An Roinn Oideachais
Department of Education

0080/2024

To: Managerial Authorities, Principals and Teachers of Recognised Primary, Secondary, Community and Comprehensive Schools and The Chief Executives of Education and Training Boards.

New measures to support the Forward Planning for Special Education Provision

1. Summary of Circular

This Circular:

- Sets out the purpose and context which has given rise to the need for additional measures to support the forward planning for special education provision.
- Reminds patron bodies, schools and boards of management of their legal obligation to co-operate with the National Council for Special Education (NCSE).
- Facilitates the Education (Provision in Respect of Children with Special Educational Needs) Act 2022 legislative provision which allows for the NCSE to play a greater role in the co-ordination and management of the admission of children and young people to special classes and special schools.
- Provides information on the expansion of the NCSE and the increasing levels of support available for schools and families.
- Advises parents/guardians seeking to enrol their child or young person in a special class or special school:
    - that they should notify the NCSE by 1 February and engage with them on the range of options which are available to meet the needs of their child or young person and
    - that parents/guardians should obtain a letter from the NCSE to submit with their admission application for a special class or special school confirming that the child meets the requirements for enrolment to that setting.

- Advises Schools:
    - of the requirement to make the necessary provisions to allow information on waiting lists for special classes and special schools to be collected, tabulated and shared with the NCSE as necessary,
    - of the requirement to submit timely notification of enrolments to special classes or special schools to the NCSE which in turn will facilitate timely turnaround of confirmation of staffing supports by the NCSE for these special classes and special schools,
    - of information on new streamlined arrangements to support the re-purposing of existing accommodation to facilitate opening new special classes and
    - of a request for post-primary schools to ensure that all available places in special classes are utilised.
- Provides clarity on the eligibility criteria for admission to an autism special class and
- Provides a brief summary on a new pilot D15 Taskforce to support the forward planning for special education provision in that area which could provide learnings for forward planning in other areas.

2. Purpose and Context

Working in collaboration with the Department of Education (the Department) and schools, boards and patrons, the National Council for Special Education (NCSE) seeks to provide the opportunity for inclusive educational experiences for all children and young people with special educational needs, which respond to each child and young person's needs and abilities.

Whilst the vast majority of children and young people with special educational needs are supported in mainstream classes with their peers, the requirement for additional provision in special classes and special schools continues to increase annually. In order to plan and prepare for this increasing need, the Department and the NCSE plan to introduce additional measures to enhance collaboration and support in relation to the forward planning for special education provision.

The purpose of this circular is to outline these new additional measures, to highlight developments in the area of special class and special school planning, and to clearly indicate the roles and responsibilities of each party in supporting the processes involved.

This circular builds on the information set out in the Department of Education's letter of 4th June 2024 to all schools on forward planning. A copy of this letter can be can be accessed at this link Strategic Capacity Planning 2025 and Beyond (www.gov.ie).

The legislation and legal obligations on school patrons, schools and school Boards of Management to co-operate with the NCSE
As previously outlined in Circular letter 0075/2022 and associated Frequently Asked Questions, the Education (Provision in Respect of Children with Special Educational Needs) Act 2022 included amendments in respect of sections 8, 9 and 15 of the Education Act 1998 specifically in relation to the co-operation of patrons, schools and boards of management with the NCSE.

The specific additional obligations are set out below:

Specifically, under Section 8(6A) of the Education Act 1998 a **school patron** '*shall cooperate, and shall ensure cooperation by the board of the school, with the National Council for Special Education in the performance by the Council of its functions under the Education for Persons with Special Educational Needs Act 2004 relating to the provision of education to children with special educational needs, including, in particular, by the provision and operation of a special class or classes when requested to do so by the Council.*'

Under Section 8(6b) the **patron** '*shall ensure that the admission policy of the school accommodates the admission of children with a disability or other special educational needs'*.

Under Section 8(6c) the **patron** '*shall comply with any direction served on the patron under section 37A*'.

Under Section 9(ba) **schools** shall '*cooperate with the National Council for Special Education in the performance by the Council of its functions under the Education for Persons with Special Educational Needs Act 2004 relating to the provision of education to children with special educational needs, including, in particular, subject to and in accordance with the provisions of this Act and any direction served by the Minister on the patron or the board as the case may be, under section 37A,by the provision and operation of a special class or classes when requested to do so by the Council, and any direction served by the Council under section 67(4B)*'.

Under Section 15, a **board** shall *'"(da)cooperate with the National Council for Special Education in the performance by the Council of its functions under the Education for Persons with Special Educational Needs Act 2004 relating to the provision of education to children with special educational needs, including, in*

particular, by the provision and operation of a special class or classes when requested to do so by the Council ,
(db) ensure that the admission policy of the school accommodates the admission of children with a disability or other special educational needs and
(dc) comply with any direction served on the board under section 37A and any direction served on the board under section 67(4B).

The legislation also confers an additional function on the NCSE to manage and co-ordinate admission to a special class or to a special school in co-operation with parents/guardians and schools where necessary. The NCSE are committed to consulting with schools and relevant stakeholders in relation to the use of this legislative power.

Increasing need for special class and special school places
As the need for special class and special school places continues to increase, it is important that school patrons continue to cooperate with the work of the NCSE. The NCSE plan to increase their level of engagement with school patron bodies as part of forward planning for the 2025/2026 school year and beyond.

The Department and the NCSE acknowledge the huge level of collaboration from schools, boards and patrons in opening almost 1,700 new special classes across schools over the last 5 years. 11 new special schools have also been established in recent years and capacity has been increased in many other special schools.

Given the increasing need for special class places, and to ensure equity across the primary school system, it is now estimated that all medium to larger sized (Principal + at least 8 teachers) primary schools will be required to open at least one and possibly 2 to 3 special classes. There remains a significant number of medium to large primary schools that do not currently provide a special class. The NCSE plan to engage with these schools, beginning with school visits, as part of their forward planning for the school year 2025/2026 and beyond.

The Department and the NCSE continues to make a range of supports available for schools opening special classes which include the provision of teacher and Special Needs Assistant (SNA) resources, enhanced capitation grants, assistive technology grants, the school transport scheme, dedicated training and guidance and resource documents. Supports for any refurbishment and building works needed are also provided and are set in section 4 below.

The earlier a school agrees to establish a new special class the more time that is available to access training, complete any refurbishment works, recruit new staff and complete admissions processes.

At post-primary level, as indicated in a previous Department of Education letter, schools must continue planning to provide at least 4 special classes.

Expansion of NCSE supports to families and schools
Over the last year the NCSE has made significant progress in recruiting additional Special Education Needs Organisers (SENOs), Team Managers and Advisors. The NCSE now has 120 SENOs nationwide, an increase from 65. The increased number of SENOs will ensure parents/guardians and schools experience an enhanced level of service in relation to queries regarding reports, enrolment in special classes and special schools, training and staffing resources.

The NCSE has been in contact with every school to advise them of their new SENO. SENOs have commenced school planning visits to meet with school management in schools in their local area. These visits will continue over the coming years as part of NCSE plans to build stronger relationships with schools.

Some of the issues that a SENO will refer to during these planning visits with school management will include;

1. The teacher professional learning priorities for school staff for the coming year.
2. An introduction to the new and streamlined Special Needs Assistant Review Process (SNAR), the SENO support meeting and the two year cycle of reviews. Information on the SNAR can be accessed at this link SNA Review (Mainstream) – (ncse.ie)
3. The school's special class profile and predicted leavers from the special class at the end of the academic year.
4. An NCSE review of the accommodation profile of the school which, following the meeting, will be shared with the school.
5. A preliminary outline of the school's total projected enrolment for the forthcoming academic year.
6. Details of children and young people who have been placed on reduced school days and
7. Any additional needs or concerns the school would like to raise.

3. Strengthening forward planning through better data sharing and notification arrangements

The need for a special class or special school place to be made known to the NCSE as early as possible

Section 20 of the Education for Persons with Special Educational Needs Act (2004) as amended by the Education (Provision in Respect of Children with Special Educational Needs) Act 2022 provides for a new function for the NCSE to coordinate and manage the admission of children to special classes and special schools.

In facilitating this new function, the Department and the NCSE consider that the following additional measures will support the forward planning of special education provision both for schools and families of children and young people with special educational needs. These measures are as follows:

- In order to ensure that the NCSE has access to information on all children and young people who may require a special class or special school place, parents/guardians should **notify the NCSE** prior to making an application for admission to a special class and/or special school. The NCSE will discuss with families the range of options that are available to meet the needs of their child or young person as identified in available reports. This notification together with the submission of the child or young person's relevant reports should occur as early as is possible. Notification should be made **before 1 February in the preceding school year** to facilitate NCSE planning and to ensure that the NCSE and the Department is provided with sufficient time to plan and provide for additional special class and special school capacity. It is recognised that many school admission processes start during Term 1 of the school year, and the NCSE will be working to ensure that parents/guardians notify them as early as possible. However, it must be considered that some children and young people may not receive a diagnosis and/or a recommendation for a special class or special school until a later time and the NCSE must continue to work to support these children and young people to secure an appropriate enrolment, in collaboration with their local schools.

- This process will enable the NCSE to check and verify that the recommendations and reports for each individual child or young person meet the specified eligibility criteria for the category or categories of special educational needs catered for by the special class or special school.

- Parents/guardians engaging with this process will be provided with written confirmation from the NCSE confirming the outcome of the NCSE's review of the supporting evidence provided which they can then give to the school/s as part of their application for enrolment in a special class or special school.

- Heretofore this eligibility check by the NCSE typically took place after schools had made offers of admission. The eligibility check will therefore now happen in advance of schools notifying applicants of the decision on their application for enrolment in the special class or special school.

- Schools who receive applications for enrolment to a special class or special school should advise parents/guardians to notify the NCSE by the 1 February timeline.

- In addition, where parents/guardians of a child or young person already enrolled in a mainstream class in a school, seek a special class place in a new special class being established in the same school, the school should advise the NCSE of these children before 1 February. These children should also be discussed at SENO planning meetings with schools.

- The NCSE is planning appropriate engagement and communications to ensure the obligation on parents/guardians seeking a special class or special school to notify the NCSE is made known. This could include organising dedicated parent/guardian information sessions, linking in with the Early Years Education providers and contacting parents/guardians of pre-school children who are accessing additional home tuition supports and supporting children's transition from primary to post-primary. A new data-sharing agreement to allow the early years sector to share information with the NCSE on children accessing the higher levels of support under the Access and Inclusion Model is also being progressed.

- Where the NCSE is advised of a need for a special class or special school place for the next school year after 1 February of the existing school year, and where it is not possible to provide such an enrolment, the NCSE will support any existing mainstream setting that a child or young person is attending through the use of special education teaching and special needs assistant resources as necessary. The NCSE will be available to support the school and family in these instances. Where a child or young person is transitioning from early years, the NCSE will work to support that child or young person's enrolment in a junior infant mainstream class. At all times, the NCSE will continue to work to secure an appropriate enrolment as soon as is possible.

The sharing of waiting list information with the NCSE

To support the work of the NCSE, in respect of its legal obligation under section 20(1)(b) of the Education for Persons with Special Educational Needs Act 2004 to plan for the provision of special education and to coordinate and manage the admission of children and young people to special classes and special schools, the sharing of information in relation to waiting lists for admission to special

classes and special schools is important in areas where there is particular pressure for additional special education provision.

Schools in those areas may be requested to share data on applications for admission to special classes or special schools with the NCSE. In considering that request, schools should note that they have a legal obligation under section 9(ba) of the Education Act 1998 to co-operate with the NCSE in the performance of its functions, including those set out above. In addition, school boards of management have a legal obligation under section 14(1)(c) of the Education for Persons with Special Educational Needs Act 2004 to cooperate with the NCSE and in particular to provide such information as the NCSE may reasonably request for the performance of its functions.

As independent Data Controllers, schools are now requested to identify this potential use of personal data to applicants in their Data Privacy Statement on their special class or special school Admissions Application Form.

Some sample text is suggested: **Should your child or young person be placed on a waiting list for a place, their personal data may be shared with the National Council for Special Education for the purposes of planning for the provision of special education placements.**

To facilitate this potential sharing requirement, data on applications for admissions should be recorded by schools in a tabular format (or in a system that allows the data to be extracted into a tabular format), comprising at least PPSN, surname, first name, date of birth, and category of the applicant per the school's oversubscription criteria.

Where possible, the status of the application should also be recorded, e.g. offered, accepted, refused. It is expected that the systems schools have in place for recording applications for admissions already support this, however it is advised that schools verify that the data can be extracted and shared in the required format. A template which is recommended for use by schools is available at this link: Strategic Capacity Planning 2025 and Beyond (www.gov.ie).

Eligibility criteria for enrolment in a special class for autism
In accordance with the Department's Circular Letter 02/05 and NCSE Guidelines for Setting Up and Organising Special Classes for Boards of Management and Principals of Primary and Post-Primary Schools (2024), children and young people are eligible for enrolment in a special class for autism when the following is provided in support of such an application:

Professional report(s) outlining:

- Diagnosis of Autism: DSM IV/V or ICD 10/11 (psychologist, psychiatrist, multi-disciplinary report)

AND

- A demonstration of the understanding of complexity of the child's overall level of need/s evidenced in the professional reports

AND

- Given the severity or complexity of the child's support needs, a clear professional recommendation as to what educational placement type would be most appropriate to best meet the child's needs, along with the rationale for same.

Work is underway to update the eligibility criteria for other categories of special classes and information on this will be provided to schools at a later date.

Notification to the NCSE of enrolments in special classes and special schools

At present, all primary and post-primary schools enrolling a child or young person in a special class and all special schools enrolling a child or young person are required to forward a notification of enrolment to the NCSE. From the school year 2024/2025, these notification of enrolments must be forwarded to the NCSE within **14 calendar days** of a school confirming that an offer of admission has been accepted.

The timely notification of enrolments will allow the NCSE to allocate additional staffing resources where required more efficiently.

Where a school does not provide notifications of enrolment within the 14 day time period, the NCSE may commence a review engagement with the school to streamline and support the process for schools going forward.

Admission to post-primary special classes

The Department of Education and the NCSE have been made aware of a small number of instances where available places in post-primary special classes are not used as the school do not have available places in mainstream classes for a particular year group. While it is understood that schools wish to support the inclusion of children and young people enrolled in a special class in mainstream class groupings to the greatest extent possible, the Department and the NCSE consider that this should be possible in addition to offering all available places in a special class.

Given the increasing need for post-primary special classes as children and young people transition from primary to post-primary, the Department and the NCSE request that all post-primary schools provide for the filling of all available

special class placements each year. This must be reflected clearly in school admission policies.

Post-primary schools are requested to ensure subject options in mainstream classes are considered when processing applications for special classes, allowing where possible for special class placements to be filled by children and young people accessing mainstream subjects appropriate to their needs and choices.

4. New streamlined arrangements to support the re-purposing of existing accommodation to facilitate opening new special classes

Most special classes are established in existing accommodation. This is likely to continue for the foreseeable future with the downward trajectory in overall enrolments at primary level and with First Year enrolments in most post-primary schools now having peaked. Maximising the use of existing accommodation is important to facilitate the timely opening of additional special classes that are established by the NCSE.

In locations where there is a requirement for opening new special classes at primary level, and to ensure equity across the primary school sector, the initial focus for the NCSE will be on medium to large (8 mainstream classes or more) primary schools that currently have no special class or just one special class. Similarly at post-primary level, the initial focus will be on having a good spread of special classes across schools within a town or area with the ultimate aim of an average of 4 special classes in every post-primary school.

The following streamlined arrangements are being put in place by the Department's Planning and Building Unit to support the re-purposing of existing accommodation to facilitate opening new special classes for September 2025:

1. A **start-up grant of €30,000** will be paid to each school that is approved by the NCSE to open a new special class for the 2025/26 school year. This grant payment relates to each new special class and does not require an application from the relevant schools - it will be paid by the Department's Planning and Building Unit based on notification to it from the NCSE on lists of schools that are opening new special classes for the 2025/26 school year. This grant will provide good flexibility to schools to facilitate the opening of a new special class and encompasses the existing start-up grant, sensory room fit out grant/creation of a quiet space and also Furniture & Equipment grant and ICT grant all of which have been updated to an overall total of €30,000. Further details on this grant can be accessed at this link Guidance Note on Enhanced Grant (www.gov.ie).

2. Some schools may require small-scale re-purposing works to facilitate the establishment of a new special class in existing accommodation. For these schools, a new simplified application process is also being put in place to support delivery of same in a timely manner. The level of funding involved will depend on the nature of small-scale works to be undertaken and will be up to a maximum of €70,000 for each new special class being opened for the 2025/26 school year. This grant funding will provide good flexibility to schools to facilitate the opening of a new special class and is in addition to the €30,000 start-up grant referenced at No.1 above. The grant funding will be provided to schools for devolved procurement and delivery and includes flexibility to prioritise the nature of the necessary small-scale works to facilitate the opening of the new special class for the 2025/26 school year. Further technical guidance and details on the application process can be accessed at this link SEN Repurposing Information (www.gov.ie).

3. A minority of schools may require more significant works relating to the opening of a new special class in existing accommodation. On receipt of such applications, a more detailed technical assessment will be undertaken to validate the scope of necessary works. It is envisaged that this will also determine the initial phase of works needed to facilitate the opening of the special class for the 2025/26 school year. Any other works will be considered as appropriate as part of the wider capital programme and prioritised accordingly. It is envisaged that such projects will generally be delivered as devolved projects. Project Management supports will be targeted at special schools and mainstream schools that involve more complex projects. Schools that are approved for more significant works will not be separately granted funding under No.2 above.

4. The Department will provide modular accommodation as necessary where it is satisfied there is insufficient capacity within existing accommodation to facilitate the opening of a new special class that is sanctioned by the NCSE. However, given the longer lead in periods involved, it is envisaged that contingency arrangements will need to be put in place at local school level in consultation with the NCSE to facilitate the early opening of new special classes.

5. Pilot initiative to improve the forward planning for Special Education provision

Dublin 15 Taskforce
Minister Naughton, Government Chief Whip and Minister of State with responsibility for Special Education and Inclusion has requested the Department to establish a taskforce on special education planning and provision in the Dublin 15 area, to help better understand the challenges relating to the forward planning for special education provision in an area of

significant pressure for special education provision and to propose potential effective solutions.

It is intended that the work of the taskforce will focus on the following elements;

- Examining approaches to ensure that the NCSE has better and more complete information on the projected level of need for special education placements.
- Supporting the work of the NCSE to secure additional capacity for special education provision earlier ahead of the next school year.
- Progressing the introduction of standard admission timelines across schools and the development of a Common Application System, and
- Discussing wider special education policy matters that are of interest to the Taskforce members.

It is proposed that the taskforce membership would comprise of representatives from the following groups within the Dublin 15 area – parents, school principals, school patron bodies, NCSE, the Department of Education, the HSE and the Department of Children, Equality, Disability, Integration and Youth.

The work of this new Taskforce may assist in terms of the forward planning of special education provision in other areas of the country over the coming years.

6. Queries

Any queries in relation to this circular letter can be addressed to the Department of Education at the following email address:

Special_Education@education.gov.ie

Further guidance may be provided via a Frequently Asked Questions document if necessary.

Martin McLoughlin
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Special Education Section