



## EXEMPTION FROM THE STUDY OF IRISH

### REVISING CIRCULAR M10/94

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

#### 1. Introduction

##### 1.1 The purpose of the circular

The purpose of this Circular is to advise Post-Primary Schools<sup>1</sup> of the revised arrangements for the exemption of students from the study of Irish. It supersedes Circular M10/94 and the 2008 revision of that Circular both of which are hereby withdrawn. The revised arrangements set out in this Circular apply to English-medium Post-primary Schools<sup>2</sup> only. Existing exemptions from the study of Irish granted under Circulars 12/96 and M10/94 and held by students will continue to apply until the end of their post-primary education.

Exemption from the study of Irish will no longer apply in Post-primary Schools where Irish is the medium of instruction.

*Rules and Programme for Secondary Schools (2004)* and the *Framework for Junior Cycle (2015)*<sup>3</sup> set out the list of subjects to be studied by students in junior cycle and in senior cycle in order to be recognised for the purposes of teacher allocation and other payments to the school by the Department. Irish and English are the languages in which schools must provide instruction for all junior cycle and senior cycle students. 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 continue to be 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).

##### 1.2 The principles underpinning this Circular

This Circular aims to support schools in addressing a wide diversity of needs by providing a differentiated learning experience for 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)*<sup>4</sup> 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.

---

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

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

<sup>3</sup> Circular 0015/2017 sets out the programme of study for junior cycle students in order for them to be recognised by the Department for the purposes of teacher allocations and other payments to the school.

<sup>4</sup> The L2 specification for Junior Cycle Irish is aimed at students in English-medium schools.

As students progress along their language learning journey into senior cycle, they are provided with opportunities to engage further with Irish at a level appropriate to their needs through a variety of programmes offered.

This Circular is also set in the context of the Special Education Teaching Allocation<sup>5</sup> model that allows mainstream schools to provide additional teaching support for all pupils who require such support in their schools based on their identified learning needs in school, as opposed to being based primarily upon a diagnosis of a particular disability.

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

- the *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);
- *Special Educational Needs: A Continuum of Support*, NEPS (2007) and
- *Exemptions from the Study of Irish: Guidelines for Post-Primary Schools (English-medium)*, DES (2019).

### **Special schools and special classes in mainstream schools**

The policy of the Department of Education and Skills is to provide for the inclusive education of students with special educational needs in mainstream education, other than in circumstances where it would not be in the best interest of the student, or the effective education of students with whom they are to be educated<sup>6</sup>.

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

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

<b><i>Consideration of the language of instruction in the school</i></b>
This Circular is for implementation in English-medium post-primary schools only.
<b><i>The language learning needs of students in special schools and in special classes in mainstream schools</i></b>
This Circular recognises the authority devolved to the management authorities of special schools and mainstream schools where there are special classes in decision making concerning the Irish language learning needs of students enrolled in special schools or in special classes in mainstream schools.
<b><i>The exceptional circumstances in which an exemption may be granted</i></b>
The exceptional circumstances in which pupils may be granted an exemption from the study of Irish reflect developments in curricular provision and education more generally including current understandings of learning difficulties and differences.

<sup>5</sup> Circular 0014/2017 and Circular 0008/2019 to the Management Authorities of all Mainstream Post-primary Schools: Special Education Teaching Allocation

<sup>6</sup> Section 2 Education for Persons with Special Educational Needs Act 2004

<p><b><i>Consideration of the most appropriate stage at which to grant an exemption from the study of Irish</i></b>  Reflecting the principles underpinning the <i>Primary Language Curriculum</i> and the Continuum of Support, this circular sets <b>12 years of age or the final year in primary education</b> as the most appropriate time to consider an application for an exemption from the study of Irish where pupils</p> <ul style="list-style-type: none"> <li>i. may have received their primary education outside the state or</li> <li>ii. are re-enrolling following a period abroad.</li> </ul> <p>Typically, applications for exemption are made by the parent(s)/guardian(s) on behalf of students. This Circular provides that students who have reached the age of 18 years may apply for an exemption from the study of Irish.</p>
<p><b><i>Moving from away diagnosis towards the identification of students' learning needs</i></b>  In line with other Department policies in the area of special educational needs, this Circular moves from a diagnostic categorical model to a needs-based model.</p>
<p><b><i>Psychological assessments and cognitive ability scores</i></b>  Psychological assessments and cognitive ability scores are no longer necessary to process applications for exemption from the study of Irish.</p>
<p><b><i>Literacy attainment scores as criteria</i></b>  In the case of students with significant and sustained learning difficulties, the criteria for exemption include a literacy attainment score, in <b>Word Reading, Reading Comprehension, or Spelling</b> at/below the 10<sup>th</sup> percentile.</p>
<p><b><i>Appeals mechanism</i></b>  Where an application for exemption from the study of Irish is refused, the process may be appealed to the Irish Exemptions Appeal Committee.</p>

## **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 exceptional circumstances. 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 teacher, but it must be made following detailed discussion with the student's parent(s)/guardian(s), the student where he/she is the applicant, the class teacher, special education teachers, 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**

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

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

Or

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

Or

- c. students who:
- i.) present with significant learning difficulties that are persistent despite having had access to a differentiated approach to language and literacy learning over time (Irish and, or, English). 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) at the time of the application for exemption present with a Standardised Score on a discrete test in either Word Reading, Reading Comprehension or Spelling at/below the 10<sup>th</sup> percentile.

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

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.

*a) Considering an application for exemption*

The principal will:

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

## *b) Recording the decision*

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

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

The application form, all supporting documentation, and a copy of the Certificate of Exemption where applicable, 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 consent for the retention and use of such records.

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

## **2.4 Appeal**

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

An appeal must be lodged within 30 calendar days from the date the decision of the school not to grant an exemption was notified in writing to the parent(s)/guardian(s). Irish Exemption Appeal Form and Guidelines for Post-Primary Schools can be accessed at [www.education.ie/en/Parents/Information/Irish-Exemption/](http://www.education.ie/en/Parents/Information/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.

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

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

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

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

The school management will be required to provide statistical information relating to the number and the grounds on which exemptions were granted under this Circular as part of the annual October returns on the Post-Primary Online Database (P-POD).

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

## **6. 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.

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

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

## **8. Data protection**

In processing applications schools must comply with data protection law.

## **9. Further information**

Further information can be found at the following website:

[www.education.ie/en/Parents/Information/Irish-Exemption/](http://www.education.ie/en/Parents/Information/Irish-Exemption/)

Evelyn O'Connor  
Principal Officer  
Curriculum and Assessment Policy Unit  
Department of Education and Skills

28 August 2019