



DÁIL ÉIREANN

AN BILLE OIDEACHAIS (LIGEAN ISTEACH I SCOILEANNA), 2016 EDUCATION (ADMISSION TO SCHOOLS) BILL 2016

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE OIDEACHAIS (LIGEAN ISTEACH I SCOILEANNA), 2016 —ROGHCHOISTE

EDUCATION (ADMISSION TO SCHOOLS) BILL 2016 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 3, to delete line 19 and substitute the following:

“In this Act—

“Act of 1998” means the Education Act 1998;

“Act of 2000” means the Equal Status Act 2000;

“The Council” means the National Council of Special Education.”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith, Ruth Coppinger, Mick Barry,
Paul Murphy.

SECTION 5

2. In page 4, between lines 5 and 6, to insert the following:

“Amendment of section 15 of Act of 1998

5. Section 15(2) of the Act of 1998 is amended by the insertion of the following paragraph after paragraph (g):

“(h) In performing the functions conferred on it, and notwithstanding subsection (2) (b), a board shall uphold equal respect and dignity for all pupils, regardless of religion, ethnicity or family background, and uphold their constitutional rights under Articles 44.2.3 and 44.2.4, specifically by ensuring no religious instruction or faith formation take place during class time prior to the last lesson of any school day.”.

—Róisín Shortall, Catherine Murphy.

SECTION 7

3. In page 4, between lines 28 and 29, to insert the following:

“Appeals

7. (1) The Act of 1998 is amended by the substitution of the following section for section 29:

“Appeals

29. (1) Where a board or a person acting on behalf of a board—

- (a) permanently excludes a student from a school,
- (b) suspends a student from attendance at a school for a period or periods totalling not less than 20 school days in a school year, or
- (c) refuses to admit a student to a school, where the decision to refuse admission is due to—
 - (i) the school, or a special class in the school, being oversubscribed, or
 - (ii) a reason other than the school, or a special class in the school, being oversubscribed,

the parent of the student, or in the case of a student who has reached the age of 18 years, the student, may, within such period as may be determined in procedures under section 29B, and following the conclusion of any review under section 29C or any appeal procedures provided by the school in accordance with this Act, appeal a decision in accordance with this section and sections 29A to 29F.

(2) In this section and sections 29A to 29F—

‘board’ includes a committee established under section 44(1) or 44(7) of the Education and Training Boards Act 2013;

‘oversubscribed’ has the same meaning as it has in *Part X* (inserted by *section 7* of the *Education (Admission to Schools) Act 2017*);

‘student’ includes a person in relation to whom an application for admission to a school has been made and that person or his or her parents may appeal against a decision to refuse to admit him or her in the same manner as a student or his or her parents may appeal a decision under this section.”.

(2) The Act of 1998 is amended by the insertion of the following sections after section 29:

“Establishment of appeals panels and appeals committees

29A. (1) The Minister shall, from time to time, establish one or more panels of suitable persons (in this section referred to as an ‘appeals panel’) to consider appeals under section 29.

(2) A member of an appeals panel—

- (a) shall be appointed to the panel for such period as the Minister may determine,
- (b) shall be paid such fees and expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, may from time to time determine,

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- (c) may at any time be removed from the panel by the Minister for stated reasons, and
 - (d) shall be independent and impartial in carrying out his or her functions.
- (3) Where the Minister receives a notice of appeal under section 29, he or she shall establish a committee of 3 members of an appeals panel to consider the appeal concerned (in this section and sections 29B to 29F referred to as an ‘appeals committee’).
- (4) The Minister shall nominate one member of an appeals committee to be the chairperson of the committee for the purposes of the appeal concerned and, in the case of an equal division of votes, the chairperson shall have a second or casting vote.
- (5) The Minister may furnish such support of an administrative nature to an appeals committee as the Minister considers necessary to enable the appeals committee to perform its functions.
- (6) An appeals committee shall act in accordance with procedures determined under section 29B.

Procedures in relation to appeals

- 29B.** (1) The Minister may, from time to time, having regard to the principles of inclusion, equality of access to and participation in education, efficiency, effectiveness, clarity and fairness for applicants and schools and following consultation with bodies representative of patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, determine procedures for the purpose of sections 29 to 29F and such procedures may provide for all or any of the following:
- (a) the period within which an appeals committee shall determine an appeal and, in that regard, the Minister may—
 - (i) determine different periods during which an appeal under paragraph (a), (b) or (c)(ii) of section 29(1) shall be heard and determined, and an appeal under section 29(1)(c)(i) shall be determined, and
 - (ii) determine periods during the year which shall not be included for the purposes of the calculation of a period under subparagraph (i);
 - (b) the manner by which an appeals committee shall determine an appeal, including in the case of an appeal under section 29(1)(a), (b) or (c)(ii), procedures regarding the holding of an oral hearing and the examination by the appeals committee of parties to the appeal;

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- (c) the form and manner in which the Child and Family Agency and the National Council for Special Education may make submissions at an oral hearing in an appeal under section 29(1)(a), (b) or (c)(ii);
 - (d) the form and manner in which an appeal shall be brought, including the period during which an appeal shall be brought;
 - (e) in the case of an appeal under section 29(1)(a), (b) or (c)(ii)—
 - (i) the fixing and notification of the date, time and location of an oral hearing, and
 - (ii) the circumstances in which an adjournment of an oral hearing may be granted;
 - (f) that an appeals committee may by notice in writing require an applicant, board, or other relevant person or body to furnish to the committee the information specified in the notice within the period specified in that notice;
 - (g) the period during which and manner by which an appeals committee shall notify the Minister of its decision and the reasons for its decision;
 - (h) information which shall be submitted to an appeals committee by an applicant when making an appeal under section 29(1)(c)(i) or (ii) which shall include—
 - (i) a copy of the application for admission,
 - (ii) a copy of the decision to refuse admission,
 - (iii) where a request has been made under section 29C, a copy of that request and a copy of any statement received from the board under subsection (5) of that section, and
 - (iv) the grounds of the appeal;
 - (i) information which shall be submitted by a board to an appeals committee where an appeal has been made under section 29(1)(c)(i) or (ii) which shall include the school's admission policy and the school's annual admission notice;
 - (j) such other consequential or ancillary matter as the Minister considers appropriate.
- (2) An appeals committee, an applicant and a board shall comply with procedures determined by the Minister under this section.

Review by board of decision to refuse admission

- 29C.** (1) Subject to subsection (2) and prior to making an appeal under section 29(1)(c), an applicant—
- (a) shall, in the case of an appeal under section 29(1)(c)(i), and

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- (b) may, in the case of an appeal under section 29(1)(c)(ii), within such period as may be determined by the Minister, request in writing a review by the board of the decision to refuse admission.
- (2) A request under subsection (1) shall—
- (a) be based on the implementation by the school of its admission policy and the content of its annual admission notice, and
 - (b) set out the grounds of the request.
- (3) Where, following a request under subsection (1)—
- (a) the request for a review has not been made within the period determined by the Minister, or
 - (b) where the request results from the refusal to admit a student to the school because the school, or a special class in the school, was oversubscribed and—
 - (i) the applicant is relying on information that was not made available in the application for admission, or
 - (ii) the board considers that the grounds relied upon in the application for review did not have a material effect on the outcome of the application for admission,
- the board shall notify the applicant that it is not in a position to review the decision to refuse admission and the reasons therefore.
- (4) Subject to subsection (3), a board shall, following a request under subsection (1), within such period as may be determined by the Minister, review its decision to refuse admission having regard to the grounds set out in the request for review.
- (5) Following a review under subsection (4) the board shall issue the applicant with—
- (a) a statement confirming that there was no failure or error in making the decision to refuse admission, or
 - (b) a statement confirming—
 - (i) that a failure or error occurred in making the decision to refuse admission, and
 - (ii) whether or not such failure or error had a material effect on the outcome of the application.
- (6) Where a board issues a statement under subsection (5)(b) and the failure or error concerned had a material effect on the outcome of the application for admission, the board shall rectify that failure or error by—
- (a) admitting the student to the school or special class concerned, or

- (b) adjusting the ranking of the student on the waiting list.
- (7) In this section and section 29E ‘waiting list’ means the waiting list provided for in the admission policy of the school concerned.

Appeals under section 29(1)(a), (b) and (c)(ii)

29D. (1) An appeals committee shall, in accordance with procedures determined by the Minister under section 29B, hold an oral hearing for the purposes of an appeal under section 29(1)(a), (b) or (c)(ii).

- (2) For the purposes of an appeal under section 29(1)(a), (b) or (c)(ii)—
 - (a) oral hearings shall be conducted with the minimum of formality consistent with giving all parties a fair hearing, and
 - (b) an appeals committee may, where it is of the opinion that reaching agreement on the matters the subject of the appeal is practicable in the circumstances, provide such assistance to the parties to reach agreement as the committee considers appropriate.
- (3) For the purposes of an oral hearing under this section—
 - (a) the Child and Family Agency, or
 - (b) in the case of a child with special educational needs, the National Council for Special Education,may make such submissions, if any, to an appeals committee as it or they consider or considers appropriate.
- (4) In hearing and determining an appeal under section 29 against a decision to which subsection (1)(a) or (b) of that section relates an appeals committee shall have regard to—
 - (a) the nature, scale and persistence of any behaviour alleged to have given rise to, or contributed to, the decision made by or on behalf of the board and whether or not such behaviour is confined to specific classes in the school concerned,
 - (b) the merit of any explanation offered by the student in relation to his or her behaviour,
 - (c) the reasonableness of any efforts made by the school to enable the student to participate in and benefit from education and whether or not all reasonable efforts have been fully exhausted and any response by the student to any efforts made by the school to enable the student to participate in and benefit from education,
 - (d) the educational interests of the student concerned and the desirability of enabling him or her to participate in and benefit from education with his or her peers,
 - (e) the educational interests of, and the effective provision of education for, other students of the school and the maintenance of a

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classroom and school environment which is supportive of learning amongst all students in the school and ensures continuity of instruction provided to students,

- (f) any evidence that the behaviour of the student has impacted on the safety, health and welfare of teachers, staff or other students of the school,
 - (g) the school's code of behaviour under section 23 of the Act of 2000 and other relevant policies of the school, and
 - (i) in the case of the code of behaviour, whether it complies with section 23 of the Act of 2000 and any guidelines issued under subsection (3) of that section, and
 - (ii) in the case of any other relevant policies, the extent to which each of them is implemented and is in compliance with—
 - (I) any enactment that imposes duties on schools or their boards,
 - (II) any relevant guidelines or policies of the Minister,
 - (h) the duties on schools or their boards imposed by or under any enactment,
 - (i) any guidelines issued by the Child and Family Agency under section 22(7) of the Act of 2000,
 - (j) in the case of an appeal brought by a parent or a student, any submissions made by the National Council for Special Education or the Child and Family Agency, and
 - (k) such other matters as the appeals committee considers relevant.
- (5) Nothing in subsection (4) affects the obligation of an appeals committee to allow an appeal under section 29(1)(a) if the parent of the student or the student, as the case may be, shows that subsection (1) or (4) of section 24 of the Act of 2000 has not been complied with in relation to that exclusion.
- (6) Following an oral hearing under this section an appeals committee shall—
- (a) come to its conclusion having examined and considered the evidence and materials made available to it, and
 - (b) make a preliminary decision in relation to the appeal.
- (7) An appeals committee shall, by notice in writing, notify the Minister, the applicant, the board and, where the Child and Family Agency or the National Council for Special Education made submissions at the oral hearing, the Agency or the Council of its preliminary decision under subsection (6), the reasons for its preliminary decision and,

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where it proposes to allow an appeal, its proposed direction to the board.

- (8) An applicant, the board, and where the Child and Family Agency or the National Council for Special Education made submissions at the oral hearing in accordance with procedures under section 29B, the Agency or the Council may, make observations to the appeals committee in relation to its preliminary decision and any proposed direction.
- (9) An appeals committee shall, having considered any observations made under subsection (8), make its final decision.
- (10) Subject to subsection (9), an appeals committee shall, in its final decision—
 - (a) allow the appeal, or
 - (b) disallow the appeal.
- (11) An appeals committee, in its final decision, shall—
 - (a) where it allows an appeal under section 29(1)(a), include a direction to the board to readmit the student and remove the expulsion from the record of the student,
 - (b) where it allows an appeal under section 29(1)(b), include a direction to the board to readmit the student and remove the suspension from the record of the student, and
 - (c) where it allows an appeal under section 29(1)(c)(ii), include a direction to the board to admit the student.
- (12) An appeals committee shall, by notice in writing, inform the Minister of its final decision and the reasons for its final decision and, where it allows an appeal, shall forward to the Minister a copy of any direction included in its final decision.
- (13) The Minister shall, as soon as practicable after he or she receives a notice under subsection (12), forward to the applicant, the board and, where the Child and Family Agency or the National Council for Special Education made submissions at the oral hearing, the Agency or the Council—
 - (a) a copy of the final decision of the appeals committee and the reasons for its decision, and
 - (b) where the appeals committee has allowed an appeal, a copy of the direction included in the final decision of the appeals committee.
- (14) A board shall comply with a direction under subsection (11).
- (15) In this section, ‘Act of 2000’ means the Education (Welfare) Act 2000.

Appeals under section 29(1)(c)(i)

- 29E.** (1) An appeals committee shall, in accordance with procedures determined by the Minister under section 29B, examine and determine an appeal under section 29(1)(c)(i) without an oral hearing and, when doing so, shall rely on the same evidence and materials as were available to and relied upon by the board when it made its decision to refuse admission.
- (2) Following the determination of an appeal under section 29(1)(c)(i), an appeals committee shall make a decision to—
- (a) allow the appeal, or
 - (b) disallow the appeal.
- (3) Where an appeals committee allows an appeal under section 29(1)(c)
- (i) its decision shall include a direction to the board to—
 - (a) admit the student, or
 - (b) adjust the ranking of the student on the waiting list.
- (4) An appeals committee shall—
- (a) by notice in writing, inform the Minister of a decision under subsection (2), and the reasons for the decision, and
 - (b) where it allows an appeal, forward to the Minister a copy of the direction issued under subsection (3).
- (5) The Minister shall, as soon as practicable after he or she receives a notice under subsection (4) forward to the applicant and the board—
- (a) a copy of the decision of the appeals committee under subsection (2) and the reasons for its decision, and
 - (b) where the appeals committee has allowed an appeal, a copy of the direction of the appeals committee under subsection (3).
- (6) A board shall comply with a direction under subsection (3).

Miscellaneous provisions in relation to appeals under section 29

- 29F.** (1) An appeals committee shall refuse to hear or determine, or refuse to continue to hear or determine, an appeal under section 29 where—
- (a) it is of the opinion that the appeal is vexatious, frivolous, an abuse of process or without substance or foundation,
 - (b) in relation to an appeal under section 29(1)(a), (b) or (c)(ii) it is satisfied, having regard to the grounds of the appeal and any attempts to facilitate agreement between the parties and any subsequent steps taken by the parties that, in the particular circumstances, the appeal should not be considered or further considered,

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- (c) an appeal has not been made within the period specified in procedures under section 29B,
 - (d) an applicant has failed to provide information requested in accordance with procedures under section 29B,
 - (e) in relation to an appeal under section 29(1)(c)(i) or (ii), the grounds for an appeal relate to section 3 or 7 of the Equal Status Act 2000, or
 - (f) in relation to an appeal under section 29(1)(c)(i)—
 - (i) an appeals committee is of the opinion that the grounds relied upon by the applicant did not have a material effect on the outcome of the application for admission,
 - (ii) an appeal is based on information that was not made available in the application for admission, or
 - (iii) the applicant did not request a review by the board of the decision to refuse admission.
- (2) Subject to subsection (1), where an issue relating to a decision to refuse a student admission to a school or permanently exclude a student from a school would be capable of being the subject of—
- (a) an appeal under section 29, and
 - (b) a designation under section 67 (inserted by *section 7* of the *Education (Admission to Schools) Act 2017*),
- then an appeal under section 29 and a designation under section 67 may not, in respect of the same student, be made at the same time.
- (3) Where an appeal under section 29 has been unsuccessful in respect of a student, nothing in subsection (2) shall preclude a designation being made under section 67 in respect of the same student.
- (4) An appeals committee may draw such inferences as it considers appropriate as a result of any failure of a party to an appeal to provide any information required or requested in accordance with procedures under section 29B.
- (5) (a) A direction under section 29D(11) or 29E(3) in relation to an appeal under section 29(1)(c)(i) or (ii) shall not provide that the provisions of a school’s admission policy be amended or disregarded.
- (b) Nothing in paragraph (a) shall be construed as precluding an appeals committee, where it considers it appropriate to do so, from commenting in the reasons for its decision on the lack of clarity of a school’s admission policy.”
- (3) The amendments effected by *subsections (1) and (2)* shall not apply to an appeal to

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the Secretary General under section 29 of the Act of 1998 made before the commencement of this section and section 29 shall continue to apply in relation to such appeals as if the amendments concerned had not been made.”.

—An tAire Oideachais agus Scileanna.

4. In page 4, between lines 28 and 29, to insert the following:

“Amendment of section 30 of Act of 1998

7. Section 30 of the Education Act 1998 is amended by the insertion of the following subsection after subsection (2):

“(2A) In order to afford equal respect and dignity to all pupils, regardless of religion, ethnicity or family background, and to uphold their constitutional rights under Articles 44.2.3 and 44.2.4—

- (a) religious instruction and faith formation relating to or arising from the characteristic ethos of the school will take place as a discrete lesson at the end of the school day, and
- (b) religious instruction and faith formation relating to or arising from the characteristic ethos of the school shall not take place at any other time during the school day and shall not imbue or permeate education at any other time during the school day.”.

—Róisín Shortall, Catherine Murphy.

5. In page 5, between lines 1 and 2, to insert the following:

“ ‘annual admission notice’ has the meaning assigned to it by section 63;”.

—An tAire Oideachais agus Scileanna.

6. In page 5, between lines 4 and 5, to insert the following:

“ ‘board’ includes a committee established under section 44(1) or 44(7) of the Education and Training Boards Act 2013;”.

—An tAire Oideachais agus Scileanna.

7. In page 5, to delete line 16 and substitute the following:

“year in a school, which in the case of a school with an early intervention class or an early start pre-school class specified in a list published by the Minister from time to time, does not include such class;”.

—An tAire Oideachais agus Scileanna.

8. In page 5, between lines 16 and 17, to insert the following:

“ ‘oversubscribed’ means—

- (a) in relation to a school, that the number of students seeking admission to the school is greater than the number of places being

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made available by the school, and

- (b) in relation to a special class, that the number of students seeking admission to the special class is greater than the number of places being made available by the school in respect of the special class concerned;”.

—An tAire Oideachais agus Scileanna.

9. In page 5, between lines 17 and 18, to insert the following:

“ ‘special class’ means a class that has been established by a school with the approval of the Minister to provide an education exclusively for students with a specified category or categories of special educational needs;”.

—An tAire Oideachais agus Scileanna.

10. In page 5, between lines 22 and 23, to insert the following:

“61. (1) Section 7(3)(c) of the Act of 2000 is deleted.”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith, Ruth Coppinger, Mick Barry,
Paul Murphy.

11. In page 6, line 4, after “concerned” to insert the following:

“except where the admission policy states that it is the school’s explicit policy to give preference to children from the Traveller community in admissions”.

—Thomas Byrne.

12. In page 6, between lines 6 and 7, to insert the following:

“(j) the ground that the student or the applicant in respect of the student concerned is living in a homeless household, except where the admission policy states that it is the school’s explicit policy to give preference to children from homeless households in admissions.”.

—Thomas Byrne.

13. In page 6, line 12, to delete “and”.

—An tAire Oideachais agus Scileanna.

14. In page 6, to delete lines 13 to 21 and substitute the following:

“(b) a school to which section 7(3)(c) of the Act of 2000 applies, whose objective is to provide education in an environment which promotes certain religious values, the admission statement of the school shall include a statement that the school does not discriminate in relation to the admission of students where it admits persons of a particular religious denomination in preference to others if it is oversubscribed from within its own catchment area and, in the case of a refusal, it is proved that the refusal is essential

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to maintain the ethos of the school.”.

—Thomas Byrne.

15. In page 6, to delete lines 13 to 21.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith, Ruth Coppinger, Mick Barry,
Paul Murphy.

16. In page 6, line 13, after “school” to insert “not aided by the Department of Education and Skills”.

—Catherine Martin.

17. In page 6, line 13, after “2000” to insert “(as amended by subsection (4))”.

—Joan Burton.

18. In page 6, line 21, to delete “school.” and substitute “school,”.

—An tAire Oideachais agus Scileanna.

19. In page 6, between lines 21 and 22, to insert the following:

“(c) a school that, with the approval of the Minister, provides an education exclusively for students with a specified category or categories of special educational needs, the admission statement of the school shall include a statement that the school may refuse to admit a student who does not have the specified category of special educational needs concerned, and

(d) a school that, in addition to the general admission of students has, with the approval of the Minister, established a class to provide an education exclusively for students with a specified category or categories of special educational needs, the admission statement of the school shall include a statement that the school may refuse to admit to the class concerned a student who does not have the specified category of special educational needs concerned.”.

—An tAire Oideachais agus Scileanna.

20. In page 6, between lines 21 and 22, to insert the following:

“(c) a school which teaches through the medium of Irish, and which gives priority in its admission policy to students who speak Irish as a home language, the admission statement of the school shall include a statement that the school does not discriminate in relation to the admission of students where it admits a student who has Irish as a home language in preference to others whose home language is not Irish.”.

—Thomas Byrne, Catherine Martin.

21. In page 6, between lines 21 and 22, to insert the following:

“(c) a school which teaches through the medium of Irish or primarily

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through the medium of Irish, the admission statement of the school shall include a statement that the school does not discriminate in relation to the admission of students where it admits a person who has Irish as a home language in preference to others or where it refuses to admit as a student a person who does not have Irish as a home language and, in the case of a refusal, it is proved that the refusal is essential to maintain the linguistic ethos of the school.”.

—Carol Nolan.

22. In page 6, between lines 21 and 22, to insert the following:

“(c) a school or unit which is established to provide solely for the education of students with a specific special educational need or medical condition, the admissions statement of the school shall include a statement that the school or unit does not discriminate in relation to the admission of students where it refuses to admit as a student a person who does not display the behavioural characteristics associated with the specific special educational need or medical condition for which the school or unit is established.”.

—Carol Nolan.

23. In page 6, between lines 26 and 27, to insert the following:

“(4) Section 7 of the Equal Status Act 2000 is amended—

(a) in subsection (3), by the substitution of the following for paragraph (c):

‘(c) where the establishment is a school supported by public funds providing primary or post-primary education to students and the objective of the school is to provide education in an environment which promotes certain religious values—

(i) it admits persons of a particular religious denomination in preference to others, if it is proved that such a policy is essential in order to ensure reasonable access to education for children of that denomination within its catchment area in accordance with the conscience and lawful preference of their parents, or

(ii) it refuses to admit as a student a person who is not of that denomination, if it is proved that the refusal is essential to maintain the ethos of the school,’

and

(b) by inserting the following as subsection (3A):

‘(3A) In determining for the purposes of subsection (3)(c) whether an admission policy referred to in subparagraph (i) or a refusal referred to in subparagraph (ii) is essential for the purposes

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referred to, due regard shall be had to—

- (a) the constitutional right of any child to attend a school receiving public money without attending religious instruction at that school, and
- (b) the concomitant obligation that every such school must be so organised as to enable that right effectually to be enjoyed.’.”.

—Joan Burton.

24. In page 6, between lines 26 and 27, to insert the following:

“(4) The Equal Status Act 2000 is amended in section 7(3)(c) by inserting “is oversubscribed” after “values,”.”.

—Thomas Byrne.

25. In page 6, line 28, to delete “Subject to this section, regulations under section 64,” and substitute “Subject to this Act, regulations under this Act”.

—An tAire Oideachais agus Scileanna.

26. In page 6, between lines 33 and 34, to insert the following:

“(2) (a) The first draft admission policy under subsection (1) shall be prepared by the board as soon as practicable and in any event not later than 3 months after the commencement of this subsection.

(b) Where a board proposes making any amendments to its admission policy the board shall prepare a revised draft admission policy and this section shall, with any necessary modifications, apply to that draft as if it were a draft admission policy under subsection (1).”.

—An tAire Oideachais agus Scileanna.

27. In page 6, line 34, to delete “(2) The board” and substitute “(3) The board”.

—An tAire Oideachais agus Scileanna.

28. In page 6, line 36, to delete “(3) The patron” and substitute “(4) The patron”.

—An tAire Oideachais agus Scileanna.

29. In page 6, line 37, to delete “ subsection (2)” and substitute “subsection (3)”.

—An tAire Oideachais agus Scileanna.

30. In page 6, line 41, to delete “(4) Where” and substitute “(5) Where”.

—An tAire Oideachais agus Scileanna.

31. In page 6, line 42, to delete “subsection (3)(b)” and substitute “subsection (4)(b)”.

—An tAire Oideachais agus Scileanna.

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32. In page 7, line 4, to delete “(5) Where” and substitute “(6) Where”.

—An tAire Oideachais agus Scileanna.

33. In page 7, line 5, to delete “subsection (3)(a)” and substitute “subsection (4)(a)”.

—An tAire Oideachais agus Scileanna.

34. In page 7, line 5, to delete “subsection (4)” and substitute “subsection (5)”.

—An tAire Oideachais agus Scileanna.

35. In page 7, line 9, to delete “(6) An admission policy” and substitute “(7) An admission policy”.

—An tAire Oideachais agus Scileanna.

36. In page 7, to delete lines 12 to 19 and substitute the following:

“(c) provide that the school shall admit each student seeking admission to the school and each student seeking admission to a special class in the school, other than—

(i) where the school or special class concerned is oversubscribed, or

(ii) where the parent of a student, when required by the principal in accordance with section 23(4) of the Education (Welfare) Act 2000, fails to confirm in writing that the code of behaviour of the school is acceptable to him or her and that he or she shall make all reasonable efforts to ensure compliance with such code by the student,”.

—An tAire Oideachais agus Scileanna.

37. In page 7, line 22, to delete “or”.

—An tAire Oideachais agus Scileanna.

38. In page 7, to delete lines 23 to 27.

—Thomas Byrne, Róisín Shortall, Catherine Murphy.

39. In page 7, line 23, after “school” to insert “not aided by the Department of Education and Skills”.

—Catherine Martin.

40. In page 7, line 27, after “school” to insert “provided the majority of its building and annual running costs are not provided by public funds”.

—Carol Nolan.

41. In page 7, between lines 27 and 28, to insert the following:

“(v) in the case of a school that, with the approval of the Minister, provides an education exclusively for students with a specified category or categories of special educational needs, where the student does not have the specified category of special

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educational needs concerned, or

- (vi) in the case of a student seeking admission to a special class in the school, where the student does not have the specified category of special educational needs concerned,”.

—An tAire Oideachais agus Scileanna.

42. In page 7, between lines 27 and 28, to insert the following:

- “(v) in the case of a school or unit which is established to provide solely for the education of students with a specific special educational need or medical condition, where the school or unit refuses to admit as a student a person who does not display the behavioural characteristics associated with the specific special educational need or medical condition for which the school or unit is established,”.

—Carol Nolan.

43. In page 7, between lines 27 and 28, to insert the following:

- “(v) in the case of a school which teaches through the medium of Irish or primarily through the medium of Irish, where the school refuses to admit as a student a person who does not have Irish as a home language in favour of a person who does, or
- (vi) in the case of a school which teaches through the medium of Irish or primarily through the medium of Irish, where the school refuses to admit as a student a person who does not have Irish as a home language and it is proved that the refusal is essential to maintain the linguistic ethos of the school,”.

—Carol Nolan.

44. In page 7, to delete lines 28 to 39, and in page 8, to delete lines 1 to 17 and substitute the following:

- “(d) set out the selection criteria which shall be applied where the school is oversubscribed,
- (e) provide that the school shall not apply the following selection criteria where the school is oversubscribed:
 - (i) a student’s prior attendance at a specified category or categories of pre-school or pre-school service, other than in relation to a student’s prior attendance at—
 - (I) an early intervention class, or
 - (II) an early start pre-school,specified in a list published by the Minister from time to time,
 - (ii) the payment of fees or contributions (howsoever described) to

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the school, other than in accordance with section 64;

- (iii) subject to subsection (8), a student's academic ability, skills or aptitude;
 - (iv) the occupation, financial status, academic ability, skills or aptitude of a student's parents;
 - (v) a requirement that a student, or his or her parents, attend an interview, open day or other meeting as a condition of admission, other than in the case of admission to the residential element of a boarding school or to a course known as a post leaving certificate course;
 - (vi) subject to subsection (9), a student's connection to the school by virtue of a member of his or her family attending or having previously attended the school,
 - (vii) subject to the application being received at any time during the period specified for receiving applications set out in the annual admission notice of the school for the school year concerned or, where appropriate, at any time during the period as otherwise determined by the school in accordance with this Act or regulations made under this Act and subject to subsection (10), the date on which an application for admission was received by the school,
- (f) set out the manner and sequence in which the selection criteria will be applied, including the arrangements that shall apply in cases where 2 or more students are tied for a place or places in the school,
- (g) provide, where a school is oversubscribed, that any selection criteria that are not included in the admission policy of the school shall not be taken into account in determining whether or not a student is admitted to the school,
- (h) provide, where a school is oversubscribed, that in making a decision on an application for admission, only the information provided in the application received before the closing date set out in the annual admission notice of the school or, where appropriate, the date as otherwise determined by the school in accordance with this Act or regulations made under this Act, may be taken into account in determining whether or not a student is admitted to the school,
- (i) provide, where a school is oversubscribed, that the school shall compile a waiting list of students whose applications for the intake group were unsuccessful due to the school being oversubscribed, which shall remain valid for the school year in which admission is being sought subject to—

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- (i) the school placing students on the list in accordance with the order of priority assigned to the students' applications, after the school has applied the selection criteria in accordance with its admission policy, and
 - (ii) the school offering any further school places that become available for and during the school year in relation to which admission is being sought to those students on the waiting list, in accordance with the order of priority in relation to which the students have been placed on the list,
- (j) provide that, in accepting an offer of admission, an applicant shall indicate—
- (i) if he or she has accepted an offer of admission for another school or schools and where the applicant has so accepted, he or she shall provide details of the offer or offers concerned, and
 - (ii) if he or she has applied for and is awaiting confirmation of an offer of admission from another school or schools, he or she shall provide details of the other school or schools concerned,
- (k) provide that where a student has not been offered admission, the reasons that he or she was not offered admission shall be provided in writing to the applicant including, where applicable, details of why the student failed to meet the selection criteria and details of the student's position on the waiting list,
- (l) provide that an offer of admission may not be made or may be withdrawn where—
- (i) it is established that the application is fraudulent or intentionally misleading,
 - (ii) an applicant fails to confirm acceptance of an offer of admission on or before the date set out in the annual admission notice of the school or, where appropriate, the date as otherwise determined by the school in accordance with this Act or regulations made under this Act,
 - (iii) the parent of a student, when required by the principal in accordance with section 23(4) of the Education (Welfare) Act 2000, fails to confirm in writing that the code of behaviour of the school is acceptable to him or her and that he or she shall make all reasonable efforts to ensure compliance with such code by the student, or
 - (iv) the applicant has not complied with paragraph (j),
- (m) provide that an applicant may request the board to review a decision to refuse admission and that a decision to refuse admission may be appealed in accordance with section 29(1)(c)(i) or (ii),

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- (n) provide details of the school's arrangements in respect of any student, where the parent of that student, or in the case of a student who has reached the age of 18 years, the student, has requested that the student attend the school without attending religious instruction at the school,
 - (o) be consistent with any agreement in relation to the provision of infrastructure or funding to the school made between the Minister and the school,
 - (p) include a declaration that the board or person acting on its behalf shall not, except in accordance with section 64, charge fees for or seek payment or contributions (howsoever described) as a condition of—
 - (i) an application for admission of a student to the school, or
 - (ii) the admission or continued attendance of a student in the school,
 - (q) set out procedures and criteria for the admission of students who are not already admitted to the school—
 - (i) to classes or years other than the school's intake group, and
 - (ii) after the commencement of the school year in relation to which admission is sought including, where appropriate, in accordance with paragraph (i),and
 - (r) contain such additional information as may be prescribed in regulations under section 65.
- (8) Subsection (7)(e)(iii) shall not, insofar only as determining the student's academic ability, skills or aptitude is necessary in order to ascertain whether or not the student has the category of special educational needs concerned, apply to the admission of students to—
- (a) a school approved by the Minister to provide an education exclusively for students with a specified category or categories of special educational needs, or
 - (b) a special class.
- (9) Subsection (7)(e)(vi) shall not apply to selection criteria based on a student's connection to the school by virtue of—
- (a) a sibling of the student concerned attending or having attended the school, or
 - (b) a parent or grandparent of the student concerned having previously attended the school, provided the maximum number of places filled pursuant to that criterion does not exceed 25 per cent of the

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available places as set out in the school's annual admission notice for the school year concerned.

- (10) (a) Notwithstanding subsection (7)(e)(vii), a school may apply a selection criterion based on the date on which an application for admission or an expression of interest in applying for admission was received by the school where, prior to the coming into operation of this subsection the school had confirmed, in writing, to the person who made the application or expression of interest that the name of the child in respect of whom the application or expression of interest had been made had been placed on a list maintained by the school for the purpose of allocating school places in the school year concerned.
- (b) Paragraph (a) shall cease to have effect 5 years after it comes into operation.
- (11) In this section 'code of behaviour' has the same meaning as it has in the Education (Welfare) Act 2000."

—An tAire Oideachais agus Scileanna.

45. In page 7, to delete lines 38 and 39 and substitute the following:

"(h) provide details of the school's policy in relation to its arrangements for any students who do not wish to attend religious instruction and to ensure that these arrangements do not impose onerous demands on the parents or guardians of the student or students concerned and ensure that any alternative arrangements consist of a fulfilling educational experience for the student or students concerned,".

—Thomas Byrne.

46. In page 7, to delete lines 38 and 39 and substitute the following:

"(h) provide details of the school's arrangements to provide for the constitutional right of children to opt out of religious instruction, with the consent of their parents,".

—Carol Nolan.

47. In page 8, between lines 15 and 16, to insert the following:

"(m) contain details on the catchment area of the school, as prescribed in regulations under section 64."

—Thomas Byrne.

48. In page 8, between lines 15 and 16, to insert the following:

"(7) (a) That schools in receipt of public funding may not give preferential admission to children of their own denominational background from outside their catchment area, in preference to children of a different denomination from inside their catchment area.

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- (b) Schools in receipt of public funding may not use religion as a criteria for admissions to select children from outside their catchment area in the case of over-subscription.
- (c) The catchment area for each school will be determined by the Minister in consultation with patrons, boards of management and parents representatives.
- (d) The catchment for each school may be determined by the Minister on the basis of the availability of each school's denominational status in specific areas and can be designated to ensure access to a diversity of denominational and non-denominational schools in each area.
- (e) Catchment area boundaries will be subject to a review by the Department of Education and Skills in consultation with each board of management every five years, which will take into consideration demographic trends in the catchment area, a survey of parental demand for schools of various denominations and non-denominations and other considerations which will be specified by the Minister.
- (f) Catchment area boundary reviews can be requested once every two years by each board of management in writing to the Secretary General of the Department of Education and Skills.”.

—Thomas Byrne.

49. In page 8, between lines 17 and 18, to insert the following:

“Annual admission notice

63. (1) Subject to this Act and any regulations made under this Act, the board of a school shall, each year, prepare a notice (in this Part referred to as an ‘annual admission notice’) in respect of the admission of students to the intake group of the school for the school year concerned.
- (2) The board shall, prior to accepting applications for admission to the school for the school year concerned, in the prescribed manner and within the prescribed period, publish the annual admission notice.
- (3) An annual admission notice shall—
- (a) provide details in relation to how to obtain—
 - (i) a copy of the school’s admission policy, and
 - (ii) an application form for admission to the school,
 - (b) subject to subsection (4) and any regulations under section 65, set out—
 - (i) the date on which the school shall commence accepting applications for admission to the school for the school year concerned,

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- (ii) the date on which the school shall cease accepting applications for admission to the school for the school year concerned, which date shall be at least 3 weeks after the date referred to in subparagraph (i),
 - (iii) the date by which an applicant shall be notified of the decision in relation to his or her application,
 - (iv) the date by which an applicant shall confirm his or her acceptance of an offer of admission,
- (c) set out the number of places being made available in the intake group for the school year concerned including:
- (i) in the case of a boarding school, the number of residential and the number of non-residential places; and
 - (ii) in the case of a school with a special class, the number of places in the special class concerned;
- which numbers shall not be decreased after publication of the annual admission notice,
- (d) in the case of a school which, in the previous school year was oversubscribed, a statement setting out the number of applications received and the number and order of offers made in the previous school year in respect of each of the school's selection criteria,
- (e) include such other information as may be prescribed in regulations under section 65.
- (4) In relation to—
- (a) a boarding school, different dates may be provided under subsection (3)(b) in respect of the residential and the non-residential places in the school concerned, and
 - (b) a school with a special class, different dates may be provided under subsection (3)(b) in respect of places in the special class concerned.”.

—An tAire Oideachais agus Scileanna.

50. In page 8, to delete lines 19 to 21 and substitute the following:

“**64.** (1) Subject to subsection (2), a board or person acting on a board's behalf shall not charge fees for, or seek payments or contributions (howsoever described) as a condition of—”.

—An tAire Oideachais agus Scileanna.

51. In page 8, line 31, to delete “relate” and substitute “relate solely”.

—An tAire Oideachais agus Scileanna.

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52. In page 8, line 37, to delete “64. (1) The” and substitute “65. (1) The”.

—An tAire Oideachais agus Scileanna.

53. In page 8, line 37, to delete “may” and substitute “shall”.

—Carol Nolan.

54. In page 8, lines 37 and 38, to delete “the principles of inclusion and equality of access to and participation in education,” and substitute the following:

“the principles of inclusion and equality of access to and participation in education and the principles of efficiency, effectiveness, clarity and fairness for applicants and schools.”

—An tAire Oideachais agus Scileanna.

55. In page 9, between lines 10 and 11, to insert the following:

“(3) Nothing in this section shall prohibit—

- (a) a primary school which teaches through the medium of Irish from giving priority in its admissions policy to students who speak Irish as a home language, or
- (b) a post primary school which teaches through the medium of Irish from giving priority in its admissions policy to students who speak Irish as a home language or who has attended a primary school which teaches through the medium of Irish.”

—Catherine Martin.

56. In page 9, between lines 10 and 11, to insert the following:

- “(3) (a) In particular, the Minister shall, within 3 months of the commencement of this Act, make regulations governing the age-appropriate arrangements to be made for students who do not wish to attend religious instruction or classes.
- (b) Such regulations shall have regard to the rights of students under the Constitution to attend a school in receipt of public funds without attending religious instruction or classes at that school.”

—Catherine Martin.

57. In page 9, line 12, to delete “may provide for all or any of” and substitute “shall provide for”.

—Carol Nolan.

58. In page 9, line 17, to delete “section 62(3)” and substitute “section 62(4)”.

—An tAire Oideachais agus Scileanna.

59. In page 9, line 28, to delete “paragraphs (a) to (k) of section 62(6)” and substitute “paragraphs (a) to (q) of section 62(7)”.

—An tAire Oideachais agus Scileanna.

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60. In page 9, to delete lines 37 to 41, and in page 10 to delete lines 1 to 11.

—An tAire Oideachais agus Scileanna.

61. In page 9, after line 41, to insert the following:

“(i) a student’s connection to the school by virtue of his or her relationship with a specified category or categories of person, including the relationship of being a child of a former student or of a teacher at that school;”.

—Joan Burton.

62. In page 10, line 9, after “admission” to insert the following:

“except in the case of an application for admission to a Gaelscoil, where the purposes of the interview is to assess the educational and linguistic requirements of applicant children who are from Irish-speaking families”.

—Thomas Byrne.

63. In page 10, line 11, after “school” to insert “except for an application for admission received on or before 02 September 2013”.

—Thomas Byrne.

64. In page 10, between lines 11 and 12, to insert the following:

“(vii) nothing in this subsection shall prohibit a primary school which teaches through the medium of Irish from giving priority in its admissions policy to students who speak Irish as a home language and from requiring that such a student and one of his or her parents or legal guardians should attend an assessment, the sole purpose of which would be to determine whether Irish is the primary language of communication between that parent and child;

(viii) nothing in this subsection shall prohibit a post primary school which teaches through the medium of Irish from giving priority in its admissions policy to a student who has previously been determined by a primary school in accordance with section 64(3)(d)(vii) to be a student with Irish as a home language;”.

—Thomas Byrne.

65. In page 10, between lines 11 and 12, to insert the following:

“(vii) nothing in this subsection shall prohibit a school which teaches through the medium of Irish or primarily through the medium of Irish from applying selection criteria based on—

(I) a student who has previously been determined by a primary school in accordance with this section to be a student with Irish as a home language,

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- (II) a student's prior attendance at an Irish language immersion pre-school or pre-school service,
- (III) an assessment, between a student and one of his or her parents or legal guardians, the sole purpose of which would be to determine whether Irish is the primary language of communication between that parent and child,
- (IV) a meeting to assess the student's and/or guardian's acceptance of the linguistic ethos of the school;
- (viii) nothing in this subsection shall prohibit a post-primary school which teaches through the medium of Irish from giving priority in its admissions policy to a student who has previously been determined by a primary school in accordance with this section to be a student with Irish as a home language."

—Carol Nolan.

66. In page 10, to delete lines 12 and 13 and substitute the following:

"(d) requirements in relation to the admission process, including in relation to all or any of the following:"

—An tAire Oideachais agus Scileanna.

67. In page 10, to delete line 14 and substitute the following:

"(i) information that shall be contained in—

(I) an annual admission notice, and

(II) an application form;"

—An tAire Oideachais agus Scileanna.

68. In page 10, between lines 14 and 15, to insert the following:

"(ii) the manner in which, and period during which a board shall publish an annual admission notice;"

—An tAire Oideachais agus Scileanna.

69. In page 10, line 15, to delete "(ii) documents" and substitute "(iii) documents".

—An tAire Oideachais agus Scileanna.

70. In page 10, to delete lines 21 and 22 and substitute the following:

"(iv) the manner in which and period during which applications for admission may be made, which may include setting the earliest date on which a school may accept applications for admission and setting the closing date for applications;"

—An tAire Oideachais agus Scileanna.

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71. In page 10, line 23, to delete “(iv) the manner” and substitute “(v) the manner”.
—An tAire Oideachais agus Scileanna.
72. In page 10, line 25, to delete “(v) the manner” and substitute “(vi) the manner”.
—An tAire Oideachais agus Scileanna.
73. In page 10, line 28, to delete “(vi) information” and substitute “(vii) information”.
—An tAire Oideachais agus Scileanna.
74. In page 10, line 29, to delete “subparagraph (v)” and substitute “subparagraph (vi)”.
—An tAire Oideachais agus Scileanna.
75. In page 10, line 30, to delete “(vii) conditions” and substitute “(viii) conditions”.
—An tAire Oideachais agus Scileanna.
76. In page 10, to delete lines 33 to 37.
—An tAire Oideachais agus Scileanna.
77. In page 10, to delete lines 38 to 40 and substitute the following:
“(ix) the procedures that shall apply when an offer is withdrawn;”.
—An tAire Oideachais agus Scileanna.
78. In page 11, line 1, to delete “(xi) arrangements” and substitute “(x) arrangements”.
—An tAire Oideachais agus Scileanna.
79. In page 11, line 3, to delete “(xii) arrangements” and substitute “(xi) arrangements”.
—An tAire Oideachais agus Scileanna.
80. In page 11, line 6, to delete “(xiii) arrangements” and substitute “(xii) arrangements”.
—An tAire Oideachais agus Scileanna.
81. In page 11, line 9, to delete “(xiv) arrangements” and substitute “(xiii) arrangements”.
—An tAire Oideachais agus Scileanna.
82. In page 11, between lines 11 and 12, to insert the following:
“(xv) arrangements that shall apply in relation to mandatory positive discrimination prescribed in the admissions policy of a school or schools to ensure no specific group is excluded from enrolment by nature of the living arrangements of individual households.”.
—Thomas Byrne.

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83. In page 11, between lines 11 and 12, to insert the following:

“(f) the catchment area for each school or schools for the purposes of school admissions, which can be sized according to the denominational status of the school based on principles specified by the Minister in regulations under this section.”.

—Thomas Byrne.

84. In page 11, between lines 11 and 12, to insert the following:

“(f) age-appropriate guidelines for primary and post-primary schools, respectively, in relation to students who do not wish to attend religious instruction or classes.”.

—Catherine Martin.

85. In page 11, between lines 14 and 15, to insert the following:

“(5) Regulations made under this section shall not prevent a school that provides teaching through Irish from setting out in its admissions policy or from applying selection criteria that, where the number of students seeking admission is greater than the number of places being made available by the school, give preference to children from an Irish-speaking home.”.

—Joan Burton.

86. In page 11, between lines 14 and 15, to insert the following:

“Prohibition on selection criteria based on relationship with board or staff members

65. Without prejudice to section 64, in a case where the number of students seeking admission to a school is greater than the number of places being made available at the school, the school shall not be permitted to apply selection criteria based on a student’s connection to the school by virtue of his or her family relationship with a member of the board or a teacher or other member of the staff of the school.”.

—Brendan Ryan.

87. In page 11, line 16, to delete “65. (1) The” and substitute “66. (1) The”.

—An tAire Oideachais agus Scileanna.

88. In page 11, between lines 27 and 28, to insert the following:

“(c) the Minister considers it in the best interests of students in an area that a jointly coordinated and operated admissions process is established in a specific area, as may be designated by the Minister, the Minister may apply directions to establish such a jointly coordinated and operated admissions process and direct the provision of all resources necessary for its establishment.”.

—Thomas Byrne.

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89. In page 12, between lines 1 and 2, to insert the following:

“(6) (a) A board may, in order to facilitate the efficient admission of students, provide a patron or another board with a list of the students in relation to whom—

- (i) an application to the school concerned has been received,
- (ii) an offer of admission to the school concerned has been made, or
- (iii) an offer of admission to the school concerned has been accepted.

(b) A list provided by a board under paragraph (a) may include a student’s personal details including the student’s name, address, date of birth and public service number (within the meaning of section 262 of the Social Welfare Consolidation Act 2005).”.

—An tAire Oideachais agus Scileanna.

90. In page 12, between lines 2 and 3, to insert the following:

“**66.** (1) The Council shall have the authority to oblige a school to establish specialist education provision, in the form of a special class to cater for a specific, or range of, special educational need(s) where a clear need for such specialist education has been established.”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith, Ruth Coppinger, Mick Barry,
Paul Murphy.

91. In page 12, line 3, to delete “**66.** (1) In” and substitute “**67.** (1) In”.

—An tAire Oideachais agus Scileanna.

92. In page 12, line 12, to delete “as a student”.

—An tAire Oideachais agus Scileanna.

93. In page 12, line 13, after “so” to insert “and open an ASD unit where necessary to accommodate the special educational needs of that child”.

—Catherine Martin.

94. In page 12, between lines 19 and 20, to insert the following:

“(d) the availability of places in schools in the locality,”.

—An tAire Oideachais agus Scileanna.

95. In page 12, line 20, to delete “(d) the school” and substitute “(e) the school”.

—An tAire Oideachais agus Scileanna.

96. In page 12, line 21, after “attend,” to insert the following:

“with preference given to the child’s local school unless the best interests of the child require otherwise,”.

—Carol Nolan.

97. In page 12, line 21, to delete “and”.

—An tAire Oideachais agus Scileanna.

98. In page 12, between lines 21 and 22, to insert the following:

“(f) the admission policies of schools in the locality, and”.

—An tAire Oideachais agus Scileanna.

99. In page 12, line 22, to delete “(e) the ability” and substitute “(g) the ability”.

—An tAire Oideachais agus Scileanna.

100. In page 12, line 22, after “to” where it firstly occurs to insert “make all reasonable efforts to”.

—Catherine Martin.

101. In page 12, between lines 27 and 28, to insert the following:

“(f) in determining the ability of the school to accommodate the child concerned and to meet his or her special educational needs the Council may instruct a school to establish a special class or autism unit where the following conditions are met:

(i) there is sufficient demand for the class or unit; and

(ii) the Council is satisfied that the school concerned has the capacity to provide the accommodation concerned, taking into account any financial supports that may be available from the Oireachtas for such a purpose, which the school might reasonably be expected to avail of.”.

—Carol Nolan.

102. In page 12, between lines 27 and 28, to insert the following:

“(3) The Council, where it considers necessary and where the Council has established a need for a special education class in a particular school in respect of a category or categories of special educational need (in accordance with the Council’s own established practices), may direct a school to apply to the Council to open a special class in respect of the category of special educational need which the Council has identified as necessary for that school.”.

—Thomas Byrne.

103. In page 12, line 28, to delete “(3) The Agency” and substitute “(4) The Agency”.

—Thomas Byrne.

104. In page 12, lines 30 and 31, to delete “where the child has not been admitted to any school” and substitute “where the child has no school place”.

—An tAire Oideachais agus Scileanna.

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105. In page 12, line 37, to delete “as a student”.

—An tAire Oideachais agus Scileanna.

106. In page 12, line 38, after “so” to insert “and open an ASD unit where necessary to accommodate the special educational needs of that child”.

—Catherine Martin.

107. In page 12, line 39, to delete “(4) In making” and substitute “(5) In making”.

—Thomas Byrne.

108. In page 12, line 39, to delete “subsection (3)” and substitute “subsection (4)”.

—Thomas Byrne.

109. In page 13, line 3, to delete “and”.

—An tAire Oideachais agus Scileanna.

110. In page 13, between lines 3 and 4, to insert the following:

“(d) the admission policies of schools in the locality, and”.

—An tAire Oideachais agus Scileanna.

111. In page 13, line 4, to delete “(d) the school” and substitute “(e) the school”.

—An tAire Oideachais agus Scileanna.

112. In page 13, line 6, to delete “(5) Where” and substitute “(6) Where”.

—Thomas Byrne.

113. In page 13, line 6, after “school” to insert “not aided by the Department of Education and Skills”.

—Catherine Martin.

114. In page 13, line 6, to delete “or (3)” and substitute “or (4)”.

—Thomas Byrne.

115. In page 13, line 7, after “school” to insert “or the parents of the child concerned”.

—Carol Nolan.

116. In page 13, line 9, to delete “(6) Subject to subsection (7)” and substitute “(7) Subject to subsection (8)”.

—Thomas Byrne.

117. In page 13, line 9, to delete “subsection (5)” and substitute “subsection (6)”.

—Thomas Byrne.

118. In page 13, to delete lines 13 to 24 and substitute the following:

“(7) The appeals committee shall, in reaching its decision, allow an appeal under subsection (5) and cancel the designation only where it is

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satisfied that there has been non-compliance with any of the requirements of this section or the school has established that the decision of the Agency or the Council, as the case may be, is unreasonable.”.

—An tAire Oideachais agus Scileanna.

119. In page 13, line 13, to delete “(7) The appeals” and substitute “(8) The appeals”.

—Thomas Byrne.

120. In page 13, line 14, to delete “subsection (5)” and substitute “subsection (6)”.

—Thomas Byrne.

121. In page 13, to delete lines 15 to 24 and substitute the following:

“satisfied that there has been non-compliance with any of the requirements of this section or the school has established that the decision of the Agency or the Council, as the case may be, is unreasonable.”.

—Catherine Martin.

122. In page 13, to delete lines 19 to 24 and substitute the following:

“(b) in the case of a school to which section 7(3)(c) of the Act of 2000 applies, whose objective is to provide an education in an environment which promotes certain religious values and which is over-subscribed from within its own catchment area and where the child is not of the relevant religious denomination concerned, the school has proved that the refusal to admit the child is essential to maintain the ethos of the school.”.

—Thomas Byrne.

123. In page 13, to delete lines 19 to 24.

—Róisín Shortall, Catherine Murphy.

124. In page 13, line 19, after “school” to insert “not aided by the Department of Education and Skills”.

—Catherine Martin.

125. In page 13, between lines 24 and 25, to insert the following:

“(c) in the case of a school which teaches through the medium of Irish or primarily through the medium of Irish, and where the child does not have Irish as a home language, the school has proved, after due consideration by the Board of Management, that the refusal to admit the child is essential to maintain the linguistic ethos of the school.”.

—Carol Nolan.

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126. In page 13, between lines 24 and 25, to insert the following:

“(c) it is found that the designation places an unreasonable burden on the parents of the child concerned or the parents of the child have established that the decision of the Agency or council, as the case may be, is unreasonable.”.

—Carol Nolan.

127. In page 13, line 25, to delete “(8) Where” and substitute “(9) Where”.

—Thomas Byrne.

128. In page 13, line 30, to delete “subsection (3)” and substitute “subsection (4)”.

—Thomas Byrne.

129. In page 13, line 34, to delete “(9) On hearing” and substitute “(10) On hearing”.

—Thomas Byrne.

130. In page 13, line 34, to delete “subsection (8)” and substitute “subsection (9)”.

—Thomas Byrne.

131. In page 14, line 1, to delete “(10) When” and substitute “(11) When”.

—Thomas Byrne.

132. In page 14, line 3, to delete “subsection (5)” and substitute “subsection (6)”.

—Thomas Byrne.

133. In page 14, line 5, to delete “subsection (8)” and substitute “subsection (9)”.

—Thomas Byrne.

134. In page 14, line 7, to delete “(11) The” and substitute “(12) The”.

—Thomas Byrne.

135. In page 14, line 10, to delete “(12) An” and substitute “(13) An”.

—Thomas Byrne.

136. In page 14, line 12, to delete “(13) An” and substitute “(14) An”.

—Thomas Byrne.

137. In page 14, line 16, to delete “(14) The” and substitute “(15) The”.

—Thomas Byrne.

138. In page 14, line 22, to delete “(15) The term” and substitute “(16) The term”.

—Thomas Byrne.

139. In page 14, line 25, to delete “(16) The” and substitute “(17) The”.

—Thomas Byrne.

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140. In page 14, line 27, to delete “(17) The” and substitute “(18) The”.

—Thomas Byrne.

141. In page 14, line 29, to delete “(18) The” and substitute “(19) The”.

—Thomas Byrne.

142. In page 14, to delete lines 33 to 36 and substitute the following:

“(19) The Minister may, in the interests of the operation of an efficient appeals process under this section and following consultation with the Minister for Children and Youth Affairs, the Council, the Agency, bodies representative of patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, determine procedures to—”.

—An tAire Oideachais agus Scileanna.

143. In page 14, line 33, to delete “(19) The” and substitute “(20) The”.

—Thomas Byrne.

144. In page 14, line 37, to delete “set out procedures to”.

—An tAire Oideachais agus Scileanna.

145. In page 15, between lines 1 and 2, to insert the following:

“(20) Where an appeal concerns a school which teaches through the medium of Irish, the members of the appeal committee hearing and determining the appeal shall have the ability to hear and read evidence and submissions in the Irish language without interpretation or translation and the appeal committee shall conduct its business with such school in the Irish language.”.

—Carol Nolan.

146. In page 15, line 2, to delete “(20) In” and substitute “(21) In”.

—Thomas Byrne.

147. In page 15, between lines 3 and 4, to insert the following:

“ ‘all reasonable efforts’ shall not be taken to place an additional requirement on parents to source a school place for their child above what would be expected in normal circumstances and having regard to the principle that the best interests of the child are served in the local school unless circumstances require otherwise;”.

—Carol Nolan.

148. In page 15, between lines 3 and 4, to insert the following:

“ ‘ASD Unit’ means a class within a mainstream school which has up to 6 children diagnosed with autism taught by a teacher and at least

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two special needs assistants;”.

—Catherine Martin.

149.In page 15, between lines 5 and 6, to insert the following:

“ ‘child’ includes a person in respect of whom an application for admission to a school has not been made;”.

—An tAire Oideachais agus Scileanna.

150.In page 15, between lines 7 and 8, to insert the following:

“**67.** (1) The Council may—

- (a) of its own volition, or
- (b) at the request of a parent of a child, where the Council is of the opinion that the parents of the child have failed to obtain any placement for the child in an Autism Class within a mainstream school within a reasonably close proximity to the home of the child,

direct a mainstream school to open an Autism Class.

(2) In making a direction under subsection (1), the Council shall have regard to—

- (a) the special educational needs of the child or children in the local area,
- (b) the wishes of the parents,
- (c) the wishes of the child in accordance with the age and maturity of the child or children concerned,
- (d) the views of the principal and staff members,
- (e) the location of the school,
- (f) the availability of Autism Classes within mainstream schools locally,
- (g) the ability of the school, taking all matters into account when resources are made available to it, in accordance with the policies relating to education generally and the education of children with special educational needs, which are formulated from time to time by the Minister, to provide an Autism Class.

(3) Where a school is directed under subsection (1), the board of the school may, not later than 28 days after the decision date, appeal the decision to an appeals committee.

(4) On hearing an appeal an appeals committee shall within the prescribed period—

- (a) allow the appeal and cancel the direction, or

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- (b) dismiss the appeal.
- (5) The appeals committee shall, in reaching its decision, allow an appeal under subsection (3) and cancel the direction only where it is satisfied that—
 - (a) there has been non-compliance with any of the requirements of this section, or
 - (b) the school has established that the decision of the Council is unreasonable.
- (6) Where the Council has failed or refused to make a direction under subsection (1) pursuant to a request under paragraph (b) of that subsection within the prescribed period the parents concerned may, within the prescribed period, appeal to an appeals committee against the failure or refusal to make a direction.
- (7) On hearing an appeal under subsection (6), an appeals committee shall, within the prescribed period—
 - (a) allow the appeal and give a direction to the Council, requiring the Council to direct a school and the Council shall comply with such direction, or
 - (b) dismiss the appeal.
- (8) When notifying—
 - (a) the board of its decision to allow or dismiss an appeal under subsection (3), or
 - (b) the parents of its decision to allow or dismiss an appeal under subsection (6),a committee shall give reasons for its decision.
- (9) The Minister shall appoint one or more than one committee (in this section referred to as an ‘appeals committee’) to hear and determine appeals under this section.
- (10) An appeals committee shall be independent in the performance of its functions.
- (11) An appeals committee shall consist of a chairperson and such number of ordinary members as may be determined by the Minister, and, in the case of an equal division of votes, the chairperson shall have a casting vote.
- (12) The chairperson and ordinary members of an appeals committee shall be appointed by the Minister from among persons who have a special interest in or knowledge of education and shall, in the case of any appeal concerning a child with special educational needs, include at least one person who has a special interest in or knowledge in relation

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to the education of persons with special educational needs.

- (13) The term of office of the chairperson and the ordinary members of an appeals committee shall be for such period as shall be determined by the Minister.
- (14) The chairperson or an ordinary member of an appeals committee may resign by letter addressed to the Minister.
- (15) The chairperson or an ordinary member of an appeals committee may be removed from office by the Minister for stated misbehaviour.
- (16) The chairperson and the ordinary members of an appeals committee shall be paid such allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.
- (17) The Minister may, in the interests of the operation of an efficient appeals process under this section and following consultation with the Minister for Children and Youth Affairs, the Council and the Agency, by regulations—
 - (a) set out procedures to be followed by an appeals committee when hearing an appeal under this section, which procedures shall ensure that hearings are conducted with the minimum of formality consistent with giving all parties a fair hearing,
 - (b) specify time limits applicable to appeals, and
 - (c) provide for any other related or ancillary matter.

- (18) In this section—

‘Agency’ means the Child and Family Agency;

‘Autism Class’ (also known as ‘ASD Units’) means a class within a mainstream school which has up to 6 children diagnosed with autism taught by a Teacher and at least two Special Needs Assistants (SNAs);

‘board’ includes, where the context so requires, a relevant managerial authority of a centre for education;

‘Council’ means the National Council for Special Education;

‘school’ includes a centre for education.”.

—Mattie McGrath.

151.In page 15, line 9, to delete “**67. (1) Subject**” and substitute “**68. (1) Subject**”.

—An tAire Oideachais agus Scileanna.

152.In page 15, line 18, to delete “or”.

—An tAire Oideachais agus Scileanna.

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153. In page 15, between lines 22 and 23, to insert the following:

“(iv) the board has failed to comply with section 64, or”.

—An tAire Oideachais agus Scileanna.

154. In page 15, between lines 22 and 23, to insert the following:

“(v) the board has failed to comply with a direction under section 29D or 29E,”.

—An tAire Oideachais agus Scileanna.

155. In page 15, line 32, to delete “subparagraph (i), (ii) or (iii)” and substitute “subparagraph (i), (ii), (iii), (iv) or (v)”.

—An tAire Oideachais agus Scileanna.

156. In page 16, between lines 34 and 35, to insert the following:

“(14) In the case of a school which teaches through the medium of Irish or primarily through the medium of Irish, all said directions, notices, reports and representations to the patron and the Board under this section and all work carried out by the independent person nominated under subsection (4) shall be in the Irish language.”.

—Carol Nolan.

157. In page 16, line 40, to delete “68. (1) Subject” and substitute “69. (1) Subject”.

—An tAire Oideachais agus Scileanna.

158. In page 17, line 7, to delete “or”.

—An tAire Oideachais agus Scileanna.

159. In page 17, between lines 11 and 12, to insert the following:

“(iv) the board has failed to comply with section 64, or”.

—An tAire Oideachais agus Scileanna.

160. In page 17, between lines 11 and 12, to insert the following:

“(v) the board has failed to comply with a direction under section 29D or 29E,”.

—An tAire Oideachais agus Scileanna.

161. In page 17, line 20, to delete “subparagraph (i), (ii) or (iii)” and substitute “subparagraph (i), (ii), (iii), (iv) or (v)”.

—An tAire Oideachais agus Scileanna.

162. In page 18, line 5, to delete “and”.

—An tAire Oideachais agus Scileanna.

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163. In page 18, line 10, to delete “board.” and substitute “board.”.

—An tAire Oideachais agus Scileanna.

164. In page 18, between lines 10 and 11, to insert the following:

“(e) ascertain whether or not the board is complying with section 64, and where he or she considers that the board is not so complying, set out the remedial action which he or she considers should be taken by the board, and”.

—An tAire Oideachais agus Scileanna.

165. In page 18, between lines 10 and 11, to insert the following:

“(f) ascertain whether or not the board has complied with a direction under section 29D or 29E, and where he or she considers that the board is not so complying, set out the remedial action which he or she considers should be taken by the board.”.

—An tAire Oideachais agus Scileanna.

166. In page 18, line 12, to delete “subparagraph (i), (ii) or (iii)” and substitute “subparagraph (i), (ii), (iii), (iv) or (v)”.

—An tAire Oideachais agus Scileanna.

167. In page 18, line 34, to delete “69. (1) Where” and substitute “70. (1) Where”.

—An tAire Oideachais agus Scileanna.

168. In page 18, line 35, to delete “section 68” and substitute “section 69”.

—An tAire Oideachais agus Scileanna.

169. In page 18, line 39, to delete “section 68” and substitute “section 69”.

—An tAire Oideachais agus Scileanna.

170. In page 19, line 6, to delete “section 68” and substitute “section 69”.

—An tAire Oideachais agus Scileanna.

171. In page 19, line 8, to delete “section 68” and substitute “section 69”.

—An tAire Oideachais agus Scileanna.

172. In page 19, line 14, to delete “section 68” and substitute “section 69”.

—An tAire Oideachais agus Scileanna.

173. In page 19, line 19, to delete “section 68” and substitute “section 69”.

—An tAire Oideachais agus Scileanna.

174. In page 19, line 29, to delete “section 68” and substitute “section 69”.

—An tAire Oideachais agus Scileanna.

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175. In page 19, line 39, to delete “section 68” and substitute “section 69”.

—An tAire Oideachais agus Scileanna.

176. In page 20, line 2, to delete “Act.” and substitute the following:

“Act.

Appointment of independent person by Minister

70. (1) Subject to this section, the Minister may appoint an independent person to comply with a direction under section 67 or 68.
- (2) The Minister shall, by notice in writing, inform the patron where he or she proposes to appoint an independent person under this section.
- (3) A notice under subsection (2) shall—
- (a) state that the Minister is of the opinion that—
 - (i) the patron has failed, pursuant to a request under section 69(3) to direct the board to comply with a direction under section 68,
 - (ii) the patron has failed to appoint a person in accordance with section 69(8) to comply with a direction under section 68,
 - (iii) the patron has appointed a person in accordance with section 67(9)(b) and the person appointed has failed to comply with a direction under section 67, or
 - (iv) the patron has appointed a person in accordance with section 69(8) and the person appointed has failed to comply with a direction under section 68,
 - (b) set out the reasons for that opinion,
 - (c) state that the Minister proposes to appoint an independent person under this section, and
 - (d) state that the patron may make representations to the Minister in relation to the proposed appointment not later than 14 days after the service of the notice.
- (4) Where the Minister, having considered any representations made by the patron pursuant to a notice under subsection (2) remains of the opinion that subparagraph (i), (ii), (iii) or (iv) of subsection (3)(a) applies, the Minister may nominate a person (in this section referred to as an ‘authorised person’) who, in the opinion of the Minister, has the relevant knowledge and experience, to prepare a report for the purposes of this section.
- (5) The Minister shall, by notice in writing, inform the patron where he or she has appointed an authorised person and give reasons for the appointment.
- (6) The authorised person shall, within such period as the Minister

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specifies, prepare and furnish a report to the Minister for the purposes of this section.

- (7) The Minister may, where he or she considers it appropriate to do so, extend the period referred to in subsection (6).
- (8) When preparing a report for the purposes of this section the authorised person shall—
 - (a) have regard to any representations made by the patron pursuant to a notice under subsection (2),
 - (b) ascertain whether or not the direction under section 67 or 68 has been complied with and, where he or she considers it has not been complied with, set out the appropriate remedial action which he or she considers should be taken.
- (9) Where, having considered a report prepared for the purposes of this section, the Minister remains of the opinion that subparagraph (i), (ii), (iii) or (iv) of subsection (3)(a) applies, the Minister may appoint such independent person or persons who, in the opinion of the Minister, has the appropriate knowledge and experience, to comply with the direction concerned, and the person appointed shall comply with the direction.
- (10) The Minister shall, by notice in writing, inform the patron and the board where he or she has appointed a person under subsection (9) and attach a copy of the report prepared for the purposes of this section.
- (11) The patron, board, teachers and other members of the staff of the school shall co-operate (including giving access to all relevant records) with an independent person appointed under this section and an authorised person in relation to the performance by those persons of their functions under this Act.
- (12) An independent person appointed under this section and an authorised person shall be paid by the Minister such remuneration (if any) and such allowances for expenses as the Minister, with the approval of the Minister for Public Expenditure and Reform, may determine.”.”.

—Joan Burton.

177. In page 20, between lines 2 and 3, to insert the following:

- “(14) In the case of a school which teaches through the medium of Irish or primarily through the medium of Irish, all said directions, notices and representations to the patron and the Board under this section shall be in the Irish language.”.”.

—Carol Nolan.

[SECTION 8]

SECTION 8

178. In page 20, between lines 2 and 3, to insert the following:

“Amendment of Equal Status Act 2000

8. Section 7 of the Equal Status Act 2000 is amended in section 7(3)(c) by the insertion of “the majority of its building and annual running costs are not provided by public funds” after “where the establishment is a school providing primary or post-primary education to students.”.

—Carol Nolan.

179. In page 20, between lines 2 and 3, to insert the following:

“Amendment of section 7 of Equal Status Act 2000

8. Section 7(3) of the Equal Status Act 2000 is amended by inserting the following paragraph after paragraph (c):

“(ca) paragraph (c) shall not apply to schools which are maintained, in whole or in part, by monies provided by the Oireachtas.”.

—Róisín Shortall, Catherine Murphy.

180. In page 20, between lines 2 and 3, to insert the following:

“Prohibition on discrimination by publicly funded schools on the basis of religion

8. Section 7(3)(c) of the Equal Status Act 2000 is amended by the insertion of “not aided by the Department of Education and Skills” after the words “where the establishment is a school”.

—Catherine Martin.

SECTION 9

181. In page 20, between lines 19 and 20, to insert the following:

“Amendment of Rule 69 of the Rules of 1965

9. (1) In this section—

“Rule 69” means Rule 69 of the Rules for National Schools under the Department of Education, 1965;

“Rules of 1965” means the Rules for National Schools under the Department of Education, 1965.

- (2) The Minister shall, on the enactment of this Act, by Order, amend Rule 69 of the Rules of 1965 as follows:

(a) subsection (1) shall be deleted,

(b) the following subsection shall be inserted after subsection (5):

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“(6) Religious instruction shall take place as a discrete lesson at the end of the school day and shall not take place at any other time during the school day nor shall it imbue or permeate education at any other time during the school day. This provision exists to afford equal respect and dignity to all pupils, regardless of religion, ethnicity or family background, and to uphold their constitutional rights under Articles 44.2.3 and 44.2.4. Further, this provision exists to give effect to subsections (2) and (3).”.

—Róisín Shortall, Catherine Murphy.

182.In page 20, line 25, to delete “Education (Welfare) Act 2000.” and substitute “Education (Welfare) Act 2000;”.

—An tAire Oideachais agus Scileanna.

183.In page 20, between lines 25 and 26, to insert the following:

“(d) sections 4 and 6 of the Education (Miscellaneous Provisions) Act 2007.”.

—An tAire Oideachais agus Scileanna.

TITLE

184.In page 3, line 14, after “attend,” to insert the following:

“and to provide an amended appeals process where a student has been expelled or suspended from, or has failed to gain admission to, a school;”.

—An tAire Oideachais agus Scileanna.