

Circular 0038/2010

To Boards of Management, Principal Teachers and all Staff in Special Schools

Staffing arrangements and the role of the National Council for Special Education

1. Purpose of this Circular

The Department of Education and Skills (DES) has always valued the contribution being made by Special Schools to the continuum of provision being made for children with special educational needs. The DES has welcomed the work of many Special Schools in expanding their remits and enrolling pupils with a wide range of special educational needs in order to meet the needs of their communities. However, issues relating to the profile of pupil population and associated teaching allocations identified by the National Council for Special Education (NCSE) indicate a need for closer consideration of enrolment practices and resource allocations.

The main purpose of this circular is to identify issues in relation to pupil enrolment and teacher staffing ratios in Special Schools which emerged during the course of the Special Needs Assistant (SNA) Review recently carried out by the NCSE and to:

- (i) signal a process through which these issues will be addressed for the school year 2011/2012 and
- (ii) set out transition arrangements that will apply in relation to these issues for the 2010/2011 school year.

It also confirms that the NCSE is the agency responsible for the allocation of teaching and SNA posts to Special Schools and advises of the resourcing policy that the NCSE will operate under for the 2010/2011 school year.

2. Outcome of Review of SNA support in Special Schools

As you are aware, the NCSE recently carried out a review of all SNA posts on behalf of the DES. The NCSE has drawn the attention of the DES to a number of issues in some Special Schools which emerged during the review.

These include:

- Some pupils enrolled with special educational need other than that expected by the category of special educational need sanctioned for that school
- A small number of pupils enrolled in Special Schools without any professional reports indicating that the pupil has a special educational need or without a professional recommendation for special school placement

- Some pupils enrolled with a Borderline Mild General Learning Disability (GLD) without any evidence of significant additional need See para 6.
- Teacher posts in schools over and above the level currently appropriate under the prevailing pupil teacher ratios for categories of pupils actually enrolled.

3. Addressing the issues identified

The DES and the NCSE recently met with representatives of the CPSMA, NABMSE, INTO and the National Parents Council (Primary) to consider these issues with a view to putting a process in place to engage in a collaborative manner to clarify the position on these issues and to identify appropriate staffing arrangements which will apply with effect from the 2011/2012 school year. It has been agreed that the parties will address these issues over the coming months.

4. 2010/2011 school year and engagement with the NCSE

The NCSE will write to you shortly to advise you of procedures in relation to the allocation of teacher and SNA supports for 2010/2011. Schools are asked to contact their Special Educational Needs Organiser (SENO) on receipt of these procedures to progress arrangements for staffing for 2010/2011 as soon as possible.

The DES requests that all school authorities engage with the NCSE by no later than 1 September 2010 to ensure that there is clear understanding about the cohort of pupils which the school proposes to enrol in the future. It may be necessary for schools to consult with, and receive the approval of, the school's Patron before engaging with the NCSE. In the interim, the DES has agreed transitional arrangements to be applied by the NCSE when determining staffing levels for the 2010/2011 school year.

In order to allow time for the wider process to be completed, the NCSE will determine staffing levels for the 2010/2011 school year on the basis of an updated profile of the special educational needs of the pupils enrolled in the school. In this regard Special Schools should provide their SENO with the professional reports in respect of all pupils enrolling for the 2010/2011 school year immediately.

Some schools have a small number of excess teacher posts. In the case of these schools, the DES is agreeable, pending the outcome of the process put in place with the representative bodies, to authorise the NCSE not to suppress class teacher posts except where teachers are leaving such posts through retirement. In addition, the replacement of a class teacher post through teacher movement for any other reason may only be sanctioned with the approval of the NCSE. However, this concession is conditional on schools being prepared to enrol further pupils with similar special educational needs to their existing pupil cohorts during the course of the school year on referral from the SENO.

There are a small number of schools with significant excess teacher posts and the NCSE may contact these schools to review the individual circumstances in each school.

It is expected that any school with places available will enrol other pupils with similar special educational needs. The DES cannot authorise the NCSE to sanction additional teaching posts in one school without taking account of spare enrolment capacity for the children concerned in another school in the same area.

5. Pupils without any assessed special educational needs

The DES wishes to advise schools that there is no basis for a pupil to be enrolled in a Special School unless there is clear evidence from professional assessments to demonstrate that a child has a special educational need. School authorities are advised that such pupils are not eligible for teaching and/or special needs assistant support, capitation, school transport etc.

However, the DES does not wish that pupils currently enrolled are requested to leave the school immediately, if parents/guardians and school authorities are satisfied that the pupil is receiving an education appropriate to their needs and abilities. The DES has therefore authorised the NCSE to provide staffing resources for such pupils who are currently enrolled (2009/2010 school year). However, school authorities are advised that they must work with parents and the relevant mainstream school authorities to actively plan for the successful transitioning of pupils into mainstream school environments over time. In the meantime, the pupils may continue to be included on the rolls and count for both staffing and capitation purposes.

6. Pupils with a Borderline Mild General Learning Disability

The DES wishes to draw the attention of school authorities to Section 2 of the Education for Persons with Special Educational Needs Act 2004 which states 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-

- (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.”

In the interest of ensuring that inclusive policies are implemented, the DES draws the attention of school management authorities to Circular 08/99 concerning supports for pupils with a Borderline Mild GLD. The DES reminds school authorities that there must be a specific recommendation for Special School placement supported by a psychological report stating that the pupil has, in addition to the Borderline Mild GLD, a further special learning problem such as:

- “Mild emotional disturbance associated with persistent failure in the ordinary class (disruptive behaviour on its own, however, would not constitute grounds for special class placement)
- Immature Social Behaviour
- Poor level of language development in relation to overall intellectual level.

A recommendation to place such a child in a special class also needs to take into account the extent to which the child is making progress in his/her present learning environment and the other existing support available to the child in his/her school.”

Where a placement in a Special School is being sought for a pupil with Borderline Mild GLD, school management authorities are requested to discuss all such requests with their SENO. The NCSE will authorise staffing for pupils who meet the above additional placement conditions.

7. Role of the NCSE in resourcing Special Schools

The NCSE was established as an independent statutory body with responsibilities as set out in the National Council for Special Education (Establishment) Order, 2003. Following this Order, the status and functions of the NCSE were set out in the Education for Persons with Special Educational Needs Act 2004.

A key function of the NCSE to date has been the sanctioning of resource teaching posts in mainstream schools and sanctioning SNA posts as required to assist all schools meet the needs of pupils with special educational needs.

School Management Authorities are now advised that the NCSE will be responsible for sanctioning the allocation and/or retention of class teachers and SNA posts in Special Schools with immediate effect.

8. Policy Parameters for the allocation of Teaching and SNA posts in Special Schools

The NCSE will allocate class teaching and SNA posts to Special Schools in accordance with the Minister’s policy for the allocation of such posts. This standard policy on the allocation of teaching posts and SNAs in Special Schools is set out in the attached Appendix 1. Both the DES and the NCSE are fully aware of the complex needs of some pupils with disabilities who are enrolled in Special Schools and the NCSE has been authorised to take such needs into account and allocate resources above the standard as the need arises. The DES is concerned to ensure that there is a consistent application of these policies in all schools.

If you have any queries in relation to this circular, please contact Special Education Section on 090 648 3760/4093/3762/3758.

This circular can be accessed on the Department’s website www.education.ie

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Appendix 1

Pupil-teacher-SNA ratio – Special schools/special classes

Disability	Ratio of SNA to class group	Pupil-teacher-ratio
Physical Disability	1:1	10:1
Hearing impairment	1:4	7:1
Visual Impairment	1:4	8:1
Emotional Disturbance	1:4	8:1
Severe Emotional Disturbance	1:1	6:1
Mild General Learning Disability	1:4	11:1
Moderate General Learning Disability	1:2	8:1
Severe/Profound General Learning Disability	2:1	6:1
Autism/Autistic Spectrum Disorders	2:1	6:1
Specific Learning Disability	-----	9:1
Specific Speech and Language Disorder.	1:3	7:1
Multiple Disabilities	1:1	6:1