

Education (No.2) Bill: Act Right = Resources Right

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It has become popular to address innovative complex situations or issues as challenges rather than as stressors or reasons to seek early retirement. Being asked to comment on the Education (No 2) Bill was at once a challenge and a stressor - a fleeting sense of gratification at being asked, followed by a real headache. The approach had to be to try and find the time to read, analyse, reflect and assemble my thoughts in some coherent, vaguely intelligent form - a week off work would have helped! How has reading and reflecting on this Bill educated me? It has been an absorbing, indeed unique experience which I would, retrospectively, earnestly recommend.

It is tempting to either blandly welcome or to simply highlight and condemn that which is threatening or even negative in this Bill- however every innovation is a challenge, a threat, but also an opportunity.

WHAT IS GOOD? (THE STRENGTHS)

I believe that we should accept that it is positive that the first Education Act in this state is imminent and that we are, therefore, at a watershed, a launch, a time of hope and possibilities as well as fears and concerns. It is valid to question whether the old ad-hocery (some might say cronyism) will really end, where the best connected and most vociferous apparently benefitted most - or was it just that they wanted the rest of us to think that it was so!

We now have a published statement from the Minister and the Department of Education and Science which, at least, and at last, recognises, notes and describes major issues, functions, roles and, dare we hope, opportunities. This in turn gives us some guidance and insight into the Why, What, How and Where of the present official position. We must assume that great consideration, attention, care and reflection has been put into the philosophy, content and review of this Bill by experienced, capable, professional officials, by well informed, highly paid legal experts and by responsible, accountable public representatives. They have had,

after all, two bites at this cherry and no doubt every word and phrase in every section and every part of this Bill has been carefully weighed and balanced to ensure that the oft - stated core commitment of the Government in general and of the Department of Education and Science in particular to Education is succinctly and explicitly expressed and explicated.

Ergo, we undoubtedly welcome, among other items, the intention to

- (i) provide a level and quality of education, appropriate to meeting the needs and abilities of every child in the state including any child with special educational needs
- (ii) ensure that the education system is accountable
- (iii) respect the diversity of values, beliefs and traditions of our society
- (iv) work in a spirit of partnership
- (v) clarify the roles and functions of Principals, Teachers, Parents' Associations, Management, the Inspectorate
- (vi) provide early childhood education within our schools
- (vii) provide support for schools
- (viii) ensure training and development for staff and management
- (ix) establish an agreed structure for grievance procedures
- (x) provide a welfare service for teachers
- (xi) establish structures to deal with social and economic disadvantage
- (xii) establish the National Council for Curriculum and Assessment

WHAT IS BAD? (MY CONCERNS)

My main concern can be summed up in two new “BUZZ” words - AFAIP and AFARP, “as far as is practicable” and “ as far as resources permit” and the official confirmation of the fact that the real Minister for Education and Science is actually the Minister for Finance.

These oppressive and negative phrases and qualifications are all pervasive. An "Explanatory and Financial Memorandum" is attached to the Bill and is well worth reading, unless that is, you hope to find some explanation or clarification as to the realities of financing this Bill/Act - surely this is wantonly flouting official Department of Finance policy? I refer you to my sub-title *Act Right = Resources Right*. Other concerns must include

- (i) the narrow and unacceptable definition of special education needs as referring "to students with a mental or physical disability" (Section 1)
- (ii) the fact that Special(ist) Schools are never referred to
- (iii) the specific references to support services which neglect to mention the vital contribution of Child Care /Special Needs Assistants, School Secretaries and other Ancillary Staff who are essential to ensure the delivery of a quality, appropriate educational service to our students with special educational needs. Non teaching staff are virtually ignored and only mentioned in passing and would appear to be specifically excluded, individually and collectively, not only from Boards of Management but also from Grievance Procedures. Indeed salt is rubbed into the wound where Section 24 refers to the remuneration and superannuation of teachers and other staff when there are no pension rights or schemes not to mention career structures in place for these other staff, our fellow workers (Section 1.24.28)
- (iv) the fact that I still cannot say when the school year begins for any particular school other than it is somewhere between the first of July and the first of October (Section 2)
- (v) the indeterminate nature of the rights of parents to send their children to the school of their choice and of their rights to access school records - schools both special and mainstream remain in a legal limbo (Sections 15, 29). There is no reference to the possibility of dual enrolment within

the continuum of provision

- (vi) the lack of clarity of the new roles and relationships of the two branches of the Inspectorate to each other and also to other bodies such as the N.C.C.A., Health Boards, etc., and their expanded direct involvement with parents (Section 13)
- (vii) the denial, by exclusion, of the necessity for Multi-Disciplinary Assessment and Review of many pupils with special needs
- (viii) that Boards of Management continue to be totally responsible "to provide or cause to be provided an Education for any pupil for which the Board has responsibility" knowing the real difficulties that this situation is causing for pupils and Boards at present. It is worth noting however that on Withdrawal of Recognition it becomes "the duty of the Minister to make alternative and appropriate facilities available"! (Sections 15, 11).
- (ix) that the Principal shall be required to supply any and every information on the Board to the Patron and the Minister on request - surely capable of creating invidious situations under particular circumstances! (Section 19)
- (x) that there is no reference to Special Education /Schools in the section on Educational Disadvantage thus continuing the illogical injustice of denying access to vital resources, e.g. Early Start, Home School Liaison, concessionary posts, teacher counsellors, substitute panels, additional funding, etc., to pupils and teachers in special schools who are gravely disadvantaged. This section also does not refer to the well nigh impossible disadvantage of non-administrative principals in special schools (Section 24)
- (xi) the fact that at least seven Government Departments share various degrees of responsibility for provisions for children and that no clear policy or plan is described to address and co-ordinate them.

Some lessons to be learned

- (a) Bills can be amended and even changed radically - ref Education Bill (1) (February 1997). We should note here the inclusion of some particular amendments /recommendations submitted by I.A.T.S.E. in Bill (2).

- (b) We in Special Education must ensure we are central and ably and appropriately represented in any and every facet of consultation and committee that is established (ref: Sections 32, 45, 48, etc.)
- (c) We must learn from the Irish Language Lobby how to achieve such explicit positive discrimination as they have gained in the Education (No.2) Bill. I would really welcome a section entitled Special Education Provision which would mirror the provisions in Section 31.
- (d) Above all we must ensure that the Minister and the Department of Education and Science reciprocates what they tell us is expected of us in terms of Rights, Duties, Partnership, Transparency, Accountability, Quality, Equity and Equality.

Minister beware - we are watching you.