**Special Needs Parents Association Briefing to Oireachtas Joint Committee on Education & Social Protection**

**18th November 2015**

Special Needs Parents Association was established in 2010 to support all parents of persons with special needs and disabilities irrespective of age or diagnosis, by promoting on a national level, improved treatment, education, welfare and acceptance for our children.

Throughout this briefing, we have used parent’s comments and content from submissions by parent led disability specific groups and organisations that have on our invitation, agreed to collaborate on this briefing. We are endeavouring to highlight the multiple voices and opinions of parents and to give a brief insight into their personal perspectives on the difficulties that can arise for children with special educational needs at secondary schools.

**Legislation - Implementation of the EPSEN Act 2004**

It has been eleven years since the passing of this act. Parents would appreciate an indication of more than a verbal intention to fully ratify all outstanding sections of the EPSEN Act in the lifetime of this government. **T**wo outstanding aspects of EPSEN must be implemented that may require some level of additional expenditure;

a. Individual Educational Plans-General application of the Individual Educational Plan (IEP) as best practice i.e. linking the allocation of educational resources to IEPs so that it would be possible to track how educational supports for individual students were working to help them attain their educational goals. It is interesting to note that although IEPs are not yet mandatory under the Act, in the NCSE’s policy advice paper ‘The Education of Children with Challenging Behaviour arising from Severe Emotional Disturbance/Behavioural Disorders’, the NCSE recommend “*Additional supports provided to mainstream schools for students with EBD/severe*

*EBD should be time-bound, reviewed regularly and* ***conditional on the development of an individual education plan*** *which sets out educational and behavioural targets (Recommendation 4)”*.

Parents would like to see a mandatory framework for IEPs being developed and implemented in ALL schools, for EVERY child with SEN and which involves a collaborative approach between educators, therapists, parents and where appropriate, the child themselves being involved in drafting of an IEP.

b. Independent Appeals Office - Establishment of an independent appeals process which must be independent of the NCSE or Department of Education. The current remit of the Office of the Ombudsman for Children does not allow them to investigate a significant proportion of the annual complaints pertaining to education according to their 2014 Annual Report. While recent calls for an Ombudsman for Education are justified, an Independent Appeals Office is still a merited proposal. Impartial, fair processes and an opportunity for Oral Hearings if in place may negate the need for many complaints at Ombudsman level with the exception of complaints about Boards of Management which is an issue that should not be ignored by the Minister.

The current Program for Government contains a commitment to publish a plan to implement the EPSEN Act. This important piece of legislation must be implemented to support young people with SEN at second level school.

**Teacher Training**

The single biggest factor likely to increase outcomes for pupils with SEN is adequate teacher training in SEN. Mandatory pre-service and in-service training for all teachers, combined with an education system which by design ensures equitable access to assessment and supports, will go a long way to providing the level of support all children and adults with dyslexia and other learning difficulties deserve.

Only 30% of teachers report getting any pre-service training on dyslexia and 92% report that it did not adequately prepare them for the classroom according to the Dyslexia Association of Ireland. The National Council for Special Education (NCSE) is proposing a new model of Special Educational Needs (SEN) provision which relies heavily on teachers being able to identify and support students. Without a significant commitment to improve teacher training on dyslexia, there is a real risk that dyslexic children’s needs will continue to be unidentified and unmet. 97% of teachers agree that they need and would benefit from further training on dyslexia. Every class teacher needs some knowledge on dyslexia identification and support strategies. Specialist teachers need advanced training to enable them to assess for dyslexia, and provide evidence-based specialist teaching interventions.

In 2001, the Taskforce on Autism report noted that significant training was required for teachers working with pupils with autism. While training is available it is by no means mandatory. It is at least encouraging to see that the Special Education Support Service (SESS) runs an extensive number of workshops such as An Introduction to ASD (Post-Primary) and we would be interested to know from a Principals and teachers perspective, what if any difficulties arise in enabling teachers to attend such workshops to advance their learning and professional development.

**Transitions**

Transitions in schools are a difficult time for all children and this is also true of children with autism. A transition programs should be in place. Transition programs must be used when moving to the next schooling level or when a child is phasing into mainstream education from a special class.

The move to second level school is difficult. Mainstream secondary schools rarely seem to enrol a child with autism who has an intellectual disability, even if the school has an autism class. Transitioning is a serious issue and this ties into a lack of appropriate training. Transitioning is so important to get right and there has to be a minimum standard approach with taking into account the needs of the individual child. Some schools at the moment seem to be at a loss as to how to cope with these transitions. Once it is done correctly there usually are only minor issues. But currently there is no standard, little support and a lack of co-ordination between some of the schools, parents and HSE services which are severely lacking in capacity. Too many children are getting expelled or on reduced weeks for the issue to not be addressed. It is a fundamental issue that needs a concerted effort by all parties for it to work. The SESS have an annual workshop and booklet- Transition from Primary to Post-Primary for Pupils with Special Educational Needs Challenges for the Pupil and Strategies for the Teacher which sets out basic strategies to manage the transition period and questions have to be answered as to why the transition for some pupils is seamless and for others it becomes a battle. There is ample information and guidance available on transition planning; the concern is that there are issues in implementation. A dedicated post at mid management level of the Special Educational Needs Co-ordinator (SENCO) is essential and they should not be drawn into administrative duties not pertaining to benefitting the pupils with SEN.

Many parents of children with Specific Speech and Language Impairment (SSLI) are fearful of the transition from primary to secondary school as children with SSLI have great difficulty with language comprehension, short term working memory, social anxiety/stress , sensory issues, speech difficulty and find it difficult to understand directions, time, the meaning of events and written or verbal instructions. Parents have suggested a pre training day for parents and pupils with difficulties where the new pupil has the opportunity to have a "mock" school day but at a slower pace. This would enable them to go through the school day, demonstrating how to get from class to class and facilities through crowded corridors, use of lockers, organising books and following the time table. While all secondary schools have an open evening for viewing the school, this usually occurs the year prior to enrolment. Some pupils would certainly benefit from additional visits to the school to become more familiar with secondary school life and not just the building. Transition planning isn’t complicated, but it does take focus, co-operation, collaboration, dedication and vision.

Buddy systems should be in place from day one in secondary school and extended beyond first year for pupils with SEN that would benefit from such peer support.

**Assessments**

Many secondary schools demand up to date psychology reports (up to three years old) from parents who have a child with autism beginning school or a child seeking a language exemption. The Disability Access Route to Education (DARE) recently announced that pupils preparing for third level will no longer need a report of three years or less and are introducing the concept of an Educational Impact Statement. This is a welcome development which takes some pressure off of families. Parents have informed Inclusion Ireland and SNPA that they have had to commission expensive private reports to facilitate the requirement for up to date reports. Research carried out by the Dyslexia Association of Ireland found that the average annual family cost associated with dyslexia assessment, tuition and assistive technology is €1,229. For many families it is much higher. 66% of families report that these costs have created significant financial stress. Not all families have the financial resources to do this in the absence of an assessment provided by state agencies. If up to date psychology reports are required for a child entering secondary school the National Educational Psychological Service (NEPS) or the HSE must facilitate this. We are aware of a huge shortage of psychologists to fill funded posts in the HSE and that this is being addressed through recruitment drives. We do feel that the number of NEPS Psychologists is not adequate to meet the demands of increasing numbers of pupils with SEN requiring input and assessment and the demand for their support is likely to increase. As long as there is evidence of parents having to privately commission reports, then there is not enough capacity within NEPS to meet the needs of the pupil and school.

**Special Classes at Second Level**

Specific Speech and Language Impairment (SSLI) is one of the most common but least diagnosed disability in childhood. The consequences of untreated speech-language problems are significant and lead to behavioural challenges, mental health problems, reading difficulties, and academic failure including class retention and school dropout.

Two years in a language unit does not cure children with severe needs, their needs are lifelong and should be recognised as so. SSLI is not the same as a speech delay that may rectify with therapy as a child develops. Parents would like the option of more language units in secondary schools with small class support just like language units in primary school but for the child to have this support throughout secondary where learning becomes much more challenging and the use of language is expected at a mature level that some children with SSLI cannot reach.

Parents of children with autism have expressed difficulty in encouraging secondary schools in some areas to consider applying to the Department and NCSE to open a special class where there is evident demand. For example in county Louth there are 9 special classes for children with autism in national schools. At second level there is only 1.

*“They have created all these primary autism units and no follow up at second level plus secondary schools refusing to open them this is blatant discrimination of these children.”*

These black spots around the country are known to the NCSE and we would like to see that the NCSE has the power to compel schools to establish special classes to meet local demand. The Admissions to Schools Bill before the Oireachtas does not give the NCSE this power. Secondary schools are more geographically spread as it is and pupils should not have to travel long distances out of area to other special classes where there are sufficient numbers to establish a class locally.

There is also the issue of co-morbidities and designated special classes and special schools that currently don’t meet the needs of children in their area. There are only a handful of mixed disability special classes at second level. The predominant class type is for autistic spectrum disorders and even these are oversubscribed as a surge of children come up through the primary system requiring places at second level.

*“I am currently trying to fit my daughter into some form of secondary school and there are actually no local schools that match her needs. Why do special classes and special schools have to be so narrow about who qualifies to go there? Mainstream is so diverse but special schools and units are so specific that you have to fit a certain criteria/ IQ / diagnosis.”*

**Language Exemptions**

We were quite surprised during consultation, at the number of parents indicating that access to resource teaching was timetable dependent on whether their child had an exemption from Irish. In cases where the child did not have an exemption, Religion appeared to be the next alternative subject to drop to allow for withdrawing the pupil in order to receive additional teaching supports. We understand that at second level due to the number of subjects, there will be timetabling difficulties.

*“Yes we were told that for my son to get resource he would need to get an Irish exemption, only he doesn't qualify for one as his English scores are OK”*

*“I was told straight out by one school which had lots of supports available to those with an exemption he would be lucky to get 40mins a week if it fitted in with their schedule. If he had the exemption, 40 minutes a day!”*

The following parent has three children at second level with autism, all with differing arrangements.

*“N received resource at secondary school level but didn’t have a language exemption. He was removed from religion instead at the choice of the school. This is an examination subject but not necessarily a curriculum requirement. T and L have exemptions from languages so they have 80 minutes per day free...... T supported by the (asd) unit uses his time fantastically involved in life skills, social skills and learning support. L however is accessing 35 minutes per week of his allocated 4.25 hours. This is because there is nowhere for him to go as he isn’t allowed go to the unit.”*

**Misuse of Resource Teaching Hours**

Many parents report anecdotally that their child is not accessing their allocation of resource teaching support as indicated by the real scenario above. This has been confirmed in the Growing Up in Ireland Survey in a soon to be published analysis for the NCSE. Almost half of children with autism at second level in the survey are not in receipt of resource teaching support. This is despite having an automatic entitlement to this support.

The NCSE have indicated that some schools are using resource teaching to deliver subjects at higher level to small amounts of pupils and giving part time teachers additional hours. In addition a recent report in the Irish Times noted that some schools were filling middle management positions from resource teaching allocations instead of supporting children with various SEN . With the future implementation of the proposed New Model of allocating teaching supports, we need some reassurance that the flexibility built into the allocations at pupil level (allocation no longer specific to diagnosis) will not be swallowed up by other pressures in the school non related to SEN.

**Assistive Technology**

Department of Education Circular No 0010/2013 sets out the scheme of grants towards the purchase of essential assistive technology equipment for pupils with physical or communicative disabilities.

Parents have complained that the recommended assistive technology is not always in place prior to the child starting second level and that cases where granted equipment is not transferrable from primary to secondary has caused difficulty for the pupil at the start of their school year. Parents have also disputed the level of writing abilities that the child should lack before a laptop will be considered as they are acutely aware and living with the anxiety and excessive time involved in pursuing writing skills in school and at home where their child could better access the curriculum by typing.

While the circular allows for the pupil to use their own device with permission from the Principal, there is uncertainty whether that child would also qualify for its use for State examinations also and we would welcome clarity around this issue.

**Examination Accommodations**

In 2014 a significant number of Complaints relating to State Examinations Commission were made to the Office of the Ombudsman for Children. These complaints related to decisions made regarding applications by students under the Reasonable Accommodations in Certificate Examinations (RACE) Scheme.

The scheme is designed to support pupils with certain learning difficulties and/or physical disabilities so that their difficulties do not hinder their expected level of attainment relative to their knowledge of the course content in State examinations. The supports can include access to a reader for a pupil, the use of a scribe, access to a special centre, and a waiver from spelling, grammar and punctuation in language subjects.

The Ombudsman for Children’s report highlighted that there a lack of clear communication from the State Examination Commission explaining to applicants why accommodations had been refused and such communication was essential for the applicant to lodge an appeal knowing why they had a negative decision. We would like clarification that such a process is now in place at the SEC. The application processes for RACE at Junior Certificate and Leaving Certificate should be unified, and pupils should be informed of the outcome of their application earlier.

There is a concern amongst parents and practitioners (including some educational psychologists) that the school-based assessment test does not fully measure the nature or impact of many young peoples’ learning difficulties, particularly children with difficulties such as Dyslexia, Dyspraxia and Dyscalculia. There is also a concern about the impact of the RACE scheme on children with dyslexia who are in the above average intelligence bracket and who do not meet the criteria for the scheme.

Some parents have also suggested that where children with autism have a severe difficulty in interpreting written questions, that they be provided with an interpreter who can rephrase verbally.

**July Provision**

**The extended school year (July provision)** is greatly valued by families. However, for second level pupils it can be disjointed due to the school term ending at the beginning of June. Unlike primary pupils who finish late June and move immediately on to July Provision, secondary pupils will get holidays at the start of June and then begin their extended school year in July. The scheme should be flexible enough to allow second level pupils to avail of the extended school year provision in June for continuity if they wish or in August to allow time to prepare for the new school term which would be of greater academic benefit. According to the Department of Education and Skills, in 2015 July provision was only offered in 4 schools at post primary level as a school based program. For the remainder of pupils they can only access 10 hours per week of home based provision rather than full school days.

**Restricted Access to School**

The first hurdle a child must overcome in many instances is a discriminatory enrolment policy of the individual school. Most schools demand that the child has a full assessment before they may enrol and a significant majority of schools have inserted a “right to refuse” to enrol in their enrolment policy. This gives the school an effective veto on the enrolment of any child with a disability. The DES is either unwilling or unable to compel schools to cease such practices despite the NCSE having asked for such practices to cease.

We currently have no tracking of numbers of students with SEN who have had their school week reduced or who following expulsion have taken a section 29 appeal. An appeal may be made to the Secretary General of the Department of Education & Skills in respect of a decision by a board of management or a person acting on behalf of a board of management to: permanently exclude a student from the school, or suspend a student from the school for a cumulative period of 20 school days in any one school year, or refuse to enrol a student in the school.

Such lack of data is of serious concern as we cannot get to grips with the prevalence of the problem. We have previously requested at meetings with Department officials that data from Section 29 appeals be streamlined into categories/reasons for appeal so that we can ascertain the volume that relate to students with SEN and how many had successful or negative outcomes. We are also aware of one case where a school has refused to follow the direction of the Secretary General to readmit a child under a section 29 determination. The DES has done nothing to enforce the order.

There are difficulties where teachers may misunderstand behaviour in class presuming it to be just bad behaviour when it is autism related. Children who have high functioning autism for example, don’t have less problems they have different problems than a child with classic autism. These adolescents which are more likely to be found in mainstream secondary are prone to anxiety and depression, have problems making friends etc. due to a social disability and often are very literal in their thinking and may be misinterpreted by the teacher as being obstructive or disrespectful. Because they have a normal level of verbal communication often people forget they do have a disability and then flag ”behaviour” as bad behaviour when it isn’t .Behaviours happen due to overload and or stress on the child trying to cope in what can feel like an alien world. Children with high functioning autism may also be absent for a part or whole school day on a regular basis due to high levels of anxiety around being in the school environment. In the absence of intensive supports and difficulties with schools implementing prescribed strategies, the child misses out on a significant part of their education and the parent risks having to give up employment due to the unpredictability of the situation.

A joint and agreed approach between parents, therapists, mental health professionals, teaching team and SENO is essential to ensure that the child vindicates their right to an education.

*“In my recent experience there is no oversight from Department of Education to ensure recommended supports are implemented. The Board of Management can ignore input from Occupational Therapists etc. and then punish a child for misbehaving and actually suspend them and nobody including the Department are obliged to get involved.”*

We would recommend that such cases be assigned a Liaison/Key Worker/SENCO who will have responsibility for coordinating such an approach and ensuring that there is follow through of recommendations in the school setting in order to avoid the school placement breaking down. There may be scope for an Educational Welfare Officer from Tulsa or a SENO to take up this key role.

**Seclusion and Restraint**

In 2014 in *“Inclusion Ireland submission to The National Council for Special Education on Education Provision for Children with Autism”,* the unsavoury issue of seclusion and restraint in Irish schools was outlined.

At present there is no legal obligation for a teacher or school to record the use of restraint or seclusion. As a consequence there is no data on the frequency of such practices or the impact this has on the child. There is no independent oversight of the use of restraint and seclusion in Irish schools. By contrast the Mental Health Act 2001 provides for such independent monitoring of seclusion and restraint. Written records are required when these practices are employed.

The CRPD requires the state to create independent oversight bodies to prevent against all forms of exploitation, violence and abuse. All services for people with disabilities should be independently monitored; this includes schools.

What we have in Ireland is anecdotal evidence from parents on appalling practices and consequent trauma to their children. Many of those cases were reported to the Child and family Agency Tulsa, the Gardaí, the Ombudsman for Children and parents reported that little satisfactory action was taken. Parents also expressed concerns that School Boards of Management were complicit in covering up details of incidents where they deemed staff acted inappropriately, thus leading to any investigation hitting a brick wall.

The DES were asked by the NCSE in 2012 to address this issue but have failed to do so. In the interim some children are being secluded and restrained with the full knowledge of the DES. The DES must introduce guidance, independent oversight and sanctions on the use of restraint and seclusion as these practices have no place in Irish schools without evidence of effectiveness and appropriate use and only in the most extreme of circumstances after every other measure has been implemented.

**Disability Awareness**

Parents have suggested that all of the staff in the school (with parental permission) are made aware of the student's challenges, not just the resource teachers. The impression is that subject teachers and other relevant staff are not always informed about how best to support a student with SSLI, autism or any disability where communication difficulties arise. Secretaries and caretakers could also be included in any school information session as students may need to interact with them more frequently than in primary school, e.g. to access lost property or seek assistance with lockers, etc. This could be a source of real anxiety for a pupil if the person they are trying to interact with is not aware of their difficulties.

Some disabilities seem to be more accepted by peers at school than others and this is probably reflective of society in general. Disability awareness and even more importantly disability acceptance can and should be embedded in young minds from as early a stage as possible and schools have a central role and opportunity to shape the way the next generation views people with disabilities. It is therefore essential that the right message is conveyed to move away from the stereotypical imagery of disability and foster a culture of acceptance and positive peer relationships particularly in schools where special classes exist. Pupils in special classes should be integrated as far as is practicable and comfortable for them in mainstream activities and classes during the school day and not seen as something separate to the rest of the school body.

With every generation, our attitudes and exposure to people with disabilities changes and the policy of Inclusion should support this. There are many positives to be drawn from how far we have come in relation to educating children with SEN, but real challenges still present at all levels of education and the increasing volume of children now coming through primary level into secondary schools should not be unexpected and schools need to have the appropriate resources, training and supports in place to deal with the complexities and variations in the needs of our children and all children in secondary schools.

We would like to express our thanks to Inclusion Ireland and members of their Education Committee, Irish National Council of ADHD Support Groups (INCADDS), the Dyslexia Association of Ireland, SSLI Parents Support Group, Dr. Alison Doyle Caerus Education and all of our parent members who informed this submission.