



**EXEMPTIONS FROM THE STUDY OF IRISH  
REVISING CIRCULAR 12/96**

**To: Boards of Management, Principal Teachers and all Teaching Staff of Primary Schools**

## **1. Introduction**

### **1.1 The purpose of the Circular**

The purpose of this Circular is to advise recognised Primary Schools<sup>1</sup> of the revised arrangements for the exemption of pupils from the study of Irish. It supersedes Circular 12/96 and the 2009 revision of that Circular both of which are hereby withdrawn. The revised arrangements set out in this Circular apply to English-medium Primary Schools<sup>2</sup> only. Existing exemptions from the study of Irish granted under Circular 12/96 and held by pupils will continue to apply until the end of their post-primary education.

Exemption from the study of Irish will not apply in Primary Schools where Irish is the medium of instruction.

The Language component of the Primary Curriculum is for all pupils and comprises both Irish and English. In exceptional circumstances, some pupils may be granted an exemption from the study of Irish. In order for pupils who are exempt from the study of Irish to be recognised when the Department validates school enrolment returns for grant payment and teacher allocation purposes, schools will continue to be required to record data on pupils who are exempt from the study of Irish and the reason for that exemption on the Primary Online Database (POD).

### **1.2 The principles underpinning this Circular**

This Circular aims to support schools in addressing a wide diversity of needs by providing a differentiated learning experience for pupils in an inclusive school environment. It is informed by the benefits of bilingualism for all pupils, as well as the principles of inclusion that underpin the *Primary Language Curriculum*. The *Primary Language Curriculum* is for children of all abilities in all school contexts. It recognises and supports pupils' engagement with Irish and English at different stages and rates along their language-learning journey. It builds on the language knowledge and experience that pupils bring to the school. The Progression Continua in the *Primary Language Curriculum* provide a framework for teachers to identify the pupil's stage of language development and to plan interventions that support the development of language skills and competences in Irish and in English in an integrated manner, emphasising the transferability of language skills across languages.

This Circular is also set in the context of the Special Education Teaching Allocation<sup>3</sup> model that allows mainstream schools to provide additional teaching support for all pupils who require such support in their schools based on their identified learning needs in school, as opposed to being based primarily upon a diagnosis of a particular disability.

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<sup>1</sup> Recognised School – means a school recognised by the Minister in accordance with section 10 of the Education Act, 1998.

<sup>2</sup> An English-medium school is a school where English (L1) is the primary language of instruction, except in the case of Irish (*Literacy and Numeracy for Learning and Life: The National Strategy to Improve Literacy and Numeracy among Children and Young People 2011- 2020*, DES (2011)).

<sup>3</sup> Circular 0013/2017 and Circular 0007/2019 to the Management Authorities of all Mainstream Primary Schools: Special Education Teaching Allocation

Schools will be supported in implementing the terms of this Circular by

- the *Guidelines for Primary Schools: Supporting Pupils with Special Educational Needs in Mainstream Schools* developed by the National Educational Psychological Services (NEPS), the Inspectorate and Special Education Section, DES (2017);
- *Special Educational Needs: A Continuum of Support*, NEPS (2007) and
- *Exemptions from the Study of Irish: Guidelines for Primary Schools (English-medium)*, DES (2019).

### Special schools and special classes in mainstream schools

The policy of the Department of Education and Skills is to provide for the inclusive education of children with special educational needs in mainstream education, other than in circumstances where it would not be in the best interest of the child, or the effective education of children with whom they are to be educated<sup>4</sup>.

In the case of pupils in special schools and in special classes in mainstream schools, and in recognising the authority devolved to the management authorities in decision making concerning the Irish language learning needs of the pupils concerned, a formal application for a Certificate of Exemption is not required. Pupils in special schools and in special classes in mainstream schools will therefore be exempt without holding a Certificate of Exemption. In line with the Department's policy above however, schools are expected and encouraged to provide all pupils, to the greatest extent possible and in a meaningful way, with opportunities to participate in Irish language and cultural activities at a level appropriate to their learning needs.

### What are the key changes in this Circular on exemptions from the study of Irish in primary schools?

<p><b><i>Consideration of the language of instruction in the school</i></b> This Circular is for implementation in English-medium primary schools only.</p>
<p><b><i>The language learning needs of pupils in special schools and in special classes in mainstream schools</i></b> This Circular recognises the authority devolved to the management authorities of special schools and mainstream schools where there are special classes in decision making concerning the Irish language learning needs of pupils enrolled in special schools or in special classes in mainstream schools.</p>
<p><b><i>The exceptional circumstances in which an exemption may be granted</i></b> The exceptional circumstances in which pupils may be granted an exemption from the study of Irish reflect developments in curricular provision and education more generally including current understandings of learning difficulties and differences.</p>
<p><b><i>Consideration of the most appropriate stage at which to grant an exemption from the study of Irish</i></b> Reflecting the principles underpinning the <i>Primary Language Curriculum</i> and the <i>Continuum of Support</i>, this Circular sets <b>12 years of age or the final year in primary education</b> as the most appropriate time to consider an application for an exemption from the study of Irish where pupils</p> <ol style="list-style-type: none"> <li>i. may have received their primary education outside the state or</li> <li>ii. are re-enrolling following a period abroad.</li> </ol> <p>In the case of pupils with significant and sustained learning difficulties, an exemption may be considered where they have <b>at least reached second class</b> in primary school.</p>
<p><b><i>Moving away from diagnosis towards the identification of pupils' learning needs</i></b> In line with other Department policies in the area of special educational needs, this Circular moves from a diagnostic categorical model to a needs-based model.</p>
<p><b><i>Psychological assessments and cognitive ability scores</i></b> Psychological assessments and cognitive ability scores are no longer necessary to process applications for exemption from the study of Irish.</p>
<p><b><i>Literacy attainment scores as criteria</i></b> In the case of pupils with significant and sustained learning difficulties, the criteria for exemption include a literacy attainment score, in either <b>Word Reading, Reading Comprehension, or Spelling</b> at/below the 10<sup>th</sup> percentile.</p>
<p><b><i>Appeals mechanism</i></b> Where an application for exemption from the study of Irish is refused, the process may be appealed to the Irish Exemptions Appeal Committee.</p>

<sup>4</sup> Section 2 Education for Persons with Special Educational Needs Act 2004

## **2 Granting an exemption from the study of Irish**

### **2.1 An exemption should be granted only in exceptional circumstances**

Exempting a pupil from the study of Irish should be considered only in exceptional circumstances. The decision to exempt a pupil from the study of Irish is an important decision that has implications for his/her access to the curriculum and his/her future learning. The decision to grant an exemption from the study of Irish is made by the principal teacher, but it must be made following detailed discussion with the pupil's parent(s)/guardian(s), the class teacher, special education teachers, and the pupil. A decision to grant an exemption should only be considered in the circumstances set out in section 2.2 below.

### **2.2 The circumstances in which a pupil may be granted an exemption from the study of Irish**

Exemption from the study of Irish may be allowed in the following exceptional circumstances only:

- a. pupils whose education up to 12 years of age (or up to and including the final year of their primary education) was received outside the State and where they did not have opportunity to engage in the study of Irish

**Or**

- b. pupils who were previously enrolled as recognised pupils in primary schools who are being re-enrolled after a period spent abroad, provided that at least three consecutive years have elapsed since the previous enrolment in the state and are at least 12 years of age on re-enrolment

**Or**

- c. pupils who:
  - i. have at least reached second class
  - and**
  - ii. present with significant learning difficulties that are persistent despite having had access to a differentiated approach to language and literacy learning in both Irish and English over time. Documentary evidence to this effect, held by the school, should include Student Support Plans detailing
    - regular reviews of learning needs as part of an ongoing cycle of assessment
    - target-setting
    - evidence-informed intervention and review, including test scores (word reading, reading comprehension, spelling, other scores of language/literacy) at key points of review.
  - and**
  - iii. at the time of the application for exemption present with a standardised score on a discrete test in either Word Reading, Reading Comprehension or Spelling at/below the 10<sup>th</sup> percentile.

**Or**

- d. children of foreigners who are diplomatic or consular representatives in Ireland.

## 2.3 Procedures for granting an exemption from the study of Irish

A parent/guardian must make an application in writing to the principal of the school for a Certificate of Exemption from the study of Irish on behalf of a pupil.

### *a) Considering an application for exemption*

The principal will:

1. Ensure that the date of receipt of the application by the school is recorded on the form.
2. Acknowledge receipt of the application for exemption from the study of Irish in writing.
3. Discuss the written application with the parent(s)/guardian(s) and confirm the sub-paragraph on which the application is based (2.2a, 2.2b, 2.2c or 2.2d) as soon as practicable following receipt of a written application.
4. Advise the parent(s)/guardian(s) of the next steps in processing the application.
5. Inform the parent(s)/guardian(s)/pupil regarding any implication of an exemption from the study of Irish for the student while in post-primary education and into the future.
6. Inform the parent(s)/guardian(s) that the application will be processed and the outcome confirmed in writing within 21 school days of receipt of the application.
7. Explain to the parent(s)/guardian(s) that a signed Certificate of Exemption will issue where a decision is reached that an exemption from the study of Irish may be granted.
0. Inform the parent(s)/guardian(s) that, where an application is refused, the school's decision may be appealed to the Irish Exemptions Appeal Committee within 30 calendar days from the date the decision of the school was notified to the parent(s)/guardian(s).
8. Explain to the parent(s)/guardian(s) the arrangements for the pupil's learning in the case of an exemption being granted.

### *b) Recording the decision*

The outcome of the application process will be conveyed by the school principal in writing to the parent(s)/guardian(s).

Where an exemption is granted, a Certificate of Exemption, signed and dated by the school principal will be issued. The Certificate of Exemption will also state the name and address of the school, the school roll number, the pupil's name, date of birth and the sub-paragraph under which the exemption is being granted.

Parents/guardians and pupils should be informed of the option not to exercise the exemption granted, without any loss of the right to exercise it at a future time.

## 2.4 Appeal

Where the application for exemption from the study of Irish is refused, a parent/guardian can appeal the school's decision to the Irish Exemptions Appeal Committee (IEAC). The deliberations of the IEAC will focus solely on the process the school engaged in reaching its decision. The IEAC will consider how the school followed the process as prescribed in this Circular and the accompanying Guidelines for Primary Schools.

An appeal must be lodged within 30 calendar days from the date the decision of the school not to grant an exemption was notified in writing to the parent(s)/guardian(s). The Irish Exemptions Appeal Form and Guidelines for Primary Schools can be accessed at <https://www.gov.ie/en/service/irish-exemption/>.

### **3. Arrangements for pupils who are exempt from the study of Irish**

Schools, where appropriate, should take account of the literacy learning needs of pupils who are exempt from the study of Irish when deploying available special educational needs resources. To support inclusive practices, a pupil who is exempt from the study of Irish should be included in a meaningful way in aspects of Irish language and cultural activities in line with his/her ability and interests.

### **4. Supports for pupils who have no understanding of English when enrolled**

A pupil who has no understanding of English when enrolled and whose education up to 12 years of age or up to the final year of his/her primary education was received outside the state, should be provided with intensive English as an Additional Language (EAL) in preparation for his/her full engagement with the *Primary Language Curriculum* at a level commensurate with his/her ability.

### **5. When will the terms of this Circular come into effect?**

The terms of this Circular will apply with effect from the beginning of the school year 2019/2020. The Circular will apply to all applications for exemption from the study of Irish for pupils who are currently enrolled in English-medium primary schools and to pupils who will enrol in English-medium primary schools in the future.

An exemption granted to a pupil may be operative throughout his/her enrolment in primary and post-primary school.

### **6. Reporting on exemptions granted to the Department**

The school management will be required to provide statistical information relating to the number and the grounds on which exemptions were granted under this Circular in the previous school year as part of the Primary School Annual Census.

As set out in 2.3.b) above, a copy of the Certificate of Exemption must also be given to the parent(s)/guardian(s) of the pupil being exempted.

### **7. Pupils transitioning to other schools**

It is the responsibility of the parent(s)/guardian(s) to ensure that a copy of the pupil's Certificate of Exemption is made available to the receiving school.

### **8. Monitoring and reviewing the Circular**

The operation of the Circular will be monitored regularly by the Department. An initial review of the operation of this Circular will be conducted after the first two years of implementation and periodically thereafter.

### **9. Data protection**

In processing applications schools must comply with data protection law.

### **10. Further information**

Further information can be found at the following website:  
<https://www.gov.ie/en/service/irish-exemption/>

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