An Bille Oideachais (Ligean Isteach i Scoileanna), 2015
Education (Admission to Schools) Bill 2015

Mar a tionscnaíodh

As initiated

[No. 35 of 2015]

AN BILLE OIDEACHAIS (LIGEAN ISTEACH I SCOILEANNA), 2015
EDUCATION (ADMISSION TO SCHOOLS) BILL 2015

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AN BILLE OIDEACHAIS (LIGEAN ISTEACH I SCOILEANNA), 2015
EDUCATION (ADMISSION TO SCHOOLS) BILL 2015

Bill

entitled

An Act to make provision, in the interests of the common good, that a school recognised in accordance with section 10 of the Education Act 1998 shall prepare and publish an admission policy and that such policy shall include a statement that the school shall not discriminate in its admission of a student to the school on specified grounds, and to provide that in certain circumstances the patron or Minister may issue a direction to a board of management in relation to the admission of students to a school and to provide that in certain circumstances the patron or Minister may appoint an independent person to comply with such direction, and to provide that in certain circumstances the National Council for Special Education or the Child and Family Agency may designate a school or centre for education which a child is to attend, and for those and other purposes to amend the Education Act 1998, the Education (Welfare) Act 2000 and the Education for Persons with Special Educational Needs Act 2004, and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act "Act of 1998" means the Education Act 1998.

Amendment of section 2 of Act of 1998

2. Section 2 of the Act of 1998 is amended by the insertion of the following definition:

" 'admission policy' has the meaning assigned to it by section 62 (inserted by *section 7* of the *Education (Admission to Schools) Act 2015*);".

Amendment of section 9 of Act of 1998

3. Section 9 of the Act of 1998 is amended—

(a) in paragraph (i), by the substitution of "under this Act" for "under section 33", and

(b) in paragraph (m), by the deletion of "and in particular section 15(2)(d)".

Amendment of section 10 of Act of 1998

4. Section 10 of the Act of 1998 is amended in paragraph (f) of subsection (2) by the substitution of "with this Act and such regulations as may be made by the Minister from time to time under this Act" for "with such regulations as may be made by the Minister from time to time under section 33 and with this Act".

Amendment of section 15 of Act of 1998

5. Section 15 of the Act of 1998 is amended in subsection (2)(d)—

(a) by the substitution of "subject to this Act, publish the admission policy of the school" for "publish, in such manner as the board with the agreement of the patron considers appropriate, the policy of the school concerning 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,", and

(b) by the insertion of "inclusion," before "equality".

Amendment of section 23 of Act of 1998

6. Section 23 (amended by section 6 of the Education (Amendment) Act 2012) of the Act of 1998 is amended—

(a) in subsection (1), by the substitution of the following paragraph for paragraph (a):

"(a) be responsible for the day to day management of the school, including guidance and direction of the teachers and other staff of the school and the implementation of the admission policy of the school, and be accountable to the board of the school for that management,",

and

(b) in subsection (2), by the substitution of the following paragraph for paragraph (b):

"(b) regulations made under this Act.".

Admission to schools

7. The Act of 1998 is amended by the insertion of the following Part after Part IX:

"Part X

Admission to Schools

Definitions

60. In this Part—

'Act of 2000' means the Equal Status Act 2000;

'admission statement' has the meaning assigned to it by section 61;

'applicant' means the parent of a student or, in the case of a student who has reached the age of 18 years, the student, who has made an application for admission to a school;

'independent person' in relation to a school, does not include—

(a) the patron of the school,

(b) a member or former member of the board of the school,

(c) a teacher, former teacher, other member of the staff or former other member of the staff of the school,

(d) an applicant or a parent of a student in the school, or

(e) a spouse, civil partner (within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010), child, parent, brother or sister of a person specified in paragraph (a), (b), (c) or (d);

'intake group' means the intake of students for the most junior class or year in a school;

'school' means a recognised school;

'special educational needs' has the same meaning as it has in the Education for Persons with Special Educational Needs Act 2004;

'student' means a person in relation to whom an application for admission to a school has been made.

Admission statement

61. (1) Subject to subsection (2), the admission policy of a school shall include a statement (in this Part referred to as an 'admission statement') that the school shall not discriminate in its admission of a student to the school on—

(a) the gender ground of the student or the applicant in respect of the student concerned,

(b) the civil status ground of the student or the applicant in respect of the student concerned,

(c) the family status ground of the student or the applicant in respect of the student concerned,

(d) the sexual orientation ground of the student or the applicant in respect of the student concerned,

(e) the religion ground of the student or the applicant in respect of the student concerned,

(f) the disability ground of the student or the applicant in respect of the student concerned,

(g) the ground of race of the student or the applicant in respect of the student concerned,

(h) the Traveller community ground of the student or the applicant in respect of the student concerned, or

(i) the ground that the student or the applicant in respect of the student concerned has special educational needs.

(2) In the case of—

(a) a school to which section 7(3)(a) of the Act of 2000 applies, that admits students of one gender only, the admission statement of the school shall include a statement that the school does not discriminate in relation to the admission of students where it refuses to admit as a student a person who is not of that gender, and

(b) a school to which section 7(3)(c) of the Act of 2000 applies, whose objective is to provide education in an environment which promotes certain religious values, the admission statement of the school shall include a statement that the school does not discriminate in relation to the admission of students where it admits persons of a particular religious denomination in preference to others or it refuses to admit as a student a person who is not of that denomination and, in the case of a refusal, it is proved that the refusal is essential to maintain the ethos of the school.

(3) In this section 'civil status ground', 'disability ground', 'discriminate', 'family status ground', 'gender ground', 'ground of race', 'religion ground', 'sexual orientation ground' and 'Traveller community ground' shall be construed in accordance with section 3 of the Act of 2000.

Admission policy

62. (1) Subject to this section, regulations under section 64, and such terms and conditions as may be attached to recognition of a school by the Minister under section 10, the board of the school shall following consultation with the patron, parents of students attending the school, the staff of the school, and such other persons as the Minister may determine, prepare a draft admission policy in respect of the school.

(2) The board shall submit the draft admission policy prepared under subsection (1) to the patron for approval.

(3) The patron following consideration of the draft admission policy submitted under subsection (2) and within the prescribed period shall—

(a) approve the draft, or

(b) approve the draft subject to modifications.

(4) Where the patron has approved the draft admission policy under subsection (3)(b), the patron shall return the draft to the board and specify the modifications to be made to the draft and the board shall,

as soon as practicable, make the specified modifications and return the amended draft to the patron and the patron shall approve the amended draft.

(5) Where the patron has approved a draft admission policy under subsection (3)(a) or an amended draft under subsection (4) the patron shall forward the approved policy to the board and the board shall as soon as practicable publish the policy (in this Act referred to as an 'admission policy').

(6) An admission policy shall—

(a) set out the characteristic spirit and general objectives of the school,

(b) include an admission statement,

(c) provide that the school shall enrol each student seeking admission to the school other than—

(i) where the number of students seeking admission is greater than the number of places being made available by the school,

(ii) where the parents of a student fail to confirm in writing that the code of behaviour of the school is acceptable to them and that they shall make all reasonable efforts to ensure compliance with such code by the student,

(iii) in the case of a school that admits students of one gender only, where the school refuses to admit as a student a person who is not of that gender, or

(iv) in the case of a school whose objective is to provide education in an environment which promotes certain religious values, where the school refuses to admit as a student a person who is not of that denomination and it is proved that the refusal is essential to maintain the ethos of the school,

(d) set out the selection criteria to be applied where the number of students seeking admission is greater than the number of places being made available by the school,

(e) set out the manner and sequence in which the selection criteria will be applied,

(f) provide that any selection criteria that are not included in an admission policy of a school may not be taken into account in determining whether or not a student is admitted to the school,

(g) provide that an applicant may appeal against a decision to refuse admission and set out procedures in relation to appeals,

(h) provide details of the school's policy in relation to its arrangements for any students who do not wish to attend religious instruction,

(i) be consistent with any agreement in relation to the provision of infrastructure or funding to the school made between the Minister and the school,

(j) include a declaration that the school or person acting on its behalf shall not, except in accordance with section 63, charge fees or seek payment or contributions (howsoever described) in respect of—

(i) an application for admission of a student to the school, or

(ii) the enrolment or continued enrolment of a student in the school,

(k) set out procedures for the admission of students—

(i) to classes or years other than the school's intake group, and

(ii) after the commencement of the school year in relation to which admission is sought,

and

(l) contain such additional information as may be prescribed in regulations under section 64.

(7) In this section 'code of behaviour' has the same meaning as it has in section 23 of the Education (Welfare) Act 2000.

Prohibition on charging admission and enrolment fees

63. (1) Subject to subsection (2), a school or person acting on its behalf shall not charge fees or seek payment or contributions (howsoever described) in respect of—

(a) an application for admission of a student to the school, or

(b) the enrolment or continued enrolment of a student in the school.

(2) Subsection (1) shall not apply in respect of—

(a) fees charged by the category of schools known as fee charging post primary schools, which schools are specified in a list of fee charging post primary schools published by the Minister from time to time,

(b) fees charged by the category of schools known as boarding schools, which schools are specified in a list of boarding schools published by the Minister from time to time, insofar as those fees relate to the cost of providing residential boarding places, or

(c) fees charged by schools that provide courses known as post leaving certificate courses, insofar as those fees relate to the cost of providing such courses.

Regulations

64. (1) The Minister may, having regard to the principles of inclusion and equality of access to and participation in education, and following consultation with bodies representative of patrons, national associations of parents, recognised school management organisations

and recognised trade unions and staff associations representing teachers, make regulations for the purpose of the preparation and publication by schools of admission policies and the admission of students to schools.

(2) Regulations under this section may—

(a) contain different provisions in relation to different categories of schools or different categories of students, and

(b) contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(3) Without prejudice to the generality of subsection (1) and (2), regulations under this section may provide for all or any of the following:

(a) requirements in relation to the preparation and publication of an admission policy including all or any of the following:

(i) the period during which a patron may consider and approve a draft admission policy under section 62(3);

(ii) the manner in which and period during which a board shall publish and may otherwise make available an admission policy and information in relation to the application process;

(iii) the frequency in relation to which a board shall undertake a review of its admission policy;

(iv) the manner in which and period during which a board shall review its admission policy;

(v) the consultation process that a board shall undertake when reviewing its admission policy; and

(vi) details of additional information in relation to any of the matters referred to in paragraphs (a) to (k) of section 62(6) to be included in an admission policy;

(b) selection criteria that schools shall be permitted to apply in cases where the number of students seeking admission to the school is greater than the number of places being made available at the school;

(c) selection criteria that schools shall be permitted to apply in cases where 2 or more students are tied for a place or places in the school;

(d) selection criteria that schools shall be prohibited from applying in cases where the number of students seeking admission to the school is greater than the number of places being made available at the school which may include criteria based on one or more than one of the following:

(i) a student's connection to the school by virtue of his or her relationship with a specified category or categories of person;

(ii) a student's prior attendance at a specified category or categories of pre-school or pre-school service;

(iii) the payment of fees or contributions (howsoever described) to the school, other than in accordance with section 63;

(iv) the occupation or financial status of the parents of a student;

(v) a student's academic ability, skills or aptitude;

(vi) a requirement that a student, or his or her parents, attend an interview, open day or other meeting as a condition of admission;

(vii) the date on which an application for admission was received by the school;

(e) procedures in relation to the admission process, including in relation to all or any of the following:

(i) information that shall be contained in an application form;

(ii) documents and information that a school shall not require an applicant to submit with an application, which may include photographs of the student, references from a school previously attended by the student, information in relation to the parents of the student, or information in relation to any medical condition, disability, or special educational needs of the student;

(iii) the manner in which and periods during which applications for admission shall be made;

(iv) the manner in which and periods during which a decision shall be made in relation to an application for admission;

(v) the manner in which and periods during which an applicant shall be notified as to whether or not his or her application for admission has been accepted;

(vi) information that shall be contained in a notification under subparagraph (v);

(vii) conditions that, in order to facilitate the efficient enrolment of students to schools, applicants may be required to adhere to when applying for or accepting a place in a school;

(viii) where an application for admission has been refused, the manner in which and periods during which an applicant may appeal against the refusal;

(ix) the manner in which and periods during which an applicant shall be notified as to the outcome of his or her appeal;

(x) the circumstances in relation to which an offer of admission may be withdrawn and the procedures that shall apply when an offer is withdrawn;

(xi) arrangements that shall apply in relation to the compilation and operation of waiting lists of unsuccessful applicants;

(xii) arrangements that shall apply in relation to making offers of admission for places that become available following completion of the admission process;

(xiii) arrangements that shall apply in relation to applications for admission received after the commencement of the school year in which admission is sought;

(xiv) arrangements that shall apply in relation to applications for admission to a class or year other than the intake group of the school concerned;

(f) the granting of a derogation to a school, category of school or category of student, in respect of the selection criterion referred to in paragraph (d)(i);

(g) the circumstances in relation to which a derogation under paragraph (f) may be granted or extended, the manner in which and periods during which such a derogation may be applied for, the conditions that may attach to such a derogation and, where the derogation is to remain in operation for a specified period, the date on which the derogation shall cease to have effect.

(4) In this section 'pre-school service' has the same meaning as it has in section 58A (inserted by section 92 of the Child and Family Agency Act 2013) of the Child Care Act 1991.

Co-operation between boards

65. (1) The Minister may, from time to time, subject to subsection (2), and following consultation with the patron or patrons and the boards of the schools concerned, direct 2 or more boards to co-operate with each other in relation to the admission processes of the schools concerned.

(2) The Minister may make a direction under this section where—

(a) a school is due to close, and the Minister considers that it is in the best interests of the students attending the school, or

(b) the Minister considers, having regard to the effective and efficient use of resources, that it is in the best interests of the students in an area that the boards in respect of which the direction is to apply shall co-operate with each other in relation to the admission processes of the schools concerned.

(3) A direction under this section—

(a) shall be in writing,

(b) shall be for such period as the Minister, following consultation with the patron or patrons and the boards of the schools concerned, determines, and

(c) may set out procedures in relation to co-operation by the boards in respect of the admission processes of the schools concerned.

(4) The Minister, where he or she considers it appropriate to do so, following consultation with the patron or patrons and the boards of the schools concerned, may—

(a) amend a direction under this section,

(b) extend the period of a direction under this section, or

(c) cancel a direction under this section.

(5) A board shall comply with a direction under this section.

Designation of school by Council or Child and Family Agency

66. (1) In the case of a child with special educational needs, the Council may—

(a) of its own volition, or

(b) at the request of the parents of the child, where the Council is of the opinion that the parents of the child, after having made all reasonable efforts, have failed, for reasons related to the child's special educational needs, to obtain any school placement for the child,

designate the school which the child is to attend and that school shall admit the child as a student upon being directed by the Council to do so.

(2) In making a designation under subsection (1), the Council shall have regard to—

(a) the special educational needs of the child concerned,

(b) the wishes of the child's parents,

(c) where appropriate, and in accordance with the age and maturity of the child concerned, the wishes of the child,

(d) the school that, in the Council's view, it would be in the best interests of the child concerned to attend, and

(e) the ability of the school to accommodate the child concerned and to meet his or her special educational needs, including that ability when resources are made available to the school, in accordance with the policies relating to education generally and the education of children with special educational needs, which are formulated from time to time by the Minister.

(3) The Agency may in the case of a child other than a child in relation to whom a designation under subsection (1) may be made—

(a) of its own volition, where the child has not been admitted to any school, or

(b) at the request of the parents of the child, where the Agency is of the opinion that the parents of the child, after having made all reasonable efforts, have failed to obtain any school placement for the child,

designate the school which the child is to attend and that school shall admit the child as a student, upon being directed by the Agency to do so.

(4) In making a designation under subsection (3), the Agency shall have regard to—

(a) the wishes of the child's parents,

(b) where appropriate, and in accordance with the age and maturity of the child concerned, the wishes of the child,

(c) the availability of places in schools in the locality, and

(d) the school that, in the Agency's view, it would be in the best interests of the child to attend.

(5) Where a school is designated under subsection (1) or (3), the board of the school may, not later than the prescribed date, appeal the decision to an appeals committee.

(6) Subject to subsection (7), on hearing an appeal under subsection (5) an appeals committee shall within the prescribed period—

(a) allow the appeal and cancel the designation, or

(b) dismiss the appeal.

(7) The appeals committee shall, in reaching its decision, allow an appeal under subsection (5) and cancel the designation only where it is satisfied that—

(a) there has been non-compliance with any of the requirements of this section or the school has established that the decision of the Agency or the Council, as the case may be, is unreasonable, or

(b) in the case of a school to which section 7(3)(c) of the Act of 2000 applies, whose objective is to provide an education in an environment which promotes certain religious values, and where the child is not of the relevant religious denomination concerned, the school has proved that the refusal to admit the child is essential to maintain the ethos of the school.

(8) Where—

(a) the Council has failed or refused to make a designation under subsection (1) pursuant to a request under paragraph (b) of that subsection within the prescribed period, or

(b) the Agency has failed or refused to make a designation under subsection (3) pursuant to a request under paragraph (b) of that subsection within the prescribed period,

the parents concerned may, within the prescribed period, appeal to an appeals committee against the failure or refusal to make a designation.

(9) On hearing an appeal under subsection (8), an appeals committee shall, within the prescribed period—

(a) allow the appeal and give a direction to the Council or the Agency, as the case may be, requiring the Council or the Agency to designate a school, and the Council or the Agency, as the case may be, shall comply with such direction, or

(b) dismiss the appeal.

(10) When notifying—

(a) the board of its decision to allow or dismiss an appeal under subsection (5), or

(b) the parents of its decision to allow or dismiss an appeal under subsection (8),

a committee shall give reasons for its decision.

(11) The Minister shall appoint one or more than one committee (in this section referred to as an 'appeals committee') to hear and determine appeals under this section.

(12) An appeals committee shall be independent in the performance of its functions.

(13) An appeals committee shall consist of a chairperson and such number of ordinary members as may be determined by the Minister, and, in the case of an equal division of votes, the chairperson shall have a casting vote.

(14) The chairperson and ordinary members of an appeals committee shall be appointed by the Minister from among persons who have a special interest in or knowledge of education and shall, in the case of any appeal concerning a child with special educational needs, include at least one person who has a special interest in or knowledge in relation to the education of persons with special educational needs.

(15) The term of office of the chairperson and the ordinary members of an appeals committee shall be for such period as shall be determined by the Minister.

(16) The chairperson or an ordinary member of an appeals committee may resign by letter addressed to the Minister.

(17) The chairperson or an ordinary member of an appeals committee may be removed from office by the Minister for stated misbehaviour.

(18) The chairperson and the ordinary members of an appeals committee shall be paid such allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

(19) The Minister may, in the interests of the operation of an efficient appeals process under this section and following consultation with the Minister for Children and Youth Affairs, the Council and the Agency, by regulations—

(a) set out procedures to be followed by an appeals committee when hearing an appeal under this section, which procedures shall ensure that hearings are conducted with the minimum of formality consistent with giving all parties a fair hearing,

(b) specify time limits applicable to appeals, and

(c) provide for any other related or ancillary matter.

(20) In this section—

'Agency' means the Child and Family Agency;

'board' includes, where the context so requires, a relevant managerial authority of a centre for education;

'Council' means the National Council for Special Education;

'school' includes a centre for education.

Direction to board and appointment of independent person by patron

67. (1) Subject to this section, the patron of a school may issue a direction to the board of a school and, where the board has failed to comply with the direction, the patron may appoint an independent person.

(2) A patron shall, by notice in writing, inform a board where he or she proposes to issue a direction under this section.

(3) A notice under subsection (2) shall—

(a) state that the patron is of the opinion that—

(i) the board has failed to prepare and publish an admission policy,

(ii) the admission policy of the school does not comply with this Act, or

(iii) students are not being admitted to the school in accordance with—

(I) this Act, or

(II) the admission policy of the school,

(b) set out the reasons for that opinion,

(c) state that the patron proposes to issue a direction under this section, and

(d) state that the board may make representations to the patron in relation to the proposed direction not later than 14 days after the service of the notice.

(4) The patron may issue a direction in writing to the board where, having considered any representations made by the board pursuant to a notice under subsection (2), the patron remains of the opinion that subparagraph (i), (ii) or (iii) of subsection (3)(a) applies.

(5) A direction under this section shall—

(a) state that the patron is of the opinion, having considered any representations made by the board pursuant to a notice under subsection (2), that he or she should issue a direction to the board,

(b) set out the reasons for that opinion,

(c) set out the remedial action to be taken by the board, and

(d) set out the period within which the remedial action shall be taken.

(6) A board shall comply with a direction under this section.

(7) Where the patron is of the opinion that the board has failed to comply with a direction under this section, the patron may, by notice in writing, inform the board that he or she proposes to appoint an independent person under subsection (9)(b).

(8) A notice under subsection (7) shall—

(a) state that the patron is of the opinion that the board has failed to comply with a direction under this section,

(b) set out the reasons for that opinion,

(c) state that the patron proposes to appoint an independent person under subsection (9)(b), and

(d) state that the board may make representations to the patron in relation to the proposed appointment not later than 14 days after the service of the notice.

(9) Where, having considered any representations made pursuant to a notice under subsection (7), the patron remains of the opinion that the board has failed to comply with a direction under this section, the patron may, where he or she considers it is appropriate to do so—

(a) forward a copy of the notice under subsection (7) and any representations made pursuant to that notice to the Minister, and

(b) appoint an independent person or persons, who, in the opinion of the patron, has the relevant knowledge and experience, to comply with the direction.

(10) An appointment under subsection (9)(b) shall be subject to the consent of the Minister and shall be for such period as the patron, with the consent of the Minister, determines.

(11) The patron may, with the consent of the Minister, extend the period referred to in subsection (10).

(12) The patron shall, by notice in writing, inform the board where he or she has appointed an independent person under subsection (9)(b) and give reasons for the appointment.

(13) A person appointed under subsection (9)(b) shall comply with a direction under this section.

(14) The board, teachers and other members of the staff of the school shall co-operate (including giving access to all relevant records) with a person appointed under subsection (9)(b) in relation to the performance by that person of his or her functions under this Act.

Direction to board by Minister

68. (1) Subject to this section, the Minister may issue a direction to a board.

(2) The Minister shall, by notice in writing, inform the patron and the board where he or she proposes to issue a direction under this section.

(3) A notice under subsection (2) shall—

(a) state that the Minister is of the opinion that—

(i) the board has failed to prepare and publish an admission policy,

(ii) the admission policy of the school does not comply with this Act, or

(iii) students are not being admitted to the school in accordance with—

(I) this Act, or

(II) the admission policy of the school,

(b) set out the reasons for that opinion,

(c) state that the Minister proposes to issue a direction under this section, and

(d) state that the patron and the board may make representations to the Minister in relation to the proposed direction not later than 14 days after the service of the notice.

(4) Where the Minister, having considered any representations made by the patron and the board pursuant to a notice under subsection (2), remains of the opinion that subparagraph (i), (ii) or (iii) of subsection (3)(a) applies the Minister may nominate a person (in this section referred to as an 'authorised person') who, in the opinion of the Minister, has the relevant knowledge and experience to prepare a report for the purposes of this section.

(5) The Minister shall, by notice in writing, inform the patron and the board where he or she has appointed an authorised person under subsection (4) and give reasons for the appointment.

(6) The authorised person shall, within such period as the Minister specifies, prepare and furnish to the Minister a report for the purposes of this section (in this section referred to as a report).

(7) The Minister, may where he or she considers it appropriate to do so, extend the period referred to in subsection (6).

(8) When preparing a report an authorised person shall—

(a) have regard to any representations made to the Minister by the patron or the board pursuant to a notice under subsection (2),

(b) ascertain whether or not a board has prepared and published an admission policy in accordance with this Act, and where he or she considers that the admission policy of the school has not been so prepared or published, set out the remedial action which he or she considers should be taken by the board,

(c) ascertain whether or not the admission policy of the school complies with this Act, and where he or she considers that the admission policy of the school does not so comply, set out the remedial action which he or she considers should be taken by the board, and

(d) examine whether or not students are being admitted to the school in accordance with this Act and the admission policy of the school, and where he or she considers that students are not being so admitted, set out the remedial action which he or she considers should be taken by the board.

(9) Where, having considered a report, the Minister remains of the opinion that subparagraph (i), (ii) or (iii) of subsection (3)(a) applies, the Minister may issue a direction in writing to the board of the school concerned.

(10) A direction under this section shall—

(a) state that the Minister is of the opinion, having regard to the report, that he or she should issue a direction to the board,

(b) set out the reasons for that opinion,

(c) attach a copy of the report,

(d) set out the remedial action to be taken by the board, and

(e) set out the period within which the remedial action shall be taken.

(11) The Minister shall forward a copy of a direction under this section to the patron.

(12) A board shall comply with a direction under this section.

(13) The patron, board, teachers and other members of the staff of the school shall co-operate (including giving access to all relevant records) with an authorised person in relation to the performance by that person of his or her functions under this Act.

(14) An authorised person shall be paid by the Minister such remuneration (if any) and such allowances for expenses as the Minister, with the approval of the Minister for Public Expenditure and Reform, may determine.

Request to patron by Minister

69. (1) Where the Minister is of the opinion that a board has failed to comply with a direction under section 68, he or she may, by notice in writing, inform the patron and the board.

(2) A notice under subsection (1) shall—

(a) state that the Minister is of the opinion that the board has failed to comply with a direction under section 68,

(b) set out the reasons for that opinion, and

(c) state that the patron and the board may, within 14 days of the notice, make representations to the Minister in relation to the board's failure to comply with the direction.

(3) Where the Minister remains of the opinion, having considered any representations made pursuant to a notice under subsection (1), that the board has failed to comply with a direction under section 68, he or she may request the patron of the school concerned to direct the board to comply with the direction under section 68.

(4) A patron shall comply with a request of the Minister under subsection (3).

(5) A board shall comply with a direction of the patron under subsection (3).

(6) Where, following a direction by the patron to the board to comply with a direction under section 68, the patron is of the opinion that the board has failed to comply with the direction the patron shall, by notice in writing, inform the board.

(7) A notice under subsection (6) shall—

(a) state that the patron is of the opinion that the board has failed to comply with a direction under section 68,

(b) set out the reasons for that opinion,

(c) state that the patron proposes to appoint an independent person under subsection (8), and

(d) state that the board may make representations to the patron in relation to the proposed appointment not later than 14 days after the service of the notice.

(8) Where the patron remains of the opinion, having considered any representations made by the board pursuant to a notice under subsection (6), that the board has failed to comply with a direction under section 68, the patron shall appoint an independent person who,

in the patron's opinion, has the relevant knowledge and experience to comply with the direction.

(9) The patron shall forward the Minister a copy of a notice under subsection (6) and any representations made pursuant to that notice.

(10) An appointment under subsection (8) shall be for such period as the patron determines, and shall be subject to the consent of the Minister.

(11) A patron may, with the consent of the Minister, extend the period referred to in subsection (10).

(12) A person appointed under subsection (8) shall comply with the direction under section 68.

(13) The board, teachers and other members of the staff of the school shall co-operate (including giving access to all relevant records) with a person appointed under subsection (8) in relation to the performance by that person of his or her functions under this Act.

Appointment of independent person by Minister

70. (1) Subject to this section, the Minister may appoint an independent person to comply with a direction under section 67 or 68.

(2) The Minister shall, by notice in writing, inform the patron where he or she proposes to appoint an independent person under this section.

(3) A notice under subsection (2) shall—

(a) state that the Minister is of the opinion that—

(i) the patron has failed, pursuant to a request under section 69(3) to direct the board to comply with a direction under section 68,

(ii) the patron has failed to appoint a person in accordance with section 69(8) to comply with a direction under section 68,

(iii) the patron has appointed a person in accordance with section 67(9)(b) and the person appointed has failed to comply with a direction under section 67, or

(iv) the patron has appointed a person in accordance with section 69(8) and the person appointed has failed to comply with a direction under section 68,

(b) set out the reasons for that opinion,

(c) state that the Minister proposes to appoint an independent person under this section, and

(d) state that the patron may make representations to the Minister in relation to the proposed appointment not later than 14 days after the service of the notice.

(4) Where the Minister, having considered any representations made by the patron pursuant to a notice under subsection (2) remains of the opinion that subparagraph (i), (ii), (iii) or (iv) of subsection (3)(a)

applies, the Minister may nominate a person (in this section referred to as an 'authorised person') who, in the opinion of the Minister, has the relevant knowledge and experience, to prepare a report for the purposes of this section.

(5) The Minister shall, by notice in writing, inform the patron where he or she has appointed an authorised person and give reasons for the appointment.

(6) The authorised person shall, within such period as the Minister specifies, prepare and furnish a report to the Minister for the purposes of this section.

(7) The Minister may, where he or she considers it appropriate to do so, extend the period referred to in subsection (6).

(8) When preparing a report for the purposes of this section the authorised person shall—

(a) have regard to any representations made by the patron pursuant to a notice under subsection (2),

(b) ascertain whether or not the direction under section 67 or 68 has been complied with and, where he or she considers it has not been complied with, set out the appropriate remedial action which he or she considers should be taken.

(9) Where, having considered a report prepared for the purposes of this section, the Minister remains of the opinion that subparagraph (i), (ii), (iii) or (iv) of subsection (3)(a) applies, the Minister may appoint such independent person or persons who, in the opinion of the Minister, has the appropriate knowledge and experience, to comply with the direction concerned, and the person appointed shall comply with the direction.

(10) The Minister shall, by notice in writing, inform the patron and the board where he or she has appointed a person under subsection (9) and attach a copy of the report prepared for the purposes of this section.

(11) The patron, board, teachers and other members of the staff of the school shall co-operate (including giving access to all relevant records) with an independent person appointed under this section and an authorised person in relation to the performance by those persons of their functions under this Act.

(12) An independent person appointed under this section and an authorised person shall be paid by the Minister such remuneration (if any) and such allowances for expenses as the Minister, with the approval of the Minister for Public Expenditure and Reform, may determine.".

Amendment of Education (Welfare) Act 2000

8. The Education (Welfare) Act 2000 is amended—

(a) in subsection (1) of section 23, by the insertion of "and publish" after "in accordance with subsection (2),", and

(b) in section 26, by the substitution of the following subsection for subsection (1):

"(1) (a) The Child and Family Agency may appoint a person to appeal a decision to which paragraph (a) or (c) of subsection (1) of section 29 of the Act of 1998 applies and accordingly a reference in the said subsection (1) to "parent of the student" or "student" shall be construed as including a reference to the person appointed by the Child and Family Agency in accordance with this paragraph.

(b) A person appointed under paragraph (a) shall—

(i) be independent of the Child and Family Agency,

(ii) have such experience, qualifications, training or expertise, as the Child and Family Agency considers appropriate, and

(iii) in carrying out his or her functions, have regard to the best interests of the student concerned.".

Repeals

9. The following are repealed:

(a) section 33(g) of the Act of 1998;

(b) section 10 of the Education for Persons with Special Educational Needs Act 2004;

(c) section 19 of the Education (Welfare) Act 2000.

Short title, collective citation and commencement

10. (1) This Act may be cited as the Education (Admission to Schools) Act 2015.

(2) The Education Acts 1878 to 2012 and this Act (other than *section 8* and *paragraphs (b)* and *(c)* of *section 9*) may be cited together as the Education Acts 1878 to 2015.

(3) This Act shall come into operation on such day or days as the Minister for Education and Skills may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions, including the insertion of different provisions of Part X of the Act of 1998 effected by *section 7*.

An Bille Oideachais (Ligean Isteach i Scoileanna), 2015

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú, ar mhaithe le leas an phobail, go ndéanfaidh scoil atá aitheanta de réir alt 10 den Acht Oideachais, 1998 beartas i dtaca le ligean isteach a ullmhú agus a fhoilsiú agus go mbeidh i mbeartas den sórt sin ráiteas á rá nach ndéanfaidh an scoil idirdhealú ar fhorais shonraithe maidir leis an scoil do ligean mac léinn isteach sa scoil, agus do dhéanamh socrú go bhféadfaidh an pátrún nó an tAire, in imthosca áirithe, ordachán a eisiúint chuig bord bainistíochta i ndáil le mic léinn a ligean isteach i scoil agus do dhéanamh socrú go bhféadfaidh an pátrún nó an tAire, in imthosca áirithe, duine neamhspleách a cheapadh chun ordachán den sórt sin a chomhlíonadh, agus do dhéanamh socrú go bhféadfaidh an Chomhairle Náisiúnta um Oideachas Speisialta nó an Ghníomhaireacht um Leanaí agus an Teaghlach, in imthosca áirithe, scoil nó lárionad oideachais a ainmniú ar a mbeidh leanbh le freastal, agus chun na gcríoch sin agus chun críoch eile do leasú an Achta Oideachais, 1998, an Achta Oideachais (Leas), 2000 agus an Achta um Oideachas do Dhaoine a bhfuil Riachtanais Speisialta Oideachais Acu, 2004, agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Oideachais agus Scileanna a thíolaic,

2 *Aibreán,* 2015

Education (Admission to Schools) Bill 2015

BILL

(as initiated)

entitled

An Act to make provision, in the interests of the common good, that a school recognised in accordance with section 10 of the Education Act 1998 shall prepare and publish an admission policy and that such policy shall include a statement that the school shall not discriminate in its admission of a student to the school on specified grounds, and to provide that in certain circumstances the patron or Minister may issue a direction to a board of management in relation to the admission of students to a school and to provide that in certain circumstances the patron or Minister may appoint an independent person to comply with such direction, and to provide that in certain circumstances the National Council for Special Education or the Child and Family Agency may designate a school or centre for education which a child is to attend, and for those and other purposes to amend the Education Act 1998, the Education (Welfare) Act 2000 and the Education for Persons with Special Educational Needs Act 2004, and to provide for related matters.

Presented by the Minister for Education and Skills

2*nd April,* 2015

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