Dear Ms. Conroy ,

Enabling children with special educational needs to receive an education is a priority for this Government.

The National Council for Special Education (NCSE) has responsibility for coordinating and advising on the education provision for children with special educational needs nationwide.

It is open to any school to make an application to the NCSE for the establishment of a specialised provision. It is important to note that a range of supports are provided to schools opening new classes, these include funding for new staff (for example certain special classes will consist of 6 students and one teacher, plus two SNAs), support from the Planning and Building Unit within the Department for any physical alterations needed to the building, a grant for equipment, and a range of training courses provided by the NCSE.

Schools have been working with us and the NCSE to open new classes and we will open at least 315 additional classes this year. I am grateful to all concerned for their ongoing work in this regard and I want to commend the schools who are making provision for these students.

Notwithstanding the extent of this investment, there are some parts of the country where increases in population and other issues have led to concerns regarding a shortage of school places.

All parties would prefer to see schools volunteer to provide more places rather than places being secured on the back of an order or a direction from the Minister.

The overall aim of the S37A process is to ensure that sufficient specialist places become available to meet the current and projected need of an area.

My Department has been actively engaged in reviewing and updating the relevant legislation at this time. Recently the Government approved the text of an Education (Provision in Respect of Children with Special Educational Needs) Bill 2022. This legislation provides for a truncated and more streamlined Section 37A process. It is envisaged that a Minister could issue a direction within a period of 6 to 8 weeks of receiving a detailed report from the NCSE advising of a lack of provision in a certain area.

Under the new Section 37A process, schools still have two opportunities to make representations to the Minister before a decision may be made to issue a direction. A school can of course agree to open an additional class at any stage in the process before a direction may be issued.

This new legislation also places additional duties on schools to co-operate with the NCSE in relation to making additional provision for children with special educational needs.

It also confers an additional function on the NCSE to manage and co-ordinate admission to school in co-operation with parents and schools where necessary. Section 67 of the Education Act 1998 which provides for the NCSE to designate a school place for a child has also been amended and it is planned to commence this Section of the Act shortly. Both of these measures should be of particular benefit to parents seeking a school place for a child with special educational needs.

We are committed to providing appropriate places for all children with special educational needs. We know that Dublin is the real pinch point in relation to placements for these children and this legislation seeks to address that shortage.

Yours sincerely,

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Keith Murphy

Private Secretary to Minister Josepha Madigan T.D.
Minister of State for Special Education and Inclusion