
Legislation Updates

2019



EUROPEAN AGENCY
for Special Needs and Inclusive Education

LEGISLATION UPDATES

2019

European Agency for Special Needs and Inclusive Education



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PREAMBLE

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

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

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

Information is available for the following eight countries:

- [Estonia](#)
- [France](#)
- [Greece](#)
- [Italy](#)
- [Malta](#)
- [Portugal](#)
- [Sweden](#)
- [United Kingdom \(Northern Ireland\)](#).



ESTONIA

Basic Schools and Upper Secondary Schools Act

Overview of the new law or policy

Since 2010, inclusive education has been adopted as a principle in the Basic Schools and Upper Secondary Schools Act.

This Act regulates:

- the fundamental organisation of education in basic and upper-secondary schools (hereinafter 'schools');
- the rights and duties of learners and their parents or guardians (hereinafter 'parents');
- the rights and duties of school employees;
- the foundations for school management and funding;
- the foundations for administrative supervision of schools' teaching and education activities.

During the 2016/2017 school year, around 23.5% of learners in Estonia needed some form of support during their studies. About 7.4% of all learners had special educational needs (SEN). As the number of learners with SEN increased, so did the number of separate special classes in mainstream schools. A previous version of the Act allowed, and even favoured, the formation of special groups and classes to better organise the education of learners with SEN. However, this practice did not support the implementation of inclusive education and segregation was increasing, so changes were made.

In February 2018, the Estonian Parliament passed a new Basic Schools and Upper Secondary Schools Act, which changed the organisation of the learner support system.

According to the Act, good quality general education adheres to the principles of inclusive education. It is equally available to all learners, regardless of their social and economic background, nationality, gender, place of residence or special educational needs.

Focus and aim of the law or policy

The focus and aim of the new policy is to support the implementation of inclusive education and increase access to support services for learners with SEN.

Any learner may need some kind of additional support during their education. Schools must arrange a pedagogical-psychological evaluation of the learner and organise support according to their needs. Individual and flexible support options must be available. Where necessary, schools should co-operate with specialists in other fields, and additional reviews are recommended. The services of a specialist teacher, speech therapist, psychologist and social educator ('support specialists') must be ensured at school level.



The renewed support system is based on three levels:

- General support to learners who have difficulties in attending school or who lag behind in achieving the educational outcomes. This involves individual additional instruction by teachers, the availability of specialist support services and, where necessary, the organisation of study assistance lessons, either individually or in a group.
- Enhanced support to learners who, due to a permanent learning difficulty, psychological or behavioural disorder or other health condition or disability, need at least one of the following services:
 - constant specialist support and an individual curriculum in one or more subjects;
 - constant specialist support and individual or group teaching part-time;
 - constant specialist support and either individual support in mainstream classes or teaching in special classes.
- Special support to learners who, due to severe and permanent intellectual disorder, intellectual disability or multiple disabilities, need:
 - disability-specific organisation of education, study environment, study methodology, study aids and constant specialist support, combined with social services, health services or both, to be able to participate in studies;
 - individual or group teaching part-time, constant individual support in a mainstream class, or teaching in a special class.

External advisory teams make recommendations for supporting learners' needs. In order for learners with SEN to be recommended for enhanced or special support, a counselling team, consisting of at least of three specialists, must describe:

- the specific need, nature and number of support specialists or other assistants required;
- the need to adapt or individualise the curriculum and the study material;
- recommendations for an inclusive study organisation, including the conditions for ensuring an appropriate learning and development environment;
- the need for social and health services and other services (therapies, career services, etc.) offered outside the school;
- other educational organisation measures and when they are implemented, based on the learner's specific educational needs.

Schools are free to decide how to provide the recommended support to the learners, but all decisions must be made through school-level teamwork.

The school headteacher determines the number of learners in a remedial instruction group, a group of a specific level or a special class. They must take into account the nature of the special educational needs and the recommendations of the school specialist teacher, the co-ordinator of the education of the learner with SEN and the external advisory team.



Local governments and schools have greater capacity and flexibility to teach learners with SEN. The renewed law requires the State to allocate more financial subsidies to ensure the availability of support services and high-quality educational organisation. The annual State Budget Act also grants support to cover the operating expenses of schools with learners who receive enhanced support or special support. Upon allocation of a subsidy, no financial distinction is made according to whether the learner with SEN is in a mainstream or a segregated special class. Capitation fees apply in the case of learners with SEN who are legally eligible to receive enhanced support or special support. These are two to eight times higher per learner than the capitation fees for learners without SEN.

Likely impact of the law or policy

Learners with SEN and their families will receive more complex support in their local schools, based on these principles:

- The organisation of learning is determined by the learner's need and volume of support, not just a medical diagnosis.
- There is greater coherence between education, social care and healthcare.

The capacity to implement inclusive education principles in mainstream schools will increase by changing the roles of support specialists and teachers. Support specialists work collaboratively with teachers and other specialists, advising and supporting teachers, parents and school leaders in organising the education of learners with SEN. The class teacher is the leader of the learning process for all learners, and is responsible for teaching learners with all kinds of SEN.

Where to find more information

[Basic Schools and Upper Secondary Schools Act](#)



FRANCE

Law for a School of Trust and other regulatory developments

Overview of the new law or policy

The current policy regarding the education of learners with special educational needs, particularly learners with disabilities, is based on the notion of inclusive education. Inclusive education aims to provide quality education to all learners, from pre-primary school through to secondary school, by taking into account their specific characteristics and needs. This policy centres on education in a mainstream environment in the learner's school or regional institution, and on overall shared human assistance.

In addition to educating learners with disabilities in mainstream primary, lower-secondary or upper-secondary school classes, there are two other types of schooling:

- local units for educational inclusion (*Unités Localisées pour l'Inclusion Scolaire*, ULIS) located in primary, lower-secondary or upper-secondary schools;
- specialised institutions in which learners receive support from professionals in the medical-social sector in addition to classroom learning.

When the 2019 school year began, over 430,000 learners with disabilities were attending schools and other educational institutions, public or private, under the supervision of the Ministry of National Education. Of these, 84% were in a mainstream environment, with the remaining 16% in medical or medical-social institutions.

Disability is one of the priorities of the current five-year presidential term. Thus, Jean-Michel Blanquer, Minister of National Education and Youth, and Sophie Cluzel, State Secretary to the Prime Minister responsible for people with disabilities, have set the goal of building a broad public service for inclusive education from the start of the 2019/2020 school year until 2022. This goal has been reflected in various official texts since 2017.

Focus and aim of the law or policy

Chapter IV of Law no. 2019-791 of 26 July 2019 for a School of Trust strengthens inclusive education. The text extends and enriches the provisions of the law of 11 February 2005 for equal rights and opportunities, as well as participation and citizenship of people with disabilities. The 2019 law creates an inclusive education public service, which seeks to place proximity and responsiveness at the centre of the organisation of support for learners with disabilities. It also seeks to simplify formalities for families and to personalise learners' educational paths. The law opens the way for both a transformation of support for learners with disabilities and an improvement in recruitment, training and working conditions for staff providing support to learners with disabilities (*Accompagnant des Élèves en Situation de Handicap*, AESH).

Continuing the Law for a School of Trust, the ministerial circular for the start of the school year no. 2019-088 is entirely devoted to inclusive education. It defines the resources and actions to be implemented at the start of the 2019/2020 school year to ensure that



inclusive education is truly guaranteed. The main measures detailed in the ministerial circular concern the following:

- The creation in each *département* (French administrative division: the level between regions and townships) of a service dedicated to inclusive education with welcome teams for parents of learners with disabilities. These teams will respond to parents' needs within 24 hours.
- The creation of local inclusive support centres (*Pôles Inclusifs d'Accompagnement Localisés*, PIALs). These constitute a new form of organisation aimed at co-ordinating human support resources depending on the needs of learners with disabilities. These centres will cover an electoral district, a local institution of public education (*Établissement Public Local d'Enseignement*, EPLE) or a given territory grouping together schools and educational institutions. Around 2,500 PIALs were implemented at the start of the 2019/2020 school year: 2,000 in lower-secondary schools with ULIS, 300 in electoral districts, and 250 in vocational secondary schools. The PIALs will be gradually implemented until they cover the entire nation in 2022.
- Improved status and working conditions for support providers, in accordance with the staff management framework for people with AESH missions, as defined by ministerial circular no. 2019-090 of 5 June 2019. This text lays the foundations for permanent and enhanced management of AESH staff, who are now recruited on the basis of a minimum three-year fixed term contract, renewable once before becoming a permanent contract.
- Implementation of a range of training programmes for teachers based on the *Cap École* inclusive platform. The platform offers digital pedagogical resources immediately usable in the classroom to facilitate the education of all learners.
- Stronger co-operation between professionals in the national education system and the medical-social sector. In accordance with ministerial circular no. DGCS/SD3B/2019/138 of 14 June 2019 on the creation of medical-social support teams for the education of children with disabilities, the Regional Health Agencies (*Agences Régionales de Santé*) are now setting up, on an experimental basis, mobile medical-social teams to support the education of children with special needs. These teams aim to help staff responsible for the support and education of learners with disabilities inside schools and to help avoid breaks in these children's educational paths.

Lastly, since the [last update of this document](#) (May 2017), several other regulatory developments should be noted. They concern:

- professionalisation of staff:
 - official texts on the AESH, in particular on missions and activities of staff responsible for assistance to learners with disabilities (ministerial circular no. 2017-084 of 3 May 2017);
 - official texts on the conditions for recruitment and employment of the AESH (decree no. 2018-666 of 27 July 2018);



- psychologists working for national education, in particular with regard to:
 - the missions they carry out (ministerial circular no. 2017-079 of 28 April 2017);
 - the framework of knowledge and skills they must possess to practise their profession (ministerial decision of 26 April 2017);
 - the methods of internship, assessment and tenure of trainee psychologists in national education (ministerial decision of 23 August 2017).

The reform of the training of specialised teachers with the creation of the Certificate of Professional Aptitude in Practices of Inclusive Education (*Certificat d'Aptitude Professionnelle aux Pratiques de l'Éducation Inclusive, CAPPEI*) in 2017 was discussed in the previous update.

- the training and education programme for learners with disabilities, in particular:
 - procedures for adjusting exams for these learners (ministerial decision of 22 July 2019 on adjusting certain exams or parts of compulsory exams on living languages included in the exam for the general technological baccalaureate, for candidates with disorders related to disability as defined in article L. 114 of the Social Action and Family Code, such disabilities preventing written or oral expression or comprehension of a living language; ministerial decision of 29 March 2018 on the adaptation and exemption from certain exams or parts of exams included in the national diploma of the general education certificate and certificate for candidates with a disability or with a personalised support plan);
 - provisions applicable to these candidates when they study in an institution teaching French in another country (ministerial circular no. 2017-137 of 4 August 2017);
 - teaching French Sign Language (*Langue des Signes Française, LSF*), in particular:
 - programmes for teaching LSF in primary and lower-secondary school, which have been carried out since the start of the 2017/2018 school year (ministerial decision of 11 July 2017);
 - the organisation and scheduling of optional teaching of LSF in secondary school (ministerial decision of 9 April 2019).

Moreover, the publication of adapted programmes in LSF was planned for October 2019.

- structures for educating learners with special educational needs;
- primary school teaching units for autism (*Unités d'Enseignement Élémentaire Autisme, UEAA*). These were created at the start of the 2018/2019 school year in the framework of the implementation of the National Strategy for Autism in Neurodevelopmental Disorders 2018–2020 (Inter-ministerial survey no. DGCS/SD3B/DIA/DGESCO/2019/158 of 30 August 2019 on the updating of the mission of the UEAA);



- the structure and functioning of therapeutic educational and pedagogical institutes (*Instituts Thérapeutiques et Éducatifs et Pédagogiques*, ITEP) (ministerial survey no. DGCS/3B/2017/241 of 2 June 2017 on the implementation of the functioning of ITEPs in an integrated system) and the Specialised Education and Home Care Service (*Service d'Éducation Spécialisée et de Soins à Domicile*, SESSAD);
- regional institutions for adapted teaching (*Établissements Régionaux d'Enseignement Adapté*, EREA), in which the organisation and staff missions are redefined (ministerial circular no. 2017-076 of 24 April 2017);
- priority education and its co-ordination (ministerial circular no. 2017-090 of 3 May 2017);
- closed educational centres (*Centres Éducatifs Fermés*, CEF), in particular, access to education and knowledge for minors placed in these institutions (ministerial circular no. 2018-154 of 14 January 2019).

Likely impact of the law or policy

The National Committee for Monitoring Inclusive Education was set up in July 2019 in the framework of the Inclusive Education Public Service of the Ministry of National Education and Youth and the State Secretary to the Prime Minister responsible for people with disabilities. This committee embodies the joint commitment of different participants (the State, territorial bodies, associations) to creating education for all. The committee is responsible for monitoring the fulfilment of this ambition and identifying obstacles and conditions for success. The committee members were scheduled to meet again in autumn 2019 to assess the start of the 2019/2020 school year and share the tasks to be carried out during the 2020/2021 school year.

Where to find more information

Official texts mentioned (beginning with the most recent ones)

[For a School of Trust](#) (*Journal officiel lois et décrets*, n° 0174 du 28 juillet 2019)

[On adjustments to or exemptions from exams](#) (*Journal officiel lois et décrets*, n° 0198 du 27 août 2019)

[Ministerial circular on inclusive education, 2019/2020 school year](#) (*Circulaire n° 2019-088 du 5 juin 2019, Bulletin officiel de l'éducation nationale*, n° 23 du 6 juin 2019)

[Framework for managing staff performing support missions for learners with disabilities \(AESH\)](#) (*Circulaire n° 2019-090 du 5 juin 2019, Bulletin officiel de l'éducation nationale*, n° 23 du 6 juin 2019)

[Inter-ministerial study on updating missions of primary school teaching units for autism](#)

[Inter-ministerial circular on creating mobile medical-social support teams for the education of children with disabilities](#)

[Access to education and knowledge of minors placed in closed educational centres](#) (*Circulaire n° 2018-154 du 14 janvier 2019, Bulletin officiel de l'éducation nationale*, n° 3 du 17 janvier 2019)



[Ministerial decision modifying decisions on the organisation and schedules in general education, technological and agricultural secondary schools so as to add optional teaching of French Sign Language](#) (*Journal officiel lois et décrets, n° 0100 du 28 avril 2019*)

[On conditions for recruiting and employing support providers for learners with disabilities](#) (*Journal officiel lois et décrets, n° 0173 du 29 juillet 2018*)

[Ministerial decision on exemption from some exams or parts of exams for the national diploma and general education certificate for candidates with a disability or with a personalised support plan](#) (*Journal officiel des lois et décrets, n° 0098 du 27 avril 2018*)

[Ministerial decision on the methods for training, assessment and tenure for trainee psychologists working for national education](#) (*Journal officiel lois et décrets, n° 0203 du 31 août 2017*)

[On learners with disabilities attending an institution teaching French in another country](#) (*Circulaire n° 2017-137 du 4 août 2017, Bulletin officiel de l'éducation nationale, n° 27 du 24 août 2017*)

[Ministerial decision defining programmes for teaching French Sign Language in primary and lower-secondary schools](#) (*Journal officiel lois et décrets, n° 0191 du 17 août 2017*)

[Ministerial study on the deployment of the functioning of ITEPs and SESSADs in an integrated system](#) (*Instruction n° DGCS/3B/2017/241 du 2 juin 2017*)

[Missions and activities of staff responsible for providing support to learners with disabilities](#) (*Circulaire n° 2017-084 du 3 mai 2017, Bulletin officiel de l'éducation nationale, n° 18 du 4 mai 2017*)

[Co-ordination of priority education](#) (*Circulaire n° 2017-090 du 3 mai 2017, Bulletin officiel de l'éducation nationale, n° 18 du 4 mai 2017*)

[Missions of psychologists working for national education](#) (*Circulaire n° 2017-079 du 28 avril 2017, Bulletin officiel de l'éducation nationale, n° 18 du 4 mai 2017*)

[Framework of knowledge and skills for psychologists working for national education](#) (*Arrêté du 26 avril 2017, Bulletin officiel de l'éducation nationale, n° 18 du 4 mai 2017*)

[Regional institutions for adapted teaching](#) (*Circulaire n° 2017-076 du 24 avril 2017, Bulletin officiel de l'éducation nationale, n° 17 du 27 avril 2017*)

Summary documents

[For a fully inclusive school year 2019](#)

[Learners with disabilities: instructions for a really special start to the school year. Press kit](#) (updated in August 2019)

[Law for a School of Trust](#) (updated in August 2019)

[Objective: inclusive education](#) (updated August 2019)

[Jean-Michel Blanquer and Sophie Cluzel create the National Committee for Monitoring Inclusive Education](#) (updated in July 2019)

[Education of learners with disabilities](#) (updated in August 2019)



[Learning \(in\) inclusive schools. Follow-up dossier of the IFÉ \(Institut Français d'Éducation\), n° 127](#) (updated in January 2019)

[Education of learners with disabilities: reference texts and reports](#) (updated in August 2019)

[Indicators and statistical references on teaching, training and research 2019](#) (updated in August 2019)



GREECE

Re-organisation of support structures of primary and secondary education (Law 4547/2018)

Overview of the new law or policy

Law 4547/2018 refers to the reform of educational structures, with a view to gradually decentralising the education system and responding to all learners' diverse needs. The text below reflects the implementation of Law 4547/2018, which may be subject to review by the current Ministry leaders. Therefore, some of its content may change.

Focus and aim of the law or policy

Regional Centres for Educational Planning

Regional Centres for Educational Planning (PEKES) are being established at regional level. PEKES primarily aim to:

- plan, monitor, co-ordinate and support the educational task of public and private schools, and Vocational Education and Training (VET) Workshop Centres;
- co-ordinate the Educational and Counselling Support Centres (KESY), Sustainability Learning Centres (KEA) and Natural Sciences Laboratory Centres (EKFE) of their area of competence;
- support teachers in both the public and private sector in scientific and pedagogical matters;
- organise training programmes for teachers (including introductory training) on scientific, pedagogical, teaching and evaluation matters;
- promote sharing of good practices among schools and teachers, design co-operation programmes among schools, KESYs and KEAs, and with the higher education institutions in their area;
- support the planning of and self-reflection on schools' educational work at regional level.

Each PEKES has its own group of educational co-ordinators, each of whom is responsible for different subjects and fields. These include Co-ordinators of Special and Inclusive Education Matters, with their respective responsibilities.

Educational and Counselling Support Centres and Sustainability Learning Centres

Educational and Counselling Support Centres (KESYs) and Sustainability Learning Centres (KEAs) are established at regional level and operate at local level. KESYs replaced the previous KEDDYs (Diagnostic Assessment and Support Centres). KESYs have a wider role and mission, not limited to special needs education, but with a more inclusive focus. In particular, KESYs aim to support school units and VET Workshop Centres to ensure equal



access to education and to safeguard learners' appropriate psycho-social development and progress.

KESYs explore and evaluate educational and psycho-social needs, difficulties and obstacles to learning and barriers to education that all learners in the school community face, including learners with disabilities and/or special educational needs. In this context, KESYs make proposals on issues of differentiated learning, assistive technology and service provision. They also make proposals for formulating the main pillars of individual education plans (EPE).

Their other competences include:

- planning and implementing educational and psycho-social interventions, vocational guidance actions for learners, and counselling support for teachers and parents;
- supporting the overall goals of schools and VET Workshop Centres;
- providing information and training to the school community to promote inclusive education;
- raising awareness of the community by promoting partnerships among schools, families, scientific and social institutions, local authorities and universities on issues of diversity, psycho-social health, career guidance and transition to the labour market.

In addition to the above, PEKES co-operate with KESYs to:

- ensure that remedial educational programmes are implemented to tackle issues like school failure, school drop-out and bullying;
- combat any form of exclusion or discrimination by supporting teachers through training to promote inclusive education;
- plan training courses for parents to inform them on matters that are relevant to their parental role and their co-operation with teachers and the various local support bodies.

PEKES also co-operate with KEAs to support the planning of innovative school activities on environmental, cultural and healthcare matters. These are in accordance with educational policy priorities and the needs of school units and VET Workshop Centres.

School units

At school unit level, the networking of groups of schools is being promoted through the establishment of School Networks of Education and Support. The pedagogical autonomy of each school unit is also being promoted.

Likely impact of the law or policy

Law 4547/2018 aims to re-organise the education system's supportive structures with a more inclusive focus. It emphasises effective support for the whole school community, learners and their families.



From this perspective, it sets the scene for:

- the necessary mentality shift towards inclusion among all stakeholders and practitioners;
- building mainstream schools' capacity to respond to the diverse needs of all learners, including those with disabilities, refugees, learners with low achievement, learners from underprivileged backgrounds and learners from vulnerable social groups;
- taking a further step towards realising the principles of the United Nations Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.



ITALY

Legislative Decree no. 66/2017 on the Promotion of School Inclusion for Learners with Disabilities

Overview of the new law or policy

Italian legislation has changed the culture and social perceptions in Italy. Learners with disabilities were first taught in mainstream schools in 1977. At that time, learners were not accustomed to diversity and even families themselves were ashamed. Now every Italian learner experiences diversity in their everyday life, accepting it and feeling personally responsible for the well-being of their classmates with disabilities. The school community as a whole (teachers, staff, parents) is committed to inclusion.

Classes are very diverse and include learners with special educational needs (SEN), such as various disabilities, specific learning disorders, socio-economic disadvantage and linguistic disadvantage. Moreover, very often, different learning styles and levels of preparation are found in every classroom.

In such a situation, it is essential to implement 'inclusive' teaching, i.e. teaching strategies that are a common denominator for the whole class, because what works for a learner with disabilities works for all learners.

On 3 December 2015, the Ministry of Education, University and Research (MIUR) organised a learners' hearing on Inclusion at School. Learners requested that the Government:

- build welcoming schools;
- create a climate attentive to their needs;
- increase skills for inclusive education, information and awareness;
- promote representation;
- promote inclusive extra-curricular activities;
- design tailored 'life plans' for autonomy and skills for work.

Law 107/2015 enabled eight legislative decrees, some of which directly address the learners' requests. They do this by improving initial and in-service teacher training on inclusive education and by better co-ordinating all actors and resources involved in learners' care. The aim is to guarantee good education for all and raise all learners' achievements, including from a lifelong perspective (see Legislative Decree no. 66/2017).

Focus and aim of the law or policy

Mainstream education completely includes education for learners with SEN.

School inclusion means that the provision of support measures is mandatory for the State, as well as for local authorities and the national health system, each within their own competences.



Various bodies are responsible for achieving school inclusion. Therefore, central regulations ensure that schools, local authorities and local health authorities establish collaboration methods to co-ordinate their activities.

Legislative Decree no. 66/2017 on inclusive education does not focus on impairment, but stresses the importance of the environment. It provides:

- functioning profiles based on the International Classification of Functioning, Disability and Health (ICF);
- ICF-based individual education plans (IEPs) for learners, strictly connected to their individual 'life plan';
- prevention-based inclusion plans (IPs) for schools;
- evaluation of school inclusiveness;
- realisation of an inclusive curriculum;
- monitoring and evaluation;
- specific training on inclusive strategies for teaching and non-teaching staff;
- stakeholder participation, including learners and families, to involve the entire educational community more in inclusive school policies;
- more effective co-ordination among all actors involved in the process (central government, local authorities, national health system, associations for people with disabilities) at a central level (National Observatory on Inclusive Education), regional level (regional groups for inclusion), local level (territorial groups for inclusion) and school level (operational groups for inclusion);
- territorial support centres (*Centri Territoriali di Supporto*, CTS), which work at provincial level to foster school inclusion. Their task is to create networks of schools and local services, in order to fully include learners with SEN in school, with an efficient use of financial resources. Networking allows the collection, conservation and spreading of knowledge (good practices, training courses) and resources (hardware and software) for learner integration through new technologies. CTS are also responsible for initiating local-level training initiatives on the correct use of technologies, for teachers and other school professionals, as well as parents and learners.

Following a disability evaluation, a functioning profile is issued, according to the criteria of the ICF bio-psychosocial model adopted by the World Health Organization (WHO). Any necessary support measures for learners with disabilities are then selected based on the functioning profile and the IEP.

Secondary regulations are being adopted:

- to define indicators for evaluating school inclusiveness;
- to draft ICF-based functioning profiles, IEPs and 'life plans';
- to empower inclusion groups at all territorial levels;
- to improve initial training on inclusive education for curricular and support teachers;



- to set a common professional profile for assistants.

Currently, Legislative Decree no. 66/2017 is being amended after a year of experimentation. The MIUR is working on:

- a common tool for physicians, teachers and social services;
- an ICF-based functioning profile as the background document to plan educational and life plans;
- accompanying measures to implement the reform at school level;
- school staff training;
- providing schools with inclusive educational tools;
- agreements with the regions' local authorities to improve the accessibility of school buildings.

Likely impact of the law or policy

The whole education system:

- 8,290 schools
- 7,682,635 learners, of which 245,723 are learners with disabilities (3.2%)
- 822,723 teachers, of which 141,412 are support teachers.

Each class has one support teacher. Support teachers are specialist teachers. They are an integral part of the class teacher's team and participate in all the activities.

Where to find more information

[Eurydice – Italy: Special Education Needs Provision within Mainstream Education](#)



MALTA

Policy on Inclusive Education for Schools: Route to Quality Inclusion

Overview of the new law or policy

A new *Policy on Inclusive Education for Schools: Route to Quality Inclusion* was launched in Malta in 2019. The policy's overarching vision is to ensure that all learners have access to quality instruction, intervention and support to experience success in learning within a high-quality inclusive education system. To achieve this vision, it is necessary to clearly define and reshape all educational services to respond to the diversity of needs of all learners in the school community.

The policy's ten specific goals are to:

- anticipate, value and support diversity and learner differences;
- nurture a conviction among all educators and families that every learner has the capacity to learn and achieve with the appropriate educational strategies;
- create a sense of belonging for all learners and their families by developing welcoming, understanding, caring, respectful and safe learning environments;
- hold high expectations commensurate with the learners' potential and provide meaningful and relevant learning experiences that maximise the learners' potential;
- focus on strengths, promote established and successful practices and encourage individual initiatives;
- assume collective accountability for all learners' learning by encouraging collaborative school cultures and climates while sustaining independent relationships;
- co-construct evidence-based solutions to respond to all learners' needs;
- consider alternative educational routes to eliminate barriers within learning environments;
- discover flexible and responsive learning communities;
- highlight success to enhance motivation and autonomy among all educators and professionals supporting schools.

The *Policy on Inclusive Education for Schools: Route to Quality Inclusion* offers a comprehensive and holistic definition of inclusive education. It brings together all educators and practitioners, learners, families and community members to create colleges and schools that are conducive to learning, giving all learners the education they need.

The policy adopts a whole-school approach to provide a planned and systematic way to help schools develop favourable learning environments for all learners.



Focus and aim of the law or policy

The *Policy on Inclusive Education for Schools: Route to Quality Inclusion* is developed within the context of:

- the [Framework for the Education Strategy for Malta 2014–2024](#);
- the philosophy outlined in the [National Inclusive Education Framework](#);
- the values promoted through the [Respect for All Framework](#).

The latter encompasses the four fundamental pillars of learning adopted from UNESCO's [Education for tomorrow](#) (1996), which are key for teaching, learning and curriculum design for the 21st century:

- Learning to know
- Learning to do
- Learning to live together
- Learning to be.

These pillars ensure that learners attain the necessary knowledge of values and skills for employability to become active citizens and participate in the community.

The *Policy on Inclusive Education for Schools: Route to Quality Inclusion* aims to inform all education providers and empower them to:

- create clarity around the concept of inclusion by widening the spectrum of concerns and discourses to all possible forms of diversity;
- foster school cultures and environments that are safe, secure and motivating to all learners and members of the school community, to further their development and well-being;
- foster school environments that acknowledge, celebrate and further develop the strengths of all learners;
- ensure collective responsibility for the teaching and learning of all learners;
- nurture a collaborative culture among all educators, practitioners, learners, parents and members of the community to increase the 'sense of belonging' in all colleges and schools;
- promote educational sustainability to ensure the effective provision of quality education and support services.

Likely impact of the law or policy

The intended impact of the policy is initially to be in line with [Key Principles for Promoting Quality in Inclusive Education](#) (European Agency for Special Needs and Inclusive Education, 2009). This report highlighted various recommendations for establishing policy on quality inclusive education. The main recommendations were that:

- *Inclusion and quality are reciprocal;*
- *Access and quality are linked and are mutually reinforcing;*



- *Quality and equity are central to ensuring inclusive education* (ibid., p. 14).

The new policy was developed based upon the recommendations of the [Education for All: Special Needs and Inclusive Education in Malta – External Audit Report](#) (2014). The inclusion policy enshrines its main propositions. They are reflected in the following benchmarks and the impact will be observed on these aspects:

- All learners have access to opportunities for participation in education systems and structures.
- All educators use effective teaching approaches that are representative of and responsive to diversity and that foster a Universal Design for Learning environment.
- All educators have access to flexible education and training that support their work in delivering quality inclusive education.
- All schools are supported through well-organised support structures that embrace shared cultures and an ethos of diversity.

The policy views inclusive education as a continuous developmental process. The process focuses on understanding how children learn and on identifying and removing barriers to learning and participation in all schools, by facilitating organisational renewal and strengthening internal capacities.

The transformation process is founded on ten pillars/themes, which the [National Inclusive Education Framework](#) discusses in detail. The ten themes are:

1. Inclusive and strategic leadership
2. Whole-school development planning
3. Whole-school inclusive environment
4. Collaboration with parents and community engagement
5. Individual education planning
6. Teaching and learning
7. Learner and staff well-being
8. Continuous professional development
9. Positive behaviour management
10. Support structure and services.

The policy aims to support school leaders to monitor the quality and standards in inclusive practice and identify strengths, school development priorities, staff training, improvements in teaching/learning strategies, etc., for all identified themes. It also aims to identify ways to enhance the inclusion process in schools.

Where to find more information

More information can be requested from nationalschoolsupportservices.mede@gov.mt



PORTUGAL

Legal framework for inclusive education and Curricula for basic and upper-secondary education

Overview of the new law or policy

The legal framework for inclusive education (Decree-Law No. 54/2018, 6 July) establishes the principles and regulations that ensure inclusion. It sees inclusion as a process that responds to each and every learner's diverse needs and capabilities, through increased participation in learning processes and the educational community. The Decree-Law introduces changes in how schools and support structures are organised.

The legislation advocates an integrated and continuous view of the educational approach. It redefines the responsibilities of multi-disciplinary teams in identifying measures to support learning and inclusion, according to each learner's characteristics. The Specialised Unit model is reconfigured into a Learning Support Centre model.

This legislation introduces a significant change in this area, by identifying measures that support learning and inclusion, specific curriculum areas and specific resources to be used to meet the educational needs of each and every child and young person throughout their schooling in the different areas of educational and training provision.

These new guidelines are being implemented from the 2018/2019 academic year onwards. To ensure correct implementation, a technical guide has been published. Moreover, meetings with all school boards and training for teachers and other staff are on-going.

Focus and aim of the law or policy

The new Decree-Law abandons the use of learner categorisation systems, including the 'special educational needs' category. It is not a model of special legislation for learners with special needs.

The Decree-Law emphasises:

- more time and space for dialogue and co-operation;
- increased learner participation;
- stronger involvement of parents and families;
- multi-level intervention, establishing a continuum of provision for all learners;
- Universal Design for Learning;
- flexible curriculum management;
- a focus on the person-environment interaction;
- evaluation and monitoring;
- educational responses rather than learner categories;



- planning for resource mobilisation (as a complement, whenever necessary and appropriate) in the areas of health, employment, vocational training and social security.

The new legal framework for inclusive education entails two key changes:

1. Widening the population of learners covered by support measures
2. Changing the focus of support, which is more directed towards class/subject teachers.

Each school creates conditions for the inclusion of all learners through support measures organised at three levels:

- Universal measures: available to promote participation and improved learning for all learners, including those needing support from subsequent levels
- Selective measures: available to meet needs not met by universal measures
- Additional measures: for severe and persistent difficulties for which the previous measures are not enough.

Teachers receive support, as they are central to the success and well-being of all learners, including those in need of selective or additional measures. The supports and/or resources available to teachers are:

- specialist teachers, who support class teachers collaboratively, with the rationale of co-responsibility;
- multi-disciplinary teams to support inclusive education, which, among other duties, advise teachers on the implementation of inclusive pedagogical practices;
- learning support centres to promote the quality of learners' participation in group activities and to support class teachers;
- local early childhood intervention teams, multi-disciplinary teams that represent education, health and social action services;
- school health teams of the Health Centre/Local Health Units, which liaise with the general medical and family teams and other health services, the family and the school.

Decree-Law No. 55/2018, 6 July, establishes the curricula for basic and upper-secondary education, as well as the guiding principles for its design, operationalisation and evaluation of learning. This is to ensure that all learners acquire the knowledge and develop the abilities and attitudes to achieve the competences defined in the exit profile for learners leaving compulsory education.

The curricular guidelines for pre-primary education development serve as a reference for the pre-primary education curriculum.

Decree-Law No. 54/2018, 6 July, is based on each school's need to recognise the value of its learners' diversity, finding ways to deal with differences, adapting teaching processes to each learner's individual characteristics and means, and mobilising the necessary resources to guarantee access to the curriculum and learning.



Likely impact of the law or policy

The inclusion process is expected to result in:

- learners attaining a sense of belonging and affiliation, positive social relationships and friendships, and reaching their full potential in development and learning;
- a move away from working with learners in individual sessions, specific or limited to a developmental area, and in special rooms or settings, as learners may have decontextualised learning difficulties and difficulties in applying their competences to other contexts;
- changes towards evidence-based practices influenced by the new, increased focus on teacher and classroom supports.

Where to find more information

Eurydice page on [Special Education Needs Provision within Mainstream Education in Portugal](#)

Eurydice page on [National Reforms in School Education in Portugal](#)



SWEDEN

Five legislative updates for Sweden are outlined below.

The United Nations Convention on the Rights of the Child in Swedish law

Overview of the new law or policy

The United Nations (UN) Convention on the Rights of the Child becomes part of Swedish law on 1 January 2020.

Focus and aim of the law or policy

In June 2018, a majority in Parliament voted for the Government's proposal to make the UN Convention on the Rights of the Child part of Swedish law. The decision clarifies that courts and law enforcement must take into account the rights that follow from the Convention on the Rights of the Child. The rights of the child shall be taken into account in weighing and assessments made in decision-making processes in all cases.

Likely impact of the law or policy

Incorporating the Convention on the Rights of the Child into law helps to make the rights of the child visible. It creates a basis for a more child rights-based approach in all public activities.

Where to find more information

[Swedish Government website](#) (in Swedish)

Early guarantee of support: Education Act

Focus and aim of the law or policy

In July 2019, the Government introduced a guarantee of early support for learners in pre-primary and primary school. Currently, most support initiatives are made later in secondary school or in upper-secondary school. The new guarantee aims to intervene earlier in the learner's educational journey.

Likely impact of the law or policy

The legal change allows learners already in pre-primary education to receive support. In pre-primary education, the learner's linguistic awareness and mathematical thinking will be mapped out using national mapping material. The mapping material will indicate if there is a risk the learner will not attain the necessary knowledge in Swedish, Swedish as a second language or mathematics in pre-primary or primary education. In such a case, the teachers responsible will determine whether the learner needs adjustments to mainstream instruction or special support to achieve the necessary knowledge. The



guarantee aims to enable learners who need support to receive it early on, based on their needs.

Where to find more information

[Read, write, count – a guarantee of early support efforts](#) (in Swedish)

Children’s rights to pre-primary education and other pedagogical activities in national minority languages: Education Act

Focus and aim of the law or policy

On 1 January 2019, changes in several laws and ordinances regarding national minorities’ rights entered into force. They aim to strengthen the basic protection of the languages and cultures of the national minorities and to strengthen the extended rights that exist in the administrative areas for Finnish, Meänkieli and Sami.

Likely impact of the law or policy

Through changes in the Education Act ([Skollagen SFS 2010:800](#)), the right to pre-primary education and other pedagogical activities in national minority languages is strengthened throughout larger areas of pre-primary organisation. In addition, guardians must be asked if they want a place for their child in a minority language pre-primary setting.

Where to find more information

[Law Prop. 2017/18:199](#) (in Swedish)

Revised pre-school curriculum (Lpfö 18)

Overview of the new law or policy

The Government has revised the curriculum for pre-school, Lpfö 18. The curriculum came into force on 1 July 2019.

Focus and aim of the law or policy

The National Agency for Education revised the pre-school curriculum to further clarify the purpose of pre-school. The revised curriculum includes a clarification of the notion of education in the pre-school context and the responsibility of the pre-school teacher.

Likely impact of the law or policy

The intention is:

- to further clarify what pre-school provides to children;
- for the curriculum to contribute to consistent high-quality pre-school education for all children, regardless of where they live.

Where to find more information

[Läroplan för förskolan](#) (in Swedish)



Mentors for all learners: Education Act

Overview of the new law or policy

All learners should have a mentor: Education Act. The change took effect on 1 July 2019.

Focus and aim of the law or policy

All learners in upper-secondary school and upper-secondary school for learners with special needs will have a mentor. Mentors will follow the learners' overall knowledge development and study situation. Mentors will find out if learners need support and inform the school staff concerned of this. The regulation is in Chapter 15, Section 19a of the Education Act.

Likely impact of the law or policy

Mentor's responsibility

A mentor should be a person who can get an overall picture of the learner's study situation in education. The mentor can also assist in the development of the learner as they become an adult. The learner should have someone at the school with whom they can build a trusting relationship.

Headteacher's responsibility

The headteacher decides who should be a mentor. Mentors should have relevant knowledge and experience for the assignment and be otherwise considered appropriate. Often, school staff already have the competence to become a mentor.

The headteacher is still responsible for investigating the need for special support. Thus, the mentor's duty to alert the affected school staff if a learner may need support does not affect the obligations of other school staff (Education Act, Chapter 15, 19a§).

Where to find more information

[Skolverket website](#) (in Swedish)



UNITED KINGDOM (NORTHERN IRELAND)

Special Educational Needs and Disability Act (Northern Ireland) 2016

Overview of the new law or policy

The Special Educational Needs and Disability Act (Northern Ireland) 2016 (the SEND Act) gained Royal Assent on 23 March 2016. It adds duties and gives new rights to the provisions relating to children who have, or may have, special educational needs (SEN) already set out in the Education (Northern Ireland) Order 1996 (as amended by the Special Educational Needs and Disability (Northern Ireland) Order 2005).

The new duties provided by the SEND Act are requirements on the Education Authority to:

- seek and have regard to the views of the child;
- publish an annual plan of its arrangements for special educational provision;
- co-operate with health and social services authorities;
- make arrangements for the provision of independent mediation in relation to appealable decisions.

The SEND Act also places duties on school Boards of Governors to:

- prepare and keep under review a personal learning plan for each registered learner with SEN;
- designate a teacher on the school staff as a learning support co-ordinator.

The SEND Act provides new rights:

- of appeal following an annual review where no amendments are proposed to a statement of SEN;
- of appeal for the parent of a child under two;
- to a child over compulsory school age to exercise their own rights, rather than have their parent do so.

Focus and aim of the law or policy

The key aim of the SEND Act 2016 is to provide a new SEN framework that is more responsive to and better meets the needs of children with SEN and their families. It will bring children's rights to the fore, in line with the United Nations Convention on the Rights of the Child. It will be supported by new SEN regulations. These will set out clearer timescales, including an intended upper time limit by which each stage of the assessment and statementing process must be completed. A new SEN code of practice will set the duties and requirements into practical guidance for the Education Authority, schools and other relevant partner bodies to use.



Likely impact of the law or policy

The new SEN framework will contribute to improving both the provision made for children with SEN and the information that is provided to parents and children with SEN.

It is supported by training and guidance for schools and partner bodies. It should provide greater clarity about information and resources, to help them meet a range of increasingly complex needs experienced by children.

It is also supported by work to clarify the difference between SEN requiring learning support and medical needs requiring reasonable adjustments. It is underpinned by work to improve electronic recording and sharing of information, within the requirements of data protection.

Where to find more information

[Department of Education SEN website](#)

[SEN and Medical Categories Guidance \(DE Circular 2019/03\)](#)

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