

## **Decree-Law no 54/2008, July 6**

The Program of the XXI Constitutional Government establishes as one of the priorities of the governmental action supporting/waging on an inclusive school where each and every one of the students, regardless of their personal and social situation, find answers that enable them to acquire a level of education and training which will enable them to be fully socially integrated. This political priority realizes the right of each pupil to an inclusive education that responds to their potentialities, expectations and needs within the framework of a common and plural educational endeavour that provides everyone with the sense of participation and belonging in authentic conditions of equity, contributing thus, decisively, for greater levels of social cohesion.

The commitment to inclusive education, as defined by UNESCO (2009), as a process aimed at responding to the diversity of pupils' needs through increased participation of all in learning and in the life of the school community, was reiterated by Portugal with the ratification of the Convention on the Rights of Persons with Disabilities and its optional protocol adopted at the United Nations General Assembly in New York on December 13, 2006, approved by Assembly Resolution no 56/2009, July 30, ratified by the Decree of the President of the Republic no. 71/2009, July 30 and reaffirmed in the "Lisbon Declaration on Educational Equity", in July 2015. This commitment also aims to meet the sustainable development objectives of the UN Agenda 2030.

At the centre of the school activity are the curriculum and student learning. In this assumption, this decree-law has as central axis of orientation the need of each school to recognize the added value of the diversity of its students, finding ways to deal with that difference, adjusting the teaching processes to the individual characteristics and conditions of each student, mobilizing the means at its disposal so that everyone learns and participates in the life of the educational community. This implies a decisive commitment on the autonomy of schools and their professionals, namely through the reinforcement of the intervention of special education teachers, as an active part of the educational teams in the definition of strategies and in the monitoring of curricular diversification. Conscious of the professional competences that exist in Portuguese schools, the Government now intends to create conditions so that they can raise the quality standards of the different offers of education and training. Even in cases where greater difficulty in participating in the curriculum is identified, it is up to each school to define the process in which it identifies the barriers to learning with which the student is confronted, considering the diversity of strategies to overcome them, in order to ensure that each student has access to the curriculum and to the learning, taking each and every one to the limit of their own potential.

The methodological options underlying this decree-law are based on universal design for learning and a multilevel approach to access the curriculum. This approach is based on flexible curricular models, systematic monitoring of the effectiveness of the continuum of implemented interventions, the dialogue between teachers with parents or caregivers, and

in the choice of measures to support learning, organized at different levels of intervention, according to the educational responses necessary for each student to acquire a common base of competences, valuing their potential and interests.

Thus, there is a moving away from the rationale that it is necessary to categorize to intervene. Rather, it is sought to ensure that the *Profile of the students at the end of Compulsory Schooling* is reached by all, even if it is through differentiated learning paths that allow each student to progress in the curriculum in a way that ensures their educational success. The present decree-law provides an continuous and integrated approach to the school path of each student, assuring quality throughout all compulsory schooling.

The continuous and integrated vision of the educational approach that is now promoted, requires an evaluation process of the needed learning supports - which considers the student's academic, behavioural, social and emotional aspects, but also environmental factors – a decisive step in the sequencing and dynamics of any intervention.

From a holistic perspective, the attributes of the multidisciplinary teams are redefined, to encompass identifying the measures to support learning and inclusion, according to the characteristics of each student, in the monitoring of the application of these measures' effectiveness, reinforcing the involvement of teachers, technicians, parents or caregivers, and the student her/himself.

Changes are introduced in the way schools and support structures are organized to identify measures to support learning and inclusion throughout compulsory schooling.

Concurrently, the "Specialized Unit" model is reconfigured into a "Learning Support Centre" model, which absorbs the first and redefines itself as a dynamic, plural space which assembles both human and material resources, mobilizing the knowledge and skills of the school for inclusion, valuing the knowledge and experiences of all.

The role of parents and guardians is reinforced by ensuring they enact the rights and duties that are conducive to their full involvement in the entire educational process of their students.

Recognizing the indelible contribution of Decree-Law no. 3/2008, January 7, amended by Law no. 21/2008, May 12, through the work carried out by the schools and the reflections carried out by teachers, researchers and experts, this decree-law stems from the Working Group, created by Order No. 7617/2016, published in the *Diário da República*, 2nd series, June 8, which, upon listening to multiple stakeholders, resulted in a needs-assessment of problems and the search for the best solutions from didactic, pedagogical, health, education and social inclusion perspectives.

The draft of the decree-law was submitted to public consultation between July and September 2017, with broad participation of stakeholders, including public and private educational establishments, teachers' associations, professionals of the educational community, professional associations, parents and guardians associations, representatives of persons with disabilities, federations, trade unions and individuals in general.

The National Council for Education, the Council of Schools, the Association of Schools of Private and Cooperative Education, the Portuguese Cooperative Confederation, the National Confederation of Solidarity Institutions, the Union of Portuguese Misericordia, the Union of Portuguese Mutuality and the political organs of the Autonomous Regions were consulted.

Therefore:

In the development of the legal regime established in the Basic Law of the Educational System, approved by Law no. 46/86, October 14, in its current writing and pursuant to Article no 198, no1, c) of the Constitution, the Government decrees the following:

## CHAPTER I

### **General provisions**

#### Article 1<sup>st</sup>

#### **Object and scope**

1 - This decree-law establishes the principles and norms that guarantee inclusion, as a process that aims to respond to the diversity of the needs and potential of each and every one of the pupils, by increasing participation in the processes of learning and educational community life.

2 - This decree-law identifies the measures to support learning and inclusion, the specific curricular areas, as well as specific resources to be mobilized to meet the educational needs of each and every child and young person along the school path, in all different education and training offerings.

3 - This decree-law applies to school clusters and non-grouped schools, professional schools and establishments of pre-school education and basic and secondary education of private, cooperative and solidarity networks, hereinafter referred to as schools.

#### Article 2<sup>nd</sup>

#### **Definitions**

For the purposes of this diploma, the following definitions shall apply:

a) “Curricular accommodation” the curricular management measures that allow access to the curriculum and to learning activities in the classroom through the diversification and appropriate combination of various teaching methods and strategies, the use of different methods and evaluation tools, the adaptation of educational materials and resources, and the removal of barriers in the organization of space and equipment, designed to respond to the different learning styles of each pupil and to promote their educational success;

b) “Non-significant curricular adaptations” the curricular management measures which do not compromise the learning foreseen in the curriculum documents, which may include adaptations at the level of objectives and contents, by altering their prioritization or sequencing, or by introducing specific intermediate objectives that allow the achievement of the overall objectives and the essential learning, in order to develop the competences foreseen in the *Profile Of The Students At The End Of Compulsory Schooling*;

c) “Significant curricular adaptations” the curricular management measures which have an impact on the learning foreseen in the curricular documents, requiring the introduction of other alternative learning, establishing overall objectives in terms of the knowledge to be acquired and the competences to be developed, in order to promote autonomy, personal development, and interpersonal relationships;

d) “Specific curricular areas”, those which include vision training, the Braille system, guidance and mobility, specific information and communication technologies and activities of daily living;

(e) “Learning barriers”, physical, sensory, cognitive, socio-emotional, organizational or logistical circumstances resulting from pupil/environment interaction and which constitute obstacles to learning;

f) “School health team”, the team of health professionals from health centre clusters or local health units (ACES/ULS) that, when referred, and in collaboration with children or young people with special health needs, the general and family medicine teams and other health services, the family and the school, develops an individual health plan, supports and monitors its implementation and eventual revision;

g) “Early childhood intervention”, the package of integrated support measures focusing on young children and the family, including preventive and rehabilitative actions, namely in the field of education, health and social assistance;

h) “Special health needs”, (SHN), the needs resulting from physical and mental health problems that have an impact on functioning, produce severe limitations in any organ or body system, involving irregularities in school attendance and that may compromise the learning process;

i) “Individual Transition Plan”, the plan designed three years before the limit age of compulsory schooling, for each young student attending school with significant adjustments, designed according to the interests, skills and expectations of the student and their family, as complement to their individual educational program;

j) “Individual health plan (IHP)”, a plan designed by the school health team within the scope of the National School Health Program, for each child or young person with SHE, which includes the results of the evaluation of health conditions and identifies the health measures to be implemented in order to improve the learning process;

k) "Individual Educational Program", a program designed for each pupil, resulting from a person-centred planning, which identifies learning support measures that promote access and participation in inclusive settings.

### Article 3<sup>rd</sup>

#### **Guiding principles**

Guiding principles of inclusive education:

- a) Universal educability, the assumption that all children and pupils have the ability to learn and to develop in their education;
- b) Equity, the guarantee that all children and pupils have access to the necessary support to realize their learning and development potential;
- c) Inclusion, the right of all children and pupils to access and participate, fully and effectively, in the same educational contexts;
- d) Customization, the pupil-centred educational planning so that measures are decided on a case-by-case basis according to their needs, potential, interests and preferences, through a multilevel approach;
- e) Flexibility, the flexible management of the curriculum, the school spaces and times, so that the educational action in its methods, times, instruments and activities can respond to the singularities of each student;
- f) Self-determination, the respect for personal autonomy, taking into account not only the needs of the students but also their interests and preferences, and the expression of their cultural and linguistic identity, creating opportunities for the realization of their right to participate in decision-making
- g) Parental involvement, the parents and guardians right to participation and information regarding all aspects of the educational process of their child;
- h) Minimum interference, the technical and educational intervention shall be developed exclusively by entities and institutions whose action proves to be necessary to effectively promote the personal and educational development of children or pupils, respecting their private and family life.

### Article 4<sup>st</sup>

#### **Participation of parents and guardians**

1 - Parents or guardians, in exercising all their respective powers and duties under the Constitution and the law, have the right and duty to participate and cooperate actively in all

matters related to the education of their child, as well as access all information contained in the student's individual school file, in particular regarding measures to support learning and inclusion.

2 - Pursuant the provisions of the preceding paragraph, parents or guardians have the right to:

- a) Participate in multidisciplinary team meetings;
- b) Participate in the preparation and evaluation of the individual educational program;
- c) Request the review of the individual educational program;
- d) Consult the individual school file of the pupil;
- e) Have adequate and clear information about the child's education.

3 - When parents or guardians are proven not to exercise their powers of participation, it is up to the school to initiate appropriate measures in accordance with the identified educational needs.

#### Article 5<sup>th</sup>

##### **Lines of action for inclusion**

1 - Schools shall include in their guidance documents the lines of action for the creation of a school culture where everyone will find opportunities to learn and the conditions for full realization of this right, responding to the needs of each pupil, valuing diversity and promoting equity and non-discrimination in accessing the curriculum and the progression in the educational system.

2 - The lines of action for inclusion must link the entire school to a process of cultural, organizational and operational change based on a multi-tiered intervention model that recognizes and assumes the transformations in curriculum management, in educational practices and in its monitoring.

3 - The lines of action for inclusion shall integrate a continuum of universal, selective and additional measures that respond to the diversity of the needs of each and every pupil.

4 - Schools shall establish indicators to evaluate the effectiveness of the measures referred to in the preceding paragraph.

## Chapter II

### **Measures to support learning and inclusion**

#### Article 6<sup>th</sup>

##### **Objectives of the measures**

- 1 - Measures to support learning and inclusion aim to adapt to the needs and potential of each pupil and to guarantee the conditions for their full realization, promoting equity and equal opportunities in access to the curriculum, attendance and progression through compulsory schooling.
- 2 - These measures are developed taking into account the resources and the support services to the operation of the school, which should be convened by school professionals, through collaborative work and with the co-responsibility of special education teachers, according to the specific needs of each pupil.
- 3 - The implementation of measures takes place in all forms and pathways of education and training, in order to ensure that all students have equal opportunities in access and frequency of different educational and training offerings.

#### Article 7<sup>th</sup>

##### **Levels of the measures**

- 1 - Measures to support learning and inclusion are organized into three intervention levels: universal, selective and additional.
- 2 - Measures of different levels are mobilized, along the pupil's school pathway, according to their educational needs.
- 3 - Defining the measures to be implemented must be based on evidence from monitoring and from the systematic evaluation of the efficacy of said measures as they respond to the needs of each child or pupil.
- 4 - Defining the measures referred to in paragraph 1 shall be carried out by the teachers, after consultation with the parents or guardians and other technicians who intervene directly with the pupil, while it is possible that measures of different levels be adopted simultaneously.

#### Article 8<sup>th</sup>

##### **Universal measures**

- 1 - The universal measures correspond to the responses that the school mobilizes for all students, with the aim to promote participation and improved learning.

2 – Among others, universal measures are, namely:

- a) differentiated instruction;
- b) curricular accommodations;
- c) curriculum enrichment;
- d) The promotion of pro-social behaviour;
- e) An intervention, with academic or behavioural focus, in small groups.

3 - Universal measures are mobilized for all students, including those in need of selective or additional measures, aiming to promote personal, interpersonal and social intervention development.

#### Article 9<sup>th</sup>

##### **Selective measures**

1 - Selective measures aim to fill the needs for learning supports not provided by the fulfilment of universal measures.

2 - Selective measures are:

- a) Differentiated curricular pathways;
- b) Non-significant curricular adaptations;
- c) Psycho-pedagogical support;
- d) Anticipation and reinforcement of learning;
- e) Tutorial support;

3 - The monitoring and evaluation of the efficacy of the selective measures application is carried out by those responsible for its implementation, as defined in the technical-pedagogical report.

4 - The selective measures are implemented with the material and human resources available in the school.

5 - When the implementation of the measures referred to in the preceding paragraphs implies the use of additional resources, the school director must provide a substantiated request for such resources from the relevant department in the Ministry of Education.



## Article 10<sup>th</sup>

### **Additional measures**

1 - Additional measures aim to respond to intense and persistent communication, interaction, cognitive or learning difficulties that require specialized resources of support to learning and inclusion.

2 - The mobilization of additional measures is dependent upon the demonstration of the insufficiency of the universal and selective measures foreseen in the levels of intervention referred to in articles 8 and 9.

3 - The reasons for the insufficiency, referred to in the preceding paragraph, must be evidence-based and be included in the technical-pedagogical report.

4 - Additional measures are:

- a) The completion of the school year by subject;
- b) significant curricular adaptations;
- c) individual transition plan;
- d) The development of structured teaching methodologies and strategies;
- e) The development of personal and social autonomy competences.

5 - The implementation of additional measures envisioning the intervention of specialized resources requires the intervention of the special education teacher as an advocate, manager and specialist in differentiating the means and materials of learning to be, preferably, implemented in the context of the classroom.

6 - The monitoring and evaluation of the efficacy of the implementation of additional measures is carried out by those responsible for its implementation, as defined in the technical-pedagogical report.

7 - Additional measures are implemented with the material and human resources available in the school, privileging the context of the classroom.

8. When the implementation of the measures mentioned in paragraph 4 implies the need to mobilize additional resources, the school director must provide a substantiated request for such resources from the relevant department in the Ministry of Education.

## CHAPTER III

### **Specific resources to support learning and inclusion**

#### Article 11<sup>th</sup>

##### **Identification of specific resources**

1 - Specific human resources to support learning and inclusion are:

- a) Special education teachers;
- b) Specialized technicians;
- c) Operational assistants, preferably with specific training.

2 - Specific organizational resources to support learning and inclusion are:

- a) The multidisciplinary team of support to inclusive education;
- b) The learning support centre;
- c) Reference schools in the area of vision/blindness;
- d) Reference schools for bilingual education;
- e) Reference schools for early childhood intervention;
- f) Resource centres for information and communication technology for special education.

3 – The specific community resources to be mobilized to support learning and inclusion are:

- (a) Local early intervention teams;
- b) School health teams;
- c) Commissions for the protection of children and youth;
- d) Resource centres for inclusion;
- e) Community institutions, namely social assistance and social support services of the solidarity and social security system, employment services and vocational educational training and local administration services;
- f) Special education establishments with a cooperation agreement with the Ministry of Education.

4 - The special education teacher, within the scope of their specialty, supports, in a collaborative and co-responsibility way, the other teachers of the pupil in determining the required pedagogic differentiation strategies, in reinforcing learning and in the identification of multiple means of motivation, representation and expression.

5 - In order to fulfil the aim of inclusion, it is envisioned that the resources of the community, including education, vocational training, employment, social security, health and culture, cooperate with each other, in a complementary manner, and whenever necessary.

#### Article 12<sup>th</sup>

##### **Multidisciplinary team to support inclusive education**

1 - Each school shall have a multidisciplinary team to support inclusive education.

2 - The multidisciplinary team consists of permanent members and variable members.

3 - The permanent members of the multidisciplinary team are:

- a) One of the teachers who assists the school director;
- b) A special education teacher;
- c) Three members of the pedagogical council with functions of pedagogical coordination in the different levels of education and teaching;
- d) A psychologist.

4 – The variable members of the multidisciplinary team are all related to the student being discussed: the head teacher, other teachers of the student, technicians of the resource centre for inclusion (RCI) and other technicians who intervene with the student.

5 - It is the responsibility of the school director to designate:

- a) The permanent members;
- b) The coordinator, in consultation with the permanent members of the multidisciplinary team;
- c) The meeting place.

6 - It is up to the coordinator of the multidisciplinary team:

- a) To identify the variable members referred to in paragraph 4;
- b) To summon the members of the team for meetings;
- c) To manage the work;
- d) To adopt the necessary procedures in order to guarantee the participation of the parents or guardians in the terms of article 4, and generate consensus in answering posed questions.

7 - In education and training establishments where, due their typology or organization, one of the members of the multidisciplinary team provided for in paragraphs 3 and 4 is not available, it is the responsibility of the school director to define the respective substitute.

8 - It is the responsibility of the multidisciplinary team:

- a) To raise awareness of the educational community towards inclusive education;
- b) To propose the learning support measures to be mobilized;
- c) To follow up and to monitor the implementation of the learning support measures;
- d) To provide advice to teachers about the implementation of inclusive pedagogical practices;
- e) To prepare the technical-pedagogical report provided for in article 21<sup>st</sup> and, if applicable, the individual educational program and the individual transition plan, in articles 24<sup>th</sup> and 25<sup>th</sup> respectively;
- f) To follow up on the functioning of the learning support centre.

9 - The work to be carried out by the multidisciplinary team, namely the mobilization of the learning support measures, as well as the preparation of the technical-pedagogical report and the individual educational program, when carried out by teachers, is to be carried out and accounted for within the non-lecture portion of their regular work schedule.

#### Article 13<sup>th</sup>

### **Learning support centre**

1 - The learning support centre is a support structure that aggregates human and material resources, knowledge and skills, and competencies of the school.

2 - The learning support centre, in collaboration with the other services and structures of the school, has the following general objectives:

- a) To support the inclusion of children and youth in the group/class and in the routines and activities of the school, namely through the diversification of strategies to access to the curriculum;
- b) To promote and to support access to training, higher education and integration in post-school life;
- c) To promote and to support access to leisure activities, social participation and independent living.

3 - The educational act promoted by the learning support centre is subordinate to the action developed in the pupil's class, calling for the intervention of all educational agents, namely the special education teacher.

4 - The learning support centre, as an organizational resource, is part of the continuum of educational responses provided by the school.

5 - For students attending compulsory schooling, whose additional measures to support learning are those provided for in Article 10<sup>th</sup>, number 4, b), d) and e), the learning support centre guarantees a response that complements the work carried out in the classroom or in other educational contexts, aiming for inclusion.

6 – The specific objectives of the learning support centre are:

a) To promote the quality of student participation in the activities of the class to which they belong to and in other learning contexts;

b) To support the teachers of the group or class to which the students belong;

c) To support the creation of learning resources and assessment tools for the various components of the curriculum;

d) To develop interdisciplinary intervention methodologies that facilitates the processes of learning, autonomy and adaptation to the school context;

e) To promote the development of structured environments, rich in communication and interaction, which promote learning;

f) To support the organization of the transition process to post-school life.

7 - It is the responsibility of the school director to define the functioning space of the learning support centre with the aim to yield the greatest use of the existing resources in the school.

#### Article 14<sup>th</sup>

##### **Reference schools in the area of vision/blindness**

1 - Reference schools in the field of vision/blindness constitute a specialized educational response in the following areas:

a) Braille literacy, contemplating the application of all specific spellings;

b) Orientation and mobility;

c) Assistive products/devices to access the curriculum;

d) Activities of daily living and social skills.

2 - Reference schools in the field of vision/blindness include teachers with specialized training in special education in the area of vision/blindness and have specific equipment and materials that guarantee access to information and curriculum.

3 - It is the responsibility of teachers with specialized training in special education in the field of vision/blindness:

- a) To promote the development of emerging reading and writing skills in Braille, in pre-school education;
- b) To teach the curriculum area of Braille literacy contemplating the application of all the specific spelling, in primary and secondary education;
- c) To ensure the evaluation of functional vision in order to define the adequate strategies and materials;
- d) To promote the development of competencies in the areas referred to in sub-paragraphs b), c) and d) of paragraph 1;
- e) To ensure support to teachers and their synergies with parents or caregivers.

4 - It is the responsibility of the schools referred to in the preceding paragraphs to organize differentiated instruction responses according to levels of education and teaching and the characteristics of the students, namely through access to the curriculum and participation in school activities, promoting the student's inclusion.

#### Article 15<sup>th</sup>

##### **Reference schools for bilingual education**

1 - The reference schools for bilingual education constitute a specialized educational response with the objective of implementing the bilingual education model, as an assurance of access to the common national curriculum, ensuring in particular:

- a) The development of Portuguese Sign Language (PSL) as the first language (L1);
- b) The development of the written Portuguese language as a second language (L2);
- c) The establishment of moments for reflection and training, including in the area of PSL, promoting collaborative work among different professionals, families and the educational community in general.

2 – The reference schools for bilingual education include teachers with specialized training in special education in the area of deafness, PSL teachers, PSL interpreters and speech therapists.

3 - Reference schools for bilingual education have specific equipment and materials that guarantee access to information and curriculum, namely equipment and materials for visual support to learning.

4 - It is the responsibility of the schools referred to in the preceding paragraphs to organize differentiated instruction responses according to the levels of education and teaching and

the characteristics of the pupils, namely through access to the curriculum, participation in school activities and the development of bilingual environments, promoting the student's inclusion.

#### Article 16<sup>th</sup>

##### **Reference schools for early childhood intervention**

- 1 - In the context of early childhood intervention, a network of reference schools is defined.
- 2 - The reference schools must ensure the coordination of the work with the local teams working within the scope of the National System of Early Intervention in Childhood, created by Decree-Law no. 281/2009, October 6.
- 3 - Reference schools have the human resources to establish mechanisms, in partnership with the health and social assistance services, that ensure universality in the coverage of early intervention, the development of individual plans as early as possible, and transition processes.

#### Article 17

##### **Information and Communication Technology Resource Centres**

- 1 - Information and Communication Technology Resource Centres (ICT RC) constitute the national network of centres for assistive products/devices prescribing by the Ministry of Education under the System of Assignment of Assistive Products, under the terms established in article 7 of Decree-Law no. 93/2009, April 16, as amended by Decree-Law no. 42/2011, March 23.
- 2 - The ICT RC carries out the assessment of the pupils' needs, at the request of the schools, for the purpose of granting the assistive products/devices to access the curriculum.
- 3 - The access to assistive products/devices is a pupils' right guaranteed by the national network of ICT RC.

#### Article 18<sup>th</sup>

##### **Resource centres for inclusion**

- 1 - RCI are specialized services of the community, accredited by the Ministry of Education, which support and intensify a schools' capacity to promote the educational success of all pupils.

2 – RCI's aim is to support the inclusion of children and pupils when there is a need to mobilize additional measures to support learning and inclusion, by facilitating access to education, training, work, leisure, social participation and autonomous life, promoting the maximum potential of each pupil, in partnership with community structures.

3 - The RCI work in a pedagogical and developmental partnership with schools, providing specialized services, as facilitators of implementation of policies and practices of inclusive education.

## Article 19<sup>th</sup>

### **Cooperation and partnership**

1 - Schools can develop partnerships among themselves, with municipalities and with other community institutions potentiating synergies, skills and competencies, and local resources, promoting coordinated responses.

2 - These partnerships aim in particular:

- a) The implementation of measures to support learning and inclusion;
- b) The development of the individual educational program and the individual transition plan;
- c) The promotion of independent living;
- d) The support of the multidisciplinary team;
- e) The promotion of parental empowerment actions;
- f) The development of curricular enrichment activities;
- g) Vocational guidance;
- h) Access to higher education;
- i) The integration into vocational training programs;
- j) Support in the area of accessibility;
- k) Other necessary actions for the implementation of the measures to support learning and inclusion provided for in this Decree-Law.

3 - The partnerships referred to in the previous numbers are established through the signing of cooperation protocols.



## CHAPTER IV

### **Determination of the need for measures to support learning and inclusion**

#### Article 20<sup>th</sup>

##### **Process for identifying the need for measures**

- 1 - Identification of the need for measures to support learning and inclusion shall take place as early as possible, and be carried out at the initiative of parents or guardians, early intervention services, teachers or other technicians or services involved with the child or student.
- 2 - The identification of need is presented to the school director, detailing the reasoning that lead to the need for measures to support learning and inclusion, with relevant documentation.
- 3 - The documentation referred to in the previous number may include a medical opinion, in cases of physical or mental health problems, as detailed by special health needs (SHN).
- 4 - Once the identification of needs is presented under the terms of the previous numbers, it is the responsibility of the school director, within three working days, counting since the working day following the respective presentation, to request the multidisciplinary school team to prepare a technical-pedagogical report according to the following article.
- 5 - In the situations where the multidisciplinary team concludes that only universal measures of support for learning and inclusion should be mobilized, the process shall be returned to the director within 10 working days, counting from the working day following the respective deliberation, with this recommendation.
- 6 - In the cases foreseen in the previous number, the school director returns the process to the class teacher or the head teacher, as the case may be, to communicate the decision to the parents or caregivers.
- 7 - The provisions of article 12<sup>th</sup>, paragraph 9, shall apply to the process of identifying the needs of measures to support learning and inclusion when carried out by a teacher.

#### Article 21<sup>st</sup>

##### **Technical-pedagogical report**

- 1 - The technical-pedagogical report is the document in which evidence substantiates the mobilization of selective and/or additional measures to support learning and inclusion.
- 2 - The technical-pedagogical report contains:

- a) The identification of the factors that facilitate and hinder the progress and development of a specific student's learning, namely school factors, contextual factors, and individual factors;
- b) The measures to support learning and inclusion to be mobilized;
- c) The operational method of each measure, including objectives, targets and performance indicators;
- d) The persons responsible for implementing the measures to support learning and inclusion;
- e) The procedures for assessing the efficacy of each measure and, when applicable, the efficacy of the individual educational program;
- f) The relationship with the specific support resources for inclusion defined in article 11<sup>th</sup>.

3 - The multidisciplinary team shall consult with parents or guardians during the development of the technical-pedagogical report.

4 - Whenever necessary, the multidisciplinary team may request the collaboration of a person or entity that can contribute to a deeper/broader understanding of the pupil her/himself, namely the ACES/ ULS school health team, in order to build a participative, integrated and effective approach.

5 - When the technical-pedagogical report proposes a multi-annual implementation of measures, it shall define periodic moments for an evaluation.

6 - Whenever significant curricular adaptations are proposed, the technical-pedagogical report shall be accompanied by an individual educational program, which integrates the technical-pedagogical report.

7. The report shall be completed no later than 30 working days after the presentation to the school director of the request for need for measures to support learning and inclusion in accordance with the procedure referred to in Article 20<sup>th</sup> , paragraph 2.

8 - The technical-pedagogical report is an integral part of the pupil's individual file, without prejudice to the confidentiality to which it is subject under the law.

9 - The implementation of the measures foreseen in the technical-pedagogical report depends on the agreement of parents or guardians.

10 - The coordinator of the implementation of the measures proposed in the technical-pedagogical report is the kindergarten teacher, the class teacher or the head teacher, as the case may be.

## Article 22<sup>nd</sup>

### **Technical-pedagogical report approval**

- 1 - The technical-pedagogical report is submitted for parents' approval, within five working days after its completion.
- 2 - For the purposes established in the previous number, parents or guardians and, whenever possible, the pupil himself, date and sign the technical-pedagogical report.
- 3 - When the technical-pedagogical report does not merit the agreement of the parents or guardians, they must include in annex to the report, an explanation as to their disagreement.
- 4 - Once the agreement of the parents or guardians is obtained, the technical-pedagogical report and, when applicable, the individual educational program, are submitted to the school director's approval, in consultation with the pedagogical council.
- 5 - The school principal has 10 working days to approve the technical-pedagogical report and, when applicable, the individual educational program, and to mobilize the measures to support the learning and inclusion therein provided.
- 6 - The technical-pedagogical report and, when applicable, the individual educational program, shall be reviewed in a timely manner to ensure measures are immediately mobilized at the beginning of each school year.

## Article 23<sup>rd</sup>

### **Identification of the need to attend specific curricular areas**

- 1 - The identification of the need to attend specific curricular areas shall occur as early as possible.
- 2 - The identification is carried out at the initiative of parents or guardians, early intervention services, teachers or other technicians or services that intervene with the child or student.
- 3 - The proposal with the identification referred to in paragraph 1 is presented to the school director, being of his competence to create the necessary conditions for the delivery of the specific curricular area.

## Article 24<sup>th</sup>

### **Individual educational program**

- 1 - The individual educational program referred to in article 22<sup>nd</sup>, paragraph 6, includes the identification and implementation plan of the significant curricular adaptations and

integrates the competences and learning to be developed by the pupils, and the identification of the teaching strategies and the adjustments to be made in their evaluation process.

2 - The individual educational program also includes other measures to support inclusion, to be defined by the multidisciplinary team.

3 - The individual educational program shall contain the following elements:

- a) The total number of school time, according to the respective level of education;
- b) The assistive products/devices, when appropriate and necessary for access and participation in the curriculum;
- c) The strategies for transition between cycles and levels of education, when applicable.

4 - Without prejudice to the evaluation to be carried out by each teacher, the individual educational program is monitored and evaluated according to the terms provided in the technical-pedagogical report.

5 - The individual educational program and the individual plan for early intervention are complementary, and the necessary coherence, synergy and communication between them must be guaranteed.

6 - The individual educational program and the individual health plan are complementary in the case of children with special health needs, and the necessary coherence, synergy and communication between them must be guaranteed.

## Article 25<sup>th</sup>

### **Individual transition plan**

1 - Whenever the student has an individual educational program, this shall be complemented by an individual transition plan designed to promote the transition to post-school life and, whenever possible, to the establishment of a professional activity.

2. The individual transition plan shall be guided by the principles of universality of education, equity, inclusion, flexibility and self-determination.

3 - The implementation of the individual transition plan begins three years before the limit age of compulsory schooling.

4 - The individual transition plan must be dated and signed by all the professionals involved in its preparation, by the parents and, whenever possible, by the student himself.

## Article 26<sup>th</sup>

### **Confidentiality and data protection**

All information resulting from technical and educational interventions, such as the technical-pedagogical report, must be included in the pupil's individual file and it is subject to constitutional and legal limits, in particular to the provisions on personal data protection legislation, regarding access and processing of such data and professional secrecy.

## CHAPTER V

### **Registration, learning assessment, progression and certification**

## Article 27<sup>th</sup>

### **Registration**

1 - The multidisciplinary team may propose to the school principal, with the agreement of parents or guardians, early entry or enrolment postponement, in accordance with the provisions of article 8 of Decree-Law no. 176/2012, August 2.

2 - Students who need these organizational resources have priority in enrolment or renewal of enrolment in reference schools in the field of vision/blindness and for bilingual education.

3 - Students with an individual educational program have priority in registration or renewal of registration in the school of preference of their parents or guardians.

## Article 28<sup>th</sup>

### **Adaptations to the evaluation process**

1 - Schools shall ensure that all pupils have the right to participate in the evaluation process.

2 - Adjustments to the evaluation process are as follows:

(a) The diversification of instruments for the collection of information, such as surveys, interviews, video or audio recordings;

b) The test/exam sheets in accessible formats, namely, Braille, tables and maps in relief, Daisy format, digital;

c) The interpretation in PSL;

d) The use of assistive products/devices;

e) Extra time for the test;

- f) Transcription of the answers;
- g) Reading of the test/exam sheets;
- h) The use of a separate room;
- i) Supervised breaks;
- j) Colour identification code in the test/exam sheets.

3 - The adaptations to the internal evaluation process are a responsibility of the school, without prejudice to the obligation to make public the results of the evaluation, at the times designated by the school for all pupils.

4 - In basic education, the adaptations to the external evaluation process are a responsibility of the school, and must be substantiated, be included in the pupil's school file, and be communicated to the National Jury of Examinations.

5 - In secondary education, it is a responsibility of the school to decide, in a substantiated manner, and to communicate to the National Examining Jury, the following adaptations to the external evaluation process:

- (a) The use of assistive products/devices;
- b) Exiting the exam room during the test/examination;
- c) Adaptation of space or material resources;
- d) The presence of a Portuguese Sign Language interpreter;
- e) The use of the Portuguese Language Dictionary;
- f) The implementation of adapted tests/exams.

6 - In secondary education, the school may request authorization from the National Examining Jury to make the following adaptations to the external evaluation process:

- a) The realization of a Portuguese Second Language (PL2) exam;
- b) The support presence of a teacher;
- c) The use of support instruments to the application of criteria for the classification of tests for students with dyslexia, as provided for in the Regulation of external evaluation tests;
- d) The use of extra time.

7 - The adaptations to the external evaluation process must be included in the pupil's school file.

## Article 29<sup>th</sup>

### **Progression**

1 - The progression of pupils covered by universal and selective measures to support learning and inclusion takes place in the terms defined by law.

2 - The progression of pupils covered by additional measures to support learning and inclusion is carried out in the terms defined in the technical-pedagogical report and in the individual educational program.

## Article 30<sup>th</sup>

### **Certification**

1 - At the end of their school pathway, all pupils have the right to a certificate and diploma attesting the completion of compulsory schooling and, whenever applicable, with the identification of the level of qualification in accordance with the *National Qualifications Framework* and the corresponding level of *European Qualifications Framework*.

2 - In the case of pupils who followed the school pathway with significant curricular adaptations, the certificate must include the cycle or level of education completed, and the relevant curricular information of the individual educational program, as well as the areas and the experiences developed throughout the implementation of the individual transition plan.

3 - The model of certificate provided for in the previous numbers is regulated by an ordinance of the members of the Government responsible for the area of education and, when applicable, for the area of vocational training.

## CHAPTER VI

### **Transitional and final provisions**

## Article 31<sup>st</sup>

### **Transition regime for pupils with the extinct individual specific curriculum measure**

1 - The pupils who, at the date of coming into force of this decree-law, are covered by the specific individual curriculum measure, provided for in article 16<sup>th</sup>, paragraph e) and article 21<sup>st</sup> of Decree-Law n°. 3/2008, January 7, modified by Law no. 21/2008, May 12, shall have its individual educational program reassessed by the multidisciplinary team to identify the need for measures to support learning and inclusion, and to develop the technical-pedagogical report provided for in article 21<sup>st</sup> of this Decree-Law.

2 - Whenever the technical-pedagogical report contemplates significant curricular adaptations, an individual educational program shall be drawn up in accordance with the provisions of article 24<sup>th</sup>.

3 - The evaluation and certification of the pupil's learning covered by the specific individual curriculum measure, at the date of coming into force of this decree-law, follows the evaluation regime of the learning of pupils in primary and secondary education, with the adaptations of the individual educational program in accordance with Article 24<sup>th</sup>.

4 – For pupils who complete the limit age of compulsory schooling in the three years following the date of coming into force of this decree-law, the teams shall develop an individual transition plan in accordance with the provisions of article 25<sup>th</sup>.

5 - The support measures to learning and inclusion that integrate the individual educational program of the pupil are developed in the context of the education responses provided by the school they attend.

6 - The technical-pedagogical report and the individual educational program referred to in paragraphs 1 and 2 shall be prepared prior to the beginning of the school year to which the effects of this decree-law relate.

#### Article 32<sup>nd</sup>

##### **Support handbook**

1. Without prejudice to the general powers provided for in the law, the Directorate-General for Education, in collaboration with the Directorate-General for Health and the National Institute for Rehabilitation (IP), shall establish and update a handbook to support inclusive education practice for schools and their professionals, parents or guardians and others involved in inclusive education.

2 - The handbook to support inclusive practice is prepared and made available within 30 days after the coming into force of this decree-law.

#### Article 33<sup>rd</sup>

##### **Follow up, Monitoring and Evaluation**

1 - The follow up of the application of this decree-law is ensured at the national level by a team, which includes elements of the services with attributions in this area, to be designated by the respective members of the Government, and may include representatives of the Governments of the Autonomous Regions of the Azores and of Madeira.

2 - Schools shall include in their self-assessment reports the conclusions of monitoring the implementation of curricular measures, resources and support structures for inclusive education.



3 - Without prejudice to the general powers provided for by law, and in respect for the autonomy of each school, it is incumbent upon the General Inspection of Education and Science to monitor and evaluate the inclusive practices of each school, namely the monitoring and verification of regularity in the constitution of classes, and the adequacy of the number of pupils to the real needs, as well as how the school organizes and manages the curriculum, in order to promote the effectiveness of measures to support learning, ensuring an inclusive education for all.

4 - The evaluation provided for in the previous number is the subject of a meta-analysis report to be presented annually to the Government member responsible for education.

5 - Every five years, the Government member on the area of education promotes an evaluation of the implementation of this decree-law regarding the continuous improvement of inclusive education.

6 - Notwithstanding the defined in the preceding paragraph, the Ministry of Education promotes the evaluation of the implementation of this decree-law within two years after its coming into force.

#### Article 34<sup>th</sup>

##### **Creation and extinction of reference schools**

The creation and extinction of reference schools is a responsibility of the Government member responsible for education, on the proposal of the relevant departments of the Ministry of Education.

#### Article 35<sup>th</sup>

##### **Establishment of multidisciplinary teams to support inclusive education**

The multidisciplinary teams to support inclusive education shall start within 30 days from the date of coming into force of this decree-law.

#### Article 36<sup>th</sup>

##### **Encompassing existing structures**

1 - The learning support centres will encompass the existing facilities, in particular the specialized units.

2 - The pupils supported by the centres referred to in the previous number have priority in the renewal of registration, regardless of their area of residence.

## Article 37<sup>th</sup>

### **Regulation**

1 - The conditions of access, attendance and financing of special education establishments are defined by an order of the Government members responsible for the areas of finance and education.

2 - Until the publication of the regulations referred to in the previous number, the Administrative Rule no. 1102/97 and Administrative Rule no. 1103/97, both dated November 3rd, remain in force.

## Article 38<sup>th</sup>

### **Remissions and legal references**

1 - All remissions made to Decree-Law no. 3/2008, January 7, as amended by Law no. 21/2008, May 12, are considered to be made to this decree-law.

2 - The references contained in this Decree-Law to the governing bodies, administration and management of public education establishments, as well as structures for pedagogical coordination and supervision, shall be considered for bodies and structures with equivalent competence in each establishment of private and cooperative education.

## Article 39<sup>th</sup>

### **Autonomous regions**

The application of this decree-law to the Autonomous Regions of the Azores and Madeira is made without prejudice to the competencies of the self-governing bodies in the field of education.

## Article 40<sup>th</sup>

### **Repealing order**

The following shall be repealed:

- a) Decree-Law no. 3/2008, January 7, amended by Law no. 21/2008, May 12;
- b) Ordinance No. 201-C/2015, July 10.

## Article 41<sup>st</sup>

### **Entry into force**

1 - This decree-law shall take effect from the school year 2018-2019.

2 - Without prejudice of the defined in the preceding paragraph, and to the regime provided for in article 31, schools shall apply to the preparation of the 2018-2019 school year.

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<sup>i</sup> *Profile of the students at the end of Compulsory Schooling*: reference document for the organization of the entire education system. It aims to contribute to the organization and management of curricula and to the definition of pedagogical strategies, methodologies and procedures. [https://dge.mec.pt/sites/default/files/Curriculo/Projeto\\_Autonomia\\_e\\_Flexibilidade/perfil\\_dos\\_alunos.pdf](https://dge.mec.pt/sites/default/files/Curriculo/Projeto_Autonomia_e_Flexibilidade/perfil_dos_alunos.pdf)