

CONSULTATION PAPER

**THE FUTURE DIRECTION OF EXEMPTIONS FROM
THE STUDY OF IRISH**

Department of Education and Skills

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Section 1: Introduction

Why is this consultation on exemptions from the study of Irish taking place?

While the vast majority of children and students in Irish schools study Irish, some learners are granted exemptions which permit them not to study the language as part of the curriculum of primary and post-primary schools. Most exemptions are granted to students because they have a special educational need which makes it difficult for them to study English and Irish. The way in which exemptions may be granted was last set out in Circulars to schools in the 1990s and it is widely acknowledged that they are now outdated, mainly because of significant changes in our understanding of learners' special educational needs.

This consultation:

- Seeks the views of students, parents, teachers, school leaders, management authorities and the wider public about how the current arrangements could be improved
- Sets out the findings of research conducted by the Department's Inspectorate into the operation of the current arrangements for exemptions
- Examines how the current arrangements for exemptions are no longer in line with our understanding of learners' special educational needs
- Includes draft circulars to replace the existing Circulars and asks for opinions and suggestions on these circulars and the approach that underpins them.

The context in which this consultation is taking place

This consultation is taking place at a time of significant change in Irish language curricular provision in our schools. The publication of the *National Strategy to Improve Literacy and Numeracy among Young People 2011-2020 (2012)*, was the main catalyst for the comprehensive review of the purpose of languages in our curricula and how language learning happens in schools. As a result, the implementation of a new *Primary Language Curriculum, 2015*, has commenced in primary schools. The *Strategy* was also the impetus for the *Junior Cycle Framework 2015*, which informed the development of the two specifications for Irish now being introduced in junior cycle in post-primary schools.

Developments in curricular provision, the growing diversity of our society, together with evolving understandings of language acquisition and emerging knowledge of special educational needs have overtaken the current Department Circulars¹ that govern exemption from the study of Irish. This means that there is an urgent need to revisit the current Circulars governing the granting of exemptions and better align arrangements with the principles underpinning recent and future curricular developments.

This consultation paper has also been developed in response to findings in the Inspectorate's research report² on the processes, procedures and practices involved in decision making on exemptions from the study of Irish in primary and post-primary schools. The research highlighted a variety of practices and arrangements and most importantly, the many challenges encountered by schools and parents who engage with the exemption procedures as set out in Circulars M10/94 (post-primary) and 12/96 (primary).

¹ Circular 12/96 (primary) and Circular M10/94 (post-primary)

² The *Research Report Review of Policy and Practice in Relation to Exemptions from the Study of Irish* is a companion document to this Consultation Paper.

Irish and English are at the core of the curriculum in our schools

Recognising the linguistic, social and cultural importance of Irish and English in Ireland, both languages are included as core subjects in the national curricula for recognised primary and post-primary schools³ and centres for education in Ireland. This has been the case since the foundation of the State and the importance of the teaching of both languages in this way has been re-affirmed on a number of occasions by the State, including most recently in the *20-Year Strategy for the Irish Language 2010-2030*. Indeed, the most recent curricular changes at primary and junior cycle level have emphasised not only the importance of learning both languages but also the wider benefits of bilingualism. The development of these new language curricula reflects the Department's reassertion of its commitment to the Irish language and to progressing the language education related actions of the *20-Year Strategy for the Irish Language 2010-2030*.

We make exemptions for some students⁴

Provision has been made to allow some students be exempted from the study of Irish. Overtime, the criteria that guide the granting of exemptions have been extended to reflect Ireland's changing social, demographic and educational context. During the 1960s and 1970s, approaches to the identification of children's special educational needs began to change significantly in Irish schools, and a range of specialised teaching provision and other supports for these learners began to be introduced into the Irish education system. One of the adaptations introduced was based on the premise that some categories of children with special educational needs (SEN) should not be required to study both Irish and English. Initially, this applied in special schools but, from the 1970s because of our evolving understanding of the special educational needs and in line with the Department's policy on inclusion, formalised systems were introduced that permitted some students in mainstream schools to be granted an exemption from the study of Irish. This is reflected in the current Circulars that issued in the 1990s.

We need to keep arrangements under review

From time to time, as our understanding of children's learning and especially children's special educational needs has developed, the arrangements for the granting of exemptions from Irish have been revised. Other changes were made to accommodate the needs of children who arrived in Ireland with no English and those who returned from abroad having missed out on the opportunity to learn Irish from a young age. The last major revision of the arrangements was undertaken in the 1990s. It has been clear for some time that the guidance provided in the current Circulars has been overtaken by emerging knowledge about children's learning, especially in the area of special educational needs. Some of these developments have included an appreciation that children's special educational needs do not "fit" neatly into single categories. Other developments have included a growing appreciation of the benefits to be gained by all students from exposure to opportunities for language learning in two languages.

³ Recognised schools in Ireland are State funded and provide centrally provided curricula. Irish and English are listed among the subjects in which a school must provide instruction. The Language component of the Primary Curriculum comprises Irish and English. The *Primary Curriculum* (1999) presented separate curricular for both languages. The *Primary Language Curriculum* (2015) presents an integrated approach to learning both languages. At post-primary level, separate curricula are provided for Irish and English in both junior cycle and in senior cycle.

⁴ In this paper, in keeping with the Education Act 1998 "students" refers to learners at both primary and post-primary level, except where there is specific reference to learners in primary schools and settings and to the circulars in which case the term "pupil" is used.

We need your views on what new arrangements should be

This consultation paper seeks to garner views to inform a new revision of the current arrangements concerning policy and practice in relation to exemptions from the study of Irish in primary and post-primary schools and other settings. It seeks to gather the views of all those involved: pupils and students, parents/guardians, teachers, school management, teacher unions and professionals involved in supporting educational provision and members of the wider public.

We have published research to inform the discussion

To inform discussion of the issues and to explain some of the challenges involved, the Inspectorate of the Department of Education and Skills was asked to undertake research about the current arrangements governing exemptions from the study of Irish. The report on this research is being published as a companion document to this Consultation Paper.

Section 2 of this paper focuses on key findings in the Inspectorate's research report including an overview of the experience and practice of primary and post-primary school personnel in administering the current Circulars and the challenges encountered. The research presents emerging trends over time in relation to the grounds on which exemptions are granted. It also highlights gaps in processes and procedures, including review and appeal mechanisms.

Section 3 invites the reader to consider how exempting a student from the study of an element of the curriculum serves and supports that student's full engagement with and access to the curriculum while also meeting his/her individual learning needs. This section also presents arguments that favour expanding the SEN related criteria in the current Circulars to encompass categories of need most frequently cited as grounds for exemption in cases submitted to the Department for advice, review or appeal⁵.

Based on the principles underpinning a student's Irish language learning journey from junior infants to Leaving Certificate, his/her engagement in learning more generally, and developments in understanding about special educational needs, Section 4 offers draft primary and post-primary circulars for consideration.

Key changes in the draft circulars include the consideration given to the medium of instruction in the school, changes to age related criteria, for instance in the case of students whose education has been received outside the state and students with special educational needs, a move away from diagnosis and the requirement of psychological assessments.

It is hoped that by presenting draft revised circulars, the consultation paper will assist the education system to discuss if and why exemptions from the study of Irish should be available, and the possible consequences – both intended and unintended that might arise from change. All of this discussion can then be used to inform further revisions of the current arrangements and future Department circulars.

This section also contains details of how you can participate in consultation process.

⁵ While it is clear from the Schools Financial and Database Section (previously the Parents, Learners and Database Section) webpage that the Department provides advice on matters related to exemptions from the study of Irish schools and parents, overtime, as reflected in the Inspectorate's *Research Report*, the use of terms such as "appeal" and "review" have erroneously become part of the discourse.

Section 2 Curricular provision and exemptions from the study of Irish: What does the research tell us?

What is the nature and purpose of our curricula?

The published curricula for our schools provide national statements of the range of knowledge, competences, values and attitudes that we believe Irish children should be enabled to develop during their time in schools. They are also important national statements about the types of educational experiences that we expect children to encounter so that they grow up to be informed, healthy and active participants in Irish society and the wider global community. The primary school curriculum celebrates the uniqueness of the learner, as it is expressed in each student's personality, intelligence and potential for development. This commitment to the individuality of the learner is similarly embraced in the new junior cycle curriculum at post-primary.

Curricula represent all of the experiences, both implicit and explicit; a student has as a result of engaging with what is provided. These include the knowledge, skills and attitudes a student is expected to develop in order to become an active participant in society. In Ireland, we continue to see value in nationally articulated curricula for schools, which outline what society sees as important for young people's learning and experience.

All education systems face the challenge of balancing the requirements of national curricula, the evolving needs of individual learners and society, and the local circumstances of each school. Curriculum developments in the area of language at primary and post-primary levels are examples of how curriculum is responding to a changing and evolving society in which our students learn and live. The current trend is towards greater autonomy in aspects of curriculum delivery at school level. Greater emphasis is being placed on the student's learning experience through the scope and flexibility of the *Framework for Junior Cycle 2015* (including the specifications for Irish) as well as in the *Primary Language Curriculum* both of which support and encourage schools to personalise learning to the needs of children.

Irish and English have been fundamental blocks in the curricula in Irish schools since the foundation of the State. This stems from the position of both as official languages as set out in the Constitution and the explicit aim of successive Governments to develop a bilingual society. The inclusion of both languages as core subjects in national curricula gives language learning and the advantages of bilingualism a particular status in the learning experience of students. Developing lifelong language skills from an early age through engagement with both languages has the potential to prepare children well for learning additional languages as they journey through education and participate in a plurilingual society. Both the Department's *Languages Connect: Ireland's Strategy for Foreign Languages in Education 2017-2026* (2017)⁶ and the Council of Europe's Policy reaffirm the value of developing plurilingual skills in this way (https://www.coe.int/t/dg4/linguistic/Division_EN.asp).

Languages in primary schools and settings⁷

The *Primary Language Curriculum*, which was introduced in schools 2016, sets out learning outcomes and progression continua for both Irish and English. The emphasis placed in the *Primary Language Curriculum* on the transfer of language learning skills between Irish and English marks a fundamental change in the language learning experience of children in primary schools and settings. Language has always held a central role as a component of the primary school curriculum. Heretofore, the Language element comprised separate curricula for Irish and English. Informed by national and international research, the *Primary Language Curriculum*, which is based on the premise of an integrated approach to language learning, is a further development of the 1999 Primary Curriculum.

⁶ Hereafter referred to as *Strategy for Foreign Languages*

⁷ Settings include special schools/classes/ASD Units/Youth Reach Centres/Hospital Schools/High Support Units or other centres of education where national curricula may be provided.

Recognising the different language contexts in which pupils learn, two curricula are again provided for Irish (L1 and L2)⁸. The *Primary Language Curriculum* is aimed at all learners, including those in special schools and settings, and is currently being implemented in junior infants to second class. Plans for its introduction in senior classes are at an advanced stage.

Languages in post-primary schools and settings

Irish and English are core subjects in junior cycle and in senior cycle in post-primary schools and settings. Students' engagement with language learning is further enhanced by the provision of a range of modern foreign languages and, most recently, access to Chinese short course for junior cycle students. In addition, the *Strategy for Foreign Languages* sets ambitious goals to expand students' opportunities to learn a wider range of languages.

The curriculum for Irish is undergoing considerable change at post-primary level. For the first time, two separate subject specifications⁹ for Irish have been introduced in post-primary schools for students commencing in first year from September 2017. Similar to the *Primary Language Curriculum*, these specifications place the student at the centre of the learning experience. The learning outcomes in the subject specifications for Irish provide for the differentiation of learning to meet the students' needs. In addition, schools have the autonomy to develop short courses based on Irish language and culture and, where appropriate, offer Level 2 Learning Programmes (L2LPs) and Priority Learning Units (PLUs). Assessment across the three years of junior cycle is located where the learning takes place. Unlike the previous Junior Certificate, the range of assessment modes and the reporting format in the Junior Cycle Profile of Achievement (JCAP) allow scope to recognise students' engagement with Irish language and culture throughout junior cycle in addition to their achievement in the final assessment.

These curricular developments create a very different learning environment for students, one which places them at the heart of the language learning and assessment processes from junior infants through to the end of junior cycle. The *Primary Language Curriculum* and the specifications for Irish in junior cycle place a strong emphasis on language skills development and the integration and transferability of those skills. Indeed, this integrated approach to language learning suggests the need to rethink the concept of exemption from the study of Irish and consider more fully how all students could realise the benefits that could accrue from engaging in the study of two languages from an early age.

At this time also, schools have been delegated responsibility for the allocation of teaching resources for students with SEN and programmes and guidelines¹⁰ that support student's wellbeing are being implemented. These policies recognise the importance of addressing the varied individual needs of students at local level. They stress the importance of adopting a graduated approach to intervention in helping students cope with the learning, social and emotional challenges they encounter along their learning journey.

Exempting a student from the study of Irish

The Irish and language curricula that are being embedded in primary schools and at junior cycle in post-primary schools are for all students. They offer flexibility so that schools can differentiate the learning experience to meet the needs and strengths of students. Yet, Irish is the only curricular subject from which it is possible for a student to be exempted.

⁸ The L1 (first language) specification is aimed at schools where Irish is the medium of instruction.

The L2 (Irish as second language) specification is aimed at schools where English is the medium of instruction

⁹ There are two separate specifications – Language 1 (L1) and Language 2 (L2). L1 is designed for schools where Irish is the first language of the school and L2 is designed for schools where English is the first language of the school.

¹⁰ *Well-Being in Primary Schools: Guidelines for Mental Health Promotion* (DES, 2015); *Well-Being in Post-Primary Schools: Guidelines for Mental Health Promotion and Suicide Prevention* (DES, 2015); *Junior Cycle Wellbeing Guidelines* (NCCA, 2017)

Circulars and Rules¹¹ governing the granting of exemptions from the study of Irish have changed over time and the grounds on which exemptions could be granted have widened. Changes to criteria for granting exemptions took account of migration and development in education policy, most notably changes in understandings about special educational needs as reflected in the Department's policy on the inclusion of children with SEN in mainstream settings since the 1970s. The current Circulars, which issued in the 1990s, were the first to devolve the authority to grant exemptions to schools and set out specific categories of special educational needs as grounds for exemptions.

However, the revision of the arrangements for exemptions has not kept pace with changes in special educational needs provision nor with our understanding of students' language learning. It has become increasingly evident that the categories of special educational needs recognised in schools have extended beyond the criteria specified in the current Circulars governing exemption from the study of Irish. Knowledge and understanding around language acquisition and the benefits of bilingualism in the case of children with SEN has also evolved. Research cited in the Inspectorate's research report tells us that learning a second language benefits all students, including those with SEN when appropriately differentiated.

What are the criteria for exemptions?

The current Departmental Circulars governing exemptions from the study of Irish were issued to primary schools in 1996 and post-primary schools in 1994. Responsibility for decision-making regarding exemptions became the responsibility of the school under these Circulars, and the Circulars were designed to enable the management authorities of schools to identify students to whom an exemption could be granted. In keeping with policy priorities at the time, the Circulars for the first time also make specific reference to students with SEN who are failing to attain language skills in the mother tongue. The SEN categories specified relate to students with

- a serious intellectual impairment
- a specific learning disability (dyslexia)
- a general learning disability due to serious sensory impairment.

Other grounds on which exemptions can be granted in "*rare and exceptional circumstances/limited special circumstances*" include

- pupils whose primary education up to 11 years of age was received in Northern Ireland or outside Ireland
- pupils who are re-enrolling after a period spent abroad, provided that at least three years have elapsed since the previous enrolment in the state and the pupil is at least 11 years of age on re-enrolment

The Circulars also provided for

- pupils from abroad who have no understanding of English at the time of enrolment and state that they would study either Irish or English.

Implementing the current Circulars – trends and challenges highlighted in the research report

Implementing the current Circulars in a changing educational and sociolinguistic context has not been without challenge. In order to inform a revision of the Circulars and to gather the views and experience of those involved

¹¹ Various editions of *Rules and Programme for Secondary Schools*

in their implementation, the Inspectorate conducted research, the findings of which are presented in the accompanying research report. The Inspectorate's research was conducted between 2014 and 2016 and included

- case-study visits to a number of primary and post-primary schools
- a literature review and
- a review of available data on exemptions.

Findings in the Inspectorate's research report highlight trends in the number of exemptions from the study of Irish granted, the grounds for those applications and the challenges encountered in the application of the terms of Circulars in primary and post-primary schools.

Primary

The number of exemptions granted relative to the general pupil population fluctuated between 0.8% in 2010 and 1% in 2016.

The most frequent grounds on which exemptions were granted to primary school pupils were:

- Learning Difficulties, including SLD, General Learning Disabilities and General Learning Disability due to sensory impairment
- pupils from abroad with no understanding of English on enrolment
- education up to 11 years of age received in Northern Ireland or outside Ireland and
- pupils on re-enrolment having spent three years abroad, children of political refugees or children of foreign diplomats/consular staff.

The number of pupils granted an exemption in proportion to the pupil population peaked in 2009 (1.01%). Trends in data indicate the influence of the economy: for example, the increase in the number of pupils granted exemptions on the grounds of 'no understanding of English or Irish' between 2004 and 2006 and a downward trend in this category between 2010 and 2013, appear to correspond with the economic climate and related migration patterns.

Post-primary

Trends at post-primary level broadly replicate those at primary level. The overall trend in the percentage of students being granted an exemption from Irish at post-primary level has been upward from 2.5% in 1999 to 5.7% in 2004 to 9.2% in 2016. This total number of post-primary students with exemptions from the study of Irish in a given year peaked at 10.9% in 2010. Since 2010, there has been a slight decline (approx. 1.5%) in the number of exemptions being granted in post-primary schools.

As set-out in Chapter 3 of the research report, the most frequent grounds on which exemptions were granted to post-primary school students were:

- Students with specific learning difficulties
- Students from abroad with no understanding of English on enrolment (2004 to 2009)
- Students whose education up to 11 year of age was received in Northern Ireland or outside of Ireland
- Students who re-enrolled after a period of at least three years abroad.

Available data suggests a strong link between applications for exemption and key transition points as students' progress through primary and post-primary education. In the case of primary school pupils, exemptions are most frequently sought when pupils reach fifth or sixth class – prior to transfer into post-primary. In one case-study primary school visited by the Inspectorate, three quarters of the applications for exemptions were received at this

point. The majority of applications at post-primary are made when students are in first year and as they prepare to participate in certificate examinations or transfer to third level.

Exemptions and the certificate examinations

The Inspectorate research suggests that applications for exemptions at post-primary level are strongly linked to participation in the state examinations and related to issues concerning matriculation into universities. Students frequently seek exemptions in the periods prior to examinations.

The level of exemptions from the study of Irish at post-primary level may not give the full picture about students' engagement with the subject. While there are a number of strong incentives for students to study Irish, it is not compulsory for any student to sit any subject examination in the certificate examinations. Data suggests that students apply for exemptions close to the examination, or decide that Irish is not a requirement for further study and do not participate:

- The number of students not taking Irish in the Junior Certificate between 2004 [6530 (13.4% of the cohort)] and 2011 [9946 (18.3%)] increased by 50%
- An approximate increase of 40% in the total number of Leaving Certificate students holding exemptions was noted between 2004 (11%) and 2011(15%).
- Approximately 15% (8496) of candidates did not take Irish in the Junior Certificate in 2016
- Close to 13% (7713) of Leaving Certificate candidates did not take Irish in the Leaving Certificate in 2016.

The proportion of Leaving Certificate and Junior Certificate candidates not sitting the Irish examination is higher than the proportion of students with exemptions in all year groups (9%). Again, this could be attributable to a variety of factors including candidates opting not to sit the examinations, repeat candidates or external candidates¹² who may not be taking Irish and in the case of the Leaving Certificate, candidates who may have secured a National University of Ireland exemption.

Experience in the Leaving Certificate Applied (LCA) mirrors that of the established Leaving Certificate. *Gaeilge Chumarsáideach* (Communicative Irish – an *ab initio* course) is an essential element of the LCA programme. However, between 2004 and 2016 there was a 274% (272 to 1019) increase in the number of students exempted from the *Gaeilge Chumarsáideach* aspect of the programme. In 2016, 37% of candidates were exempt from *Gaeilge Chumarsáideach* yet 84% of these candidates took the modern foreign language component of the programme (also an *ab initio* course). In addition to the broader policy implications that this raises, the upward trend in exemptions from *Gaeilge Chumarsáideach* is an example of why we now need to reassess the rationale and overall arrangements for the granting of exemptions from the study of Irish.

Similar patterns emerge from a review of the number of candidates with exemptions from the study of Irish but taking a modern foreign language in established certificate examinations. In the case of the Junior Certificate there was a 71% increase in the number of candidates with an exemption but taking a foreign language between 2004 and 2010. In 2016, 67% of Junior Certificate candidates holding an exemption took a modern foreign language.

This pattern is similarly reflected in the established Leaving Certificate with a steady increase in candidates holding exemptions, peaking in 2013 at 6% of the total cohort taking the Leaving Certificate. The number of candidates with exemptions but taking a foreign language peaked at 58% in 2011. Since then, there has been a gradual decline. In 2016, 52% of candidates with an exemption from the study of Irish sat a foreign language.

¹² External candidates – certificate examination candidates who are not registered in a school but are assigned to a designated examination centre by the State Examinations Commission.

What are the challenges in implementing the provisions of the current Circulars?

The Inspectorate research report findings indicate a variety of practice in the processing of applications at school level. The research indicates that decision makers at school level experience a number of challenges:

Processing of applications

- There was evidence of a lack of understanding of the terms of the Circulars.
- Difficulties were reported by principals in interpreting psychological or other professional reports.
- Inconsistent practices were observed at school level in the processing of applications and non-adherence to the terms of the circulars. This is particularly evident in relation to categories of SEN and in the case of student re-enrolment after a period of absenteeism and in cases, such as home schooling, where Irish was not taught. Case studies found that two fifths (40%) of exemptions granted were either incorrectly granted or underpinned by a lack of relevant information (primary and post-primary).

Transfer of data

- Principals expressed concern with the poor transfer of data between schools and on transition from primary to post-primary school. This is particularly challenging in the case of students who transfer without evidence of an exemption yet maintain they have an exemption or have not studied Irish in their previous school. Case-study visits to primary schools revealed a variety of practice in this regard and all of the post-primary schools involved reported significant difficulties in obtaining exemption certificates from feeder primary schools.

Alternative learning arrangements for those with exemptions

- Ensuring students who are exempt from the study of Irish are suitably accommodated during Irish lessons can pose challenge. Circular 12/96 (primary) guides schools to allow pupils with exemptions remain with their peers for the oral and cultural aspects of the language or avail of another arrangement. Circular M10/94 (post-primary) does not offer guidance on alternative arrangements.
- In two thirds of the primary case-study schools, pupils with exemption from the study of Irish remained in class with their peers. Those pupils who had access to additional learning support were withdrawn to an alternative classroom/setting.
- At post-primary level, it is more typical for learning support/resource and English as an additional language lessons to be timetabled against Irish.

NUI Matriculation requirements and exemption from Irish and/or languages

- In addition to the challenges of implementing the Department's Circulars, principals in the post-primary case-study schools reported that the National University of Ireland (NUI) exemption from languages facility also poses issues when students reach senior cycle. The NUI criteria are not entirely consistent with the Department Circulars. For instance, the criteria are such that students who were born outside Ireland can be granted an exemption from Irish and/or modern foreign languages as a matriculation requirement. At school level, this can be a challenge for schools as these students tend to 'opt-out' of studying Irish.

The absence of formalised review and appeals mechanisms

- A mechanism for review and appeal is not clearly defined in the Circulars. However, the Department has made arrangements whereby parents and schools can seek advice from its Schools Financial and Database

Section (SFDS) on the processes and procedures concerned. SFDS also administers the processing of cases submitted for review and appeal. Generally, a review takes place where a parent requests a second opinion on a school's decision not to grant an exemption. Where necessary, SFDS seeks the observations and recommendations of the Inspectorate who in turn seek the advice of the National Educational Psychological Service (NEPS), where necessary. Since 2010, there has been a steady increase in the number of cases submitted for review.

Evolving understanding of special educational needs

- Interpreting Circulars in light of the evolving understanding of special educational needs has been reported to be problematic. Special Educational Needs are now understood in the context of identification of need within the school setting, provision of evidence informed intervention and review of an individual's response to intervention. Therefore, identification of a specific learning/reading difficulties on the basis of Average IQ, or a simple discrepancy between cognitive ability and attainments is no longer considered valid.

Medical professionals' interpretation of Circulars and eligibility criteria

- The research indicates that principals reported difficulty in interpreting report recommendations made by medical and psychological professionals that are not in keeping with the terms of Circulars. This is especially the case with regard to diagnoses of SEN that are not covered in the Circulars including: learner stress and anxiety being attributed to Irish; Autism Spectrum Disorder; Attention Deficit Hyperactivity Disorder; and Specific Speech and Language Impairment/Disorder.
- In case study visits, principals expressed the view that the evolving understanding of special educational needs has surpassed the information provided in the *Guidelines for Psychologists* document, particularly with regard to the entitlement of children with Borderline Mild General Learning Disability to exemption.

De facto exemptions in special schools and special classes

- The research report indicates that Irish, generally, is not being taught in special schools and special classes within mainstream schools in instances where students may not meet the criteria for exemption.

Section 3: Exemption from the study of Irish in the new curricular paradigm

Irish language learning and exemption

The challenges discussed in Section 2 above, combined with the central position of Irish in our curricula call for a re-examination of the role, if any, of current arrangements for exemptions from the study of Irish. In revising the Circulars, account needs to be taken of how exemptions support the key principles we value and underpin the effective teaching, learning and assessment of language and literacy as set-out in our national curricula.

Equally, any review of the Circulars needs to consider the strides made in the area of SEN in terms of the identification of need rather than a reliance on a category of difficulty or disability and the new model of SEN support being implemented in schools. Thus opening this scheme to a broader range of need rather than the more restrictive diagnosis driven model.

The *Primary Language Curriculum*, the Irish Specifications for Junior Cycle, and Circulars 13/2017 and 14/2017 (governing the new SEN allocation model) and supporting guidelines all place the student at the centre of the learning process. The Department recognises the importance of local decision-making where students' learning needs are concerned and accordingly has given autonomy to school authorities to make the curriculum accessible to all students be their needs transient or permanent.

On the one hand, the *Primary Language Curriculum* and the Irish specifications for junior cycle espouse the accessibility of Irish language for all and, where needs are identified, schools can apply the *Continuum of Support* to assist in achieving this. This suggests that consideration should be given to restricting the granting of exemptions from the study of Irish to the terms of the current Circulars, or further.

Arguments in favour of retaining Irish as core part of the curriculum for all learners and restricting the granting of exemptions from the study of Irish:

Advantages of language learning/bilingualism

The advantages associated with learning two languages simultaneously include improvements in cognitive and linguistic functioning. These advantages have long been highlighted in the Irish-medium sector and are now equally accessible through revised curricula in English-medium school settings. As highlighted in the research report, learning two languages develops students' linguistic functioning through the development of a deeper understanding of how language works and can be used to communicate. These benefits are not confined to language learning but can also be applied as students engage with other subjects on the curriculum. In the case of pupils whose home language is other than Irish or English, there is an opportunity for them to develop an awareness of language across all the languages in their repertoire as plurilinguals.

Language and inclusive schools

Languages are for everyone. The principles of inclusion and differentiation are to the fore in current curricular provision and developments. The learning outcomes set out in the *Primary Language Curriculum* and in the Irish specifications for junior cycle allow scope for learning experiences to be adapted to the varying needs of individual students through differentiated teaching, learning and assessment approaches.

Irish and English – official national languages/cultural integration

Successive Governments have supported the development of a bilingual society. Irish has a unique position in that it is the first language of the State. The review of available data on exemptions from the study of Irish revealed

that, in certain years, exemptions were most frequently granted to students who had migrated to Ireland. While recognising differences, providing all learners with access to the languages that are core to the curricula is a key contributor to creating an integrated society.

Equality of opportunity

Centrally provided curricula set the skills, knowledge and competences learners need to develop in order to be active participants in society, locally and internationally. Proficiency in Irish has always been respected and encouraged in the public sector with certain positions requiring job applicants to display a minimum level of competence. Irish also has working language status in the European Union. In order for Ireland to be a truly multicultural society, all students need to be provided with fair and equal access to the Irish curricula offered in primary and post-primary schools, in accordance with their ability.

In the context of this new paradigm of curricular provision, it is worth exploring the role of exemptions from the study of Irish and the impact of such a facility on students, not just in terms of arrangements at school level but also as 21st century local, national, European and global citizens.

Arguments in favour of expanding access to exemption from the study of Irish:

On the other hand, in light of the broader range of SEN categories recognised and catered for in schools and considered acceptable basis on which to grant exemption from the study of Irish in exceptional circumstances as reflected in the Inspectorate's research report, consideration needs to be given to expanding the terms of the current Circulars to reflect practice as it has evolved.

Better recognition of a wider range of special educational needs not adequately covered in current Circulars

It is evident in the Inspectorate's research report that the majority of appeal applications submitted to the Department concern students with categories of SEN that are beyond the terms of the Circulars. The report also stresses that these applications are often complex and that a student may have a number of diagnoses or complicated circumstances.

The current criteria stipulate that a student's cognitive ability must be in the Average or Above Average Range of cognitive ability. As evidenced in the Inspectorate's research report, the granting of an exemption from the study of Irish is also considered where a student's cognitive ability is within the Borderline Mild General Learning Disability. However, under the current arrangements those whose assessed ability falls within the Low Average categories are excluded from applying for an exemption from the study of Irish regardless of need.

Other types of SEN that do not meet the terms of the current Circulars but under which applications are submitted include Autism Spectrum Disorder and Specific Speech and Language Disorder.

Greater curricular autonomy at school level is recognised

The *Primary Language Curriculum*, the specifications for Junior Cycle Irish together with the new Special Education Teaching Allocation (Circulars 0013/2017 and 0014/2017) model provides schools with a greater level of autonomy in adapting curricular provision and support to the learning needs of individual students and determining how best to meet those needs where challenges arise. As set out in Circulars 0013/2017 and 0014/20017 decisions made by schools when determining student learning needs may be informed by professional reports, but professional assessments or diagnosis of a particular condition will no longer be a criterion for students to access additional educational teaching resources in schools and accordingly will no longer be a requirement in decision-making on applications for exemptions from the study of Irish. Instead Circulars

M0013/20017 and 0014/2017 provide that students' needs should be met through a graduated continuum of support based on ongoing assessment and intervention.

Anxiety/stress associated with the learning of Irish is cited more frequently as grounds for exemption from the study of Irish. "Anxiety" and "stress" are often used interchangeably, and with no specific reference to clinical anxiety. The Department is already committed to supporting student wellbeing and resilience through a variety of programmes and initiatives including the *Junior Cycle Wellbeing Guidelines (2017)*.

Notwithstanding the learner-centred principles underpinning Irish language curricula and the decision-making power delegated to schools in processing applications for exemptions from the study of Irish and now in the deployment of SEN teaching allocation, the nature of applications submitted to the Department for appeal suggests that consideration should be given to expanding the SEN related circumstances specified in the current Circulars. Doing so would support schools in exercising more fully the decision making authority they have already been granted and remove any ambiguity surrounding the granting of exemptions.

Appeals in the case of pupils "*whose primary education was received*" outside the State, "*who are being re-enrolled after a period spent abroad*" or "*who have no understanding of English, when enrolled*" are submitted much less frequently. However, these criteria in the context of the arguments presented above and the rigidity associated with their application might also merit revision.¹³

Evidence of students studying Irish but not sitting Irish in state examinations

Comparative data on participation in Junior Certificate and Leaving Certificate examinations and the number of students with exemptions from the study of Irish reveals that a greater number of students do not sit Irish in the state examinations than are exempt from the study of Irish. As already mentioned, there could be a variety of contributing factors including access to National University of Ireland exemption from Irish requirement and a choice made by the student not to sit the examination. Discrepancy in the data points to the need to capture the reasons why students do not opt to sit Irish in state examinations in any future arrangements relating to exemptions from the study of Irish.

¹³ 1(a) "... up to 11 years of age"

1(b) "...being re-enrolled after a period spent abroad, provided that at least three years have elapsed since the last enrolment"

1(d) "... pupils from abroad, who have no understanding of English, when enrolled, would be required to study one language." (Circulars 12/96 and M10/94).

Section 4: The Consultation – considering revised circulars on exemptions from the study of Irish

The proposed revision of the current Circulars will be informed by the Inspectorate’s research report and feedback from stakeholders in the consultation process. Section 1 of this paper sets out the rationale for this consultation. An overview of trends in the numbers of exemptions granted to primary and post-primary students and of the challenges experienced by those engaged in implementing the current Circulars was presented in Section 2. Arguments in support of confining and broadening access to exemptions from the study of Irish in the context of curricular reform and developments in special educational needs support provision were presented in Section 3. This Section provides an overview of the consultation process and presents draft revised primary and post-primary circulars on exemptions from the study of Irish.

What is the future direction of the practice of exempting students from the study of Irish?

For the first time, this consultation on exemptions from the study of Irish opens up the discussion on the position of Irish in our national curricula to all our partners in education. The Department seeks your views in formulating a new policy direction on exemptions from the study of Irish.

The draft revised primary and post-primary circulars presented below will form the basis of the consultation. The purpose of setting out draft revised circulars in this way is to support consultation participants in considering the key changes proposed to the criteria to be applied and the process of exempting a student from the study of Irish in their own context. Key areas of change are highlighted in each of the draft revised circulars. These include the language of instruction in the school, age related criteria, the exceptional circumstances in which an exemption may be granted and the role of psychological assessments.

The consultation process

The Department seeks to garner the views of all stakeholders (students, teachers, school authorities, educational psychologists and other professionals) on the policy and practice of exempting students from the study of Irish. The consultation process will be open for a number of weeks.

How can you participate?

You may participate by responding to an online survey which is presented in two sections:

- Section 1 commences with a number of “respondent identifier” questions, followed by a series of statements which invite respondents to provide their views on key proposed policy changes.
- Should you wish to provide further observations/comment, a template is provided at Section 2. The template includes a small number of prompts based on the key proposed policy changes.

The draft circulars revising existing Circulars to set out the proposed changes to policy on exemptions are set out below.

All the Consultation documents including the survey are all available at:

<https://www.education.ie/en/Parents/Information/Irish-Exemption/>.

The full text of the current Circulars M10/94 and 12/96 can also be accessed at the above link.

PROPOSED DRAFT CIRCULAR REVISING CIRCULAR 12/96

EXEMPTION FROM THE STUDY OF IRISH

To: Boards of Management, Principal Teachers and all Teaching Staff of Primary Schools

1. Introduction

1.1 The purpose of the circular

The purpose of this Circular is to advise recognised Primary Schools¹⁴ of the revised arrangements for the exemption of pupils from the study of Irish. It supersedes Circular 12/96 and the 2009 revision of that Circular both of which are hereby withdrawn. The revised arrangements set out in this Circular apply to English-medium Primary Schools¹⁵ only. Existing exemptions from the study of Irish granted under Circular 12/96 and held by pupils will continue to apply until the end of their post-primary education.

Exemption from the study of Irish will not apply in Primary Schools where Irish is the medium of instruction.

The Language component of the Primary Curriculum is for all pupils and comprises both Irish and English. In exceptional circumstances, some pupils may be granted an exemption from the study of Irish. In order for pupils who are exempt from the study of Irish to be recognised when the Department validates school enrolment returns for grant payment and teacher allocation purposes, schools will continue to be required to record data on pupils who are exempt from the study of Irish and the reason for that exemption on the Primary Online Database (POD).

Special Schools

The policy of the Department of Education and Skills is to provide for the inclusive education of children with special educational needs in mainstream education, other than in circumstances where it would not be in the best interest of the child, or the effective education of children with whom they are to be educated¹⁶.

The majority of children with special educational needs are included in mainstream school placements, or special class placements in mainstream schools. A relatively small number of the overall pupil population attend special schools. Pupils attending special schools are those with the most complex levels of special educational needs¹⁷. They include pupils who have severe and profound learning difficulties, or who may have a range of co-occurring conditions. Teachers in special schools and special class placements in mainstream schools differentiate the curriculum to take account of the abilities of each pupil. While all pupils in special schools and classes should be given the opportunity to study Irish, or to participate in Irish language activities, given the range of learning needs which pupils attending special schools and classes have, a certificate of exemption from the study of Irish will not be required in the case of pupils not engaged in the study of Irish. Special schools and classes should continue to use their professional judgement to differentiate the curriculum, including Irish, for pupils taking account of their learning needs, ability and capacity to participate in education.

¹⁴ Recognised School – means a school recognised by the Minister in accordance with section 10 of the Education Act, 1998.

¹⁵ An English-medium school is a school where English (L1) is the primary language of instruction, except in the case of Irish (*Literacy and Numeracy for Learning and Life: The National Strategy to Improve Literacy and Numeracy among Children and Young People 2011- 2020*, DES (2011)).

¹⁶ Section 2 Education for Persons with Special Educational Needs Act 2004

¹⁷ NCSE Policy Advice 'The Future Role of Special Schools and Classes' 2011

1.2 The principles underpinning this circular

This Circular aims to support schools in addressing a wide diversity of needs by providing a differentiated learning experience for pupils in an inclusive school environment. It is informed by the benefits of bilingualism for all pupils as well as the principles of inclusion that underpin the *Primary Language Curriculum (2015)*. The *Primary Language Curriculum* is for children of all abilities in all school contexts. It recognises and supports pupils' engagement with Irish and English at different stages and rates along their language-learning journey. It builds on the language knowledge and experience that pupils bring to the school. The Progression Continua in the *Primary Language Curriculum* provide a framework for teachers to identify the pupil's stage of language development and to plan interventions that support the development of language skills and competences in Irish and in English in an integrated manner, emphasising the transferability of language skills across languages.

This Circular is also set in the context of the Special Education Teaching Allocation¹⁸ model that allows mainstream schools to provide additional teaching support for all pupils who require such support in their schools based on their identified learning needs in school, as opposed to being based primarily upon a diagnosis of a particular disability.

Schools will be supported in implementing the terms of this Circular by

- the *Guidelines for Primary Schools: Supporting Pupils with Special Educational Needs in Mainstream Schools* developed by the National Educational Psychological Services (NEPS), the Inspectorate and Special Education Section, DES (2017) and
- *Special Educational Needs: A Continuum of Support*, NEPS (2007)

What are the key changes in this draft circular on exemptions from the study of Irish in primary schools?

Consideration of the language of instruction in the school

This draft circular is for implementation in English-medium primary schools only.

The language learning needs of pupils in special educational needs contexts

The authority devolved to special schools in decision making concerning the Irish language learning needs of students in these context is recognised. Similarly, mainstream post-primary schools where there are special classes or to which students may be returning having spent a period in a special education setting are afforded the flexibility to make decisions that are in the best interest of the student's learning in the area of Irish.

The exceptional circumstances in which an exemption may be granted

The circumstances in which pupils may be granted an exemption from the study of Irish reflect developments in curricular provision and education more generally including current understandings of learning difficulties and differences.

Consideration of the most appropriate stage at which to grant an exemption from the study of Irish

Reflecting the principles underpinning the *Primary Language Curriculum* and the Continuum of Support, this draft circular sets 12 years of age or the final year in primary education as the most appropriate time to consider an application for an exemption from the study of Irish where pupils may have received their primary education outside the state or are re-enrolling following a period abroad.

¹⁸ Circular 0013/2017 Circular to the Management Authorities of all Mainstream Primary Schools: Special Education Teaching Allocation

In the case of pupils with significant and sustained learning difficulties, an exemption may be considered where they have at least reached third class in primary school.
<i>Moving from away diagnosis towards the identification of pupils' learning needs</i> In line with other Department policies in the area of special educational needs, this draft circular supports the identification of need rather than using a diagnostic, categorical model.
<i>Psychological assessments and cognitive ability scores</i> Average/Above Average IQ is no longer used as a diagnostic specifier. Psychological assessments are therefore no longer necessary to process applications for exemption from the study of Irish.
<i>Literacy attainment scores as criteria</i> In the case of pupils with significant learning difficulties, the criteria for exemption include only one literacy attainment score at/below the 10 th percentile.
Appeals mechanism The draft circular makes provision for an appeals mechanism at local level.

2 Granting an exemption from the study of Irish

2.1 An exemption should be granted only in exceptional circumstances

Exempting a pupil from the study of Irish should be considered only in rare and exceptional circumstances. The decision to exempt a pupil from the study of Irish is an important decision that has implications for his/her access to the curriculum and his/her future learning. The decision to grant an exemption from the study of Irish is made by the principal teacher but it must be made following detailed discussion with the pupil's parent(s)/guardian(s), the class teacher, special education teachers, and the pupil. A decision to grant an exemption should only be considered in the circumstances set out in section 2.2 below.

2.2 The circumstances in which a pupil may be granted an exemption from the study of Irish

Pupils in the following exceptional circumstances may be allowed exemption from the study of Irish:

- a. pupils whose education up to 12 years of age or the final year of their primary education was received outside the State and where they did not have opportunity to engage in the study of Irish
- b. pupils who were previously enrolled as recognised pupils in primary schools who are being re-enrolled after a period spent abroad, provided that at least three consecutive years have elapsed since the previous enrolment in the State and are at least 12 years of age on re-enrolment
- c. pupils who:
 - i. have at least reached third class

and

- ii. present with significant learning difficulties that are persistent despite having had access to a differentiated approach to language and literacy learning in both Irish and English over time. Documentary evidence to this effect, held by the school, should include Student Support Plans detailing
 - regular reviews of learning needs as part of an ongoing cycle of assessment
 - target-setting
 - evidence-informed intervention and review, including test scores (word reading, reading comprehension, spelling, other scores of language/literacy) at key points of review.

and

- iii. at the time of the application for exemption present with a Standardised Score on a discrete test in Word Reading **or** Reading Comprehension at/below the 10th percentile.

2.3 Procedures for granting an exemption from the study of Irish

A parent/guardian makes an application in writing to the principal of the school for a Certificate of Exemption from the study of Irish on behalf of a pupil.

a) Considering an application for exemption

The principal will consider the application and:

- Discuss the application with the parent(s)/guardian(s) as soon as practicable following receipt of the application
- Inform the parent(s)/guardian(s) regarding the consequences of an exemption from the study of Irish for the pupil while in primary education and into the future
- Explain that the principal will need to consider evidence of the child's progress over a period of time, the views of the child's teachers, and the views of the child before making a decision.

The principal will:

- Review any relevant evidence about the child's educational experience (for example, periods of enrolment abroad) and/or educational progress; in the case of applications made under criterion 2.2c, account will be taken of the relevant documentary evidence in the Student Support Plan in line with the Continuum of Support provided
- Discuss the application with the pupil's class teacher and special needs teacher(s) as relevant
- Discuss the application with the pupil
- Confirm that the application meets or does not meet the relevant criterion in section 2.2 above under which the application is made
- Inform the parent(s)/guardian(s) of the decision made and that a written Certificate of Exemption, signed by the school principal and granted in accordance with this circular, is required in order for any pupil to be deemed exempted from the study of Irish.

b) Recording the decision

A decision to grant or refuse an exemption from the study of Irish will be conveyed in writing by the school principal to the parent(s)/guardian(s).

Where an exemption is granted, this decision will be conveyed to the parent(s)/guardian(s) by way of a written Certificate of Exemption, signed by the school principal, stating that the exemption has been granted in accordance with this circular.

The Certificate of Exemption will also state the name and address of the school, the school roll number, the pupil's name, date of birth, ID number, and the sub-paragraph under which the exemption is being granted.

The application, all supporting documentation and a copy of the Certificate of Exemption will be retained by the school in accordance with data protection legislation and will be made available for inspection by authorised officers of the Department. In maintaining such documentation, schools should ensure that they have obtained appropriate parental consent for the retention and use of such records.

Parents/guardians and pupils should be informed of the option not to exercise the exemption granted, without any loss of the right to exercise it at a future time.

2.4 Appeal process

Where an application for an exemption from the study of Irish is refused, a parent/guardian has the right to appeal the decision to the school's board of management. The appeal will be confined to a review of whether the criteria set out in this Circular have been correctly applied in considering the application made by the parent(s)/guardian(s) for a Certificate of Exemption from the study of Irish for their child. This written appeal should contain the specific reason(s) why the decision is being appealed by the applicant and the circumstances in which it is considered that the criteria have not been correctly applied.

3. Arrangements for pupils who are exempt from the study of Irish

Schools, where appropriate, should take account of the literacy learning needs of pupils who are exempt from the study of Irish when deploying available special educational needs resources. To support inclusion practices, a pupil who is exempt from the study of Irish should be included in a meaningful way in aspects of Irish language and cultural activities in line with his/her ability and interests.

4. Supports for pupils who have no understanding of English when enrolled

A pupil from abroad, who has no understanding of English when enrolled before he/she reaches 12 years of age or who is in the final year of primary education should be provided with intensive English as an Additional Language (EAL) in preparation for his/her full engagement with the *Primary Language Curriculum* at a level commensurate with his/her ability.

5. When will the terms of this Circular come into effect?

The terms of this circular will apply with effect from the beginning of the school year 2019/2020. It will apply to all applications for exemption from the study of Irish for pupils who are currently enrolled in English-medium primary schools and to pupils who will enrol in English-medium primary schools in the future.

An exemption granted to a pupil may be operative throughout his/her enrolment in primary and post-primary school.

6. Reporting on exemptions granted to the Department

The school management will be required to provide statistical information relating to the number and the grounds on which exemptions were granted under this Circular in the previous school year as part of the Primary School Annual Census.

As set out in 2.3.b) above, a copy of the Certificate of Exemption must also be given to the parent(s)/guardian(s) of the pupil being exempted.

7. Pupils transitioning to other schools

A copy of the Certificate of Exemption should be included in the pupil's Student Support File when transferring to another primary school. In the case of pupils transitioning to post-primary school, the Certificate of Exemption should be included in the pupil's Education Passport.

8. Monitoring and reviewing the Circular

The operation of the revised Circular will be monitored regularly by the Department and reviewed periodically.

9. Privacy Statement

Text to be inserted once the draft circular is finalised after the consultation process.

PROPOSED DRAFT CIRCULAR REVISING CIRCULAR M10/94

EXEMPTION FROM THE STUDY OF IRISH

To: Boards of Management, Principal Teachers and all Teaching Staff of Post-Primary Schools

1. Introduction

1.1 The purpose of the circular

The purpose of this Circular is to advise Post-Primary Schools¹⁹ of the revised arrangements for the exemption of students from the study of Irish. It supersedes Circular M10/94 and the 2008 revision of that Circular both of which are hereby withdrawn. The revised arrangements set out in this Circular apply to English-medium Post-primary Schools²⁰ only. Existing exemptions from the study of Irish granted under Circulars 12/96 and M10/94 and held by students will continue to apply until the end of their post-primary education.

Exemption from the study of Irish will no longer apply in Post-primary Schools where Irish is the medium of instruction.

Rules and Programme for Secondary Schools (2004) and the *Framework for Junior Cycle* (2015)²¹ set out the list of subjects to be studied by students in junior cycle and in senior cycle in order to be recognised for the purposes of teacher allocation and other payments to the school by the Department. Irish and English are the languages in which schools must provide instruction for all junior cycle and senior cycle students. In order for students who are exempt from the study of Irish to be recognised by the Department for grant payment and teacher allocation purposes, schools will continue to be required to record data on students who are exempt from the study of Irish and the reason for that exemption on the Post-Primary Online Database (P-POD).

Special Schools

The policy of the Department of Education and Skills is to provide for the inclusive education of children with special educational needs in mainstream education, other than in circumstances where it would not be in the best interest of the child, or the effective education of children with whom they are to be educated²².

The majority of children with special educational needs are included in mainstream school placements, or special class placements in mainstream schools. A relatively small number of the overall pupil population attend special schools. Students attending special schools are those with the most complex levels of special educational needs²³. They include students who have severe and profound learning difficulties, or who may have a range of co-occurring conditions. Teachers in special schools and special class placements in mainstream schools differentiate the curriculum to take account of the abilities of each student. While all students in special schools and classes should be given the opportunity to study Irish, or to participate in Irish language activities, given the range of learning needs which students attending special schools and classes have, a certificate of exemption from the study of Irish will not be required in the case of students not engaged in the study of Irish. Special schools and

¹⁹ Recognised School – means a school recognised by the Minister in accordance with section 10 of the Education Act, 1998.

²⁰ An English-medium school is a school where English (L1) is the primary language of instruction, except in the case of Irish (*Literacy and Numeracy for Learning and Life: The National Strategy to Improve Literacy and Numeracy among Children and Young People 2011- 2020*, DES (2011)).

²¹ Circular 0015/2017 sets out the programme of study for junior cycle students in order for them to be recognised by the Department for the purposes of teacher allocations and other payments to the school.

²² Section 2 Education for Persons with Special Educational Needs Act 2004

²³ NCSE Policy Advice 'The Future Role of Special Schools and Classes' 2011

classes should continue to use their professional judgement to differentiate the curriculum, including Irish, for students taking account of their learning needs, ability and capacity to participate in education.

1.2 The principles underpinning this circular

This Circular aims to support schools in addressing a wide diversity of needs by providing a differentiated learning experience for students in an inclusive school environment. It is informed by the principles of inclusion and the benefits of bilingualism for all students that underpin the *Framework for Junior Cycle (2015)* and curricular provision in senior cycle.

Building on students' language learning experience as provided for in the *Primary Language Curriculum*, the specification for *Junior Cycle Irish (L2)*²⁴ aims to consolidate and deepen their knowledge, understanding, values and language skills supporting their personal, cognitive and social development. The learning outcomes presented in the specification apply to all students. Students should be encouraged to study the language and achieve a level of personal proficiency that is appropriate to their ability.

As students progress along their language learning journey into senior cycle, they are provided with opportunities to engage further with Irish at a level appropriate to their needs through a variety of programmes offered.

This Circular is also set in the context of the Special Education Teaching Allocation²⁵ model that allows mainstream schools to provide additional teaching support for all pupils who require such support in their schools based on their identified learning needs in school, as opposed to being based primarily upon a diagnosis of a particular disability.

Schools will be supported in implementing this Circular by

- the *Guidelines for Post-Primary Schools: Supporting Students with Special Educational Needs in Mainstream Schools* developed by the National Educational Psychological Services (NEPS), the Inspectorate and Special Education Section, DES (2017) and
- *Special Educational Needs: A Continuum of Support, NEPS (2007)*.

What are the key changes in this draft circular on exemptions from the study of Irish in post-primary schools?

Consideration of the language of instruction in the school

This draft circular is for implementation in English-medium post-primary schools only.

The language learning needs of students in special educational needs contexts

The authority devolved to special schools in decision making concerning the Irish language learning needs of students in these context is recognised. Similarly, mainstream post-primary schools where there are special classes or to which students may be returning having spent a period in a special education setting are afforded the flexibility to make decisions that are in the best interest of the student's learning in the area of Irish.

²⁴ The L2 specification for Junior Cycle Irish is aimed at students in English-medium schools.

²⁵ Circular 0014/2017 Circular to the Management Authorities of all Post-primary Schools: Special Education Teaching Allocation

<p><i>The exceptional circumstances in which an exemption may be granted</i></p> <p>The circumstances in which pupils may be granted an exemption from the study of Irish reflect developments in curricular provision and education more generally including current understandings of learning difficulties and differences.</p>
<p><i>Consideration of the most appropriate stage at which to grant an exemption from the study of Irish</i></p> <p>Reflecting the principles underpinning the <i>Primary Language Curriculum</i> and the Continuum of Support, this draft circular sets 12 years of age or the final year in primary education as the most appropriate time to consider an application for an exemption from the study of Irish where pupils may have received their primary education outside the state or are re-enrolling following a period abroad.</p> <p>Typically, applications for exemption are made by parents/guardians on behalf of students. This draft circular provides that students who have reached the age of 18 years may apply for an exemption from the study of Irish.</p>
<p><i>Moving from away diagnosis towards the identification of pupils' learning needs</i></p> <p>In line with other Department policies in the area of special educational needs, this draft circular supports the identification of need rather than using a diagnostic, categorical model.</p>
<p><i>Psychological assessments and cognitive ability scores</i></p> <p>Average/Above Average IQ is no longer used as a diagnostic specifier. Psychological assessments are therefore no longer necessary to process applications for exemption from the study of Irish.</p>
<p><i>Literacy attainment scores as criteria</i></p> <p>In the case of students with significant learning difficulties, the criteria for exemption include only one literacy attainment score at/below the 10th percentile.</p>
<p><i>Appeals mechanism</i></p> <p>The draft circular makes provision for an appeals mechanism at local level.</p>

2. Granting an exemption from the study of Irish

2.1 An exemption should be granted only in exceptional circumstances

Exempting a student from the study of Irish will be considered only in rare and exceptional circumstances. The decision to exempt a student from the study of Irish is an important decision that has implications for his/her future learning. The decision to grant an exemption from the study of Irish is made by the principal teacher but it must be made following detailed discussion with the student's parent(s)/guardian(s), the class teacher, special education teachers, and the student. A decision to grant an exemption should only be considered in the circumstances set out in section 2.2 below.

2.2 The circumstances in which a student may be granted an exemption from the study of Irish

Students in the following exceptional circumstances may be allowed exemption from the study of Irish:

- a. students whose education up to 12 years of age or the final year of their primary education was received outside the State and where they did not have opportunity to engage in the study of Irish
- b. students who were previously enrolled as recognised students in a primary or post-primary school who are being re-enrolled after a period spent abroad, provided that at least three consecutive years have elapsed since the previous enrolment in the State and are at least 12 years of age on re-enrolment

c. students who:

- i.) present with significant learning difficulties that are persistent despite having had access to a differentiated approach to language and literacy learning over time (Irish and, or, English). Documentary evidence to this effect, held by the school, should include Student Support Plans detailing
- regular reviews of learning needs as part of an ongoing cycle of assessment
 - target-setting
 - evidence-informed intervention and review, including test scores (word reading, reading comprehension, spelling, other scores of language/literacy) at key points of review.

and

- ii) at the time of the application for exemption present with a Standardised Score on a discrete test in Word Reading or Reading Comprehension at/below the 10th percentile.

2.3 Procedures for granting an exemption from the study of Irish

A parent/guardian on behalf of a student or in the case of a student who has reached the age of 18 years, the student, makes an application in writing to the principal of the school for a Certificate of Exemption from the study of Irish.

a) Considering an application for exemption

The principal will consider the application and:

- Discuss the application with the parent(s)/guardian(s)/student as soon as practicable following receipt of the application
- Inform the parent(s)/guardian(s)/student regarding the consequences of an exemption from the study of Irish for the student while in post-primary education and into the future
- Explain that the principal will need to consider evidence of the student's progress over a period of time, the views of the student's teachers, and the views of the student before making a decision.

The principal will:

- Review any relevant evidence about the student's educational experience (for example, periods of enrolment abroad) and/or educational progress; in the case of application made under criterion 2.2c, account will be taken of the relevant documentary evidence in the Student Support Plan in line with the Continuum of Support provided
- Discuss the application with the student's class teacher and special needs teacher(s) as relevant
- Discuss the application with the student
- Confirm that the application meets or does not meet the relevant criterion in section 2.2 above under which the application is made

- Inform the parent(s)/guardian(s)/student of the decision made and that a written Certificate of Exemption, signed by the school principal and granted in accordance with this circular, is required in order for any student to be deemed exempted from the study of Irish.

b) Recording the decision

A decision to grant or refuse an exemption from the study of Irish will be conveyed in writing by the school principal to the applicant.

Where an exemption is granted, this decision will be conveyed to the parent(s)/guardian(s)/student by way of a written Certificate of Exemption, signed by the school principal, stating that the exemption has been granted in accordance with this circular.

The Certificate of Exemption will also state the name and address of the school, the school roll number, the student's name, date of birth, ID number, and the sub-paragraph under which the exemption is being granted.

The application, all supporting documentation and a copy of the Certificate of Exemption will be retained by the school in accordance with data protection legislation and will be made available for inspection by authorised officers of the Department. In maintaining such documentation, schools should ensure that they have obtained the appropriate consent of the parent(s)/guardian(s)/student as relevant, for the retention and use of such records.

Parents/guardians and students should be informed of the option not to exercise the exemption granted, without any loss of the right to exercise it at a future time.

2.4 Appeal process

Where an application for an exemption from the study of Irish is refused, the applicant has the right to appeal the decision to the school's board of management. The appeal will be confined to a review of whether the criteria set out in this Circular have been correctly applied in considering the application made by a student or by the parent(s)/guardian(s) on behalf of a student for a Certificate of Exemption from the study of Irish. This written appeal should contain the specific reason(s) why the decision is being appealed by the applicant and the circumstances in which it is considered that the criteria have not been correctly applied.

3. Arrangements for students who are exempt from the study of Irish

Schools, where appropriate, should take account of the literacy learning needs of students who are exempt from the study of Irish when deploying available special educational needs resources. Students who are exempt from the study of Irish may also be allowed to substitute another subject, short course or area of learning for Irish.

4. When will the terms of this Circular come into effect?

The terms of this circular will apply with effect from the beginning of the school year 2019/2020. It will apply to all applications for exemption from the study of Irish for students who are currently enrolled in Post-primary Schools (English-medium) and to students who will enrol in Post-primary Schools (English-medium) in the future.

An exemption granted to a pupil may be operative throughout their enrolment in primary and post-primary school.

5. Reporting on exemptions granted to the Department

The school management will be required to provide statistical information relating to the number and the grounds on which exemptions were granted under this Circular as part of the annual October returns on the Post-Primary Online Database (P-POD).

As set out in 2.3.b) above, a copy of the Certificate of Exemption must also be given to the parent(s)/guardian(s) of the pupil being exempted.

6. Students transitioning to other schools

A copy of the Certificate of Exemption should be included in the student's Student Support File when transferring to another post-primary school.

7. Monitoring and reviewing the Circular

The operation of the revised Circular will be monitored regularly by the Department and reviewed periodically.

8. Privacy Statement

Text to be inserted once the draft Circular has been approved following the consultation process.