify education authorities that they plan to start up. Under certain conditions, the school authorities can, however, also prohibit the establishment and operation of a complementary school.

The Framework Act for Higher Education (*Hochschulrahmengesetz*) and the *Länder* laws governing higher education (*Hochschulgesetze*) stipulate what minimum requirements have to be satisfied if non-public institutions are to be recognised as institutions of higher education by the state.

Source: [Eurydice](#)

## 2.4 Levels of autonomy open to educational institutions – schools, local authorities, school maintainers, etc. – within the system

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### School administration

Public-sector schools are, for the most part, state/local authority schools maintained jointly by the *Land* and the *Kommunen* (local authorities) or administrative districts. The cost of the teaching staff is borne by the *Land* and other staff or material costs are borne by the local authority. The local authorities or administrative districts, which are responsible for the establishment and maintenance of schools and supply them with financing, are described as *Schulträger*, or school maintaining bodies.

### Primary and secondary education

Schools are run by a head teacher, who bears a particular title (e.g. *Rektor*). They are responsible for educational and pedagogical work in the school as a whole and at the same time are a member of the teaching staff. Their responsibilities and duties are usually set out in the Education Act and in specific regulations for such posts. The head staff are required to co-operate closely with the teachers' conference and the *Schulkonferenz* (school conference) in so far as this is provided for in the primary sector by *Land* legislation. The head teacher, while being subject to the legal and administrative regulations of the school supervisory authority, is also authorised to issue instructions to the other members of the teaching staff and the 'on-teaching personnel within the framework of their duties relating to *Dienstaufsicht* (staff supervision) and *Fachaufsicht* (academic supervision). During the past years, the scope of duties of the head teacher has expanded due to measures for the legal autonomisation of schools. As such, the right and/or the obligation of the schools to pass, implement and evaluate specific *Schulprogramme* (school-specific programmes) has brought about new duties for the head teacher. As part of securing the quality of the lessons, the head teacher is additionally responsible for lesson development, staff development and organisational development,



as well as for the planning of further training, staff management and, where applicable, for the administration of budgetary funds.

Source: [Eurydice](#)

## 2.5 General mechanisms for funding schools

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Funding of teacher education and in-service training is regulated in the 16 *Länder*. The financing of education is currently based on the following arrangements:

- most educational institutions are maintained by public authorities;
- they receive the greater part of their funds from public budgets.

The public financing arrangements for the education system are the result of decision-making processes in the political and administrative system in which the various forms of public spending on education are apportioned between Federation, *Länder* and *Kommunen* (local authorities) and according to education policy and objective requirements (KMK, The Education System in the Federal Republic of Germany 2016/2017: Funding, p. 77).

Source: *Teacher Professional Learning for Inclusion (TPL4I) Policy Mapping Grid – Germany, pp. 40–41*

The political and administrative hierarchy in the Federal Republic of Germany is made up of three levels: Federation; *Länder*; local authorities (*Kommunen*), i.e. districts, municipalities with the status of a district and municipalities forming part of districts. Decisions on the financing of education are taken at all three levels, but around 90 per cent of public expenditure are provided by the *Länder* and the local authorities.

Since 2008, the [Federal Statistical Office](#) (*Statistisches Bundesamt*) prepares an annual [Educational Finance Report](#).

The financing of education from the public purse is currently based on the following arrangements:

- Most educational institutions are maintained by public authorities.
- They receive the greater part of their funds from public budgets.
- Certain groups undergoing training receive financial assistance from the state to provide them with the money they need to live and study.
- The public-financing arrangements for the education system are the result of decision-making processes in the political and administrative system in which the various forms of public spending on education are apportioned between Federation, *Länder* and *Kommunen* (local authorities) and according to education policy and objective requirements.

According to the International Standard Qualification of Education (ISCED), expenditure on education in Germany in 2017 totalled EUR 189.3 billion on pre-primary education, schools and the associated areas, the tertiary sector, miscellaneous and other expenses. Additional German expenditure related to education amounted to EUR 20.9 billion for in-company vocational education, further education offers and the promotion of



participants in continuing education. The education budget thus comprised a total EUR 210.2 billion in 2017. This corresponds to 6.5 per cent of gross domestic product (GDP). According to financing statistics, the Federation contributed a total 10.6 per cent to educational spending, the *Länder* 52.6 per cent, local authorities 16.9 per cent, the private sector 19.6 per cent and 0.3 per cent came from abroad. The payment transactions between the public budgets was taken into account in this calculation.

Source: [Eurydice](#)

The basic framework for financing and funding is the yearly education budget of the Federation, the *Länder* and the local authorities in Germany. Details of the methods of financing education – for example, teaching aids, learner transport – differ from *Land* to *Land*.

The agencies responsible for financing are government, districts (rural districts and municipalities with the status of a district) and communes (*Kommunen*). Decisions on the funding of education are taken at all three levels, but the *Länder* and the local authorities provide over 90% of the funds.

The *Länder* finance staff costs of teachers (salary, etc.). Teachers are employees of the *Länder*, except in private schools. As a rule, the local authorities – specifically, the maintaining bodies (*Schulträger*) – finance non-teaching staff (without the qualification of a teacher), such as social workers, nurses, ‘inclusion helpers’ and support staff. Local authorities are responsible for funding the material costs and the non-teaching staff payroll.

Each *Land* has its own arrangements regarding transport to and from school. Generally, the districts, municipalities with the status of a district (*Länder*) and, in some cases, the individual *Kommunen* are responsible for ensuring adequate provision for transporting learners to and from school. Maintaining bodies (usually the local authority) fund school transport. In most cases, the *Land* in question grants subsidies.

The maintaining bodies of private schools receive some financial support from the *Länder*, in various forms. All the *Länder* guarantee standard financial support to schools entitled to such assistance; this includes contributions to the standard staff and running costs.

Source: European Agency, [Country information](#)

## **2.6 Specific mechanisms for funding the inclusion of learners vulnerable to exclusion from inclusive education**

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The funding mechanism for special needs and inclusive education is the same as for mainstream education, with additional measures and resources that take into account developments and changes towards more inclusive schooling in the different *Länder*.

The school maintaining bodies and/or the Social and Welfare Office share responsibility for funding over and above normal education funding, for additional needs such as technical aids, transport, school attendants, architectural modifications for better access, etc.



Within the measures for the inclusion of people with disabilities in Social Code 12 (*Sozialgesetzbuch XII – Sozialhilfe*), learners with special educational needs (SEN) receive financial assistance to help obtain an adequate school education. This is especially with regard to the period of compulsory schooling and attendance in mainstream secondary education.

In some cases, there is mixed funding between Social Codes 8 (Children and Adults Welfare, §35A) and 12. There are also regional differences in decision-making concerning funding in the *Länder*. The allocation of the conditions and funds, and decisions about the type of support for specific learners is handled differently in the *Länder*. In some *Länder*, co-ordinating support committees (*Förderausschuss*) consult and make a proposal. This proposal is the basis for the school administration's decision, taking into account the school laws and the recommendations of each *Land*.

The Federal Training Assistance Act (*Bundesausbildungsförderungsgesetz*) allows financial support from the state for learners who have no other means of maintenance and of financing their training (mainly from their parents' income). The support is for learners in mainstream and vocational secondary schools from grade 10 onwards. It comes in the form of a grant. Financial support is also available from the Office of Employment.

Source: European Agency, [Country information](#)

## Evaluative commentary

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This section provides a qualified, evidenced-based reflection on the **challenges, opportunities and consequences** of system features and structures for the implementation of inclusive education in practice. It specifically considers the impact of policy-making, structures and processes at national, regional, local and school levels on inclusive education practice.

The German school system is characterised by the need to make a relatively early decision about the educational path after elementary school. Except for the *Länder* Berlin and Brandenburg, parents have to decide after fourth grade whether to have their children attend a school that focuses on one educational certificate (*Gymnasium oder Haupt* and *Realschule*) at the end of school or to decide to send their child to a school with two or three courses under one umbrella. These multi-course schools (*Gesamtschulen, Stadtteilschulen*) usually teach the learners in mixed ability classes.

There are still considerable social disparities in the transition from elementary school to secondary school types.

When it comes to student performance, children with a low socio-economic status ... start from a significantly worse starting position in lower secondary education, but then often have above-average progress in skills. Almost never performing as well as students from privileged homes. This trend is decreasing rather than increasing ([KMK Education report 2020](#)).

Learners with SEN almost never attend secondary schools focusing on higher education (*Gymnasium*), except for learners with physically disabilities or being blind or deaf.



Following this thought, all other learners with SEN (attending inclusive schools), which is the majority, attend schools with mixed ability classes or schools offering two or three courses.

Almost 50% of all learners choose to start secondary school in the *Gymnasium* (it differs slightly within the *Länder*). The remaining learners start in all other school types. Considering that the majority of learners with SEN are attending these schools, the impact of organisation, planning and support is primarily with the head teachers and staff of these secondary schools.

The number of learners who leave school without a secondary school certificate has increased from 5.7% in 2013 to 6.8% in 2020. Among them are fewer special needs learners ([KMK Education report 2020](#)).

This fact needs recognition when it comes to decisions in the legislation to increase early support and prevention measures for learners being vulnerable for exclusion.

Within the *Länder*, there are different ways of diagnosis of speech developments in German. Nationwide, in 2019, 22% of 3- to 6-year-old children who attended a day-care centre did not primarily speak German in the family. Despite the joint federal–state initiative ‘Education through Language and Writing (BISS)’, there was no sign of an overall educational strategy.

Source: [KMK Education report 2020](#)

### **What have been the perceived opportunities (support and ways forward) for inclusive education? What areas for development are identified and how can they be successfully implemented?**

The report on education from 2020 states that consolidation of the country-specific school structure enables more and more learners to learn together for longer as well as opening up more flexible educational paths. Most of the *Länder* expanded the number of secondary school types with more than one educational course. The flexibility in educational possibilities and therefore the gain for the career of learners has never been as good. Since 2008, the number of learners in school types with two or three courses under one umbrella has doubled to 1.4 million or 34%.

The report on education from 2020 states that the number of direct enrolments in special needs schools are fewer than before, but a higher number of SEN is being diagnosed upon enrolment. One reason might be that schools expect more resources for learners with SEN.

Source: [KMK Education report 2020](#)



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## SECTION 3. LEGISLATIVE AND POLICY FRAMEWORK

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This section provides information on the overall framework of legislation and policy governing the whole of the education system in the country.

### 3.1 Is there a single legislation and policy framework covering all learners in all educational settings?

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No.

#### 3.1a Description of the single legislation and policy framework

Not applicable.

#### 3.1b Overview of the general education legislation and policy framework guiding the whole system

The Basic Law contains a few fundamental provisions on questions of education, culture and science: thus, for example, it guarantees the freedom of art and scholarship, research and teaching (Article 5, paragraph 3), the freedom of faith and creed (Article 4), free choice of profession and of the place of training (Article 12, paragraph 1), equality before the law (Article 3, paragraph 1) and the rights of parents (Article 6, paragraph 2). The entire school system is under the supervision of the state (Article 7, paragraph 1).

Source: [Eurydice](#)

Each of the *Länder* has their respective basic legal framework on:

- early childhood education;
- primary and secondary education;
- school legislation;
- legislation on privately maintained schools;
- teacher training;
- Higher Education.

There is federal legislation on **early childhood education, secondary education** (*Berufsbildungsgesetz* (BbiG) Vom 23.03.2005 (BGBl. I 2005,20, S. 931 ff.), zul. Geänd. Durch Gesetz vom 17.07.2017 (BGBl. I 2017,49, S. 2613 ff.)) and the Mutual Agreement between the *Länder* on the **standardisation of the school system** (*Abkommen zwischen den Ländern der Bundesrepublik zur Vereinheitlichung auf dem Gebiete des Schulwesens* Vom 28.10.1964 i. d. F. vom 14.10.1971 (*Sammlung der Beschlüsse der Kultusministerkonferenz, Loseblatt-Sammlung, Beschluss 101*)) and on **tertiary education** (Vom 19.01.1999 (BGBl. I 1999,3, S. 18 ff.), *Bekanntmachung der Neufassung des Hochschulrahmengesetzes* (HRG) zul. Geänd. Durch Gesetz vom 15.11.2019 (BGBl. I 2019,40, S. 1622)).

Source: [Eurydice](#)



### 3.1c Overview of the specific education legislation and policy framework impacting on the inclusion of learners who are vulnerable to exclusion from inclusive education

*Gesetz zur Weiterentwicklung der Qualität und zur Teilhabe in der Kindertagesbetreuung* (KiTa-Qualitäts- und-Teilhabeverbesserungsgesetz–KiQuTG) Vom 19.12.2018 (BGBl. I 2018,49, S. 2696 ff.)

Source: [Eurydice](#)

General educational development and diverse experiences in practice with regard to inclusion or non-segregation have led to a visible change in recent years. All *Länder* have changed their school laws, adapting them to the KMK's recommendations of May 1994. The KMK revised the recommendations in 2008 to take into account the intentions of the United Nations Convention on the Rights of Persons with Disabilities. On 18 November 2010, the KMK adopted a position paper on 'Educational and legal aspects in the implementation of the United Nations Convention of 13 December 2006 on the Rights of Persons with Disabilities in school education' (*Behindertenrechtskonvention – VN-BRK in der schulischen Bildung*). The KMK's current situation on inclusive education of learners with disabilities in schools is documented in 'The Education System in the Federal Republic of Germany 2014/2015 – [Educational Support and Guidance](#)'.

The KMK's recommendations apply to learners with special educational needs (SEN), regardless of whether support takes place in a mainstream school or a special school (*Förderschule*). In addition to these general recommendations, further recommendations for individual types of special education focus on:

- Sight
- Learning
- Emotional and social development
- Speech
- Mental development
- Hearing
- Physical and motor development
- Instruction for ill learners.

Source: *European Agency, [Country Information](#)*

The Ministry for Social Affairs is mainly responsible for early years education. Under the Basic Law, it is the prerogative of the Federation to enact legislation on child and youth welfare within the framework of public welfare. This also applies to provision for children in kindergarten. The early intervention phase is not part of the public school system. Children with disabilities should, as far as possible, attend kindergarten and school together with non-disabled peers.

Source: *European Agency, [Country Information](#)*



## *Forms of special education*

### **Mainstream education**

Learners with SEN can attend mainstream schools, provided that they can guarantee the required special educational assistance, practical support and the right physical environment. Special education teachers work in *Sonderschulen/Förderschulen* and in mainstream schools that meet SEN, e.g. by providing mobile assistance, advice and co-operative instruction with another teacher in inclusive classes. Apart from a suitable external environment, this also requires:

- qualified special education teachers;
- individualised forms of planning;
- carrying out and monitoring of the teaching process;
- co-ordinated co-operation between the teaching and specialist staff involved.

Special educational support is provided during class lessons and, if necessary, alongside lessons.

### **Teaching in inclusive settings with heterogeneous learning groups**

Within the increasing process of inclusion, the conditions for learning have changed. Schools and teachers increasingly agree upon concepts of more open forms of teaching and learning. School curricula explicitly grant a lot of freedom to teachers. They encourage teachers to focus on learners' individual development and special needs, rather than on formal teaching objectives.

Consequences and changes evident in methods include:

- operation-oriented learning;
- learning in groups of different levels;
- teaching with differentiated objectives;
- avoiding marks, in connection with recognising individual progress in learning;
- curricula as a direction and educational freedom;
- general compulsory requirements in accordance with individual requirements;
- weekly schedules;
- training time for consistent practice;
- organising individual/group activities;
- learning by doing, learning with all the senses.

In relation to curricula:

- adaptation of teaching/learning to the learners' interests;
- school as an area of living;
- environment as a place of learning;





- requirements of spelling books, calligraphy and text layout as motivation and aid to reading;
- importance of curricula in relation to learners' questions and ideas.

Concerning institutions:

- strengthening the principle of a class teacher – designation of teachers based on the number of learners;
- global demands cannot be fulfilled by teachers;
- creation of an organisational framework which encourages the teacher to make small steps towards change: 'top-up reform';
- regional further education for teachers as a means of exchanging experiences and promoting joint planning;
- introductory level transition from play to learning;
- testing of remedial classes.

This list of subjects guides the on-going topical discussions, as it focuses on the main subjects concerned with the move towards inclusion.

The Ministers agreed that learners with SEN could be admitted to mainstream schools, provided the schools could offer the necessary educational support, equipment and facilities. If this was not the case and satisfactory conditions could not be offered, learners with disabilities would have to be taught in special (general or vocational) schools. In any case, there is a need for very close co-operation between schools and parents, among teachers, and between schools and other agencies concerned, e.g. public health agencies, medical services, youth welfare services.

In 2009, the [Jakob Muth-Preis](#) award for inclusive schools was established. Many schools participate in the competition, and demonstrate the range of innovation, curricula and school developments relating to inclusive education in Germany.

Source: *European Agency*, [Country information](#)

The *Länder* have passed a recommendation for 'balance of disadvantage' (*Nachteilsausgleich*). Learners with SEN who do not have intellectual impairments but do have difficulties because of their disability (e.g. those with sensory impairments) and who follow the mainstream curriculum have a right to *Nachteilsausgleich*. In practice, this can individualise learning, for example by reducing/adapting exercises in a special subject or in a test, or providing more time for working, technical aids, etc. (National overview – [CPRA Germany \(Hessen\)](#), p. 37).

## 3.2 Is there a single curriculum framework covering all learners in all educational settings?

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No.

### 3.2a Description of the single curriculum framework

Not applicable.



### 3.2b Overview of the general curriculum framework

The material and competences which are important to the educational process at primary school are laid down in curricula, education plans or framework plans which may be subject-related, area-related or interdisciplinary. To implement the [Bildungsstandards](#) (educational standards) of the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* ([Kultusministerkonferenz – KMK](#)) for the primary sector, the subjects in the curricula are adapted accordingly. The educational standards binding for all *Länder* define the objective, whereas the curricula reveal concrete and binding competence expectations for specific subjects. In addition to educational standards, the competencies and goals formulated in the strategy of the Standing Conference Education in the Digital World (*Bildung in der digitalen Welt*) of December 2016 (last amended in December 2017) have led to a review or revision of curricula in all *Länder*. For further information on quality assurance and quality development by means of educational standards, see [Eurydice: quality assurance in early childhood and school education](#).

Curricula or education plans for the primary school as well as for other types of school are the responsibility of the Ministries of Education and Cultural Affairs in the *Länder*. They take the form of instructions from a higher authority and, as such, are binding on teachers. It is the responsibility of the head teacher to ensure that the current curricula are taught at their school. At the same time, curricula are formulated in such a way that the teachers can act to perform their pedagogical responsibility. Nevertheless, all the teachers of a specific subject at one school hold conferences to reach a consensus on methods, contents and assessment criteria as well as, depending on the individual *Land*, also teaching and learning aids.

A curriculum or education plan is usually drawn up as follows. Once the Ministry of Education and Cultural Affairs of a particular *Land* has reached the decision to revise or completely re-organise a curriculum, a commission is appointed usually consisting in the main of serving teachers, including heads, as well as school inspectors, representatives of the school research institute of the *Land* concerned and of experts in the relevant disciplines from institutions of higher education. As a rule, it is the job of the commission to devise a curriculum for a certain subject at a specific type of school, for a specific school level or for a type of school. It will then work on a draft. Experience gained with previous curricula is taken into account when it comes to devising new ones. In some *Länder* curricula are launched on a trial basis before being evaluated and becoming universally valid. Finally, there are set procedures according to which the commission may consult associations, universities and parents' and learners' representative bodies.

As soon as a new curriculum or education plan has been completed and is introduced on a definitive or preliminary basis at schools, the in-service training institutes for the teaching profession maintained by the Ministries of Education and Cultural Affairs are charged with training teachers to work with it. Textbook publishers also embark on a revision or completely new edition of their titles.

A central database with curricula or education plans for schools providing general education is accessible on the [Standing Conference](#) website.

Source: [Eurydice](#)



### 3.2c Overview of specific curriculum framework(s) for different groups of learners who are vulnerable to exclusion from inclusive education

Due to the existing cultural sovereignty of each *Land*, all the *Länder* have their own legislation and their own curriculum. The material, which is important to the educational process, is laid down in syllabuses or framework plans which may be subject-related, area-related or interdisciplinary. Syllabuses for all types of school are the responsibility of the Ministries of Education and Cultural Affairs in the *Länder*. They are published as regulations of the Ministry of Education and Cultural Affairs. They are binding upon teachers, but leave teachers the freedom of teaching methods in practice. The syllabuses deal with content, course objectives and teaching methods. Nevertheless, all the teachers of a specific subject or for special educational support in a school hold conferences to reach a degree of consensus on methods, special aids and assessment criteria.

At the level of special education in some *Länder*, a process of reflection relating to the modification of syllabuses has begun. The *Länder* have passed a recommendation for 'balance of disadvantage' (*Nachteilsausgleich*). Learners with SEN who are taught the mainstream curriculum (e.g. those with sensory impairments), who do not have intellectual impairments but do have difficulties because of their disability, have a right to *Nachteilsausgleich*. In practice this could be, for example, reduced exercises in a special subject or in a test, more time for working, technical aids and so on.

Apart from *Förderschulen* for learners with learning difficulties and intellectual disabilities, all special schools use curricula which match those of mainstream schools (*Grundschule* and the educational courses offered by the secondary schools and *Gymnasium*) in terms of educational goals, lesson content and performance requirements. However, the methods used must take into account the special learning requirements and impairments relating to individual types of disability. The volume of lessons stipulated in the timetables of mainstream schools is supplemented by special education lessons. Some educational courses in *Förderschulen* also last a year longer than those in mainstream schools. Schools for learners with learning difficulties and intellectual disabilities work according to their own guidelines which, as with all other curricula, are issued by the Ministry of Education and Cultural Affairs of the relevant *Land*.

*Förderschulen* are often all-day schools or boarding schools. Comprehensive assistance for the learner with disabilities is part of the teaching concept, and instruction and education complement each other. Instruction is designed to meet individual needs and some lessons are held in small groups or individually. Class sizes in *Förderschulen* are particularly small. Depending on the type of disability, therapeutic measures such as physiotherapy, behavioural therapy, speech therapy, etc., are integrated into lessons. Technical and disability-related aids and devices are used where necessary.

In their plenary session of May 1994, the 16 *Länder* developed recommendations on special needs education, replacing earlier guidelines from March 1972. This basic paper documents special needs education development in all German *Länder*. The ministers agreed with the current trend to focus on supporting the individual learner rather than on their deficits or on the type of school or institution.

The recommendations aimed to maintain and develop the present variety and level of special education facilities, and to encourage efforts to educate learners with and without



disabilities together. The ministers recommended that any changes should guarantee the necessary amount and quality of special support and allow for flexibility in a system combining different degrees of special support. They should also ensure that learners with SEN – as far as possible – are afforded the same possibilities and opportunities all over Germany, regardless of the place and nature of special support given.

Source: *European Agency*, [Country information](#)

Apart from special education institutions with special educational focuses on learning and mental development, all special schools work on the basis of curricula or education plans which in terms of educational goals, lesson content and performance requirements match those of mainstream schools (*Grundschule* and the educational courses offered by the *Hauptschule*, *Realschule* and *Gymnasium*). However, the methods used must take into account the specific conditions and effects on learning with regard to the special educational focuses. Special education institutions with special educational focuses on learning and mental development work according to their own guidelines which, like all other curricula or education plans, are issued by the Ministry of Education and Cultural Affairs of the relevant *Land*.

Source: [Eurydice](#)

### **3.3 Is there a single legislation and policy framework for all teacher education and professional development?**

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No.

#### **3.3a Description of the single legislation and policy framework for teacher education and professional development**

Not applicable.

#### **3.3b Overview of the general legislation and policy framework for teacher education and professional development**

Pedagogic staff in the German early childhood sector do not have the training and status of teachers. The pedagogic staff in the early childhood sector consists mainly of *Erzieher/Erzieherinnen* (state-recognised youth or child-care workers).

In Germany, teacher training at all types of schools is regulated by *Land* legislation. The relevant statutory provisions include laws (R110–119) and regulations for teacher training, *Studienordnungen* (study regulations) for teacher training courses, *Prüfungsordnungen* (examination regulations) for the *Erste Staatsprüfung* (First State Examination) or for bachelor's and master's examinations, *Ausbildungsordnungen* (training regulations) for the *Vorbereitungsdienst* (preparatory service) and examination regulations for the (Second) State Examination. Responsibility for teacher training rests with the Ministries of Education and Cultural Affairs and Ministries of Science of the *Länder* which regulate training through study regulations, or training regulations and examination regulations or cores. All *Länder* provide various offers for in-service and further teacher training corresponding to statutory provisions.



The framework agreements of the Standing Conference for six types of teaching profession create the prerequisite for mutual recognition of training and examinations for the various teaching careers.

Responsibility for teacher training rests with the Ministries of Education and Cultural Affairs and Ministries of Science of the *Länder*, which regulate training through study regulations or training regulations and examination regulations or corresponding statutory provisions.

Source: [Eurydice](#)

A resolution passed by the Standing Conference of the Ministers of Education and Cultural Affairs of the States in the Federal Republic of Germany on 12 March 2015 and a resolution passed by the German Rectors' Conference on 18 March 2015 led to a joint recommendation 'Educating teachers to embrace diversity' (*Lehrerbildung für eine Schule der Vielfalt*). It states:

All teachers should be educated and continuously trained in a way that will allow them to acquire fundamental transferable competences in general teaching and in special needs education. This should also enable them to develop a professional approach to dealing with diversity in schools, particularly in the areas of educational diagnostics and special programmes to foster and support their learners (p. 3; source: TPL4I Policy Mapping Grid – Germany, p. 8).

### **3.3c Overview of specific legislation and policy framework for teacher education and professional development and what and who this specific framework focuses on**

'Teaching ability' means that the following competences are binding for all *Länder* and everybody working with and in teacher education. These competences should be acquired during the various phases of teacher training and in different education institutions:

- Basic competences with respect to the specialist sciences, their methods for acquiring and consolidating knowledge and way of working as well as the teaching methodology requirements, will be largely built up during the course of studies.
- The teaching of competences that are defined more by teaching practices, on the other hand, is above all the job of the preparatory service; numerous bases for this will, however, be laid or initiated in the course of studies.
- After all, further development in a professional role as a teacher is the job of further and continuing education.

These competences count for all academic staff in teacher training.

Source: *TPL4I Policy Mapping Grid – Germany, pp. 22–23*

In December 2011, the Standing Conference of the Ministers of Education and Cultural Affairs ([Kultusministerkonferenz – KMK](#)) developed a competence-based qualification profile for all fields of work of pedagogic staff in early childhood education and care in training in a *Fachschule*. The qualification profile defines the requirement level for the profession and describes the professional competences a qualified person must have.



Teacher training is basically divided into two stages: a course of higher education including periods of practical training and practical training in a school setting.

The various careers for which teachers are trained correspond to the levels and types of school in the *Länder*. In view of the resulting large number of different designations for teaching careers, the following six types of teaching careers can be distinguished for reasons of clarity:

- Type 1 Teaching careers at the *Grundschule* or primary level
- Type 2 General teaching careers at primary level and all or individual lower secondary level school types
- Type 3 Teaching careers at all or individual lower secondary level school types
- Type 4 Teaching careers for the general education subjects at upper secondary level or for the *Gymnasium*
- Type 5 Teaching careers in vocational subjects at upper secondary level or at vocational schools
- Type 6 Teaching careers in special education.

In all *Länder*, training is divided into studies at a university or equivalent institution of higher education including periods of practical training and practical training in a school setting (*Vorbereitungsdienst*).

Source: [Eurydice](#)

The course of study for qualification as a special education teacher (240 European Credit Transfer and Accumulation System credits – ECTS) incorporates discipline-specific and cross-discipline components, taking into account aspects of joint education of learners with and without special educational needs. It covers four domains, in order of weight of ECTS:

- study of special education (120 ECTS);
- subject-related studies and didactics in at least one teaching area/area of learning;
- educational sciences and practical training in schools, with particular importance attached to educational and didactic basic qualifications in the areas dealing with heterogeneity and inclusion and fundamental support diagnostics;
- scientific work.

Source: *TPL4I Policy Mapping Grid – Germany, pp. 20–21*

10.3.1 – Most *Länder* have laid down the goals of in-service training (IST) in their teacher training or educational legislation. Directives regulate other details about organisations which provide IST, and about applications, admissions and release from teaching duties for attendance at courses.

10.3.2 – Some *Länder* have also formulated the fundamental aims and tasks of IST for teachers in directives or publications and not in legal provisions. All *Länder* expressly lay down the duty of teachers to undergo IST by law or ordinance. It is the duty of employers



(usually the Ministries of Education and Cultural Affairs) to ensure that suitable training programmes are provided (National Overview).

10.3.3 – Within schools, IST is carried out for their own teaching staff or some members of their teaching staff. IST can also take place within schools or as guided private study.

10.3.4 – IST serves to maintain and extend the professional skills of teachers. It helps teachers to meet the current requirements of their teaching career and to fulfil their school's educational mission. IST covers an extremely broad range of subjects. Course content can relate to school subjects, types of school, educational and teaching methods and goals, special problems within the classroom (e.g. in inclusive education settings), or particular issues within a specific disability (National Overview).

Source: *European Agency, [CPRA Germany \(Hessen\)](#), p. 48*

### **3.4 Is there a single legislation and policy framework to ensure support for all learners throughout their school careers?**

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No.

#### **3.4a Description of the single legislation and policy framework that ensures support for all throughout their school careers**

Not applicable.

#### **3.4b Overview of the general legislation and policy framework that ensures support for the majority of learners throughout their school careers**

The Basic Law contains a few fundamental provisions on questions of education, culture and science: thus for example it guarantees the freedom of art and scholarship, research and teaching (Article 5, paragraph 3), the freedom of faith and creed (Article 4), free choice of profession and of the place of training (Article 12, paragraph 1), equality before the law (Article 3, paragraph 1) and the rights of parents (Article 6, paragraph 2). The entire school system is under the supervision of the state (Article 7, paragraph 1).

Source: [Eurydice](#)

At any school, it is the teachers who will create an environment in which diversity is acknowledged and appreciated as normality and as a strength. Teachers need professional competences to allow them to recognise learners' special gifts and any disadvantages, impediments and other obstacles that they might exhibit or experience and to put in place appropriate pedagogical measures for prevention or support. Co-operation and communication between teachers in different teaching functions and between the various professions are gaining in importance. Therefore, degree programmes which lead to a teaching position in any type of school and at any level of schooling should prepare prospective teachers co-operatively to take a constructive and professional approach to diversity (KMK, *Educating teachers to embrace diversity*, p. 2).



Source: *TPL4I Policy Mapping Grid Germany*, pp. 9–10

### **3.4c Overview of the specific legislation and policy framework that ensures support for learners who are vulnerable to exclusion from inclusive education throughout their school careers**

The right of disabled persons with disabilities to education and training appropriate to their needs is enshrined in the Basic Law (*Grundgesetz*, Article 3), in equality legislation, in Book 9 of the Social Code (*Neuntes Buch Sozialgesetzbuch – Rehabilitation und Teilhabe von Menschen mit Behinderungen*) and in the *Länder* constitutions. More detailed provisions are set out in the school legislation (*Schulgesetze*) of the *Länder*.

In 2009, Germany ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) of 13 December 2006, committing itself to ‘ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities without discrimination on the basis of disability.’

Different offers for education, support and development in early childhood before entering school are available for learners with disabilities. The majority of learners who receive integration support related to an institution, in accordance with Book 8 of the Social Code (*Achtes Buch Sozialgesetzbuch – Kinder- und Jugendhilfe*) and/or Book 9 of the Social Code or for whom special educational needs have been identified and who attend a day-care facility for children, will be cared for there along with other learners without disabilities.

The development and organisation of special education in the *Länder* was harmonised by several resolutions adopted by the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* ([Kultusministerkonferenz – KMK](#)) and especially by the ‘Recommendations on the organisation of special schools’ (*‘Empfehlung zur Ordnung des Sonderschulwesens’*, Resolution of March 1972) and recommendations for the individual types of special education. In March 2019, in addition to the recommendation ‘Inclusive education of children and young people with disabilities in schools’ (*‘Inklusive Bildung von Kindern und Jugendlichen mit Behinderungen in Schulen’*), the KMK presented ‘Recommendations on school education, counselling and support for children and young people with special educational needs LEARNING’ (*‘Empfehlungen zur schulischen Bildung, Beratung und Unterstützung von Kindern und Jugendlichen im sonderpädagogischen Schwerpunkt LERNEN’*). These recommendations take into account the development of an inclusive education system in Germany, the need for subsidiary special educational support and the relationship to general pedagogy and lifelong learning. They incorporate various recommendations of the KMK. The recommendations of the Standing Conference apply to learners with special educational needs, regardless whether support takes place at a mainstream school or at a special education institution.

Source: [Eurydice](#)

A focus on institutions has given way to a focus on individual needs. Formerly, the usual choice for a learner with SEN was education in a special school. The concept of *Sonderpädagogischer Förderbedarf* (special educational needs) now means education, instruction, therapy and care requirements depending on the learner’s individual physical





disabilities and social disadvantages, as far as the institutional setting allows. This development has been influenced by:

- a new understanding of disabilities and educational needs;
- improved diagnostic techniques;
- more effective early detection and prevention;
- better overall conditions in mainstream schools (e.g. improved learner–teacher ratios);
- more open approaches to instruction and education;
- a greater appreciation of the benefits to learners of attending a school close to their home.

Offers of inclusion in mainstream schools for learners with SEN are currently being extended in the *Länder*, both in general and vocational education.

Over 70% of learners with SEN (more than 90% in some *Länder*) attend mainstream groups in early childhood education and care. The number of learners with SEN in mainstream schools from primary and secondary education doubled between 2005 and 2015, from 14% to 38%, and the figure is rising constantly. There are also big regional differences.

Sources: [Compact Data on Education](#); European Agency, [Country information](#)

### **3.5 Is there a single legislation and policy framework to ensure support for all learners at times of transition between phases of education and into adult life?**

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No.

#### **3.5a Description of the single legislation and policy framework that ensures support for all learners at times of transition between phases of education and into adult life**

According to the Third Volume of the German Social Welfare Code (SGB 3), the Office of Employment (Arbeitsamt) is responsible for providing career orientation.

Source: European Agency, [Country information](#)

#### **3.5b Overview of the general legislation and policy framework that ensures support for the majority of learners at times of transition between phases of education and into adult life**

School career advice at lower secondary level consists of not only counselling on questions of transferring to other schools and the choice of the further educational path, but also advice on study courses leading to a professional qualification in the educational system. It also co-operates with the employment agencies in providing career advice for learners.

Vocational orientation (*Berufliche Orientierung*) offers for learners exist in all *Länder* for all educational programmes; in all *Länder*, vocational orientation is now a firm part of the curricula and guidelines or ordinances.



The employment agencies also offer careers information centres (*Berufsinformationszentren* – BIZ), facilities where anyone facing vocational or career decisions can find out more for themselves, in particular about training, professional activities and requirements, further education and training as well as developments on the labour market.

Source: [Eurydice](#)

Within the framework of lifelong learning, educational guidance has become increasingly important in recent years. It is perceived as a prerequisite for the assurance of the individual right to education and creating more permeability and equal opportunities in the education system. Despite increased efforts, given the numerous institutions and competences and the different legal rules, educational guidance is still very heterogeneous. Since 2017, the Federal Ministry of Education and Research (*Bundesministerium für Bildung und Forschung* – [BMBF](#)) has been offering a nationwide helpline service on Continuing Education and Training (CET) counselling.

Source: [Eurydice](#)

### **3.5c Overview of the specific legislation and policy framework that ensures support for learners who are vulnerable to exclusion from inclusive education at times of transition between phases of education and into adult life**

A mandatory vocational orientation (*Berufliche Orientierung*) at all general education schools should open the opportunity for young people to develop their potential and make an informed career choice. Consistently orienting the transitional system to the above principles should, moreover, facilitate individual, tailored support for young people with difficulties getting off the ground. In the long term, the transition system should, therefore, become such an efficient instrument that it only has to be available for young people with particular support needs.

To achieve these goals, the Federation, the Federal Employment Agency and the *Länder* have extended the initiative Qualification and Connection – Education Chains through to the Completion of training (*Abschluss und Anschluss – Bildungsketten bis zum Ausbildungsabschluss*). In June 2014, a process was initiated to create an efficient system for the transition from school to training and vocational training or the choice of studies in specific agreements with the *Länder*. The partners' support offers are geared to each other on the basis of concepts of the individual *Länder*.

Source: [Eurydice](#)

Systematic skills profiling procedures (e.g. competence analysis, career choice passport (*Berufswahlpass*), skills passport, competence portfolio, *Profilpass*, etc.) are used in all *Länder* on an occasional basis or across-the-board for the individual support of learners. These offers are systematised and further developed with respect to further vocational orientation measures within the scope of the initiative 'Qualification and Connection – Education Chains' through to the completion of training (*Abschluss und Anschluss – Bildungsketten bis zum Ausbildungsabschluss*). In this, the Federal Ministry of Education and Research (*Bundesministerium für Bildung und Forschung* – [BMBF](#)), together with the [Federal Ministry of Labour and Social Affairs](#) (*Bundesministerium für Arbeit und Soziales* – BMAS) and the Federal Employment Agency, are also concluding bilateral agreements



with the *Länder* to make the transition from school to training and work or a choice of studies more efficient.

Source: [Eurydice](#)

In July 2004, the Federation and the *Länder* adopted a joint strategy for lifelong learning in Germany (*Strategie für Lebenslanges Lernen in der Bundesrepublik Deutschland*). The strategy aims to demonstrate how learning can be encouraged and supported for all citizens of all ages and at all life stages.

The *Länder's* reform measures arising from this strategy particularly concern, for example:

- expanding full-day offers with the aim of extended educational and support options;
- raising the educational level of disadvantaged people;
- improving linguistic competence;
- improving dovetailing of the pre-primary and primary school sectors;
- improving school education, reading competence and the understanding of mathematical and scientific correlations;
- vocational orientation measures and measures to improve transition from school to work;
- strengthening the link between vocational and higher education;
- laws to improve the Federation's and the *Länder's* identification and recognition of professional qualifications acquired abroad;
- increasing the higher education graduation rate and that of comparable qualifications.

Sources: [The Education System in the Federal Republic of Germany 2016/2017 – On-going reforms and policy initiatives](#), p. 301; [Aufstieg durch Bildung – Die Qualifizierungsinitiative für Deutschland: Bericht zur Umsetzung 2015](#); [European Semester](#); European Agency, [CPRA Germany \(Hessen\)](#), p. 3

#### *Hessen policy*

In the *Bildungs- und Erziehungsplan* (BEP) education plan for learners aged 1–10, educational goals are about strengthening the basic skills of all learners. These skills include taking responsibility, ability to co-operate, creativity and dealing with individual differences and cultural diversity. The focus is on learners who are strong, responsible and value-driven, communication and media literate, active in their learning, research and discovery, and creative and imaginative artists.

Children experience different transitions in the course of the first years, from the family to day-care, kindergarten and, later, primary school. These special situations and sessions are closely monitored. Interdisciplinary interdependent pedagogical concepts are being developed to accompany and support learners in the best possible way.

Source: European Agency, [CPRA Germany \(Hessen\)](#), p. 12



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## Evaluative commentary

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This section provides a qualified, evidenced-based reflection on the **challenges, opportunities and consequences** of the legislative and policy framework for inclusive education in practice. It specifically considers the main challenges and opportunities for effectively translating policy into regional, local and school level practice.

This is not easily answered because the legislation of the policy framework is within the *Länder*. This respects the differences in educational processes depending on the historical development. The eastern *Länder* still have different initial positions and history of education, especially of early childhood education than the western *Ländern*.

Overall, the development of inclusive education sped up after 2009. All the legislation measures mentioned above focus on individual support and early prevention.

The addition of recommendations of the Standing Conference of Ministers of Education and Cultural Affairs of the *Länder* concerning the education in times of digitalisation (December 2021) points out wide changes for the educational system by implementing digitalisation.

‘The following overarching competencies are considered important for learning, living and working in an increasingly digital world:

- Communicate successfully
- Finding creative solutions
- Acting competent
- Thinking critically
- Collaborate’

Using digitalisation as a bridge to focus on learning, which is more individual and contains contemporary educational approaches and exam requirements which follow the idea of individualised settings and contents, might have a major affect overall on the education system. It describes different factors either concerning teaching or school administration that are in need of reflection, adjustment and change for more inclusive and individualised education. Learners being vulnerable to exclusion might have more chances to reach their full potential in their educational biography.

Source: [KMK, Teaching and Learning in the Digital World, 2021](#)

The below-mentioned ‘*Nachteilsausgleich*’ seems to be one very important acknowledgement to accept that learners with difficulties need more support and different ways of learning.

At the level of special education in some *Länder*, a process of reflection relating to the modification of syllabuses has begun. The *Länder* have passed a recommendation for ‘balance of disadvantage’ (*Nachteilsausgleich*). Learners with SEN who are taught the mainstream curriculum (e.g. those with sensory impairments), who do not have intellectual impairments but do have difficulties because of their disability, have a right to ‘*Nachteilsausgleich*’. In practice this could be, for example, reduced exercises in a special subject or in a test, more time for working, technical aids and so on.



As an answer to the 'Bildungsbericht 2020', the Standing Conference of the Ministers of Education and Cultural Affairs (KMK) declared and developed a strategy to increase the number of learners leaving school with the lowest graduation possible (*Hauptschulabschluss*). This very detailed strategy focuses on different measures and interventions to reduce the numbers of learners being vulnerable from exclusion. One point is to enable learners with learning difficulties to acquire the '*Hauptschulabschluss*'.

Source: [KMK, Report on the status of implementation the funding strategy for lower-performing students, 2020](#)

### **Hessen policy**

The legislation process over the past years, starting with the school act (HSchG 2017) and the following regulations, focuses on prevention instead of labelling learners with SEN (VOSB).

Assuring that resources are constantly available within the school system, independent of whether learners with SEN attending special or general schools, started the decline of numbers of learners labelled with SEN. Hessen with 5.3% has the second lowest percentage of learners with SEN in Germany. In addition, Hessen has now released standards for tools for SEN to assure standardised procedures and reliability.

Source: *Kleine Anfrage der SPD vom 11.01.2021, Hessischer Landtag*



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## SECTION 4. SYSTEM GOVERNANCE

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This section provides information on aspects of governance across and between different system levels, bodies and stakeholders in the country.

### 4.1 Shared responsibilities across and between central and local government

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This information covers the whole education system.

In the Federal Republic of Germany, responsibility for the education system is divided between the Federation and the *Länder*. The scope of the Federal Government's responsibilities in the field of education is defined in the Basic Law (*Grundgesetz*). Unless the Basic Law awards legislative powers to the Federation, the *Länder* have the right to legislate. Within the education system, this applies to the school sector, the higher education sector, adult education and continuing education. Administration of the education system in these areas is almost exclusively a matter for the *Länder*.

The scope of the Federal Government's responsibilities in the field of education is defined in the Basic Law, according to which the Federation bears responsibility particularly for the regulations governing the following domains of education, science and research:

- in-company vocational training and vocational further education;
- admission to higher education institutions and higher education degrees (here the *Länder* may enact laws at variance with the legislation of the Federation);
- financial assistance for learners;
- promotion of scientific and academic research and technological development;
- child and youth welfare (in particular early childhood education and care in day-care centres and child-minding services);
- legal protection of participants of correspondence courses;
- regulations on entry to the legal profession;
- regulations on entry to medical and paramedical professions;
- employment promotion measures as well as occupational and labour market research.

Furthermore, the Federation has legislative authority over the status-related rights and duties of civil servants, as well as the legislative authority over foreign affairs.

In addition to the division of responsibilities described above, the Basic Law also provides for particular forms of co-operation between the Federation and the *Länder* within the scope of the so-called joint tasks (*Gemeinschaftsaufgaben*). Pursuant to Article 91b, paragraph 1 of the Basic Law, the Federation and the *Länder* may mutually agree to co-operate in cases of supra-regional importance in the promotion of science, research and teaching. Additionally, pursuant to Article 91b, paragraph 2 of the Basic Law, the



Federation and the *Länder* may mutually agree to co-operate for the assessment of the performance of educational systems in international comparison and in drafting relevant reports and recommendations. Furthermore, pursuant to Article 91c, the Federation and the *Länder* may co-operate in planning, constructing and operating information technology systems needed to discharge their responsibilities.

An amendment to Article 104c of the Basic Law entered into force in April 2019. The amendment enables the Federation to grant financial aid to the *Länder* for investments by the *Länder* and municipalities that are significant for the nation as a whole in order to increase the efficiency of the municipal education infrastructure. The new Article 104c is the constitutional basis for the DigitalPact School 2019–2024 (*DigitalPakt Schule 2019–2024*), with which the Federation and the *Länder*, among other things, pursue the goal of creating digital education infrastructures suitable for the future.

Early childhood education and care is not part of the state-organised school system in Germany but almost exclusively assigned to the child and youth welfare sector. On the federal level, within the framework of public welfare, responsibility lies with the [Federal Ministry for Family Affairs, Senior Citizens, Women and Youth](#) (Bundesministerium für Familie, Senioren, Frauen und Jugend – BMFSFJ), on the level of the *Länder*, the Ministries of Youth and Social Affairs and, in part, also the Ministries of Education and Cultural Affairs, are the competent authorities.

Source: [Eurydice](#)

## 4.2 Specific areas for shared responsibilities across and between central and local government

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### Policy development, implementation and co-ordination

See also 4.1.

The extensive participation of the *Länder* in issues of foreign cultural policy, international cultural relations as well as European co-operation occurs through the Standing Conference of the Ministers of Education and Cultural Affairs ([Kultusministerkonferenz – KMK](#)). The co-ordinating committee for this area is the Committee for European and International Affairs (*Kommission für europäische und internationale Angelegenheiten*). The Committee deals with EU co-operation regarding issues of education, culture and research as well as with the educational and cultural activities of the Council of Europe. The committee develops common positions for all *Länder* which may be taken into account at an early stage in consultations by the Federation, other *Länder* conferences and the academic organisations. Furthermore, the Committee deals with basic questions of foreign cultural policy and co-ordinates the views of the *Länder* in order to achieve a joint statement.

Source: [Eurydice](#)

The basic principle of sustainability should be anchored more firmly in the German educational system in future. To this end, the National Platform on Education for Sustainable Development resolved the National Plan of Action on Education for Sustainable Development ([Nationaler Aktionsplan Bildung für nachhaltige Entwicklung](#) –



BNE) in June 2017. The members of the National Platform are, on behalf of the federal government, the Federal Ministry of Education and Research (*Bundesministerium für Bildung und Forschung – BMBF*), the [Federal Ministry of Family Affairs, Senior Citizens, Women and Youth](#) (*Bundesministerium für Familie, Senioren, Frauen und Jugend – BMFSFJ*), the [Federal Ministry for the Environment, Nuclear Safety and Consumer Protection](#) (*Bundesministerium für Umwelt, Naturschutz, nukleare Sicherheit und Verbraucherschutz – BMUV*) and the [Federal Ministry for Economic Co-operation and Development](#) (*Bundesministerium für wirtschaftliche Entwicklung und Zusammenarbeit – BMZ*), and on behalf of the *Länder*, representatives of the Standing Conference, the [Conference of the Ministries of Youth and Family Affairs](#) (*Jugend- und Familienministerkonferenz – JFMK*) and the [Conference of the Environmental Ministers](#) (*Umweltministerkonferenz – UMK*), and on behalf of the local authorities, a representative of the local authority organisations. Decision-makers from the fields of business, science and civil society are also members of the National Platform.

Source: [Eurydice](#)

### Identification of needs / referral for services

Special educational needs are to be determined in relation to the tasks, the requirements and the support measures the respective school can provide. Furthermore, a determination of the special educational needs of the learner must take into account their environment, including the school as well as their personal abilities, interests and expectations for the future. In some cases, formal assessment procedures accompany enrolments and transitions to different types of schools.

The procedure of determining special educational needs comprises establishing the individual need for support as well as deciding on the course of education and, in some *Länder*, also the place of support. **The responsibility for the procedure lies in most cases with the school supervisory authorities:** Either the authorities themselves have the competence for special educational needs as well as sufficient experience in the field of educational support for learners with special educational needs, or they consult experts in the field of special educational support.

The procedure of determining special educational needs may be applied for by the parents or legal guardians of the learner, by the learner, by the school or, if applicable, by other competent services, and is to take into account the competences of the persons who participate or are to participate in the measures of support and instruction in a suitable manner.

Sources: [Eurydice](#); *European Agency*, [Country information](#)

In 1994, the Standing Conference of the Ministers of Education and Cultural Affairs ([Kultusministerkonferenz – KMK](#)) passed the Recommendation on Special Education in the Schools of the Federal Republic of Germany (*Empfehlungen zur sonderpädagogischen Förderung in den Schulen der Bundesrepublik Deutschland*). It clarifies the need to overcome traditional categories of people with disabilities in favour of more differentiated approaches of support and individual development. Qualifications and perspectives of basic developmental levels must be involved in the 'learner and environment analysis' (*Kind-Umfeld-Analyse*). Consequently, eight key elements for identifying and diagnosing





learners with SEN were established: motor, perception, cognition, motivation, communication, interaction, emotion and creativity.

In terms of specific content, diagnosis and subsequent support mainly emphasise:

- learning capacity and behaviour, especially scholastic learning and the ability to cope with disability in the learning process;
- speech, speaking, the communicative act, handling speech problems;
- emotional and social development, experience and self-control, dealing with disturbances, inexperience and behaviour;
- intellectual development, handling intellectual disability;
- physical and motor development, dealing with severe physical disabilities;
- hearing, auditory perception, the ability to handle a hearing impairment;
- vision, eyesight, visual perception, the ability to deal with a visual impairment;
- state of health and state of mind, the ability to cope with a long-term illness.

The diagnosis of SEN must be a precise definition of individual special needs. It must guide the decision about the process of education and the place of support. To ensure appropriate support measures, a qualitative and a quantitative profile of the learner is required. Consequently, information from the following areas is important:

- Development of learning and behavioural strategies
- Perception and the process of perception
- Social relationships
- Communication and interaction
- Individual and educational circumstances in life
- The school environment and possibilities for change
- The vocational environment and the necessary supporting factors.

In general, the criteria for identifying SEN are similar for early years education and the transition period. Given the different levels of responsibilities, medical and psychological assessment may play a supplementary role.

Source: *European Agency, [Country information](#)*

Aids for adequate school education which are provided by the youth or welfare service to support young people with disabilities, equipment funded by health insurance funds, and other extra-curricular help must be integrated into the educational offers. The schools access this aid through co-operation with the extra-curricular institutions. Parents may also be advised to consider extra-curricular measures (VOSB, Hessian School Law and Book of the Social Code; Co-operation between Schools and the Youth aid measures – Book of the Social Code 54–55).

Source: *[CPRA country grid Germany](#), p. 19*



## Data collection and sharing

No information.

## Monitoring and evaluation

Pursuant to Article 91b, paragraph 2 of the Basic Law (*Grundgesetz*) the Federation and the *Länder* may mutually agree to co-operate for the assessment of the performance of the education system in international comparison and in drafting relevant reports and recommendations. An important element of this collaboration and also of the comprehensive strategy of the Standing Conference on educational monitoring is the joint reporting of the Federation and of the *Länder*.

### *Primary and secondary education*

*Land* authority to carry out academic supervision is derived from the state sovereignty over schools enshrined in the Basic Law. This states that the entire school system is under the supervision of the state (Article 7, paragraph 1). Detailed provisions are set out in the [Education Acts and regulations of the \*Länder\*](#). The school legislation of most *Länder* provides for measures of external and internal evaluation beyond state supervision. The full texts of the current Education Acts are available on the [Standing Conference](#) website.

### *In-company vocational training*

Quality assurance in in-company vocational training is achieved mainly through laws and regulations, and through the recommendations of the board of the [Vocational Training Act](#) (*Berufsbildungsgesetz*) places a high value on quality assurance and quality development. Within the framework of their activities, the vocational training boards of the competent authorities (Section 79, paragraph 1, sentence 2 *Berufsbildungsgesetz*) and of the *Länder* committees for vocational education and training (Section 83, paragraph 1, sentence 2 *Berufsbildungsgesetz*) are thus also responsible for steadily improving the quality of vocational education further.

### *Higher education*

Under Section 59 of the Framework Act for Higher Education and the higher education legislation in place in the *Länder*, higher education institutions are subject to state supervision which is exercised by the *Länder*. The full texts of the current laws for higher education institutions are also available on the [website of the Standing Conference](#).

The evaluation of research and teaching has been provided for in the higher education sector since the amendment to the Framework Act for Higher Education of 1998. Higher education legislation of most *Länder* now includes regulations regarding both internal and external evaluation.

### *Continuing education*

In the field of regulated continuing vocational education, the recommendation of the Federal Institute for Vocational Education and Training from March 2014 on key points of the structure and quality assurance of continuing vocational education – in accordance with the Vocational Training Act and Crafts and Trades Regulation Code



(*Handwerksordnung* – HwO) – are decisive when determining the level, standardisation and quality assurance.

In their laws and statutory provisions for the promotion of continuing education, Federation and *Länder* have formulated general minimum requirements of a structural and quantitative nature for institutions of continuing education. Furthermore, some *Länder* have adopted specific quality assurance standards in their statutory provisions. In the area of distance learning, the Law on the Protection of Participants in Distance Education (*Fernunterrichtsschutzgesetz* – FernUSG), as well as the control by the [Central Office for Distance Learning of the Länder](#) (*Zentralstelle für Fernunterricht der Länder*), assure the quality and further development of the offer.

Source: [Eurydice](#)

### Quality assurance and accountability

Within the school system, the [Standing Conference of the Ministers of Education and Cultural Affairs of the Länder](#) (*Kultusministerkonferenz* – KMK), in the so-called *Konstanzer Beschluss* of October 1997, took up quality assurance processes that had already been introduced in several *Länder* in the school sector and declared these a central issue for its work. Since then, the *Länder* have developed evaluation instruments in the narrower sense which may be employed depending on the objective.

Source: [Eurydice](#)

### Funding

See also 2.5.

The political and administrative hierarchy in the Federal Republic of Germany is made up of three levels:

1. Federation
2. *Länder*
3. local authorities (*Kommunen*), i.e. districts, municipalities with the status of a district and municipalities forming part of districts.

Decisions on the financing of education are taken at all three levels, but around 90 per cent of public expenditure are provided by the *Länder* and the local authorities.

Since 2008, the [Federal Statistical Office](#) (*Statistisches Bundesamt*) prepares an annual [Educational Finance Report](#).

The financing of education from the public purse is currently based on the following arrangements:

- Most educational institutions are maintained by public authorities.
- They receive the greater part of their funds from public budgets.
- Certain groups undergoing training receive financial assistance from the state to provide them with the money they need to live and study.
- The public financing arrangements for the education system are the result of decision-making processes in the political and administrative system in which the



various forms of public spending on education are apportioned between Federation, *Länder* and *Kommunen* (local authorities) and according to education policy and objective requirements.

Source: [Eurydice](#)

## 4.3 Formal and informal collaboration across ministries

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### Formal collaboration

The principles of education policy in the early childhood education and care sector are laid down in the [Joint Framework of the \*Länder\* for Early Education in Day-Care Centres](#) (*Gemeinsamer Rahmen der Länder für die frühe Bildung in Kindertageseinrichtungen*) which was adopted by the Standing Conference of the Ministers of Education and Cultural Affairs ([Kultusministerkonferenz – KMK](#)) and the [Youth Ministers Conference](#) (*Jugendministerkonferenz – JMK*). For early childhood education and care: home-based provision, the responsibility lies in the [Federal Ministry for Family Affairs, Senior Citizens, Women and Youth](#) (*Bundesministerium für Familie, Senioren, Frauen und Jugend – BMFSFJ*); on the level of the *Länder*, the Ministries of Youth and Social Affairs are the competent authorities.

Source: [Eurydice](#)

The Basic Law (*Grundgesetz*) and the constitutions of the *Länder* include a number of fundamental provisions on schools (inspection, parents' rights, compulsory schooling, religious instruction, privately maintained schools) which also have a bearing on primary schools. The legal basis for the *Grundschule* as the first compulsory school for all children is to be found in the [Education Acts](#) and the Compulsory Schooling Acts of the *Länder* as well as in the *Schulordnungen* (school regulations) for the primary school enacted by the Ministries of Education and Cultural Affairs in the *Länder*.

Source: [Eurydice](#)

Based on the Education Acts and Compulsory Schooling Acts of the German *Länder*, ordinances for schools providing general and vocational education in particular contain detailed regulations covering the content of the courses, as well as the leaving certificates and entitlements obtainable on completion of lower and upper secondary education.

Source: [Eurydice](#)

### Informal Collaboration

No information.



## 4.4 Specific mechanisms for formal and informal collaboration that impact on inclusive education

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### Development of a shared vision for inclusive education

#### *Hessen policy (VoiSB)*

For the implementation of inclusive education in schools, all general schools and special schools of the public district of a state school office form an inclusive school alliance (iSB) according to § 52 of the Education Act. The special educational advisory and support centres (BFZ) are part of the inclusive school alliances.

The members of the iSB have the possibility to discuss questions of the way prevention and inclusive education will take place in the region.

### Policy development, implementation and co-ordination

No information.

### Identification of needs / referral for services

Co-operation between special education institutions and mainstream schools exists independently of more recent attempts at inclusive teaching. When a learner is transferred from one type of school to another, the teachers and head teachers of the schools concerned work together. It is possible for learners to return to mainstream schools. In the majority of the *Länder*, the education authority makes the decision on whether to transfer a learner following a request from the special education institution or from the parents or legal guardians.

Many special education institutions and mainstream schools have developed close educational co-operation. Co-operative or inclusive forms of 53valuation53i benefit both lessons and the general life of the school. Also, this trend expands the opportunities for changing between school types and educational courses, increases the proportion of joint lessons and encourages the transfer of learners from special education institutions to mainstream schools.

Source: [Eurydice](#)

The structure of the special school system may vary from *Land* to *Land*. Special education institutions must be able to provide the required technical equipment and special teaching aids. They may turn to external organisations to obtain assistance such as therapy, care and social support. Special education institutions vary according to the type of special education on which they focus and the educational courses they offer. They provide support to learners in any developments which may lead to their possible transfer to a mainstream school and to training.

Source: [Eurydice](#)

### Data collection and sharing

The social index combines statistical data to capture the social burden of schools and kindergartens. It helps to justify different resource allocations, so that disadvantages



arising from the diversity of the population in a city or region can be compensated for. In Hessen, calculations are based on the unemployment rate in the region, the proportion of welfare recipients, the proportion of migrants, and socio-demographic characteristics. This has consequences, e.g. on teacher allocation and class sizes. The procedure of allocation of teachers to schools is regulated by decree (*Lehrerstellenzuweisungserlass Schuljahr 2019/20, 26.6.2019*).

Source: [CPRA Germany \(Hessen\)](#) p. 45

### **Monitoring and evaluation**

No information.

### **Quality assurance and accountability**

No information.

### **Funding**

No information.

### **Other(s)**

#### *Raising literacy*

In November 2016, the Federation and *Länder* proclaimed the National Decade of Literacy and Basic Education 2016–2026 (*Nationale Dekade für Alphabetisierung und Grundbildung*), which takes up the findings and results of the National Strategy for Literacy and Basic Education of Adults 2012–2016 (*Nationale Strategie für Alphabetisierung und Grundbildung Erwachsener*) that was launched in 2012. As a broad social alliance, the strategy includes, among others, the local authorities (*Kommunen*), trade unions, churches, the [Federal Employment Agency](#) (*Bundesagentur für Arbeit – BA*) and *Volkshochschule* associations. The goal of the National Decade is to raise reading and writing skills, as well as the level of basic education, among adults in Germany.

Source: [Eurydice](#)

## **Evaluative commentary**

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This section provides a qualified, evidenced-based reflection on the **challenges, opportunities and consequences** of system governance for the implementation of inclusive education in practice. It specifically considers the impact of levels of decentralisation/centralisation in the country on inclusive education in practice.

### **Hessen policy**

The implementation of the iSB, a regional conference (VoiSB), has led to a change from top-down to bottom-up decision-making concerning inclusive education. For the implementation of inclusive education in schools, all general schools and special schools of the public district of a state school office form an inclusive school alliance (iSB) according



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to § 52 of the Education Act. The special educational advisory and support centres (BFZ) are part of the inclusive school alliances.

The members of the iSB have the possibility to discuss questions of the way prevention and inclusive education will take place in the region. This form of decentralisation will consider the requirements of an adequate schooling for learners with SEN.

Another positive impact on prevention is the so-called social index (*Sozialindex*). The social index combines statistical data to capture the social burden of schools and kindergartens. It helps to justify different resource allocations, so that disadvantages arising from the diversity of the population in a city or region can be compensated for. In Hessen, calculations are based on the unemployment rate in the region, the proportion of welfare recipients, the proportion of migrants, and socio-demographic characteristics. These additional resources are distributed to the schools by the central government (*Lehrerstellenzuweisungserlass*).



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## SECTION 5. QUALITY ASSURANCE AND ACCOUNTABILITY

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This section provides information on the general and specific quality assurance and accountability frameworks and mechanisms informing the country's education system.

### 5.1 School inspection processes and structures for all forms of educational provision

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#### Early childhood education

Unlike the school sector, in pre-primary education responsibility for the quality of a day-care centre for children lies with the maintaining body for that centre, which undertakes the *Fachaufsicht* (academic supervision of teaching and education activity) and the *Dienstaufsicht* (supervision of educational staff and head teachers) for its employees.

The maintaining bodies of day-care centres for children are obliged to explain how quality assurance and development are guaranteed in their approach. A number of methods are used in practice. A method of quality monitoring that is binding for the whole *Land* only exists at present in Berlin. This stipulates an annual internal evaluation as well as external evaluations every five years by certified agencies.

The youth welfare offices (*Jugendämter*) have the task of supporting the private-sector maintaining bodies (as well as regularly self-employed child-minders) through appropriate measures in exercising their promotional mission.

#### Primary and secondary education

School supervisory authorities exercise *Fachaufsicht* (academic supervision), *Rechtsaufsicht* (legal supervision) and *Dienstaufsicht* (staff supervision) within the school system. Special educational support and academic evaluation is provided in school pilot projects carried out by the school supervisory authorities and the institutes for school development (*Landesinstitute für Schulentwicklung*) of the *Länder*. Accompanying research examines the effectiveness of the reform measures and the framework that should be created if they are to be successfully implemented. The introduction of new curricula is often preceded by a test phase. In some *Länder*, for example, teachers are surveyed in order to establish whether the new guidelines have proved successful or require amendment.

By providing advice and assistance, recommending changes in schools and reporting to higher-ranking education authorities, the school supervisory authorities and institutes for school development make a contribution to the evaluation and further development of the school system.

In almost all *Länder*, schools are evaluated by external quality or evaluation agencies and inspection procedures. In the *Länder* where there are legal provisions for external evaluation, responsibility lies with the school supervisory authorities, as a rule. In several *Länder*, responsibility lies with the institutes for school development.





The vocational training committees and the *Land* committees shall, within the framework of their duties, work towards a continuous improvement of the quality of vocational training.

In June 2004, the [Standing Conference](#) of the Ministers of Education and Cultural Affairs of the Länder set up the [Institute for Educational Quality Improvement](#) (*Institut zur Qualitätsentwicklung im Bildungswesen – IQB*) at the Humboldt University in Berlin. Since then, the IQB has been entrusted with the supervision of the operationalisation of the educational standards, the co-ordination of the development of corresponding standard-oriented tasks, and the review of their achievement.

An external evaluation of schools is carried out on a regular basis in almost all *Länder* (*Fremdevaluation, Schulvisitation, Schulinspektion*). The Ministries of Education or the institutes for school development of the *Land* are usually responsible for the external evaluation.

Source: [Eurydice](#)

## 5.2 Other quality assurance processes for all forms of educational provision

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In addition to Hessen, Nordrhein-Westfalen implemented a framework of quality assurance: [Reference Framework School Quality NRW](#).

### Hessen Policy

In Hessen, it is called the '[Hessischer Referenzrahmen für Schulqualität](#)'. The 'Hessian Reference Framework for School Quality' (HRS) forms the basis for targeted and sustainable school development in Hesse. The reference framework creates the clarity schools need about what expectations and requirements are placed on the quality of schools. It names the school quality areas and explains the corresponding quality criteria. In this way, the reference framework offers schools the opportunity to constantly check, evaluate and effectively increase the quality of their educational work. It is meant to be an open-development concept.

The data collection system HESIS (*Hessisches Schulinformationssystem*) monitors all relevant numbers concerning the school system. It is possible to determine the numbers of learners in each school, or the amount of learners who reached a certain degree, or even failed school. It also covers the professional education of the teachers in one school.

Using this data, the school administration authorities are committed to have an evaluative meeting with each head teacher every year. At the end, they will set up an agreement of planning measures to increase the performance of the school in total. Possibilities of support and assistance are also included (*Daten gestützte Schulentwicklungsgespräche: HSchG § 92 (3)*).



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## 5.3 Evaluation mechanisms used to monitor outcomes at different system levels

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### General outcomes (academic, social, well-being, etc.) for all learners

#### *Hessen policy*

Teachers educate, teach, advise and supervise on their own responsibility within the framework of the principles and goals of the Hessian School Law. They must maintain political, religious and ideological neutrality in school and teaching, and are required to receive regular training (Hessian School Law § 86).

The Hessian Checklist for Inclusion helps to review teachers' attitudes and values as part of their own and their schools' development. It describes school development as a continuous process of quality development. The checklist supports schools by systematically drawing attention to different, binding facets and quality aspects. It invites them to gather the perceptions of the individuals involved about the school's level of development and discuss them together with the development goals in mind.

The quality aspects are:

- funding and personal resources;
- goals and strategies regarding quality development;
- leadership and management;
- professionalism;
- school culture;
- teaching and learning;
- results and effects.

The goal is a self-image and the practice of a 'school for all'. The repeated use of the checklist after appropriate long development phases can accompany change processes and reflect changes in perception.

Source: *CPRA Grid – Germany (Hessen)*, p. 8–9

### Specific outcomes (academic, social, well-being, etc.) for learners vulnerable to exclusion

Special educational support and academic evaluation is provided in school pilot projects carried out by the school supervisory authorities and the institutes for school development (*Landesinstitute für Schulentwicklung*) of the *Länder*.

Source: [Eurydice](#)



### **Outcomes for schools (professional development, staff and personal well-being, etc.)**

*Fachaufsicht* (academic supervision) and *Dienstaufsicht* (staff supervision) in early childhood education, primary and secondary education: school supervisory authorities are responsible.

Source: [Eurydice](#)

School leaders are held accountable for school outcomes under the *Länder* framework.

Source: *KMK – Länderinformation: The Education System in the Federal Republic of Germany 2015/2016 as cited in the Supporting Inclusive School Leadership country survey*

### **Outcomes for parents and families (support, participation, family well-being, etc.)**

The elected school–parent council exercises the right of co-determination of parents at the school. For the duration of two years, a chairperson, a deputy and, if necessary, further members of the executive board are elected from among the parents.

The school–parent advisory board must approve, among other things, decisions on the school programme, principles for homework and classwork, or principles for the establishment and scope of voluntary education and care services.

According to the individual development plan, all parents must be involved in the planning process, the level of their child’s learning and development goals, problems that arise, school and extra-curricular support measures and support options (VOSB 5 and 6).

The parents must be involved in and informed about the decision-making process, the eligible supporting offers and their objectives, and possible effects on future schooling.

Source: [CPRA Germany \(Hessen\)](#) p. 21

## **5.4 Evaluation mechanisms used to monitor the effectiveness of processes at different system levels**

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### **Effectiveness of teaching and learning processes**

The introduction of new curricula is often preceded by a test phase. In some *Länder*, for example, teachers are surveyed in order to establish whether the new guidelines have proved successful or require amendment.

Source: [Eurydice](#)

### **Effectiveness of school management processes**

Some of the *Länder* implemented a framework of quality assurance.

#### *Hessen policy*

In Hessen, it is called the [‘Hessischer Referenzrahmen für Schulqualität’](#). The ‘Hessian Reference Framework for School Quality’ (HRS) forms the basis for targeted and sustainable school development in Hesse. The reference framework creates the clarity schools need about what expectations and requirements are placed on the quality of schools. It names the school quality areas and explains the corresponding quality criteria.



In this way, the reference framework offers schools the opportunity to constantly check, evaluate and effectively increase the quality of their educational work. It is meant to be an open-development concept

The data collection system HESIS (*Hessisches Schulinformationssystem*) monitors all relevant numbers concerning the school system. It is possible to determine the numbers of learners in each school, or the amount of learners who reached a certain degree, or even failed school. It also covers the professional education of the teachers in one school.

Using this data, the school administration authorities are committed to have an evaluative meeting with each head teacher every year. At the end, they will set up an agreement of planning measures to increase the performance of the school in total. Possibilities of support and assistance are also included (*Daten gestützte Schulentwicklungsgespräche: HSchG § 92 (3)*).

### **Effectiveness of teacher professional development processes**

#### *National and Hessian policy*

The implementation of the nationwide comparison work in the German *Länder* is part of the overall strategy adopted by the Conference of the Ministers of Education for Education Monitoring in 2006.

Comparative work is written work in the form of tests, which examine nationwide competencies that learners have reached in literacy and maths. Nationwide means in this context that with [VERA](#) – National test for evaluation of skills (language, maths) – the learning level in the third and eighth grades of all general education schools and classes in Germany is compulsory.

Source: [CPRA Germany \(Hessen\)](#) p. 21

### **Efficiency and effectiveness of funding mechanisms**

Since 2008, the [Federal Statistical Office](#) (*Statistisches Bundesamt*) has prepared an annual [Educational Finance Report](#).

Source: [Eurydice](#)

#### *Hessen policy*

The inclusive school alliances set binding, regional criteria for the annual distribution of the total resources of all special education, counselling and support services, taking into account their flexible use in both mainstream schools and special schools (VOISB § 2).

Source: [CPRA Germany \(Hessen\)](#) p. 25

The DIPF (German Institute for Pedagogical Research) is a state-funded institute responsible for the national report on education. It uses data to provide an overview of concepts, methods, questions and research results of the economics of education with regard to human capital research, internal efficiency and financing of education. It outlines the investment character of education, methods and results of return estimates, as well as the contribution of the economics of education to investigating the conditional



factors of school performance and to the normative foundation of financial decisions in education.

Systematic collection of data also focuses on economic measures, e.g. provision of special teachers as preventative action or links to indicators about goal achievement (such as reduction of school drop-out). There are targets for inclusive education and a reduction in number of special schools.

Source: [CPRA Grid – Germany \(Hessen\)](#), p. 25

#### **Effectiveness of (vertical) co-operation between stakeholders at different system levels**

No information.

#### **Effectiveness of (horizontal) co-operation between ministries and ministerial departments**

No information.

### **5.5 Specific monitoring mechanisms relating to learners vulnerable to exclusion from inclusive education**

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Continuous assessment of performance takes place in special education institutions in a similar form to that of mainstream schools. In the case of learners with intellectual disabilities or severe intellectual disabilities, the assessments take the form of reports on their cognitive, social and emotional development.

Special education institutions examine regularly whether the needs of the learner can still be catered for there and in which grade they should be placed or, alternatively, whether the learner should move to another special school or to a mainstream school.

Source: [Eurydice](#)

Assessment is always based on syllabus requirements and the knowledge, abilities and skills acquired in a particular class or learning group. Assessment is carried out by the teacher in charge of lessons, who is educationally responsible for their decision. Each learner's performance or development is set out in a twice-yearly report, in the middle and at the end of the school year. The evaluation of a learner's performance is a pedagogical process, but also an administrative act based on legal and administrative regulations. The individual education plan is drafted yearly or twice a year.

Standardised achievement tests to assess learners' performance or learning development in certain subjects or grades are not given at *Land* level.

Continuous assessment of performance for learners with SEN takes place in special schools in a similar way to mainstream schools. For learners with intellectual disabilities or very severe disabilities, assessment is confined to reports on personal development.

Assessment for special education is based on multi-disciplinary reports. Parents can apply for assessment. If an institution makes an application, the parents must be informed and consulted. Parents can object to a placement decision. Special education is divided into



categories relating to the particular requirements of the learners concerned and operates on the basis of special educational principles.

Source: *European Agency*, [Country information](#)

Paragraph 22a of the German Code of Social Law (*Sozialgesetzbuch SGB 8*) describes the duties of public sector institutions responsible for child and youth services.

The national education reports are a major tool for educational monitoring in Germany. They provide concise information about the current situation in the German education system. The reports are addressed to different target groups in educational policy, administration and practice in science and training, and to the public. The reports are designed based on an educational concept with three goals: individual self-direction, social participation and equal opportunities, and human resources (National Education Report 2014, Preface; IECE Germany Country Questionnaire, p. 15).

In June 2015, the Standing Conference revised its comprehensive strategy on educational monitoring.

The comprehensive strategy should not only describe developments in the education system but also create applicable knowledge. From the empirical data, the right conclusions should be drawn and put into action.

The comprehensive strategy provides for the following methods and instruments:

- participation in international school performance studies (PIRLS/IGLU, TIMSS, primary school, PISA);
- monitoring and implementation of educational standards for the primary sector, lower secondary level and the *Allgemeine Hochschulreife*;
- methods to ensure quality at school level;
- the joint report on education of the Federation and *Länder* (On-going reforms and development paper, referenced in CROSP survey, p. 304).

Source: [CPRA Germany \(Hessen\)](#), p. 20

## 5.6 Specific evaluation mechanisms relating to learners vulnerable to exclusion from inclusive education

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Because of the national report 2020 (the national education reports are a major tool for educational monitoring in Germany), the Standing Conference of the Ministers of Education and Cultural Affairs (KMK) established a report on the status of implementing a [strategy for low-performing learners](#).

Key items of this strategy are, for example:

- individual support during lessons to ensure the educational standards;
- more learning time and targeted support;
- lessons focused on experiences;



- support for learners with migration backgrounds, understanding diversity as a chance;
- increasing the numbers of learners with learning disabilities to reach the *Hauptschulabschluss*;
- implementing special time slots to extend the time for learning during school time;
- increasing the opportunity for an external mentoring;
- professionalise the vocational orientation and ensure the matching and transition to the next educational period;
- advance teacher professional training and education.

## 5.7 Specific accountability mechanisms to ensure the inclusion of learners vulnerable to exclusion from inclusive education

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### National and Hessen policy

The implementation of the nationwide comparison work in the German *Länder* is part of the overall strategy adopted by the Conference of the Ministers of Education for Education Monitoring in 2006.

Comparative work is written work in the form of tests, which examine nationwide competencies that learners have reached in literacy and maths. Nationwide in this context means that with VERA (National test for evaluation of language and maths skills), the learning level in the third and eighth grades of all general education schools and classes in Germany is compulsory (Learning Surveys).

Source: [CPRA Germany \(Hessen\)](#), p. 21

### Evaluative commentary

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This section provides a qualified, evidenced-based reflection on the **challenges, opportunities and consequences** of quality assurance and accountability for inclusive education in practice. It specifically considers the implications of how different stakeholders across the education system are accountable for ensuring the effective implementation of policy for inclusive education in practice.

There are different accountabilities in Germany. The responsibility for early childhood education is primarily defined through the social codes (*Sozialgesetzbuch*). Monitoring and security of the outcome is in the hands of the maintaining body. The maintaining bodies of day-care centres for children are obliged to explain how quality assurance and development are guaranteed in their approach. The youth welfare offices (*Jugendämter*) have the task of supporting the private-sector maintaining bodies (as well as regularly self-employed child-minders) through appropriate measures in exercising their promotional mission.



The great amount of privately acting stakeholders in the field of early childhood education and care brings a major task of controlling and supervising the day-care centres as well as regularly self-employed child-minders.

The accountability to ensure the quality of inclusive education is assigned to the *Länder*. Nevertheless, the national report of the education system, issued each second year, is one of the central monitoring instruments in Germany. The data collection and interpretation of the consequences lead to suggestions for the *Länder* to adapt their laws and regulations. In addition, national recommendations for a nationwide strategy are formulated.

Within the *Länder*, the monitoring and governance of inclusive education is based on the legislation process of each *Land*. This might be an opportunity because the adaption to the needs and preconditions in each *Land* will define the method of inclusive education.

On the other hand, agreements between the *Länder* are necessary to ensure an almost similar standard on inclusive education.

Source: *TOP 12: Übersicht 'Inklusives Schulsystem – Entwicklungen in den Ländern'*; hier: *Ergebnisse der Länderumfrage 2021*

### **Hessen policy**

In Hesse, the responsibility to ensure inclusive education is delegated from the school administration and supervising authorities to the school leaders.

In principle, all school-age children in Hesse are admitted to the responsible general school. That is how schooling of learners with SEN takes place as a regular form in the general school. In close co-operation with the special educational counselling and support centre and, if necessary, with the participation of the special school. The school leader is in charge to establish a committee including the parents, teachers and special education teacher to decide if a learner might be declared in need of special education.

The school administration and supervising authorities will then control the result and outcome to ensure the application of the legislation.

Source: [VOSB § 9](#)





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## SECTION 6. STAKEHOLDER COLLABORATION, CO-OPERATION AND EFFECTIVE COMMUNICATION

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This section provides information on the structures, mechanisms and opportunities for stakeholder collaboration and co-operation in the country.

### 6.1 Does the legislation and policy framework specify learner voices are used to inform the development of learning and teaching environments?

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Yes.

#### 6.1a Description of the legislation and policy framework around the use of learner voice

Learners with disabilities can participate in the planning and design of individual assistance in accordance with their age and development. Parents are also intensively involved (IECE country questionnaire, 2019, p. 2).

Source: [CPRA Germany \(Hessen\)](#), p. 32

### 6.2 Does the legislation and policy framework ensure curriculum development processes take account of all learners and their communities?

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No.

#### 6.2a Description of how the legislation and policy framework around curriculum development processes take account of all learners and their communities

Not applicable.

#### 6.2b Explanation

No information.

### 6.3 Does the legislation and policy framework support the active involvement of different stakeholders in ensuring inclusive learning environments?

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#### Parents and families

Yes. The law aims to reach 'all' children and families in need. Establishing regional interdisciplinary ECI centres helps to avoid unequal situations in rural/urban areas. Co-ordination/networking between different services is an important principle in ECI. Families have many opportunities to access information concerning ECI for their children



(doctors, nurses, hospitals, kindergarten, etc.). Pre-natal support/guidance for families is offered by paediatricians and nurses (ECI questionnaire, p. 9).

Source: [CPRA Germany \(Hessen\)](#), p. 26

### *Hessen policy*

2.2.1 Parents are to be comprehensively informed and advised on their child's level of learning and development, problems that arise, school and extra-curricular support measures and support options, and the individual development plan. Counselling sessions should discuss parents' suggestions for encouraging their child. Education and educational goals are discussed with the parents. In advance of establishing a support and promotion committee in accordance with §§ 9 and 10, parents must be informed about the decision-making process, the eligible support offers and their objectives, and possible effects on future schooling (Regulation on Teaching, Education and Special Needs Education of Learners with impairments or disabilities – VOSB, May 2012, § 6 Advice and information for parents).

2.2.2 Learners and their parents must be informed and advised of all important school matters.

2.2.3 If an institution makes an application (for assessment of SEN), parents must be informed and consulted. Parents can object to a placement decision (National Overview).

2.3.1 Information for parents is provided at schools: an information flyer in 12 languages explains every single provision in a short and easy-reading format.

2.3.2 Information and counselling for parents is usually carried out in parents' meetings. For learners, it is usually during lessons. With the agreement of the teacher and head teacher, the parents can attend their children's education in basic (primary) and middle (lower secondary) levels.

2.3.3 The head teacher and teachers should inform and advise parents and learners on an appropriate scale about:

- learning development, needs and possibilities of individual support, and the working and social behaviour of the learner;
- the performance appraisal, including transfers and course classifications;
- the choice of educational programmes.

2.3.4 The parents of adult learners up to the age of 21 must be informed of facts relating to the school relationship, particularly about risks of dislocation and non-dislocation, provided that the adult or full-age learner has not objected. Parents and learners must be informed of the contradiction rule.

2.3.5 Adolescents, parents and adult learners have the right to access their school, school inspectorate and school medical service files. The inspection is inadmissible if the data is connected with third party data, and the separation is not possible or only possible with disproportionate effort. In this case, the data subjects must be informed about the data



stored about them (Hessian School Law 2017, p 72: Information rights of parents and learners).

Source: [CPRA Germany \(Hessen\)](#), p. 18–19

### **School-leaders/leadership teams, teachers and specialist staff**

Yes. School leaders develop the school (e.g. creating an inclusive school culture, supporting collaboration in school and with parents and community).

Schools are run by a head teacher, who bears a particular title (e.g. *Rektor*). They are responsible for educational and pedagogical work in the school as a whole and at the same time are a member of the teaching staff. Their responsibilities and duties are usually set out in the Education Act and in specific regulations for such posts.

This lies in the responsibility of the Ministries of Education in the *Länder*.

During the past years, the scope of duties of the head teacher has expanded due to measures for the legal autonomisation of schools. As such, the right and/or the obligation of the schools to pass, implement and evaluate specific *Schulprogramme* (school-specific programmes) has brought about new duties for the head teacher. As part of securing the quality of the lessons, the head teacher is additionally responsible for lesson development, staff development and organisational development as well as for the planning of further training, staff management and, where applicable, for the administration of budgetary funds.

Source: *KMK – Länderinformation: The Education System in the Federal Republic of Germany 2015/2016 in the Supporting Inclusive School Leadership country survey*

The curricula for schools explicitly grant a lot of freedom to teachers. They encourage teachers to focus on learners' individual development and special needs, rather than on formal teaching objectives (The Education System in the Federal Republic of Germany 2016/2017 – Organisation and Governance, p. 52).

Source: [CPRA Germany \(Hessen\)](#), p. 8

#### *Hessen policy*

Special educational counselling and support centres advise and assist the mainstream schools on preventive measures and measures for the reduction of impairments, as well as on inclusive schooling. They provide special education teachers to support inclusive schools. They work together with the counselling centres and child and youth welfare institutions (Hessian School Law 52: Inclusive school alliances and special educational counselling and support centres).

Source: [CPRA Germany \(Hessen\)](#), p. 11

10.1.2 In some *Länder*, it is compulsory for student teachers to do a course in inclusion. The preparatory service includes general information about disabilities, teaching methods and assessment. It varies in length from 18 to 24 months, depending on the *Land*. It involves lessons, guided and independent teaching in training schools, studies in



educational theory, and subject-related didactics at seminars which re-appraise and consolidate experiences gained through practical training (National Overview).

10.1.3 Inclusion and dealing with heterogeneity are also key topics in state-funded projects:

- Further Education Initiative for Early Educational Experts – WiFF (since 2008)
- Quality Offensive Teacher Education – QLB (2013–23) (CROSP questionnaire, p. 4)
- Teacher Training Law.

10.1.4 Teacher Education for Inclusion in Hessen – Teacher education and training courses are offered by the Hessian Teachers’ Academy for school administrators and teachers in special schools and inclusive schools. They aim to provide pedagogical knowledge about the socialisation of learners, methodological competence and safety in dealing with challenging behaviour. Offers are provided by:

- Teacher Academy
- Hessian State School Offices
- Universities (e.g. Goethe University Frankfurt; Justus Liebig University Giessen).

Source: [CPRA Germany \(Hessen\)](#), p. 48

### **Stakeholders in the local communities**

Yes. Schools co-operate with youth welfare services and offices as necessary for problem-solving with regard to those whose well-being is at risk. If teachers become aware of significant evidence of learners’ endangered well-being, they should seek solutions with the learner and, if necessary, encourage the use of assistance. Parents are to be included as far as the effective protection of the learner is not questioned (Hessian School Law 2017: Principles for realisation).

Source: [CPRA Germany \(Hessen\)](#), p. 27

### *Hessen policy*

The maintaining body of the school system in the region is involved in planning for barrier-free schooling. Adjusting and expansion of school buildings to assure inclusion as well as to provide technical aids if needed is regulated in [VOSB](#):

In the gradual expansion of the spatial and material equipment of the schools, care must be taken that at selected general schools, offers for individual support priorities according to § 7 are available regionally. Construction measures and benefits in kind are the responsibility of the school authority and require its approval.

### **Local-level decision-/policy-makers**

No.



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**Non-governmental organisations, disabled people's organisations or other organisations representing vulnerable groups**

No.

## **6.4 Does the legislation and policy framework ensure that curriculum development processes involve the participation and contribution of different stakeholders?**

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No.

**6.4a Description of the legislation and policy framework ensuring the involvement of stakeholders in curriculum development processes**

Not applicable.

**6.4b Explanation**

No information.

## **6.5 Does the legislation and policy framework support the development of learning communities in local/regional areas?**

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Yes.

**6.5a Description of the legislation and policy framework that supports the development of learning communities**

*Hessen policy*

To implement inclusive instruction, all mainstream schools and special schools (49, Abs. 2) in the service district of a state school office form [inclusive school alliances](#). According to the regional structure, several alliances can be formed in parallel.

Each inclusive school alliance includes all types of schools and programmes, including special schools. According to 52, Abs. 2 of the Education Act, head teachers are more involved and responsible.

The inclusive school alliances consider:

- admission of learners with SEN as close to their place of residence as possible;
- the locations for inclusive teaching, according to the learners' educational and support priorities;
- advice and support to mainstream schools in preventive measures and in inclusive schooling;
- provision of special education teachers for inclusive education;



- working together with the counselling centres and child and youth welfare institutions.

Source: [CPRA Germany \(Hessen\)](#), p. 10

## Evaluative commentary

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This section provides a qualified, evidenced-based reflection on the **challenges, opportunities and consequences** of stakeholder collaboration, co-operation and effective communication for the implementation of inclusive education in practice. It specifically considers how effectively different stakeholders across the education system are supported to increase their personal and collective ability to be inclusive in practice.

The concept of family-centredness in early childhood intervention (ECI) includes regular meetings between professionals and families – parents are involved in the discussions and the implementation of the individual plan for the intervention (ECI questionnaire, p. 12).

Offers to promote the active involvement of parents in day-care are being extended and concepts developed to intensify the collaboration between school, parents and youth welfare services.

Source: [CPRA Germany \(Hessen\)](#), pp. 25–26

This means an early involvement of parents to enable them to find the best possibilities of the psychological and physical development of their child.

### *Hessen policy*

Concerning the school system, parents, teachers, head teachers, the maintaining body and the administration and supervision authorities are bound together when it comes to organising inclusive education. The participation in the process of defining SEN is regulated through the school law (HSchG), the VOSB and the VOiSB. Decision-making takes place with the involvement of most of the stakeholders. Therefore, inclusive education is regulated on a very local level taking individual and local conditions into account.



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## SECTION 7. FINAL COMMENTS AND REFLECTIONS

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Looking at the entire documentation leads to the conclusion that the Federal Republic of Germany has made great strides in terms of inclusion since the ratification of the UN Convention on the Rights of Persons with Disabilities.

The challenge of a federal state system lies in the development and co-ordination of common visions and measures. The KMK uses the national education report, which is published every two years, as the basis for developing data-supported derivations for goals and measures. These nationwide strategies have the character of a recommendation and are adopted by the states according to the local requirements. There is no obligation to implement them. As a result, many progressive measures are not always implemented adequately.

A heterogeneous educational landscape in the Federal Republic of Germany remains.

An example of this is the federal-state initiative BISS (education through language and writing, 2013–2019), the partial implementation of which has not led to any significant improvement.

### [KMK Education Report 2020](#)

The national education report 2020 focuses on the area of digitisation. The additions to the recommendation for the ‘Education in a digital world’ strategy are a beacon for the further development of an inclusive school system, especially with regard to individualised learning, the adaptation and provision of suitable learning materials, and changes within schools.

The starting point for considering this strategy is the individualisation and optimisation of the learning conditions of each learner. In this respect, this point of view corresponds to the understanding of the European Agency concerning inclusion and ‘a school for all’.

### [KMK Teaching and learning in the digital world](#)

#### **Hessen policy**

Hesse is the only federal state that has given local decision-makers the responsibility for distributing resources and organising inclusive schooling. This increases the obligation to accept inclusion and implement it adequately (VOSB and VOiSB).

In 2020, elementary schools with more than 250 learners were given the opportunity to anchor special need teachers directly in the teaching staff. This is intended to strengthen the integration of special educational expertise on site. The next step is to extend this measure to lower secondary level schools.

Another important aspect of successful inclusion is the necessary dovetailing of different disciplines and professions in the classroom. An expansion of teaching professions, which accompany individual support and enable additional impulses for learning, should be considered for the future. Representatives of craft trades should be part of the teaching staff, and deployed particularly in the area of career orientation or in work-related subjects. This represents an important supplementary offer. In addition, professions such as the installed social workers (UBUS), who were implemented to accompany learners in



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class, special need teachers and general school teachers are to be understood as a multi-professional team. Co-operation structures should be developed. The involvement of these various professions in relation to school and lesson development could have a greater impact on successful inclusion and represent a preventive measure.

From 2025, the Accessibility Strengthening Act (*Barrierefreiheitsstärkungsgesetz*) requires learning materials (such as books) and digital devices (such as computers, notebooks, tablets, smartphones and mobile phones) to be adapted. Here, the Federal Republic of Germany has implemented the requirements of the European Union to strengthen accessibility.

[Law on accessibility requirements for products and services](#)