

Request for a Review of Special Education Teaching Supports where an Exceptional Event or Unanticipated Circumstance has materially affected a Schools Profile

- The Department of Education and Skills Circulars 0013/2017 and 0014/2017 advised schools of the revised procedures which provide for the allocation of Special Educational Needs Teaching Support to all mainstream primary and post primary schools.
- The Department of Education and Skills Circulars 007/2019 and 008/2019 set out the manner in which school profiles have been updated from September 2019.
- The Circulars set out the criteria used to develop school profiles and how each component of the profile was calculated to provide total profiled allocations for each school.
- The Department of Education and Skills and the National Council for Special Education (NCSE) are committed to ensuring all schools are treated equally and fairly in the manner in which their school profiles have been calculated.
- To ensure all schools are treated equally, the NCSE put in place an appeals process whereby a school could submit an appeal, where the school considered their profile may have been calculated incorrectly, or that the incorrect data which was not in accordance with the Circulars, were applied to their profile.
- Schools who wished to submit an appeal on this basis were asked to do so by 18th April 2019. These appeals have been processed and this process has now concluded.
- Additional measures have also been introduced to provide additional allocations for schools which fulfilled developing school status, in accordance with the criteria set out in the primary and post primary staffing schedules annually.
- A final review process is now being put in place, which will allow schools to seek a review of their special education teacher allocation and the utilisation of their allocation, on the grounds that an exceptional event or unanticipated circumstance has materially affected a schools profile subsequent to the development of the school profile, in accordance with the criteria set out in this document.
- This review will represent the final stage of the appeal process.

Exceptional Event or Unanticipated Circumstance has materially affected a Schools Profile

In setting out the appeal process for the calculation of school profiles, the NCSE advised schools that it acknowledged that sometimes unusual events or circumstances can occur which can impact upon a school profile and which fall outside the appeals process. These relate to exceptional or emergency circumstances which could not have been anticipated e.g. where the school circumstances change very significantly.

The exceptional or unforeseen circumstances must be demonstrated to have had a substantial impact on the school to the extent that the school is clearly unable to meet the needs of the full cohort of students even when all existing resources have been fully and effectively managed and deployed.

Before requesting a review schools should familiarise themselves with the intended purpose of the scheme as set out in the Circulars and Guidelines and should be in a position to demonstrate that they are utilising their allocation in accordance with the principles set out in the circulars and guidelines. Links to the circulars and guidelines are as follows:

http://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0013_2017.pdf

http://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0014_2017.pdf

https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0007_2019.pdf

https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0008_2019.pdf

<http://www.education.ie/en/The-Education-System/Special-Education/Guidelines-for-Primary-Schools-Supporting-Pupils-with-Special-Educational-Needs-in-Mainstream-Schools.pdf>

<http://www.education.ie/en/The-Education-System/Special-Education/Guidelines-for-Post-Primary-Schools-Supporting-Students-with-Special-Educational-Needs-in-Mainstream-Schools.pdf>

Schools should be in a position to demonstrate that they are deploying their allocations in accordance with these guidelines and have used the self-reflective questionnaires (Appendix

7, Primary Guidelines and Appendix 6 Post-Primary Guidelines) and support materials provided (Appendix 2) in advance of any review process.

Schools should also ensure that they have adjusted the manner in which they deploy their special education teaching resources, as necessary, to also provide for newly enrolled pupils who have special educational needs, in accordance with the guidelines, to ensure that support is provided for all pupils who are most in need of support.

Schools should have identified and already sought any training and support needs available from the NCSE and/or National Educational Psychological Service (NEPS).

It is expected that schools will have consulted with relevant support services (i.e. NCSE or NEPS) in advance of seeking a review of their allocations.

School Review on the Grounds of Exceptional or Unforeseen Circumstances

A review of the special education teaching allocation for the school will be considered on receipt of a request from a school principal, by the NCSE.

The review will involve detailed consideration of the school's full special education teaching allocation and also the use that the school is making of its allocation.

The review will also take into account the extent of the existing allocation for special education teachers that the school has, including whether the school has a retained element to its allocation beyond that which the profiled model would have provided to the school¹.

The review will also take into account the extent of the current level of special education teaching support that the school has in proportion to the schools overall enrolment numbers.

¹ Retained Allocations

For some schools, the profiled allocation for their school under the new Special Education model was less than the allocation the school received under the previous allocation. Those schools were allowed to retain the balance of this allocation. Where this occurred, schools will have seen this part of their allocation under the heading 'Retained Allocation' in their allocation letter.

The average ratio of special education teachers to pupils is 1 special education teacher for every 100 pupils across the primary school sector and 1 special education teacher for every 68 pupils across the post primary school sector.

The existing proportion of special education teachers to pupils in the school will be taken into account, particularly in circumstances where schools are already significantly resourced above national average allocation ratios.

In requesting a review the school agrees to participate in a review of the schools deployment of its full special education teaching resources.

The NCSE, in conducting a review, may at its discretion, seek access to evidence of the prevalence of special educational needs of the school as it sees fit. This evidence may include whole school Special Needs plans; individual plans for children with identified needs; information on the deployment of teachers; information relating to the assessment of the learning needs of children identified for support or other information which the Reviewer deems necessary.

Managing Allocated Resources

The Guidelines published by the Department are designed to support schools to reflect on how they can review and manage their timetabling practices to ensure the timetable is sufficiently flexible to meet the needs of all pupils in their school who have special needs.

The Guidelines encourage schools to ensure they deploy their resources appropriately to meet the needs of all of the children in their school who require additional teaching support, including pupils with emerging needs, or new entrants.

Evidence to Support a Review

In conducting its review of a schools capacity to meet identified needs from its existing allocation, the NCSE may seek information or evidence relating to the following:

- Evidence that all of the resources that have been allocated to the school under its special education teaching allocation are being used appropriately to support pupils with special educational needs as set out in DES Circulars 0013 and 0014/2017.
- Evidence of how the school has responded to the exceptional circumstances that are arising and how it has prioritised those students with the most complex needs for support and has demonstrated how it is using its additional allocations to do this.
- Evidence on how the school has deployed its special education teaching resources, in accordance with DES guidelines, to support the mainstream class teachers in addressing students with less complex learning needs and to demonstrate the challenges it faces in achieving this.

Review requests based on an individual student's needs which are not supported with evidence that all available resources are substantially insufficient to meet the schools needs may not be considered admissible.

The NCSE will review whether the circumstances arising in the school are so exceptional that they are beyond that which could have been anticipated by the school profile and whether the schools requires additional support.

The following are examples of the kind of exceptional event or unanticipated circumstance which has materially affected a Schools Profile and which may be considered grounds for review:

- Very significant and immediate changes to the local population have occurred in a short space of time, due to an event such as a resettlement programme or the opening of a Direct Provision Centre, where a large number of children with special educational needs enrol in a school, and where the overall level of special education teaching allocation in this school clearly does not have capacity to meet this additional need.
- An event such as the closure or deferred opening of a local special school or special class has occurred resulting in additional unexpected enrolments of children with very complex special educational needs in a mainstream school, where the overall level of special education teaching allocation to the mainstream school clearly does not have capacity to meet this additional need.

- A school closure or amalgamation takes place locally which means that significant numbers of new enrolments arrive to a school which effects the overall school profile and which has not been captured by the allocation or for developing schools status.
- Another unusual or exceptional event (please specify).

The following Circumstances may not be considered grounds for review:

- Requests based on comparisons with allocations made to other schools.
- Requests based on updated data, including enrolment data, or additional details, of a non-exceptional nature, which may have become available subsequent to the development of the school profile. Updated data will be considered for all schools as part of the next re-profiling exercise.
- Requests based on additional or alternative data which schools may suggest should be taken into account, but which was not provided for in the development of the school profiles under this scheme.
- Requests based on comparisons between the new allocation model and the previous allocation model, or the allocations that may have applied to schools under the old model if certain factors such as new assessments arising subsequent to the new allocations being made to schools were considered.
- Requests based on the provision of support for individual children from within the total allocation.

A separate process has been put in place to address issues of rapidly expanding enrolments or developing schools. Developing school status or increasing overall enrolments will therefore not be considered as exceptional circumstances under this review.

New Enrolments or Emerging Needs

The Special Education Teaching allocation provides a single unified allocation for special educational support teaching needs to each school, based on each school's educational profile.

Schools are provided with a total allocation which includes a baseline allocation for the school and an allocation based on the school's profile.

The provision of a profiled allocation gives a fairer allocation for each school which recognises that all schools need an allocation for special needs support, but which provides a graduated allocation which takes into account the actual level of need in each school.

Schools are frontloaded with resources, based on each school's profile, to provide supports immediately to those pupils who need it without delay. This will reduce the administrative burden on schools as schools will no longer have to complete an application process annually and apply for newly enrolled pupils who require resource hours. Children who need support can have that support provided immediately rather than having to wait for a diagnosis.

Schools therefore no longer have to make applications, for newly enrolled pupils for whom resource teaching hours may have been provided under the old model, as schools now receive a single allocation for all of their special education teaching needs, based on their school size and profile.

This includes provision for newly enrolling pupils to the school, pupils who may transfer from another school, or pupils within the school who have emerging, or newly identified needs.

For the most part, where there is pupil movement within the school system, it is anticipated that the number of new pupils with emerging or additional needs arriving to a school will be broadly balanced by leavers.

The provision of a school's profiled allocation, which includes a baseline allocation within it, is designed to provide for this. Adjustments will therefore not be made to the overall school profile over the course of the model to account for normal pupil movement, new enrolments², or where some pupils have been assessed as having additional needs.

² Other than for schools which achieve rapidly developing status

Profiles for schools will be updated at the next re profiling stage which is due to occur every two years.

Profiles will not be updated for a school in the interim on the grounds that new pupils who have additional learning needs have enrolled to the school.

It is expected that there will be some changes to enrolments during the period that the profile stays in place and that some new pupils with special education needs will enroll to the school over this time. This will therefore not be considered as an exceptional event, or circumstance, and will not constitute grounds for an exceptional review.

It is also expected that there will be some pupils from within the pupil enrolment who will have newly identified needs. This will therefore not be considered as an exceptional event, or circumstance, and will not constitute grounds for an exceptional review.

Additional Support

In circumstances where additional needs have arisen in a school, schools may be supported in managing their special education teaching allocations.

This support may include:

- Additional guidance and support for schools in the management and distribution of their Special Educational Needs Support Teaching Allocations.
- Support for schools on the implementation of specific teaching approaches, the promotion of inclusive teaching methodologies and the development of effective assessment and management strategies.
- Additional training, in-school support, or continuing professional development, may be offered or provided to the school.
- Assistance to schools to improve support for individual pupils, where necessary.

Only in very exceptional circumstances, where it can be demonstrated that the schools' profile has changed very significantly since the allocation was made, can an additional allocation of hours be made.

Process for Review

Schools who seek a review of their allocation on the grounds of exceptional needs should complete and return the application forms, which are available to schools www.ncse.ie .

Schools should ensure that copies of student support files, or education plans, for all pupils who are being supported by the schools allocation for special education teachers are available for consideration as part of the review.

Schools should also ensure that the timetables for special education teachers are available to assist with the review.

It should be clear that these support plans have been in place for some time and have been used in order to ensure that the effectiveness of this support mode can be gauged.

Consideration of Request for Review

The NCSE will consider the application that has been made by the school and will decide whether or not the school's case sufficiently meets the criteria set out in this document to trigger a review:

Once a review has been triggered the process followed will be:

- The school must demonstrate to the reviewer how it is currently using its resources and where the perceived gaps are
- The reviewer may offer supports within a range that she/he considers appropriate e.g. availability of CPD courses is outlined or school is offered in-school support
- In certain circumstances the reviewer may make a recommendation to the review panel that the allocation to the school should be altered to take account of verified exceptional need.

Additional Support

The recommendation of the reviewer will be brought to an NCSE led Review Panel who will decide on the action to be taken, whether the allocation is to be altered and if so, the extent of any alteration that may be made.

In doing so, the review panel will take account of the relative distribution of the overall level of special education teaching resources that are available for distribution to schools in order to ensure that schools are treated on an equitable basis.

The Decision of the Review Panel will be final.

The completion of a review under this process, on the grounds of schools considering that exceptional circumstances have arisen in the school, will represent the final stage in the appellant process.