



## **SEANAD ÉIREANN**

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**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**

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# SEANAD ÉIREANN

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

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

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#### *Leasuithe Amendments*

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*\*Government amendments are denoted by an asterisk*

#### SECTION 6

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

- “(10A) (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 including Speech and Language Therapists, 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.”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

#### SECTION 11

2. 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;”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

[SECTION 11]

3. 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;”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

SECTION 12

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

**“Amendment of section 20 of Act of 2004**

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 school 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

[SECTION 12]

(vi) all other sources the Council sees fit.”.”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

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

**“Amendment of section 26 of Act of 2004**

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):

“(5A) (a) The Special Educational Needs Organiser shall be permitted to make recommendations 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 shall be made available to parents via the website or other means.”.”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*