

SPECIAL FEATURE: RESPONDING TO THE EDUCATION (NO. 2) BILL

The Education (No. 2) Bill was published at the end of 1997 having replaced the original Education Bill introduced earlier the same year. In relation to children with special educational needs, responses to the Bill have been extremely worrying. Following are the reactions of three principals of Special Schools who have analysed the Bill and who express their concerns about some very serious flaws which must be addressed before the Bill becomes an Act.

Education (No. 2) Bill: As Far as Resources Permit

TONY JORDAN is Principal of Sandymount Clinic School in Sandymount, Dublin.

PUPILS OR PATIENTS?

One of the major difficulties people with physical disabilities regularly endure is to be treated as patients, in situations far removed from the medical sphere. Quite often they and, if children are involved, their parents realise that what is required is an escape from the debilitating atmosphere of the medical and clinical ethos. This is no simple task and often those who should assist the cause, hinder and contribute to the state. One of the major offenders in this area has been the Department of Education, in the context of educational services for young children with disabilities. Unfortunately, even in this enlightened age, the recent exciting educational developments have been found wanting. The old joke, "Trust me, I'm a doctor," appears not to be recognised as such within the Department of Education. They actually believe it, or maybe it suits the Department for financial reasons to pretend they do. Hence they leave the most vital years in the education of children with disabilities to the expert care of the Department of Health.

The only occasion on which the Department of Education came close to measuring up to the needs in this area was in a report entitled *The Education of Physically Handicapped Children* published in 1981. The Committee which drew up the report was appointed by John Bruton T.D., Parliamentary Secretary to the

Minister for Education. Though it made the usual obligatory concessions to the Department of Health personnel in many areas, it at least made sound educational sense in recognising, *"There is increasing evidence from research that the observations of multi-disciplinary teams of trained personnel are more effective in identifying the special learning needs of children than any simple test or combination of tests. The result of such systematic observation is also more effective when carried out in an educational rather than in a clinical setting"*(4.8).

EARLY INTERVENTION

The Bruton Report then declared, *"We recommend the pre-school assessment classes for physically handicapped pupils between the ages of 3 and 5 years be set up in existing special day schools for the physically handicapped. Where no such schools exist we recommend that such classes be set up in special schools or in selected ordinary schools for the mentally handicapped. These classes will have three main purposes as follows: (1) to assess the special strengths and weaknesses of the pupils with special references to eventual school placement (2) to devise and implement programmes of remediation and (3) to prepare the children for entry to school"* (4.9).

The report also crucially recommended that *"...the pre-school assessment classes be staffed only by teachers who have completed a diploma course in Special Education"* (4.11). Thankfully, at least in some schools, these recommendations have been implemented.

RECOMMENDATIONS IGNORED

Nothing that has emanated from the Special Education Review Committee (SERC) Report, Green Paper, National Education Convention, White Paper, Education Bill (1997a), or the Education (No. 2) Bill (1997b) has come in any way close to matching the above level of recommended intervention by the Department responsible for education of young children with disabilities. The SERC Report, most regrettably, recommends in 1.1.3, *"The Health Boards should continue to have responsibility for ensuring the delivery and coordination of assessment, advisory and support services for pre-school children with disabilities. These could be provided either directly by the Health Boards or through grant-aided voluntary agencies."* Speaking of the Database for pre-school children with disabilities which it recommends Health Boards should keep, the SERC Report (1993) states that these children should be continually assessed. It adds, in what I consider a most demeaning way to educationalists, "Where applicable, the

Visiting Teacher Service of the Department of Education should be asked for a report prior to an assessment and should be informed of the outcome of assessments" (p.30). In effect the Department of Education is washing its hands of responsibility for children with disabilities from the age of 2 to 6, which probably is the most crucial period educationally in the child's life. Though the White Paper promised, in the context of legislative provision, to "set out the roles and functions of the various bodies at the various levels in the education system, pre-school, first, second and third level and further education" (p. 220), the Education (No. 2) Bill has not done so for any of these levels.

RANGE OF ISSUES ADDRESSED

Given all of the above one could not expect anything very useful from the new Education Bill, and that is born out in the text of the Bill. The Bill provides for a range of issues relating to rights and duties arising in respect of education and provides for the structure and administration of the education system. A central objective of the Bill is to provide a statutory framework within which the education system can function in a spirit of partnership between the various parties involved, in the interests of ensuring the provision of a high quality education to each person, *including a person who has special educational needs*.

MAIN PROVISIONS OF THE BILL

- The recognition of schools for the purpose of funding by public funds
- The establishment of the Inspectorate on a statutory basis
- The establishment of boards of management of schools
- The establishment and role of parents' associations
- The function of Principals and teachers
- Appeals by students or their parents
- The establishment of the National Council for Curriculum and Assessment
- Regulation of the State examination system

The most highly politicised change in the new No. 2 Bill is, of course, the dropping of the proposed Local Education Boards. I regret this change as I believe that decentralisation and organisation at a local level are essential for the efficient delivery of educational services. Rationalisation is also necessary in many areas and should be considered in local contexts. One of the major tasks envisaged for the Director of a Local Education Board was a three year educational plan for the

area. Instead, the direct line to the Ministry will be the inter-link for local areas. Surely this cannot be healthy.

DEFINITIONS

As would be expected in a document of this nature, there is little specific mention of special education. Some preliminary definitions in the Bill include: a 'school' means a school which provides primary education to its students and which may also provide early-childhood education (2.10)... 'Special educational needs' means the educational needs of students who have a mental or physical disability and the needs of exceptionally able students (2.30)... 'Support services' means the services which the Minister provides to students or their parents, schools or centres for education... and shall include any or all or the following:

- (a) assessment of students;
- (b) psychological services;
- (c) technical aid and equipment for students with special needs and their families;
- (d) provision for primary or post-primary education to students with special needs otherwise than in schools or centres for education;
- (e) teacher welfare services;
- (f) curriculum support and staff advisory services and;
- (g) such other services as are specified by this Act or considered appropriate by the Minister (2.35).

Paragraph 9 says, "A recognised school shall provide education to students which is appropriate to their abilities and needs and, without prejudice to the generality of the foregoing, it shall, as far as resources permit- (a) ensure that the educational needs of all students, including those with special educational needs, are identified and provided for"(2.9). This presumably will be in the context of the continuum of options outlined in the SERC Report.

The Bill states that the Minister may appoint Inspectors who are also psychologists. These people shall have the function to "advise recognised schools on policies and strategies for the education of children with special needs" (13.4.b).

PROVISION OF RESOURCES

As regards the provision of specialist educational services, it is apparent that the Bill envisages these to be provided for the most part in all schools. The task of becoming inclusive will therefore be a major one for schools. Without the necessary resources they will not be able to do so in a really meaningful way, which will deliver the optimum outcome for pupils with special needs. Yet the present and future well-being of many children depend on that happening. I have to say that I am sceptical about the ability of the Department of Education to deliver these services, even in good economic times.

One of the fundamental aims running through the Bill, and one which I totally support, is the promotion of right of parents to play a major role in education. This includes the facility to choose the school to which their children will go, with the expectation that his/her needs will be met there. This Bill certainly is faithful in this particular instance, to Niamh Breathnach's (previous Minister for Education) philosophy that primary education must be democratised. The key phrase for many, however, is and will remain, "as far as resources permit." How and by whom this will be interpreted and decided upon remains to be seen. I foresee, at least in the short-term, legal cases on behalf of children who will rightfully use this proposed legislation to establish their educational rights.

REFERENCES

- Government of Ireland (1981). *The Education of physically handicapped children*. Dublin: Stationery Office.
- Government of Ireland (1993). *Report of the Special Education Review Committee*. Dublin: Stationery Office.
- Government of Ireland (1997a). *Education Bill*. Dublin: Stationery Office.
- Government of Ireland (1997 b). *Education (No.2) Bill*. Dublin: Stationery Office.
- Government of Ireland (1994). *Report of the National Educational Convention Secretariat*. Dublin: Stationery Office.
- Government of Ireland (1995). *Charting our education future: White paper on education*. Dublin: Stationery Office.