

Section 20: When a child or young person has special educational needs

1. A child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her.
2. A child of compulsory school age or a young person has a learning difficulty or disability if he or she:
 - a. Has a significantly greater difficulty in learning than the majority of others of the same age; or
 - b. Has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.
3. A child under compulsory school age has a learning difficulty or disability if he or she is likely to be within subsection (2) when of compulsory school age (or would be likely, if no special educational provision were made).
4. A child or young person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been spoken at home.