



An Roinn Oideachais
Department of Education

Supporting all children and young people to access an appropriate education

A review of the admission policies of primary and post-primary special classes for autistic children and young people



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Foreword from the Chief Inspector



I present this report, *Supporting all children and young people to access an appropriate education: A review of the admission policies of primary and post-primary special classes for autistic children and young people*, on behalf of the Department of Education Inspectorate. Inspection is a key component of the quality assurance of education provision in Ireland. It aims to promote improvement in the learning and wellbeing of children and young people, and to advance the goals of equity and inclusion. We share findings from inspection with the education system to further the national education, inclusion and equity goals to which educators and policy makers in Ireland aspire.

This report provides the findings of a review of thirty admission policies for special classes for autistic children and young people. Fifteen of these special classes were in post-primary schools and fifteen were in primary schools. The admission policy of a special class is often the first point of contact between a child or young person, their parents and the school. As such, it provides important messages to children and young people and their parents about how welcome the young person is in the school and how committed the school is to providing them with an appropriate education. In devising admission policies, schools are required to adhere to legal requirements and to guidelines developed by the National Council for Special Education. These requirements and guidelines are designed to ensure that all children and young people can access an appropriate education.

The findings of this review are concerning. Almost all the admission policies contained clauses that could, if implemented, prevent autistic children and young people with the greatest level of need from accessing a place in a special class. The review also highlighted other issues that may restrict the access of autistic children and young people to an appropriate education. For example, some schools provide a five-year programme for students in post-primary special classes, while their peers in the mainstream classes have the opportunity of a six-year programme. The report makes four recommendations to strengthen the governance and oversight of access to, and the use of, special class resources. This strengthening is required in order to ensure that children and young people with the greatest levels of need can access an appropriate education.

The Inspectorate hopes that by reporting fairly and objectively to schools, to Ministers and their Departments, to the various services that support schools and to the public, it can assist the Irish education system to provide high-quality and inclusive learning. Our common objective is to improve the learning and life experiences of all children and young people, including those with special educational needs. I trust this report will contribute to that goal.

Yvonne Keating
Chief Inspector
May 2025

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Introduction

In September 2024, the Department of Education Inspectorate published a thematic report on provision for children and young people with special educational needs in primary and post-primary schools. That report¹ found that there were inappropriate clauses in the admission policies for special classes in one-third of the twelve post-primary schools inspected. The inappropriate clauses prevented young people with the greatest level of need from accessing a place in a special class and were not in line with the published guidelines for the establishment of special classes.²

Arising from this finding, the Inspectorate reviewed the enrolment policies of a further fifteen post-primary schools with special classes for autistic students³ and fifteen primary schools with special classes for autistic pupils. The fifteen post-primary schools were selected from the published [list of schools](#) that have special classes. The policies of the post-primary schools were accessed online from the schools' websites. The fifteen primary schools were selected from the schools included in the Inspectorate's programme of evaluations of provision in special classes conducted between September and December 2024. The policies of the primary schools were accessed from the schools as part of the evaluation.

The fifteen primary and fifteen post-primary schools included urban and rural schools from a broad geographical spread. The post-primary schools included seven voluntary secondary schools, five community schools and three schools under the patronage of the local Education and Training Board (ETB). The primary schools included eleven denominational and four multi-denominational schools. Two of the fifteen primary schools were Irish-medium.

This report presents the findings of the review.

Legal and policy context

The Education Act 1998

The Education Act 1998 provides the enabling context within which schools and education communities operate.⁴ One of the rights afforded to children under the Act is the right to an appropriate education. Section 7(1) defines one of the functions of a Minister as ensuring

¹ [Towards High-Quality Learning Experiences for All: Provision for children and young people with special educational needs in primary and post-primary schools](#)

² [Guidelines for Setting Up and Organising Special Classes for Boards of Management and Principals of Primary and Post-Primary Schools](#)

³ The Inspectorate acknowledges that there are different perspectives in relation to terminology when describing autism. Some use person-first language (child with autism), as this recognises that the presentation of autism can vary from person to person. Others refer to autistic children, as this embraces the neurological difference of the person. The Inspectorate uses the neuroaffirmative language of autistic students in this report.

⁴ *Celebrating 25 years of the Education Act 1998*, an address by the Chief Inspector to Mary Immaculate College Summer School, 13 June 2023

'that there is made available to each person resident in the State, including a person with a disability or who has other special educational needs, support services and a level and quality of education appropriate to meeting the needs and abilities of that person.' Section 9 sets out one of the functions of a school as providing *'education to students which is appropriate to their abilities and needs.'* Under section 15, one of the functions of a board of management is to provide *'an appropriate education for each student at the school for which that board has responsibility.'* In summary, the Education Act 1998 affords children a right to access an education that meets their needs.

Section 15 (2)(d) of the Education Act 1998 also requires schools to publish their policy on *'admission to and participation in the school, including the policy of the school relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special educational needs.'* In developing their admission policies, the Act requires schools to ensure that the *'principles of equality and the right of parents to send their children to a school of the parents' choice are respected and such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerned, are complied with.'*

The requirements relating to the content of admission policies were further elucidated in amendments made to the 1998 Act in the Education (Admission to Schools) Act 2018. That Act required schools to submit their admission policies to their patron for approval before publication and to confirm that they would not discriminate in admissions on nine specific grounds. Among the nine grounds are *'the disability ground of the student'* and *'that the student has special educational needs.'*⁵

In 2022, the right of children and young people with special educational needs to an appropriate education was strengthened with an amendment to the Education Act 1998.⁶ This amendment required schools to *'include in their admission policy, an admission statement confirming that the school will cooperate with the National Council for Special Education in the performance of its functions relating to the provision of education to children with special educational needs, including in particular by the provision and operation of a special class or classes when requested to do so by the Council.'*

⁵ The other grounds are gender, civil status, family status, sexual orientation, religion, race and membership of the Traveller community.

⁶ The Education (Provision in Respect of Children with Special Needs) Act 2022

Education for Persons with Special Educational Needs Act 2004

The Education for Persons with Special Educational Needs Act 2004⁷ establishes the right of every child or young person with special educational needs to an education in an inclusive environment with their peers. Section 2 of the Act provides that exceptions can be made where *‘the nature or degree of those needs is such that to do so would be inconsistent with:*

- *the best interests of the child as determined in accordance with any assessment carried out under this Act, or*
- *the effective provision of education for children with whom the child is to be educated.’*

Education (Welfare) Act 2000

The Education (Welfare) Act 2000 details the function of the school's admission policy in determining access to a school. It provides that a board of management cannot refuse to accept a student except where such refusal is in accordance with the published policy of the school. Section 23 also requires each school *‘to prepare and make available’* a code of behaviour for its students. The code of behaviour should reflect guidance developed by the Department of Education⁸ and should include:

- the standards of behaviour to be observed by each student attending the school
- the measures that may be taken when a student fails or refuses to observe those standards
- the procedures to be followed before a student may be suspended or permanently excluded from the school concerned
- the grounds for removing a suspension imposed in relation to a student
- the procedures to be followed relating to notification of a child's absence from school.

Under section 23 (4), schools may ask parents *‘to confirm in writing that the code of behaviour is acceptable to them and that they will make all reasonable efforts to ensure compliance with the code by the child’* as a condition of enrolling their child.

⁷ The Education for Persons with Special Educational Needs Act 2004 is currently being reviewed by the Department

⁸ Developing a Code of Behaviour: Guidelines for Schools (2008, currently being updated)

Special classes for autistic students in post-primary schools

The Department of Education, through the National Council for Special Education (NCSE), provides a continuum of educational provision for all children including those with special educational needs. The continuum ranges from full-time education in mainstream classes with additional supports as necessary, to full-time education in special schools. Decisions about the most appropriate educational setting for a child with special educational needs should be made in consultation with the child, their parents and relevant professionals, including psychologists and teachers. Decisions about a child's educational setting should also be informed by the principle that children should be educated in the most inclusive environment possible.⁹

Special classes for autistic children are part of this continuum of provision. They are designed for autistic children who are unable to access the curriculum in a mainstream class, even with support, for most or all the school day. The maximum enrolment in each class is six. The staffing allocation for post-primary schools is equivalent to one and a half teachers and two special needs assistants (SNAs) and the allocation for primary schools is one teacher and two SNAs.

Special classes for autistic children are established in one of two ways:

- A school may express an interest to the NCSE in opening a special class where they have identified a need for such a class
- The local special educational needs organiser (SENO)¹⁰ may approach a school directly where they are aware that a special class is, or may be, required in the area.

Once a special class is established, the board of management of a school has responsibility to ensure that appropriate systems and procedures are in place for the management of the class, including children's admission into the class. The board is therefore required to amend the school's admission policy to allow for the enrolment to the special class, and to submit the policy to the school's patron for approval.

To enrol in a special class, a child must have a diagnosis of autism from a relevant professional or team of professionals¹¹ and a professional report that states the child has complex or severe learning needs that require the support of a special class or special

⁹ Delivery for Students with Special Education Needs: A better and more equitable way (2014); An Inclusive Education for an Inclusive Society, NCSE, 2024.

¹⁰ An officer of the NCSE appointed to provide a direct service to the parents of children with special educational needs and to schools within geographical areas.

¹¹ For example, a psychologist, speech and language therapist or psychiatrist

school and the reasons why this is the case. Special classes are established ‘irrespective of cognitive ability.’¹² This means that schools cannot exclude a child from a special class if their cognitive ability falls within the mild, moderate or severe and profound ranges.

In the 2023/24 school year, there were 780 special classes for autistic students in post-primary schools and 1,698 special classes for autistic pupils in primary schools.¹³

¹² [NCSE guidelines](#) (p 6)

¹³ Data provided by NCSE, June 2024.

Findings

Conditional clauses in enrolment policies

Clauses that use ability to participate in a mainstream class as a criterion for enrolment

Five of the fifteen post-primary policies (33.3%) and three of the fifteen primary policies (20%) required children to be able to participate in mainstream lessons as a condition for admission. For example, one post-primary school's policy had a clause that *'students who apply must have an ability to meaningfully participate in mainstream classes in order to be considered for enrolment in the ASD class.'* A primary school's policy stated that the *'child must be capable of integrating into mainstream, even at a minimal level, at an appropriate age.'*

Other schools, that had enrolment policies which included similar conditional clauses, also specified who will determine, at the time of application, whether the student can be included in mainstream lessons. The policy of one post-primary school stated that teachers would determine if the student had *'an ability to meaningfully participate in mainstream classes.'* Another post-primary school required supporting evidence from *'a multidisciplinary team'* that the student was *'capable of integration.'* A primary school had established an 'admission team' for its special class and one of its functions was to *'verify the suitability of the child for potential meaningful integration in an age-appropriate mainstream class.'*

Special classes for autistic children are specifically designed for those who are unable to access the curriculum in a mainstream class, even with support, for most **or all** the school day.¹⁴ Clauses that require children to be able to participate in mainstream classes before they can enrol in a special class prevents those children who require the special class environment for all of the school day from accessing a place in a special class.

Clauses that use category of learning disability as a criterion for enrolment

A general learning disability can range from mild, moderate, to severe/profound.¹⁵ The NCSE specifically states that special classes are established for autistic students, irrespective of their cognitive ability.¹⁶ This means that schools should not exclude students from a special class based on their category of learning disability.

Six of the fifteen post-primary policies (over 33.3%) and one (7%) of the fifteen primary policies stated that only autistic children who present with certain levels of cognitive functioning will be considered for enrolment. For example, one post-primary policy stated

¹⁴ [Special Classes – National Council for Special Education – Working to deliver a better special education service \(ncse.ie\)](#)

¹⁵ [Information for Parents and Guardians of Children and Young People with General Learning Disabilities \(ncse.ie\)](#)

¹⁶ [NCSE-Guidelines-for-Setting-Up-and-Organising-Special-Classes-2024-ENG.pdf](#)

that the school *'has two special classes for students on the autistic spectrum, whose cognitive functioning has been established to be in the moderate to average range.'* A primary policy stated that *'if a child presents with a general learning disability, it must fall within the mild range.'*

In five of these seven schools, the application of these clauses prevented young people with a severe or profound learning disability from accessing a place in the special class. The policy in one of the post-primary schools stated that *'students diagnosed with a severe ASD condition will not be enrolled,'* without specifying the criteria for *'a severe ASD condition.'* In another post-primary school, the clause stated that applicants for the special class *'must be able to access part of or all of the post-primary curriculum.'* Given that the post-primary curriculum includes a range of levels and options for short courses and priority learning units which are specifically designed to provide for the spectrum of learning needs, an admission policy should not contain a clause relating to a students' ability to access the curriculum.

In including clauses specifying a category of learning disability as a requirement for admission to the special class, all seven enrolment policies contravened the NCSE guidance.

Clauses that prioritise students who are already enrolled in the school

The admission policies in six (40%) of the fifteen post-primary schools and in nine (60%) of the fifteen primary schools prioritised children who were already enrolled in mainstream classes in the school for a place in the special class. For example, one post-primary policy stated that *'priority will be given to students who are currently enrolled in our school who receive a new ASD diagnosis.'* A primary school's policy prioritised *'pupils currently enrolled in [its] mainstream school and seeking to transfer to the ASD class.'* Clauses like these discriminate against autistic children with the greatest level of need as they are unlikely to be attending mainstream classes.

Clauses that prevent students with a recommendation for placement in a special class or a special school from accessing a place

NCSE guidance states that special classes are for students with 'complex or severe learning needs that require the support of a special class/school setting.'¹⁷

Professional reports relating to children with more complex needs generally recommend placement in a special class **or** a special school. Where a child has complex needs which are less severe, professional reports are more likely to recommend placement in a special class **or** mainstream placement with support.

Five of the fifteen post-primary policies (33.3%) and one of the fifteen (7%) primary policies indicated that the school will not accept applications from children whose reports

¹⁷ [NCSE-Guidelines-for-Setting-Up-and-Organising-Special-Classes-2024-ENG.pdf](#) p. 3

recommend placement in either a special class or special school. In one of the post-primary policies this is explicitly stated: *'[the school] will not accept formal educational psychological assessments and reports which recommend multiple educational settings for a student with a diagnosis of ASD.'* The other five policies included variations on a requirement for the professional report to make *'specific reference to placement in a special class or unit attached to a mainstream second level school'*. These clauses are not in line with the criteria for the establishment of a special class.

Refusal to enrol based on students' behaviour

Section 15 (1) of the Education Act 1998 requires a board *'to provide or cause to be provided an appropriate education for each student at the school for which that board has responsibility'*.

Nine of the fifteen (60%) post-primary admission policies reviewed and three of the fifteen (20%) primary policies reviewed alluded to this section of the Act as a basis for refusing to enrol children based on their *potential* behaviour. For example, one post-primary policy stated that *'an application for admission may be refused where the admission of the applicant would pose a significant risk to the health and safety of the applicant or students and staff of the school or risk significantly interfering with the right of other students to an appropriate education.'* Another post-primary policy stated that the school *'shall admit each student seeking admission except where enrolment would constitute a risk to the health and safety or wellbeing of other students enrolled.'*

Other examples where the concept of *potential* behaviour was in policies used to prevent access include:

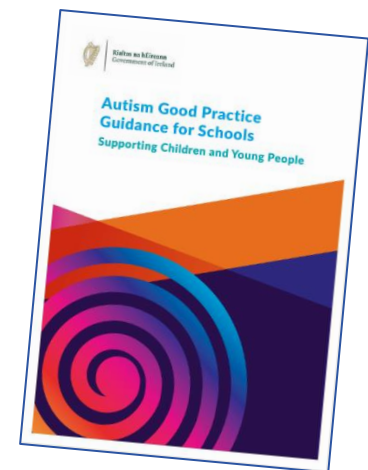
- *'The school will attempt to look after the needs of students with ASD unless the nature and degree of the needs of the student are such that to enrol the student concerned would be inconsistent with the effective provision for other students with whom the student concerned is to be educated.'* (post-primary school)
- *'In certain circumstances the school may refuse admission if it cannot provide an appropriate education or if the student's behaviour may constitute a threat to the health, safety or education of existing students.'* (post-primary school)
- *'Where a child's behaviour impacts in a way which is detrimental to the education of other children in the class, to the extent that their constitutional right to education is interfered with as judged by the board of management of the school, the school reserves the right to advise parents that a more suitable setting should be found for their child.'* (primary school)

In one of the policies reviewed, the post-primary school also reserved the right to withdraw the offer of a place based on a perception of the student's behaviour. The policy stated: *The board of management reserves the right to refuse enrolment, to rescind an offer of*

enrolment or current enrolment to any student, in exceptional cases. Such an exceptional case could arise where either:

- (a) The child has special needs such that, even with additional resources available from the Department of Education and Skills, the school cannot meet such needs and/or provide the student with an appropriate education, or*
- (b) In the opinion of the board of management, the student poses an unacceptable risk to other students, to school staff or to school property.'*

Clauses in enrolment policies that serve to refuse a place to a child based on their potential behaviour are concerning. At a fundamental level, behaviour is a form of communication. Some autistic children present with dysregulated behaviours arising from communication or other difficulties, indicating a level of risk to the safety or wellbeing of themselves or others. These children can, with appropriate provision and interventions, be supported to develop greater self-awareness, communication skills and self-regulation strategies so that the intensity and regularity of dysregulation decreases significantly. School leaders and teachers in special classes for autistic children should ensure that they have a range of preventative strategies in place to support them. These strategies should be carefully designed to provide optimal support to all children and young people and to remove triggers that prompt behaviours that may pose a risk to the safety of any member of the school community. The [*Autism Good Practice Guidance for Schools \(2022\)*](#) provides strategies and guidance, informed by research and practical experience, to support the implementation of these preventative strategies.



Clauses that use perceived behaviour as a criterion for admission to a special class may imply that children with the greatest level of need cannot be supported to regulate their behaviour and to maintain a calm state, optimal for learning. In addition, it is not possible to predict how children will respond to the structure of the school, the special class environment and to the school's support and provision. Therefore, it should not be permissible for a school to refuse to admit a child based on how they might behave within that environment.

Requiring additional reports and documentation

Five of the fifteen post-primary schools (33.3%) and three of the fifteen primary schools (20%) sought additional reports or documentation as a condition of enrolment. For example, one post-primary policy stated that *'information in relation to a student's academic abilities and special needs provision will be required from the applicant's previous school/s to ensure that the needs of the student can be met.'* A second post-primary policy said that *'applications without a "statement of need" or a transition report completed by the school may be affected by their absence.'* One primary school required a *'current psychological*

report, within the last two calendar years and written confirmation from the NCSE that the school placement being applied for is suitable for the child.'

One of the five post-primary schools (20%) included a requirement that a member of the school's special educational team be facilitated by the parents and by the principal of the feeder primary school to conduct '*as many observations as appropriate of the pupil in his/her current educational placement*' as a condition of enrolment.

The purpose of requesting additional reports and documentation from students, or of conducting observations in a student's current placement **at the point of application** is unclear. It is very good practice for schools to receive comprehensive information on each child's interests, strengths and needs to plan effectively for their learning and progression. It is also very good practice for teachers to begin to develop relationships with incoming children as soon as possible. However, this process should only begin once the child is enrolled in the school and should not be used as a process to deem a child suitable for enrolment. It is also important that a child's attainment and performance in their current school is not used as a criterion to determine access to a special class place at the next stage of their educational journey.

The inclusion of clauses that require additional information or engagements at the point of application also places an additional requirement on parents of autistic children that are not placed on other parents.

Admission contingent on resources

Five of the fifteen (33.3%) post-primary policies and one of the fifteen (7%) primary policies referred to the availability of resources as a potential barrier to enrolment in the special class. For example, one post-primary board of management reserved '*the right to refuse any application for enrolment in particular circumstances, which might include lack of adequate resources to ensure school can cater for particular needs.*'

A primary policy stated that '*where the Board deems that further resources are required to meet the needs of the child as outlined in the psychological/medical report, the board will, prior to enrolment, request the Department of Education to provide the resources required to meet the needs of the child as outlined in the psychological or medical report. Should the above be necessary, various meetings will be organised with the associated parties to clarify the situation.*'

Two of these six policies also referred to the school's right to delay admission to the class pending the provision of resources by the Department.

Once a school receives sanction to open a special class for autistic children, it receives significant resources to support provision in the class.¹⁸ These resources include a special class start-up grant to cover the cost of resourcing the class and additional grants to cover a multi-sensory room, information and communication technology and additional furniture and equipment. Schools with special classes also receive enhanced capitation grants and minor works grants from the Department. Schools should not therefore use the availability of resources as a basis for admission to a special class.

Other issues that arose

The review of the enrolment policies also highlighted two further issues of concern.

Equitable access to the post-primary curriculum

Two post-primary policies explicitly stated that the programme for the students attending the special class was of five years duration, even though students in the same school who were not enrolled in the special class had the option of a six-year programme. For example, one policy stated that it *'offers a five-year secondary education programme. An applicant must graduate from the school after five years or in the year reaching their 18th birthday, whichever comes first.'* This clause potentially curtails time for students enrolled in a special class in a manner not experienced by all students in the school.

Eight of the fifteen (53%) post-primary policies make explicit reference to admission to the Transition Year Programme. Of these, five (63%) contain criteria that would likely exclude some, or all, of the students in the special class. One policy explicitly stated that *'this Transition Year Programme is within the mainstream school and not part of the ASD class programme.'*

Students in special classes have the same right to access a broad and balanced post-primary curriculum as their peers in mainstream classes. The stated aim of the Transition Year Programme¹⁹ is as relevant to autistic students as to their neuro-typical peers. Schools should ensure therefore that students enrolled in a special class have the same access to the Transition Year Programme as students enrolled in mainstream classes.

Review of placement in a special class

A placement in a special class should be kept under continual review by a school to ensure it remains the most appropriate educational placement for the student. At a minimum, placement in a special class should be reviewed annually. The annual review of placement

¹⁸ [NCSE-Guidelines-for-Setting-Up-and-Organising-Special-Classes-2024-ENG.pdf](#)

¹⁹ [Transition Year Programme Statement](#)

should consider progress made in relation to learning targets as well as the views of the young person, parents, teachers and other professionals.²⁰

Two post-primary policies (13%) indicated that students' placements were reviewed annually. However, in two other post-primary (13%) policies, review of placements was mentioned in the context of students not *'benefitting'* from or being *'sufficiently committed to'* the placement. One policy stated that, *'in cases where it is the professional opinion of ASD classroom staff and school management that a student is not benefitting from their place in the ASD classroom this will be discussed with parents and referred to the board of management to assess suitability for continuance on the programme.'* In the other instance, the policy referred to students in a special class demonstrating *'commitment and engagement to the programme'* and their impact on other students *'enrolled in the programme.'*

In a similar vein, one of the primary policies (7%) had a section titled *'ASD Class Discharge Policy.'* This section stated that *'discharge may also be recommended if the board of management, after consultation with the parents/guardian, feel that placement is not appropriate or if the child's challenging behaviour poses a significant risk to health and safety in the school – both that of the pupil him/herself, other pupils or the school staff.'*

It is important that schools have a process in place to review placements in the special class. The purpose of this review is to determine if the special class continues to be the most suitable environment in which the child can access an appropriate education. Enrolment policies should not convey the message that the responsibility for benefiting from a placement falls solely on the child or young person.

²⁰ [NCSE-Guidelines-for-Setting-Up-and-Organising-Special-Classes-2024-ENG.pdf](#) p. 4; [Circular 0023/2025: Review of Enrolments in a Special Class](#)

Conclusions

The Education Act 1998 affords all children the right to an appropriate education. The Department, through the NCSE, provides a continuum of educational provision for children with special educational needs. Special classes for autistic children are part of this continuum and are designed for those who are unable to access the curriculum in a mainstream class, even with support, for most or all the school day.

Once a school receives sanction to open a special class, its board of management is required to amend its admission policy to provide for the enrolment of children to the special class(es). The amended policy should reflect the guidance published by the NCSE on special classes and should be publicly available. The wording of a school's enrolment policy is a critically important element in ensuring that all children can access an education that is appropriate to their needs.

In the context of an evolving education system and the vision of a progressively realised inclusive education for all, school admission policies communicate a school's ethos and vision. A school's admission policy is often the first point of contact between a child, their parents and the school. As such, the policy communicates important messages to children and their parents about how welcome the child is in a school and the school's commitment to identifying and meeting their needs in an inclusive environment.

School admission policies are also used to ensure schools are accountable for their admission practices. While parents have a right under section 29 of the Education Act 1998 to appeal against a school's decision not to enrol their child, such an appeal centres on the extent to which a school adhered to its admission policy in considering the application from a prospective student. Therefore, the wording of a school's admission policy is critically important in determining access to a school.

This review of thirty admission policies (fifteen in post-primary schools and fifteen in primary schools) was conducted to assess the extent to which enrolment policies conformed to published guidance and to legal requirements. The findings are concerning. Issues were identified in fourteen of the fifteen (93%) post-primary policies and in twelve of the fifteen (80%) primary policies. The main concern about these policies is that they could, if implemented as written, prevent children with the greatest level of need from accessing a place in a special class. Policies do this in different ways: by requiring children to be able to participate meaningfully in mainstream classes before offering a place in a special class, or by prioritising children already enrolled in mainstream classes for a place in a special class.

The issue of securing school places for children with the greatest level of need receives considerable public interest each year.^{21 22} The removal of clauses in admission policies that prevent those with the greatest level of need from accessing a place in a special class may contribute to alleviating this issue.

The review of policies also indicated that many schools use the possibility of a child displaying behaviours that may pose a risk to the health and safety of others as a basis for exclusion from a special class. The Education Act 1998 and the Education (Welfare) Act 2000 recognise the right of all children to an appropriate education. However, the use of potential behaviour as a means of establishing eligibility for a place in a special class does not recognise behaviour as communication and does not acknowledge that behaviour is closely related to wellbeing. It also fails to acknowledge that school leaders and teachers can, through preventative strategies and skillful interventions, support children's regulation and positive behaviour.

It was also evident through the review of the thirty policies that some schools are placing additional demands on parents applying for a place in a special class and, incorrectly, making enrolment contingent on receipt of additional resources.

Under article 24 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), Ireland is committed to ensuring that all children access education in an inclusive environment, without discrimination. Fundamentally, an inclusive education system is one that 'accommodates all students whatever their abilities or requirements, and at all levels – pre-school, primary, secondary, tertiary, vocational and life-long learning.'²³ Currently, while the Education for Persons with Special Educational Needs Act 2004 recognises a child's right to an inclusive education, section 2 of the Act allows for an exception to be made when to do so would be inconsistent with '*the effective provision of education for children with whom the child is to be educated.*'

This Inspectorate review also indicates that the way in which some schools interpret their responsibilities under section 15(1) of the Education Act 1998 is leading them to discriminate against those children with the greatest level of need. This approach, which unduly qualifies the right of some children to an inclusive education, does not acknowledge the impact and influence of interconnected environmental systems on their development. It does not recognise how the culture and systems in place in a school can positively impact on children and their experience of and interaction with school. This qualified approach to inclusion may also not align with Ireland's commitments to inclusive education under the UNCRPD.

²¹ See for example 'Every day he asks and every day our hearts break': Children with special needs lack school places for September – The Irish Times

²² Data from Special Education Section accessed on 20/09/2024 put the number of children and young people who could not access a place in a special class for autistic students at one hundred and forty-eight.

²³ IE_summary_accessible_220917_0.pdf

Next steps

To address the issues identified in this Inspectorate review, a number of actions, designed to give effect to the right of all children to access an education appropriate to their needs, are recommended:

1. The Department's Special Education Section and the NCSE should clearly set out the principles that should be used by schools when developing an admission policy for special classes. These principles should reflect the Education Act 1998 and the UNCRPD and should clearly acknowledge:
 - The right of all children to a high-quality education appropriate to their needs and abilities
 - The right of all children to be educated in an inclusive, welcoming environment with their peers.
2. Patron bodies should be asked to conduct a review of the admission policies of all their schools with special classes for autistic children. This review should ensure that the policies comply with the principles set out by Special Education Section and the NCSE, with current guidelines on special classes and with the forthcoming circular on forward planning for special education.
3. There is a need for an appropriate pathway, governance and oversight system for access to and the use of special class resources. Key parties, including relevant Department divisions and the NCSE, should work together to develop this system and ensure that children with the greatest level of need are enabled, within our education system, to receive the greatest levels of support.