



AN BILLE OIDEACHAIS (UIMH. 2), 1997
EDUCATION (NO. 2) BILL, 1997

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY AND GENERAL

Section

1. Short title and commencement.
2. Interpretation.
3. Expenses.
4. Service of notices.
5. Laying of regulations.
6. Objects of Act.
7. Functions of Minister.

PART II

SCHOOLS

8. Patron of school.
9. Functions of a school.
10. Recognition of schools.
11. Withdrawal of recognition.
12. Annual funding.

PART III

THE INSPECTORATE

Section

13. The Inspectorate.

PART IV

BOARDS OF MANAGEMENT

14. Establishment and membership of boards of management.
15. Functions of a board.
16. Dissolution by a patron.
17. Dissolution by patron at request of Minister.
18. Keeping of accounts and records.
19. Report on operation of board.
20. Report and information.
21. The school plan.

PART V

THE PRINCIPAL AND TEACHERS

22. Functions of Principal and teachers.
23. The Principal.
24. Provisions relating to staff.

PART VI

MISCELLANEOUS

25. School year, week, day.
26. Parents' association.
27. Information to students and student council.
28. Grievance and other procedures.
29. Appeals to Secretary General.
30. Curriculum.
31. Teaching through Irish.
32. Educational disadvantage.
33. Regulations.
34. Financial year.

Section

35. Amendment of Intermediate Education (Ireland) Act, 1878.
36. Amendment of Vocational Education Act, 1930.

PART VII

NATIONAL COUNCIL FOR CURRICULUM AND ASSESSMENT

37. Establishment day.
38. Establishment of National Council for Curriculum and Assessment.
39. Composition and appointment.
40. Objects and functions.
41. Chief executive officer.
42. Staff.
43. Grants.
44. Accounts and information.
45. Committees.
46. Annual Report.

PART VIII

EXAMINATIONS

47. Interpretation.
48. Examinations.
49. Regulations.
50. Offences.
51. Refusal of access to certain information.

SCHEDULE 1

THE COUNCIL

SCHEDULE 2

EXAMINATIONS

ACTS REFERRED TO

Adoption Acts, 1952 to 1991	
Children Acts, 1908 to 1957	
Child Care Act, 1991	1991, No. 17
Civil Service Commissioners Act, 1956	1956, No. 45
Civil Service Regulation Acts, 1956 and 1958	
European Parliament Elections Act, 1997	1997, No. 2
Guardianship of Infants Act, 1964	1964, No. 7
Health Act, 1970	1970, No. 1
Health Acts, 1947 to 1996	
Intermediate Education (Ireland) Act, 1878	1878, 41 & 42 Vic. c. 66
Local Government Act, 1941	1941, No. 23
Ministers and Secretaries (Amendment) Act, 1956	1956, No. 21
Public Service Management Act, 1997	1997, No. 27
Trade Union Acts, 1871 to 1990	
Vocational Education Act, 1930	1930, No. 29



AN BILLE OIDEACHAIS (UIMH. 2), 1997
EDUCATION (NO. 2) BILL, 1997

BILL

entitled

5 AN ACT TO MAKE PROVISION IN THE INTERESTS OF THE
COMMON GOOD FOR THE EDUCATION OF EVERY
CHILD IN THE STATE, INCLUDING ANY CHILD WITH
SPECIAL EDUCATIONAL NEEDS, AND TO PROVIDE
10 GENERALLY FOR PRIMARY, POST-PRIMARY, ADULT
AND CONTINUING EDUCATION AND VOCATIONAL
EDUCATION AND TRAINING; TO ENSURE THAT THE
EDUCATION SYSTEM IS ACCOUNTABLE TO
STUDENTS, THEIR PARENTS AND THE STATE FOR
15 THE EDUCATION PROVIDED, RESPECTS THE DIVER-
SITY OF VALUES, BELIEFS AND TRADITIONS IN IRISH
SOCIETY AND IS CONDUCTED IN A SPIRIT OF PART-
NERSHIP BETWEEN SCHOOLS, PATRONS, STUDENTS,
PARENTS, TEACHERS AND OTHER SCHOOL STAFF
20 AND THE STATE; TO PROVIDE FOR THE RECOGNIT-
ION AND FUNDING OF SCHOOLS AND THEIR MAN-
AGEMENT THROUGH BOARDS OF MANAGEMENT;
TO PROVIDE FOR AN INSPECTORATE OF SCHOOLS;
TO PROVIDE FOR THE ROLE AND RESPONSIBILITIES
25 OF PRINCIPALS AND TEACHERS; TO ESTABLISH THE
NATIONAL COUNCIL FOR CURRICULUM AND
ASSESSMENT AND TO MAKE PROVISION FOR IT, AND
TO PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

30 PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Education Act, 1997.

Short title and
commencement.

(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,
35 function, provision or class of school, and different days may be so
fixed for different purposes, functions or provisions of this Act or
different classes of schools.

2.—(1) In this Act, except where the context otherwise requires— Interpretation.

“articles of management” means any instruments, relating to the
40 operation and management of schools, as shall be agreed from time

to time by patrons of schools, national associations of parents and recognised trade unions and staff associations representing teachers;

“board” means a board of management established under *section 14*;

“centre for education” means a place, other than a school or a place providing university or other third level education, where adult or continuing education or vocational education or training, is provided and which is designated for that purpose by the Minister; 5

“characteristic spirit” means the characteristic spirit referred to in *section 15 (2) (b)*;

“Council” means the body established under *section 38*; 10

“curriculum” shall be construed in accordance with *section 30*;

“examination” has the meaning assigned to it by *section 47*;

“functions” includes powers and duties;

“Gaeltacht area” means an area for the time being determined to be a Gaeltacht area by order made under section 2 of the Ministers and Secretaries (Amendment) Act, 1956; 15

“Inspectorate” means the Inspectorate appointed under *section 13*;

“Minister” means the Minister for Education and Science;

“national association of parents” means an association or other body of persons established by parents with objects which include representing the views and interests of parents with regard to education and assisting parents in exercising their rights and role in the process of the education of their children, that is— 20

(a) established and organised on a national basis and has a membership distributed over a substantial part of the State, and 25

(b) for the time being recognised by the Minister for the purposes of this Act, including the National Parents Council — Primary and the National Parents Council (Post Primary) Limited, being bodies for the time being so recognised; 30

“National Council for Curriculum and Assessment” means the body established in accordance with *section 38*;

“parent” includes a guardian appointed under the Guardianship of Infants Act, 1964, and, in the case of a child who has been adopted under the Adoption Acts, 1952 to 1991, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter; 35

“parents’ association” means an association to which *section 26* applies; 40

“patron” has the meaning assigned to it by *section 8*;

“prescribe” means prescribed by regulations made by the Minister and cognate words shall be construed accordingly;

“Principal” means a person appointed under *section 23*;

“recognised school” means a school which is recognised by the Minister in accordance with *section 10*;

5 “recognised school management organisations” means those bodies as may be established for the purpose of representing the interests of persons engaged in the management of schools and which are recognised by the Minister for the purposes of this Act;

10 “recognised trade union” means a trade union licensed under the Trade Union Acts, 1871 to 1990, that stands recognised for consultation purposes;

“school” means a school which—

(a) provides primary education to its students and which may also provide early-childhood education, or

15 (b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training,

but does not include a school or institution established in accordance with the Children Acts, 1908 to 1957, or a school or institution established and maintained by a health board in accordance with the
20 Health Acts, 1947 to 1996, or the Child Care Act, 1991;

“school plan” has the meaning assigned to it by *section 21(1)*;

“school week” means the period of time during a week when a school is open for the reception of students;

25 “school year” means such twelve month period commencing on a day that falls between the first day of July and the first day of October in any year as may be prescribed from time to time by the Minister, either generally or in respect of any school or class of school;

30 “special educational needs” means the educational needs of students who have a mental or physical disability and the educational needs of exceptionally able students;

“student”, in relation to a school, means a person enrolled at the school and in relation to a centre for education, means a person registered as a student in that centre;

35 “support services” means the services which the Minister provides to students or their parents, schools or centres for education in accordance with *section 7* and shall include any or all of the following:

(a) assessment of students;

40 (b) psychological services;

(c) technical aid and equipment for students with special needs and their families;

45 (d) provision for primary or post-primary education to students with special needs otherwise than in schools or centres for education;

- (e) teacher welfare services;
- (f) curriculum support and staff advisory services, and
- (g) such other services as are specified by this Act or considered appropriate by the Minister;

“teacher” includes a Principal;

5

“vocational education committee” means a committee established by section 7 of the Vocational Education Act, 1930.

(2) (a) In this Act a reference to a Part, section or a Schedule is a reference to a Part or section of or a Schedule to this Act, unless it is indicated that a reference to some other Act is intended. 10

(b) In this Act a reference to a subsection, paragraph or subparagraph is a reference to a subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that a reference to some other provision is intended. 15

(3) A reference in this Act to the performance of functions includes, with respect to powers and duties, a reference to the exercise of powers and the carrying out of duties.

Expenses.

3.—Any expenses incurred by the Minister in the administration of this Act shall, to such extent as may be approved of by the Minister for Finance, be paid out of monies provided by the Oireachtas. 20

Service of notices.

4.—Where a notice, direction or other document is authorised or required by or under this Act or regulations made thereunder to be served on a person, it shall, unless otherwise specified in this Act, be addressed to the person and shall be served on or given to the person in one of the following ways— 25

(a) where it is addressed to the person by name, by delivering it to the person, or

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address, or 30

(c) by sending it by ordinary prepaid post addressed to the person at the address at which the person ordinarily resides, or in a case in which an address for service has been furnished, at that address. 35

Laying of regulations.

5.—Every regulation and every order 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 or order is passed by either such House within the next 21 days on which that House has sat after the regulation or order is laid before it, the regulation or order shall be annulled accordingly, but without prejudice to the validity of anything done thereunder. 40

6.—Every person concerned in the implementation of this Act shall have regard to the following objects in pursuance of which the Oireachtas has enacted this Act: Objects of Act.

- 5 (a) to provide that, as far as is practicable and having regard to the resources available, there is made available to people resident in the State a level and quality of education appropriate to meeting the needs and abilities of those people;
- 10 (b) to promote equality of access to and participation in education and to promote the means whereby students may benefit from education;
- 15 (c) to promote opportunities for adults, in particular adults who as children did not avail of or benefit from education in schools, to avail of educational opportunities through adult and continuing education;
- (d) to promote the right of parents to send their children to a school of the parents' choice having regard to the rights of patrons and the effective and efficient use of resources;
- 20 (e) to promote effective liaison and consultation between schools and centres for education, patrons, teachers, parents, the communities served by schools, local authorities, health boards and the Minister;
- (f) to contribute to the realisation of national educational policies and objectives;
- 25 (g) to contribute to the realisation of national policy and objectives in relation to the extension of bi-lingualism in Irish society and in particular the achievement of a greater use of the Irish language;
- (h) to enhance the accountability of the education system, and
- 30 (i) to enhance transparency in the making of decisions in the education system.

7.—(1) Each of the following shall be a function of the Minister under this Act: Functions of Minister.

- (a) to determine national education policy, and
- 35 (b) to plan and co-ordinate—
- (i) the provision of education in recognised schools and centres for education, and
- (ii) support services.
- (2) Without prejudice to the generality of *subsection (1)*, each of
- 40 the following shall be a function of the Minister:
- (a) to provide funding to each recognised school and centre for education and to provide support services to recognised schools, centres for education, students, including students with special educational needs, and their parents, as the Minister considers appropriate and in accordance with this Act;
- 45

- (b) to monitor and assess the economy, efficiency and effectiveness of the education system provided in the State by recognised schools and centres for education;
- (c) to lease land or buildings to any person or body of persons for the purpose of establishing a school without prejudice to the establishment by patrons of schools which are situated on land or in buildings which are not leased to them by the Minister, the extension and further development of such schools when established and the recognition of such schools in accordance with *section 10*;
- (d) to provide support services through Irish to recognised schools which provide teaching through Irish and to any other recognised school which requests such provision;
- (e) to perform such other functions as are specifically provided for by this Act or any other enactment, and
- (f) to do all such acts and things as may be necessary to further the objects for which this Act is enacted.
- (3) The Minister shall have all such powers as are necessary or expedient for the purpose of performing his or her functions.
- (4) In carrying out his or her functions, the Minister—
- (a) shall have regard to—
- (i) the resources available,
- (ii) the provision for education and training made by other agencies with funds provided by the Oireachtas,
- (iii) the need to reflect the diversity of educational services provided in the State, and
- (iv) the practices and traditions relating to the organisation of schools or groups of schools existing at the commencement of this Part and the right of schools to manage their own affairs in accordance with this Act and any charters, deeds, articles of management or other such instruments relating to their establishment or operation,
- and
- (b) shall, wherever practicable, consult with patrons, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers and such other persons who have a special interest in or knowledge of matters relating to education as the Minister considers appropriate.

PART II

SCHOOLS

- Patron of school. 8.—(1) (a) The person who, at the commencement of this section, is recognised by the Minister as the patron of a primary school, and

(b) the persons who, at the commencement of this section, stand appointed as trustees or as the board of governors of a post-primary school and, where there are no such trustees or such board, the owner of that school,

5 shall be deemed to be the patron for the purposes of this Act and the Minister shall enter his, her or their name, as appropriate, in a register kept for that purpose by the Minister.

(2) In any case other than that provided in *subsection (1)*, the patron of a recognised school shall be the person who requested
10 recognition of the school or a nominee of such person and the name of that person shall be entered in the register.

(3) The Minister may amend the register in respect of any school on the application of the person who stands for the time being registered as the patron or of the successor to that person.

15 (4) In the case of a school established and maintained by a vocational education committee that committee shall be the patron of the school for the purposes of this Act.

(5) Where two or more persons exercise the functions of a patron they may be registered as joint patrons.

20 (6) The patron of a school shall carry out the functions and exercise the powers conferred on the patron by this Act and such other functions and powers as may be conferred on the patron by any deed, charter, articles of management or other such instrument relating to the establishment or operation of the school.

25 (7) In this section—

“person” includes a body of persons;

“school” includes a proposed school.

9.—A recognised school shall provide education to students which is appropriate to their abilities and needs and, without prejudice to
30 the generality of the foregoing, it shall, as far as resources permit—

Functions of a school.

- (a) ensure that the educational needs of all students, including those with special educational needs, are identified and provided for,
- 35 (b) ensure that the education provided by it meets the requirements of education policy as determined from time to time by the Minister including requirements as to the provision of a curriculum as prescribed by the Minister in accordance with *section 30*,
- 40 (c) promote the moral, spiritual, social and personal development of students in consultation with their parents, having regard to the characteristic spirit of the school,
- (d) promote the development of the Irish language and traditions, Irish literature, the arts and other cultural matters,
- 45 (e) ensure that parents of a student have access in the prescribed manner to records kept by that school relating to the progress of that student in his or her education,

- (f) conduct its activities in compliance with any regulations made from time to time by the Minister,
- (g) ensure that the needs of personnel involved in management functions and staff development needs generally in the school are identified and provided for, 5
- (h) establish and maintain systems whereby the efficiency and effectiveness of its operations can be assessed, including the quality and effectiveness of teaching in the school and the attainment levels and academic standards of students,
- (i) establish and maintain contacts at appropriate levels 10 throughout the community served by the school, or
- (j) subject to this Act and in particular *section 15 (2) (d)*, establish and maintain an admissions policy which provides for maximum accessibility to the school.

Recognition of schools.

10.—(1) On a request being made for that purpose, the Minister 15 may from time to time designate a school or a proposed school to be a school recognised for the purposes of this Act.

(2) The Minister may designate a school or a proposed school to be a school recognised for the purposes of this Act where the Minister, on a request being made for that purpose by the patron of a 20 school or a proposed school, is satisfied that—

- (a) the number of students who are attending or are likely to attend the school is such or is likely to be such as to make the school viable,
- (b) in the case of a proposed school, and having regard to the 25 desirability of diversity in the classes of school operating in the area likely to be served by the school, the needs of students attending or likely to attend the school cannot reasonably be met by existing schools,
- (c) the patron undertakes that the school shall provide the cur- 30 rriculum as determined in accordance with *section 30*,
- (d) the patron agrees to permit and co-operate with regular inspection and evaluation by the Inspectorate,
- (e) the school complies, or in the case of a proposed school shall 35 comply, with health, safety and building standards as determined from time to time by the Minister, and
- (f) the patron agrees that the school shall operate in accordance with such regulations as may be made by the Minister from time to time under *section 33* and with this Act and 40 with any other terms and conditions as may reasonably be attached to recognition by the Minister.

(3) A school that, on the commencement of this section, is in receipt of funds provided by the Oireachtas in respect of—

- (a) the education activities for students of that school, or
- (b) the remuneration of teachers in that school, shall be deemed 45 to be a school recognised in accordance with this section.

(4) The Minister may from time to time designate a place to be a centre for education.

11.—(1) Where the Minister is satisfied that the requirements for recognition of a school as provided for in *section 10 (2)* are not being met by a school, including a school recognised in accordance with *section 10 (3)*, or that the functions of a school are not being effectively discharged and is of the opinion that recognition should be withdrawn from that school, the Minister shall inform the board, the patron, the teachers and the parents of students in that school by notice in writing of that opinion and the reasons for the opinion. Withdrawal of recognition.

(2) If, after the expiration of three months from the date of the notice issued under *subsection (1)*, and, after consideration of any representations made to the Minister by the board or the patron of the school, the teachers or the parents, the Minister remains of the said opinion, the Minister may withdraw recognition from the school by notice in writing addressed to the board and the patron of the school, and such notice shall be effective on and from the last day of the school year following the school year in which the notice was addressed to the board or such later date as the Minister may determine.

(3) It shall be the duty of the Minister in respect of a school from which recognition has been withdrawn to arrange to make alternative and appropriate education facilities available for those students who were enrolled in the school on the date of such withdrawal and who require those facilities.

(4) Where the Minister is satisfied that a school from which recognition has been withdrawn satisfies the requirements for recognition of a school as provided for in *section 10*, and that the functions of the school will be effectively discharged, the Minister may restore recognition to that school, provided that such restoration of recognition shall not entitle that school or any person employed in the school to receive any payment out of monies provided by the Oireachtas in relation to the period subsequent to the withdrawal of recognition and prior to the restoration of recognition.

12.—(1) The Minister, with the concurrence of the Minister for Finance, shall determine in each school year criteria by which any class or classes of recognised schools or centres for education are to be funded in the following school year from monies provided by the Oireachtas and such criteria may allow for the payment of additional monies to recognised schools having regard to the level of educational disadvantage of students in the schools. Annual funding.

(2) Except as otherwise provided by this Act, the Minister shall, in each school year by such date or dates as shall be determined by the Minister, make to each recognised school or centre for education a grant or grants, which accords with the criteria determined pursuant to this section, from monies provided by the Oireachtas in accordance with this Act, for the purposes of carrying on that school or centre for education.

(3) A grant or grants shall not be made unless the school is a recognised school at the date that such grant or grants are to be made.

(4) In the case of schools or centres for education established and maintained by a vocational education committee, the Minister shall

not make any grants to such schools or centres for education, but shall make grants to the vocational education committee of an amount equal to the grants which but for this section would have been made to those schools or centres for education.

(5) A vocational education committee shall make to each school or centre for education established and maintained by that committee, a grant or grants, from the monies provided pursuant to *subsection (4)*, for the purposes of carrying on that school or centre for education, in accordance with the criteria determined under *subsection (1)*. 5

(6) Except as otherwise provided in this Act, where, on the commencement of this section, arrangements are in place whereby grants are provided by the Minister to a body of persons which disburses such grants to two or more recognised schools, then nothing in this Act shall operate to alter such arrangements except with the agreement of that body or its successor. 10 15

(7) Where *subsection (6)* applies, the Minister shall, from monies provided by the Oireachtas, make such grant or grants to the body referred to in that subsection or its successor of an amount equal to the amount which, but for this section, would have been made to schools under *subsection (2)* and any such grant or grants shall be applied by that body for the benefit of students in those schools. 20

PART III

THE INSPECTORATE

The Inspectorate.

13.—(1) The Minister shall appoint a Chief Inspector and such and so many Inspectors as the Minister considers appropriate and the Chief Inspector and Inspectors collectively shall be known and are referred to in this Act as the “Inspectorate”. 25

(2) The Minister may include amongst those he or she appoints as Inspectors under *subsection (1)* persons who hold qualifications as psychologists. 30

(3) The functions of an Inspector shall be:

(a) to support and advise recognised schools, centres for education and teachers on matters relating to the provision of education and, without prejudice to the generality of the foregoing, an Inspector— 35

(i) shall visit recognised schools and centres for education, as directed by the Minister and do any or all of the following:

(I) evaluate the management of those schools and centres and the quality and effectiveness of the education provided in those schools or centres, including the quality of teaching and effectiveness of individual teachers; 40

(II) evaluate the education standards in such schools or centres; 45

(III) assess the implementation of regulations made by the Minister, and

- (IV) report to the Minister on these matters or on any other matter relating to the activities of those schools or centres and the needs of students attending those schools or centres,
- 5 (ii) may conduct assessments of the educational needs of students in recognised schools and advise those students, their parents and the schools as appropriate in relation to the educational development of those students,
- 10 (iii) shall advise teachers and boards in respect of the performance of their duties, and, in particular, assist teachers in employing improved methods of teaching and conducting classes, and
- (iv) shall advise parents and parents' associations;
- 15 (b) to evaluate the quality and effectiveness of the provision of education in the State, including comparison with relevant international practice and standards, and to report thereon to the Minister;
- 20 (c) to conduct research into education and to provide support in the formulation of policy by the Minister;
- (d) to advise the Minister on any matter relating to education policy and provision, including the curriculum taught in recognised schools, assessment and teaching methods, and
- 25 (e) to perform such functions relating to the preparation and marking of the school examinations which are conducted in the State as the Chief Inspector shall determine, the monitoring and evaluation of the content and standards of those examinations and to report thereon to the
- 30 Minister.
- (4) Without prejudice to the generality of *subsection (3)*, an Inspector to whom *subsection (2)* applies shall have the following functions:
- 35 (a) to assess the psychological needs of students in recognised schools and to advise as appropriate those students, their parents and the schools in relation to the educational and psychological development of such students;
- (b) to advise recognised schools on policies and strategies for the education of children with special educational needs;
- 40 (c) to advise the Minister on any matter relating to the psychological needs of students in recognised schools, and
- (d) in collaboration with parents and the Principal and teachers in recognised schools, to assist in the creation of a school environment which prevents or limits obstacles to learning which students may experience.
- 45 (5) The Minister may, if a teacher and the board consent, second that teacher to the Inspectorate for such period as the Minister shall determine, to carry out any or all of the functions conferred on an Inspector.

(6) An Inspector shall have all such powers as are necessary or expedient for the purpose of performing his or her functions and shall be accorded every reasonable facility and co-operation by the board and the staff of a school or centre for education.

(7) An Inspector, including the Chief Inspector, shall carry out his or her functions in accordance with such procedures for, and criteria of, inspections as may be determined by the Minister from time to time, following consultation with patrons, school management organisations, recognised trade unions and staff associations representing teachers and such other persons as the Minister considers appropriate, and such directions as may be given by the Minister from time to time. 5
10

(8) A teacher or the board of a school may request the Chief Inspector to review any inspection carried out by an Inspector which affects the teacher or the school and the Chief Inspector shall review the inspection in accordance with such procedures as the Chief Inspector shall determine. 15

(9) A person who immediately before the commencement of this Part holds an office as Chief Inspector, Inspector or Inspector of Guidance Service/Psychologist or who is seconded to the Inspectorate shall on the commencement of this Part continue to hold that office or be so seconded as appropriate and this section shall apply to any such person. 20

(10) The Civil Service Commissioners Act, 1956, and the Civil Service Regulation Acts, 1956 and 1958, shall apply to Inspectors. 25

(11) The Minister shall appoint Inspectors or second teachers to the Inspectorate, in accordance with this section, with the concurrence of the Minister for Finance.

PART IV

BOARDS OF MANAGEMENT 30

Establishment and membership of boards of management.

14.—(1) It shall be the duty of a patron, for the purposes of ensuring that a recognised school is managed in a spirit of partnership, to appoint where practicable a board of management the composition of which is agreed between patrons of schools, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers and the Minister. 35

(2) A board established in accordance with *subsection (1)* shall fulfill in respect of the school the functions assigned to that school by this Act, and each board shall be a body corporate with perpetual succession and power to sue and may be sued in its corporate name. 40

(3) Pending the establishment of a board as provided for by *subsection (1)* the persons who have responsibilities under the structures and systems in place in a school for the management of that school at the commencement of this Part, including boards of governors, shall, as appropriate, discharge the functions of a board under this Act. 45

(4) The members of a board shall be appointed by the patron of the school.

5 (5) The Minister, with the agreement of the patron, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, may prescribe matters relating to the appointment of a board.

(6) Except as provided by this Act, no action shall lie against a member of a board in respect of anything done by that member in good faith and in pursuance of this Act or any regulations made by the Minister under this Act.

10 15.—(1) It shall be the duty of a board to manage the school on behalf of the patron and for the benefit of the students and their parents and to provide or cause to be provided an education for each student at the school for which that board has responsibility. Functions of a board.

15 (2) A board shall perform the functions conferred on it and on a school by this Act and in carrying out its functions the board shall—

- (a) do so in accordance with the policies determined by the Minister from time to time,
- 20 (b) uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school, and at all times act in accordance with any deed, charter, articles of management or other such instrument relating to the establishment or operation of the school,
- 25 (c) consult with and keep the patron informed of decisions and proposals of the board,
- 30 (d) 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 and ensure that as regards that policy principles of equality and the right of parents to send their children to a school of the parents' choice are respected and such directions as may be made from time to time by the Minister, having regard to the constitutional rights of all persons concerned, are complied with,
- 35 (e) have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions and ways of life in society,
- 40 (f) have regard to the efficient use of resources (and, in particular, the efficient use of grants provided under *section 12*), the public interest in the affairs of the school and accountability to students, their parents, the patron, staff and the community served by the school, and
- 45 (g) within the resources provided to the school in accordance with *section 12*, make reasonable provision and accommodation for students with special educational needs.

50 (3) For the avoidance of doubt, nothing in this Act shall confer or be deemed to confer on the board any right over or interest in the land and buildings of the school for which that board is responsible.

Dissolution by a patron.

16.—(1) Subject to this section and to the consent of the Minister, the patron may—

(a) for good and valid reasons stated in writing to a member of a board of management remove that member from that office, or

5

(b) if satisfied that the functions of a board are not being effectively discharged, dissolve that board.

(2) Where a patron proposes to remove a member of a board from that office or to dissolve a board, the patron shall inform that member or board by notice in writing of his or her intention and the reasons therefor. 10

(3) If, at the end of a period of one month after the date of the notice provided for in *subsection (2)*, the patron, having considered any representations made to him or her by or on behalf of the member or the board, remains of the view that the member should be removed from office or that the board should be dissolved then the patron may, subject to the approval of the Minister, by notice in writing and stating the opinion of the patron and the reasons therefor, remove the member from office or dissolve the board as appropriate. 15 20

(4) A copy of every notice issued under this section and any representations made to the patron shall be delivered to the Minister as soon as may be after it has been made.

(5) Whenever the patron dissolves a board, the patron may, subject to the approval of the Minister, appoint any person or body of persons as the patron thinks fit to perform the functions of the board. 25

(6) Where a patron removes a member of a board the resulting vacancy shall be filled in accordance with regulations made under *section 14 (5)*.

(7) The patron shall provide, in accordance with *section 14*, for the re-establishment of a board dissolved under *subsection (1)* not later than six months following the dissolution or such longer period as the patron, with the consent of the Minister, considers appropriate and when the new board has been established the functions of the dissolved board shall be re-vested in the new board and shall cease to be functions of the person or body of persons, if any, appointed under *subsection (5)*. 30 35

Dissolution by patron at request of Minister.

17.—(1) Where—

(a) the Minister is satisfied that the functions of a board are not being effectively discharged, or

40

(b) a board willfully neglects to comply with any order, direction or regulation of the Minister given or made under this Act, or

(c) a board fails to comply with any judgment or order of any court of competent jurisdiction,

45

the Minister may, by notice in writing, require the patron to dissolve the board for reasons stated in such notice and the patron shall dissolve the board accordingly as soon as may be after the date of such notice.

5 (2) Before the Minister serves a notice as provided for in *subsection (1)*, he or she shall inform the board and the patron of his or her intention to do so and shall consider any representations made to him or her by or on behalf of the board or the patron within one month of informing the board and the patron.

(3) Whenever the patron dissolves a board under this section, *subsections (5) and (7) of section 16* shall apply.

10 **18.**—(1) A board shall keep all proper and usual accounts and records of all monies received by it or expenditure of such monies incurred by it and shall ensure that in each year all such accounts are properly audited in accordance with best accounting practice. Keeping of accounts and records.

15 (2) Accounts kept in pursuance of this section shall be made available by the school concerned for inspection by the Minister in so far as those accounts relate to monies provided in accordance with *section 12*.

19.—(1) Where the Minister or the patron is of the opinion that the functions of a board are not being effectively discharged, the Minister or the patron, as the case may be, shall inform the board of that opinion and the reasons therefor. Report on operation of board.

20 (2) Having considered any representations by the board, the Minister or the patron, as the case may be, may authorise any person or persons as the Minister or the patron may deem appropriate to report to the Minister or the patron or both the Minister and the patron on any matter arising from or relating to the operation of that board.

25 (3) Any person appointed to prepare a report under this section shall be entitled at all reasonable times to enter any premises occupied by the school concerned and shall be afforded every facility and co-operation by the board, the teachers and other staff of the school, including access to all records, to perform his or her functions.

(4) A Principal or board shall supply the patron and the Minister with such information regarding the performance of the board's functions as the patron or the Minister, as the case may be, may from time to time require.

35 **20.**—A board shall establish procedures for informing the parents of children in the school of matters relating to the operation and performance of the school and such procedures may include the publication and circulation to parents, teachers and other staff of a report on the operation and performance of the school in any school year, with particular reference to the achievement of objectives as set out in the school plan provided for under *section 21*. Report and information.

40 **21.**—(1) A board shall, as soon as may be after its appointment, make arrangements for the preparation of a plan (in this section referred to as the "school plan") and shall make arrangements for the preparation of further plans at intervals of not more than five years. The school plan.

50 (2) The school plan shall be prepared in accordance with such directions, including directions relating to consultation with the parents, the patron, staff and students of the school, as may be given from time to time by the Minister in relation to school plans.

(3) A board shall make arrangements for the circulation of copies of the plan to the patron, parents, teachers and other staff of the school.

PART V

THE PRINCIPAL AND TEACHERS

5

Functions of
Principal and
teachers.

22.—(1) The Principal of a recognised school and the teachers in a recognised school, under the direction of the Principal, shall have responsibility, in accordance with this Act, for the instruction provided to students in the school and shall contribute, generally, to the education and personal development of students in that school. 10

(2) Without prejudice to *subsection (1)*, the Principal and teachers shall—

(a) encourage and foster learning in students,

(b) regularly evaluate students and periodically report the results of the evaluation to the students and their parents, 15

(c) collectively promote co-operation between the school and the community which it serves, and

(d) subject to the terms of any applicable collective agreement and their contract of employment, carry out those duties that— 20

(i) in the case of teachers, are assigned to them by or at the direction of the Principal, and

(ii) in the case of the Principal, are assigned to him or her by the board.

The Principal.

23.—(1) A board shall, in accordance with procedures agreed 25 from time to time between the Minister, the patron, recognised school management organisations and any recognised trade union or staff association representing teachers, appoint to the school in a whole-time capacity a person to be Principal of that school subject to such terms and conditions as may be determined from time to 30 time by the Minister with the consent of the Minister for Finance.

(2) In addition to the functions of a Principal provided for in *section 22*, the Principal shall—

(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 be accountable to the board for that management, 35

(b) provide leadership to the teachers and other staff and the students of the school,

(c) be responsible for the creation, together with the board, parents of students and the teachers, of a school environment which is supportive of learning among the students and which promotes the professional development of the teachers, 40

- (d) under the direction of the board and, in consultation with the teachers, the parents and, to the extent appropriate to their age and experience, the students, set objectives for the school and monitor the achievement of those objectives, and
- 5
- (e) encourage the involvement of parents in their children's education and in the achievement of the objectives of the school.
- (3) For the purpose of carrying out his or her functions under this Act, a Principal shall have all such powers as are necessary or expedient in that regard, and shall carry out his or her functions in accordance with such policies as may be determined from time to time by the board and regulations made in accordance with *section 33*.
- 10
- (4) The Principal shall be entitled to be a member of any and every committee appointed by a board.
- 15
- (5) Where, at the commencement of this section, the employer of the Principal in a post-primary school is a person or body of persons other than the board of the school then *subsection (1)* shall apply as if the person who or the body which, at such commencement and from time to time thereafter, is such employer, is substituted for the board as therein referred to.
- 20
- (6) Wherever practicable, the Principal shall, in exercising his or her functions under this section, consult with teachers and other staff of the school.
- 25
- 24.—(1) Subject to this section, a board may appoint such and so many persons as teachers and other staff of a school as the board from time to time thinks necessary for the performance of its powers and functions under this Act. Provisions relating to staff.
- (2) The numbers and qualifications of teachers and other staff of a school, who are to be paid from monies provided by the Oireachtas, shall be subject to the approval of the Minister, with the concurrence of the Minister for Finance.
- 30
- (3) A board shall appoint teachers and other staff, who are to be paid from monies provided by the Oireachtas, and may suspend or dismiss such teachers and staff, in accordance with procedures agreed from time to time between the Minister, the patron, recognised school management organisations and any recognised trade union and staff association representing teachers or other staff as appropriate.
- 35
- (4) Pending the agreement of procedures provided for in *subsection (3)*, the procedures applied in the appointment, suspension and dismissal of teachers or other staff immediately before the commencement of this section shall, after such commencement, continue to be applied.
- 40
- (5) The terms and conditions of employment of teachers and other staff of a school appointed by a board and who are to be paid from monies provided by the Oireachtas shall be determined by the Minister, with the concurrence of the Minister for Finance.
- 45
- (6) Where all or part of the remuneration and superannuation of teachers and other staff of a school is paid or is to be paid from
- 50

monies provided by the Oireachtas, such remuneration or superannuation shall be determined from time to time by the Minister, with the concurrence of the Minister for Finance.

(7) Where, at the commencement of this section the employer of the teachers or other staff in a post-primary school is a person or body of persons other than the board of the school, then *subsections (1), (3) and (5)* shall apply as if the person who or the body which, at such commencement and from time to time thereafter, is such employer, is substituted for the board as therein referred to. 5

(8) This section shall not apply to teachers or other staff of a school which is established and maintained by a vocational education committee. 10

PART VI
MISCELLANEOUS

School year, week, day. 25.—The Minister may, from time to time, following consultation with patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, prescribe— 15

(a) the minimum number of days in a school year during which a school shall be open to receive students and provide them with instruction, 20

(b) the minimum number of hours of instruction in a school day or in a school week, and

(c) any matters related to the length of the school year, the school week or the school day and the organisation and structure of such year, week or day. 25

Parents' association. 26.—(1) The parents of students of a recognised school may establish, and maintain from among their number, a parents' association for that school.

(2) A parents' association shall promote the interests of the students in a school in co-operation with the board, Principal, teachers and students of a school and for that purpose may— 30

(a) advise the Principal or the board on any matter relating to the school and the Principal or board, as the case may be, shall have regard to any such advice, and 35

(b) adopt a programme of activities which will promote the involvement of parents, in consultation with the Principal, in the operation of the school.

(3) The board shall promote contact between the school, parents of students in that school and the community and shall facilitate and give all reasonable assistance to parents who wish to establish a parents' association and to a parents' association when it is established. 40

(4) A parents' association may make rules governing its meetings and the business and conduct of its affairs.

27.—(1) A board shall establish and maintain procedures for the purposes of informing students in a school of the activities of the school.

Information to students and student council.

5 (2) The procedures established and maintained under *subsection (1)* shall facilitate the involvement of the students in the operation of the school, having regard to the age and experience of the students, in association with their parents and teachers.

10 (3) Without prejudice to the generality of *subsection (1)*, a board of a post-primary school shall encourage the establishment by students of a student council and shall facilitate and give all reasonable assistance to—

(a) students who wish to establish a student council, and

(b) student councils when they have been established.

15 (4) A student council shall promote the interests of the school in co-operation with the board, parents and teachers.

(5) The rules for the establishment of a student council shall be drawn up by the board and such rules may provide for the election of members and the dissolution of a student council.

20 (6) A student council may make rules governing its meetings and the business and conduct of its affairs.

25 28.—(1) The Minister, with the agreement of patrons of recognised schools, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, may from time to time prescribe procedures in accordance with which—

Grievance and other procedures.

(a) the parent of a student or, in the case of a student who has reached the age of 18 years, the student, may appeal to the board against a decision of a teacher or other member of staff of a school,

30 (b) grievances of students, or their parents, relating to the students' school (other than those which may be dealt with under *paragraph (a)* or *section 29*), may be heard, and

35 (c) appropriate remedial action may, where necessary, be taken as a consequence of an appeal or in response to a grievance.

(2) In prescribing procedures for the purposes of this section the Minister shall have regard to the desirability of determining appeals and resolving grievances in the school concerned.

40 29.—(1) Where a board—

Appeals to Secretary General.

(a) permanently excludes a student from a school, or

(b) suspends a student from attendance at a school for a period to be prescribed for the purpose of this paragraph, or

45 (c) refuses to enroll a student in a school for reasons other than the unavailability of accommodation in the school, or

(d) makes such decision as shall be agreed from time to time between patrons, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers, and the Minister—

5

(i) the parent of the student, or

(ii) in the case of a student who has reached the age of 18 years, the student,

may within a reasonable time from the date that the parent or student was informed of the decision, appeal that decision to the Secretary General of the Department of Education and Science and that appeal shall be heard by a committee appointed under *subsection (2)*.

10

(2) For the purposes of the hearing and determination of an appeal under this section, the Minister shall appoint one or more than one committee (in this section referred to as an "appeals committee") each of which shall include in its membership an Inspector, a practising barrister or solicitor of not less than ten years standing and such other persons as the Minister considers appropriate.

15

(3) Where a committee is appointed under *subsection (2)* the Minister shall appoint one of its number to be the chairperson of that committee and who, in the case of an equal division of votes, shall have a second or casting vote.

20

(4) In hearing and determining an appeal under this section an appeals committee shall act in accordance with such procedures as may be determined from time to time by the Minister following consultation with patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers and such procedures shall ensure that—

25

30

(a) hearings are conducted with the minimum of formality consistent with giving all parties a fair hearing, and

(b) appeals are dealt with in the shortest time possible.

(5) On the determination of an appeal made under this section, the appeals committee shall send notice in writing of its determination of the appeal and the reasons for that determination to the Secretary General.

35

(6) Where—

(a) an appeals committee upholds a complaint in whole or in part, and

40

(b) it appears to the appeals committee that any matter which was the subject of the complaint (so far as upheld) should be remedied,

the appeals committee shall make recommendations to the Secretary General as to the action to be taken.

45

(7) As soon as practicable after the receipt by the Secretary General of the notice referred to in *subsection (5)*, the Secretary General—

(a) shall, by notice in writing, inform the person who made the appeal and the board of the determination of the appeals committee and the reasons therefor, and

5 (b) in a case to which *subsection (6)* applies, may in such notice give such directions to the board as appear to the Secretary General (having regard to any recommendations made to the appeals committee) to be expedient for the purpose of remedying the matter which was the subject of the appeal and the board shall act in accordance with such directions.

10 (8) The Minister, in consultation with patrons of schools, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, shall from time to time review the operation of this section and *section 28* and the first such review shall take place not more than two years from the commencement of this section.

15 (9) In the case of a school which is established or maintained by a vocational education committee an appeal against a decision of the board of such school shall lie, in the first instance, to the vocational education committee and thereafter to the Secretary General in accordance with *subsection (1)*.

20 (10) The Minister shall, from time to time, following consultation with vocational education committees, national associations of parents and recognised trade unions and staff associations representing teachers, prescribe—

(a) the procedures for appeals under this section to vocational education committees, and

30 (b) which appeals shall inquire into whether the procedure adopted by a board in reaching a decision or conducting an appeal was fair and reasonable and which appeals shall be by way of a full re-hearing.

(11) The Secretary General may, in accordance with sections 4 (1) (i) and 9 of the Public Service Management Act, 1997, assign the responsibility for the performance of the functions for which the Secretary General is responsible under this section to another officer of the Department of Education and Science.

40 **30.**—(1) The Minister may, from time to time, following such consultation with patrons of schools, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, as the Minister considers appropriate, prescribe the curriculum for recognised schools, namely—

(a) the subjects to be offered in recognised schools,

(b) the syllabus of each subject, and

45 (c) the amount of instruction time to be allotted to each subject.

(2) Without prejudice to the generality of *subsection (1)*, the Minister—

(a) may prescribe different subjects for different classes of recognised school,

- (b) shall have regard to the characteristic spirit of a school or class of school in exercising his or her functions under this section,
- (c) shall ensure that the amount of instruction time to be allotted to subjects on the curriculum as determined by the Minister in each school day shall be such as to allow for such reasonable instruction time, as the board with the consent of the patron determines, for subjects relating to or arising from the characteristic spirit of the school, and
- (d) shall not require any student to attend instruction in any subject which is contrary to the conscience of the parent of the student or in the case of a student who has reached the age of 18 years, the student.

(3) The Minister may—

- (a) consult with the National Council for Curriculum and Assessment and such other persons or bodies of persons as the Minister considers appropriate on any matter relating to the curriculum for recognised schools, and
- (b) establish, as the Minister considers appropriate, such bodies of persons to conduct research and to advise him or her on matters relating to his or her duties under this section.

(4) A school may, subject to the requirement that the curriculum as determined by the Minister is taught in that school, provide courses of instruction in such other subjects as the board considers appropriate.

Teaching through Irish.

31.—(1) The Minister shall establish a body of persons—

- (a) to plan and co-ordinate the provision of textbooks and aids to learning and teaching through Irish,
- (b) to advise the Minister on policies relating to the provision and promotion of education through the medium of Irish in recognised schools generally and in schools located in a Gaeltacht area,
- (c) to provide support services to those schools through the medium of Irish, and
- (d) to conduct research into any or all matters to which this subsection applies.

(2) The Minister may by order, made with the consent of the Minister for Finance, delegate any of his or her functions in respect of the matters referred to in *subsection (1)* to the body established in accordance with that subsection which shall carry out those functions under the direction and control of the Minister.

(3) The Minister may by order amend or revoke any order made under this section, including an order made under this subsection.

(4) In each financial year the Minister, with the concurrence of the Minister for Finance, out of monies provided by the Oireachtas, may make to the body appointed in accordance with *subsection (1)* a grant or grants for the purposes of expenditure by that body in the performance of its functions.

(5) The Minister may provide such secretarial and administrative support to a body established under this section as the Minister considers necessary.

5 32.—(1) The Minister may by order, following consultation with Educational
patrons, national associations of parents, recognised school manage- disadvantage.
ment organisations, recognised trade unions and staff associations
representing teachers and such other persons as the Minister con-
10 siders appropriate, establish and maintain a committee to advise him
or her on policies and strategies to be adopted to identify and to
correct impediments to education arising from social or economic
disadvantage which prevent students from deriving appropriate
benefit from education in schools.

(2) Up to half of the membership of a committee established under
15 *subsection (1)* shall be appointed from nominees of such voluntary
and other bodies which have objects which the Minister considers
relevant to the work of the committee.

20 33.—The Minister, following consultation with patrons, national Regulations.
associations of parents, recognised school management organisations
and recognised trade unions and staff associations representing
teachers, may make regulations for the purpose of giving effect to
this Act and, without prejudice to the generality of the foregoing, the
Minister may make regulations relating to all or any of the following
matters:

25 (a) the recognition of schools and the withdrawal of recognition
from schools;

(b) the making of grants by the Minister to schools and centres
for education;

(c) the appointment and qualifications of persons who are to be
employed as teachers in schools or centres for education;

30 (d) the inspection of schools;

(e) the building, maintenance and equipment of schools;

(f) the length of the school year, school week and school day;

(g) admission of students to schools;

35 (h) access to schools by school attendance officers and other
persons;

40 (i) procedures for the promotion of effective liaison and co-
operation by schools and centres for education with local
authorities (within the meaning of the Local Government
Act, 1941) and health boards (within the meaning of the
Health Act, 1970);

(j) appeals, and

(k) the curriculum of schools.

34.—In this Act “financial year” means such period of 12 months Financial year.
as may be prescribed by the Minister.

Amendment of Intermediate Education (Ireland) Act, 1878. 35.—Section 5 of the Intermediate Education (Ireland) Act, 1878, is hereby amended in paragraph 4 by the deletion of “;provided that no examination shall be held in any subject of religious instruction, nor any payment made in respect thereof”.

Amendment of Vocational Education Act, 1930. 36.—The Vocational Education Act, 1930, is hereby amended— 5
(a) in section 105(1) by the substitution of “a person” for “an officer of the Minister”, and
(b) in sections 106 and 107 by the substitution of “a person” for “an officer” wherever it occurs.

PART VII 10

NATIONAL COUNCIL FOR CURRICULUM AND ASSESSMENT

Establishment day. 37.—The Minister shall by order appoint a day to be the establishment day for the purposes of this Part.

Establishment of National Council for Curriculum and Assessment. 38.—(1) There shall stand established on the establishment day a body to be known as the National Council for Curriculum and Assessment, or in the Irish language An Chomhairle Náisiúnta Curaclaim agus Measúnachta (in this Act referred to as “the Council”) to perform the functions assigned to it by or under this Act. 15

(2) The Council shall be a body corporate with perpetual succession and an official seal and shall have power to sue and may be sued in its corporate name and, with the consent of the Minister, to acquire, hold and dispose of land or an interest in land and to acquire, hold and dispose of other property. 20

(3) *Schedule 1* shall apply to the Council.

Composition and appointment. 39.—(1) The composition of the Council shall be determined by order, made by the Minister following consultation with national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers and with such other persons or bodies of persons as the Minister considers appropriate. 25 30

(2) In determining the composition of the Council, the Minister shall ensure that, as far as is practicable, the membership of the Council—

(a) is representative of bodies and persons involved in the education system at primary and post-primary levels, in particular national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, and 35

(b) includes other persons who have experience or skills, including experience in and skills of business and industry, which, in the opinion of the Minister are relevant to the work of the Council and would complement the experience and skills of the persons appointed in accordance with *paragraph (a)*. 40

(3) The Minister may, by order, amend or revoke an order made under this section, including an order made under this subsection.

5 (4) The members of the Council shall be appointed by the Minister in accordance with regulations drawn up by the Minister following consultation with national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers and with such other persons or bodies of persons as the Minister considers appropriate.

10 40.—(1) The object of the Council shall be to advise the Minister on matters relating to— Objects and functions.

- (a) the curriculum for primary and post-primary schools, and
- (b) the assessment procedures employed in schools.

(2) Without prejudice to the generality of *subsection (1)*, it shall be a function of the Council:

- 15 (a) from time to time to review the curriculum, or any part of the curriculum, for schools and the syllabuses taught and to advise the Minister;
- 20 (b) to advise the Minister on appropriate methods for the assessment of the effectiveness of the education provided in schools, with particular regard to mechanisms whereby students who have problems achieving their potential may be identified as early as practicable and assisted;
- 25 (c) to advise the Minister on strategies which will assist students to make a successful transition from primary school to post-primary school;
- (d) from time to time to advise the Minister on the standards of knowledge and skills which students at various age-levels should attain and on the mechanisms for assessing the achievement of such standards;
- 30 (e) from time to time to review the inservice training needs of teachers and to advise the Minister in relation to those needs;
- (f) to maintain, manage, administer and invest all the money and assets of the Council;
- 35 (g) to accept gifts of money, land or other property upon such trusts and conditions, if any, as may be specified by the donors, provided that nothing in any trust or condition is contrary to this Act, and
- 40 (h) to do all such acts and things as may be necessary to further the objects of the Council, including such functions in relation to review and reform of the curriculum in schools and the assessment of the outcomes of the education provided in schools as the Minister shall from time to time direct.

45 (3) In carrying out its functions the Council shall—

- (a) have regard to the implications of its advice for the resources, including financial resources, available and

shall quantify, as far as practicable, the resources necessary to give effect to any of its proposals,

(b) have regard to the desirability of achieving equality of access to and participation in education,

(c) act in accordance with such directions as may from time to time be given to the Council by the Minister, including directions as to the priority to be accorded to the exercise by it of its different functions, and 5

(d) have regard to the practicalities of implementation of any advice which it proposes to give to the Minister. 10

Chief executive officer.

41.—(1) The Minister shall, from time to time, appoint to the Council in a whole-time capacity a chief executive officer who shall carry on, manage and generally control the administration of the Council and shall manage and control the staff of the Council.

(2) The person who, immediately before the appointed day holds the office of chief executive officer of the body of persons known as National Council for Curriculum and Assessment, being an unincorporated and non-statutory body of persons appointed by the Minister shall, if he or she so consents, be appointed as the first chief executive officer of the Council. 15 20

(3) The chief executive officer shall be employed by the Minister in accordance with such terms and conditions, which may include secondment from another office or employment, and receive such remuneration as the Minister with the consent of the Minister for Finance, from time to time determines. 25

Staff.

42.—(1) The Minister, with the consent of the Minister for Finance, may appoint such and so many persons to assist the Council in the performance of its functions.

(2) The persons appointed in accordance with *subsection (1)* shall be employed in accordance with such terms and conditions, which may include secondment from another office or employment, and receive such remuneration as the Minister, with the consent of the Minister for Finance, from time to time determines. 30

(3) The Minister may provide such administrative and secretarial support to the Council as he or she considers necessary. 35

Grants.

43.—In each financial year the Minister, with the concurrence of the Minister for Finance, out of monies provided by the Oireachtas, may make to the Council a grant or grants for the purposes of expenditure by the Council in the performance of its functions.

Accounts and information.

44.—(1) The Council shall keep, in such form as may be approved of by the Minister, with the concurrence of the Minister for Finance, all proper and usual accounts and records of all monies received or expenditure incurred by it and, in particular, shall keep in such form as aforesaid such special accounts and records as the Minister may, with the concurrence of the Minister for Finance, from time to time direct. 40 45

5 (2) Accounts kept in pursuance of this section shall be submitted annually by the Council to the Comptroller and Auditor General for audit on a date not later than the thirtieth day of April in the year following the year to which the accounts relate, or on such other date as the Minister may from time to time determine, and, immediately after the audit, a copy of the accounts and of such other accounts, if any, as the Minister has directed to be kept, together with a copy of the report of the Comptroller and Auditor General on the accounts shall be presented by the Council to the Minister.

10 (3) The Minister shall cause copies of the accounts presented to him or her under this section by the Council, together with copies of the report of the Comptroller and Auditor General thereon, to be laid before each House of the Oireachtas.

15 (4) The Council shall provide the Minister with such information regarding the performance of its functions as the Minister may from time to time require.

45.—The Council may—

Committees.

20 (a) establish committees, consisting either wholly or partly of persons who are members of the Council, to assist it in the performance of its functions,

(b) delegate to a committee appointed under this section any of its functions that may be better or more conveniently performed by a committee, and

25 (c) at any time dissolve a committee appointed under this section or remove a member of a committee from such membership.

30 46.—As soon as may be after the end of each year, the Council shall prepare and submit to the Minister, in such form as may be determined by the Minister, a report on the performance of the Council in that year. Annual Report.

PART VIII

EXAMINATIONS

47.—In this Part—

Interpretation.

35 “candidate” means a person who, in accordance with procedures determined from time to time by the Minister, is registered to present himself or herself for an examination;

40 “examination” means an examination relating to post-primary, adult and vocational education and vocational training as may from time to time be conducted in accordance with procedures determined by the Minister or by a body of persons established by the Minister and to which this Part applies in accordance with *section 48*;

“examination paper” includes any paper, plan, map, drawing, diagram, pictorial or graphic work or other document and any photograph, film or recording (whether of sound or images or both)—

- (a) in which questions are set for answer by candidates as part of an examination or which are related to such questions, or
- (b) in which projects or practical exercises are set which candidates are required to complete as part of an examination or which are related to such projects or exercises. 5

Examinations. 48.—(1) This Part shall apply to the examinations set out in *Schedule 2*.

(2) In addition to the examinations set out in *Schedule 2*, the Minister may from time to time prescribe such other examinations as he or she considers appropriate to which this Part shall apply. 10

Regulations. 49.—(1) The Minister may make regulations as he or she from time to time considers appropriate for the effective conduct of examinations and in particular, without prejudice to the generality of the aforesaid, may make regulations relating to— 15

- (a) the preparation of an examination paper and other examination materials,
- (b) procedures at places where examinations are conducted, including the supervision of examinations,
- (c) the marking of work presented for examination, 20
- (d) the issuing of results of examinations,
- (e) the charging and collection of fees for examinations,
- (f) the terms under which candidates may appeal against the results of an examination and the procedure for such appeals, 25
- (g) the penalties to be imposed on a person who acts in breach of regulations made by the Minister or who otherwise misconducts himself or herself in respect of an examination, and
- (h) the designation of places where examinations may be held. 30

(2) The Minister may from time to time appoint a person or a body of persons to advise him or her on any matter relating to the examinations or to supervise or review any part of the conduct of the examinations, including appeals by candidates against the results of examinations. 35

Offences. 50.—(1) A person who—

- (a) knowingly and without lawful authority publishes an examination paper or part of such paper to any other person prior to the holding of the examination concerned,
- (b) has in his or her possession without lawful authority an examination paper or part of such paper prior to the holding of the examination concerned, 40

- 5 (c) carries out any duties relating to the preparation of examination papers, knowingly and without lawful authority provides a candidate for an examination or any other person with information concerning the material prepared by him or her in the course of those duties with the intention of conferring an advantage upon a candidate over other candidates,
- 10 (d) knowingly and wilfully credits a candidate with higher marks than the marks to which that candidate was entitled with the intention of conferring an advantage on that candidate over other candidates,
- (e) knowingly and maliciously credits a candidate with lower marks than the marks to which that candidate was entitled,
- 15 (f) personates a candidate at an examination or knowingly allows or assists a person to personate a candidate at an examination,
- (g) knowingly and maliciously destroys or damages any material relating to an examination,
- 20 (h) obstructs any candidate or a person engaged in the conduct of an examination or otherwise interferes with the conduct of an examination,
- 25 (i) knowingly and without lawful authority alters any certificate or any other record, including a record in machine-readable form, containing the results of an examination, or
- 30 (j) knowingly issues or makes use of any certificate or other document which purports to be a document issued by the person or body under whose authority the examination was conducted and to contain the results of an examination knowing that those results are false,

shall be guilty of an offence.

35 (2) A person who knowingly aids, abets, counsels or procures another person to commit any offence under *subsection (1)* or conspires with another person for the commission of any such offence shall be guilty of an offence.

(3) A person who is guilty of an offence under this section shall be liable—

- 40 (a) on summary conviction, to a fine not exceeding £1,500 or (at the discretion of the court) to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment, or
- 45 (b) on conviction on indictment, to a fine not exceeding £5,000 or (at the discretion of the court) to imprisonment for a term not exceeding two years, or to both such fine and such imprisonment.

51.—Notwithstanding any other enactment, the Minister may refuse access to any information which would enable the compilation of information (that is not otherwise available to the general public) in relation to—

Refusal of access to certain information.

- (a) the overall results in any year of students in a particular school in an examination, or
- (b) the comparative overall results in any year of students in different schools in an examination.

Section 38.

SCHEDULE 1

5

THE COUNCIL

1. (1) As soon as may be after its establishment the Council shall acquire and retain in its possession a seal.

(2) The seal of the Council shall be authenticated by the signature of the chairperson or a member of the Council authorised by the Council to act in that behalf and by the signature of an officer of the Council authorised to act in that behalf. 10

(3) Judicial notice shall be taken of the seal of the Council and every document purporting to be an instrument made by the Council and to be sealed with the seal (purporting to be authenticated in accordance with this Schedule) of the Council shall be received in evidence and shall be deemed to be such instrument without proof unless the contrary is shown. 15

2. (1) The Minister shall appoint the chairperson of the Council.

(2) The chairperson may, at any time, resign from office as chairperson by letter addressed to the Minister and the resignation shall take effect from the date on which the letter is received. 20

3. The term of office of a member (including the chairperson) shall not be greater than five years.

4. (1) If a member of the Council dies, resigns, becomes disqualified, is removed from office or for any other reason ceases to hold office, the Minister may appoint a person to be a member of the Council to fill the casual vacancy so occasioned and the person so appointed shall be appointed in the same manner as the member of the Council who occasioned the casual vacancy. 25 30

(2) A person appointed to be a member of the Council in accordance with this paragraph shall hold office for the remainder of the term of office of the member who occasioned the casual vacancy he or she is appointed to fill and shall be eligible for re-appointment as a member of the Council. 35

5. (1) The Minister may, at any time, remove a member of the Council from office if he or she has committed stated misbehaviour or if his or her removal appears necessary to the Minister for the effective performance by the Council of its functions.

(2) The Minister may, at any time, for reasons stated in writing to the members of the Council, remove all such members from office. 40

(3) A member may, at any time, resign from office as such member by letter addressed to the Minister and the resignation shall take effect from the date on which the letter is received.

(4) A member of the Council who is absent from all meetings of the Council for a period of six consecutive months, unless such absence was due to illness or was approved by the Council, shall be 45

disqualified at the expiry of such period from continuing to be a member of the Council for the remainder of that person's term of office.

5 (5) A member (including the chairperson) whose term of office expires by effluxion of time shall be eligible for re-appointment.

6. (1) The Council shall, from time to time as occasion requires, appoint from amongst its members (other than the chairperson) two members to be deputy-chairpersons of the Council.

10 (2) A deputy-chairperson of the Council shall, unless that member sooner resigns, hold office until the expiration of that member's period of office as a member of the Council.

7. (1) Where a member of the Council (including the chairperson)—

(a) accepts nomination as a member of Seanad Éireann, or

15 (b) is elected as a member of either House of the Oireachtas or as a representative in the European Parliament, or

(c) is regarded pursuant to section 19 of the European Parliament Elections Act, 1997, as having been elected to the European Parliament to fill a vacancy, or

20 (d) is adjudged bankrupt or makes, under the protection or procedure of a court, a composition or arrangement with creditors, or

(e) is sentenced to a term of imprisonment by a court of competent jurisdiction,

25 that member shall thereupon cease to be a member of the Council.

(2) A person shall not be eligible to be a member of the Council if that person—

(a) is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein, or

30 (b) is for the time being a member of the European Parliament, or

(c) is an undischarged bankrupt, or

35 (d) within the immediately preceding three years has, under the protection or procedure of a court, made a composition or arrangement with creditors, or

(e) within the immediately preceding five years, has been sentenced to a term of imprisonment by a court of competent jurisdiction.

8. A member of the Council including the chairperson who has—

40 (a) any interest in any company or concern with which the Council proposes to make any contract, or

(b) any interest in any contract which the Council proposes to make,

shall disclose to the Council the fact of the interest and the nature thereof and shall take no part in any deliberation or decision of the Council relating to the contract, and the disclosure shall be recorded in the minutes of the Council.

9. The chairperson and members of the Council shall be paid, out of funds at the disposal of the Council, such allowances for expenses as the Minister, with the approval of the Minister for Finance, may decide. 5

10. (1) The Council shall hold such and so many meetings and at such time as the chairperson deems necessary.

(2) A chairperson shall convene a meeting of the Council whenever requested to do so by not less than six members. 10

(3) The quorum for a meeting of the Council shall be one third of the total number of members, rounded up to the next whole number, plus one.

11. At a meeting of the Council— 15

(a) the chairperson shall, if present, be the chairperson of the meeting,

(b) if and so long as the chairperson is not present or if the office of chairperson is vacant, the deputy-chairperson who is present or if both deputy-chairpersons are present the deputy-chairperson as chosen by the members of the Council who are present shall, be chairperson of the meeting, 20

(c) if and so long as the chairperson is not present or the office of chairperson is vacant, and a deputy-chairperson is not present or the offices of deputy-chairperson are vacant, the members of the Council who are present shall choose one of their number to be chairperson of the meeting. 25

12. Every question at a meeting of the Council shall be determined by a majority of the votes of members present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote. 30

13. Subject to *paragraph 10 (3)*, the Council may act notwithstanding one or more than one vacancy among its members.

14. Subject to this Act, the Council shall regulate, by standing orders or otherwise, its procedure and business. 35

SCHEDULE 2

EXAMINATIONS

Section 48.

Leaving Certificate Examination	
Junior Certificate Examination	
Technological Certificate Examination	40
Trade Certificate Examination	
Certificate in Commerce Examination	
Ceardeastas Gaeilge Examination	
Teastas i dTeagasc na Gaeilge Examination	
Typewriting Teachers Certificate Examination	45
Commercial Instructors Certificate Examination	

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú ar mhaithe le leas an phobail maidir le hoideachas gach linbh sa Stát, lena n-áirítear aon leanbh ag a bhfuil riachtanais speisialta oideachais, agus do dhéanamh socrú i gcoitinne maidir le bun-oideachas, iar-bhunoideachas, oideachas aosach agus leanúnach agus gairmoideachas agus gairmoiliúint; dá áirithiú go bhfuil an córas oideachais cuntasach do mhic léinn, dá dtuismitheoirí agus don Stát as an oideachas a sholáthraítear, go n-urramaíonn sé an éagsúlacht luachanna, creideamh agus traidisiún i sochaí na hÉireann agus go stiúrtar é le meon comhpháirtíochta idir scoileanna, pátrúin, mic léinn, tuismitheoirí, múinteoirí agus foireann eile scoile agus an Stát; do dhéanamh socrú maidir le scoileanna agus a mbainistíocht a aithint agus a mhaoiniú trí bhoird bhainistíochta; do dhéanamh socrú maidir le Cigireacht scoileanna, do dhéanamh socrú maidir le ról agus freagrachtaí Príomhoidí agus múinteoirí; do bhunú na Comhairle Náisiúnta Curaclaim agus Measúnachta agus do dhéanamh soláthair di, agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*An tAire Oideachais agus Eolaíochta a thíolaic,
10 Nollaig, 1997*

BILL

(as initiated)

entitled

An Act to make provision in the interests of the common good for the education of every child in the State, including any child with special educational needs, and to provide generally for primary, post-primary, adult and continuing education and vocational education and training; to ensure that the educational system is accountable to students, their parents and the State for the education provided, respects the diversity of values, beliefs and traditions in Irish society and is conducted in a spirit of partnership between schools, patrons, students, parents, teachers and other school staff and the State; to provide for the recognition and funding of schools and their management through boards of management; to provide for an Inspectorate of schools, to provide for the role and responsibilities of Principals and teachers; to establish the National Council for Curriculum and Assessment and to make provision for it, and to provide for related matters.

*Presented by the Minister for Education
and Science,
10th December, 1997*

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OÍFIC AN tSOLÁTHAIR
Le ceannach díreach ón
OÍFIC DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
4 - 5 BÓTHAR FHEARCHAIR, BAILE ÁTHA CLIATH 2,
(Teil: 01 - 6613111 — fo-líne 4040/4045; Fax: 01 - 4752760)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE,
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
4 - 5 HARCOURT ROAD, DUBLIN 2,
(Tel: 01 - 6613111 — ext. 4040/4045; Fax: 01 - 4752760)
or through any bookseller.

£3.20

Wt. P48381/B/12. 1,325. 12/97. Cahill. (X30787). G.16.

ISBN 0-7076-5178-6



9 780707 651781