

RESEARCH REPORT

REVIEW OF POLICY AND PRACTICE IN RELATION TO EXEMPTIONS FROM THE STUDY OF IRISH

Inspectorate

Department of Education and Skills

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Chapter 1 Review of exemptions from the study of Irish: background and context

1.1 Introduction

The Department of Education and Skills conducted a review of the current arrangements for the granting of exemptions from the study of Irish in primary and post-primary schools during 2014-2016. The Inspectorate led the review and prepared this research report in consultation with the National Educational Psychological Service.

The overall aim of the review was to examine the appropriateness of the arrangements for the granting of exemptions, having regard to the current educational and sociolinguistic context, and to identify potential options for action in light of the findings of the review and research on language learning and special education.

The review looked at and examined:

- the trends in relation to the numbers of exemptions from the study of Irish and the basis upon which exemptions are being sought, granted and denied
- the range and nature of appeals submitted to the Department including the number sought, granted and denied
- issues relating to the implementation of Department Circulars M10/94 and 12/96

The review comprised a number of strands as follows:

- an examination of the statistics held by the Department on the numbers of pupils and students holding an exemption from the study of Irish under the different criteria outlined in the relevant circulars
- an analysis of the findings of case studies on exemptions from the study of Irish carried out by the Inspectorate in a small number of primary and post-primary schools
- an examination of appeals records retained by the Inspectorate in relation to exemptions from the study of Irish sought under exceptional circumstances between the years 2010 – 2014.
- an analysis of the views and experiences of the psychologists in the National Educational Psychological Service (NEPS)
- a review of research undertaken to date on exemptions from language learning.

1.2 Context for the review of the practice of exempting pupils/students from the study of Irish

Background to granting of exemptions from Irish

Irish and English are core subject in schools recognised by the Department. All pupils/students, with the exception of those with an exemption from the study of Irish, are required to study Irish throughout their primary and post-primary education. Irish is among the subjects that pupils/students are required to study in order to be recognised pupils/students for the purpose of allocating funding and resources to schools. While students are required to learn Irish in schools recognised by the

Department, there is no an obligation on them to sit the subject in the Certificate examinations. Neither is it a requirement to pass Irish in order to achieve a Leaving Certificate. However, Irish remains a requirement for National University of Ireland matriculation and entry for courses of study such as primary teacher education.

Exemptions from the study of Irish have over time become part of the fabric of curriculum provision in primary and post-primary schools. Exemptions exist as a remedy to address a number of issues which may arise from the requirement that students must study both English and Irish in recognised schools. Exemptions may also arise from the fact that the Irish curriculum and the resources available in schools in the 1990s may not have catered for pupils/students in different circumstances, for example, arrivals to Ireland at a late age, newcomers where English was not their first language. By the mid 1990's, the Department had applied blanket exemptions from Irish to pupils/students in special schools and classes and the policy of integrating pupils/students with special educational needs into mainstream classes necessitated the production of the circulars on exemptions from the study of Irish (primary and post-primary).

Circular 18/79, the initial circular for exemptions issued to primary schools by the Department, and early versions of Rule 46 at post-primary, provided for exemptions from the study of Irish for pupils who had received their education outside of Ireland up to the age of 11 years and for children of diplomats and consular representatives. Subsequently, Circular 12/96 for primary schools and Circular M10/94 for post-primary schools broadened the criteria extensively under which exemptions from the study of Irish were granted to make provision for pupils/students¹ with specific, general and sensory learning disabilities. The introduction of such criteria facilitated the integration into mainstream schools of pupils/students who had previously attended designated special schools and not studied Irish as part of the curriculum.

Circular 12/96 and Circular M10/94 continue to be used to guide the granting of exemptions from the study of Irish in primary and post-primary schools, respectively. Chapter 2 provides detail on the terms of these circulars. However, since these circulars were first issues, there have been considerable developments in terms of the profile of pupils/students in Irish schools, curricular reform, pedagogical thinking, and provision for learners with special educational needs.

Rationale for the review

The review provides an opportunity to consider the appropriateness of the current arrangements for granting exemptions from the study of Irish in a context where Irish is a core subject for pupils/students in primary and post-primary schools that are recognised by the Department for the purpose of funding and resourcing.

Data retained by the Department indicate that there has been a considerable rise in the number of students who have been granted an exemption from the study of Irish since the criteria that guide decision making in this regard were extended in the mid-1990s. Just over 9% of the student population at post-primary level currently are exempt from the study of Irish. There are also concerns about the current administrative arrangements for processing of applications for an exemption from the study

¹ In this report, children at primary level are referred to as 'pupils' and children at post-primary level are referred to as 'students'.

of Irish. For example, schools have reported difficulty in interpreting and implementing the current circulars which has led to inconsistencies and anomalies in the implementation of assessment arrangements. It has also been pointed out that the current circulars are silent on some areas of special educational needs (SEN) such as autism and that the circulars need to better reflect current understandings about SEN and developments in provision for students with SEN provision more generally.

Furthermore, the suitability and relevance of the current practice of granting exemptions from the study of Irish is also raised in light of current thinking about language learning, particularly the potential of second language learning to complement first language learning, facilitate the transfer of skills and knowledge across languages and support the learning of other languages. The benefits associated with learning a second language from an early age also raises the question of equity of access to such learning by all pupils/students. In addition to the facility offered by the DES circulars, National University of Ireland (NUI) and affiliated colleges exempt certain students who may not meet the criteria set out in Circular M10/94 from Irish language entry requirements. There is also need to be mindful of the considerable changes that have occurred in the profile of pupils/students in Irish schools. Currently, as indicated by annual statistical returns by schools to the Department, just over 10% of pupils in primary schools are newcomers. At post-primary level, 12% of all students were not born in Ireland². Census 2016 shows that 17.3% of the school population were born outside the State and that 11.6% were newcomers, slightly down from 12% in 2011.

All of the above suggests that exemption arrangements as they currently operate are not an effective solution and in some instances, may have unintended consequences.

Curriculum developments at primary and post-primary levels

The educational system in Ireland recognises the importance of the Irish language to the Irish people and seeks to support the dissemination of the language through the teaching of Irish to the vast majority of pupils/students in the nation's schools.

Curricular provision for Irish has changed since exemptions from the study of Irish were first introduced. These changes serve to facilitate an inclusive approach to the learning of the language. New language curricula at primary and junior cycle provide for greater diversity of provision for Irish at different levels of ability which should serve to make Irish more accessible to all pupils/students. The development of students' oral competence in the language is a key focus of Irish language curricula at both levels. There is also a significant emphasis in the revision of curriculum specifications on continuity and progression in students' learning as they move from one phase of education to another.

The recently introduced *Primary Language Curriculum* (2015) developed by the National Council for Curriculum and Assessment (NCCA), which is informed by international and national research is based on the principle that pupils transfer certain language skills and concepts from their first to their second language and that such learning can create a sound foundation for the learning of other languages in post-primary schools. The *Primary Language Curriculum* provides differentiated learning outcomes

² At post-primary level, country of birth rather than nationality is recorded in the returns made by schools to the Department.

for pupils in Irish-medium and English-medium schools and is aimed at the range of learners across different school contexts, including those in special education contexts.

At junior cycle, differentiated specifications for Irish – an L1³ specification and an L2 specification – were introduced in September 2017. The L1 specification will meet in particular the Irish language learning needs of students who are native speakers of Irish and who are learning through Irish. The L2 specification aims to meet the learning needs of students that are in schools where English is the medium of instruction in most subject areas.

In senior cycle, and for those who take Transition Year (TY), Irish is a core subject and schools have the autonomy to devise a course of study to address the needs of their students. In the case of the established Leaving Certificate, students have the option of taking Irish at either Higher Level, Ordinary Level or Foundation Level. 40% of the marks in the Leaving Certificate examination are currently allocated to the oral language assessment component. The impact of this arrangement is the subject of research being conducted by the NCCA.

The status of the Irish language and its importance in Irish society

The Irish language has particular social, historical and educational importance and is part of the unique cultural heritage of the Irish people. Accordingly, Irish is afforded special status in Ireland and is protected by various pieces of legislation. Irish was designated as the first official national language in Article 8 of the Constitution, in 1937. The Official Languages Act, 2003, gives expression to the constitutional status of Irish as the first official language. The Education Act, 1998, recognises the particular responsibility of the education system in general with regard to supporting the Irish language. The Government Statement on the Irish Language, 2006, affirmed its support for the development and preservation of the Irish language and the Gaeltacht. In 2007, Irish was recognised as one of the 23 official working languages of the European Union.

The *20-Year Strategy for the Irish Language 2010-2030* reaffirms the Government's commitment towards the regeneration and survival of the language and of Gaeltacht areas as viable Irish-speaking communities. The Department continues to implement a wide range of educational measures in its 20-Year Strategy implementation plan to promote and strengthen the teaching and learning of Irish in schools. Considerable progress has been achieved from 2010 to 2015 in the implementation of educational measures under the Strategy as evident in the most recent progress report published on the Department's website in 2015.

The benefits of bilingualism

It is intended that the learning of Irish by young people in our educational system will enable them to become bilingual. A number of international and national research studies (Adescope et al, 2010; Ó Duibhir & Cummins, 2012) have documented the cognitive outcomes associated with bilingualism. These benefits relate to increased metalinguistic awareness, increased attentional control and working memory and cognitive benefits beyond the realm of language use (Adescope et al, 2010; Ó Duibhir & Cummins, 2012). Other cognitive benefits include increased perception (Chang & Mishler,

³ L1 – where Irish is the first language and is the language of instruction in the school.

L2 – where Irish is taught as a second language and English is the medium of instruction in the case of other subjects.

2012), improved executive functioning (Kroll & Bialystok, 2013) and an increased understanding of language structure (Adescope et al, 2010; Ó Duibhir & Cummins, 2012). Bilingual children also show benefits in relation to reading readiness (Yelland et al, 1993) and problem-solving in Mathematics. It has been proven that bilinguals also have advantages over monolinguals in the learning of third and more languages (Kaushanskaya & Marian, 2009). The benefits of bilingualism as articulated indicate the need to consider access to Irish as their second language for all learners during the period of compulsory education, regardless of their cognitive and academic abilities, but at a level appropriate to their learning needs.

1.3 Conclusions

This research report outlines the findings of the Department's review of exemptions from the study of Irish in relation to each of the review strands. This review is taking place at a time of significant change in the Irish language learning experience being introduced in primary and post-primary schools and settings where the pupil's/student's Irish language learning needs are at the core of the teaching, learning and assessment processes. The findings presented here identify potential areas for action with a view to ensuring outcomes that are in the best interests of all learners both educationally and linguistically.

Each report chapter comments on the findings from an individual strand of the review as follows:

- Chapter 2 Existing processes and procedures
- Chapter 3 Exemptions from the study of Irish – statistical data and trends
- Chapter 4 Case study visits to primary schools
- Chapter 5 Case study visits to post-primary schools
- Chapter 6 Exemption from the study of Irish appeal cases – primary
- Chapter 7 Exemption from the study of Irish appeal cases – post-primary
- Chapter 8 The views of the National Educational Psychological Service
- Chapter 9 Research on exemptions from language study
- Chapter 10 Other issues relating to exemptions from the study of Irish
- Chapter 11 Conclusions of the review.

Chapter 2 Existing processes and procedures

2.1 Introduction

Currently, the granting of exemptions from the study of Irish is guided by Department Circular 12/96 for primary schools and Circular M10/94 for post-primary schools. Both state clearly that exemptions from the study of Irish are to be granted in exceptional circumstances only. This chapter outlines the processes involved under these circulars in seeking and in granting exemptions from the study of Irish. Roles and responsibilities associated with the granting of exemptions are identified, criteria for granting an exemption are explained, and procedures for requesting, granting and appealing a decision to refuse the granting of an exemption from the study of Irish are outlined.

2.2 Roles and responsibilities

Under the terms of Circulars 12/96 and M10/94, the authority to grant an exemption from the study of Irish has been delegated to the board of management of the school⁴. The school principal, on behalf of the board, usually makes the decision to grant or to refuse an exemption from the study of Irish. *Guidelines for Psychologists on Assessment and Reporting* (1995) are also available to school authorities to guide the decision-making process. This supporting document, which is available on the Department's website, provides additional detail relating to the cognitive ability and attainment levels necessary for the granting of exemptions from the study of Irish. In deciding on the eligibility of an applicant, school authorities are requested to adhere to the terms of the relevant circular.

An application for an exemption from the study of Irish is normally initiated by a parent/guardian. A written application is submitted to the principal of the school on behalf of the pupil/student. The application outlines the grounds on which the exemption is being sought. Pupils/students are only considered for an exemption from the study of Irish where their educational circumstances come within the terms of the relevant circular.

Where exemptions are sought for pupils/students with special educational needs, a full psychological report, dated not more than two years from the date of application, and other supporting documentation, such as reports furnished by a qualified speech therapist or medical specialist, are required.

2.3 Circumstances and criteria for granting exemptions from the study Irish

Circulars 12/96 and M10/94 state that the granting of an exemption from the study of Irish should only arise in rare and exceptional circumstances. These circumstances apply to the following categories of pupils/students:

- pupils whose primary education up to the age of 11 years was received in other countries
- pupils who were enrolled in a recognised primary or post-primary school and who are now re-enrolling having been abroad for at least three consecutive years. The pupil must also be at least 11 years of age on re-enrolment

⁴ Previously, the Department acted as the granting body for exemptions from the study of Irish. Since the current Circulars issued, this authority has been devolved to the board of management of individual schools.

- pupils from abroad who have no understanding of English, when enrolled, would be required to study one language, either English or Irish
- pupils, in whose case the Minister is satisfied that they are resident in this country as political refugees
- children of diplomatic or consular representatives in Ireland
- pupils assessed as having either a specific or general learning disability and who meet the Department's criteria, as specified in the relevant circulars
- pupils who have a general learning disability due to a serious sensory impairment.

In addition, Circulars 12/96 and M10/94 specify the criteria that should be met in the granting of an exemption from the study of Irish in the case of pupils with specific or general learning disability. These criteria include:

Pupils

- (i) who function intellectually at average or above average level but who have a Specific Learning Disability of such a degree of severity that they fail to achieve expected levels of attainment in basic language skills in the mother tongue, or
- (ii) who have been assessed as having a general learning disability due to serious intellectual impairment (i.e. mental handicap) and are also failing to attain adequate levels in basic language skills in the mother tongue, or
- (iii) who have been assessed as having a general learning disability due to serious sensory impairment, and are also failing to attain adequate levels in basic language skills in the mother tongue" (Circular 12/96 and Circular M10/94).

With respect to criteria (i) - (iii), as outlined above, the *Guidelines for Psychologists on Assessment and Reporting* (1995) provide additional clarification on the criterion for marked failure in a pupil's literacy attainment. It states that a test score at or below the 10th percentile in reading attainment is required as evidence of failure to achieve adequate levels of language skills. It also states that this attainment measure should be supplemented by results from other measures in areas such as spelling, written language, vocabulary, and oral competency.

2.4 Procedures for granting an exemption from the study of Irish

Circulars 12/96 and M10/94 outline the following procedures for the granting of exemptions from the study of Irish:

- School authorities satisfy themselves as to the documentary evidence submitted. In considering an application, both the professional and the school's own internal reports on the pupil's achievement are taken into account.
- A recommendation from a psychologist to grant an exemption from the study of Irish is not, by itself, sufficient grounds to grant the exemption. School authorities should prepare a full report on the pupil's/student's overall achievements in consultation with relevant teachers.
- A decision to grant an exemption should be conveyed to the parent/guardian by way of a written certificate with pertinent details recorded. Revisions of Circulars M10/94 and 12/96 in 2008 and 2009 respectively require schools to report to the Department on details of exemptions granted on the statistical returns.

- A copy of the certificate of exemption should also be sent to the relevant post-primary school when the pupil has completed his/her primary education. The principal is required to retain relevant documentation on which the decision to grant or to decline an exemption from the study of Irish is based.

2.5 Appeals procedure following refusal to grant an exemption from the study of Irish

The exemption circulars are silent on the matter of an appeal process where an application is declined. However, the Department operates an *ad hoc* appeals system in instances where parents/guardians appeal to the Department for a review of a case in which an exemption from the study of Irish has been declined by a school. The Parents, Learners and Database Section (PLDS) of the Department with the support of the Inspectorate implements this appeals system. Information on the operation of the appeals system has not been published.

Schools may also seek clarification from the Department in instances where the school is unclear as to whether a pupil/student is entitled to an exemption or not. In each instance, the outcomes of the review are communicated in writing to the school and/or parents/guardians. The appeal cases sent to the Department between 2010 and 2014 are the subject of discussion in Chapters 6 and 7.

2.6 Position on disabilities not covered in the Circulars

The Department has adopted holding positions in the case of special educational needs dyslexia and Autism Spectrum Disorder that are not specifically referenced in the current circulars. Such positions are informed by understandings in relation to the nature of the particular need and the capacity of curriculum provision for Irish to cater for a wider range of abilities.

In the case of pupils/students with dyslexia, the position is that the programmes in Irish offered at both levels have the capacity to cater for a wide diversity of abilities. Individual applications for exemptions from the study of Irish may be considered under the current criteria.

In the case of pupils/students with Autism, the Department's position is that children on the autism spectrum range from pupils/students who are high functioning and have exceptionally good facility with language to those who are low functioning and may be non-verbal. Those who are at the higher functioning levels would be expected to access the full school curriculum, including Irish, while those at lower functioning levels may be granted an exemption from the study of Irish where their circumstances meet the criteria.

In the case of pupils/students with Asperger's Syndrome, the Department's position is that the learning profile of students with Asperger's Syndrome would not generally meet the criteria for general or specific learning disability as a diagnosis relates more to emotional and social communication needs. There is evidence that many students with Asperger's Syndrome are high functioning and achieve well at schools.

2.7 Key findings

Circular 12/96 for primary schools and Circular M10/94 for post-primary schools outline the circumstances, criteria and procedures for the granting of exemptions from the study of Irish. Supporting documentation, *Guidelines for Psychologists on Assessment and Reporting (1995)*,

provides additional clarification on the cognitive ability and attainment scores necessary for an exemption from the study of Irish to be considered. The Department has also holding positions in relation to particular special educational needs that are not specified in the Circulars; such positions incorporate understandings in relation to the nature of the particular need and the rare and exceptional circumstances of the pupil/student

The Department operates an *ad hoc* appeals system where a decision at school/ Department level has been to decline an application for exemption. Information on the operation of the appeals system has not been published.

Chapter 3 Exemptions from the study of Irish – statistical data and trends

3.1 Introduction

This chapter examines trends and patterns with regard to the granting of exemptions from the study of Irish in accordance with the various criteria outlined in current Department circulars (M10/94 and 12/96). The analysis is based on the annual statistical returns by schools to the Department. The data includes details of the number of pupils/students who hold an exemption from the study of Irish. The returns from primary schools are processed by the Department's Statistics Section while the returns from post-primary schools are processed by the Department's PLDS. Differences in the manner in which the data from both sectors has been processed has led to differences in the range of data available in each sector. Data for the number of pupils/students granted an exemption from the study of Irish for the first time⁵ during a given school year is available at both primary and post-primary level. However, data for the total number of students holding an exemption from the study of Irish in a given year is available at post-primary level but not at primary level. Data is available on the total number of exemptions from Irish from 1999 at post-primary level but only from 2004 at primary level.

The chapter also includes State Examinations Commission (SEC) data on student participation in Irish examinations at Junior Certificate and Leaving Certificate levels. In addition, data from schools on students holding an exemption from the study of Irish but studying a modern foreign language is presented.

3.2 Pupils granted an exemption from the study of Irish in primary schools

Table 3.1 presents the number of primary school pupils that were granted an exemption from the study of Irish in accordance with the criteria set out in Circular 12/96 for the first time each year in the period 2004-2016. The table shows that the actual number of pupils granted an exemption from the study of Irish for the first time steadily increased during that period. The proportion of these pupils relative to the general school population has remained very small. From 2010 to 2016, the proportion of pupils in the mainstream primary-school population granted an exemption from the study of Irish for the first time fluctuated between 0.8% and 1%. It is, however, notable that the proportion of these pupils relative to the general pupil population doubled between 2004 (0.51%) and 2009 (1.01%).

The majority of exemptions from the study of Irish that were granted for the first time to primary pupils in each of the years 2004-2016 were on the grounds a specific learning disability (SLD)⁶. There was a steady increase in the number of pupils with SLD during this period although the proportion of pupils granted an exemption on these grounds relative to the number of exemptions granted in a given year fluctuated.

⁵ A pupil/student is granted an exemption only once during his/her time in education in primary and / or post-primary school. The term "for the first time" is used in this report when referring to exemptions to distinguish between exemptions processed and granted in a given year and the overall number of pupils/students with exemptions ("exemptions held") in primary or post-primary schools.

⁶ The numbers presented do not differentiate between those with SLD, general learning disability and sensory disability but represent a composite measure.

The second most frequent grounds on which an exemption from the study of Irish was granted in each of these years was pupils from abroad with no understanding of English when enrolled. Pupils educated outside of Ireland up to 11 years of age formed the third most frequent grounds on which an exemption from the study of Irish was granted. Pupils re-enrolling having spent a period of minimum of three years abroad or being children of political refugees or being children of foreign diplomats or consular staff accounted for a very small proportion of the exemptions from the study of Irish granted.

Table 3.1 Primary pupils granted an exemption from the study of Irish for the first time 2004-2016

Year	Educated outside of Ireland up to 11 years	Re-enrolment after a minimum of three years abroad	Specific Learning Disability	Pupils from abroad with no understanding of English	Children of foreign diplomats /consular staff	Children of political refugees	Total number of pupils granted exemption for the first time	Total Pupils in mainstream education ⁷	% of the primary cohort granted an exemption for the first time
2004	155 (7.1%)	3 (0.1%)	1,816 (82.4%)	228 (10.3%)	2 (0.1%)	0	2,204 (100%)	433,320	0.51
2005 ⁸	170 (6.4%)	5 (0.2%)	2,050 (77.3%)	427 (16.1%)	1 (0%)	0	2,653 (100%)	441,966	0.60
2006	242 (8.3%)	8 (0.3%)	2,035 (69.8%)	626 (21.5%)	1 (0%)	2 (0.1%)	2,914 (100%)	455,455	0.64
2007	294 8.3%	14 (0.4%)	2,490 (70.3%)	743 (20.9%)	2 (0.1%)	0	3,543 (100%)	470,270	0.75
2008	229 (5.7%)	10 (0.3%)	2,964 (73.9%)	795 (19.8%)	11 (0.3%)	2 (0%)	4,011 (100%)	482,593	0.83
2009	398 (8.0%)	17 (0.3%)	3,399 (68.6%)	1,120 (22.6%)	8 (0.2%)	14 (0.3%)	4,956 (100%)	490,010	1.01
2010	266 5.7%	23 (0.5%)	3,421 (73.9%)	896 (19.4%)	7 (0.2%)	16 (0.3%)	4,629 (100%)	492,742	0.94
2011	224 (5.3%)	16 (0.4%)	3,206 (76.1%)	746 (17.7%)	10 (0.2%)	9 (0.2%)	4,211 (100%)	506,216	0.83
2012	215 (5.1%)	35 (0.8%)	3,325 (78.6%)	646 (15.3%)	6 (0.1%)	6 (0.1%)	4,233 (100%)	515,676	0.82
2013	241 (5.6%)	18 (0.4%)	3,457 (79.7%)	600 (13.8%)	4 (0.1%)	15 (0.3%)	4,335 (100%)	525,141	0.83
2014	240 (5.4%)	34 (0.8%)	3,488 (78.6%)	637 (14.3%)	19 (0.4%)	22 (0.5%)	4,440 (100%)	532,931	0.83
2015	318 (6.3%)	26 (0.5%)	4,004 (79.1%)	692 (13.7%)	7 (0.1%)	13 (0.3%)	5,060 (100%)	540,955	0.94
2016	284 (5.3%)	25 (0.5%)	4,167 (77.8%)	861 (16.0%)	9 (0.2%)	12 (0.2%)	5,358 (100%)	545,566	0.98

⁷ i.e. Total enrolment minus enrolment in special schools and enrolment in special classes in mainstream schools.

⁸ Data provided for the years 2004/2005 and 2005/2006 is for completed records only recorded by the Department from the early 90s up to 2006. It does not include potentially relevant data from the approximately 30% of records from the early 90s to 2006 which could not be identified for a particular academic year.

Between 2006 and 2010, pupils with no understanding of English comprised over one fifth of the exemptions from the study of Irish that were granted at primary level. This was a notable increase from the period 2004-2006 and may be accounted for by an increase in the number of children of economic migrants in the school population which in turn corresponded with the expansion of the

European Union in May 2004. Between 2010 and 2013, there was a 46% (N=520) drop in the proportion of pupils granted exemptions from Irish on this ground, possibly due to the economic downturn at this time and the consequent reduction of the proportion of economic migrants coming to Ireland from Europe. However, since 2013, data indicate that the number of pupils from abroad with no understanding of English that were granted exemptions from the study of Irish has increased again.

3.3 Students exempted from the study of Irish in post-primary schools

Overall exemptions trends

Table 3.2 presents data relating to the number and proportion of students in the post-primary school population with an exemption from the study of Irish from 1999 to 2016.

Table 3.2 Proportion of students holding exemptions from the study of Irish relative to the post-primary student population 1999-2016

Year	Enrolled at post-primary level	With exemption	%
1999	329,517	8,074	2.5
2000	319,984	9,291	2.9
2001	313,383	10,952	3.5
2002	310,561	12,764	4.1
2003	308,299	15,222	4.9
2004	305,767	17,298	5.7
2005	303,006	20,070	6.6
2006	303,495	23,448	7.7
2007	305,114	26,678	8.7
2008	307,918	29,599	9.6
2009	312,154	30,436	9.8
2010	317,423	34,508	10.9
2011	322,503	33,953	10.5
2012	327,316	33,405	10.2
2013	333,172	33,210	10.0
2014	339,203	31,982	9.4
2015	345,551	32,290	9.3
2016	352,173	32,483	9.2

Table 3.2 shows that both the number of students and the proportion of students with exemptions from the study of Irish relative to the general student population increased considerably between 1999 and 2010 but decreased between 2010 and 2016, a period where the school population showed a significant increase. The proportion of post-primary students who held exemptions in 1999 was 2.5% (N=8074). The proportion of post-primary students with exemptions from the study of Irish relative to the mainstream student population peaked at 10.9% (N= 34,508) in 2010 but-dropped to 9.2%

(N=32,483) in 2016. Factors influencing the downward trend in the proportion of students with exemption from the study of Irish include the decrease in migrants due to the economic downturn post 2010.

Overall trends in accordance with exemption criteria

Table 3.3 presents data on the students with exemptions from the study of Irish for each school year during the period 2004-2016 in accordance with the criteria on which the exemptions were granted. The patterns are similar to those seen at primary level but with some notable differences.

Table 3.3 Number of post-primary students with exemptions from the study of Irish by category (2004-2016)

Year	Education up to 11 years received outside the Republic of Ireland	Re-enrolment after a period of at least 3 years spent abroad	Specific Learning Difficulty	Students from abroad with no understanding of English when enrolled	Total exemptions held
2004	4,353 (25.2%)	204 (1.2%)	7,218 (41.7%)	5,523 (31.9%)	17,298 (100%)
2005	4,196 (20.9%)	200 (1.0%)	8,869 (44.2%)	6,805 (33.9%)	20,070 (100%)
2006	4,314 (18.4%)	222 (0.9%)	10,205 (43.5%)	8,707 (37.2%)	23,448 (100%)
2007	4,469 (16.8%)	245 (0.9%)	11,330 (42.5%)	10,634 (39.8%)	26,678 (100%)
2008	4,404 (14.9%)	277 (0.9%)	12,425 (42.0%)	12,493 (42.2%)	29,599 (100%)
2009	4,143 (13.6%)	296 (1.0%)	13,228 (43.5%)	12,769 (41.9%)	30,436 (100%)
2010	4,233 (12.3%)	352 (1.0%)	16,378 (47.5%)	13,545 (39.2%)	34,508 (100%)
2011	3,893 (11.5%)	348 (1.0%)	17,356 (51.1%)	12,356 (36.4%)	33,953 (100%)
2012	3,513 (10.5%)	374 (1.1%)	18,283 (54.7%)	11,235 (33.6%)	33,405 (100%)
2013	3,240 (9.8%)	358 (1.1%)	19,257 (57.9%)	10,355 (31.2%)	33,210 (100%)
2014	2,753 (8.6%)	335 (1.0%)	19,473 (60.9%)	9,421 (29.5%)	31,982 (100%)
2015	2,609 (8.1%)	305 (1.0%)	20,064 (62.1%)	9,312 (28.8%)	32,290 (100%)
2016	2,594 (8.0%)	333 (1.0%)	20,356 (62.7%)	9,200 (28.3%)	32,483 (100%)

As in the case of primary level, exemption from the study of Irish were most frequently granted on the grounds of specific learning disabilities during this period. The proportion of students with an exemption from the study of Irish on this ground relative to the total number of exempted students was smaller than at primary level. The figures in Table 3.3 show a steady increase from 2004 in the number of students with specific learning difficulties who have been granted an exemption from the study of Irish. The proportion of students granted an exemption on the grounds of specific learning disability increased by almost 50% between 2004 (41.7%; N= 7218) and 2016 (62.7%; N= 20,356).

The second most frequent ground for the granting of exemptions during the 2004-2016 period was students from abroad and who had no understanding of English when enrolled. As observed at primary level, there was a peak in the proportion of students granted an exemption based on this criterion in 2008 (42.2%; N= 12,769). This peak was followed by a steady decline in the number and proportion of students granted an exemption from the study of Irish on this ground. In 2016, the proportion of students granted an exemption on the basis of being from abroad and having no understanding of English when enrolled was 28.3% (N= 9,200).

The proportion of students granted an exemption from the study of Irish on the basis that they received their education up to 11 years outside the state was relatively high in 2004 (25.2%; N= 4353). This figure has declined by up to two thirds in the years since then with the proportion of students with an exemption from the study of Irish based on this criterion at just 8% (N= 2,594) in 2016.

The proportion of students with an exemption from the study of Irish on the grounds of re-enrolment after a period of at least three years abroad remained very low between 2004 and 2016.

Trends in the granting of exemptions for the first time

Table 3.4 shows the number of post-primary students who were granted an exemption from the study of Irish for the first time in each school year from 2004-2016 in accordance with the criteria for granting exemptions outlined in Circular M10/94. Table 3.4 shows that the actual number of post-primary students granted exemptions for the first time almost doubled between 2004 (N=6244) and 2010 (N=12,314) but has steadily declined since then. The number of exemptions granted for the first time at post-primary level in 2016 was 9,486.

The proportion of students granted exemptions from the study of Irish for the first time relative to the mainstream school population also increased significantly between 2004 and 2010. In 2011, there was a 1% decline in the proportion of students granted exemptions for the first time relative to the mainstream school population but since then, the decline in the relative proportion has been very small. The overall trends contrast with those for the primary school population where during this period, the actual numbers of pupils granted exemptions for the first time increased and the proportion of exemptions granted to pupils relative to the mainstream student population increased first, decreased and in recent years, increased again.

The proportion of post-primary students granted exemptions from Irish for the first time relative to the mainstream student population in the period 2004-2016 fluctuated between 2% and 3.9%. This contrasts with the situation at primary level where the proportion of pupils granted exemptions for the first time relative to the mainstream school population did not exceed 1% during the same period.

The actual number of pupils granted exemptions from Irish for the first time at post-primary level during each year in the period 2004-2016 was also considerably bigger than the corresponding number of primary pupils granted such exemptions each year in this period. For example, the total number of exemptions granted for the first time in 2016 at primary level was 5358 compared with 9,200 at post-primary level; the number granted at post-primary level was 70% higher than the number granted at primary level for that year.

Table 3.4 Post-primary students granted an exemption from the study of Irish for the first time 2004-2016

	Students educated outside of Ireland up to 11 years	Students with a Learning Disability	Students re-enrolling after a minimum of three years abroad	Students from abroad with no understanding of English when enrolled	Unspecified	Total number of students granted exemptions for the first time	Total students in mainstream school population	% of the post-primary cohort granted an exemption for the first time in the relevant year
2004	1,288 (20.6%)	2,504 (40.1%)	58 (0.9%)	2,394 (38.4%)		6,244 (100%)	305,767	2.04
2005	1,241 (16.4%)	2,965 (39.1%)	66 (0.9%)	3,297 (43.6%)		7,569 (100%)	303,006	2.50
2006	1,392 (15.7%)	2,886 (32.5%)	80 (0.9%)	4,275 (48.1%)	249 (2.8%)	8,882 (100%)	303,495	2.91
2007	1,428 (15.0%)	3,172 (33.4%)	73 (0.8%)	4,827 (50.8%)		9,500 (100%)	305,114	3.11
2008	1,180 (12.1%)	3,377 (34.6%)	101 (1.0%)	5,099 (52.3%)		9,757 (100%)	307,918	3.17
2009	1,013 (11.6%)	3,464 (39.6%)	90 (1.0%)	4,173 (47.8%)		8,740 (100%)	312,154	2.80
2010	1,251 (10.0%)	6,002 (48.7%)	136 (1.1%)	4,925 (40.0%)		12,314 (100%)	317,423	3.88
2011	926 (10.0%)	4,521 (49.0%)	93 (1.0%)	3,686 (40.0%)		9,226 (100%)	322,503	2.86
2012	919 (9.8%)	4,762 (50.5%)	124 (1.3%)	3,620 (38.4%)		9,425 (100%)	327,316	2.88
2013	891 (9.3%)	4,908 (51.4%)	100 (1.1%)	3,652 (38.2%)		9,551 (100%)	333,172	2.87
2014	574 (6.7%)	4,392 (51.3%)	92 (1.1%)	3,500 (40.9%)		8,558 (100%)	339,203	2.52
2015	752 (7.8%)	4,806 (50.1%)	69 (0.7%)	3,971 (41.4%)		9,598 (100%)	345,551	2.78
2016	796 (8.4%)	4,675 (49.3%)	112 (1.2%)	3,903 (41.1%)		9,486 (100%)	352,173	2.69

In the period 2004-2016, there was fluctuation in the most frequent grounds on which students at post-primary level were granted exemptions for the first time. Between 2004 and 2009, the most frequent ground for granting exemptions for the first time was students from abroad with no understanding of English when enrolled while the most frequent ground between 2010 and 2016 was learning disability. This contrasts with the situation at primary level where the most frequent ground on which pupils were granted exemptions for the first time in the period 2004-2016 has consistently been learning disability. The proportion of students at post-primary level granted exemptions for the first time on the basis of learning disability (i.e. ranging from 32% to 51%) has been much lower than at primary level (ranging from 69% to 82%).

Reflecting the trend at primary level, the third most frequent ground on which pupils were granted an exemption from the study of Irish for the first time in the period 2004-2016 were students educated outside of Ireland up to 11 years of age. The proportion of such students relative to the mainstream post-primary school population has steadily declined although considerably bigger than the corresponding proportion of primary students. By 2016, the difference between the relative proportions had narrowed considerably (5.3% versus 8.4%).

As at primary level, the proportion of post-primary students granted exemptions from the study of Irish for the first time on the grounds of re-enrolment after a minimum of three years abroad was very small.

3.4 Student Participation in Irish examinations in State examinations

Table 3.5 shows the number of students sitting the Irish examination in the Junior Certificate and Leaving Certificate examinations from 2004 to 2016 relative to the overall number of students sitting each of these examinations.

Both the number and proportion of students not taking Irish in the Junior Certificate increased by approximately 40% between 2004 (N=6069; %= 10.6%) and 2011 (N=8491; %=14.9%). From 2011, there was a slight decline in the number (9%) and proportion (14%) of students not taking the Irish examination. In 2016, 12.8% of Junior Certificate candidates (N=7713) did not sit the Irish examination.

There were similar trends regarding the non-participation by students in the Irish examination in the Leaving Certificate but the number and proportion of such students is higher than in the case of the Junior Certificate. Both the number and proportion of students not taking Irish in the Leaving Certificate increased by approximately 56% between 2004 (N=6,998; %=11.9) and 2011 (N= 10,947; %=19.0). From 2011 and 2012, there has been a slight decline in the number (1.5%) and proportion (1.6%) of students not taking Irish in the Leaving Certificate. In 2016, 16.3% of Leaving Certificate candidates (N=8,496) did not sit the Irish examination.

Table 3.5 Student participation in the Irish examination in the Junior Certificate and Leaving Certificate 2004-2016

Year	Junior Certificate including JCSP students				Leaving Certificate: LC Established, LVCP and LCA students			
	Total candidates	Total Irish	Number not taking Irish	% not taking Irish	Total candidates	Total Irish	Number not sitting Irish ⁹	% not sitting Irish
2004	57,074	51,005	6,069	10.6%	58,743	51,745	6,998	11.9%
2005	56,640	50,319	6,321	11.2%	57,414	50,233	7,181	12.5%
2006	57,782	50,871	6,911	12.0%	54,152	46,468	7,664	14.2%
2007	57,287	49,837	7,450	13.0%	53,894	46,371	8,297	15.4%
2008	55,940	47,959	7,981	14.3%	55,543	47,246	7,483	13.5%
2009	55,557	47,313	8,244	14.8%	57,461	47,993	9,468	16.5%
2010	56,086	47,616	8,470	15.1%	57,837	47,357	10,480	18.1%
2011	56,841	48,350	8,491	14.9%	57,539	46,592	10,947	19.0%
2012	58,798	50,809	7,989	13.6%	55,816	45,119	10,697	18.3%
2013	59,854	51,993	7,861	13.1%	55,577	45,483	10,094	18.2%
2014	60,359	52,803	7,556	12.5%	56,989	47,194	9,795	17.2%
2015	59,541	51,996	7,545	12.7%	57,931	48,379	9,552	16.5%
2016	60,273	52,560	7,713	12.8%	58,465	48,938	9,527	16.3%

The difference between the number of students who sit the Junior Certificate and Leaving Certificate and those who sit Irish can be attributed in part to the number of students who have an exemption from the study of Irish and who consequently do not present for the Irish examination. However, the proportion of students not sitting Irish in the State examinations in the Junior Certificate and the Leaving Certificate relative to the general school population (i.e. 12.8% and 15.3% respectively) is considerably higher than the proportion of students with exemptions in all year groups in the general school population (i.e. 9.2%).

Table 3.6 compares the number of students not sitting Irish in the State examinations in each year from 2004-2016 with the number of students for that year group who had been returned by schools in September the previous year as having an exemption from the study of Irish. While there may have been changes in the status and circumstances of a student between the time of the returns by schools and the time they sat the State examinations in June, this comparison does provide an indication of trends relating to students without exemptions who do not sit Irish in the State examinations.

Table 3.6 indicates that a considerable proportion of students sitting the State examinations do not have exemptions from the study of Irish. In 2016, almost a quarter (24.2%) of students not sitting Irish in the Junior Certificate and just under a third (31.6%) of students not sitting Irish in the Leaving Certificate did not have an exemption. Over the period 2004-2016, there was a considerable decrease in the proportion of students without an exemption from the study of Irish who did not sit the Irish examination. In 2004, almost half (49.8%) of students not sitting Irish in the Junior Certificate and

⁹ These figures include the very small number of students sitting the LCA between 2004-2016, ranging from 4 to 17, who were assessed in sign language in place of Irish and a modern language.

almost two thirds (65.8%) of students not sitting Irish in the Leaving Certificate did not have an exemption from the study of Irish.

Table 3.6 Comparison of students who did not sit Irish in the Junior Certificate and Leaving Certificate with those with exemptions from the study of Irish

Year	Junior Certificate including JCSP				Leaving Certificate- Established, LCVP and LCA			
	Number of students not sitting Irish examination	Number of students with exemption from study of Irish as in school returns to DES	Number of students not sitting Irish examination and do not have an exemption	% of students not sitting Irish examination that do not have an exemption	Number of students not sitting Irish examination	Number of students with exemption from study of Irish as in school returns to DES	Number of students not sitting Irish examination that do not have an exemption	% of students not sitting the Irish examination that do not have an exemption
2004	6,069	3,046	3,023	49.8%	6,998	2,391	4607	65.8%
2005	6,321	3,488	2,833	44.8%	7,181	2,847	4,334	60.4%
2006	6,911	4,179	2,732	39.5%	7,664	3,138	4,526	59.1%
2007	7,450	4,777	2,673	35.9%	8,297	3,789	4,508	54.3%
2008	7,981	5,385	2,596	32.5%	7,483	4,498	2,985	39.9%
2009	8,244	5,843	2,401	29.1%	9,468	5,415	4,053	42.8%
2010	8,470	5,947	2,523	29.8%	10,480	5,884	4,596	43.9%
2011	8,491	6,838	1,653	19.5%	10,947	6,787	4,160	38.0%
2012	7,989	6,509	1,480	18.5%	10,697	7,015	3,682	34.4%
2013	7,861	6,167	1,694	21.5%	10,094	6,916	3,178	31.5%
2014	7,556	6,047	1,509	20.0%	9,795	6,908	2,887	29.5%
2015	7,545	6,009	1,536	20.4%	9,552	6,593	2,959	31.0%
2016	7,713	5,846	1,867	24.2%	9,527	6,514	3,013	31.6%

3.5 Students with exemptions from the study of Irish but studying a modern foreign language

Data pertaining to the uptake of languages held by the Department indicates that a considerable proportion of students studying for the Junior Certificate and the Leaving Certificate examinations who hold an exemption from the study of Irish are studying a modern foreign language (MFL). Tables 3.7 and 3.8 indicate that while the proportion of students with an exemption from the study of Irish who are studying a MFL declined between 2003 and 2016, the proportion of such students remains significant.

In 2003, just over two thirds (67.4%) of students in the third year of junior cycle with an exemption from the study of Irish were studying a MFL. In 2016, three fifths (60.1%) of third-year students with exemptions from Irish were studying a MFL. In 2003, three quarters (75.1%) of sixth-year students holding an exemption from the study of Irish were studying a MFL. In 2016, less than two thirds (63.2%) of students in sixth year with an exemption from the study of Irish were studying a MFL.

Table 3.7 Junior cycle students (Year 3) with exemption from the study of Irish but studying a MFL

Year	Junior Cycle		JCSP		Junior Cycle and JCSP		
	JC students (Year 3) with exemption from Irish	JC students (Year 3) with exemption from Irish but studying an MFL	JCSP students (Year 3) with exemption from Irish	JCSP students (Year 3) with exemption from Irish but studying an MFL	Total students (Year 3) with exemption from Irish	Total students (Year 3) with exemption from Irish but studying an MFL	% of students (Year 3) with exemption from Irish but studying an MFL
2003	2,979	2,048	67	6	3,046	2054	67.4%
2004	3,385	2,292	103	13	3,488	2305	66.1%
2005	4,091	2,614	88	11	4,179	2625	62.8%
2006	4,639	2,889	138	38	4,777	2,927	61.3%
2007	5,241	3,403	144	32	5,385	3,435	63.8%
2008	5,645	3,732	198	64	5,843	3,796	64.9%
2009	5,714	3,889	233	76	5,947	3,965	66.7%
2010	5,840	3,932	998	312	6,838	4,244	62.1%
2011	5,393	3,555	1,116	337	6,509	3,892	60.0%
2012	5,023	3,336	1,144	366	6,167	3702	60.0%
2013	4,836	3,129	1,211	451	6,047	3,580	59.2%
2014	4,730	3,168	1,279	519	6,009	3,747	62.3%
2015	4,558	3,134	1,288	511	5,846	3,645	62.4%
2016	4,750	3,177	1,346	528	6,096	3,705	60.1%

Table 3.8 Senior cycle students (Leaving Certificate Year 2) with exemption from the study of Irish but studying a MFL

Year	Leaving Certificate		LCVP		LCA		Senior Cycle (Year 2)		
	LC students (Year 2) with exemption from the study of Irish	LC students (Year 2) with exemption from Irish but studying an MFL	LCVP students (Year 2) with exemption from Irish	LCVP students (Year 2) with exemption from Irish but studying an MFL	LCA students (Year 2) with exemption from Irish	LCA students (Year 2) with exemption from Irish but studying an MFL	Total number of students with exemption from Irish	Total number of students with exemption from Irish but studying an MFL	% of students with exemption from Irish but studying an MFL
2003	1,607	1,112	597	509	187	151	2,391	1772	74.1%
2004	1,803	1,228	772	651	272	221	2,847	2,100	73.8%
2005	1,927	1,248	906	726	305	247	3,138	2,221	70.8%
2006	2,278	1,473	1,082	870	429	367	3,789	2,710	71.5%
2007	2,666	1,559	1,276	1,034	556	456	4,498	3,049	67.8%
2008	3,197	1,847	1,640	1,320	578	445	5,415	3,612	66.7%
2009	3,417	1,948	1,825	1,407	642	495	5,884	3,850	65.4%
2010	3,672	2,052	2,228	1,680	887	687	6,787	4,419	65.1%
2011	3,637	2,118	2,369	1,789	1,009	804	7,015	4,711	67.2%
2012	3,670	1,993	2,318	1,735	928	703	6,916	4,431	64.1%
2013	3,716	2,061	2,164	1,668	1,028	716	6,908	4,445	64.3%
2014	3,546	1,909	2,058	1,539	989	750	6,593	4,198	63.7%
2015	3,566	1,930	1,985	1,472	963	808	6,514	4,210	64.6%
2016	3,468	1,789	1,950	1,427	1,019	853	6,437	4,069	63.2%

3.6 Key findings

- Overall, the number of students with exemptions from the study of Irish has grown steadily in the last decade and a half. However, demographic trends have been a key contributory factor. The proportion of post-primary students in the general school population holding exemptions in a given year has fallen in recent years from a peak of 10.9% in 2010/2011 to 9.3% currently. Data on the total number of pupils with an exemption from Irish is not available at primary level.
- Overall, the number of pupils at primary level granted an exemption from the study of Irish for the first time in a given year has increased since 2004. The proportion of primary pupils in the general school population granted an exemption from the study of Irish for the first time was at its highest in 2009 (N=4956; %= 1.01%). In recent years, the proportion of the primary school population granted exemptions for the first time has fluctuated between 0.8% and 0.1%. In 2016, 5,358 exemptions (0.98% of the general school population) were granted at primary level for the first time.
- The data also suggest that applications for an exemption from the study of Irish occur more frequently at post-primary. The number and proportion of post-primary students granted an exemption from the study of Irish for the first time in a given year was at its highest in 2010 (N= 12,314; %= 3.9%) and has declined since. In 2016, 9,486 exemptions (2.69% of the school population) were granted for the first time compared with 0.98% (N=5358) at primary level.
- Pupils with a specific learning disability have consistently comprised the majority of new exemption cases at primary level each year. At post-primary level, the majority of exemptions have been granted to students with learning disabilities in each year since 2010. The proportion of pupils/students being granted exemptions from the study of Irish under the category of learning disability (which includes SLD, general learning disability and sensory disability) constitute the majority of exemptions granted at both primary and post-primary.
- The number of pupils/students with exemptions from the study of Irish on the basis of their understanding of English when first enrolled in school, is the second largest group of those with exemptions from Irish.
- Prior to 2010, the majority of exemptions granted for the first time were to pupils/students from abroad with no understanding of English. The proportion of students granted exemptions from the study of Irish on the basis of no understanding of English is considerably higher at post-primary level. Increased application based on this criterion may be a consequence of anticipation of the State examinations or activation of the exemption to which students had previously been entitled to upon initial enrolment in the system.
- The number of exemptions granted based on the other criteria as set out in the Circulars, including those who were educated outside the Republic of Ireland up to the age of 11 years, remained relatively very low in the period 2004-2016.
- The proportion of students not sitting Irish in the Junior Certificate and the Leaving Certificate is relatively high when compared with the proportion of students holding exemptions in the general school population across the entire post-primary cycle. While it is a positive sign that the proportion of students not sitting Irish that do not have exemptions from Irish has decreased considerably over the last decade or so, it remains notable that a quarter of students not sitting Irish in the Junior Certificate and just under a third of students not sitting Irish in the Leaving Certificate do not have an exemption from the study of Irish.

Chapter 4 Case study visits to primary schools

4.1 Introduction

The purpose of the case study visits conducted by the Department's Inspectorate was to examine the processes and procedures by which exemptions from the study of Irish are granted at school level and to identify issues relating to the implementation of Circulars M10/94 and 12/96. Following a pilot case study visit to one primary school in June 2014, the case study visits to primary and post primary schools took place during September and October 2014. Each school visit was carried out by two inspectors, one in a reporting role and the other in a supporting role. All visits were conducted over a one-day period.

This chapter presents the findings of the case study visits to a sample of primary schools.

4.2 Methodology

Six primary schools from varying contexts were chosen for the case study visits. These schools included:

- an inner city school participating in the Delivering Equality of Opportunity in Schools (DEIS) scheme
- a large urban school serving mainly a middle class catchment area
- an Educate Together school in a rural setting
- a school located in the Gaeltacht¹⁰
- a large suburban school
- a junior school in a rural town

All of the case study schools were selected on the basis that there was a sufficient number of pupils with exemptions from the study of Irish, as evidenced in annual returns to the Department, to facilitate the examination of the processes for granting exemptions in each school.

Each visit involved a review of the processes implemented in individual schools in the granting of exemptions from the study of Irish including:

- the personnel involved
- the examination of documentation to inform decisions
- communication with parents and other parties
- granting of exemptions in accordance with Circular 12/96
- the issuing of exemption certificates
- the transfer of information and
- the retention of records.

The visits also reviewed the arrangements in place for pupils who, once exempted, were not engaged in the study of Irish.

¹⁰ A Gaeltacht school where English is the medium of instruction.

During each visit, interviews were conducted with the principal and/or the deputy principal, learning-support teachers, and/or special education needs co-ordinators. Relevant documents in pupils' exemption files including exemption certificates, psychological reports and other assessment data were also examined in order to assess the effectiveness of the administration of the exemption from Irish processes.

A summary statement on the processes relating to exemptions from Irish was completed on each school that participated in the case studies. These summary statements were collated and analysed. The key themes and findings from that analysis are presented in this chapter.

4.3 Overview of exemptions from the study of Irish in the primary case study schools

Across the six case study schools, there was a total enrolment of 2,724 pupils. 5.6% (153) of pupils attending these six primary schools had been granted an exemption from the study of Irish¹¹ (Table 4.1). The proportion of pupils with exemptions across the six schools ranged from 3% to 11% of the school population. In one particular school, it was reported that there was an increase of 35% in exemptions sought from the study of Irish in the previous year (2013).

Table 4.1 Proportion of pupils holding an exemption from the study of Irish in the primary case study schools.

School	Pupil enrolment	No. of pupils with exemptions	% of exemptions
School A	331	36	11%
School B	919	28	3%
School C	345	23	6.6%
School D	486	35	7.2%
School E	373	10	2.6%
School F	270	21	7.7%
Total	2724	153	5.6%

The reasons for the granting of exemptions from the study from Irish to individual pupils was also examined in each of the case study schools (Table 4.2). 28% of the exemptions from the study of Irish granted related to pupils who had a diagnosis of a specific learning difficulty (dyslexia)¹². Pupils with

¹¹ It is not possible to indicate how the proportion of primary pupils with exemptions from the study of Irish compares with that of the total primary population as the data collected in the annual statistical returns to the Department each year relates only to exemptions granted for the first time in the previous school year.

¹² It has been the Department's practice to use the terminology of specific learning disability in all documents. Dyslexia is often referred to as a specific learning difficulty.

no English on entry to primary school constituted 16% of the cohort of pupils that were granted an exemption from Irish. 8% of the pupils in the schools were exempted from the study of Irish on the basis of a general learning disability due to sensory impairment. A smaller cohort of pupils, 2.6%, were granted an exemption on the grounds of a diagnosis of Mild General Learning Disability (MGLD). These figures are broadly in line with expectations in terms of the overall school going population (Department of Education and Science, 1993).

Table 4.2 Reason for granting an exemption from the study of Irish

Reason for granting an exemption	Number of pupils granted an exemption from the study of Irish	Percentage of pupils granted an exemption from the study of Irish
Specific learning difficulty (Dyslexia)	43 pupils out of 153 pupils	28%
No English on enrolment	25 pupils out of 153 pupils	16%
Sensory impairment	12 pupils out of 153 pupils	8%
General Learning Disability	4 pupils out of 153 pupils	2.6%

4.4 Implementation of exemption processes in the case study primary schools

This section provides an overview of how the case study schools implemented the key processes that relate to the granting of exemptions from the study of Irish.

4.4.1 Personnel involved in the granting of exemptions from the study of Irish

Responsibility for granting exemptions from the study of Irish varied across the six case study schools. In two schools, it was reported that the principal took sole responsibility for the granting of exemptions. In three schools, the principal consulted with the deputy principal or special educational needs co-ordinator before making a determination. One case study school allocated full responsibility for the granting of exemptions to the learning-support teacher. In four schools, the school board of management had little or no involvement in the granting of exemptions. In two schools, individual cases were discussed with the chairperson and an account was presented to the board of management.

4.4.2 Examination of documentation and liaison with relevant parties to inform decisions

Circular 12/96 states that the school authorities will satisfy themselves as to the documentary evidence submitted by a parent or guardian in support of an application for an exemption from Irish.

The case studies indicated a range of practices in primary schools with regard to how documentation was examined and used to support an application for an exemption from the study of Irish. Three case

study schools reported that they examine all documents carefully. Two schools reported that where a psychologist recommends an exemption from the study of Irish that they accept the recommendation: they do not scrutinise psychologists' reports on the assumption that the recommendation was made in accordance with the terms of the Circular. However, an examination by inspectors of psychologists' reports found that this was not always the case. Sourcing psychological reports was a particular issue for the primary school principals when processing applications for exemptions from the study of Irish.

Circular 12/96 also stipulates that the school report prepared by school authorities on pupils for whom exemptions are being sought should include information on assessments carried out by learning support teachers or other teachers as well as the results of tests and reports from relevant teachers, information on the pupil's attendance, application to study, and any learning support or other special help given. Four case study schools stated that in general, they do not consider internal pupil progress reports when making a determination on whether or not to grant an exemption from the study of Irish. Inspectors noted that progress reports were frequently absent from pupils' exemption files.

Table 4.3 shows the source of the psychological reports in the exemption from Irish files examined in the primary schools, where available. It should be noted that in many instances, psychological reports were not available in students' exemption files as such reports were not required to inform decisions on exemptions as in the case of pupils from abroad.

A review of the psychologists' reports that were included in pupils' files and available to inspectors at the time of the case study visits¹³ indicated that reports from private psychologists (56%) were used more frequently across the case study schools in support of exemptions from the study of Irish than those provided by NEPS or public bodies (44%) (Table 4.4). That said, the prevalence of reports from private psychologists over those from NEPS or public bodies was seen in just three of the six case study schools. In one school, reports by psychologists in private practice were used almost five times more frequently while in another school, reports by NEPS or public bodies were used six times more frequently. Principals commented that some parents were prepared to pay a private psychologist in order to source such reports and that such a practice could be viewed as giving an unfair advantage to pupils whose parents could afford to pay for this private service over those whose parents could not.

The case study visits indicated that primary schools often require additional clarification and advice to support them in implementing the terms of the circular but that there was a lack of awareness among principals of where to avail of additional support and advice. Three of the primary schools in the case study reported that they regularly seek the views of either the NEPS or private psychologists to assist them in making a determination on whether or not to grant an exemption from Irish. Four schools indicated that they were unaware of the facility to contact the Department for advice.

Table 4.3 Overview of the provision of psychological reports by various agencies

¹³ In many instances, psychologists' reports were not available in pupils' files because they were not required as in the case of pupils from abroad who had been granted exemptions from the study of Irish. In other instances, psychologists' reports were missing from the files of individual pupils although they were required to support exemptions from Irish for these pupils.

Reports	School A	School B	School C	School D	School E	School F	Total
No of files examined	36	28	23	18	10	22	137
No of files where psychological reports were available	8	28	12	7	9	21	85 (100%)
Reports by NEPS or public bodies e.g. Public Health Service, Public Agencies such as Cope, Brothers of Charity	2	5	6	4	2	18	37 (44%)
Reports by psychologists in private practice	6	23	6	3	7	3	48 (56%)

4.4.3 Communication with parents

Circular 12/96 states that a written application for an exemption from the study of Irish which specifies the grounds on which the exemption is sought will be made by a parent or guardian to the principal of the school. The application will be accompanied by documentary evidence of age and previous schooling as appropriate to the grounds cited.

Across the case study schools, parents initiated the process of seeking an exemption from the study of Irish for their child by approaching the school. One school required that the application for an exemption would be in writing. In another school, it was the practice that teachers advised parents to seek an exemption from the study of Irish for their child.

Practice varied across the case study schools with regard to informing parents on the procedures involved in the granting of an exemption from the study of Irish and the implications of activating exemptions for their children. One school circulated its policy on exemptions from the study of Irish and provided hard copies of the Circular 12/96 to parents. In the case of two schools, parents were informed of the career implications associated with an exemption from Irish. One school provided this information in writing, having discussed the issue at a pre-arranged meeting with parents.

Where there was a speech and language special class, parents were informed of the option to seek an exemption from Irish for their children on entry to that special class. In three of the case study schools, principals reported that they advise parents to not seek an exemption from the study of Irish until the later years of primary education based on the understanding that pupils should avail of every opportunity to participate in the oral and cultural aspects of the Irish language.

In general, parents in the case study schools accepted the advice of the principal when applying for an exemption from the study of Irish for their child. A small number of instances were noted where parents chose not to avail of the exemption despite the recommendation in their child's psychological report. In one school, parents were encouraged by school authorities not to advise their children that an exemption from Irish had been granted and these children continued to participate in Irish lessons.

The class level in which pupils were enrolled was found to be a significant factor influencing applications from parents for an exemption from the study of Irish. A large percentage of exemptions were sought by parents when pupils entered the senior classes of primary school. In one case study school, 75% of pupils were either in fifth or sixth class when an application for an exemption was made. The principal's explanation for this practice related to the extra academic demands placed on pupils prior to transferring to post-primary school and to the more formal approach adopted to literacy learning in the senior classes in primary school. A number of the principals in the case study schools reported that they came under pressure from parents to grant exemptions from the study of Irish prior to the transfer of pupils to the post-primary sector.

4.4.4 Granting of exemptions from the study of Irish in accordance with Circular 12/96

In each case study school, inspectors examined the files of pupils that had been granted an exemption from the study of Irish to determine the extent to which the exemptions granted were in accordance with the terms of Circular 12/96. All files were examined in the case of five schools (Table 4.4). Less than half of the files available were examined in the sixth school due to time constraints.

Table 4.4 Review of files of pupils who had been granted an exemption from the study of Irish

School	Pupil enrolment	Number of pupils with exemptions	No. of pupil files examined
School A	331	36	36
School B	919	28	28
School C	345	23	23
School D	486	35	18
School E	373	10	10
School F	270	21	22
Total	2724	153	137

As indicated in Table 4.5, of a total of 137 pupils with an exemption from Irish whose files were examined, 86 (63%) had been granted the exemption in accordance with the terms of Circular 12/96. 33 (24%) of the exemption files reviewed in these schools were deemed by inspectors to be incorrectly granted. In the case of 18 (13%) pupils, there was a lack of relevant information in the pupil's file to enable inspectors to determine whether an exemption was warranted or not. In two schools, inspectors observed that up to half of the total number of exemptions granted were either not correctly granted or that there was insufficient information provided in support of the application for an exemption.

Inspectors' review of exemption files retained by schools also indicated that more exemptions from the study of Irish had been granted by primary school authorities than had been registered with the Department. For example, in two schools, the principals reported that there were a number of pupils who were not entitled to an exemption from the study of Irish in accordance with the Department's circular but who did not study Irish as they had been granted an exemption from Irish by the school on grounds of compassion relating to the specific needs of these pupils. In 2009, the requirement as set out in Circular 12/96 that primary schools should send a copy of each certificate of exemption to the Department was revised. Schools are, however, required to report on the overall number of exemptions from the study of Irish granted on an annual basis.

Table 4.5 Implementation of the terms of Circular 12/96 in granting exemptions

	School A	School B	School C	School D	School E	School F	Total
No. of files examined	36	28	23	18	10	22	137
Exemptions appropriately granted	17	20	15	10	8	16	86 (63%)
Exemptions incorrectly granted	16 (44%)	6 (21%)	4 (17%)	4 (22%)	N/A	3 (14%)	33 (24%)
Exemptions where the appropriateness is not clear	3	2	4	4	2	3	18 (13%)

Principals in the case study schools attributed the high proportion of exemptions from the study of Irish granted that were not in accordance with the terms of Circular 12/96 to a lack of clarity on aspects of the processes outlined in the Circular. Principals reported that such ambiguity resulted in criteria being open to interpretation making the decision-making process very difficult. In two case study schools, inspectors found that there were significant shortcomings with regard to understanding among school personnel of the terms of the exemption circular, particularly in relation to the criteria that relate to pupils with special educational needs (SEN) and pupils from abroad.

In one primary school, for instance, pupils who were born in Ireland to parents who did not speak English were automatically granted an exemption from the study of Irish on enrolment in junior infant classes, regardless of the language competency of the pupil and without consultation with parents. Circular 12/96 requires schools to establish that pupils from abroad have no understanding of English when enrolled before deciding on whether to grant an exemption. Steps to establish this would include assessments administered by the school to determine the language proficiency of the pupil.

Another area where there was uncertainty among principals in implementing exemption criteria related to the application of the criteria for on the basis of a Specific Learning Disability (SLD). Circular 12/96 requires that account must be taken of assessed intellectual functioning at average level or

above as one of the criteria in determining whether a SLD exists. The *Guidelines for Psychologists on Assessment and Reporting (1995)* state that a psychological assessment report on a child's intellectual functioning should include the derived I.Q. Score(s). During the case study visits, inspectors found that an exact score for the pupil's cognitive functioning (IQ), was absent in a number of psychological reports due to the fact that the score could not be determined by the psychologist. Although such a score is necessary in order to determine the eligibility of the applicant for an exemption from the study of Irish, principals reported that in such instances, they tended to grant the exemption.

4.4.5 Issuing Certificates of Exemption

Circular 12/96 requires schools to convey a decision to grant an exemption from the study of Irish to parents and to the relevant section of the Department by way of a written certificate, signed by the school principal. The certificate states that the exemption from the study of Irish has been given in accordance with the Circular. Notwithstanding the requirements outlined in Circular 12/96, practice varied in the case study schools with regard to the issuing of certificates of exemption. Since the beginning of the academic year 2009/2010, primary schools are no longer required to submit certificates of exemption to the Department but they are, however, required to provide statistical detail on the exemptions granted on an annual basis when completing the annual census on the Primary Online Database. In the case of parents, four of the schools, provide a certificate when the exemption is granted. In one school, the exemption certificate is kept on file and not issued until the pupil transfers to another school. It appeared that, in anticipation of the inspectors' visit in another school, that exemption certificates were prepared but that generally certificates are not provided.

4.4.6 Retention of records

Circular 12/96 provides clear guidelines in relation to the manner in which records relating to exemptions from the study of Irish should be retained by school authorities. In particular, the Circular advises that the application, school report, psychologist's report, report of medical specialist, copy of certificate of exemption and other relevant documents will be retained by the school and will be made available for inspection by authorised officers of the Department.

In three of the six primary schools, records of exemption cases were well maintained. Files included relevant documentation, letters from parents and signed certificate of exemption. In the other primary schools, however, there were considerable shortcomings in the maintenance of pupils' individual files. These shortcomings included missing reports, unsigned certificates and an absence of the pertinent information required to make an informed decision as to the applicant's eligibility for an Irish language exemption. In two of these schools, the principals reported that there were a number of pupils who were not entitled to an exemption from Irish in accordance with the Circular but who did not learn Irish as they had been granted an exemption from Irish by the school on grounds of compassion relating to the specific needs of the pupils. In these instances, the school did not provide any documentation to the inspectors.

4.4.7 Transfer of information

Circular 12/96 states that a copy of the certificate of exemption should be sent to the relevant post-primary school when the pupil has completed his/her primary education. However, it was not evident that this was normal practice in the case study schools. In two schools, this responsibility was allocated

to parents while the NEPS psychologist undertook this task in another school. In the remaining schools, the principal informed the post-primary school of pupils with exemption from the study of Irish, but only when requested by the post-primary school.

4.4.8 Provision for pupils with an exemption from the study of Irish during Irish lessons

Circular 12/96 advises that pupils with exemptions may be allowed to remain in the class during the Irish lesson so that they may have an opportunity to gain a knowledge of spoken Irish and to participate in the learning activities. Alternatively, other suitable arrangements may be made such as allocating school work on other subject areas.

In four case study schools, it was the practice to allow pupils to remain in the classroom and participate during the Irish lesson. In two of these schools, pupils participated in the oral aspect of the lesson with no demands placed on them to engage in written activities. In these schools, parents were informed and accepted that their children would be taught Irish up to and including second class even though they had an exemption from the study of Irish. In the two other schools, pupils engaged in separate activities in their classroom while their peers engaged in the Irish lessons. Pupils with an exemption from the study of Irish and in receipt of additional learning support were usually withdrawn from the classroom for the purpose of learning support during Irish lessons.

4.4 Principals' views on exemptions from the study of Irish

Inspectors found that in general, principals of the six case study schools were positively disposed towards the Irish language and sought to promote the language within the school community. The principals of the six schools welcomed the opportunity during the visits by inspectors to share their views on the implementation of exemption processes as outlined in Circular 12/96 and to provide suggestions on how issues relating to the exemption arrangements might be addressed going forward.

Principals reported that the lack of clarity in the circular and the criteria for the granting of exemptions made implementation of the process onerous and challenging at school level, particularly in light of the complex situations that frequently arise. Principals suggested a number of actions that could be taken to support the implementation of the exemption process including:

- devising of a Department circular on exemptions from the study of Irish, that can be implemented fairly and without ambiguity
- provision of clear step-by-step direction (e.g. checklist) to schools on the procedures of granting an exemption from Irish
- review of the *Guidelines for Psychologists on Assessment and Reporting (1995)* to ensure a common understanding among principals, teachers, parents and psychologists of the criteria required for exemptions
- a more active role by the Department or a relevant external body in assisting in the determination of the more complex exemption cases
- clarification of arrangements for Irish-language provision for pupils who are withdrawn from classrooms due to behavioural difficulties and as a result, have less access to learning Irish
- further guidance with regard to the eligibility to an exemption of pupils of Irish nationality whose parents speak English as an additional language.
- the need to take account of the integrated nature of the primary curriculum, the language context of the school and the language background of pupils – exemptions from the study of

Irish should only be granted at post-primary level and that exemptions in Irish-medium schools and in Gaeltacht areas should not occur.

Principals also suggested some further practical arrangements that could be considered to support implementation of the exemptions process at school level:

- assessment instruments used by psychologists should be standardised.
- a review of the requirement whereby only a report of a full psychological assessment not more than two years prior to the application for exemption was considered acceptable in determining eligibility for an exemption.
- steps to address ambiguities in the current circular and guidelines regarding the granting of exemptions would help to ameliorate pressure from parents.
- making parents more aware of the benefits of learning a second language
- the revision of the certificate of exemption from Irish to include the signature of the chairperson of the board of management.
- better recognition of the needs of pupils from abroad who meet the criteria for an exemption but who have the competence and interest in learning Irish as a third or additional language.

4.5 Key findings

This chapter examined the processes by which exemptions from the study of Irish are granted at school level in the case of six case study primary schools. It is acknowledged that the practice in such a small sample of schools may not be generalizable to the general school population and that the proportion of pupils with exemptions across the six schools may be above that in the general school population due to the mode of selection for the purpose of the case studies.

Nonetheless, the case studies provide valuable insights into the implementation of exemption processes in primary schools and the challenges experienced by schools in implementing Circular 12/96.

Implementation of exemption processes

- The majority of exemptions granted were deemed by inspectors to be correctly granted.
- Almost two fifths of exemptions granted to pupils in the schools visited were deemed to be either incorrectly granted or there was a lack of relevant information in the pupils' files to enable a correct determination.
- Incorrect granting of exemptions may be due to a lack of understanding among school personnel of the terms of Circular 12/96 , particularly in relation to the criteria for pupils with specific learning difficulties / disabilities / SEN and pupils from abroad

Personnel involved

- Responsibility for granting exemptions from the study of Irish varied across the six case study schools.
- In four of the schools, the board of management had little or no involvement and in one case the responsibility was devolved to the learning support teacher.

- Across the case study schools a lack of consistency was noted in the engagement of relevant school based parties in the decision making process concerning exemption from the study of Irish.
- In three of the schools, the principal consulted with the deputy principal or special educational needs co-ordinator.

Examination of documentation and liaison with relevant parties to inform decisions

- A range of practices was evident with regard to the manner in which documentation was examined and used to support an application.
- In three of the case study schools it was reported that all documentation is carefully examined.
- Sourcing psychological reports was a particular issue when processing applications.
- Across the case study schools it was found that reports from private psychologists were used in 56% of cases to support applications for exemption.
- In two of the schools reported that they accept the recommendations of psychologists even when the recommendation for an exemption is not consistent with the terms of the Circular.
- Many of the principals in the case study schools were not aware of the facility to contact the Department for advice and half regularly sought the advice of NEPS.

Communication with parents/guardians

- Across the case study school parents/guardians initiated the application for exemption from the study of Irish process. Practice varied regarding whether the applications were made in writing as stipulated in Circular 12/96 or orally.
- Practice varied with regard to informing parents of the procedures involved and the implications of activating an exemption.
- The class level in which pupils were enrolled was found to be a significant factor influencing applications with a large percentage of exemptions sought when pupils entered senior classes.
- Principals reported experiencing pressure from parents to grant an exemption to their child, especially when the pupil is in the senior classes of the primary school as an exemption granted in primary school transfers with a pupil to post-primary school.
- Principals suggested a need to make parents more aware of the benefits of learning a second language.

Granting of exemptions in accordance with circulars

- Files examined across the six case study schools indicated that in 63% of cases exemptions had been granted in accordance with the terms of the Circular.
- The high proportion of exemptions granted that were not in line with the terms of the circular were attributed by principals to be due to criteria being ambiguous and open to interpretation, particularly as they relate to pupils with special educational needs and IQ score(s) in the case of pupils with Specific Learning Disability.
- A lack of consistency within and across primary schools in adhering to the terms of the circular even in those cases where the evidence not to grant an exemption is very clear.

Issuing Certificates of Exemption

- Practice varied in the case study schools with regard to the issuing of certificates of exemption.
- Four of the schools issue a Certificate of Exemption to parents.

Retention of records

- In three of the case study schools, records of exemption cases were well maintained while in the other three considerable shortcomings were reported in the maintenance of pupils' files.
- In two of the schools, principals reported that the lack of documentation in a number of cases was due to the school having granted exemptions on the grounds of compassion relating to pupils' specific needs.

Transfer of information

- It was not evident that the case study schools transferred a copy of the Certificate of Exemption to the relevant post-primary school when the pupil has completed his/her primary education as required by the Circular. In the cases of two of the schools, it was the responsibility of parents to do so.
- Schools did not always inform the Department of all exemptions from the study of Irish that they had granted.

Provision for pupils who are exempt during Irish lessons

- In four of the case study schools pupils were allowed remain with their peers and participate in the Irish lesson.
- Where pupils were in receipt of additional learning support, they were usually withdrawn from the classroom during the Irish lesson.

Chapter 5 Case study visits to post-primary schools

5.1 Introduction

This chapter presents the findings of case studies conducted by the Department's Inspectorate in a sample of post-primary schools. As in the case of the case study visits to primary schools, the purpose of the case studies was to examine the processes by which exemptions from the study of Irish are granted at school level and to identify issues relating to the implementation of procedures for granting exemptions from the study of Irish as set out in Circular M10/94.

5.2 Methodology

Six post-primary schools from varying backgrounds were chosen for the case study visits. These schools included:

- a fee-paying boarding and day school
- a comprehensive school
- a community school serving both a rural and urban catchment area
- a voluntary secondary school for boys in a large town
- a fee-paying co-educational school in an urban setting
- a school under the patronage of an Education and Training Board (ETB).

All of the schools in the case studies were selected on the basis that there was a sufficient number of students with exemptions from the study of Irish, as evidenced in annual returns to the Department, to facilitate a thorough examination of the processes for granting exemptions in each of the schools.

The methodology used in the case study visits to post-primary schools was similar to that used for the primary case study visits, as described in Section 4.2 in Chapter 4. A pilot case study was carried out in one school followed by visits to five schools in the main study. Two inspectors carried out each visit over a one-day period. Inspectors reviewed the processes implemented in individual schools in the granting of exemptions from the study of Irish, including the extent to which schools examined relevant documentation to inform their exemption decisions and the extent to which schools grant exemptions from the study of Irish in accordance with the criteria outlined in Circular M10/94.

During each visit, interviews were conducted with relevant school personnel and the documentation in students' exemption files was examined to assess the effectiveness of the administration of the exemption from Irish process. Summary statements on the implementation of exemption processes for each case study school were collated and analysed. The key themes and findings from that analysis are presented in this chapter.

5.3 Overview of exemptions from the study of Irish in post-primary case study schools

In five of the post-primary schools that were visited, inspectors were provided with data on the total number of students with exemptions from Irish and the number of students that had been granted exemptions by the post-primary school. Inspectors were not able to access such data in the case of the sixth school due to the significant shortcomings in exemptions documentation and records in that school.

Across the five case study post-primary schools for which data on exemptions from the study of Irish were available, there was a total enrolment of 3106 students (Table 5.1). 422 (13.6%) of students in the schools had an exemption from the study of Irish. This is above the proportion of students (9.4%) in the general post-primary population that held an exemption from the study of Irish when the case studies were carried out in 2014. Of the students with exemptions, 137 students (33%)¹⁴ had been granted an exempt from the study of Irish by the post-primary schools. Inspectors’ discussions with principals highlighted that a small but significant proportion of post-primary students were not studying Irish, although they were not eligible for an official exemption from the study of Irish. It is likely, therefore, that the proportion of students not studying Irish exceeded the figures cited here.

Table 5.1 Proportion of students holding an exemption from the study of Irish in post-primary case study schools

	Student enrolment	No. of students with exemptions from the study of Irish	% with exemptions	Exemptions granted in the post-primary school
School A	250	47	18.8%	24
School B	461	116	25.2%	13
School D	900	64	7.1%	18
School E	522	32	6.1%	13
School F	973	163	16.8%	69
Total	3106	422	13.6%	137
<i>School C</i>	382	NA	NA ¹⁵	14 ¹⁶

In the majority of files examined during the case study visits, many of the exemptions pertained to specific learning difficulty (SLD) and to students who had come from abroad after the age of 11 years. Another much smaller cohort of post-primary students had been assessed as having a Mild General Learning Disability (MGLD) or Borderline Mild General Learning Disability (BMGLD). A very small number of post-primary students had been exempted on the basis of a “general learning disability due to serious sensory impairment.” There was also a very small number of exemptions from the study of

¹⁴ This suggests that the majority of students with exemptions from the study of Irish in the case study schools had been granted the exemptions in primary school. This would not appear to be consistent with the patterns of exemptions granted for the first time as seen in Tables 3.1 and 3.4 in Chapter 3. These tables suggest that the majority of exemptions granted in a given year are in the post-primary school.

¹⁵ It was not possible to determine the exact number of exemptions in this post-primary school due to significant shortcomings in the documentation on exemptions.

¹⁶ While the inspectors were able to determine that fourteen students had been granted exemptions from the study of Irish for the first time in this post-primary school, this may not be accurate. It was not possible to determine in at least three of the files examined when the exemption was first granted.

Irish granted, due to students having previously attended special schools, where Irish was not available on the curriculum. Some students were reported as having no knowledge of either English or Irish on enrolling in the post-primary school.

In two of the schools visited, a significant number of students were exempt from the study of Irish, due in large part to the numbers of students from overseas. Exemptions in these instance were granted on the basis that they had received their education abroad up until and, in many cases, beyond the age of 11 years as provided for in Circular M10/94. In another case study school, there was a large cohort of students who were exempted from the study of Irish, due to the fact that many of the students were the children of migrants. This post-primary school reported students from over 25 countries of origin in its student population. Again many of these students had been educated abroad up to, and in instances, beyond the age of 11 years.

5.4 Implementation of exemption from the study of Irish processes in the post-primary case study schools

This section provides an overview of how the case study schools at post-primary level implemented the key processes that relate to the granting of exemptions from the study of Irish.

5.4.1 Personnel involved in the granting of exemptions from Irish

In four of the six post-primary schools visited, the principal was centrally involved in the process of investigating and determining the eligibility of students to an exemption from the study of Irish. The advice of the co-ordinator for SEN or the guidance counsellor was often sought in assessing the eligibility for exemption from the study of Irish. In one post-primary school, the task of determining the eligibility of a student to an exemption was delegated to the co-ordinator for SEN who received an additional allowance, funded by the board of management, for fulfilling this role. Reasons given for delegation of the task included lack of time and lack of expertise. In another school, the guidance counsellor had responsibility for granting exemptions.

5.4.2 Examination of documentation and liaison with relevant parties to inform decisions

Circular M10/94 states that school authorities will satisfy themselves as to the documentary evidence submitted by a parent or guardian in support of a student's application for an exemption from the study of Irish.

All case study schools reported that documents in support of an application for an exemption from the study of Irish were given careful consideration and that particular attention was given to the review of psychological reports to ascertain if any recommendation made warranted an exemption from the study of Irish. Three of the six schools sought a second opinion from their designated NEPS psychologist, if they were unsure about whether a student was entitled to an exemption or not. Only two of the schools were aware that they could seek advice from the Parent and Learner Database Section in the Department, if they were unsure about an entitlement to an exemption from the study of Irish.

Table 5.2 shows the source of the psychological reports, where such were available, in exemption files examined by inspectors in the case study schools. It should be noted that in a number of the

exemption files examined, relevant reports had not transferred with the pupil from feeder primary schools and were not available at the time of the case study visits.

A review of the psychologists' reports that were included in students' files and available to inspectors at the time of the case study visits indicated that reports from private psychologists (71%) were used more frequently across the case study schools in support of applications for an exemption from the study of Irish than those provided by NEPS or public bodies (21%). The reliance on use of reports from private psychologists was evident in four of the schools, Reports provided by NEPS or public bodies were used more frequently in just one of the schools.

Table 5.2 Overview of the provision of psychological reports by various agencies

	School A	School B	School C	School E	School F	Total	School D
No. of files examined	47	30	29	27	30	163	18
No. of files where psychological reports were available	21	22	16	11	9	79 (100%)	*
Reports by NEPS or publicly funded agencies	7	2	11	2	1	23 (29%)	*
Reports by psychologists in private practice	14	20	5	9	8	56 (71%)	*

*This was one of the pilot schools and this information was not gathered during the pilot.

A number of principals interviewed during the post-primary case study visits raised a question about the appropriateness of recommendations relating to exemptions from Irish in psychological reports. Two of the principals reported difficulties with reports written by psychologists in private practice, where recommendations for exemptions from the study of Irish were not consistent with the terms of Circular M10/94. Two out of six principals reported that parents were willing to pay privately for reports recommending an exemption from the study of Irish. It was also reported that parents were aware of particular psychologists who in accordance with parents' wishes were willing to recommend an exemption from the study of Irish that was not within the terms of Department circulars.

Half of the principals in the case study schools reported that they did not oppose a recommendation from a psychologist for an exemption from the study of Irish to be granted, even where it was clear that the student was not meet the criteria. As principals they felt that they were not sufficiently qualified to counter a recommendation from a psychologist. It was also reported in one school that where there is uncertainty about exemption borderline cases, parents are advised by the school to have the student re-tested in order to gain more advantageous scores to achieve eligibility for an exemption from the study of Irish.

5.4.3 Communicating with parents

Circular M10/94 states that a written application for an exemption from the study of Irish will be made by a parent or guardian to the principal of the school specifying the grounds on which the exemption is sought and accompanied by documentary evidence of age and previous schooling as appropriate to the grounds cited. For the most part, there was little documentation from parents available in the students' exemption files in the post-primary case study schools. The engagement with parents was carried out by phone or face-to-face meetings by members of the senior management team, guidance counsellors or special educational needs co-ordinators.

All six case study schools reported that, following a review of an educational psychological assessment and consideration of the terms of Circular M10/94, the decision to grant an exemption from the study of Irish to a student was discussed with parents/guardians in the first instance. Two of the schools reported that they had a very small number of students who were entitled to an exemption from Irish under the terms of the circular but who, with their parents' approval, had continued to study Irish. Two of the principals reported that parents exerted undue pressure on them to grant exemptions from the study of Irish. One school with significant socio-economic disadvantage and a high proportion of students with English as an additional language enrolled, reported that parents had little interest in the Irish language or in their children learning the language. .

5.4.4 Granting of exemptions from the study of Irish in accordance with Circular M10/94

Student exemption files were examined in each case study school in order to determine whether exemptions from the study of Irish were granted in accordance with the terms of Circular M10/94.

As indicated in Table 5.3, out of a total of 181 students whose files were examined by inspectors, 87 (48.1%) had been granted the exemptions from the study of Irish in accordance with the terms of Circular M10/94. 69 (38.1%) students across the six case study schools were not granted exemptions from Irish in accordance with the circular. In one school, over three fifths of the students whose exemption files were reviewed were not entitled to an exemption. In the case of 25 (13.8%) students with exemptions across the case study schools, there was a lack of relevant information in their exemption files to enable inspectors to determine whether an exemption was warranted or not.

In two of the six post-primary schools visited, inspectors observed that there were serious deficits in interpreting the terms of Circular M10/94, particularly in relation to students with special educational needs. In four of the schools, there was a good knowledge of the terms of the circular with some small deficits observed in relation to understanding all of the criteria that needed to be taken into consideration in the decision-making process.

It should be noted that a considerable number of the exemptions from the study of Irish were already granted in the feeder primary schools, on the basis of a recommendation in a psychological report, as included in the files examined. Some of the post-primary principals interviewed referred to the fact that some students were clearly not entitled to an exemption from the study of Irish, but had been granted one in primary school.

Table 5.3 Implementation of the terms of Circular M10/94 in granting exemptions

	School A	School B	School C	School D	School E	School F	Total
No. of files examined	47	30	29	18	27	30	181
Exemptions appropriately granted	26	16	12	11	3	19	87 (48.1%)
Exemptions incorrectly granted	16 (34%)	12 (40%)	11 (38%)	4 (22%)	17 (62%)	9 (30%)	69 (38.1%)
Exemptions where appropriateness is not clear	5	2	6	3	7	2	25 (13.8%)

5.4.5 Transfer of information

Circular 12/96 states that primary school authorities should send a copy of the certificate of exemption to the relevant post-primary school when the student has completed his/her primary education. However, discussions with the principals of the post-primary case study schools indicated that the transfer of information on exemptions between primary and post-primary schools was unsatisfactory.

All six schools in the post-primary case studies reported that they sought information from parents enrolling their children in first year or in subsequent years in relation to exemptions from the study of Irish granted in primary school. Where a parent or student claimed that an exemption was in place, all schools sought certificates of exemption. No school reported receiving certificates of exemption as a matter of course from parents or from primary schools, as stipulated in the circular. All six schools reported that looking for the certificate of exemption from relevant parents or schools was, in many cases, time-consuming and difficult. Four of the six schools reported that it was not possible to obtain certificates of exemption for all eligible students.

Parents of these students, and in many cases the students themselves, were of the view that they were in fact exempted from the study of Irish and would not be expected to learn Irish. These students had studied little or no Irish for a number of years in primary school, as they had attended learning support during Irish lessons. This created a considerable difficulty for the schools and contributed to a students' negative attitude to the Irish language and experienced particular challenges in re-engaging with the subject. One principal reported that although such students are initially required to study Irish, in many cases an exemption from Irish is given outside of the terms of the Circular after a period of time, due to the fact that the students experience great difficulty with learning the Irish language and also present with behavioural issues. This principal also informed inspectors that the issue of pupils presenting at post-primary school without an exemption from Irish and who had not studied Irish for some time was also a matter of considerable concern for the principals of other schools in the locality which suggests that the issue is more widespread.

Five of the six principals interviewed advised that exemptions from the study of Irish were being granted too readily and indeed erroneously in many instances in primary schools. Principals reported considerable frustration with this issue given that they were expected to faithfully implement the terms of the exemptions circular for students in post-primary school. This was very evident in the documentation received by one case study school from one of its main feeder primary schools which showed serious shortcomings in the granting of exemptions in that feeder school. For example, signed exemption certificates from the primary school were observed to have blank spaces where students' names should have been recorded.

Inspectors were not in a position to establish the validity of 25 (13.8%) of the exemptions from the study of Irish reviewed during the case studies due to incomplete information in the files and/or in psychological reports. For example, some psychologists reported that test scores were uneven and as a result, they were unable to establish the exact cognitive ability of some post-primary students. As a cognitive ability in the average range is necessary for an exemption from Irish to be considered under the specific learning disability (SLD) category, a report which is silent on this issue leaves the onus on the post-primary school to make the decision as to whether an exemption from Irish should be granted or denied. In such instances, many of the principals in the case study schools granted the exemption.

Three of the six principals interviewed during the post-primary case study visits acknowledged that there were students enrolled in the school who were not studying Irish but who did not have an official exemption from Irish. In general, there were either no records or a paucity of exemption files for this cohort of students, and consequently, it was difficult to ascertain why exactly they had been allowed to disengage with the study of Irish. The number of students not studying Irish and without an exemption were generally small, comprising no more than two or three students. However, in one school, the principal reported that the number of students not studying Irish and who did not have an exemption from the study of Irish was in excess of 20. When this was queried, reference was made to the difficulties encountered in motivating post-primary students with additional learning needs, although these students were not entitled to an exemption under the terms of the circular.

5.4.6 Retention of records

Circular M10/94 requires that school authorities retain relevant documents relating to exemptions from Irish such as the application, school report, psychologist's report, report of medical specialist, and copy of the certificate of exemption, and make them available as necessary for inspection by officers of the Department.

A total of 181 exemption files were examined across the six case study post-primary schools. It was not possible, however, to review all files in some schools due to time constraints and the large volume of students exempted from the study of Irish. Files of students who had come to Ireland after the age of 11 or students that require English as an Additional Language support were not examined, as these students were automatically entitled to an exemption from the study of Irish in accordance with the terms of circulars.

Inspectors found that records for exemptions from the study of Irish were properly maintained in line with Circular M10/94 in four of the six case study schools. In these schools, each student had a file

containing a certificate of exemption, a psychological report, where relevant, and other pertinent information, relating in many cases, to special educational needs. In two of the schools visited, the files were poorly maintained with missing documentation and inaccurate information evident in many of the files.

5.4.7 Provision for students with exemptions from the study of Irish during Irish classes

Circular 12/96 for primary schools makes provision for pupils with an exemption from the study of Irish to remain in the class during Irish lessons or alternatively to avail of another arrangement such as work on other subject areas. Circular M10/94 does not make reference to the engagement of students who are exempt from the study of Irish with the Irish curriculum.

In most of the post-primary case study schools, students with special educational needs, who meet the criteria for exemption from the study of Irish under the terms of Circular M10/94, are withdrawn from Irish classes in order to access additional learning supports.

5.4.8 Exemptions and the National University of Ireland (NUI)

All third-level institutes which confer undergraduate National University of Ireland (NUI) degrees require Irish at ordinary or higher level in the Leaving Certificate examinations for matriculation. For other non-NUI colleges and universities in Ireland, different entry requirements apply.

The NUI also operates an exemption from Irish process by which students who are born outside of Ireland or students who are assessed as having a ‘specific learning difficulty affecting basic language skills in the mother tongue (viz. a dyslexia condition warranting exemption)’ are entitled to seek an exemption from the NUI matriculation requirements in relation to Irish and a third language.¹⁷ Given that Department Circulars M10/94 and 12/96 set out more demanding criteria for exemptions, many students who qualify for an NUI exemption are not entitled to an exemption under the Department’s criteria and are required to study Irish in school.

Principals interviewed during the post-primary case studies reported that the inconsistency between the Department and the NUI criteria causes difficulties as the principals come under undue pressure to allow students in receipt of an NUI exemption to cease studying Irish. Given that this NUI exemption is granted to all students who were born outside of Ireland regardless of when they enrolled it applies to a significant minority of students in many post-primary schools. In one of the post-primary case study schools visited, there was evidence to suggest that some students in receipt of an NUI exemption were allowed to cease studying Irish in senior cycle. The difficulties caused by this issue highlights the need to review the misalignment between the exemption criteria of the NUI and those of the Department.

¹⁷ These exemption from Irish criteria are drawn from the NUI website, www.nui.ie. Additional exemption criteria similar to those outlined in Department Circular M10/94 in relation to students who have spent three consecutive years or more outside of Ireland during their education also apply to NUI exemption criteria.

5.5 Principals' views on exemptions from the study of Irish

In general, principals in the post-primary case study schools were positively disposed towards the Irish language and demonstrated a strong interest in the promotion of Irish among students. These principals also welcomed the opportunity during the case study visits to offer suggestions on the implementation of Circular M10/94.

While most of the case study schools sought to be compliant in the implementation of the terms of the current Department circulars, principals reported that the processing of applications for exemption from the study of Irish was onerous, challenging and difficult. This was particularly true when dealing with parents who were insistent on obtaining an exemption for their child although their child might not satisfy the criteria for an exemption.

Principals of the case study schools advised that the lack of clarity and guidance in the circular was not helpful in these situations, for example, when the principals were requested to make a decision in relation to some categories of students with special education needs such as students with Autism Spectrum Disorder, who do not meet the criteria for exemptions from the study of Irish but it is evident that studying Irish is adversely affecting the student. The principals also reported how psychological reports prepared by psychologists in private practice that recommend exemptions outside the terms of Circular M10/94 can place them in a very difficult situation, particularly when presented with such reports by parents.

Another significant challenge reported by the principals of the case study schools related to the transfer of information about exemptions from primary schools. Principals advised that the process needed to be streamlined as an inordinate amount of time and effort was spent sourcing certificates of exemption when students enrol. Another dilemma in this regard related to students presenting with exemptions on enrolment in post-primary school who were clearly not entitled to an exemption and who had not studied Irish in primary school.

As outlined above in Section 5.4.3, the inconsistency between the Department's and the NUI criteria for exemptions from the study of Irish cause difficulties for principals as they came under pressure to permit students, particularly at senior cycle, who had NUI exemptions to absent themselves from Irish lessons. The management of this was particularly challenging where there were relatively large numbers of students with NUI exemptions enrolled in the school.

In light of these challenges and issues, principals in the post-primary schools suggested a number of actions including:

- that the Department's exemption circulars be reviewed and the arrangements within clarified in order to address the current difficulties in their interpretation, as well as the lack of clarity in relation to some categories of pupils/ students with special educational needs e.g. ASD students
- that an exemption checklist be developed for all schools
- that primary schools should be issued with clear guidelines in relation to providing additional education supports for pupils who are not entitled to an exemption and are experiencing difficulty with learning Irish

- that psychologists in private practice should be issued with clear guidelines on exemption criteria and their implementation
- that a database be compiled for pupils with exemptions from the study of Irish in primary schools to facilitate the transfer of exemption data between primary and post-primary schools
- that the Department would have a greater role in granting exemptions from Irish, thus addressing the issue of local pressure from parents.
- that the NUI exemption processes be reviewed as a matter of urgency

5.6 Key findings

This chapter examined the processes by which exemptions from the study of Irish are granted at school level in six case study post-primary schools. It is acknowledged that the practice in such a small sample of schools may not be generalizable to the general post-primary school population. As was the case in the case-study schools at primary level, the proportion of students with exemptions from the study of Irish across the six post-primary schools was above that in the general school population and considerably so in the case of two of the schools. It should also be noted that two thirds of the students had been granted the exemption while in primary school.

The post-primary case studies provide valuable insights into the implementation of exemption processes and the challenges experienced by post-primary schools in implementing the arrangements. They also highlight a number of additional issues, namely in relation to the transfer of information about exemptions from the study of Irish between primary and post-primary schools and the inconsistencies between the Department's and the NUI exemptions arrangements.

The exceptional circumstances in which exemptions were granted

- The exceptional circumstances in which exemptions were most frequently granted related to
 - specific learning difficulty (SLD – Dyslexia)
 - students who came from abroad after reaching 11 years of age.

Implementation of exemption processes

- A third of the exemptions from the study of Irish held by students in post-primary schools were granted by post-primary schools¹⁸.
- Less than half of the exemptions from the study of Irish that were granted were in accordance with the terms of Circular M10/94.
- Almost two fifths of the students with exemptions whose files were reviewed were not entitled to an exemption on the basis of the documentation that was provided.
- In the case of over 10% of students with exemptions whose files were examined, there was a lack of relevant information in the student's file to indicate whether an exemption was warranted or not.
- Discussions with principals highlighted that a small but significant proportion of post-primary students were not studying Irish, although they did not meet the term of Circular M10/94.

¹⁸ As noted earlier, this is not consistent with patterns of granting exemptions across primary and post-primary schools in general. Up to two thirds of all exemptions granted in a given year at both primary and post-primary occur at post-primary level.

Personnel involved

- In four of the six schools the principal was centrally involved in assessing the applications and determining the outcome.
- In the remaining two schools the responsibility of determining eligibility for exemption was delegated to the SEN coordinator in one instance and to the guidance counsellor in the other.

Examination of documentation and liaison with relevant parties to inform decisions

- Half of the principals in the case study schools, sought advice from external parties such as their designated NEPS psychologist where they were unclear as to whether or not an applicant met the criteria for an exemption.
- Only two of the case study schools were aware that they could seek the advice of and refer cases to the Department.
- 71% of the psychological reports used most frequently in processing applications and on file were from psychologists in private practice.
- Half of the principals reported that they did not oppose a recommendation from a psychologist for an exemption to be granted, even where it was clear that the student did not meet the criteria.

Communication with parents/guardians

- All schools reported that the decision to grant an exemption from the study of Irish was discussed with the parent/guardian in the first instance.
- Two of the principals reported that parents placed undue pressure on them to grant exemptions from the study of Irish.
- There was little documentation from parents available in the exemption files examined.
- Engagement with parents was by way of phone or face-to face meetings.

Granting of exemptions in accordance with circulars

- Files examined across the case-study schools indicated that 48 % of exemptions had been granted in accordance with the terms of the Circular.
- In one school, over three fifths of the students who had been granted an exemption did not meet the criteria.
- Across the case-study schools there was a lack of relevant information available in the case of 13.8% of the exemptions granted.
- Three of the six post-primary principals acknowledged that there were students enrolled in their schools who were not studying Irish but who did not have an official exemption from Irish: in the case of one school the number exceeded 20 students.

Retention of records

- In four of the six case study schools, exemptions records were maintained in accordance with the Circular.

Transfer of information

- No school reported receiving certificates of exemption as a matter of course from feeder primary schools.

- Four of the six schools reported that it was not possible to obtain certificates of exemption for all eligible students enrolling.

Provision for pupils who are exempt during Irish lessons

- In most of the case-study schools, students with special educational needs are withdrawn from Irish classes and provided with additional learning supports.

Exemptions from the study of Irish and the National University of Ireland

- Inconsistency between the Department and NUI exemption criteria poses difficulties for principals particularly where a student holds an NUI exemption but does not meet the criteria of Circular M10/94.
- Evidence in the case of one of the case-study schools suggested that students with and NUI exemption were allowed to disengage from the study of Irish.

Chapter 6 Exemption from the study of Irish appeal cases – primary

6.1 Introduction

This chapter examines the exemption from the study of Irish appeal cases at primary level that were received by the Department for review and adjudication in the five-year period between 2010 and 2014. This chapter describes the frequency patterns in the appeal type, and the outcomes of appeals.

There is no specific reference to an appeal process outlined in Department Circular 12/96 when an application for an exemption from the study of Irish is declined by school authorities. The Department, however, has operated an *ad hoc* appeals system with the assistance of its Inspectorate for a number of years. Applications for exemption from the study of Irish in the case of appeal fall into two broad categories:

- Parents can request the Department for a review of a case in which an exemption from Irish has been refused by a school.
- Schools may also request the Department to adjudicate in cases where the school is uncertain as to whether a pupil/student is entitled to an exemption from the study of Irish. Concurrent with this appeal mechanism, administrative staff in the Parents, Learners and Database Section of the Department deal regularly with enquiries from schools and parents seeking additional information or guidance regarding exemptions from the study of Irish.

6.2 Overview of exemption cases referred to the Department for appeal 2010-2014

During 2010-2014, 106 exemption cases at primary level were referred to the Department for review (Table 6.1). While very small in real terms, there was a considerable increase at primary level in the proportion of such cases. The number of exemption cases referred to the Department more than doubled between 2012 and 2013. The number of primary exemption cases forwarded to the Department in 2015 was in excess of 40, which constitutes an almost 50% increase from 2014.

It is also noteworthy that the incidence of referrals in the case of boys was twice that of girls for the period 2010-2014. This is consistent with the higher prevalence of learning difficulties among boys than girls.

Table 6.1 Number of exemption from the study of Irish appeal cases for the period 2010-2014

Year	Number of appeal cases referred to the Department for review	Number of appeal cases related to boys	Number of appeal cases related to girls
2010	19	11	8
2011	13	10	3
2012	14	8	6
2013	33	25	8
2014	27	18	9
Total	106 (100%)	72 (67.9%)	34 (32.1%)

6.3 Main categories of exemption appeals

Table 6.2 provides an overview of the main categories of appeals at primary level that were processed by the Department during the period 2010-2014. The categories for which the highest proportion of cases were referred were specific learning disabilities (35.6%, N=38), insufficient information/school administration errors (21.6%, N=23) and speech and language difficulties (15.1%, N=16). Other categories related to ASD/ADHD (12.3%, N=13), learner stress and anxiety (7.5%, N=8), and re-enrolment after a period of absenteeism (7.5%, N=8).

Table 6.2 Categories of exemption from the study of Irish appeals at primary level

Year	Specific Learning Difficulties	Speech & Language Difficulties	ASD and/or ADHD	Stress and anxiety	Insufficient information/administration errors	Re-enrolment after absenteeism	Total
2010	10	1	2	2	2	2	19
2011	4	0	2	5	1	1	13
2012	4	0	2	1	5	2	14
2013	11	8	2	0	11	1	33
2014	9	7	5	0	4	2	27
Total	38 (35.6%)	16 (15.1%)	13 (12.3%)	8 (7.5%)	23 (21.6%)	8 (7.5%)	106 (100%)

As indicated by Table 6.3, up to three quarters of the cases referred to the Department for appeals at primary level between 2010 and 2014 were not upheld. In almost all categories, the proportion of appeals denied significantly outweighed those upheld. The exception was appeals relating to speech and language difficulties where the proportion of appeals upheld was significantly greater than those declined.

Table 6.3 Proportion of appeals by categories upheld and declined

Categories	Appeals upheld	Appeals declined	Total
Specific learning difficulties	10	28	38
Speech and language difficulties	13	3	16
ASD and/or ADHD	1	12	13
Stress and anxiety	0	8	8
Insufficient information /school administration errors	1	22	23
Re-enrolment after period of absenteeism	2	6	8
Total	27 (25.5%)	79 (74.5%)	106 (100%)

6.3.1 Specific learning difficulties

As outlined in Table 6.4, from a total of 106 exemption from the study of Irish appeal cases from primary schools for the period 2010-2014, a significant number (36%; N= 38) related to a diagnosis of a specific learning difficulty (SLD) (dyslexia). A large proportion of such cases, in excess of 74%, did not meet the criteria for an exemption from the study of Irish in accordance with the terms of Circular 12/96.

A specific learning difficulty, as outlined in the *Guidelines for Psychologists on Assessment and Reporting (1995)*, is indicated by a word reading score being measured as at or below the 10th percentile. For a pupil to be eligible for an exemption from Irish, this criterion must be supplemented by another measure of language/literacy at or below the 10th percentile. The pupil must also be of average intellectual ability represented by an average IQ score or General Ability Index (GAI). The details of specific scores required for an exemption from Irish are not outlined in Circular 12/96. The lack of clarity and detail associated with this criterion causes confusion, often giving rise to inconsistencies in the implementation of the Department’s circular and to the referral of exemption cases related to specific learning difficulties to the Department for adjudication. This issue has been raised by the Dyslexia Association of Ireland and also by the National Educational Psychological Service (NEPS) Working Group on SLD.

Table 6.4 Appeal data relating to specific learning difficulty

Year	Total number of appeal cases	Total number of appeal cases that relate to specific learning difficulties	Total number of appeals upheld	Total number of appeals declined
2010	19	10	3	7
2011	14	4	0	4
2012	13	4	0	4
2013	33	11	4	7
2014	27	9	3	6
Total	106	38	10	28

There are two main contexts in which exemption from Irish cases related to specific learning difficulty were referred to the Department from 2010-2014. Firstly, such exemption cases were referred where parents had appealed the decision of school management not to grant an exemption from the study of Irish even though it had been recommended by a psychologist. In such instances, school management’s decision was made on the basis that the recommendation of a psychologist to grant an exemption is not consistent with the terms of Circular 12/96. The psychologist’s report may have recommended an exemption from Irish for a pupil who has average or above average IQ functioning but who had attained just one score (language/literacy) at or below the 10th percentile, while the remainder of the test scores exceeded this cut-off point.

Similarly, exemption cases were referred to the Department on behalf of primary school pupils who met the criteria in terms of the percentiles required in the literacy/language scores, but who were functioning intellectually in the low average IQ range. In such cases, appeals were generally not

upheld, as pupils functioning in the low average range are not entitled to an exemption from Irish in accordance with the terms of the circular.

6.3.2 Speech and language difficulties

From 2010-2014, almost 15% (N=16) of exemption from Irish cases referred to the Department related to speech and language difficulties (Table 6.5). While the actual numbers of such cases were small, the relative incidence of such cases increased considerably from 2010-2014.

The existing circular is silent on the issue of speech and language difficulties. Guidance is, however, provided in *Guidelines for Psychologists on Assessment and Reporting (1995)*. Similar to specific learning difficulties (dyslexia), eligibility for an exemption from Irish on the basis of a speech and language difficulty as outlined in the Guidelines is based on attainment in language test scores at or below the 10th percentile coupled with a non-verbal IQ of the average range or higher. However, as outlined previously in Chapter 4, the *Guidelines for Psychologists on Assessment and Reporting (1995)* are not always used by school authorities to assist in the decision-making process.

Table 6.5 Appeal data relating to speech and language difficulties

Year	Total number of appeal cases	Total number of appeal cases related to speech and language difficulties	Total number of appeals upheld	Total number of appeals declined
2010	19	1	0	1
2011	14	0	0	0
2012	13	0	0	0
2013	33	8	7	1
2014	27	7	6	1
Total	106	16	13	3

A further factor for consideration under this category was the number of primary school pupils with no understanding of English entering the Irish education system. In accordance with the terms of Circular 12/96, such pupils are required to study one language only, Irish or English. Invariably, English is the language chosen. In practice, some parents see a value in exposing their children to a third language and do not apply at the time of enrolment for an exemption from the study of Irish. It can also be the case that the school authorities do not advise them that their child is entitled to an exemption.

Consequently from 2010-2014, exemptions from the study of Irish were often lodged retrospectively for primary pupils availing of English as an Additional Language support, particularly when they were due to transfer to post-primary school and were sometimes the subject of cases referred to the Department where the school authorities did not grant the exemption from the study of Irish. Circular 12/96 does not provide guidance on the retrospective granting of exemptions from the study of Irish. In such instances, the decision of the appeal process has been to grant the exemption on the basis that the pupil had been entitled to an exemption in the first instance regardless of whether this entitlement had been realised.

6.3.3 Diagnosis of autism spectrum disorder and/or attention deficit hyperactivity disorder

Between 2010 and 2014, there was an increase in the number of exemption from the study of Irish appeals based on a diagnosis of autism spectrum disorder (ASD) and attention deficit hyperactivity disorder (ADHD) (Table 6.6). A little more than 12% of appeals (N= 13) processed over the five-year period related to ASD and ADHD. The existing circular and the Guidelines for Psychologists are silent on exemptions for this cohort of pupils. Accordingly, a high percentage of these appeal cases (92%) presented to the Department between 2010 and 2014 were not upheld. One appeal was upheld where there was evidence of significant additional learning, social and behavioural difficulties and where there was evidence that the pupil's learning of Irish was accentuating such difficulties.

Table 6.6 Exemption from the study of Irish appeal data relating to ASD or ADHD

Year	Total number of appeal cases	Total number of appeal cases related to ASD or ADHD	Total number of appeals upheld	Total number of appeals declined
2010	19	2	0	2
2011	14	2	0	2
2012	13	2	0	2
2013	33	2	0	2
2014	27	5	1	4
Total	106	13	1	12

6.3.4 Stress and anxiety related to the study of Irish

Reference to stress and anxiety as grounds for seeking an exemption from the study of Irish became more prevalent in primary schools from 2010-2014. Circular 12/96 and the Guidelines for Psychologists are silent on this issue. 7% (N= 8) of the total appeals for the period 2010-2014 were related to reported anxiety about learning Irish (Table 6.7). In such instances, the anxiety reportedly stemmed from pupils' strong dislike for the language, and difficulties in completing homework, and manifested itself in physical and psychological ways, for example bedwetting, unwillingness to go to school and refusal to learn Irish. In some of these instances, factors relating to parents may have been a contributory factor to the pupil's negative attitude towards Irish, for example where parents reported that they were unable to assist their child or that time learning Irish would be better spent on learning more useful subjects such as English or Mathematics.

From 2010-2014, parents' appeals of decisions by school authorities to decline exemptions from the study of Irish that had been applied for the basis of pupil stress and anxiety were not upheld as there was not sufficient evidence of a diagnosis of stress or anxiety in supporting documentation or otherwise. Nonetheless since 2014, a small number of such appeals have been upheld in exceptional circumstances, namely where there was an evident threat to the health and well-being of the student as substantiated by school authorities and reports from relevant professionals such as psychiatrists.

Table 6.7 Exemption from the study of Irish appeal data relating to learner stress and anxiety

Year	Total number of appeal cases presented for review/ adjudication	Total number of appeal cases related to learner stress and anxiety	Total number of appeals upheld	Total number of appeals declined
2010	19	2	0	2
2011	14	5	0	5
2012	13	1	0	1
2013	33	0	0	0
2014	27	0	0	0
Total	106	8	0	8

6.3.5 Insufficient information

Insufficient information to make a determination formed the basis of 21% (N=23) of the exemption from the study of Irish cases referred to the Department from 2010-2014 (Table 6.8).

Table 6.8 Exemption from the study of Irish appeal data relating to insufficient information or administration errors

Year	Total number of appeal cases	Total number of appeal cases related to insufficient information/administration error at school level	Total number of appeals upheld	Total number of appeals denied
2010	19	2	0	2
2011	14	1	0	1
2012	13	5	0	5
2013	33	11	0	11
2014	27	4	1	3
Total	106	23	1	22

The absence of relevant information occurred where psychological reports did not specify the information necessary to make a determination. For example, psychological reports may have stated that the primary pupil's IQ score could not be calculated accurately and therefore, no measure of attainment could be provided. Given the significance of this score for the granting of an exemption from Irish, no informed judgement could be reached. Similarly, relevant data, such as percentile scores in literacy and language, were at times omitted from psychological reports.

Psychological reports were also on occasion out of date, that is, more than two years from the date of assessment. In general, these exemption appeal cases were returned without a determination and a recommendation to provide an updated report was made.

From 2010-2014, the Department was also asked to make a determination in cases where pupils had at school level incorrectly been allowed not to study Irish and there was an assumption by their parents that they had been granted an exemption from the study of Irish. Such cases often came to

light when the pupil transferred to another school and was unable to furnish a certificate of exemption when sought. In such instances, requests by parents for an exemption from the study of Irish were not generally upheld by the Department. However, in one instance the request for an exemption was granted based on the length of time the pupil had not studied Irish, for example up to four years, combined with other learning and social difficulties and the potentially adverse impact that reintroduction to learning the language at that point might have had on the pupil's wellbeing.

6.3.6 Re-enrolment of primary school pupils after a period of absenteeism

In accordance with the terms of Circular 12/96, where a pupil is being re-enrolled after a period of at least three years spent abroad and is at least 11 years of age on re-enrolment, an exemption from the study of Irish may be granted.

Table 6.9 Exemption from the study of Irish appeal data relating to pupil re-enrolment after a period of absenteeism

Re-enrolment of pupils after a period of absenteeism (enrolment at 11 years or more; or re-enrolment after a three-year period outside the state; or returning from special classes/language classes)				
Year	Total number of appeal cases	Total number of appeal cases related to re-enrolment	Total number of appeals upheld	Total number of appeals declined
2010	19	2	0	2
2011	14	1	0	1
2012	13	2	0	2
2013	33	1	1	0
2014	27	2	1	1
Total	106	8	2	6

Almost 6% (N= 8) of exemption from the study of Irish appeal cases for primary school pupils for the period 2010-2014 were associated with re-enrolment issues (Table 6.9), namely for pupils who were just short of three years schooling outside the state on re-enrolment. Similarly, appeals were made when pupils, immersed in another language for the period of absenteeism, have lost all knowledge and proficiency in the Irish language. Exemption from the study of Irish appeals have also been submitted on the basis that one parent had no English and felt disadvantaged due to their unfamiliarity with the Irish education system. In general, these appeals have not been upheld although there have been a few instances where the appeals were upheld in light of particular circumstances where it was clearly evident that the pupil was experiencing considerable difficulties with re-engagement with the Irish educational system, particularly in relation to the learning of Irish.

6.4 Key findings

This chapter examined the appeals system that operates for the review of exemption from the study of Irish cases at primary level and decisions referred to the Department with particular reference to those cases referred during 2010-2014. Typically, such cases have been taken by parents in response to decisions by school management not to grant their child an exemption from the study of Irish.

The number of appeal cases referred to the Department in the 2010-2014 period

- Although relatively small in number, a 100% increase was experienced in the number of primary exemption appeal cases.
- Three quarters of the appeals that were referred at primary level were not upheld.

The main categories of exemption appeals

- The highest proportion of exemption appeal cases related to
 - specific learning difficulties (36% N=38), 74% of which were declined
 - insufficient information/school administration errors (22% N=23), 96% of which were declined
 - speech and language difficulties (15% N= 16), 81% of which were upheld.
- Autism Spectrum Disorder and/ or Attention Deficit Hyperactivity Disorder (ASD and /ADHD), learner stress and anxiety, and re-enrolment after a period of absenteeism also formed the basis for appeals.

Trends and outcomes of the cases referred

- Overall, 75% of the cases referred during the 2010-2014 period were declined:
 - 74% in cases concerning specific learning difficulty
 - 96% where insufficient information/ school administration errors were found
 - 19 % where the basis for appeal concerned speech and language difficulties
- Although small, the number of appeal cases referred on the basis of speech and language difficulty, and are not referred to in the Circular, increased considerably between 2010 and 2014. The number of appeals upheld in this category was significantly greater than those upheld in other categories (81%).
- The number of appeal cases relating to pupils with ASD and stress, and anxiety associated with the study of Irish, increased significantly. Appeals were declined in almost all of these cases, except in exceptional circumstances where there was evidence that the pupil's learning of Irish was seen to aggravate other learning, social and behavioural difficulties or to affect their wellbeing.
- Exemption appeal cases based on a lack of information were for the most part not upheld. Such cases mainly related to absence of relevant information in psychological reports such as IQ scores, measures of attainment, and literacy and language scores.
- Appeal cases were also referred in instances where an exemption was denied because a psychological report was more than two years old prior to the application for an exemption. Typically, it was advised that an updated report be sought in these cases.
- Appeal cases against a decision not to give an exemption where a pupil had inadvertently or otherwise not been learning Irish at school have generally not been upheld, except in an exceptional circumstance where re-engagement with Irish together with other difficulties was the source of significant risk to the pupil's well-being.

Chapter 7 Exemption from the study of Irish appeal cases – post-primary

7.1 Introduction

This chapter examines the exemption from the Irish appeal cases at post-primary level that were received by the Department from either schools or parents for review and adjudication in the five-year period between 2010 and 2014. Such cases are processed by the Parents, Learners and Database Section (PLDS) Section of the Department with the assistance of its Inspectorate. Concurrent with this appeal mechanism, administrative staff in PLDS deal regularly with enquiries from schools and parents seeking additional information or guidance.

This chapter describes post-primary appeal cases received by the Department from 2010-2014, frequency patterns in the appeal type, and the outcomes of appeals.

7.2 Overview of exemption from the study of Irish appeal cases for the period 2010-2014

During 2010-2014, while very small in real terms, there was a considerable increase in the proportion of exemption from Irish cases at post-primary level forwarded to the Department by parents and schools for review and adjudication (Table 7.1). Specifically, the proportion of cases referred to the Department almost trebled between 2010 and 2014. Indications are that the number of appeal cases have continued to rise since then. In 2015, the number of appeal cases presented at post-primary level was 39. In 2016, the number of appeal cases at post-primary level was 84.

There was a notable difference in the proportion of appeals being lodged from 2010-2014 for male students in comparison to those lodged for female students. Significantly more appeal cases were lodged for male students (62.2%) than for female students (37.8%).

Table 7. 1 Exemption from the study of Irish appeal cases for the period 2010- 2014

Year	Number of appeal cases referred to the Department for review	Number of appeal cases for male students	Number of appeal cases for female students
2010	13	7	6
2011	15	10	5
2012	18	13	5
2013	35	21	14
2014	38	23	15
Total	119 (100%)	74 (62.2%)	45 (37.8%)

7.3 Main categories of exemption from the study of Irish appeals

Table 7.2 provides an overview of the main categories of exemption from the study of Irish appeals at post-primary level that were processed by the Department during the period 2010-2014. The highest proportion of cases were related to autism and/ or stress and general learning difficulties not covered by the terms of the circular followed by “other” (covering a wide range of reasons) followed by

difficulties or issues that did not come under the terms of the circular. In descending order of frequency the following categories formed the basis for appeal cases between 2010 and 2014

- absence from school due to long illness or accident,
- specific learning difficulties often referred to as dyslexia,
- students who had previously been educated at home
- and students with speech and language difficulties

As indicated in Table 7.3, just over half of appeals at post-primary level during this period were upheld.

Table 7.2 Categories of exemption from the study of Irish appeals at post-primary level

Year	General learning difficulty (not covered by terms of circular)	SLD	Long absences from school due to serious illness/accident / other	Errors by school	Speech and language difficulties	Home education	ASD with other conditions and stress	Other	Total
2010	0	5	2	1	1	2	0	2	13
2011	7	0	0	1	3	1	0	3	15
2012	6	2	3	0	0	1	4	2	18
2013	4	1	5	2	3	4	7	9	35
2014	3	6	6	0	2	3	12	6	38
Total	20 (16.8%)	14 (11.7%)	16 (13.4%)	4 (3.3%)	9 (7.5%)	11 (9.2%)	23 (19.3%)	22 (18.5%)	119 (100%)

Table 7.3 Post-primary exemption from the study of Irish appeals upheld or declined by category

Appeal categories	Appeals upheld	Appeals declined	Total
Learning difficulties	2	18	20
SLD	4	10	14
Long absences from school due to Serious illness /accident/ other	11	5	16
Errors by school management	4	0	4
Speech and language difficulties	8	1	9
ASD combined with other conditions and stress	13	10	23
Home education	2	9	11
Other	15	7	22
Total	61 (51.2%)	58 (48.7%)	119 (100%)

The following sections will examine each of the categories in Table 7.2 in more detail.

7.3.1 Specific learning difficulties

From 2010-2014, 14 exemption cases relating to specific learning difficulty (SLD) were referred to the Department for adjudication. Only ten of the exemption appeals which fell within this category alone were upheld during that period as the students did not meet the criteria as outlined in the circulars.

As provided for in the circulars and in the *Guidelines for Psychologists on Assessment and Reporting 1995*, SLD confers eligibility to an exemption from Irish when word reading or word recognition attainment is measured at or below the 10th percentile. This must be supplemented by a further measure of language/ literacy at or below the 10th percentile. The student must be of average intellectual ability as represented by an average IQ score or a General Ability Index (GAI) score. Low average IQ or GAI scores are outside the terms of existing Department circulars. This information is provided in the *Guidelines for Psychologists on Assessment and Reporting 1995* but is not included in the Department circulars *per se*. In the period 2010-2014, a number of appeals were lodged on behalf of post-primary students who met the exemption from Irish criteria in terms of their literacy attainment scores but who were in the low average IQ range and therefore did not meet the criteria for exemption.

A number of appeals were also made during this five-year period for post-primary students judged by a psychologist to have an SLD but who did not come under the terms of Circular M10/94, as they only had one attainment score at or below the 10th percentile but not a second. For example, a spelling score below the 10th percentile but a word reading score above the 10th percentile. In such instances, a psychologist may have recommended that an exemption from the study of Irish should be considered and an application for an exemption was made by the student's parents. Where post-primary school management authorities adhered to the terms of the circular and declined the exemption from Irish. Where parents challenged this outcome, sometimes school principals referred the case to the Department for an objective opinion.

7.3.2 Students reported as presenting with Autism Spectrum Disorder (ASD) combined with other conditions

From 2010-2014, there were 23 exemption from Irish appeals relating to students with ASD (Table 7.4). Although small in absolute terms, the number of appeal cases relating to students with ASD increased considerably during this period from none in 2010 and 2011 to 12 in 2014. Indications are that the number of appeals relating to ASD students has continued to increase. In 2015, 9 of the 39 appeal cases (23%) were made on the basis of stress and anxiety, in many cases combined with a diagnosis of ASD and other complicating factors.

Exemption from the study of Irish appeals for students with ASD generally presented with additional complicating factors and comorbid conditions, such as *inter alia* Attention Deficit Disorder (ADD) or Attention Deficit Hyperactivity Disorder (ADHD), difficulties with language processing, dyslexia, dyspraxia and general learning difficulties. Such students were often reported as experiencing extreme stress or depression associated with the study of Irish. Appeals on behalf of other students without ASD who were also reported as experiencing stress due their learning of Irish also increased.

Table 7.4 Exemption from the study of Irish appeal cases related to ASD combined with other conditions

Year	Total number of appeal cases	Number of cases relating to ASD combined with other conditions such as ADHD and stress	Total number of appeal upheld	Total number of appeals declined
2010	13	0	0	0
2011	15	0	0	0
2012	18	4	1	3
2013	35	7	6	1
2014	38	12	6	6
Total	119	23	13	10

The vast majority of exemption appeal cases during 2010-2014 relating to students with ASD together with other complicating factors lodged with the Department were supported by documentation from a range of health professionals, parents and/or teachers. Just under half of the appeals related to ASD together with other conditions were upheld from 2010-2014.

The first such appeal cases were received by the Department in 2012 when four appeal applications were made, three of which were declined. In 2013, seven ASD or stress-related exemption from the study of Irish appeals were lodged, six of which, based on the evidence presented of the impact of learning Irish among other factors on students' wellbeing, were upheld. In 2014, the number of exemption appeals on these grounds rose to twelve cases, almost a third of the total number of exemption appeals forwarded to the Department that year. Six of these appeals were upheld as the professional reports established a direct causal link between the learning of Irish and the students' stress.

7.3.3 Long-term chronic illness or a life-altering accident

During the period 2010-2014, 16 exemption from the study of Irish appeals were made on behalf of post-primary students who had life-altering accidents leading to cognitive or physical impairments or students with severe life threatening chronic illnesses or conditions necessitating long stays in hospital. The number of appeals relating to such students also increased considerably during this period (Table 7.5). In some instances, students were in receipt of home tuition or attending a special school attached to a hospital. These exceptional cases were either upheld or declined depending on the severity of students' conditions and the impact that such conditions were deemed to have on the students' learning of Irish. Circular M10/94 and the *Guidelines for Psychologists on Assessment and Reporting 1995* do not make reference to students with long-term chronic illness who had experienced a life-altering accident and it was left to the judgement of school authorities or those adjudicating at the appeal process to make a determination based on the evidence and the impact on a student's well-being.

Table 7.5 Exemption from the study of Irish appeal cases related to serious illness or a life-altering accident

Year	Total number of appeal cases	Number of cases relating to serious illness or life-altering accident	Total number of appeals upheld	Total number of appeals declined
2010	13	2	0	2
2011	15	0	0	0
2012	17	3	1	2
2013	35	5	5	0
2014	37	6	5	1
Total	117	16	11	5

7.3.4 Administration errors at school level

In the period 2010-2014, four appeal cases were lodged with the Department, where it was apparent that criteria outlined in circulars (12/96 or M10/94) were not correctly applied by school authorities. For example, such errors came to light where a student was transferring from primary to post-primary school or from one school to another. In instances where a student claimed that they had an exemption from the study of Irish, the new school was sometimes seen to have neglected to source the certificate of exemption from the previous school, in effect leading to a *de facto* Irish-language exemption. Such had often gone unnoticed until senior cycle when entry to third level was being considered by the students in question. All four Irish-language exemption appeals cases lodged by post-primary schools on this basis from 2010-2014, were upheld on the basis that the management of each school was responsible for this oversight and it was judged unfair to the student to refuse the appeal. While only four such appeal cases were lodged at post-primary level during this five-year period, the post-primary case-study visits suggested that incidences of such exemptions that are outside the terms of the circular are more widespread.

7.3.5 Speech and language difficulties and/or sensory impairments

During 2010-2014, fourteen exemption from Irish appeals were lodged for post-primary students with speech and language and/or sensory impairments (Table 7.6). These appeals were forwarded to the Department as school authorities were unclear whether students with these difficulties were eligible for exemption. Circular M10/94 and *Guidelines for Psychologists on Assessment and Reporting 1995* do not reference such cases. Of the fourteen exemption appeals lodged for students with speech and language difficulties and language and/or sensory impairments in the period 2010 to 2014, twelve students were deemed to have met the criteria for exemption from the study of Irish.

Table 7.6 Exemption from the study of Irish appeal cases related to speech and language or sensory impairment

Year	Total no. of cases	No. relating to speech and language or sensory impairment	Total number of appeals upheld	Total number of appeals declined
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2010	13	2	2	0
2011	15	4	3	1
2012	18	0	0	0
2013	35	4	4	0
2014	38	4	3	1
Total	119	14	12	2

7.3.6 Home schooling and enrolment in mainstream education

During 2010-2014, eleven exemption appeals were lodged on behalf of students of post-primary age who had been educated at home. This is a complex area with only general advice and guidelines available to assist the National Educational Welfare Board (NEWB) in relation to what access children have to all aspects of education. The guidelines are intended to assist the NEWB in assessing such educational provision. Children who are educated at home have a right to a “certain minimum education” (Education Act, 1998). The Guidelines on the Assessment of Education in Places other than Recognised Schools (2003)¹⁹ states:

“When assessing whether a certain minimum education is being provided for children whose mother tongue is English, consideration should be given to whether or not opportunities for learning Irish are provided and whether this is appropriate given the ability, aptitudes, needs, personality and interests of the child”.

This advice pertains only to what happens when a child is being educated at home. It does not refer to the child being exempted from any part of the curriculum when he/ she is enrolled or re-enrolled in mainstream education. Therefore, appeals on behalf of students who are educated at home for part or for all of their primary education were for the most part declined. Of the 11 exemption appeals lodged between 2010 and 2014, only two were upheld on the basis of additional information provided by the schools that related to the health and safety of the students.

7.3.7 Other types of exemption from the study of Irish appeals

Other exemption from the study of Irish appeal cases concerned grounds other than those detailed in Table 7.2, but the numbers were relatively small (N= 22; 18.5% of the overall number of appeals). Table 7.7 provides detail of the grounds on which these appeals were based.

Table 7.7 Other types of exemption from the study of Irish appeals

Year	Special school	Hearing or sight impairment	3 rd party seeking exemption	Student re-registering after 3 years	Depression	No English/ Irish	ADHD	Student refusing to learn	Consular status
2010	1	1							
2011		1	1					1	
2012	1			1					
2013	2	1			2	4			

¹⁹ The Guidelines on the Assessment of Education in Places other than Recognised Schools (2003) Department of Education and Science

2014		2				1	2		1
Total	4	5	1	1	2	5	2	1	1

The following provides examples of some of these appeal cases. The outcomes of these examples should be read as indicative only.

Between 2010 and 2014, a total of four exemption from the study of Irish appeals were lodged for post-primary students who had attended special schools, where Irish was not offered on the curriculum. Exemptions in these instances were sought on re-enrolment into mainstream education. These exemptions were granted given that the post-primary students had no access to Irish while attending the special schools.

In 2011, an exemption from Irish appeal was lodged for a student with visual impairment. This impairment was not deemed serious enough to hinder the student's ability to learn languages and therefore an exemption was not granted. A further case concerned a student who was refusing to learn Irish: an exemption was not granted.

In 2013, appeals were lodged for two post-primary students with severe depression. One was upheld where there was clear evidence that there was a significant threat to the student's health and safety related to the study of Irish.

In 2014, an appeal was made to the Department on behalf of a post-primary student who claimed to have no knowledge of English when enrolling in the school. This information was subsequently found to be false and the appeal was declined. Another appeal was lodged for a student who claimed to have consular status. Again on investigation, it was found that the information provided was inaccurate, therefore the appeal was declined.

7.4 Key findings

This chapter examined the appeals system that operates for the review of exemption from the study of Irish cases at post-primary level and decisions referred to the Department, with particular reference to those cases referred during 2010-2014. Similar to the appeals cases at primary level, appeal cases concerning post-primary school students were, typically, taken by parents in response to an application being declined by school authorities.

The number of appeal cases referred to the Department during the 2010-2014 period

- The number of post-primary exemption appeal cases almost trebled during the period 2010-2014. This represents an even more marked increase than was evidenced at primary level.
- Appeals were typically lodged where the difficulties experienced by the student and cited as grounds for an exemption were not referenced in either of the governing documents.

The main categories of exemption appeals

- The most frequent cases referred at post-primary level were on the basis of
 - ASD and/or stress and general learning difficulties not covered in Circular M10/94 (19% N=23)
 - general learning difficulty not covered in the Circular (17% N=20)

- long absences from school (13% N=16)
- specific learning difficulty (12% N=14).

Trends and outcomes of the appeal cases referred

- During 2010-2014, 58 (48.7%) of the appeals at post- primary level referred to the Department were declined.
- The highest proportion of appeals upheld concerned students with
 - long absences from school due to serious illness / accident
 - ASD combined with other conditions and stress
 - speech and language difficulties.
- There was a considerable increase in the number of appeal cases concerning students with ASD (23 cases in total for the period; 52% of which were referred in 2014 alone).
- An increase was also experienced in stress and or depression attributable to the study of Irish being cited as basis for the application for exemption including students with ASD and other comorbid conditions such as ADHD.
- Cases relating to speech and language difficulties, home education and errors by school management in the administration of the circulars were also the basis of appeals.
- In contrast with primary level where appeals were not upheld in almost all cases relating to ASD, just under half of the appeals related to ASD together with other conditions were upheld at post-primary level from 2010-2014.
- The number of appeals relating students who had long absences from school due to life-altering accidents leading to cognitive or physical impairments or students with severe life threatening chronic illnesses or conditions increased considerably comprising 13% of the total number of cases referred. These exceptional cases were either upheld or declined depending on the severity of students' conditions and the impact that such conditions were deemed to have on the students' learning of Irish.
- Over 10% of post-primary exemption appeals related to students with speech and language and/or sensory impairments. All but one of the appeal cases forwarded on this basis were upheld.
- Just under 10% of the exemption appeal cases related to students of post-primary age who had been home educated.

Chapter 8 The views of the National Educational Psychological Service

8.1 Introduction

This chapter presents the findings of an analysis of the views and experiences of psychologists from the National Educational Psychological Service (NEPS) in relation to exemptions from the study of Irish. It also positions these views in relevant international research.

Policy around exemptions from the study of Irish has particular implications for the work practices of NEPS psychologists. NEPS provides psychological services to all primary and post-primary schools in the State in addition to many special schools. As experts in psychology and education who are in daily contact with schools and due to their work in identifying pupils/students with specific learning difficulties (SLD) and general learning difficulties through assessment, NEPS psychologists have a unique insight into the operation of existing exemption circulars, how they relate to educational theory, and their implications for the broader policy context.

In that regard, the views of NEPS psychologists were sought as one of the strands of the review of exemptions from the study of Irish. The purpose of this research was to gain an insight into existing practices relating to exemptions from Irish and to obtain NEPS views on future directions in relation to exemptions from Irish. The outcomes of the analysis have contributed to the overall findings of the Department's review.

In this chapter, the methodology employed is first outlined followed by a thematic presentation of findings and their implications for professionals and practice in schools. Finally, recommendations for future policy in relation to exemptions from the study of Irish are presented and framed in recent research findings.

8.2 Methodology

Arising from key issues identified by a focus group of NEPS psychologists, a survey was prepared and distributed in March 2014. A majority of psychologists (64.1%; N=100) completed and returned the survey providing confidence that the resulting data were representative of opinions and experiences organisation wide. The data were thematically analysed and then presented to NEPS Internal Management Group (IMG) for consideration of the implications for practice and policy. IMG members contributed further to the research providing a management perspective on the implications of the terms of existing circulars and regulations regarding exemptions from Irish for the NEPS Service nationally. In addition, the views of psychologists, particularly those with a special interest in literacy in general and literacy difficulties, were sought in a focus group setting.

8.3 Psychological Assessments and exemptions from the study of Irish

Assessments by NEPS psychologists

A majority of psychologists (70%) who responded to the survey reported conducting assessments for the sole purpose of ascertaining if students meet the criteria for exemption from the study of Irish. The number of assessments for exemptions conducted by psychologists ranged from 20 to 1. The average number conducted by respondents was 5 per year. Only 5 respondents (5%) carried out more than 10 such assessments per year. When asked if there has been an increase in demand for assessments for exemption, 67% reported no increase and 23% reported an increase.

Some of the NEPS psychologists who reported an increase indicated that they were coming under pressure from schools and parents to carry out assessments in support of exemptions despite this being inconsistent with best practice guidelines. Psychological assessment is embedded in the NEPS Continuum of Support (CoS) Guidelines and the NEPS Revised Model of Service (2013) as being the culmination of an exhaustive process of in-school assessment, intervention and review for pupils/students with learning and other difficulties. This in-school process includes consideration of pupils'/students' attendance and motivation, the efficacy of teaching methodologies and the pupils'/students' response to intervention. In other words, psychological assessment is carried out after existing resources, teacher assessment, and expert interventions within schools have not been successful in addressing learning challenges.

NEPS psychologists reported being compromised by the existing terms of circulars governing exemptions from Irish because many parents view an exemption from Irish as an entitlement of their children with learning difficulties. Psychologists reported a widespread belief among parents that, because exemptions exist, they must confer an advantage to those who receive them. It is apparent that entitlement feeds demand and because psychological assessment is the key to accessing exemptions, demand for such assessments appears to be growing.

In light of the above, it would appear to be desirable that going forward, psychological assessments should not be conducted for the sole purpose of accessing exemptions or accommodations of any kind. Assessments should follow a period of in-school interventions and assessments that have not been successful. Psychological assessments should be carried out where there is a clear need for in-depth, specialised examination of a pupil's/student's strengths, weaknesses and approach to literacy that can only be provided through psychological assessment. The complete school-based process of assessment, intervention and review should be recorded in a Student Support File such as that provided by NEPS (2013) which shows the teaching methods and learning materials used to that point. Future circulars governing exemption from the study of Irish should specify the need for pupils/students with Specific Learning Disability (SLD) to receive appropriate learning-support in literacy for a specified period before exemption from Irish is considered.

Assessments by non-NEPS psychologists

Another area of concern raised by NEPS psychologists related to encountering reports from non-NEPS professionals (psychologists and psychiatrists) in schools where exemptions from the study of Irish were recommended for students without adherence to circulars or guidelines. This normally happened where schools sought advice from the NEPS psychologists on the report provided by the non-NEPS psychologist. 81% of respondents to the survey reported that they were asked by schools to review non-NEPS reports.

78% of respondents who have reviewed such reports found inappropriate recommendations for exemption from Irish i.e., the Department's exemption criteria had not been met. For example, NEPS psychologists made reference to seeing recommendations in reports for exemptions from Irish for students with autism spectrum disorder (ASD) whose IQ and attainments were not in line with the criteria in exemption circulars and guidelines. When asked to give an approximate estimation, psychologists who had reviewed non-NEPS reports for schools reported reading, on average, nine reports in the five years prior to 2014 that included an inappropriate recommendation for exemption.

The number of such reports ranged from fifty to two. In many instances, review of such reports was at the request of schools who were seeking a second opinion.

It is unclear why recommendations are made in psychologists' reports that are not in line with exemption circulars and guidelines. It may be that the professionals in question lack familiarity with the exemption circulars or that the recommendation is made on the basis of professional opinion irrespective of whether it is consistent with the terms of circulars and guidelines. In such circumstances, NEPS psychologists are often asked by schools to give a second opinion and are, therefore, in the invidious position of being bound to point out where the terms of circulars and guidelines on exemptions have not been met. Schools often report being reluctant to second-guess the recommendation of a psychologist or psychiatrist despite being ultimately responsible for granting or denying the exemption in accordance with Department circulars.

Going forward, it is important that the criteria around granting of exemptions from the study of Irish are articulated in as clear and unambiguous a manner as possible and that steps are taken to ensure that all relevant parties are familiar with the criteria for granting exemptions and the expectations around their implementation. Guidance also needs to be provided on the appropriate response in instances where recommendations in psychologists' reports are not in accordance with the Department's exemption circulars and guidelines.

8.4 Clarity of the Guidelines for Psychologists around Exemption from the study of Irish

98% of respondents to the survey reported they were very familiar (67%) or familiar (31%) with the Guidelines for Psychologists on exemptions from the study of Irish. However, 50% of respondents judged them to be unclear or very unclear. Amongst those who opined that the guidelines are unclear, some stated that they were open to interpretation in different ways; the ambiguity around the entitlement of children with Borderline Mild General Learning Disability to exemptions was cited as an example. A further example was lack of certainty pertaining to the nature and number of literacy attainments at or below the 10th percentile required for exemption.

8.5 Discrepancy Model and excluded IQ categories

Many psychologists referred to the outmoded 'discrepancy model' on which existing circulars and guidelines are premised, particularly with regard to determining that a student has a specific learning disability. The discrepancy model refers to conducting assessments of Intelligence Quotient (IQ)/ability and literacy attainments as part of the psychological assessment process to ascertain if there are statistically significant discrepancies between IQ and literacy scores. In other words, statistical tables are consulted that provide a predicted reading/spelling score based on IQ. If there is a significant difference between predicted and actual attainment score, it can be said that a specific learning disability (SLD) may exist.

Respondents pointed out that current thinking on SLD eschews the discrepancy model due to evidence that SLD exists along the full IQ range. For example, a student with a general learning disability can also have literacy problems that are not explicable in terms of their IQ alone. Nonetheless, existing circulars and guidelines seem to conclude that literacy difficulties are a function of general learning disability. Moreover, students in the low average range are excluded from eligibility for an exemption

from Irish based on a conception of SLD that specifies the need for average or higher IQ. Many psychologists viewed this as discriminatory as well as scientifically and educationally questionable.²⁰

In light of the above and the fact that IQ testing is no longer considered a necessary component in the identification of SLD, NEPS suggests that consideration could be given to devolving the authority to grant exemptions to schools where the Continuum of Support (CoS) process has been followed (and documented) and the student continues to attain literacy standard scores at/below certain defined levels on standardised tests, such as the Wide Range Achievement Test: 3rd Edition (WRAT 3)²¹ or other tests of literacy administered in school by SEN teachers. This would obviate the need for assessment and provide evidence of sustained difficulty rather than the present system whereby a ‘snapshot in time’ in the form of a psychological assessment is deemed sufficient in determining eligibility for an exemption from Irish.

8.6 Disabilities not covered in existing circulars

The vast majority of NEPS psychologists reported that they are familiar with theories of second-language acquisition and conscious of the cognitive, linguistic and social advantages conferred by learning a second language. Some expressed doubt about the need for exemptions from Irish for any pupils/students, irrespective of disability or intellectual ability, given the educational and psychological benefits conferred on all learners of additional languages. Moreover, reference was made by some to the introduction of an integrated language curriculum to primary schools, whereby each language complements the other and traditional divisions between first and second-language instruction will in time be no longer evident in the classroom.

Notwithstanding the advantages of second-language learning highlighted above, many respondents reported cases and practice on the ground where students with disabilities not covered by existing circulars and guidelines are experiencing significant difficulty with learning Irish. It was also reported that parents and schools seek guidance and support. The sub-sections below provide an outline of these disabilities.

8.6.1 Specific Speech and Language Impairment/Disorder

In addition to the exclusion of students with low average IQ as described above, another anomaly raised by a considerable number of NEPS psychologists was the fact that only pupils/students with specific learning disability (SLD), general learning disability (GLD) or sensory disabilities (SD) are deemed eligible for exemption from Irish under the terms of existing circulars, and other disabilities are not considered. Among the cohort of students viewed by some psychologists as inadvertently excluded are pupils/students with Specific Speech and Language Impairment/Disorder (SSLI). Some expressed concern that these students who struggle with learning their first language should be required to learn a second. Many pupils/students with SSLI attend special language classes for two years after which they return to their mainstream classes. It was pointed out by some that the majority of such classes do not provide for the teaching of Irish; therefore, without exemptions, these pupils/students are expected to resume the study of Irish having lost out on two years of instruction.

²⁰ Detailed information on current conceptions of dyslexia is contained in the NEPS Dyslexia Working Group submission to the review in Appendix 1.

²¹In-school testing is currently conducted using standardised, individually administered tests to establish whether or not students qualify for Reasonable Accommodations in Certificate Examinations (RACE) in State examinations.

8.6.2 Autism Spectrum Disorder

Pupils/students with autism spectrum disorder (ASD) were another cohort of students whose exclusion from eligibility for exemption from Irish was a source of concern to some NEPS psychologists. Communication impairment is a key feature of ASD, and many pupils/students with ASD also have language difficulties/delay. In common with pupils/students with SSLI above, some psychologists raised cases of pupils/students who had been re-integrated to mainstream from special classes for students with ASD, in the majority of which Irish is not taught. While those pupils/students with ASD, learning disability and literacy and language difficulties qualify for exemption from Irish, many high functioning pupils/students with ASD (including pupils/students who were diagnosed as having Asperger Syndrome) do not²².

Rigidity of thought is a characteristic of people with ASD and some respondents linked the observed difficulty and reluctance to learn Irish to this characteristic. A considerable number of respondents to the survey referred specifically to pupils/students with ASD whose mental health was reported to be negatively affected by having to study Irish. They reported being presented with letters from Child and Adolescent Mental Health Services (CAMHS) or psychiatrists in independent practice detailing significant concerns about the implications of studying Irish for their patients' mental health. It was reported that some students were refusing to attend school because the stress of studying Irish was overwhelming.

The advantages conferred on all students by second-language learning highlighted by some NEPS psychologists is consistent with the research evidence currently available (Archibold et al., 2006). Indeed, many commentators question the wisdom of exempting students with SEN from second-language learning. Wight (2015), for example, examined the literature on second-language learning by native English-speaking students with disabilities and although she concluded that existing research lacks depth and breadth, she highlighted persuasive evidence of the pragmatic, cultural and cognitive benefits of such learning. Moreover, Wight asserted that exemptions are often given on the basis of personal beliefs rather than on a consideration of inclusive practice, and that data on the potential successes of students with SEN are absent. On the basis of existing evidence, Wight advocates for differentiated learning activities and content, review and repetition of learning, explicit linguistic teaching, smaller class sizes, additional time, and alternative assessments as a way to facilitate access to second-language learning for students with SEN.

It is important to consider future policy around exemptions from Irish in light of an increase in inclusive practice in schools, curricular changes (such as wider choice in Irish curricula), and a move toward integrated language learning (Ó Duibhir and Cummins, 2012), which is now Department policy. The integrated approach addresses the language needs of all pupils including the needs of pupils/students who speak a home language different from the language of instruction, those with language difficulties/delay, and those with SEN. All pupils' needs are addressed in discrete appropriately differentiated language lessons, and throughout the curriculum. Underlying this approach is the understanding that language acquisition skills are transferred from one language to another. For the

²² Many high functioning pupils/students with ASD or Asperger Syndrome present with no learning difficulties at all so their average or higher IQ, language and literacy attainment scores would rule them out of being eligible from exemption from the study of Irish under the terms of current circulars and guidelines.

majority of pupils in Ireland, learning Irish is their first experience of learning a second language. If teachers enable pupils to compare characteristics of Irish and their home language and highlight strategies for learning new language skills, then efficiencies, linguistic awareness and skills are instilled in the learners. This type of language awareness approach helps pupils learn skills that are applied to the learning of additional languages in the future.

It is likely that some psychologists identified students with SSLI and ASD for mention because their ineligibility for exemption from the study of Irish seems, intuitively, to be questionable when other categories, such as SLD and GLD are eligible. However, existing research does not provide evidence in favour of exemption from second-language learning for such students. For example, Paradis et al. (2011) found that children with SSLI who learn a second language reach the same level of language competency as their monolingual peers with SSLI after sufficient exposure to their second language. In relation to ASD, Hambly and Fombonne (2011) found no significant differences between the language levels of children with ASD who were monolingual, those who learnt two languages simultaneously, and those who learnt a second language sequentially. The emerging research, therefore, suggests that even those with disabilities affecting language and communication benefit from second-language learning. The fact that Irish is often not taught in special education settings for these students is not consistent with the research evidence. On the contrary, existing research suggests that second-language learning is of benefit to all students irrespective of disability or SEN and, therefore, should be part of their experience in school.

8.6.3 Students with ASD experiencing stress attributed to learning Irish

Notwithstanding the research evidence, as summarised above, the reported severe upset of some students with ASD due to being required to study Irish is, without doubt, a real challenge to those students, their families and schools. While there may be sound educational reasons for these pupils/students to study a second language, there appears to be a psychological impediment to engaging with the subject and the requirement to study Irish results in emotional distress for some. A review of the literature reveals little by way of explanation for this phenomenon. There is some reference to the communication difficulties and deficits in flexibility of thought characteristic of children with ASD (Wire, 2005), but these challenges are considered surmountable with effective pedagogy. It could be that innovative, autism-sensitive teaching methods, materials and differentiation of lesson content from an early age could help mitigate the development of this apparent aversion to the language. However, this is an area that requires further research and consultation with interested parties to inform future policy in this area.

8.7 Other issues raised

The following section highlights a number of additional issues raised by NEPS psychologists in the survey findings.

8.7.1 National University of Ireland: Inconsistencies with the terms of existing Department circulars

Some psychologists reported that the differences between National University of Ireland (NUI) regulations governing exemption from Irish and other languages²³ and the terms of Department

²³ NUI requires a third language for matriculation when studying Arts, Human Sciences, Law, Social Science, Commerce, Medicine, Health Sciences and some other degrees. However, it grants exemptions from this requirement to those with SLD when recommended by a psychologist.

circulars and guidelines causes confusion for schools, parents and students. The NUI grants exemptions from Irish on the recommendation of a psychologist without reference to criteria in cases where a student is deemed to have an SLD. Moreover, NUI grants exemptions from Irish to students born outside the State even if they have received all their education in Ireland.

Psychologists also reported that they have met students with SLD who sought and were granted exemptions from the study of Irish by NUI but excelled in one or more continental language even though they were entitled to exemptions from continental languages also. The rationale for such language exemptions is, therefore, questionable.

Because NUI exemptions are granted on the basis of an SLD diagnosis without reference to specific criteria, there were reports of students with mild SLD (who would not be prioritised for assessment by NEPS on the basis of relatively high attainments) retaining private psychologists who recommend exemptions under the NUI criteria. Such students who are not linguistically strong are thereby enabled to focus on their other subjects and maximise their Leaving Certificate CAO points for access to NUI colleges. A number of psychologists reported that schools had alerted them to this concern.

Consideration should be given to seeking to align Department and NUI procedures and policies in relation to exemptions from the study of Irish. The current arrangements cause confusion. It could be argued that these arrangements confer unfair advantage on those who can afford to pay for private psychological assessments. This is especially true of those with mild SLD who do not possess strengths in language learning and who seek exemption in order to focus on non-language subjects.

Reports from psychologists that some students granted exemptions from Irish for NUI matriculation purposes excel in continental languages is further evidence that exemptions from Irish on the grounds of SLD lacks an educational basis.

8.7.2 *De facto* exemptions from the study of Irish

Psychologists who responded to the survey report that they have encountered students who did not study Irish in primary school but who were not granted exemptions from the study of Irish. When assessed in post-primary school, these students were found not to meet the criteria for exemption. As a result, these students may have missed out on many years of instruction in Irish and are akin to beginners in the study of the Irish language at the beginning of post-primary education.

8.7.3 Timetabling learning support during Irish classes

Some NEPS psychologists were contacted by parents of students assessed in primary school as they started post-primary school who requested them to recommend exemptions from the study of Irish retrospectively, because learning support was reportedly provided during Irish classes. The parents reported being informed that access to learning support for their child was contingent on having an exemption from Irish. In general, NEPS psychologists noted that the timetabling of learning support provision to coincide with Irish and requests of parents to seek exemptions from Irish in this context is without justification.

8.7.4 Exemptions from Irish in schools where Irish is the medium of instruction

A small but significant number of psychologists reported being asked to recommend exemptions from the study of Irish for pupils attending Irish-medium primary schools (Gaelscoileanna), so that they could avail of exemptions at post-primary level. One respondent was asked if a pupil with SLD in a

Gaeltacht school qualified for an exemption from the study of English on equality grounds. Another was asked to recommend an exemption from Irish in a Gaeltacht school where the student met the criteria in the Department circular.

NEPS psychologists observed that there is no educational justification for students who have received their education through the medium of Irish discontinuing the study of Irish at post-primary level.

In particular, they noted how reasonable Accommodations in Certificate Examinations (RACE) are granted to students with SLD to compensate for poor spelling/grammar and/or reading skills with a view to mitigating the effects of their literacy difficulties on their examination performance. They also advised that pupils in Gaelscoileanna and Gaeltacht schools who have had the benefit of attaining fluency in Irish through daily practice should be alerted to the high level of credit accorded to oral proficiency in Irish in the state examinations.

8.7.5 Exemptions from Irish for pupils/students learning English as an additional language

NEPS psychologists have encountered cases where very young pupils learning English as an additional language are granted exemptions from the study of Irish because they meet the criteria of not having English or Irish when enrolled and are not afforded an opportunity to learn Irish despite having fluency in their language(s).

NEPS psychologists observed that there is no discernible advantage to granting exemptions from the study of Irish to young pupils learning English as an additional language and that indeed, many of these pupils are already proficient in more than one language on enrolment in primary school. Such language skills are known to be transferable in the acquisition of additional languages. Moreover, psychologists highlighted how access of all primary school pupils to the full curriculum can be accommodated through appropriate differentiated teaching and accommodations commensurate with need.

8.7.6 Home-educated students enrolling in schools

A small number of psychologists encountered students who were educated at home at primary level and who did not study Irish and sought exemption from the study of Irish on enrolment in a post-primary school. They highlighted the need for clarification and advice about how to meet the Irish language learning requirements of home-educated children who subsequently enrol in schools.

8.8 Summary of key findings

Overview

This chapter provided an outline and analysis of the views of NEPS psychologists on exemptions from Irish policy and processes. The analysis highlights a number of key issues in relation to exemption processes and criteria that need to be considered in future policy and practice relating to exemptions. The conclusions drawn from the analysis are consistent with, complement and indeed extend key insights from the other strands of the review.

NEPS psychologists emphasise the benefits of learning a second language. An overarching message in light of this is the need for caution around excluding learners with special educational needs, and also pupils/students learning English as an additional language, from the opportunity to learn a second language in light of increased inclusive practice in schools, curricular changes and a move toward

integrated language learning. Existing research cited by NEPS also appears to question the wisdom of exempting students with SEN from learning a second language.

Another key message from the analysis of NEPS feedback is the need to re-conceptualise how exemption processes can be implemented in light of current thinking on psychological assessment and how best to meet the needs of learners with special educational needs. In particular, psychologists from NEPS highlight the need to move from the 'discrepancy' model on which existing circular and guidelines are based, including the use of IQ testing, as a means of determining the existence of a specific learning disability. NEPS also highlight the need to reposition the use of psychological assessment in the process of determining whether a learner with special educational needs is eligible to an exemption from the study of Irish. Such repositioning would involve non-use of psychological assessments for the sole purpose of determining eligibility to an exemption from Irish and the carrying out of psychological assessments only where it was evident that a period of in-school interventions and assessments had not been successful. Such a repositioning envisages a greater role for schools in exhausting all supports to assist learners and as necessary, in assessing the eligibility of a learner to an exemption from the study of Irish. This is consistent with recent developments in special education provision as outlined in Department Circulars 0013/2017 and 0014/2017 which emphasise the identification of students with significant needs through a process of ongoing assessment and intervention as set out in the Continuum of Support Process. The use of professional reports is no longer central to the needs identification process but schools may take the findings and recommendations of these reports into account where available.

NEPS psychologists also highlight specific issues such as non-inclusion in exemption circulars of disabilities such as Specific Speech and Language Impairment/Disorder that may impact on students' learning of Irish, and recommendations in reports provided on occasion by non-NEPS psychologists that are not in accordance with the criteria set out in the exemption from Irish circulars and guidelines. NEPS psychologists also highlighted anomalies and reported instances of concerns for some students' mental health and wellbeing, particularly in the case of students with ASD, regarding the implications of being required to study Irish.

NEPS psychologists also have focused attention on the impact of administrative and organizational anomalies relating to exemptions from Irish, including inconsistencies between the NUI exemption regulations and the circulars of the Department, the granting of *de facto* exemptions, transfer of pupils/students from special education and home education settings to mainstream education settings, and the timetabling of learning support parallel to Irish language classes. Furthermore, NEPS psychologists raise questions about the rationale or logic of the granting of exemptions to students attending an Irish-medium school. It is suggested that these issues can be addressed in the context of a framework that seeks to promote inclusion of all students in learning Irish, reduces the focus on psychological testing and promotes a more developmental approach at school level.

Chapter 9 Research on exemptions from language study

9.1 Introduction

This chapter outlines some key findings from research and commentary internationally and nationally in relation to exemptions from a foreign/second language. Overall, there is a paucity of research in the area of exemptions from the learning of languages. However, some useful insights are provided from what is available that are worth considering in light of future policy and practice in relation to exemptions from the study of Irish.

9.2 Overview of research and practice on exemptions from the study of language

9.2.1 International research on exemptions from the study of language

Wight (2015), a researcher in the United States notes that the policies and practices of exempting students from foreign language study is not well researched and where available, has centred on English speaking students only. She notes the limitations of research in the English speaking context as the norm for people in this context is to communicate in one language. She points out that the research demonstrates the tendency to exempt students from foreign languages based on personal beliefs and preferences rather than on the basis of inclusion and data about the potential successes of students with special educational needs. She cites other research that highlights the importance of adjusting curricular and instructional practices in order to support foreign language learning by students with special educational needs. Her key message is that all students should have access to all content areas including the opportunity to develop proficiency in another language and to better understand other cultures and that accordingly, the resources and support necessary should be provided to make the foreign language environment inclusive to all learners.

Arnett (2013) commenting on French Second Language (FSL) in Canada argues that the practice of exempting students with exceptional needs from compulsory FSL programmes is almost never a good option. She argues that exemptions from second language learning perpetuate the idea that FSL study is not for all and that exceptionalities and FSL cannot co-exist. The practice of exemptions may weaken language education as it spreads the idea that FSL study is not important or worthwhile. She points to the need to take account of research that shows that disability is not a barrier to language study and that many of the strategies recommended to support students with special educational needs are consistent with good FSL pedagogy in core French. She also notes how the *Common European Framework of Reference for Languages* (Council of Europe, 2001) in framing success in terms of what a learner can do endorses the inclusion of every type of language learner in the classroom. However, she acknowledges that exemptions may occasionally be a 'necessary evil' because of the legacy of their use in language classrooms.

9.2.2 Practice of exemptions from language study in other jurisdictions

An online search revealed information on policy and practice relation to exemptions from a foreign language in just a few English speaking jurisdictions.

In Queensland, Australia, foreign language study is required in the final two years of primary school and the first two years of secondary school. The rationale is that learning an additional language can strengthen general literacy skills and students' understanding of their first language as well as offer a

new beginning and potential success for learners who may have experienced difficulties with English. Decisions to exempt individual students from the school's Languages program are made by the principal in consultation with parents, when it is identified that this is in the best interest of the student.

In England, learning a foreign language is required at Key Stage 2²⁴ and Key Stage 3²⁵ of the National Curriculum, that is, from ages 7-14. A system of disapplication or modification of the national curriculum that is implemented by head teachers may be deployed in exceptional circumstances; this system is provided for in the Education Act, 2002. In such instances, head teachers are allowed to modify or disapply programmes of study in all subjects, including foreign languages, at any key stage, through a pupil statement of special need where it is deemed that other forms of flexibility are not sufficient to meet the individual needs of the young person. The statement details subjects or assessments that are disapplied and the alternative curriculum provision, and must be reviewed annually as part of the review of special needs. Head teachers are also allowed to make temporary disapplication at any key stage for up to six months, if they feel a pupil cannot fully participate in, or benefit from, the full national curriculum. Students do not have a right to be disapplied from the National Curriculum. The fact that a young person or parent does not want the subject to be part of the curriculum is not grounds for disapplication. Head-teachers are expected in all cases of disapplication, to make judgements based upon the educational benefits or disadvantages to the young person.

Research on language provision in England (Tinsley and Board, 2016) reveals that in a small minority of state schools (seven to eight per cent), groups of pupils do not receive any language teaching from the beginning of Key Stage 3. Nonetheless, they note signs that this practice may be in decline, and that schools may be moving towards more inclusive policies. They also note the adverse effect of disapplication in that pupils are effectively prevented from taking a language to GCSE and from obtaining the English Baccalaureate. Furthermore, they note that disapplication (the practice of excluding or excusing pupils from language study) is rarely seen in the independent sector.

In Wales, pupils in English-medium primary schools and students in English-medium secondary schools up to the age of 16 are required to learn Welsh as a second language. As in England, it is up to school principals to make a determination as part of the statement on special educational needs on whether a child can disapply from the learning of Welsh. Research on language provision in Wales (Board and Tinsley, 2015) indicates that almost one third of schools (29 per cent) disapply pupils or groups of pupils, namely lower ability students, from studying a foreign language at Key Stage 3 as a result of an increasing emphasis on English and mathematics.

9.2.3 Dyslexic students and exemptions from the study of a second learning

Crombie, a researcher based in Scotland, highlights the importance of giving all young people, including those with dyslexia access to foreign language teaching. She advises that that while one cannot generalise from one dyslexic student to another, with the right conditions in place, the

²⁴ Key Stage 2 refers to the four years of schooling in maintained schools in England and Wales normally known as Year 3, Year 4, Year 5 and Year 6, when the pupils are aged between 7 and 11.

²⁵ Key Stage 3 refers to the three years of schooling in maintained schools in England and Wales normally known as Year 7, Year 8 and Year 9, when pupils are aged between 11 and 14

difficulties that learners with dyslexia will encounter in the classroom can be minimised. Such conditions include appropriate teaching, use of teaching methods that work for most if not all dyslexic students, time for the dyslexic student to achieve success, and additional support for teachers in understanding the likely difficulties which dyslexic students may experience. However, she does caution that a decision for a dyslexic student to proceed with foreign language learning should be kept under regular review and that alternatives need to be considered where it is evident that the learning situation has become intolerable for the learner and the learner is not able to master the elementary aspects of the foreign language.

The British Dyslexia Association (BDA) on its website advocates the learning of a foreign language by dyslexic learners citing the potential social, cultural, language and career benefits associated with learning of a foreign language by pupils with dyslexia. However, the BDA acknowledges that it may take more determination for learners to succeed and be a longer process for them, and that some dyslexic children are only likely to achieve limited competence in a foreign language. It advises that learning more transparent languages such as Spanish, Italian and German that have clear letter-sound correspondence are more appropriate for dyslexic learners. The BDA highlights the importance of other factors such as the teacher's personality, teaching methods and perceived relevance of the language in determining the success of the language learning for the dyslexic pupil.

The Dyslexia Association of Ireland (DAI) on its website articulates the view that a learner must have reasonable competence in his/her first language in order to succeed in learning a second language. It points out that with additional support from the primary school and parents, some children who are exempt from Irish may become competent enough in their first language to enable them to learn another language on entry to post-primary level. It advises parents that while students at the mild end of the dyslexia spectrum may manage to learn additional languages, students with more severe dyslexia will struggle and may need to get an exemption.

With regard to learning foreign languages, the DAI acknowledges the benefits of language learning and the fact that students with dyslexia, particularly those with good oral and aural ability, may achieve competence in other languages. It highlights the need for students to be given the option to try a foreign language at post-primary level, in light of the increased emphasis on oral and aural performance in the state examinations. It also points to the advisability of dyslexic students opting for languages that are similar phonetically to English and are more transparent in terms of their letter-sound correspondence.

However, DAI highlights the importance of the student overcoming the difficulties in their first language before proceeding to learn another language. It also notes how as a 'rule of thumb', a student who met the criteria for exemption from the study of Irish would be likely to encounter difficulty with the written form of other languages but that each case should be looked at individually while mindful of the need for the student not to close off options at a later stage.

9.2.4 Research on exemptions from language study in Ireland

While there has been much newspaper commentary on exemption trends, there has been a paucity of published research on exemptions from the study of Irish in Ireland.

One of the existing studies carried out by Ó Laoire (2013) was based on a review of the Department's data on exemptions from the study of Irish and a survey of post-primary principals and teachers of

Irish. The research was complemented by focus group interviews with principals, teachers of Irish, learning support teachers and students with exemptions. The research explored the reasons for granting exemptions in schools and the practices associated with the granting of exemptions.

Ó Laoire (ibid) concludes that there is a lack of transparency in the manner in which exemptions from the study of Irish are granted. In support of this, he cites practices reported by post-primary principals and teachers that are not in accordance with the requirements of the exemption circulars. Such practices include exemptions from the study of Irish being granted to students outside of the exemption criteria, primary pupils starting post-primary school without having learned Irish at primary level despite not being granted an exemption, and post-primary students without an exemption not attending Irish language classes or sitting the Irish papers in the state examinations.

Ó Laoire also reports that there is an increasing number of students with exemptions from the study of Irish who continue to study modern foreign languages such as French and German. According to the principals surveyed in his research, one third of students with exemptions from Irish study a modern language. He questions the rationale of this in light of the fact that the same cognitive processes are involved in learning Irish and modern languages. Darmody and Smyth (2016) note that more research is required on the rationale of students taking a modern language but not Irish. They suggest possible reasons such as the relative ease of learning other languages compared with Irish, and greater opportunity for using other languages outside the education system.

Ó Laoire (ibid) also argues that the application arrangements for exemptions from the study of Irish are ad hoc. For example, teachers of Irish are not always consulted as part of the application process as specified in the Department's exemptions circular. Timetable arrangements for students vary across schools. In some schools, learning support is provided to students with exemptions during Irish classes. In other schools, students with exemptions remain in the class; the disruption of the Irish class by such students was a particular issue raised by school principals and teachers during his research.

Information from the focus group interviews indicated that while there is a high level of awareness among principals and teachers in post-primary schools on the benefits of being bilingual, there was little awareness of those benefits among students or parents who participated in the study.

Ó Laoire (ibid) recommends that the exemptions circular and terms for granting exemption from the study of Irish be reviewed in the light of the current socio-cultural context and to ensure that the process for granting exemptions is transparent and systematic. He also recommends that policy on provision for students with exemptions in timetabling arrangements be reviewed so that an agreed policy can be implemented in all schools. Ó Laoire (ibid) cites the need for research on the rationale of students with exemptions studying other languages. He recommends that Irish language syllabuses be reviewed and customised so that they meet the needs of students with learning difficulties and students from abroad. Finally, he recommends a national awareness campaign that brings the positive benefits of bilingualism to the attention of parents.

A study by Darmody and Smyth (2016) examined the trends of exemptions from the study of Irish for different groups of students over time using data provided by the Department. It also provided a profile of students in post-primary schools who are exempt from learning the subject using multivariate analysis of data from the Growing up in Ireland study (13 year-old cohort).

As was also seen in Chapter 3 of the current report, Darmody and Smyth's (ibid) study shows that there has been a steady increase in exemptions from the study of Irish granted on the basis of learning disability in the period 2004-2014 but that the number of foreign students who have gained exemptions fell during that period. The researchers advise that such figures need to be interpreted in the context of growing student numbers in post-primary schools. In addition to demographics, the study suggests that other factors driving the increase in the number of exemptions include enhanced student retention at post-primary level and changes to the identification of students with special educational needs

The multivariate analysis used in the study also provided insights into the effect of a number of demographic and institutional factors on the non-study of Irish at post-primary level. Gender was found to be significant – girls are less likely to be exempt from Irish. This may be explained by more negative perceptions of languages in general among boys as well as gender socialisation, gendered curriculum practices and cultural narratives. Social class was not found to be significant once prior achievement levels are taken into account. Having a special educational need at the age of nine has a significant effect on not studying Irish at the age of thirteen. Those who have special educational needs are more likely to be exempt from the study of Irish than their peers who have similar levels of English reading achievement. Recent arrivals to Ireland are also more likely to be exempt from the study of Irish.

The main finding of the study is that exemptions are mostly associated with special educational needs and ability whereupon the researchers conclude that the system is operating fairly, which is in contrast with Ó Laoire's conclusion that the arrangements with regard to applying for exemptions are ad hoc.

9.3 Conclusions

Overview

This chapter looked at perspectives on exemptions from language as outlined in international and national research and in material provided by agencies with a particular interest in the issue. It also looked at practice in other countries to the extent to which that was possible. It should be noted that there is a paucity of commentary in research and in educational systems about the practice of exemptions from language provision.

Summary of issues

- *Special educational needs*

A key message is that the issue of exemptions from language provision is complex and there are no simple solutions. However, some important messages come through. The international research strongly indicates that the principle of inclusion should underpin decisions on exemption policy and practice. It points to the need to give learners with special educational needs the opportunity to benefit from learning a second language through engagement with the language at a level that is appropriate to their ability and needs. The implications are that rather than resorting to exemptions as the first course of action, differentiated curricular, pedagogical and possibly assessment arrangements should be in place to facilitate learning of the second language by students with special educational needs in accordance with the particular challenges that they experience. One national study highlights the need to generate awareness among parents in relation to the benefits of language learning.

- *Curricular provision*

The international research also draws attention to the principle that all subjects in the prescribed curriculum are of importance and that the practice of providing for exemptions for one of those subjects in effect undermines the status and importance of that subject as a valuable part of pupils'/students' learning generally. However, a key challenge is the extent to which policy and practice in relation to language exemptions have become embedded culturally and politically in school systems. This would appear to be particularly so in the context of Irish.

- *Arrangements for processing applications for exemption from the study of Irish at school level*

The key findings of the two pieces of research in the Irish context are not entirely congruent. One piece of research by Ó Laoire (2013) based on feedback from school stakeholders in post-primary schools suggests that the practices relating to the granting of exemptions from Irish are ad hoc and not transparent as actualised at the micro level of the school. The study cites different practices as reported by school stakeholders to support this view. Such practices include: omission of important stakeholders in informing the exemption application process; the granting of default exemptions to student not eligible for an exemption through their non-learning of Irish over time; and variance in timetabling arrangements across schools with regard to how students with exemptions are accommodated.

A second study by Darmody and Smyth (2016) based on a multivariate analysis of data from the Growing Up in Ireland longitudinal study suggests that at a macro level, exemption from Irish processes are working fairly in that they are associated mostly with special educational needs and ability. This apparent lack of congruence between the macro and micro impact of exemptions from the study of Irish as articulated in these studies suggests that there needs to be balance between system and school level considerations, and between policy and practical considerations in any changes to the current exemption arrangements. That said, the unintended consequences of exemption arrangements as identified by Ó Laoire, and also in the case studies carried out by the Department's Inspectorate need to be addressed.

- *Students with exemption from the study of Irish but studying other languages*

The issue of students with exemptions from the study of Irish learning another language was also raised in the review of research and commentary. One view is that the same language learning processes are involved in learning Irish as a second language and in learning other languages. Another view is that the second language should only be introduced when students with language processing difficulties, such as those with dyslexia, have achieved competence in their first language. Furthermore, there may be factors that make the learning of Irish more difficult for students than another modern language such as the orthography of the language and motivational factors related to the perceived lack of relevance of Irish and the opportunity to use it. While there is no readily available solution to this dilemma in the absence of research, a solution may be found through application of the principles of inclusion and differentiation.

- *Devolved authority to grant exemptions*

While the nomenclature is different, practice in other countries with regards to exemptions from language would appear to endorse the Department's current arrangements of delegating the authority to grant exemptions to school authorities, notably the school principal. In some instances such as in England, the authority to make such decisions at local level is established on a statutory basis; this gives the principal considerable authority as the decision maker but also engenders considerable accountability. Reports on the impact of these arrangements vary from somewhat negative in Wales to positive in England. A key point for consideration is that clear parameters need to surround exemptions from language as there may be unintended consequences when taken together with other policy initiatives.

- *The adequacy of curricular provision for Irish*

Ó Laoire (2013) raises the question of the adequacy of current curricular provision for Irish to accommodate learners with exemptions from the study of Irish, including those with special educational needs and those from abroad. Recent language curriculum developments in Irish, notably an emphasis on oral proficiency, the inclusion of progression continua and the promotion of cross language transfer of skills, are positive developments in terms of the potential of Irish language curricula to provide for the developmental needs of a more diverse student population. Nonetheless, the scope for further customisation of Irish language curricula, particularly in terms of the manner of delivery, should be explored more fully.

Chapter 10 Other issues relating to exemptions from the study of Irish

10.1 Introduction

This chapter presents a number of other issues relating to the granting of exemptions from the study of Irish in primary and post-primary schools that are not addressed in Circular 12/96 and Circular M10/94 but were highlighted during the review.

10.2 Other exemption from Irish issues not covered by Circular 12/96

At primary level, issues not covered by Circular 12/96 included private schools, pupils with a diagnosis of emotional and behavioural problems, selective mutism and dyspraxia.

10.2.1 Private schools

Private primary schools do not directly come under the remit of the Department of Education and Skills. However, it is thought that most of these schools abide by the criteria in Circular 12/96 in relation to the granting of exemptions from Irish. Pupils attending private schools and who wish to transfer to the mainstream post-primary sector but who have not learned Irish, sometimes lodge an appeal. While the number of these appeals is very small, there is need to ensure that adequate information and guidance is provided in any future exemption arrangements on expectations in relation to the learning of Irish of pupils transferring from private schools to state schools.

10.2.2 Social, emotional and behavioural difficulties, selective mutism and verbal dyspraxia

Pupils with social, emotional and behavioural difficulties (SEBD) sometimes attend special schools that cater for their needs. The Irish language curriculum is not always taught in these settings although the potential for such provision is provided for in the new *Primary Language Curriculum* that was published in 2015. For those pupils who are not eligible for an exemption from the study of Irish, returning to mainstream school and engaging in Irish lessons often exacerbates an already difficult situation. Moreover, pupils with SEBD in mainstream educational settings are sometimes granted *de facto* exemptions from Irish since their behaviour in Irish class can be problematic due to a negative attitude to the language.

Pupils with selective mutism, an anxiety disorder in which a person who is normally capable of speech does not speak in specific situations or to specific people, are a cohort learners for whom participation in a language class, particularly oral language lessons, can be extremely challenging. However, existing exemption from Irish circulars are silent on students with such difficulties. Pupils with verbal dyspraxia, a condition where children have difficulty in making and co-ordinating the precise movements needed to produce clear speech, face extreme challenges in attaining oral proficiency in their first language. However, they, too, are not included as being eligible for exemption in existing circulars. It is necessary, therefore, to provide school authorities with clear directives on such situations in the drafting of any new circular.

10.3 Exemption from the study of Irish issues not covered by M10/94

Additional exemption from Irish issues related to post-primary schools include:

- Access for students with an SLD, who wish to study Irish, to additional educational supports

- Exemptions from Irish and the Leaving Certificate Applied (LCA)
- Exemptions from Irish for a very small cohort of pupils/students attending Gaelscoileanna and Gaeltacht schools.

10.3.1 Access for students with an specific learning disability who wish to study Irish

Generally, post-primary schools provide additional help or resource hours for students during the periods when Irish is taught. While this works very well for many students, it presents difficulties for those students who are in receipt of additional support but who wish to study the Irish language. This can impact on students who have attended Gaelscoileanna at primary level and who have very good proficiency in the Irish language. Parents report that when they apply to certain post-primary schools they are told that their children will not receive additional supports if they continue to study Irish. Post-primary schools need guidance in relation to situations such as this.

10.3.2 Exemptions from the study of Irish and the Leaving Certificate Applied

Students who participate in the Leaving Certificate Applied (LCA) are required to study Irish- *Gaeilge Chumarsáideach* (Communicative Irish)- and a modern foreign language, both of which they can take up *ab initio*. However, students who hold an exemption from the study of Irish can continue to avail of that exemption, even though they are afforded an opportunity to engage with the Irish language *ab initio*. Where students have exemptions from Irish, this creates difficulties for schools because the LCA class sizes are small. Some post-primary schools insist that all of the students study Irish even those with exemptions and other schools uphold the exemptions if some students have them. Data for student participation in the LCA (Table 10.1) indicate that the proportion of LCA students who do not sit the Irish examination has steadily increased from 13% in 2004 to over a third of the LCA cohort sitting the examination in recent years. This data also shows that the proportion of LCA students not sitting Irish in the LCA from 2004-2016 has slightly exceeded the proportion of those students that schools returned to the Departments has having an exemption from the study of Irish.

Another dimension to this issue is that when post-primary students are examined for LCA, they are given full marks for the Irish component of the examination if they are exempted from Irish. This places their counterparts who are not entitled to an exemption from Irish and who do study Irish at a clear disadvantage as not all will achieve full marks in the examinations.

Table 10.1 Participation of students in the LCA Irish examination

Year	Number of students that sat LCA	Number of LCA students that did not sit Irish exam/or were graded ²⁶	% of LCA students that did not sit Irish exam	Number of LCA students with an exemption as in DES returns Sept 2015	% of LCA students with an exemption
2004	3,521	459	13.0%	187	5.3%
2005	3,341	535	16.0%	272	8.1%
2006	3,157	589	18.7%	305	9.7%
2007	3,021	658	21.8%	429	14.2%
2008	3,400	797	23.4%	556	16.4%
2009	3,264	910	27.9%	578	17.7%
2010	3,358	934	27.8%	642	19.1%
2011	3,195	994	31.1%	887	27.8%
2012	3,228	1069	33.1%	1,009	31.3%
2013	2,810	969	34.5%	928	33.0%
2014	2,964	1026	34.6%	1,028	35.0%
2015	2,887	1067	37.0%	989	34.2%
2016	2,758	1021	37.0%	963	34.9%

10.3.3 Gaelscoileanna and Gaeltacht schools

The number of pupils/students attending Gaelscoileanna and seeking exemptions from the study of Irish are small but not unknown. The request for an exemption generally arises on foot of an educational psychological report, where a specific learning difficulty, entitling a student to an Irish-language exemption, comes to light. In some cases, while not availing of the exemption for their child at primary level, parents seek the certificate of exemption in order to be able to implement it in post-primary school. The implementation generally occurs if the student experiences learning difficulties in post-primary school and learning support is provided only during timetabled Irish lessons.

The situation in Gaeltacht schools differs slightly from Gaelscoileanna in that the Gaeltacht schools may be the only school in an area that a pupil/student can attend for geographical or for financial reasons. The exemptions from Irish in these rare cases are sought under the relevant criteria in the current Department circulars.

10.4 Summary of key findings

Overview

This chapter provided an overview of additional issues in relation to exemptions from the study of Irish at primary and post-primary level that came to light during the course of the review of exemptions from Irish.

²⁶ These figures do not include the very small number of students sitting the LCA between 2004-2016, ranging from 4 to 17, who were assessed in sign language in place of Irish and a modern language.

Changes in educational programmes provided in schools, demographic changes and returning emigrants or migrants to Gaeltacht areas have all led to exemptions from the study of Irish being sought in circumstances that did not pertain when the current circulars on exemptions from Irish were issued. Moreover, pupils/students who, intuitively, would appear to have conditions that warrant exemption from the requirement to study Irish, such as those with social, emotional and behavioural difficulties, selective mutism or verbal dyspraxia, are not provided for in existing circulars. Existing circulars are also silent on issues that arise when pupils/students transfer from private schools to State funded schools. At post-primary level, the timetabling of additional learning support for students, who wish or are able to study the Irish language, during the periods when Irish is taught presents particular difficulties, particularly for those students who attended Irish-medium primary schools. There are also a number of anomalies in relation to the management of exemptions from the study of Irish for LCA students.

Chapter 11 Conclusions of the review

11.1 Introduction

The review of exemptions from the study of Irish led by the Inspectorate has been multi-faceted. The review has included analysis of statistical data, case-studies of practice in schools, analysis of exemption appeal processes, feedback from school stakeholders, insights from NEPS psychologists and review of international and national research. The range of review activity has provided the opportunity to glean perspectives on exemptions from Irish at both the macro and micro level. It has also enhanced understanding of the key policy and practice issues relating to an area that is characterised by a high degree of complexity and sensitivity.

This chapter presents the key findings and conclusions emerging from the cumulative insights gathered from the strands of the review. It draws from the conclusions of the different strands as outlined in previous chapters. These key findings and conclusions suggest potential options that can help to inform and form the basis of consultation on future policy and practice on exemptions from the study of Irish at primary and post-primary level.

11.2 Conclusions

11.2.1 Trends in the granting of exemptions from the study of Irish

The key findings in relation to exemption trends are as follows:

- The number of exemptions from the study of Irish has steadily increased since the current circulars issued in the mid-nineties. However due to demographic changes, there has been relatively little change in recent years in the proportion of the pupil/student population with exemptions. Exemption data suggest that each year, the majority of exemptions (i.e. up to two thirds) are granted at post-primary level.
- There has been a significant growth in the total number of post-primary students with exemptions from the study of Irish each year since current exemption policy and practices were introduced. However when demographic trends are taken into account, the proportion of post-primary students in the general school population holding exemptions in a given year has actually fallen in recent years. Currently, 9.3% of the post-primary school population has an exemption from Irish.
- The number of pupils at primary level granted exemptions from the study of Irish for the first time in a given year has increased significantly since 2004. The proportion of primary pupils in the general school population granted exemptions from the study of Irish for the first time was at its highest in 2009 (N=4956; %= 1.01%). In recent years, the proportion of the primary school population granted exemptions for the first time has fluctuated between 0.8% and 0.1%. In 2016, 5,358 exemptions (0.98% of the general school population) were granted at primary level for the first time.
- The number and proportion of post-primary students granted an exemption from the study of Irish for the first time in a given year was at its highest in 2010 (N= 12,314; %= 3.9%) and has declined since. In 2016, 9,486 exemptions (2.7% of the school population) were granted for the first time. Exemptions from the study of Irish are granted most frequently to students at primary and post-primary level on the grounds of learning disability. The majority of

primary/post-primary students with exemptions are in this category. The next most frequent grounds for granting exemptions is students from abroad who have no understanding of English when first enrolled. After a significant drop in the number of students granted exemptions on this grounds during the economic recession, the indications are that the number of students with exemptions on this grounds is starting to rise again.

- The proportion of students not sitting Irish in the Junior and Leaving Certificate examinations is relatively high when compared with the proportion of students holding exemptions from the study of Irish in the general school population across the entire post-primary cycle. This suggests that there is a considerable number of students without exemptions who are not sitting Irish in the state examinations. While it is a positive sign that the proportion of students not sitting Irish that do not have exemptions from Irish has decreased considerably over the last decade or so, it remains notable that a quarter of students not sitting Irish in the Junior Certificate and just under a third of students not sitting Irish in the Leaving Certificate do not have exemptions from Irish.
- A considerable proportion of students studying for the Junior Certificate and the Leaving Certificate examinations who are exempt from the study of Irish are studying a modern foreign language, although the proportion of such students has declined over time. In 2016, three fifths (60.1%) of Junior Certificate students in third year with exemptions from Irish were studying a modern language. In 2016, less than two thirds (63.2%) of Leaving Certificate students in sixth year with exemptions from Irish were studying a modern language.

11.2.2 Rethinking exemptions

The review highlights the need to reconsider the concept of exemptions from the study of Irish in policy and practice. A key message is that the issue of language exemptions is complex and there are no simple solutions. This is particularly true in the case of Irish given the legacy of political, cultural and psychological issues associated with the language as an entity in itself and indeed with the learning of the language.

A solid basis for future exemption from the study of Irish policy may rest with the principles of inclusion and differentiation. These principles already underpin educational provision. The principle of inclusion engenders a responsibility to give all learners the opportunity to benefit from learning Irish as a second language through engagement with the language at a level that is appropriate to their ability and needs. The principle of differentiation requires that differentiated curricular, pedagogical and assessment arrangements be put in place to facilitate learning of Irish by all students, including those with special educational needs and those from abroad. The primary case studies have shown that such an approach can work as evidenced in the constructive engagement by school authorities with parents on ensuring that learners with an exemption from the study of Irish or entitled to an exemption continue to participate in Irish language lessons.

The review has raised question around the blanket granting of exemptions from the study of Irish to up to 10% of the school population. The fact that exemptions exist is creating a demand and expectations that other categories of special educational needs not currently eligible should be entitled to an exemption. It is timely to consider whether such arrangements are appropriate in light of current thinking on how best to meet the educational and language development needs of students. It is also timely to consider whether an exemption from Irish should continue to apply to

students from abroad in light of the importance of the Irish language to establishing a sense of national identity and to supporting the integration of such children into Irish society.

The review has also challenged the appropriateness of implementing exemption from Irish policy throughout the whole of primary and post-primary education. In particular, the implementation of exemption policy at primary level runs contrary to a new integrated language curriculum that has been developed to provide for the needs of all learners at primary level. The inclusion of progression continua in this curriculum supports the aspiration that all learners can experience success in the learning of Irish, regardless of their ability. An increased emphasis on the development of oral communication skills in the Irish language curricula at primary and junior cycle also provides the opportunity for customised learning programmes for learners, such as pupils/students with dyslexia, who would be significantly challenged by the reading and writing components. Other factors in support of delaying the introduction of exemptions from the study of Irish until post-primary include the administrative challenges in transferring exemption data from primary to post-primary and the increased challenges that the curriculum at post-primary presents for students with special educational needs.

Consideration of the principles of inclusion and differentiation also implies the need to reposition the role of psychological assessment in determining whether a learner with special educational needs is eligible for an exemption from Irish. In line with the continuum of support framework, psychological assessments should only be used where it is evident that a period of in-school interventions and assessments had not been successful. This repositioning envisages a greater role for schools in exhausting all supports to assist learners to learn Irish and when necessary, in assessing the eligibility of a learner to an exemption from the study of Irish.

11.2.3 Implementation of exemption from Irish processes

The review suggests that schools experience considerable challenges in implementing exemption from Irish processes as required by Circulars 12/96 and M10/94. Inspectors expressed concern about the eligibility of up to two fifths of exemption cases that they examined across the primary case study schools. There was also concern about the eligibility of over half of exemptions granted across the post-primary case-study schools. Whether the practices observed in such a small sample of schools is generalizable to the general school population is open to question. However, when considered together with feedback from principals in the case study schools, from NEPS psychologists and a national research survey of school principals, they are indicative of a range of interrelated issues that need to be addressed.

These issues relate in part to a lack of clarity and guidance in the existing circulars and guidelines relating to exemptions. The issues also relate to non-realisation by schools of their responsibilities in implementing the exemption arrangements as required. The issues identified during the review include:

- There is a lack of understanding among principals and other personnel dealing with exemptions about the establishment of eligibility for an exemption from Irish on the grounds of a specific learning disability (SLD). While one solution is to provide additional clarity around the process of identifying students with an SLD, another is to move from the discrepancy model used to determine the existence of an SLD.

- Some reports from private psychologists make recommendations for exemptions that are not consistent with the terms of the exemption circulars. Schools are reluctant not to accept such recommendations.
- Schools do not always adhere to the terms of the circulars in making decisions in relation to exemptions even when the evidence not to grant an exemption is clear.
- There is evidence that de facto exemptions are being granted both at primary and post-primary level to students who are not entitled to an exemption from the study of Irish. Such de facto exemptions can lead to much confusion in schools and among parents regarding the exemption status of an individual student. Confusion about a student's exemption status is particularly evident on transfer of students from primary to post-primary school.
- Parental pressure can influence a school's decision to grant an exemption from the study of Irish, particularly where cases are not clear cut, a psychological report recommends an exemption albeit not consistent with the terms of the circular, and at post-primary level, where a student presents with an NUI exemption.
- There is evidence that practice varies considerably with regard to the implementation of exemption from Irish processes in accordance with the circulars. This is particularly evident in the manner in which:
 - applications for exemptions are processed and how parents are involved in this process
 - relevant information other than psychologists' reports are used to inform decisions
 - the Department is advised of exemption returns
 - documentation relevant to the exemptions for individual pupils/students is retained
 - Certificates of Exemption are issued
 - information about exemptions is transferred from primary to post-primary.

11.2.4 Lacunae in the current circulars and guidelines

The current circulars are silent on a whole range of special educational needs and issues which bring particular challenges to schools in the implementation of exemption from the study of Irish processes. These include the following:

- *Autism Spectrum Disorder (ASD)*: The vast majority of pupils/students with ASD are being re-integrated into mainstream schools, while spending some time in ASD special classes attached to the schools. Some of these pupils have language difficulties linked to communication issues. In such instances, the learning of a second or third language presents significant challenges. Not all students with ASD, however, are unable to learn a second or third language. Indeed many such pupils/students attend Gaelscoileanna or mainstream schools and access other languages very successfully. The number of appeals for students with ASD referred to the Department is growing.
- *Stress and anxiety*: Increasing numbers of pupils / students are appealing decisions not to grant an exemption on the basis of symptoms of severe stress and anxiety that allegedly are associated with the study of Irish. In these instances, supporting documentation from

psychiatrist may be provided citing a direct link between the pupil's/student's stress and their learning of Irish.

- *Other disabilities and issues:* Other disabilities and issues not mentioned in the circulars and that come to light in the implementation of the exemption from Irish processes at school level and in the appeals process facilitated by the Department include:
 - specific speech and language impairment (SSLI)
 - social emotional and behavioural difficulties (SEBD)
 - selective mutism
 - verbal dyspraxia
 - pupils / students who experienced life altering accidents or severe life threatening chronic illnesses or conditions
 - pupils / students who have been educated at home and
 - pupils / students who have attended private schools.
- *Inconsistencies between NUI exemption criteria and the Department's criteria:* The NUI applies different criteria to those of the Department in determining eligibility for exemptions from Irish for the purposes of entry to NUI institutions. Therefore, the receipt of an NUI exemption from Irish does not necessarily entitle a student to an exemption from the study of Irish under the current Department circulars. This can be a major source of difficulty and conflict for schools with students and parents, particularly in light of the perception that students with an exemption from Irish are in a better position to spend time on other subjects to maximise their CAO points. The management of these students in the classroom context presents its own set of challenges, including low motivation and potential disruption of class activity, when the students are obliged by their school to study Irish.
- *Exemptions from Irish in Irish-medium schools:* A significant anomaly is evident in instances where pupils / students attending an Irish-medium school, where the curriculum is mediated through Irish, have an exemption from Irish.

11.2.5 Appeals system

The Department has operated an *ad hoc* appeal system where parents can appeal the decision by a school not to grant an exemption from the study of Irish. This appeal system, which is unpublished, has served its purpose well in adjudicating on appeal cases in an evidence-based manner. Many of the cases appealed to the Department relate to areas of special educational needs or pupil/student difficulty, namely specific learning difficulties, that are referenced in existing circulars and guidelines but where there is not sufficient clarity. The remaining cases mainly relate to areas of special needs or other pupil/student difficulty that are not referenced in existing circulars and guidelines as outlined above. A minority of cases relate to administrative issues including: absence of information in psychological reports; psychological reports being more than two years old; pupils/students, particularly from abroad, requesting exemptions retrospectively; and pupils/students with *de facto* exemptions requesting an official exemption. At post-primary level, a number of appeal cases also relate to children who have been educated at home.

The number of appeal cases is small in absolute terms and as a proportion of the exemptions granted annually. However, the processing of these appeal cases centrally is resource intensive, particularly as the number of cases has increased significantly and include more and more cases related to issues not covered in the circular.

11.2.6 Communication

The review highlighted the need to create a culture of inclusion and positivity towards the learning of Irish. It also has highlighted the need to harness the support of parents and students through making them aware of the benefits of bilingualism and the contribution that Irish makes in that regard. There is also need to ensure that professionals such as psychologists, speech therapists and psychiatrists, who potentially will contribute to the exemption from the study of Irish decision making process for individual students, are informed about the benefits of learning Irish, the opportunities for customised pedagogical and learning programmes in Irish for students, and exemption processes.

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Appendix A Exemption from the Study of Irish 2014: Submission from NEPS Dyslexia Working Group

SPECIFIC LEARNING DIFFICULTIES, DYSLEXIA AND AVERAGE IQ

Over the past forty years definitions of Dyslexia/Specific Learning Difficulties have been closely associated with the use of IQ as a specifier, either in the form of an exclusionary factor (Average or above IQ), or as part of a discrepancy model. However, international opinion is now moving away from the use of IQ as a construct in the definition of Specific Learning Difficulties/dyslexia.

The use of IQ as a specifier of dyslexia/specific learning difficulties

The use of Average IQ as an exclusionary factor in the identification of dyslexia stretches back at least to Critchley (1968). His definition was adopted by the World Federation of Neurology. (*Critchley, 1970, p 1*). The Tizard Report (Great Britain, 1972) and Rutter and Yule (1973) did not use the term dyslexia and the influential Warnock Report (1978) preferred the term Children with Specific Learning Difficulties (Great Britain, 1978; 11.48). However, the definitions proposed in these documents also used average ability as part of the diagnostic criteria. This is the definition reflected in DES Circulars M10/94 and 12/96, governing exemptions from the study of Irish.

In Ireland, The Report of the Education Review Committee (SERC, 1993) adopted a definition which was based on exclusionary definitions as cited above. (SERC, 1993, p86). The use of exclusionary definitions and the role of IQ and the use of Average IQ have been widely criticised over time (Aaron, 1991; Reid, 1993; 1996; Riddick, 1997; Rutter, 1978; Siegel, 1989; 1988; Stanovich, 1991a; 1991b). Riddick (1997) argues that exclusionary definitions have an inherent social bias, and favour middle class children. More recent definitions and models of dyslexia do not use Average IQ as a diagnostic specifier.

More recent definitions and models of dyslexia/specific learning difficulties

In 1999 a report by the British Psychological Society, entitled Dyslexia. Literacy and Psychological Assessment, move away from IQ as a specifier of dyslexia. While the Task Force on Dyslexia (2001) established by the DES adopted a discrepancy definition, it moved beyond a simple ability-attainment model. The definition proposed reflected the emergence of an understanding of specific learning difficulties/dyslexia at a biological and cognitive level. The proposed definition, although thirteen years old is still relevant when compared to current international working definitions (e.g. Rose 2009).

The move from the use of IQ as a specifier in dyslexia/specific learning difficulties is reflected in current working definitions in New Zealand, Australia and the UK. All note that dyslexia is seen across the whole spectrum of cognitive abilities. New Zealand notes that an assessment for dyslexia must include a range of cognitive abilities, but specifically excludes IQ. Rose (2009) also moves away from IQ completely, citing research which demonstrates that difficulties with spelling and reading together with specific cognitive underpinnings are seen regardless of general ability level (Fletcher et al., 1994, Stanovich & Siegel, 1994; Stuebing et al, 2002).

Concerns about the use of IQ as a specifier for dyslexia/specific learning difficulties

1. Research demonstrates that measures of IQ do not predict how learners will respond to literacy intervention, or their long term outcomes (Hatcher & Hulme, 1999; Maughan et al 1994; Reid Lyon, 1995; Shaywitz et al, 1999; Stuebing et al 2002; Vellutino et al 2000).
2. Research indicates that IQ scores are not useful specifiers for dyslexia/specific reading difficulties. Siegel & Ladyman, (2000) found no difference between the reading (including reading comprehension), spelling and phonological skills of children with specific reading difficulties and high IQ scores, when compared with those of children with specific reading difficulties and low IQ scores.
3. Research has also suggested that IQ scores in children with specific learning difficulties/reading difficulties may not be stable over time (Ramsden et al., 2011). Stanovich (1986) referred to the 'Matthew effect' whereby poor readers perform less well on cognitive tests. This phenomenon has been further investigated by Ferrer et al 2010, who found that poor reading (either less reading or reading difficulties) not only undermines performance on overall IQ tests, but also affects overall reading ability. Ingegnon (2005) investigated the stability of IQ measures in adolescents with a diagnosis of developmental dyslexia. This longitudinal study reports a significant relative decrease in Verbal IQ over time. This may be interpreted in the context of Siegel (1988; 1989), who suggested that IQ tests do not measure future capabilities (reasoning and problem-solving skills), but are highly correlated to prior learning, in particular, vocabulary and factual knowledge. In addition, Meyer (2000) notes that there is a bidirectional relationship between vocabulary, comprehension and verbal intelligence. This finding is in keeping with a notion of a neurobiological model of dyslexia (Shaywitz et al., 1999; Velluntino et al., 2004; Torgesen, 1998).
4. A further concern, in relation to the exclusion from eligibility for Irish Exemption of those in the Low Average range of ability is highlighted by Whitaker (2008). This paper investigates the predictive ability of the WISC IV in the assessment of low functioning child. In addition to his discussion on the validity of the normal distribution for those with low IQ, he comments on the fact that the standard deviation from the mean on the WISC IV is 15. Therefore, although convention discusses the Average range as being between 90 – 109, the statistical distribution of one standard deviation from the mean is from standard score 85 – 115. Therefore, if students in the Borderline and Lower Ranges of ability are to be included in an exemption criteria, then statistically only those with an IQ between 80 – 85 should be excluded and if a 95% confidence interval is also employed, then there is little argument for the exclusion of any person with an IQ between 80 – 89.

At this time, international diagnostic criteria reflect significant concerns about the validity of the use of IQ based models of specific learning difficulties (for review see Elliot & Grigorenko, 2014; Rose 2009).

Conclusion

- On the basis of the evidence reviewed, it is the opinion of this group that the use of an exclusionary definition of specific reading difficulties/dyslexia on the basis of Average IQ is not tenable. This position echoes that of the Report of the Task Force on Dyslexia (2001, p 28).
- Current international research endorses the view that Specific Learning Difficulties/Dyslexia occur across the range of cognitive abilities as tested on IQ tests.
- On the basis of the evidence reviewed a simple IQ-attainment discrepancy definition for the identification of specific learning difficulties, is difficult to defend and should be approached with caution. We refer to the Report of the Task Force on Dyslexia (2001), which recommends a model which considers dyslexia/specific learning difficulties at a neurological, cognitive and behavioural level (ops cite, p 31), which moves beyond a simple IQ attainment discrepancy.
- On the basis of best international practice, evidence based research and the statistical construct of IQ tests, the exclusion of children in the Low Average range from an exemption from the study of Irish on the basis of their tested cognitive ability is not a defensible position.

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