



Circular 0054/2022

**To: Boards of Management, Principal Teachers and all Teaching Staff of
recognised Primary Schools
(Including Special Schools)**

**Exemptions from the Study of Irish –
Revising Circular 0052/2019**

1. Introduction

This Circular results from the initial review of the implementation of circular 0052/2019 which is hereby withdrawn. Existing exemptions from the study of Irish granted under previous circulars and held by pupils will continue to apply until the end of their post-primary education.

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

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

1.1 The purpose of the Circular

The purpose of this Circular is to advise recognised¹ English-medium² primary schools of the revised arrangements for the exemption of pupils from the study of Irish. The only circumstances in which consideration may be given to granting an exemption from the study of Irish are set out in subsection 2.2 of this Circular.

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

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

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



1.2 The principles underpinning this Circular

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

The decision to exempt a pupil from the study of Irish has very significant implications for his/her future learning and potential employment opportunities. Pupils should therefore be given every reasonable opportunity to participate in the learning of Irish for as long as possible in keeping with the integrated approach to language learning in the *Primary Language Curriculum* and also acknowledging that pupils at a young age adapt and improve over time. Normally, it is in the interests of the child to continue to study Irish at least to fifth or sixth class level before any decision is made to grant an exemption, so that he/she will have maximum opportunity to participate in the learning of Irish.

This Circular aims to support schools in addressing a wide diversity of needs. It is informed by the benefits of bilingualism for all pupils, as well as the principles of inclusion that underpin the *Primary Language Curriculum*. The *Primary Language Curriculum* is for children of all abilities in all school contexts. It recognises and supports pupils' engagement with Irish and English at different stages and rates along their language-learning journey. It supports the provision of a differentiated learning experience for pupils in an inclusive school environment. It builds on the language knowledge and experience that pupils bring to the school. The Progression Continua in the *Primary Language Curriculum* provide a framework for teachers to identify the pupil's stage of language development and to plan interventions that support the development of language skills and competences in Irish and in English in an integrated manner, emphasising the transferability of language skills across languages.

This Circular is also set in the context of the Special Education Teaching Allocation³ 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.

The policy of the Department of Education is to provide for the inclusive education of children with special educational needs in mainstream education, other than in circumstances where it would not be in the best interest of the

³ Circular 0013/2017 and Circular 0007/2019 to the Management Authorities of all Mainstream Primary Schools: Special Education Teaching Allocation



child, or the effective education of children with whom they are to be educated.⁴ In line with the Department's policy 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.

2. Granting an exemption from the study of Irish

2.1 An exemption should be granted only in exceptional circumstances

Exempting a pupil from the study of Irish will be considered only in those exceptional circumstances set out in section 2.2 of this Circular. The decision to exempt a pupil from the study of Irish is an important decision that has implications for his/her future learning. The decision to grant an exemption from the study of Irish is made by the principal, but it must be made following detailed discussion with the pupil's parent(s)/guardian(s), the class teacher, special education teachers⁵ and the pupil. 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 pupil may be granted an exemption from the study of Irish

An exemption from the study of Irish may be allowed in the following circumstances, 2.2.1, 2.2.2, 2.2.3, 2.2.4 or 2.2.5 only:

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

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

AND either (a) or (b)

(a) who is not less than 12 years of age on the day of their enrolment⁶ or re-enrolment

⁴ Section 2, Education for Persons with Special Educational Needs Act 2004

⁵ Including the teacher from the Visiting Teacher Service, where one is assigned to the pupil

⁶ For the purposes of this Circular where pupils enrol in the final 2 months of an academic year, their enrolment/re-enrolment will be considered to take place on the first day of the following academic year.



OR

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

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

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

(i) who has at least reached second class

AND

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

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

AND

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

Normally, pupils availing of an exemption under this category should be encouraged to engage with the study of oral Irish language for as long as possible in keeping with the integrated approach in the *Primary Language Curriculum* and acknowledging that pupils at a young age adapt and improve over time.

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

It is recognised that there is a small cohort of pupils who have a high level of multiple and persistent needs that are a significant barrier to their participation and engagement in their learning and school life. In the case of these pupils,



consideration may need to be given to adjusting the range of learning experiences to ensure that their needs are met and that they may engage purposefully in their learning in school. In very exceptional circumstances, this means that consideration may need to be given to exempting them from the study of Irish.

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

(i) who has at least reached second class

AND

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

AND

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

AND

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

AND

(v) who has been given every reasonable opportunity to participate in the learning of Irish in mainstream classes for as long as possible in keeping with the integrated approach in the *Primary Language Curriculum* and acknowledging that pupils at a young age adapt and improve over time

AND

(vi) the principal is satisfied that the granting of an exemption is in the overall best interests of the pupil concerned.

Normally, this will mean that the pupil will be expected to engage with the study of Irish at least to the end of fifth class. However, in very exceptional circumstances, where the principal is satisfied that an exemption is warranted to address the high level of multiple and persistent needs of the pupil, and certifies that all of the conditions in **(i)** to **(vi)** above have been met, it may be granted at an earlier stage, but in no case may this be earlier than second class.



2.2.4 A pupil in a recognised⁷ special school or class or who was previously enrolled in a recognised special school or class or who has a recommendation⁸ and has been deemed eligible⁹ for a place in a recognised special school and/or in a special class in a mainstream school

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

OR

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

Normally, pupils availing of an exemption under **(i) OR (ii)** of this category should be encouraged to engage with the study of oral Irish language for as long as possible in keeping with the integrated approach in the *Primary Language Curriculum* and acknowledging that pupils at a young age adapt and improve over time.

2.2.5 A pupil whose parent(s)/guardian(s) is a/are diplomatic or consular representative(s) of another country to Ireland irrespective of age or educational history

An exemption from the study of Irish may be granted to a pupil whose parent(s)/guardian(s) is a/are diplomatic or consular representative(s) of another country to Ireland irrespective of age or educational history.

2.3 Procedures for granting an exemption from the study of Irish

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

⁷ A recognised special school/class is a primary or post-primary level class sanctioned and resourced by the National Council for Special Education (NCSE). See <https://ncse.ie/> for a list of such schools/classes

⁸ The recommendation for the pupil to be placed in a special school or special class meets the specifications for such placement as determined by the NCSE and the pupil has been deemed eligible and/or is awaiting the recommended placement.

⁹ See Exemptions from the Study of Irish: Guidelines for Primary Schools (English-medium), DE (2022).



1. A parent/guardian must make an application in writing to the principal of the school for a Certificate of Exemption from the study of Irish on behalf of a pupil.
2. The school staff shall mark the date of receipt of the application on the application form and issue an acknowledgement to the parent(s)/guardian(s) upon receipt of the application.
3. At the earliest opportunity a school official should contact the applicant(s) and:
 - discuss the written application with the applicant(s) and confirm the sub-paragraph on which the application is based (as outlined in section 2.2 above) N.B. If a parent/guardian does not confirm the sub-paragraph under which the application is based then the application is null and void and no further processing of the application will take place. Only criteria contained in this Circular can be considered as grounds for an exemption from the study of Irish and no other exceptional circumstances can be considered.
 - advise the applicant(s) of the steps involved in processing the application.
 - inform the parent(s)/guardian(s)/pupil of the implications of an exemption from the study of Irish for the pupil while in primary education and into the future.
4. The application should be fully processed and the outcome confirmed in writing within 21 school days of receipt of the application.
5. Where a decision is reached that an exemption from the study of Irish may be granted a signed Certificate of Exemption will be issued to the parent(s)/guardian(s) and a copy will be held by the school in the pupil's file. The record keeping requirements are outlined further at 2.3(c) below.
6. Where an application is refused, the principal must inform the applicant(s) in writing outlining the reasons for refusal and notifying the applicant(s) that the school's decision may be appealed to the Irish Exemptions Appeal Committee within 30 calendar days of the date of the written decision.

(b) Considering an application for exemption

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

1. review the application and any documentation provided by the applicant(s);
2. consult with the pupil's class teacher;



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

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

5. consult the following as appropriate;

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

- *Guidelines for Primary Schools: Supporting Pupils with Special Educational Needs in Mainstream Schools* developed by the National Educational Psychological Services (NEPS), the Inspectorate and Special Education Section, DES (2017): <https://www.gov.ie/en/publication/edf64-guidelines-for-primary-schools-supporting-pupils-with-special-educational-needs-in-mainstream-schools/>

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

- Catalogue of Wellbeing Resources for Schools: [gov.ie - Catalogue of Wellbeing Resources for Schools \(www.gov.ie\)](http://www.gov.ie/en/collection/dca316-special-education-needs-a-continuum-of-support/)

- *Behavioural, Emotional and Social Difficulties: A Continuum of Support: Guidelines for Teachers*, NEPS (2010): <https://assets.gov.ie/40684/97bbea80d96b4057bf3f1f01107c7db4.pdf>

- *Assessment in the Primary School Curriculum: Guidelines for Schools*, NCCA (2007): <https://curriculumonline.ie/getmedia/2b3eaa53-cb4b-4053-9d71-2d28d9d6c734/Assessment-Guidelines.pdf>

(c) Recording the decision

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

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

i. The Certificate of Exemption will state the name and address of the school, the school roll number, the pupil's name, date of birth and the sub-paragraph



under which the exemption is being granted. A Certificate of Exemption is hyperlinked in the checklists within the Guidelines accompanying this Circular, published by the Department on the government website.

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

iii. It will be explained to the parent(s)/guardian(s) that incidental learning of Irish language may occur through engagement with greetings, phrases, festivals and that a positive attitude to Irish should be fostered by the parent(s)/guardian(s).

iv. Parent(s)/guardian(s) and the pupil 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.

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

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

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

2.4 Appeal

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



- Experience and skills in the provision of or inspection of special education in schools
- Experience and skills in the area of educational psychology and/or child and adolescent wellbeing and mental health
- Experience and skills in the leadership and administration of schools
- Experience and skills in the initial or continuing education of teachers of pupils with special educational needs.

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

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

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

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

To support inclusive practices, a pupil who is exempt from the study of Irish should be included in a meaningful way in aspects of Irish language and cultural activities in line with his/her ability and interests. It should be noted that pupils have the option not to exercise the exemption granted, without any loss of the right to exercise it at a future time.

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

A pupil who has no understanding of English when enrolled should be provided with intensive English as an Additional Language (EAL) in preparation for



his/her full engagement with the curriculum at a level commensurate with his/her ability.

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

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

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

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

Applications for exemptions made under the terms of circular 0052/2019 and which are being processed up to 31 August 2022 may be processed under the terms of that circular 0052/2019 or under the terms of this Circular, whichever is best suited to the needs of the pupil concerned.

6. Reporting on exemptions granted to the Department

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

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

7. Pupils transitioning to other schools

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

It is recommended that schools use the Education Passport materials developed by the NCCA, to provide information on a pupil's engagement with the study of Irish including details of the granting of an exemption from the study of Irish. The passport is retained in the primary school until the post-



primary school principal or designated person with responsibility for initiating pupil information transfers, sends a written request for the pupil's report cards.

8. Monitoring and reviewing the Circular

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

9. Privacy Statement

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

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

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

10. Further information

Further information can be found at the following website:

www.gov.ie/en/service/irish-exemption/

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