

Acts, Commissions and Change

We in Ireland are unlikely to have an Education Act to specify the direction which special education should take in the years ahead. At the same time we have had no authoritative body examine special education as a whole. We may need one now.

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Education acts are something like mountains, elephants and Disneyland: inhabitants of countries which do not have them are greatly impressed when they travel to countries which do.

In most countries, education acts are of particular significance for special education. They are likely to define terms, identify population and specify a set of rights, obligations and procedures. They represent the considered view at a particular time of a society, or at least of its government, on how best to provide for children and young people who have handicaps, or learning difficulties or, in current terminology, special educational needs. Normally they incorporate a statement of the rights of these persons and of their parents.

For those not directly affected by such legislation and especially for those living in other countries, special education acts are an invaluable way of ascertaining what is intended to happen in this area in a particular culture. Thus the 1981 Act in Britain, PL94-142 in the U.S. and the series of relevant Italian acts in the 1970's are particularly instructive for the student of comparative special education. On a longitudinal basis, they are no less interesting. The three major British acts of 1913, 1944 and 1981 mirror quite effectively the striking evolution of special education in the 20th century.

Developments in Ireland

Since an almost complete absence of legislation is a feature of our education system it is not surprising that we have not had any education act governing special education. Where legislation does happen it is usually preceded by a report from a committee or commission. In Ireland we have never had a commission consider special education. Our only commission, which sat in the early 1960's, considered mental handicap. Since that time we have had reports from committees on children with impaired hearing, children with physical handicap and children having severe mental handicap.

What then of other special needs groups? It would seem that provision for these groups has developed broadly along the same lines as were recommended for pupils having mental handicap. The Department of Education has responded to demands and/or needs and it would appear that the type of provision recommended by the Commission has been an implicit model for provision for other groups.

The Commission clearly envisaged special school placement for children having more serious mental handicap and favoured similar placement for pupils having mild mental handicap, although it saw some merit in the special class in the ordinary school. Since

then, both for pupils who have mental handicap and for other groups, there has been a trend towards provision in the ordinary school, partly, it would seem, on the basis of principle although in many cases the type of provision which emerged seems also to have been influenced by structural exigencies, e.g. whether or not there was a voluntary agency or a religious order willing to start and manage a special school for a particular group. Nevertheless, the inclination towards the ordinary school is clear. Some very good initiatives by the Department of Education have been based there, and, just as in the 1950's when the extension of special education in Ireland began, parents' groups have been pressing, demanding, in some cases, a form of ordinary school provision which was unthinkable in Ireland even fifteen years ago.

Over the past ten years there has been a number of statements from the Department of Education and its Ministers favouring integration. In general these statements have been enabling or permissive and I hope it is not churlish to suggest that they give an impression of having been easily made. They have not faced the question of what integration means. None of them has made integration mandatory for any group. Above all, none has faced the resource-implications of any substantial move in this direction.

Future Directions

The shape and direction of our special needs provision over the next ten-fifteen years is now unclear. Are we to have a major move towards the ordinary school? If so, what does this mean? Can we have targets? Many of our schools now have more and also more skilled resources than they had in the 1960's; many, however, do not. How can existing resources be used and what extra are needed? How can they be employed and deployed and from what supra-school structure can they be suspended, given our lack of any intervening unit between the Minister for Education and the individual school? Will our special schools continue and will their role change? What about "the special school as a resource"? Do we know what this means? Are we to have special needs advisors, more peripatetic teachers, a psychological service to primary schools? What type of additional training will be needed and for whom?

If we simply stumble into substantial change we are not likely to do well. As I have written elsewhere systems in many other countries have great difficulty in changing because they are old; in Ireland change may be difficult because the special education system is so young. Most of the people who built up our special schools are still with us, many of them still only in their middle years. Most of them will need a lot of persuasion that the general education system, as an apparently necessary alternative to which their schools evolved, will now have the resources and support to accommodate to the needs of a range of pupils having serious and diverse learning difficulties. These people may not be without bias in their perception either of their own schools or of the rest of the system, however it can be a serious mistake to dismiss an argument simply because its proponent has a vested interest.

Questions and challenges about the shape of things to come are always addressed to the Department of Education; we believe there is nobody else to ask. Yet I am not sure that this is always fair and I wonder if the Department is being fair to itself in allowing us to address such major questions to it and to castigate it when it gives fragmented answers, answers we do not like or no answers at all.

There is hardly any consciousness in the public mind of the relationship between our lack of legislation and the role of the Department in the regulation of the system and the promotion of change. Unlike jurisdictions which are governed by special education

law our Department is not charged with the responsibility to go out and ensure that statutory rights to appropriate special education are being met or to establish provision to meet them. Nowhere are such rights clearly stated and hence there is no obvious buck which stops with the Minister. The Department's traditional position has rather been that it allowed itself to be persuaded of a need. Even where it sees an unmet need and wishes to have it met, it itself must persuade somebody else to take a management initiative. There is insufficient awareness of the constraining effect of this position on even very able and committed public servants. With a system built around a complex network of relatively autonomous groups the people at the centre are often liable to find themselves taking action where they can rather than where they should. On the other hand, it is striking that in these matters indignation is seldom visited on the Churches who have actually managed our primary schools since the 19th century.

Rights can be safeguarded only by law and there is no likelihood of our having an education act in the near future. Change, on the other hand, is likely to happen in any event and the imperative at this point is that it be co-ordinated or, in the basic meaning of the word, integrated. I believe we need a commission or a similarly independent and authoritative body which would examine the issue of all children who have special needs and make recommendations on how we should educate them over the next decade or more. Perhaps it should even have a wider brief because, now that more developed societies have managed to provide basic education for all in the 19th century and struggled to provide appropriate education for children with handicaps in the 20th, the major challenge remaining may be to meet the individual needs of all pupils in a situation where the individuals have to be taught in groups of twenty or thirty or forty. Perhaps this is another day's work, but, as always, if we provide better for the needs of one group it will serve to highlight the needs of another.