

1973. No. 390

[C]

EDUCATION

Handicapped Pupils and Special Schools

REGULATIONS, DATED 28TH SEPTEMBER 1973, MADE BY THE MINISTRY OF EDUCATION WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER THE EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1972.

The Ministry of Education (hereinafter referred to as "the Ministry") on behalf of the Secretary of State and in exercise of the powers conferred on it by Articles 26, 105 and 125 of the Education and Libraries (Northern Ireland) Order 1972(a) and of every other power enabling it in that behalf and after consultation with the Ministry of Health and Social Services in so far as the categories of pupils requiring special educational treatment are defined makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Handicapped Pupils and Special Schools Regulations (Northern Ireland) 1973.

(2) These Regulations shall take effect on 1st October 1973.

Definitions

2. In these Regulations unless the context otherwise requires—

"approved" means approved by the Ministry;

"board" means an education and library board established under Article 3 of the Order;

"handicapped pupils" means pupils falling within one or more of the categories of pupils defined by Regulation 4 as requiring special educational treatment;

"inspector" means any person employed by the Ministry for the purpose of inspection;

"Order" means the Education and Libraries (Northern Ireland) Order 1972;

"ordinary school" means a grant-aided school which is not a special school;

"school authorities" means the board in the case of a special school managed by an education and library board and the governing body or maintained school committee in the case of any other special school.

3.—(1) These Regulations define the several categories of pupils requiring special educational treatment and prescribe the requirements to be complied with by a school as a condition of approval of the school as a special school.

(2) The Regulations set out in Schedule 1 are revoked.

Categories of handicapped pupils

4. The several categories of pupils requiring special educational treatment are hereby defined as follows:—

- (a) Blind pupils, that is to say, pupils who have no sight or whose sight is or is likely to become so defective that they require education by methods not involving the use of sight;
- (b) partially-sighted pupils, that is to say, pupils who by reason of defective vision cannot follow the normal regime of ordinary schools without detriment to their sight or to their educational development but can be educated by special methods involving the use of sight;
- (c) deaf pupils, that is to say, pupils with impaired hearing who require education by methods suitable for pupils with little or no naturally acquired speech or language;
- (d) partially hearing pupils, that is to say, pupils with impaired hearing whose development of speech and language, even if retarded, is following a normal pattern, and who require for their education special arrangements or facilities though not necessarily all the educational methods used for deaf pupils;
- (e) educationally sub-normal pupils, that is to say, pupils who, by reason of limited ability or other conditions resulting in educational retardation, require some specialised form of education wholly or partly in substitution for the education normally given in ordinary schools;
- (f) epileptic pupils, that is to say, pupils who by reason of epilepsy cannot be educated under the normal regime of ordinary schools without detriment to themselves or other pupils;
- (g) maladjusted pupils, that is to say, pupils who show evidence of emotional instability or psychological disturbance and require special educational treatment in order to effect their personal, social or educational re-adjustment;
- (h) physically handicapped pupils, that is to say, pupils not suffering solely from a defect of sight or hearing who by reason of disease or crippling defect cannot, without detriment to their health or educational development, be satisfactorily educated under the normal regime of ordinary schools;
- (i) pupils suffering from speech defect, that is to say, pupils who on account of defect or lack of speech not due to deafness require special educational treatment;
- (j) delicate pupils, that is to say, pupils not falling under any other category in this Regulation who by reason of impaired physical condition need a change of environment or cannot, without risk to their health or educational development, be educated under the normal regime of ordinary schools.

Arrangements for special educational treatment

5. Unless the Ministry otherwise approves or determines in the case of any particular handicapped pupil, every pupil who is blind or deaf, whether or not he falls within some other category of handicapped pupils, shall be educated in a special school.

6. A board may, with the approval of the Ministry, arrange for the special educational treatment of a handicapped pupil at a school other than a grant-aided school.

7. A board may arrange for the special educational treatment at an ordinary school of a handicapped pupil of a category other than those specified in Regulation 5 provided that the special educational treatment afforded by such school is appropriate to his disability and the pupil's presence in the school is not detrimental to the other pupils.

Approval of schools

8.—(1) In order to be approved a school shall comply with the requirements imposed on it by or under the Order and if it does not so comply approval may be withdrawn.

(2) The continued approval of a school shall be dependent upon the maintenance of a satisfactory level of efficiency and of such average enrolment of pupils as the Ministry may determine.

9. The accounts of a school shall be kept and audited in accordance with approved arrangements.

10. A copy of the approved scheme of management of a school shall be deposited with the Ministry.

PREMISES, ORGANISATION, STAFFING, ETC.

11. A school shall be organised for the purposes of providing special educational treatment suitable for handicapped pupils of such number, category, age and sex as the Ministry may approve.

12. A school shall not be used for political meetings, the transaction of any political business or for any purpose connected directly or indirectly with Parliamentary, Northern Ireland Assembly or Local Government elections except as polling booths on the requisition of the officer responsible in accordance with the statutes governing such elections.

13. The premises of a school shall be kept in a proper state of repair, cleanliness and hygiene and shall not be altered without the prior approval of the Ministry; adequate arrangements shall be made for the safety of the pupils and staff in case of fire.

14. The teaching and other staff of a school shall be such as the Ministry considers to be sufficient and suitable.

15. The education provided by the school shall be suited to the ages, abilities and aptitudes of the pupils in attendance thereat and shall have regard to their particular handicaps. The school shall be conducted in accordance with an approved time-table and suitable arrangements shall be made by the school authorities for the continuance of school work during the absence of any teacher.

16.—(1) No pupil shall be admitted to a school or retained in it unless it is suitable having regard to the pupil's age and sex and the nature of the handicap. In case of doubt as to the suitability of the school a pupil may be admitted for a trial period.

(2) The number of pupils on the register of a school shall not, without the approval of the Ministry, exceed the number for which the school is approved.

SIZE OF CLASSES

17. The number of pupils enrolled in any class shall not exceed the maximum herein prescribed for that class, that is to say—

- (a) for a class of deaf or partially deaf pupils or of pupils suffering from speech defect, ten pupils;
- (b) for a class of blind, partially-sighted or maladjusted pupils, fifteen pupils;
- (c) for a class of educationally sub-normal, epileptic or physically handicapped pupils, twenty pupils; and
- (d) for a class of delicate pupils, thirty pupils:

Provided that a class may exceed the prescribed maximum if the Ministry is satisfied that—

- (i) every effort is being made to comply with the requirement as to the prescribed maximum and that failure to do so is due to causes beyond the control of the school authorities; or
- (ii) compliance with the requirement as to the prescribed maximum would interfere unduly with the efficient conduct of the school, and the average number of pupils enrolled in all the classes of the school does not exceed that maximum.

ADMISSION, SCHOOL YEAR AND ATTENDANCES

18. A pupil shall not be refused admission to, or excluded from, a school on other than reasonable grounds.

19.—(1) The school year shall be the year beginning on 1st August and ending on 31st July.

(2) A school shall be in operation for three terms in any school year; the first term shall end in December, the second in March or April and the third in June or July.

(3) Subject to the provisions of paragraph (4) and paragraph (5), a school shall be in operation during the school year for at least 200 days (exclusive of Sundays) of which not more than five days may be counted in any one week from Sunday to Saturday inclusive.

(4) Subject to the provisions of Regulation 20 the dates of school holidays shall be determined by the school authorities.

(5) A school may, at the discretion of the school authorities, be closed for a number of optional holidays, not exceeding ten days in any school year, and such optional holidays may be counted as days when the school is in operation for the purposes of paragraph (3).

(6) In exceptional circumstances the Ministry may sanction a reduction in the number of days prescribed in paragraph (3).

20.—(1) The dates of school holidays, other than optional holidays, shall, in the case of schools not under the management of a board, be subject to the approval of the board for the area in which the school is situated.

(2) Not later than 31st March in any year the Principal of every such school shall furnish to the board, in such form as the board may prescribe, a statement of the dates on which it is proposed that the school will close in the ensuing school year including (as far as is known at that time) the dates of optional holidays.