



DÁIL ÉIREANN

AN BILLE OIDEACHAIS (FORÁLACHA ILGHNÉITHEACHA) 2007 EDUCATION (MISCELLANEOUS PROVISIONS) BILL 2007

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE OIDEACHAIS (FORÁLACHA ILGHNÉITHEACHA) 2007 —ROGHCHOISTE

EDUCATION (MISCELLANEOUS PROVISIONS) BILL 2007 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 3

1. In page 3, before section 3, to insert the following new section:

“Amendment of
section 10 of Act of
1998.

- 3.—Section 10 of the Act of 1998 is amended by the addition of the following subsection after subsection (2)—

“(2A) Without prejudice to the generality of subsection (2)(f), terms and conditions that may be attached to recognition by the Minister may include terms and conditions conferring on the Minister an option to purchase the land of a recognised school in receipt of public funds where the patron proposes to close that school, in order to enable the Minister to make alternative and appropriate education facilities available in the area served by that school.”.

—Jan O’Sullivan.

SECTION 4

2. In page 4, paragraph (a), between lines 12 and 13, to insert the following:

“(i) in paragraph (b), by deleting “to be prescribed” and substituting “in excess of 14 days or such longer period as may be prescribed.”.

—Jan O’Sullivan.

3. In page 4, line 16, after “school” to insert “either verbally or in writing”.

—Seán Crowe.

4. In page 4, between lines 25 and 26, to insert the following:

“(b) by substituting the following subsection for subsection (2):

“(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 and such other persons as the Minister considers appropriate including teachers and/or representatives from recognised teachers unions”.

—Seán Crowe.

5. In page 4, line 31, to delete “, scale and persistence” and substitute “and scale”.

—Jan O’Sullivan.

[SECTION 4]

6. In page 4, between lines 34 and 35, to insert the following:

“(b) whether the behaviour of the student constituted behaviour prohibited by the civil or criminal law, or both, and if so, the seriousness of the infringement,

(c) the persistence of any behaviour alleged to have given rise to, or contributed to, the decision made by or on behalf of the board.”.

—Jan O’Sullivan.

7. In page 4, line 43, after “peers,” to insert the following:

“subject to the requirement that the Minister shall remain responsible for securing as far as practicable the educational rights of the individual student in the event of a decision under subsection (1)(a) or (b) being upheld.”.

—Jan O’Sullivan.

8. In page 5, line 5, to delete “and welfare” and substitute “, welfare and other legal entitlements”.

—Jan O’Sullivan.

9. In page 5, line 28, to delete “relevant.” and substitute the following:

“relevant,

and

where an appeals committee finds that a school has acted—

(i) properly, in terms of notifying the student and his or her parent or parents at each step of the process towards sanction,

(ii) reasonably, in terms of taking the final decision to sanction the student, and

(iii) in accordance with its policy or policies and where—

(I) the policy or policies were well communicated to the student and his or her parent or parents, or

(II) the school had made reasonable efforts to communicate the policy or policies to the student and his or her parent or parents,

the appeals committee shall not overturn the decision of the school save in exceptional and extraordinary circumstances.”.

—Olwyn Enright.

10. In page 5, between lines 28 and 29, to insert the following:

“(j) not recommending the reinstatement of pupils who were expelled or suspended in violent or threatening cases,

(k) ensuring that a student is not reinstated to his or her school on a technicality.”.

—Seán Crowe.

[SECTION 4]

11. In page 5, between lines 28 and 29, to insert the following:

“(4A) In hearing and determining an appeal under this section against a decision to which subsection (1)(c) applies an appeals committee shall have regard to regulations under section 33(g), which the Minister shall make within 6 months from the enactment of the *Education (Miscellaneous Provisions) Act 2007*.”.

—Jan O’Sullivan.

12. In page 5, between lines 28 and 29, to insert the following:

“(4A) Where a student has been—

(a) suspended, or

(b) expelled,

for the use, or threat, of violence against—

(i) another student,

(ii) a teacher or any other member of the staff of the school, or

(iii) property, whether held by the school or a person referred to in paragraph (i) or (ii),

the appeals committee shall have particular regard to that fact, and shall not overturn the decision of the school save in exceptional and extraordinary circumstances.”.

—Olwyn Enright.

13. In page 6, lines 1 and 2, to delete “the Secretary General may stipulate, as” and substitute “it shall be”.

—Jan O’Sullivan.

14. In page 6, line 40, to delete “may” and substitute “shall”.

—Jan O’Sullivan.

SECTION 5

Section opposed.

—Seán Crowe.

SECTION 6

15. In page 7, between lines 40 and 41, to insert the following:

“(a) in section 24(4), by inserting after “officer”, “, but the board of the school may if it considers that the circumstances underlying the proposal to expel the student so warrant, forthwith suspend the student without further notice for the period between notification of the educational welfare officer and the carrying out of the expulsion”.”.

—Jan O’Sullivan.

SECTION 9

16. In page 9, lines 20 and 21, to delete subsection (2) and substitute the following:

“(2) The Education Acts 1878 to 2001 and *sections 2 to 5* may be cited together as the Education Acts 1878 to 2007.”.

—Jan O’Sullivan.