Overview of UNCRPD Article 24 in Ireland

Education

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# Background to the UNCRPD Article review papers

The National Disability Authority (NDA) are developing a series of in-depth papers on individual United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) articles. These papers detail the main data available relevant to specific articles

and provides an overview of key policies, programmes, services, supports and data that exist in the Irish context. They are not a critique of what is currently in place but rather a record of what exists. Nevertheless, there are instances where certain gaps or concerns are highlighted, including those advised by the NDA or other stakeholders.

These papers were primarily developed through desk research. However, the papers were also informed by the NDA’s own work, updates and discussions at Departmental Disability Consultative Committees, the National Disability Inclusion Strategy Steering Group, and other relevant committees. They were also informed by interactions with the Disability Stakeholders Group and with persons with disabilities, particularly through participation on a range of working and advisory groups across Government Departments on areas related to NDIS actions. Given their factual nature a more direct consultation process with persons with disabilities was not conducted. However, the NDA conducts periodic consultations on issues related to articles of the UNCRPD and seeks to include the lived experience of persons with disabilities individually and through their representative bodies in our work.

The purpose of the papers are multiple. They were developed initially to support the development of the State Party report to the UNCRPD Committee. In line with the NDA’s anticipated new statutory function under the UNCRPD, they are also intended to be useful to support the development by the Irish Human Rights and Equality Commission (IHREC) of the State’s parallel report to the UNCRPD Committee. They will also be used internally as reference papers within the NDA. The NDA has published these documents on our website to make them available to a wider audience to support any work underway to develop shadow reports on implementation of UNCRPD in Ireland.

Due to the changing nature of policies, programmes, services, supports and data these reports will date and we will endeavour to update them periodically to reflect any changes. The papers are not intended to be exhaustive but seek to provide a broad overview of the main issues of relevance to each article.

In the first instance the NDA reviewed ten articles listed below and available at <https://nda.ie/publications/others/uncrpd/series-of-papers-on-individual-united-nations-convention-on-the-rights-of-persons-with-disabilities-uncrpd-articles.html>

These articles were selected to reflect some of the main topics of concern to the stakeholders noted above and to include some of the cross-cutting issues such as children and women with disabilities.

* Article 6, Women with Disabilities
* Article 7, Children with Disabilities
* Article 8, Awareness Raising
* Article 16 Freedom from exploitation, violence and abuse
* Article 19, Living Independently
* Article 24, Education
* Article 25, Health
* Article 27, Work and employment
* Article 28, Adequate Standard of Living and Social Protection
* Article 31, Statistics and Data Collection

It is intended that the NDA will develop further papers, including some papers which will focus on a number of civil and political articles[[1]](#footnote-1).

# Introduction

Since the 1990s there has been a significant policy focus and investment in the education of children and adults with disabilities. In 2022 the Department of Education will spend over 2 billion euros or 25% of its total budget on special education needs provision. The right to an education is enshrined in the Irish Constitution. One of the stated aims of the Education Act 1998 was to “give practical effect to the constitutional rights of children [to education], including children who have a disability or who have other special educational needs, as they relate to education”. The Education of Persons with Special Needs Act, 2004 stated that children with disabilities should be educated in inclusive environments (with children who do not have disabilities or special education needs) except in circumstances where this would not be in the interests of the child or in the interests of the those with whom that child was to be in education.

However, despite the fact that the policy and legal position is that all children can attend and can receive support to attend mainstream classes the numbers of children being educated in other environments has grown considerably in recent years due to increased demand for and provision of “special classes” in mainstream schools.

The forthcoming National Council for Special Education Policy Advice on the Future of Special Schools and Classes is likely to consider the UN Committee’s views on the concept of inclusive education as part of its considerations on the future vision for education provision for children with disabilities and special education needs.

In 2022 the Department of Education has initiated a review of the Education of Persons with Special Needs Act, 2004 and has indicated that it intends to engage with children and young people with disabilities and special education needs as part of the review process.

# Convention text

Article 24 – Education

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

c. Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

c) Reasonable accommodation of the individual’s requirements is provided;

d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

# Type of Right

The UNCRPD includes economic, social, cultural and civil and political rights. States which ratify the Convention commit themselves to immediate delivery of civil and political rights to people with disabilities, and to progressive realisation of economic, social and cultural rights. Article 24 is an economic, social and cultural right. The Committee on the Rights of Persons with Disabilities state that

Progressive realization means that States parties have a specific and continuing obligation to move as expeditiously and effectively as possible towards the full realization of article 24. (General Comment No. 4, paragraph 40.)

# General Comment No. 4 (2016) on the right to inclusive education

The Committee on the Rights of Persons with Disabilities will adopt a General Comment when it considers that further interpretation of a particular article is needed, in order to assist States Parties in fulfilling their obligations. It has adopted seven General Comments to date. It adopted General Comment No. 4 on the right to inclusive education in 2016.

Through General Comment No. 4, the Committee highlights the importance of recognising the differences between exclusion, segregation, integration and inclusion in education. The Committee encourages States parties to adopt the universal design for learning approach. It sets out the core features of inclusive education as follows:

* A whole systems approach
* A whole educational environment
* A whole person approach
* Supported teachers
* Respect for and value of diversity
* A learning-friendly environment
* Effective transitions
* Recognition of partnerships
* Monitoring

# Data on educational attainment

This section examines some data related to educational attainment and disability in Ireland. Census 2016 found that people with a disability finish school earlier than people without a disability (figure 1).

Source: Census 2016

However, this is changing. Comparing Census 2011 and Census 2016, people with a disability were more likely to be still in education in 2016 (figure 2) and the average age education finished has increased.

Source: Census 2016 and Census 2011

Because people with a disability have tended to leave school earlier, their qualifications are less than for people without a disability (figure 3).

Source: Census 2016

Again, this is changing and between 2011 and 2016 we can see an increase in the number of people with a disability who have higher qualifications (Table 1). For instance, the percentage of people with a disability with a postgraduate diploma or degree has gone from 3 per cent to 3.8 per cent between 2011 and 2016.

Table 1: Population Aged 15 Years and Over 2011 to 2016 (%) with a Disability by Highest Level of Education Completed and Census Year

|  |  |  |
| --- | --- | --- |
| **Highest level of education** | **2011** | **2016** |
| No formal education | 3.8 | 5 |
| Primary | 27.1 | 20.8 |
| Lower secondary | 17.1 | 16.3 |
| Upper secondary | 13.3 | 13.5 |
| Technical/vocational | 6.2 | 6.9 |
| Advanced certificate/completed apprenticeship | 3.2 | 3.6 |
| Higher certificate | 2.6 | 3.1 |
| Ordinary bachelor degree/professional qualification or both | 4 | 4.4 |
| Honours bachelor degree/professional qualification or both | 3.4 | 4.5 |
| Postgraduate diploma or degree | 3 | 3.8 |
| Doctorate (Ph.D.) | 0.4 | 0.5 |
| Not stated | 5.4 | 5.5 |
| Economic status - total at school, university, etc. | 5.8 | 6.8 |
| Economic status - other | 4.7 | 5.4 |

Source: Census 2011 and 2016.

# Early Education and care

## Support for children with disabilities to participate in mainstream early years education.

Ireland introduced a universal, free pre-school year in 2010 called the Early Childhood Care and Education (ECCE) programme. From September 2018 the ECCE programme was expanded to two universal, free pre-school years for all children between 2 and 5 and a half years of age.

In the 2021-2022 programme year, there are just under four thousand services contracted to offer the ECCE programme nationally,[[2]](#footnote-2) of which 74% were private / for-profit and 26% were community /non-profit. In total, 104,612 children benefited from the ECCE programme in 2020/21.[[3]](#footnote-3) In 2022 the budget to support Early Learning and Care and School Aged Childcare was 716 million euros. The Government has set a target of increasing this budget line to 1 billion by 2028.[[4]](#footnote-4)

There was no programme of supports in place for children with disabilities at the Commencement of the ECCE programme, as an Ombudsman for Children report highlighted.[[5]](#footnote-5) A Working Group had met and looked at the issue of supports for children with disabilities in 2010 and 2011 but it did not publish a final report. The National Disability Authority published a report in 2011 setting out what a programme of supports for children with disabilities to participate in ECCE would look like.[[6]](#footnote-6) In November 2015, an Inter-Departmental Group report called **Supporting Access to the Early Childhood Care and Education (ECCE) Programme for Children with a Disability** was launched.[[7]](#footnote-7) This report set out a model of supports to enable children with disabilities to access and participate in pre-school education. The model, named AIM (Access and Inclusion Model) was rolled out from September 2016. The AIM model was designed to build early years practitioners’ knowledge, skills and capacity to facilitate the inclusion of children with disabilities in early years settings as well as funding supports for particular settings in which a child with a disability is attending. AIM supports are based on a profile of need, not a diagnosis of a particular disability. AIM consists of 7 Levels of Support

Level 1: An Inclusive Culture

Level 2: Information for Parents and Providers

Level 3: A Qualified and Confident Workforce

Level 4: Expert Educational Advice and Support

Level 5: Equipment, Appliances and Minor Alterations Capital Grant

Level 6: Therapeutic Intervention

Level 7: Additional Assistance in the Pre-School Room

Neither ECCE nor AIM have a statutory basis. Both schemes are run on an administrative basis. A Programme Rules for AIM document was published in 2019.**[[8]](#footnote-8)**

One of the foundations of AIM is the **Diversity, Equality and Inclusion Charter and Guidelines for Early Childhood Care and Education[[9]](#footnote-9)**.The aim of the Guidelines is to

support and empower all those working in the early childhood care and education sector to explore, understand and develop practices and approaches that embrace diversity, equality and inclusion and, through this, to create an inclusive culture where all children can flourish and realise their potential purpose.[[10]](#footnote-10)

To support this process, a national training programme on the Inclusion Charter and the Guidelines was rolled out by City and County Childcare Committees (CCCs). TUSLA, the early years regulator, requires Early Learning and Care providers to have an Inclusion Policy. In the template Inclusion Policy which it provides it references the **Diversity, Equality and Inclusion Guidelines and Charter[[11]](#footnote-11)**.

The **Diversity, Equality and Inclusion Guidelines and Charter** states that

All children have rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or girl, what their culture is, whether they have a disability, whether they are rich or poor. No child should be treated unfairly on any basis.[[12]](#footnote-12)

The Department of Children and Youth Affairs (now the Department of Children, Equality, Disability, Integration and Youth) in collaboration with Centre for Excellence in Universal Design at the NDA developed a set of Universal Design Guidelines for Early Learning and Care Settings, which were published in mid-2019. These guidelines apply to both new-build and retrofit projects and provide a flexible Universal Design framework to ensure that settings are accessible, understandable and easy to use for all children, staff, families and visitors. In 2022 the Department of Children, Equality, Disability, Integration and Youth) and the Centre for Excellence in Universal Design at the NDA agreed a memorandum of understanding in relation to the promotion of the guidelines through a programme of work, including e-learning materials for design and construction professionals and ELC staff, competitions and conferences.

AIM has developed a higher education **Leadership for Inclusion (LINC)** programme. Graduates of this programme are taking on leadership roles as Inclusion Coordinators within their settings, for which the setting receives a higher funding rate. AIM has also developed a range of training programmes for Early Learning and Care practitioners to support children with communication, sensory processing and behavioural issues.

In addition to the universal supports described above there are targeted supports for which Learning and Care setting and parents can apply. These include

* Mentoring and support from Inclusion Specialists
* Assistive Technology and equipment and small grants for building adaptions
* Therapy services which are considered critical for a child’s participation in ECCE
* Additional funding to provide for extra support in the classroom or to enable the reduction of the staff to child ratio

**Table 2** below shows the funding allocation and main areas of activity under the AIM programme for the Programme years 2016-2017 to 2018-2019.

Table 2: AIM Data

|  | **Programme year 16/17[[13]](#footnote-13)** | **Programme year 18/19[[14]](#footnote-14)** | **Programme year 20/21[[15]](#footnote-15)** |
| --- | --- | --- | --- |
| Total numbers of children in ECCE | 120,601 | 108,137 | 104,612 |
| Total numbers of children receiving targeted AIM supports | 2,486 | 5,513 | 4,244 |
| Total numbers of children receiving AIM Level 7 | 1,431 | 3,910 | 2,855 |
| Total numbers of children receiving AIM Level 5 Equipment / minor alteration | 63 in total | 291 services received specialist equipment / assistive technology and 48 services received funding for alterations to buildings | 223 |
| Total numbers of early years practitioners completing LINC training programme | 900 training places were made available to pre-school practitioners on the LINC programme, in September 2017 | 1,150 training places were made available to pre-school practitioners on the LINC programme, in September 2019. | Not available |
| Total numbers of early years practitioners completing the Level 3 training e.g. Lámh, Hanen, Sensory Processing | N/A | * 39 Hanen courses to 741 participants from 490 services * 9 Lámh courses to 459 participants from 305 services | Not available |
| Total number of early years services that received on-site mentoring under Level 4 for each of the programme years | 1,211 | 2,036 | 1671 |

## Non-mainstream pre-school provision for children with disabilities

Prior to the State funding universal pre-school, some Health Service Executive funded disability service providers had established special pre-school as part of how they delivered early intervention services to children with disabilities. Data is not systematically collected on the numbers of special pre-schools or the numbers of children attending. A survey conducted in early 2019 of Health Service Executive funded disability service providers found that there were **643** children in **43** HSE funded specialist preschools.[[16]](#footnote-16) There has never been a national policy of HSE-funded disability service providers delivering specialist pre-school services. These services evolved on an ad hoc basis.

The Department of Education provides early intervention classes, primarily for children with a diagnosis of Autism Spectrum. These are special classes attached to mainstream or special schools which cater for children with particular disabilities and autism in particular. These are classes for children between 3 and 5 years of age. They are funded on the basis of 6 pupils to 1 teacher and 2 Special Needs Assistants. There were 761 children in 133 early intervention classes in 2021/2022 school year[[17]](#footnote-17). Early Intervention classes were reviewed as part of the NCSE review of educational provision for children with autism. The NCSE concluded that

….. there is no basis in research for the DES funding separate pre-school classes for children with ASD[[18]](#footnote-18) while not funding similar classes for children with other special educational needs who may benefit from them. The continued provision for such schemes may be open to challenge on equality grounds as the research is very clear about the benefits that can accrue to all children from high quality pre-school settings.[[19]](#footnote-19)

The challenges faced by children with disabilities in transitioning from early years settings to primary school have been highlighted in research[[20]](#footnote-20) and in Government policy.[[21]](#footnote-21) While there have been plans to coordinate supports at a local level for children transitioning into or out of education settings, families of children still experience the supports across health, education and early years as being fragmented. Ireland has a plan for children from birth to 5 years of age called **First 5: A Government Strategy For Babies & Young Children.[[22]](#footnote-22)** **First Five** contains a commitment to improving transitions for all children entering primary school. It will be important that work on implementing this commitment addresses the particular challenges faced by children with disabilities and their families.

The Department of Children and Youth Affairs commissioned an independent evaluation of AIM at the end of its first year, which concluded that;

Despite the rapid pace at which AIM was introduced and it being relatively early in terms of its implementation, AIM has been broadly welcomed and well received …….

Provision of a national programme offering a consistent and uniform approach to supporting children with additional needs in Early Learning and Care settings. With inclusivity at its core, the model is deemed to be accessible and equitable.

Important and positively-regarded features of the intervention are that it is child-centred and non-diagnosis-led. The levels of support available through AIM provide graduated support to address identified needs, offering support for a wide range of additional needs and ensuring that supports are tailored to each individual’s specific requirements, rather than a ‘one size fits all’ approach.[[23]](#footnote-23)

The Department of Children and Youth Affairs has commissioned a 3 Year Evaluation of the AIM Programme which is due to be published in 2022. The NDA advises that in light of article 24 a key consideration of that evaluation and post-evaluation discussions is how AIM could support the approximately 800 pre-school aged children who attend Autism Early Intervention classes and the approximately 600 children who attend HSE funded special pre-schools.

# Primary and post-primary education

In Ireland schools are largely funded by the State: teachers’ salaries are paid by the State and schools are inspected by the Inspectorate of the Department of Education and Skills but individual schools are managed by voluntary boards of management. Patrons support schools’ Boards of Management in their role of managing the schools and often own the land and buildings associated with the school. Historically, religious orders and local parishes were involved in establishing and running schools in Ireland and therefore are patrons of the majority of Irish schools. While other non-religious patrons have emerged (Vocational Education Committees now Educational and Training Boards and Educate Together) patrons continue to play an important role as intermediaries between the State and local schools in the Irish education system.

The primary education sector in Ireland includes state-funded mainstream primary schools, special schools and a very small number of private primary schools. The state-funded schools include religious schools, non-denominational schools, multi-denominational schools and Gaelscoileanna (Irish-medium schools). Most primary schools are state-aided parish schools, although this pattern is changing. 90% of state-funded primary schools are Catholic, 2.9% are Church of Ireland, 6.8% are Multi-denominational and 3% Other. The primary school sector in Ireland contains many ‘small schools’ (defined as schools with less than 60 pupils in an Irish context).[[24]](#footnote-24) While only 4.4% of primary school pupils attend ‘small schools’, these small schools account for 23.1% of schools.

Post-primary schools consist of 49% Multi-Denominational Schools, 48% Catholic Schools, 3% Church of Ireland and less than 1% Other.[[25]](#footnote-25) Of the 723 post-primary schools in Ireland in 2019 just over 50 schools were fee-paying schools. While these schools charge parents fees the State also pays the teacher’s salaries.

Special schools were established In Ireland as early as the beginning of the nineteenth century. The early special schools were mainly established to meet the education needs of children with sensory impairments. Over time, special schools were established to meet the education needs of children with other disabilities. Following the Report of the Commission of Inquiry on Mental Handicap[[26]](#footnote-26) in 1965 there was an expansion of the special school sector during the 1960s and 1970s.

The 1993 **Report of the Special Education Review Committee** (SERC)[[27]](#footnote-27) and the 1996 **Report of the Commission on the Status of People with Disabilities[[28]](#footnote-28)** recommended greater participation by students with disabilities in mainstream education. The SERC report recommended seven principles which should underpin education provision with special education needs, including the principle that:

Except where individual circumstances make this impracticable, appropriate education for all students with special educational needs should be provided in ordinary schools.[[29]](#footnote-29)

The Special Education Review Committee report introduced the concept of the ‘continuum’ of provision for children with special education needs. That is, the concept that there should be options of support in special and mainstream settings.

Court cases taken in the 1990s and early 2000s also established the constitutional obligations on the State in relation to the provision of education to children with disabilities. The 1996 O’Donoghue v Minister for Health High Court case found that the State must provide children with disabilities with ‘such advice, instruction and teaching as will enable him or her to make the best possible use of his or her inherent and potential capabilities, physical, mental and moral, however limited these capacities may be’.[[30]](#footnote-30) The 2001 Sinnott v Minister for Education High Court found that the State failed to uphold its constitutional obligation to provide the applicant with a free primary education in accordance with his needs. The State did however successfully appeal to the Supreme Court regarding the issue of whether there was constitutional obligation under article 42 of the Irish Constitution to provide for education into adulthood.[[31]](#footnote-31)

## Legislation

The Education Act (1998) gives statutory rights to parents in relation to their children’s education and legally obliges schools to provide for a diversity of needs, values, and traditions. Under the Act, schools are required to use their resources to identify and provide for the educational needs of students with disabilities or other special educational needs. Section 21 of the Act states that

the school plan shall state the objectives of the school relating to equality of access to and participation in the school and the measures which the school proposes to take to achieve those objectives including equality of access to and participation in the school by students with disabilities or who have other special educational needs.[[32]](#footnote-32)

Boards of management should establish and maintain an admissions policy that provides for maximum access to the school, including access for students with special educational needs. Section 29 of the Education Act (1998) provides for an appeals process, by which parents, including the parents of child with a disability can appeal to the Department of Education and Skills in relation to a decision by a school to permanently exclude, to suspend or to refuse to enrol a student.

The Equal Status Act (2000) and Equality Act (2004) promote equality of opportunity, prohibit discrimination on nine specific grounds[[33]](#footnote-33), prohibit harassment, including sexual harassment, require that reasonable accommodation be made for those with disabilities, and allow for “positive action.” Section 4 of the Equal Status Act states that

Discrimination on the ground of disability includes a refusal or failure by the provider to do all that is reasonable to accommodate the needs of a person with a disability by providing special treatment or facilities, if without such special treatment or facilities it would be impossible or unduly difficult for the person to avail himself or herself of the service.[[34]](#footnote-34)

Section 7 of Equal Status Act, 2000 deals specifically with discrimination and harassment in educational establishments. The primary exception under Section 7 in the disability context is that it is not considered discrimination for a school to refuse entry to a child where a student with a disability would, by virtue of the disability, make impossible, or have a seriously detrimental effect on, the provision by an educational establishment of its services to other students. Section 7(4)(b) says:

to the extent that compliance with any of its provisions in relation to a student with a disability would, by virtue of the disability, make impossible, or have a seriously detrimental effect on, the provision by an educational establishment of its services to other students.

Despite the legal requirement set out above some parents had experienced challenges enrolling their child with a disability in certain schools.[[35]](#footnote-35) The Admissions to School Act, 2018 sought inter alia to give parents greater confidence that school admission processes are transparent and fair. In relation to children with disabilities the Act prohibits consideration of a student’s academic ability, skills or aptitude as a consideration for the offer of a place in a school. Section 62 (7) (e) (iii) of the Act says that

[... schools shall not, when deciding on an application to the school, or when placing a student on a waiting list for admission to the school, consider or take into account any of the following…….a student’s academic ability, skills or aptitude…][[36]](#footnote-36)

The Education for Persons with Special Educational Needs Act in 2004 emphasised the new concept of inclusive education. Section 2 of the Act defined inclusive education as

A child with special educational needs shall be educated in an inclusive environment with children who do not have such needs unless the nature or degree of those needs of the child is such that to do so would be inconsistent with—

(a) the best interests of the child as determined in accordance with any assessment carried out under this Act, or

(b) the effective provision of education for children with whom the child is to be educated.[[37]](#footnote-37)

Some key Sections of the EPSEN Act, 2004, have not been commenced. These include the Sections which would have provided for:

* a statutory entitlement to an educational assessment for all children with special educational needs
* a statutory individual educational plan (IEP).
* the delivery of detailed educational services on foot of this plan.
* an independent appeals process

The NCSE estimated, in an implementation Plan in 2006, that additional investment over a period of years of up to €235m per annum, across the education and health sectors, would be required to fully implement the EPSEN Act[[38]](#footnote-38). However, the Department of Education and Skills has estimated that the level of investment required could be significantly greater than that envisaged in the NCSE report.

Despite the fact that the Sections of the EPSEN Act have not been commenced all schools are encouraged to use Education Plans for children with special educational need. The advice of the Schools Inspectorate of the Department of Education is that the majority of schools are now using some form of individual education planning for children with special needs. Circular 30/2014, requires schools to put in place a Personal Pupil Plan, including a care plan for all pupils availing of Special Needs Assistance support.[[39]](#footnote-39)

Minister for Special Education and Inclusion, Josepha Madigan TD announced in September 2020 that she intended to review and update the EPSEN Act, 2004.[[40]](#footnote-40) The review commenced in early 2022. In general Ireland does not have specific legislative provisions for the provision of supports for children with particular disabilities. The exception to this is the Irish Sign Language Act, 2017. Section 5 of the 2017 Act provides for the “Educational supports for deaf children” through a tuition scheme, a programme of supports in school, teacher training and establishing minimum qualifications for teachers. The NDA was asked by the Minister to prepare a report on the operation of the Act and this was submitted to the Minister in July 2021. The report (not yet published) will highlight the slow pace of implementation of Section 5 as discussed further below.

## Policy and education provision for students with disabilities

### How the current ‘continuum’ of provision works in practice

Placement in special schools orspecial classes is based on a professional report of a diagnosis of disability and a recommendation that a special school or class is an appropriate placement for a child**. However, parents make the final decision** about the school that their child will attend. It should be noted that there are ‘no formal, agreed criteria to assist schools, parents and professionals in discerning which children are best placed in mainstream schools and which are best placed in special classes or special schools’.[[41]](#footnote-41)

### Increased investment in supports for children’s special education needs and expansion of specialist provision

Over the last decade there has been significant expansion of resources to support children with special educational needs. In 2019, 19% of the total voted expenditure on education, or €1.9 billion, was spent on supporting children with additional needs.[[42]](#footnote-42) While there has been a significant expansion of supports for children with special education needs in mainstream classes in mainstream schools there has also been a significant expansion of specialist provision as shown in **Table 3** below.

Table 3: Increased provision for students with special educational needs 2011-2019[[43]](#footnote-43)

|  | 2011 | 2019 | % increase |
| --- | --- | --- | --- |
| Total Student Population | 865,760 | 930,670 | 7.5% |
| Expenditure on Special Education | €1.3bn | €1.9bn | 46% |
| Special Education as percentage of education budget | 15.7% | 17.7% | 12.7% |
| Additional teaching posts for special education | 11,270 | 16,460 | 46% |
| SNA posts | 10,575 | 15,950 | 51% |
| Special classes | 550 | 1,620 | 194% |
| No. of students educated in special classes | 3,300 | 8,400 | 155% |
| No of special schools for students with disabilities | 105 | 119 | 13% |
| No. of students educated in special schools | 6,850 | 7,930 | 15% |

Source: National Council for Special Education, 2019

There were 561,400 children in primary school in 2020/2021 (of which 8,400 or 1.5% were in special schools and 7,500 or 1.3% were in special classes in mainstream primary schools). There were 3370 children in special classes in post-primary school in 2020/2021 out of a total of 379,200 post-primary school students (excluding Post-Leaving Course students), which means that 0.9% of post-primary students are in special classes in mainstream schools.

**Tables 4 to 7** below provide further detail on the numbers of children in different school / class placement types and of some of the numbers of children receiving particular types of supports.

Table 4 – Special Class number by designation (2020/2021 school year)

| Special Class designation | Early Intervention | Primary | Post Primary | Total |
| --- | --- | --- | --- | --- |
| ASD Early Intervention | 133 | 0 | 0 | 133 |
| Hearing Impaired Early Intervention | 1 | 0 | 0 | 1 |
| Autism/Autistic Spectrum Disorders | 0 | 1218 | 525 | 1743 |
| Emotional Disturbance | 0 | 6 | 3 | 9 |
| Hearing Impairment | 0 | 14 | 5 | 19 |
| Mild General Learning Disability | 0 | 39 | 14 | 53 |
| Moderate General Learning Disability | 0 | 25 | 46 | 71 |
| Multiple Disabilities | 0 | 24 | 13 | 37 |
| Severe/Profound General Learning Disability | 0 | 9 | 1 | 10 |
| Specific Learning Disability | 0 | 13 | 0 | 13 |
| Specific Speech and Language Disorder | 0 | 64 | 0 | 64 |
| Visual impairment | 0 | 0 | 2 | 2 |
| Total | 134 | 1546 | 609 | 2155 |

Source: National Council for Special Education, 2022

Table 5 - Nos. of Students in Special Schools and Special Class by Gender

|  | Male | Female | Total |
| --- | --- | --- | --- |
| Special Class Primary | 6,256 | 1,766 | 8,022 |
| Special Class Post- Primary | 2,516 | 854 | 3,370 |
| Total Special Class | 8,772 | 2,620 | 11,392 |
| Special School | 5,494 | 2,618 | 8,112 |
| Total Special School and Special Class | 14,266 | 5,238 | 19,504 |

Source: National Council for Special Education, 2022.

The 767 (589 boys and 178 girls) in ASD Early Intervention classes are not included in the figures in this table).

Table 6 – Nos. of Students in Special Classes by Student’s disability (2017/2018 school year)

| Disability Type | Early Intervention Class | Primary | Post Primary | Total |
| --- | --- | --- | --- | --- |
| Assessed Syndrome |  | 22 | 26 | **48** |
| Autism/Autistic Spectrum Disorders | 755 | 6555 | 2651 | **9961** |
| Borderline Mild General Learning Disability | 0 | 39 | 10 | **49** |
| Deaf/Hard of Hearing | 6 | 63 | 35 | **104** |
| Down syndrome | 0 | 8 | 14 | **22** |
| Emotional / Behavioural Disturbance | 0 | 63 | 28 | **91** |
| Mild General Learning Disability | 0 | 225 | 110 | **335** |
| Moderate General Learning Disability | 0 | 117 | 134 | **251** |
| Multiple Disabilities | 6 | 306 | 315 | **627** |
| No diagnosis | 0 | 6 | 1 | **7** |
| Other | 0 | 19 | 18 | **37** |
| Physical Disability | 0 | 12 | 6 | **18** |
| Severe Emotional / Behavioural Disturbance | 0 | 29 | 4 | **33** |
| Severe/Profound General Learning Disability | 0 | 117 | 2 | **119** |
| Specific Learning Disability | 0 | 439 | 4 | **443** |
| Specific Speech and Language Disorder | 0 | 2 | 12 | **14** |
| Visual Impairment | 0 | 0 | 0 | **0** |
| Grand Total | **767** | **8022** | **3370** | **12159** |

Source: National Council for Special Education, 2022

There is a significant gender difference in the numbers accessing SNAs in mainstream classes. Of the 20,550 children accessing SNAs in 2018/2019 6,202 were girls and 14,348 were boys.[[44]](#footnote-44)

Table 7 – Nos. of Children receiving Special Education supports

|  |  |
| --- | --- |
| Visiting Teacher Service | 6,434 children supported (in 2020) |
| School Transport for children with special education | 4,302 **new** applications processed by NCSE in 2019 |
| Assistive Technology | 5510 **new** applications for assistive technology / special equipment processed by NCSE in 2019 |

Source: Visiting Teacher service data was provided to the NDA by the National Council of Special Education. School Transport data and Assistive Technology data from **NCSE Annual Report 2020**. Note these figures are for applications processed by NCSE not Department of Education and Skills approvals figures.

### Home tuition

The Home Tuition Grant Scheme is a scheme to provide **compensatory education** to particular groups of students in particular circumstances. The scheme is not designed to be an alternative option to a school placement but rather is an interim measure which is provided to students in particular circumstances. In 2014/2015 1,215 children availed of Home Tuition[[45]](#footnote-45).

In relation to children with disabilities or special educational need the circumstances are[[46]](#footnote-46)

* Early educational intervention for children with autism who meet the Scheme’s eligibility criteria
* Students with special educational needs seeking an educational placement in a recognised school
* Students, enrolled in schools, with a significant medical condition, or school phobia and/or associated depression/anxiety, which has caused, and is likely to continue to cause, major disruption to their attendance at school[[47]](#footnote-47)

### July Provision

July Education Programme scheme provides funding for an extended school year for children with Autism Spectrum Disorder and for children with a severe or profound general learning disability. The programme is operated by a small number of schools (190 schools in 2014/2015) but where school-based provision is not feasible, families can apply a grant to pay a tutor to provide up to 40 hours a week of home-based provision. In 2013, 2,128 children availed of the school-based July Education Programme and 3,470 children availed of the home-based July Education Programme[[48]](#footnote-48).

The NCSE in its Policy Advice on Supporting Students with Autism concluded that

We could find no basis in research for a scheme which provided this level of support for students on the basis of a diagnosis of ASD alone. We consider such a scheme could be open to challenge on equality grounds as research suggests that students with significant intellectual disability would also benefit from an extended school year[[49]](#footnote-49).

The Department of Education settled three High Court cases taken by the parents of children who were denied access to the July Education Programme in 2019 because their children did not meet the scheme’s eligibility criteria. The Department established a working group to consider the July Education Programme in light of the issues which have been raised around the eligibility of the scheme.[[50]](#footnote-50)

The traditional July Provision programme was expanded in summer 2020 and 2021 to meet the needs of more children with special educational needs as part of the Government’s response to Covid-19. The expanded programme had wider child eligibility criteria and more schools were eligible to run a funded programme. 14,000 children participated in the 2020 Summer Education programme. However, less than 4000 participated in schools based programmes.[[51]](#footnote-51) The majority availed of a Home-Based option (difficulty getting a sufficient number of schools to run such programmes contributed to the reliance on the Home-Based option).

The NDA has previously advised that meeting the needs of children with disabilities and other children facing educational disadvantage who may benefit from an extended school year (with appropriate supports) should be considered with reference to **mainstream** School Aged Childcare funded under the National Childcare Scheme (NCS) since 2019 and HSE funded respite provision. In light of the expanded summer programmes run in summers 2020 and 2021 and the challenges in getting a sufficient number of schools to run such programmes the NDA advises that a cross-Departmental consideration of how to meet the needs (educational and social) of children with disabilities and their families outside the school year would be a positive development.

### National Educational Psychology Service

The National Educational Psychology Service (NEPs) provides support to all primary and post-primary schools. NEPs had 204 sanctioned whole time psychologist posts in 2019 (it had 40 when it was established in 1999) which are organised regionally to provide a service to schools across the country.[[52]](#footnote-52) NEPs has a consultative model of service which focuses on empowering teachers to intervene effectively with pupils whose needs range from mild to severe and from episodic to enduring.

NEPS encourages schools to use a continuum based assessment and intervention process whereby each school takes responsibility for initial assessment, educational planning and remedial intervention for pupils with learning, emotional or behavioural difficulties.[[53]](#footnote-53) Only where reasonable progress is not achieved, in spite of the school's best efforts in consultation with NEPS, will a psychologist become involved with an individual child for intensive intervention.

### Other Developments

The National Council for Special Education is a statutory body established in 2003. Its functions, as set out in the EPSEN Act, 2004, include the coordination of the provision of education supports to children with special education need, planning for the integration of the education for students with special educational needs in mainstream education settings and allocating supports for students with disabilities in mainstream and special school settings in accordance with national policies. In 2017, the Special Education Support Service, National Behaviour Support Service and the Visiting Teacher Service for Children who are Deaf/Hard of Hearing and Children who are Blind/Visually Impaired were transferred to the NCSE. In 2018 these resources were restructured into teams. Each team now combines the expertise of SENOs, visiting teachers and advisors (such as, behavioural support advisors).

From September 2017 a new model for the allocation of Special Education Teachers was introduced. In the new model schools are allocated Special Education Teachers based on a profile of the school rather than previous model which allocated Special Education Teachers in two ways. Some teachers were allocated by the General Allocation Model (GAM) and some were allocated based on individual children having a diagnosis of a disability. The pre-2017 model had a number of inefficiencies and inequities. The NCSE identified these as

* Students with special educational needs do not have equitable access to formal assessments which means in turn that they do not have equitable access to teaching, care and other supports.
* The allocation of additional State educational resources should not depend on a parent’s ability to pay for professional assessments or the proximity to HSE supports.
* The level of additional supports provided should be in line with the needs of the child rather than being linked to a diagnosis of a particular category of disability.
* All teaching posts should be allocated in line with profiled educational need within a school rather than the number of class teachers or students within a school.[[54]](#footnote-54)

The new Special Education Teacher allocation model provides schools with greater certainty as to the resources that will be available to them to provide additional teaching to support the inclusion of pupils with special educational needs and so allow schools to better plan and timetable for this provision. The new model facilitates greater level of autonomy for schools in how to manage and deploy additional teaching support within their school, based on the individual learning needs of pupils, as opposed to being based primarily on a diagnosis of disability. In February 2020 it was announced that a similar model of ‘frontloading’ of SNA allocation will be implemented from September 2020. However, this decision has been deferred to school year 2022/2023 due to the Covid-19 pandemic[[55]](#footnote-55) but existing mainstream class SNA allocations were automatically rolled over into the 2021/22 school year.

In March 2019, the Minister for Education and Skills, announced that a new model of support for schools (School Inclusion Model (SIM)), would be trialled and evaluated. This model of support aims to build schools’ capacity to include students with additional education and care needs and to provide other supports for students. The model includes the trialling of:

* A new frontloading allocation model for SNAs based on student need which breaks the link with the need for an assessment.
* Expanded National Educational Psychological Service (NEPS) to provide more intensive and wide-ranging support for students with complex educational needs.
* A new National Training Programme offered to SNAs to equip them with the skills and knowledge to support students with additional care needs.
* A new national nursing service for children with complex medical needs in schools.
* A new NCSE Regional Support Team structure to build school capacity to support students with special educational needs, to include four speech and language therapists, two occupational therapists and four behaviour support practitioners.
* A further 19 speech and language therapists and 12 occupational therapists will continue to deliver supports within schools as part of the in-school demonstration project.

As part of Budget 2021 it was announced that new School Inclusion Model pilot would be rolled out to two further Community Healthcare Organisation (CHO) areas[[56]](#footnote-56). However, as a result of Covid-19, and because of issues around the recruitment of therapists, progress on elements of the new School Inclusion Model have been slow.

The National Council for Curriculum Assessment has introduced learning programmes at Levels 1 and 2 on the National Framework of Qualifications for students in mainstream and special schools which were introduced in schools in 2014. These programmes are designed in particular for students with general learning disabilities who would previously have been unable to have their learning accredited under mainstream frameworks.

### Teacher Training

The Department Education and Skills and the Teaching Council of Ireland developed policies requiring higher education institutions providing Initial Teacher Education to undergo a re-accreditation process from 2012. This involved both an extension and a reform of Initial Teacher Education. These reforms included a requirement for mandatory additional content related to inclusive education and differentiation.

A Bachelor of Education - Irish Sign Language Pathway, a four-year primary teaching qualification, was introduced in 2019. The Special Education Support Service (SESS), now part of the NCSE, has supported suitably qualified teachers to undertake the Post-Graduate Course in Applied Behaviour Analysis in Trinity College Dublin, the Post-Graduate Courses for Teachers of Pupils who are Deaf/Hard of Hearing through distance learning at the University of Birmingham, Mary Hare and Oxford Brookes University (Westminster Institute of Education) and the University of Manchester and the Post-Graduate courses for Teachers of Pupils with a Visual Impairment through distance education at the University of Birmingham and the University of Wales, Newport.

The NCSE supports suitably qualified teachers to undertake the Post-Graduate Certificate/Diploma Programme of Continuing Professional Development in Special Educational Needs (Autistic Spectrum Disorders) for Teachers (delivered by St. Angela’s College Sligo and accredited by UCC).

UCC, Mary Immaculate College, DCU, NUI Galway, Trinity College Dublin, NUI Maynooth and UCD all offer post-graduate teacher education courses in Special / Inclusive Education.

Table 8 - NCSE Delivered Training by Type of Training

| Training Type | NCSE training in 2019[[57]](#footnote-57) |
| --- | --- |
| Number of external professional development courses | 443 |
| Whole School Training Seminars | 280 |
| Number of Teachers engaged in professional development and learning at NCSE seminars and Whole School Staff seminars | 16,511 |

Source: NCSE Annual Report 2019

The National Council for Special Education also facilitates teachers working with autistic pupils to access specific courses through Middletown Centre for Autism. Middletown Centre for Autism is a North–South educational initiative established in 2007 with funding from the Department of Education in Northern Ireland and the Department of Education and Skills in the Republic of Ireland. In 2019 the NCSE facilitated 497 teachers from the Republic of Ireland to be trained in Middletown seminars.[[58]](#footnote-58)

An allocation of €2.7m, over a three-year timeframe, was announced in 2016 for initial teacher education access initiatives under the Programme for Access to Higher Education (PATH) Fund. Funding was made available to support initial teacher education providers to develop access programmes and routes to teacher education for currently under-represented groups in initial teacher education, including students with disabilities.

### Assistive Technology

A scheme of grant aid for schools for the provision of assistive technology is provided for in accordance with the Circular No. 0010/2013. Application for assistive technology are made by schools to their local (NCSE) Special Education Needs Organiser. The scheme is primarily aimed at children with communication / sensory and physical disabilities but is open to children with other disabilities where there is appropriate professional reports recommending that the child cannot access the curriculum without assistive technology. The NCSE processed over 4,400 new applications for assistive technology in 2019.[[59]](#footnote-59)

NDA commissioned research on the provision of assistive technologies (AT) found that the provision of AT in Irish education could be strengthened by

* A clear description of the service pathway for acquiring AT for schools, specifically for assessing professionals;
* A more formal approach to follow-up, monitoring of AT usage and impact including the use of previously granted AT;
* An effective mechanism to provide students with the necessary training to make sure they can get the best out their AT;
* A review of the rationale underpinning the exclusion of certain high incidence disabilities from the AT grant scheme such as mild general learning disabilities which require technology support in education;
* Networking and knowledge sharing between educators and professionals with an expertise in AT to keep the personnel involved up to date and improve the standard of AT assessments and applications;
* Expertise at a local or regional level to support schools and parents in understanding the potential of appropriate AT and to contribute to continuing teacher education.[[60]](#footnote-60)

### Universal Design for Learning

Universal Design for Learning (UDL) is an extension of, and is underpinned by, Universal Design. The importance of UDL to inclusive education is set out in General Comment No. 4.[[61]](#footnote-61) The Centre for Excellence in Universal Design in the NDA has a statutory obligation to promote Universal Design in Ireland. The Centre’s work has included the promotion of UDL. This has included for example the publication of a briefing paper outlining the key elements of UDL.[[62]](#footnote-62) General Comment No. 4 defines UDL as

a set of principles, providing teachers and other staff with a structure to create adaptable learning environments and develop instruction to meet the diverse needs of all learners. It recognizes that each student learns in a unique manner and involves developing flexible ways to learn: creating an engaging classroom environment; maintaining high expectations for all students, while allowing multiple ways to meet expectations; empowering teachers to think differently about their own teaching; and focusing on educational outcomes for all, including those with disabilities.

In an Irish context there has been significant engagement with and interest in UDL in the further education and training sector[[63]](#footnote-63) and the higher education sector[[64]](#footnote-64) but to date there has been less engagement with the concept of UDL at primary and post-primary level.

### Reasonable Accommodations

The ‘Reasonable Accommodation in the Certificate Exams’ (RACE) Scheme is a scheme to provide assistance to students with special educational needs who are taking their State exams. Accommodations can include specialist equipment or other supports and accommodations, such as, scribes and readers and / or waiver from the assessment of issues such as spelling, grammar and punctuation in certain subjects.[[65]](#footnote-65) The number of pupils eligible for an accommodation under the RACE scheme in 2016 was 16,800 at a cost of €5.7 million.[[66]](#footnote-66) In 2020, the State Examinations Commission consulted on whether circumstances other than bereavement (such as periods of ill health, acute mental health issues) should be considered a grounds for Alternative Examination Provision such as deferring the sitting of a State examination from its traditional date. As part of the consultation the NDA advised that the nature of Ireland’s high stakes terminal exam approach can be challenging for students with episodic conditions. Covid-19 resulted in different examination and certification arrangements in 2020 and 2021. The NDA advises that Post-Covid there may be an opportunity to review examination accommodations for students with disabilities, health conditions and mental health difficulties.

## Experience of children with disabilities in special settings

NCSE commissioned research undertaken by the ESRI showed that experience of children in special classes is varied but that for some categories of disability there can be little integration between the special class and the rest of the mainstream school and for some categories of disability there can be limited progression from special classes to mainstream classes.[[67]](#footnote-67) Research has highlighted that there are particular issues around the school placement of older children with disabilities. Ware et al found evidence of children with disabilities, and pupils with mild general learning disabilities in particular, transferring to special schools as they reached post-primary age.[[68]](#footnote-68) There is little evidence of children moving from special schools to mainstream. School or class placement decisions taken early in a child’s life tend to have very significant implications for the rest of that child’s trajectory through the education system. Because special schools are not designated post-primary schools, children of post-primary age can have reduced access to the post-primary curriculum, subject specific teachers, Transition Year (including work experience) and career guidance. As consultees to the NCSE’s consultation on the Future Role of Special Schools and Classes noted ‘the decision to place a student in a special setting is a critical one that can potentially, due to reduced curricular options, place limitations on a student’s post-school study, placement or employment options’.[[69]](#footnote-69)

## Challenges

### Special class and special school places

There have been issues with providing sufficient numbers of special class and special school places to meet demand, particularly in areas of Dublin and Cork. In 2019 the Department of Education and Skills had to serve statutory notices under Section 37A (5) of the Education Act, 1998 (as amended by the Education (Admission to Schools) Act 2018) on a number of school and school patrons in one urban area to ensure that sufficient places could be provided to meet demand. While the Section 37A process has been used to successful increase the availability of school places for children with Special Education Need it is seen as being a slow and bureaucratic process. As a result of difficulties in securing school places for children with special education need for the school year 2022 / 2023 emergency legislation (Education (Provision in Respect of Children with Special Educational Needs) Act 2022) was enacted which gives the Minister of Education to compel schools to provide school places for children with special education needs.

The Ombudsman for Children published a report in 2022 looking at the issue of forward planning for school places for children with special education needs. In addition to the issues of children without a school place the report also highlighted the issues of children travelling outside their locality to access a special school or special class placement and the over 1,400 children who are receiving Home Tuition because they cannot access a specialised placement.

While the Ombudsman for Children’s report was critical of the failure to provide more special class and special school places for children with special education need it also raised a concern that providing those places is contributing sustaining a system which separates children with and without special education needs and disabilities.

I am also concerned that if the Department continues to generate solutions that contain some element of separation, then it will become increasingly difficult to unwind them in the future, regardless of what the NCSE’s policy advice recommends. All decisions made and actions taken from this time forth should be about building a strong, inclusive education system, which is fully supportive of all our children equally. While I acknowledge the significant investment made to date, we need to reimagine the education system as a whole if children with SEN are to fully enjoy their right to education. In doing so, we need to approach inclusivity as a process rather than seeing it as a fixed attainable ideal[[70]](#footnote-70).

### Shortened school days

An issue of concern raised by both statutory bodies and other stakeholders was the use of shortened days or reduced timetables by schools as a means of dealing with children with behaviours that challenge.[[71]](#footnote-71) An Oireachtas Committee noted in a June 2019 interim report that

there is currently no formal system in place for monitoring or reporting on the use of reduced timetables. This inherently introduces an issue with regard to assessing how best to combat the underlying issues that lead to the practice.

In September 2021 the Department of Education published guidelines on the use of reduced timetables. The draft guidelines included the following recommendations:

* Schools will be required to have engaged with relevant supports (including where appropriate the local Special Needs Education Organiser) and have developed and implemented a student support plan before using a reduced timetable
* Schools will be required to notify Tusla Education Support Service when a reduced timetable is being put in place
* A rationale for the use of a reduced timetable should be included in the report to TUSLA
* The consent of parents or guardians will be required for the use of a reduced timetable
* A school must set out a plan of action for the child’s full re-integration to the full-time school day
* Tusla Education Support Service will use the notifications to record and monitor the use of reduced timetables[[72]](#footnote-72)

Given that all children, including children with disabilities, have a right to education under article 42 of the Irish Constitution and Under article 24 of the UNCRPD, the NDA advises that it will be very important that the operation of the guidelines is monitored and data on the use of shortened days is reported.

### Restrictive practices

Another issue of concern raised by both statutory bodies and other stakeholders was the use of restrictive practices. The NCSE as the relevant advisory body had raised the issue.[[73]](#footnote-73) In its 2012 Policy Advice on the education of children with behaviours that challenge, the NCSE highlighted the risk to children and staff of incidents where children were secluded or restrained in the absence of any guidelines. The NCSE advised of the need for

clear guidelines to schools regarding realistic and appropriate measures to be taken to contain children during episodes of violent behaviour. These guidelines should be based on evidence of international best practice in working with children with severe emotional and behavioural difficulties and should specifically address when it is appropriate for teachers and SNAs to use restraint and the use of a time-out room.[[74]](#footnote-74)

In its Policy Advice on supporting children with Autism the NCSE advised that;

The DES should request the National Educational Psychological Service to prepare and issue clear guidelines to schools on: realistic and appropriate emergency procedures for crisis situations, involving episodes of extremely challenging or violent behaviour, causing serious risk to the student him/herself, other students or staff members; and the supports available to students, teachers, and parents following such incidents. In addition to the legal requirements referenced above, the DES should also seek legal advice to ensure the guidelines are lawful[[75]](#footnote-75)

In 2019, the Department of Education and Skills appointed a Working Group with an independent Chairperson and which included a parent representative.[[76]](#footnote-76) The Working Group initiated a public consultation in April 2019. As of June 2022 the Guidelines have not been published.

In its General Comment No.4 on the right to inclusive education, 2016, the UN Committee on the Rights of Persons with Disabilities noted that persons with disabilities can be disproportionately affected by

physical and humiliating punishments by educational personnel, for example through the use of restraints and seclusion.[[77]](#footnote-77)

Article 28(2) of the Convention on the Rights of the Child requires States Parties to

take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention.[[78]](#footnote-78)

The NDA advises that guidelines on seclusion and restraint accompanied by appropriate training, support and reporting will be an important part of Ireland progressively realising the rights of children with disabilities.

#### Implementation of the Irish Sign Language Act, 2017

The Irish Sign Language Act, 2017 recognised the right Irish Sign Language users to use Irish Sign Language as their native language, placed duties on public bodies to provide access to public services though Irish Sign Language and provided for supports for Irish Sign Language users in certain areas of public service, including in the area of Education. Section 5 of the Act requires the Minister for education to

* establish a scheme to provide for Irish Sign Language classes for families
* establish a scheme to provide Irish Sign Language support for children attending recognised schools
* ensure that there are a sufficient number of educational placements offering Irish Sign Language training for teachers of children who are deaf or hard of hearing
* determine the minimum qualifications of teachers of children who are deaf or hard of hearing

The NDA was asked by the Minister to prepare a report on the operation of the Act and this was submitted to the Minister in July 2021. The report (not yet published) will highlight the slow pace of implementation of Section 5.

In March 2022, the Department of Education announced a new scheme of supports for children who require Irish Sign Language supports in schools. The new scheme has two strands of support:

* Programme of intensive in-school support for individual students to enable them access teaching and learning and participate in school life
* Programme of training and support to build capacity among the school community including teachers, special needs assistants, other school staff and pupils on communication using Irish Sign Language[[79]](#footnote-79)

Once the NDA report to the Minister on the operation of the Irish Sign Language Act is published it is important that there will be engagement between the Department of Education and the Irish Sign Language stakeholders on what further progress can be made on implementing the requirements of Section 5 of the Act.

### Low educational and employment expectations of children and young people with disabilities

An ESRI study, commissioned by the NDA, used Growing Up in Ireland data to investigate the extent to which the educational outcomes of children with disabilities are influenced by expectations of their parents. It found that in some cases parental expectations were lower than might be expected based on the actual academic achievement of the child. The research highlighted a number of actions in relation to raising the expectations of children and young people in relation to education and employment.[[80]](#footnote-80) The issue of addressing the low expectations of children and young people with disabilities was addressed in a number of actions in the Government’s Comprehensive Employment Strategy.[[81]](#footnote-81)

### Covid-19 and the education of children with disabilities

Covid-19 resulted in two prolonged periods of school closures. One in March to June / July 2020 and one in early 2021.

During the periods of school closures, schools utilised school resources to try to remotely support students with disabilities / special education needs and statutory bodies such as the NCSE sought to provide support and materials to support schools and families to support students with disabilities / Special Education Needs with their learning during the school closures.[[82]](#footnote-82) As noted above an expanded summer programme was run in summers 2020 and 2021 to try to address some of the learning loss related to the school closures. Special schools and Special classes opened earlier than mainstream classes in the phased reopening of schools in February / March 2021.

Research on the impact of the Irish schools closures suggest that there is likely to be a lasting educational impact from the school closures and that that impact is likely to be unequal and impact more on particular groups of students, including children with disabilities / Special Education Needs.[[83]](#footnote-83) The NCSE has commissioned (in quarter 4 2021) an in-depth study of the impacts of Covid-19 school closures on students with Special Education Need which is likely to have a longitudinal element to it. It will be important that the impacts of school closures are addressed both in the short term and in the longer term. The planned NCSE study will provide important learning in this regard.

## Future direction and progressive realisation

### NCSE Policy Advise to the Minister of Education

In 2018 the Minister for Education requested the NCSE to

advise on the educational provision that should be in place for students in special schools and classes and to make recommendations on the provision required to enable them achieve better outcomes.

To inform the policy advice to the Minister the NCSE conducted

* A review of the relevant literature
* A review of specialist provision for educating students with special educational needs across different jurisdictions
* An evaluation of Autism special class provision (conducted by DES Inspectorate).
* A review of a sample of DES inspection reports on special schools
* A survey of schools on the use of special education teacher allocations
* A review of a sample of professional reports that recommended placement in a special class or special school
* Consultation with stakeholders
* Visits a range of different schools

In its 2019 Progress Report on the policy advice to the Minister of Education the NCSE advised that, UN Committee’s General Comment No.4 makes clear that

having a mainstream educational system and a separate special education system is not compatible with its view of inclusion and that parallel systems are not considered inclusive.

In its Progress Report the NCSE advised that given

the significant changes that have taken place since 2011, it is now timely to review whether special schools and classes should continue to be offered as part of the continuum of educational provision for students with more complex special educational needs or whether greater inclusion in mainstream classes offers a better way forward.

Since publishing its Progress Report the NCSE has conducted a major public consultation. The final Advice paper is due to be submitted to the Minister for Education in 2022.

# Further and Higher Education

## Further Education

Further education consists of post-school courses ranging from levels 1 through to level 6 on the National Framework of Qualifications (NFQ). There is some Specialist Training (at NFQ level 3 to 5) within the Further Education sector. This Specialist Training is provided for some people with disabilities who require a greater degree of support in pursuing suitable further education options. Typically, this involves support in individualised training and progression plans, literacy and numeracy support and individualised career planning. Other features of this training may include additional training duration, adapted equipment, and enhanced training content. People with disabilities also pursue mainstream Further Education Options.

In 2020, 11,376 or 7.5% of learners enrolled in Further Education and Training reported having at least one type of disability. Of the learner enrolments that reported a disability, 43% were men and 57% were women. Table 9 below provides details of the type of disability reported by those in Further Education and Training with a disability.[[84]](#footnote-84)

Table 9 – Total number of learners with type of disability and type of disability of all learners with disabilities

|  | No. | Percent |
| --- | --- | --- |
| A Psychological or emotional condition | 2,359 | 20% |
| Deafness or a serious hearing impairment | 731 | 6% |
| Blindness or vision impairment | 552 | 5% |
| A difficulty with learning remembering or concentrating | 4,092 | 33.4% |
| An intellectual disability | 2,396 | 23.7% |
| A difficulty with basic physical activities | 1,609 | 14% |
| Other disability, including chronic illness | 2,896 | 19.6% |

Learners here are unique within each type of disability but not necessarily across disabilities.

Source: Solas, 2021, FET in Numbers 2020 Learners with Disabilities

Further Education and Training bodies receive monies from the Fund for Students with Disabilities to fund supports for students with disabilities. There is no data on the numbers of students with disabilities who receive particular supports through the Fund for Students with Disabilities. The Higher Education Authority provide data on expenditure on different categories of support by the Further Education and Training sector using the Fund for Students with Disabilities. This breakdown in expenditure is set out in Table 10 below.

Table 10 – Further Education and Training Fund for Students with Disabilities expenditure by Category, 2014/15

|  | Amount | Percent |
| --- | --- | --- |
| Assistive Technology | € 112,088 | 7.5% |
| ISL/Speedtext | € 324,055 | 22% |
| NoteTakers (including Electronic Notetaking) | € 254,056 | 17% |
| Personal Assistants | € 471,372 | 32% |
| Study skills/ learning support | € 131,591 | 9% |
| Targeted Transport | € 96,531 | 6% |
| Tuition - Subject Specific Tuition | € 96,962 | 6% |
| Other | € 6,113 | 0.5% |
| Total | € 1,492,768 | 100% |

Source: Based on figures provided in Review of the Fund for Students with Disabilities, HEA, 2017

## Higher education

### Access to Higher Education

In recognition that certain groups are consistently under-represented in higher education student numbers, two supplementary admissions schemes have been established for school leavers who, because of the impact of their circumstances, may not attain the CAO points for the programme of their choice. The Higher Education Access Route (HEAR) and the Disability Access Route to Education (DARE) offers places at reduced points to school leavers from disadvantaged socio-economic backgrounds and students with disabilities respectively. DARE is for school leavers with a disability under the age of 23 as of 1 January in the year before commencing higher education course.

In 2017 there were 24 Higher Education Institutes participating on the DARE scheme. There were 3,542 DARE applicants of which 2,423 accepted an offer of a place on a higher education course.[[85]](#footnote-85)

### Students in Higher Education

AHEAD, a not-for profit organisation, funded by the Higher Education Authority and by member bodies (Higher Education Institutions and other educational bodies) has been conducting an annual survey of participation of students with disabilities in Irish Higher Education Institutes for over 20 years.

In 2019/ 2020 the 27 responding Higher Education Institutions identified 15,846 students with disabilities, which represented 6.3% of the total student population. The figure for 1994 was 990 students with disabilities or 0.7% of the student population. In 2010 the figures were 6,321 students with disabilities or 3.3% of the student population. In 2019/20, there were 1,547 mature students registered with a disability, which represented 9.8% of the total number of students with disabilities[[86]](#footnote-86).

In 2019 / 2020 students with disabilities represented 7.2% (14,548) of the student population at undergraduate level but only 2.5% (1,298) of the student population at postgraduate level. There were 15,071 students with disabilities enrolled in full time courses, which represented 7.8% of the total full time student population. There were 775 students with disabilities enrolled in part time courses, which represents only 1.3% of those studying part time[[87]](#footnote-87). The NDA has acknowledged the progress made in recent years by the higher education sector in achieving the targets set by the Higher Education Authority[[88]](#footnote-88) in relation to the increased participation of students with disabilities in higher education. More recently the NDA has advised that the Higher Education Authority could consider raising the targets to further to stimulate an increase in students with disabilities participating in higher education.

Table 11 - Breakdown of higher education students with disabilities by category of disability

| Disability category | Nos. | Percent |
| --- | --- | --- |
| Specific Learning Difficulty | 5,848 | 36.9% |
| Mental Health Condition | 2,639 | 16.7% |
| Significant Ongoing Illness | 1,867 | 11.8% |
| Physical Disability | 797 | 5% |
| DCD – Dyspraxia/ Dysgraphia | 994 | 6.3% |
| Asperger’s/Autism | 999 | 6.3% |
| ADD/ADHD | 743 | 4.7% |
| Neurological/Speech and Language disability | 379 | 2.4% |
| Other | 113 | 0.7% |
| Deaf/Hard of Hearing | 379 | 2.4% |
| Blind/Visually Impaired | 261 | 1.6% |

Source: Ahead, 2021, Numbers of Students with Disabilities Studying in Higher Education in Ireland 2019/20.

Students are categorised by their primary disability only, regardless of whether more than one disability is present.

Table 12 – Higher Education Institutes (7 Universities and 14 Institutes of Technology) Fund for Students with Disabilities expenditure by Category, 2014/15

|  | Amount | Percent |
| --- | --- | --- |
| Assistive Technology | € 702,014 | 12% |
| ISL/Speedtext | € 533,309 | 9% |
| NoteTakers (Including Electronic Notetaking) | € 729,558 | 12% |
| Personal Assistants | € 1,074,632 | 18% |
| Study skills/ learning support | € 1,643,213 | 27% |
| Targeted Transport | € 241,951 | 4% |
| Tuition - Subject Specific Tuition | € 619,254 | 10% |
| Other | € 472,977 | 8% |
| Total | € 6,016,908 |  |

Funding for students in Further and Higher Education has increased substantially over the past 20 years. In 1999, approximately 300 students were supported by the Fund for Students with Disabilities. For the 2017/18 academic year, a total of 13,545 students were supported across higher education, further education and in other UK/EU higher education institutions.[[89]](#footnote-89)

Table 13 – Fund For Students with Disabilities

|  | 2015/16 | 2016/17 | 2017/18 |
| --- | --- | --- | --- |
| Total beneficiaries | 10,486 | 11,910 | 13,545 |
| Total FSD allocation per year (including any underspends)\*\* | €10,377,142 | €10,495,164 | €10,067,937 |
| Average per student (across HE, FE and UK/EU) | €989.62 | €881.21 | €743.30 |

Source: Minister for Education and Skills, Joe McHugh[[90]](#footnote-90)

### Adult education and Assessment of Need under the Disability Act, 2005

Part 2 of the Disability Act, 2005 provides for a right to independent assessment of a persons’ health and education service needs arising from their disability. The Act was commenced for children under 5 years of age by way of a Statutory Instrument in 2007 and the HSE put in place processes to meet the obligations of the Act in relation to children.

The original intention was that Part 2 of the Act would in time be similarly commenced for other age cohorts by way of Statutory Instruments. However, as the result of a court decision the eligible age cohort for Part 2 was expanded to include all those born after June 2002. The eligible age cohort therefore now includes some 18 and 19 year olds. This is significant as Part 2 provides a statutory right for adults to have their health and education service needs assessed. At present (August 2022) it is unclear what processes are in place for adults to have their health and education needs independently assessed under the Part 2 of the Act. The issue is under consideration and has been discussed by senior officials at a cross Departmental level.

# Summary and conclusion

As in many other countries people with disabilities in Ireland tend to have a lower education attainment than people without disabilities. This is likely to at least in part be the consequence of barriers faced by people with disabilities accessing education. However, since the 1990s there has been a substantial legislative and policy focus and investment in the education of children and adults with disabilities. In Budget 2022, over 2 billion of the 9 billion euro Department of Education budget was allocated to supports for children with special education needs. The right to an education is enshrined in the Irish Constitution. In the context of children up to the age of 18 this has been interpreted by the Courts as the right to an appropriate education.

Since the early 1990s, Irish Government policy has been that children with disabilities should be educated with their non-disabled peers except where this is not practical.[[91]](#footnote-91) However, despite this policy position and subsequent legislation (the EPSEN Act, 2004) the number of children not educated in mainstream classes in mainstream schools continues to rise. Therefore, despite the fact that the policy and legal position is that all children can attend and can receive support to attend a mainstream class, the Irish statutory education system is likely to be considered a ‘dual system’ by the UN Committee on the CRPD. The committee describes education systems which operate separate mainstream and special education systems as a ‘dual systems’ which it says are not compatible with inclusive education.[[92]](#footnote-92) Since the publication of the General Comment the Committee has tended to express concern in relation to States that operate ‘dual systems’ and recommend that such states develop a

comprehensive and coordinated legislative and policy framework for inclusive education and a timeframe to ensure that mainstream schools foster real inclusion of children with disabilities in the school environment.[[93]](#footnote-93)

The forthcoming National Council for Special Education policy advice on the future of Special Schools and Classes is likely to consider the UN Committee’s views on incompatibility of the concept of inclusive education with a ‘dual systems’ education approach in the Irish context.

1. National Disability Authority - Series of papers on individual United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) Articles <https://nda.ie/publications/others/uncrpd/series-of-papers-on-individual-united-nations-convention-on-the-rights-of-persons-with-disabilities-uncrpd-articles.html> paged visited in July 2022. [↑](#footnote-ref-1)
2. Pobal, 2022, **Early Years Sector Profile Reports 2020 / 2021** https://www.pobal.ie/app/uploads/2022/05/Pobal\_22\_EY\_20-21-Report\_final\_2.pdf [↑](#footnote-ref-2)
3. Pobal, 2022, Early Years Sector Profile Reports 2020 / 2021 https://www.pobal.ie/app/uploads/2022/05/Pobal\_22\_EY\_20-21-Report\_final\_2.pdf [↑](#footnote-ref-3)
4. Government of Ireland, 2022, **First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028**. [62acc54f4bdf4405b74e53a4afb8e71b.pdf (assets.gov.ie)](https://assets.gov.ie/31184/62acc54f4bdf4405b74e53a4afb8e71b.pdf) [↑](#footnote-ref-4)
5. Ombudsman for Children’s Office, OCO, 2013, **A statement based on a complaint regarding the inclusion of a child with disabilities attending a mainstream pre-school under the Early Childhood Care and Education Scheme**). [↑](#footnote-ref-5)
6. National Disability Authority, 2011, **Briefing Paper Inclusion of children with disabilities in mainstream early childhood care and education: The lessons from research and international practice** [↑](#footnote-ref-6)
7. Department of Children and Youth Affairs, 2015, **Report of the Inter-Departmental Group on Supporting Access to the Early Childhood Care and Education (ECCE) Programme for Children with a Disability** [↑](#footnote-ref-7)
8. Department of Children and Youth Affairs, 2019, **Access and Inclusion Model (AIM) Rules 2019-2020** [↑](#footnote-ref-8)
9. Department of Children and Youth Affairs, 2016, **Diversity, Equality and Inclusion Charter and Guidelines for Early Childhood Care and Education** [↑](#footnote-ref-9)
10. Department of Children and Youth Affairs, 2016, **Diversity, Equality and Inclusion Charter and Guidelines for Early Childhood Care and Education** [↑](#footnote-ref-10)
11. TUSLA, 2018, **Quality and Regulatory Framework Full Day Care Service and Part-Time Day Care Service** [↑](#footnote-ref-11)
12. Department of Children and Youth Affairs, 2016, **Diversity, Equality and Inclusion Charter and Guidelines for Early Childhood Care and Education** [↑](#footnote-ref-12)
13. Pobal, 2017, **Annual Early Years Sector Profile Report 2016/2017** [↑](#footnote-ref-13)
14. Pobal, 2019, **Annual Early Years Sector Profile Report 2018/2019** [↑](#footnote-ref-14)
15. Pobal, 2022, **Annual Early Years Sector Profile Report 2020/ 2021** [↑](#footnote-ref-15)
16. Data provided to the National Disability Authority by the Health Services Executive in February 2020. [↑](#footnote-ref-16)
17. Data provided to the National Disability Authority by the National Council of Special Education in March 2022. [↑](#footnote-ref-17)
18. The NDA uses the terms ‘autism’ and ‘autistic person’ but avoids using ‘ASD’ and ‘Autistic Spectrum Disorder’. However, ASD’ and ‘Autistic Spectrum Disorder’ may appear in quotes from other organisations or earlier NDA documents. For a discussion on disability language and terminology see NDA, 2022, NDA Advice paper on Disability Language and Terminology. https://nda.ie/news-and-events/news/nda-advice-paper-on-disability-language-and-terminology.html [↑](#footnote-ref-18)
19. NCSE, 2015, **Supporting Students with Autism Spectrum Disorder in Schools** [↑](#footnote-ref-19)
20. Smyth, E., 2018, **The transition to primary education: insights from the Growing Up in Ireland Study**, ESRI [↑](#footnote-ref-20)
21. Department of Children and Youth Affairs, 2018, **First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families** [↑](#footnote-ref-21)
22. Department of Children and Youth Affairs, 2018, **First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families** [↑](#footnote-ref-22)
23. RSM Consulting, 2019, **An End of Year One Review of the Access and Inclusion Model (AIM). https://aim.gov.ie/app/uploads/2021/05/AIM-end-of-year-one-review.pdf** [↑](#footnote-ref-23)
24. Department of Education and Skills, 2020, **Statistical Bulletin Enrolments September 2019- Preliminary Results** [↑](#footnote-ref-24)
25. Department of Education and Skills, 2020, **Statistical Bulletin Enrolments September 2019- Preliminary Results** [↑](#footnote-ref-25)
26. Government of Ireland, 1965, **Report of the Commission of Inquiry on Mental Handicap** [↑](#footnote-ref-26)
27. Department of Education, 1993, **Report of the Special Education Review Committee** (SERC) [↑](#footnote-ref-27)
28. Commission on the Status of People with Disabilities, 1996, **A Strategy or Equality** [↑](#footnote-ref-28)
29. Department of Education, 1993, **Report of the Special Education Review Committee** (SERC) [↑](#footnote-ref-29)
30. O'Donoghue v. Minister for Health [1993] IEHC 2; [1996] 2 IR 20 (27th May, 1993) [↑](#footnote-ref-30)
31. Sinnott v. Minister for Education [2001] IESC 63; [2001] 2 IR 505 (12th July, 2001) [↑](#footnote-ref-31)
32. Government of Ireland, 1998, **The Education Act, 1998** [↑](#footnote-ref-32)
33. The 9 Equality grounds are; gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. [↑](#footnote-ref-33)
34. Government of Ireland, 2000, **Equal Status Act, 2000** [↑](#footnote-ref-34)
35. Irish Times, (9th of August, 2016) **Schools putting up barriers to pupils with special needs, study finds** [↑](#footnote-ref-35)
36. Government of Ireland, 2018, **School Admissions Act, 2018** [↑](#footnote-ref-36)
37. Government of Ireland, 2004, **Education for Persons with Special Educational Needs Act, 2004** [↑](#footnote-ref-37)
38. National Council for Special Education, 2006, **Implementation Report: Plan for the Phased Implementation of the EPSEN Act, 2004** [↑](#footnote-ref-38)
39. Department of Education, 2014, **Circular 0030/2014 - The Special Needs Assistant (SNA) scheme to support teachers in meeting the care needs of some children with special educational needs, arising from a disability** [↑](#footnote-ref-39)
40. Department of Education, 2020, Minister Josepha Madigan TD sets out Priorities for Action to reform special education provision in Ireland. Press Release 24 September 2020. https://www.gov.ie/en/press-release/5f5d4-minister-josepha-madigan-td-sets-out-priorities-for-action-to-reform-special-education-provision-in-ireland/ [↑](#footnote-ref-40)
41. National Council for Special Education, 2011, **The Future Role of Special Schools and Classes in Ireland** [↑](#footnote-ref-41)
42. Government of Ireland, 2020, Budget 2020 Expenditure Report [↑](#footnote-ref-42)
43. National Council for Special Education, 2019, **Policy Advice on Special Schools and Classes: An Inclusive Education for an Inclusive Society?** (Progress Report) [↑](#footnote-ref-43)
44. Data provided to the NDA from the National Council for Special Education, 2022 [↑](#footnote-ref-44)
45. Daly and Ring et al, 2013, **An Evaluation of Education Provision for Students with Autism Spectrum Disorder in Ireland** [↑](#footnote-ref-45)
46. Other categories of students can receive Home Tuition in certain circumstances. These circumstances are when a child is without a school place and when a child who is studying for the Junior or Leaving Certificate has their education disrupted because of a pregnancy. [↑](#footnote-ref-46)
47. Department of Education and Skills, 2019, **Circular 0043/2019 - Home Tuition Grant Scheme 2019/2020 – Special Education Component** [↑](#footnote-ref-47)
48. Daly and Ring et al, 2013, **An Evaluation of Education Provision for Students with Autism Spectrum Disorder in Ireland**  [↑](#footnote-ref-48)
49. NCSE, 2015, **Supporting Students with Autism Spectrum Disorder in Schools** [↑](#footnote-ref-49)
50. Irish Examiner ([Ann O'Loughlin](https://www.irishexaminer.com/breakingnews/authors/ann-oloughlin/)), 2019, **Two children with complex needs to receive schooling in July as court actions settled** (19 June 2019) [↑](#footnote-ref-50)
51. Josepha Madigan TD, Minister of State at the Department of Education, 2021, Written PQ Reply, 31 of March 2021. https://www.oireachtas.ie/en/debates/question/2021-03-31/606/ [↑](#footnote-ref-51)
52. Department of Education and Skills, 2019, **Press Release - Minister McHugh congratulates the National Educational Psychological Service of the Department of Education and Skills as it marks 20th birthday** [↑](#footnote-ref-52)
53. Department of Education and Science, 2007, **Special Education Needs - A Continuum of Support: Guidelines for Teachers** [↑](#footnote-ref-53)
54. National Council or Special Education, 2013, Supporting Students with Special Educational Needs in Schools [↑](#footnote-ref-54)
55. Department Of Education and Skills, 2020, Press Statement - 02 April, 2020 - **Minister McHugh announces deferral of new allocation model for Special Needs Assistants** [↑](#footnote-ref-55)
56. Minister Josepha Madigan TD, 2020, “Press Release - Ministers Foley and Madigan announce that Budget 2021 brings significant increase in investment in education” https://www.gov.ie/en/press-release/00bcd-ministers-foley-and-madigan-announce-that-budget-2021-brings-significant-increase-in-investment-in-education-over-2100-new-teachers-and-special-needs-assistants-important-new-measures-in-special-educational-needs-and-social-inclusion/ [↑](#footnote-ref-56)
57. The 2019 figures are quoted here as Covid-19 impacted on the NCSE support services to deliver training in 2021 and 2022. The NCSE did pivot to online training but the 2019 figures are a more accurate reflection of the scale of training provision. [↑](#footnote-ref-57)
58. NCSE, 2020, NCSE Annual Report 2019 [↑](#footnote-ref-58)
59. NCSE, 2020, National Council for Special Education 2019 https://ncse.ie/wp-content/uploads/2020/07/NCSE-Annual-Report-2019-EN.pdf [↑](#footnote-ref-59)
60. Cullen, K., McAnaney, D., Dolphin, C., Delaney, S. & Stapleton, P. (2012). Research on the provision of Assistive Technology in Ireland and other countries to support independent living across the life cycle. National Disability Authority, Dublin, Ireland, (Accessed 1-12-2015). Available at: nda.ie/ndasitefiles/assistive\_technology\_report.docx [↑](#footnote-ref-60)
61. UN Committee on the Rights of Persons with Disabilities (CRPD), 2016, General comment No. 4 Article 24: Right to inclusive education [↑](#footnote-ref-61)
62. CEUD-NDA, 2020, **Universal Design in Education and Training – policy landscape in Ireland.** http://universaldesign.ie/Awards/Education/Universal%20Design%20in%20Education%20and%20Training%20%E2%80%93%20policy%20landscape%20in%20Ireland.pdf [↑](#footnote-ref-62)
63. Solas, 2020, A Conceptual Framework of Universal Design for Learning (UDL) for the Irish Further Education and Training Sector [↑](#footnote-ref-63)
64. Ahead “Universal Design for Learning” page on [www.ahead.ie](http://www.ahead.ie) https://www.ahead.ie/udl#:~:text=Universal%20Design%20for%20Learning%20(UDL)%20is%20a%20set%20of%20principles,learn%2C%20including%20Students%20with%20Disabilities. (last accessed on 30/08/2022) [↑](#footnote-ref-64)
65. State Examination Commission, 2020, **Reasonable Accommodations at the 2020 Certificate Examinations** [↑](#footnote-ref-65)
66. Irish Government Economic and Evaluation Service, 2027, **Special Educational Needs Provision - Spending Review 2017** [↑](#footnote-ref-66)
67. Banks et al, 2016, **Special Classes in Irish Schools Phase 2: A Qualitative Study** [↑](#footnote-ref-67)
68. Ware et al, 2009, **Research Report on the Role of Special Schools and Classes in Ireland** [↑](#footnote-ref-68)
69. National Council for Special Education, 2019, **Policy Advice on Special Schools and Classes An Inclusive Education for an Inclusive Society?** (Progress Report) [↑](#footnote-ref-69)
70. Ombudsman for Children, 2022, Plan for Places Forward Planning for the Provision of Schools Places for Children with Special Educational Needs: A Children’s Rights Issue. https://www.oco.ie/app/uploads/2022/06/Plan-For-Places-Full-Report.pdf [↑](#footnote-ref-70)
71. NCSE, 2012, **The Education of Children with Challenging Behaviour Arising From Severe Emotional Disturbance / Behaviour Disorder** and Inclusion Ireland, 2019, **Education, Behaviour and Exclusion: The experience and impact of short school days’ on children with disabilities and their families in the Republic of Ireland** [↑](#footnote-ref-71)
72. Department of Education and Skills, 2019**, (Draft) The Use of Reduced Timetable/Reduced Day in Schools: Guidelines for Schools in relation to recording and notification of the use of reduced timetables in schools** [↑](#footnote-ref-72)
73. NCSE, 2012, **The Education of Children with Challenging Behaviour Arising From Severe Emotional Disturbance / Behaviour Disorder;** NCSE, 2015, **Supporting Children with Autism Spectrum Disorders in Schools; and** Inclusion Ireland, 2018, **Shining a light on seclusion and restraint in schools in Ireland: The experience of children with disabilities and their families** [↑](#footnote-ref-73)
74. NCSE, 2012, **The Education of Children with Challenging Behaviour Arising From Severe Emotional Disturbance / Behaviour Disorder** [↑](#footnote-ref-74)
75. NCSE, 2015, **Supporting Children with Autism Spectrum Disorders in Schools** [↑](#footnote-ref-75)
76. Department of Education and Skills, 2019, **Press Release - Minister McHugh invites views and contributions on the development of guidelines for schools on the use of physical intervention for the prevention and management of crisis situations** [↑](#footnote-ref-76)
77. Committee on the Rights of Persons with Disabilities, 2016, **General comment No. 4 (2016) on the right to inclusive education** [↑](#footnote-ref-77)
78. UN General Assembly, 1989, Convention on the Rights of the Child [↑](#footnote-ref-78)
79. Department of Education, 2022, Ministers Foley and Madigan announce establishment of a scheme to provide Irish Sign Language Support for children whose primary language is Irish Sign Language (ISL) and who are attending recognised schools (Press release). https://www.gov.ie/en/press-release/c9096-ministers-foley-and-madigan-announce-establishment-of-a-scheme-to-provide-irish-sign-language-support-for-children-whose-primary-language-is-irish-sign-language-isl-and-who-are-attending-recognised-schools/#:~:text=Departments-,Ministers%20Foley%20and%20Madigan%20announce%20establishment%20of%20a%20scheme%20to,who%20are%20attending%20recognised%20schools [↑](#footnote-ref-79)
80. Banks, J., et al, 2015, Parental Expectations of Children with Disabilities. A follow up study by the ESRI was published as a working paper in 2020. Mihut, G., McCoya S., and Maîtrea, B. (2020) **Academic and Socio-Emotional Outcomes of Young People with Special Educational Needs and the Role of Parental Educational Expectations.**  https://www.esri.ie/system/files/publications/WP692.pdf [↑](#footnote-ref-80)
81. Government of Ireland , 2015, Comprehensive Employment Strategy for People with Disabilities 2015 - 2024 [↑](#footnote-ref-81)
82. https://ncse.ie/support-during-covid-19-restrictions [↑](#footnote-ref-82)
83. Mohan, G et al, 2020, Learning for all? Second-Level Education in Ireland During Covid-19. ESRI Survey and Statistical Report, No. 92 <https://www.esri.ie/system/files/publications/SUSTAT92_3.pdf> ; Burke, J. and M. Dempsey (2020). ‘Covid-19 Practice in Primary Schools in Ireland Report. Maynooth University Department of Education’. <https://www.maynoothuniversity.ie/education/news/covid-19-practice-primary-schools-report> [↑](#footnote-ref-83)
84. Solas, **2020 FET in Numbers: Learners with Disabilities.** https://www.solas.ie/f/70398/x/8776a97d1f/15665\_disabilities\_fet\_report\_we-aw.pdf [↑](#footnote-ref-84)
85. Minister for Education and Skills, 2019, Dáil Éireann Debate - Higher Education Schemes, Thursday - 24 January 2019 [↑](#footnote-ref-85)
86. AHEAD, 2021, Numbers of Students with Disabilities Studying in Higher Education in Ireland

    2019/20 [↑](#footnote-ref-86)
87. AHEAD, 2021, Numbers of Students with Disabilities Studying in Higher Education in Ireland

    2019/20 [↑](#footnote-ref-87)
88. The target of increasing the participation rate of students with disabilities from 6% to 8% of new entrants over the lifetime of the 2015 to 2019 National Access Plan was exceeded. Higher Education Authority, 2018, **Progress Review of the National Access Plan and Priorities to 2021** https://hea.ie/assets/uploads/2019/01/HEA-Progress-Review-2021-NAP.pdf [↑](#footnote-ref-88)
89. Minister for Education and Skills, Joe McHugh, 2019, Dáil Éireann Debate, Fund for Students with Disabilities Tuesday - 23 July 2019 [↑](#footnote-ref-89)
90. Minister for Education and Skills, Joe McHugh, 2019, Dáil Éireann Debate, Fund for Students with Disabilities Tuesday - 23 July 2019 [↑](#footnote-ref-90)
91. Department of Education, 1993, **Report of the Special Education Review Committee** (SERC) [↑](#footnote-ref-91)
92. Committee on the Rights of Persons with Disabilities, 2016, **General Comment No. 4 (2016) on the right to inclusive education** [↑](#footnote-ref-92)
93. Committee on the Rights of Persons with Disabilities, 2017, **Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland** [↑](#footnote-ref-93)