**Request for Information from the Office of the UN Commissioner for Human Rights (OHCHR) on the Rights of Persons with Disabilities to Education**

**- Department of Education and Skills Response**

1. ***Do the national or local constitutions of laws of your country prevent or restrict access to any student with disabilities to regular schools at any levels? (e.g. based on a diagnosis or an assessment of their capabilities).***

***Response***

The preamble to the State’s Education Act, 1998, makes specific reference to provision for the education of persons with disabilities or special educational needs. A stated objective of the Act is 'to give practical effect to the constitutional rights of children, including children who have a disability or other special educational needs.'

Under the Education Act, schools are required to use their resources to ensure that the educational needs of students with disabilities or other special educational needs are identified and provided for. Boards of Management of schools are required to use the resources provided by the state to make reasonable provision and accommodation for students with disabilities or other special educational needs and are required to publish the policy of the school concerning admission to and participation by students with disabilities or other special educational needs.

The statutory framework for the education of children with special educational needs is contained in the Education for Persons with Special Educational Needs (EPSEN) Act 2004. The EPSEN Act promotes inclusive education for children with special educational needs; it outlines the duties and responsibilities of Boards of Management of schools and of principal teachers with regard to education provision for children with special educational needs; it deals with the development and implementation of education plans for children with assessed special educational needs; and it confers on parents a series of rights in relation to their child with special educational needs.

The EPSEN Act aims to ensure that a person with special educational needs can be educated where possible in an inclusive environment. This Act establishes a framework for the provision of such education, seeking to ensure that children with special educational needs can access their right to education; ensuring that they can avail of their right to education in the same way as other children of the State.

While not all sections of the EPSEN Act have yet been commenced, Section 2 of the Act, providing for the inclusive education of pupils with special educational needs, has been commenced.

Section 2 of the EPSEN Act provides that:

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—

1. the best interests of the child as determined in accordance with any assessment carried out under this Act, or
2. the effective provision of education for children with whom the child is to be educated.
3. ***Is all education of children and adults with disabilities under the control of the Ministry of Education? Please specify if other ministries (eg. Social Affairs or Health) have control over some educational facilities and detail the functions of such facilities.***

***Response***

The State is the primary funder of all levels of education in Ireland. The Department of Education and Skills allocates funding directly for primary level, post-primary level and further education while the Higher Education Authority allocates funding on behalf of the Department for the third level sector.

The Department of Children and Youth Affairs has responsibility for private pre-school settings which are supported by the Early Childhood Care and Education (ECCE) Scheme. The Early Childhood Care and Education (ECCE) Scheme provides a free year of early childhood care and education for children of pre-school age. This scheme is administered by the Department of Children and Youth Affairs.

In addition, the Health Service Executive provides for some early intervention, pre- school settings.

The National Council for Special Education (NCSE), established under the EPSEN Act, is responsible for the provision of a range of educational services at local and national level for students with special educational needs, in accordance with the policy and criteria set out by the Department of Education and Skills.

1. ***Does your country have a plan or program that progressively promotes the transformation of the education system into an inclusive education system including some or all of the following measures? (Please specify which measures):***
2. ***Merge budgets and administration of special education and regular within a geographical area;***
3. ***Transform existing special education resources – special schools or classes – into resources to assist the mainstream system to accommodate students with disabilities;***

***Response***

The National Council for Special Education (NCSE), which was established under the EPSEN Act 2004, has a particular role under the provisions of that Act to provide research and policy advice to the Minister for Education and Skills on the education of children with special educational needs.

The NCSE recently (May 2013) published policy advice to the Minister for Education and Skills on Supporting Children with Special Educational Needs in schools. This report sets out a number of recommendations as to how students with special needs, including post-primary students, might best be supported in schools in the future.

The NCSE has also presented policy advice to the DES on: -

* The Future Role of Special Schools and Classes
* The Education of Deaf and Hard of Hearing Children and
* The Education of Children with Challenging Behaviours arising from Severe Emotional Disorders.

The 1998 Education Act (section 13) sets out the role of the Department’s Inspectorate in relation to evaluation and on advising and supporting schools. Department Inspectors are entitled to evaluate the organisation and operation of a school, to evaluate the education standards, assess the implementation and effectiveness of any programmes and, as appropriate, report to the Minister, the Board of Management, patron, parents and teachers. An Inspector may also conduct assessments of the educational needs of students.

1. ***Train special educators to serve as additional resources to regular teachers;***

***Response***

The Department of Education and Skills provides for up to 10,000 Resource Teaching/Learning support teachers to be allocated to mainstream primary and post primary schools annually to provide additional teaching supports to the classroom teacher to assist with the education of pupils with special educational needs.

The Department of Education and Skills also provides for up to 10,575 Special Needs Assistants to be allocated to special schools, mainstream primary and post primary schools, annually to provide for the care needs and care support requirements of children with special educational needs.

Currently, the Department also provides funding annually for the provision of up to 338 places for teachers to pursue post-graduate qualifications in third level institutions to enable them to meet the needs of students with special educational needs.

1. ***Progressively transfer all students from special programmes to regular classes supported by the resource staff;***

***Response***

The policy of the Department of Education and Skills is to secure the maximum possible level of inclusion of students with special educational needs in mainstream primary and post-primary schools, while also ensuring that specialist facilities continue to be provided for students whose needs are such that they require specialist support in special schools or in special classes attached to mainstream schools.

The vast majority of children with special educational needs attend mainstream schools with only the children with the most complex special educational needs attending special schools or classes**.**

1. ***Allocate financial resources for the adequate accommodation, including reasonable accommodation, of all students and for technical assistance to support ministry of education officials, at the district, school and classroom level;***

***Response***

In general, the funding allocated by the Department of Education and Skills provides for mainstream classroom supports, additional special class support, assistive technology and individual supports depending on the various needs of students at different levels of the education cycle. It also provides funding for school buildings to ensure accommodations for students and teachers at the school and classroom level.

In 2013, €1.3 billion - approximately 15% of the Department of Education and Skill’s budget - is being allocated to supporting children with special educational needs.

The European Social Fund (ESF)-supported Third Level Access Measure provides support for students with disabilities, through the **Fund for Students with Disabilities**. The Fund provides support to both Further and Higher education institutions for the provision of services and supports for full-time students with disabilities.

1. ***Revise testing methods to ensure that: (i) accommodation is made for students with disabilities and (ii) they allow accessing adequate certification to reach the next level of education or graduate when finished;***

***Response***

The Department’s Inspectorate advises schools on the interplay between teaching, learning and assessment, including differentiated approaches to testing.

Regarding testing that leads to national accreditation, the State Examinations Commission (SEC) grants reasonable accommodations to candidates with permanent or long-term conditions, including visual and hearing difficulties, or specific learning difficulties, which will significantly impair their performance in State examinations. Students may apply for a reasonable accommodation(s) in this instance.

The National Council for Curriculum and Assessment (NCCA) provides advice to the Minister for Education and Skills on the curriculum for early childhood, primary and post-primary education and assessment procedures to be employed in schools (Government of Ireland, 1998). All NCCA work with regard to curriculum and assessment supports the inclusion agenda, the most recent example being the new framework for Junior Cycle (lower-secondary education) based on the NCCA proposals (DES, 2012). Within this framework certain students may take level 2 learn­ing programmes which are targeted at the learning and qualification needs of those with general learning disabilities in the higher functioning moderate and low functioning mild categories. The DES makes it clear that this level should be taken by only a small number of post-primary students unable to access level 3 programmes.

The Disability Access Route to Higher Education (DARE) Scheme is a college and university admissions scheme which offers places on a reduced points basis to school leavers under 23 years old with disabilities who have completed an Irish Leaving Certificate.

1. ***Provide pre-service and in-service training to teachers so that they can respond to diversity in the classroom (eg. Train teachers in classroom techniques such as differentiated instruction and cooperative learning);***

***Response***

The Irish Teaching Council’s *Initial Teacher Education: Criteria and Guidelines for Programme Providers (2011)* sets out the learning outcomes that ‘encompass the standards of teaching, knowledge, skill and competence … which are central to the practice of teaching' (Teaching Council, 2011: 22). These guidelines provide a mandate that all programmes of initial teacher education (ITE) must include inclusive education as a specific element within the programme.

The National Induction Programme for Teachers (NIPT) runs a programme of induction of teacher education which takes place at the beginning of the newly qualified teacher’s (NQTs) career, usually the first year after qualifying as a teacher. Recognising the importance of the continuum of teacher education, induction aims to develop a culture of lifelong learning in each teacher. The purpose of an induction programme is to offer systematic professional and personal support to NQTs, including support in themes such as inclusion and special education.

The Department of Education and Skills, through its Teacher Education Section National Programmes and Support Services provides for a comprehensive system of continuing professional development (CPD) that meets the needs of teachers and schools so as to enable them meet the learning needs of their students and to promote inclusion for all students. Central to this is the Special Education Support Service (SESS), which was established in September 2003. The brief of the SESS is to enhance the quality of learning and teaching of students with special educational needs through the provision of CPD and support for teachers in mainstream primary and post-primary schools, special schools and special classes.

The SESS service co-ordinates, develops and delivers a range of professional development initiatives and support structures for school personnel working with students with special educational needs, including CPD in respect of diversity in the classroom. The SESS aims to provide a quality service that is inclusive, promotes collaboration and co-operation and provides for equality of access.

All support services are aware of their responsibilities to promote inclusive learning and they, in turn, support teachers in accessing a diverse repertoire of instructional responses that can meet the diversity of students in any given setting.

1. **Ensure that conditions that constrain teachers to teach inclusively are addressed (eg. Address class size; revise and adapt curriculum content in accordance with best practice; ensure that school buildings and materials are accessible to children with disabilities and universal design is considered in construction);**

***Response***

Special schools and classes are allocated class teachers based on the pupil-teacher ratio specified for the particular category of disability of students enrolled. There are therefore much smaller class sizes in special schools and classes for students with special educa­tional needs ranging from a pupil teacher ratio of 6-1 to 11-1. Special Needs Assistant support is also provided in these special schools and classes.

The following additional educational supports are available to assist in the education of students with special educational needs:

* Assistive technology
* Specialist equipment
* Special school transport arrangements
* School building adaptations where necessary
* Enhanced levels of capitation grants for special schools and mainstream schools with special classes
* Extended school year scheme (July provision) for students with Autism Spectrum Disorder (ASD) and severe/ profound general learning disabilities
* Visiting teacher service for Deaf/Hard of Hearing children and children who are blind or who have a visual impairment
* Support for students with a significant special care need arising from a disability
* Early intervention classes for children with ASD.

The DES provides a psychological support service for schools and students through its National Educational Psychological Service (NEPS). NEPS has developed guidance for schools and teachers on how to plan for, and make the best use of, available supports for students with special educational needs in mainstream schools.

The National Council for Curriculum and Assessment (NCCA) provides advice to the Minister for Education and Skills on the curriculum for early childhood, primary and post-primary education and assessment procedures to be employed in schools (Government of Ireland, 1998). The DES has set out a new framework for Junior Cycle based on the NCCA proposals (DES, 2012). Within this framework certain students may take level 2 learn­ing programmes which are targeted at the learning and qualification needs of those with general learning disabilities in the higher functioning moderate and low functioning mild categories. The DES makes it clear that this level should be taken by only a small number of post-primary students unable to access level 3 programmes.

The Department’s Planning and Building Unit has published *General Design Guidelines for Schools (Primary and Post-Primary)* which contain specific guidelines on universal access i.e. all new school building and new extensions should be designed so as to cater for universal access for all. This should be in accordance with existing Building Regulations and, also, the criteria set out in the publications of the National Disability Authority (NDA) should be considered in all cases. Also, where a pupil with special access needs enrols in a primary or post-primary school, the school may apply to the Department for a capital grant to facilitate the requirements of such pupils where the need arises.

1. ***Recognise sign language as a language and teach sign language users in their own language in mainstream schools;***

***Response***

Irish Sign Language (ISL) has formal recognition in the Education Act, 1998. Under the Act, it is a function of the Minister for Education and Skills to ensure, subject to the provisions of the Act, that there is made available to each person resident in the State, including a person with a disability or who has other special educational needs, support services and a level and quality of education appropriate to meeting the needs and abilities of that person. This includes provision for students learning through ISL.

A number of initiatives which seek to promote, develop and implement ISL in order that it will achieve greater recognition and use in the education system are currently in place. These include:

* the special schools for the deaf/hearing impaired have been encouraged in relation to the use of sign language in class;
* funding for an ISL weekly home tuition service whereby deaf tutors visit the homes of deaf pre-school children and deaf school-going pupils to provide training in ISL for the deaf children, pupils, their siblings and parents;
* funding is also made available through the Special Education Support Service (SESS) to enable individual teachers and whole school staff to undertake courses in ISL which are available throughout the country through a variety of providers.

In addition, the Visiting Teacher Service for Children and Young People with a Hearing Impairment is provided by the DES, from the time of referral through to third level education. The Visiting Teacher Service provides advice and support to ensure that the needs of children and young people with hearing impairment are met. This service is available at pre-school, primary and post-primary levels. Specifically, the service works in partnership with parents of pre-school children with hearing impairment, visiting their homes and/or meeting them in groups to inform, advise and offer guidance in matters pertaining to their education and overall development and in helping their children to derive maximum benefit from the educational opportunities available.

An assessment, rehabilitation and information service for children with hearing impairment and their families is funded by the Health Service Executive (HSE), either directly or indirectly. Services provided include communication therapy and lip reading classes as well as sign language classes.

The DES through the Higher Education Authority (HEA), has established and funds a Centre for Deaf Studies in Trinity College, Dublin which provides diploma courses for ISL/English interpreters, deaf tutors and in deaf studies. The course modules deal with issues such as sign linguistics, bi-lingualism and the socio-linguistics of sign language. The course is delivered in seminar sessions/group work and the award of the diploma is based on continued assessment and a project and course design.

1. ***Ensure support to attend mainstream schools at request on individual basis, as reasonable accommodation measure;***

***Response***

**See under (e) above.** Also, pupils attending special schools and special classes attached to mainstream schools are eligible to avail of the Special School Transport Service if they cannot avail of the Bus Éireann (national) service. Bus escorts are also provided on special school transport services.

1. ***Support organisations of persons with disabilities, civil organisations, including those of parents of children with disabilities, to build capacity on the right to education and how to influence effective policy and practice;***

***Response***

The National Disability Authority (NDA) [www.nda.ie](http://www.nda.ie) is an independent statutory agency established in 2000 by the National Disability Authority Act 1999. Its main functions are to:

* promote and help secure the rights of people with disabilities
* advise ***the Minister for Justice and Equality*** and keep him informed of developments relating to disability policy issues.

The ***Department of Justice and Equality*** provides grant-aid and corporate governance to the NDA.

1. ***Does your country have accountability mechanisms in place to monitor exclusion, school registration and completion of education by persons with disabilities and are persons with disabilities and their families directly involved in the process?***

***Response***

The policy of the Department of Education and Skills is to secure the maximum possible level of inclusion of students with special educational needs in mainstream primary and post-primary schools, in order to ensure that as many children as possible can be educated with their peers within their own community. The Department therefore provides for a range of placement options and supports for schools which have enrolled pupils with special educational needs in order to ensure that, wherever a child is enrolled, s/he will have access to an appropriate education.

Children with special educational needs:

* may be enrolled in a mainstream school and attend all mainstream classes and receive additional teaching support through the learning support and/or resource teacher ***or***
* they may enrol in a mainstream school and attend a special class ***or***
* they may enrol in a special school.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. In addition, the NCSE Special Education Needs Organisers (SENOs) can assist parents to identify appropriate educational placements for children with special educational needs.

Schools are required to report exclusions and suspensions of pupils to the NEWB.

Where a school refuses to enrol a pupil, or expels a pupil, the school is obliged to inform parents of their right under Section 29 of the Education Act 1998 to appeal that decision to the Secretary General of the Department. Only where an appeal under Section 29 is upheld, may the Secretary General of the Department direct a school to enrol a pupil.

1. ***Does your country have disaggregated data on children and adults with disabilities in education by facility (mainstream school, special school, social facility or institution, mental health institution, others), gender, impairment and environmental barriers that prevent or restrict access to education (transport, accessibility, affordability of services, other)? Please provide the available data.***

***Response***

Special educational provision for students with disabilities ranges from additional support in mainstream schools to specialist support in special schools. Essentially there are three models of provision. The student with a disability may be enrolled in: -

* A mainstream class with additional support
* A special class in a mainstream school
* A special school which caters for the student’s category of disability

The attached is a link to the latest available data on the Department of Education and Skill’s website. An updated version with more detail is due to become available shortly.

<http://www.education.ie/en/Publications/Statistics/stat_statistics_special_education_2011.xls>

**Central Policy Unit**

 **Department of Education and Skills**

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