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**AN BILLE OIDEACHAIS (LEITHROINNT ACMHAINNÍ),  
2012  
EDUCATION (RESOURCE ALLOCATION) BILL 2012**

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*Mar a tionscnaíodh  
As initiated*

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**ARRANGEMENT OF SECTIONS**

Section

1. Definitions.
  2. Appeals to the inspectorate.
  3. Education Impact Study on effects of resource allocation reductions in schools.
  4. Regulations.
  5. Citation.
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**AN BILLE OIDEACHAIS (LEITHROINNT ACMHAINNÍ),  
2012  
EDUCATION (RESOURCE ALLOCATION) BILL 2012**

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# **BILL**

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*entitled*

AN ACT TO MAKE PROVISION WHEREBY THE MINISTER  
FOR EDUCATION AND SKILLS SHALL PUBLISH AN  
ANNUAL EDUCATION IMPACT STUDY ON THE  
EFFECTS HIS OR HER DECISION TO REDUCE THE  
10 ANNUAL RESOURCE ALLOCATION IN SCHOOLS WILL  
HAVE ON SCHOOLS, SUCH STUDY TO INCLUDE  
DETAILS OF THE NAMES OF SCHOOLS AFFECTED,  
THE IMPACT SUCH CHANGES WILL HAVE ON THOSE  
SCHOOLS, AND TO PROVIDE FOR A MECHANISM  
15 WHEREBY THE PRINCIPAL OF EACH AFFECTED  
SCHOOL MAY APPEAL THE DECISION TO REDUCE  
HIS OR HER RESOURCE ALLOCATION, SETTING OUT  
THE REASONS FOR THE APPEAL AND TO PROVIDE  
FOR RELATED MATTERS.

20 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act, save where the context otherwise requires— Definitions.

“Act of 1998” means the Education Act 1998;

“inspector” has the same meaning as that defined in the Education  
Act 1998;

25 “inspectorate” has the same meaning as that defined in the  
Education Act 1998;

“Minister” means the Minister for Education and Skills;

“recognised school” has the same meaning as that defined in the  
Education Act 1998;

30 “school” has the same meaning as that defined in the Education  
Act 1998;

“student” has the same meaning as that defined in the Education  
Act 1998;

35 “student numbers as at 30 September” means the number of  
students enrolled in a school on 30 September of the year in  
question.

2.—The Act of 1998 is hereby amended by the insertion of a new section 13A as follows:

“13A.—(1) Where the annual resource allocation of a recognised school is reduced, the Principal of the school may, within four weeks from the date of publication of the Minister’s annual Education Impact Study, appeal the decision to reduce his or her school’s resource allocation to the Inspectorate, such appeal shall be heard by a committee appointed under subsection (3) and may be made on the following grounds: 5

(a) the impact the resource allocation reduction will have on the students of the particular school concerned, 10

(b) the impact the resource allocation reduction will have on the remaining staff members of the particular school concerned,

(c) the impact the resource allocation reduction will have on each area of education in the school and the effects same will have on each and every student of the particular school concerned. 15

(2) Subsection (1) shall only apply to schools who submit their student numbers as at 30th September to the Department of Education on or before 30th October of the same year. 20

(3) 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. 25

(4) Where a committee is appointed under subsection (3) the Minister shall appoint one of its numbers to be the chairperson of that committee, who, in the case of an equal division of votes, shall have a second or casting vote. 30

(5) 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. 35

(6) Each and every appeal shall be dealt with within a period of 28 days from the date of the receipt of the appeal by the Inspectorate, except where, on the application in writing of the appeals committee stating the reasons for a delay in determining the appeal, the Chief Inspector consents in writing to extend the period by not more than 14 days. 40

(7) On the determination of an appeal made under this section, the appeals committee, in conjunction with the Inspectorate, shall send a report of its determination of the appeal and the reason for that determination to the Minister. 45

(8) Where—

- (a) an appeals committee upholds a complaint in whole or in part, and
- (b) it appears to the appeals committee, in conjunction with the Inspectorate that any matter which was the subject of the complaint (so far as upheld) should be remedied,

the appeals committee shall, in conjunction with the Inspectorate, make recommendations to the Minister as to the action to be taken in relation to the resource allocation of each and every recognised school concerned.

(9) The Minister may accept or reject a recommendation as referred to in subsection (8) if he or she deems it to be the appropriate decision and while the Minister's decision is final, he or she may, during his or her deliberations on the matter, consult with the Chief Inspector, the patrons of schools, national associations of parents, recognised school management organisations, and or any recognised trade unions and staff associations representing teachers.

(10) 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, the first such review to take place within two years from the date of enactment of this Act.”.

3.—The Act of 1998 is hereby amended by the insertion of a new section 24A as follows:

Education Impact Study on effects of resource allocation reductions in schools.

“24A.—(1) Following his or her decision to reduce the resource allocation to any or all recognised schools in a given year, the Minister shall, within two months from 30 September of the same year, carry out and publish, an education impact study, detailing the effects such decision will have on the said recognised schools and their students, such study to include:

- (a) the impact the resource allocation reduction will have on the students of the particular school(s) concerned,
- (b) the impact the resource allocation reduction will have on the remaining staff members of the particular school(s) concerned,
- (c) the impact the resource allocation reduction will have on each area of education in the school and the effects same will have on each and every student of the particular school(s) concerned,
- (d) the impact the resource allocation reduction will have on the general functioning of the school and the effects same will have on each and every student of the particular school(s) concerned,
- (e) the name of each and every school whose resource allocation is reduced.

(2) Subsection (1) shall only apply to schools who submit their student numbers as at 30 September to the Department of

Education and Skills on or before 30 October of the same year.”.

Regulations.

**4.—**(1) The Minister may make regulations for the general purpose of this Act and may, by regulation, provide for any matter referred to in this Act as prescribed or to be prescribed. 5

(2) Every regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly 10 but without prejudice to the validity of anything previously done under the regulation.

(3) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations. 15

Citation.

**5.—**(1) This Act may be cited as the Education (Resource Allocation) Act 2012.

(2) This Act shall come into operation on such day or days as may be fixed by order or orders of the Minister for Education and Skills.