

To: The Management Authorities of Primary and Post-Primary Schools.

Revision of Rule 46 of the "Rules and Programme for Secondary Schools" in relation to exemption from Irish

1. The second-level programme in Irish both current and planned has the capacity to cater for a wide diversity of ability. Nevertheless, provision exists in Rule 46 of the "Rules and Programme for Secondary Schools" for exemption from Irish in limited special circumstances.

The Minister for Education has reviewed the circumstances in which exemption from the study of Irish may be granted and has revised Rule 46 to read as follows:

" Pupils in the following circumstances may be allowed to substitute any other subject from the list of approved subjects for Irish for the purpose of Rule 21 (1) (a) and (b):-

- (a) *Pupils whose primary education up to 11 years of age was received in Northern Ireland or outside Ireland;*
- (b) *Pupils who were previously enrolled as recognised pupils in a primary or second-level school who are being re-enrolled after a period spent abroad, provided that at least three years have elapsed since the previous enrolment in the State and the pupil is at least 11 years of age on re-enrolment;*
- (c) *Pupils*
 - (i) *who function intellectually at average or above average level but 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.*
 - (ii) *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.*

The evidence of such a disability should be furnished by a qualified psychologist, supported in the case of (iii) by a report from an appropriate medical specialist. In addition, a full report on the pupil should be furnished by the school.

(d) *Pupils from abroad, who have no understanding of English, when enrolled, would be required to study one language only, Irish or English."*

2. This revision will apply with effect from the beginning of the school year 1993/94. It will apply to students currently enrolled on junior and senior cycle programmes in second-level schools as well as to students who will enroll on these programmes in the future.

Exemption granted to a student will be operative throughout his/her stay at second-level.

3. School managements are hereby authorised to grant exemption under the Rule as revised in accordance with the following prescribed procedures and criteria and subject to regular monitoring by the Department.
4. The following procedures will apply:
- a written application for exemption will be made by a parent or guardian to the principal of the school. This application will specify the grounds on which the exemption is sought. It will be accompanied by documentary evidence of age and previous schooling as appropriate to the grounds cited.
 - The school authorities will satisfy themselves as to the documentary evidence submitted.
 - The school authorities will prepare a full report on the student in consultation with relevant teachers.
 - Where exemption is being sought under sub-paragraph (c) of Rule 46, the parent or guardian will be required to furnish reports from a qualified psychologist and appropriate medical specialist as appropriate.
 - A decision to grant exemption will be conveyed to the parent or guardian by way of a written certificate, signed by the school principal, that the exemption has been given in accordance with the Rule. The certificate will also cite the name, address and type of school, the student's name and date of birth, the sub-paragraph of the Rule under which the exemption is being granted and the specific grounds for exemption. Where the exemption is being granted under sub-paragraph (c), the name and address of the qualified psychologist and the date of the psychologist's report and the name of the medical specialist and date of report if applicable, will be included.
 - 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.
 - A copy of the exemption certificate will be sent to the Department, Post Primary Administration Section, Tullamore, Co. Offaly, within one week of the granting of exemption.
5. The term Specific Learning Disability does not include disabilities due to poor general intellectual functioning. Account must be taken of the following criteria in determining whether a Specific Learning Disability exists, viz
- Assessed intellectual functioning at average level or above;
 - Marked failure to achieve expected levels of attainment in basic skills such as reading and writing;

- A history of such failure not related directly to factors such as poor attendance, poor motivation or problems in social interaction which may affect attainments.
6. The psychologist's report should be of a full psychological assessment carried out by a qualified psychologist not more than two years prior to the application for exemption.

The Department will prepare guidelines on the preparation of these reports which will be available to psychologists.
 7. The school report should include information on assessments carried out in the school by guidance or remedial teachers. It should include, as well, the results of school or state examinations, reports from relevant teachers, information on the pupil's attendance, application to study and any remedial or other special help while the pupil was at school. Samples of the pupil's unaided written expression should also be attached to the report.
 8. The operation of the revised Rule will be monitored regularly by the Department. The delegated authority to grant exemption may be rescinded in the case of individual schools where circumstances so warrant. The operation of the Rule will be formally reviewed at the end of the school year 1995/96.
 9. An Exemption Certificate form is attached.
 10. Further enquiries in relation to this Circular Letter should be addressed to the Post Primary Administration Section, Post-Primary Branch, Tullamore, Co. Offaly, telephone (01) 8734700/(0902) 74621/(0506) 21363, extensions 4327 and 4331.

Don Thornhill
Secretary