An Roinn Oideachais
Department of Education

**Circular 0055/2022**

**To: Management Authorities of all recognised Post-Primary Schools and the Chief Executive Officers of the Education and Training Boards**

# Exemptions from the Study of Irish – Revising Circular 0053/2019

## 1. Introduction

This Circular results from the initial review of the implementation of Circular 0053/2019 which is hereby withdrawn. Existing exemptions from the study of Irish granted under previous circulars and held by students will continue to apply until the end of their post-primary education.

Exemption from the study of Irish does not apply in schools where Irish is the medium of instruction.

Schools are required to record data on students who are exempt from the study of Irish and the reason for that exemption on the Post-Primary Online Database (P-POD), see section 2.3(c).

### 1.1 The purpose of the Circular

The purpose of this Circular is to advise recognised[1] English-medium[2] post-primary schools of the revised arrangements for the exemption of students from the study of Irish. The only circumstances in which consideration may be given to granting an exemption from the study of Irish are set out in subsection 2.2 of this Circular.

It should be noted that students have the option not to exercise the exemption granted, without any loss of the right to exercise it at a future time.

### 1.2 The principles underpinning this Circular

[1] Recognised School – means a school recognised by the Minister in accordance with section 10 of the Education Act, 1998.
[2] An English-medium school is a school where English (L1) is the primary language of instruction, except in the case of Irish (Literacy and Numeracy for Learning and Life: The National Strategy to Improve Literacy and Numeracy among Children and Young People 2011-2020, DES (2011).



As the first official language in Ireland, and for fundamental cultural and historical reasons which are inextricably linked to Irish identity, the study of the Irish language is a key aspect of the learning experiences that are considered appropriate for students in recognised schools in Ireland. For these reasons, Irish is a core subject in the curriculum determined by the Minister for recognised Irish schools.

The decision to exempt a student from the study of Irish has very significant implications for his/her future learning and potential employment opportunities. Students should therefore be given every reasonable opportunity to participate in the learning of Irish for as long as possible. The policy of the Department of Education is to provide for the inclusive education of children with special educational needs in mainstream education, other than in circumstances where it would not be in the best interest of the child, or the effective education of children with whom they are to be educated.[3] In line with the Department's policy schools are expected and encouraged to provide all students, to the greatest extent possible and in a meaningful way, with opportunities to participate in Irish language and cultural activities at a level appropriate to their learning needs. This Circular aims to support post-primary schools in addressing a wide diversity of needs by providing a differentiated learning experience for students in an inclusive school environment. It is informed by the principles of inclusion and the benefits of bilingualism for all students that underpin the Framework for Junior Cycle (2015) and curricular provision in senior cycle.

Building on students' language learning experience as provided for in the *Primary Language Curriculum*, the specification for Junior Cycle Irish (L2) aims to consolidate and deepen their knowledge, understanding, values and language skills supporting their personal, cognitive and social development. The learning outcomes presented in the specification apply to all students. Students should be encouraged to study the language and achieve a level of personal proficiency that is appropriate to their ability.

This Circular is also set in the context of the Special Education Teaching Allocation[4] model that allows mainstream schools to provide additional teaching support for all students who require such support in their schools based on their identified learning needs in school, as opposed to being based primarily upon a diagnosis of a particular disability. As students progress along their language learning journey into senior cycle, they are provided with opportunities to

[3] Section 2, Education for Persons with Special Educational Needs Act 2004
[4] Circular 0014/2017, Circular 0008/2019 and Circular 0020/2022 to the: Management Authorities of recognised Post Primary Schools: Secondary, Community and Comprehensive Schools and the Chief Executive Officers of the Education and Training Boards Special Education Teaching Allocation 2022/23



engage further with Irish at a level appropriate to their needs through a variety of programmes offered.

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

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

Exempting a student from the study of Irish will be considered only in those exceptional circumstances set out in section 2.2 of this Circular. The decision to exempt a student from the study of Irish is an important decision that has implications for his/her future learning. The decision to grant an exemption from the study of Irish is made by the principal, but it must be made following detailed discussion with the student's parent(s)/guardian(s), the class teacher/s, special education teachers[5] and the student. A decision to grant an exemption should only be considered in the circumstances set out in section 2.2 below.

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

An exemption from the study of Irish may be allowed in the following circumstances, 2.2.1, 2.2.2, 2.2.3 or 2.2.4 only:

#### 2.2.1 A student moving from a different country without previous experience of learning the Irish language

An exemption from the study of Irish may be granted to a student whose education was received outside the State (for a minimum period of three consecutive years) where he/she did not have opportunity to engage in the study of Irish

**AND either (a) or (b)**
**(a)** who is not less than 12 years of age on the day of their enrolment[6] or re-enrolment

**OR**
**(b)** who is enrolling following the completion of the full course of primary education recognised by another state.

[5] Including the teacher from the Visiting Teacher Service, where one is assigned to the student
[6] For the purposes of this Circular where students enrol in the final 2 months of an academic year, their enrolment/re-enrolment will be considered to take place on the first day of the following academic year.

### 2.2.2 A student who experiences significant literacy difficulties which are an obstacle to their learning across the curriculum

An exemption from the study of Irish may be granted to a student:

**(i)** who presents with significant literacy difficulties that are persistent despite having had access to a differentiated approach to language and literacy learning in all subjects/across the curriculum and over time. Documentary evidence to this effect, held by the school, should include Student Support Plans detailing:

- regular reviews of learning needs as part of an ongoing cycle of assessment
- target-setting
- evidence-informed intervention and review, including test scores (Word Reading, Reading Comprehension, Spelling, other scores of language/literacy) at key points of review

**AND**
**(ii)** who, at the time of the application for exemption presents with a standardised score on a discrete test in either Word Reading, Reading Comprehension or Spelling at/below the 10th percentile.

### 2.2.3 A student who experiences a high level of multiple and persistent needs that are a significant barrier to the student's participation and engagement in their learning and school life

It is recognised that there is a small cohort of students who have a high level of multiple and persistent needs that are a significant barrier to their participation and engagement in their learning and school life. In the case of these students, consideration may need to be given to adjusting the range of learning experiences to ensure that their needs are met and that they may engage purposefully in their learning in school. In very exceptional circumstances, this means that consideration may need to be given to exempting them from the study of Irish.

An exemption from the study of Irish may be granted to a student:

**(i)** who experiences a high level of multiple and persistent needs that are a very significant and continuing barrier to his/her participation and engagement in his/her learning and school life

**AND**

**(ii)** whose school has substantial written evidence that these needs persist despite targeted and individualised Student Support Plans to address those needs

**AND**
**(iii)** whose school has substantial written evidence that these individualised Student Support Plans have been implemented over not less than two school years, and have been monitored and reviewed by the school in collaboration with the parent(s)/guardian(s) and the student

**AND**
**(iv)** who has been given every reasonable opportunity to participate in the learning of Irish in mainstream classes for as long as possible in keeping with the integrated approach to language skills development and the communicative approach underpinning the Specification for Junior Cycle Irish (L2) and the Leaving Certificate Syllabuses for Irish.

**AND**
**(v)** the principal is satisfied that the granting of an exemption is in the overall best interests of the student concerned.

### 2.2.4 A student in a recognised[7] special school or class or who was previously enrolled in a recognised special school or class or who has a recommendation[8] and has been deemed eligible[9] for a place in a recognised special school and/or in a special class in a mainstream school

**(i)** Where a student is currently enrolled in a recognised special school or special class in a mainstream school or who has previously been enrolled in a recognised special school or special class in a mainstream school and who is transitioning to mainstream provision, that student is automatically entitled to an exemption from the study of Irish without an application.

**OR**
**(ii)** Where a student has a recommendation and has been deemed eligible for a place in a recognised special school and/or in a special class in a mainstream school, an application for an exemption from the study of Irish will be required.

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[7] A recognised special school/class is a primary or post-primary level class sanctioned and resourced by the National Council for Special Education (NCSE). See https://ncse.ie/ for a list of such schools/classes
[8] The recommendation for the student to be placed in a special school or special class meets the specifications for such placement as determined by the NCSE and the student has been deemed eligible and/or is awaiting the recommended placement.
[9] See Exemptions from the Study of Irish: Guidelines for Post-Primary Schools (English-medium), DE (2022).

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

### (a) Steps required for a valid application for an exemption from the study of Irish

1. A parent/guardian on behalf of a student or in the case of a student who has reached the age of 18 years, the student, must make an application in writing to the principal of the school for a Certificate of Exemption from the study of Irish.

2. The school staff shall mark the date of receipt of the application on the application form and issue an acknowledgement to the parent(s)/guardian(s), or the student as relevant, upon receipt of the application.

3. At the earliest opportunity a school official should contact the applicant(s) and:

• discuss the written application with the applicant(s) and confirm the sub-paragraph on which the application is based (as outlined in section 2.2 above) N.B. If a parent/guardian, or the student where he/she is the applicant, does not confirm the sub-paragraph under which the application is based then the application is null and void and no further processing of the application will take place. Only criteria contained in this Circular can be considered as grounds for an exemption from the study of Irish and no other exceptional circumstances can be considered.

• advise the applicant(s) of the steps involved in processing the application.

• inform the parent(s)/guardian(s)/student and the student on whose behalf an application is made of the implications of an exemption from the study of Irish for the student while in post-primary education and into the future.

4. The application should be fully processed and the outcome confirmed in writing within 21 school days of receipt of the application.

5. Where a decision is reached that an exemption from the study of Irish may be granted a signed Certificate of Exemption will be issued to the parent(s)/guardian(s)/student and a copy will be held by the school in the student's file. The record keeping requirements are outlined further at 2.3(c) below.

6. Where an application is refused, the principal must inform the applicant(s) in writing outlining the reasons for refusal and notifying the applicant(s) that the

school's decision may be appealed to the Irish Exemptions Appeal Committee within 30 calendar days of the date of the written decision.

### (b) Considering an application for exemption

In considering an application for exemption from the study of Irish the principal will

1. review the application and any documentation provided by the applicant(s);

2. consult with the student's class teacher/s;

3. consult with the special education teacher and the assigned teacher from the Visiting Teacher Service where relevant;

4. review school documentation for the evidence outlined in subsection 2.2;

5. consult the following as appropriate;

• *Exemptions from the Study of Irish: Guidelines for Post-Primary Schools* and the supporting documents maintained by the Department on the Government webpage on exemptions from the study of Irish: www.gov.ie/en/service/irish-exemption/

• *Guidelines for Post-Primary Schools: Supporting Students with Special Educational Needs in Mainstream Schools* developed by the National Educational Psychological Services (NEPS), the Inspectorate and Special Education Section, DES (2017): https://www.gov.ie/en/publication/56c43-supporting-pupils-and-students-with-special-educational-needs-guidelines-for-schools/

• *Special Educational Needs: A Continuum of Support*, NEPS (2007): https://www.gov.ie/en/collection/dca316-special-education-needs-a-continuum-of-support/

• *Student Support Teams in Post-Primary Schools: A Guide to Establishing a Team or Reviewing an Existing Team,* NEPS (2021): https://www.gov.ie/en/collection/97aa18-national-educational-psychological-service-neps-resources-and-public/

• Catalogue of Wellbeing Resources for Schools: gov.ie - Catalogue of Wellbeing Resources for Schools (www.gov.ie)

• *Junior Cycle Wellbeing Guidelines,* NCCA (2021): https://ncca.ie/media/5062/updated-guidelines-2021_en.pdf

### (c) Recording the decision

The outcome of the application process will be conveyed by the school in writing to the applicant.

**Where an exemption is granted**, a Certificate of Exemption, signed and dated by the school principal will be issued.

i. The Certificate of Exemption will state the name and address of the school, the school roll number, the student's name, date of birth and the sub-paragraph under which the exemption is being granted. A Certificate of Exemption is hyperlinked in the checklists within the Guidelines accompanying this Circular, published by the Department on the government website.

ii. The arrangements for the student's learning will be explained to the parent(s)/guardian(s)/student.

iii. Parent(s)/guardian(s) and the student should be informed of the option not to exercise the exemption granted, without any loss of the right to exercise it at a future time.

iv. The application form, all supporting documentation, and a copy of the Certificate of Exemption will be retained by the school in accordance with data protection legislation and will be made available for inspection by authorised officers of the Department. In maintaining such documentation, schools should ensure that they have obtained appropriate parental/guardian consent for the retention and use of such records.

v. In addition, where an exemption from the study of Irish is granted, the school should update the student's record on the Post-Primary Online Database (P-POD) as soon as possible to include the reason for that exemption.

**Where an application is refused**, a copy of the application form, together with the letter of refusal and all supporting documentation, will be retained by the school in accordance with data protection legislation. The school should maintain the records for at least the duration of the student's enrolment in the school. In maintaining such documentation, schools should ensure that they have obtained appropriate parental/guardian/student consent for the retention and use of such records.

## 2.4 Appeal

Where the application for exemption from the study of Irish is refused, an applicant can appeal the school's decision to the Irish Exemptions Appeals Committee (IEAC). The IEAC will comprise three persons who shall be selected from a panel of persons established and maintained by the Minister, having regard to the need for each IEAC to have available to it:

• Experience and skills in the provision of or inspection of special education in schools

• Experience and skills in the area of educational psychology and/or child and adolescent wellbeing and mental health

• Experience and skills in the leadership and administration of schools

• Experience and skills in the initial or continuing education of teachers of students with special educational needs.

The IEAC will make a decision on whether the exemption should be granted or not, inform the school of the decision and require the school to give effect to their decision. In making a decision the IEAC will consider the decision of the school and the grounds given for refusing the application, the criteria set out in this Circular and any supporting documentation that was available to the school, contained in the Student Support Plan(s) and any supplementary information provided to the school by the applicant. The appeal should be made on the appropriate form published on the Department's website.

The appeal must be lodged within 30 calendar days from the date of the written decision of the school not to grant an exemption was notified in writing to the applicant. Irish Exemption Appeal Form and Guidelines for Post-Primary Schools can be accessed at www.gov.ie/en/service/irish-exemption/

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

Schools, where appropriate, should take account of the literacy learning needs of students who are exempt from the study of Irish when deploying available special education teaching resources.

Students who are exempt from the study of Irish may also be allowed to substitute another subject, short course or area of learning for Irish. To support inclusive practices, a student who is exempt from the study of Irish should be included in a meaningful way in aspects of Irish language and cultural activities in line with his/her ability and interests. It should be noted that students have the option not to exercise the exemption granted, without any loss of the right to exercise it at a future time.

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

A student who has no understanding of English when enrolled should be provided with intensive English as an Additional Language (EAL) in preparation for his/her full engagement with the curriculum at a level commensurate with his/her ability.

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

The terms of this Circular will apply with effect from the beginning of the school year 2022/2023. The Circular will apply to all applications for exemption from the study of Irish for students who are currently enrolled in English-medium post-primary schools and to students who will enrol in English-medium post-primary schools in the future.

An exemption granted to a student may be operative throughout their enrolment in primary and post-primary school.

Students to whom exemptions were granted prior to the beginning of the school year 2022/23 will be unaffected by this Circular.

Applications for exemptions made under the terms of Circular 0053/2019 and which are being processed up to 31 August 2022 may be processed under the terms of that Circular 0053/2019 or under the terms of this Circular, whichever is best suited to the needs of the student concerned.

## 6. Reporting on exemptions granted to the Department

In order for students who are exempt from the study of Irish to be recognised by the Department, for grant payment and teacher allocation purposes, schools will be required on a monthly basis to record data on students who are exempt from the study of Irish and the reason for that exemption on the Post-Primary Online Database (P-POD).

As set out in subsection 2.3 above, a copy of the Certificate of Exemption must also be given to the parent(s)/guardian(s) of the student being exempted, or to the student where he/she is the applicant.

## 7. Students transitioning to other schools

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

## 8. Monitoring and reviewing the Circular

The operation of this Circular will be monitored regularly by the Department. A review of the operation of this Circular will be conducted periodically.

## 9. Privacy Statement

Information on the treatment of personal data relating to the Irish Exemption Indicator recorded on the P-POD database is set out in the Privacy Notice for P-POD available here.

Retention by schools of any applications and supporting documentation provided in respect of applications must be in line with Data Protection law and school data protection policies/protocols, if any.

In the context of the operation of this Circular, it is the school that makes the decision in relation to the granting of an exemption. As such, it is not appropriate or necessary to send confidential professional reports in relation to the student to the Department either as part of a query or as part of the appeals process. Any such material received will be returned to the sender and not retained by the Department. The appeals form only should be submitted to the Appeals Committee. Any additional material that may be required in relation to an appeal will be requested by the Committee.

## 10. Further information

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

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