

Guide to Seeking a Local School Place for a Child with Special Educational Needs

In Primary School or Transition from Primary to Secondary School

Step 1: Assessment of Need, Diagnosis and Professional Reports

Step 2: Information in relation to schools in your locality

Step 3: Applying to Schools in your Locality.

Step 4: School Decisions about Admission

Step 5: Appealing a Decision by the School - a Section 29 Appeal

Step 6: Education Act 2018 – Provision of Special Classes

Step 7: Home Tuition – Interim Measure

Resources: Support for Parents of Children with Special Educational Needs

Step 1 Assessment of Need, Diagnosis and Professional Reports

Assessment of Need

If a parent or guardian believes that their child may have a disability, they may [apply](#) to the Health Service Executive to carry out an assessment of their health needs arising from their disability. Any child or young adult born after June 1st, 2002 is eligible to apply for an assessment, regardless of age.

[The Disability Act 2005](#) legally requires the [Health Service Executive](#) to carry out the assessment of need. There are strict time limits for completion of assessments. The Disability Act 2005 says the assessment of need shall determine whether child has a disability, shall determine the nature and extent of disability, shall state the health and education needs, shall state the services the child needs and shall state when and for how long the services should be provided.

Note: *HSE policy currently says "the assessment of need is a short screening assessment, that it is not a diagnostic assessment"*

Part 2 of the HSE assessment of need process is the service statement. Based on the assessment of need the HSE must prepare a Service Statement. The service statement sets out the health service intervention the child will receive. The HSE Service Statement will **not** mention any educational services; the HSE will identify the educational needs of the child but will not identify the educational supports required to meet that need.

Professional Reports

Professional reports which identify the needs of the child and /or diagnose disability may also be sought from other services or professionals. Where you might seek the report will depend on the age and the educational and support needs of the child. Examples include:

- Professionals working for an HSE or independently funded disability service (if available in your locality),
- The National Educational Psychology Service (NEPS), for children already attending school, service accessed through the school
- The HSE Child and Adolescent Mental Health Services CAMHS or
- Psychologists or therapists who work privately (for a fee).

When is a diagnosis of disability or a professional report needed?

For mainstream school and mainstream classes?

A [new model for allocating Special Education Teachers](#) to mainstream schools was introduced in September 2017. Children **do not** have to be diagnosed with a particular condition to qualify for extra teaching assistance. The new model gives greater freedom to schools to give extra teaching help to the pupils who most need it, regardless of their diagnosis. But diagnosis can be helpful in providing indications that may be helpful in planning how to meet Special Educational Needs. Where a parent has an assessment for their child which notes that they have a particular special educational need, or disability, they should still bring this to the attention of the school, as it may assist the school to decide how best to support the child.

For special classes and special education schools?

The NCSE says that in order to access a special class a student must have a report from a relevant professional or team of professionals (for example, psychologist, speech and language therapist, psychiatrist) stating that:

1. She or he has a disability (in line with the designation of the special class in question) and

2. She or he has complex or severe learning needs that require the support of a special class setting and the reasons why this is the case.

The professional report must meet DES requirements for the particular disability in question. Under no circumstances should a school place a student in a special class without such a professional report.

[Guidelines for Setting Up and Organising Special Classes for Boards of Management and Principals of Primary and Post-Primary Schools](#)

For parents and guardians?

As a parent, if you have a psychological or other professional report on your child, it will give you clarity regarding your child's situation and will be of assistance to you as you make decisions about school places and supports. Decisions about educational placement, services or supports are made by the school and the NCSE in consultation with the child's parents or guardians.

Step 2 Gather information in relation to schools in your locality that your child might attend.

The National Council for Special Education website provides location and contact information for schools (primary, post-primary and special schools) in your area through the NCSE [Schools Information Map](#). The NCSE also provides a full [list of all special classes in primary and post-primary schools](#).

You may wish to visit some local schools to find out if they can offer a place for your child. You can ask what supports they currently provide and what additional supports they could provide, to meet your child's needs. We advise phoning the school in advance to make an appointment to visit, at a time that suits you and the school.

The National Council for Special Education offers support for parents through its network of [Special Educational Needs Organisers \(SENO\)](#). The SENO ensures that a child with special educational needs receives the supports they are entitled to. A SENO can advise parents and schools on the facilities, services, and resources available to assist children with Special Educational Needs. If your child has complex special educational needs, or you are having difficulty finding a placement for a child with special educational needs, you should contact the local SENO for advice. To find out the name of the SENO and their contact details in your area check the [NCSE Regional Services Contact List](#) at the NCSE website.

[NCSE Starting School - Guidelines for Parents/Guardians of Children with Special Educational Needs](#)

[NCSE Information Booklet for Parents of children and young People with Special Educational Needs 2019](#)

Step 3 Apply in writing to schools in your locality.

Apply to enrol your child in those schools in your locality that may have a place suitable for your child and that are within a reasonable distance of your home.

You can find out about school enrolment from the school principal or from the school's website and your local SENO can provide advice and guidance. Decisions on applications for admission to a school will be based on the following:

- The school's [admission policy](#) - read the policy before you apply
- The school's [annual admission notice](#)
- The information provided by the applicant in their application

A school must comply with the rules of admission they set out in their admission policy. Selection criteria that are not included in the school admission policy cannot be used to decide on an application for a place in the school. Schools must specify a period for receiving applications, the timeline for decisions about applications, and in the case of a school with a special class the number of school places available in the special class concerned, in their annual admission notice.

Step 4 School notifies applicants of decision about admission

All applicants for a school place should be informed in writing as to the decision of the school, within the timeline outlined in the school's annual admissions notice.

If a student is not offered a place in a school, the reasons why they were not offered a place should be communicated in writing to the applicant, including, where applicable, details of the student's ranking against the selection criteria and details of the student's place on the waiting list for the school year concerned. Applicants should be informed of the right to seek a review and right to appeal the school's decision.

Step 5 Appeal against a school for refusal to enrol a student due to school being oversubscribed.

Reason to make a Section 29 Appeal

Under Section 29 of the Education Act 1998 -

A parent, or a student where they have reached the age of 18, **may** appeal a decision of a Board of Management to refuse to admit a student to a school due to the school being oversubscribed.

The Section 29 Appeal Process

Appeals against a school for refusal to enrol a student are made under Section 29 of the Education Act 1998. As of November 2020, Section 29 of the 1998 Act was significantly revised and changed. The revised system of appeal, with important timelines, is set out below.

Key Stages

- Where making a Section 29 Appeal (refusal due to oversubscription) you **must** first request a review by the School Board of Management (BOM) of their decision to refuse a place at the school.
- You can appeal the decision of the Board of Management to refuse a place at the school to the Department of Education

Important to Know: You cannot use information in this review or appeal process (school oversubscribed) that was not made available with your initial application for a place in the school. When applying for a school place make sure the application form is fully complete and that you include all relevant and needed information with your application. Before applying for a school place you can find out about the school enrolment process from the school principal or from the school's website. Your local SENO can also provide advice and guidance.

How the Review or Appeal is Decided

A review or appeal process will consider:

- If the request for review or appeal is valid. Where the request for review or appeal **is valid** the review or appeal proceeds.
- if there was a **failure or mistake** in making the decision to refuse admission and
- If the failure or mistake had **an effect on the outcome** of the application for a school place.

The review or appeal decides:

- Where the review or appeal finds a failure or mistake in relation to admission, that had an impact on the application, the failure or mistake must be corrected by admitting the student to the school or special class concerned.
- Where the failure or mistake had an impact on the student's ranking on the waiting list the failure or mistake must be corrected by adjusting the ranking of the student on the waiting list.

There are 5 stages to the process, starting with the **requirement** to request a review by the Board of Management of the school's decision to refuse. The process and timeline is set out below. In the case of an appeal of refusal to enrol due to oversubscription the appeal to the Department is examined and determined **without** an oral hearing.

Further information

[Department of Education and Skills](#)

Step 5 Appeals against refusal to admit for exclusion, suspension or a reason other than the school being oversubscribed.

Reasons to Make a Section 29 Appeal (other than oversubscribed)

Under Section 29 of the Education Act 1998 -

A parent, or a student where they have reached the age of 18, **may** appeal a decision of a Board of Management to

Permanently exclude a student from a school

Suspend a student from attendance at a school, for a period or periods totalling more than 20 school days in a school year

Refuse to admit a student to the school for a reason other than the school being oversubscribed.

Section 29 of the Education Act 1998

The process for appeals against a school for exclusion, suspension, or refusal to enrol a student are made under section 29 of the Education Act 1998. As of November 2020, Section 29 of the 1998 Act was significantly revised and changed. The revised system of appeal, including timelines, is set out below.

Key Stages

- You can request a review by the School Board of Management (BOM) of the decision to refuse a place at the school. (optional)
- You can appeal the decision of the Board of Management to refuse a place at the school to the Department of Education.

Important to Know - if appealing for reasons other than school oversubscribed:

When applying for a review or appeal the grounds for the review or appeal must be set out.

The review or appeal must be based on the implementation of the school's admission policy and school's annual admissions notice. Did the school follow its own admission policy and rules?

You can find out about the school's admission policy from the school principal or from the school's website. Your local SENO can also provide advice and guidance.

How the Review or Appeal is Decided

Each stage of the review or appeal process will consider:

- If the request for review or appeal is valid. Where the request for review or appeal **is valid** the review or appeal can continue.
- If there was a **failure or mistake** in making the decision to refuse admission and
- If the failure or mistake had **an effect on the outcome** of the application.

The review or appeal then decides:

- Where the review or appeal finds a failure or mistake in relation to admission that had an impact on the application, the failure or mistake must be corrected by admitting the student to the school or special class concerned.

The Appeal Process

There are 5 stages to the process, starting with a request for a review by the Board of Management of the school's decision to refuse. The request for review by the school board of management is optional. The appeal to the Department of Education includes an in-person or oral hearing.

1. Option to Request Review by Board of Management

Within 21 days of the decision to refuse admission

- Parent **may** request in writing a review by the Board of Management of the decision to refuse admission.
- The grounds for the request must be set out
- It must be based on the implementation of the school's admission policy and school's annual admissions notice.

2. Board of Management Decision

Within **42 days** of the decision to refuse admission

- The Board of Management must notify that it did not proceed with review as it found the request was not made in the required 21 days **or**
- where the request proceeds, the Board of Management must issue a statement of outcome and its review decision.

3. Appeal to Department

Following the issuing of the School Board of Management notification or statement

or

after **42 days** from the date of the BOM decision to refuse admission

(whichever is the earliest)

and **not later than 63 days** from the date of the BOM decision to refuse admission

- The parent or guardian can make a Section 29 Appeal of the decision of the Board of Management to refuse admission.
- The appeal must be made in writing, on the Section 29 Appeal form, and submitted to the Section 29 Appeals Administration Unit, Department of Education.

4. Oral Appeals Hearing by the Department Appeals Committee

Where possible -

- within **21 days** of receipt of the fully completed Section 29 appeals form and all required information (from school, NCSE etc.)

- with a further **7 days** between preliminary and final decision for all parties to comment on preliminary decision

•The Department Appeals Committee will:

- examine and make a decision to proceed or to refuse to proceed with the appeal process. Refusal to proceed can be appealed to the Minister.
- if appeal proceeds - arrange and hold an oral hearing attended by both parties to the appeal (parent and school board)
- make a decision to allow or disallow the appeal.
- by notice in writing inform the Minister, the Applicant, the Board of Management and any other agencies involved of its **preliminary decision**, the reasons for the decision and where the appeal is allowed (successful for applicant) its proposed direction to the Board of Management.
- allow all parties and agencies 7 days to make observations about the preliminary decision, the appeal committee considers these and makes its final decision.
- by notice in writing informs the minister of the **final decision**, the reasons for the final decision and, if the appeal allowed, the directions for the school board of management.

5. Minister Issues Decision

As soon as practicable after receiving notice of decision from the Appeals Committee

- The Minister will forward to the applicant, the Board of Management of the school and any other agencies engaged -
- a copy of the decision of the appeals committee
- and where an appeal is allowed, a copy of the direction of the appeals committee

The Appeal Hearing

An Appeals Committee is made up of 3 people. The Appeal hearing is kept as informal as possible. A parent is allowed to submit any information or reports to support their case. The school may also submit evidence to support their case. The National Council for Special Education or an Education Welfare Officer may submit a report. The Appeals Committee may invite any relevant expert to attend the hearing if necessary. The parent and the school board may be accompanied at the hearing by one or two other people nominated by them to attend. People accompanying will not be allowed to make statements at the hearing except in exceptional circumstances. If you cannot attend the appeal hearing, inform the DES immediately or the appeal could be held in your absence.

At the appeal hearing both the parent and the school state their case. The parent and the school then have the chance to respond to the other and ask questions. The Appeals Committee can also ask questions of either side or any invited person. Where practicable the Appeal Committee may support both parties to reach an agreement.

The Appeal Hearing Determination (or Decision)

The Appeal Committee makes a preliminary decision or determination. The parent, the school and agencies involved have 7 days to make observations to the Appeals Committee in relation to the preliminary decision. The Appeals Committee then makes a final decision, to uphold the appeal or not. This determination is decided on whether or not the school has followed their own stated policies (on enrolment or discipline) and whether fair procedures were followed. If the appeal is successful, the DES will direct the school to enrol your child or take them back into school or clear any suspension or expulsion from their record. Either side can appeal the determination in the courts. If you are unhappy about the committee decision you may also contact the Office of the Children's Ombudsman.

Further information

[Department of Education and Skills](#)

Step 6 Education Act 2018 – Provision of Special Classes

Children with special educational needs looking to attend a mainstream school in a mainstream classroom will usually be successful in finding a school place in their local community, although it may not be the school of first choice, as all mainstream schools should have the ability and should be able to put in place the resources to support their education.

Children for whom a mainstream place is not currently an option, where a place in a special class or special school is recommended, may find it more difficult to find a school place in their own community or even within a reasonable distance of their home. Having taken all reasonable steps to find and apply for place in a special class or a special school for their child, each year a number of parents will find that there is no place for their child and no school willing to take on the provision of that place.

In this situation, under the Education Act 2018, the Minister for Education can compel a school to open a special class where there is a gap in providing for the education of children with special needs.

If they have not already done so, parents who are experiencing difficulties in locating a school placement should contact their local Special Educational Needs Organiser (SENO). The SENO, and through them, the National Council for Special Education (NCSE), should be made aware of the child's needs and the lack of an appropriate school place.

As a parent you may write to your local SENO identifying the lack of a special class place for your child in the locality. The letter should set out the child's special educational needs, supported by a report from a relevant professional or team of professionals that states that the child has a disability in line with the designation of the special class in question and sets out why the child requires the support of a special class setting. Your letter should also outline the steps you have taken to date to secure a school place and include copies of any letters of refusal received.

Parents should ask that the NCSE prepare and submit a report to the Minister for Education identifying that there is a shortage of special class places in their locality. Writing to the SENO and through them the NCSE, is not something you are required to do but it is a useful way to set out your child's situation clearly and to maintain a written record of steps taken to seek a placement for your child.

The SENO's role is to advise parents, ensure that a child with special educational needs receives the supports they are entitled to and, as needed, notify the NCSE of the lack of local provision.

Where a gap in local provision is identified by the National Council for Special Education (NCSE), and no school is willing to make provision available, the Minister for Education can compel a school to open a special class. The Minister can take this action following a number of initial steps which allow for engagement between the Minister, the NCSE, the Board of Management and Patron of a school. This process can take some time. Your local SENO will advise on interim educational provision and when an appropriate school placement becomes available. The Minister for Education, advised by the NCSE, can also make provision for special schools, as needed.

Step 7 Home Tuition, Interim measure in the absence of school place

In the absence of an appropriate school place home tuition may be provided. The [Home Tuition Scheme](#) provides funding towards a home-based educational service for children with special educational needs while they are seeking an educational placement. Home Tuition is provided as an interim measure only for children for whom a placement in a recognised school is not available, as confirmed by the NCSE and should not be regarded as an optional alternative to a school placement. When a school placement becomes available the Home Tuition Grant will be discontinued.

Support for Parents of Children with Special Educational Needs

[Inclusion Ireland](#)

National Association for People with an Intellectual Disability

[Connect Family Network Map](#)

Inclusion Ireland Map listing family support groups across the country

[Advocacy Tips and Tools – Family Advocacy](#)

A short guide produced by the Australian Family Advocacy organisation. The guide sets out how to plan and organise for meetings when advocating for a family member with a disability.

[National Council for Special Education](#)

[Department of Education and Skills – Services and Information for Parents](#)