

## **Appeal Process for Special Education Teaching Allocations**

20<sup>th</sup> March 2019

Ref No: NCSE 03/2019

There are three mechanisms whereby schools can have their special education teacher allocations reviewed, over the course of the model –

1. **Appeal in Respect of 2019/20 Allocations**, as set out in this document -

This is an appeal in relation to the accuracy of the allocations which have been made for schools, in accordance with the criteria set out in DES Circulars 007 and 008 2019.

In circumstances where a school considers the school profile was calculated incorrectly, using the data set out in the Circular, an appeal may be submitted for a review of the calculation of this allocation using the NCSE Appeals Form 3, between 20<sup>th</sup> March, 2019 and 18<sup>th</sup> April 2019.

2. **Rapidly Developing Schools**. Adjustments will be made for schools which achieve developing teaching posts at September 2019, in accordance with the criteria set out in the primary and post primary staffing schedules for 2019/20 school. Additional special education teaching allocations will be made automatically for schools who have increased enrolments to the extent that they achieve developing status, once school enrolments have been verified at October 2019. Schools should not seek an appeal or review to their allocation, at this point, on the grounds of increases to enrolments, as this will be addressed as part of this process.

3. **Exceptional Circumstances Review** – Schools may seek a review of their allocations, including in relation to the utilisation of their allocation, in circumstances where an exceptional occurrence or event has happened, which has had a very significant effect on their school profile. As revised updated allocations have recently been issued to schools, this process will recommence in September 2019. Further information and an application form will issue in September 2019 to accompany this process.

*Appeal in respect of 2019/20 Allocations*

DES Circulars 0007/2019 (for Primary schools) and 0008/2019 (for Post-Primary schools) advised schools of the revised allocation process for Special Education Teaching Allocations for the 2019/20 school year.

The Circulars set out the background to the change and the criteria which has been used to develop the various components of the school profiles and also set out how the various components have been calculated to provide the total profiled allocations for each school. These components are set out in sections 6 and 7 of the circulars and are as follows:

- Baseline
- Complex Needs
- Achievement data held by the Department
- Social context including disadvantage
- Gender

The basis on which these components were calculated for all schools are as follows:

1. **Baseline:** Number of children enrolled: POD and PPOD Enrolment Data for the 2017/18 school year
2. **Complex Needs:** Junior Infant enrolments for the 2017/18 school year identified by the HSE as accessing (or having been assessed as qualifying for HSE Disability Services and on waiting lists for access to) HSE Disability Services and current NCSE Low Incidence Resource Teacher Allocations (Primary).  
Matched 2017/18 new enrolments of pupils with low incidence and existing NCSE Low Incidence Resource Teacher Allocations (Post Primary)
3. **Achievement data held by the Department:** Standardised Test data or Junior Cert English and Maths.

4. **Social Context including disadvantage:** HP Index Data

5. **Gender:** 2017/18 school year enrolment Data POD and PDOD

This data was used by the Education Research Centre to arrive at an allocation for every school by apportioning the data proportionate to each school's enrolment numbers and profile for each individual school against the overall number of teaching posts available for allocation.

*Appeals Process*

The Department of Education and Skills and the NCSE are committed to ensuring that all schools are treated equally and fairly in the manner in which their school profiles have been calculated.

The Department and the NCSE are also committed to ensuring that resources are allocated and distributed fairly to all schools, in accordance with the criteria set out in the Circulars.

**In circumstances where a school considers that their school profile was calculated incorrectly using the above data, an appeal may be submitted for a review of the calculation of the allocation. The school should clearly set out the basis for the appeal stating how they consider the data was incorrectly applied.**

### *Appeals Officer*

An independent Special Education Support Teaching Allocation Appeals Officer, who has not had any involvement with the calculation of the profiled allocations for schools under this new model, will be appointed to oversee an appeals process in relation to the calculation of allocations for schools.

In carrying out his/her work, the Appeals Officer will be provided with all relevant supporting information, including the information which was used to develop school profiles by the Educational Research Centre (ERC) and the Department of Education and Skills, as necessary.

The Appeals Officer will examine the data used in determining the allocation, taking into account the case made by the school and will

- examine whether the correct data was applied to one, or all, of the components of the schools profile.
- conduct a check of all of the data which was applied to each component of the schools profile, in order to establish whether the correct data was applied.
- consider if an error was made in applying or processing any of the data which was used to develop the school profile.

The Appeals Officer will then determine whether the data which was applied to develop the school profile was correctly calculated, and that a correct allocation was made to the school in accordance with the relevant DES Circular (0007/2019 or 0008/2019).

The Appeals Officer will be supported in validating the calculations for schools by an appeal panel which will include representatives from the ERC, NCSE and DES.

The role of the Appeals Officer, supported by the Appeals Panel, will be to validate the data, based on which the allocation has been made, and to assess whether the

correct data has been used. The Appeals Officer will also consider whether the correct data has been correctly applied in calculating the schools profiled allocation, in accordance with the criteria set out in DES Circulars 0007/2019 and 0008/2019.

#### *Appeals Process for Schools with regards to 2019/20 Allocations*

Schools seeking to appeal the manner in which their profiled allocation has been calculated will be asked to complete and submit a short form outlining the basis for the appeal. The appeal should identify which part or parts of the school profile have been incorrectly calculated and should set out precisely why this is the case.

NCSE Appeal Form 3 is available here: <http://ncse.ie/for-schools>

Appeal requests will be accepted from schools up to 18<sup>th</sup> April, 2019. This will ensure that schools will be in a position to take into account the outcome of the appeal in their planning process for the 2019/20 school year. It is envisaged that decisions on the appeals will issue to the relevant schools by 31<sup>st</sup> May 2019.

#### *Appeals Submitted, which will be deemed to be Invalid*

The appeal process will not review matters in relation to the relativity of the weightings which has been applied for each component of the model, which have been applied for all schools, nor will it consider adjusting the weighting differentials for individual appellant schools.

The appeal will not consider additional or alternative data which schools may suggest should be taken into account, but which is not provided for in the development of the school profiles under this scheme. This includes consideration or comparison of data from other school years, or part school years, other than the school year for which the data is being used to calculate the school profiles, as set out in Circulars 0007/19 and 0008/19.

Schools should note that the Appeals Officer will be excluded from considering issues which may be raised by schools in relation to the merits or the sufficiency of their allocation, or with regards to matters relating to potential changes to a schools pupil population or profile, which may have arisen subsequent to the development of the schools profile. Appeals submitted on this basis will be deemed to be invalid.

The appeal will therefore not consider issues such as changes to enrolments or changes to the profile which have occurred subsequent to the profile being calculated based on the data sets used. Automatic adjustments will be made for schools that qualify for Rapidly Developing Schools as set out on Page 1.

The Appeals Officer will also be excluded from considering any information or data, which relates to any school other than the school, which is making the appeal. Further changes to the profile will be accounted for at the next profiling stage.

### *Developing Status*

Additional special education teaching allocations will be made automatically for schools who have increased enrolments to the extent that they achieve developing status, once school enrolments have been verified at October 2019. Schools should not seek an appeal or review to their allocation, at this point, on the grounds of increases to enrolments, as this will be addressed as part of this process.

### *Review of School Allocation*

It is acknowledged that there are circumstances, which may arise in schools, which fall outside the appeals process. These relate to exceptional or emergency circumstances where the school profile significantly changes following the allocation process e.g. a developing school where the enrolment numbers significantly increase year on year.

Where a school considers that a review of their allocation is warranted on the grounds of exceptional or emergency circumstances arising in the school, they will be able to request such a review.