



INCLUSION IRELAND

**Submission to the Committee on the Rights
of Persons with Disabilities**

The Right to Education of Persons with Disabilities in Ireland

This document is in font 12 Verdana in line with Inclusion Ireland Plain English guidelines.

Introduction

Inclusion Ireland is the national organisation for people with intellectual disabilities and their families in Ireland. Our core focus is on the realisation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

Part of Inclusion Irelands work is to work with local disability family support groups through the 'Connect Family Network'. We regularly consult with 140 local family groups that support people with a disability. This work is done with the support of Irish Autism Action and Down Syndrome Ireland. A core aim of this work is to allow the voice of families who experience disability services to have a voice into policy development.

This submission reflects how families' have experienced inclusive education in Ireland.

The CRPD

Ireland was one of the first signatories to the CRPD. To date the CRPD has not been ratified by Ireland, almost 8 years later. This sends a message to people with a disability, that they are not a priority to the Irish government.

The CRPD contains a very strong statement on the provision of education throughout the lifespan. If ratified, the CRPD will commit the Irish government to supporting people with a disability in mainstream, inclusive education settings¹.

Special Education in Ireland

Ireland currently spends 1.37 billion on special education each year. This is around 17% of the total education budget².

¹ United Nations Convention on the Rights of Persons with Disabilities, Article 24.

² Department of Education and Skills, Main Estimate Features Budget 2015.

There are a number of schemes and agencies set up to support pupils with special education needs. These include special needs assistants, resource teaching hours, assistive technology, a new Inclusion Support Service, the National Educational Psychological Service, school transport, etc.

There is a range of school options for children with a special education need in Ireland. There is mainstream education, special classes within mainstream schools, and special schools. In many cases parents have a range of options when it comes to the education of their child with a disability. However, for many parents the choice is very limited.

Early Childhood Education

The Department of Children currently funds a free preschool year for all children in Ireland. The only accommodation for children with a disability is to avail of this free preschool year over a 2 year period on a part-time basis³.

However, if a child requires a support worker to access their preschool place this support is not always there. In some areas the Health Service Executive or a disability service provider will provide the additional support. In other areas this is not the case. At present access to support depends on where the child lives⁴.

The parent is often left to pay for a support worker themselves at considerable cost (*ibid*). This is a significant financial barrier to inclusive early childhood education.

“We know the value of early intervention. That’s why we pay for an assistant to go in with our child”. Focus group participant.

³ Department of Children and Youth Affairs, Free Preschool year in early childhood care and education, Guide for Parents.

⁴ Early Childhood Ireland, Additional Needs in Early Childhood Care and Education, 2013

The Early Childhood Ireland report also noted that 11% of services have refused a place to a child with additional needs in their service. This is despite equality legislation.⁵

“It becomes clear at preschool that every time you want to get your child with a disability into a school, you have a battle”. Focus group participant.

Finding a school

The Education of Persons with Special Education Needs (EPSEN) Act 2004 places inclusive education on a statutory footing. However, a school may put any criteria into their enrolment policy they wish.

The National Council for Special Education (NCSE) notes that many schools place ‘soft barriers’ in the way of children with disabilities enrolling. A child is often directed to a neighbouring school.⁶

Research for the NCSE has noted that almost all schools require parents to have up to date psychology assessments of their child prior to enrolment. This requirement is only made of children with a disability⁷.

“The Board may request further medical and/or psychological reports. It may be necessary for the Board to decide to defer or refuse enrolment of a particular child pending receipt of an assessment report and/or the provision of appropriate resources by the Department of Education and Skills to meet the needs specified in the medical and/or psychological report.”

“The school will meet with the parents to discuss the student’s needs and the school’s suitability or capability in meeting those needs”⁸.

⁵ Equal Status Acts 2000-2011.

⁶ Supporting children with special education needs, NCSE, 2013.

⁷ Presentation at the NCSE research conference 2014, Rose, R & Shevlin, M. Inclusive Research in Irish Schools.

⁸ Extracts from a second level school enrolment policy.

Draft legislation on admissions to schools was published by Irish law makers in 2013⁹. This bill proposed allowing the NCSE to direct a school to enroll a pupil with a disability. This bill has not been passed as yet.

“We need laws to make schools enrol our children. Otherwise it is a parent taking on the school. Even if you win and get the child into the school, you will lose out in the end”. Focus group participant.

Parents place great value on having a good principal and a welcoming school. The attitude of a school is what determines whether or not a school placement will work out. However, this is inconsistent.

“My son was in a great school that really catered for his needs. They had a real can do attitude. We moved home and school. Early on, the new school made it very clear that my son was not wanted. Any time there was a minor issue we were called in to take him home. We eventually moved him back to his first school even though it is half an hour away”. Focus group participant.

Getting the right supports: special classes

Many Irish schools have a designated class within the school. The objective is to offer the child additional educational support while also offering the inclusive element of being part of a mainstream school. In recent years these classes have increased in number to just over 900.¹⁰

Access to these classes can be limited in many areas of the country. Children who need this level of support are often forced to travel great distances or enrol in a special school. In addition there are a lot less classes in secondary level than at primary level. With this lack of choice children often end up in special schools.

⁹ Draft General Scheme of an Education (Admissions to Schools) Bill, 2013.

¹⁰ NCSE Special classes in mainstream schools 2014/2015. Available at www.ncse.ie

"I live just outside Dublin. There are 24 places in autism classes in mainstream primary schools. At second level there are only 6 places. They are all full but there are many more children who need this level of support. None of the schools will open another autism class. 75% of parents in my local support group send their child out of their community to school; some travel more than 3 hours a day. These children are being excluded from their local community". Focus group participant.

Getting the right supports: assessments

As noted the EPSEN Act 2004 has not been enacted. Therefore, children cannot access a statutory assessment of their education needs. As a result a parent is often left with no option but to pay for expensive assessments themselves. This is another financial barrier to inclusive education.

Many children are assessed for their health needs under the Disability Act 2005. Currently, assessments of need under the Disability Act are only available to children born after June 1st 2002¹¹. As a result many children cannot get assessed for vital educational supports such as speech and language therapy.

The National Educational Psychological Service provides educational assessments to children in school. However, a school may only access a very limited, certain number of assessments each year. The principal has to prioritise the neediest children in the school for assessment. As a result many children cannot access an assessment.

A guaranteed access to additional teaching support depends on having a certain diagnosis¹². Poor access to assessments leads to no diagnosis, which in turn leads to limited access to supports.

¹¹ Disability Act 2005 (Commencement) Order 2007.

¹² Special Education Circular Sp Ed 02/05.

Getting the right supports: SNA's

The Special Needs Assistants (SNA's) scheme has been acknowledged as allowing as many children as possible to access mainstream education¹³. At present there are record numbers of SNA's available to children with special education needs. Similarly there are record numbers of children needing this support.

In 2014, the Department of Education and Skills published circular 0030/2014. This circular sets out the criteria for a child being able to access an SNA. This circular places restrictive criteria on a child getting the support of an SNA. It is a step away from inclusive education. For example the circular notes that children will not begin their educational journey with an SNA. Parents report that schools have become reluctant to enrol a child in case the SNA does not get approved.

In Irish schools, children often find themselves sharing a SNA. A school may want a whole time SNA for a child but the local Special Education Needs Organiser¹⁴ may deem the school to have adequate resources to cater for this child. As a consequence some children are placed on short school days due to 'health and safety reasons'.

One parent typified this situation: "my daughter was not granted a full time SNA. The school then decided that she could only attend school for 3 days a week for 'health and safety' reasons".

Another parent noted: "my child with autism shares an SNA with a child in another school. If she has a meltdown the SNA may be in the other school. I am called in to take her home".

¹³ A Value for money review of expenditure on the SNA Scheme, Department of Education and Skills, 2011.

¹⁴ A special education needs organiser is an employee of the NCSE who allocates resources to support students with special education needs.

Getting the right supports: resource teaching hours

Many children with a disability can access additional teaching support (resource teaching hours). Special Education Circular 02/05 lists 11 'low incidence disabilities'. Each disability on this list is allocated a set amount of resource teaching hours. However, a 15% cut to these allocations has been in existence since 2011¹⁵. This is a reduction in supports to children in inclusive mainstream placements.

The 'low incidence list' misses out on many children. If you do not have one of the 11 stated labels there is no automatic right to teaching supports. Other children have to access support from a 'general allocation model' of hours based upon the size of the school. There is no guarantee of access to support. This group includes children with general global delay, mild intellectual disability and Down Syndrome.

One parent noted: "When it comes to resource teaching hour's children with Down Syndrome are being discriminated against".

Getting the right supports: speech and language therapy

Speech and language therapy (SLT) is fundamental to the education of young people who have reduced communication skills. Inclusion Ireland published a working paper in 2014 'The Case of Speech and Language Therapy'. The author, Pauline Conroy noted: the lack of a coherent SLT service for children. Services across Ireland vary greatly but no area is staffed to international standards. Parents reported spending vast amounts of their own money on private SLT. This is another financial barrier to inclusive education.

¹⁵ Irish Examiner, Cut of 15% in special needs teaching to stay in place, Published 04/10/2014.

“You are scared and will do anything to ‘fix’ your child. You know how important early intervention is. I borrowed €450 from my parents to pay for speech and language therapy”.¹⁶

Access to SLT is problematic for children with a disability. Parents in one area reported that due to resource constraints the local service provider would not be supporting children in mainstream settings.

“I was given the choice of a special school with therapy support or mainstream education with no support”. Focus group participant.

Further Education

A recent report by WALK has examined people with a disability and their access to further education in Ireland.¹⁷ While there are some examples of good practice, there are few people with an intellectual disability in mainstream further education. Of 18,275 people over 18 that have registered with an intellectual disability only 32 attend 3rd level education¹⁸.

The WALK report noted there is evidence of negative attitudes towards people with an intellectual disability around their ability to learn. There is also a stigma around intellectual disability resulting in a “chill factor” in people accessing mainstream provision. There are also low expectations for people with an intellectual disability culminating in a belief that they cannot achieve. There are also structural barriers for people, such as a lack of courses at FETAC level 3 and below. There has also been a historical lack of training for educators in further mainstream education around disability¹⁹.

¹⁶ The Case of Speech and Language therapy, Inclusion Ireland, 2014.

¹⁷ Accessing mainstream training: barriers for people with intellectual disabilities, WALK, 2015.

¹⁸ Annual Report of the National Intellectual Disability Database Committee 2013, Health Research Board.

¹⁹ Accessing mainstream training: barriers for people with intellectual disabilities, WALK, 2015.

Teacher training

The most important element in education is the teacher. Children with complex education needs require access to experienced, well trained teachers.

Teacher training at under graduate level in 'special education' can leave a lot to be desired²⁰. Once qualified, these teachers will have children with a disability in their class rooms. Their skill level to work with such children is in question. It has also been noted that the vast majority of teachers do not have any post graduate training in special education (ibid).

There are reports dating back to 2001 calling for additional training for teachers who work with children with autism²¹. This has never been implemented on a mandatory basis.

The NCSE also note in some of their policy advice that teacher training and continuing professional development in special education must be more robust²².

"There is not enough knowledge of how our children learn. How can a teacher be expected to cope with 34 children in the class including 2 or 3 with a disability". Focus group participant.

Ann's story

My son is 10 and has multiple disabilities. He was the first child to attend his school with a severe intellectual disability. We fought very hard for this as the school told us he belonged in a special school. He does not learn at the same rate as other children but he is a part of his peer group and community.

²⁰ Ready for SEN? Special education needs teacher training in Ireland, National Parents and Siblings Alliance, 2013.

²¹ Report of the Task Force on Autism, 2001.

²² Supporting children with special education needs, NCSE, 2013.

Every year the school tells us to move him to a school better suited to his needs. Every year we refuse this advice. In our eyes he is thriving. We get all of the supports needed for him to attend mainstream except for the support of the school itself.

Another child similar to my son tried to get into the school last year and was refused. The parent told me that the school said they had learned from our experience and that it would not work.

Recommendations to promote inclusive education

- Ratify the CRPD.
- Publish a plan to commence the EPSEN Act 2004.
- Fully commence the Disability Act 2005 to include all persons with a disability.
- Improve the 'special education component,' of teacher training.
- Improve continuing professional development for teachers on special education needs at all education levels.
- Pass legislation on school enrolments that means schools must accept pupils with a disability.
- Enrolment legislation must also compel a school to open a special class when directed by the NCSE.
- Recruit 200 (over a number of years) additional SLT's to ensure pupils with a disability have timely access to this vital service.
- The DES must end the practice of allocating resource teaching hours based upon diagnosis. Implement the NCSE recommendation for a system based upon the needs of children.
- The DES must review the restrictive nature of SNA Circular 0030/2014.
- The DES must end the practice of schools placing children on a short day or week due to a perceived lack of resources.
- Roll out disability awareness campaigns in all education settings for students and teachers.