



AN BILLE OIDEACHAIS, 1991
EDUCATION BILL, 1991

Mar a tionscnaíodh
As initiated

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AN BILLE OIDEACHAIS, 1991
EDUCATION BILL, 1991

BILL

entitled

AN ACT TO MAKE CERTAIN PROVISIONS IN RELATION TO 5
PRIMARY AND POST-PRIMARY EDUCATION.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Short title and
commencement.

1.—(1) This Act may be cited as the Education Act, 1991.

(2) This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions. 10

Definitions.

2.—In this Act—

“the Minister” means the Minister for Education; 15

“the A.S.T.I.” means the Association of Secondary Teachers of Ireland;

“the I.N.T.O.” means the Irish National Teachers’ Organisation;

“the T.U.I.” means the Teachers’ Union of Ireland;

“the I.F.U.T.” means the Irish Federation of University Teachers; 20

“F.Á.S.” means An Foras Áiseanna Saothair;

“the C.I.I.” means the Confederation of Irish Industry; and

“the I.C.T.U.” means the Irish Congress of Trade Unions.

Regulations.

3.—(1) The Minister may make regulations for any purpose in relation to which regulations are provided for by any of the provisions of this Act. 25

(2) Every regulation made under this Act shall be laid before each

House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without
5 prejudice to the validity of anything previously done thereunder.

4.—The Minister shall—

Functions of the
Minister.

- (a) provide primary and post-primary education to all persons of school age who enroll in primary and post-primary schools,
- 10 (b) monitor and implement educational policy, subject to the provisions of this Act and the regulations made thereunder,
- 15 (c) prepare an annual report to be submitted to the Dáil and to be published not later than 6 months after the conclusion of the school year to which it relates, in which a full account of the activities of the Department of Education, for the given year, will be provided, including, but not limited to the following matters:
 - 20 (i) the implementation of educational policy, including an evaluation of its own activities and the achievement of the stated objectives of the Department of Education in the year covered by the report;
 - (ii) an account of the regulations, or rules made pursuant to this Act by the Minister in the relevant year, and
25 a short account of their justification and effect;
 - (iii) a statement of the unit costs in different types of schools in the relevant year;
 - (iv) a statement of the extent to which basic educational objectives (including literacy) were achieved in the
30 relevant year, with comparative information in relation to the achievements of individual schools;
 - (v) comparative information on the performance of Irish schools, with reference to comparable schools in other European countries;
 - 35 (vi) a report on external assessment by extern examiners of the standards and educational objectives achieved in Irish certificate examinations by comparison with standards in equivalent examinations in other European countries;
 - 40 (vii) a description of the main initiatives taken during the relevant year and of initiatives planned for the next following school year;
 - (viii) a report on progress made in respect of initiatives promised in preceding annual reports,
- 45 (d) provide for the management of and be responsible for school property, and
- (e) arrange for the external assessment, by extern examiners, on the standards achieved in Irish certificate examinations in

comparison to standards in equivalent examinations in other European countries.

Power to make regulations in relation to primary and post-primary education.

5.—(1) The Minister shall be empowered to make regulations for the purpose of carrying out the functions and duties provided for under this Act.

5

(2) Without prejudice to the generality of *subsection (1)*, the Minister may, subject to this Act, make regulations concerning the following matters:

- (a) the minimum standards to be attained in each school;
- (b) the maintenance in whole or in part of schools out of public funds; 10
- (c) the recognition and withdrawal of recognition in respect of all schools, whether publicly funded or not;
- (d) the terms of employment of teachers and non-teaching personnel to be employed in schools; 15
- (e) the criteria governing the provision of grants to individual schools;
- (f) the length of academic terms, the length of the school day, the number of hours of instruction and the extent to which boards of management or principals are entitled to grant additional holidays; 20
- (g) the provision of in-service education for teachers;
- (h) the recognition and provision of support for local education co-operation councils, to facilitate local co-operation between schools, both primary and post-primary, and the sharing and improved allocation of the resources available to all schools in particular areas; 25
- (i) the age at which children shall be permitted to leave school;
- (j) the provision of special funding and staffing for selected schools on the basis of— 30
 - (i) social deprivation amongst the pupils or potential pupils of the school;
 - (ii) provision by the school of education through the medium of the Irish language;
 - (iii) special arrangements for the teaching of emotionally disturbed, handicapped, disabled, or exceptionally gifted pupils as well as travellers; 35
- (k) the provision of a transition year between the Junior Certificate and the Leaving Certificate;
- (l) recognition of outstanding achievement by schools, teachers and students; 40
- (m) liaison between the boards of management of schools and the social services at regional level;

- (n) the provision of school transport;
- (o) the provision of scholarships to individual students in appropriate cases;
- 5 (p) the provision of building improvement grants for individual schools;
- (q) the provision of equipment grants for individual schools;
- (r) the utilisation of school buildings for community or other purposes, during non-school hours;
- 10 (s) the provision for the closure or amalgamation of schools, on the grounds of economy or efficiency;
- (t) the provision of support for non-denominational or inter-denominational education;
- (u) the recognition of parents' associations in all primary and post-primary schools;
- 15 (v) the compulsory attendance of children at school;
- (w) the provision of travelling teachers to provide wider subject choice, with a view to preserving the viability of smaller schools;
- (x) the redeployment of teachers;
- 20 (y) the establishment of new schools;
- (z) the provision of a schools psychological service to make available professional psychological services to all schools;
- 25 (aa) the provision for the ownership of school property, with due recognition for the rights of existing owners and other persons, including the State, who have contributed to and invested capital in school buildings and equipment.

6.—(1) All primary and post-primary schools shall be administered by a board of management, which shall be comprised of:

Boards of management of schools.

- (a) not less than two representatives of the teaching staff; and
- 30 (b) not less than three representatives of parents of pupils attending the school, at least one of whom shall be a mother.

(2) The Minister may by regulations make provision for further representation on boards of management, by trustees or other interested bodies, and may provide for the number of parents and teachers representatives, to be increased *pro rata*, in schools above a certain size.

(3) The first business of the first meeting of each board of management shall be to elect a chairperson from among its members.

(4) The term of office of each board of management shall be three years.

(5) The school principal shall act as secretary to the board.

(6) Each board of management shall be responsible for drawing up a school plan once every four years and for updating it in each year, relating to the implementation of educational policies and programmes in consultation with the Minister. The board of management shall furnish a copy of its school plan to the Minister. 5

(7) Each board of management shall be responsible for employing the teachers in its school subject to approval of the Minister.

(8) The board shall also forward an annual report to the Minister, on its activities, in a form to be prescribed by the Minister, which shall include a statement of progress achieved in the implementation of the objectives set in the school plan together with its recommendations for further training and retraining of its teaching staff. 10

(9) The board shall with the approval of the Minister, grant-aid the further education, training and retraining of its teachers.

(10) The annual report of each school shall be made publicly available in the school and in local public libraries and other convenient places to which the public have access in the area from which the school draws its pupils. 15

(11) Each board of management shall establish liaison with local health boards and other relevant social services to ensure co-ordinated support for families suffering from particular social or educational problems or disadvantages. 20

(12) Each board of management shall be entitled to establish with other interested boards of management in their area a local education co-operation council, for the purposes described in subsection (2) (h) of section 5. 25

Curriculum Review Board.

7.—(1) A Curriculum Review Board shall be established for the purpose of undertaking a periodic review of the curriculum in primary and post-primary schools. 30

(2) The Board established under subsection (1) shall consist of the chairman and 4 members appointed by the Minister for Education and constituted as follows: 30

- Joint Managerial Board — 1 member,
- Irish Vocational Education Association — 1 member,
- Conference of Primary School Managers Association — 1 member, 35
- Church of Ireland Board of Education — 1 member,
- A.S.T.I. — 2 members,
- I.N.T.O. — 2 members,
- T.U.I. — 2 members, 40
- I.F.U.T. — 1 member,
- National Parents' Council, Primary — 2 members,
- National Parents' Council, Post-Primary — 2 members,
- Inspectorate — 2 members,
- Association of Community-Comprehensive Schools — 1 member, 45
- F.Á.S. — 1 member,
- C.I.I. — 1 member,
- I.C.T.U. — 1 member.

(3) The Board hereby established shall undertake a review of the curricula once every 10 years and shall report its findings to the Minister. This report shall be published. 50

(4) After considering the findings and recommendations of the Board in its quadrennial report, the Minister shall make such changes in the curricula as may be deemed appropriate.

(5) All such changes shall be laid before the Dáil and Senate.

- 5 (6) The Curriculum Review Board shall review every area of the school curriculum at least once every 10 years.

8.—The Minister shall in consultation with the Curriculum Review Board make regulations concerning the core curriculum for all primary and post-primary schools.

Regulations
regarding curricula
for primary and
post-primary
schools.

- 10 9.—(1) An independent Examinations Board shall be established for the purpose of organising public certificate examinations and issuing the appropriate certificates to successful candidates.

Examinations
Board.

- 15 (2) The Board established under *subsection (1)* shall comprise a chief executive and 1 inspector from each subject area and nominated by the independent inspectorate and administrative staff to be appointed by the Minister.

(3) The Minister may make regulations concerning the introduction of continuous assessment as part of the system of marking public certificate examinations.

- 20 (4) The Board shall co-operate with extern examiners appointed by the Minister, for the purpose of reporting on the comparative standards in Irish and other European certificate examinations provided for in *section 4* and shall also afford all necessary co-operation to the schools inspectorate provided for in *section 16*.

- 25 10.—(1) A teacher means a person holding a valid teaching licence issued by the Department of Education.

Staffing of schools.

(2) The Minister shall introduce regulations concerning the criteria governing the issuing of a teaching licence.

- 30 (3) Teachers shall be employed by a school's board of management, under a contract, in a form approved by the Minister for Education. The Minister shall be entitled to approve more than one form of contract, for the engagement of teachers. Without prejudice to the generality of this provision, the Minister shall have power to include in such contracts provision for the termination of a teacher's employment, where the professional performance or efficiency of the teacher
35 falls below an acceptable standard.

(4) All permanent teaching posts must be publicly advertised, in a manner provided for by Ministerial regulation.

- 40 (5) The posts of principalship and vice-principalship of each individual school shall be filled by the board of management of that school on the basis of the merits of each applicant for the post, or posts.

- (6) Boards of management shall be empowered to employ principals or vice-principals, on fixed term contracts, with an entitlement on the part of the person appointed, subject to satisfactory fulfilment
45 of the position to revert to a non-principal post within the school, on expiry of the fixed term contract.

(7) No teacher shall be required to provide religious instruction where he or she objects to so doing by reason of his or her personal beliefs.

(8) A teacher may be employed by a board of management of a school under a temporary contract of employment, where the Board deems it necessary. 5

(9) A board of management may employ a teacher under a part-time contract of employment for whatever period the board deems appropriate.

Functions of
teaching staff.

11.—Every teacher shall— 10

(a) be engaged pursuant to a form of contract which has been approved by the Minister;

(b) provide instruction competently to students;

(c) teach the courses of study that are prescribed under this Act or the regulations made thereunder; 15

(d) maintain proper order and discipline on the school premises; and

(e) carry out those duties that are assigned to the teacher by the principal of the school or the board of management.

Maintenance of
certain standards
of teaching.

12.—(1) All teachers shall have their performance periodically evaluated by the Inspectorate of Education, pursuant to regulations made by the Minister in that behalf. 20

(2) Where teaching standards in a school are found to be deficient, the Minister shall have power to—

(a) make provision for professional retraining and further education for the teachers in question; and 25

(b) terminate the employment of teachers whose teaching remains below an acceptable professional standard.

(3) The inspectors appointed under *section 16* of this Act will be required to certify at each periodic review the professional performance of all employed teachers as being of an adequate professional standard and level of efficiency. 30

Codes of conduct
for pupils.

13.—(1) The Minister shall by regulation make provision for codes of conduct to be observed by all students attending primary and post-primary schools within the State, within two years of the enactment of this section. 35

(2) The regulations referred to in *subsection (1)* shall include authorisation for boards of management to suspend or expel from a school a child of any age who is persistently disobedient or who is persistently in breach of the codes of conduct referred to in *subsection (1)*. 40

Functions of school
principals.

14.—A principal of a school shall—

(a) ensure that the teaching provided in the school complies with

the curricula and policies approved by this Act and laid down by the Minister in the area in question;

- (b) co-ordinate and be responsible for the management of the school;
- 5 (c) maintain order and discipline in the school;
- (d) promote co-operation between the school and the community that it serves;
- (e) act as secretary to the board of management of each individual school.

10 15.—(1) Parents' associations, in each school, may be recognised in accordance with regulations to be made by the Minister for Education.

Parents' associations.

(2) A parents' association is an association, the objects of which are the involvement of parents in the educational process by promoting contact between parents, students and teaching staff, and the representation of the interests of parents on individual boards of management.

16.—(1) An independent Inspectorate of Education shall be established in order to monitor the implementation of educational policy and report on the efficiency of individual schools.

Independent inspectorate of Education.

20 (2) The Minister shall be responsible for maintaining the inspectorate, for appointing its director, and for providing it with sufficient resources from departmental funds.

(3) Inspectors shall be responsible for compiling reports on each individual school, on an biannual basis, for submission to the Minister.

25 Such reports may include evaluation of teachers within individual schools, where the inspectors consider it desirable or appropriate. Each report shall include a certificate, from the inspector, that all teachers within the school being reported upon are performing at an acceptable level of professional competence and efficiency.

30 (4) In addition to the reports on individual schools for submission to the Minister provided for in the last preceding subsection, the inspectorate shall publish an annual report dealing with the total work of the Inspectorate during the relevant academic year. This report shall be furnished to the Minister not later than six months after the

35 end of the relevant academic year, and shall be published by the Minister.

17.—The Minister may introduce regulations covering areas of educational policy and practice, in relation to all or any one of the following matters, namely:

Provision for special needs.

- 40 (a) the recognition, funding and staffing of adult education programmes;
- (b) the provision of adequate facilities for remedial schools, including the training of remedial teachers;
- 45 (c) the recognition and maintenance of schools for the mentally and physically handicapped and the training of specialist teachers for employment in such schools;

- (d) the provision of special facilities for remote areas, including distance learning techniques;
- (e) the recognition and maintenance of a specified number of Irish speaking schools;
- (f) the provision of increased facilities for modern language teaching, including further training for existing language teachers; 5
- (g) the provision of nursery schools, or pre-schools, including licensing and recognition of such schools, the criteria to be met by teachers running pre-schools and the permissible age limits for children attending such schools; 10
- (h) the provision of summer schools including the licensing and recognition of such schools and the need to establish the criteria to be fulfilled by any educational establishment providing courses for post-primary students during the summer vacation. 15

Religion in schools.

18.—In every school which is funded in whole or in part by the State, time shall be allowed for the teaching of religious instruction to students. No child shall be required to receive any religious instruction if the parent, guardian, or other person having the custody or care of the child objects to the child receiving that teaching or instruction. 20

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*(mar a tionscnaíodh)
dá ngairtear*

Acht do dhéanamh forálacha áirithe i ndáil le
bunoideachas agus iar-bhunoideachas.

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*(as initiated)
entitled*

An Act to make certain provisions in relation to
primary and post-primary education.

*An Teachta Séamus Ó hUiginn
a thug isteach*

Introduced by Deputy Jim Higgins

*Ordaíodh ag Dáil Éireann a chlóbhualadh,
17 Deireadh Fómhair, 1991*

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