



DÁIL ÉIREANN

**AN BILLE OIDEACHAIS (SOCRÚ I LEITH LEANAÍ A
BHFUIL RIACHTANAIS SPEISIALTA OIDEACHAIS ACU),
2022**

**EDUCATION (PROVISION IN RESPECT OF CHILDREN
WITH SPECIAL EDUCATIONAL NEEDS) BILL 2022**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

AN BILLE OIDEACHAIS (SOCRÚ I LEITH LEANAÍ A BHFUIL RIACHTANAIS SPEISIALTA OIDEACHAIS ACU), 2022 —ROGHCHOISTE

EDUCATION (PROVISION IN RESPECT OF CHILDREN WITH SPECIAL EDUCATIONAL NEEDS) BILL 2022 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 3

1. In page 4, line 15, to delete “The” and substitute the following:

“Subject to the adequate provision of resources and supports, by the Department of Education and the National Council for Special Education, the”.

—Aodhán Ó Ríordáin.

SECTION 6

2. In page 5, line 26, after “Minister.” to insert the following:

“An exception will be made in schools with 300 students or more, in which case a special class or classes will automatically come into requirement and a report from the NCSE is not necessary to open such a class.”.

—Gary Gannon.

3. In page 5, between lines 26 and 27, to insert the following:

“(2) Where, following consultation with the Minister and having regard to any information provided to the Council by the Minister in relation to any planned additional provision of education for children with special educational needs and available lands and buildings, the Council remains of the opinion that there is insufficient capacity in an area for the provision of education to children with special educational needs, it shall prepare and submit a report on the matter to the Minister.”.

—Aodhán Ó Ríordáin.

4. In page 6, line 5, after “person” to insert the following:

“, such a notice shall issue no later than the 31st of March preceding the new school year and shall not be issued during the

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months of July and August”.

—Aodhán Ó Ríordáin.

5. In page 6, line 15, after “Minister” to insert “, following consultation with stakeholders,”.

—Aodhán Ó Ríordáin.

6. In page 6, between lines 36 and 37, to insert the following:

“(4) Prior to preparing a report under subsection (2), the Council shall consult with the Minister, bodies representative of patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers.”.

—Aodhán Ó Ríordáin.

7. In page 7, between lines 35 and 36, to insert the following:

“(11) (a) The Council shall publish, concurrent with the giving of such a direction referred to in this section a report outlining the adequacy of resources provided by the Department, the NCSE, and the HSE and other relevant organisations to the Schools, and stating whether in the council’s view if the resources meet the needs of the school community and the children in the Special Class or School.

(b) These resources shall include, but not be limited to:

- (i) adequate SNA support;
- (ii) access to Multi Disciplinary teams incl Speech and Language Therapists, Psychiatrists, Occupational Therapists, Psychiatrists and Nursing Staff;
- (iii) Mental Health supports for pupils in schools and CAHMS fully staffed to meet the needs of all children with emotional and behavioural disorders; and
- (iv) adequately qualified special Education Teachers.”.

—Donnchadh Ó Laoghaire.

8. In page 7, to delete lines 36 to 42, and in page 8, to delete lines 1 to 4.

—Aodhán Ó Ríordáin.

9. In page 8, line 16, after “section,” to insert “in consultation with stakeholders,”.

—Aodhán Ó Ríordáin.

Amendment to Amendment No. 9

1. To delete “stakeholders” and insert the following:

“bodies representative of patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers and such other

[SECTION 6]

bodies and organisations as the Minister considers appropriate”.

—An tAire Oideachais.

SECTION 11

10. In page 10, to delete line 9.

—Aodhán Ó Ríordáin.

11. In page 10, to delete lines 11 to 15 and substitute the following:

““(fa) to coordinate and manage, having regard in particular, but not limited to, section 37a and the Act of 1998, the admission of children to special classes (within the meaning of the Act of 1998) and to schools that provide an education exclusively for children with special education needs;”.

—Donnchadh Ó Laoghaire.

12. In page 10, between lines 15 and 16, to insert the following:

““(fb) schools, patrons, educational and training bodies, and any other relevant organisations involved in the applications process for such admissions as referred to in paragraph (f) shall be obliged to share all relevant information with the NCSE and the SENO;”.

—Donnchadh Ó Laoghaire.

SECTION 12

13. In page 10, between lines 15 and 16, to insert the following:

“12. (1) To report and review any instances where a child’s place is not progressing satisfactorily within a school. To attempt to address this for the benefit of all, and in the event of a child transitioning out of a school that it is managed in partnership with the parent and child, that records of this are retained by the NCSE, and that a report is provided to the NCSE.

(2) This Act refers to both primary and post-primary schools.”.

—Gary Gannon.

14. In page 10, between lines 15 and 16, to insert the following:

“12. The Education for Persons with Special Educational Needs Act 2004 is amended in section 26 by the insertion of the following subsection after subsection (5):

“(6) (a) The Special Educational Needs Organiser shall be permitted to make recommendations to directly to a board of management of a school regarding the adequacy or otherwise of special educational provision in the school, including, but not limited to adequacy of provision of special school or class places.

(b) Where the board of management has received a recommendation under paragraph (a) they shall be obliged to consider it, and give a written response to the Special Educational Needs Organiser which

[SECTION 12]

shall be made available to parents via the website or other means.”.

—Donnchadh Ó Laoghaire.

15. In page 10, between lines 15 and 16, to insert the following:

“12. The Education for Persons with Special Educational Needs Act 2004 is amended in section 20(1) by the substitution of the following paragraphs for paragraph (b):

- (b) in consultation with the Department, schools, the HSE, Túsla and such other persons as the Council considers appropriate to plan and co-ordinate the provision of education and support services to children with special educational needs and to ensure that such planning and co-ordination is made transparent, and to ensure that such planning and co-ordination is made transparent to the public generally by the annual publication of a report detailing—
 - (i) relevant statistics and forecasting in relation to demand for schools places for children with special educational needs,
 - (ii) the availability of places in a special class (within the meaning of section 60 of the Education Act 1998) in each school for students with special educational needs,
 - (iii) the number of students with special educational needs who travel outside of their school planning area in order to attend school, and
 - (iv) publish a projection and analysis of the number of places in Special Classes and Special Schools that can be reasonably expected to be required in each school planning area, in the subsequent September, and in September two years from that.
- (ba) The report referred to in paragraph (b) shall be developed using all data and information available to it, including but not limited to:
 - (i) children with special educational needs in early years;
 - (ii) children with special educational needs in Secondary school;
 - (iii) data from the HSE and Túsla including diagnosis and assessment of needs and other relevant data;
 - (iv) population level projections;
 - (v) CSO data; and
 - (vi) all other sources the Council sees fit.”.

—Donnchadh Ó Laoghaire.

PREAMBLE

16. In page 3, between lines 25 and 26, to insert the following:

“WHEREAS the rights of children with special educational needs to have adequate and

[PREAMBLE]

necessary resources for inclusion in the mainstream setting are recognised;”.

—Aodhán Ó Ríordáin.

17. In page 3, after line 28, to insert the following:

“WHEREAS the parents of children with special educational needs enjoy the same constitutional rights as other parents including that they shall not be obliged by the State in violation of their conscience and lawful preference to send their children to schools established by the State, or to any particular type of school designated by the State, and whereas all those concerned with the administration of this Act should perform their functions accordingly and in a spirit of partnership and consultation with parents;”.

—Aodhán Ó Ríordáin.