

Procedure for determining special educational needs (information for parents)

Dear parents

your child is presumed to have special educational needs. For this reason, a procedure for identifying special educational needs will be requested. With the following explanations, we would like to inform you about the legal basis and provide information on the course of the procedure.

Legal bases are:

- School Act of Saxony [SächsSchulG] § 4c
- School regulations for special-needs schools § 13

Entitlement to special educational support

Pupils whose educational, developmental or learning opportunities are impaired in such a way that there are indications for special educational needs are entitled to special educational support.

Special educational needs

Special educational needs are to be assumed for children and young people,

- who have been permanently impaired in their educational, developmental and learning opportunities in such way that they cannot be sufficiently supported in regular school teaching without special educational support.
- If all support measures at the regular school are exhausted, i.e. if targeted and individual support has not been successful.

A medical diagnosis does not automatically justify the existence of a special educational need. When examining whether there is a need for special educational support in individual cases, three factors must always be taken into account: the pupil's level of learning and development, the general conditions at the school and its opportunities for change as well as the extracurricular environment.

Special educational needs can be identified according to the content of the required support in the following support priorities:

- Learning
- Emotional and social development
- Language
- Physical and motoric development
- Mental development
- Hearing
- Seeing

In the case of pupils with autistic behaviour, it is at first examined whether the pupil's specific characteristics can be met by granting compensation for disadvantages at the regular school or whether, in addition, a procedure is to be carried out to determine special educational needs. In each individual case, a decision is made as to which of the pupils' support priorities can receive the appropriate special educational support.

In the case of a partial performance deficit, e.g. reading and writing learning difficulties (LRS), there is usually no special educational need for support. Other support options can be used here.

Procedure for determining a special educational need

The procedure for identifying special educational needs involves identifying special educational needs and the decision on the support needed. It may be applied for by the school or the parents at the Landesamt für Schule und Bildung (LaSuB - State Office for Schools and Education).

The corresponding forms are published in the VwV Muster sonderpädagogischer Förderbedarf und Beratung (VwV model for special educational needs and consulting). If the school applies for an assessment procedure, the parents receive a copy of the application.

The State Office for School and Education initiates the procedure for determining special educational needs if there are indications of a special educational need. It determines a Mobile Special Educational Needs Service, which determines the special educational needs. The Mobile Special Educational Needs Service then informs the parents of the intended course of action. Diagnostics can be carried out in different forms:

- as individual or group diagnostics at the special-needs school,
- by means of a lesson on a trial basis in a class of the special-needs school (the parents' consent is required for this),
- or at another place (e.g. in the primary school, the secondary school or the higher secondary school which the child is currently attending).

Depending on the question, different standardised or informal diagnostic procedures and methods are used to determine special educational needs. This includes, for example, tests, assessment of the fulfilment of individual tasks, interviews with the parents, observation in various situations, observation in class, analysis of work results. In order to obtain a comprehensive overview, the health service and a school psychologist can also be involved in the procedure. Existing reports shall also be taken into account with the parents' consent. It should be noted that medical, psychological and therapeutic expert opinions as well as statements by other specialist services alone do not form the basis for the organisation of school education processes. The mere determination of a disability, impairment or disadvantage does not provide any information on the counselling and support needs in everyday life - and thus not about the need for support at school.

The expert report on special educational support

The Mobile Special Educational Needs Service prepares a special educational report which contains statements concerning the following:

1. in which support priority special educational needs exist
2. which further course of education is recommended, and
3. whether it is recommended that the pupil be instructed according to § 4c section 5 sentence 1 of the School Act of Saxony [SächsSchulG].

The report also contains appropriate suggestions for support. These could be, for example: Suggestions for the creation of supportive learning conditions, support-specific help, advice on suitable support measures as well as recommendations for supportive extracurricular care, therapeutic help and support measures for the family. The parents and the previous school receive a copy of the report.

The Support Committee

The Mobile Special Educational Needs Service forms a support committee to determine special educational needs. This committee is comprised of:

- a representative of the school attended so far,
- a teacher of the responsible special-needs school in charge of diagnostics, and
- at least one parent as well as
- usually the affected pupil himself/herself.

Other persons/institutions involved may be involved. In a discussion of the Support Committee, the report on educational support is explained and discussed with the results of diagnostics and the proposed decision of the Mobile Special Educational Needs Service. The parents will have the opportunity to express their opinions. They may present them in the minutes or in an additional written statement. The parents will receive a copy of the minutes of the Support Committee.

Determination of special educational needs

On the basis of the expert report on educational support, in particular the proposals for support contained therein, the State Office for Schools and Education determines the pupil's special educational needs. The parents receive the decision in written form (notification).

The State Office for Schools and Education advises parents in which type of school and in which school the individual special educational needs of the pupil can be met. It can recommend a certain school.

The decision of the State Office for Schools and Education constitutes an administrative act against which the parents may lodge an appeal within the time limits. If the objection is rejected, the parents have to pay a fee for the procedure.

Teaching a pupil with special educational needs

Pupils with special educational needs may be taught at

- at a primary or secondary school or a higher secondary school together with pupils without special educational needs or
- a special-needs school.

Teaching differentiated according to the learning target is thereby possible only at a primary or secondary school. The parents decide about the registration of your child at a certain school. The school principal decides on the admission of the pupil. In his decision, he takes into account the pupil's special educational needs as well as the possibilities of his/her individual support subject to the concrete organisational, personnel and financial conditions of the school.

Dear parents

If you require further information on the above explanations, please contact the principal of your child's school or the responsible location of the State Office for Schools and Education.

You can also find all the legal bases on the Internet at www.revosax.sachsen.de:

- School Act for the Free State of Saxony [SächsSchulG]
- School Regulations for Special-Needs Schools [SOFS]
- School Regulations for Primary Schools [SOGS]
- School Regulations for Secondary and Evening Secondary Schools [SOOSA]
- VwV model for special educational needs and consulting [VwV Muster sonderpädagogischer Förderbedarf und Beratung]
- VwV Support in case of reading and writing difficulties [VwV LRS-Förderung]

Further information on special educational support in the Free State of Saxony and information on

support for pupils with health impairments and partial performance deficits can be found at www.inklusion.bildung.sachsen.de as well as in publications of the Saxon State Ministry of Education and the Arts (<https://publikationen.sachsen.de>):

- Diversity as an Opportunity - Special Educational Support in Saxony (SMK, 2019)
- Special educational support in joint teaching (SMK, 2015)
- Chronically ill pupils in everyday school life (SMK, 2012)
- Promoting the emotional and social development of children in primary education (SMK, 2018)
- The hyperactive pupil/pupil with attentiveness disorder at school (SMK, 2005)
- Action orientation LRS (SMK, 2008)
- Difficulties in Learning to Calculate - Classes 1 to 4 (SMK, 2010)
- Special arithmetic problems - Classes 5 and 6 (SMK, 2017)