



**AN BILLE OIDEACHAIS (LEASÚ) (SCOILEANNA A
CHOSAINT), 2012**
**EDUCATION (AMENDMENT) (PROTECTION OF
SCHOOLS) BILL 2012**

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
 2. Amendment of section 7 of the Act of 1998 — Functions of the Minister.
 3. Amendment of section 10 of the Act of 1998 — Recognition of Schools.
 4. Amendment of section 12 of the Act of 1998 — Annual Funding.
 5. Amendment of section 24 of the Act of 1998 — Provisions relating to staff.
 6. Amendment of section 30 of the Act of 1998 — Curriculum.
 7. Short title.
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ACTS REFERRED TO

Education Act 1998

1998, No. 51

Education (Amendment) Act 2012

2012, No. 14



AN BILLE OIDEACHAIS (LEASÚ) (SCOILEANNA A
CHOSAIN), 2012

EDUCATION (AMENDMENT) (PROTECTION OF
SCHOOLS) BILL 2012

BILL

entitled

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AN ACT TO PROVIDE, FOR THE PROTECTION OF
SCHOOLS WHICH ARE THE EXCLUSIVE PROVIDERS
OF EDUCATION FOR GEOGRAPHICAL, CULTURAL,
RELIGIOUS OR NON-DENOMINATIONAL COMMUNI-
TIES; FOR THE PROTECTION OF SCHOOLS WHICH
ARE THE PROVIDERS OF EDUCATION FOR GAEL-
TACHT AREAS; FOR THE PROTECTION OF SCHOOLS
WHICH ARE THE PROVIDERS OF EDUCATION FOR
OFFSHORE ISLANDS; FOR THE STRENGTHENING OF
TEACHERS' AND STUDENTS' RIGHTS WITH REGARD
TO MULTI-GRADE TEACHING ARRANGEMENTS; FOR
THE ENSHRINEMENT IN LAW OF THE EDUCATIONAL
RIGHTS OF THE CHILD AS SET OUT IN THE UNITED
NATIONS CONVENTION ON THE RIGHTS OF THE
CHILD; FOR THE AMENDMENT OF SECTIONS 7, 10, 12,
24 AND 30 OF THE EDUCATION ACT, 1998; AND TO
PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

25 1.—In this Act—

Interpretation.

“Act of 1998” means the Education Act 1998;

“Act of 2012” means the Education (Amendment) Act 2012;

“Minister” means the Minister for Education and Skills.

2.—Section 7 of the Act of 1998 is amended by—

Amendment of
section 7 of the Act
of 1998 —
Functions of the
Minister.

30 (1) in subsection (2)(f), inserting “in accordance with the obligations of the State under Articles 23, 28 and 29 of the United Nations Convention on the Rights of the Child” after “Act is enacted”.

(2) in subsection (4)(a)—

(a) renumbering subparagraph (ii) as subparagraph (iii), subparagraph (iii) as subparagraph (iv), and subparagraph (iv) as subparagraph (v), and

(b) inserting the following subparagraph after subparagraph (i)— 5

“(ii) demographic trends indicating future demand for educational provision as may be determined by reference to the last preceding census of population, a series of preceding census of population or other such sources as the Minister may consider appropriate.”. 10

Amendment of section 10 of the Act of 1998 — Recognition of Schools.

3.—Section 10(2) of the Act of 1998 is amended by inserting the following subparagraphs after paragraph (a)—

“(i) the likely attendance of students at a school shall be assessed according to demographic trends indicating future demand for educational provision as may be determined by reference to the last preceding census of population, a series of preceding census of population or other such sources as the Minister may consider appropriate and shall not be based exclusively upon the actual or projected attendance figures of any one year, and 15 20

(ii) the Minister shall, in relation to a school which is,

(I) the exclusive provider of education for a geographical, cultural, religious or non-denominational community, 25

(II) the provider of education for a recognised Gaeltacht area, and or

(III) the provider of education for an offshore island,

make reasonable provision to ensure the continued operation of that school where the likely attendance of students at the school is in decline.”. 30

Amendment of section 12 of the Act of 1998 — Annual Funding.

4.—Section 12 of the Act of 1998 is amended by inserting the following subsection after subsection (5)—

“(6) The Minister shall not, where a school meets the requirements for recognition under this Act and could otherwise continue operating, cause a school to cease functioning as a school by reducing its funding.”. 35

Amendment of section 24 of the Act of 1998 — Provisions relating to staff.

5.—Section 24 of the Act of 1998, as inserted by section 6 of the Act of 2012, is amended by— 40

(1) substituting the following subsection for subsection (1)(b)—

“may appoint such numbers and qualifications of teachers and other staff to the school as are necessary for the performance of its powers and functions under this Act and in making such appointments shall have due 45

regard to the number of students who are attending the school or are likely to attend the school—”,

(2) inserting the following paragraphs after subsection (1)(b)—

5 “(i) the likely attendance of students at a school shall be assessed according to demographic trends indicating future demand for educational provision as may be determined by reference to the last preceding census of population, a series of preceding census of population or other such sources as the Minister may consider appropriate and shall not be based exclusively upon the actual or projected attendance figures of any one year,

(ii) where a school is,

15 (I) the exclusive provider of education for a geographical, cultural, religious or non-denominational community,

(II) the provider of education for a recognised Gaeltacht area, and or

(III) the provider of education for an offshore island,

20 the board shall not make any change to the numbers and qualifications of teachers and other staff of that school which would cause the school to cease functioning as a school where that school meets the requirements for recognition under this Act and could otherwise continue operating, and

25 (iii) the board shall not cause any teacher to continually teach more than four different grade curriculums simultaneously.”,

(3) inserting the following paragraphs after subsection (2)—

30 “(a) where a school is,

(i) the exclusive provider of education for a geographical, cultural, religious or non-denominational community,

35 (ii) the provider of education for a recognised Gaeltacht area, and or

(iii) the provider of education for an offshore island,

40 the Minister shall not approve any change to the numbers and qualifications of teachers and other staff of that school which would cause the school to cease functioning as a school where that school meets the requirements for recognition under this Act and could otherwise continue operating,

45 (b) the Minister shall not approve any appointment that would cause any teacher to continually teach more than four different grade curriculums simultaneously,

(c) the Minister shall not approve a proposal relating to numbers and qualifications of teachers and other staff of a school which is not consistent with the number of students who are attending or are likely to attend the school, and 5

(d) the likely attendance of students at a school shall be assessed according to demographic trends indicating future demand for educational provision as may be determined by reference to the last preceding census of population, a series of preceding census of population or other such sources as the Minister may consider appropriate and shall not be based exclusively upon the actual or projected attendance figures of any one year.”, 10

(4) inserting the following paragraph after subsection (5)(b)— 15

“(c) such terms and conditions of employment shall not permit any teacher to continually teach more than four different grade curriculums simultaneously.”.

Amendment of section 30 of the Act of 1998 — Curriculum.

6.—Section 30(2) of the Act of 1998 is amended by—

(a) renumbering paragraph (d) as paragraph (e), and paragraph (e) as paragraph (f), and 20

(b) inserting the following paragraph after paragraph (c)—

“(d) shall not cause any teacher to continually teach more than four different grade curriculums simultaneously,”. 25

Short title.

7.—This Act may be cited as the Education (Amendment) (Protection of Schools) Act 2012.