

## Information for Principals on Exemptions from Statutory Curriculum & Assessment

The information on exempting learners is contained in DE Circular 1990/45. This contains advice for principals on all possible exceptions to applying the statutory curriculum and assessment. **The purpose of exempting learners from the statutory curriculum and assessment is to best meet the needs of an individual learner on a short or long term basis.** Further information can be found in The Education (Northern Ireland) Order 2006 and Education (Curriculum) (Temporary Exceptions) Regulations (Northern Ireland) 1990 – S.R. No. 288.

### Section 1: group exemption

Under direction from the Department learners may be exempt if they are taking part in development work or experiments. (These will usually be with the aim of trialling modifications to the curriculum or assessment arrangements.) There will usually be special arrangements made for the returns to DE. For further information please refer to The Education (Northern Ireland) Order 2006.

*Principals will be guided, through the process of exemption of learners from the statutory curriculum and assessment and also through the alternative arrangements, by the body DE have given authority to organise the trial. For further information or advice please refer to the trial organisers.*

### Section 2: long term exemption

Learners with a statement of severe learning difficulties are exempt from statutory assessment. They are entitled to full access to the curriculum unless their statement exempts them from part or all of it.

*On returns to DE they will be marked as E1 for all statutory assessments. Schools may use non statutory tools such as Quest or Q Skills to assess these learners.*

Learners may have a statement of special educational needs which exempts them from part or the entire statutory curriculum. This will be on a case by case basis as deemed appropriate by the educational psychology service. In these cases learners (who do not also have a statement of severe learning difficulties) will only be assessed on those areas of the curriculum from which they are not exempt.

*On returns to DE they will be marked as E2 in the exempted assessments.*

### Section 3: exemption during the statementing process

After concerns have been raised, the statementing process has begun for a learner to see if special educational provision is required or needs to be amended.

#### Special Directions.

*The principal has consulted with the relevant ELB. The principal believes (and the board agrees) that the learner may have a longer term need for exception or modification to the curriculum and so temporary exemption is needed while the statementing process takes place.*

*Two further special directions may be issued while the statementing process is underway if the principal is still of the same opinion for which he/she gave the original direction. This direction should begin immediately after the previous direction finishes. It can last up until one month after the statement has been made or amended but should not be for more than six months. Please see the section at the end of this document for details of the process of issuing directions.*

*On returns to DE he/she will be marked as E3 for all statutory assessments relevant to the areas of the statutory curriculum that are under consideration during the statementing process.*

#### Section 4: exemption during the appeal process after a statement has been issued

After the statementing process, a decision has been made to issue a statement. An appeal against this decision has been made.

*If the principal is still of the same opinion for which he/she gave the original direction, then he/she may issue a further special direction. This direction should begin immediately after the previous direction finishes. It can last up until one month after the statement has been amended or the decision on the appeal has been made but should not be for more than six months.*

*However, any number of further special directions may be issued in these circumstances. Please see the section at the end of this document for details of the process of issuing directions.*

*On returns to DE he/she will be marked as E3 for all statutory assessments relevant to the areas of the statutory curriculum that are under consideration during the statementing process.*

#### Section 5: exemption during the appeal process after a statement has not been issued

After the statementing process, a decision has been made not to issue a statement. An appeal against this decision has been made.

*If the principal is still of the same opinion for which he/she gave the original direction, then he/she may issue a further special direction. This direction should begin immediately after the previous direction finishes. It can last up until one month after the statement has been issued or the decision on the appeal has been made but should not be for more than six months.*

*Only one set of further special directions may be issued in these circumstances. Please see the section at the end of this document for details of the process of issuing directions.*

*On returns to DE he/she will be marked as E3 for all statutory assessments relevant to the areas of the statutory curriculum that are under consideration during the statementing process.*

#### Section 6: short term exemption

In circumstances where a learner has a short term need, principals may make directions excepting learners from part or all of the statutory curriculum and assessment requirements on a temporary basis (up to six months but a further direction(s) may be issued in some cases).

*Principals should consider short term exemptions and so issue general directions if the learner is in circumstances which mean that he/she cannot fully participate or benefit from part or the entire curriculum. These circumstances are likely to change significantly within six months and so the learner will be able to participate in the curriculum from that point on. On returns to DE these learners will be marked as E4, E5 or E6 as appropriate.*

*Possible situations which may result in general directions are:*

- Learners who have arrived from a different educational system and require time to adjust.*
- Learners who, have spells in hospital; been educated at home; or been excluded from school; and need time to adjust.*
- Learners who have severe emotional problems (perhaps because of a family crisis) and need special arrangements.*

*This list is not intended to be exhaustive. Not all learners in these circumstances will need a temporary exemption. Exemptions should only be considered in rare circumstances.*

*NB. Learners who are absent from school on a long term basis ('school refusers')*

*Paragraphs 12 – 14 of Circular 1990/45 state that principals are not expected to use general directions in these circumstances. Rather schools should use all their powers to secure the learner's full time attendance. Principals may use general directions if it is essential to securing the learners re-attendance at school.*

## Section 7: statement of special educational needs without an exemption

Some learners with a statement of special educational needs will not be excepted from the statutory curriculum and assessment. However it may be that they are working below level 1 and so Q Skills may be a more appropriate tool to use for assessment.

*On returns to DE they will be marked as QQ in those assessments where Q Skills is used.*

### General information on issuing directions

A direction will normally take effect at least one month after the date it is issued. If the principal is satisfied that it is essential in the interests of the pupil or for other educational reasons that the direction should take effect earlier. (These reasons should be detailed in the directions.)

### Giving directions

The full details for the procedures are laid out in the circular. A separate direction should be given for each excepted learner. A direction is a written document, which details:

- The reasons for the direction.
- The parts of the curriculum or assessment from which the learner is to be exempted.
- The impact of the exemption.
- The alternative educational provision that will be made.
- Either
  - A description of how the full curriculum and assessment will be made after the period of short term exemption. Or
  - An indication of the principal's belief that the learner has a special need for which the ELB should assess any special provision that is required.

A copy should be kept with the learner's file and also within three school days, sent to:

- At least one person with parental responsibility, as registered at the school, at the address registered with the school
- The chairman of the Board of Governors
- Education & Library Board

### Making Changes to Directions

Principals may change any direction given by him/her, except to change its duration. Notification must be made in writing and give details of the change(s). The change may not take effect until at least one month after the notice is given. The notice of change should be sent to:

- At least one person with parental responsibility, as registered at the school, at the address registered with the school
- The chairman of the Board of Governors
- Education & Library Board

### Cancelling a Direction

Principals may cancel any direction given by him/her. The cancellation must be made in writing and give details of:

- The reasons for the cancellation
- The date on which the cancellation will take effect
- How the full application of the statutory curriculum and assessment will be achieved (unless this is already detailed in the direction)

The notice of cancellation should be sent to:

- At least one person with parental responsibility, as registered at the school, at the address registered with the school
- The chairman of the Board of Governors
- Education & Library Board

### **Further General Directions**

Principals may give further general directions for a period of up to three months, if he/she is of the same opinion when the original direction was given. The further directions must start immediately after the first general direction expires or immediately after a further general direction expires and only if written consent is given by three members of the Board of Governors before the further general direction is given.

The notice of the further general directions should be sent to:

- At least one person with parental responsibility, as registered at the school, at the address registered with the school
- The chairman of the Board of Governors
- Education & Library Board

*NB. Further general directions may be issued twice which makes a maximum exemption time of twelve months based on a particular set of reasons.*

*Principals may issue new general directions based on different reasons, for a learner for whom general directions have expired, only if written consent is given by three members of the Board of Governors before the new general direction is given. For example, a learner has been ill for a lengthy period and so had general directions issued on those grounds; the learner has now returned to school but requires a period of adjustment before it would be reasonable to assess his/her learning. The principal, with the agreement of the Board of Governors may decide to issue a new set of general directions to take account of the period of adjustment.*

### **Further Special Directions**

Principals may give further special directions for a period of up to six months, if:

1. A statement of special educational needs has not been made (and the ELB has not notified the principal that the statement/change to statement is not required).
2. There is an appeal to the decision that a statement should not be given. Or
3. There is an appeal to the decision to make a statement.

Further special directions may be given:

- Twice under reason (1), before the second further special direction is given, prior approval from the Department must be gained.
- Three times under reason (2).
- Any number of times under reason (3).

The notice of the further special directions should be sent to:

- At least one person with parental responsibility, as registered at the school, at the address registered with the school
- The chairman of the Board of Governors
- Education & Library Board

NB. Further special directions may be issued the number of times specified above based on a particular set of reasons. Principals may issue further special directions based on different reasons only if written consent is given by three members of the Board of Governors before the further special direction is given AND the principal has consulted with the relevant ELB.

### **Parental Appeals**

A person with parental responsibility may appeal at any time for the principal to:

- Give directions (or further directions)
- Amend directions
- Cancel directions

Requests for appeals may be given orally or in writing. Appeals to amend or cancel directions may only be made once during the duration of the directions and once during the duration of any further directions. Appeals must be considered within two weeks.

If the principal refuses the appeal then he/she must give, in writing, the reasons and details of the further right of appeal (see below) to:

- The person with parental responsibility who made the appeal; and
- The Board of Governors.

The person with parental responsibility may make a further appeal to the Board of Governors. The Board of Governors may:

- Confirm the principal's decision; or
- Direct the principal to take other action that complies with the regulations.

The Board of Governors will notify both the principal and the person making the appeal of their decision in writing. The principal must comply with any action directed by the Board of Governors.