

Special Education in an Independent Ireland 1922-2022

Insights from a Journey Through the Century
by Professor Emer Ring

With learning partners, Dr Patrick F. O'Donovan,
Dr Maurice Harmon and Dr Lisha O'Sullivan.

A book commissioned by the National Council for Special Education



An Chomhairle Náisiúnta
um Oideachas Speisialta
National Council
for Special Education

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Foreword

The NCSE is pleased to publish this remarkable book charting a century of special education in Ireland, 1922-2022. We commissioned the book to document the history and progress of special education in Ireland, looking at the evolution of policies, practices and experiences of children and families since the foundation of the State. The book, authored by Professor Emer Ring, is a substantial and significant piece of scholarly work and a welcome contribution to documenting the trajectory of special education in Ireland.

I would like to thank the contributions from Professor Ring's learning partners, Dr Patrick F. O'Donovan, Dr Maurice Harmon and Dr Lisha O'Sullivan in supporting the development of the book and sharing their expertise. A special note of thanks to the key informants in contributing their insights and sharing their time to bring to life the experiences and learnings throughout the decades. It is very fitting that Emer has chosen to include drawings from students with special educational needs on their experience of school, shining a light on the students, and on their families and the wider school community, the focus of our work in the NCSE, as we strive to best meet their needs.

The book covers a vast range of developments, includes considerable detail and covers key periods in the development of special and inclusive education in Ireland and situates this within the wider social, cultural, economic and educational context. The detail on legislative and policy aspects of the evolution of special education in this country across recent decades and the change and progression since the 1990's is a key facet of the book and its wider contribution.

The book also presents a unique and timely contribution within the context of the NCSE, aligning with the 20 year anniversary of our establishment as an independent statutory body. In the past two decades, the Council and NCSE staff have strived to support the educational needs of young people with special educational needs in their educational journey. In 2023, following a significant additional investment by the Government, we commenced an extensive organisational review and transformation programme including a much need expansion in our staffing numbers to meet the increased need in our education system.

I have no doubt that this important volume will be of great interest for policymakers, academics, education professionals, students and parents in considering, reflecting and learning from the last 100 years of special education in Ireland. The publication forms essential reading for those looking towards the future of education, and for the NCSE as we chart a path towards our vision for a world class inclusive education system for Ireland.

John Kearney
Chief Executive Officer,
National Council for Special Education

About the Author

Professor Emer Ring

B.Ed.; LLB; Grad.Dip. Special Education; M.Ed (Special Education); M.Ed. (Autism); Diplóma sa Ghaeilge (Diploma in the Irish Language); Ph.D; King's Inns Advanced Diploma in Education and the Law.

Professor Emer Ring is Dean of Early Childhood and Teacher Education at Mary Immaculate College (MIC), University of Limerick. Emer leads one of the largest education faculties in Ireland, which includes early years, primary and post-primary programmes for teachers at undergraduate and post-graduate levels. Emer previously worked as a primary mainstream class teacher, a teacher of children with special education needs, a senior inspector with the Department of Education and Head of Department of Reflective Pedagogy and Early Childhood Studies at MIC.

Emer has been joint principal investigator on a range of national research projects and has published widely in a range of research areas including, education law and policy development; the teacher education continuum; child voice; inclusion; early childhood education; autism; play and responsive pedagogy. Since 2016, Emer has been involved in a consortium comprising MIC, Early Childhood Ireland and Maynooth University – Froebel Department to provide a Level 6 Special Purpose Award (Higher Education) Leadership for INclusion in the early years' (LINC) programme. She is also the co-editor of several Peter Lang publications, including *Leading Inclusion from the Inside Out: A Handbook for Parents and Early Childhood Teachers in Early Learning and Care, Primary and Special School Settings*.

Emer volunteers as a Board Member of AslAm and as a member of the Board of Management of Redhill Special School. More recently, she has been appointed to the Steering Committee of a European Commission, Technical Support Instrument Project by the Department of Education in Ireland. The project 'Fostering Inclusive Education in Ireland and Finland' is being co-ordinated by the European Agency for Special Needs and Inclusive Education.

The drawings included throughout the book were shared by post-primary students with special educational needs at Midleton CBS Secondary School in Cork. The drawings include the students' representations of their school experience and highlight their favourite places and subjects.

Acknowledgements

Dr Patrick F. O'Donovan in his role as Learning Partner¹ made a significant contribution to this publication. Specifically, he generously shared his extensive scholarship, experience and expertise in relation to the History of Education in Ireland.

As a longtime researcher and practitioner with involvement in education in varied contexts, Patrick brought insights and commentary of value to this narrative. He gave the benefit of his scholarship and experience to enhance understanding of how special education was an emergent element in Irish education particularly in the first sixty years of the State. His insights on the history of education in Ireland were a significant influence and rendered valuable assistance in the furtherance of this project.

Dr Maurice Harmon in his role as Learning Partner made a substantial input to this publication through sharing his scholarly insights into the ever-changing landscape of educational policy reform.

Maurice's familiarity with the issues relevant to the key reform aspirations of the Irish Education System has greatly enhanced this project. His in-depth knowledge of the historical, constitutional and legislative basis for education together with his comprehensive understanding of the evolution of the existing state-funded education system provided invaluable direction throughout this project. As a leading researcher in children's rights, Dr Harmon constructed a myriad of lenses to interrogate the implications of the children's rights agenda for children and young people with special educational needs.

Dr Lisha O'Sullivan her role as Learning Partner provided significant and invaluable support throughout the project through sharing her extensive expertise and experience as a lecturer, researcher and scholar in the study of childhood and of children's lives.

Lisha's generosity in sharing her knowledge, experience and extensive publications across the key themes of policy implementation, inclusion, agency, participation, transitions and belonging incalculably enhanced and enriched this publication. Through supporting the exploration, analysis and critiquing of these prominent themes, Lisha contributed to maintaining children and childhood at the centre of the journey through the century. Her engagement with both national and international policy developments over a long period were of particular assistance to the project.

And the following **Key Informants**² without whom this publication would not have been possible:

Sydney Blain, Angela Briggs, Rose Desmond, Mary Dunlea Fitzgerald, Damian Murray, Miriam Jennings, Denise Brogan, Ernest Cantillon, Pat Curtin, Róisín Fitzgerald, Pat Goff, Teresa Griffin, Gabriel Harrison, Professor Áine Hyland, Liam Hughes, Don Mahon, Bernie McNally, Rachel O'Connor, Caroline Quinn, Professor Seamus Hegarty, Seán Ó Murchú, Ellen Ryan, Denise Sheridan, Professor Michael Shevlin, Anne Tansey, Martin Tobin, Liam Twomey and Mary, a parent of two children with autism who wishes to remain anonymous.

Each of your insights shaped the direction of the publication and maintained its momentum. The publication is as much yours as it is mine.

This book would not have been possible without the incredible support of all those who generously gave of their time in sharing their experiences with me. In charting the outlines of 100 years of special education in Ireland, I have been truly privileged to meet with so many extraordinary people through the extensive sources cited in the publication, the rich encounters that underpin and inform the work, and the bulwark of support provided by so many along the way. Thank you all for sharing your remarkable insights with such candour and sincerity.

A special thanks to the students at Midleton CBS Secondary School, who warmly welcomed me to their classroom and shared their school experiences through the artwork and commentary included in the book: Caleb Ahern, Zach Curran, Matthew Grace, John Heffernan, Oran Lane, Mark Porter, Rodrigo Puertas, Kieran Strong Munda and Milan Reji. A special thanks also to their teachers, Cormac Dineen and Niamh Mullhall-Smyth, and all the staff at Midleton CBS who accommodated and facilitated my visit to the school.

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Emer Ring

Abbreviations

ABA	Applied Behaviour Analysis
ADD/H	Attention Deficit Disorder including Hyperactivity
ADHD	Attention Deficit Hyperactivity Disorder
AIM	Access and Inclusion Model
AMI	Association Montessori Internationale
AON	Assessment of Need
ARTI	Association of Remedial Teachers of Ireland
ASD	Autism Spectrum Disorder ¹
BA CATS	Bachelor of Arts in Contemporary and Applied Theatre Studies
B Ed	Bachelor of Education
CABAS®	Comprehensive Application of Behaviour Analysis to Schooling
CAMHS	Child and Adolescent Mental Health Services
CCCs	City and County Childcare Committees
CDVEC	City of Dublin Vocation Education Committee
CEB	Curriculum and Examinations Board
CECDE	Centre for Early Childhood Development and Education
CEO	Chief Executive Officer
CES	Comprehensive Employment Strategy
CESCR	Committee on Economic, Social and Cultural Rights
CEUD	Centre for Excellence in Universal Design
CGLPD	Certificate in General Learning and Personal Development
CHO	Community Healthcare Organisation
CPD	Continuing Professional Development
CSIG	Cross-sectoral Implementation Group
CSL	Centre for School Leadership
DARE	Disability Access Route to Higher Education
DCEDIY	Department of Children, Equality, Disability, Integration and Youth
DCYA	Department of Children and Youth Affairs
DEIS	Delivering Equality of Opportunity In Schools

¹ In accordance with the principle of historical fidelity in the use of language, this term is used in the publication, however rather than 'disorder', the author's preference is for ASD to be equated with 'Autism Spectrum Difference'.

DFHERIS	Department of Further and Higher Education, Research, Innovation and Science
DFI	Disability Federation of Ireland
DoH	Department of Health
DoHC	Department of Health and Children
DSA	Down Syndrome Association
DSI	Down Syndrome Ireland
EADSNE	European Agency for Development in Special Needs Education
EAHCA	Education for All Handicapped Children Act
EASNIE	European Agency for Special Needs and Inclusive Education
ECCE	Early Childhood Care and Education
ECEC	Early Childhood Education and Care
ECHR	European Convention on Human Rights
ECI	Early Childhood Ireland
EEC	European Economic Community
ELC	Early Learning and Care
EPSEN	Education for Persons with Special Educational Needs Act
ERDF	European Regional Development Fund
ESRI	Economic and Social Research Institute
EU	European Union
EYDU	Early Years Development Unit
EYEIs	Early Years Education-focused Inspections
EYEPU	Early Years Education Policy Unit
FAPE	Free Appropriate Public Education
FÁS	An Foras Áiseanna Saothair
GAM	General Allocation Model
GDP	Gross Domestic Product
HEA	Higher Education Authority
HEAR	Higher Education Access Route
HEI	Higher Education Institution
HROP	Human Resources Operational Programme
HSE	Health Service Executive
IAA	Irish Autism Action
IATSE	Irish Association of Teachers in Special Education

ICDU	In-career Development Unit
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information and Communication Technology
IDEA	Individuals with Disabilities Education Act
IDG	Inter-departmental Group
ILO	International Labour Organisation
ILSA	Irish Learning Support Association
INCO	Inclusion Co-ordinator
INHEF	Inclusive National Higher Education Forum
INTO	Irish National Teachers' Organisation
IPE	Initial Professional Education
IPPN	Irish Primary Principals' Network
ISL	Irish Sign Language
ITE	Initial Teacher Education
ISTP	In-school Therapy Project
JAMs	Junior Assistant Mistresses
JCSP	Junior Certificate School Programme
LCA	Leaving Certificate Applied
LCVP	Leaving Certificate Vocational Programme
LHO	Local Health Office
LINC	Leadership for INclusion in the Early Years
MCA	Middletown Centre for Autism
MIC	Mary Immaculate College
MIREC	Mary Immaculate College Research Ethics Committee
MOU	Memorandum of Understanding
MU – Froebel Dept.	Maynooth University Froebel Department of Primary and Early Childhood Education
NAMHI	National Association for the Mentally Handicapped in Ireland
NAP	National Access Plan
NAPD	National Association of Principals and Deputy Principals
NATSE	National Association of Teachers in Special Education
NBSS	National Behaviour Support Service
NCCA	National Council for Curriculum and Assessment

NCG	National Coordinating Group
NCO	National Children's Office
NCSE	National Council for Special Education
NDA	National Disability Authority
NDP	National Development Plan
NEPS	National Educational Psychological Service
NESC	National Economic and Social Council
NESF	National Economic and Social Forum
NEYQDS	Better Start National Early Years Quality Development Service
NRG	National Reference Group
NFQ	National Framework of Qualifications
NGO	Non-governmental Organisation
NPC	National Parents Council
NQF	National Quality Framework
NQT	Newly Qualified Teacher
OECD	Organisation for Economic Co-operation and Development
OMC	Office of the Minister for Children
OMCYA	Office of the Minister for Children and Youth Affairs
OSAG	Operations Systems Alignment Group
OT	Occupational Therapy/Therapist
PACG	Professional Award Criteria and Guidelines
PAM	Parents Association of the Mentally Handicapped
PCSP	Primary Curriculum Support Service
PDSCYP	Progressing Disability Services for Children and Young People
PDST	Professional Development Support Service for Teachers
PERB	Primary Education Review Body
PSI	Psychological Society of Ireland
PWC	PriceWaterhouse Cooper
RCNEI	Reports of the Commissioners of National Education in Ireland
RDE	Reports of the Department of Education
REI	Regular Education Initiative
RISLI	Register of Irish Sign Language Interpreters
RtI	Response to Intervention

SENO	Special Educational Needs Organiser
SERC	Special Education Review Committee
SESS	Special Education Support Service
SET	Special Education Teaching
SETAM	Special Education Teaching Allocation Model
SIM	School Inclusion Model
SLSS	Second Level Support Service
SLT	Speech and Language Therapy/Therapist
SNA	Special Needs Assistant
SOP	Standard Operating Procedure
SSE	School Self-evaluation
TES	Teacher Education Section
Tusla	Child and Family Agency
UCC	University College Cork
UCD	University College Dublin
UD	Universal Design
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNESCO	United Nations Educational, Scientific and Cultural Organization
UPIAS	Union of the Physically Impaired against Segregation
US	United States
VEC	Vocational Educational Committee
VPT	Vocational Preparation and Training
VTHVI	Visiting Teacher Service for Children who are Deaf/Hard of Hearing and Blind/Visually Impaired
VTS	Visiting Teacher Service
WALK	Walkinstown Association for People with Intellectual Disability
WHO	World Health Organization

Preface

While the general outlines of the history of education in Ireland since political independence are well delineated, much of the detailed records of education remain to be explored. Whereas special education is featured in various historical accounts,¹ to date it has not received detailed examination in its context as part of state policy for education from 1922-2022 in an independent Ireland. This book aims to chart the outlines of the evolution of special education from 1922 to 2022 as a particular element of the overall development of the Irish education system in a free and sovereign country.

Introduction

In commissioning an exploration of special education in Ireland from 1922-2022, the National Council for Special Education (NCSE) specifically requested that the evolution of the special education system, and its associated policy over the last 100 years, be documented with a greater focus on more recent decades. The NCSE was concerned that a factual rather than a theoretical or philosophical perspective be adopted, while simultaneously ensuring that the influence of specific ideologies over time be acknowledged.

Each exploration of past events tells its own story, and it is acknowledged from the outset that this exploration tells a particular story and does not purport to be the entire story of the evolution of special education in Ireland. The book provides us with a valuable insight into special education in Ireland over a long period. However, there also remains a significant body of detailed record material that is available for further research and analysis. Accordingly, the tentative nature of some of the observations and findings here may be best understood as preliminary and subject to further study and research. Nonetheless, the publication casts a light on key aspects that have led to the creation of the system with which we are all familiar at the end of a century, and it provides us with an opportunity to learn from the past, while looking towards the future.

In the pages ahead, the reader will encounter many heroic figures who have contributed to shaping our special education system. It is important to note, as the journey through the century begins, that there were also many who dedicated their lives to creating equal education opportunities for all children, and who do not appear on these pages. Our education system owes all these individuals a great debt of gratitude as without their vision, courage and determination our system would not have arrived at where it is today.

A Framework for the Publication: Sources and Context

This publication relies on published source material, as well as first-hand accounts of how key individuals perceived the evolution of special education policy and practice in material that was collected through a series of interviews and/or submissions. The essence of the key informant approach is that individuals with a particular knowledge in a specific area, and who have been affected by the issue in question, are selected non-randomly and invited to participate in the research.² The interviews were conducted in accordance with the ethical parameters delineated by the Mary Immaculate College Research Ethics Committee (MIREC) and included member-checking both of the interview transcripts and the key informants' direct quotations included in the publication. As author, I conducted 25 interviews and received two written submissions from parents, education personnel, public servants, policymakers, representative bodies, individuals who were beneficiaries of special education provision, and a solicitor involved in litigation in this area. These first-hand accounts yield a considerable clarity of perception into the way special education has developed and evolved in Ireland.

Utilising a methodological approach designed to support children and young people in exploring their environment and articulating their experiences, students at Middleton CBS Secondary School were invited to contribute to the research.³ The publication has been shaped extensively by the contributions of all participants who gave so generously of their time and willingly shared their experiences. In addition to informing the publication, direct extracts from interviews and submissions are woven throughout the chapters to highlight prominent themes, providing an elaboration of the perception and understanding of distinct aspects of special education provision over the past century. These extracts also highlight the complexity and challenge that special education provision have represented for the education system, particularly in the past 50 years or so. The book contains both visual and written representations from students at Middleton CBS Secondary School, which provide us with a window into their school experiences as the century closes.

The aim of this exploration is not to 'lecture the people of the past on how they should have done better'⁴ but rather to 'understand and contextualise their positions',⁵ while identifying the consequences of these decisions and actions. Being wise about the policies and decision of the past is easy and hindsight is indeed an exact science.⁶ Constructing a depiction of the past inevitably requires a selection and a reduction process and the story presented in these pages is therefore inseparable from these processes.⁷ As author, while engaging with the multiple sources of evidence, I have remained conscious of my own experiences and perspectives and sought to mitigate potential surreptitious impact through an ongoing cycle of critical interrogation, justification and reflection.⁸ This approach was consistently supported, reinforced and enriched by the contributions of each of my learning partners together with the key informants who brought a valued critical dimension to the project. An 11-month period was allocated to this project and conducted in my own personal time, rather than as an element of my current role as Dean of Education (Early Childhood and Teacher Education) at Mary Immaculate College, which inevitably nuances what was possible in this timeframe. While multiple sources of evidence and data underpin this publication, there are also wide-ranging available data sources that were not possible to explore, given the timescale of this project. However, what the project suggests is that there is much potential for further research to be conducted, to assist in deepening our understanding of the evolution of special education from 1922 to 2022, and to support us in building an equitable education system for all our children and young people.

As our education system evolved over the past 100 years, for most of this time the broader education system was perceived as not being relevant for all children. A policy vacuum at the centre of our education system adversely affected children and families for much of the century. This policy vacuum, which is further explored in the chapters ahead, can be traced to a range of ideological, social, cultural, political, economic and educational influences that shaped how children with special educational needs, and their families, experienced the education system. Inextricably linked to these influences is the language we have employed over the century and the shifting lens through which difference has been viewed.

The Evolution of Language

Language has been identified as contributing to progressing an education system where all children are valued and provided with equal opportunities to achieve their potential.⁹ Our use of language remains a powerful tool in changing attitudes through its role in cultivating and deepening shared understandings of how we view difference. Throughout history, a language of deficit has been employed to refer to children who have been perceived as not being capable of accessing the broader education system.

In November 1993, the Government in Ireland established the Commission on the Status of People with Disabilities to capture the experiences of people with disabilities. The Commission prioritised consultation with individuals with disabilities, their carers and their families in identifying the measures necessary to realise the rights of people with disabilities to participate in society. In its report, *A Strategy for Equality*, published in 1996, the Commission made a series of solution-focused policy, legislative and structural recommendations designed to address what were described as ‘the gross in-equalities experienced on a daily basis by people with disabilities, and their families’.¹⁰ Among the 402 recommendations was a reference to the importance of disability definitions in recognising people with disabilities as full citizens, acknowledging their right to be included in all aspects of society, encouraging self-determination and autonomy, and eradicating associations with dependency.

The language we use is ultimately linked to our understanding at a particular time, influenced by the zeitgeist associated with that time, which in turn is affected by a myriad of forces that have influenced the evolution of our society. An interrogation of the language employed mirrors the unhelpful and inappropriate confluence of mental illness, intellectual disability and what was perceived as non-conforming behavior.¹¹ In the nineteenth and early twentieth centuries, prompted by the expanding field of medicine and psychology, and influenced by philanthropic, political, theological and economic considerations, there were discernible efforts to reach an understanding of how existing terminology was being applied.¹² What is clearly identifiable is that for much of the past 100 years, there was a patent lack of understanding of how all children should be enabled to achieve their potential in the education system. This lack of understanding can be attributed to a range of factors, which will be explored and considered throughout this book. Language emerges as an indicator of the troubling history lived by those who experienced marginalisation and exclusion, simply because their learning abilities were not understood or considered.

Throughout this book, the principle of historical fidelity in representing linguistic discourse¹³ has been adopted when quoting from original sources. This is not an endorsement of terminology that has contributed to creating a negative and stereotypical image of difference, and which, in effect, allowed society to abrogate its responsibility for the education of a cohort of its citizens. Nor is the use of this terminology intended to cause offence to the reader. It will become apparent through the pages that the quest for categorisation, which continues to persist, is characterised by blurred, imprecise, fluctuating, and often unhelpful parameters.

As we move towards creating inclusive education systems globally, which can respond appropriately to the complexity inherent in human difference, a terminology of difference that acknowledges all our differences as human beings remains critical, rather than a terminology of deficit. Championing a position whereby inclusion is associated with having to do something additional for certain groups of children creates a real risk of reinforcing stigma through isolating and disconnecting them. For this reason, a focus is maintained here on embedding difference and diversity as concepts for the education of all our children.¹⁴

A Shifting Lens through Which We View Difference

The lens through which we view difference shifts as society evolves and our understanding is recalibrated. How we define equality at any particular time depends on the perspective of disability that we adopt.¹⁵ In each era, people’s beliefs are embedded in the contemporary knowledge of the physical world, societal ideologies and religious beliefs.¹⁶ The human response to visible birth defects and those differences that became apparent over time reflects society’s concern to explain through religion and superstition what otherwise seemed inexplicable.¹⁷ While the abandonment and infanticide of children with evident atypical physical features are associated with the Greco-Roman civilisation,¹⁸ recent research challenges the assumption that this was a widespread practice in ancient Greece.¹⁹ Bioarchaeological evidence and other literary material suggests that contrary to popular belief, parents, midwives and physicians were frequently proactive in assisting infants born with a range of physical

impairments. Deborah Sneed cautions that it was neither typical nor legally mandated in ancient Greece to expose or kill disabled infants.²⁰ In Roman civilisation, the birth of a child with atypical physical features was considered a warning from the gods signalling divine dissatisfaction.²¹ This association with the supernatural continued to manifest itself with the advent of Christianity and a belief that divine intervention was responsible for human differences,²² as represented in the use of language such as '*enfants Dieu*' or '*duine le dia*' in Irish (person of God).²³ However, this divine association did not protect those who were different and their treatment was often disrespectful, inhumane and heartless.²⁴ Folklore, which co-existed alongside Christianity, also played a role in providing explanations, as for example where it was believed that the human child had been replaced with a fairy changeling, captured in W.B. Yeats' poem of 1886, 'The Stolen Child'.²⁵

The emergence of psychiatry and psychology in the 1800s, and the associated expansion of scientific knowledge, shifted the focus from religious and superstitious reasoning to the possibilities of medical treatment for those who were perceived as being afflicted and incapable. With minimal provision available, many were admitted to the workhouses or asylums for the mentally ill.²⁶ This period also saw the genesis of the principle that segregation in a separate setting was best both for the individual and for society.²⁷ An individual orientation rooted in medicine and psychology continued to influence the concept of special education in its quest to develop interventions for identified diagnostic groups.²⁸ It contributed significantly to the medical lens through which disability would be viewed and the associated medical model of disability, which has been the predominant model of disability during the past 100 years;²⁹ as will be seen in later chapters, it still continues to exert an influence.

Through the lens of the medical model, disability is viewed as an impairment residing within the person that requires fixing, curing, accommodating or enduring.³⁰ The emergence of a social model of disability gained traction in the 1970s and posits that attitudes, environments and legislation are among the restrictions generated by society that, in effect, disable people with impairments.³¹ The Union of the Physically Impaired against Segregation (UPIAS) in Britain is credited with prompting the sea-change that was to happen in terms of re-focusing the lens through which disability would begin to be viewed.³²

In 1974, the UPIAS issued a statement noting:

We find ourselves isolated and excluded by such things as flights of steps, inadequate public and personal transport, unsuitable housing, rigid work routines in factories and offices, and a lack of up-to-date aids and equipment.³³

While the social model of disability has been criticised for its overemphasis on external factors, and for ignoring the experience of the individual,³⁴ it represented a seismic shift in how society would view its responsibility to all its citizens and how those citizens who had been excluded for so long would begin to be supported to participate in society. In 1977, George Engel suggested a biopsychosocial framework for understanding the physiological, psychological and social aspects of development.³⁵ More recently, influenced by the work of Urie Bronfenbrenner,³⁶ a bio-ecological³⁷ model has emerged. This model suggests that all relationships in every child's environment impact on the child's learning and development and that these must be considered along with each child's unique disposition and competencies, in order to provide for each child's belongingness, engagement and learning.³⁸

Coinciding with the emergence of more responsive models has been a discernible shift towards a rights-based approach to disability underpinned by the principles of equal opportunities and non-discrimination.³⁹ Article 3 of the United Nations (UN) Convention on the Rights of Persons with Disabilities (UNCRPD) identifies the core principles of a human rights-based approach as inherent dignity; individual autonomy; non-discrimination; participation; inclusion; respect for difference and acceptance of human diversity; equality of opportunity; accessibility; equality between men and women; and respect for children's evolving capacities and their right to preserve their identities.⁴⁰ Article 24 places an obligation on state parties to recognise the right of persons with disabilities to education and their inclusion in the general education system.⁴¹ While Article 25, which is

focused on health, refers to the provision of early identification and intervention, the general education system is equated with primary and secondary education and does not include early learning and care (ELC) provision.⁴² Ireland was a signatory to the CRPD on 30 March 2007 and subsequently ratified the convention on 20 March 2018.

Article 7 of the CRPD mirrors the provisions of Article 12 of the UN Convention on the Rights of the Child (UNCRC) (1989),⁴³ and affirms the obligation to ensure that children with disabilities have the right to express their views freely on all matters affecting them, and that they must be provided with disability and age-appropriate assistance to realise this right. However, the position of the child as the beneficiary of the right continues to be limited by age and maturity. In accordance with Article 29.6 of the Irish Constitution,⁴⁴ international agreements must be incorporated into domestic law to be considered part of state law. At this point, while the principles underpinning the UNCRPD and the UNCRC have not been consistently embedded across domestic law,⁴⁵ by making rights visible they exert a powerful force on decision-making, which in turn impacts the lives of children with disabilities. The obligation to submit periodic reports to the UN on the State's progress in implementing these conventions represents a key impetus for policymakers, legislators and the judiciary.

A Note on the Changing Perspectives of Childhood

A discernible thread throughout this publication is the way in which the changing perspectives of childhood impacted on how children with special educational needs experienced their childhoods and education. The mortality rate of young children in Britain and Ireland, particularly among the poor, was enormously high throughout the eighteenth and early nineteenth centuries.⁴⁶ This engendered an indifference towards children and a fatalistic acceptance that was evident until the early nineteenth century, when, influenced by evangelicalism, there emerged a growing public sympathy towards children in need of protection.⁴⁷ Children are among the main users of state services such as education, health and social security and represent one of the most governed groupings in society.⁴⁸ For much of the twentieth century, children remained passive recipients in the policy development affecting them and their voices were excluded and silenced. These restrictions were magnified in the case of children who were perceived as different from the so-called societal norm.

Childhood as a social construct has evolved from viewing children as dependent, powerless and voiceless to agentic right-bearers. Throughout this publication, in accordance with the UNCRC (1989), a child is defined as a person resident in the State who is under the age of 18.⁴⁹ In the context of discussions focused specifically on education contexts, 'child' is used to refer to children in ELC settings;⁵⁰ 'pupil' is used to refer to children in primary school; and 'student' is used to refer to children and young people in post-primary and higher/further education settings respectively. A young person/young people defines those between the ages of 15 and 24, as adopted for statistical purposes by the UN.⁵¹ Where 'parent' is referred to in the publication, it is equated with the definition in the Education Act 1998 and includes a foster parent, guardian or other person acting *in loco parentis*, who has a child in their care subject to any statutory power or order of a court.⁵² It is also to be noted that while the Education Act 1998 equates the term 'special educational needs' with 'students who have a disability and the educational needs of exceptionally able students',⁵³ only the experiences of the former are explored in this publication.

Structure and Orientation of the Book

While the chapters in the book are presented chronologically, there is also a measure of unavoidable chronological overlap between chapters. This overlap arises from the often non-linear way in which special education provision has evolved, thus necessitating an iterative, explorative process to identify the genesis of, and links between, particular developments. Of necessity, based on the time-period allocated to this project, it was intended that the research would encompass the period from the foundation of the State in 1922 to the end of March 2022. Due to the importance of providing a context for the reader pre-1922, and ongoing engagement with the final editing process post-March 2022 to September 2023, these parameters are also breached to some degree. The selection of chronological periods associated with individual chapters was a pragmatic decision based on the author's concern to structure the book in a manner that would allow the reader to engage with individual chapters more easily and to maintain reasonable uniformity across chapters in terms of length. A focus on preserving coherence across chapters has been adopted through employing a consistent approach that charts the outlines of the development of special education against the broader societal contexts; identifying the key influences on the education system; and describing what generally constituted education provision during the relevant chronological periods. A summary of these elements is provided in infographic form in Chapters One to Nine.

Chapter One explores the early emergence of a parallel system of provision in the period 1922-1936 for a cohort of children for whom the academic demands of the school system were deemed to be insurmountable. This chapter also casts a backward glance to a pre-independent Ireland, to help the reader to appreciate contextual features that ultimately influenced the direction of the education system in the decades ahead. Chapter Two provides an outline of key elements that characterised the system between 1937-49, including the impact of the State's ongoing Gaelicisation policy and the vision and tenacity of the religious orders in embedding the system with which we are familiar today. Chapters Three and Four consider the advent of special education in the education narrative during a period of reappraisal and transformational development in education in Ireland from 1950-1979. Chapter Five investigates the influence of the politico-economic societal structure on special education policy and provision during the economic crisis and associated education cutbacks that characterised the 1980s. Chapters Six and Seven provide an insight into the transformation of the status quo of former decades in relation to provision for children with special educational needs between 1990-2004. Chapters Eight and Nine explore the rapid expansion of special education provision from 2005 to 2022 in the context of building an inclusive, effective and progressive system for all children. In drawing the publication to a conclusion, Chapter Ten provides an opportunity to reflect on the significant shift as the Irish education system moved from an exclusionary and segregated system to a more integrated and inclusive one and signals potential directions for the future. Biographical Notes for all the key informants follow the final chapter.

Abbreviations are used throughout the book and a list of these abbreviations is included at the start. To prevent possible confusion, abbreviations are not used when referring to the Department of Education, which has recently reverted to its initial title of 1924, having been named the Department of Education and Science in 1997 and the Department of Education and Skills in 2010.

Chapter One: Education in an Independent Ireland 1922-1936

No fundamental reappraisal was carried out in the early years of the Irish Free State of the leading characteristics of the school system which it had inherited; many of the assumptions underlying the existing system went unexamined. In January 1923 the Minister for Education, Eoin MacNeill, rejected calls for the setting up of a commission of inquiry into Irish education.

John Coolahan, Professor of Education, National University of Ireland, Maynooth (2017)¹

Introduction

In reviewing the history of special education within Ireland, it becomes evident that significant milestones within this area cannot be considered in isolation from broader developments within Irish society and internationally.

Michael Shevlin, Professor in Inclusive Education, Trinity College Dublin (2016)²

While the development of the Irish Education System from 1922 was clearly influenced by global movements,³ the particular historical, political, economic, social, cultural and religious contexts associated with the birth of the new State shaped the development of a unique system of education with which we are familiar today. In the late nineteenth century, the emergence of cultural nationalism⁴ as a force would greatly influence the political direction of the new state. In a relatively short period, the political landscape of Ireland was transformed. The upheaval accompanying the 1914-18 war, the Easter Rising of 1916, and the Anglo-Irish War of Independence continued to have a profound impact. In 1920, the enactment of the Government of Ireland Act of 1920⁵ signalled the creation of two separate political entities north and south. A parliament was established in Northern Ireland in May 1921. Following the takeover of Dublin Castle in January 1922, the Provisional Government in Dublin exercised authority in the south with effect from 1 February 1922.⁶

Against this background of considerable political and military turmoil, command over the educational fortunes of the fledgling State was accepted by a government struggling to find its footing in a highly charged and volatile set of circumstances. For many the central purpose of education was the reclaiming of Gaelic culture and civilisation.⁷ A year-long civil war ensued bringing considerable challenges and difficulties to the process of administering education in a newly founded State. A fundamental feature that will become more apparent in progressing through the chapters is that over the period of a 100 years the perspective on the purposes of education, on the beneficiaries of education, and on access to education has undergone significant and remarkable change both globally and in Ireland. Accordingly, the backdrop for this analysis of the provision of education for children and young people with special educational needs is the overall transformation of education in Ireland at every level, most especially in the last 50 years or so.

Whereas contextual features are of crucial significance, the focus of this publication is the gradual evolution of provision for special education as an inseparable aspect of the overall education system. Before considering provision at the foundation of the State, education in a pre-independent Ireland will be briefly considered in order to better understand the foundations that influenced the emergent landscape in 1922. During the period from 1922 to 1936, the First Dáil's declaration of a desire for the country to be ruled according to the principles of liberty, equality and justice⁸ would have had limited application for children perceived as failing to conform to the so-called norm. Nonetheless, during this era, individual voices confronted the predominant acoustic of exclusion, segregation, institutionalisation and neglect, sowing the seeds for the future that lay ahead.

Education in Pre-Independent Ireland: A Legacy for the Future

The national schools developed against the backdrop of Irish history. The cataclysm of the Great Famine, patterns of emigration, economic privation, endemic poverty, land troubles, and political uncertainties and upheavals, were features that impinged hugely on the people whose children went to national schools.

Dr Patrick F O'Donovan, Divisional Inspector, Department of Education, and Author (2017)⁹

The nineteenth century laid many enduring foundations for education in Ireland while it was an integral part of the United Kingdom (UK) of Britain and Ireland under the governance of parliament in London. The most significant arena was at the primary level, which was the most availed of education provision. Acknowledged as 'an innovative and experimental initiative in the socio-economic, religious and political circumstances of Ireland at that time',¹⁰ the Westminster government in 1831 took a major initiative when it initiated the national school system. This was one of the earliest state-backed elementary education systems in the English-speaking world at a time when the British Empire was at the height of its powers. The national schools in Ireland predated similar developments in England, Wales and Scotland by 40 years. A distinctive feature of the system in Ireland was that it was based mainly on a government letter along with two royal charters, whereas in Britain, legislation became the basis for education provision.¹¹

The so-called Stanley letter¹² and the royal charters underpinned educational development at the primary level for an extremely long period in Ireland, almost to the end of the twentieth century. For most children in Ireland, attendance at a national school became the norm, though there were large variations in the rate and duration of attendance. Some children benefitted well from the provision but there were many whose attendance was irregular or limited. A report by Mr F.H. Dale, an English inspector of schools, in 1904¹³ provides a window into the national school system experienced by children in Ireland at the turn of the twentieth century. Visiting 87 national schools in Dublin, Belfast, Omagh, Galway, Donegal, Sligo, Killarney and Cork, Dale paints a picture of irregular attendance,¹⁴ overcrowded classrooms, unhygienic conditions with no out-offices (toilet facilities) or those of a primitive variety, inadequate playground facilities, poor lighting and ventilation, insufficient turf supplies, and a proportion of children only provided with seating.

The Intermediate Education (Ireland) Act of 1878 established what was known as the intermediate education system, which provided money to support schools for older students at a level between primary and university.¹⁵ Intermediate schools were largely grammar schools in their orientation and due to a fee requirement were availed of mainly by the better-off sections of society. The State's funding of the intermediate schools was based on examination results and the system was essentially a voluntary one. At the end of the nineteenth century, under the Agriculture and Technical Instruction (Ireland) Act 1899, the government established the Department of Agriculture and Technical Instruction.¹⁶ This allowed for the emergence of Technical and science education, which had not been a feature of the system heretofore.

The great achievement of the national school system was that it brought education to the masses so that at the turn of the twentieth century, Ireland enjoyed comparatively high levels of literacy and numeracy. However, children who were unable to conform or adapt to the programme of instruction in national schools, did not benefit from this development.

Casting a Backward Glance

Juster views now prevail, and the exertions of those benevolent men who have devoted themselves to the work have proved that the dormant spark of intelligence, however weak it may be, is with comparatively few exceptions, still capable of development, if tended with proper care.

Jonathan Pim, a Quaker and Dublin businessman (1864)¹⁷

The increasing realisation in the late eighteenth and nineteenth centuries that state involvement in providing mass education was critical to the creation of modern societies¹⁸ also began to influence thinking related to children who were perceived as being unable to access developing education provision. From the early 1800s, District Lunatic Asylums were viewed as the solution to the treatment of what was understood as insanity, idiocy or imbecility.¹⁹ Medical doctors played a central role in the management, care and treatment provided in these asylums. The role of education in treating patients was being tentatively explored by several pioneers internationally and in Ireland, as exemplified by Dr Joseph Lalor's school in the Richmond Lunatic Asylum in Dublin, which employed six teachers.²⁰

However, state-recognised, dedicated provision for children who were deemed incapable of fitting into the existing school system was minimal, with these children being cared for in their homes, in detention or in workhouses,²¹ or being committed to the increasing number of asylums²² for the mentally ill. While several voluntary institutions managed by religious organisations and charitable persons had provided some care for juvenile offenders²³ in the 1850s, prior to the passage of reformatory school legislation, tens of thousands of children were incarcerated.²⁴ In 1868, following concerns about younger children being sent to reformatory schools, industrial school legislation provided for the opening of residential institutions for 'children under the age of fourteen who were found begging, or wandering without a settled home or support, found destitute, or in the company of thieves'.²⁵ These relics of a pre-independent Ireland would be retained in the new State and in 1924 both reformatory and industrial schools came under the authority of the Minister for Education.²⁶

The period of the French Enlightenment is credited with the focus that emerged on the education of children who are deaf/hard of hearing and blind/visually impaired,²⁷ specifically the epistemological conundrum relating to language and its transmission, together with the challenges experienced by those deprived of some of their senses. Ireland did not remain impervious to these developments with the first school for the Deaf being founded by Dr Charles Orpen in 1816.²⁸ Influenced by visits to Scottish, English and Continental deaf schools, including Johann Heinrich Pestalozzi's institute in Switzerland, Dr Orpen believed that something had to be done for those who were not in a position to speak for themselves.²⁹ As Medical Officer in the Foundling Hospital of the Dublin House of Industry,³⁰ Dr Orpen happened upon Thomas Collins, a deaf boy, with whom he worked successfully. Thomas Collins subsequently went to work as a printer for John Synge, grandfather of the dramatist J.M. Synge, at what has been identified as the first Pestalozzian elementary school³¹ in the British Isles, on his Roundwood estate,³² and later returned to Claremont as assistant teacher in the school.³³ The *Dublin Penny Journal* noted in 1836 that 'to the indefatigable exertions of Doctor Charles Orpen, under Providence, the Irish public are indebted for the Institution for the Deaf and Dumb, at Claremont.'³⁴

Deeply concerned about the absence of educational facilities for Catholic deaf children, and Claremont's provision for Protestant deaf children compounded by the perils of proselytising,³⁵ Reverend Thomas McNamara, a Vincentian, approached the Dominican Convent in Cabra, Dublin to invite the sisters to undertake the education of deaf girls.³⁶ A fund-raising committee, which would become the Catholic Institute for the Deaf, presided over by Dr Murray, Archbishop of Dublin, was established. On 11 January 1846, Sr Martin and Sr O'Farrell sailed to Caen in France, where Le Bon Sauveur School for the Deaf had been founded in 1816 by Abbé Pierre Jamet, and which Reverend McNamara had previously visited. They were accompanied by two deaf

children, Agnes Beedem and Mary Ann Dogherty. On their return later in 1846, Agnes and Mary were enrolled in the new school in Cabra, which would later become known as 'St Mary's Institute for the Deaf and Dumb'.³⁷ St Joseph's School for Deaf and Dumb Boys was then established in 1857 in Cabra by the Irish Christian Brothers.³⁸ A school for the Deaf in Cork was established in 1822 by Dr Patrick Keogh, but closed because of lack of funding in 1846.³⁹ Two schools for deaf girls were operated by the Sisters of Mercy, one in Cork from 1858 to 1900 and the other in Rochfortbridge, Co. Westmeath from 1892 to 1930.⁴⁰ The Carmelite Brothers established a school for deaf boys in 1830 in Glasnevin, and subsequently continued their involvement through St Joseph's School for Blind Boys, which opened in Drumcondra in 1882. St Mary's School for Blind Girls, Merrion, Dublin, was founded in 1868⁴¹ and was operated by the Sisters of Charity.

In 1864, Jonathan Pim, in his paper 'On the Necessity of a State Provision for the Education of the Deaf and Dumb, the Blind and the Imbecile',⁴² noted that there was no assigned provision in Ireland for the education of idiots and imbeciles. While Pim's concerns were indicative of charitable and philanthropic interventions, official concern was also emerging in relation to what were referred to as 'mentally defective children'.⁴³ The Royal Commission on the Blind, Deaf and Dumb &c.⁴⁴ and The Royal Commission on the Care and Control of the Feeble-Minded⁴⁵ reported in 1889 and in 1908 respectively. A decision to establish a commission is prompted by a range of political considerations related to the development of government policy and is indicative of official concern in a particular area.⁴⁶ The 'Stewart Institution' was noted as 'the only asylum for imbeciles in Ireland'.⁴⁷ It had 70 children and operated outside the inspection system, in contrast to the workhouses, where the Local Government Board provided a system of inspection for 'any imbecile children who happened to be contained there'⁴⁸.

The reports of the royal commissions indicate a realisation that 'the question of the care of the mentally deficient is one of national importance, affecting every grade of society and every branch of public administration'.⁴⁹ The submissions considered by the commissions provide evidence of the deep neglect, distress and suffering experienced by so many children and adults at the turn of the twentieth century. The philanthropic endeavour associated with the establishment of 'The Stewart Institution for Idiot and Imbecile Children, and Middle-class Lunatic Asylum'⁵⁰ in 1869 would continue to be replicated in the years ahead through the exceptional contribution of religious and charitable organisations, and so many individuals, to building the provision from which we are still benefitting today.

Stewarts: Building the Pathway to the Present

The founding fathers of Stewarts saw their purpose, though not using the words we use today, as one of integration through education, by helping people to contribute both to family and society.

Pat O'Donoghue, author of *150 Years of Stewarts Care (2019)*⁵¹

The founding of The Stewart Institution⁵² provides us with a glimpse of the determination and steadfastness of individuals committed to building a more equitable system. It also indicates that many of these individuals were familiar with the work of reformists and pioneers in the field such as Dr John Langdon Down, Itard and Edouard Séguin.

In April 1864, Jonathan Pims visited Royal Earlswood Asylum for Idiots in Surrey, where Dr John Langdon Down was medical superintendent.⁵³ Down's ground-breaking reforms included a programme based on physical exercise, sensory stimulation and role-playing social activities delivered by a team trained in what would now be special education: play, occupational, speech and language therapy.⁵⁴ He believed that institutionalisation prevented the social exclusion and limited social contact which he saw as pervasive for children from all social classes.

Cheyne Brady, a member of the Royal Irish Academy, and governor of the Meath Hospital, who had travelled to Earlswood with Pims,⁵⁵ published a pamphlet in 1865, entitled 'The Training of Idiotic and Feeble-minded Children'.⁵⁶ In the pamphlet, starting with Itard's work in the early 1800s educating Viktor, who would later become known as 'The Wild Boy of Aveyron',⁵⁷ Brady vividly captures how society both in nineteenth-century Europe and the United States (US) was catering for the 'education of idiotic children'.⁵⁸ In painting a picture of a public duty imperative through a range of 'educational experiments',⁵⁹ Brady noted:

In Ireland no provision whatever has been made for the instruction of improvable idiots; with the exception of Swift's Hospital for lunatics and idiots, no asylum has been opened for those who are hopelessly incurable. We trust this reproach to our humanity and charity will no longer be allowed to remain.⁶⁰

Referring to the view of Edouard Séguin in 1846, that 'the common opinion that idiots are incurable' is false, Brady described, what he termed the 'special education' required which, if it was to be successful, 'must be commenced at a very early age'.⁶¹ Brady's pamphlet included notice of a meeting to be convened in order to explore the steps necessary to set up an institution in Ireland that would employ Séguin's approach, and invited anyone interested to contact Pim or Brady.⁶²

Dr George Hugh Kidd, obstetrical surgeon at the Coombe Hospital, contacted Pim and visited Earlswood, Essex Hall, Colchester and Larbert in Scotland. In 1865, Kidd published a pamphlet entitled 'An Appeal on Behalf of the Idiotic and Imbecile Children of Ireland',⁶³ in which he referenced positive developments in England, Scotland, Europe and the US for 'ameliorating the condition of idiotic and imbecile children',⁶⁴ noting the futile attempts by the Census Commissioners in 1851 and 1861 in exhorting government to 'undertake this duty'.⁶⁵ In the pamphlet, Kidd presented a Table⁶⁶ portraying the scale of the provision required and concluding that in Ireland private charitable contributions now remained the only way forward. Kidd would later be instrumental with Pim in establishing what would become The Stewart Institution,⁶⁷ in 1869. The institution was named after Dr Henry Hutchinson Stewart, who had managed an asylum at Lucan for lunatic patients, and who was a generous benefactor in establishing this new institution, which is still located in Palmerstown, Chapelizod, Co. Dublin.⁶⁸ At the foundation of the State in 1922, the Stewart Institution remained the only facility providing for children who would otherwise be at home, in workhouses, or committed to asylums for the mentally ill.

The seeds of allocating responsibility for children outside of state provision were being sowed, as captured by Kidd:⁶⁹

It is not, however on the grounds of political economy that I would found this appeal on behalf of the idiotic and imbecile children of Ireland, but on the grounds of Christian charity and Christian duty. These children have immortal souls, they have been made by the living God, and they have the divine spark within.

Christianity, charity and philanthropy, rather than focused state intervention, were emerging as the architects of addressing a gap that was undoubtedly having detrimental consequences for so many children, their families and ultimately the broader society. Stewarts' influence would extend across the century with an investment of €25m by the Department of Education, culminating in a customised building launched by the Minister for Education, Norma Foley in September 2022.⁷⁰

The Irish Free State – Saorstát Éireann 1922

All citizens of the Irish Free State (Saorstát Éireann) have the right to free elementary education.

Government of the Irish Free State (1922)⁷¹

Following political independence, the Irish Free State or Saorstát Éireann was formally established with jurisdiction over 26 of the 32 counties of Ireland. The legislature, An tOireachtas, comprised a lower house, Dáil Éireann, and an upper house, Seanad Éireann. Amidst the tensions of this troubled historical period, the business of government commenced and gradually became established.⁷² Following the 1923 general election, the pro-Treaty side held the balance of power in the newly established Irish Free State, and the Third Dáil, in accordance with prevailing constitutional theory, used its capacity as a constituent assembly representative of the people⁷³ to adopt The Constitution of the Irish Free State (Saorstát Éireann) Act, 1922.⁷⁴ Significantly, the first Act of the new administration included a provision in Article 10, which expressly articulated the right of citizens to a free elementary education.⁷⁵ However, not all children were beneficiaries of this right. This Act was also enacted by the Westminster Parliament and additionally asserted the Parliament of Westminster's continuing power to make laws that would affect the Irish Free State, whose independent status was therefore limited in this regard.⁷⁶

Aligned with the prominent ideology of cultural nationalism, Education in the first Dáil of 1919 had been the responsibility of the Ministry for Irish or Aireacht na Gaeilge⁷⁷ until the appointment of the first Minister for Education, J.J. O'Kelly in 1921. J.J. O'Kelly was a native of Valentia Island and later adopted the pen name of 'Sceilg' stemming from the proximity of Sceilg Mhichíl (Skellig Michael) to the island.⁷⁸ The major elements of the education system came under the direct control of the new government in February 1922 with education becoming the remit of the Provisional government.⁷⁹

Subsequently, the Ministers and Secretaries Act, 1924⁸⁰ provided for the establishment of the Department of Education, or An Roinn Oideachais, under the control of the Minister for Education, who under the Act was to be a corporation solely answerable to Dáil Éireann. Thus, responsibility for primary, secondary, university, technical,⁸¹ reformatory and industrial schools,⁸² endowed schools,⁸³ and an array of higher colleges and institutes as well as cultural centres, all came under the political and administrative control of the new ministry. While the Department of Education was established on a statutory basis, the legislation provided little guidance in relation to its specific functions and operation other than a stipulation that the requirement to furnish annual reports, which had been a requirement under the previous administration, should continue.⁸⁴

The legacy of the previous era continued with the different types and levels of education provision distributed and administered centrally in Dublin from various offices⁸⁵. The largest sector was the national school system, the headquarters for which was in Marlborough Street with the existing intermediate or secondary school system located at offices in Hume Street. The Department of Agriculture and Technical Instruction based in Merrion Street oversaw the technical schools and their local representative committees. An office in Dublin Castle had oversight of industrial and reformatory schools. Primary Branch, Secondary Branch and the Technical Instruction Branch reflected the individual origins of each branch, which continued to retain their separate identities both in terms of physical location, historical origins⁸⁶ and inspection processes.⁸⁷ This structure and organisation of the education system would endure for much of the twentieth century and contributed to creating a marked delineation between the different levels of education both in terms of administration and children's and young people's experiences.

Overview of Education Provision in the Irish Free State

After 1922, the new political administration did not interfere with the existing system of ownership and management of schools.

Tom O'Donoghue, Professor of Education, University of Western Australia and Professor Judith Harford, Professor of Education, University College Dublin (2021)⁸⁸

The most developed and best-established sector in Ireland at the time of political independence was the national school system, which for close to 50 years had been all that was provided for the majority of children and young people in Ireland by the State. Originally founded for the poor, the national school system was highly centralised and drew its funding mainly from state coffers. Catering for a high proportion of the population of school-going age, the system had relatively good arrangements for teacher training and school accommodation. Teachers' salaries and pensions were state provided⁸⁹. Though the national school system was *de jure* non-denominational, it had become *de facto* denominational in the course of its history. School management and patronage were dominated by clergymen and schools tended to be exclusively denominational. The denominational character of the national school system was recognised by the State with a binary control over education shared between church and state.⁹⁰ School inspection was a prominent feature, and the system was regulated and controlled by church and State, with somewhat strict rules and procedures.⁹¹ The Irish National Teachers' Organisation (the INTO) was a highly organised union with excellent experience in representing the national teachers in all matters affecting education and the interests of the teachers.⁹²

With over 5,600 schools, close to 520,000 pupils, and more than 13,000 teachers in the 26 counties in the mid-1920s, the national schools were by far the most familiar representation of the State's provision for education, reaching into every town and village throughout the country.⁹³ Though well advanced and supported in certain ways, the system was basic and frugal for the most part in its overall arrangements.

The intermediate or secondary system was very much a private one with only minimal state supervision in the form of regulating the programmes of study and the processes of examination⁹⁴. The State had no role in establishing or assisting in the establishment of such schools. These schools were the preserve of the minority, the middle or upper classes, who could advance beyond primary education and pursue grammar-type courses leading to examinations and possible advancement to further education. The intermediate schools were privately provided, very often being the foundations of the churches or of religious orders. These schools were supported by fees and by state grants given on the results of the public examinations. Secondary teachers had relatively poor conditions of work, being dependent on private school managers for continuity of tenure. With 283 secondary schools, some 25,000 pupils and 2,298 registered teachers in the mid-1920s, the secondary sector was comparatively limited in terms of its reach.⁹⁵ Apart from a small minority of scholarship pupils, secondary schooling was not available to the poorer sectors of society, a situation that changed little until the free education scheme of the 1960s.⁹⁶

Equally small in its reach was the relatively new provision of technical instruction that had begun largely at the start of the twentieth century⁹⁷. Under the Irish Free State, many of the local schemes increasingly attracted students for introductory courses and for subjects such as commerce, Irish, science, handicrafts, domestic science and art. By the mid-1920s, there were over 22,000 students enrolled in classes in 67 established technical schools. Furthermore, outside technical schools, there were significant numbers of students enrolled in classes, arranged under county schemes for commerce, domestic economy, Irish and other subjects.⁹⁸ The small size and reach of the technical instruction system are best appreciated in the context of only 351 whole-time teachers being employed in the system in the late 1920s.⁹⁹

A Decade of Intense Activity

In the administration of Irish education, it is the intention of the new government to work with all its might for the strengthening of the national fibre by giving the language, history, music and tradition of Ireland their natural place in the life of Irish schools.

Pádraig Ó Brolcháin, Chief Executive Officer for Education (1922)¹⁰⁰

As the Irish Free State grappled with establishing education provision and making the adjustments necessitated by political independence, a decade of intense activity commenced. This activity took place in the aftermath of a bloody civil war during a period of continuing political tensions and severe public finance challenges. This activity however did not extend to a consideration of the cohort of children who were not accessing the State's education system. Key features of this period were a contraction of the curriculum in the national schools, the establishment of a formal examination on a voluntary basis for primary school children; the establishment of preparatory colleges for primary teacher training; the rearrangement of state examinations to have Intermediate and Leaving Certificate Examinations in secondary schools; and major reform of technical education with the passing of the Vocational Education Act in 1930.¹⁰¹

The most significant changes to education after political independence were those introduced as part of a broad-based Gaelicisation programme¹⁰² intended to revive the Irish language as a living vernacular and to strengthen the national fibre by giving the language, history, music and tradition of Ireland a prominent place in all schools. The expectation that Gaelicisation should and would be achieved by the education system had broad public support.¹⁰³

It was becoming increasingly clear that a significant intervention was required to address poor school attendance and concerns that were omnipresent regarding children's welfare.¹⁰⁴ To address these concerns, The School Attendance Act, 1926¹⁰⁵ came into force on 1 January 1927, making school attendance compulsory for children aged between 6 and 14. School attendance officers were located in specific areas and responsibility allocated to An Garda Síochána for any remaining areas. Under the Act, parents had responsibility to make all reasonable efforts to send their child to school and, where the court was satisfied that parents had not fulfilled this responsibility, it could order a child to be sent to a certified industrial school¹⁰⁶ or live with a nominated relative or person. While the legislation adopted a punitive approach,¹⁰⁷ it led to an improvement in the daily average attendance, which by 1935 had reached about 83 per cent.¹⁰⁸ However, this legislation applied only to children in schools recognised by the Minister.

After about a decade of independence, the local national school was the most availed of education service and in 1934 the minimum enrolment age in primary school was raised from 3 to 4 years¹⁰⁹ with children attending school up to the school leaving age of 14 and beyond. Through inspection, the system was monitored and reported on, however at secondary level this was a less intensive process.¹¹⁰ Secondary education remained largely the preserve of those who could afford it.

The establishment in October 1926 of a commission to enquire into and advise on a system of Technical Education and chaired by John Ingram, Senior Inspector of Technical Instruction was indicative of the State's concern to provide an educational infrastructure supportive of industrial and economic reform.¹¹¹ The Commission of Technical Education reported in 1927 and its findings and recommendations were realised with the Vocational Educational Act, 1930.¹¹² Vocational committees were designated for counties, county boroughs and certain large urban centres and were required to frame schemes of continuation and technical education. Technical education continued to be administered through local statutory committees. Whole-time or part-time continuation education was to apply generally to young people between the ages of 14 and 16 and would include practical training in preparation for employment in areas such as trades, manufactures, agriculture and commerce.

Schemes were to be part-funded by the State with contributions from local authorities or councils. As corporate bodies under the legislation, committees had the power to acquire land and erect the required structures for education. Similar to the primary school sector, the vocational system was subject to close monitoring by inspection.¹¹³

Cherishing all Children of the Nation Equally in the Newly Established State

...the main object in education is to help the child to be his own true and best self.

Pádraig H. Pearse (1912)¹¹⁴

As discussed previously in this chapter the national school system constituted the main provision for education in the State after political independence. The national school system would continue to have resonance with the establishment of special schools as national schools in the future. Over the course of 90 years, when the Commissioners of National Education administered the system, many different types of school were given recognition and supported financially. In the years immediately preceding independence, the national school system included ordinary schools, convent and monastery schools, workhouse schools and model schools, as well as a small number of schools listed as schools 'aided for invalid, blind or crippled children'.¹¹⁵ The first recognised school of this latter category was described as a 'hospital school', which was given special treasury sanction permitting a qualified national school teacher to give instruction each day to children who were patients in the wards of the Incorporated Orthopaedic Hospital of Ireland, in Dublin.¹¹⁶ This marked the start of formal state recognition and financial support for certain schools that made provision for children with particular needs, mainly in regard to physical and sensory impairment. Accordingly, a few schools were listed as part of the national school system before political independence, and each was designated as N.S., with each being formally deemed to be a national school.

The names of the schools and the terminology used provides an insight into the way categories of need were perceived at that time. While there were nearly 8,000 national schools operational in the country immediately before the partitioning of Ireland, only six were listed as schools aided for 'invalid, blind or crippled children'. These were the: Orthopaedic Hospital NS, (Dublin); St Joseph's Cripple's Home Convent NS (Westmeath); Home of Rest NS for Crippled Children (Down); Belfast Municipal Sanatorium NS; St Joseph's Blind Asylum Boys' NS (Dublin), and St Mary's Blind Asylum Convent Girls' NS, (Dublin). Interestingly, and importantly, the official listing of these schools added the comment that two were also included in the total number of convent schools.¹¹⁷ This signifies that convent schools, recognised within the national school system for ordinary pupils, sometimes provided other educational services for children and young people based largely on charitable and philanthropic grounds.

As the new State came into being, institutions that had been established in the nineteenth and early twentieth centuries remained with no dedicated state-provision in place.¹¹⁸ Orders such as the Dominican Sisters, the Sisters of Charity, the Carmelite Brothers, and the Irish Christian Brothers were prominently associated with the provision of education for the Deaf and the Blind in Dublin and elsewhere many years before official acceptance.¹¹⁹ The concept of cherishing all children of the nation equally in the new State was lamentably absent from policy discourse and the State's responsibility for the education of children for whom the existing education system was deemed to be inappropriate was entrusted to charitable, private and voluntary organisations.¹²⁰ While charitable, private and voluntary organisations played a role more broadly in the education of all children, the differentiating factors were that schools recognised by the State were entitled to the state funding available, however limited, and subject to the State's inspection regime.

Immediately on transfer to the jurisdiction of the Irish Free State, there were 5,684 national schools in the 26 counties, just four of which were schools aided for 'invalid, blind or crippled children'.¹²¹ Three of these schools were in Dublin and one was in Co. Westmeath. It is apparent that there was almost total continuity from the previous era in terms of provision for these children. Within a few years, two more similar schools were added to the official listing. These were St Mary's Orthopaedic Hospital Convent NS, Finglas (Dublin) and St Joseph's Deaf Mutes NS Cabra (Dublin).¹²² Twenty years later, there were 10 such schools listed in the official annual report of the Department of Education, eight schools in Dublin, and one each in Counties Westmeath and Wicklow.¹²³ In essence, these were the first special schools given official recognition by the State.

While specialist state-recognised provision was concentrated in a small number of schools, many children who would now be described as having 'special educational needs' attended ordinary national schools throughout the country.¹²⁴ However, for the majority of these children existing provision was deemed to be inappropriate and they remained outside the formal school system on the basis that they could scarcely benefit from the teaching and learning ordinarily provided by the national schools.

Education for Children Requiring a Different Response: Missed Opportunities

Section 14 (1) For the purpose of promoting education a local education committee, in addition to their other powers, shall have power:

- (c) to enable or assist in enabling afflicted children ordinarily resident in their area to obtain elementary education and industrial training in suitable schools recognised by the Department.

MacPherson Education (Ireland) Bill (1919)¹²⁵

There was clearly an emerging awareness in Ireland of the need to provide education for children requiring a different response. However, unlike Britain, Ireland did not pursue this provision through legislation or state agency. In 1899, the Board of Education Act¹²⁶ was passed for England and Wales, permitting extensive interventions regarding what were termed 'defective or epileptic' children. The Act provided wide-ranging powers for schools and local authorities to ascertain certain aspects of need and to make appropriate arrangements to cater for education. These arrangements were to include specific provision for special classes in public elementary schools, or the establishment of schools for so-called 'defective' children. The Act directed that parents of such children would have a duty to cause their children to attend such classes or schools in accordance with established school attendance laws. Subsequently, another reform measure, the 1902 Education Act,¹²⁷ created local education authorities in England and Wales and empowered the provision of education for Blind, Deaf, and other children as a matter of course. These developments were reflective of a broader understanding of the range of children's abilities, as well as a new concern for medical inspections, better hygiene, and improved health provision for schoolchildren generally.

Furthermore, a consultative committee was established by legislation in Britain and given responsibility for examining issues and policies for education. This was to become an authoritative and influential mechanism for reviewing aspects of education provision with a clear view to improving children's opportunities for learning. For example, in 1913, a report was published on practical work in secondary schools, which concluded that handwork offered several benefits for education, and was of assistance to both 'normal' and 'backward' children. The consultative committee produced many insightful reports, including several highly influential Hadow Reports in later decades.¹²⁸

In Britain therefore, developments for the education of children with particular needs took root in the early decades of the twentieth century, amid a climate of substantial change and reform of education. The progressive approaches being advanced in Britain were not mirrored in Ireland. There was some modest improvement, as for example in the introduction of public health legislation in 1919,¹²⁹ which empowered county councils and county boroughs to make provision for attending to the health of school children in Ireland. One of the most significant opportunities for comprehensive reform of primary and secondary education in Ireland came with the MacPherson Education (Ireland) Bill of 1919-20.¹³⁰ The Education (Bill) became known as the MacPherson Bill after Ian MacPherson, Chief Secretary for Ireland during that period.

Introduced in parliament at Westminster soon after the election results of 1918, the Bill proposed to introduce regional educational authorities throughout the country which would have allowed a percentage of rate support to be allocated to education.¹³¹ On its publication, the Bill was opposed by leading churchmen on the grounds that the control of schools necessary for the religious training of the young would be relinquished and that while the rate support would alleviate the burden of fundraising, it would eliminate the need for the school manager¹³². A campaign supported by both religious and political interests led to the defeat of the Bill.¹³³

Among the main proposals of the Bill were the creation of a Department of Education to unify all sectors of education; the establishment of an advisory board to represent relevant interests and bodies; and the setting up of local education committees with a broad remit for education. The local committees were to have wide-ranging powers and responsibilities, including the promotion of education; the establishment of evening continuation schools; the provision of books and school requisites; the provision of means of conveyance to school; and support of children or young persons in attending secondary school or further education by means of scholarships or bursaries. The Bill's provision for rate support included a specific rate to promote secondary education. Compulsory school attendance was to be applied throughout Ireland.

Of particular interest was the Bill's proposal that the local education committees were to have power to enable or assist 'afflicted children' to obtain elementary education and industrial training in suitable schools recognised by the new Department of Education.¹³⁴ While 'afflicted' incorporated a broad definition for such children, it did not include all children who would have benefited from targeted support, however it represented a positive step in the right direction.

The defeat of the Bill meant that from the outset education in an independent Ireland did not have a wide-ranging base in legislation, which endured until the final decade of the twentieth century. The absence of a responsive legislative basis for education in Ireland remained a critical weakness throughout the decades, with serious implications for the overall development and success of the provision for education under a native government.

The dearth of legislation for education in post-independence Ireland was mirrored by a similar absence of comprehensive legislation in other areas affecting children, most notably in the care and protection of children, which would have serious consequences in future decades. The Children Act of 1908 sought to address the issues of abuse and abandoned and neglected children, allocating ultimate responsibility for the care and protection of children to the State.¹³⁵ The Act was a fundamental step in extending the social rights of children and was part of the legislative inheritance of the new State. However, apart from receiving minor amendments, it was this Act that applied in an independent Ireland for almost the entire twentieth century, in dealing with many aspects related to the welfare of children.¹³⁶

Curricular reform rather than administrative and structural reform became the predominant concern of the new State. Influenced by the Irish cultural revival¹³⁷ and the associated ideology of cultural nationalism¹³⁸, curricular reform became the vehicle for reviving native language and culture.¹³⁹ In the national schools, the curriculum contracted dramatically over the first decade or so of independence. Two conferences initially, in 1922 and 1926, examined the school programme and directed fundamental changes to provide for Irish as a subject and as a medium of instruction.¹⁴⁰

Leadership in Education in the Post-independence Era

[T]here has been a corresponding effort on the part of false philosophies of education, capable of deforming, denaturing, perverting, the whole professional mentality and action of teachers. Every such school, from those of Kant and Fichte, Herbart and Froebel, to those of Comte and Spencer, James and Natorp, Dewey and Durkheim, has endeavoured to give its Philosophy an outlet into the world of constructive action by operating through the principles and methods, and on the aims and norms of education.

Reverend Timothy Corcoran, Professor of the Theory and Practice of Education, University College Dublin (1930)¹⁴¹

A crucial and perennial feature of administration is leadership. In a short time, the policy consensus among education representatives and civil servants that led to the formulation of the MacPherson Education (Ireland) Bill¹⁴² in 1919 was shattered. As one would expect personnel in prominent positions did not continue in their roles in the new regime. For example, Andrew N. Bonaparte Wyse, a former assistant commissioner with the Board of Education in Dublin, joined the Ministry of Education in Belfast as assistant secretary.¹⁴³ This shift in personnel resulted in far-reaching alterations to the various education offices in Dublin, which were now under changed leadership. As observed by Ó Buachalla:

On curricular and process issues the new regime would share no continuity with the previous order; the ideals and ideology of independence demanded a new process and consequently curricular issues would dominate policy for many decades. Only on structural aspects of policy was there to be direct continuity between the old and the new; the educational structures of 1900 would form the keystone of the education system in the Irish Free State.¹⁴⁴

A group of key civil servants exercised power in education within the emergent State. It is not within the remit of this publication to engage in an in-depth consideration of this group of civil servants, however two civil servants can be identified as having particular influence during this period. Appointed as chief executive officer (CEO) over the national school system, Pádraig Ó Broilcháin accepted the handover of the system on 1 February 1922. Ó Broilcháin was a leading figure in the development and implementation of Irish language policy and served until his death in 1932.¹⁴⁵ In April 1923, Seosamh Ó Néill (or Joseph O'Neill) was appointed as secretary of the Department of Education with his main function described as to coordinate the three education services.¹⁴⁶ Prior to the mid sixties however this was rarely achieved.

As secretary of the Department of Education until 1944, O'Neill worked closely with Reverend Professor Timothy Corcoran whom he described as 'from the beginning the master-builder in Education', adding that 'the curricula, aims and methods in Primary and Secondary education' were, in the main, the work of his hands¹⁴⁷. Corcoran's resistance to the more progressive early childhood pioneers, such as Montessori, Froebel, Rousseau and Pestalozzi, is evident in a series of articles published in the 1920s.¹⁴⁸ Considering Corcoran's influence on the architects of the new State, his reluctance to reconcile what he believed to be the primary aim of education, the Irish cultural revival, with contemporary theories of education for young children, inevitably impacted and stymied the development of progressive early childhood and infant education. In view of the critical importance of these progressive theorists influencing child-centred education for young children, this resistance inevitably had incalculable consequences more broadly for children's learning and development.

For a long period under the native government, the major consideration was the great aspiration for the revival of the Irish language.¹⁴⁹ Education policy was dominated by this central consideration for many years and other significant aspects of education did not receive the considered attention that was warranted.

Conclusion

Thus, while various forms of special provision were made for the blind, the deaf and dumb, the juvenile offender in the years under review [1869-1926], the education and the training of the mentally handicapped in Ireland was seriously neglected, by Government and by religious or philanthropic bodies, in an era when it was thriving in the United Kingdom, in Europe and in America. The only exception to this picture of neglect was Stewart's Institution.

Mary, B. Byrne, Fifth Annual Conference of the Educational Studies Association of Ireland, 1980¹⁵⁰

Apart from a few schools, recognised as national schools, serving the needs of children and young people with sensory and physical impairment, there was no provision within the formal education system for those who had special educational needs when the Irish Free State came into being. While there was notable concern and development in Britain, Europe and America from the turn of the twentieth century in regard to children with such needs, Ireland did not demonstrate widespread interest in providing similar educational opportunities.

Had the fundamental reappraisal that was needed taken place, it may have been influenced by the positive developments that were evident in a pre-independent Ireland discussed in this chapter. The most notable development in Ireland came with the MacPherson Education (Ireland) Bill of 1919-20,¹⁵¹ which sought to develop suitable provision in education for what were termed 'afflicted children'. The passing of this Bill into law might have facilitated broad interpretation to cater for a range of children in suitable schools or other settings. This might have been the foundation of a beneficial system for special education of wide application in Ireland. Apart from miniscule growth in the numbers of recognised national schools catering for children with sensory and physical needs, the State did not demonstrate interest in developing or extending provision for 'afflicted children'. The rejection of a suggestion by witnesses to the Commission on the Relief of the Sick and the Destitute Poor that a state department for children should be established¹⁵² represented another lost opportunity to provide a coordinated and progressive response for all children, including what were referred to as 'mentally defective' children.¹⁵³

A societal rhetoric articulating a commitment to the value of the family was at odds with the invisibility, neglect and institutionalising of children, which would continue for many years to come.¹⁵⁴ The general pro-republic consensus during this period that the 1916 Proclamation's commitment to equality should be regularly restated¹⁵⁵ did not extend to all citizens. The progressive idea, of recognising children as citizens rather than as future citizens in the Democratic Programme of the First Dáil on 21 January 1919 and committing to 'making provision for the physical, mental and spiritual well-being of children'¹⁵⁶ would fail to be realised for generations to come. An enduring shadow cast by the civil war and the extensive and crippling poverty stalled the sweeping social and cultural change envisioned during the revolutionary period¹⁵⁷. The State's preoccupation with national identity and the revival of Irish were dominant policy issues for a considerable period, necessitating the subordination of the primary education system especially to the ideal of reviving the Irish language as a living vernacular.

A parallel, marginalised system of provision was developing for a cohort of children for whom the academic demands of the school system were deemed to be insurmountable. While associated with a humanitarian and benevolent reform movement, this provision stemmed from a charitable foundation and allowed the State to divest itself of its responsibility for those children who should have been placed at the centre rather than the periphery of the State's trajectory. Legislation would not become the basis for education provision in Ireland until 76 years after the foundation of the State.¹⁵⁸ This would have particularly adverse consequences for how children with special educational needs would experience the education system in the early and middle decades of the foundation of the State.



A child with Down's Syndrome as part of the crowd after reports of apparition of holy statues shedding tears of blood in Templemore, North Tipperary. Credit – RTÉ Archives.

Chapter One: Education in an Independent Ireland 1922-1936

Key Influences on Education System

Legacy of the Union
Catholic Church
Cultural Revival
The Constitution of the Irish Free State 1922

Education Provision

MacPherson Education (Ireland) Bill 1919
Ministers and Secretaries Act 1924
Narrow Three-R Curriculum
Policy of Gaelicisation

Special Education

Parallel System
Religious, Charitable, Humanitarian and Philanthropic Endeavours
International Influences

The National School System
1831

Asylums
Workhouse
Prisons
Reformatory
Industrial Schools

Education for the Deaf and the Blind

The Stewart Institution

School Attendance Act
1926

Broader Societal Context

Shadow of the Civil War
Crippling Poverty
Low Living Standards
High Rates of Emigration
Concern for the Health and Welfare of Children

In 1936/37:

Number of Primary Schools	5,212
Number of Pupils in Primary Schools	477,878
Number of Post-Primary Schools	327
Number of Pupils in Post-Primary Schools	35,111

Chapter Two: Gaelicisation, Educable Capacity And Steering Clear Of A Root And Branch System Reorganisation 1937-1949

Padraig Pearse considered the education system to be a 'murder machine'. While Pearse attributed the 'murder machine' to the English, it is a fact that much of what he inveighed against in this essay continued in the system after the establishment of Saorstát Éireann.

A. Dale Tussing, Professor of Economics, Syracuse University, Syracuse, New York (1978)¹

Introduction

Departmental shortcomings account for another shameful chapter in our education history, which concerns the neglect of special education...The deficiency was highlighted in 1952 by J. Brosnan of the Dublin branch of the INTO, as he angrily denounced what he called 'one of the greatest crimes of our system...the callous regard for subnormal and backward children' many of whom were 'condemned as fools and dunces'. His words fell on deaf ears.

Dr Antonia McManus, Author, of the School of Education, Trinity College and of Hibernia College (2016)²

A new phase of Irish independence opened with a change of government after a decade of native administration. The peaceful transfer of power following the general election of February 1932 marked the beginning of a different era in Ireland as the country gradually settled to becoming a functioning parliamentary democracy. Though highly challenged in economic and social aspects, the main features of government, both national and local, operated relatively smoothly. While a great depression affected most of the world, leading to major instability eventually culminating in a world war, Ireland pursued a path of national and socio-economic independence with an emphasis on frugal sufficiency. Rates of emigration were high while living standards were low.³

In education, a central concern was the treatment of the Irish language firstly as a subject of study and secondly as a medium of instruction. From the time that the Gaelic League was founded in 1893, many people subscribed to the idea of preserving and revivifying Irish as the ancient language of Ireland. The Department of Education was tasked with implementing the policy of Gaelicisation and for many years the key focus of education reportage was on the various issues linked to Irish. There was no attempt to conduct the root-and-branch reorganisation of the education system that was urgently required.⁴

Other dimensions of education were neglected, not least the education of those who were referred to as 'mental defectives'⁵. Though under consideration from time to time, the raising of the school leaving age was not implemented.⁶ While a council of education was considered at different times, no form of advisory body materialised and a lack of investment in education over a long period negatively impacted development. A decision in 1943 to make the Primary School Certificate Examination compulsory for children in sixth class further contributed to a system in which not all children could flourish. The status quo in place from the foundation of the State continued for children who were perceived as being unable to benefit from the existing education provision. While developments such as the establishment of the Department of Health (DoH) in 1947⁷ and the Hospitals' Commission Survey in 1943 were positive, in most respects the aim of education as focused on the holistic development of each child, and the associated development of society had been ignored.⁸ The system continued to fail the children for whom targeted and differentiated support was required.

An exception during this period were the religious orders, whose unwavering commitment to envisaging 'a better quality of life for persons with a mental handicap'⁹ was embedding the roots of the system that we have today. In 1931, St Augustine's Colony for Mental Defectives at Obelisk Park, Blackrock, Dublin, was opened by the Hospitaller Order of St John of God, more generally referred to as the St John of God Brothers. While not recognised and not receiving any particular concessions from the Department of Education, this initiative would subsequently be understood as 'a momentous decision'¹⁰ in the history of special education, through its role in highlighting the imperative that all children should participate in, and benefit from, education. The Daughters of Charity and Brothers of Charity likewise played a substantial role in this regard. In 1936, there were 458 residents in St Vincent's Home for Mentally Defective Children',¹¹ which had been established by the Daughters of Charity, with 60 percent of the children coming from outside the Dublin area.¹² At that time there were 114 residents in Stewart's Hospital and 59 in St Augustine's.¹³ During this period, the contribution of the INTO also positioned it as a formidable force on the education landscape, which would have a significant influence on the development on the future of special education.

While its significance was not fully understood at the time, the 1937 *Constitution of Ireland (Bunreacht na hÉireann)* would become the chief guarantor of the rights of children with special educational needs to education in the absence of an adequate state response and relevant legislation.¹⁴

Constitution of Ireland (Bunreacht na hÉireann) 1937

The State shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, moral, intellectual and social.

Article 42.3.2, *Constitution of Ireland (Bunreacht na hÉireann) 1937*¹⁵

As it was not until the Statute of Westminster in 1931 that the Oireachtas was officially enabled to pass legislation in contradiction of the Westminster Parliament, The Irish Free State Constitution in 1922 had in effect breached an imperial edict.¹⁶ The Statute of Westminster therefore allowed the then Taoiseach, Éamon de Valera, to begin the work on redrafting a new Constitution, whose authority would stem from the people rather than Westminster, and any amendments would have to be made by the people through referendum.¹⁷ Following a plebiscite on 1 July 1937, the Irish Constitution came into force on 29 December 1937.¹⁸

Reflective of the period in which it was formulated, the Constitution, in Articles 42 and 44,¹⁹ laid down several key principles for education. The right to primary education in Article 42.4, while not expressly enumerated,²⁰ is described as 'a particularly complex right'.²¹ This complexity is generated from its spanning the boundaries of the three 'generations' of rights²² and its classification as a tri-partite right, requiring a balance to be achieved between the rights and duties of children, parents and the State. This is further compounded by the compulsory nature of exercising this right for the child. The family and parents were accorded primacy in terms of rights and duties in education.

The Constitution imposed an obligation on the State to require 'that children receive a certain minimum education, moral, intellectual and social', which was not defined in legislation. It was not envisaged that the State would have a central role in education but rather that it would 'provide for free primary education' and 'endeavour to supplement and give reasonable aid to private and corporate educational initiative'; and that 'when the public good require[d] it, provide other educational facilities or institutions' with due regard for parental rights, especially in regard to religious and moral formation. The principle of state subsidiarity in education views 'the primary role of the state as one of facilitation'²³ and providing for, rather than supplying, free primary education.²⁴ The Constitution therefore cast the State in a subsidiary role in education with a tentative position in general terms, mainly acting as a support to private providers of education.

The failure of the School Attendance Bill, 1942,²⁵ which proposed to give the Minister power through the inspectorate to stipulate the elements of a suitable education and improve measures related to school attendance, generated a reluctance to legislate for school attendance and education more broadly,²⁶ which persisted up to the 1990s. The Bill was found to be repugnant to the Constitution in compromising Article 42, which safeguarded parents' rights.²⁷ In the absence of comprehensive legislation for education until 1998, the Constitution remained for generations a critical source for the rights of children in education in Ireland. The enactment of the Constitution was a seminal event in Irish history as it laid out fundamental principles governing virtually all aspects of life and law for the foreseeable future. Catholic social principles were explicitly acknowledged in Article 44.¹²⁸ and a 'special position' was accorded to the Holy Catholic Apostolic and Roman Church as the guardian of the Faith professed by the great majority of the citizens.

The Pivotal Position of the Catholic Church in Education

The power of the Catholic Church grew further after Independence in 1921, becoming an omnipresent and triumphant force in Irish society as it celebrated the centenary of Catholic Emancipation in 1929 and hosted the Eucharistic Congress in 1932.

Dr Tom Walsh, Lecturer in Education, National University of Ireland, Maynooth (2016)²⁹

In addition to recognising 'the special position' of the Holy Catholic Apostolic and Roman Church, the Constitution gave explicit recognition to the Church of Ireland, the Presbyterian Church in Ireland, the Methodist Church in Ireland, the Religious Society of Friends in Ireland, the Jewish Congregations, and other religious denominations then existing in Ireland. Here the State gave tangible expression to an important reality of post-independence Ireland. Explicitly recognising the various denominations, the State allowed a 'special position' to the Catholic Church in Ireland as representing the religion of the majority of the citizens, thereby conferring on it a pre-eminent position in the affairs of the State. Nowhere was this more important than in matters of education, where the church asserted primacy of rights in education. For example, the 1929 papal encyclical of Pope Pius XI on Christian education, *Divini Illius Magistri*, avowed that 'first of all education belonged pre-eminently to the Church', by reason of the supernatural order conferred by God and was 'absolutely superior therefore to any other title in the natural order'. Important associated principles also affirmed were that the co-education of males and females was prohibited, as was attendance by Catholic children at non-Catholic or denominationally mixed schools.³⁰

The Catholic hierarchy and many Catholic priests and headmasters exercised extensive influence in their writings and in their actions throughout the twentieth century. Bishops and clergymen looked for and received clear-cut prerogatives in key areas of education, as for example in the vocational education sector at the time of its inception.³¹ One of the most prominent voices during this period was Reverend Professor Timothy Corcoran, Professor of Education in University College Dublin (UCD) from 1908 to 1942, whose role in influencing the evolution of education policy at the foundation of the State was referred to previously in Chapter One. Apart from championing conservative views on education, Corcoran was conspicuously influential in determining the character, content and methodology of the school system in an independent Ireland. Corcoran published widely on education matters and was especially critical of the child-centred tradition in education, as well as the education theories of Pestalozzi, Froebel and many more. The ideas of Maria Montessori came in for severe criticism and the possibility of the principles, methods and didactic materials of Montessori being used in Ireland was dismissed peremptorily.³² Corcoran was hostile to modern and progressive ideas in education and may be regarded as the most articulate spokesman for a narrow approach in which pedagogy was characterised by rigid, mechanical methods, where the textbook and the teacher were the fount of all wisdom, and where competitive examinations screened the wheat from the chaff. At the secondary level, Corcoran favoured the grammar-school,

classical approach in an elitist, socially stratified system, designed mainly to prepare and select those who could train for the professions, including the clergy.

In many respects, Corcoran's outlook was indicative of a narrow conservatism that dominated Irish life for a lengthy period, during which external ideas and influences were largely excluded³³ and a 'conservative consensus'³⁴ characterised education policy development. Elected representatives and commentators on education did little to counter the powerful claims of church spokesmen throughout several decades in this matter. Public opinion in Ireland was not a factor of real influence in education and parents had almost no say at all in education, except in relation to their choices for their children, which were largely influenced by the prevailing societal zeitgeist.

A Window into the Department of Education

Hardly more than a ripple or two has come to disturb that stagnant pool which is the Department of Education since the State was founded – and it would seem that hardly a ripple ever will – for that department seems to share some of the qualities of the natural law: it seems immutable.

Professor John, J. O'Meara, University College Dublin (1958)³⁵

As the Department of Education was created to gather the various boards and divisions dealing with the different branches of education, it came to be somewhat of an accumulation of sections distributed in multiple locations around Dublin. There was no attempt made in subsequent years to redesign the structure of administration or to unify the various existing inspectorates. Within the department, the Primary Branch dwarfed the other branches in terms of pupil numbers and state expenditure. The Secondary Branch dealing with the relatively small voluntary secondary school sector enjoyed a certain precedence as it dealt with a higher level of education. Like other departments of government, it was organised on a dual administrative and professional basis. The administrative side was staffed by career civil servants recruited under the norms set by the Civil Service Commission. Recruitment to the professional wing, including the inspectorate, was based on qualifications and experience, normally teaching experience of some kind. Career and promotional prospects were quite different, and several other factors accentuated the notable divide between the administrative and professional arms of the department. Over the years, the hierarchical structure of the department consolidated the concentration of power in the hands of a comparatively small number of senior officials, with the secretary at the apex of the administration. Legal powers were vested only in the Minister, who was accountable to Dáil Éireann.

The Department of Education, in line with legal requirements, produced annual reports year on year. These normally consisted of written accounts of education developments and reportage on progress across the sectors, in addition to statements about certain institutions, such as the National Library and the National Museum. The reports also contained voluminous statistical accounts giving detailed tables about enrolment, schools, examinations and data of various kinds. The annual reports were written in English, but some effort was made to furnish Irish language reports, especially in the primary sector, where short sections such as '*an obair ins na scoileanna*' (work in the schools) featured from time to time. A large commitment in the reports of the Department was devoted to the Gaelicisation policy and for many years the reports sought to show that there was steady progress in the advancement of this key policy aim of the State.³⁶ However, it was apparent that despite the efforts committed to the language, progress fell far short of what was hoped for in every sector of education. Although the annual reports of the Department are useful indicators of the State's provision for education, the commentary material, until more recent decades, seems greatly limited in its coverage and scope. The fragmented and disjointed approach that characterises these reports is indicative of a department charged with a mammoth task and struggling to bring coherence and consistency to a system that in essence required a root-and-branch transformation.

The Medical Examination of School Children

Medical inspection of school-children has been adopted in most civilised countries...The medical inspectors are doctors who are appointed on consideration of their experience in diseases of children, and preference is given to those who hold the diploma of public health. The inspection is exhaustive, and includes examination of the teeth, throat, ears, lungs and heart. It includes observations on the mental development of the child, and the condition as regards cleanliness.

J. Boyd Barrett, M.D. (1913)³⁷

Boyd Barrett, writing in 1913, identified the absence of a school medical service in Ireland as an invidious social problem and called for the intervention of the State in this regard. This service, which was not established in Ireland until the advent of public health legislation in 1919,³⁸ empowered county councils and county boroughs to make provision for attending to the health of school children in Ireland. Cork County Borough was the first local authority to establish a school medical service, in 1924.

An interesting component of the annual reports of the Department of Education was the inclusion of summary accounts of the School Medical Service, which was under the control of the Department of Local Government and Public Health. In following years, similar services were inaugurated in other local authority areas and gradually school medical services spread around the country and were reported to be in operation in all the county boroughs and counties in 1937-38.³⁹ One of the objects of the schemes of school medical inspection was to discover and correct any health defects detrimental to the physical wellbeing and development of children. While the Department of Education furnished summary accounts based on information supplied by local authorities for several years, the practice was not continued after 1938.

A typical summary was one for the Dublin County Borough printed in the Department's annual report for 1936-37.⁴⁰ Some 91 schools with almost 19,000 children were medically examined. More than three-quarters had dental issues, and more than half had eye defects. Other conditions reported included nose and throat problems, heart disease, malnutrition, deformities, and tuberculosis. Follow-up treatments included dental and hospital visits and the provision of spectacles. While the School Medical Service seems worthy of further study, it is sufficient here to note that it was available to some degree in many local authority areas and was an important aspect of public provision for the health and welfare of children and young people. The creation of the DoH by legislation in 1947, with the appointment of the first Minister for Health, was a further significant development affecting the state provision for public health. The influence of the medical field in special education would continue to develop and expand in the years ahead.

Psychological Tests of Educable Capacity

The fact that the child cannot derive benefit from the education provided does not mean that he is ineducable. If given special instruction suited to the limited intelligence he may become a fairly useful member of society, and perhaps earn his own living under supervision.

Dr Louis S. Clifford (1939)⁴¹

Alfred Binet and Theodore Simon are credited with announcing the development of the Binet-Simon Intelligence Test in a paper read at a conference in Rome in 1905.⁴² Two months later, this metric scale of intelligence was published in *L'Année Psychologique*, the first French Journal devoted exclusively to psychology and founded by Alfred Binet in 1894.⁴³ The test was further developed, adapted and re-normed in later years by Lewis Terman

and Maud Merrill, when it became the Stanford-Binet test.⁴⁴ The emergence of objective measures of intelligence was to have a significant impact on how many children would experience education in the years ahead. In Britain, Lord Hadow was associated as chairperson with a series of influential advisory reports on education over a long period. Two of the best-known reports produced by Hadow were *The Education of the Adolescent* (1926) and *The Primary School* (1931),⁴⁵ the latter foreshadowing the 1967 *Plowden Report*.⁴⁶ Another important and highly regarded Hadow report was *Psychological Tests of Educable Capacity* (1924), which explored the possible use of tests in education. This report delved into the origins of testing and thoroughly assessed the value of using standardised scholastic and vocational tests in determining educable ability. The report made several recommendations urging caution in the use and interpretation of tests and advising that the final interpretation of all types of psychological tests should be entrusted only to recognised experts, who should take counsel with those who are in close touch with school life. Hadow also recommended availing of research by university departments of psychology and other organisations to assist in advancing knowledge in the realm of psychological testing for use in education.

While reference was made in *A Plan for Education* (1947) to the inadequate knowledge available regarding the worth of intelligence tests,⁴⁷ there was little or no official commentary from an education perspective in Ireland about testing children. It is apparent, nevertheless, that there were concerns about the incidence of mental deficiency and epilepsy from a health perspective. This is evidenced by the engagement of Dr Louis S. Clifford by the Hospitals' Commission to investigate and diagnose the incidence of mental deficiency using intelligence scales in the cities of Dublin and Cork, Laois/Offaly and Clare/Galway,⁴⁸ which is further discussed below.

Dr Clifford's work conducted in 47 schools with almost 2,000 children received the endorsement of the Department of Education and the assistance of national school inspectors. Both the School Medical Service and School Attendance Officers, as well as selected schools, cooperated with the investigation. Group and individual intelligence tests were administered as part of the investigation, and it is probable that these were among the first such tests administered in schools in Ireland as part of an official survey. The tests included the Otis Group Intelligence Scale,⁴⁹ a version of the Stanford-Binet Intelligence Scale, and in the case of 'deaf and dumb children and those with serious speech defect',⁵⁰ the Collins and Drever Performance Scale.⁵¹ The advent of psychological tests of educable capacity would have a significant impact on how children with special educational needs would be educated – or not, as the case may be in the years that followed.

The Hospitals' Commission Survey: Investigations of Mental Deficiency and Sane Epilepsy in Éire 1943

The number of imbecile children in the schools was rather high and the presence of two mongol children in one school calls for some provision to be made for these abnormal children. Not only are these children ineducable but their psychological effect on the normal child is highly undesirable. Mongols need training which is outside the ordinary school curriculum.

Dr Louis S. Clifford (1943)⁵²

The Hospitals' Commission, a statutory body with responsibility for advising the Minister for Local Government and Public Health in relation to the distribution of sweepstake funds, asked Dr L.S. Clifford to conduct a survey in order ascertain 'the incidence of Mental Defect and Epilepsy, not associated with insanity'⁵³ in two urban and two rural areas. North Dublin City, Cork City, Leix-Offaly and Clare-Galway were selected, with each having a total population of approximately 100,000. The observation that 'Parents object to their children being dubbed defective: 'backward' many of them tolerate, but then backwardness is a 'respectable' complaint'⁵⁴ foreshadowed the terminological challenges that would ultimately require resolving, and the central role parents would be

forced to adopt in advocating for their children. Terminology was reflective of the period and reference was made to 'dull', 'backward', 'mentally retarded', 'mentally defective', 'feeble-minded', 'imbecile' and 'idiot'. It was specifically recorded that 'The interpretation of a mentally defective child was based on the criteria of educability'.⁵⁵ The 'feeble-minded' were distinguished from the groupings of 'idiot' and 'imbecile' in terms of being capable of receiving benefit from instruction in ordinary schools and three quarters of all 'defectives' identified as 'belonging to this grade'.⁵⁶

Clifford concluded that 'The situation to-day is that the feeble-minded and dull child is not instructed to the extent he should be'⁵⁷ and that the blame could not be attributed to the teacher in this regard. A lack of official understanding during the school inspection process was referred to and the performance of these children perceived as 'an excuse for incompetence'⁵⁸ by the inspectors, which in turn was leading to these children failing to attend school. Attempts to form special classes by several head teachers were reported to have been frowned on by department officials as was placing 'mentally retarded children with younger normal children'.⁵⁹ A report of the School Attendance Department for Dublin City recorded that in 1938, 93 children were committed to industrial schools for failure to attend school.⁶⁰ Clifford queried how many of these children were casualties of a school system 'with its instruction and curriculum designed for the normal average intellect'.⁶¹ Relatedly, following the Anglo-Irish Treaty in December 1921, circa 6,000 children were attending the four reformatory schools and 52 industrial schools in the State.⁶²

Clifford advocated for the setting up of special classes where the child would become more self-reliant, and a feeling of self-respect restored in an environment where 'he is not learning to fail'.⁶³ Querying why there were not special schools established, Clifford criticised the damaging practice of 'automatically promoting children mentally handicapped, to higher standards, year after year, irrespective of their scholastic achievement'.⁶⁴ While recommendations were made to establish special schools, these were to provide an education only for the 'feeble minded' through a curriculum to include the intellectual side of reading, writing and arithmetic, with an emphasis on arts and crafts, manual training and domestic subjects. The value of eurhythmics, music games, folk dancing and singing was noted in addition to the services of a trained occupational therapist. A need for proper provision for 'imbeciles' and 'mongol' children who were described as 'abnormal' and 'completely ineducable'⁶⁵ was noted but not developed further.

It is important to note that the methodologies used and the discussion in this survey are rather crude by modern standards. This may be understood with regard to the underdeveloped nature of testing at that time and also poorly developed concepts about ability and intelligence. This survey is especially revealing about the lens through which children for whom the education system was deemed to be challenging was viewed at this time in Ireland. Also revealing from the perspective of teachers was the comment of an INTO leader who explained that 'every teacher was up against the problem of the mentally defective or backward child', adding that all such children were grouped under the term 'duds'.⁶⁶ The parlance of the time is all too recognisable and was frequently used in official discussions about school work and teachers' performance. A salient feature of the survey carried out by Clifford and others was that there was a clear appreciation that there were significant numbers of children whose needs were different from those of most children. Extrapolating the findings of the survey to the whole population, Clifford concluded that there were 66,000 'mentally defective' persons, of whom 21,000 were children in the country,⁶⁷ equating to 22 'mentally defective' persons to every 1,000 of the population.⁶⁸ Writing in 1992, Robins pointed out that in the light of subsequent scientific investigation Clifford's figures were 'grossly overestimated' and included 'many mildly handicapped people and slow learners who would not today be labelled as handicapped'.⁶⁹ However, Robins also conceded that Clifford's findings contributed to the case for expansion of the wholly inadequate provision at that time in the country. The concept of educable capacity at the heart of this survey is one that would resurface and be interrogated by the Four Courts over 40 years later.⁷⁰

Embedding the Roots of the System in Place Today: The Vision and Tenacity of Religious Orders

This is the only country in the world, with all their hospitalisation, where there was no legislation to deal with mental defectives. There was a moral and social obligation on any State to look after their less fortunate brethren – the mentally affected. The question is one not merely for the Minister for Local Government, but also for the Minister for Education, who should introduce legislation to raise the school leaving age from 14 to 16 years in the case of mental defectives.

Dr J. Fitzgerald, Assistant Resident Medical Officer, Grangegorman Mental Hospital (1935)⁷¹

Against a backdrop where a cohort of children was disconnected from the broader education system, religious orders became advocates for this cohort of children in a largely indifferent societal context. Initially, services were generally residential with schools gradually being added on to these services. Of necessity, the timeframe for this project precludes a discussion of the contributions of all the religious orders that had a central role in the provision of education in Ireland. For example, from the end of the eighteenth century and in the early nineteenth century, the Presentation Sisters (1791), the Irish Christian Brothers (1802) and the Mercy Sisters (1828) had established schools,⁷² and their legacy in terms of championing access to education has been significant and enduring.⁷³ A brief exploration of the St John of God Brothers, the Daughters of Charity and the Brothers of Charity, described as ‘the pioneers in establishing a well-planned system of special provision for the mentally handicapped’⁷⁴ provides us with some insight into the remarkable contribution of religious orders to embedding the roots of the system in place today.

The St John of God Brothers

A philosophy of humanised care brought the Hospitaller Order of St John of God to Ireland in 1877 to provide psychiatry and geriatric care. Aligned with this philosophy, the evident neglect of the ‘mentally defective’, led the Brothers to open St Augustine’s Colony for Mental Defectives at Obelisk Park, Blackrock, Dublin, in 1931. Ten patients were initially admitted,⁷⁵ with 50 patients being cared for by October 1935.⁷⁶ Based on an inherent belief that with an appropriate programme, the boys’ mental and physical development could be progressed, a schedule that included ‘physical culture, some elementary education, vocational training, organised recreation and religious practice’⁷⁷ was put in place. As many of the boys were at this stage over the established school age, the focus was less on education and more on the vocational aspect of the syllabus.

A pivotal figure who actively supported the work of the Brothers was Councillor Maud Walsh.⁷⁸ Councillor Walsh was a member of Dublin Corporation who had relocated from Kerry to Dublin, following the death of her husband, a Tralee solicitor. Believing that publicity was needed for the work in Obelisk Park, she organised a charity luncheon on 14 October 1935. Among the guests were Dáil Deputies and Senators, medical specialists, members of the judiciary, clergy of various denominations, businessmen, civic officials and journalists.⁷⁹ On the following day, newspaper editorials focused on mental retardation, including photographs and speeches from the event.⁸⁰ A photograph appeared in *The Irish Times* on the following day titled ‘The Lord Mayor of Dublin, Mr. P.S. Doyle, T.D.; Dr. J.A. Harbison and other visitors being shown around St Augustine’s Colony for Mental Defectives at Obelisk Park Yesterday’.⁸¹ The same newspaper reported on the visit and the lack of sufficient state support for the Brothers’ work was noted, with each year ending in a financial loss and periodical loans required in order to maintain the level of service needed. It was specifically pointed out that ‘the local authorities in England paid 23s.6d per week for each defective supported by them, and in the Free State, where the cost of living was no lower, almost half that figure was considered too high’.⁸² The prevalent position was referred to by

the Lord Mayor, Alderman Byrne, T.D., who noted that in nearly every village, there were 'one or two mentally defectives'⁸³ who would benefit from the programme at Obelisk Park rather than being placed in the county homes indefinitely.

Despite the financial and economic challenges later generated by World War II, the Brothers continued to expand their services, opening in 1938 a special care centre for boys presenting with epilepsy, at Mulhuddart, Co. Dublin. This was in place until the 1950s, when the advent of drugs for the control of epilepsy eliminated the need for a special centre.⁸⁴ It is noteworthy that at this time, a lack of knowledge of epilepsy often allowed children presenting with epilepsy to be deemed as 'possessed beings'.⁸⁵ Influenced by the advent of psychological testing, the Brothers began to assess the boys in St Augustine's and found that 75 per cent were in the mild range, 20 per cent were in the moderate range and 5 per cent were in the severe range of intellectual ability.⁸⁶

In 1942, the Brothers developed a property at Stamullen, Co. Meath, for 70 boys and young men assessed as being in the moderate and severe range of intellectual ability.⁸⁷ A vocational programme incorporating farm work and elementary carpentry was established, with many of the boys subsequently being employed by local farmers.⁸⁸ In 1946, the Brothers purchased Drumcar House, which was to become St Mary's, Drumcar, for the 'care of severely handicapped boys'⁸⁹ and officially opened by Minister for Health Dr Noel Browne, in June 1948. The Minister had taken a particular interest in the work of the St John of God Brothers and the DoH invested £500,000 in St Mary's, where a modern centre for the care and training of severely handicapped boys was established.⁹⁰

The Daughters of Charity

The Daughters of Charity, whose origins can be traced to St Vincent de Paul, came to Ireland in 1855 to provide for the poor and the sick.⁹¹ Building on their work in the workhouse school in Cabra from 1892, the former poor law institution became 'St Vincent's Home for Mentally Defective Children'⁹² in 1926. The new service began with the 54 children⁹³ who had already been in the home and subsequently boys and girls from all over the country were transferred from county homes and mental hospitals to St Vincent's.⁹⁴ During the 1930s, accommodation at St Vincent's was improved and extended with almost 500 children being catered for by 1940.⁹⁵ Sr Louise Burke, acknowledged as 'one of the great pioneers of special education in Ireland' through the 1940s up to the 1980s, was appointed as principal in St Vincent's in 1944.⁹⁶ Two years after a formal application in 1946, the Department of Education granted recognition to St Vincent's as a special national school retrospectively from 1 February 1947.⁹⁷ However, the pupil:teacher ratio remained the same as in national schools with no provision of additional concessions.⁹⁸

At this time, only four of the nine teachers in the school had recognised teacher training qualifications, having attended Our Lady of Mercy Training College at Carysfort Park, Blackrock, Co. Dublin, which had opened in 1903.⁹⁹ The College was established by the Sisters of Mercy at Baggot Street, in Dublin, and by the 1880s had received state recognition and an associated entitlement to state grants.¹⁰⁰ These developments were taking place in a policy vacuum, with no formal teacher education programmes established in Ireland to prepare and support teachers¹⁰¹ to provide for the children Louis Clifford had raised concerns about in his work. On their own initiative, the sisters completed courses in Scotland and England, which was replicated in other schools being run by religious orders at this time.¹⁰² This resourcefulness and proactiveness would be an impetus for the Department of Education to turn its attention to the provision of appropriate training for teachers of children requiring special education provision almost 10 years later.

The Brothers of Charity

Founded in Ghent, Belgium, in 1807, by Canon Joseph Peter Triest, to take care of elderly men at the Byloke Hospital in the city, the Brothers of Charity gradually expanded its charitable services to include tending to the sick, caring for orphan children, sheltering the poor, and providing for those with learning disabilities.¹⁰³ With

the motto, '*Deus caritas est*' (God is Love), the Brothers' mission is to care for those whose human dignity is endangered through a variety of vulnerabilities, including disability.¹⁰⁴ In 1883, the Order's first service in Ireland was opened to provide for mental health needs.¹⁰⁵

The House of Our Lady of Good Counsel established by the Brothers of Charity in 1938 was the first institution to provide for 'mental defectives'¹⁰⁶ outside the Dublin area. More commonly known as Lota, after the mansion purchased by the brothers,¹⁰⁷ the facility catered for males of all ages. This was approved by the Minister for Local Government and Public Health in March 1939 and by the end of that year there were 18 patients in residence.¹⁰⁸ A school influenced by the principles of Montessori was founded in 1941, with an emphasis on sensory training, reading, writing and arithmetic.¹⁰⁹ Financed by the Irish Hospitals' Trust Fund, in the late 1940s and early 1950s, the general hospital building programme contributed to the extension of Lota. Its establishment preceded the development of a government view that there was a need for such a provision.¹¹⁰ In 1956, with 80 pupils on the rolls, Lota would be formally recognised by the Department as a special residential school for mildly mentally handicapped boys.¹¹¹

The St John of God Brothers, the Daughters of Charity, and the Brothers of Charity all worked independently of each other, with the numbers being catered for proportionately small in relation to the total number of people in the country categorised as 'mentally subnormal'.¹¹² However, through a recognition of the potential inherent in all children, these voluntary religious groups laid the foundation for the system of special education that was to subsequently emerge.

The Child has a Right to the Fullest Education We Can Provide: *A Plan for Education* (1947)

This Plan for Education is put forward, not as a blue-print for acceptance, but as a draft for discussion...But we think that our basic principles will be endorsed by everyone who believes that the child has a right to the fullest education we can provide for him, and that this right is conditioned only by his ability to profit by that education. We anticipate the objection that we should have confined ourselves to primary education, but we feel that education should not be thought of as a number of systems but as one integrated system, that its stages are only convenient labels, that it is a single process, one organic growth.

Irish National Teachers' Organisation (1947)¹¹³

Especially active in these years was the INTO – a powerful union representing national teachers in all parts of Ireland, including Northern Ireland. The INTO regularly lobbied the government about the official policies for Irish but failed to make any progress on the issue. Eventually, in an inventive move, it conducted a questionnaire survey of teachers on the question and later produced a report in 1942, concluding that children did not benefit equally from instruction through the medium of Irish as compared with instruction in their home language.¹¹⁴ Another finding was that teachers of infant classes were opposed to using Irish as the sole medium of instruction in school. While the report did not lead to any notable change of policy in the short-term, it represented an important contribution to the ongoing process of debate about education in subsequent years.

Another notable initiative by the INTO in the immediate aftermath of their unsuccessful strike in 1946, was the publication in 1947 of the landmark document *A Plan for Education*.¹¹⁵ Disrupting the narrative of an existing ideal education system being articulated by the Minister for Education, Thomas Derrig, it noted that 'to say that our system approaches the ideal is to adopt an ostrich-like attitude of wilful blindness to its defects'.¹¹⁶ The plan suggested that the total cost of the erection and equipment of all national schools should be borne

by the State. It suggested that secondary and vocational education should be placed on an equal footing, that secondary should not be regarded as intellectually or socially superior, and that equality would be hastened if the curricula of secondary and vocational schools had more in common. The plan asserted that secondary and university education, unavailable to the vast bulk of the population, was financed on a much more generous scale than primary education. The INTO's report on the use of Irish as a teaching medium was identified as the only educational research conducted in Ireland in the previous 20 years,¹¹⁷ and the almost complete absence of educational research was lamented.

Reform of the education system was identified as an imperative and 'Ireland needs a New Deal in education'¹¹⁸ was the conclusion of the INTO. The restriction and narrowness of education, which 'at present is mainly through the medium of words, and so does not make proper use of the greatest of teachers – the senses',¹¹⁹ were highlighted throughout the publication. Reference to the 'wide differences of verbal ability in pupils' and the observation that 'many of our young people derive little benefit from purely bookish instruction' were indicative of a growing awareness of children being excluded from the curriculum.¹²⁰ It was calculated that less than 10 per cent of the population was employed in occupations demanding high verbal ability and that the curriculum was therefore 'distorted to cater for this minority',¹²¹ to the detriment of those children who learn best 'when they can see, feel and work with the material'.¹²² The practical element of the curriculum at Lankhills Special School in England for 'mentally deficient children'¹²³ was cited as an example of handling materials in acquiring mathematical and literacy concepts. A broadening of the curriculum to include arts and crafts and other practical subjects was envisaged, and Montessori was referenced specifically as the educational grounds for allowing for the cultivation of children's creative instinct and expressing themselves by doing and making.¹²⁴ Compulsory schooling for all to the age of 16 was recommended, with provision for further education for those who wished to pursue this pathway. *A Plan for Education* was perhaps the most significant education proposal for Ireland, set out in the public domain, for a long period.

The INTO proposals coincided with other developments, of particular interest in this regard was the establishment of an internal departmental committee to:

examine the existing educational system and to make recommendations as to the changes and reforms necessary in order to raise the standard of education and to provide greater educational facilities for our people¹²⁵

Reporting in 1947, the committee proposed the establishment of a new type of school to cater for 12-16 year olds, a restructuring of the vocational system and curriculum change¹²⁶. This report was also forwarded to the Catholic hierarchy for their confidential information.

Gaelicisation, Infant Education and the Primary School Programme – Clár Nua na mBunscol 1934

The Revised Programme of 1900, based on child-centred principles, initiated a revolution in thinking with regard to infant education. The reforms in infant school practice, which followed the advent of Independence, saw the interests of the young child being sacrificed in favour of citizenship in a new nationalistic State. Any pedagogy which did not support this course of action was deemed by the State and the Church to be of little educational value.

Dr Maura O'Connor, Lecturer in Education, St Patrick's College, Dublin City University (2010)¹²⁷

When the programme of instruction for national schools was being revised in 1934, the word 'kindergarten' disappeared completely from the course for infants. Indicative as this was for the lack of consideration for both infant children and their teachers, it was a deliberate element in the approach to subordinate the curriculum to the Gaelicisation policies promoted by the government. Kindergarten had been such a prominent emphasis of the curriculum since 1900 that full-time kindergarten organisers were appointed to promote infant teaching methods in the schools. In the tumultuous changes that occurred after independence, the staff of organisers attached to Marlborough Street survived and remained an integral part of the Department of Education. The Department's professional staff included organisers for music, domestic economy and kindergarten, and these worked in close association with the staff of national school inspectors. In addition to their visits to schools, the kindergarten and music organisers arranged courses for teachers during summer vacation periods. Thus, for example, in August 1940, the kindergarten organisers, referred to as *Timthirí Ciondargairdín*, directed a two-week course in Dublin, attended by 111 teachers. The music organisers arranged six courses of a week's duration at centres in Dublin, Galway and Sligo, attended by 668 teachers.¹²⁸ These courses became a regular feature of the year's round for national school teachers, who benefitted from so-called 'course days' – usually three days' personal leave, to be taken at their own discretion during the school year. This became an established form of in-service professional development in the primary sector, which continues to the present day.

In 1934, further changes were made so that even greater attention could be given to Irish. A narrow three-R programme centred mainly on Irish, English and arithmetic was ratified by Tomás Derrig, Minister for Education, as the Revised Programme of Primary Instruction or *Clár Nua na mBunscol*.¹²⁹ A particularly stark feature was that English, the vernacular for most children, was not permitted in infant classes and no programme was laid down for English in first class.¹³⁰ Teachers were formally instructed that English was no longer to be taught in infant classes if the teacher was competent to teach through Irish.¹³¹ A lower programme for English was set out for all other classes. Considering that primary education was the only level of education open to most children, the contraction of the curriculum and the narrowing of teaching methods, allied to the extraordinary expectations for the Irish language, had grave consequences for all children. Remarkably, the policy decisions of 1934 were to remain in place, apart from some minor alterations, until the appearance of the primary school curriculum of 1971.¹³² However, 1948 heralded a turning point in infant education with the publication of a *Revised Programme for Infants*, and *An Naí Scoil: Notes for Teachers*, to accompany the programme in 1951,¹³³ which will be further discussed in Chapter Three.

Education Towards the Close of Thirty Years of Native Governance: A Snapshot

Schooling, even at primary level, was focused, work-oriented and often competitive. In the decades prior to *Curaclam na Bunscoile* (1971), which introduced a more child-centred curriculum into Ireland's primary schools, schooling was focused on the acquisition of content. Clever pupils were hot-housed in order to gain scholarships to secondary schools and boys, in particular, suffered often repellent degrees of corporal punishment. Secondary school differed little.

Dr Brendan Walsh, Head of School of Policy and Practice in Education, Dublin City University (2016)¹³⁴

After 30 years of native governance, while the overall educational provision and its reach had expanded, it was not inclusive of all children for a variety of systemic reasons. As examinations were a cardinal feature of the system, the numbers of students taking these written tests are instructive. The Primary Certificate Examination, compulsory for all pupils on the rolls of sixth class or higher standards, was taken by over 30,000 pupils, 75 per cent of whom received a pass. There were over 457,000 pupils in primary schools in 1948 and it might be

noted that relatively small numbers were presented for the examination, merely 6.5 per cent of the total. At the time, primary schools commonly had seventh class and eighth class. There were over 12,600 teachers in the primary system distributed between 4,922 national schools. In the vocational schools, the Day Group Certificate Examinations were held for the second time in 1948 and 1,965 students sat the examinations with a pass rate of 53 per cent. There were more than 14,700 students in whole-time day courses in the vocational system. In secondary schools, there were 43,780 students, 77 per cent of whom were in Intermediate Certificate classes. There were 404 recognised secondary schools, and 3,875 students sat the Leaving Certificate, while 9,212 students sat for the Intermediate Certificate, with an overall pass rate of 82.5 per cent for both examinations. A notable feature was that 72 national schools had senior departments in which over 4,300 pupils followed the secondary schools' programme. These were known as 'secondary tops' and formed an important aspect of provision in many locations where access to secondary schooling was restricted.¹³⁵

Relatively small numbers of pupils went on to post-primary schools and only a tiny number sat the Leaving Certificate examination. Of all the pupils and students in full-time education in 1948, only 11 per cent were in a post-primary setting. Less than 1 per cent of the total sat for the Leaving Certificate Examination. It may be estimated that in the primary system, an age cohort of about 50,000 pupils on average advanced through the classes. Only about 20 per cent of an age cohort were able to sit for a state examination at about the age of 15 or 16 either in a vocational school or in a secondary school. Large numbers of pupils did not advance beyond primary school, and it may be surmised that the school leaving age of 14 years acted as an impediment to progress.

A phenomenon of interest in the primary system was the remarkable spread of pupils' ages in every standard throughout the entire system. For example, fifth-class pupils could range in age from under 10 to over 16, with similar ranges for all other standards. Insight into the extraordinary spread of pupils' ages was revealed by statistics provided officially for 1952.¹³⁶ The phenomenon of distribution by age and standard of primary school pupils was examined in detail a decade later by the Investment in Education¹³⁷ team, which put forward the hypothesis that the standard in which a pupil was enrolled was an indicator of attainment. The concept of pupils 'delayed' for one or more years was described, and it was noted that whereas some pupils might be termed as 'advanced', being relatively young in their primary school classes, proportionately far more pupils were deemed to be 'delayed'.¹³⁸ This phenomenon may be explained by the practice of teachers retaining pupils whose attainment fell below expectations. Thus, as the Investment in Education research confirmed, large numbers of pupils reached the school leaving age before completing sixth class. It is reasonable to assume that certain numbers of children for whom a curriculum focused on the acquisition of content presented particular challenges were among those who were not promoted through the classes in primary schools. This practice of retaining children who were deemed not to have achieved the outcomes associated with a particular class level would necessitate departmental intervention in the years ahead, and the practice would subsequently be eradicated other than in exceptional circumstances.¹³⁹

The Case of Christy Brown: 'My Mother Knowing It Was Impossible to Get Me Going to School Like the Others'¹⁴⁰

My education! It was practically nil. The first and only bit of education I ever had was learning the alphabet from mother at the age of five. I had gone on from there the best way I could on my own, teaching myself to read books – mostly Dickens! – and to learn all I could from them.

Christy Brown, Irish writer and painter who had cerebral palsy (1954)¹⁴¹

In 1948, according to the Annual Reports of the Department of Education (RDEs), there were 10 national schools for 'invalid, blind, deaf and dumb or crippled children', eight of which were in Dublin.¹⁴² Thus, this aspect of state provision had hardly advanced to any significant degree over the years since independence, with the many hundreds of children who might be deemed to have had particular learning needs being almost exclusively within the primary school system. Bearing in mind that the pupil teacher ratio of this period was distinctly weighted for economy – class groups in urban settings often contained more than 50 pupils – those who required differentiated support in order to access the curriculum had limited opportunities to benefit from their schooling. Many pupils were not promoted in the classes and many did not sit the Primary Certificate Examination.

Children who were deemed not to be able to access the curriculum did not avail of the education, as there was, in effect, none suited to their needs. A case in point is that of Christy Brown, the well-known writer whose Dublin upbringing may be cited as illustrating the experience of a significant group of children in Ireland. Brown was born in 1932 with cerebral palsy and did not attend school like the other members of his family. In his autobiography, he recounts how he managed to take a stick of chalk from his sister with his left foot, which was the only part of his body over which he had control. Brown clearly conveys the great anxiety that his mother endured:

My mother, knowing it was impossible to get me going to school like the others, was worried as to how she could best aid me in that way, for, although she was satisfied now that my mental state was quite normal, she feared very much that I would grow up to be illiterate and therefore at a great disadvantage intellectually as well as physically. This fear was with her almost continually. It tormented her.¹⁴³

It appears that with the assistance of medical personnel in an orthopaedic hospital, Brown was eventually able to access special tutoring from a qualified national teacher when he was in his teenage years. Brown narrates that when asked by a doctor about his education, his response was: 'My education! It was practically nil. The first and only bit of education I ever had was learning the alphabet from mother at the age of five'.¹⁴⁴ While the full detail of Christy Brown's educational experience is not related by him, it is apparent that the formal education system did not feature in any meaningful way for his needs as a pupil or a student. As is well known, Brown went on to have a notable career as a writer and an artist, while his story became the subject of a highly regarded film. It may be concluded that the experience of Christy Brown in the Dublin of the 1930s and 1940s conveys good insight into that period and casts light on the level of educational provision as it existed for many children and young people.¹⁴⁵

Conclusion

A feature of the years immediately following the Second World War was the increased consciousness of human rights and needs, particularly where disadvantaged and minority groups were concerned. The welfare state evolved. In Ireland, as elsewhere, social issues such as sickness and handicap and their prevention came under closer scrutiny. People with mental illness or a mental handicap became the object of greater public concern than in the past.

Dr Joseph Robins, Assistant Secretary, Department of Health (1992)¹⁴⁶

It is apparent that as Ireland entered the second and third decades of its independence, the consolidation of the policies of Gaelicisation within the existing school framework was the major focus of attention, rather than the development and expansion of the education system more broadly. A development of significance during this period was the government decision to make the Primary School Certificate Examination compulsory for pupils in sixth class, with effect from 1943. With written papers in Irish, English and arithmetic, this examination

strengthened the emphasis on written work and significantly narrowed the range of education in primary schools for a long period, until its eventual abolition in 1967.¹⁴⁷ While the adoption of the Constitution in 1937 was a significant step for the country, its educational provisions did not herald an interventionist role for the State. Content to be subsidiary to church interests in education, the State and the Department of Education presided over the status quo with a passive disposition. In many respects, the failure to develop the primary school system contributed to serious neglect of the foundational element of the entire education system. While the publication of *An Naí-Scoil* in 1951 would give promise of change, two decades were to pass before fundamental revision of the curriculum of the primary schools brought real advances for both pupils and teachers.

There were some indications that the prevailing fatalistic view of mental deficiency and the marginal role of the State in supporting children and families were changing. However, the dominant view of schooling in the Irish context during this period was considerably influenced by the authoritarianism¹⁴⁸ that permeated the broader society, leading to contradictory practices that were both assertive and principled, as well as unsympathetic and superstitious.¹⁴⁹ The future for those children who were unable to cope with the existing school system was bleak. Corporal punishment was commonplace, as described by Lawrence Murphy, recalling the experience of his own school days:

...the slower students in my class – of which I was a member – would be lined up by the teacher’s desk each to receive one strap across the hand. This was the corrective measure used to give us more of an incentive to work.¹⁵⁰

Throughout Irish society, and like Great Britain, the corporal punishment of children in their homes and at school was viewed as both necessary and acceptable.¹⁵¹ The stipulation by the Department of Education regulations in 1931 that corporal punishment should never be administered for failure in lessons was reiterated in 1946, the evidence suggesting that violations of the regulations occurred regularly.¹⁵²

Whereas there was some movement towards better understanding for children with particular needs, substantial provision for special education remained at a considerable remove in the future. The vision of *The Plan for Education*, in 1947, that education should be ‘thought of not as a number of systems but as one integrated system’¹⁵³ was far from being realised and children for whom the existing state-recognised structures were not suitable remained excluded. According to Counsellor Maud Walsh in 1935, the State was up to 50 years behind in providing for ‘mentally defective children’,¹⁵⁴ with Dr J.A. Harbison, Dublin County Medical Officer of Health, noting that ‘there were mentally defective children in the Free State in county homes, mental hospitals, farmyards and back rooms’.¹⁵⁵ The role of the religious orders and individual religious and lay people in stirring a societal consciousness that the State was failing to meet its obligations to its most vulnerable citizens was fundamental. The St John of God Brothers, the Daughters of Charity, and the Brothers of Charity were at the forefront of what was ‘an unimaginable task’,¹⁵⁶ in the context of a period during which a cohort of children was in the main excluded and omitted from the education narrative. As a society, we are indeed fortunate that during this period there were individuals whose vision transcended the sensibilities of a very different era. Across all structures, as the 1950s began, the one identifiable common thread was that not all children were being served equitably by the Irish education system.



The big school building. My friend, the bus driver, and the chef.

The polytunnel with tomatoes, potatoes and lettuce. The wellness walk.

On my wellness walk, I see lots of things, a badger, the sky, the road and boys playing football.

My favourite place in school is the canteen.

Chapter Two: Gaelicisation, Educable Capacity and Steering Clear of a Root and Branch System Reorganisation 1937-1949

Key Influences on Education System

Embedding Cultural and Political Sovereignty

Catholic Church

Irish National Teachers' Organisation

Education Provision

Irish Language Policies

School Medical Service

Primary School Programme 1934

School Attendance Bill 1942

A Revised Programme for Infants 1948

Special Education

Department of Health 1947

Department of Education maintaining the mould set in early years of post-independence

Religious Orders

The Irish Constitution (Bunreacht na hÉireann) 1937

The Clifford Report 1943

Primary School Certificate Compulsory 1943

A Plan for Education 1947

The Concept of Educable Capacity

Broader Societal Context

Poor Living Conditions

Conservative Political and Official Consensus

Constitution of Ireland (Bunreacht na hÉireann 1937)

Policy of Neutrality during the Second World War

Acceptance of Corporal Punishment

In 1949/50:

Number of Primary Schools	4,886
Number of Pupils in Primary Schools	463,703
Number of Post-Primary Schools	416
Number of Pupils in Post-Primary Schools	47,065

Chapter Three: A Period of Reappraisal and Transformational Development in Education in Ireland 1950-1979

The major expansion of Special Education in Ireland, which dates from less than 50 years ago, began with a period of relatively rapid development between the late 1950s and early 1970s. We are now conscious of having experienced in very recent years an extraordinary growth in the number of pupils served and the number of personnel employed in special education. I believe that a consideration of the earlier period and of what happened or did not happen in the intervening years may help to inform our understanding of recent developments.

Páid McGee, Director of Special Education, St Patrick's College, Drumcondra, Dublin, 1967-2003 (2004)¹

Introduction

In recent years the term special education has become an increasingly familiar one to teachers and others interested in education in Ireland. Here, as elsewhere, the term has come to signify some form of educational provision adapted to the needs of those children who because of mental, physical, sensory and emotional handicaps are unable to benefit adequately from education in ordinary classes.

Tomás A. Ó Cuilleanáin, Primary Divisional Inspector, Department of Education (1968)²

During what was a period of reappraisal and transformational development in education in Ireland, arising from a range of converging variables, special education would begin to feature more prominently in the education narrative. In the period from 1950-1979, the new identity forged by the nascent State was increasingly influenced by the forces for change that were converging on the global stage. The American Civil Rights Movement in the mid-50s, the emerging European Economic Community (EEC) established in 1957 and which Ireland joined in 1973, John F. Kennedy's election to president of the US in 1960, and the Second Vatican Council from 1962 to 1965 were among the forces signalling the winds of change that were on the horizon.

By an Act of the Oireachtas,³ the State was to be described as the Republic of Ireland with effect from April 1949 and it was altogether fitting that the inter-party coalition government of the period should seek to take stock of what might be considered necessary in education. The 1950s were characterised by increasing poverty, emigration (400,000 people emigrated in the period 1951-1961)⁴ and unemployment,⁵ and a dominant pessimistic economic mood prevailed.⁶ In 1951, the Minister for Health, Dr Noel Browne, unsuccessfully attempted to place free maternity care on a legislative basis through the Mother and Child Scheme. The defeat of this proposal, at a time when Ireland had one of the highest infant mortality rates in Europe, raised profound questions about relations between church, State and vested interest groups in Ireland and how government policy was being developed.⁷

With the 1960s came a new era of increased economic prosperity and the attendant confidence and optimism that economic growth inevitably brings. The establishment of Telefís Éireann, which began to broadcast in 1961, had an important social impact, giving opportunities for the development of broader societal understandings. Seán Lemass' succession as Taoiseach in 1959 brought a remarkable regeneration of economic planning that would have deep implications for educational activity. The term 'educational disadvantage' was increasingly appearing in education discourse as an acknowledgement of the fact that some children, for a myriad of reasons, were failing to gain optimal benefit from their school experiences.⁸ The roots of the term are located in the social and economic disadvantage experienced by families and communities.⁹ However, its association with the principle of equality of educational opportunity, in terms of access and participation, highlighted the need for more inclusive and responsive educational policies to benefit all children. The Commission of Inquiry on Mental Handicap 1965, discussed below, raised the issue specifically and referred to studies indicating 'that environment, heredity and effective intelligence are closely related'.¹⁰ Ireland in 1969 was one of the first countries in Europe to proactively respond, with the setting up of Rutland Street Pre-school in 1969 in Dublin city centre.¹¹ During this period, the radical turnaround in Irish economic thinking, an influential report by the World Health Organization (WHO) in 1954,¹² global forces, and the establishment of a range of significant commissions, working parties and committees had a discernible impact on how thinking developed in relation to providing for children who remained marginalised from the broader education system.

A Radical Turn Around in Irish Economic Thinking: The *Investment in Education Report* and a Shifting Education Landscape

Something had to be done or the achievement of national independence would prove to have been a futility.

T.K. Whitaker, Secretary of the Department of Finance (2010)¹³

The appointment, in 1956, of T.K. Whitaker as Secretary of the Department of Finance, later acknowledged as 'the most influential public servant in the history of the State'¹⁴ and voted Irishman of the Twentieth Century,¹⁵ brought a notable reinvigoration of administrative capacity to Ireland's civil service. His paper *Economic Development*, published in 1957, was the precursor to the First Programme for Economic Expansion in 1958,¹⁶ which identified as the first essential 'to redefine the objectives of economic policy in the light of present-day and probable future conditions'.¹⁷ The First Programme for Economic Expansion from, 1958-1963, signalled a major change of approach for government in Ireland. A highly successful transformation of Ireland's economic fortunes followed, as policies of protectionism and self-sufficiency were replaced by free trade and industrial growth.

Education did not receive specific treatment in the First Programme for Economic Expansion. However, a second programme, issued in 1963,¹⁸ devoted a full chapter to aspects of education, emphasising the notion of investment in education as a matter of policy for the future. The Third Programme for Economic Expansion committed to providing ex quota teachers to support 'slow learners'.¹⁹ A significant development around this time was a marked change of attitude on the part of the Secretary of the Department of Education, Tarlach Ó Raifeartaigh, whose scepticism about involving the Organisation for Economic Co-operation and Development (OECD) experts was replaced by a commitment towards detailed planning for the future.²⁰ As it transpired, a fundamental reorientation of the Irish education system was to ensue as a direct result of the OECD-backed pilot study begun in 1962.

The OECD Survey Team began work in October 1962 and provided the ground-breaking *Investment in Education Report* published in 1965.²¹ In contrast with previous surveys, this adopted an analytical and statistical examination of the education system and took account of participation in education, the use of resources, school curricula, and various system needs. According to the OECD:

Following the publication of the Investment in Education report in 1965, which was a joint initiative between the Irish Government and the OECD, the government and the DES became more pro-active in upgrading the education system to meet the needs of a rapidly changing society.²²

Some of the findings gave cause for serious concern. The huge drop-out rates at the transition from primary to post-primary, and in the intermediate stage at post-primary; the social class influences on participation in education; regional variations in participation; narrowness of curricula; and cost inefficiencies of small schools at both primary and post-primary levels all prompted apprehension about the operation of the education system in Ireland.

As part of its research, the survey team noted the provision at primary level for special schools that were recognised by the Department for mentally and physically handicapped children. In February 1964, there were 41 such schools catering for about 2,800 pupils.²³ It was noted that the schools operated within the regulations for national schools, modified to meet requirements in relation to pupil:teacher ratios, qualifications of teachers, and curricula. At that time, there were 4,800 national schools with close to half a million children on rolls. Interestingly, the survey team projected that in 1970-71 there would be 5,000 pupils in special schools, given that there would likely be a continuing expansion in facilities with a corresponding increase in the number of pupils.²⁴

The survey team raised no questions concerning the fact that 28 per cent of the enrolment in special schools were students of post-primary school age ranging from 13 to 18.²⁵ Whereas the Investment in Education survey had noted the presence of special schools, and had also projected future expansion of the enrolment in such schools, it did not dwell on the issue of catering for older students in terms of post-primary provision. The presence of older students in what were recognised as national schools would continue for subsequent decades. In contrast, the survey team treated the 'secondary tops' as second-level schools though they were in national schools with secondary-age pupils. Attended predominately by girls, the 'secondary tops' were recognised as providers of secondary school education up to their phasing out in the 1960s.²⁶

Among the chief changes that were prompted by the *Investment in Education Report* for primary education was a major programme of rationalisation of primary schools, the abolition of the Primary Certificate Examination in 1967,²⁷ and preparations for a new primary school curriculum, which would materialise in 1971.²⁸ At post-primary level, major changes included the announcement of free secondary education by the Minister for Education, Donogh O'Malley in 1966, which was subsequently introduced in 1967,²⁹ and the provision of school transport. The establishment of comprehensive and community schools reduced the duplication of resources and eliminated the bipartite pattern of post-primary education. Better coordination of vocational and secondary schools lessened the technical and academic divide, bringing fundamental change and greatly extending educational opportunities for young people beyond the primary level. The raising of the school-leaving age to 15 in 1972³⁰ underlined the commitment of the State to improving educational provision and marked the start of a new era of greater access to education.

At primary level, the policy of closing small national schools was actively pursued over a period of about 10 years from 1966. Over a 15-year period from 1966, the number of national schools fell by more than 31 per cent.³¹ Reflective of the parallel system of special education that was developing, the typical new school building of the 1970s focused exclusively on mainstream classrooms with virtually no other accommodation. School buildings can be connected to concepts of societal and cultural values,³² and it is instructive to note that the building design of schools did not provide in an anticipative manner for environmental adaptations to support the learning and teaching needs of all children until the latter years of the 1990s. While new schools in the 1980s had 25 per cent shared areas with two smaller adjacent classroom spaces, there was little professional development on their potential and in later years the dividing walls were rebuilt.

WHO, 1954: *The Mentally Subnormal Child*

The education of all children, both normal and subnormal, should be the responsibility of the educational authorities; and no artificial barriers should be erected between normal children and those for whom special provision has to be made. While classification into particular groups may be administratively and educationally necessary, the borderlines between groups, however drawn, are arbitrary, and rigid classification may do harm to many children. Children change in the course of development, and their needs and potentialities change. Hence, educational provision for the subnormal should be continuous with that for normal children and highly flexible in its organisation. It should permit of easy transfer from one type of school or class to another.

WHO, 1954³³

In the late 1940s and early 1950s, an increased concern to address 'mental subnormality'³⁴ globally began to emerge.³⁵ In particular, Ireland was influenced by the specialised agencies developed by the UN following World War II, one of which was the WHO. The need to consider the 'the mentally subnormal child' was identified by the WHO as stemming from the industrialisation of society, greater concentration of the population in urban areas, the introduction of compulsory education, and industrialism's requirement for rapid occupational adaption.³⁶ In 1954, the WHO published an influential report, *The Mentally Subnormal Child*, compiled by a Joint Expert Committee convened by the WHO, with participation by the UN, the International Labour Organisation (ILO), and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

Running to only 48 pages, the report provided a guide for the development of modern services, which many countries adopted, including Ireland.³⁷ Recognising that creating an effective system required a focus beyond the child, the report encompassed prevention, training of personnel, parent and public education, the role of research, and the coordination of services.³⁸ While the Joint Expert Committee concerned itself primarily with the needs of children 'suffering from the milder forms of subnormality',³⁹ it noted that 'In few fields of knowledge is there more confusion resulting from terminological differences'.⁴⁰ Table 1, below, was provided in the report to summarise the nomenclature being used in different countries, its relationship with intelligence scores identified in the Manual of the International Statistical Classification of Diseases, Injuries and Causes of Death, and the terms proposed by the Committee detailed in the left-hand column.⁴¹

Table 1. Current and Proposed Nomenclature of Mental Subnormality: WHO, 1954

Recommended terms	Current usage				Intelligence level according to the Manual*	
	British	American	French	German	IQ (children)	Mental age in years (adults)
Mild subnormality	Feeble-minded	Moron	Débile	Debil	50-69	8-12
Moderate subnormality	Imbecile	Imbecile	Imbécile	Imbezill Schwachsinnig	20-49	3-7
Severe subnormality	Idiot	Idiot	Idiot	Idiot Biödsinnig	0-19	0-2
All grades of mental subnormality	Mentally defective Ament	Feeble-minded Mentally deficient Mentally retarded	Arriéré Oligophrène	Geistesschwach Oligophreniker	0-69	0-12

* World Health Organisation (1948) *Manual of the International Statistical Classification of Diseases, Injuries, and Causes of Death*, Geneva, vol. 1 p. 114.

It was cautioned that intelligence tests had a useful but limited function in diagnosing mental subnormality, describing one aspect only in terms of intelligence quotient (IQ), which was not fixed. Nor did it consider that there were clear dividing lines between normality and subnormality.⁴² The complexity around assessing prevalence in different countries was discussed, with statistics from England used to illustrate the broadly accepted ratio that in 'every 100 mentally subnormal persons, the following proportions will be found: 75 mild, 20 moderate and 5 severe cases'.⁴³ Indicative of the struggle that lay ahead to ensure that all children accessed an appropriate education, the Committee distinguished between the 'mild grade' and others, believing that if the appropriate circumstances were provided, these children could make 'a fairly adequate social adaptation'.⁴⁴ Signalling the start of a move away from institutional care, a presumption in favour of home care was articulated, unless 'the subnormality is very severe or the retention of the child in the home is likely to bring about serious maladjustment or the dislocation of other aspects of family life'.⁴⁵

Early intervention in nursery school provision where 'a few subnormal children are included in the larger group of normal children'⁴⁶ was recommended. Critically, the Committee allocated the responsibility for the education 'of all children, both normal and subnormal'⁴⁷ to the educational authorities. However, it distinguished between the duty of the public education authority in relation to a child who 'is so gravely subnormal as to be completely incapable', advising that 'a specially adapted education should be provided for him as well as the social, medical and other services essential to enable him to profit from it'.⁴⁸ Reference was made to the 'so-called ineducable children', who were excluded from the education system, and the need for a special form of education with an adequate staff, including a specially trained supervisor and assistant supervisor recognised, as 'part of the general teaching service' was specified for 'ineducable' or 'trainable' children⁴⁹. This distinction and the concept of ineducable would subsequently be interrogated and criticised by the judiciary, in the case of *O'Donoghue v. Minister for Health*,⁵⁰ in the early 1990s, which is discussed in detail in Chapter Seven.

The need for modifications to the curriculum, method and organisation of the school day presented challenges in integrating the special class in the ordinary school, which it was noted had led to the establishment of special

day-schools in urban centres, day-boarding schools, and full-boarding special schools.⁵¹ An appreciation that providing an education for 'subnormal children' required integrated support from social, psychological and medical services was evident, and the role of teachers, social workers, psychologists, medical officers and public-health nurses in this regard was affirmed. Training of all personnel was viewed as crucial and conceptualised in three stages: training specific to the profession; interprofessional training; and specialist professional training 'in the problems of subnormality'.⁵² The criticality of providing support for parents and educating the public was highlighted. Expressing concern in relation to the misconceptions among the public in confusing mental subnormality and mental illness, and the existence of a widespread belief that 'mental subnormality occurs only among the children of the sinful, depraved, or shiftless',⁵³ the Committee identified a need for educating the public in this regard. The need for legislation to impose an obligation on the authorities to provide educational and welfare services for *all* children was expressly referenced, with 'all' emphasised through italicisation in the report.⁵⁴

The *WHO Report* has been identified as one of the factors that contributed to finally prompting a government response in an area characterised by stagnation since the foundation of the State.⁵⁵ Many of its recommendations were subsequently mirrored in the *Report of the Commission of Inquiry on Mental Handicap*,⁵⁶ published in 1965, which indicated that the country was adopting new outlooks and directions as it began its withdrawal from what has been described as the 'Celtic Twilight'.⁵⁷

Withdrawing from the Celtic Twilight: New Outlooks, New Directions

We conclude that, in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

Chief Justice Earl Warren, *Brown v. Board of Education of Topeka, Kansas (1954)*⁵⁸

In 1959, John Vaizey, a British economist and author familiar with the Irish education policy context, wrote:

the reversal of policy has been accompanied by a withdrawal from the Celtic Twilight – tho' Irish is still the medium of instruction in schools and the official language; the Church still dominates to an incredible extent; but Ireland is trying to come back to reality.⁵⁹

The need for new outlooks and new directions in education policy formation had been accepted by many in education for some time,⁶⁰ and as Ireland began to look outwards, developments in Europe and the US were inevitably going to register on the policy radar. For example, in the opening paragraph of the *WHO Report* discussed above, developments in the last century, especially over the previous 40-50 years in Europe and the US, were specifically referenced.⁶¹ While it would take some time for these developments to be realised in practice, through engagement with and acquiring increasing knowledge of global forces, the seeds of change were being sown for children who were either excluded or segregated from the existing education system.

Arguably, the most influential and prominent litigation on the right not to be discriminated against in education is the case of *Brown v. Board of Education*, whereby Chief Justice Earl Warren, delivering the judgement of the US Supreme Court, started to dismantle segregated provision and thus created a legal basis for equal opportunity in education,⁶² through deciding that separate but equal education was unconstitutional. Though directly applicable to segregation based on race, the case provided a stimulus for the civil rights movement and the involvement of groups concerned with equality,⁶³ which included disability groups. In the US, the election of John F. Kennedy

in 1960 marked a watershed moment for the start of government involvement in the lives of 'handicapped children'.⁶⁴ Kennedy's personal interest in disability was influenced by his own sister Rosemary, who was born with what was referred to as 'mental retardation'.⁶⁵ He appointed a President's Panel on Mental Retardation, culminating in A Proposed Program for National Action to Combat Mental Retardation in 1962,⁶⁶ and established a Division of Handicapped Children and Youth, attached to the US Office of Education, led by the pioneer of special education, Samuel Kirk,⁶⁷ in 1963.⁶⁸ Accelerating federal legislation for children with disabilities, which was continued by the subsequent administration, culminated in the passage of the landmark Public Law (PL) 94-142, The Education for All Handicapped Children Act of 1975.⁶⁹ Mandating that by 1 September 1978 'all school-aged handicapped children in the US were to have available to them a free, appropriate public education', (FAPE)⁷⁰ the Act constituted a turning point in articulating a clear intention to integrate children with disabilities more fully in schools and society.⁷¹ While the translation of legislation into reality always remains a challenge, nonetheless it indicated a commitment to the lives of children by the US government. Almost two decades later, the legislation, together with developing provision in the US, would subsequently be referred to by the High Court and affirmed by the Supreme Court in Ireland.⁷²

Intensified by the civil rights movement, originating in the 1960s, and marshalling increasing impetus through the 1970s, the integration movement 'wrought a sea-change in attitudes'.⁷³ Influenced by the articulation in society of political, legal and human service values infused with principles of equality, due process, egalitarianism and normalisation,⁷⁴ integration became a central focus in special education. It instigated the move away from the exclusionary and segregated practices that children perceived as being unable to fit into existing education systems had continued to experience. While it found expression through legislation in many countries, including Italy, Denmark, the UK and the US,⁷⁵ it would take some time before the principles associated with inclusion were given legislative effect in the Irish context. In 1978, The Committee of Enquiry into the Education of Handicapped Children and Young People in Britain identified 'the principle of educating handicapped and non-handicapped children together', which they noted was described as 'integration' in Britain and 'mainstreaming' in the US, as 'the central contemporary issue in special education'.⁷⁶

The Committee of Enquiry into the Education of Handicapped Children and Young People in Britain⁷⁷ proposed a range of all-encompassing recommendations for the future provision of special education in Britain. Chaired by Baroness Warnock, the report would subsequently become known as *The Warnock Report*. Advancing a more positive approach, based on the concept of special educational need, the necessity for a new system to replace the existing statutory categorisation that referred to handicapped pupils was articulated.⁷⁸ Coinciding with the integration movement, the introduction of the concept of special educational needs sought to dispel the idea that special education was a different form of education, confined to special settings.⁷⁹ Believing that there was only one population of children with more common needs than differences,⁸⁰ special educational need was defined in broad terms as taking the form of special means of access to the curriculum, the provision of a special or modified curriculum, and attention to the social structure and emotional climate in the setting.⁸¹

Integration was distinguished in terms of physical location, social aspect, and functional integration, with the latter described as the 'fullest form of integration'.⁸² The Committee recommended the creation of a legislative framework located in a new conceptual framework that rejected categorisation in favour of a consideration of individual needs. It also endorsed integration in mainstream education and advocated for a continuum of provision to meet a continuum of need. Priorities for government were signposted as early intervention, the establishment of a special education advisory board and support service, provision for young people over 16 years, teacher training, and research.⁸³ While the influence of *The Warnock Report* on subsequent reports in Ireland is evident, Ireland failed to emulate the official response in Britain, which enshrined a substantial number of its proposals in the Education Act, 1981.⁸⁴

Charting the Way Ahead: Papers, Commissions, Working Parties and Committees

Mental handicap is one of the gravest problems in the field of health and education. For many individuals and families it causes considerable strain, frustration, pain and misery, which in turn, may lead to stress, maladjustment and mental illness.

Commission of Inquiry on Mental Handicap (1965)⁸⁵

Indicative of the increasing interest in providing an education for 'handicapped children',⁸⁶ several papers, commissions, working parties and committees focused on what was considered as 'the problem of the mentally handicapped'.⁸⁷ This was also the title of a White Paper, which was 'primarily a health document',⁸⁸ presented by the DoH in 1960. The paper sought to present some clarity on the confusion that was evident, in addition to resolving the conflation between 'mental handicap' and 'mental illness' that the *WHO Report* had previously noted in 1954.⁸⁹ This conflation, in addition to a lack of appropriate provision,⁹⁰ was contributing to children and adults with 'mental handicap' being admitted inappropriately to district mental hospitals and county homes.⁹¹ Dr Ivor Browne, chief psychiatrist with the Eastern Health Board, described the Irish 'mental hospital' provision in 1957 as a system in which 'those for whom society had no place [were] dumped to get them out of sight – the aged, the mentally retarded, the epileptic, the disturbed'.⁹² The newly established DoH was aware of the practice, but without alternative provision available, this practice continued.⁹³

Reports published during this period indicate a concern to grapple with this ongoing legacy from the Victorian era, where asylums became the permanent residence for those perceived as 'incurable'.⁹⁴ In *The Problem of the Mentally Handicapped*, the terminological discussion is illustrative of an attempt to distinguish between different levels of needs that were clearly not being met in the existing system. 'Educationally sub-normal' was the term used to describe those requiring a special form of education stemming from limited ability or conditions that result in educational retardation,⁹⁵ and was associated with 'slowness in learning'.⁹⁶ This was identified as potentially stemming from bad hearing or sight, erratic school attendance, disabilities in particular subjects, or atypical emotional development. 'Mentally handicapped' and 'mentally defective' were terms considered to be synonymous, with the former being the preferred terminology to describe those who by reason of inherent or induced arrested/incomplete development of mind were incapable of adapting to their environment.⁹⁷ These were further distinguished from 'mentally ill', which was associated with those for whom stress or strain impacts on an otherwise normal mind and who could be successfully treated and their mental health restored.⁹⁸ The White Paper noted that 'Mental handicap may range from the mildest to the most severe degree'⁹⁹ which was classified as mild, moderate and severe for convenient purposes.

Needs vary according to classification. Those severely affected require constant care and supervision; they are unable to protect themselves against common physical dangers; it is impossible to educate them, they have to be supervised at all times and washed, fed and dressed as must be done in the case of infants. The moderately handicapped need supervision throughout their lives. They can be taught to do routine tasks or repetitive work but the amount of scholastic education which they can absorb is minimal. The mildly handicapped can be trained: they are capable of learning elementary reading and writing. A proportion need help and supervision throughout their lives.¹⁰⁰

While the delineation between 'mental handicap of adjoining grades'¹⁰¹ was detailed, the overlap between these classifications was also recognised. It was noted that there were up to 24,000 mentally handicapped persons in the country, 1,200 in the severe range, 4,800 classified as in the moderate range, 18,000 in the mild range, and an estimated 7,000 possibly requiring institutional care.¹⁰² Reference was made to 'ineducable children' not being within the remit of the Minister for Education,¹⁰³ a position that would again be contended by the State in the early 1990s.¹⁰⁴

Stemming from the White Paper, a Commission of Inquiry on Mental Handicap was appointed by the Minister for Health with representation from Health and Education. The Commission reported in 1965¹⁰⁵ and its report would continue to inform state policy up until the early 1990s. A concern to reduce the burden on the State through addressing 'the underproductivity of the mentally handicapped'¹⁰⁶ presents as an unsympathetic and functional motive for establishing the Commission. However, in the context of the time, it represented an enlightened, societal attitude whereby a cohort that had heretofore been largely excluded, should participate in, and benefit from, education and training.¹⁰⁷ The Department of Education was represented on the Commission by Department of Education inspector Tomás A. O'Cuilleanáin and Seán O'Connor, who was then principal officer. Both men would continue to work together closely during the period of major expansion in special education provision that was to follow¹⁰⁸.

The Commission made 96 recommendations addressing pre-school, school, and post-school provision. Key recommendations included the establishment of a diagnostic assessment and advisory service by each health authority; the provision of pre-school services and guidance for families; a curriculum based on pre-adolescent and adolescent stages with pre-vocational training in the final year of special schooling; specified pupil:teacher ratios; the provision of adequate teaching aids, apparatus and materials; and adequate financing of transport to special schools and classes.¹⁰⁹ A recommendation was made that school teams be established separately from the general multidisciplinary teams provided by voluntary bodies in collaboration with the health authorities. It was envisaged that school teams would focus on mental handicap in the school system and comprise a school psychologist, social worker and school medical officer. Vocational Education Committees (VECs) were identified as being able to provide 'special evening classes' for 'the mildly mentally handicapped' who had left special schools.¹¹⁰ A distinction was made between the role of the Minister for Health in providing financial support for voluntary bodies to operate sheltered workshops and the Minister for Education's role in assisting sheltered workshops, providing extended education for moderately handicapped school-leavers.¹¹¹ This demarcation would continue to be made in terms of care and education in official reports,¹¹² and become a central feature of state provision in the future.

It was recommended that the practice of accommodating 'mentally handicapped children' in district mental hospitals should be discontinued and that residential centres should be provided through voluntary agencies.¹¹³ Providing for Irish-speaking children from Irish-speaking areas was specifically referenced as a problem that required addressing.¹¹⁴ The role of research into the 'efficacy of different forms of care and education'¹¹⁵ was supported and the Ministers for Health and Education were encouraged to allocate financial assistance to research. A need for adequate training for all involved in the care and education of the those with mental handicap, including medical professionals, teachers and nurses of the mentally handicapped, was emphasised and universities advised to increase places for training psychologists.¹¹⁶ It was recommended that schools for 'mildly mentally handicapped pupils' be 'entirely separate' from schools for 'moderately mentally handicapped pupils',¹¹⁷ and that 'care units' be established to provide for 'severely handicapped children and for moderately handicapped children who [were] unable to benefit from the education provided in schools for the moderately handicapped'.¹¹⁸

The concept of 'ineducable' was referenced and the view was accepted that many of the moderately handicapped who might previously have been deemed 'ineducable' could benefit from 'a simplified form of education given by teachers specially trained for the purpose'.¹¹⁹ Reference was explicitly made to the view of the WHO in 1954 that, 'unless a child is so severely subnormal as to be completely incapable, his education should be the responsibility of the public education authority',¹²⁰ which should provide support for the exclusion from the education system of children deemed to be in the severe to profound category. Significantly, the Commission recommended the continued joint involvement of the Departments of Health and Education, with the former responsible for detection, assessment and care, and the latter for the provision of special educational facilities. During this period The Commission of Inquiry on Mental Illness also furnished its report in 1966,¹²¹ *A Report of a Committee Appointed by the Minister for Education on the Education of Children who are Handicapped by Impaired*

Hearing was published in 1972,¹²² and the *Training and Employing the Handicapped: A Report of a Working Party Established by the Minister for Health*, issued in 1974,¹²³ indicating the State's escalating awareness that not all its citizens were being equally treated in the new State.

Ireland's Industrial and Reformatory Schools: A Vast and Largely Hidden System¹²⁴

The reality – namely that thousands of children were detained in a State-funded system essentially because their parents were poor – would not have produced the same levels of either sympathy or charity from the wider community. Had there been a proper understanding of the true nature of the system, it is likely that it would not have survived for so long. Public concern would most probably have been voiced at a much early stage (as in Britain) about the inappropriate nature of such institutions for child care.

Mary Raftery and Eoin O'Sullivan, authors of *Suffer the Little Children: The Inside Story of Ireland's Industrial Schools (1999)*¹²⁵

In 1967, the Minister for Education, Donogh O'Malley, amidst emerging evidence of a repressive, underfunded, punitive and callous regime, established a committee of inquiry into reformatory and industrial schools.¹²⁶ The *Report of the Committee on Reformatory and Industrial Schools*, which became known as the *Kennedy Report*, was published in 1970 and recommended the urgent abolition of the system. Education was affirmed in the report as 'one of the most important formative influences on the children with whom we are concerned, whether they are deprived or delinquent'.¹²⁷ Predominant causes of children being placed in industrial and reformatory schools were identified as poverty, neglect and abuse, all of which were inextricably intertwined.¹²⁸ In 1924, responsibility for the schools had transferred to the Department of Education, with the Department of Justice retaining the inspection role.¹²⁹ State funding of religious orders to care for children in these institutions continued until 1970.¹³⁰ The State retained responsibility for the system, which had been established by legislation, and financially supported and regulated by the Department of Education.¹³¹

Education was addressed in Chapter Seven of the report, and it was noted that 'a high proportion of children in care are educationally backward', a fact not considered 'in catering for the children's needs'.¹³² Findings of a survey commissioned from UCD regarding the educational needs of children in these schools were outlined. The findings identified children's poor educational and overall intellectual attainment and noted 'the special needs of the children', the nonexistence of a service to provide an educational report for the courts, the lack of pre-school, post-primary and third-level opportunities, and the lack of provision of 'special and remedial education' and 'vocational and guidance' facilities.¹³³ Testimonies from those who attended these institutions depict harrowing experiences, with scarce attention directed to supporting children's educational achievement and many leaving unable to read or write.¹³⁴ Tessie, who attended the Sisters of Mercy's St Augustine's Industrial School in Templemore from 1950- 1963 from around the age of 2 recounts: 'We didn't get any education as children – we were just educated to scrub. One of the girls went back later and asked the nuns why they didn't educate us. And the nuns said that it wasn't the policy.'¹³⁵ Patrick, described as 'mildly mentally handicapped', was admitted to St Joseph's Industrial School in Glin, run by the Christian Brothers, from the age of 10 or 11, for accidentally breaking the glass of the window in the town hall while doing handstands. Despite his mother's pleas at the court, Patrick was convicted for 'criminal damage' and served seven years at Glin from circa 1943 to 1950¹³⁶.

While an in-depth examination of industrial and reformatory schools lies outside the scope of this publication, there is evidence from a range of sources to suggest that there were children in these schools who might be described as having 'special educational needs', although we will never know the extent of how many were incarcerated in these schools. It is imperative, therefore, in reflecting over a century of provision, that we remember and acknowledge the experiences of these children and their families.

Conclusion

When Association [National Association for the Mentally Handicapped in Ireland (NAMHI)] was formed,¹³⁷ persons with a moderate degree of handicap were not considered educable. Accordingly, there were no schools or classes in existence. Following representations from the Association and recommendations from the Commission of Inquiry, special schools and classes were provided and teacher training courses were organised.

Colonel Joseph Adams, Secretary, National Association for the Mentally Handicapped in Ireland (1986)¹³⁸

The *Report of the Commission of Inquiry on Mental Handicap, 1965*,¹³⁹ received full government support together with a commitment to financial investment,¹⁴⁰ and its validation of a parallel system of education would become the blueprint for development in the decades ahead. The observations in these reports indicated engagement with, and an appreciation of, the contribution of religious orders and voluntary bodies to achieving positive outcomes for children and an increased understanding and appreciation of the benefits of special education. Despite new outlooks and directions internationally, the focus remained on institutionalisation and segregation.

While the contribution of special classes for the 'mildly mentally handicapped' at primary and post-primary levels was endorsed by the Commission of Inquiry on Mental Handicap,¹⁴¹ this was a pragmatic endorsement based on the challenges of establishing special schools for all children throughout the country, rather than a commitment to educational integration. Integration as a concept was not discussed by the Commission of Inquiry on Mental Handicap. A tempering of the position articulated in 1965 was discernible by the Committee Appointed by the Minister for Education on the Education of Children who are Handicapped by Impaired Hearing, in 1972. The Committee advised that 'whenever possible handicapped children should be educated in ordinary schools', noting that 'handicapped children, especially young children, should not be separated from their families unless this is unavoidable'.¹⁴²

Across all the Papers, Commissions, Working Parties and Committees was a consensus that 'the education of subnormal children is a difficult and delicate task in which the teacher needs the fullest support from the social, psychological and medical services, working as an integrated team'.¹⁴³ All these deliberations and reports would play a central role in charting the way ahead and indicated a move away from the view that had prevailed in previous decades, 'that little if anything could be done'.¹⁴⁴ However, catalysts would be needed to translate the deliberations and reports into action.



A baby receives physiotherapy from a nurse at the Central Remedial Clinic in Clontarf, Dublin, in October 1968.
Credit – RTÉ Archives.

Chapter Three: A Period of Reappraisal and Transformational Development in Education in Ireland 1950-1979

Key Influences on Education System

Changed Economic Thinking
Global Forces
Education as a Discipline

Education Provision

Free Post-primary Education
School Transport
Ending Primary Certificate
Expanding Post-primary
Raised School Leaving Age

Special Education

Segregation and Institutionalisation
A Changing Nomenclature
The Concept of Ineducable
Religious Orders

Programmes for Economic Expansion 1958-1963

The World Health Organisation Report 1954

Investment in Education Report 1965

Commission of Inquiry on Mental Handicap 1965

Report of the Committee on Reformatory and Industrial Schools 1970

Broader Societal Context

Increasing Poverty
Mass Emigration
Concept of Equality of Educational Opportunity
Civil Rights Movement
Radical Turnaround in Economic Thinking
Industrial Growth

In 1979/80:

Number of Primary Schools	3,415
Number of Pupils in Primary Schools	547,431
Number of Post-Primary Schools	823
Number of Pupils in Post-Primary Schools	281,835
Number of Special Schools	117

Chapter Four: Catalysts in Moving Towards Providing Education for All Children 1950-1979

We did what a lot of people do when hit by an insurmountable problem. We wrote to the papers. A public protest followed. Parents got in touch.

Annie Ryan, Parent and President of the National Association for the Mentally Handicapped in Ireland (2011)¹

Introduction

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Council of Europe, Article 2, Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1950)²

During this period of reappraisal and transformational development in education in Ireland, a greater awareness of the need to develop special education policy and provision surfaced.³ The seeds of the rights-based approach that would materialise in later decades began to be sown. Sean MacBride, as Minister for External Affairs (1948-1951), steered Ireland's participation in the discussions that led to the European Convention on Human Rights (ECHR) (1950).⁴ While the ECHR would not be incorporated into domestic law until 2003, the first protocol to the Convention was agreed in 1952,⁵ with Article 2 of Protocol No. 1 unambiguously stating that 'no person shall be denied the right to education',⁶ Ireland signed the ECHR in 1953.⁷ In joining the UN on 14 December 1955,⁸ Ireland committed to the Universal Declaration on Human Rights (UDHR), which in Article 26 expressly articulates the right to education.⁹ The Declaration on the Rights of Disabled persons was proclaimed by the UN on 9 December 1975,¹⁰ although this was simply aspirational in the Irish context at that time.¹¹

While the Constitution of 1937 had provided an overarching system of human rights,¹² including the right to primary education, unfortunately this right was not yet being extended to all children. Nonetheless, Ireland's participation in the broader rights agenda, while it lacked a binding force, would have a marked effect on law and jurisprudence in the years ahead, creating an awareness of education as a right and a responsibility of the State rather than an option.

The era slowly paved the way for a reconsideration of the societal attitude that:

prior to the 1960s the handicapped were deemed to be quite distinct from the rest of the population in many countries. So far as education was concerned, ordinary schooling was simply not an option for them, if indeed they were considered capable of benefitting from education at all.¹³

The catalysts that contributed to the promising new direction can be identified as an increasing realisation of the need for a proactive approach to policy development; the intervention of teachers, parents and lay voluntary groups; attention to initial and in-service teacher training; a move towards child-centred education; and a growing recognition of the State's duty to provide for the education of all children.

The contribution of religious orders to this growing realisation cannot be underestimated. As discussed in Chapter Two, religious orders such as the St John of God Brothers, the Daughters of Charity, and the Brothers of Charity had been providing for those children excluded from the education system in the absence of an all-inclusive state system of education.

A Development Unit and a School Psychological Service

There was a psychological service in the Department before I joined as a primary inspector. And that service would have started, again it would have had some of the graduates of the Diploma in Psychology Course in UCD. There were about twenty, maybe twenty-five psychologists. They largely spent their time working in post-primary schools and largely with career guidance and so on. Now they did some other work, I couldn't say what that was. And I'd say they had an impossible job because twenty-five psychologists weren't going to do very much really. And we had no responsibility for them. We had our special schools from four year olds up to eighteen year olds and we had special classes at the primary level full stop. And we had remedial education of course for anybody in those schools.

Gabriel Harrison, Assistant Chief Inspector, Department of Education (2022)¹⁴

A Development Unit

An important feature of the *Investment in Education Report* was a strong recommendation that the Department of Education should establish a Development Unit to facilitate a proactive approach to future policy directions. The proposed unit would have 'the authority to run the statistics-intelligence service of the Department' with senior administrative personnel including a statistician, an economist, an inspector, a sociologist and other suitably experienced people to serve as an organic part of the Department. A continuous review of the educational system was perceived as necessary and potentially transformative¹⁵. The government accepted the recommendation of the survey team and appointed Seán O'Connor¹⁶, as head of the Development Branch set up in 1966 within the Department. Bill Hyland, who was appointed as senior statistician in the unit saw it as 'an opportunity to contribute to educational policy and to help build a more equitable education system'¹⁷.

A considerable focus of its work in the early period was devising catchment area plans which would facilitate a post-primary school rationalisation programme¹⁸. County surveys of educational facilities were undertaken to provide information on schools, enrolments and the likely supply of pupils from primary to post-primary schools¹⁹. Meetings were held in every county with a view to gaining local co-operation in progressing educational provision particularly in regard to the post-primary sector. The Development Branch did not have a long innings. Its work was effectively terminated in the 1970s and the commitment to planning that had been a significant feature of the 1960s was arguably diminished with its closure²⁰. In effect, the Department of Education reverted to its former administrative arrangements. It is noteworthy, and somewhat ironic, that when the OECD reviewed the work of the Department of Education in 1991, it remarked that 'basic data and information on the functioning of the system are not always available in sufficient scope or in good time' adding that 'a sufficiently strong body of quantitative and qualitative data on which to base policy judgements' was not accessible to the Minister²¹.

A School Psychological Service

Another significant move arising from the *Investment in Education Report* was the initiation of a psychological service within the Department of Education. Interestingly, when the Department of Education recruited three psychologists for the first time in 1965, they were categorised under the Development Branch. After its demise, they were listed as the 'Psychological Service'. Over time, the psychologists were identified mainly with the evolving career guidance role in post-primary schools in addition to working with remedial teachers²² so

much so that they were officially known as 'Inspectors of Guidance Services'. The service was organised as a two-tier service, with a member of school staff in the school and the second tier comprising the Department's psychologists, who provided summer courses and on-the-job training programmes for the selected teachers²³.

As the numbers of psychologists increased, their focus was mainly directed towards post-primary education. For example, as remedial education provision expanded in post-primary schools, psychologists took a prominent part in arranging remedial courses for post-primary teachers. While the psychologists remained a distinct cadre, they were grouped with the Primary and Post-primary Inspectorate as part of the professional wing of the Department. When there was movement in the early 90s towards better integration of primary and post-primary inspection, the psychologists became part of this process. This is underlined by the presence of primary and post-primary inspectors and psychologists at the 1992 Inspectorate annual conference, the first time that the three groups joined in conference together²⁴. From that time, in the years ahead, there would be various occasions when collaborative work initiatives were undertaken such as for example, the establishment of the In-Career Development Unit (ICDU) in 1994. The vision of realising the integrated approach envisaged by the *WHO Report* in 1954²⁵ would continue to be a work in progress at the centenary of the foundation of the State.

Reports of the Councils of Education 1954 and 1962: A Lack of Focus on Creating an Education System for All

There are certain problems closely related to the function of the primary school to which we are able in this Report to make but incidental reference – in particular: the education of mentally retarded children, the education and training of children mentally or physically incapacitated.

Report of the Council of Education (1954)²⁶

Richard Mulcahy was the Minister who finally responded to the requests for an advisory body for education when he established the Council of Education in 1950 that comprised 29 members nominated by the Minister.²⁷ Narrow terms of reference, the exclusion of trade unions and parents, and a heavily weighted clerical representation gave grounds for some severe criticism at the time.²⁸ The first task assigned to the Council was to examine the function of the primary school and the curriculum to be pursued from infants up to age 12. An inordinate part of its focus was on the history of education in Ireland and the Council committed nearly a quarter of its report to an extended and detailed background account. Regarding the central issues in its remit, the Council adopted a meandering and ponderous approach circling around key issues but failing to point out a path for progress in meaningful ways. After deliberating for four years, it produced a voluminous report in a bilingual format, signed by 25 members with 182 conclusions and recommendations.²⁹ Recommending only minor changes for primary education, the report did not result in any significant modifications to the function of the primary school or any substantial changes to the primary school curriculum.

An interesting and important feature of the Council's examination of the function of the primary school was what it did not attempt. The Report explained that there were certain problems closely related to the function of the primary school that would require separate and detailed consideration, as to deal with them would necessitate additional time and undue prolongation of its work. The first problem listed by the Council was 'the education of mentally retarded children, the education and training of children mentally or physically incapacitated'.³⁰ The Council stated that it would be possible to make incidental reference only to this question. However, it made no reference to this matter during its long and circuitous discussion of primary education and not one of its 182 recommendations referred to the issue. This would suggest that the question was not considered to be of any great or urgent significance among the members of the Council. However, what is notable is that the Council provided a clear-cut labelling of a dimension of primary education that was gradually coming to the fore as an issue of importance for the future.

A group of three members offered a minority report that was fundamentally at variance with the main body of the Council.³¹ According to the minority report, the main objective of educational policy over 30 years, namely the restoration through the schools of the Irish language as a vernacular, was based on theories that had proved groundless and the result had been failure. Concluding that the attempt to revive Irish in the primary schools had a detrimental effect on educational standards, the minority report expressed the view that the use of Irish as a medium of instruction was particularly harmful. In addition, the minority report claimed that the INTO's questionnaire survey of 1941 had 'received far too little attention' and added that 'the findings of the INTO [were] in conformity with reason and experience'.³² While at the time, the minority report was of limited significance, within a few years, the issues it had raised would resurface for consideration.

The work of the Council attracted criticism from a variety of sources. That the Council did not invite witnesses to appear before it, that parents' views were not canvassed, and that the INTO report of 1941 was ignored by the majority report, were factors seen as regrettable by one well-informed commentator.³³ Another discerning critic described the work of the Council as unsatisfactory, and referred to the failure of the Department of Education to carry out research into the working of education in the community, pointing out that the absence of self-examination and the examination of others was a sure sign of stagnation in education.³⁴ In a wide-ranging and perceptive critique of the education system in general, the reviewer acknowledged that the VECs were responsive to identified needs in primary and secondary schools and advocated a much broader role for them at the local level. In a remarkable comment for the time, this commentator ventured that the VECs would be 'in a position to plan special schools for mentally deficient or otherwise handicapped children – for which there is too little provision in this country'. Furthermore, they could arrange for these, and all other schools, transport schemes to make optimum use of buildings and facilities.³⁵

It might be said that the times were not conducive to effecting significant improvements in the education system and this was again reflected in the second major report of the Council of Education, which was established to consider the curriculum of the secondary schools in November 1954. Six years later, the Council reported, and its report was finally published in 1962.³⁶ Like its counterpart for the primary sector, the Council concentrated a lot of effort on a historical account of education in Ireland over a long period. With a voluminous report containing no fewer than 174 conclusions and recommendations, the report overall did not signal any significant changes regarding the secondary sector. The Council rejected the notion of secondary education for all not only on financial grounds, but also on educational grounds, claiming that a minority of students would be capable of benefitting from secondary education. The Council was dismissive of the complaint that there was a lack of coordination between the various branches of education and concluded that there could not be greater coordination regarding the curricula of the primary and secondary schools.³⁷

There was no mention of children with particular needs, as much as to confirm that the grammar-school approach of secondary schools would not be a suitable form of education for anyone but those capable of benefitting from it. Secondary Tops, where 10 per cent of students were prepared for certificate examinations were noted as an important element in the educational system. Conversely, the necessity for their existence in 87 national schools countrywide was not interrogated. The Council declared that providing universal, free secondary education for all would diminish the incentives to benefit from it and would inevitably lead to standards falling. An important assertion for the Council was that the secondary schools were voluntary institutions whose dominant purpose was the inculcation of religious ideals and values.³⁸ This report was a disappointment for those who hoped for significant reform of post-primary education.³⁹ The Reports of both Councils reflected a lack of focus and disengagement with the concept of creating an education system in which all children could flourish. Building on the foundations discussed in Chapter Two, the religious orders and lay voluntary groups often led by parents would be left to address this persistent gap in education provision for children and young people who continued to be excluded from the mainstream system. This gap persisted, despite the availability of clear evidence both in national and international reports that all children could participate in, and benefit from, an education.

Forces for Change: Teachers, Parents and Lay Voluntary Groups

Teachers

We have an obligation of charity and perhaps even justice to the handicapped, to the backward child... the school exists for the child not the child for the school. Education is an art, the teacher an artist; he shapes not bronze or marble but the soul of a child.

Reverend Peter Dempsey, Professor of Psychology at University College Cork (1952)⁴⁰

As discussed in Chapter Two, *A Plan for Education*,⁴¹ published by the INTO in 1947, was indicative of the daily experiences of teachers in classrooms that not all children could thrive in the existing system and that a different response was required. During this period, the INTO continued to highlight what was referred to in its publication, *The Irish School Weekly* (March 1952) as 'the callous disregard for subnormal and backward children'.⁴² Brosnan, suggesting that 'many of these [children] are condemned as fools and dunces according to our conventional academic standards. They are the victims of those who define education as a matter of books and words', concluded that 'the very existence of backward children does not seem to have impinged itself upon the official mind'.⁴³

At the INTO's Tramore Congress in the same year, a paper⁴⁴ was presented by Reverend Peter Dempsey, Professor of Psychology at University College Cork (UCC).⁴⁵ The paper, titled 'The Backward Child', described 'a backward child' as one who was 'mentally or intellectually retarded'.⁴⁶ Influenced by the developing field of psychological testing and Dr Cyril Burt's work, reference was made to degrees of intelligence based on normal, dull, feeble-minded and severely defective, with an estimate made that in each class 10 per cent of children could be expected to be in the backward category. Dempsey advised that teachers should be aware that 'some [children] are born backward...some become backward and some have backwardness thrust upon them'.⁴⁷ When backwardness was not properly handled, consequences included children being unhappy, delinquency, and a financial and social loss to the country.⁴⁸ It was concluded that children who were so 'different qualitatively from ordinary children'⁴⁹ required 'a special curriculum, special class and special methods of instruction'.⁵⁰

Discussions following Dempsey's presentation focused on the abject failure of the State; the assessment of teachers' work being focused on the glorification of intelligence through 'a system which placed the success of the few beyond the good of the many'; and the pressures of inspection in this regard.⁵¹ A call for the training colleges to provide teachers with training, the need for a modified curriculum for backward children, and the need for teacher-refresher courses were articulated. During this period the National Association of Teachers in Special Education (NATSE), which would become the Irish Association of Teachers in Special Education (IATSE), was also established in 1969, primarily by the Diploma Class of 1968/69 at St Patrick's College.⁵² The association would contribute greatly to the development of special education in the years ahead, through its pioneering work and the establishment of the *Reach Journal of Special Needs Education in Ireland*, in 1986, which would subsequently become the *Reach Journal of Inclusive Education in Ireland*.⁵³ The Association of Remedial Teachers of Ireland (ARTI) was founded in 1974⁵⁴ and in 1997 it became the Irish Learning Support Association (ILSA).⁵⁵ In 1977, ARTI's first journal was issued.

Parents and Lay Voluntary Groups

Association for Parents of Mentally Backward Children. Lady wishing to form above would like to contact anyone interested. Box Z 5061 Children.

Patricia Farrell, Parent of Brian, a Child with Down Syndrome (1955)⁵⁶

Parents became a powerful driving force and impetus for reform during this period. Whereas the constitution gave primacy to parents as the primary and natural educators of their children, parents had little direct say or participation within the overall system of education in Ireland. In effect, the authorities of neither church nor State sought to assign a role to parents in educational affairs:⁵⁷ They were merely perceived, in 1968, as 'providers of children.'⁵⁸ An indication that a change was imminent is evidenced in the introduction of voluntary boards of management at primary level in 1975.⁵⁹ While the family and parents were 'at the apex of the constitutional structures upholding education'⁶⁰ from the foundation of the State, in essence they were excluded from decision-making in relation to their children's education.

A refusal to accept the neglect that had characterised provision for their children from the foundation of the State forced parents to agitate on behalf of their children. In 1955, the only option available to Brian Farrell from Gigginstown, Co. Westmeath, who had Down syndrome, was institutionalised residential care. His mother, Patricia, placed an advertisement in *The Irish Times* on 2 June 1955 to elicit interest in forming an Association for Parents of Mentally Backward Children. The response to Patricia's plea was remarkable and led to the establishment of St Michael's House in Dublin.⁶¹ With no state support, extensive fundraising had to be undertaken by members of the association and volunteers leading to the purchase of a building in 1956, with one teacher, Sheila McCabe, and a class of 12 children. A second teacher, Eva Bieler, was recruited in 1958 and St Michael's School was officially recognised by the Department of Education as a National School in 1960.⁶² Declan Costello, politician, attorney general and president of the High Court, attended the first meeting held in 1955 and remained involved with St Michael's House until his death in 2011, remarking at one point that 'of all of the things I did in my life, being associated with St. Michael's [House] was the one I regard as the most important of all'.⁶³

Many parents had experiences like those of Patricia Farrell. Annie Ryan⁶⁴ recounts how, in 1971, there had been no school place available in the Irish Free State for her son Tom, who had an intellectual disability, which forced her to send Tom to the Rudolf Steiner School at Glencraig in Belfast.⁶⁵ After five years in Belfast, there continued to be no place available for Tom and following an appeal to the newspapers and a public protest, he was transferred to a psychiatric hospital when he was 12.⁶⁶ The practice of accommodating children in psychiatric hospitals when no other placement was available was widespread over a long period and in 1980, it was reported that 2500 'mentally handicapped people' were resident in psychiatric or geriatric institutions.⁶⁷ It was further reported that 2,000 people with 'mild or borderline mental handicap' and at least 225 people with normal intelligence were in residential care, and 2,000 people with 'serious mental handicap' were living in the community in need of residential care.⁶⁸ While what Annie Ryan terms 'this scandalous misplacement'⁶⁹ provided a certain level of security, it represents an abrogation of state responsibility to a cohort of the population and their families.

Faced with what was an untenable situation, over the years, more and more parents became better organised and formed parent associations and lay voluntary organisations to exert pressure on legislators and school authorities.⁷⁰ Organisations such as The Irish Society for Autism, founded in 1963,⁷¹ Down Syndrome Ireland (DSI), in 1971,⁷² and Kerry Parents and Friends Association, in 1973,⁷³ indicated that parents were no longer prepared to accept the status quo and would demand that the same educational experiences be provided for their children as

were provided for other children. The Cork Poliomyelitis Association, which is now the COPE Foundation, was also founded in 1957 as a response to the spread of Poliomyelitis at that time.⁷⁴ In 1958, it changed its name to Cork Polio and General After-Care Association and was instrumental in starting two special schools – Scoil Bernadette and Queen of the Angels (now Scoil Éanna).

This began a movement that still exists, whereby parents continue to be a driving force and impetus for reform. The establishment of the National Association for the Mentally Handicapped in Ireland (NAMHI) 1961, which would subsequently become Inclusion Ireland, indicated the growing dissatisfaction and marginalisation experienced by people with intellectual disabilities.⁷⁵ At the foundation of NAMHI, early intervention programmes were not available, no state obligation had been established to provide for education, and few employment opportunities existed.⁷⁶ The only choice for parents was to keep their child at home with negligible support or send them to an institution, if a place were available, which was not always the case.⁷⁷

The gradually increasing access to radio, television and media would strengthen the claims of parents and their representative organisations, thus gaining public attention and requiring legislators and education authorities to respond. An example of the role of television in stirring the public consciousness was the *Radharc*⁷⁸ production in 1962,⁷⁹ which brought the case of Christy Brown, discussed in Chapter Two, to a wide audience. The growing power of the media to place a spotlight on the limitations of public services was a major factor in the quest for improvement in educational provision for children who were either excluded or ill served by the education system.

Building on the Existing Foundations in Moving Towards Providing Education for All Children: The Expansion of Special Schools

The initial developments in the establishment of special education took place on the basis that only those children in the mild range of handicap were educable. In general there was a pessimistic view about the educational potential of those who were moderately handicapped, although there were some people involved in providing services who always took a more optimistic view.

Dr Joseph Robins, Assistant Secretary, Department of Health (1992)⁸⁰

The system was beset with irregularities, inconsistencies and deficiencies that were leading to the exclusion of children from the existing education provision. The continued shortage of places in provision being supported by the religious orders indicated that further expansion in services was needed⁸¹ and during the 1950s, a substantial development programme occurred with 2,618 places available in special institutions by the end of the decade and several hundred others being progressed.⁸² The Hospitals Trust Fund mitigated the need for reliance on exchequer funding and between 1947 and 1960 circa £1.5m in capital grants was allocated for 'mental handicap funding'.⁸³

A distinction continued to be drawn between the provision of care and education, with the former the responsibility of the health service and the latter that of the Department of Education. Consolidated by the *WHO Report* in 1954, the role of the Department of Education was firmly copper fastened through its representation on the Commission for Mental Handicap.⁸⁴ In 1939, two Department of Education inspectors, Eoin Ó Loinsigh and Bríd Ní Mhurchú, had attended a special course in London and became the special education advisors in the Department on their return. However, with the intervening war and financial constraints, it was not until 1949 that their recommendations received serious consideration.⁸⁵ While the Department of Education was disposed towards developing special education provision, the Department of Finance was described as 'devoid of any philosophical stance on the subject other than protecting the public purse', and opposed any innovation.⁸⁶ Building on their work in previous decades, the religious orders continued to influence the development of special education provision. Illustrative of the struggle and perseverance required is the work of the Daughters of Charity during this period.

As discussed in Chapter Two, from 1948, the Daughters of Charity's St Vincent's School had been retrospectively granted official recognition as a special national school from 1 February 1947.⁸⁷ This involved endless persistence by the sisters, including meetings with the Department and the Minister for Education, Seán Moylan.⁸⁸ As there was no extra financial assistance provided to support reduced pupil:teacher ratios, the sisters funded five posts in addition to those paid for by the Department of Education.⁸⁹ Other than the capitation rate of 17s 4d a week to provide for the care of children from the local authority, no additional funding was made available to the sisters.⁹⁰ Departmental records of the period indicate that Seán Moran, a senior departmental inspector, sympathised with the sisters' position and considered that the rules for ordinary national schools should not be applied to special education provision.⁹¹ Finally, in 1956, the Department of Finance reluctantly agreed that the pupil:teacher ratio for special schools should be fixed at 20:1.⁹²

Sister Gertrude O'Callaghan reported that there were 500 pupils living in the residence when she began work in St Vincent's, in 1945.⁹³ In accordance with the classification system being employed in 1944, of the 506 residents officially recorded, 'the great majority were either 'idiots' (moderately handicapped) or 'imbeciles' (severely handicapped)' with 'few 'feeble-minded' (mildly handicapped)' children being admitted.⁹⁴ In 1955, both the residence and the school transferred to Holy Angels, Glenmaroon, and would become known as St Michael's.⁹⁵ In 1956, following extensive adaptations, a school opened at the site with 235 places.⁹⁶ Influenced by training accessed by the sisters in Scotland and England, the curriculum included the three Rs, physical education, music, singing, dancing, a percussion band, eurhythmics, and craftwork.⁹⁷ St Vincent's and later St Michael's provided for 'mildly handicapped children'.⁹⁸ Believing that with appropriate techniques, 'moderately handicapped' children could benefit from education, the sisters continued to provide programmes for these children without the support of the Department of Education. In November 1962, Sister Rosalie Hurl, in a letter to the Minister for Education, requested official recognition for this provision. The official response was that further expansion was awaiting the *Report of the Commission of Inquiry on Mental Handicap*. However, according to Mícheál Ó Mórdha, a senior departmental inspector dealing with special education, the Department was aware of what was imminent in the report and formal recognition was provided for the school as St Vincent's for children with 'moderate handicap' in March 1964.⁹⁹ As noted previously, St Michael's House for 'moderately handicapped children' was officially recognised by the Department of Education in 1960.¹⁰⁰ Table 2, below, provides a summary of all residential and non-residential centres approved by the Minister for Education or the Minister for Health as providing services for the 'mentally handicapped' on 31 December 1964.¹⁰¹

Table 2. State-recognised Provision on 31 December 1964

Centre	Administered by	Sex and Grades Catered For	Numbers on 31 December 1964	Age Range	Recognised as a Special School
Stewart's Hospital, Palmerstown, Co. Dublin: -Residential -Day	Committee of Management	Males and Females – Mild, Moderate and Severe. Principally Severe.	291	Up to, and over 21.	Yes
St Augustine's, Obelisk Park, Carysfort Avenue, Blackrock, Co. Dublin: -Residential -Day	Hospitaller Order of St John of God.	Males only – Mildly Handicapped.	255	Under 21.	Yes
St Mary's Hospital and Special Training Centre, Drumcar, Co. Louth: -Residential	Hospitaller Order of St John of God.	Males only – Moderate and Severe, Principally Moderate.	371	Up to, and over 21.	No
St Raphael's, Celbridge, Co. Kildare: -Residential -Day	Hospitaller Order of St John of God.	Males only – Mild and Moderate. Principally Moderate.	192	Up to, and over 21.	Yes
St John of God, Glenageary, Co. Dublin: -Day	Hospitaller Order of St John of God.	Males and Females – Mild, Moderate and Severe. Principally Moderate.	27	Under 16.	Yes
St John of God, Islandbridge, Dublin: -Day	Hospitaller Order of St John of God.	Males and Females – Mild, Moderate and Severe. Principally Mild and Moderate.	39	Under 16.	Yes
House of Our Lady of Good Counsel, Lota, Glanmire, Co. Cork: -Residential	Brothers of Charity	Males only – Mild, Moderate and Severe. Principally Mild and Moderate.	247	Up to, and over 21.	Yes
St Joseph's, Kilcoran House, Clarenbridge, Co. Galway: -Residential	Brothers of Charity	Males only – Mild, Moderate and Severe. Principally Mild and Moderate.	101	Up to, and over 21.	No
St Vincent's Home, Navan Road, Cabra, Dublin: -Residential -Day	Daughters of Charity	Males and Females – Mild, Moderate and Severe. Principally Moderate and Severe Females.	513	Up to, and over 21.	Yes
St Joseph's Hospital, Clonsilla, Co. Dublin: -Residential	Daughters of Charity	Females only – Mild, Moderate and Severe. Principally Moderate.	267	From 16 to 21+	No

Centre	Administered by	Sex and Grades Catered For	Numbers on 31 December 1964	Age Range	Recognised as a Special School
House of the Holy Angels, Glenmaroon, Chapelizod, Co. Dublin: -Residential -Day	Daughters of Charity	Females only – Mild and Moderate. Principally Mild.	259	Up to, and over 21.	Yes
St Vincent's, Woodsdown House, Lisnagry, Co. Limerick: -Residential	Daughters of Charity	Females only – Moderate and Severe. Principally Moderate.	35	Up to, and over 21.	Yes
St Teresa's Temple Road, Blackrock, Co. Dublin: -Residential -Day	Daughters of Charity	Females only – Mild and Moderate. Principally Mild.	109	Up to, and over 21.	Yes
St Mary's Convent, South Hill, Delvin, Co. Westmeath: -Residential -Day	Sisters of Charity of Jesus and Mary	Females only – Mild, Moderate and Severe. Principally Mild and Severe.	121	Under 21.	Yes
Moore Abbey, Monasterevan, Co. Kildare: -Residential	Sisters of Charity of Jesus and Mary	Females only. Principally Moderate.	74	From 16 to 21+	No
The School and Home of the Immaculate Conception, Cregg House, Sligo: -Residential	Congregation of the Daughters of Wisdom	Females only – Mild, Moderate and Severe. Principally Moderate and Severe.	125	Up to, and over 21.	No
Queen of Angels School, Montenotte, Cork; -Residential	Cork Polio and General After-Care Association	Males and Females – Mild and Moderate. Principally Mild.	90	Under 21.	Yes
St Elizabeth's, Beech Hill, Cork: -Residential -Day	Cork Polio and General After-Care Association	Males and Females – Mild, Moderate and Severe. Principally Moderate and Severe.	109	Up to, and over 21.	No
Scoil Bernadette, Cork; -Day School	Cork Polio and General After-Care Association	Males only – Mild and Moderate. Principally Mild.	84	Under 16.	Yes
St John's Unit, Peamount Hospital, Newcastle, Co. Dublin: -Residential	Board of Governors	Males only – Mild, Moderate and Severe. Principally Severe.	64	Up to, and over 21.	No

Centre	Administered by	Sex and Grades Catered For	Numbers on 31 December 1964	Age Range	Recognised as a Special School
St Michael's House, 17 Grosvenor Road, Rathmines, Dublin; -Day School	Association of Parents and Friends of Mentally Handicapped Children	Males and Females – Mild and Moderate. Principally Moderate.	63	Under 21.	Yes
St Michael's House, Jamestown Road, Finglas, Dublin; -Day School	Association of Parents and Friends of Mentally Handicapped Children	Males and Females – Mild and Moderate. Principally Moderate.	59	Under 21.	Yes
Catherine McCauley School, Limerick; -Day School	Limerick Handicapped Children Committee	Males and Females – Mild and Moderate. Principally Mild.	44	Under 16.	Yes
St Gabriel's, Limerick: -Day School	Limerick Handicapped Children Committee	Males and Females – Moderate Only.	16	Under 16.	No
St Gabriel's, Limerick: -Day Nursery	Limerick Handicapped Children Committee	Males and Females – Severe Only.	8	Under 16.	No
St Dympna's Centre, Dundalk, Co. Louth: -Day School	St Dympna's Society for Mentally Handicapped Children	Males and Females – Mild, Moderate and Severe. Principally Mild and Moderate.	32	Under 21.	Yes
St Ita's Special School, Drogheda, Co. Louth: -Day School	School Manager	Males and Females – Mild and Moderate. Principally Mild.	40	Under 21.	Yes
The Creche, Waterford: -Day Nursery	Waterford Mentally Handicapped Children and After-Care Association	Males and Females – Moderate and Severe.	12	Under 21.	No

Centre	Administered by	Sex and Grades Catered For	Numbers on 31 December 1964	Age Range	Recognised as a Special School
St Martin's Special School, Lady Lane, Waterford: -Day School	Waterford Mentally Handicapped Children and After-Care Association	Males and Females – Mild and Moderate. Principally Mild.	41	Under 21.	Yes
St Joseph's Special School, Newcastle, Galway: -Day School	The Galway Association for Mentally Handicapped Children	Males and Females – Moderate only.	25	Under 21.	Yes
The Sunbeam House, Bray, Co. Wicklow: -Residential -Day School	The Protestant Child Care Association	Males and Females – Mild, Moderate and Severe. Principally Mild.	20	Up to, and over 21.	Yes

To address the challenges in identifying children's needs and providing for appropriate interventions, the WHO during this period recommended that a child-guidance clinic be established in Ireland and the DoH sought the assistance of the Order of St John of God, who opened a clinic in 1955 in Rathgar, with state support.¹⁰² Indicative of the level of need, almost 800 children were referred to the clinic by parents, teachers, doctors and others during its first three years and almost 10,000 clinical sessions were conducted involving the psychiatrist, psychologist and social workers.¹⁰³ In 1962, two further clinics under the patronage of the Archbishop of Dublin were opened in the Mater and Temple Street children's hospitals.¹⁰⁴ This response, while laudable, was inadequate to address the cumulative challenges that had developed over a long period of neglect.

At the end of 1967, there were 62 special national schools catering for 'five main categories of handicapped children'.¹⁰⁵ Table 3, below, provides a summary of these categories and the total average enrolment for the year 1967¹⁰⁶. Indicative of the pace of expansion during this period is that, as noted previously, the OECD survey team had reported that in February 1964, there were 41 schools recognised by the Department for mentally and physically handicapped children, catering for about 2,800 pupils.¹⁰⁷

Table 3. State-recognised Special National Schools at the End of 1967

Type of School	Number of Schools	Total Average Enrolment for the Year 1967
Schools for blind and partially-sighted children	2	185
Schools for deaf and severely hard-of-hearing children	3	591
Schools for mentally handicapped children	32	2,637
Schools for physically handicapped children	21	847
Schools for emotionally disturbed children	4	164

Pat O’Keefe, principal of St Francis Special School in Portlaoise for 31 years up to his retirement in 2004, began his teaching career in 1966 in St Augustine’s, Obelisk Park, Blackrock, which at that point was officially recognised as a special school. He describes it as ‘a wonderful time to work in special education’,¹⁰⁸ in terms of the excitement, challenge and innovation. At St Augustine’s 98 per cent of the boys were residential and came from ‘all over Ireland, literally from Antrim to Kerry’.¹⁰⁹

The expansion of special schools continued at a brisk pace up until 1975.¹¹⁰ Schools or classes for handicapped children had been given official recognition in the *Rules for National Schools* (1965)¹¹¹ and the Commission of Inquiry on Mental Handicap reported, in 1965, that in mainstream primary schools there were 31 ‘special classes for slow-learning pupils’, which included three ‘remedial’ classes.¹¹² A schedule for staffing of national schools for handicapped children was included in the *Rules for National Schools* in 1965 based on four categories.¹¹³ Category A referred to Blind and Partially Sighted, Emotionally Disturbed and Cerebral Palsy; Category B encompassed Deaf children; Category C comprised Mentally Handicapped; and Category D referred to ‘Other Special Schools for Handicapped Children’.¹¹⁴

Writing in 1968, Tomás A. Ó Cuilleánáin, who had educated public opinion and encouraged local initiative in establishing special schools, noted the debt owed to voluntary organisations concerned with cerebral palsy and mental handicap.¹¹⁵ He referred to recommendations made by a departmental committee in 1948, which led to schools for the blind being given a pupil: teacher: ratio of 15:1 and a special equipment grant, remarking that 1948 appeared to be the first occasion on which ‘the Department gave official recognition to the special needs of handicapped children’.¹¹⁶ However, it is important to note that neither the equipment grant nor this ratio extended to all provision for ‘handicapped children’; and, as noted earlier, it was not until 1956 that the ratio for special school provision was reduced to 20:1.¹¹⁷ O’Cuilleánáin further noted that it seemed ‘Ireland [was] fortunate in having a relatively low incidence of blindness among school children’.¹¹⁸ Reference was made to the ‘sharp differences of opinion that still persist regarding the relative merits of the oral and manual methods and of methods of combining both systems of communication’ for the Deaf, as well as the fact that ‘in this country it is the policy of the schools for the Deaf to give every boy and girl the opportunity of acquiring speech’.¹¹⁹ A preference for special schools for ‘mildly mentally handicapped’ children rather than special classes was evident, as where there were classes in national schools, they catered only for children up to 14 years.¹²⁰ To remedy this, special classes would have to be established in post-primary schools.¹²¹ Most of the schools for ‘physically handicapped children’ were linked to hospitals for children in need of short-term or more long-term medical treatment.¹²² The four schools for emotionally disturbed children were all located in Dublin, with one co-located with St Loman’s psychiatric hospital and specialising in treating children with autism spectrum disorder (ASD).¹²³

Dympna Mulligan is remembered as the first remedial teacher appointed by the Department of Education, in 1963, as a special class teacher in a school in Ballyfermot, with two more teachers allocated to a school in Cork in the following year.¹²⁴ By 1970, there were 76 remedial teachers appointed in primary schools, with the majority appointed to schools of 500+ pupils;¹²⁵ and in 1979, *Department Circular 33/79* provided for remedial teaching posts at post-primary level.¹²⁶ In 1977, representing ‘the first concrete move by the Department to promote integration’,¹²⁷ *Circular 23/77*¹²⁸ outlined the procedures for establishing special classes in national schools. By 1993, there would be 155 special classes for pupils with a mild general learning disability in mainstream primary schools.¹²⁹

An important development at the start of the 1979/1980 school year foreshadowed the special needs assistant (SNA) scheme that would become a central feature of provision in the years ahead. A letter announcing a scheme whereby childcare assistants were to be employed in special schools issued from the Primary Branch of the Department of Education and the objectives of the scheme were described as the provision of ‘non-teaching assistance for class teachers and to create additional employment in full-time posts’.¹³⁰ Work deemed appropriate to childcare assistants was detailed in an Appendix attached to the letter and was focused on duties of a non-teaching nature, including preparation and tidying of classrooms, assistance with care needs and school buses,

supervision, and withdrawal of individuals or small groups from the classroom.¹³¹ Requisite qualifications were specified as a Grade D (or pass) in at least Irish, English and Mathematics in the Intermediate Certificate Examination, in the Day Vocational Certificate Examination, or equivalent.¹³² Seventy-eight posts were sanctioned by the Department of Finance and a childcare assistant post was approved for all newly established special schools.¹³³ An embargo on recruitment in the public service would restrict the creation of further posts in the 1980s.

During this period, in parallel with the expansion of special education provision, one of the most significant of all the changes was the fundamental redefinition of the primary school curriculum. At the heart of a modernised curriculum were key defining principles, stated in clear-cut terms, promising the full and harmonious development of each child with due allowance for individual differences.

Small Steps: From a Curriculum-centred to a Child-centred Approach

I had a very warm junior infant teacher whom I fondly recall, but unfortunately, for the next 12 years my school experience was pretty bleak and it was pretty bleak for a lot of people in those days. I think those children who were reasonably bright academically did well, but school for those who were not bright was harsh.

Séamie Ó Néill, Head of Education, Maynooth University Froebel Department
of Primary and Early Childhood Education (2016)¹³⁴

As discussed in Chapter Three, a major advance came in 1948 with the publication of a new programme for infants, which included the proviso that English was granted optional status and could be taught for one half hour per day. This was followed three years later by the publication in 1951 of *An Naí-Scoil [translated as The Infant School]*, a comprehensive set of guidelines on the organisation and teaching of infant classes.¹³⁵ The emergence of *An Naí-Scoil* in 1951 represented an important movement for change in the primary school curriculum. However, there were many obstacles to be overcome before the education system would advance to provide better services for children and young people, and to make provision for those whose learning needs required a strengths-based, child-centred approach. The experience of many children was like that described by Séamie Ó Néill and at odds with the rhetoric of guidelines and curricula.

Among the most significant developments emerging from the 1960s was the advent of a new curriculum for primary schools. After virtually 50 years, a major repurposing of primary education was signalled by a completely fresh approach to primary education. To a large extent, this was led by the Primary Inspectorate of the Department of Education, whose staff conducted research and engaged with international curriculum policy developments.¹³⁶ The change had been foreshadowed by the emphases given for infant teaching by the kindergarten organisers since the publication of *An Naí-Scoil*. A series of other changes contributed notably to a gradual shift in perspective. The regulations governing the use of the Irish language as a medium of instruction were relaxed. The *Buntús Gaeilge*¹³⁷ study of the Irish language prompted new methodologies for the teaching of Irish as a language. Efforts were made to improve the pupil:teacher ratio. A school library scheme was initiated in 1963,¹³⁸ providing basic reference books in schools in collaboration with local authority library services. The removal of the primary certificate examination,¹³⁹ the dropping of the scholarship examinations with the introduction of free post-primary education,¹⁴⁰ and the considerable publicity and attention given to education generally in society brought a new atmosphere to primary education. Teachers were more open to embracing different approaches. As part of the preliminary work in developing a new curriculum, there were extensive pilot programmes involving teachers in trialling different subjects and methodologies in various schools around Ireland. However, no official evaluation of the piloting took place.¹⁴¹ Equipment grants were made available to schools to purchase items such as tape recorders and filmstrip projectors. For new schools, building designs had

been modified to provide larger areas for classrooms and better facilities for communal activities. School furniture was completely redesigned to allow the adoption of more flexible approaches for teaching and learning.¹⁴²

The publication of the two-volume bilingual primary school curriculum in 1971¹⁴³ was a seminal event in Ireland. Two aims were set for primary education. These were to enable the child to live a full life as a child, and to equip the child to avail of further education, so as to be able to live as a full and useful adult in society. The curriculum drew on a wide range of sources for its inspiration. Adapting ideas that were not strongly articulated,¹⁴⁴ it was clear that the curriculum was influenced by contemporary educational, psychological, philosophical and sociological theorists, including Piaget, Dewey, Pestalozzi, Montessori and Bruner,¹⁴⁵ as well as the *Plowden Report* in England.¹⁴⁶

The key principles of full and harmonious development, due allowance for individual differences, the use of the environment for learning, the promotion of activity and discovery methods, and the integration of disparate subject areas represented a major shift in approach for primary education. Pat O'Keefe, in commending the child-centred, special school curriculum in place in St Augustine's, when he began teaching in 1966, noted 'the limited curriculum which had preceded the "new curriculum" of 1971' that he had been 'grounded in' during his own initial teacher education (ITE) programme.¹⁴⁷ With the 1971 curriculum, the centre of gravity of primary education moved from the inculcation of knowledge to focus instead on the individual child's learning needs and the most appropriate teaching methods. This represented a profound change of attitude that opened significant opportunities for all children, signalling that every child had to derive benefit from education. Epitomising the complexities associated with translating progressive ideologies into how children experience the classroom, a gulf between the rhetoric of a child-centred approach and the practice that developed would emerge in the years that followed.¹⁴⁸

An important factor was the so-called oil crisis of 1973, which limited government funding to provide for in-service retraining of teachers to help with the implementation of the curriculum. In 1987, the Curriculum Unit of the Department, reporting on official data, confirmed that class size, time constraints and post-primary school expectations were among the factors inhibiting the implementation of the curriculum.¹⁴⁹ Nonetheless, this change of approach had major implications and meant that much greater account would now have to be taken of the full spectrum of children's needs and abilities. While post-primary education was not immediately affected by this major change, in the longer term, a similar shift in approach would have to follow as a matter of necessity. A realisation was dawning across the education system that both initial and ongoing teacher training were crucial to maintaining an effective education system. In line with the parallel system of special education that was evolving, a differentiated policy approach to teacher education for special education was becoming increasingly evident.

'Finally and Most Important of all There is the Teacher'¹⁵⁰

To meet the demands of this changing society new experiments in teaching methods and in learning programmes are proceeding; new theories are being offered, new technical aids appear. The results of all these activities are being channeled through the teacher to the student. The teacher must therefore be aware of and understand what is going on so that he can transfer to his students the benefits of the new ideas.

Seán O'Connor, Former Secretary General, Department of Education (1968)¹⁵¹

Initial Teacher Training

...qualified teachers should be available for the teaching of pupils attending schools for the mildly handicapped and schools for the moderately handicapped.

*Report of the Commission of Inquiry on Mental Handicap (1965)*¹⁵²

As the newfound interest in economics developed,¹⁵³ and the Department of Education became aware of the way other countries' school systems were being scrutinised,¹⁵⁴ an increasing concern surfaced regarding the pivotal role of 'teacher training'¹⁵⁵ to the success of the economy through the education system. A two-year course provided in denominational, single-sex institutions constituted the training programme for primary teachers until the 1970s, when colleges became co-educational and a three-year Bachelor of Education (B Ed) degree was introduced in 1974.¹⁵⁶ There were continuing concerns regarding the number of unqualified teachers in the system both at primary¹⁵⁷ and post-primary level.¹⁵⁸ Described as 'one of the most important policy decisions made in relation to primary education since the foundation of the state',¹⁵⁹ in 1959, the Minister for Education, Jack Lynch, announced the discontinuation of the scheme of recruitment of untrained teachers. At that time, out of 13,554 teachers in national schools, 2,991 (22 per cent) were untrained.¹⁶⁰ This was a historical legacy from the national school system, whereby untrained teachers, known as Junior Assistant Mistresses (JAMs), were originally recruited as assistants, and were not allocated class responsibility – a restriction that was lifted. While recognised as members of the INTO, JAMs, had lower salaries than trained teachers.¹⁶¹

With 1,860 untrained teachers out of a cohort of 14,449, a 12-week summer course specifically designed to convert untrained teachers to qualified status was provided in Our Lady of Mercy College, Blackrock and Mary Immaculate College, Limerick. By 1976, only 169 untrained primary teachers remained in the system.¹⁶² In 1963, following discussions between the Department of Education and the Colleges of Education, new courses were devised with a reduced number of subjects and positioning education as more central, with specific courses in the principles and methods of education.¹⁶³ While significant variations were evident at post-primary level, and while many teachers were university graduates, not all had completed the Higher Diploma in Education,¹⁶⁴ which was required to be registered with the Registration Council¹⁶⁵ for secondary schools. Almost 50 per cent of secondary teachers (predominantly religious) remained unregistered for several decades, which contributed considerably to the diminished status of pre-service teacher training.¹⁶⁶ Similar variations in teacher qualifications prevailed in vocational and comprehensive schools.

In parallel with the policy impetus more broadly in teacher training, a differentiated policy approach to how teachers were to be trained and recognised to teach in 'schools for handicapped children'¹⁶⁷ was evolving. In 1959, Tomás A. Ó Cuilleanáin was appointed as an inspector for special education¹⁶⁸ and both himself and another inspector, Seán De Búrca, were sent to Jordanhill in Glasgow to engage in special education training. Arising from this study visit, a recommendation in a report to the Chief Inspector, Mr O'Kinsella, that 'Ireland should have its own special training course for teachers of the handicapped',¹⁶⁹ would lead to the establishment of a course at St Patrick's College, Drumcondra, Dublin, in 1961, for teachers in special schools and classes.¹⁷⁰ This development is further discussed in the section on in-service teacher training below.

The philosophy of education articulated by Pádraig Pearse was clearly influenced by the work of Maria Montessori,¹⁷¹ who had visited Ireland in 1927 and 1934.¹⁷² Reverend Professor Timothy Corcoran, as discussed in Chapter Two, had severely criticised Montessori's ideas and dismissed the possibility of the principles, methods and didactic materials associated with the approach being adopted in the Irish education system.¹⁷³ However, pioneers of Montessori's approach remained undeterred and exerted a significant influence on the education of children who remained on the fringes of the developing education system. In 1935, Nancy Jordan from Bagnelstown, Co. Carlow, attended a course conducted by Maria Montessori in London, qualifying her in the Montessori

Method.¹⁷⁴ In 1956, following over 10 years on the staff of St Ultan's Infant Hospital, Charlemont Street, Dublin, she founded a special class for children who were siblings of children attending the Dominican run Sion Hill Primary School.¹⁷⁵ In 1962, it was recognised as a school by the Department of Education and Nancy Jordan became the first principal of the school.¹⁷⁶ This coincided with the recognition of 'special national schools',¹⁷⁷ and the Department of Education, in consultation with Association Montessori Internationale (AMI) Montessori Teacher Training College, Blackrock, Co. Dublin, reached an agreement whereby following completion of a three-year Montessori teacher training programme, successful graduates would be qualified to teach in these schools.¹⁷⁸ The programme was to include content on teaching mentally and physically handicapped, emotionally disturbed, and hospitalised children. This was reflected in Rule 81 of the *Rules for National Schools* in 1965, which referenced teachers 'specially recognised in National Schools (including Schools for Handicapped Children)',¹⁷⁹ Marking the start of the so-called 'restricted recognition' categorisation, which continues to be a feature of the system in providing for children with special educational needs, Rule 82 explicitly stated that 'the acceptance of the services of a person under this rule confers no claim to recognition in any capacity as a teacher in a national school'.¹⁸⁰ The delineation in terms of qualifications was further reinforced in Rule 139, where teachers described 'as members of recognised staffs of special schools for the education of handicapped children' were not to be included for bonuses applied to teachers with special qualifications.¹⁸¹ In April 1963, at the request of the Department of Education, the Department of Finance sanctioned parity of pay between trained national teachers working in special schools with teachers in those schools holding a Montessori or equivalent qualification.¹⁸² In January 1965, teachers trained in Great Britain or Northern Ireland were recognised by the Department of Education as eligible to teach in special schools.¹⁸³

In-service Teacher Training

In 1969 I attended the diploma course in special education in this college. Again it is difficult to appreciate now what little opportunity there was then to engage in further study in education. To be able to do so as a full-time student, while still drawing a salary, was an exceptional privilege. At that time the National Association of Teachers in Special Education, now known as the Irish Association of Teachers in Special Education (IATSE), was formed. And what a marvellous support, both at a professional and personal level it has been to so many of us over the years. It gave a voice to teachers in special education, who had no other for their particular concerns, and it enabled us to meet and share with some highly gifted colleagues.

Pat O'Keefe, Former Principal of St Francis Special School, Portlaoise (2004)¹⁸⁴

Rather than forming the core of initial teacher training programmes, the competences required for teachers of 'handicapped children'¹⁸⁵ were to be developed through in-service teacher training or located within the 'restricted recognition' category discussed above. It is noteworthy, however, that *The Report of the Commission of Inquiry on Mental Handicap* recommended, in 1965, that that 'The training colleges should ensure the dissemination among ordinary teachers of knowledge about children who need special help.'¹⁸⁶ The observation of Liam Twomey, Special School Principal, in 2022: 'I'm almost 45 years at this job and I suppose the first I heard about special education was when I was in St Pat's in Drumcondra. And the 1965 report was being discussed'¹⁸⁷ indicates that this recommendation did eventually filter through to initial teacher-training programmes. It is noteworthy that a report in 1974 recommended the establishment of a Teaching Council, which may have generated greater coherence in this regard, although this proposal was not implemented.¹⁸⁸

Up to 1957, there was no training available in Ireland for teachers of the Deaf, other than an in-service course in manual communication provided by the Dominican Sisters at St Mary's School in Cabra.¹⁸⁹ Following discussions between the school's principal, Sister Nicholas Griffey OP; Dr Michael Tierney, the President of UCD; and Fr Edward O'Doherty, Professor of Logic and Psychology at UCD,¹⁹⁰ a diploma for teachers of the Deaf began in 1957.¹⁹¹ No government funding was provided for teachers to take the course until 1960, when the Department of Education provided secondment on salary to teachers and substitution costs for teachers with two years' experience of teaching in schools for the Deaf.¹⁹² An increment was payable for those teachers who completed the course, with 267 students completing the course between 1957 and 1986.¹⁹³ Following the *Report of a Committee Appointed by the Minister for Education on the Education of Children Who Are Handicapped by Impaired Hearing*, in 1972,¹⁹⁴ a visiting teacher service (VTS) for children with 'hearing-impairment'¹⁹⁵ in ordinary national schools was established¹⁹⁶ and extended, in 1978, for 'blind or partially sighted children'.¹⁹⁷ In 1980, the VTS was further extended to children of Traveller families.¹⁹⁸

Aware for some time of the necessity to provide teachers with appropriate training, the Department of Education approached Sr Louise Burke in 1959 and invited her to organise two one-week courses at Holy Angels in Glenmaroon and at St Augustine's Blackrock.¹⁹⁹ While the sisters considered these short courses inadequate, they agreed, under the circumstances, to provide the courses for that year only.²⁰⁰ Though falling far short of what was required, these courses drew attention to the lack of availability of courses for teachers in this regard.²⁰¹ In raising the shortage of teachers for special education settings in the Dáil in November 1960, and given the fact that there were only eight special schools in the country, Declan Costello, TD, positioned special education a political issue.²⁰²

During this period, Father Joseph Sheedy, Spiritual Director to the Daughters of Charity, also approached Dr Dónal Cregan, President of St Patrick's College, articulating the great need for training 'teachers of the handicapped'.²⁰³ The fact that Vincentian Fathers managed both St Patrick's College and the Daughters of Charity greatly facilitated these discussions and following further discussions with the Department of Education, it was agreed to initiate a course.²⁰⁴ Ó Murchú identifies the lack of training and qualifications of teachers in special education during a period when the Department of Education was increasingly recognising and sanctioning special schools; the 'visionary aspirations and courageous resoluteness' of several individuals in schools and in the Department of Education; and the support of St Patrick's College as the three major influences leading to the initiation of the course.²⁰⁵ The six-month course, focused on continuing rather than initial teacher training, began in Little Denmark Street, in 1961, due to the lack of accommodation at St Patrick's College and was open to trained or 'recognised teachers' already teaching in special schools.²⁰⁶ In 1963, the course was extended to eight months from October to May and open to 'teachers, trained and untrained who [were] serving in a recognised capacity in special schools', with all those who completed the course being awarded a Diploma for Teachers of Handicapped Children in addition to a bonus of £75 per annum, while remaining in the special school.²⁰⁷ In a letter from the Department of Education to St Augustine's, Blackrock, detailing the extension of the course, 'The Minister's intention to restrict recognition in special schools in future to those teachers who possess the Diploma'²⁰⁸ was noted. However, following decades of neglect, the rapid expansion of special educational facilities in the years that followed precluded this restriction being implemented.

At the launch of the course on 1 October 1961,²⁰⁹ Fr Dónal Cregan, President of St Patrick's College, acknowledged specifically the significance of the inauguration of the postgraduate course for the History of Irish Education, which would include 'lectures in Child Psychology, Paediatrics, Social and Preventive Medicine, Psychiatry and the Educational Aspects of Cerebral Palsy, as well as Special Methods for Handicapped Children, Speech Therapy and Speech Training. Art, Handwork, Music, Eurythmics and Physical Education'.²¹⁰ The Department had agreed to pay teachers' salaries and substitution costs for the six-month taught element of the programme, in addition to course fees, as well as an annual bonus referenced above, which it was acknowledged by the President, 'were freely and generously offered by the Department'.²¹¹ The course would remain the only state-funded special education programme for teachers in specialist roles until 2003, when certified, in-service, state-funded courses would be extended to other third-level institutions.²¹² The course at St Patrick's College would have a deep and lasting

impact on the development of teachers' professionalism and the quality of children's education experiences in special schools and classes in the subsequent decades.²¹³ As discussed above Inspector Tomás A. Ó Cuilleánáin's had engaged in a special education training course at Jordan Hill, Glasgow in 1959. Significantly, on his return from Jordan Hill, the Secretary of the Department of Education accepted Ó Cuilleánáin's recommendation that a section should be established in the Department with responsibility for special schools. This led to the setting up, on 2 February 1960, of what would become the Special Education of the Department of Education.²¹⁴

Conclusion

An example of just how cut off that world was came in the early 1950s, when the Director of Education in Scotland sought permission from the Department of Education here to visit St Mary's School for the Deaf in Cabra, Dublin. The permission was readily granted but when the Scottish officials asked exactly where the school was located, the department couldn't tell them – because it didn't know.

Obituary Sister Nicholas Griffey OP, Principal of St Mary's School for the Deaf, Cabra, Dublin (2002)²¹⁵

In many respects, this period was a defining moment in Irish education, as a complex series of inter-related developments and changes across the spectrum of the education system brought transformative movement and progress. However, during this period, the development of a parallel system for a cohort of children is embodied in the incident above. It also demonstrates the increasing impact of external influences, with the Scottish query leading to a visit by department inspectors to the school and the subsequent recognition of the school by the Department of Education. Whereas it was coincidental that the *Investment in Education Report*²¹⁶ and the *Report of the Commission of Inquiry on Mental Handicap*²¹⁷ appeared in 1965, both reports would contribute significantly to the re-adjusting of the education system that would be a feature of subsequent decades. While *Circular 23/77*²¹⁸ suggested a move towards integration in outlining admissions criteria for special classes in national schools, developments continued to be influenced by the perception that education for children and young people with special educational needs was separate to the broader education system. This perception is well illustrated in the limited discussion on education for these children and young people evident in the Department of Education's Council of Education Reports,²¹⁹ with both reports published almost in the same decade as the WHO Report in 1954.²²⁰

This period has been described as 'a momentous one' for teaching, as it transformed into an all-graduate profession with a common salary scale, associated with qualifications allowances and posts of responsibility.²²¹ A move towards a child-centred curriculum at primary level, improvements in the expansion of post-primary education, the materialisation of a promising research culture across the higher education sector, and the recognition of the status of education as a discipline associated with complex theoretical and practice dimensions all coalesced during this period.²²² The momentum was especially noteworthy for initial teacher training, with indications also of a burgeoning awareness of the importance of in-service training, as evidenced by the establishment of Teaching Centres regionally during this period.²²³ While there was much promise for development, it would take several years before a coherent approach would be considered, that would begin to weave the education of children with special educational needs through each strand of the teacher-education continuum. The combined contribution of religious orders, parents, teachers, lay voluntary groups, and individual civil servants and politicians was reflective of an equality and rights-based agenda that was beginning to be expressed but not, as yet, actioned appropriately.



A teacher working with two visually impaired pupils in St Mary's School for Visually Impaired, Dublin in September 1971.
Credit – RTÉ Archives.

Chapter Four : Catalysts in Moving Towards Providing Education for All Children 1950-1979

Key Influences on Education System

Changed Economic Thinking
Global Forces
Education as a Discipline

Education Provision

Free Post-primary Education
School Transport
Ending Primary Certificate
Expanding Post-primary
Raised School Leaving Age

Special Education

Special Schools and Classes
Parent-Teacher Activism
Teacher Training
Remedial Teaching
The Concept of Ineducable
Religious Orders

Councils of Education
1954-1962

Diploma for
Teachers of the
Deaf University
College Dublin
1957

Course at
St. Patrick's College
Drumcondra for
Teachers in
Special Schools
1961

Primary School
Curriculum
1971

Visiting Teacher
Service
1972-1978-1980

Broader Societal Context

Increasing Poverty
Mass Emigration
Concept of Equality of
Educational Opportunity
Civil Rights Movement
Radical Turnaround in
Economic Thinking
Industrial Growth

In 1979/80:

Number of Primary Schools	3,415
Number of Pupils in Primary Schools	547,431
Number of Post-Primary Schools	823
Number of Pupils in Post-Primary Schools	281,835
Number of Special Schools	117

Chapter Five: Economic Crisis and Education Cutbacks 1980-1989

Ireland suffered a severe economic crisis for most of the 1980s, with unemployment peaking at 17.1% in 1986. Without the traditional safety valve of emigration this figure would have been much higher; over 70,000 people left in 1989 alone...This was Ireland's fourth economic crisis since Independence.

Dr Ciarán Casey, Economic Historian, University College Dublin (2022)¹

Introduction

The 1980s were not a good time for special education in Ireland...There was still no psychological service to schools at primary level...The special education inspectorate was allowed to run down because of a new policy position that all general inspectors were capable of inspecting special education effectively...Thousands of children with special educational needs were not receiving appropriate education while children with similar needs in other areas or schools were. In the matter of learning support also the throw of the dice was evident as a factor.

Páid McGee, Director of Special Education (2004)² St Patrick's College, Drumcondra, Dublin

During this period, the impact of the politico-economic, societal structure on educational policy and practice was particularly discernible, with the upheaval of the era greatly frustrating progress.³ Liam Maguire, chairperson of the International Year of the Disabled Persons Committee in 1982, noted the position in relation to disabled persons at the start of this period as follows:

the disabled are effectively locked out of places of public entertainment and assembly; are unable to use public transport or enter, unassisted, most public buildings; have their employment and educational opportunities severely restricted and are prevented from voting in elections.⁴

While this period was characterised by much upheaval, developments were also taking place that would ultimately contribute to addressing the elimination of discriminatory and exclusionary practices in the future. Following the International Year of Disabled Persons in 1981,⁵ the UN proclaimed the Decade of Disabled Persons from 1982, culminating in the *Standard Rules on the Equalization of Opportunities for Persons with Disabilities*,⁶ in 1993. The *Standard Rules* comprised 22 rules incorporating a human rights perspective that were designed to characterise the decade and, while not legally binding, they represented governments' strong political and moral commitment to realising equalisation of opportunities for persons with disabilities and marked a move towards understanding disability as a social rather than a medical construct. The concept of integration was gaining traction;⁷ noteworthy reports and policy documents, several of which had been in development in the previous decade were issued;⁸ teacher and parental engagement with the system stemming from educational cutbacks increased;⁹ and a concern was evolving that curricula and assessment should be responsive to the variety of needs and abilities of the expanding student cohort.¹⁰

The Education System has to be Operated within Budgetary Constraints

The Education system has to be operated within budgetary constraints imposed by the economic recession and targets will have to be attuned to the funds available.

Dr Martin O'Donoghue, Minister for Education (1982)¹¹

A global recession associated with intractable economic challenges ushered in the 1980s, which would have significant consequences for both broader society and the progress of the education system. For all children, but especially for children with special educational needs, economic recessions have harmful consequences¹² related both to the inevitable reduction in services and the stymieing of progress at system level. The oil crisis of 1973, followed by a second surge in oil prices a few years later, greatly affected the public finances. Stringent budgetary measures, accompanied by political instability, made for fraught circumstances in education in the mid-1980s.¹³ Despite the ambitions of well-intentioned politicians and administrators, economic circumstances dictated that the large spending departments of the State were obliged to keep within tight budgetary limits.¹⁴ During the 1980s, many were deeply affected by cutbacks in education; and for children with special educational needs the impact on curriculum implementation, in-service training for teachers, pupil:teacher ratios,¹⁵ and inconsistency in the appointment of remedial teachers were particularly striking features of the impact of these budgetary limitations.

The implementation of the primary school curriculum was notably hampered by the economic circumstances that followed its publication in 1971.¹⁶ A knock-on effect was the curtailment of the ambitious in-service training envisaged at the drafting stage of the curriculum,¹⁷ preventing the principles of the curriculum and its methodologies from being disseminated as intended. Reporting in 1980, the INTO identified 'education for children with special needs'¹⁸ among the priorities for in-service education for principals, vice-principals, or others to whom the responsibilities of a principal are delegated. While the primary school curriculum held the promise of catering for individual differences as well as the full and harmonious development of every child, as noted in Chapter Four, the reality of school circumstances did not generally facilitate such aspirations. Indicative also of the impact of the economic stringency on teacher education was the closure of Our Lady of Mercy College, Carysfort Avenue, Blackrock, Dublin, in 1988¹⁹. At post-primary level the *Programme for Action in Education 1984-1987*²⁰ identified the need for restructuring the post-compulsory education cycle, together with curriculum and assessment reform, in providing for 'the development of more flexible organisations with particular regard to the needs of the lower achievers'.²¹ Specific reference was made to the necessity of addressing the circumstances of students who were likely to drop out of school before completing compulsory education.

Throughout the 1980s, the pupil-teacher ratio remained relatively high.²² Indicative of the prevailing bleak economic climate, in 1987, it was proposed to increase the pupil:teacher ratio by three for all primary school classes through *Circular 20/87*.²³ Following incensed reactions from parents and the INTO, *Circular 20/87* was suspended and a joint review group of the government and the INTO established.²⁴ However, with an average class size of 31.8 pupils in 1985/86, and a pupil:teacher ratio of 26.7:1, Ireland did not compare favourably with the OECD average pupil:teacher ratio of 18.5:1.²⁵ While the *White Paper on Educational Development*²⁶ reported in 1980 that 'most of the studies carried out here and in other countries do not support the general belief that class size is a major factor in pupil performance',²⁷ it acknowledged that teachers and others continued to argue the benefits of improved pupil:teacher ratio for children with learning disabilities. At post-primary level, a commitment to improving pupil:teacher ratios was also articulated, subject to the caveat 'as financial circumstances permit'.²⁸ The application of positive discrimination vis-à-vis a reduced pupil:teacher ratio as a means of achieving equity in the education system was reiterated in the *Programme for Action in Education 1984-1987*,²⁹ and would continue to be a positive feature of policy development going forward.³⁰

Positive discrimination in resource allocation contributed to the creation of concessionary teaching posts for schools providing for children in what were identified as disadvantaged areas. These schools were also prioritised for the allocation of remedial teachers.³¹ A VTS for Travellers, established in 1980, was indicative of a conviction in the importance of home, school and community for children's learning and development and by 1984 18 pre-schools for Travellers had been established, which in 1991 had increased to 47 and attended by up to 600 children.³² Remedial teachers were appointed for 'children in ordinary schools who are backward owing to various causes such as poor attendance, adverse home conditions or special learning difficulties particularly with regard to literacy and numeracy'.³³ While these issues were a reality for all schools, there was no universal entitlement to a remedial teacher service, with the smaller country schools largely excluded from the service, equating to approximately half of all schools and one-third of pupils.³⁴ Remedial teachers were provided on an ex-quota basis only in schools where there was 'a high incidence of such problems',³⁵ with 300 teachers providing for 16,000 children in 1980,³⁶ which had increased to 890 by 1990.³⁷

Educating Children with Learning Problems: A Shared Responsibility

The need for special provision is not an issue: what is at issue is whether it should continue to be made on an integrated or on a segregated basis.

White Paper on Educational Development (1980) ³⁸

*Educating Children with Learning Problems; A Shared Responsibility*³⁹ is the title of a landmark paper in 1986 by the Assistant Secretary for the Office of Special Education and Rehabilitative Services in the US Department of Education, Madeline Will. The paper captures the tensions and dilemmas with which education systems were grappling in moving away from the segregation practices that were characteristic of education provision. Though the motive for the introduction of the regular education initiative (REI) in the US was also undoubtedly influenced by concerns that the average per-pupil cost of special education was twice as much as that in regular education, it constituted the inauguration of a major education reform movement.⁴⁰ Published in 1980, the *White Paper on Educational Development*⁴¹ is illustrative of these tensions and dilemmas in the Irish context, where the concept of the education of children with learning problems as a shared responsibility was at an embryonic stage.

The White Paper recognised that 'a policy of total integration of all children in ordinary schools'⁴² had been adopted by some countries and documented a series of recent developments that rendered 'the prospect of the integration of the handicapped not as daunting now as it would have been even ten years ago'.⁴³ These developments included the revised curriculum for primary schools; a reduction in pupil:teacher ratio; and increased remedial programmes. Specific reference was made to the distinctive characteristics shared by special schools, which were described as having smaller classes; specially qualified teachers; special admission procedures; bespoke curricula; higher financial grants; and transport concessions. It was further noted that while an assessment team may recommend placement in a special educational setting, the final decision remained with parents. The introduction of free second-level education was referenced as prompting a sharp focus on the need for children in special education to also continue their schooling. However, while integration in ordinary schools was acknowledged as a current issue for policymakers, it was signalled as a very complex issue that merited further discussion beyond a White Paper. A series of proposals was made that included considering the integration of handicapped children with other children as a first option, while acknowledging the continuing need for segregated provision.

Discussion in relation to children under 6 focused on compulsory school attendance and age of enrolment. It was observed that Ireland was 'virtually unique among European countries'⁴⁴ in providing public primary schools for children from the age of 4. This was viewed as a positive feature of provision, mitigating 'the problem of transfer between institutional settings, which may be characterised by various educational orientations and different modes of adult/child interactions'⁴⁵, and a common feature of pre-school and primary school sectors

in Europe. While a view was articulated that no basic change was needed for children under six, reference was made to a government commitment to consider childcare services and provision for working parents through the establishment of a working party.

Pupils with learning disabilities were distinguished from those who were described as 'handicapped',⁴⁶ and reference was made to reports in the media that a substantial minority of children had not achieved acceptable academic progress on transitioning to second-level education. Indications that a move away from a medical model of disability was surfacing were evident in the misgivings that were raised in relation to the practice of labelling children as 'backward or retarded'⁴⁷ vis-à-vis their performance on norm-referenced testing. It was suggested that a child's progress is variously affected by the child's personal characteristics, support in the home and the environment, and the quality of instruction at school. The sanctioning of approximately 600 additional teachers, referred to as remedial teachers, was noted, and a commitment was articulated to extending this service to 780 schools, either individually or shared by two schools. A proposal was made that the policy of the appointment of remedial teachers should continue.

Woven through multiple areas of the White Paper was a realisation of the crucial importance of initial and in-service training for teachers in providing appropriately for all children. Reference was made to teachers in special schools having the same pre-service qualifications as other teachers and the availability of a one-year diploma programme, which over one-third of teachers in special schools and a quarter of teachers in special classes had been awarded. There was also mention of the organisation of regular in-service training courses by the Department of Education and its role in providing a consultancy service to school. Specific reference was made to the 'main course',⁴⁸ discussed previously and established in St Patrick's College, Drumcondra, Dublin, in 1961.⁴⁹ It was noted that the number of teachers attending the course had increased from 25 to 40 in the 1979/1980 period.

The copious references to Europe in the White Paper were evidence of the government's European engagement with the sphere of education. A report by the National Economic and Social Council (NESC) published in the same year associated the increased spending devoted to training the handicapped with Ireland's access to the European Social Fund.⁵⁰ The influence being exerted by global forces intent on moving away from a segregated to an integrated model of education would continue to impact Irish education policy. From the early 1980s, and potentially influenced by the UN Decade of Disabled Persons, the European Commission displayed a proactive intent on monitoring the move towards the integration of disabled children in what were referred to as ordinary schools.⁵¹ Ministers for education, including Ireland, meeting within the European Council subscribed to a policy of European cooperation on achieving 'the maximum possible integration of handicapped children into ordinary schools', and acknowledged the need to eliminate physical obstacles and develop teacher training and school curricula, as well as cultivating the understanding of families and local communities.⁵² Mirroring the different stages at which individual countries, including Ireland, were at, and the scale of the task ahead, the policy specified that 'there should be as much integration into ordinary schools as possible, and as much use of specialised establishments as necessary'.⁵³

The close links that existed between the US and Europe⁵⁴ were inevitably a factor in influencing European perspectives on integration. *Brown v. Board of Education*⁵⁵ in 1954, discussed in Chapter Three, had firmly established the unconstitutionality of segregation in the US and this move away from segregation continued to influence education both in the US and internationally. In 1986, Madeline Will declared that educating children with learning problems constituted a shared responsibility,⁵⁶ and required an acceptance that special education could be provided 'beyond the confines of the special education class'.⁵⁷ However, almost simultaneously in Ireland, a stratification of schools vis-à-vis educational disability and social class bias was evolving at post-primary level,⁵⁸ which would ultimately translate into discriminatory and exclusionary practices,⁵⁹ necessitating ministerial intervention decades later through the Education (Admissions to Schools) Act 2018.⁶⁰ Hannan and Boyle, reporting in 1983, observed that 'Vocational schools particularly face very serious disability problems amongst their pupil intake, with over 2 out of 3 Principals reporting that over 15 percent of their pupil intake – had serious numeracy and literacy problems'.⁶¹ This represented almost 10 times the figure reported in Presentation

or Christian Brothers' schools and high-status Catholic and Protestant schools. It was reported that the 'open-school' policy being operated by Community Schools, the Mercy and Presentation Orders and other religious orders committed to the education of the poor had the 'next most serious disability problems'.⁶² Embedding the education of children with learning problems as a shared responsibility was a dot only on a distant horizon.

Major Issues in Planning Services for Mentally and Physically Handicapped Persons

Warnings have come from Parents' Association for People with a Mental Handicap (PAM) in Dublin, from the Co Tipperary Association and from the Galway County Association for Mentally Handicapped Children that there is a dire emergency in services at the moment and that many families are, to quote the words of a Department of Health Official at a recent conference organised by social workers in mental handicap, being forced to suffer at a level beyond what should reasonable be expected.

Padraig O'Morain, Journalist, *The Irish Times*, 30 July 1991⁶³

Official publications and media reports continued to highlight the plight of mentally handicapped and physically handicapped adults, children and their families. In 1980, the report, *Services for the Mentally Handicapped*⁶⁴ was published. The working party was clear that its remit was concerned with the specific objective of deriving an estimate of the number of places required for the mentally handicapped in residential services.⁶⁵ However, it was pointed out that the extent of teachers' involvement in the teaching of severely and profoundly mentally handicapped persons was a matter for consideration by the Departments of Education and Health.⁶⁶

A categorisation approach based on 'identifiable groups of pupils with special needs'⁶⁷ was evident in policy reports. Published in 1980 by the NESC, the report *Major Issues in Planning Services for Mentally and Physically Handicapped Persons*⁶⁸ highlighted the negligible attention that had been given to the provision of services for the handicapped and identified the main impetus as coming from voluntary agencies rather than statutory bodies. While recognising that resources were scarce, the report advised that a change in the community's attitude towards handicapped people and a reallocation of resources were necessary to meet the needs of the handicapped.⁶⁹ The lack of accurate data available on the number of handicapped people and their geographical location and social and economic situation, together with the lack of an operational definition of handicap, was were identified as barriers to meeting their needs. A clear commitment to integration was articulated by the Council. Recognising that integration implied a greater allocation of both financial and personnel resources, the Council declared that 'integrated education means that handicapped children should as far as possible be accommodated within the ordinary school system and no child who can successfully be educated in an ordinary school should be educated in a special school'.⁷⁰ Specific reference was made in the report to the UN's resolution of 1975, on the Declaration on the Rights of Disabled Persons⁷¹ referred to in Chapter Three. Although the Declaration was described as a national and international frame of reference in protecting the rights of disabled persons, the report concluded that 'many of these are simply aspirations within the Irish situation. The goal of planning must be to make them a reality'.⁷² While the focus of the report was largely on adults, several of the recommendations focused on the early identification and the provision of pre-school services, including the need for a national policy on the prevention of handicapping conditions in children. It was suggested that research should be undertaken specifically on the early identification of children at risk of mild mental handicap and its relationship with educational underachievement more generally.

Published in 1983 by the Department of Health and Social Welfare, *Towards a Full Life: Green Paper on Services for Disabled People*⁷³ largely mirrored the NESC's Report, concluding that 'the main principle underlying future development of mental handicap services is to ensure that mentally handicapped persons should enjoy a childhood and an adult life that is as normal as possible'.⁷⁴ However, while a presumption was evident in favour of handicapped persons living in their local communities, sparse population and access to centres, the degree of handicap and family circumstances were identified as 'good reasons why this is not possible in many cases'⁷⁵. Similarly, the impact of European influences and the UN in developing 'sustained and co-ordinated efforts to promote the integration of disabled people'⁷⁶ was acknowledged. The White Paper's position on integration was referenced and the policy of identifying integration as the first option to be considered on an individual basis, while continuing to retain the option of complete segregation was reiterated.⁷⁷

Based on the recommendations of the Commission of Inquiry into Mental Handicap in 1965,⁷⁸ an official working party was established in 1980 'to examine the educational and training needs of children with severe and profound mental handicap',⁷⁹ consider the personnel required to meet these needs and make appropriate recommendations in this regard. Indicating a recognition that an inter-governmental strategy was critical, combined with representation from all relevant stakeholders, the working party was established by both the Minister for Education and the Minister for Health and Social Welfare. The complexity and interconnectedness of the needs of severely and profoundly mentally handicapped children were accepted, and the input required from a range of professionals and across government departments was recognised.

Observing that 'the skills of teaching have developed over centuries to cater for all children other than the severely and profoundly mentally handicapped, and there is no justification for excluding this population from access to the accumulated expertise of teaching',⁸⁰ the working party was clear that education rather than care was more appropriate in describing the provision that should be in place. Acknowledging how this provision had developed to date, the working party recommended that the contribution of existing staff without any formal qualification be retained, albeit to constitute a small minority in each setting, and working under the supervision of trained staff. Reference was made to the findings of a survey of parents and families conducted by the working party, indicating that parents and families were rarely involved in the education/training process, and a recommendation was made that this situation be addressed. It was envisaged that provision would be established on a phased basis characterised by an experimental, flexible and research-oriented approach to the establishment of development education centres, with no single model being adopted for the whole country. The report's recommendations would subsequently be answered in a proposal to appoint and provide 'special training' for teachers in relation to this cohort of children in the *Programme for Action in Education 1984-1987*.⁸¹ However, the basic recommendations of what became known as the *Blue Report* would fail to be implemented for more than eight years.⁸² It is incomprehensible that the State would later adopt a very different position in relation to harnessing 'the accumulated expertise of teaching',⁸³ to support these children in the case of Paul O'Donoghue.⁸⁴

The Education of Physically Handicapped Children: A Different Perspective?

The dangers of classifying handicapped children are well documented in the literature on special education over the past couple of decades. In particular, it has been found that classification devised for administrative, legal and medical reasons are not necessarily useful for education purposes. As a result there is a definite and persistent movement away from the use of identified defects of mind and body as a basis for the organisation of special education.

Report of a Committee on the Education of Physically Handicapped Children (1982)⁸⁵

In May 1977, John Bruton, who was then Parliamentary Secretary to the Minister for Education, had established a committee 'to review the provision made for the education of the physically handicapped'⁸⁶ and to make recommendations regarding the best possible use of available resources. The Report was published in 1982 and displayed an informed and fresh understanding of the 'vital role education can play in mitigating the handicaps which may result from severe physical disabilities'.⁸⁷ Foreshadowing the power of a bioecological lens in supporting all stakeholders to understand and respond to the multiple dimensions of ensuring children belong in education settings⁸⁸, the report noted that:

A physically disabled child's ability to benefit from attendance at a particular school will vary with the nature and degree of his handicap, with the range of special educational services available in the school, with the medical and associated services in his locality, with his level of intellectual and emotional maturity, with the quality of acceptance and support he receives from his immediate family and with the opportunity for socialisation, recreation and activity afforded by the neighbourhood in which he lives.⁸⁹

Significantly, the report signalled a departure from the position of stressing the characteristics a group of handicapped pupils had in common with each other and different from those of normal children, to focusing on the many important and fundamental similarities all children have in common. The Report recommended that all involved in the education of the handicapped should accept 'the principle that the basic physical, psychological and social needs of all children, both handicapped and non-handicapped are the same'.⁹⁰

Three phases were identified as contributing to the development of special educational services for the physically handicapped in Ireland: the establishment of orthopaedic hospital schools (1900-1935); the expansion of hospital schools (1935-1960); and the development of special education services (1960-1980). Advances in medicine were noted as a factor for reducing the need for long-term hospitalisation and by 1980 two of the seven hospital schools had closed, with an average enrolment of 147 recorded for the remaining schools.⁹¹ The role of voluntary bodies, discussed in the previous chapters, in contributing to the development of provision was acknowledged and the average enrolment in the five day schools for the physically handicapped on 30 September 1980 was 422.

Teacher education through the establishment of the Post-graduate Diploma in Special Education at St Patrick's College, Drumcondra, was recognised as making 'a major contribution to the development of teacher expertise in dealing with the physically handicapped',⁹² together with the establishment of a special education Inspectorate in the Department of Education in the 1950s and the establishment of a Special Education Section in the Department. One of the most significant developments was observed to be the change in ordinary national schools through the introduction of the new child-centred curriculum; a reduction in pupil:teacher ratios; the expansion in remedial and special classes; the provision of audiovisual aids; libraries; and enhanced physical accommodation and transport services.⁹³ Post-primary provision had been considered by a working party for physically handicapped pupils in 1971 and following its report, special facilities were provided at post-primary level in the Comprehensive School in Ballymun and the Community Schools at Ballinteer in Dublin and Mayfield in Cork.⁹⁴

It was emphasised in the Report that the prevalent assumption regarding a direct relationship between physical impairment and educational handicap was incorrect and that the presence of a physical disability did not always necessitate special educational provision. The move towards attending ordinary schools was associated with an increased enrolment of children in special schools who had a serious intellectual handicap coupled with a physical handicap. It was estimated that '50 per cent of pupils in special schools were functioning intellectually at the level of borderline dull normal/mild mental handicap or lower'.⁹⁵ Recommendations included focusing on the central importance of early intervention; adopting a coordinated approach across Education and Health; providing support for parents; including systematic observation, pupil behaviour and inter-professional communication in teacher training courses; providing psychological services to both special and ordinary schools; ensuring that all school buildings and extensions facilitated cooperative teaching and were fully accessible to the disabled; appointing additional child care assistants as required; providing for school transport and an escort service; continuing the involvement of the Inspectorate in in-service training courses for teachers; and ensuring greater flexibility in access to third level.

The composition of the committee and the consultative process engaged in reflected a concern to include the experiences of teachers, schools, relevant stakeholders, and the Departments of Health and Education. Study visits undertaken by members of the committee to the UK and France, and the involvement of Páid McGee, Director of Special Education, St Patrick's College, Drumcondra, indicated a view that the development of provision required engagement with global developments and research-based practice. However, the realisation of the ambitious and forward-thinking recommendations in the report would fall prey to the starkness of the economic recession that was facing the country.

Parents and Teachers: Challenging the Status Quo

We welcome the positive recognition that parents have a role to play and are pleased about the council. But we would like to see the existing groups of organised parents having a role to play.

Mary O'Donnell, Council for Elected Parents on National School Management Boards (1981)⁹⁶

Several positive developments during this period gave recognition to the central role of parents in their children's education. In a state system where parents are acknowledged by the state as 'the primary and natural educator of the child',⁹⁷ this recognition was long overdue. Boards of management of primary schools were restructured in 1981 to include 50 per cent patron representation and 25 per cent each representation for parents and for teachers.⁹⁸ An important development of this period was the establishment of the National Parents Council (NPC) for both primary and post-primary schools, to which the Minister for Education, Patrick Boland, had committed in 1981.⁹⁹ The first formal structure for involving parents in educational decisions was subsequently inaugurated in 1985 by the then Minister for Education, Gemma Hussey. Schools were encouraged via circular letter to establish a parents' association in every school.¹⁰⁰ The NPC signalled a government intention to allow parents a greater and more meaningful involvement in education generally.¹⁰¹ In the mid-1980s, boards of management, with parental representation, were also established in most secondary schools. The Minister's modest grants of aid towards the election and facilitation of the NPC proved effective and resulted in a new era in which parents could have a say in every aspect of education. Gradually from 1986, the NPC was increasingly an important voice for parents in the overall education system, allowing significant participation and representation in many official bodies dealing with education.

As the austerity imposed on the education system in the later 1980s was endured, parents continued to be a voice for change in relation to the deficient provision for disability within the system. For example, in December 1989, campaigning under the slogan 'Unlock our Rights Now', the Parents Association of the Mentally Handicapped (PAM) organised a week of protests, including lobbying members of the Oireachtas, whom they accused of

demonstrating 'a total lack of action'.¹⁰² On 8 December 1989, between 600 and 1,000 children and their parents from all over Ireland marched on the Taoiseach's office and on Leinster House to highlight their grievances about the shortage of services for those affected. A glaring issue for the parents was the lack of education for their children due to insufficient places and staffing in special national schools. According to one spokesperson, while children generally had a right to education, the mentally handicapped were put on indefinite waiting lists.¹⁰³ During this period the momentum of parent lobbying groups established in previous years continued. The Down Syndrome Association (DSA), later to become DSI, in addition to advocating for education in special schools, turned its focus to securing integrated education for children with Down syndrome.¹⁰⁴ In the mid-1980s, the DSA supported the enrolment of 10 children in mainstream primary schools through the provision of a peripatetic teacher, who travelled between schools on a bicycle. Branches of the association adopted this model and in 1991, following representations by the DSA to the Minister for Education, Mary O'Rourke, which included the presentation of associated positive project outcomes, the Department of Education assumed responsibility for the payment of the teachers involved in these projects.¹⁰⁵ This was a precursor to the resource teacher model that would develop in the early 1990s, as described by Seamus Dunne, a parent of a child with Down syndrome in 1992: '...after years of battering at the door, the Department of Education has finally acknowledged integrated education as an alternative method of meeting the educational needs of our children.' He further noted that from September 1991, the Department has agreed 'to accept the responsibility of educating our children who attend our local schools'.¹⁰⁶

While the backdrop of austerity in the 1980s impacted education for all children, it was particularly detrimental for those with special educational needs. In the debate preceding the end to corporal punishment in all schools, in 1982,¹⁰⁷ Gerry Quigley, General Secretary of the INTO, remarked that there were 'no special units for pupils with behavioural problems'.¹⁰⁸ In 1983, the INTO agreed in principle with criteria adopted by the *Warnock Report* to be applied when deciding whether a child with special needs should be educated in a special or a mainstream school.¹⁰⁹ Subscribing to the belief that integration was equated with adequately meeting the child's needs and ensuring that other children in the class were not unduly impacted, the INTO in 1993 noted that teachers' experience had been that 'the Department has not been in a position to provide the resources necessary to support integration'.¹¹⁰ Coupled with this lack of support, the INTO described the provision of in-service education for teachers in the Republic of Ireland as 'totally inadequate'.¹¹¹ In particular, access to in-service focused on the education of the physically handicapped, the emotionally disturbed, itinerants, Irish-speaking handicapped children, gifted children, refugees and immigrants and remedial education was identified as inadequate in this regard.¹¹² The Department's narrow definition of the term 'special education' was criticised vis-à-vis its role in restricting the availability of in-service education to teachers in specific categories.

A survey of over 2,500 primary schools in 1982 found that as well as having a lack of teaching resources and in-service education, almost one-third of the schools were overcrowded, with 1 in 10 having no drinking water or washing facilities.¹¹³ The continuing application of pressure by teachers during this period led to a relatively modest increase in the numbers of special classes in ordinary national schools and a small increase in the numbers of special schools. In the school year 1979-80, there were 107 special schools with 8,115 pupils, and some 2,247 pupils in special classes. This meant that 1.9 per cent of all primary school pupils were either in special schools or in special classes in ordinary schools. Only about a quarter of the numbers in special schools were in special classes. By 1993-1994, there were 8,059 pupils in 115 special schools, with the movement towards integration and special classes in mainstream schools reflected in the decrease from the 1979-80 period, despite an increase in the number of special schools. There were 3,502 pupils in special classes, a discernible increase compared to 14 years previously. Overall, from 1979-1994, 2.29 per cent of all primary school pupils were availing of some form of special education provision.¹¹⁴

Curriculum and Assessment: Pillars of Reform

While the established pattern of curriculum and examinations had not been altered significantly in the 1960s, some old patterns were challenged during the 1970s. This challenge came in the form of innovations largely of a pedagogical kind and it arose, at least in part, in response to changes already introduced in second-level schools: the fact that pupils were now coming from a wider range of educational and socio-economic backgrounds; the introduction of free secondary education; the raising of the school-leaving age from fourteen to fifteen and the impact on second-level schools of a new primary school curriculum for which they were ill prepared.

D.G. Mulcahy, Professor of Education, University College Cork and Eastern Illinois University (1989)¹¹⁵

The imperative of curricula at primary and post-primary level being designed to meet ‘the varied needs and abilities of a greatly expanded student population’¹¹⁶ was increasingly becoming central to planning for education reform and the role of assessment in this quest incontrovertible. The introduction of the *Primary School Curriculum – Curaclam na Bunscoile*¹¹⁷ was identified in the *Report of the Committee on the Education of Physically Handicapped Children*, in 1982, as a major change in terms of its emphasis on meeting children’s individual needs.¹¹⁸ It was located in an assumption that the ability of the child determined both the rate and quality of learning and the teacher’s responsibility was therefore to consider the range of differences between children in the organisation of children’s educational programmes.¹¹⁹

The Curriculum and Examinations Board (CEB) was established in 1984 on an interim basis, to provide advice on curriculum and examinations.¹²⁰ It was intended that it would subsequently be established on a statutory basis. In its *Discussion Paper on Primary Education*, in 1985, the CEB highlighted the need to review the primary curriculum, including its principles and effectiveness in terms of implementation.¹²¹ The CEB maintained a focus on curriculum and assessment at post-primary level and advised that all pupils in junior cycle should have access to a broad and balanced curriculum underpinned, *inter alia*, by an aspiration of realising equality of educational opportunity.¹²² Reference was made to the need to diagnose and identify learning difficulties in the early years of primary education; create a close alignment in the curriculum, learning processes and teaching methods between primary and post- primary school; and eliminate entrance examinations to post-primary schools.¹²³ The CEB recommended that senior cycle provision be distinguished by ‘diversity of provision and an approach to meet the differing needs of students’.¹²⁴ A recognition of the need to adapt the Leaving Certificate programme, develop Transition Year programmes and Vocational Preparation and Training (VPT) programmes was indicative of a system grappling with providing appropriately for an increasingly diverse cohort of learners.

The CEB was abolished in favour of the National Council for Curriculum and Assessment (NCCA) in 1987, which would be reconstituted as a statutory body in July 2001.¹²⁵ A continued focus on curriculum was evident in the decision of the Minister for Education, Mary O’Rourke’s, pronouncement on 11 March 1987 that curriculum reform remained one of her priorities.¹²⁶ The Primary Curriculum Review Body¹²⁷ and the Primary Education Review Body (PERB)¹²⁸ were subsequently appointed within months of each other and the 1990 reports that issued are discussed in the next chapter. A focus on post-primary curricula also continued and a priority brief was given to the Council to compile plans for a unified assessment and certification system at junior cycle.¹²⁹ *A Guide to the Junior Certificate* was published in 1989¹³⁰ and its aim aligned with the concept of the holistic development of the child embedded in the aims of the Primary School Curriculum – Curaclam na Bunscoile.¹³¹ The concept of differentiation was to be embedded within the general principle of breadth and balance, in order to realise students’ different abilities and aptitudes, with the grouping of classes a matter for individual schools and the potential of continuous assessment alluded to. However, the latter elicited opposition from teacher unions and the envisaged provision of teacher professional development failed to materialise.¹³²

The disconnect between transitioning from a child-centred, integrated primary curriculum to a subject-centred, post-primary curriculum was referred to in the *White Paper on Educational Development* in 1980¹³³ and addressed specifically in the *Report of the Pupil Transfer Committee*, published in 1981. Concluding that for the majority 'the excitement of novelty will counterbalance any jarring effects of the new regime',¹³⁴ the Committee observed that special attention would be required for perhaps 20 per cent of students. 'Slow learners' were identified as the largest group among these students, and while their difficulties would be usually transient, the committee advised that they 'can be none the less agonising'.¹³⁵ Indicative of the increasing focus on including parents in their children's education experience, it was recommended that communication with parents be a feature of managing the transition process effectively. The need to develop a collaborative culture between primary and post-primary teachers was also considered in addition to extending the junior cycle to four years subject to adequate accommodation and teacher allocation.

A growing awareness of the need to support teachers in providing appropriate curricula for all children was a feature of this period, both in terms of mainstream curricula and supplementary guidelines. The Department of Education had begun to issue *Curriculum Guidelines for Schools for the Moderately Handicapped* in 1976.¹³⁶ The *Communication and Expressive Skills 1 Oral Language* guidelines included as the overall aim that 'all children should have the communicative competence consistent with their intellectual capacity and with the environment in which they live'.¹³⁷ Indicating a concern to align the guidelines with existing curricula, rather than creating an additional curriculum, an aspiration was expressed that 'the aims of the language curriculum for the handicapped are similar to those of for normal children'.¹³⁸ A similar concern was evident in the *Guidelines on Remedial Education*,¹³⁹ published in 1988, that the guidelines were not designed to provide 'any detailed consideration of curriculum or methodology', but rather to offer general guidelines on the aims, organisation and practical implementation of remedial education. However, drafting a curriculum constitutes the first stage only in its implementation,¹⁴⁰ and the multiple impediments to implementation were exacerbated by the economic reality, which in turn contributed to a reluctance in transitioning from traditional to more progressive methodological approaches.

Conclusion

Once again there is a sense of doom and gloom overtaking us: there is a feeling of things being out of control, of our inability to respond to the challenges of the times, and a loss of leadership. We scan the horizons for hopeful signs, but we find only confusion, taxes, and hesitant recoveries in distant lands that my eventually trickle our way. So we talk ourselves into the ground or around in circles.

Connell M. Fanning, *The Economic and Social Research Institute (1983)*¹⁴¹

Across the education system, frugality was an enduring feature of the 1980s, with 'as financial circumstances permit'¹⁴² becoming the mantra of the period. Though the range of reports suggested that provision for children with disabilities was available and a priority for government, there were all too frequent accounts in the media of children who fell outside the range of provision. One such case was described in stark detail in a newspaper feature in 1991.¹⁴³ The boy concerned was 8 years old, described as severely mentally and physically handicapped, and in need of constant care and attention. For five days a week he was attending a 'special care unit' that was not recognised as a school but was located on the grounds of recognised schools for 'mildly and for moderately handicapped children'. The unit was not staffed by teachers but run under the aegis of the region's health board and depended on staff engaged in FÁS¹⁴⁴ courses to remain operational. A voluntary organiser for 'mentally handicapped children' explained that transport to the unit was paid for by fundraising efforts, as she elucidated a fundamental and vital element of the situation that: 'the children here are not deemed to be educable so

they have no rights as far as education is concerned and they have no right to a teacher or to free transport... ..if they are severe and profound they are not entitled to a teacher'.¹⁴⁵ The circumstances so plainly described here were replicated in many other places and further consolidated the status of 'ineducable' from previous decades. While overall from 1979-1994, 2.29 per cent of all primary school pupils were availing of some form of special education provision,¹⁴⁶ as noted previously, there continued to be a lack of accurate data available on the number of 'handicapped', which was further exacerbated by the lack of an operational definition of 'handicap'.¹⁴⁷

Described by primary teacher Donal Deasy in a letter in *The Irish Times* (17 March 1982) 'as a crisis in Irish education at all levels',¹⁴⁸ large classes, restricted spending on ancillary services such as remedial teachers, and negligible spending on pioneering reforms hampered the development of education for all children and particularly those who required additional support. Political instability impacted negatively on any potential revisions. Gemma Hussey, as Minister for Education, had sought significant reform of the education system, including, in 1985, a proposal to create an intermediate tier of administration for all post-primary education, to be known as Local Education Committees.¹⁴⁹ However, the Minister became embroiled in conflict with the teacher unions over salary matters, with the result that many of her reform plans failed to win acceptance. Parents and teachers combined in opposition to some of the Minister's proposals and a cabinet reshuffle early in 1986 ended her role as Minister for Education. Patrick Cooney took up the post for little more than a year, followed by a turbulent period during which Mary O'Rourke sought to protect education from severe budgetary cuts. Government planning nevertheless continued, and the range of reports and discussion papers published during this period would provide an impetus for progress in the years ahead.

Closing with the adoption of the UNCRC,¹⁵⁰ on 20 November 1989 by the UN, this era was probably one of the lowest points for the education of all children in Ireland in decades. While the UNCRC would not be ratified by Ireland until 1992, as a treaty of international law it recognised the rights to which all children are entitled and the associated duties of all states parties to acknowledge, respect, protect and fulfil those rights.¹⁵¹ Article 28 of the UNCRC recognised the child's right to education, with Article 23 specifically recognising the rights of the 'mentally or physically disabled child'. A *Programme for National Recovery*, in October 1987,¹⁵² offered the promise that greater social equity would remain a priority in the years ahead, in terms of access to social benefits, health and education, and encouraging more second-level students to complete the senior cycle. Ireland was also a party to a range of international charters and agreements, which although not legally binding, represented a moral authority and one that the courts would invoke in the future.¹⁵³ The right of all children to both a free primary education and a certain minimum education was protected by the 1937 Constitution.¹⁵⁴ As there were no mechanisms, in the form of legislation or otherwise, to review provision for children who were described as 'mentally handicapped', recourse to judicial intervention was more or less inevitable.¹⁵⁵



The homeroom. The homeroom is a good place. I like it.



The home room. The main school. The wellness walk. The polytunnel. The football pitch. I like the astro-pitch best.

Chapter Five: Economic Crisis and Education Cutbacks 1980-1989

Key Influences on Education System

European Engagement
Curriculum and Examinations Board 1984
National Council for Curriculum and Assessment 1987

Education Provision

Negative Impact on Curriculum Implementation and Pupil:teacher Ratio
Ending Corporal Punishment
Targeted Measures for Travellers

Special Education

From a Medical towards Social Construct of Disability
Regular Education Initiative
Integration gaining Traction
Parent-Teacher Challenges
Remedial Teachers
An "Ineducable" Cohort

Major Issues in Planning Services for Mentally and Physically Handicapped Persons 1980

White Paper on Educational Development Education 1980

Report of a Committee on the Education of Physically Handicapped Children 1982

The Education and Training of Severely and Profoundly Mentally Handicapped Children in Ireland 1983

Guidelines on Remedial Education 1988

Broader Societal Context

Fourth Economic Crisis Since Independence
70,000 Emigrated in 1989 Alone
Political Instability
European Economic and Rights Influences
United Nations' Rights Focus
International Year/Decade of Disabled Persons 1981/1982

In 1989/90:

Number of Primary Schools	3,359
Number of Pupils in Primary Schools	552,182
Number of Post-Primary Schools	804
Number of Pupils in Post-Primary Schools	318,601
Number of Special Classes	269
Number of Special Schools	117

United Nations Convention on the Rights of the Child 1989

Chapter Six: A Special Education Evolution: Igniting a Spark 1990-2004

In the late nineties and early noughties, there was intense pressure on the Department and across the school system generally to further develop and expand education provision for children with special educational needs. In order to bring about the necessary improvements, there was clearly the need for a significant expansion in government spending to provide the resources that were needed in the system, and, also, to further develop knowledge and expertise in schools and school support services. Parents were at the forefront in demanding better provision for their children. In many cases parents resorted to litigation to assert their children's rights. Parents quoted research and the specialist practices and 'treatments' that were taking place in other countries – particularly in the U.S. and U.K., and brought to Ireland experts from these countries to assert their demands for better provision, often in the courts. I think it is fair to say that there was an acceptance within the Department, and across the political system generally, of the need for major improvements in education provision for children with special educational needs, but the major difficulty over these years was to expand the provision in a coherent manner, and at a pace that would satisfy demands.

Don Mahon, Assistant Chief Inspector, Department of Education (2021)¹

Introduction

And it's interesting that the SERC Review referred to children in young offender centres, but didn't consider that these came within its remit. Presumably children in high support and special care units, as well as those in youth encounter projects didn't feature for the same reason. On the other hand, the special educational needs of exceptionally talented children were considered. In addition, with the benefit of hindsight, children with autism should have been regarded as coming within a discrete category of special educational need.

Liam Hughes, Civil Servant, Member of SERC (2021)²

In the Foreword to the *Report of the Review Body on the Primary Curriculum*³, published in May 1990, reference was made to the significant social, cultural and economic changes that were evident as the new decade began. The increased school population, new insights on education, and Ireland's membership of the broader European Community were identified as catalysts urgently requiring curriculum change. The Review Body noted that special education provision was largely based on the recommendations of the *Report of the Commission of Inquiry on Mental Handicap*, which had reported in 1965.⁴ Boosted by a period of economic recovery, the next 14 years would see the status quo of former decades transformed through powerful external and internal drivers of change. Described as 'a spectacular decade for the Irish economy' with income per head rising to almost parity with that of the UK in 2000, Ireland's image was transformed during this period.⁵ The period also sparked a reassessment of fundamental aspects of education provision, leading to a gradual but steady metamorphosis that would profoundly alter education in Ireland. In this and the following chapter these drivers are considered and their role in building a future for all children will be located within the dynamic context of this epoch.

International influences, the *Report of the Special Education Review Committee*,⁶ referred to as the *SERC Report*, a multitude of reports and task forces, legislative proposals, curriculum reform, teacher education, a commitment to developing early childhood education, and the European dimension can be identified as among the drivers responsible for the evolution of special education that took place. The *SERC Report* would be a powerful driver for change, though its reliance on a categorical approach, its narrow interpretation of integration, its marginal consideration of the role of parents and early childhood provision, and its failure to consider young offender centres and autism were missed opportunities that would subsequently require revisiting. Indicative of the evolution that was taking place, this era was also marked by an ongoing quest for a language reflective of the understanding of difference indicating some movement away from the language of deficit that had characterised previous decades.

An Ongoing Quest for a Language Commensurate with Understanding Difference

When we started, there was no such thing as special needs as such, you had slow learners and they were even nearly put to the back of the class, you know, and even the language that was used at that time, like handicapped. All the language you wouldn't dream of using now.

Pat Goff, Primary School Principal (2022)⁷

An examination of policy development from 1990 indicates a system wrestling with the quest for a definition of disability that would be consistent with the emerging understanding of diversity. The medical model of disability continued to influence how disability was understood, in terms of residing within the person and requiring fixing, curing, accommodating, or enduring.⁸ The SERC Committee⁹ adopted terminology used by the WHO. 'Impairment' was equated with 'an abnormality in a physical structure of the body and its organic function'; 'disability' was used to denote 'the loss of function arising from the impairment', and 'handicap' referred to 'the difficulties a person with a disability may experience in his/her interaction with the environment'.¹⁰ While the terms 'children with special needs' and 'special educational needs' are used throughout the report, there is a clear focus on categorisation. It also included the 'special educational needs' of children described as educationally and socially disadvantaged, children of the Travelling Community and children who were exceptionally able or talented. Special educational needs were described as referring to:

...all those who disabilities and/or circumstances prevent or hinder them from benefitting adequately from the education which is normally provided for pupils of the same age, or for whom the education which can be generally be provided in the ordinary classroom is not sufficiently challenging.¹¹

The influence of the *SERC Report* is clearly discernible in the Education Act, 1998,¹² which was to follow, where 'special educational needs' refers to the needs of students who have a disability and the needs of exceptionally able students. The definition of 'disability' in the Act employs a lexicon associated with total or partial loss of a person's bodily or mental functions, the malfunction, malformation, disfigurement of a part of a person's body, condition, illness, and disease. Identical definitions of disability were subsequently adopted in the Equal Status Act, 2000-2004.¹³ The Education for Persons with Special Educational Needs (EPSEN) Act 2004 amended the definition of disability in the Education Act, 1998, noting that:

Disability means, in relation to a person, a restriction in the capacity of the person to participate in and benefit from education on account of an enduring physical, sensory, mental health or learning disability, or any other condition which results in a person learning differently from a person without that condition and cognate words shall be construed accordingly. ¹⁴

The Act further stipulated that 'special educational needs' had an identical meaning to the definition of disability in s 52 above. While the definition in the EPSEN Act represented progress in terms of its reference to a person 'learning differently', the use of words like 'restriction', 'enduring', 'condition' continued to suggest that a lens of deficit was the predominant lens through which difference was being viewed.

International Influences

As I said already, the human rights movement and disability groups, our membership of the EU and the OECD, probably helped us to raise questions.

John Murphy, Former Divisional Inspector, Department of Education (2021)¹⁵

Developments in Europe and the US began to have a greater influence on Irish Education policy and practice¹⁶. The UN Decade of Disabled Persons (1983-1992) was proclaimed by the UN in 1982, culminating in the adoption of the *Standard Rules on the Equalization of Opportunities for Persons with Disabilities*,¹⁷ in 1993. As referenced in Chapter Five, the UNCRC was adopted by the UN in 1989, came into force in September 1990, and was ratified by Ireland on 28 September 1992.¹⁸ While incorporation of the UNCRC into domestic law did not coincide with its ratification, it provided a framework, which would allow for auditing of compliance, lobbying for change and raising public awareness by all those invested in translating the state's undertakings into reality for children.¹⁹ Ratification by the State of a bespoke human rights treaty for children, embedded in standards designed to recognise and protect children's dignity and promote the principles of equality, non-discrimination, participation and inclusion,²⁰ represented a pivotal moment for all children. In parallel with the UNCRC coming into being, UNESCO issued the *World Declaration for All*, in 1990,²¹ which articulated a commitment to universalising access and promoting equity in achieving the goal of education for all, and acknowledging that 'the learning needs of the disabled demand special attention'.²²

With concerns emerging that the 'integration' movement was placing undue responsibility on the child to adapt to the existing and largely unchanged schooling system, the concept of 'inclusion' emerged as the expression of the belief that for children to be included, education settings had to adapt, in order to ensure children's attendance, engagement and achievement.²³ This concept of inclusion aligns with the re-conceptualisation of disability as a social construct and the associated responsibility of society to create a caring, adaptable society and eliminate exclusionary practices.²⁴ In 1994, the *Salamanca World Conference Declaration Statement and Framework for Action on Special Needs Education*²⁵ reaffirmed the right to education for all children, irrespective of individual difference, and recognised 'the necessity and urgency of providing education for children, youth and adults with special educational needs within the regular education system'.²⁶ Regular schools with an inclusive orientation were identified as the most effective means of combating discriminatory attitudes, creating welcoming communities, and achieving education for all. Built around four key themes – policy and legislation; school perspectives; community perspectives; and partnership and networking – the Conference captured the complexity and challenge of achieving education for all as encapsulated by the Director General of UNESCO, Federico Mayor, in his observations that:

Special needs education – an issue of equal concern to countries of the North and of the South – cannot advance in isolation. It has to form part of an overall educational strategy and, indeed, of new social and economic policies. It calls for major reform of the ordinary school...All concerned must now rise to the challenge and work to ensure that Education for All effectively means FOR ALL, particularly those who are most vulnerable and most in need. The future is not fated, but will be fashioned by our values, thoughts and actions. Our success in the years ahead will depend not so much on what we do as what we achieve.²⁷

Ireland was one of 92 governments and 25 international organisations that participated in the conference and committed to the reform required to realise the future directions identified for special education across the four conference themes.

The move towards inclusive education generated much debate internationally, in terms of how best to chart the way forward and develop a shared understanding of both the vision and interpretation of inclusive education. These aspects have continued to be contested ever since, both conceptually and in practice. Key foci of this debate included teacher-preparation, classroom organisation, appropriate pedagogy and curriculum access; whole-school climate and structures; the role of specialist provision; and availability of resources. As summarised by Mel Ainscow, in a Keynote Address presented at the International Special Education Congress in Birmingham, in 1993:

First of all it seems clear that making a school more inclusive is not an easy move. Whilst the analysis I have provided suggests certain conditions that seem to support such development, these are not readily established in organisations where they are currently absent. What is required, it seems, is a fairly significant redirection of resources and effort in order to shift organisations that are structured to facilitate maintenance of the status quo, towards ways of working that will support development activities.²⁸

These debates were being played out in other countries simultaneously. The Education for All Handicapped Children Act (EAHCA) (PL 94-142)²⁹ in the US, which had begun in 1975, providing for public special education nationwide, was renamed the Individuals with Disabilities Education Act (IDEA) in 1990. The re-authorisation was designed to extend the scope of the legislation in addition to addressing the procedural details required to realise the six pillars of the Act and ensure each child with a disability was provided with a free, appropriate and individualised public education (FAPE). The revision of the Act reflected the concern emerging that the inclusion of children with disabilities required re-imagining, an appreciation of the complexity of achieving inclusive schools, and a re-consideration of the segregation practices that continued to exist.³⁰ Similarly, in Canada, a realisation was emerging that the achievement of inclusive education required re-examining, in order to ensure that all children achieved their full potential in schools and later in Canadian society.³¹ It was acknowledged that while the integration movement was propelled by the best of intentions, it was underpinned by policies and practices that had been developed based on the concept that those who learned differently were somehow separate to what was perceived as the norm, thereby compromising the achievement of a unified education system.³²

In Europe, a three-pronged model of provision was emerging, whereby some countries adopted a one-track approach focused on including almost all children in mainstream education. A multi-track approach was being adopted by other countries, where a variety of services across mainstream and special education provision was provided. A two-track approach was evident in countries where children with special educational needs accessed education in segregated special schools and classes.³³ In 2003, the European Agency for Development in Special Needs Education (EADSNE) noted that Ireland had developed a multi-track approach with government policy described as encouraging 'the maximum possible level of inclusion of pupils with special needs into mainstream schools and to put in place the necessary special supports to facilitate this development'.³⁴

From 1961, as already mentioned, Ireland was one of the founding members of the OECD. Membership of the OECD provided access to expert quality and policy analysis and continues to be identified as a key impetus for educational reform in Ireland.³⁵ In its *Reviews of National Policies for Education*, in 1991, the OECD remarked that the Department of Education was 'overstretched simply to administer the education system. Furthermore, it is neither conditioned nor appropriately equipped to advise systematically on policy'.³⁶ It would take a further nine years for the Department to engage in an in-depth examination of key aspects of its operation, with a view to improving capacity to administer the education system more effectively.³⁷

Through tracking overall education spending, the OECD continued to remind the Irish government of its position in relation to other countries internationally, while simultaneously recording its progress, noting that between 1990 and 1995, the increase in Ireland's investment in education amounted to more than 30 per cent.³⁸ In 1998, for its *Education at a Glance* series, the OECD, introduced a new developmental indicator C6, designed to compare the

proportion of students that countries identified as having special educational needs, and to present data 'on the extent of provision for these students, its location, and its resourcing in terms of student/teaching staff ratios'.³⁹ Seán Glennane and Eamonn Stack, both of whom were Chief Inspectors with the Department of Education in the period 1991-2002,⁴⁰ contributed to the report, with Eamon Stack as a National Co-ordinator⁴¹ and Seán Hunt as a contributor to School Features and Processes.⁴² The report acknowledged that the demand for resources arising from larger numbers of children with special educational needs being enrolled in schools may limit the resources available to reduce overall student:teacher ratios.⁴³ It was acknowledged that, increasingly, students with special educational needs were being included in mainstream education. Legislative, attitudinal, teacher education provision, segregation and categorical systems were identified as barriers leading to exclusion for these students in several countries.⁴⁴ These areas would be central to the development of policy and provision for children with special educational needs from this period right up to the present day.

Report of the Special Education Review Committee (SERC)

I suppose things that drove change would have been underfunding, unmet and undermet needs. We had a highly centralised system. No consistent or clear communication protocols between the health, education and welfare systems. And I think the SERC report then provided a coherent basis for change. And it also generated an expectation among parents and advocates that change would happen. I think key personnel in the Department contributed significantly to the review process. I mean, I think of the likes of Liam Ó Éigearta and Mícheál Ó Flannagáin who were, well you know, central to the SERC Report, just their insights were great. The contribution of Liam Kilroy, Principal Officer in Special Education Section when the SERC Report was published and who was totally committed to implementing the report's recommendations, also needs to be acknowledged.

Liam Hughes, Former Civil Servant, Member of SERC (2021)⁴⁵

In August 1991, then Minister for Education, Mary O'Rourke, established the Special Education Review Committee, 'To report and make recommendations on the educational provision for children with special needs'.⁴⁶ The Committee's Terms of Reference were wide-ranging. They encompassed identification and assessment to make the education provision best suited to each child, as well as consideration of the arrangements required to provide for complete or partial integration, or to provide special classes in ordinary schools, or through special schools or other special arrangements. The support services required, and the relationships between remedial, visiting, or other support teachers and ordinary class teachers, as well as the linkages required between the relevant government departments and their associated services, were also to be considered.⁴⁷ Páid McGee, who was a member of the Committee, noted that 'Because of its size and composition it was not the vehicle to examine radically the structural elements which appeared to impede the development of effective and comprehensive special education services'.⁴⁸ However, McGee conceded that it was 'an important catalyst for change'.⁴⁹ The *SERC Report* continued to be a dominant basis for policy development up to the publication of *Delivery for Students with Special Educational Needs: A Better and More Equitable Way*⁵⁰ in March 2014.

The seven principles proposed in the *SERC Report* continue to shape special education provision in Ireland up to the present day. These principles affirm the right of all children with special educational needs to an appropriate education; recognise the needs of the individual child to be paramount in decision-making regarding special education provision; specify parents' entitlement to be actively involved in the decision-making process and their wishes taken into consideration when recommendations regarding provision for their child were being made; provide for a continuum of education provision from full-time education in ordinary classes, with additional support as required, to full-time education in special schools; articulate a presumption in favour of affording

children access to ordinary schools; stipulating that only in exceptional circumstances should it be necessary for a child to live away from home in order to access an appropriate education and placed a duty on the state to provide adequate services and resources in realising these principles.⁵¹ Critically, the SERC recommended that these principles should be taken into account in the framing of an Education Act. The *SERC Report* suggested that it was 'highly undesirable and inefficient to attempt to provide for the special educational needs of individual pupils with serious disabilities and learning difficulties in ordinary classes in individual schools scattered over a wide area'.⁵² It instead recommended special schools or 'designated ordinary schools'⁵³ with the requisite specialist facilities, staffing and support services as the model of provision. It further recommended that 'an annual review of pupils with special educational needs and of the provision being made for them'⁵⁴ should be conducted, aligning with the principle of maintaining flexibility in relation to placements.

Commensurate with the zeitgeist of the period, the *SERC Report* defined integration as 'the participation of pupils with disabilities in school activities with other pupils, to the maximum extent which is consistent with the broader overall interests of both the pupils with disabilities and the other pupils in the class/group'.⁵⁵ Reflective of the approach adopted by the *Warnock Report* (1978) in Great Britain, the term 'special educational need'⁵⁶ was adopted. Special education was described as being 'designed to cater for pupils with special educational needs, and is additional to or different from the provision which is generally made in ordinary classes for pupils of the same age',⁵⁷ and included the needs of exceptionally able children. Therefore, while the *Warnock Report* adopted 'special educational need' both as a term and a concept, the *SERC Report* retained a categorical approach that was reflected in the range of specific recommendations. More broadly, the *SERC Report* identified the need to address the gaps that were evident in relation to identification and assessment; lack of legislation; absence of local educational administrative structures; limited number of remedial teachers; limited provision for children with serious disabilities and learning difficulties; provision at further education and third-level; curriculum development; inadequacy of post-primary provision; constraints on realising integration; inter-government/agency collaboration; the potential of developing shared practice between ordinary and special schools; resources; inadequacy of support structures; and teacher education.

It can be argued that the *SERC Report* remained overly aligned with the medical model of disability, adopted a restrictive definition of integration, and failed to meaningfully consider the central role of parents in their children's education. Presenting autism through the lens of emotional behavioural disorders, excluding young offender centres from its term of reference, and only marginally considering pre-school and early childhood provision were omissions that would require further attention in the years ahead. However, the contribution of the report in 'providing the impetus for many of the subsequent advances in remedial and special education provision'⁵⁸ is indisputable. Unquestionably, the *SERC Report* was a major landmark in the advancement of understanding and insight about the multifaceted nature of special educational needs that required the urgent attention of everyone connected with the overall system of education.

Barr, J in *Sinnott v. Minister for Education & Ors*,⁵⁹ observed that 'by coincidence the report of the body was furnished to the Minister almost coincidentally with the pronouncement of the O'Donoghue judgement and it was published four months later in October, 1993'. The central role of judicial intervention following the publication of the report, which will be discussed in the next and subsequent chapters, would further underline its central importance in the development of provision for children with special educational needs. As summarised by Professor Áine Hyland, 'the Department listened to it...it was comprehensive, it was very well written, but it also wasn't too radical and it sort of pressed the right buttons at the right time'.⁶⁰ In the aftermath of the *SERC Report*, as provision continued to develop, its recommendations and observations became a key point of reference for all who were interested in creating an education system responsive to the needs of each child. However, the concept of the designated school was rejected by parents of pupils with Down syndrome and the *Report of the Commission on the Status of People with Disabilities*, in 1996, led to the resource teacher model of support instead.⁶¹

A Multitude of Reports and Task Forces

There were also Task Forces which were pivotal really, the Task Force on Autism, Task Force on Dyslexia and all of these were indications of a system that was growing in confidence. It wasn't just saying it's not happening.

John Murphy, Former Divisional Inspector, Department of Education (2021)⁶²

During the period 1990 to 2004, a series of reports considered various aspects of special education. These included *Needs and Abilities. A Policy for the Intellectually Disabled. Report of the Review Group on Mental Handicap Services* (1990);⁶³ *A Strategy for Equality: The Report of the Commission on the Status of People with Disabilities* (1996);⁶⁴ *Report on Attention Deficit Disorder in Ireland* (1999);⁶⁵ *Report of the Expert Advisory Group on Certificate Examinations* (2000);⁶⁶ *The Report of the Task Force on Autism* (2001);⁶⁷ and the *Report of the Task Force on Dyslexia* (2002).⁶⁸ Combined, these reports heralded an emerging consciousness that active and meaningful participation by the State in providing for children with special educational needs had become an imperative. These reports were also indicative of a developing awareness that inter-departmental collaboration and consultation with the range of relevant stakeholders were essential ingredients in building a responsive and robust special education system.

Report of the Review Group on Mental Handicap Services 1990

Following discussions between the DoH and representatives of key organisations providing support and services for people with intellectual disability, the Review Group on Mental Handicap Services was established in 1986 to review existing services and to suggest guidelines for their development. In 1990, the report *Needs and Abilities. A Policy for the Intellectually Disabled. Report of the Review Group on Mental Handicap Services* was published.⁶⁹ A person-centred approach was adopted that endeavoured to reflect the nature of services required across the person's lifespan. While a consultative process informed the report, rather than adopting a working party approach with representation from a variety of interested parties, the Review Group consisted exclusively of DoH representatives.⁷⁰ This decision was taken based on the range of reports that were already available, as previously discussed.⁷¹

The Review Group made 61 recommendations,⁷² including a recommendation that the term 'mental handicap' should no longer be used and that consensus should be reached in relation to terminology. Recommendations included differentiating the needs and services required for children with learning difficulties and those with intellectual disability; developing inter-departmental approaches with the Departments of Education, Health and Labour; offering education and support programmes for parents; extending the pre-school developmental service and early intervention teams; making a presumption in favour of children with delayed development attending local pre-schools or playgroups for other children; providing respite for families; and providing pre-vocational and vocational training for all children who avail of special education programmes. Recommendation 22 signalled the move away from residential care that was to follow, stating that 'No child should be placed in residential accommodation away from home solely on the basis of the need to avail of special education'.⁷³

Report of the Commission on the Status of People with Disabilities 1996

Following a nationwide consultative process to identify the barriers precluding people with disabilities in Ireland from living full and fulfilled lives in society, *A Strategy for Equality: The Report of the Commission on the Status of People with Disabilities*⁷⁴ was published in 1996. A range of powerful submissions indicated a need for radical action to create a society in which people with disabilities had equal opportunities to flourish and achieve their

potential. The ongoing struggle experienced by parents was captured in many of the submissions, as for example in the report by a parent who noted, 'It appears to us that the parents of a disabled child face a lifetime of fighting each and every agency and department for their rights and those of their child'.⁷⁵

The Commission concluded that people with disabilities were excluded from almost every aspect of cultural, social, economic and political life with education, training and employment identified as areas where exclusion was markedly evident. The Report represented a significant step forward in moving from a medical to a social model of disability and advocated for a civil rights perspective to inform responses, which should include inclusive education legislation.⁷⁶ Equality, maximising participation and enabling independence and choice⁷⁷ were adopted by the Commission as the three guiding principles to inform its work and they clearly infused its 402 recommendations in 22 target areas, based on the UN Standard Rules.⁷⁸ Fifty-five of these recommendations related specifically to education. A presumption in favour of inclusive education was recommended, and the need to address teacher education, continuing professional development (CPD) and resourcing was articulated. Echoing the *SERC Report*,⁷⁹ the lack of coordination between government departments in meeting the needs of individuals with special educational needs was criticised. The report represented an influential catalyst for change in disability legislation, policy and provision in Ireland. An evaluation of the report in 1999⁸⁰ concluded that almost 75 per cent of its recommendations had been or were in the process of being implemented. However, the impact of the changes was yet to impact in a meaningful way on the lives of people with disabilities.⁸¹

Report on Attention Deficit Disorder in Ireland 1999

The *Report on Attention Deficit Disorder in Ireland (1999)*⁸² was compiled by the Joint Committee on Health and Children, Houses of the Oireachtas, who in turn appointed the National Research Agency as consultants for the report. A range of adults, parents and professionals contributed to the report, which identified the need for new services, medical, psychological and educational for children and adults with attention deficit disorder, and also including hyperactivity (ADD/H). It was acknowledged that the impact on society was significant in terms of financial costs, family stress, the negative impact on academic and vocational opportunities, and the overall effect on self-esteem. Recommendations included the need to provide specific educational services for persons with ADD/H and the establishment of a school for children with severe ADD/H, who were unable to cope in mainstream schools.

Report of the Expert Advisory Group on Certificate Examinations 2000

The *Report of the Expert Advisory Group on Certificate Examinations (2000)*,⁸³ when considering the arrangements for the assessment of candidates with special needs in certificate examinations, distinguished between a student's achievements and their ability to display those achievements in examination conditions. Thirteen principles were identified and associated with the provision that should be made for students with special educational needs, which included acknowledging the need for special arrangements that take due cognisance of students' physical and learning disabilities, while ensuring that equitable treatment does not result in giving a candidate an advantage over another candidate. It was advised that 'where it is not possible for a candidate to participate in a particular mode of assessment, an alternative assessment procedure may be provided'.⁸⁴

The Report of the Task Force on Autism 2001

The Task Force on Autism⁸⁵ published its report in 2001 and became a key source from which policy and practice in the education of children with ASD developed in the following years. Mary Hanafin, as Minister for Education and Science, noted in a Dáil debate on 12 February 2008 that:

The Task Force on autism undertook a review of international research literature on autistic spectrum disorders...The Task Force stated that it supported a 'reflective practitioner model of teaching where the system has the capacity to be flexible and teachers think, plan and then react from a diverse knowledge base'.⁸⁶

The terms of reference of the Task Force included reviewing and assessing the adequacy of educational provision and support services available to children with ASD. Making a series of recommendations, the Task Force advised that national prevalence rates should be investigated and databases duly compiled; and it reaffirmed the positive impact of involving parents as partners in the education of their children. It also articulated the need for effective identification, referral, assessment and multidisciplinary support services and the development of provision to enable children to access a differentiated curriculum supported by evidence-based practice in a range of educational approaches, in addition to the need for developing a research culture in the area.

It was advised that significant resources should be committed to providing for initial and continuing teacher education, establishing intensive early services, creating a presumption in favour of inclusive education and extending second, third-level and continuing education opportunities. The central importance of achieving cross-departmental collaboration, especially between the Department of Health and Children (DoHC) and the Department of Education and Science, is emphasised throughout the report.

The Report of the Task Force on Dyslexia 2001

In the Foreword to the *Report of the Task Force on Dyslexia*,⁸⁷ published in 2001, Minister for Education and Science, Michael Woods, noted that the report 'would] be of great assistance to [him] in taking further action to assist young people with dyslexia, within the broader context of meeting the needs of all students with learning difficulties and disabilities'.⁸⁸ The report was commissioned against a background of the number of children with dyslexia being unknown, principally because children had not received targeted support, with the Department estimating that up to 10 per cent of Irish children may have dyslexia to different degrees along a continuum.⁸⁹

Written submissions were received from 399 educational institutions, organisations and individuals, as well as 896 telephone submissions. Parents were particularly vocal in sharing their frustrations in relation to the inadequate provision available for their children. The Task Force specifically acknowledged parents' engagement with the process and compiled recommendations, which it noted were of particular interest to parents, while reiterating its aim to achieve more appropriate provision for the distinctive educational needs of children with dyslexia.⁹⁰ The 61 recommendations presented in the report encompassed system-level, teacher education, school-level and external organisational imperatives. While the Task Force acknowledged that the recommendations referred to meeting the needs of students with learning difficulties arising from dyslexia, they also had broader applicability for other learning difficulties and disabilities.

Threaded through the spine of all these reports was an appreciation of the central importance of children having access to appropriate curricula and teachers with the requisite competence and expertise to support their learning and development.

Curriculum Reform

Despite the vision and thoroughness of the 1971 primary schools' curriculum proposals and the many practical innovations since carried through by dedicated teachers, the evidence suggests that the emphasis is still largely on a didactic approach and often, in later primary years, in a relatively narrow range of subject matter.

OECD *Reviews of National Policies for Education* (1991)⁹¹

You'll just get a sense there in the Points Commission of that awareness that not everybody fits the point system if you like and that has to be recognised.

Professor Áine Hyland, Emerita, University College Cork (2022)⁹²

As discussed in Chapter Five, on becoming Minister for Education on 11 March 1987, Mary O'Rourke pronounced curriculum reform as one of her priorities.⁹³ The Primary Curriculum Review Body⁹⁴ and the PERB⁹⁵ were appointed within months of each other and both finally reported in 1990. These reviews proved to be the precursors of substantial movement and development in Irish education across all sectors, and special education was an important background feature to all deliberations about education during this period.

Early Years and Primary Curriculum Development

While the Primary School Curriculum 1971 (*Curaclam na Bunscoile*)⁹⁶ was less than 20 years in operation, it was timely that a review should be conducted into its design and implementation, having regard to significant social, economic and other changes at a time of increasing appreciation for the benefits of education. The Primary Curriculum Review Body⁹⁷ was comprehensive and detailed in its approach and its report signalled the need for a reformulation of certain aspects of the curriculum to respond to the rapidly changing education landscape. Issues such as implementation, evaluation, assessment, alignment with post-primary curricula, and the aims and objectives of primary education were among the topics dealt with in the review. In general, the review endorsed the principles underlying the 1971 curriculum but sought greater specificity in various elements of the curriculum, while also seeking more focus in its implementation.

A sustained process of reappraisal of the primary curriculum under the aegis of the NCCA was conducted through the establishment of working groups that incorporated teachers, inspectors and others, to produce a thorough renovation of the curriculum. The Education Act 1998⁹⁸ established the NCCA as a statutory body of the Department to advise the Minister on curricula for early childhood education, primary and post-primary schools. In addition to the assessment procedures and examination processes that are integral to curricula.⁹⁹ Specific reference is made in the Act to the role of the NCCA in advising the Minister about curriculum and syllabi for students with a disability or other special educational needs,¹⁰⁰ and this provision was subsequently reiterated in the EPSEN Act 2004.¹⁰¹ In 1999, the *Primary School Curriculum*¹⁰² was published as a set of volumes dealing with six major strands of learning incorporating detailed aims and intended outcomes in addition to teacher guidelines. Specific reference was made to children with special needs and the right of access for all children to 'the highest-quality education appropriate to their needs'.¹⁰³ Effective education for children with special needs was described as involving 'balanced provision of education and care, the nature of which can vary as the child develops and progresses',¹⁰⁴ and it was deemed essential that education was sufficiently flexible to accommodate movement between special and mainstream education and transition from primary to post-primary levels.

From its establishment in February 1988, the PERB¹⁰⁵ pursued a comprehensive analysis of primary education and delved into many aspects that had not previously been considered in any detail. Yielding over 100 recommendations in its final report, the most far-reaching proposal was that a Green Paper should be produced to initiate discussion leading to the introduction of an Education Act. Many aspects of primary education were given important consideration by the Review Body, including the possibility of a psychological service for primary schools, remedial provision, special education, and schemes for schools in areas of socio-economic disadvantage. A discernible impact of the work of the Review Body was that it prompted wide-ranging discussion among interested parties on the future of education, in particular regarding legislating for education.

Described as ‘something of a milestone’,¹⁰⁶ for the NCCA, *Towards a Framework for Early Learning*, published, in 2004, represented the first consultative document specifically focused on learning for children from birth to six years and associated curriculum possibilities. Preceded by an intensive process of consultation, review of international curricula,¹⁰⁷ and the *Early Childhood Framework for Learning: Background Paper*, in 2001,¹⁰⁸ it adopted the *SERC Report’s* definition¹⁰⁹ of special educational needs; included special schools within its framework; committed to a vision of supporting all children appropriately in their learning; and acknowledged the critical importance of the early identification of children with special educational needs and the centrality of assessment. The contentious nature of placing children exclusively on a pathway of developmental milestones was raised and it was advised that while adults should be familiar with the concept as general indicators, they should exercise caution in its application. This, together with further development, including intensive consultation with the sector and with children,¹¹⁰ combined with a steadfast commitment to providing a framework that would facilitate high-quality experiences for children, would ultimately pave the way for the publication of *Aistear: The Early Childhood Curriculum Framework*, in 2009.¹¹¹

Junior and Senior Cycle Curriculum Development

During this period, curriculum development at post-primary level reflected a growing imperative to respond to the varying needs and abilities of the increasing number of students completing senior cycle, which, in 1991, comprised 60,000 students or circa 80 per cent of the age cohort.¹¹² In 1989, a programme aimed at providing a coherent curriculum experience and facilitating equal access to certification for all students in the junior cycle of post-primary education was introduced.¹¹³ The need for a broad curriculum framework incorporating the various spheres of learning was emphasised by the *Curriculum Framework for Junior Certificate Requirements*,¹¹⁴ published by the NCCA in 1991. Following an extensive consultation process, the NCCA published *The Junior Cycle Review – Progress Report: Issues and Options*,¹¹⁵ in 1999, which highlighted the issues of curriculum overload and overlap, appropriate assessment processes and the need to support the transition from primary to post-primary school.

*Draft Curriculum Guidelines for Teachers of Students with General Learning Disabilities*¹¹⁶ were launched in 2001 to support teachers of students with mild, moderate and severe to profound general learning disabilities in mediating and differentiating the curriculum across primary, post-primary and special school contexts. In a further *Update on the Junior Cycle Review*,¹¹⁷ in 2004, the NCCA noted the need for syllabus rebalancing to take account of emerging understandings around special educational needs, and the transfer rates from primary to post-primary school for students in mainstream and special schools, and students who had left school before completing the junior cycle. The NCCA also made reference to the potential of the Junior Certificate School Programme (JCSP), which had originated in the Early School Leavers’ Project initiated by the City of Dublin Vocational Education Committee (CDVEC) in 1979, as part of a European Community Action Programme.¹¹⁸ The NCCA noted the JCSP’s potential in providing accessible and relevant curriculum experiences for students who might find the mainstream school system challenging. It was further noted that the NCCA was working on developing a curriculum framework for 12-16-year-olds with general learning disabilities, which would ‘provide students with general learning disabilities with the opportunity to access a broad, balanced set of learning experiences, as well as developing their personal, independent and living skills during this phase of compulsory schooling’.¹¹⁹

At senior cycle, there were clear signals that the traditional Leaving Certificate Examination was no longer sufficient in catering for the diversity of students' needs and abilities, nor in preparing students for the transition to adult and working life or further training or study.¹²⁰ The introduction of the Leaving Certificate Vocational Programme (LCVP) in 1989, and its restructuring in 1994 as an alternative to the Leaving Certificate; and the advent of Transition Year in 1994 and the Leaving Certificate Applied (LCA) in 1995, to prepare students for adult and working life, were indicative of a willingness to provide for a diversity of learners in the education system.¹²¹ However, assessment processes continued largely along traditional lines and remained predominantly wedded to grading processes, results and standardisation.

While the Points Commission, established in October 1997, retained the status quo and existing entry system to third level, the Chairperson of the Commission, Professor Áine Hyland, noted that there was an awareness of the challenges facing children with special educational needs, which ultimately led to the Disability Access Route to Education (DARE) scheme, in 2009,¹²² for school-leavers whose disabilities had had a negative impact on their second-level education. Further evidence of this increasing awareness was the report *Arrangements for the Assessment of Candidates with Special Needs in Certificate Examinations*,¹²³ submitted to the Minister for Education and Science in January 2000 by the Expert Advisory Group on Certificate Examinations. Describing the reality reported in some schools, the Advisory Group noted:

There would appear to be a lack of awareness in some schools about the needs of candidates requiring special arrangements, as well as inadequate facilities to prepare candidates for examinations. Schools need to be more proactive, not only in the identification of special needs, but also in providing for them.¹²⁴

However, the observations of the OECD, in 1991, that the domination of examinations would ensure that 'on the one hand, teaching and the curriculum are largely determined by the examination requirements, and, on the other, that major status differences persist throughout the secondary system, between examination streams and the rest'¹²⁵ continued to be relevant.

Teacher Education

Through bad times and good, whether the system moves at a headlong pace, progresses sedately or stalls, the quality of teaching remains, for the child with special educational needs more than for any other child, the pre-eminent influence on the educational outcome.

Páid McGee, Director of Special Education, St Patrick's College, Drumcondra, Dublin, 1967-2003 (2004)¹²⁶

It was becoming increasingly clear that providing for children with special educational needs required a radical review of teacher education. Reference to the critical importance of teacher education was to the fore in all the seminal reports propelling policy development, with the *SERC Report* noting that 'The question of the training of teachers to cater for pupils with special needs [had] been raised in many submissions'.¹²⁷ The last reorganisation of teacher education had taken place in the decade 1965-1975, and coincided with a period of major economic, cultural and social change, underpinned by a robust national economy and an impetus for reform, similar to the period that began in the mid-nineties.¹²⁸ While the OECD had affirmed the quality of the teaching force in 1991, it also pointed out that 'The existing training institutions are potentially the only sure guarantee of a high quality system of in-service training',¹²⁹ suggesting that careful planning and development of a nationwide induction and in-service system were required.

In 1993, Remedial Education in-service primary courses were available in St Patrick's College, Drumcondra; The Church of Ireland College of Education, Rathmines, Dublin; St Mary's College, Marino, Dublin; St Angela's College, Sligo; Mary Immaculate College, Limerick and the Cope Foundation, Cork. Post-primary courses organised by the Psychological Service of the Department of Education were provided at the Church of Ireland College of

Education and a Diploma Course in Compensatory and Remedial Education at UCD.¹³⁰ As noted previously, there was a Diploma Course in Special Education at St Patrick's College, Drumcondra, and a Diploma Course for Teachers of the Deaf at UCD. It was recommended by the *SERC Report* that all courses should be delivered within a professional and academic framework and include the possibility of postgraduate qualifications.

From 1961 up to 2003, the course at St Patrick's College, Drumcondra, was the sole state-funded special education programme available to teachers with specialist roles.¹³¹ Teachers were released from schools for the academic year, creating particular demands for participants outside Dublin, in terms of travel and accommodation. In response to the growing number of resource teachers, in 2003, state-funded, certified, in-service courses were extended to providers outside Dublin and the model changed to a 14-week block release.¹³² Participants reported that engaging in the course empowered them in their role, created opportunities for teachers and principals to share ideas and experiences, and allowed them to understand their unique context within the broader education landscape, thereby revealing possibilities for change.¹³³ The role of ITE, induction and in-service teacher education would continue to develop in the years ahead as research on the relationship between teacher education and providing for appropriately children with special educational needs expanded.¹³⁴

The establishment of the Teaching Council through The Teaching Council Act, 2001¹³⁵ can be identified as a landmark development in promoting the profession of teaching in Ireland. The Teaching Council was to adopt a role in maintaining and improving the quality of teaching in the state, promote teachers' professional development, facilitate research, and provide for the establishment of standards, policies and procedures for the education and training of teachers. Before the establishment of the Council, teacher formation, education and admission were entirely the remit of the Department of Education and Science. The Teaching Council therefore represented a potentially radical, more fundamental change in the way the teaching profession was to be governed, trained, interact and develop.¹³⁶ Coinciding almost with the establishment of the Teaching Council, the Department of Education and Science was focusing on the establishment of support services at both primary and post-primary level to support the introduction of national priorities, commencing in 1998 with the Primary Curriculum Support Programme (PSCP) and followed in 2001 by the Second Level Support Service (SLSS).

Positioning Early Childhood Education Firmly on the Agenda

As I've been looking at the education system more widely, I think more and more that achieving optimal educational outcomes for children is heavily reliant on the skill of the workforce. The vision and attitude of the workforce in terms of inclusion and respecting human rights, and their commitment to being child-centred is essential. Their behaviour, attitude and philosophy, but also their skill set is hugely important. Delivery of high-quality undergraduate training and CPD right through their career is crucial.

Bernie McNally, Assistant Secretary, Department of Children, Equality, Disability, Integration and Youth (2022)¹³⁷

Following the National Forum for Early Childhood Education in 1998,¹³⁸ and focusing on children from birth to six years, *Ready to Learn: White Paper on Early Childhood Education*,¹³⁹ published in 1999, constituted a momentous step in terms of positioning early childhood education firmly on the agenda of the Department of Education and Science, while also emphasising the cross-governmental responsibility for state provision. Crucially, it was envisaged that the Department would adopt a pivotal role in overseeing the educational input to early childhood services,¹⁴⁰ a role that would continue to expand and develop in the following years. The definition of children with special educational needs provided in the *SERC Report*, and discussed above, was adopted and it was acknowledged that the rationale for providing early childhood education for all children equally applied to children with special educational needs. This rationale was located within the emerging understanding of

'the importance of lifelong learning and the idea that children learn from the earliest moment and continue to learn throughout their lives'.¹⁴¹ Additionally, in relation to children with special educational needs, the importance of early intervention in supporting families and children's learning and development was highlighted. While the importance of early education had featured previously in multiple reports, and some action had been taken (for example, as noted in Chapter Three, the establishment of a pre-school for children in Rutland Street in 1969),¹⁴² a systematic approach was clearly needed. Reference was made to best practice in the US, where the evidence suggested that early intervention was effective when it provided high-quality, intensive and purposefully structured programmes delivered by highly skilled and appropriately trained personnel in small groups with individual instruction.

A range of challenges creating barriers to effective provision was identified. These included the restricted composition and supply of key personnel and multidisciplinary teams, and in particular the lack of teachers with expertise in special education on the teams, the low take-up of developmental check-up services, and the ongoing need for greater liaison between these teams and children's pre-school and school settings. From November 1998, the extensive provision that had been provided for children in the school system, in addition to the range of special schools catering for children, were cited as indicating the State's commitment to children with special educational needs. This was a reference to the government press release on 5 November 1998¹⁴³ by the Minister for Education, Micheál Martin, which will be further discussed in Chapter Seven. It was also noted that three pilot pre-school classes for children with ASD had been established with favourable child:adult ratios and multidisciplinary support – one in Cork and two in Dublin. Reference was made to an approach to be used in these classes, namely, the comprehensive application of behaviour analysis to schooling (CABAS®),¹⁴⁴ which would later emerge as contentious in terms of the State's approach to providing for children with ASD.

The press release also referenced the services of the VTS in providing expert support for young children from the age of 2 with visual and/or hearing impairment, and the services provided by the health boards and/or voluntary bodies for children with severe or profound disabilities. An awareness of the complexity of developing a policy for early special needs education, given the heterogeneity of children's needs, demographic and prevalence issues, balancing the education and care required with the child's developmental progress and access to a suitable curriculum was evident. The dilemma of ensuring a child's placement was appropriate in terms of 'inclusive or integrated early special education as opposed to segregated education'¹⁴⁵ was raised, and the importance of flexibility noted, with the conclusion that 'one size does not fit all, and that different arrangements may be required at different stages in a child's life span'.¹⁴⁶ Adopting the advice of the National Forum for Early Childhood Education in 1998,¹⁴⁷ it was proposed that the Early Childhood Education Agency recommended in the White Paper would have a role in addressing the range of areas required to ensure quality, early special education services. It was further proposed that an Early Years Development Unit (EYDU) would be established in the Department to oversee strategic development and implementation, however this would not be realised until 2006.¹⁴⁸

As referenced in Chapter Four, Ireland ratified the UNCRC¹⁴⁹ in 1992 and submitted its First National Report to the UN in 1996.¹⁵⁰ Coinciding with this, the Children's Rights Alliance, submitted its report, *Small Voices: Vital Rights*, to the UN Committee on the Rights of the Child in 1997.¹⁵¹ The *Concluding Observations of the Committee* were published in 1998.¹⁵² Ireland's progress in relation to meeting its obligations under the Treaty was noted, although it identified an absence of children's rights' informed policy and practice.¹⁵³ Concerns were expressed by the Committee across a range of areas, including what it observed as a 'somewhat fragmented'¹⁵⁴ approach to the rights of the child and the lack of a 'comprehensive national policy, which fully incorporates the principles and provisions of the Convention, encompassing all the areas covered by the Convention'.¹⁵⁵ Specific reference was made to the lack of a national policy aimed at securing the rights of children with disabilities. In response to the fragmented approach that had been identified, the *National Children's Strategy, Our Children – Their Lives*¹⁵⁶ was published in November 2000 and a National Children's Office (NCO) created in 2011 to lead and oversee the implementation of the strategy.¹⁵⁷ The NCO was allocated a Junior Ministry and Mary Hanafin was appointed

as a Minister for State with Responsibility for Children.¹⁵⁸ The establishment of the Office of the Minister for Children (OMC) in 2005, and the appointment of a Junior Minister, marked a further commitment at government level to the coordination of the existing fragmented responsibility across government departments and agencies in relation to protecting the rights of children.¹⁵⁹ According to the first Director-General of the OMC, Sylva Langford, this represented 'a really important step forward',¹⁶⁰ with policy work for early years' education, youth justice and children's services being led from the OMC and responsibility for delivery remaining with the Departments of Justice, Education and Health. The OMC and its subsequent iterations,¹⁶¹ as 'the first joined-up piece of Government executive',¹⁶² would play a central role in reframing conventional policymaking around early childhood education.

The Centre for Early Childhood Development and Education (CECDE) was established in 2002 by the Minister for Education and Science in St Patrick's College, Drumcondra,¹⁶³ with the aim of achieving the goals identified in *Ready to Learn*, including developing targeted interventions for children with special needs.¹⁶⁴ In parallel with the establishment of the CECDE, the government invited the OECD to engage in a *Thematic Review of Early Childhood Education and Care (ECEC) Policy* in Ireland. The ensuing report was published in 2004 and stressed the importance of universal provision and investment in providing equality of access for all children.¹⁶⁵ While the OECD report undoubtedly contributed to ongoing reflection at policy level, its vision in realising a universal system of quality early childhood education for all children would not begin to materialise until the introduction of the free-pre-school year programme in 2010. During this period, the publication in 2000 of the first national children's strategy also affirmed the potential of cross-departmental cooperation in formulating intricate cross-cutting policy. Articulating the six operational principles as child-centred, family oriented, equitable, inclusive, action oriented, and integrated, the strategy represented a unifying inter-governmental vision for building a society in which, according to the then Taoiseach, Bertie Ahern, all children could 'hope to experience happy and fulfilled childhoods and develop to their potential'.¹⁶⁶

The European Dimension

Ireland's membership of the EU was important. There was somebody wrote a history of Ireland's education called *A Mirror to Kathleen's Face*. I often think of the mirror idea. The only way you will understand your own system is if you've got to explain it to somebody else.

John Murphy, Former Divisional Inspector, Department of Education (2021)¹⁶⁷

Achieving modernisation in terms of economic reform and development that constituted the initial stimulus for Ireland's application to join the EEC gradually extended beyond an economic focus to create an impetus for social change. European subsidies were used to optimise benefits for society and were specifically allocated to support education.¹⁶⁸ Ireland had increasing opportunities across a range of fora to engage with the measures that were being identified as central to the economic and social cohesion necessary for the successful operation of the established internal market.¹⁶⁹ The central importance of the education system in attaining this cohesion was clear. Examples of measures adopted during this period include the Resolution of the Council and the Ministers of Education Meeting within the Council in May 1990,¹⁷⁰ the adoption of the Community Charter of Basic Social Rights of Workers,¹⁷¹ the HELIOS 11 Programme,¹⁷² the Charter of Luxembourg 1996,¹⁷³ the Charter of Fundamental Rights of the European Union (EU),¹⁷⁴ and membership of the European Agency for Special Needs and Inclusive Education (EASNIE).¹⁷⁵

On 31 May 1990, Minister for Education, Mary O' Rourke, proposed a resolution to the Council of Ministers of the EU that the efforts of member states to integrate children with disabilities into the ordinary education system should be intensified, with special schools 'seen as complementary to the work of the ordinary education systems'

and the skills and teaching methods developed in special schools at the disposal of mainstream education.¹⁷⁶ Cultivating cooperation between all stakeholders, recruiting peripatetic teachers, developing individualised programmes, engaging in comprehensive and coherent policy development, differentiating curricula, and utilising technology were all referenced in the resolution.¹⁷⁷

The Community Charter of Basic Social Rights of Workers was adopted in December 1989 and specifically articulated that ‘all disabled persons, whatever the origin and nature of their disablement, must be entitled to additional concrete measures aimed at improving their social and professional integration’.¹⁷⁸ From 1993-1996, the European Commission established the HELIOS 11 Programme to promote ‘equal opportunities for and integration of disabled people’.¹⁷⁹ Focused on community approaches to disability policy, it heralded a move from a welfare orientation to one of equal opportunities and integration and was the first action programme to provide a formal structure to consult with disabled people and their organisations. Crucially, its emphasis was on knowledge-exchange and learning through providing a structure for cooperation at national and European levels. The Charter of Luxembourg in 1996 comprised the principles, strategies and proposals generated from the HELIOS 11 Programme, stating that: ‘The term “School” must be understood in its broader sense, meaning education at all levels. School for all means inclusive education for all individuals into mainstream education’.¹⁸⁰ In 2000, the Charter of Fundamental Rights of the EU, was devised to strengthen the protection of fundamental rights and reflect societal changes by making them visible in a Charter.¹⁸¹ The right to education, including access to vocational and continuing training, with the possibility of this right encapsulating free compulsory education, was reaffirmed. Discrimination based on various grounds, including disability, was expressly prohibited.

Initiated by the Danish Government, the EASNIE was established in 1996 under the then title EADSNE and was endorsed by the Education Ministers of the member states.¹⁸² Ireland joined the Agency in 1997 and has participated extensively in its projects, events, publications, and activities. The Agency’s discernible shift from a narrow focus on learners’ special educational needs and special education as specific provision at its establishment, to the current focus of improving the quality of support for all learners, is clearly discernible in Ireland’s progress from 1997 to the present day. Co-funded by member countries and the European Commission, the EASNIE maintains independent status and provides a platform for ministries of education to collaborate in the development of inclusive education systems across Europe. Ministerial representatives identify specific priorities for development and EASNIE’s work aligns with both international and EU education policy initiatives. The EASNIE adopts an evidence-based policymaking approach that focuses on optimising the cost-effectiveness and overall effectiveness of inclusive education systems, and supports individual member states with reference to EU policies, and specifically the UNCRPD.¹⁸³

While human rights instruments and conventions identify the right to education for all citizens as both international and European rights, these are subject to the caveat in Article 29.6 of the Irish Constitution,¹⁸⁴ that in order to be enforceable as state law, international agreements must be incorporated into domestic law by the Oireachtas.¹⁸⁵ However, a range of influences including political leadership, individual champions, litigation, personal and sector-wide advocacy and the media can converge to create an impetus that ultimately gives effect to these rights.¹⁸⁶

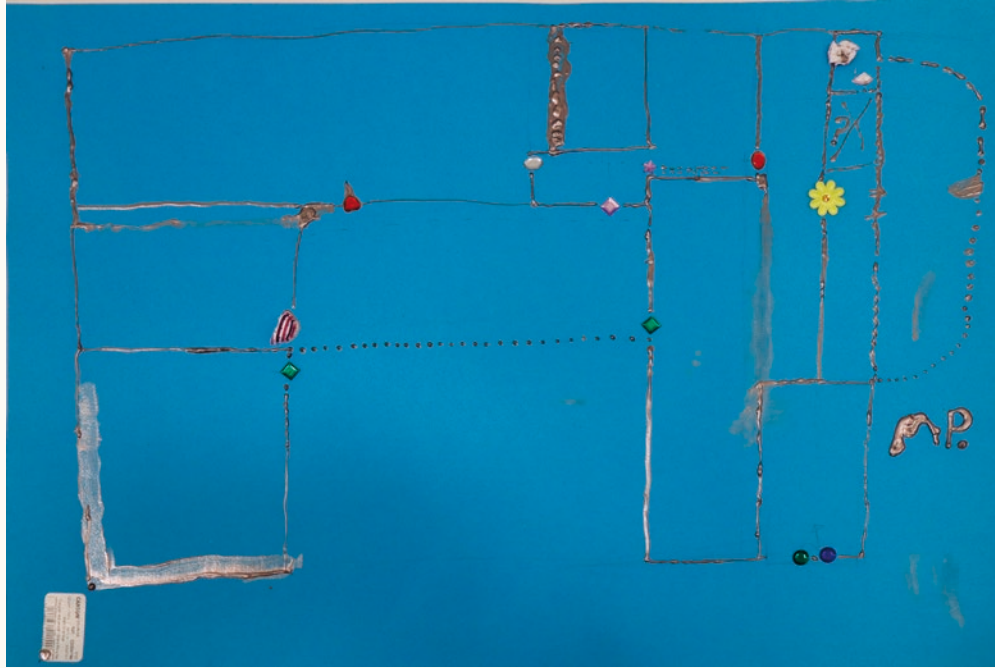
Conclusion

I learned an awful lot on that report [SERC Report]. I read every single one of the submissions. They were traumatic for me. I think they were what really brought home to me how it would be. A family I remember down in Mayo, she had three children with special needs and the only option available to her was to send them to a boarding facility in Dublin. I think I forget which of the special schools in Dublin, and I mean I had three children myself at the time, young children and the thought of having to do that was just unbelievable.

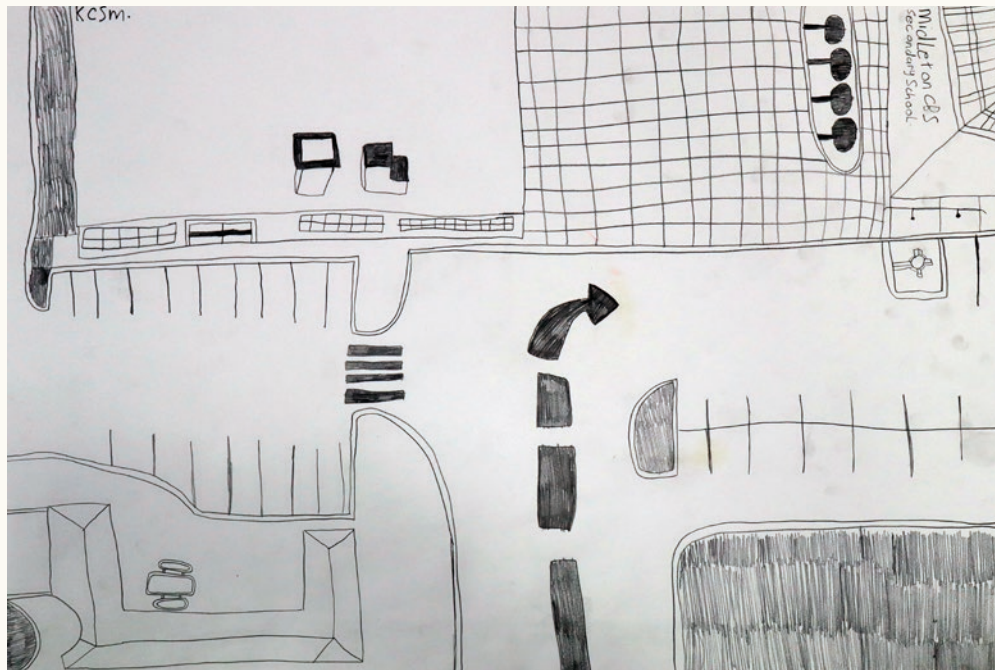
Professor Áine Hyland, Emerita, University College Cork (2022)¹⁸⁷

An alignment of international trends and developments with rapid Irish policy and legislative development created a vibrant context in which providing for children with special educational needs would no longer be an option but rather an imperative. A myriad of reports and reforms indicated that Ireland was becoming increasingly responsive to international and European influences. This change in direction prompted a consideration of how the State was fulfilling its obligations to all its citizens from early childhood, through primary, post-primary into further, higher and adult education. After a period of long-standing neglect, access to quality early childhood education for all children, including children with special educational needs, was slowly emerging as a policy priority. Ongoing attention was being directed towards the relationship between school performance and socio-economic factors, as evidenced by the reform of the Scheme of Assistance to Schools in Designated Areas of Disadvantage instigated in 1984 by the Department of Education. A new scheme, Breaking the Cycle of Educational Disadvantage, was launched in 1996, designed to break the cycle of educational disadvantage and positively discriminate in favour of children at risk of not achieving their potential due to socio-economic circumstances in purposefully selected rural and urban areas.¹⁸⁸ This would lead, in 2005, to a further refined policy initiative, Delivering Equality of Opportunity in Schools (DEIS), which remains at the core of the Department of Education's response to educational disadvantage.¹⁸⁹

However, the translation of this momentum into a progressive system that would cater for all learners continued to remain elusive. It can be argued that the indisputable association between guaranteeing the right of a child who learns differently to an appropriate education and the provision of broad, balanced, and equitable learning and teaching experiences prompted significant and far-reaching curriculum reform. In the scheme of things, this was to be of incalculable benefit for all children and young people. The realisation that the move to creating an inclusive, high-quality education system necessitated a keen focus on teacher education contributed to the ongoing appraisal and analysis that would continue to be given to the teacher education continuum and the indispensability of a competent teaching force in this regard. In tandem with the developments considered in this chapter, the evolution of provision for special education advanced significantly in this period and would move beyond the spark that had been ignited towards a flame.



This is an outline of the homeroom, the garage and doors leading to the garden. The homeroom is my personal favourite.



A bird's eye view of the bottom front of the school. The homeroom.

I like doing indoor homeroom fun activities. I like chatting with my four friends because they're Nintendo fans.

Chapter Six: A Special Education Evolution: Igniting a Spark 1990-2004

Key Influences on Education System

International/European Influences
Education for All
Green Paper – White Paper
Education Legislation Press Release 1998

Education Provision

Curriculum Reform
Towards a Framework for Early Learning 2002
Teacher Education
Teaching Council Act 2011
Learning Support Guidelines 2000

Special Education

From a Medical towards Social Construct of Disability
From Language of Deficit
Inclusive Education
A Multi-track Approach
Multiple Task Forces
European Agency for Special Needs and Inclusive Education

Report of the Review Body on the Primary Curriculum 1990

Needs and Abilities. A Policy for the Intellectually Disabled. Report of the Review Group on Mental Handicap Services 1990

Salamanca World Conference Declaration Statement and Framework for Action on Special Needs Education 1994

A Strategy for Equality: The Report of the Commission on the Status of People with Disabilities 1996

Ready to Learn: White Paper on Early Childhood Education 1999

Ratification of the United Nations Convention on the Rights of the Child 1992

Broader Societal Context

Increased School Population
Membership of European Community
National Disability Strategy
Economic Recovery
Developing Rights' Agenda
Establishment of National Disability Authority

In 2004/05:

Number of Primary Schools	3,284
Number of Pupils in Primary Schools	449,298
Number of Post-Primary Schools	722
Number of Pupils in Post-Primary Schools	305,767
Number of Special Classes	1,017
Number of Special Schools	127

The National Children's Strategy Our Children – Their Lives 2000

Chapter Seven: A Special Education Evolution 1990-2004, Beyond the Spark to the Flame

It's the last thing we need you know is, solicitors involved you know on behalf of children, there's something wrong with the system, you know, when they have to do that and still have to do it.

Pat Goff, Primary School Principal (2022)¹

Introduction

I have been a Solicitor in practice for over 40 years. In the latter parts of the 1980s and early 1990s, I was consulted by parents of children with disabilities of varying degrees, who were unable to get education for their children.

Ernest Cantillon, Solicitor (2022)²

As the final decade of the century advanced, there was a notable bourgeoning of dissatisfaction with levels of provision for children with special educational needs. Several developments during the period 1990-2004 would move beyond the igniting of a spark and create a flame. It would become clear, as observed by Dympna Glendenning, that 'law alone can devise the structures within which education can be equitably delivered'.³ Equitable delivery of education is dependent on achieving a judicious balance when conflict emerges between the interests of relevant stakeholders.⁴ Against the unique backdrop of the Irish education system, securing an equitable equilibrium involves balancing the interests of the State, the churches, the teachers and their unions, the local community, parents, the children, and school management authorities.⁵

The absence of a statutory framework governing educational provision until the enactment of the Education Act, 1998,⁶ created a legislative lacuna, which had necessitated occasional intervention by the courts as particular exigencies arose. For example, as happened in Drimoleague parish,⁷ where from 1 April 1976, all teachers, except one, retracted their services in protest against the appointment of a principal they believed did not have the requisite experience prior to his appointment as required by the *Rules for National Schools*.⁸ While this legislative lacuna compromised the rights of all children, it had particular consequences for the rights of those with special educational needs. Specifically, this lacuna forced parents to seek recourse in the courts to vindicate their children's constitutional rights. Fortunately, unlike the American Constitution,⁹ the right to education was expressly enshrined in both the 1922¹⁰ and the 1937¹¹ constitutions. This period of unparalleled involvement by the courts in balancing the rights of children with special educational needs to education prompted legal historian William Niall Osborough to remark, in 2000, that 'education problems supply one of the litigation battlegrounds of the modern Republic'.¹²

Combined with the litigation battleground prompted by parents during this period was an increasing societal appreciation for the benefits of education and a sharper perception of the inequalities that obtained in the education system. It was also evident that a more enlightened understanding of how children learned and developed was permeating policy development. A series of reports, reviews, circulars and press releases during this period indicates that policymakers were seeking to rebalance the system in order to ensure an equitable delivery of education that provided equality of opportunity for all. This period would finally culminate in the publication of *Learning-Support Guidelines*,¹³ the formal establishment of the National Educational Psychological Service (NEPS) and the foundation of the National Council for Special Education, which would become known as the NCSE.

Judicial Intervention

A brave woman, by the name of Marie O'Donoghue, consulted me in early 1990s, and told me of the difficulties that she was having in getting education for her son, Paul, who had intellectual disabilities. I had been forming the view for some time that there was a clear breach by the State in its failure to provide for free primary education, in accordance with its obligations to provide for free primary education, as set out in Article 42 of the Constitution. In 1992 we brought proceedings on behalf of Paul O'Donoghue, and this led to the seminal decision of Mr. Justice Rory O'Hanlon in 1993, which established the right of children to education, and education being defined as: 'The teaching and training of a child to make the best possible use of his inherent and potential physical, moral, and mental capacities'.

Ernest Cantillon, Solicitor (2022)¹⁴

A report, *Legislation Pertaining to Special Needs Education*, compiled by UNESCO in 1994/1995 noted that 48 out of the 52 countries examined had special education legislation, with Ireland a complete outlier in terms of being one of the four countries in which no such provision existed.¹⁵ In the absence of legislative provision, the Constitution of 1937¹⁶ became the guarantor of the rights of children with special educational needs to education.

It was submitted by the State in *O'Donoghue v. Minister for Health*¹⁷ that the right to education envisaged in the Constitution was scholastic in nature, as exemplified in the national school curriculum, and did not therefore apply to Paul O'Donoghue. The State contended that Paul O'Donoghue, by reason of being profoundly mentally and physically disabled, was in effect 'ineducable' and that 'all that can be done for him to make his life more tolerable is to attempt to train him in the basics of bodily function and movement'.¹⁸ Paul's mother, Marie, in her affidavit, noted the undisputed position that 'throughout the State free primary education is provided for children who do not suffer from mental or physical handicap, 5 1/4 hours per day, 5 days per week on average, with a normal education in a wide range of subjects, and with free transport provided to and from school where necessary'.¹⁹ A broad approach to the interpretation of what constituted education had been adopted by the courts previously in *Ryan v. The Attorney General*, where Ó Dálaigh CJ had remarked that 'Education essentially is the teaching and training of a child to make the best possible use of his inherent potential capacities, physical, mental and moral'.²⁰ Ó Dálaigh CJ's definition of education was adopted by O'Hanlon J in *O'Donoghue v. Minister for Health*, with the addition of 'however limited those capacities might be',²¹ thereby extending the right to education to include all children. O'Hanlon J concluded that primary education for children like Paul O'Donoghue required a new approach with reference to age of commencement, early intervention, duration, and continuity of education.

Ó Dálaigh CJ's definition of education was subsequently adopted by both the High Court and Supreme Court in *Sinnott v. Minister for Education & Ors*.²² In this case, Jamie Sinnott, suing through his mother, Kathy Sinnott, alleged, *inter alia*, that the State had deprived Jamie of his constitutional right through failing to provide for his free primary education appropriate to his needs. Jamie was a young adult with ASD and a severe to profound general learning disability, who had received only three years' education in 22 years.²³ The Supreme Court affirmed the judgement of Barr J in the High Court in relation to the State's failure to provide for an appropriate education. However, while Barr J had concluded that the State was obliged to provide for free primary education as long as Jamie might benefit from this provision, the Supreme Court adopted a different view, concluding that Article 42.4 of the Constitution should be construed in the context of Article 42.1, in which the family is acknowledged as the primary and natural educator of the child and that 'child' should be understood in this

context. Denham J summarised the constitutional obligation of the State, while also acknowledging Jamie's requirement for continuing support and training beyond age 18, which the Court was clear could not be compulsorily met under the Constitution:

I am satisfied that the right that the State shall provide for free primary education is a right in relation to children. The term children is age related. Under society's mores, general practice and some laws it is appropriate to determine that a person is no longer a child at the age of eighteen. Thus Jamie had a right to the provision of free primary education until he reached eighteen years of age but he has not got the constitutional right to free primary education after that age. That is not to say that Jamie will not require continuing support and training beyond the age of eighteen.²⁴

The appropriateness of the curriculum that children should have a right to access continued to be debated in cases initiated by parents of children with ASD in particular.²⁵ In *OC (S) v Minister for Education & Ors*,²⁶ which reached the High Court in 2007, parents of an autistic child requested that the State's constitutional obligation to provide for education for their child be vindicated through an approach based on the principles of applied behaviour analysis (ABA). From expert evidence presented, Peart J noted the role of qualified trained teaching staff in the education of a child with ASD and the appropriateness of the national curriculum as the starting point for all children.²⁷ The outcome of this case was to have implications in advancing the transition of the ABA pilot scheme being funded by the Department of Education and Skills to the school system. By 2011, 13 of these centres had been granted recognition as special schools for children with ASD.²⁸

An examination of court judgements during this period indicates that they were not taking place in a vacuum divorced from the broader societal landscape, but rather that judicial intervention was influenced by emerging research, international charters and agreements, provision in other countries and national reports. In *O'Donoghue v. Minister for Health*,²⁹ the oral evidence of Professor James Hogg, co-author of a series of books relating to the education of persons with severe to profound general learning disabilities, was particularly persuasive in contributing to the final decision of the court. In *Sinnott v. Minister for Education & Ors*,³⁰ a range of expert testimony contributed to the discrediting of Bruno Bettelheim's theory of autism, suggesting that childhood autism developed through children experiencing maternal rejection.³¹ It had been reported that a psychologist working with the Health Board was a proponent of this theory and had advised Kathy Sinnott, the plaintiff's mother, in this regard.³² Reflecting the principle that domestic law is rarely determined completely in isolation from international trends, O'Hanlon J in *O'Donoghue v. Minister for Health*³³ admitted the *Universal Declaration of Human Rights* (UDHR),³⁴ the UNCR,³⁵ and the ECHR³⁶ as documentary evidence. The principles of equality, entitlement, non-discrimination, and participation enunciated in these charters are clearly reflected in the decision of the case. In the High Court and Supreme Court decisions in *Sinnott v. Minister for Education & Ors*³⁷ O'Hanlon, J's interpretation of these international charters was acknowledged and affirmed.

Provision in other countries is extensively referenced in both *O'Donoghue v. Minister for Health*³⁸ and *Sinnott v. Minister for Education & Ors*.³⁹ The court heard evidence that legislation existed in England, Wales, Scotland and the US regarding education provision for children with severe to profound general learning disabilities in the O'Donoghue case. Provision for children with ASD in the US was referenced in the Sinnott Case, in addition to the norm regarding school holiday periods. O'Hanlon J referred in detail to the *Report of the Commission of Inquiry on Mental Handicap*⁴⁰ published in 1965 and previously discussed. Reference was also made by O'Hanlon J to the report published in 1983: *The Education and Training of Severely and Profoundly Mentally Handicapped Children in Ireland*,⁴¹ described as the *Blue Report*. Evidence was provided by Seán Glennane, who had been the chairperson of the *Blue Report's* working party, that 'not just finance but also divisions of opinion between different interests and the need for full co-operation and support of two separate Departments of State – Health and Education'⁴² inhibited the implementation of the report's recommendations. Reference was also made to the 1990 publication: *Needs and Abilities. A Policy for the Intellectually Disabled. Report of the Review Group on Mental Handicap Services*,⁴³ or the *Lilac Report*, and its endorsement of the need for education of handicapped

children in all four categories, mild/moderate/severe/profound. Barr, J, in *Sinnott v. Minister for Education & Ors*,⁴⁴ affirmed O'Hanlon J's analysis of these national reports and admonished the State's indifference to their findings and recommendations. The *Report of the Special Education Review Committee (SERC Report)*⁴⁵ was specifically referenced and its seven principles referred to by Barr, J.

In parallel with judicial intervention, a series of reports was being compiled and was reflective of a concern to grapple with what was clearly a pressing policy issue for government. In 2004, during a radio interview, Ernest Cantillon remarked that judicial intervention was resulting in resources being diverted from education to provide for litigation costs.⁴⁶ The courts were simultaneously cautioning that its involvement in setting the parameters of what constituted an appropriate education for children with special educational needs was a matter for the executive and the legislature rather than the judiciary.⁴⁷ It was also clear that those charged with formulating and operationalising policy recognised that the needs of all children were not being served by the existing education system.

The Cromien Review: Something Seriously Amiss with the Structure of the Department

The report, by Mr Seán Cromien, former secretary-general of the Department of Finance, is one of the most critical overviews of the education system and of the Department in recent years... In relation to special needs, Mr Cromien says senior officials should not be dealing with individual cases, but should be concentrating on 'the core issue of policy development'. An 'alternative structure' should be set up to deal with individual cases, preferably a national council for special needs.

Emmet Oliver, *The Irish Times* (2000)⁴⁸

In the Foreword to the *Cromien Review*, Seán Cromien, acknowledged that while the report contained many criticisms of the Department of Education and Science, these criticisms were to be read in the context of a department with great strengths and a renowned tradition of presiding over an education system that was the envy of other countries.⁴⁹ The commitment of staff at every level was noted and their predisposition to work long hours, often to the detriment of their work-life balance. In 1991, the Department had been reproached strongly by the OECD for its limited role in policymaking and its over-engagement with individual educational establishments.⁵⁰ In truth, this was a longstanding problem going back decades and indicative of a challenge for existing structures to keep pace with a system that was expanding rapidly in response to ongoing developments across the education system. As the 1990s progressed, the Department was increasingly drawn into the minute transactions at local level. Not surprisingly, the review of the Department's operations, systems and staffing needs by Seán Cromien in 2000, with the assistance of a small team of civil servants within the Department,⁵¹ found that there were serious administrative problems in the overall operation of the Department.

In what was an expeditious and timely examination of the Department, Cromien identified a broad range of inherent troubles that impeded its satisfactory functioning. He found that the most obvious characteristic of the Department was that it was overwhelmed with detailed day-to-day work that had to be given priority over long-term strategic thinking. A member of senior management characterised the dilemma as 'the urgent driv[ing] out the important'.⁵² The volume and nature of parliamentary questions addressed to the Minister in the Oireachtas was found to be quite exceptional and failed to serve the purposes of democracy and accountability, as intended. The waste of time involved was considered to indicate a failure by the Department to have sufficient systems in place to serve public needs at the appropriate administrative levels.

The highly centralised feature of the Department was leading to disproportionate work being generated by sections having to respond to innumerable telephone queries and written inquiries from members of the public, teachers, and school management, which clogged up the machinery of government and prevented adequate attention from being given to policy issues. In contrast to other departments, there was no local agency apart from the VECs and Department structures were found to be outdated, inefficient and lacking coherence, with many problems derived from inadequate and haphazard planning. Specific reference was made to the increased departmental involvement in special education, with the lack of clarity in policy formulation leading to educational policy being determined elsewhere, through negotiations with interest groups or under national agreements, or in the courts through the inadequate provision for children with special educational needs.

The *Cromien Review* was decisive and clear about the actions that were needed to improve the situation. It was deemed necessary to ensure that policy formulation was undertaken in a coherent and consistent manner across the Department. Devolving work outside the Department would free it from much of the volume of individual casework and allow it to concentrate on more strategic issues. Mindful of the ongoing work of the Planning Group on Special Education, the *Cromien Review* asserted that an early priority for the Department would be 'to extricate Special Education Section and the Inspectorate from day to day involvement in individual special needs cases and to refocus attention on the core issue of policy development in the special needs area'.⁵³ Cromien accepted the proposal being developed by the Planning Group on Special Education⁵⁴ for the development of a national council, at arm's length from the Department, with a network of local area-based offices that would be responsible for processing individual applications for special support services.

Cromien also advised that it would be timely for the Department to have a specialist body to manage the state examinations, thereby devolving responsibility for this large volume of detailed work. A further recommendation of Cromien was that a network of local offices of the Department be established to provide for some integration at a 'one-stop shop'⁵⁵ of education services, with the psychologists of the NEPS, the special education organisers, education welfare officers, and others accommodated in offices in the same building accessible to the public. In many of these recommendations, Cromien was reflecting some of the internal strategic thinking of the Department and there was ready acceptance for some of the ideas put forward in the report of October 2000.

In some respects, the *Cromien Review* was one of the most significant developments of the period, insofar as it resulted in some significant restructuring of the Department. Recommending the re-organisation of the management of the state examinations and accepting the need to establish a national council to support special education were particularly influential on the system subsequently. While the local office network was created for a period, it failed to materialise in the manner envisaged. The *Cromien Review* however underscored the importance of engaging in long-term strategic and coherent policymaking for the Department.

A Department Over-centralised in its Administration⁵⁶

The Council supports the view that there is a need for local education structures as a basis for more effective service provision and more efficient use of available resources. It is envisaged that local education structures would cover both primary and post-primary levels. The organisation of specialist services, on an area basis would allow for more efficient use of resources across a range of schools and services, as students require.

National Economic and Social Council (1993)⁵⁷

During this period, proposals for the creation of a version of the local education committees suggested by the MacPherson Education (Ireland) Bill of 1919-20,⁵⁸ which was discussed in Chapter One, re-surfaced. These proposals had re-emerged intermittently during previous decades and had inadvertently become associated with the potential erosion of the existing school managerial system and the circumscription of the manager's role.⁵⁹ In 1928, the INTO passed a resolution suggesting that local education authorities be established to provide for school accommodation and maintenance, prompting Reverend Professor Timothy Corcoran to gently caution against the creation of 'yet another hierarchy of officials'.⁶⁰ In the early 1950s, a concern for the dilapidated state of school buildings and a school accommodation crisis again led the INTO to call for the State to be responsible for building schools and local authorities for the maintenance of the buildings.⁶¹ In 1952, Minister for Education, Seán Moylan, suggested in the Dáil that consideration should be given to establishing local education committees for the purposes of school maintenance, with increased monetary contributions from the local community.⁶² A concern to preserve the existing managerial system generated resistance to these proposals, as exemplified by Bishop Eugene O'Callaghan's address during a confirmation service in the Diocese of Clogher, in June 1952. Bishop O'Callaghan described the INTO's advocacy for local education committees as destabilising the managerial system, and exhorted managers to vigorously resist this development.⁶³

In 1985, Minister for Education, Gemma Hussey, launched a Green Paper, *Partners in Education. Serving Community Needs*.⁶⁴ Its proposals included the setting up of 13 local education councils as representative bodies with significant responsibilities for second-level education, adult education and youth services, with primary schools exempt from the remit of these bodies.⁶⁵ However, the proposal was negatively received at political, managerial and parental levels. As will be discussed further below, a pathway to legislation would commence with the announcement by Minister for Education, Mary O'Rourke, during a press briefing on 26 November 1990, of the government's intention to introduce education legislation.

While the creation of a more decentralised administrative structure featured in discussions during this period, which would eventually culminate in the Education Act, 1998,⁶⁶ these intermediate structures would not materialise. The Education Bill, 1997,⁶⁷ provided for the establishment of education boards with stated objects, which included making available to those living in the region an appropriate level and quality of education; the promotion of equality of access to, and participation in education; and the promotion of the right of parents to send their children to a school of their choice subject to patrons' rights and the effective and efficient use of resources.⁶⁸ In 1997, Minister for Education, Micheál Martin, introduced executive agencies as a measure to devolve some of the functions being undertaken by the Department of Education, and the establishment of education boards was not included in the Education (No.2) Bill, 1997, which would culminate in the Education Act, 1998.⁶⁹

Rose Desmond, a post-primary principal who participated in an interview for this publication, encapsulated the possibilities that these structures may have provided when she asked:

You know what I would love? I would love that there would be a centre in every single town in Ireland where the local schools, primary and secondary, have access to an occupational therapist, to educational reports, to a psychologist, to counsellors, to specialists. If it was a case there was a need in the school, you could pick up the phone and know that need would be catered for immediately. However, that's pie in the sky, Emer, but that is what should be happening.⁷⁰

Had regional structures been established, they may very well have alleviated the over-centralised administration and mitigated the challenges that the system would subsequently have to deal with in seeking to provide targeted and multidisciplinary supports for children with special educational needs.

Forging a Pathway to Legislation

While I am on my feet perhaps I could deal with the question raised by Deputy Bruton yesterday on the Order of Business concerning the Department of Education. The position is that the situation is not satisfactory. The Department continues to operate under a hotch potch of legislation going back as far as 1878. The Department are examining the whole matter and will probably prepare a White Paper on the basis of which a new comprehensive Education Act will be brought forward.

An Taoiseach, Charles J. Haughey (1990)⁷¹

As noted above, during a press briefing on 26 November 1990, Minister Mary O'Rourke had signalled the government's intention to introduce education legislation, indicating the international influences on Irish policy development at play, in pointing out that this was a feature in other developed countries.⁷² Following a tumultuous period in which drafts of the government's Green Paper were leaked to *The Irish Times*, the *Education for a Changing World. Green Paper on Education*⁷³ was finally published in June 1992.⁷⁴ In a specific section devoted to children with special educational needs, similar principles expressed by the *SERC Report*⁷⁵ were evident, and it was noted that, 'It is a matter of particular concern that appropriate arrangements are made at all levels of education for children with special educational needs'.⁷⁶ A commitment to providing a continuum of provision was evident, and the influence of what was described as 'a strong movement' that had developed in Europe focused on creating a presumption in favour of integrating as many children with special educational needs as possible in mainstream schools, together with the resolution adopted by the European Community Council of Ministers in May 1990, was specifically referenced.⁷⁷ The contribution of special schools was acknowledged and the major issues for special education were identified as balancing mainstream and special school provision; the development of integrated mainstream education provision; appropriate placement of students; effective identification and assessment; and adequate support services.⁷⁸

Having considered the *Green Paper*, a White Paper would ordinarily come next. However, a prolonged consultation process followed and the Minister for Education, Niamh Breathnach, convened the National Education Convention in Dublin Castle on 11-21 October 1993.⁷⁹ Described as 'an unprecedented, democratic event in the history of Irish education',⁸⁰ it was attended by representatives from 42 organisations, educational bodies, the social partners, and the Department of Education. A section of the report is dedicated to education for special needs and references the *SERC Report*; the *Green Paper*; the *Resolution of the Council and the Ministers of Education Meeting within the Council* in May 1990,⁸¹ and the *Programme for a Partnership Government*.⁸² Noting that 'unsupported, unresourced integration is not a satisfactory option', the report concluded that 'Real integration involves the identification of the child's needs, an appropriate curriculum, resources such as support staff, and in-service education for all involved teachers'.⁸³ A strong case for integration was evident, together with the continuation of special school provision; and the benefits of local administrative structures that had been discussed in the preceding section were acknowledged. The need to resource special education provision in mainstream settings on a par with existing special school provision was highlighted. In this regard, the case of the Educate Together experience was cited, whereby in submissions by Educate Together⁸⁴ (the management group for multi-denominational schools) it was reported that children had lost entitlements to school transport and pupil:teacher ratios on transfer to an integrated setting – resources that they would have had in a special school.⁸⁵

Charting our Education Future. White Paper on Education in 1995⁸⁶ further elaborated on the principles expressed in the *Green Paper*, noting that these principles applied equally to second-level education.⁸⁷ Specific reference was made to the *SERC Report*, and it was noted that a special task force had been established to

implement its findings, 'as resources permit'.⁸⁸ The responsibility of each school to present its policy on student assessment in its school plan was noted and a commitment to expanding the School Psychological Service was documented. Coordination between the school psychological service, the school health service and clinic-based assessment services was stated to be the responsibility of the proposed area-based education boards, which were to have a statutory responsibility for 'each student with a special disability'. The boards would enter these students on a national data-base and coordinate educational provision for them, including support services.⁸⁹ Special schools were to have an expanded role in supporting students with a range of disabilities as regional resource centres, with 'each student with a disability assigned to the nearest appropriate special school in the region, whether or not s/he attends the school'. This was to ensure that the support services and resources would be available to the student and their parents.⁹⁰ Reference was made to the writing of a statement of special educational needs for a small minority of students; the contribution of the NCCA in allowing for flexibility, addition and adaptation to the curriculum; and the requirement for in-career development for teachers.

A Revolution in Education Legislation

In particular recent statutory provisions effected a revolution in educational legislation which will undoubtedly be explored by some person with grievances about educational services...

Hardiman, J in *Sinnott v Minister for Education and Ors* (2001)⁹¹

The need for education legislation was clear, and by 2000, three of the four core Acts establishing the statutory framework for the Irish education system would be in place. As has been noted previously, before the passing of this Act, educational policy was communicated largely through circular letters, which would continue to be used for administrative purposes. The Education Act, 1998⁹² created an extensive legislative framework to provide for the education of every person in the State, including any person with a disability or other special educational need. While the Act provided for primary, post-primary, adult and continuing education, as well as vocational education and training, it did not provide for early childhood education. Hardiman, J, delivering his judgement in *Sinnott v Minister for Education and Ors*,⁹³ advised that the statutory provisions of the Education Act, 1998 were, at least in some respects, considerably broader than the constitutionally-laid-down minima, and suggested that similar actions to the plaintiffs in the future might be pursued under this legislation. The Equal Status Acts, 2000-2004,⁹⁴ prohibited discrimination on nine grounds, including disability, and schools were required to provide reasonable accommodation to alleviate the range of barriers experienced by persons with disability, and would be liable to an employee for discriminatory acts, unless they could demonstrate that they had taken reasonable steps to prevent it. The Education (Welfare) Act, 2000⁹⁵ provided for the entitlement of every child in the State to a certain minimum education. The balancing of the State's role in education and parents' right to educate their children at home in accordance with Article 42.3.1° of the Constitution, had been established in the *DPP v Best*⁹⁶ and was now mirrored in the provision of the Education (Welfare Act), 2000.

The EPSEN Act 2004⁹⁷ provided a statutory right for children with special educational needs to avail of, and benefit from, education and allocated parents a central role in decision-making. The Act further detailed an assessment of need (AON) process to facilitate appropriate intervention, support services and review, and provided for the preparation of education plans and the establishment of a Special Education Appeals Board to hear and determine appeals pursuant to the Act. In section 2 of the Act, a presumption was created in favour of educating a child with special educational needs in an inclusive environment with children who do not have those needs. This presumption was qualified where the nature or degree of a child's needs were inconsistent with the best interests of the child, to be determined in accordance with any assessment carried out under the Act, or the effective provision of education for other children with whom the child was to be educated. However, while a constitutional right to primary education and a statutory right to compulsory education up to the age of 16 for all children was established during this period, there was no legal right to pre-school education.⁹⁸

In parallel with education legislation, in 1999, the National Disability Authority (NDA) was established under the National Disability Authority Act, 1999⁹⁹ as an independent statutory body to advise and keep the Minister informed of developments concerning policy and practice as they related to disability issues. Designed to underpin the participation of people with disabilities in society and build on existing policy and legislation, including education legislation, the government launched the National Disability Strategy,¹⁰⁰ on 21 September 2004. A key element of the Strategy was the Disability Bill 2004,¹⁰¹ which was described as a positive action measure to improve access to mainstream services for people with disabilities and create an individual right to an AON.

A Flurry of Circulars and Press Releases

The Minister for Education's announcement in 1998 that autism would be recognised henceforth as a specific category of special educational needs was a watershed event in special education provision. That announcement followed extensive campaigning by parents. During the following years the Department and the school system struggled to meet the demands of parents who were looking for answers, and seeking better education for their children with autism.

Don Mahon, Assistant Chief Inspector, Department of Education (2021)¹⁰²

With the exception of the *Rules for National Schools* published in 1965,¹⁰³ until the introduction of Education Act, 1998, the operation of the education system was almost exclusively regulated by circulars. While in 1992, *Education for a Changing World. Green Paper on Education*¹⁰⁴ had remarked that the issuing of significant policy directives in the form of rules and circulars was a cause of concern, this practice would continue. A flurry of circulars and press releases was indicative of a particularly chaotic period, where parents were seeking recourse to the courts to secure their children's constitutional right to education, and policy development had patently fallen behind.

On 5 November 1998, Minister for Education and Science, Micheál Martin, announced automatic supports for children with disabilities and what was described as 'a breakthrough for integrated education and children with autism'.¹⁰⁵ The measures were designed to support children with special educational needs, irrespective of their disability or geographical location, to access the teaching support necessary and the childcare support required to enable them to achieve their potential in the education system. Formal recognition was given to the distinct educational needs of all children with autism and the introduction of a student teacher ratio of 6:1 with an automatic entitlement to childcare support. This marked a watershed moment in the history of special education provision, indicating a concern to translate policy into practice through an investment of almost £4m and a pledge to engage in consultations on a range of other special needs issues. The Minister described the most important element as children with special needs attending ordinary schools having 'for the first time ever automatic access to the special teaching support and, if necessary, the child care support they require to enable them to reach their potential within the education system'.¹⁰⁶ The press release represented a clear policy intent to move from providing support for children with disabilities 'in a reactive and entirely unsatisfactory manner' and to support parents who 'have had to campaign tirelessly to give their children the chance to participate in and benefit from education'.¹⁰⁷ This key policy change would ensure that the provision of resources would now be linked to a clear policy directive, in contrast with the previous ad hoc generation of resources arising from the demographic dividend associated with falling enrolments.

The concept of automatic entitlement was further detailed in *Circular 8/99*,¹⁰⁸ which outlined the role of the resource teacher in providing the additional teacher support envisaged for children with special educational needs in mainstream schools. As discussed in Chapter Six, the concept of the designated school was rejected by parents of children, with Down syndrome and the *Report of the Commission on the Status of People with Disabilities*, in 1996, leading instead to the resource-teacher model of support.¹⁰⁹ At the time of the press release

in November 1998, there were fewer than 300 resource teachers supporting children with special educational needs.¹¹⁰ By 2003, there were more than 1,550 full-time resource teachers providing support for an estimated 12,000-15,000 children.¹¹¹ By 2004, the number had increased to 2,600.¹¹² Typically, a resource teacher had a caseload of up to 11 children, depending on the nature of children's special educational needs; and in the case of a shared resource teacher who was travelling between schools, the time required to travel between schools.¹¹³

In October 2000, there were up to 20 cases being prepared for High Court challenges in relation to the education of children with autism,¹¹⁴ prompting another press release on 11 October 2000 from the Minister for Education and Science, Michael Woods, pledging a range of further measures to provide for the needs of children with autism.¹¹⁵ These included the introduction of a nationwide pre-school education service for all children with autism from age 3; the extension of the school year through the month of July, doubling the SNA support for special classes catering for children with autism; and a programme of specialised teacher training, to be jointly delivered by St Patrick's College, Drumcondra and Birmingham University. He further announced that he was appointing an internationally recognised expert in the field of autism to provide advice and liaise with the Task Force on Autism, which he had established. In 2003, the Department of Education and Science Inspectorate published two aids for self-evaluation in both primary and post-primary schools.¹¹⁶ Among the aspects identified for school self-evaluation (SSE) was provision for pupils/students with special educational needs. However, it would take several years before the concept of SSE would become an integral element of the system.

The Embedding of Special Needs Assistants (SNAs) in the System

I would say people with disabilities should have SNAs to help them in school.

Róisín Fitzgerald, Young Person with Experience of the Special Education System (2022)¹¹⁷

The policy shift of providing for a continuum of provision appropriate to the needs of each individual child initiated with the publication of the *SERC Report*,¹¹⁸ and further consolidated in education legislation and government circulars, inevitably created a need for additional support staff. Submissions to the SERC noted that 'the integration of pupils in ordinary classes cannot possibly be effective without the ongoing assistance of additional support personnel.'¹¹⁹ The Committee noted the impact of the 1980s recruitment embargo on support personnel and recommended that this should be removed. Ratios for the appointment of SNAs were identified with reference to specific categorisations of disabilities and, in exceptional cases, it was recommended that the number of hours of SNA support should be allocated based on the assessed needs of pupil(s) involved, where a school had a small number of pupils with disabilities.

The ministerial press releases of 5 November 1998¹²⁰ specifically introduced a formalised system of childcare support for all children with special educational needs, which would lead to a substantial growth in the number of SNAs across all sectors. *Circular 07/02*¹²¹ delineated the terms under which SNAs would be allocated to schools and noted their role in assisting the teacher in meeting the additional care needs of students arising from a disability and their duties of a non-teaching nature. These duties broadly reflected the letter that was issued to special schools in 1979,¹²² in which the education requirements were explicitly noted in respect of the Intermediate Certificate Examination, the Day Vocational Certificate Examination, or an examination of equivalent standard. Duties in both the 1979 letter and *Circular 07/02* were described: as preparation and tidying of classrooms; assisting in relation to school buses; providing specific assistance as necessary for particular difficulties, such as typing or writing; assisting with clothing, feeding, toileting and general hygiene; assisting out-of-school visits; supervising during recreational and dispersal periods; assisting with temporary withdrawal of pupils from the classroom; and providing general assistance to class teachers. It was also advised that where a SNA was allocated to a particular pupil, the duties should be modified to meet the pupil's particular needs. By the end of 2001, there were 2,988 SNAs, which had increased to 5,869 by the end of 2004.¹²³

It was clear that the role of the SNA was firmly embedded and required to support children with special educational needs across the continuum to access, participate in, and benefit from, an appropriate education. The exponential growth in numbers of SNAs would continue over the coming years, with little opportunity to recalibrate a role envisaged in 1979 and imposed in 2002 on a system that was clearly under pressure. In effect, the resourcing and organisation of SNA support would continue to exercise policymakers in their quest to provide for an appropriate education for all children with special educational needs in the years ahead.

New Directions: From Remedial to Learning-support

There are over 1,500 remedial teachers working at primary and second-level schools throughout the State. A number are shared between two, three or more schools. In some districts, a remedial teacher could be expected to travel between as many as 11 schools. According to the Minister for Education and Science, Micheál Martin, the estimated annual cost of the remedial education service is £42 million.

Catherine Foley, *The Irish Times* (1997)¹²⁴

A Study of Remedial Education in Irish Primary Schools had been published in November 1998¹²⁵ and recommended that a revision of the *Guidelines on Remedial Education* (1988),¹²⁶ discussed previously, was timely in starting to implement the study's 24 recommendations. A disparity between the criteria for selecting pupils for remedial teaching in the guidelines and those recommended in the *SERC Report* was noted and it was recommended that appropriate selection criteria consonant with the aims of remedial teaching be selected and used consistently. The importance of principals and inspectors monitoring the policies and practices in place, in addition to ensuring that the principles of prevention and early intervention would underpin practice, was highlighted. It was observed that the duration of remedial education should not exceed two to three years and the needs of those pupils with 'more serious learning difficulties'¹²⁷ were identified as requiring additional continuing support. A need for in-service training and support for remedial teachers was highlighted, which should be informed by policy development at national level and include the greater involvement of parents.

The *Learning-Support Guidelines*,¹²⁸ published in 2000, emanated from the 1998 study and focused on the central importance of whole-school planning and organisation; partnership and collaboration in the school context and with parents; screening, selection and assessment; planning, teaching strategies, monitoring and reviewing progress; and the potential of using information and communication technology (ICT) to support children with learning difficulties. While the significant developments in Irish education from 1988 were acknowledged, the findings stemming from national and international studies of reading achievement that standards for children in primary schools had not improved was raised as a matter of concern. Of particular concern was the fact that 'a significant number of pupils leave formal education each year with very low achievement and/or learning difficulties'.¹²⁹ A changed emphasis is discernible in this publication, with the expressed move from the terms 'remedial education' and 'remedial teacher' to 'learning support' and 'learning support teacher', which was the terminology explicitly recommended going forward and reflective of the expanded role that was envisaged for the 'remedial teacher',¹³⁰ including the move towards whole-school responsibility, partnership, and collaborative practices.

The Formal Establishment of the National Educational Psychological Service

And the other big thing that happened was NEPS.

Liam Twomey, Special School Principal (2022)¹³¹

As discussed in Chapter Four, a limited psychological service had existed within the Department of Education from 1965. From the 1950s, voluntary bodies delivering services for children with special educational needs had been providing psychological services for the children in their care. Following the *Report of the Commission of Inquiry on Mental Handicap* (1965),¹³² increasing numbers of psychologists were appointed by voluntary bodies in the health sector and statutory agencies, including the Health Board.¹³³ The Commission's recommendation regarding the development of school teams was not developed and a gap remained in relation to a school psychological service. In 1990, following proposals from the INTO and the Psychological Society of Ireland (PSI), a pilot project for a psychological service to support primary schools was undertaken on foot of perceived needs.¹³⁴ Four additional psychologists were recruited on short-term contracts for the project and 50 per cent of the time of three members of the existing psychological service was also dedicated to the pilot.¹³⁵ The pilot project was innovative in involving representation from the partners in education on an advisory committee, including an external evaluator. Concluding in 1993, the pilot project successfully achieved its objectives, and it was recommended it continue to be expanded.¹³⁶

Various official reports had outlined the need for a school-wide psychological service and in 1997 a planning group was established to prepare the proposals for such a service.¹³⁷ The Planning Group reported in 1998 and recommended the establishment of a new organisational structure, the NEPS, as 'a dedicated executive agency of the Department of Education and Science with delegated authority to develop and provide an educational psychological service for all students in primary and post-primary schools'.¹³⁸ Adopting an ecological and holistic view of the child,¹³⁹ the Planning Group recommended that the proposed service should focus on helping children to realise their potential, optimise the benefits of their educational experience, and have particular regard to children with special educational needs.¹⁴⁰ The Education Act, 1998¹⁴¹ included psychological services within the definition of 'support services' in the Act. Reflecting the existing position whereby the psychological services resided within the Department of Education and Science's Inspectorate, the Act noted that appointments to the Inspectorate by the Minister would include those with qualifications as psychologists.¹⁴² The role of the NEPS in the Act included advising the Minister on the psychological needs of students and policy development, which was to incorporate special education policy development.

In September 1999, the NEPS was established not as a dedicated executive agency, but rather as a section within the Department of Education and Science, assuming responsibility for the frontline educational psychology service to be provided to schools.¹⁴³ The NEPS 'leads and supports Departmental policy development and implementation, particularly in relation to the areas of wellbeing and inclusion'.¹⁴⁴ In 2000, the *Stack Report* had envisaged the phased employment of 200 educational psychologists and recommended that the role of schools and teachers in assessment should be fostered and supported.¹⁴⁵ However, the reality experienced by parents, children and schools following the breakthrough ministerial press release of 5 November 1998,¹⁴⁶ which was leading to an exponential demand for psychological assessments, was reflected in the recommendation that 'pending the full establishment of NEPS, an interim provision should be made to enable schools to source assessment services for the students requiring these'.¹⁴⁷ It was further envisaged that structural options would be required to provide for close collaboration between NEPS and the proposed National Council. Two clear options were suggested, one of which would allow each entity to develop separately and include specific mechanisms for coordination; alternatively, it was suggested that 'one new entity could in effect embrace the research, assessment and localised delivery elements of special education provision'.¹⁴⁸ The NEPS, together with the Inspectorate and the Department, would be crucial to supporting the new dawn signalled by the emergence of the NCSE. According to Pat Curtin, the first CEO of the NCSE:¹⁴⁹

I found the Department and NEPS and the Inspectorate always willing to listen. I never had any issues. You know where you propose a change of course, or something, people were always willing to listen and advise from their past experiences, and so on. And that was always very helpful in developing because it was working together.

While the planning group that reported in 1998 envisaged the establishment of the service as an executive agency with its own board separate from the Department,¹⁵⁰ NEPS has continued to be a service provided by the Department.

Signalling a New Horizon: The National Council for Special Education (NCSE)

Obviously, the Government decision to establish the NCSE was a great signal to the education system and to parents that an agency was going to be established to support special education in the country. That establishment was obviously huge in itself, and, I think the NCSE has been very successful in coordinating many elements of the system, in supporting the schools and the Department, and in providing resources and information to parents and schools etc.

Don Mahon, Assistant Chief Inspector, Department of Education (2021)¹⁵¹

Following the long period of reappraisal and renewal of educational provision in Ireland from 1990, an important threshold for special educational needs was finally reached in 2004, when the NCSE was established on a statutory basis. A Planning Group was established by the Minister for Education and Science, Michael Woods, in October 1999, to review special education provision and make recommendations to ensure the most effective provision of a high-quality coordinated service across all stages of the education system for students with disabilities.¹⁵² On 26 January 2000, the Minister had announced that a national support service for students with disabilities would be established based on the seven guiding principles of entitlement, identification, inclusion, tracking, good practice, continuum, and an appeals process. The Planning Group gave due consideration to this announcement in its deliberations. Exceptionally able students remained outside its terms of reference. The Planning Group, which was chaired by the Chief Inspector, Eamonn Stack, reported in 2000 and its report would become known as *The Stack Report*.¹⁵³ The *Cromien Review* referred specifically to the work of the Planning Group and its recommendation to establish an NCSE and an independent appeal system. It was proposed by the *Stack Report* that the Council would have both a research and policy function and an operations function. Specifically, it was recommended that 50 special needs organisers would be appointed and operate in regional centres.

The NCSE was subsequently established as an independent statutory body by order of the Minister for Education and Science, Noel Dempsey, in 2003, under the Education Act, 1998; and provision was subsequently made in the EPSEN Act 2004 for the Council to perform its functions under the Act.¹⁵⁴ The Council comprises a chairperson and 12 members to be appointed by the Minister from individuals with a special interest in or knowledge related to the education of children with special educational needs.¹⁵⁵ Before making these appointments, the Minister must engage in a consultative process with the national associations of parents, recognised trade unions, associations representative of teachers and principals, and recognised school management bodies, so as not to appoint any more than four nominees from these bodies.¹⁵⁶ It is mandatory for the Minister to appoint two nominees of the NDA, one nominee of the Minister for Health and Children and ensure equal numbers of men and women are appointed.¹⁵⁷

The general functions of the Council include planning and coordinating education provision and support services for children with special educational needs; disseminating information on best practice in relation to the education of children with special educational needs; and assessing and reviewing the associated resources required, including ensuring that student progress is monitored and viewed. Reviewing education provision for adults with disabilities, providing advice on best practice to educational institutions, and consulting with voluntary bodies are also among the functions of the Council, as well as advising the Minister on special education and conducting and publishing research. Section 21(6) of the Act places an obligation on the Minister 'to have regard to the desirability' of appointing persons with special educational needs, their parents or representatives to the Council. This provision has been criticised in terms of its failure to prescribe mandatory participation for parents in view of the constitutional priority afforded the family and parents and, more recently, children when the Supreme Court specifically highlighted the need to consider the lens of the rights of the child¹⁵⁸ in applying Article 42A of the Constitution. From 28 April 2015, following a Constitutional Referendum on 10 November 2010, and the subsequent enactment of the Thirty-First Amendment of the Constitution (Children) Act 2012, Article 42.5 was repealed and replaced by Article 42A, which recognises and affirms the natural and imprescriptible rights of children.

The EPSEN Act also makes further provision for a Consultative Forum, to comprise not more than 17 persons with whom the Council may consult in relation to the performance of its functions.¹⁵⁹ The Council is obliged to engage in a similar consultative process to that mandated for the Minister in making appointments to the forum, and the Minister may appoint up to three members to the forum,¹⁶⁰ with a similar provision regarding the desirability of persons with special educational needs, their parents and their representatives. Provision is also made for the appointment of a CEO for a seven-year term and the Council may also appoint other employees, subject to ministerial approval from both Education and Finance. Pat Curtin was appointed as the first CEO of the NCSE in 2002, 'for what was a new fledgling organisation'.¹⁶¹ As envisaged by the *Stack Report*, the EPSEN Act also provides for the appointment of special educational needs organisers (SENOs),¹⁶² who would subsequently be referred to as SENOs.

Conclusion

The challenges at the time were: the Department itself and the Special Education Section was, it's probably not too much to say that it was almost overrun with the levels of demands and interactions from parents with children with special educational needs. These were children with disability, who for one reason or another, couldn't get access to schools or couldn't get the supports needed. And indeed, pressure from schools as well to provide the resources to help them to enrol and to cater for children with special educational needs.

Pat Curtin, First CEO of the National Council for Special Education (2022)¹⁶³

The evolution of special education from 1990-2004 was characterised by the need for new directions, combating marginalisation, disrupting the established order, and promoting equality for all citizens. Parents' role in prompting judicial intervention was indicative of a rapidly changing social climate and one in which there were fundamental changes in attitudes to, and understanding of, children who learned differently. In the absence of legislative provision, the Constitution of 1937¹⁶⁴ became the guarantor of the rights of children with special educational needs to education vindicated by the courts. The growth in the number of full-time resource teachers to 1,550 by 2003 providing support for an estimated 12,000-15,000 children,¹⁶⁵ and the expansion in the number of SNAs from 2,988 to 5,869 by the end of 2004,¹⁶⁶ indicate the swift pace of development that was occurring. This was

indicative of a system struggling to maintain equilibrium, mirroring the concerns raised by both the *Cromien*¹⁶⁷ and *Stack*¹⁶⁸ Reports. The parallel deluge of circulars further underscored the government's concern to get to grips with a system that was under severe strain.¹⁶⁹ It was clear that existing official structures were struggling to respond to the changes necessary to ensure that all citizens were supported in expressing their full citizenship. New dynamic policy directions were influential drivers of change in creating a system that was in the process of becoming responsive to the needs of all children. In particular, the new partnership that would be necessary in progressing education provision was emerging.

From the foundation of the State, the direction of Irish education had been largely dominated by questions of system-structure, ownership and the control of schools and preserving national identity. The proposed regional structures represented a missed opportunity in facilitating the development of regional psychological and therapeutic services, more targeted planning, and the integration of health and education services. Nonetheless, this period provided an opportunity for stakeholders to engage with issues related to operational requirements for realising the State's vision for children with special educational needs; inter-departmental/organisational collaboration; accountability; appropriate education provision; identification; assessment; teacher education; curriculum provision; support services; resource allocation; and parental involvement. The challenge ahead now lay in realising the vision for an inclusive education system that was clearly emerging from the multiple standpoints explored in this and previous chapters.



Kathy Sinnott, political activist and later MEP, pictured with her autistic son Jamie at her home in County Cork in 2000. Kathy campaigned to highlight the need for better services for autistic children in Ireland. Credit – RTÉ Archives.

Chapter Seven: A Special Education Evolution 1990-2004: Beyond the Spark to the Flame

Key Influences on Education System

International/
European Influences
Education for All
Green Paper –
White Paper
Education Legislation

Education Provision

Curriculum Reform
Towards a Framework
for Early Learning 2002
Teacher Education
Teaching Council Act 2011
Learning Support
Guidelines 2000

Special Education

Litigation
National Educational
Psychological Service
National Council for
Special Education
From Remedial to
Learning Support
Press Release 1998
Circular 8/99 – 07/02

O'Donoghue v.
Minister for Health
1990

A National
Educational
Psychological
Service; Report of
a Planning Group
1998

Sinnott v.
Minister for
Education & Ors
2000

The Stack Report
2000

The Cromien
Report
2000

National
Education
Convention
1993

Broader Societal Context

Increased School Population
Membership of European
Community
National Disability Strategy
Economic Recovery
Developing Rights' Agenda
Establishment of National
Disability Authority

In 2004/05:

Number of Primary Schools	3,284
Number of Pupils in Primary Schools	449,298
Number of Post-Primary Schools	722
Number of Pupils in Post-Primary Schools	305,767
Number of Special Classes	1,017
Number of Special Schools	127

The Education Act, 1998
The Equal Status Acts,
2000-2004
The Education
(Welfare Act), 2000
The Education for
Persons with Special
Educational Needs
Act 2004
Disability Bill 2004

Chapter Eight: Building an Inclusive Education System 2005-2022: A Major Change Agenda

And I think there has been a massive change in attitude, certainly in the last 10 years, which is a very short space of time.

Caroline Quinn, Primary School Principal (2022)¹

Introduction

As an Irish citizen and as a lawyer, I was frankly shocked at the response of the state to the proceedings, wherein they were saying that, because of Paul's intellectual deficits, he was 'uneducable'. The state said there was no right to education for persons with profound disabilities. I found that offensive.

Ernest Cantillon, Solicitor (2022)²

As 2005 began, the advancements of the new directions that had characterised the previous decade began to take shape. An enormous attitudinal change prompted by the range of factors discussed in Chapters Six and Seven was evident. The concept of 'ineducable' and the associated 'educable' capacity that had been a feature of the education system from the foundation of the State had been firmly rejected by the High Court in *O'Donoghue v. Minister for Health*.³ The challenge, as O'Hanlon J in the High Court concluded, was to find a new approach and all those inhabiting this complex policy landscape were charged with transcending the barriers arising from this rapidly changing landscape.

The Irish government's multi-track approach to inclusion had been clearly articulated as encouraging 'the maximum possible level of inclusion of pupils with special needs into mainstream schools and to put in place the necessary special supports to facilitate this development'.⁴ While progress towards creating an inclusive education system was evident, the path to making the ideology of inclusion a reality also generated inescapable tensions that the system would be forced to wrestle with. The financial crisis in 2008,⁵ ending the era of the Celtic Tiger,⁶ would frustrate progress, leading to an exacerbation of inequality and a calamitous economic recession. A post-recessionary resurgence was subsequently curtailed by the COVID-19 pandemic and, together with the global insecurity generated by the war in Ukraine, rising inflation and a cost-of-living crisis led to a time of great uncertainty. As noted by Barr J in *Sinnott v. Minister for Education & Ors*,⁷ it is 'a fact that in times of economic difficulty the State may be obliged to rein back severely on expenditure'. Nonetheless, he cautioned:

a citizen's constitutional right must be responded to by the State in full. A partial response has no justification in law, even in difficult financial circumstances which may entail the raising of new tax revenue to meet such claims.

Remarks made by judges in reaching a decision have the force of persuasive authority only and are not legally binding precedent.⁸ Nevertheless, they can potentially influence subsequent cases,⁹ reflect a particular societal milieu, and indicate the direction that courts may take in similar cases in the future.

The period from 2005 to the present day has been dynamic, fastmoving and at times contentious for the development of special education. Indicative of an ongoing government commitment to special education amid broader challenging economic challenges, investment in special education has continued to grow,¹⁰ with an announced investment of nearly €13m in November 2022 to support the development and expansion of

the NSCE, marking the end of the century.¹¹ The advent of the NCSE, its discernible impact through its role in the planning and coordination of services, and its research remit and ministerial advisory role are explored in this chapter. In 2007, the finalisation of the *Draft Guidelines for Teachers of Students with General Learning Disabilities*,¹² launched in 2001, was indicative of an emerging consensus that schools and teachers required support to develop 'broad, balanced, relevant, differentiated, progressive and continuous'¹³ experiences for all children. Finally, a government response to the Salamanca World Conference Declaration Statement and Framework for Action on Special Needs Education¹⁴ in relation to early childhood care and education (ECCE) was evident with the introduction of the Access and Inclusion Model (AIM).

A Major Change Agenda: Making Things Happen

This one had an effect on making things happen, the setting up of the National Council for Special Education was a key one as far as I'm concerned.

Sydney Blain, Former Principal of the Church of Ireland College of Education and Former Chair of the National Council for Special Education (2021)¹⁵

The existing system was ill-equipped to manage the situation that was evolving from the frenzied pace of events that had characterised the previous decades. There was clearly 'a desire for change'¹⁶ in relation to how the State was providing for children with special educational needs. However, managing the change against a chaotic background, where, according to Liam Hughes, a senior civil servant at the time, 'litigation seemed to be driving policy and not always, perhaps in the right direction',¹⁷ was a formidable task. Addressing the multiple demands that were emerging, and simultaneously engaging in pro-active and responsive policy formulation, remained daunting challenges. Pat Curtin, the first CEO of the NCSE, provides an insight into how this chaos was affecting, children, parents, schools and those charged with the administration of the system:

The Department itself and the Special Education Section was, it's probably not too much to say, that it was almost overrun with the levels of demands and interactions from parents with children with special educational needs. These were children with a disability who for one reason or another, couldn't get access to schools or couldn't get the supports needed. And indeed, pressure from schools as well to provide the resources to help them enrol and to cater for children with special educational needs.¹⁸

Ernest Cantillon, the solicitor involved in much of the litigation during this time, noted that 'the morale within the DoES [Department of Education and Science] was low',¹⁹ and acknowledged that 'it must have been frustrating for people working in the Special Education Section of the DoES at the time'.²⁰ Illustrating the confrontational zeitgeist that prevailed, Ernest Cantillon, while accepting that 'special education was poorly funded',²¹ suggested that had the Department 'taken a more collaborative stance, rather than an entrenched defensive view, greater progress would have been made for those who needed it'.²² In reflecting on this period, a convergence of views emerges across the adversarial divide that the 'court cases definitely gave a new impetus to finding and identifying the resources and supports that were necessary to implement that',²³ and did result 'in greater allocation of funds being allocated to the Department providing Special Education'.²⁴

It was against this background that the NCSE emerged. Indicating its concern to address the 'major change agenda envisaged by the EPSEN Act'²⁵ from 2008 to 2021, the NCSE developed three Statements of Strategy.²⁶ The NCSE was clear that achieving the identified objectives would require a collaborative, coordinated and sustained approach by all those involved in planning, supporting and delivering services to persons with special educational needs.²⁷ Its first Statement of Strategy was underpinned by the extensive consultation process adopted by the NCSE in preparing the *Implementation Report: Plan for the Phased Implementation of the EPSEN Act 2004*.²⁸ A particular emphasis of the NCSE's work from the outset has been its concern to adopt a consultative approach

underpinned by listening to the experiences of the relevant stakeholders, including parents. Pat Curtin described his many meetings with parent groups to discuss with them how the needs of their children could be met, while also highlighting the baseline from which the NCSE was starting, and cautioning that 'it wouldn't all happen overnight'.²⁹

While the NCSE, in effect had 'a blank canvas',³⁰ it was one underpinned by the distinctive features that had contributed to the evolution of a system of special education that required extensive reframing and reshaping. To realise the vision in the EPSEN Act,³¹ a radical response would be required from the State and the multiple stakeholders involved in planning, supporting and delivering services to children with special educational needs. The proclivity for 'pragmatic gradualism', which John Coolahan, writing in 1989,³² observed had characterised the culture of education policy development, was no longer tenable. It was patent that special education could no longer be grafted onto the existing education system but rather, that 'the future shape of education in Ireland needed to comprehend the broad principles of the EPSEN Act, 2004'.³³ The Council was clear that while change in state institutions remained critical, realising the vision in the EPSEN Act required significant attitudinal, cultural and societal change and would have to be driven by parents, teachers, schools, representative bodies, education and health sector professionals and administrators, relevant statutory bodies, and stakeholders.³⁴

A Tabula Rasa with a Difference

Everything happens incrementally. The only thing that happened with the big bang was free secondary education... O'Malley announced it and that was it. Everything else is incremental, effecting change at national level and particularly on enabling inter-departmental collaboration. No department has enough funding for everything they have to do. They also have their priorities. There's the Minister, what's in the programme for government has to be done.

Sylda Langford, First Director General of the Office for Children and Youth Affairs (2022)³⁵

As it began its work, in compiling its *Implementation Report*, the Council encountered several obstacles. These included the absence of accurate baseline demographic and prevalence data related to special educational needs, and the inability of existing education and health systems to identify the manpower and financial allocations to special educational needs provision.³⁶ The shortcomings encountered by the Council impeded its ability to accurately calculate the level of investment and additionality required at this point, while it was stressed that resource allocation and deployment remained the remit of the Minister and respective government departments.³⁷ Specific reference was made to the requirement of a level of greater cooperative and interactive working between education and health sectors,³⁸ which would need time to develop. Crucially, the Council concluded that the 'implementation of the EPSEN Act, 2004, is not solely about additionality, therefore it is also about the effective utilisation of existing resources'.³⁹ It was under no illusion but that:

the goal of enabling all children with special educational needs to participate in, and benefit from, inclusive education and in achieving meaningful outcomes from education in terms of progression to employment, further and continuing education, fulfilled lives and independent living' would be extremely challenging to achieve.⁴⁰

A view of inclusive education influenced by Booth and Ainscow (2002)⁴¹ was articulated based on the three dimensions of 'producing inclusive policies; evolving inclusive practices; and creating inclusive cultures at the level of the school'.⁴² The report signalled a new era that would be characterised by a consultative approach combined with a research base, which would become defining characteristics of the work of the NCSE.

An analysis of the *Annual Reports* of the NCSE from 2004 to 2022⁴³ indicates significant progress in establishing an infrastructure to coordinate service provision, engage in research, provide policy advice, and improve the educational environment for children with special educational needs and their families. In its first *Annual Report*, Tom Murray, the Chairman acknowledged the failures of the past and cautioned that the task ahead would be an onerous one:

Our children and young adults with special educational needs represent a very special cohort of our citizens whose needs and requirements have not been particularly well met in the past. There is a long road to travel in providing an educational regime for them which will change their lives and our hopes and expectations for them.⁴⁴

By 2004, an organisational structure had been established to enable the Council to carry out its duties and included a CEO, a complement of 17 staff and 80 SENOs. As referenced previously, the appointment of SENOs is provided for in the EPSEN Act 2004.⁴⁵ The SENOs are responsible for fulfilling the Council's function related to the identification, delivery and coordination of services for children with disabilities in designated areas.⁴⁶ The first CEO of the NCSE, Pat Curtin, was concerned that improving the organisation and coordination of services at local level be prioritised, as this had been identified as 'a major gap in the provision and was causing major headaches for the Department in trying to grapple with all of the issues at local level when they had no direct representative to take on these'.⁴⁷ In crafting the specifications for the SENO role, there was strong pressure to appoint those with teaching backgrounds only. However, this was resisted and SENOs with expertise and experience of both education and disabilities were recruited.⁴⁸

Building a cohesive trans-disciplinary team dynamic would inevitably take time, leading Pat Curtin to remark that 'It did take it a little while to settle down, but I think it proved well in the end and that would be one of my more satisfying aspects of dealing with special education'.⁴⁹ By 2005, the waiting time for decisions on applications for supports for children with special educational needs had been reduced from 12 months to 4-6 weeks and the establishment of a database for children with special educational needs was begun.⁵⁰ Commensurate with increased resourcing and development of provision, the processing of these applications continued to grow. The model for allocating resources that had originated in 1999 reflected the pupil:teacher ratios recommended in the *Report of the Special Education Review Committee* (SERC) in 1993.⁵¹ The system was predominantly influenced by a medical model of disability, whereby each student was allocated a weighting and associated teaching hours based on 'the nature and degree of disability'.⁵² This was leading to an exponential increase in resource applications and the evolution of a system in which the excessively individualised approach was fostering exclusionary rather than inclusionary practices. As described by Pat Curtin:

We were looking at each individual child arriving at the school gate and the first issue for the child with special educational needs, was that a resource had to be provided. Now, this immediately differentiated them from every other child. And this was particularly disconcerting for parents.⁵³

The deficiencies associated with the 1999 resource allocation model ultimately prompted the need for adopting a more holistic approach to meeting children's needs. In May 2006, *Guidelines on the Individual Education Plan Process*⁵⁴ were published and the *Implementation Report: Plan for the Phased Implementation of the EPSEN Act 2004*⁵⁵ was submitted to the Minister for Education and Science, Mary Hanafin.

The positive impact of a local level response mechanism through the SENOs, suggested as far back as 1919 with the MacPherson Education (Ireland) Bill,⁵⁶ became evident from the early days of the NCSE. Associated government expenditure on special education and additional special education teaching (SET) posts increased by 46 per cent between 2011 and 2019.⁵⁷ For example, in 2007, over 21,000 applications from over 4,000 schools to support children with special educational needs were processed.⁵⁸ In 2020-2021, the NCSE processed over 800 applications by schools for exceptional review of mainstream SNA allocations, 4,300 new school transport applications, and 5,400 assistive technology/special equipment applications.⁵⁹ At the end of 2021, 1,839 special

classes had been established providing places for 11,850 students⁶⁰ with these classes, increasing to 2,152 and providing places for 13,464 pupils in 2021-2022.⁶¹ Illustrative of the scale of expansion of provision is that 11 years earlier in 2011, there were 33 new special classes opened,⁶² compared with 313 in 2021-2022.⁶³

In line with its statutory remit, the NCSE also directed its attention to adult education and in 2012, established and started a process focused on mapping educational and training provision for adults with disabilities.⁶⁴ In 2013, the NCSE published its report *What Works in the Provision of Higher, Further and Continuing Education, Training and Rehabilitation for Adults with Disabilities*.⁶⁵ This document identified as key enablers for young people well-resourced transition programmes at post-primary level; a focus on fostering young people's independence and choice-making; making the application process for programmes accessible; enabling participation in education; and training through addressing access and attitudinal barriers and supporting students in accessing employment services.⁶⁶ The findings were supported by the report published in the same year by the NCSE, *Moving to Further and Higher Education: An Exploration of the Experiences of Students with Special Educational Need*.⁶⁷ In 2014, an information booklet was published and disseminated by the NCSE on post-school education and training options for adults and school leavers with disabilities.⁶⁸ In 2021, a *Review of Education in Adult Day Centres*⁶⁹ was published and while examples of positive practice were acknowledged, the absence of a framework to review education/lifelong learning in services was identified as a notable lacuna in provision. An absence of a legal basis for provision post-18, inadequate funding, and the lack of equal opportunities for young people and adults with disabilities remain significant barriers in realising life-long learning for this cohort of our citizens.

Moving Towards a Coherent Approach to Policy Development

Commissioning research has been fundamental to the NCSE's ability to provide good policy advice. I think people forget that when the NCSE was established there was very little good research on special education in Ireland. Most of the research reports published on the NCSE website have informed practitioners and are good reflections on what was happening and have informed system and practice development. I think in terms of what the NCSE does regarding its research, consultations with key stakeholders – you know that every year we are out there and we are talking about what should be happening and what needs to change – we have developed a very coherent approach to how you develop policy advice.

Teresa Griffin, CEO National Council for Special Education 2011-2022 (2022)⁷⁰

The appointment of a Head of Research in 2005⁷¹ and planning for the rolling out of a research programme would become one of the significant successes of the NCSE in a system in which there was scant Irish-based research available for policymakers to consult when making seminal decisions.⁷² Professor Seamus Hegarty, who was a member of the Council for six years and charged with responsibility for advising on research and communications, noted that despite budgetary pressures, the Council ringfenced a research budget and focused on commissioning 'high quality literature reviews' in addition to primary research in Ireland.⁷³ The NCSE's first research seminar was convened in December 2009⁷⁴ and has become an annual event. According to Professor Hegarty, the impact of the NCSE's prioritising of research was twofold:

Where findings applied to schools and teaching and practice they did get out there and a fair bit of effort went into disseminating. I'm still amazed at the number of people who come to the research conference. I guarantee, you could provide that sort of conference in the UK and you wouldn't get a handful of teachers turning up, so that was quite impressive. But on the bigger picture, the research studies were actually taken seriously by the Department, which again was a very pleasant discovery for

me. In the UK especially and in some other countries, getting research on the policymakers' agenda is soul destroying and policy is determined almost entirely by political issues, resourcing issues. There did seem to be a genuine engagement with research reports. I think Jennifer⁷⁵ and Mary Byrne⁷⁶ could give chapter and verse on how the research findings were loud and clear in policy documents.⁷⁷

From 2005 to the present day, the NCSE continues to commission and disseminate research. Teresa Griffin, a former CEO of the NCSE, recounts the positive reception of government to research commissioned by the Council on education provision for students with ASD,⁷⁸ which she attributes to the coherent approach to policy advice that the NCSE has cultivated. According to Teresa, policy advice is based on international developments, the findings of externally-commissioned research and consultation with key stakeholders, which has led to the development of 'a very coherent approach to how you develop policy advice'.⁷⁹ The myriad of research reports⁸⁰ and policy advice⁸¹ published on the NCSE's website is testimony to this coherent approach that the Council is intentionally cultivating and represents a radical departure from previous eras, where a reactive rather than proactive approach to policy development was evident. The NCSE's commitment to disseminating research is further evidenced in its inventory of research and policy-related database specific to special education from 2000, published in 2010 and subsequently updated.⁸²

Commensurate with the rapid pace of development and extensive provision of supports, the NCSE has continued to commission research on the efficacy of the expanding provision and engage in relevant consultations to provide policy advice for the Minister. However, the break-neck speed of expansion coupled with the COVID-19 pandemic has slowed down the process whereby this research can be considered, expanded, discussed with all relevant stakeholders and incorporated into policy development. For example, at the request of the Minister for Education and Skills, the NCSE began a review of special classes and special schools in 2018,⁸³ and while a progress report issued in 2019,⁸⁴ the final advisory paper has been delayed.⁸⁵ In 2022, significant progress was made in this and an updated literature review was included, together with additions to the policy advice in accordance with recent relevant reports and publications.⁸⁶ At the end of 2022, the advice was submitted to the Department of Education.⁸⁷ Crucially, there have been limited opportunities for all stakeholders to engage with the effectiveness and appropriateness of the special class model in achieving optimal outcomes for children.⁸⁸

Realising Inclusion Through a Multi-track Approach

The 2014 paper that we, the NCSE published was in its own way as significant as SERC. SERC brought us so far, got everybody behind this concept of inclusion and including these children. But we knew, you know, that it wasn't quite the right way to do it, so trying to give schools the autonomy and the authority and the resources so that they could actually respond in the best way that they knew how to the needs of their pupils. I think the 2014 paper was really key in doing that.

Teresa Griffin, CEO National Council for Special Education 2011-2022 (2022)⁸⁹

As discussed in Chapter Six, influenced by international developments, Ireland had adopted a multi-track approach to the education of children with special educational needs.⁹⁰ State policy recognised the need for a continuum of provision spanning full-time enrolment in mainstream classes to full-time enrolment in special schools.⁹¹ Pilot projects for children with ASD, home-based programmes supported by the Home Tuition Scheme,⁹² and special classes designated for a specific category or categories of disability were also features of the educational provision that had developed.⁹³ The expansion of provision inevitably led to increased fiscal pressure in creating an equitable system of resourcing, whereby each child's needs could be appropriately met in a context of multiple competing demands on limited resources. Pat Curtin, the first CEO of the NCSE, summarises the

predicament as not always being the 'what' but rather the 'how', and advising of the need for shifting the focus to how children's needs can be met within the time and resources available. He recommends that 'We're always going to have to operate within budgets. So, I think the focus has to continue to be on innovation and different approaches as well as of course resources.'⁹⁴

From 2005, the range of circulars⁹⁵ issued indicates an attempt to move away from a funding formula based on a categorical deficit-driven model linked to an external assessment of the severity of a child's needs. Reviews of allocations and applications by the Inspectorate and the NEPS during 2002-2003 indicated that the terms of the previous circulars were being misapplied.⁹⁶ The exclusive reliance on using resource hours for individual teaching was questioned, and it was advised that 'wherever possible, schools should provide additional help for children in the mainstream classroom or, if necessary, in small groups'.⁹⁷ An overarching principle was articulated that resources be 'deployed in the manner that best meets the needs of the pupils with special needs in the school'.⁹⁸ heralding a move away from individual resource allocation, the Department indicated that it proposed to develop a revised weighting system of resource allocation based on the predicted incidence of special educational needs in schools, which would subsequently materialise in the general allocation model (GAM) detailed in *Special Education Circular 02/05*.⁹⁹ A rationale for the GAM was noted as making possible 'the development of truly inclusive schools',¹⁰⁰ whereby additional teaching support for 'pupils with learning difficulties and special educational needs arising from high incidence disabilities'¹⁰¹ would no longer require individual applications to be submitted.

While the categorisation of learners continued, the broader terms of high-incidence and low-incidence special educational needs represented a move towards a flexible model that acknowledged individual schools' autonomy, professional expertise and judgement. A concern to communicate the inextricable link between providing appropriately for children with special educational needs and effective whole-school planning; adopting a collaborative approach; and consulting with parents and relevant professionals is clear in *Circular 02/05*. While this circular applied to primary schools, the publication of *Inclusion of Students with Special Educational Needs. Post-Primary Guidelines* issued by the Inspectorate in 2007¹⁰² reflected similar principles and advocated a whole-school approach to the development and implementation of policy. The impact of *Circular 02/05* and its alignment with the NEPS continuum of support is discussed in the next section.

A value-for-money review of expenditure on the SNA Scheme published by the Department of Education and Skills in 2011¹⁰³ acknowledged the success of the SNA Scheme in supporting schools to meet the significant care needs of students with disabilities. However, concerns were raised that the allocation process and purpose of the scheme required greater elucidation for parents and schools.¹⁰⁴ Specifically, it was noted that the term 'care needs' had been extended beyond what the scheme intended. A 922-per cent rise in expenditure on the SNA Scheme was recorded between 2001 and 2009 and an over-allocation was identified in primary, post-primary and special schools.¹⁰⁵ Of concern was evidence suggesting that there was delegation of instruction to support staff and that inappropriate use of support can lead to social isolation of students by creating an unintentional barrier between the student and their peers.¹⁰⁶ At the request of the Minister for Education and Skills, a review of the SNA Scheme was commenced by the NCSE in 2016¹⁰⁷ and published in 2018¹⁰⁸. The report affirmed the value placed on the SNA Scheme and advised that adjusting the model should be considered only in the context of an overall improved system of provision. The cost of the scheme had risen by 36 per cent from €350m to €476m between 2011 and 2017, with a growth in posts from 8,390 in 2006 to 13,969 at the end of December 2017.¹⁰⁹ In the 2020/21 school year, a total of 17,117 SNA posts was allocated to schools,¹¹⁰ with a further increase to 18,113 in 2021/2022.¹¹¹

In parallel with mainstream provision, special schools and special classes continued to operate within specific designated categories, largely mirroring the *SERC Report*, except in the case of special schools that had been established for children with ASD. By 2013, there were 119 special schools, with 7,094 students, of which 19 schools were designated for children with ASD.¹¹² Policy advice on the future role of special schools and classes was approved by the Council in 2010,¹¹³ submitted in February 2011¹¹⁴ and accepted by the Minister in 2012.¹¹⁵ The significant contribution of special schools to the education of children with special educational needs in Ireland was expressly acknowledged.¹¹⁶ The Council was unequivocal in the application of the presumption in the EPSEN Act 2004 that children with special educational needs should be educated in an inclusive environment, subject to the best interests of the child, and those with whom the child is being educated. Further research was recommended on how the capacity of mainstream schools could be maximised in this regard.¹¹⁷ Among the Council's policy advice recommendations were: retaining a fluid approach to pupil placement along the continuum of provision; acknowledging the need for research on the efficacy of special classes; adopting a flexible approach to special class provision that promotes inclusion in mainstream classes; examining the designation of special schools as primary schools; re-examining the remit of special schools to include children with a range of special educational needs; and interrogating the emerging pattern whereby children of post-primary age were transferring to special schools from mainstream schools.

The Council also remained attentive to its role in supporting schools to develop best practice, and in 2010,¹¹⁸ the Council published its *Inclusive Education Framework: A Guide for Schools for the Inclusion of Pupils with Special Educational Needs*.¹¹⁹ Consonant with the focus of the Department of Education and Skills' Inspectorate on SSE,¹²⁰ the *Guide* provided a framework for schools to reflect on the quality of their inclusive practices, celebrate what they were doing well, and identify areas for improvement.

Re-configuring Models of Support: From Diagnosis to Needs-led

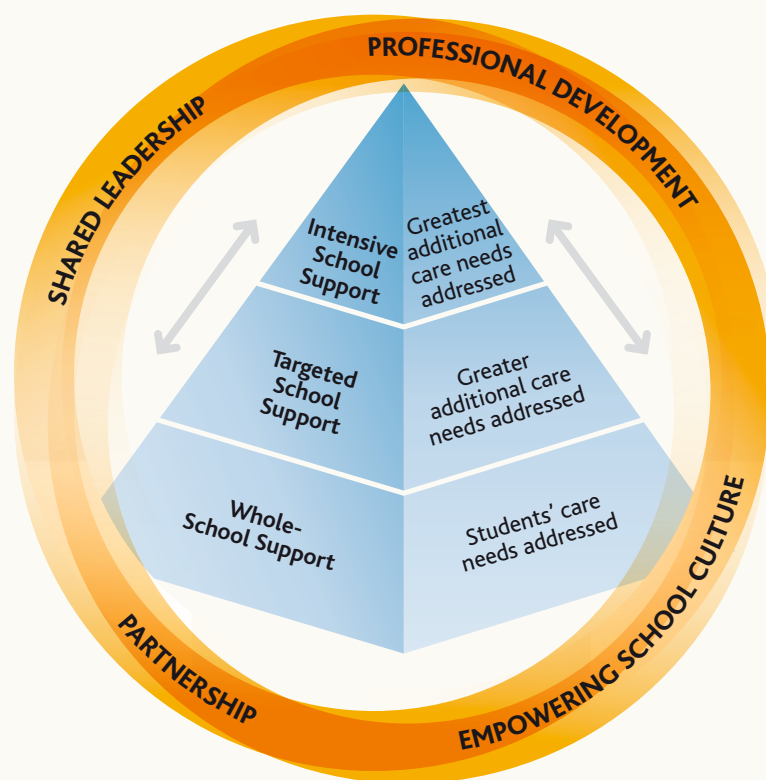
Within my role as teacher and psychologist I have seen the broader system evolve and within that, the NEPS service from one that was required to provide diagnosis-driven assessments and reports, to one that allows for a more comprehensive model of service delivery to increase the reach of the service to support children and young people both directly through the NEPS casework service, and indirectly through supporting teachers and school staff.

Anne Tansey, Director National Educational Psychological Service (2022)¹²¹

*Special Education Circular 02/05*¹²² represented the first step towards a generalised system of allocation of supports that advocated a staged approach to assessment, identification and programme planning within existing school contexts. At Stage One, based on either the class teacher or parent's concern, following classroom-based assessments, the class teacher devised a plan to be implemented in the classroom setting and regularly reviewed. If, following the review process, concerns remained, the class teacher consulted the special education support team and, if intervention was deemed necessary, Stage Two, was activated. With the parents' permission, the child was then referred to the learning support/resource teacher for diagnostic testing. Supplementary teaching, if required, would be delivered through a learning programme devised collaboratively with the parent and class teacher. At this stage, where serious difficulties were evident, referral to the NEPS psychologist or the Health Service Executive (HSE) was recommended. Individual NEPS psychologists are assigned to a group of schools and maintain a specific focus on children's 'learning, behaviour and social and emotional development'.¹²³ Stage Three of the model recognised that for some children more intensive intervention would be required and specialist advice and support necessary.

In 2007, the NEPS published advice for primary and post-primary schools in relation to its continuum of support.¹²⁴ A tiered model of support, based on a consultative model of service delivery, was articulated focused on working with teachers, parents and children so that appropriate interventions could be planned, implemented and reviewed.¹²⁵ The model of assessment and intervention was underpinned by an acknowledgement that special educational needs comprise 'a continuum from mild to severe and from transient to long term'.¹²⁶ The emerging concern to adopt a cohesive system-wide approach is evident in the NEPS' express articulation that the continuum of support guidelines were designed 'to compliment the Learning Support Guidelines (2000) and the Staged Approach to Assessment and Intervention outlined in Circular 02/05'.¹²⁷ It was also noted that the guidelines could be used with the *Guidelines on the Individual Education Plan* process published by the NCSE in 2006.¹²⁸ Both the Department of Education and Science's Staged Approach and the NEPS Continuum of Support are reflected in the Continuum of Support Framework within an Inclusive School Culture proposed in 2018 by the NCSE (see Figure 1 below).

Figure 1 Continuum of Support Framework within an Inclusive School Culture¹²⁹



The Staged Approach and the NEPS Continuum of Support are underpinned by evidence-based frameworks such as the *European Best Practice Guidelines for Assessment*¹³⁰ and the *Response to Intervention*¹³¹ (RtI), and constitute the foundation on which a better and more equitable way for providing for children and young people with special educational needs emerged.

Delivery for Students with Special Educational Needs: A Better and More Equitable Way

So, we really invested in time and effort in terms of getting the qualified personnel and we get an average nearly 200 hours of special educational hours every year. The way we've used that is that we very much rolled in and we've embraced the continuum of support. It's very much an inclusion model across the entire school. We've done that over time and it's taken time because as the model of provision changes we change with that.

Rachel O'Connor, Post-primary Principal (2022)¹³²

'As Significant as SERC'¹³³: From GAM to SETAM

In 2013, the NCSE published its policy advice, *Supporting Students with Special Educational Needs in Schools*,¹³⁴ which concluded that inequalities existed in the resource allocation process for children with special educational needs. There were delays in some children accessing support due to the requirement for external assessments; the allocation of learning support teachers to schools was based on the number of mainstream teachers rather than an individual school's specific context; a risk was emerging that the procurement of external assessments was being resource-driven; and the spectrum of ability within the categories being employed was being ignored. A working group was established to explore how resources could be more effectively allocated,¹³⁵ and in 2014 it published its Report titled *Delivery for Students with Special Educational Needs: A Proposed New Model for Allocating Teaching Resources for Students with Special Educational Needs in 2014*.¹³⁶ Described by Teresa Griffin, former CEO of the NCSE, as being 'as significant as SERC', the proposed model was designed to provide schools with 'the autonomy and the authority and the resources so that they could actually respond in the best way that they know how to the needs of their pupils'.¹³⁷

The model was underpinned by the principle that students should have access to additional teaching resources in a timely and efficient manner, with those having the greatest level of need accessing the greater levels of support.¹³⁸ It proposed that the allocation of teaching support for schools should be based on two specific components: a school educational profile component and a baseline component. A school's educational profile was to be based on the number of students with complex special educational needs in the school; student performance was based on standardised tests and the social context of the school, including gender and disadvantage.¹³⁹ The baseline component was to be graduated in line with overall school enrolment and designed to provide for the capacity of schools to enrol and support students who may have additional needs.¹⁴⁰ Furthermore, emphasis should be placed on adopting a whole-school approach across programme planning, delivery, early intervention and prevention.¹⁴¹

Based on the NCSE's proposed model, the Special Education Teacher Allocation Model (SETAM) was introduced to primary and post-primary schools by the Department of Education and Skills in 2017. through *Circular 0013/2017*¹⁴² and *Circular 0014/2017*¹⁴³ respectively. The SETAM is designed to provide 'single unified allocation for special educational support teaching in all schools in Ireland, primary and post-primary',¹⁴⁴ with the allocation of SET posts based on each school's individual educational profile and eliminating the labelling of children with more 'complex and enduring needs'¹⁴⁵ that had persisted with the GAM. Guidelines for primary and post-primary contexts were issued by the Department of Education and Skills¹⁴⁶ to support schools in identifying the needs of pupils/students; meeting the needs of pupils/students; and monitoring and recording outcomes. Eliminating the need for a formal diagnosis, a school's educational profile determines the resources allocated. Facilitating greater autonomy at school-level, SET support is distributed through an in-school process focused on identification, assessment and review, based on the continuum of support framework discussed above.¹⁴⁷

'The Right Supports to Students at the Right Time':¹⁴⁸ The Advent of the SIM

Following a request by the Minister for Education and Skills to review the SNA Scheme, the NCSE proposed the School Inclusion Model (SIM) in 2018, which when fully implemented would allow for the delivery of 'the right supports to students at the right time'.¹⁴⁹ The focus of these supports was described as 'enabling students to achieve better outcomes and be better prepared for life as adults'.¹⁵⁰ With an allocation of €4.75m,¹⁵¹ in 2019, the Department of Education established a pilot SIM, for children with special educational and additional care needs in a context where €1.75 billion, 19 per cent of the total education budget was allocated to supporting children and young people with special educational needs.¹⁵² The pilot of the SIM was subsequently continued for the 2020/21 school year.¹⁵³ The SIM comprises six strands, five of which are operational in 2022 and include an In-School Therapy Project (ISTP); Supports through Enhanced Regional Teams; a National SNA Training Programme, a National Nursing Pilot Programme; and Enhanced NEPS Supports. The strand related to the Frontloaded Allocation of SNAs is not in place in 2022.¹⁵⁴

Requiring a collaboration across the Departments of Education and Health, in addition to the NCSE and the HSE, the SIM model represents an acknowledgement that inter-departmental and inter-agency collaboration are required to realise inclusion and access for all children, constituting what the Minister has described as 'a core value of our education system'.¹⁵⁵ The value of the approach was evident from the earliest phases of the project, as detailed in the findings from the evaluation of the In-School and Early Years Therapy Support Demonstration Project, which was implemented across 150 targeted ELC (75), primary (54), post-primary (15) and special school (6) settings in the HSE Community Healthcare Organisation, Region 7 (CHO 7) in the 2018/2019 school year.¹⁵⁶ Early indicators suggest that the model 'has the potential to enhance inclusive education across early years and school systems and therefore contribute to bridging the aspirational gap that exists in seeking to create inclusive education systems where all children can flourish'.¹⁵⁷ However, the COVID-19 pandemic compromised the planned, ongoing review process.¹⁵⁸ While the SIM represents a positive direction, its reach remains limited in terms of the regions in which specific strands are being piloted and an evaluation of the SIM, once embedded, will be required in order for its application for all schools and all children to be to be considered.

Coinciding with these developments, the NCSE's frontline support services expanded to include three services that were previously the remit of the Department of Education. These comprised the VTS for Children who are Deaf/Hard of Hearing and Children who are Blind/Visually Impaired, the Special Education Support Service (SESS) and the National Behaviour Support Service (NBSS),¹⁵⁹ in addition to the ISTP employing occupational therapists and speech and language therapists in 75 SIM pilot schools in Dublin South, Kildare and West Wicklow.¹⁶⁰

The challenge in realising a multi-track approach to inclusion has been dominated by the quest for a better and more equitable way to allocate resources. The legacy of previous decades, whereby the administrative structures for special education had operated largely in isolation from the broader system, began to be dismantled. A policy narrative focused on embedding special education within the fabric of the early childhood and school community, rather than as a patch to be grafted on, was emerging and this was also reflected in the curriculum reform that characterised this era.

A Curriculum for All Children

Straight away, the jump between Junior and Leaving Cert in our current curriculum is so massive, and even with foundation or pass subjects, he was never going to be able to keep the pace. Plus the school said 'we can't guarantee you a full time SNA going forward.' It's just, you know, there'll be a scribe, there will be all of that. So, they convinced us to go the LCA route, we had no choice. There was nothing else available.

Miriam Jennings, Parent (2022)¹⁶¹

The role of the NCCA expanded and maintained a focus on crafting responsive curricula to reflect the ever-increasing 'kaleidoscopic societal tapestry'¹⁶² and the responsibility of the education system to provide access to the curriculum for all children. As noted previously, The Education Act 1998 established the NCCA as a statutory body of the Department to advise the Minister on curricula for early childhood education and primary and post-primary schools, as well as the assessment procedures and examination processes that are integral to curricula.¹⁶³ Curriculum and assessment reform during this period is indicative of pursuing a vision 'whereby all children and students can experience and benefit from enjoyable, engaging, relevant and appropriately challenging experiences to support learning, living in, contributing to, caring for, and working in a changing world'.¹⁶⁴

At primary level, teachers were coming to terms with the 1999 Primary School Curriculum.¹⁶⁵ As referenced in Chapter Five, the curriculum was published as a set of volumes dealing with six major strands of learning incorporating detailed aims and intended outcomes, in addition to teacher guidelines. Specific reference was made to children with special needs and the right of access for all children to 'the highest-quality education appropriate to their needs'.¹⁶⁶ Effective education for children with special needs was described as involving 'balanced provision of education and care, the nature of which can vary as the child develops and progresses'.¹⁶⁷ It was deemed essential that education be sufficiently flexible to accommodate movement between special and mainstream education and transition from primary to post-primary. Building on the strengths of the 1971 curriculum, the 1999 curriculum adopted a child-centred approach focused on the holistic development of each child. However, shortcomings were evident and a lack of clarity in communicating the key messages, theories, ideology and research underpinning the curriculum was identified.¹⁶⁸ Responding to the need for broader and more open curriculum frameworks that reflect a clarity of vision and are supported by all stakeholders,¹⁶⁹ the NCCA engaged in a review of the primary school curriculum, publishing the *Primary Language Curriculum: Curaclam Teanga na Bunscoile* in 2019,¹⁷⁰ the *Draft Primary Curriculum Framework* in 2020,¹⁷¹ and the *Primary Curriculum Framework for Primary and Special Schools*¹⁷² in March 2023.

Following a period of extensive consultation and research¹⁷³, *Aistear: The Early Childhood Curriculum Framework*¹⁷⁴ had been published in October 2009, with the updating of *Aistear* commenced in 2021.¹⁷⁵ An extensive consultation process, commissioned research and portraiture studies of young children underpinned its original development¹⁷⁶. *Aistear* provided guidance on the curriculum children should experience from birth to six years prior to commencing primary school and in infant classes. Its status as a framework afforded flexibility for settings to cultivate responsive learning experiences for children which were aligned with an individual setting's selected curricular approach. Comprising four interconnected themes of wellbeing, identity, belonging, communicating and exploring and thinking, *Aistear* promotes a holistic and integrated approach to young children's learning and development. The *Guidelines on Good Practice* associated with the Framework maintain a focus on supporting the development of pedagogical strategies to foster the inclusion of all children, including children requiring prevention and early intervention measures.¹⁷⁷ *Aistear* has contributed significantly to enhancing the quality of children's earliest experiences through positioning their interests and needs as the determinants of what they learn and how they learn.¹⁷⁸ Data emerging from the consultation process associated with the updating of *Aistear* that commenced in 2021 suggests that it is timely to consider how the access and participation of children can be further consolidated through the next iteration of the Framework¹⁷⁹.

At post-primary level, it was becoming increasingly clear that reform of both the junior¹⁸⁰ and senior cycle¹⁸¹ was required to provide for continuity of children's experience across the education system and to ensure that learning outcomes were student-centred, allowing each young person to progress in accordance with their needs and abilities. This was particularly challenging for a system that, had from its establishment, been rooted in the points system and characterised by specific and rigid accountability measures. While post-primary curriculum reforms are among the most significant in the development of the Irish education system to date, they have not been without challenges and have been marked by 'slow introduction, fragmentation and high levels of contestation from teacher unions'.¹⁸² However, it is clear that the direction of curriculum development and assessment processes from early childhood right through to post-primary level are moving to support the

engagement of all children. Synergies across curricula are evident and the centrality of the child and teacher agency holds much promise for how our children will experience their schooling in the future. This new direction was recently articulated by Minister for Education, Norma Foley, as enabling all children to engage with:

a broad curriculum, develop their interests and skills and participate in a final assessment process consistent with international best practice, which will support them in their next phase of life whether that's third level, further education and training, apprenticeships or the world of work.¹⁸³

Therefore, the role of 'context as an active force that mediates the enactment of policy'¹⁸⁴ remains critical in terms of how curriculum policy development is realised and sustained in ELC and school settings.

Early Childhood Education: The Challenge of Achieving Coherence in a Complex Policy Landscape

...the ECEC sector in 2020, and indeed in 2021, bears the hallmarks of the fragmentation of its origins in both policy and practice. ECEC policy is still dispersed among a myriad of State departments and agencies, characterised by a lack of harmonisation and co-ordination. Despite recent policies focusing on the birth to 6 age range, the traditional divide between 'care' and 'education' or 'preschool' and 'school' is glaringly evident in the terms and conditions of early childhood professionals and teachers. Cumulatively, this funding still remains paltry and parsimonious relative to international standards. Much remains to be achieved to build on the vision and endeavours of the founding pioneers of our current ECEC sector.

Dr Thomas Walsh, Associate Professor, Maynooth University School of Education (2022)¹⁸⁵

As has been discussed in Chapter Six, early childhood education was becoming an increasing focus for government. Investment from the foundation of the State had focused almost exclusively on primary education, to the detriment of pre-school education¹⁸⁶ leading to a primarily private system of pre-school provision. The spectacular economic growth of the 1990s¹⁸⁷ generated high levels of employment leading inevitably to an increased female labour force.¹⁸⁸ In 1999, *The Report of the Partnership 2000 Expert Working Group on Childcare* had pointed to the need for government investment, concluding the suggestion that 'as a society we will be failing to meet the needs of many children and parents if we fail to develop a strategy for good quality, affordable and accessible childcare.'¹⁸⁹ Finally, a universal free pre-school programme was introduced in 2010 for children aged between 3 years 2 months and 4 years 7 months, applied from their third birthday in 2016 and extended to two years' duration in 2018.¹⁹⁰ The programme is now available to all children from the 1 September after the child has turned 2 years and 8 months. The introduction of this universal free ECCE by the OMC (later the DCYA) represented a major milestone for early education. A memorandum of understanding (MOU) between the DCYA and the Department of Education in 2018 set out the roles of each Department, acknowledging the *close working between them that had developed over many years*. The MOU identified that primary responsibility for the accessibility, affordability and quality of ELC rested with the DCYA, while the Department of Education would adopt a leadership role in relation to *Aistear: The Early Childhood Curriculum Framework*,¹⁹¹ *Síolta, the National Quality Framework (NQF) for Early Childhood Education*,¹⁹² and undergraduate professional learning.¹⁹³ An example of the coherent approach to policy development and implementation that was evolving in this context was the AIM, which will be discussed further below. The AIM was led by the DCYA working in close collaboration with other Departments and agencies, including both Education and Health.

Focused on providing children with formal early learning experiences, promoting better socio-emotional and cognitive outcomes, and narrowing the attainment gap between less- and more-advantaged children, over 800,000 children have accessed the ECCE programme, which has an uptake of more than 95 per cent.¹⁹⁴ An independent review has been commissioned in 2022 to prepare for placing the ECCE programme on a statutory footing, thereby providing a universal legal entitlement to pre-school education for all children.¹⁹⁵ Back in 2000, the *National Children's Strategy. Our Children – Their Lives* had identified as an objective that 'children with a disability will be entitled to the services they need to achieve their full potential',¹⁹⁶ and particularly affirming the role of early intervention. Achieving this objective in the complex policy landscape at that time, with numerous players and nominal budgetary allocations, would be a difficult and intricate task.

In 2005, the National Economic and Social Forum (NESF)¹⁹⁷ observed that multiple reports had issued on ECCE in recent years and that while they were valuable, their impact had been limited.¹⁹⁸ The NESF Team adopted the OECD definition of ECCE as related to the care and education of children under compulsory school age, and adopted the acronym ECCE,¹⁹⁹ which is not to be confused with the ECCE programme discussed above. Specific reference was made to the need for more effective and integrated policies underpinned by a greater level of budgetary resources. It was noted that the OECD's average spending on early education and care was 0.4 per cent of gross domestic product (GDP) in comparison to Ireland's expenditure of 0.2 per cent.²⁰⁰ The NESF Project Team advised that by the target year of 2015, 'a comprehensive system of ECCE'²⁰¹ should be in place. While the efforts at creating more coordination between the variety of government departments and agencies were noted, the ongoing challenges in this regard were identified as impacting negatively on the development and implementation of ECCE policy.²⁰² Specific reference was made to the damaging impact this lack of cohesion was having on provision for children with special/additional needs, and a submission to the Project Team was explicitly referenced:

The concept of 'special needs' is sometimes treated as an education issue, other times is considered with a medical or a health focus and on other occasions is viewed as an equality matter. These three viewpoints are closely reflective of the divisions which in practice operate across the Departments of Education, Health and Justice.²⁰³

Submissions also emphasised the challenges being experienced by service providers in responding to the individual needs of children and the lack of early intervention to support children at this critical stage of development was highlighted as a cause of concern. Drawing on data from the National Intellectual Disability Database, it was estimated that 2,000 children with special/additional needs were availing of ECCE services. However, it was also noted that this figure was not reflective of the total number of children requiring services.²⁰⁴ Affirming the move to integrate children in mainstream settings, the report concluded that adequate supports were required to do this effectively, recommending that the resource allocation model at primary level be extended to the ECCE sector.²⁰⁵ It was further recommended that the NCSE work collaboratively with the proposed ECCE structure in developing implementation pathways for children aged 0-6. The need for SNAs, specialised equipment and professional support and training for ECCE staff in realising the government's mainstreaming policy for young children was articulated.²⁰⁶ The *Background Paper* commissioned by the Department of Education and Science and published in 2022, before the OECD's *Thematic Review of Early Childhood Education and Care Policy in Ireland* in 2004, had also criticised the lack of integrated policy development in 2004, noting that 'the historical context is vital here' and that time would be required to create more integrated services to meet the needs of children, parents and society.²⁰⁷

Influenced by global developments, national and international research, the ongoing activism of early childhood educators, and multiple government commissioned reports, an understanding was emerging at policy level that the development of an integrated and high-quality ECCE system that could respond effectively to the needs of all children was becoming an imperative. The establishment of the OMC in 2005 indicated government's recognition that this could not be achieved within the existing fragmented structures of government departments and

agencies. A joined-up approach under the direction of one body and adequate funding allocated to implement the associated policy and practices that emerged were necessary.²⁰⁸ The Minister for Children was supported by the OMC in effecting the implementation of *The National Children's Strategy (2000-2010)*,²⁰⁹ The National Childcare Investment Programme (2006-2010),²¹⁰ the Child Care Act, 1991²¹¹ and the Children Act, 2001,²¹² in addition to policy on child welfare and protection.²¹³ A *National Set of Child Well-Being Indicators* was published in 2005 by the NCO, which had been established to lead the implementation of the *National Children's Strategy*.²¹⁴

An analysis of policy documentation during this period indicates a commitment to redressing the criticism levelled by the UN in 1998 regarding Ireland's absence of children's rights' informed policy and practice.²¹⁵ Within this context, there was a growing recognition that children with a disability were entitled to the services they required to achieve their potential.²¹⁶ The orthodox approach to policy development that had prevailed from the foundation of the State, coupled with insufficient resource allocation and lack of due attention to early childhood education, had created a complex policy landscape in which achieving coherence continued to present challenges. As noted in the Preface, children, as among the main users of state services such as education, health and social security, represent one of the most governed groupings in society;²¹⁷ and stemming largely from Ireland's unique history, policy responsibility for early childhood had been excessively dispersed. However, there has been a deliberate strengthening of policy coherence in recent years, as evidenced in *First Five: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028*.²¹⁸ Discernible progress is evident from 2006, when Sylva Langford, the first Director General of the Office for Children and Youth Affairs in 2007, noted that in an Irish context 'we are only at the very early stages of strategic developments in relation to children'.²¹⁹ The Better Start AIM, launched in 2015,²²⁰ adopts an approach that builds on existing strengths, while departing from conventional policymaking and adopting the principles of progressive universalism.²²¹

The Access and Inclusion Model: Harnessing Inter-departmental Potential

I became an Assistant Secretary in the Department of Children and Youth Affairs, as it was called then, in March 2015. That May, the Secretary General asked me if I would lead out on a project to develop a model to ensure that children with disabilities could access what was called the free preschool scheme or ECCE – Early Childhood Care and Education Universal Free Preschool scheme. I chaired the group that introduced the Access and Inclusion Model.

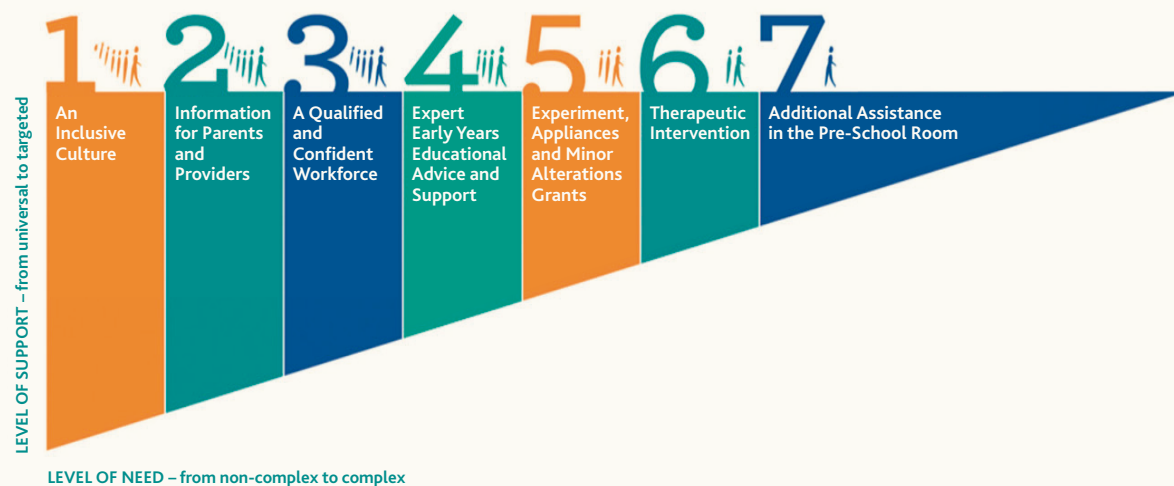
Bernie McNally, Assistant Secretary, Department of Children, Equality, Disability, Integration and Youth (2022)²²²

The OMC later became the OMCYA in 2008. To develop inter-departmental collaboration, an Early Years Education Policy Unit (EYEPU) was co-located between the OMC and the Department of Education and Skills. In 2011, the Department of Children and Youth Affairs (DCYA) was established, within which a specific childcare policy unit was included and responsibility for early years policy generally allocated to the DCYA. The Department was renamed the Department for Children, Equality, Disability, Integration and Youth (DCEDIY) in 2020, and its remit has recently been further extended.²²³ The cross-governmental, strategic approach to children that was initiated with the establishment of the OMC in 2005 continued to permeate policy aspirations to support the inclusion of children with disabilities in early education settings.²²⁴ A service was provided by the VTS for pre-school children with visual and/or hearing impairment, whereby teachers visited children in their homes, modelled appropriate approaches for parents, and provided advice on assistive technology, among other things.²²⁵ Children from the age of 3 with a physical disability could be enrolled in special schools and pilot pre-school classes were established for children with ASD.²²⁶ Child Education and Development Centres were provided by the HSE and/or voluntary bodies for pre-school children assessed as having ASD, severe or profound general learning disabilities, or multiple disabilities.²²⁷

In 2006, the NCSE noted that responsibility for policy and provision in relation to children aged 3-6 was shared between the Departments of Health and Children and Education and Science, noting that ongoing discussions were taking place to develop more coordinated and extensive provision. These discussions culminated in the establishment of an inter-departmental group (IDG) in June 2015, to reach consensus on a model that would provide for access to the ECCE programme for children with a disability.²²⁸ Comprising senior officials from the DCYA, Department of Education and Skills, DoH and representatives from the NCSE, HSE, NDA, National Early Years Inspectorate at the Child and Family Agency (Tusla), City and County Childcare Committees (CCCs) and Better Start's National Early Years Quality Development Service (NEYQDS), the IDG reported in September 2015.

The agreed Better Start AIM, described as 'a child (and parent) centred model',²²⁹ was evidence based and informed by a consultation process with parents of children with disabilities, representatives of children with disabilities, early years academics and policymakers, early years representative groups, practitioners, and providers. The AIM eschewed a diagnostic approach in favour of maintaining a focus on a child's developmental level, functional ability and needs. As detailed in Figure 2 below, the seven-level AIM incorporated graduated levels of support from universal (Levels 1-3) to targeted supports (Level 4-7).

Figure 2 The Better Start Access and Inclusion Model²³⁰



Crucially, rather than being conceptualised as a separate entity, the model was located within the existing regulatory frameworks, quality assurance processes and curriculum frameworks in place for pre-school settings. It was noted that there was an expectation that inclusive practice was already a requirement and the bases for this expectation were specifically referenced. The *Child Care (Pre-school) Regulations* in 2006, Regulation 5, referenced that 'each child's learning, development and well-being' should be appropriately supported in the pre-school setting 'having regard to the age and stage of development of the child and the child's cultural context'.²³¹ Based on a national consensus of quality standards applicable to all settings catering for children from birth to 6 years,²³² *Síolta, the National Quality Framework for Early Childhood Education*²³³ had been published by the CECDE in 2006. It included 12 principles, 16 standards and 75 components focused on quality,²³⁴ with specific reference made to the applicability of the National Qualifications Framework (NFQ) for children with special needs, who were defined in accordance with the definition provided in the *SERC Report*.²³⁵

Published by the OMCYA in 2006, *Diversity and Equality Guidelines for Childcare Providers* expressly referenced the *Salamanca Statement* of 1994 and defined inclusion 'as a process, involving a programme, curriculum or educational environment where each child is welcomed and included on equal terms, can feel they belong and can progress to his/her full potential in all areas of development'.²³⁶ On the recommendation of the IDG, these documents were subsequently updated in 2016.²³⁷ The IDG's specific reference to *Aistear: The Early Childhood Curriculum Framework*²³⁸ discussed above further consolidated the expectation that all children's learning and development should be supported across the four interconnected themes of wellbeing, identity and belonging, communicating, and exploring and thinking.²³⁹

The piloting of early years education-focused inspections (EYEIs) in autumn 2015 by the Department of Education and Skills' Inspectorate,²⁴⁰ and their subsequent development,²⁴¹ including their proposed extension²⁴² to include children from birth to six years, represented an important step on the road to providing high-quality ECCE experiences for all children. While Tusla retains responsibility for the Early Years Inspectorate, which was formerly the remit of the Health Boards/HSE, both Inspectorates share the joint objective of developing high-quality early years experiences for all children.²⁴³ Both are also members of the Operations Systems Alignment Group (OSAG), which is chaired by the DCEDIY.²⁴⁴ *First Five: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028* places an emphasis on promoting participation, strengthening social inclusion, and embracing diversity across ELC settings.²⁴⁵

The reach of the AIM has continued to grow, supporting over 12,100 children in more than 3,300 services nationally, achieving a global award in 2020 for innovative policy development that contributes to the inclusion of children with disabilities.²⁴⁶ Since the AIM was launched, more than 24,000 children have received 53,000 supports in over 4,000 settings nationally.²⁴⁷ An end-of-three-year independent evaluation of the AIM was commissioned in 2020 to ascertain its impact and effectiveness as a model for embedding meaningful participation and inclusion of children in the early years,²⁴⁸ together with exploring the scope to consolidate and streamline other supports that exist under AIM, or to align eligibility, access routes, practice and training.²⁴⁹ Other supports that exist include the Department of Education-funded early intervention classes,²⁵⁰ the Home-Tuition Grant Scheme,²⁵¹ and HSE-funded specialist pre-school services. A core element of the policy on the operation of AIM is the establishment of a cross-sectoral implementation group (CSIG) comprising representatives from the DCYA, Department of Education and Skills, DoH, Pobal, HSE, Tusla, Childcare Committees Ireland, the NEYQDS, the NCSE, the NDA, and a parents' representative.²⁵² The ongoing focus on reducing policy fragmentation through engaging in cross-governmental collaboration, together with the commitment in *First Five: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028*,²⁵³ 'to consider[ing] enhancements to, and/or extension of, AIM, to, for example all ELC services, all school-age childcare services and/or to children with additional needs other than a disability', based on evaluation findings and recent developments, indicates a proactive government approach focused on building the system's capacity to provide high-quality ELC experiences for all children.

Conclusion

I think effective and progressive are practically the same, because you must be effective and you must also be progressive for the system to be effective, you must be moving it on. You must be making it better. Like in my own school now where we had a playground, but there were a few kids who couldn't take part in the playground and I'm glad to say about this time next week we'll have a new playground for the kids, with the very high needs, completed. Because if there's one child in the school that's not getting a fair crack at something – if it's an effective system, everyone gets a crack at it.

Liam Twomey, Special School Principal (2022)²⁵⁴

Over recent decades, special education provision has expanded rapidly, transforming and enriching the education landscape. Across the education system there is a sense, as Liam Twomey observes, of a concern to build an effective and progressive system, where 'everyone gets a crack at it'. Reflecting a broader societal attitudinal and cultural metamorphosis, government's understanding, commitment and investment in special education has greatly altered. The humiliation and exclusion experienced by so many in previous eras, whereby, as reported by Dr Joseph Robins, former Assistant Secretary in the DoH, 'handicapped children were sometimes hidden away in top rooms and seldom taken out except at night',²⁵⁵ is simply no longer accepted or tolerated.

From 1997, the appointment of Ministers of State with statutory responsibility for the NDA and disability issues is further indicative of the commitment on the part of successive governments to creating an inclusive society for all our citizens.²⁵⁶ The appointment of Josepha Madigan as the first Minister of State with responsibility for Special Education and Inclusion at the Department of Education in 2020²⁵⁷ further underscores this commitment. Locating a statutory Centre for Excellence in Universal design (CEUD) in 2007 at the NDA establishes Ireland as a leader and front-runner in translating the potential of universal design (UD) into direct life experiences for all those with disabilities.²⁵⁸

Importantly, a recognition is evident by policymakers that a whole-of-government approach remains critical to creating the best possible opportunities and outcomes that enable children, young people and people with disabilities to achieve their full potential.²⁵⁹ The ongoing commitment of the Department of Education and DCEDIY, together with the research-led and consultative-based change agenda led by the NCSE, has been all-encompassing, and responses from the government in terms of investment have been extensive. The role of the NCSE in a relatively short period of time has been significant in its concerted efforts to address the shortcomings that had become endemic in the system over a long period of time. There is a growing expectation that providing for all children is no longer extrinsic to, but rather lies at the heart of, curriculum development. Government investment in the provision of special education has continued to increase, with more than €2b, equating to 25 per cent of the Department of Education's budget being allocated to special education in the year marking the end of the century.²⁶⁰ Nonetheless, tensions and dilemmas remain, which will be explored in the final chapters.

Chapter Eight: Building an Inclusive Education System 2005-2022: A Major Change Agenda

Key Influences on Education System

Expanding Research Agenda
Litigation-driven Policy
Additionality v. Effective Utilisation of Resources
Whole-of-government approach

Education Provision

Universal Free Early Childhood Care and Education
Curriculum Reform

Special Education

Increased Government Investment – Exponential Expansion
National Council for Special Education
Resource Allocation Model
From Diagnosis-Needs-Led

General Allocation Model
2005

Inclusion of Students with Special Educational Needs
Post-Primary Guidelines
2007

Delivering for Students with Special Educational Needs
2014

Access and Inclusion Model
2015

School Inclusion Model
2019

Broader Societal Context

Financial Crisis 2008 – Ending of Celtic Tiger
Economic Recession
Post-recessionary Resurgence
War in Ukraine
COVID-19 Pandemic

In 2022:

Number of Primary Schools	3,231
Number of Pupils in Primary Schools	558,143
Number of Post-Primary Schools	727
Number of Pupils in Post-Primary Schools	406,392
Number of Special Classes	1,795
Number of Special Schools	136

The United Nations Convention on the Rights of Persons with Disabilities
2006

Chapter Nine: Building an Inclusive Education System 2005-2022: On the Cusp of the Next 100 Years

In an ideal world, children with disabilities would be able to have their health and educational needs assessed and be provided with the services to meet those needs in a timely manner. The Oireachtas legislated in 2004, through the Education for Persons with Special Needs Act, 2004 ('the EPSEN Act'), for such an ideal world in relation to educational needs assessment and education provision for children with disabilities. As we do not live in such an ideal world, some seventeen years later crucial parts of the EPSEN Act have not been commenced.

Donnelly, J, Judgement delivered on 27 October 2021, Court of Appeal¹

Introduction

I'm principal in Saint Tola's School for the last 13 years, and even before I came to the school, this school prided itself on being an inclusive school. We've always welcomed children of all abilities from our local area and tried to respond to the needs of the school. I think we've come a long way as a country even in my 30 years teaching, in our understanding of children and additional needs.

Mary Dunlea Fitzgerald, Principal, Saint Tola's Primary School (2022)²

Standing on the cusp of the next 100 years, and parallel to the ongoing implementation of a major change agenda, significant progress has been made in special education provision and we have indeed, as noted above by Mary Dunlea Fitzgerald, 'come a long way as a country'.³ The system in 2022 bears little resemblance to the system inherited in 1922 at the foundation of the State. As the past three chapters demonstrate, in more recent decades, attitudinal, cultural and societal change, combined with the actions of parents, teachers and their unions, representative bodies, policymakers, the media, the courts and relevant stakeholders, has led to the transformation that has taken place. Government expenditure has enabled facilities for children and young people to expand exponentially across early years, primary and post-primary provision. The research programme initiated by the NCSE, which Professor Seamus Hegarty has observed 'is actually taken seriously by the department',⁴ has contributed to the embedding of research-informed policy, thereby preventing a feature characteristic of other jurisdictions in which political issues and resourcing are among the key determining factors for policymakers.

However, tensions and dilemmas are omnipresent. These tensions and dilemmas are especially manifested in the ongoing need for activism by parents and advocacy groups. Continued parental frustration in securing timely, proximate and appropriate school places for their children at primary and post-primary level has led Dr Niall Muldoon, Ombudsman for Children, to identify 'a clear failure on the part of the State'⁵. The reform and reconfiguring of children's disability services, and the strengthening of collaborative working practices and information-sharing between Health and Education continue to be a work in progress.⁶ Findings from the Department of Education's Inspectorate evaluations indicate that there are challenges in advancing the goals of equity and inclusion for all children and young people. Unacceptable barriers to accessing post-school education and/or opportunities⁷ for young people with special educational needs continue to exist. Failure to implement all the provisions of the EPSEN Act 2004⁸ is comprising children's statutory rights under the Act.

While tensions and dilemmas have existed throughout the century, a distinguishing feature of the system at the end of the century is a systemic willingness to engage with these tensions and dilemmas. A further distinguishing feature, beckoning a promising direction, is the evolving rights perspective that conspicuously informs policy development and in particular for children, young people and adults with special educational needs and their families, Ireland's ratification of the Convention on the Rights of Persons with Disabilities (CRPD).⁹

Channelling the Synergies between Health and Education

Now when I actually qualified as a psychologist then, I was recruited by the Midland Health Board to work in the evenings or after school time, with children who needed to be assessed at that time and the procedures were such that it was a School Medical Service, it wasn't a Department of Education service that existed at that time. It was the School Medical Service and the Assistant County Medical Officers and perhaps at times a nurse, who was involved with hearing impairment, visited schools and if children were brought to their attention or if they discovered them themselves, they would see about having those children assessed.

Gabriel Harrison, Assistant Chief Inspector, Department of Education (2022)¹⁰

As the system has developed, it has become increasingly clear that harnessing the synergies between Health and Education remains critical in building an inclusive education system and the realisation of better education and life outcomes for children. The DoH, through the health boards established in 1971 (which in 2005 became the HSE), has had a long association with aspects of disability services related to children and young people.¹¹ Gabriel Harrison describes his experience in the 1970s of being involved with the Midland Health Board in assessing children through the School Medical Service, which was discussed in Chapter Two. He noted that 'all of these children would have been referred either by their schools or by parents through the schools, or picked up by the School Medical Service. And I would assess those children'.¹²

Health and education provision had developed largely parallel to one other in supporting children with special educational needs, resulting in different work practices. Speech and language therapy (SLT) and occupational therapy (OT) have traditionally been provided through Health, with exceptions in non-governmental organisations (NGOs) such as Enable Ireland and St Michael's House services, where the therapists were involved in supporting the education provision.¹³ Psychology support was also provided through Health for special schools. A range of voluntary and community organisations continue to work with the health services individually and through national bodies such as the Disability Federation of Ireland (DFI).¹⁴

The wide variation and ad hoc delivery of disability services was leading to children and their families having limited or no access to services, and it was clear that there was a need for a new, coherent approach underpinned by cross-sectoral working.¹⁵ In 2011, the NCSE in its policy advice on the future role of special schools and classes in Ireland advised that protocols for cooperation between Health and Education should be developed and approved at the highest levels.¹⁶ *A Framework for Collaborative Working between Education and Health Professionals* was issued in 2013¹⁷ and across both Health and Education a new direction requiring the development of joint working practices at national and local levels began to emerge.

The significance of ensuring a positive interrelationship between Health and Education is particularly visible in the Disability Act 2005.¹⁸ A key element of the *National Disability Strategy, 2004*,¹⁹ the Disability Act, was designed to build on existing policy and legislation, including the Education Act, 1998²⁰, the EPSEN Act 2004²¹ and the Equal Status Acts, 2000-2004.²² The Act aimed to create a robust framework that would make long-term and significant improvements in the lives of people with disabilities.²³ In the preamble to the Act, a legislative

commitment articulated 'to enable provision to be made for the assessment of health and education needs occasioned to persons with disabilities by their disabilities' is articulated.²⁴ However, the discretion afforded to the Minister in allocating resources is broad in scope and potentially restrictive in a context where there are competing priorities for public funds.²⁵

Influenced by a medical perspective, the definitions of disability differ across the legislation, the term 'Minister' referring to the Minister for Justice, Equality and Law Reform and 'Executive' referring to the HSE. Provision is made both in the EPSEN Act 2004 and the Disability Act 2005 for an assessment of a child with a disability, who may be assessed under either Act. Where an assessment officer considers that an 'education service' is necessary, s/he is required to request in writing from the NCSE that a person with appropriate expertise is nominated to conduct the assessment. Pursuant to s 8(9) of the Disability Act 2005, where the need for an 'education service' is identified for a child enrolled in a school, the matter is referred to the school principal in accordance with s 3 of the 2004 Act and in any other case to the NCSE, according to s 4 of that Act. According to s 11(2) of the 2005 Act, where an assessment report is sent to the HSE identifying the need for health and/or education services, a 'service statement' must be prepared specifying the services to be provided, the provider of those services, and the duration of the provision.

In 2008, a national reference group (NRG) on multidisciplinary services for children aged 5-18 was convened to advise the HSE on the implementation of the Disability and EPSEN Acts, and reported a year later, in 2009.²⁶ Among its 24 recommendations was a recognition that the bio-psycho-social model, which recognises 'disability as an interaction between the individual's impairment and the environment',²⁷ should inform the provision of services and address both the child's individual functioning and the family's needs. It was recommended that a referral pathway be established in each local health office (LHO) that was understood and employed across Health, and that children receive the requisite health services locally. The importance of adequately staffing and providing training for members of the Network School Age Team and Early Intervention Team was noted. A need to develop procedures and protocols associated with an integrated model of joint working and training between Health and Education professionals was also identified.²⁸ In 2010, supported by a national coordinating group (NCG), the HSE established a programme aimed at progressing disability services for children and young people (PDSCYP) (0-18 years),²⁹ to implement the recommendations of the NFG. In 2016, the *National Policy on Access to Services for Children and Young People with Disability and Developmental Delay*³⁰ was published by the HSE. The aims and objectives of the PDSCYP included access to services for children according to need, providing effective teams to work with parents and service users, and partnership between Health and Education.³¹ The second national PDSCYP conference was held in December 2019 at Mary Immaculate College Limerick, attended by 450 participants with a further 700 accessing the conference virtually.³² Focused on family-centred practice, the conference adopted a solution-focus in striving for excellence in service delivery and equality of opportunity through advocating for the cultivation of a shared vision between Health and Education. While a start has been made, the complexity of realising this shared vision in a system where historically a siloed approach to policy development has predominated, and resources are finite, is not to be underestimated. The finite nature of resources has recently come to the attention of the courts in relation to the AON process.

Children qualifying for an AON pursuant to Part 2 of the 2005 Act have a right, within a stipulated statutory timeframe, to an assessment of their health and educational needs, an Assessment Report, a statement of the services they will receive. They also have the right to make a complaint with reference to prescribed matters. In judicial review proceedings concerning the provisions of the Disability Act 2005 on 11 March 2022, Phelan J noted that 'it is also uncontroverted that there has been widescale non-compliance with statutory time-limits across many regions of the country'.³³ In the case, the HSE had adopted a preliminary process to assess children's needs based on a standard operating procedure (SOP), which provided a preliminary assessment without diagnosis, rather than a comprehensive assessment envisaged by the Act. In two test cases, the judge noted that 'The AON process as provided within the statutory framework is unique in requiring that an assessment be done without regard to resources'.³⁴

It was held that the SOP frustrated the statutory intention that services be identified by the State in order for it to discharge its duties 'to vindicate and respect the rights of children with disabilities'³⁵ through planning for service provision, while acknowledging that, frustratingly, it may not be possible to address the needs identified within the resources available. The judgement of Phelan J is a reminder that the courts will remain an ever-present force in vindicating the rights of children with disabilities. Following a High Court ruling in October 2021, there is now also a requirement for the education system to provide an assessment of education needs as an element of the AON process.³⁶ The NCSE and the Department of Education engaged in a consultative process with education partners and schools to ensure that the educational component of the AON process fulfils the NCSE's legal obligations under the Act and that it is embedded in schools' existing assessment practices and expertise.³⁷ While acknowledging the complexity of inter-departmental, cross-sectoral and interdisciplinary processes, channelling the synergies that exist between Health and Education is essential to achieving equitable access to services for all children and their families. Denise Brogan, a parent who contributed to this publication, noted that parents experiencing this system identified it as crucial:

...there's no joined up thinking at all. And I say that across the board, there's just no joined up thinking and I'd love to see it joined up for our children, you know when they're only young, there's a whole lifetime ahead of them. And we're not going to be fighting for them forever. And so, I think the health and education system, the fact that there are separated in this instance, I think is our major problem.³⁸

Across all discussions with parents that inform this publication, the word 'fighting' and associated derivatives occurred frequently and explain the need for ongoing parental activism both individually and through respective advocacy groups.

An Ongoing Need for Activism: Parents, Young People and Advocacy Groups

It is children like my son who the education system is failing. Schools should have systems in place that can help him transition from secondary schools to either another level of education, work or even a place of assisted living. I am sure through your interviews with other parents they have told you nothing is straightforward with a child with needs. We have to fight for everything. There is no one stop shop for us you are sent from pillar to post to get even the simplest of things.

Mary, Parent of Two Children with Autism (2022)³⁹

The major change agenda that has characterised recent decades has led to substantial improvements in provision. Unacceptable gaps however remain, which is indicative of the prolonged period of time from the foundation of the State that special education remained on the margins of the education system. Symptomatic of these gaps is the indefensible phenomenon whereby parents and advocacy groups continue to be forced to agitate in order to assert the rights of children.

Parents

Parents interviewed reported different school experiences, with positive experiences being most frequently linked to dynamic school leadership. Parents affirmed both mainstream and special school experiences, although they referred to the dilemma presented in having to decide about their child's placement and being confident that they had made the right decision. The role of the SENO in this process was viewed as having potential to be further expanded. A lack of clarity regarding the position of the special school in a system that espouses both a continuum of provision and an inclusive education system⁴⁰ was identified as contributing to parental uncertainty

in this regard. Inconsistent and inadequate access to psychological and therapeutic interventions was reported by all parents, some of whom also reported having to pay privately for their children to access these interventions.

Transitions across all levels of a child's schooling were reported as challenging for parents, including where the best interests of the child suggested that their existing school placement should be reviewed. Providing appropriately for children in post-primary contexts generated dilemmas in respect of curricula and post-school provision. Post-primary principal Rose Desmond captures the dilemma from the perspective of the school as follows:

If a child comes into us in first year and is presenting with a particular need, we try to meet the need as best we can. However, there are times when we won't be able to do so and that's when parents become disappointed and the child becomes frustrated. All schools do their best in this regard and end up trying to give as much time and resources that are available. This is when outside supports are needed the most.⁴¹

Providing a 'wraparound system that by the time they come into first year in school, parents, teachers and everyone are aware of the abilities of the child⁴² was suggested by Rose Desmond as a solution to this very real challenge that families and schools are struggling to cope with. Success in securing services for their children was attributed to getting 'lucky' and 'advocacy', with Damian Murray observing that 'really stuff like this shouldn't be down to luck or our ability to advocate'.⁴³ A lack of uncertainty regarding post-school provision presented as particularly worrying for parents, reflecting the position in relation to the exclusion of those with special educational needs from post-school education and/or opportunities.⁴⁴ Several higher education institutions (HEIs) in Ireland have endeavoured to provide differentiated pathways⁴⁵ and both the Disability Access Route to Higher Education (DARE) and Higher Education Access Route (HEAR) have effectively prompted increased access to education, with a 22 per cent increase in places by students with disabilities recently reported.⁴⁶ However, while both the *National Strategy for Higher Education to 2020*⁴⁷ and the *National Further Education and Training Strategy 2020-24*⁴⁸ advocate widening participation, current funding models are insufficient and unsustainable. In line with the significant increase in students with special educational needs completing the senior cycle in schools, demand for transition to further/higher education and/or employment will continue to grow.

While there are several initiatives following the publication of the *National Disability Strategy Implementation Plan 2013-2015*,⁴⁹ and the subsequent *Comprehensive Employment Strategy (CES) for People with Disabilities in 2015-2024*,⁵⁰ progress has been limited. A promising pilot programme was launched in November 2022⁵¹ in 20 schools in Galway and Dublin, funded by the Department of Education and overseen by the NCSE. The project, focused on a collaborative working model to support the transition for young people with disabilities to post-school options, indicates that at policy level, a concern is evident to address what continues to be an unacceptable gap in the system. The Walkinstown Association for People with Intellectual Disability (WALK), a non-governmental organisation (NGO) supporting over 350 people with intellectual disabilities, autism and complex needs since 1967, is currently partnering with 10 school teams (seven special schools and three post-primary schools) to deliver the WALK PEER model to support post-primary aged students with complex special educational needs in transitioning to employment, training or further study.⁵² However, reporting in 2021, the Economic and Social Research Institute (ESRI)⁵³ noted that in 2016 only 14.7 per cent of individuals with an intellectual disability were in employment. For employed people without disabilities Ireland has one of the lowest at-risk poverty rates, this risk remains one of the largest across EU countries for people with disabilities. The launch of the Inclusive National Higher Education Forum (INHEF) in 2018⁵⁴ to provide a collaborative, proactive, strategic forum between higher education providers with a vision of embedding inclusive education initiatives and alternative access routes to higher education represents a positive development in this regard, especially when taken together with the range of initiatives discussed above. However, actioning the aspirations in the myriad of policy documents is imperative, in order to provide equitable opportunities for all our young people.

Young People

The three young people with experience of the education system who participated in interviews for this publication unanimously valued the opportunity to pursue further education and employment opportunities on completion of the post-primary cycle. Ellen Ryan had attended mainstream primary and post-primary school and had completed the Certificate in General Learning and Personal Development (CGLPD)⁵⁵ at Mary Immaculate College (MIC) in Limerick. Having excelled in the CGLPD, Ellen was in a position to pursue her interest in theatre and transferred to the Bachelor of Arts in Contemporary and Applied Theatre Studies (BA CATS)⁵⁶ programme at the College. Ellen makes the following suggestion:

I think what could be done better is that people like me are informed of what they can do. I know Simon Harris is bringing it in I believe. I follow him on Instagram and I heard it. I was so happy because I know I'm so fortunate to be able to do this and I know it's not the case for everyone and it breaks my heart. I can see so much potential in people with additional needs. It is about giving them the encouragement and the shove on and that's like what I had in my first year. You know, when I see people with additional needs, if they put their mind to it they can do absolutely everything.⁵⁷

Róisín Fitzgerald, who had accessed mainstream schooling, described the centre she attended, where she engaged in gardening, computers 'and drama, exercise and art'.⁵⁸ Martin Tobin,⁵⁹ who attended the same centre as Ellen, in addition to working in a shop for a number of days each week, was able to pursue his interest in photography and history. However, he did not have the same opportunity as Ellen to pursue these at further or higher education level. Martin's, mother, Noeleen, described the special school that Martin attended as 'a brilliant school', but she referred to Martin as learning more after leaving school: 'We will say from eighteen to about twenty-five, he was like a sponge for learning and there was no facility for him to go [to].'⁶⁰ A concern to have their voices heard and their communities equitably represented was a central feature of the discussions I had with Ellen, Martin and Róisín. It is imperative that the voices of those most impacted by policy decisions remain at the centre of all discussions, to ensure that policy is responsive and effective, both now and into the future.

Advocacy Groups

Advocacy groups have become particularly active and vocal in recent times. Several dedicated autism advocacy groups have evolved, which is indicative of the prominence of autism in special education deliberations. The Irish Society for Autism, which was founded in 1963 by Pat and Nuala Matthews, parents of a son with ASD, remains the longest established autism advocacy group in the State (see Chapter Four).⁶¹ Other organisations include Irish Autism Action (IAA), established in 2001 by a group of parents, subsequently becoming Autism Ireland until its cessation in 2019;⁶² The Autism Spectrum Association of Ireland, Aspire,⁶³ which was founded in 2014 by Des and Treasa McKiernan, parents of a son with ASD; and ASD Ireland,⁶⁴ initially the Limerick Autism Group, which was founded by Keith Enright, and Caroline Hogan, parents of children with ASD in 2017. In 2014, AsIAm was founded by Adam Harris, a person with ASD, and has grown to become Ireland's National Autism Charity.⁶⁵ While AsIAm is not a membership organisation, it has 5,699 ID cardholders with whom it consults formally every year, in addition to the extensive information, support, training and guidance it provides daily to and for people with ASD.⁶⁶ More recently in 2020, Thriving Autistic was founded by Tara O'Donnell-Killeen and Jessica K. Doyle as a non-profit social enterprise aimed at promoting the human rights of people with ASD,⁶⁷ having both a national and global reach.

Groups with a collective neurodivergent lens have also emerged and include Specialisterne Ireland⁶⁸ in 2013; Neuropride⁶⁹ in 2021; and Neurodiversity Ireland, which was launched on World Autism Day in 2022.⁷⁰ Other organisations include ADHD Ireland to support individuals with attention deficit hyperactivity disorder,⁷¹ the Dyslexia Association of Ireland,⁷² and the Dyspraxia Association of Ireland.⁷³ Advocacy groups and organisations contribute positively to the development of policy and provision in special education through endeavouring to

ensure that the experiences of individuals and families remain to the forefront of government decisions. Their proliferation in recent times is patently linked to the perspective of evolving rights, which is discussed below. However, it is also symptomatic of an ongoing need for activism stemming from the range of tensions and dilemmas discussed above.

Professional Preparation: The Linchpin of an Effective and Progressive Inclusive Education System

We took part in a pilot programme there a couple of years ago. We got an extra allocation to act as co-teachers in the classroom so as to reduce the dependency on SNAs. The theory behind it at the time was that students can get too dependent on SNAs doing everything for them or rather the expectation that SNAs will do everything for them. SNAs will tell you this themselves. So, we've now reversed and we practice co-teaching to supplement and help special needs students in the mainstream classroom as opposed to using SNAs. It means that we can focus our SNA resources for students who really need their level of support. So, I do think there needs to be more training for co-teaching pedagogy, particularly when you are there trying to help students who are struggling because they have needs. Teachers need that level of training. Obviously SNAs still play a huge and vital part in the classroom and in a school community.

Rose Desmond, Post-Primary Principal (2022)⁷⁴

From the early 1990s, the unparalleled re-appraisal, policy development and legislative action in Irish education further emphasised the principle that the achievement of a high-quality education system remains contingent on supporting the cultivation of excellence across the continuum of teacher education.⁷⁵ As previously discussed, the establishment of the Teaching Council through the Teaching Council Act, 2001⁷⁶ acknowledged the status of teaching as a profession. The role of the Teaching Council in mandating entry standards to the profession, commissioning research, accrediting ITE programmes, contributing to induction through the Droichead⁷⁷ [Translated as 'Bridge'] process and focusing on teacher professional learning through Cosán⁷⁸ [Translated as 'Path'] constitutes a pivotal influence on teacher preparation for inclusion. Together with the Department of Education, the Teaching Council has responsibility for regulating the nature and duration of teacher education programmes.⁷⁹

In 2011, the Teaching Council published its *Policy on the Continuum of Teacher Education*,⁸⁰ which was described as encompassing both the informal and formal educational and developmental activities engaged in by teachers, during their teaching careers, as life-long learners.⁸¹ Innovation, integration and improvement were identified as principles that should underpin all stages of the continuum.⁸² Specific reference was made to the contribution of the 'inclusion of children with disabilities and/or special educational needs into mainstream schools'⁸³ to the complexity of teaching in the twenty-first century. The structure of ITE provision evolved significantly following the publication of the *Report of the International Review Panel on the Structure of Initial Teacher Education in Ireland*⁸⁴ in 2012 (*Sahlberg 1 Report*) and the subsequent report on progress in implementing reform in 2019 (*Sahlberg 2 Report*).⁸⁵ In 2020, the Department of Further and Higher Education, Research, Innovation and Science (DFHERIS) led by Simon Harris as the inaugural Minister was allocated responsibility for policy, funding and governance of the Higher and Further Education and research sectors, together with oversight of state agencies and public institutions associated with those areas, including the Higher Education Authority (HEA) and the National Access Plan (NAP). THE NAP's title describes it as a strategic action plan for equity of access, participation and success in Higher Education 2022-2028.⁸⁶ The Department of Education retained lead policy responsibility for ITE and through a consultative process starting in 2019 developed an ITE policy with six ITE goals, one of which

includes the preparation of student teachers 'to embrace the constantly evolving challenges of supporting all learners in the 21st century'.⁸⁷ From 2012⁸⁸ and then from 2020,⁸⁹ all HEIs providing ITE programmes have been required to undergo a re-accreditation process by the Teaching Council. Inclusive education, differentiation and expanding students' school placement experiences have been key foci of both re-accreditation processes. The publication of the *Diversity, Equality and Inclusion Guidelines and Charter* in 2016⁹⁰ and the *Professional Award Criteria and Guideline (PACG) for Initial Professional Education (IPE)* (Level 7 and Level 8) Degree Programmes for the ELC Sector in Ireland⁹¹ in 2019, supports an initial IPE framework to prepare ELC practitioners for meeting the diversity of needs in ELC settings.⁹²

Following the 2012 re-accreditation process, in 2015, the NCSE commissioned research to investigate whether the recent changes prepared newly qualified teachers (NQTs) for inclusive classrooms with reference to the indicators of the EASNIE Profile of Inclusive Teachers.⁹³ An initial report was published in 2018⁹⁴ and a final report in 2019.⁹⁵ The findings of the research indicate that the manner in which inclusive teaching content is included in ITE programmes variously includes standalone and diffused modules, with inclusive education often being narrowly conceptualised to encompass students with special educational needs only, rather than all learners. Teacher educators were supportive of the importance of preparing students for inclusive classrooms during their ITE programmes, while identifying gaps in their own related professional development. Student teachers considered ITE programmes to be effective in supporting them to develop the requisite attitudes and values for inclusive teaching, although they were less prepared in terms of being able to use their newly acquired skills and knowledge. School placement was considered by NQTs as the most important factor in preparing them to be inclusive teachers. Students who had experience of placements in a special school, special class or in a special education role reported feeling better prepared for diverse classrooms as NQTs. School context and culture both during ITE and as NQTs were key determinants in teachers' preparedness for inclusive classrooms. NQTS identified issues they encountered in dealing with challenging behaviours, managing the time required for differentiation, and working with SNAs and other professions and parents. The re-accreditation process underway from 2020⁹⁶ specifically addresses promoting and maintaining positive behaviour, cultivating professional relationships, and working with parents. It also includes differentiation through advocating, using a UD for learning framework.⁹⁷

Between 1994 and 1999, over £35m was received through the EU's Human Resources Operational Programme (HROP),⁹⁸ under the *National Development Plan (NDP)*. In parallel with this, £10m was secured from the EU under the European Regional Development Fund (ERDF). This funding allowed the Department of Education to focus on developing a model of CPD and to begin to establish a network of Education Centres.⁹⁹ The rationale for these developments was 'the entitlement of all Irish children to education of the highest quality', including children with special educational needs.¹⁰⁰ In 2004, the Teacher Education Section (TES) evolved from the In-Career Development Unit (ICDU) which had been established in 1994¹⁰¹. The TES has a remit in relation to policy formation, direction, financing, management and quality control of CPD for teachers across the continuum, including special education.¹⁰² A range of support services was developed that employed multiple strategies, including holding group sessions with school staff/teachers; developing resources; encouraging networking between school staffs/clustering; arranging school visits; holding modular courses; and providing internet/e-mail/helplines/newsletters and after-school clinics in Education Centres.¹⁰³

Targeted support services were established in addition to mainstream support services such as the Primary Curriculum Support Service (PCSP), SLSS, and primary and second-level school development planning services. The Special Education Support Service (SESS) was inaugurated in 2003 to develop, deliver and coordinate professional development for schools in meeting the needs of students with special educational needs.¹⁰⁴ The service was supported by a senior inspector at the Department of Education and Science, Breandán Ó Murchú and Joan Crowley O'Sullivan was appointed as its first Director. Both had extensive experience of the developing field of special education and teacher professional learning and Breandán had been a member of the Task Force on Autism, discussed previously in Chapter Six. An independent evaluation conducted by Price Waterhouse Cooper (PWC) in 2012 affirmed the positive impact of the service on enhancing teachers' knowledge,

understanding and skills in relation to supporting children with special educational needs¹⁰⁵. The vast majority of participants in the evaluation considered that the benefits accruing from the support they received were sustainable and that the position of the SESS on the teacher education continuum was effective in consolidating and deepening teachers' existing pedagogical repertoire and increasing their confidence.¹⁰⁶ A positive impact was reported at individual teacher level on classroom practice, on whole school practice and on outcomes for children with special educational needs¹⁰⁷. This impact was recently affirmed during fieldwork for research evaluating the impact of NCSE frontline services, where a primary school principal described the SESS as providing 'brilliant support' and 'really good courses at the time and tailored to the needs of schools'¹⁰⁸. The success of the SESS over a relatively short period can be attributed to the evidence-based approach informing the development, delivery and evaluation of its suite of CPD, the calibre of its staff and the vision and tenacity of its leadership from the outset. However, PWC's evaluation, while acknowledging the status of the SESS as a national service pointed to the need to expand the service, adopt a regional approach accompanied by increased investment to meet the ever-increasing needs across the education system in a responsive manner.

Established in 2006, and adopting a tiered approach to intervention, the NBSS works with schools to address the social, emotional, behavioural and academic needs of students.¹⁰⁹ In 2007, Middletown Centre for Autism (MCA) was established as a cross-border initiative by the Department of Education and Skills and the Department of Education Northern Ireland, 'to support the promotion of excellence throughout Northern Ireland and Ireland in the education of children and young people with autism'.¹¹⁰ MCA provides a wide range of CPD for parents and professionals delivered in both online and in-person formats. External evaluations of MCA indicate the fact that the centre is very effective in meeting the needs of parents, young people, their peers and professionals. and displays a capacity for sustained improvement.¹¹¹

In 2010, most of the stand-alone support services that had evolved were amalgamated and restructured to operate under the Professional Development Support Service for Teachers (PDST).¹¹² The SESS and the NBSS continued to operate as stand-alone services until 2017. The role of the NCSE in supporting schools was extended to incorporate these services in addition to the Visiting Teacher Service for Children who are Deaf/Hard of Hearing and Blind/Visually Impaired (VTHVI),¹¹³ together with speech and language and occupational therapy services in the 75 SIM pilot schools in Dublin South, Kildare and West Wicklow.¹¹⁴ The VTS had been established to provide advice and support for children and young people with hearing and visual impairment at pre-school, primary, post-primary and at third level.

The multidimensional view of effective inclusive education endorsed by the NCSE incorporating the three dimensions of 'producing inclusive policies; evolving inclusive practices; and creating inclusive cultures at the level of the school'¹¹⁵ underscores the need for professional preparation across the school community. Following the identification of a need for a formal learning programme for SNAs by the NCSE in 2018,¹¹⁶ in 2020, a national online CPD programme for SNAs was announced by the Minister for Special Education and Inclusion, Josepha Madigan.¹¹⁷ Funded by the Department of Education at no cost to participants, the programme is delivered by UCD with 3,500 places over a four-year period. Relatedly in 2014, acknowledging the central role of school leadership in improving the learning outcomes for school communities, a Centre for School Leadership (CSL) was established on a partnership basis between the Irish Primary Principals' Network (IPPN)/the National Association of Principals and Deputy Principals (NAPD) and the Department of Education.¹¹⁸

In November 2015, the HEA, supported by the Department of Education and Skills, the DCYA and the DoH, issued a call for the development of a 'National Higher Education Programme for Inclusion Co-Ordinators in Early Years Settings'.¹¹⁹ The Leadership for INclusion in the Early Years (LINC) Consortium, led by MIC and comprising Early Childhood Ireland (ECI) and Maynooth University Froebel Department of Primary and Early Childhood Education (MU-Froebel Dept), secured the tender to develop the LINC programme. Located in the AIM, and positioned at Level Six on the NFQ, the programme adopts a blended model of delivery over one year. Graduates of the programme are then appointed as INclusion CO-ordinators (INCOs)¹²⁰ in their respective settings. Denise Sheridan, an ELC practitioner, owner/manager of an ELC setting and graduate of the LINC programme,

noted that 'the benefit was that we did get specialised training on inclusion, how to include families, working in communities of practice and knowing you weren't on your own'.¹²¹ The LINC programme began in September 2016 and by 2022, 4,525 students had completed the programme, with 2,282 participating in the LINC CPD Programme, totalling an investment of €9.1m. Evaluations of the LINC programme indicate that the programme has contributed positively to enabling leadership of inclusive culture, practice and pedagogy in ELC settings.¹²² In parallel with these developments, the Minister for Children and Youth Affairs in 2018 announced that €3m had been secured to develop a new CPD infrastructure that would be overseen by the Better Start National Early Years Quality Development Service (NEYQDS) to promote both quality and inclusion in ELC settings.¹²³

Advancing the Goals of Equity and Inclusion: The Contribution of the Inspectorate

Inspection is a key component of the quality assurance of education provision in Ireland. Its focus on promoting improvement in the learning and wellbeing of children and young people, and on advancing goals of equity and inclusion, is more important today than ever, especially as we deal with the impact of COVID-19 on the educational and broader life experiences of our children and young people. The inspection findings arising from the work of the Inspectorate are presented to further the national education, inclusion and equity goals to which educators and policy makers in Ireland aspire.

Dr Harold Hislop, Chief Inspector (2022)¹²⁴

Quality assuring a system as it develops is critical to ensure that the resources allocated are being used effectively and optimally to guarantee that all children achieve their potential. While the external evaluations of initiatives detailed in this and recent chapters contribute to a system of quality assurance, the role of the Inspectorate of the Department of Education has been particularly significant in this regard. Through its advisory role vis-à-vis the Department of Education and the Minister, its membership of a range of boards with, for example, the NCSE, NCCA and EASNIE, its provision of advice and affirmation for teachers, school leaders and management, its promotion of SSE, and its extensive evaluation work,¹²⁵ the Inspectorate has been pivotal in advancing the goals of equity and inclusion.

As noted previously, two aids for SSE at both primary and post-primary levels were published in 2003.¹²⁶ *Looking at Our School 2016: A Quality Framework for Primary Schools* and *Looking at Our School 2016: A Quality Framework for Post-Primary Schools* build on the principles of SSE and explicitly link SSE to quality assurance.¹²⁷ *Looking at Our School* provides a unified and coherent set of standards for the two dimensions of teaching and learning and leadership and management in schools. It was explicitly stated that this quality framework would be used to inform the work of inspectors in monitoring and reporting on quality in schools. Among the standards identified for both primary and post-primary settings is a commitment to equality of opportunity, inclusion, and the holistic development of each child. These publications were reissued in August 2022 with the primary framework now including special schools.¹²⁸

From 2016, in addition to its broader school evaluation work, the Inspectorate has been engaging in special education-focused inspections at primary level and from 2018 at post-primary level. This inspection model evaluates how good the learning outcomes and learning experiences are for children at all stages of the continuum of support; how well schools are using resources to improve children's learning experiences and outcomes; and how effective the structures and systems are in fostering equality of opportunity, inclusion and the holistic development of each child.¹²⁹ In addition to the school community, parents and students are invited to participate in the process. Preliminary findings from these evaluations have identified learning outcomes

and experiences ranging from satisfactory to good, with beneficial structures in place to promote inclusion. At primary level, a focus on providing learning experiences based on identified need; improving assessment and target-setting; directing attention to the progression of learning outcomes; deploying additional teaching resources correctly; and engaging in CPD. At post-primary level, recommendations focus on the provision of learning experiences based on identified need; deploying additional teaching resources; and organising support for students were among the key recommendations.¹³⁰ A *Revised Guide to Early Years Education Inspection* was published in August 2022,¹³¹ identifying, among 20 key outcomes, the quality and organisation of the setting in nurturing babies and young children's learning and development, and in supporting inclusion.

The Inspectorate has also conducted a range of composite reports, including a *Review of Education Provision in Schools Attached to CAMHS Units (2020)*¹³²; *Education Provision for Pupils with Specific Speech and Language Disorder: Special Classes Attached to Mainstream Primary Schools in Ireland (2021)*¹³³; and the *Evaluation of the Support Teacher Project (2021)*.¹³⁴ The findings from *Education Provision for Learners with Autism Spectrum Disorder in Special Classes Attached to Mainstream Schools in Ireland (2020)*¹³⁵ provide a glimpse of the achievements and challenges of inclusion for learners with ASD and have more broad application in terms of progress towards creating schools for all children. At primary-level, over half of enrolment policies were deemed to be clear and appropriate, with some inappropriately limiting enrolment to children based on their intellectual function. Improving the process for reviewing children's placement, extending inclusion opportunities for children in special classes, using baseline information and monitoring processes for more accurate target setting, and improving autism-specific assessment and approaches were identified as areas where there was scope for development. At post-primary level, similar issues in relation to enrolment policies were identified. Some students were inappropriately supported both in mainstream and in special class settings; and the potential for improving communication with parents, using autism-specific assessments, providing CPD for teachers, and improving record keeping were signalled. Through its ongoing focus on quality, engaging in inter-departmental/inter-agency fora and supporting a departmental response to evaluations, the Inspectorate is contributing significantly to advancing the goals of equity and inclusion for all children.

The Education for Persons with Special Educational Needs (EPSEN) Act: A Work in Progress for 18 Years

For a good system, I'm not even talking about an ideal system, it must be supported, number one, it must be supported by having intelligible legislation, that can be put into action and that is put into action.

Gabriel Harrison, Assistant Chief Inspector, Department of Education (2022)¹³⁶

The EPSEN Act provides for the education of children and young people with special educational needs up to 18 years of age with several references to planning and provision for adults. The 18 years since the passage of the EPSEN Act¹³⁷ has been a time of remarkable change in education both nationally and internationally. Our understanding of the importance of moving beyond integration and inclusion to providing schools for all children is constantly evolving, as is our understanding of effective and responsive curricula and assessment. The shift from diagnosis-led to needs-led provision is inconsistent with the approach underlying the Act and while the voice of the child is recognised, it requires greater prominence. How disability is conceptualised has also been radically transformed.

To be effective, the legislative framework should be aligned with current conceptual understandings, to ensure that all children access, participate in, and benefit from, an appropriate education. As noted previously in Chapter Eight, the NCSE engaged in an extensive consultation process in preparing the *Implementation Report: Plan for the Phased Implementation of the EPSEN Act 2004*,¹³⁸ as required by s 23 of the Act. Described as 'a ground-

breaking piece of legislation',¹³⁹ the legislation sought to establish a robust statutory framework that would require a radically different response from the State and the multiple associated stakeholders. The Act was firmly located within the existing relevant legislative and constitutional framework and its provisions were in harmony with international and human rights agreements. In its *Implementation Report*, the NCSE identified the need to support universal early intervention for all children; build the capacity of schools; provide support services and professional development; ensure service integration; develop effective appeals and mediation services; plan for educational progression, further and continuing education; implement review outcomes; and engage in research to strengthen capacity and structures.¹⁴⁰ The need for a total investment of an estimated €397m over the five-year period was identified.

Key provisions of the Act that were designed to confer a statutory entitlement to an educational assessment for all children with special educational needs; deliver a statutory education plan and related educational services; and establish an independent appeals process have not been implemented. In a lead case of three, where relief was being sought pursuant to the Disability Act 2005, Barr J observed in relation to the non-commencement of ss. 3 and 4 of the Act EPSEN Act that, 'when one considers that the Council has been in existence since 1 October 2005, that is an extraordinary state of affairs'.¹⁴¹ Understandably, a myriad of reasons emerges following the enactment of legislation that can create a need for the legislation to be amended or repealed. However, as noted recently by Humphreys J:

Other options that, conversely, undermine the rule of law to a greater or lesser extent would be to leave the legislation uncommenced for an indefinite if not permanent period (which while possibly theoretically lawful on conventional jurisprudence, nonetheless undermines the integrity of the statute book), or to provide perfunctory implementation that would not pass legal muster, or to commence the legislation, but to simply do nothing to implement it.¹⁴²

While evidence of a commitment to implementing the EPSEN Act on a 'non-statutory' basis is discernible across the significant expansion in provision, a failure to commence the key provisions of the Act has continued to be criticised in terms of its negative impact on children with special educational needs.¹⁴³ Relatedly, specific sections of The Education (Admissions to School) Act 2018¹⁴⁴ were commenced in February 2020 to come into effect in the school year 2020/21, requiring schools to accept all applicants where there were places available.

In December 2021, Josepha Madigan, Minister for Special Education and Inclusion, initiated a review of the EPSEN Act. The purpose of the review is described as ensuring 'legislation on education for students with additional needs is up-to-date, fully operational, and reflective of the lived experiences of students and families'.¹⁴⁵ The Minister's request that s 37A of the Education Act 1998¹⁴⁶ be reviewed in conjunction with the EPSEN Act was overtaken by subsequent events, when before the school year 2022/2023, significant numbers of parents were unable to secure school places for their children.¹⁴⁷ The Minister was compelled to commence the enactment of emergency legislation to address the lengthy s 37A process, whereby the Minister can compel a school to open a special class.¹⁴⁸ To the fore in prompting this emergency legislation were the five national advocacy groups that comprise the Department of Education's Special Educational Consultative Forum: ASIAm, DSI, Inclusion Ireland, the NPC, Primary and Special Classes, and Schools Ireland.¹⁴⁹ A statement from the Group indicates the shift to the evolving rights' perspective on which provision is increasingly being advocated for, and developed:

This Summer must be the last in which families face major uncertainty about their children's educational future – this legislation will be one element of achieving that but it must be accompanied by a rights-based approach to resourcing schools properly and the development of an inclusive school culture. Our groups are urging the Oireachtas to pass the legislation without any delay so that every child has the same chance to go to school this coming September.¹⁵⁰

Following signing into law of the Education (Provision in Respect of Children with Special Educational Needs) Act 2022¹⁵¹ by the President, on 19 July 2022, the Minister can now compel a school to open a special class within a period of six to eight weeks. Recent events suggest that the need for emergency legislation and ongoing recourse to the courts will continue as long as the provisions of legislation designed to secure the rights of children with special educational needs to access, participate and benefit from an appropriate education remain dormant.

'A Milestone for Access for Deaf Irish Sign Language Users':¹⁵² The Irish Sign Language Act 2017

It is a significant and important step on the journey after the passing of the Irish Sign Language Act in 2017 and the full commencement of that Act in December just last year. I think the signing of the Irish Sign Language Act into law in December 2017, just on Christmas Eve, by the President, was one of the best gifts that the Deaf community could get after decades of campaigning.

Senator Mark Daly, at the Launch Event: Providing Access for Deaf Irish Sign Language Users.
Guidance for Public Bodies (2021)¹⁵³

Described as a 'milestone for access for Deaf Irish Sign Language Users',¹⁵⁴ President Higgins signed the Irish Sign Language Act 2017 into law on 24 December 2017, and the Act subsequently commenced on 23 December 2020.¹⁵⁵ In 2016, the Joint Committee on Justice and Equality had referred to the 'extreme marginalisation' of Irish sign language (ISL) users and recommended that the enactment of ISL legislation be prioritised.¹⁵⁶ As the first and/or preferred language of 5,000 Deaf people in Ireland, with an estimated 40,000 people in general, including family members, interpreters and co-workers, communicating in ISL with Deaf ISL users,¹⁵⁷ the Act recognises ISL as an official language of the State.¹⁵⁸ The Act articulates the State's recognition of the right of ISL users to use ISL as their native language and the associated duty on all public bodies to provide free interpretation for ISL users when they are availing of, or seeking to access, statutory entitlements and services.¹⁵⁹ The Act further endorses the right of the community of persons using ISL to use, develop and preserve ISL.¹⁶⁰

To support the successful implementation of the Act, the Register of Irish Sign Language Interpreters (RISLI)¹⁶¹ was established in December 2020, to coincide with the start of its implementation. The RISLI is designed to support the obligation on a court or public body under the Act to employ only ISL interpreters whose competence has been verified in accordance with an accreditation scheme funded by the Minister for Employment Affairs and Social Protection.¹⁶² Following the findings of previous Irish research suggesting that there was inadequate access provision in public bodies for Deaf ISL users,¹⁶³ a research partnership between the School of Applied Social Studies and Institute for Social Sciences in the 21st Century at UCC, the Cork Deaf Association and Kerry Deaf Resource Centre engaged in a project funded by the Irish Human Rights and Equality Commission's Grant Scheme 2018, focused on developing guidance for public bodies in this regard.¹⁶⁴ The NDA has been allocated responsibility to report on the operation of the Act, not later than three years after the date on which the Act is enacted and every five years thereafter. The report should consider an assessment regarding potential amendments to the Act's scope and contents; whether additional provision is required in relation to supports for a child in the school system whose primary language is ISL; and the qualifications for the minimum level of ISL competency necessary for persons teaching a child whose primary language is ISL.¹⁶⁵ The NDA was asked to prepare the first report on the operation of the Act in 2011 and in January 2023 the DCEDIY published the report.¹⁶⁶

The NDA's report identified significant gaps in the knowledge and understanding of public bodies with implementation noted to be poor across most sections of the Act, and more intensive support required to achieve the level of ISL access envisioned by the Act and required by the ISL community.¹⁶⁷ Significant gaps were identified in relation to education, with the purpose of the ISL Tuition scheme for parents, guardians, siblings and grandparents identified as requiring review. A delay in establishing a scheme for ISL supports for children

in recognised schools was noted, with concerns expressed about the provision of ISL in supporting children's access to the curriculum; the insufficient number of higher education placements for ISL training of teachers of children who are deaf or hard of hearing; and an absence of setting minimum qualifications for these teachers.¹⁶⁸ The ISL Act represents a positive step, marking the end of 'the long struggle for ISL recognition'.¹⁶⁹ However, ongoing monitoring and actioning in relation to its implementation are essential in combating what Senator Mark Daly referred to as the 'extreme marginalisation and extreme isolation'¹⁷⁰ that characterised the lives of the Deaf community in Ireland and ultimately prompted the passing of the Act.

Closing the Gap Between Equity of Educational Opportunity for All Children and Reality: The Promise of an Evolving Rights' Perspective

I spoke to a carer a few months ago who said thirty years ago she was fighting the same thing and nothing has changed, you know? So we have history that we're not learning from.

Angela Briggs, Parent of a Child with Special Educational Needs (2002)¹⁷¹

As discussed in previous chapters, the right to education has been enshrined in numerous regional and international human rights instruments starting with the UDHR, in 1948, with Article 26 expressly articulating the right to education.¹⁷² 'Disability' was referred to only once in the Declaration in relation to the right to an adequate standard of living. However, it is implicit in both the UDHR and the International Covenant on Economic, Social and Cultural Rights (ICESCR)¹⁷³ that all children are afforded the right to education.

In 1990, the UNCRC represented 'the first explicit reference to disability as a protected category within an international human rights treaty'¹⁷⁴ and this focus on protecting the rights of persons with disability has continued to develop and expand. General Comment No. 13 in 1999, the Committee on Economic, Social and Cultural Rights (CESCR), in reiterating the status of education as 'both a human right in itself and an indispensable means of realizing other human rights', identified what it considered to be four interrelated and essential features of education at all levels and in all its forms.¹⁷⁵ These features were originally proposed by the Special Rapporteur on the right to education of the UN Commission on Human Rights, Katarina Tomaševski, appointed in 1998.¹⁷⁶ Availability referred to sufficient quantity of provision and programmes; Accessibility was equated with providing access for everyone without discrimination including physical and economic accessibility; Acceptability addressed the form and substance of education, including teaching methods and curricula; and Adaptability considered flexibility in adapting education to the needs of a changing societies and responding to the needs of students in diverse contexts.¹⁷⁷ While, as noted previously, General Comments are not legally binding, they exert a strong influence on how instruments are interpreted and practice develops.

Indicative of the impact of an evolving rights' perspective globally for people with disabilities, on 13 December 2006, the CRPD¹⁷⁸ was adopted by the UN, signed by Ireland in 2007, ratified in March 2018, and came into force in April 2018.¹⁷⁹ In ratifying its first international human rights convention, the EU, in 2011, became the 97th party to the UNCRPD.¹⁸⁰ This followed decades of activism by the UN, to transform the paradigm of disability from a charity-based, medical and welfare construct to recognising those with disabilities as holders of rights on an equal basis with other citizens.¹⁸¹ Underpinned by the social model of disability, thereby placing the responsibility firmly on society, rather than the individual, to remove and reduce disabling obstacles, the CRPD adopts a rights-based approach to inclusion that has been described as 'potentially one of the most significant impacts of the CRPD'.¹⁸² The reference to disability as an evolving concept stemming 'from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others'¹⁸³ further endorses the social model of disability. The right to education for persons with disabilities is addressed in Article 24,¹⁸⁴ implicitly indicating that this right does not end at 18 years of age. While the term 'inclusive' is not defined, signposts are provided as to how the

right to an inclusive education can be achieved in Article 24(2), with the realisation of the right equated with persons with disabilities not being 'excluded from the general education system'.¹⁸⁵ The implications of Ireland's ratification of the UNCRPD and its General Comment No. 4¹⁸⁶ are discussed further in Chapter Ten, in terms of their combined potency in affecting the future direction of policy development and associated provision.

The CRPD introduces no new rights. However, its embodiment of the social model of disability, a focus on the right to inclusive education, and the expectation that people with disabilities or their representatives will be consulted by state parties in monitoring its implementation, give it the potential to 'help close the gap between the theory of inclusive education and reality'.¹⁸⁷ The CRPD now prompts us to interrogate the basis on which, historically, we have viewed and provided for human difference in our schools and in our society.

Conclusion

I think it is about: do people subscribe to the core principles? Do they believe that everybody belongs? Do they believe that everybody is valued, that we have ways of showing that? All those kind of fundamental human values. I think they're there in the Irish system. I have seen many, many examples of it. But it is how you formalise that. If we believe in having equity within society. If we really believe that social capital should be there for everybody, not the privileged, that to me informs the type of system that you end up.

Michael Shevlin, Professor in Inclusive Education, Trinity College Dublin (2022)¹⁸⁸

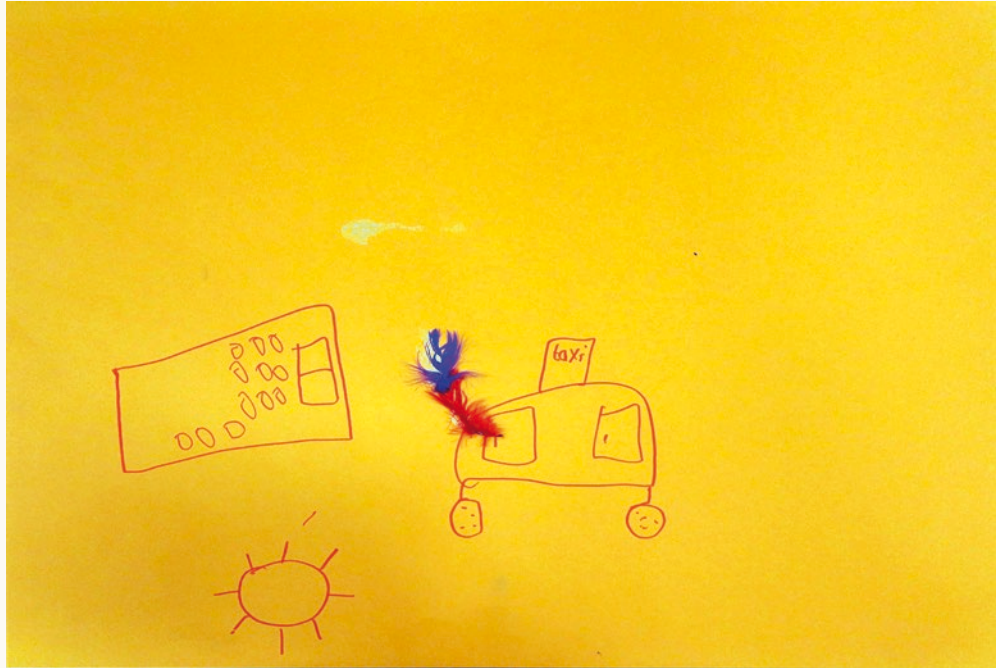
Over recent decades, special education provision has expanded rapidly, transforming and enriching the education landscape. We have succeeded in building a system infused with fundamental human values, influenced by global developments and yet firmly located in our own unique history, culture and traditions. A realisation that a legislative framework is necessary to enshrine the rights of children, young people and adults is evident in the raft of legislation discussed in recent chapters, and in more recent legislation such as The Irish Sign Language Act 2017¹⁸⁹ and the Autism Bill 2022.¹⁹⁰

The role of the NCSE in a relatively short time has been significant and a recognition that the education system must address the needs of all children through providing schools for all is increasingly gaining traction. The focus on professional preparation and the ongoing involvement of the Inspectorate in advancing the goals of equity and inclusion, together with a concern to channel both inter-governmental and the Education and Health synergies, are further indications of this recognition. However, it is not acceptable that parents and advocacy groups continue to be forced to agitate to secure children and young people's constitutional and statutory rights. Inequity of opportunity for young people, in terms of access to post-school education and/or employment and career opportunities, remains a further indictment at the end of a 100 years of the State.

Standing on the cusp of the next century, it has been suggested that inclusion in Ireland is now at a crossroads,¹⁹¹ as the system seeks to maintain a continuum of provision in building an inclusive education system through a multi-track approach. Equally, the crossroads metaphor can be narrowed to Robert Frost's two roads in his poem 'The Road Not Taken',¹⁹² and standing on the cusp of the next 100 years, we have an opportunity at this intersection to take the 'road less travelled by' and ultimately 'make all the difference'. Our experience over the past 100 years has provided us with a valuable opportunity as a society to reflect and consider our significant achievements together with the myriad of tensions and dilemmas that still exist. As we close the door on a century, it is timely to consider what the experiences from the last century have taught us, and what we can now bring with us into the future on the road we choose to take. The choices we make at this juncture will have implications for decades ahead on the lives of children, families and our record as a socially just society.



The homeroom. I like the homeroom because it's where I keep my stuff and my subjects, Maths, English and History.



The taxi. The polytunnel. The trampoline.

Chapter Nine: Building an Inclusive Education System 2005-2022: On the Cusp of the Next Hundred Years

Key Influences on Education System

Teaching Council
Focus on Professional Learning
Child Agency

Education Provision

Universal Free Early Childhood Care and Education
Expanding Role of the Inspectorate
Curriculum Reform

Special Education

Inter-departmental
Cross-Sectoral
Interdisciplinary
Parents and Advocacy Groups

Disability Act 2005

Report of National Reference Group on Multidisciplinary Disability Services for Children Aged 5-18 2009

Progressing Disability Services for Children and Young People 2010

National Policy on Access to Services for Children and Young People with Disability and Developmental Delay 2016

Review of EPSEN Act 2022

Broader Societal Context

Financial Crisis 2008 – Ending of Celtic Tiger
Economic Recession
Post-recessionary Resurgence
War in Ukraine
COVID-19 Pandemic

In 2022:

Number of Primary Schools	3,231
Number of Pupils in Primary Schools	558,143
Number of Post-Primary Schools	727
Number of Pupils in Post-Primary Schools	406,392
Number of Special Classes	1,795
Number of Special Schools	136

General Comment No 4 (Committee on the Rights of Persons with Disabilities) 2016
Ratification by Ireland of The United Nations Convention on the Rights of Persons with Disabilities March 2018

Chapter Ten: Concluding Remarks – A Significant Transformation: The Acoustic of the Present and Looking Towards the Future

Introduction

In charting the outline of a 100 years of special education provision, many of the defining moments that have led us to the end of a century have been captured. Given the timeframe for this project, it is also inevitable that the identification of these defining moments is not exhaustive. Nonetheless, in researching and writing this story, a light has been shed on many important aspects of the development of special education, providing insights that allow us to better understand the evolution of the system we have today. I am indebted to all those whose stories I encountered in the sources cited in the publication, those scholars whose work I have referenced extensively, the exceptional generosity of everyone who gave of their time to have the in-depth conversations and written submissions that underpin this publication, those who kindly reviewed and provided valuable feedback on the many drafts of this publication, and the students at Midleton CBS Secondary School who welcomed me into their classroom and shared their school experiences through the artwork and commentary included in the publication. I would especially like to acknowledge the erudite support of my learning partners, Dr Patrick F. O'Donovan, Dr Maurice Harmon and Dr Lisha O'Sullivan who shared many pivotal moments with me on this journey and generously shared their work, reflections and insights based on their substantial experience of the multiple dimensions of the development of the Irish education system. Without the vision of the NCSE, this publication would not have materialised and the ongoing support of NCSE personnel and in particular Caroline McKeown and Jennifer Doran have been exceptional in this regard.

In this final chapter, it is opportune to pause and consider the significant transformation of special education provision, the voices in the acoustic of the present, and potential future directions.

A Significant Transformation

For much of the century, children whom we now refer to as having special educational needs were either excluded or segregated from the education provision that was provided for the majority of children. In the early years of the foundation of the State, a belief that institutionalisation and segregation were necessary¹ to mitigate social exclusion for children perceived as not conforming to the so-called societal norm was prevalent and regarded as being best for both the individual and society.² In the nascent State, a preoccupation with national identity and the revival of the Irish language dominated policy issues, while more progressive approaches to education were sidelined. During this period, the development of a parallel segregated system largely associated with charitable, humanitarian and benevolent reform movements allowed the State to divest its responsibility for a whole cohort of children.

The Hospitals' Commission Survey conducted by Dr Louis S. Clifford in 1943 indicated that while there was an emerging appreciation of significant numbers of children whose needs were different from those of most children, there remained a lack of understanding regarding the potential of these children and how they might be appropriately provided for by the State.³ A narrow curriculum with an undue emphasis on the Irish language and a focus on written tests provided little scope for all children to participate in, and benefit from, an education aligned with their needs and abilities. In 1947, it is reported that the average primary school in Ireland devoted half its total teaching time to Irish, while under the programme requirements, all instruction in infant classes was in Irish.⁴ A curriculum-centred rather than a child-centred system prevailed and created the expectation that state curricula were the preserve of those who were deemed to be of educable capacity.

From the 1950s, education policy development became increasingly influenced by a range of social, economic and global forces detailed in previous chapters, which together contributed to a new direction in providing for children with special educational needs, and a growing realisation that the State's responsibility extended to all children. Many of the recommendations of an influential WHO Report in 1954⁵ were subsequently mirrored in the *Report of the Commission of Inquiry on Mental Handicap* in 1965.⁶ While the latter report endorsed segregated provision and advocated for its expansion, in the context of the time it represented an enlightened societal attitude in recognising that children with a moderate, general learning disability could benefit from education. Furthermore, its recommendations continued to inform state policy up until the early 1990s. During this period, the contribution of religious orders, lay voluntary groups, parents, and the teaching profession to tackling the policy vacuum that was continuing to lead to the exclusion of children with special educational needs from the education system was significant.

Originating in the 1960s, and intensified by the civil rights movement, the 1970s saw the integration movement becoming a central focus in special education. Coinciding with the integration movement, the Report of the *Committee of Enquiry into the Education of Handicapped Children and Young People in Britain* in 1978,⁷ in what became known as the *Warnock Report*, introduced the concept of special educational needs to dispel the idea that special education was a different form of education, confined to special settings.⁸ These and other developments greatly influenced the evolution of provision in Ireland and by the mid-1970s, there were over 100 special schools with an increasing number of children with mild general learning disabilities being provided for in special classes in mainstream schools.⁹ The majority of special schools emerged through voluntary initiatives spearheaded by parental or religious groups¹⁰ and have played a fundamental role in leading the pedagogical innovation and responsive structures necessary in providing for children and young people with special educational needs. However, the 1980s were characterised by financial and economic exigencies that inevitably hindered and frustrated progress across the education system more broadly and special education was no exception in this regard.

As the 1980s ended, the UNCRC¹¹ was adopted by the UN on 20 November 1989. While the Convention would not be ratified by Ireland until 1992, as a treaty of international law, it recognised the rights to which all children are entitled, and the associated duties of all states parties to acknowledge, respect, protect and fulfil those rights.¹² From the 1990s, boosted by economic recovery and powerful national and international drivers of change, the status quo of former decades was transformed. The *Report of the Special Education Review Committee (SERC)*¹³ constituted a major landmark in the advancement of understanding the multifaceted nature of special educational needs that required the urgent attention of everyone connected with the overall system of education. However, as noted previously, its reliance on a categorical approach, its narrow interpretation of integration, its marginal consideration of the role of parents and early childhood provision, and its omission in considering young offender centres and autism were missed opportunities that would subsequently require revisiting. The *SERC Report* remained the predominant influence on the development of policy up until recent decades, when the research-led and consultative-based change agenda afforded possibilities for a coordinated and all-encompassing government response in terms of policy development and investment.

The need for education legislation was becoming increasingly evident with a report by UNESCO in 1994/1995, identifying Ireland as a complete outlier in having no education legislation governing special needs education.¹⁴ In the absence of legislative provision, the Constitution of 1937¹⁵ was relied on to vindicate the rights of children with special educational needs to education. An unparalleled involvement by the courts in balancing and asserting the rights of children with special educational needs to education led to the rejection of the concept of 'ineducable', which had been a feature of the education system from the foundation of the State.¹⁶ In *OC (S) v Minister for Education & Ors*, the appropriateness of the national curriculum constituting the starting point for all children was noted by Peart J.¹⁷ Additionally, the courts have further remarked on how the curriculum might be mediated through different approaches, assessment and planning.¹⁸ Segregating children on the basis of curricula was no longer acceptable and there is now an expectation, endorsed by the High

Court, that the national curricula are the starting point for all children.¹⁹ While litigation as a driver for policy development is associated with reactive rather than proactive measures, it gave a new impetus to the system in terms of the necessity of identifying the resources and supports required to secure each child's constitutional right to an education. The legislative lacuna would begin to be filled from 1998 and by 2004, the four main Acts establishing the Irish education system would be in place.²⁰ In 2005, the Disability Act further built on existing policy and legislation and underscored the significance of ensuring a positive interrelationship between Health and Education.²¹

The Acoustic of the Present and Looking Towards the Future

The appointment of Josepha Madigan as the first Minister of State with responsibility for Special Education and Inclusion at the Department of Education in 2020²² builds on and reflects the commitment of successive governments to create an inclusive education system for all our children and young people. Over the past 100 years our education system has moved from an exclusionary and segregated system to a more integrated and inclusive one. For children and young people with diverse learning needs it remains imperative that we build a system where providing appropriately and effectively for the diversity of learners becomes the lynchpin of our education system. In mapping the outline of the development of special education provision, it becomes clear that provision through the century was closely aligned with the zeitgeist of particular eras. The lens through which we view difference has shifted from a charity-based, medical and welfare construct to one in which we recognise those with disabilities as holders of rights on an equal basis with other citizens.²³ We know that providing an inclusive education for children and young people requires what Rose Desmond, a post-primary principal, referred to in Chapter Nine as a 'wraparound system',²⁴ where children and young people are supported by all those in their environment and can access additional supports as required, throughout their lifelong learning journey. Achieving a shared understanding of what constitutes an inclusive system, focusing on the development of 'a wraparound system'²⁵ while explicitly recognising and actioning children's and young people's status as rights-holders, must remain priorities as we look towards the future.

Defining an Inclusive Education System

Ireland is portrayed as operating a multi-track approach with government policy described as encouraging 'the maximum possible level of inclusion of pupils with special needs into mainstream schools and to put in place the necessary special supports to facilitate this development'.²⁶ Teacher education, curricula, pedagogy and assessment have embraced the concept of progressive universalism in striving to respond to the diversity of children's learning and development needs. The ratification by Ireland of the UNCRPD²⁷ in March 2018, which came into force in April 2018,²⁸ has provoked a discussion on what constitutes the obligation of the Convention's signatories 'to ensure an inclusive education system at all levels'.²⁹ In the Irish context, inclusive education has not been explicitly defined in legislation or a definition universally agreed.³⁰ However, it has become equated with being placed in 'an inclusive environment with children who do not have such needs',³¹ resulting in the child's physical placement rather than the appropriateness of the education experience becoming 'the constitution of inclusive education'.³² The CRPD's perception of 'inclusive education' is clear in expressly equating not being 'excluded from the general education system' as fundamental to realising the right of persons with disabilities to education.³³

In General Comment No. 4 (2016), the CRPD reiterated its position on inclusion as the key to realising the right to education to be achieved through a process of progressive realisation.³⁴ Progressive realisation was defined as state parties having a continuing and specific obligation 'to move as expeditiously and effectively as possible' to achieve the full realisation of Article 24.³⁵ Ireland's first report to the UN under the CRPD was published on 10 November 2021³⁶ and references the policy advice being developed by the NCSE in relation to special schools

and classes together with the Progress Report, in 2019,³⁷ which highlighted Ireland's obligations under Article 24. While Ireland appears to be adopting an approach underpinned by the concept of progressive realisation, it has not yet signed the Optional Protocol to the CRPD, which is an additional agreement establishing an individual complaints mechanism for those who allege that their rights under the CRPD have been denied.³⁸ The CRPD has not been incorporated into national law, but it has the potential to influence court decisions as part of international law or in spheres of EU law jurisdiction.³⁹ Conversely, the existence of mainstream provision, special classes and special schools suggests parallel systems rather than a continuum aligned with the concept of progressive universalism. There is evidence of a danger that in our concern to create an inclusive education system where diversity is the norm,⁴⁰ we are inadvertently reverting to a segregated system. The recent proliferation of special classes is indicative of the potential to create segregated experiences for a cohort of our children through a concern to respond to diversity. It remains critical that the concerns raised across a series of research reports regarding special class provision are interrogated and responded to.⁴¹

A Wraparound System

An essential feature of effectively operationalising 'a wraparound system'⁴² is a cross-governmental strategic approach to policy development and implementation. There is evidence that the cross-governmental strategic approach in relation to children that was initiated with the establishment of the OMC in 2005 continues to permeate the aspirations articulated in policy documents to create an inclusive education system where all children and young people can flourish.⁴³

In spite of these aspirations, as discussed in Chapter Nine, parents and advocacy groups continue to be forced to advocate and inequity of opportunity exists in terms of young people's access to post-school education/and or employment and career opportunities. Concerns continue to be raised regarding the lack of therapeutic support, health-related supports, school-based summer programmes, and early intervention.⁴⁴ Parents and schools report that the limited availability of access to psychological assessments necessitates recourse to private assessments, which are costly in contexts where resources are restricted.⁴⁵ A series of reports on the child and adolescent mental health services (CAMHS) has issued from 2002⁴⁶ with the most recent report leading the Inspector of Mental Health Services to State that she 'cannot currently provide an assurance to all parents or guardians in all parts of Ireland that their children have access to a safe, effective, and evidence-based mental health service'.⁴⁷ The Ombudsman for Children has investigated and criticised the lack of adequate support across a number of areas being provided for children, including access to an AON.⁴⁸ While, as discussed in Chapter Nine, the significance of ensuring a positive interrelationship between Health and Education is particularly visible in the Disability Act 2005, recent judicial intervention illustrates the complexity in achieving the legislative intention.

While the personal testimonies of young people, parents and teachers who participated in this project reflect the State's progress in providing for all children, they also highlight the further progress required in order to create an effective 'wraparound system'.⁴⁹ Parents over the past 100 years have been at the forefront of addressing the persistent gap in education provision for their children, and their role as equal partners in the 'wraparound system' will remain crucial.

Children and Young People as Rights-holders

A positive and potentially transformative shift is discernible in the commitment at policy level to realising the obligation in Article 12 of the UNCRC,⁵⁰ regarding children's right to have their opinions taken into account, their views respected in decision-making that affects them, and these views given due weight in accordance with their age and maturity.⁵¹ The mirroring of this provision in Article 7 of the UNCRPD⁵² in relation to the right of children with disabilities to express their views freely on all matters affecting them, and to be provided with age-appropriate assistance in order to realise this right, further copper-fastens the expectation that this right

applies to all children equally. Led by the DCEDIY, Hub na nÓg (translated as Young Voices in Decision Making) was established in 2017 in partnership with Foróige to support the implementation of the *National Strategy on Children and Young People's Participation in Decision-making* (2015 – 2020).⁵³ Foróige, translated as The National Youth Development Organisation, was established in 1952 to encourage and enable young people's conscious and active involvement in their own development and that of society.⁵⁴ Hub na nÓg has evolved as a national centre of excellence that coordinates and supports government departments, state agencies and non-government organisations to include children's voices in decision-making issues that affect their lives, while maintaining a focus on eliciting the voices of those children who are seldom heard.⁵⁵ Indicative of the concerted effort to include children at the centre of education strategy and policy development is the recent announcement by the Minister for Education, Norma Foley, to include the student voice on the Council of the NCCA.⁵⁶ There is a clear message from policy, legislative and practice contexts of a shared responsibility to elicit, consider and respond to children's and young people's views in matters affecting them across the education system.⁵⁷

Conclusion

The ultimate litmus test of a system is how children, young people and families experience the system and whether they express a sense of agency and belonging.⁵⁸ While there is evidence of many positive experiences in recent decades, and a less-reactive approach to policymaking, serious, but not insurmountable challenges require addressing if our system is to pass this ultimate litmus test. As we arrive at the end of 100 years, there is an unequivocal expectation that providing education for children and young people across the continuum from early years to further and higher education can no longer be an option but rather a requirement. This sea change has been wrought by the commitment and determination of parents, the education community, health employees, advocacy groups, civil servants across state departments, government initiatives, politicians, the media, the legal profession, the judiciary, and most recently children and young people themselves. We are moving from a position characterised by 'pragmatic gradualism'⁵⁹ to one of 'progressive realism'⁶⁰ and an understanding that special education cannot progress in isolation, but rather that it must be a key element of overall education, health, social, cultural, and economic policy formulation. As we await the final policy advice from the NCSE on the review of special schools and classes,⁶¹ we must consider that the origin of segregation as designed to mitigate social exclusion⁶² for a cohort of children and perceived to be best for both the individual and society⁶³ is no longer compatible with our societal identity at the end of the century.

The commitment to the protection of rights has been deeply embedded in our country's psyche, as embodied in the Proclamation of the Irish Republic,⁶⁴ the Democratic Programme of the First Dáil in 1919,⁶⁵ the Constitution of the Irish Free State Act 1922,⁶⁶ and, from 1937, 'a written Constitution containing an extensive justiciable Bill of Rights'.⁶⁷ The right to education is recognised as a fundamental right stemming from its position as a prerequisite to realising many other rights⁶⁸ and its inextricably link with human dignity.⁶⁹ However, education as a right is resource dependent and its vindication expensive. This is amplified in the case of special education, and affecting the least number of people with limited electoral impact makes it inevitably a target for funding cutbacks.⁷⁰ While investment in the provision of special education has continued to increase, with more than €2 billion, equating to 25 per cent of the Department of Education's budget being allocated to special education,⁷¹ experience has taught us that how we use the allocated resources determines whether we achieve equality of educational opportunities for all learners.

Our commitment to education as an entrenched and justiciable right in the Constitution remains a protection that cannot be as easily eroded as if it were solely a legislative right.⁷² However, a robust legislative framework is required to operationalise this right. An opportunity now presents itself, with the review of EPSEN Act 2004,⁷³ to develop a framework that circumvents the demarcation clashes that have arisen between government departments leading to unacceptable delays and the inevitable compromising of provision for children and

young people. As we work towards meeting our obligations under the UNCRPD,⁷⁴ we must continue to ask ourselves hard questions and challenge ourselves regarding the choices we make. An enlightened rhetoric underpinned by a rights-based agenda and a heightened understanding informed by research-based policy development that all children can participate in, and benefit from, education has dramatically altered the discourse and expectations for children who in the early years of the State were excluded from education. However, legal incorporation of the provisions of the UNCRC in Ireland has been slow and fragmented, with much more required to give full effect to Convention in Irish law.⁷⁵ Nonetheless, significant milestones in this regard are the adoption of *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020*⁷⁶ and the incorporation of the children's rights provision in the Constitution of Ireland (Bunreacht na hÉireann) in 2015,⁷⁷ with ongoing and persuasive advocacy assisting in maintaining and realising children's rights in education contexts.

This project has confirmed that the multiple threads comprising the tapestry that is special education in Ireland over a century merit further exploration and analysis. Following this exploration and analysis, we can continue along the road on which we have been, or contemplate a 'road less travelled',⁷⁸ being mindful of our responsibility that in another 100 years, the path we have taken will have indeed 'made all the difference'⁷⁹ for our children and young people. Numerous committees have deliberated, and copious reports have been published regarding our aspirations to provide an inclusive and appropriate education for all children from early years through to the levels of higher and further education. Making these aspirations a reality must now be our priority. All education settings must be supported to translate global and national policy contexts into lived experiences for children, young people, and their families.

In this publication is a glimpse of the current school experiences of the young people with whom I spent an afternoon on 28 November 2022 in Midleton CBS Secondary School. The conversations with the young people who generously shared their experiences with me are underpinned by my belief in realising children's participatory rights as articulated in both the UNCRC, 1989⁸⁰ and the UNCRPD, 2006⁸¹ together with my experience of using this approach across a range of research I have conducted with colleagues⁸². The concept underpinning *The Hundred Languages*⁸³ espoused by Loris Malaguzzi, whereby in education, we have a responsibility to discover, facilitate and listen with purpose to the multiple ways children and young people communicate with us, provided the framework for the participatory encounters during which the nine young people mapped their experiences of school through visual and verbal representations. I simultaneously wrote the verbal representations in a notebook, read these back, and invited each young person to confirm my interpretation through a gesture, mark or signature.

In drawing the publication to a close, the experiences captured in the words and maps of the young people provide us with an opportunity to reflect on the distance we have come and our responsibility to provide equal opportunities for all our children and young people to flourish both now and into the future. On the cusp of the next 100 years, ongoing consultation with children and young people must be what guides us on whatever road we take next. As signalled in the Preface, there are other wide-ranging available data sources that could not be explored, given the parameters and timescale associated with this endeavour. Crucially, this project suggests the potential for further research to be conducted on the evolution of special education from 1922 to 2022, to enable us to learn from the past, as we continue to build an equitable education system for all our children and young people.



I drew the PE Hall. It's one of my favourite subjects. I feel free playing PE.



My map of the school.

Endnotes

Endnotes: Acknowledgements

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 I was, 33 years ago, head inspector of schools, and had under my direction the schools of the province of Ulster. In an ordinary national school in a remote part of the county Donegal I found a little blind boy, about 14 years of age, and, except that he could not read a book or a newspaper, he was the best educated national school boy of his age I had ever met; yet he had never been in any school in his life but that national school in that wild part of Donegal. He could calculate a sum in his mind just as well as other children could on their slates. As to his singing, one could not help being quite enchanted with it; he had a thorough knowledge of geography and grammar, and everything that a child in a national school might be expected to know; and he was unquestionably the brightest and most intelligent of all the children in the school. But he was an exception; he was a child of genius.
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- 76 Mary Byrne was appointed Head of Special Education at the National Council for Special Education in 2008. Her main responsibility, in consultation with Council and other education stakeholders, was to prepare evidence-based policy advice papers for approval by Council and subsequent submission to the Minister for Education and Skills. Before her appointment to the Council, Mary held the post of Senior Lecturer in Special Education at the Church of Ireland College of Education, Rathmines, Dublin where she worked from 1994-2008. Prior to taking up her position in the College, she worked as a learning support teacher in two post-primary schools, Caritas College, Ballyfermot (1978-1983) and Killinarden Community School, Tallaght (1983-1992) where she worked with students with special educational needs. She holds an honours B.Sc. (Psychology) and a M.A. in Education. Source: <http://ncse.ie/wp-content/uploads/2016/11/Mary-Byrne-Abstract-and-Biographical-Note.pdf> Mary sadly passed away in March 2022. Mary's passion and commitment to creating an inclusive education system where all children would thrive and be supported to achieve their full potential, was inspirational and ultimately transformative. During interviews conducted for this project, when asked about those who have most influenced the development of special education in Ireland, many without hesitation mentioned 'Mary Byrne'.
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Contributors

Sydney Blain

Sydney Blain graduated from the Church of Ireland Training College in 1964. His first teaching appointment was as Principal in Hewetson National School in Clane, Co. Kildare for two years followed by a further Principal appointment at Rathgar Boys National School. During this time, he received a Bachelor of Arts and Higher Diploma in Education from Trinity College, Dublin. Sydney was selected by the Department of Education to undertake a Diploma in Psychology on the proviso that on completion he would join the Psychological Service. Sydney worked in the psychological service until 1985, completing a Masters in Psychological Science in 1978. In 1985, he was appointed as Principal of the Church of Ireland College of Education where he worked for twenty-four years. During this time, Sydney was involved in the development of provision for children with special educational needs within the primary school system. Sydney is a former Chair of the National Council for Special Education.

Angela Briggs

Angela Briggs is a mother to five children. Her youngest daughter was born with congenital hip dysplasia on both hips and from when she was six weeks old up to the present day has had to have multiple operations, which she will continue to require throughout her life. Angela completed qualifications in screen printing and further qualifications in teaching while living in the United Kingdom. In 2009, Angela and her family moved back to Ireland and unable to have her teaching qualifications recognised in Ireland, Angela completed both a Train the Trainer and special needs assistant course. Angela has worked as a bus escort for children with special educational needs in a number of primary schools. Angela continues to be frustrated at the waiting times/lists for early intervention. Angela is also involved in a food appeal locally led by Councillor Ken Smollen. At present, Angela is on the board of Family Carers Ireland and hopes that by being there, she can make a difference in helping other carers who struggle with the system. Angela's motto for life is 'if there's a change that needs changing then get up and be part of that change, don't sit idly by'.

Denise Brogan

Denise Brogan lives in Naas Co Kildare and is married to Ciaran. They have two boys. Alex is in secondary school and involved in a variety of sports. Harry attended an Autism class in a mainstream school, outside of his locality and progressed to an Autism class in his brother's secondary school in September 2023. Harry is involved in several inclusive sports clubs. Denise spent most of her career in telecommunications sales and management. She is currently Office Manager of a busy commercial landscape architect consultancy. Denise has always been involved with community groups. Her involvement in her sons' Parents' Associations prompted her to become an active member of the National Parents Council (NPC), as an NPC Ambassador, and a member of the Special Education Group. Her favourite part of this role involves meeting with trainee teachers to discuss special education from a parent's perspective. She is currently Secretary of Naas Special Olympics Club. Ensuring Harry's successful access to education and support in an inclusive manner is a significant reason why she has been so involved in the NPC, Parents Associations and Special Olympics. Denise was delighted to contribute to Professor Ring's analysis from the perspective of a parent.

Ernest Cantillon

Ernest Cantillon is a litigation solicitor at Cantillons Solicitors, South Mall, Cork. Ernest graduated from UCC, with a Bachelor of Civil Law (BCL) Degree, after which he studied with the Law Society in Dublin and qualified as a solicitor in 1980. During his career, his expertise has been recognised by his own profession through his appointment or election to the following positions: Council Member of the Law Society of Ireland; Chairman of the Litigation Committee of the Law Society of Ireland; President of the Southern Law Association; and Member of the Solicitors' Disciplinary Tribunal. He was also appointed by the Minister for Justice to a committee that advised the Minister on the qualifications of judges. Ernest has been involved in many ground-breaking, precedent-setting cases. As well as advising members of the public, he frequently gives advice to his colleagues. Ernest has lectured extensively on litigation and litigation-related issues.

Pat Curtin

Pat Curtin was the first Chief Executive Officer (CEO) of the National Council for Special Education (NCSE). Pat was a career Civil Servant who had served in the Departments of the Public Service, Industry and Commerce, Agriculture, and Education. Immediately prior to his appointment as CEO he served as Principal Officer of the External Staff Relations section of the Department of Education. Pat was appointed CEO designate of the new Council in November 2002 by the Top Level Appointments Committee. As the first CEO, Pat was responsible for overseeing the establishment of the internal organisation structures of the NCSE and the recruitment of staff. The recruitment and embedding of a new staff grade of Special Education Needs Organisers to co-ordinate the delivery of educational supports at a local level to children with disabilities was a major element of this work. Under the guidance of three successive National Councils Pat managed tasks such as the preparation and publication of the Implementation Report on the Education for Persons with Special Educational Needs (EPSEN) Act 2004 and commencement of the research and policy advisory functions which are now key roles of the Council. Pat retired as CEO in December 2010.

Rose Desmond

Rose Desmond is a post-primary school principal at Coláiste on Chraoibhín, Fermoy, Co. Cork.

Mary Dunlea Fitzgerald

Mary Dunlea Fitzgerald was a mainstream primary teacher for fifteen years teaching at all class levels from Junior Infants to Sixth Class. Mary taught in a number of school types in this time including an urban DEIS (Delivering Equality of Opportunity in Schools) Band 1 school, a multi-denominational school and a small rural school. Mary was seconded to the Professional Development Service for Teachers for five years. She delivered Learning Support seminars and Cuiditheoir (School Support) support to schools for two years. She then worked as a DEIS advisor for three years working on literacy and numeracy support for schools in Limerick city and Clare. In 2009 Mary took up a position as principal in St. Tola's School in Shannon, Co. Clare. This is a mainstream school that has always welcomed children with additional needs. In the past year the school has opened two special classes – one for children with autism and a special class for children with multiple disabilities.

Róisín Fitzgerald

Róisín Fitzgerald is twenty-four years old and is a young person with Down syndrome. Róisín went to mainstream primary and secondary school. She now attends the Dulick Centre in Ennis where she participates in a range of activities. Róisín is a Special Olympics Athlete and competes in Race Walking in the 400 metres event and in throwing the Turbo Javelin. Róisín's interests include singing, dancing, watching Netflix, and listening to her music. Róisín has a springer spaniel dog whose name is Monty. Monty loves to play and go for walks with Róisín.

Pat Goff

Pat Goff was a school principal in Scoil Mhuire, Coolcotts, Wexford, Ireland, which unusually for a primary school, had a staff of seventy-one including forty-six teachers, nineteen special needs assistants and six ancillary staff. He completed a Masters in Educational Management in 1996 and was the President of the Irish Primary Principals' Network (IPPN) from 2009 to 2011. Pat previously served two terms, including one as co-chair, of the National Consultative Forum for Special Education. He became the Deputy Chief Executive Office (CEO) of IPPN in September 2015 and has presented as a practitioner on special education to school leaders at numerous conferences both nationally and internationally. Pat was invited to be part of the National Council for Special Education' (NCSE's) Working Group for the report on a Proposed New Model of Support for Students with Additional Care Needs. In February 2019, the Minister for Education and Skills appointed Pat as one of his nominees on the NCSE. Pat continues to bring this experience of thirty-eight years as a teacher, of which thirty-two were as a school leader, along with his work in IPPN with hundreds of school leaders over the last seven years to the NCSE Council.

Teresa Griffin

Teresa Griffin is a former career civil servant who worked as a Higher Executive Officer in the Special Education Section of the Department of Education from 1994 to 1999 and was Principal Officer of the section from 2006 to 2011. Teresa became the Chief Executive Officer (CEO) of the National Council for Special Education in (NCSE) 2011 and retired from this role in 2022.

In these roles, Teresa was directly involved in the development and implementation of special education policy as well as the provision of additional resources to schools to enable them better support students with special educational needs. As CEO of the NCSE, she led the development of several policy advice reports to the Minister for Education which act as a blueprint for further improvements in special education policy and provision. She worked on the establishment of Middletown Centre for Autism and worked collaboratively with the Department of Children and Youth Affairs on the establishment of the Access and Inclusion Model (AIM) in 2016. This scheme provides advice, support and resources to Early Childhood Care and Education (ECCE) settings so that all pre-schoolers, regardless of ability, can access early learning and care in ECCE settings.

Seamus Hegarty

Seamus Hegarty is a visiting professor at the University of Warwick and Adjunct Professor at University College Dublin. He served as Director of the National Foundation for Educational Research in England and Wales for twelve years until his retirement in 2005. He served as Chair of the International Association for the Evaluation of Educational Achievement from 2005-2012; currently, he chairs its Publications and Editorial Committee. He has written/co-authored more than 20 books and numerous other publications. He has edited the *European Journal of Special Needs Education* since founding it thirty-nine years ago. Seamus edited *Educational Research* for twenty-one years and has served on editorial/advisory panels for copious international journals. He has advised UNESCO

and other international bodies on special education for over thirty years. He prepared briefing papers and was Principal Academic Adviser for the Salamanca World Conference in 1994. Seamus held the portfolio for research and dissemination with the National Council for Special Education from 2007-2012. He has been awarded honorary doctorates by the universities of London, Oxford Brookes, York and the Vrije Universiteit Brussel. He is a Fellow of the College of Preceptors, a Chartered Member of the British Psychological Society and a Fellow of the Academy of Social Sciences.

Maurice Harmon

Maurice Harmon is Head of Department of Learning, Society and Religious Education and an Associate Professor of Education at Mary Immaculate College (MIC), Limerick. Maurice lectures in religious education at both undergraduate and post-graduate levels at MIC and supervises students' research at undergraduate, Masters and PhD levels. Maurice has extensive experience in primary education and his research interests include the history of the development of the school system in Ireland, children's rights, child voice, participatory based research, religious education, spirituality, pedagogy, curriculum development and education and the law. Maurice has published and presented widely across these areas.

Gabriel Harrison

Gabriel Harrison graduated as a primary teacher in 1965. From 1965 to 1980, Gabriel worked as a primary teacher in Our Lady of Victories N.S., Glasnevin, Dublin and as Principal in Kilbeggan B.N.S. in Co. Westmeath. In 1968/69, he received a Bachelor of Arts and Higher Diploma in Education from University College Dublin (UCD). In 1971, Gabriel was released by the Department of Education to undertake a Diploma in Psychology in UCD. Subsequently, Gabriel worked part-time for the Midland Health Board, *inter alia*, in assessing children. In 1980, Gabriel joined the Inspectorate of the Department of Education and Science and had responsibility for mainstream primary and special schools in addition to learning support and special education courses for teachers. From 1994-2007, Gabriel was Assistant Chief Inspector with responsibility for special education nationally, at primary and post-primary. Gabriel represented the Department on the EU Helios Programme, and subsequently was National Representative and an elected member of the board of management of the European Agency for Development in Special Needs Education. Since retiring in 2007, his interest in special education has continued and most recently he has adopted quality assurance roles in relation to the Progress in International Reading Literacy Study (PIRLS), the Trends in International Mathematics and Science Study (TIMSS) 2011, the Programme for International Student Assessment (PISA) 2012, and again for TIMSS 2015.

Liam Hughes

Liam Hughes was a civil servant in (what is now) the Department of Education and Skills from 1989 until his retirement in 2010. He worked in the Special Education Section as an Assistant Principal Officer from 1989 to 1994, during which time he served on the Special Education Review Committee. As a Principal Officer, he had responsibility for Special Education Section from 2002 to 2004, when he contributed to the joint acquisition of Middletown Centre for Autism with the Department of Education in Northern Ireland. From 2004 to 2007, he had responsibility for, among other things, children detention centres, high support and special care units, and youth encounter projects (YEPs). He contributed to a value for money review of YEPs during this time.

Áine Hyland

Áine Hyland is Emeritus Professor of Education at University College Cork. She was a member of the Special Education Review Committee which carried out a review in the early 1990s of the education of children and young people with special educational needs and which laid the foundation for subsequent national policy. She chaired the Commission on the Points System which reported in 1999 and the Statutory Educational Disadvantage Committee which reported in 2005. She has been an advocate for educational inclusion for many years and was a founding member of the Educate Together movement in the 1970s. In recognition of her contribution to Irish education, she has been awarded a number of honorary doctorates and was elected a member of the Royal Irish Academy in 2018.

Miriam Jennings

Miriam Jennings is a mum of four boys, three who have autism. She left a career in local government to care for her boys' diverse needs. The eighteen years since her first son's diagnosis has afforded her extensive experience of the challenges living on the Autism spectrum, intellectual disability and epilepsy management. She has taken an active role in community support and was chairperson of Galway Autism Partnership. In recent years, and particularly because of the challenges during Covid, she has advocated strongly for families of children who attend special schools. She continues to engage with stakeholders and Government through a Special Schools and Classes Advocacy Group and is a parent representative on the Special Education Consultative Forum.

Damian Murray

Damian Murray is a father of a young person with special educational needs.

Bernie McNally

Bernie McNally's contribution to this publication was made when she was serving as Assistant Secretary General at the Department of Children, Equality, Disability, Integration and Youth, where Bernie had responsibility for areas such as early learning and care, disability and youth. Over the course of her career in the civil and public service, Bernie worked in several departments and offices, including as an adviser in the Department of Health, as Director General of the Office of the Ombudsman and Information Commissioner, and as a practitioner and senior manager in the health service. In her earlier career, she worked as an occupational therapist and was later a director of therapy and social work services at St James's Hospital, Dublin. Bernie McNally was appointed Secretary General of the Department of Education in early 2022.

Don Mahon

Don Mahon was a primary teacher, school principal, and Department of Education inspector. He began his teaching career in the mid-1970s in a school in an area of socio-economic disadvantage in the Northside of Dublin where he worked as a mainstream class teacher and learning support teacher. He then transferred to a special school for children with specific learning disabilities, and worked there as a classroom teacher, and subsequently as school principal. He joined the Inspectorate of the Department of Education and Science in 1998, and was appointed assistant chief inspector in 2008. His responsibilities within the Inspectorate included evaluating and reporting on the quality of educational provision in mainstream and special schools. He provided policy advice on special education, served on the Council of the National Council for Special Education and acted as

representative board member for Ireland in the European Agency for Special Needs and Inclusive Education. He retired from the Department in 2015. He subsequently served as a Council member of the NCSE from 2016 to 2022. He was appointed Chair of the European Agency for Special Needs and Inclusive Education in 2020.

John Murphy

John Murphy taught in a number of primary schools in Cork City for twenty years and he served as a Divisional Inspector in the Department of Education and Skills (DES) Inspectorate until 2019. As a teacher and inspector, John has worked in a range of roles in special education. John had responsibility as inspector for a variety of mainstream and special schools. John has a particular interest in the education of the Deaf/Hard of Hearing and the Vision Impaired and has made a significant contribution to the development of education in these areas. He was a member of the National Council for Special Education (NCSE) Council for two terms and prior to his retirement, he was assigned to support Special Education Section in DES. He represented DES on the Organisation for Economic Co-operation and Development (OECD) Special Educational Needs Committee. On his retirement, he was appointed to the Board of Directors of Middletown Centre for Autism. He also acts as an associate advisor to the NCSE. John now shares his extensive expertise and experience with initial teacher education students as a lecturer in Mary Immaculate College, Limerick [University of Limerick].

Rachel O'Connor

Rachel O'Connor has been Principal of Ramsgrange Community School since 2013. Rachel has been President of the National Association of Principals and Deputy Principals (NAPD) and has been a member of the National Executive of NAPD since 2017. Rachel served as both Chairperson and Secretary to Region 5 prior to being appointed as President. Rachel is Chair of the NAPD Workload group and works on the Senior Cycle Reform and strategic review sub-committee. Rachel served as Deputy Principal in the Education and Training Board sector for two years. She has worked as a Whole School Associate with the Junior Cycle for Teachers and a Leadership Associate with the Professional Development Service for Teachers delivering on both the Misneach and Comhar programmes for newly appointed Principals and Middle Leaders. Recently she has launched a series of workshops "Aspiring Female Leaders in Education" hosted by Co. Wexford Education Centre. She has also recently joined the Centre for School Leadership endorsement panel. Rachel is currently on secondment as Deputy Director of the NAPD from September 1st 2023.

Patrick F.O'Donovan

Patrick F. O'Donovan qualified as a national teacher in St. Patrick's College of Education, Dublin, and later served as an inspector of schools. He has a depth of experience and first-hand knowledge of the national school system as well as close familiarity with original source materials bearing on the system in both the 19th and 20th centuries. He collaborated with Professor John Coolahan in writing *A History of Ireland's School Inspectorate, 1831-2000* published by Four Courts Press, Dublin in 2009. He is the author of *Stanley's Letter: The National School System and Inspectors in Ireland, 1831-1922*, published by Galway Education Centre in 2017.

Lisha O'Sullivan

Lisha O'Sullivan is Associate Professor of Early Childhood Education and Head of the Department of Reflective Pedagogy and Early Childhood Studies at Mary Immaculate College (MIC), Limerick. Lisha is a qualified play therapist and has extensive experience in the area of early childhood education and inclusive education. She has been involved in a number of national and international research projects focused on creating inclusive education systems across the continuum from early childhood, through primary and post-primary. Lisha's research interests include early years curriculum and pedagogy, inclusive education and the role of play in development. Lisha has presented and published widely in these areas. She has been involved with the Leadership for INCLUSION in the Early Years (LINC) Programme since 2016, contributing in the areas of programme development, evaluation and management.

Caroline Quinn

Caroline Quinn was a primary teacher, teaching all age groups for eighteen years. In that time Caroline spent twelve years working with the Blackrock Education Centre on the "Write-a-Book" project and delivering teacher in-service, first at local level, then at national level and at international level through Comenius in Austria and Luxembourg. In 1999, Caroline joined the National Primary Curriculum Support Programme Team delivering in-service on the new Primary Curriculum for two years. As the advisory role in schools was developed, Caroline worked with many schools over two years, in Dublin and beyond, advising on whole school planning for literacy. Caroline joined Coláiste Mhuire Marino in 2003 as lecturer in Literacy and Drama Education, where her role also involved supervision of student teachers' practicum, working on curriculum committees and with the College research group. In 2006 Caroline began as Principal of Our Lady of Good Counsel GNS in Johnstown, where she remained for sixteen years. Caroline's research interests are in the area of Professional Development, Curriculum, Inclusion and Leadership, with a special interest in coaching and mentoring. Caroline is currently a trained mentor with the Centre for School Leadership, and serves on the National Council with the Irish Primary Principals' Network.

Ellen Ryan

Ellen Ryan is from Doon, Co Limerick and is twenty-five years old. Ellen has one sister, who is a primary school teacher. Ellen attended the Convent of Mercy Primary School and St. Joseph's Secondary School in Doon (now Scoil Na Tríonóide Naofa). Following her Leaving Certificate in 2017, Ellen attended Mary Immaculate College, Limerick and completed the two-year Certificate in General Learning and Personal Development (CGLPD) from 2017 to 2019. Ellen then progressed to the Level 8 Contemporary and Applied Theatre Studies (CATS) programme at the College. Ellen describes her experience as meeting "amazing students and incredible lecturers who always have my best interest at heart". Ellen was supported by a tutor for her academic assignments and in 2021 she was allocated a personal assistant, Jessica Curtin, whom she notes "transformed my college experience in a most positive way". Ellen's most memorable experience in CATS has been "devising and performing our own play called *Éist, a Stór* in November 2021 under the excellent direction of Dr. Carole Quigley". Ellen likes to quote Jennifer Morrison: "Often times the best creativity comes from your limitations so I would encourage people to be inspired by their limitations instead of being frustrated by them".

Denise Sheridan

Denise Sheridan is an Early Years Educator with over twelve years' experience running her own early learning and care (ELC) service. Working with the Aistear Framework and influenced by the Reggio Emilia model of the environment as educator, it has always been very important to her to support the inclusion of children by working through a learning through play model. Her key areas of expertise are inclusion, supporting the child's personal, social and emotional development through outdoor environments, building relationships through positive transitions, developing communities of practice and capturing the voice of the child through the Arts. Denise has completed an Advanced Diploma in Inclusive Education the Leadership for INclusion in the Early Years (LINC) Programme, LINC + continuing professional development programme and a Masters in Early Childhood Studies through Portobello Institute and the University of East London. Denise has also worked on the End-of-Three-Year Evaluation Access and Inclusion Model (AIM) with Mary Immaculate College and the University of Derby. Denise actively embeds the AIM in everyday practice in her setting. Denise's Masters research focused on action research methodology and visual arts as a communications strategy in support of the child's voice and the delivery of a rights-based practice.

Professor Michael Shevlin

Michael Shevlin is Professor in Inclusive Education and Director of the Trinity Centre for People with Intellectual Disabilities at the School of Education in Trinity College Dublin. His teaching and research have focused on facilitating the inclusion of children and young people with special educational needs within mainstream schools, promoting the voice of marginalised people within decision making processes that affect their lives, and addressing access issues for young people with disabilities within compulsory and higher education. He has completed longitudinal national studies investigating the provision of inclusive education in the Republic of Ireland. Michael is involved in policy making initiatives within Irish Education in relation to the development of inclusive learning environments in schools and higher education. As Director of the Trinity Centre for People with Intellectual Disabilities he manages the delivery of an accredited education into employment transition programme for young people with intellectual disabilities.

Anne Tansey

Anne Tansey is the Director of the National Educational Psychological Service (NEPS), the psychological service of the Department of Education and Skills. The role entails overall responsibility for leading the provision of a comprehensive educational psychological service to schools in Ireland to support the well-being and academic, social and emotional development of all learners. Prior to her appointment to this role in 2015, Anne was Regional Director of the Dublin Mid-Leinster region of NEPS. Anne has worked as an Educational Psychologist with NEPS since 2002. She is a member of the PSI and a member of the Division of Educational Psychology of PSI. Anne has particular interest and expertise in the area of social and emotional development and competence in children and has been central to the development within NEPS of the provision of programmes to promote the social and emotional competence of children in schools. She was formerly a primary school teacher, working for many years in an inner-city, DEIS (Delivering Equality of Opportunity in Schools) school in Dublin, with experience working as a learning support/resource and special class teacher.

Martin Tobin

Martin Tobin lives in Clare. Martin went to the community crèche in Newmarket on Fergus and from there to St. Anne's School in Ennis, where he completed his primary and secondary education. He was in the first class that completed the Leaving Certificate Applied. Martin's favourite subject in school was History, an interest he continues to pursue. More recently, Martin completed a local history project focused on Father John Murphy, who organised a protest march from Corrofin to Ennis against a landlord movement to stop the tenants voting for Daniel O'Connell. According to Martin's analysis, this march was crucial in ensuring O'Connell's election success. Martin attends the Dulick Centre in Ennis and also works in a local shop. Martin is a member of a camera club in Shannon and has a keen interest in photography and the possibilities of linking photography with technology such as audio-visual programmes to create scripted narratives. Martin combines this with his interest in History and has also completed a project on Martin Kennedy, a journeyman blacksmith and ballad writer from Broadford in East Clare. Martin is a member of the Clare Leader Forum, a peer group that advocates for the rights of people with disabilities.

Liam Twomey

Liam Twomey began his teaching career as a mainstream primary school teacher, in an urban area of socio-economic disadvantage. For five years, Liam taught in various classes across the primary school. He then worked as a learning support teacher for two years before commencing teaching in a special class in the same school – which he continued to do for ten years. The children in the special class were assessed as having a mild general learning disability. Liam also worked as a teaching principal in two other primary schools – one in an urban and the other in a rural setting. For his final twenty years, Liam worked as an Administrative Principal of a rural special school for children aged 4- 18 assessed as having moderate or a severe / profound learning disability. Though now retired, Liam continues to have an interest in special education.

Midleton C.B.S.

Midleton C.B.S. is a Boys' Secondary School located in Midleton Co. Cork. The school was founded by the Congregation of Christian Brothers in 1867. Midleton CBS strives to be a happy, safe and caring Christian community where everyone is supported to fulfil their potential. It is diverse, progressive school offering a comprehensive range of subject choices and extra - curricular opportunities for students. All students are recognised and valued as individuals and great store is placed on the concepts of co-operation, mutual respect, community and service. Midleton CBS is committed to excellence in learning and teaching and developing the talents, self -confidence and resilience of all students with wellbeing at the core of this commitment.

