



**CECDE submission to the Oireachtas Joint
Committee on Education and Science on the
Education for Persons with Disabilities Bill 2003
October 2003**



Content

1	<i>Introduction</i>	3
2	<i>The role of early education</i>	4
3	<i>A coordinated approach</i>	6
4	<i>Rights and Resources</i>	7
5	<i>Specific commentary on aspects of the Bill.</i>	7
5.1	Section 1	7
5.2	Section 2	8
5.3	Section 3	8
5.4	Section 4	9
5.5	Section 5	9
5.6	Section 6	9
5.7	Section 7	10
5.8	Section 8	10
5.9	Section 16	10
5.10	Section 25	10
5.11	Section 38	10
6	<i>Conclusion</i>	11
	Bibliography	11

1 Introduction

The Centre for Early Childhood Development and Education [CECDE] is an initiative of the Department of Education and Science and was established jointly by St. Patrick's College of Education and the Dublin Institute of Technology. The CECDE is the forerunner of the Early Childhood Education Agency, as described in the White Paper on Early Education, Ready to Learn, 1999

While the CECDE has a brief to consider the development and educational needs of all children in Ireland within the ages of 0-6, children at risk of educational disadvantage and children with special needs are a priority concern; “... *the diverse needs of disadvantaged children and children with special needs will form part of the starting point [for the work of the Centre]*” (CECDE, 2001, p. 9). Further to this “[t]he Centre will be working towards a co-ordinated strategy for provision for disadvantaged children and children with special needs which has links between the early years sector and schools and between providers, communities and specialist units within government departments and other state agencies.” (Ibid, p.14).

It is with this brief in mind therefore that the CECDE welcomes the “Education for Persons with Disabilities Bill 2003”. The publication of this Bill will represent another important step towards realising national policy commitments to the welfare and well being of children in Ireland.

These commitments are well articulated within the National Children's Strategy, 2000 which outlines a vision of:

“ An Ireland where children are respected as young citizens with a valued contribution to make and a voice of their own; where all children are cherished and supported by family and the wider society; where they enjoy a fulfilling childhood and realise their potential.” (DHC, 2000:4)

The realisation of this vision is dependant upon “[a] coherent and inclusive view of childhood” (ibid:4). All the dimensions of children’s development must be supported comprehensively and all those charged with implementing such support – including parents, carers, teachers and health professionals, must be enabled to do so in a coordinated cohesive manner.

The CECDE welcomes this opportunity to contribute to the development of this important legislation and our submission endeavours to offer constructive comments which will enhance the potential of the Bill to make meaningful improvements to the education of children with disabilities.

This submission will address a number of general issues of concern to the CECDE and will then address specific sections of the proposed legislation.

2 The role of early education

The important role of education in realising the National Children’s Strategy’s vision for children has long been recognised in Ireland. The Constitution makes specific references to education and in particular Article 42 makes a commitment to provide for free primary education for all children. (Government of Ireland, 1937). In recent times there is also much evidence that the crucial role of early education and development in the lives of children has been acknowledged and accepted. (DES, 1999, DJELR, 1999, DoHC, 2000).

Ready to Learn, The White Paper on Early Education highlights the particular importance of early education for those children with special educational needs

“a child’s early learning provides the foundation for later learning, so the sooner intervention is begun the greater the opportunity and likelihood for the child to go on to learn more complex skills and have development enhanced” (DES, 1999:83)

This view is substantiated by international research evidence (Guralnik,1997, Farran, 2000) which not only highlights the benefits that can accrue to the child, but also the benefits for parents and families (NASEN, 2002) and for communities and wider society (Warfield, 1994, Barnett, 2000).

Breakthroughs in the field of brain research have added substantially to the

certainty regarding the importance of early education concluding that “*(T)he human brain is constructed to be quite efficient at acquiring a range of skills early in life and at disposing of neural capacity that is seemingly unneeded. After that time learning certainly continues but remediation becomes more challenging once the dense neural net of early life has diminished.*” (Shonkoff & Meisels, 2000:xi)

In addition to establishing the significance of early childhood education, research has also revealed the fact that the nature of early education experiences is also important. In respect of children with special educational needs, these experiences must be appropriate, consistent, coordinated and sustained. Achieving these criteria requires the establishment of respectful, equal partnerships between all adults interacting with the child and clear and unconditional policy commitments in the form of legislation and resources.

In Ireland, much work is being undertaken which has the potential to reach the conditions described above. In 1992, Ireland ratified the UN Convention on the Rights of the Child (UNCRC). This landmark document specifies the fundamental rights of all children and makes special reference in article 23 to the rights of children with disabilities: “*Children with a physical disability or learning difficulty have the right to special care, education and training designed to help them to achieve the greatest possible self reliance and to lead a full active life in society*” (UNCR, 1989). Action taken by Government related to this ratification has taken the form of policy development, legislation and the provision of financial resources. The establishment of the CECDE is in itself tangible evidence of Ireland’s commitment to the UNCRC.

It is the central brief of the CECDE to “*to develop and co-ordinate early childhood education in pursuance of the objectives of the White Paper 'Ready to Learn' and to advise the Department of Education and Science (the Department) on policy issues in this area.* (Memorandum of Agreement, 2001). Our Programme of Work is rooted in national policy on early education and lifelong and lifewide learning:

“There is growing recognition of the importance of lifelong learning and the idea that children learn from the earliest moment and continue to learn throughout their lives. Education is concerned with all the phases of life, including the very early childhood phase.” (DES, 1999:3)

This seminal document also establishes that “for young children, education and care should not be separated, but should be provided in a complementary, seamless fashion..”(ibid:4)

In conclusion therefore, the Education for Persons with Disabilities Bill is being introduced in Ireland at a time when early childhood care and education is being actively supported and developed by government. At the very least the Bill should take cognisance of the range and nature of initiatives that are in train as a result of this commitment and should make provision that children with special educational needs are afforded equal access to education provision at all stages of their life long learning experience.

3 A coordinated approach

The CECDE warmly welcomes the establishment of the Special Education Council as a coordinating body for the implementation of the proposed legislation. It is with concern however that the CECDE notes that the Bill *“breaks down responsibility for the delivery of services between the Council and a health board, depending on whether the child is at school or not.”*(Explanatory memorandum:4) This approach creates an artificial divide between care/health and education, is not in the best interests of children with special educational needs and is not consistent with national policy. It would also appear from the explanatory memorandum to the Bill that it is already anticipated that there will be disputes between the Council and a health board regarding service provision. Locating an overall coordination function for education for children with special educational needs from birth with the Special Education Council would eliminate the necessity of legislating for such disputes. It would also reflect the brief of other statutory agencies contributing to the development of early childhood education in Ireland starting from birth. For example, the National Council for Curriculum and Assessment is currently developing a framework for early learning from birth to six years

and the CECDE is developing a quality framework for education in this age range.

In particular the CECDE would highlight the necessity of ensuring the necessary continuum of services between preschool and primary school settings. This is a critical transition phase and has received scant attention in the legislation.

4 Rights and Resources

This bill provides a much needed statutory framework for the acknowledgement of and provision for children's rights to education.

However, it would appear that these rights would be conditional upon the availability of financial resources. Given the proven efficacy of education in allowing children with special needs to realise their full potential, and also the fact that Ireland has made a commitment under the UNCRC to uphold the rights of children with special needs to education, this is a disappointing aspect of the proposed legislation.

Another focus of concern in the bill pertains to the human resource issue. Implementation of the Bill places a heavy duty upon staff and principals of schools and yet there is no provision for appropriate education, training and professional development which will be essential to enable personnel to carry out such duties. The CECDE would especially highlight the importance of supporting practitioners in all early years settings including teachers in infant classes in primary schools. Infant teachers often bear the major responsibility of implementing education and developmental plans for individual children and play a critical role in assisting children, parents and families in making the important transition between preschool and primary settings.

5 Specific commentary on aspects of the Bill.

5.1 Section 1

- Definition of child – the definition of a child should include the term birth to 18 years. This reflects the acknowledged importance of early education and early intervention and is in line with national policy

developments related to early education such as the establishment of the CECDE and the development by the National Council for Curriculum and Assessment (NCCA) of a Framework for early learning.

- Definition of educational disability – The Education Act of 1998 (DES, 1998) established a comprehensive definition of disability. This definition is also contained in the Equal Status Act 2000 (DJELR, 2000). The current bill is not consistent with this legislation and in fact offers a definition of educational disability which is limited and may result in the restriction of access for children with special educational needs related to specific conditions.

5.2 Section 2

This section appears to refer only to formal school settings when discussing integration or inclusion. The CECDE is concerned that the broad range of preschool settings are not acknowledged or included despite the key importance of these first educational experiences for children with special educational needs.

5.3 Section 3

The CECDE welcomes the recognition of the importance of early identification and intervention for children with special educational needs. We have significant concerns however regarding the procedures outlined in the bill for this important function. While the CECDE agrees that the role of school principal and class teacher is crucially important in the early identification process there remain serious gaps in the bill. The reliance on the expertise of the principal of a school to make the initial judgement call that a child warrants assessment for special educational needs to be based on substantial support, training and national guidelines. These national guidelines for the early identification of special educational needs are essential to avoid inequity and unacceptable variances between levels of referrals.

The development of education plans needs to be supported by more than guidelines from the National Council for Special Education. Specialist

expertise and resources will be required to ensure that staff and parents can participate fully and effectively in the drawing up of such plans. The Bill does not make provision for any such support.

5.4 Section 4

This section refers to the assessment of children and the CECDE welcomes the fact that it establishes the child's right to have such an assessment of need and furthermore one that is based on a whole child approach. However greater clarity is necessary regarding the way in which the 'quality of assessments' will be ensured. The Bill makes reference to a set of '*standards set down by the Minister of Health and Children or a body appointed by the Minister.*' Do these already exist? If not who is the body that will establish them and what relationship will this body have with the health boards and the Council?

5.5 Section 5

The CECDE welcomes the acknowledgement in the Bill of parents' role as the primary educators of their child. This acknowledgement, however, must translate into acceptance of the concept of parental involvement in all aspects of their child's education including the assessment procedures. There is also a need for more clarity regarding the range of 'appropriate' expertise necessary to carry out the assessment. It is the opinion of the CECDE that multidisciplinary teams should be convened appropriate to the age and stage of development of the child. In respect of children in the birth-to-six age group this should include qualified early childhood care and education practitioners, including teachers.

5.6 Section 6

The CECDE's concerns with this section pertain to the way in which it reinforces the false divide between the care and education needs of the child and has been addressed above.

5.7 Section 7

The CECDE wholeheartedly endorses the views expressed in this section regarding the important role of parents in developing education plans and also in taking a holistic approach to the needs of the child.

5.8 Section 8

The CECDE welcomes the recognition that there is a need to regularly review the education plan to accommodate the changing needs of the child. We endorse the importance of making specific plans for the important transition from primary to post primary education. However, equal importance should be accorded to the key transition between pre-primary and primary school and this section should be amended to reflect this.

5.9 Section 16

The CECDE concurs with the view expressed in the bill on the key role of coordination of activities in the delivery of appropriate education to children with disabilities. We would reinforce the fact, however, that this coordination must take place at all levels from national through to local. We would recommend that collaboration with existing infrastructures such as the County Childcare Committees should form part of this coordinated approach.

5.10 Section 25

It is important that provision has been made within the Bill for consultation between the National Council for Special Education (NCSE) and the National Council for Curriculum and Assessment (NCCA), as this will improve the coordination and cohesiveness of provision for children with special educational needs. The CECDE is currently in the process of developing national quality standards for all early childhood care and education settings. These standards will pertain to all the dimensions of quality including (1) curriculum & teaching methodologies, (2) equipment and materials, (3) staff training and qualifications, and (4) parental involvement. The CECDE would welcome the opportunity to consult with the NCSE in this regard.

5.11 Section 38

The CECDE welcomes the recognition within the bill of the importance of record keeping. There are a number of key developments already in place to

ensure that accurate information is available regarding children with disabilities e.g. the National Intellectual Disability Database. The CECDE would recommend that the NCSE ensure their record keeping is compatible with this and other such information databases, as such baseline details are essential to inform future developments in policy and practice. The CECDE will publish shortly a report of a baseline audit of provisions for children from birth to six with special needs in Ireland

6 Conclusion

The aim in the long title of the Bill “*to help children with disabilities, as far as their capabilities permit to leave school with the skills necessary to live independent and fulfilling lives*” (explanatory memorandum:1) is welcomed by the CECDE. We are disappointed however that the majority of content in the Bill deals specifically with education provision in a school based setting. This takes no account of the fact that education begins at birth and is lifelong and life-wide. Early childhood is a critical time in the development of a child and must be accorded equal status in this Bill in relation to educational provision.

Bibliography

Baltimore,MD:Paul H. Brookes.

Barnett, W. S. (2000) Economics of Early Childhood Intervention in Shonkoff, J.P. & Meisels, S.J. (eds.) Handbook of Early Childhood Intervention (2nd edition) Cambridge. Cambridge University Press.

CECDE, (2001) Memorandum of Agreement. Dublin www.cecde.ie

CECDE, (2001). CECDE Work Programme. Dublin www.cecde.ie.

Department of Education and Science (1999). *Ready to Learn: White Paper on Early Childhood Education*. Dublin: The Stationery Office.

Department of Education and Science (1998). *Education Act 1998*. Dublin: The Stationery Office.

Department of Health and Children (2000). *The National Children's Strategy- Our Children, Their Lives*. Dublin: The Stationery Office.

Department of Justice, Equality and Law Reform (1999). *National Childcare Strategy (1999). Report of the Partnership 2000 Expert Working Group on Childcare*. Dublin: The Stationery Office.

Department of Justice, Equality and Law Reform (2000). *Equal Status Act 2000*. Dublin: The Stationery Office.

Farran, D.C. (2000) *Another Decade of Intervention*. In Shonkoff, J.P. & Meisels, S.J. (eds.) *Handbook of Early Childhood Intervention (2nd edition)* Cambridge. Cambridge University Press.

Government of Ireland (1937) *Bunreacht na hÉireann*. Dublin: The Stationary Office.

Guralnik, M. (Ed.). (1997). *The Effectiveness of early intervention*. NASEN, 2002

Shonkoff, J.P. & Meisels, S.J. (eds.) *Handbook of Early Childhood Intervention (2nd edition)* Cambridge. Cambridge University Press.

United Nations (1990). *Convention on the Rights of the Child*. Geneva

Warfield, M.E. (1994) *A cost effectiveness analysis of early intervention services in Massachusetts: Implications for policy*. *Educational Evaluation and Policy Analysis*, 16 (1). 87-99.