



# **DÁIL ÉIREANN**

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

### **LEASUITHE TUARASCÁLA REPORT AMENDMENTS**

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# DÁIL ÉIREANN

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

### EDUCATION (ADMISSION TO SCHOOLS) BILL 2016 —REPORT

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#### *Leasuithe Amendments*

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1. In page 3, line 16, to delete “a school,” and substitute the following:

“a school; and to provide that, following a report from the National Council for Special Education, in certain circumstances the Minister may issue a direction in respect of the additional provision of education for children with special educational needs;”.

—An tAire Oideachais agus Scileanna.

2. In page 3, line 16, after “school,” to insert the following:

“to amend section 7 of the Equal Status Act 2000 in relation to its application to recognised primary schools, to further amend that Act to provide for the application for admission to recognised primary schools by students of minority religions;”.

—An tAire Oideachais agus Scileanna.

3. In page 3, lines 16 to 18, to delete all words from and including “the” where it secondly occurs in line 16 down to and including “2004,” in line 18 and substitute the following:

“the Education (Welfare) Act 2000, the Education for Persons with Special Educational Needs Act 2004 and the Education (Miscellaneous Provisions) Act 2007;”.

—An tAire Oideachais agus Scileanna.

4. In page 3, to delete line 21 and substitute the following:

“1. 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.

5. In page 4, between lines 14 and 15, to insert the following:

“(2) 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.”.”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

6. In page 4, between lines 14 and 15, to insert the following:

“(2) Section 15 of the Act of 1998 is amended in subsection (2) by the insertion of the following paragraph after paragraph (g):

“(h) in performing the functions conferred on it, and notwithstanding paragraph (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.

7. In page 5, line 1, to delete “, or a special class in the school,”.

—An tAire Oideachais agus Scileanna.

8. In page 5, line 3, to delete “, or a special class in the school,”.

—An tAire Oideachais agus Scileanna.

9. In page 5, line 6, after “the student” to insert “(each of whom is, in this section and sections 29A to 29F, referred to as an applicant)”.

—An tAire Oideachais agus Scileanna.

10. In page 5, between lines 11 and 12, to insert the following:

“ ‘applicant’ has the meaning assigned to it by subsection (1);”.

—An tAire Oideachais agus Scileanna.

11. In page 5, between lines 15 and 16, to insert the following:

“ ‘school year’ has the same meaning as it has in Part X (inserted by section 8 of the *Education (Admission to Schools) Act 2018*);”.

—An tAire Oideachais agus Scileanna.

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

“(5) The Minister may, where he or she considers it necessary to do so—

(a) prior to an oral hearing in respect of an appeal under section 29(1) (a), (b) or (c)(ii), or

(b) prior to the examination and determination of an appeal under

section 29(1)(c)(i),

replace a member of an appeals committee (including the chairperson) with another member of an appeals panel.”.

—An tAire Oideachais agus Scileanna.

**13.** In page 6, line 5, to delete “(5) The Minister” and substitute “(6) The Minister”.

—An tAire Oideachais agus Scileanna.

**14.** In page 6, line 8, to delete “(6) An appeals” and substitute “(7) An appeals”.

—An tAire Oideachais agus Scileanna.

**15.** In page 7, between lines 20 and 21, to insert the following:

“(j) the form and manner in which a request for a review under section 29C(1) shall be made, including the period during which such request shall be made and the period in which the board shall issue a statement under section 29C(5);”.

—An tAire Oideachais agus Scileanna.

**16.** In page 7, line 21, to delete “(j) such other” and substitute “(k) such other”.

—An tAire Oideachais agus Scileanna.

**17.** In page 7, line 33, to delete “by the school of its” and substitute “of the school’s”.

—An tAire Oideachais agus Scileanna.

**18.** In page 8, line 2, to delete “, or a special class in the school,”.

—An tAire Oideachais agus Scileanna.

**19.** In page 8, line 13, to delete “its decision” and substitute “the decision”.

—An tAire Oideachais agus Scileanna.

**20.** In page 8, to delete lines 30 and 31 and substitute the following:

“(7) In this section and section 29E ‘waiting list’ means, in relation to a school, the waiting list compiled in accordance with section 62(7)(i) by the school concerned.”.

—An tAire Oideachais agus Scileanna.

**21.** In page 11, line 11, to delete “any” and substitute “the”.

—An tAire Oideachais agus Scileanna.

**22.** In page 12, line 28, to delete “section 3 or 7” and substitute “section 3, 7 or 7A”.

—An tAire Oideachais agus Scileanna.

**23.** In page 12, between lines 37 and 38, to insert the following:

“(2) An appeals committee shall, by notice in writing, inform the Minister where it decides in accordance with subsection (1) to refuse to hear or

determine, or to refuse to continue to hear or determine, an appeal under section 29.

- (3) A notice under subsection (2) shall include the committee's reasons for refusing to hear or determine, or refusing to continue to hear or determine, the appeal concerned.
- (4) The Minister shall, as soon as practicable after he or she receives a notice under subsection (2), forward the applicant and the board a copy of the decision of the appeals committee and the reasons for its decision."

—An tAire Oideachais agus Scileanna.

24. In page 12, line 38, to delete "(2) Subject" and substitute "(5) Subject".

—An tAire Oideachais agus Scileanna.

25. In page 13, line 6, to delete "(3) Where an appeal" and substitute "(6) Where an appeal".

—An tAire Oideachais agus Scileanna.

26. In page 13, line 7, to delete "subsection (2)" and substitute "subsection (5)".

—An tAire Oideachais agus Scileanna.

27. In page 13, line 9, to delete "(4) An appeals" and substitute "(7) An appeals".

—An tAire Oideachais agus Scileanna.

28. In page 13, to delete lines 12 to 20 and substitute "under section 29B."

—An tAire Oideachais agus Scileanna.

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

**"Additional provision in respect of children with special educational needs**

8. Part VI of the Act of 1998 is amended by the insertion of the following section after section 37:

"37A. (1) Where the Council is of the opinion that there is insufficient capacity in an area in relation to the provision of education for children with special educational needs, the Council shall inform the Minister by notice in writing of its opinion and the reasons for its opinion and shall specify the type of provision in respect of which there is insufficient capacity.

(2) Where, following consultation with the Minister and having regard to any information provided to the Council by the Minister in relation to any planned additional provision of education for children with special educational needs and available land and buildings, the Council remains of the opinion that there is insufficient capacity in an area for the provision of education to children with special educational needs, it shall prepare and submit a report on the matter to the Minister.

- (3) A report under subsection (2) shall specify—
- (a) the existing provision of education for children with special educational needs in the area concerned, having regard to the generality of provision of education within the area,
  - (b) any proposed or existing building projects which may affect capacity to provide education for children with special educational needs in the area concerned,
  - (c) any schools in the area concerned which the Council considers could meet additional demand for education for children with special educational needs,
  - (d) which (if any) of the schools referred to in paragraph (c) the Council considers should be requested to make additional provision in respect of children with special educational needs, and
  - (e) such other matters as the Council considers appropriate.
- (4) Prior to preparing a report under subsection (2), the Council shall consult with the Minister, bodies representative of patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers.
- (5) (a) Where, on receipt of a report submitted under subsection (2), the Minister is of the opinion that a relevant person in respect of a school referred to in the report should make additional provision for children with special educational needs, he or she may serve a notice in writing on the relevant person.
- (b) A notice under paragraph (a) shall—
- (i) set out the Minister’s opinion that the relevant person named in the report should make additional provision in respect of children with special educational needs and state the reasons for his or her opinion,
  - (ii) include a copy of the report submitted under subsection (2), and
  - (iii) confirm that the relevant person may make representations to the Minister in respect of the notice not later than 28 days from the service of the notice.
- (c) On receipt of any representations made under paragraph (b)(iii), the Minister may consult the relevant person.
- (6) Where—
- (a) on consideration of a report submitted to the Minister under subsection (2),
  - (b) after consideration of any representations made under paragraph

(b)(iii) of subsection (5), and

(c) following any consultation with the relevant person under paragraph (c) of subsection (5),

the Minister remains of the opinion that the relevant person should make additional provision in respect of children with special educational needs, the Minister may serve a notice in writing on the relevant person.

(7) A notice under subsection (6) shall—

(a) set out the Minister's opinion that the relevant person should make additional provision in respect of children with special educational needs and state the reasons for his or her opinion,

(b) specify details of the measures to be taken by the relevant person,

(c) specify what, if any, resources the Minister considers appropriate to provide to the school in order to assist the school in increasing its provision of education for children with special educational needs, and

(d) set out any proposed property arrangements, including any arrangements in relation to the provision of additional accommodation on the school premises and the funding arrangements the Minister shall provide for that purpose, in order to assist the school in increasing its provision of education for children with special educational needs.

(8) On receipt of a notice under subsection (6) the patron or any other person or body in relation to whom the ownership of the school premises is vested may, in respect of the matters referred to in subsection (7)(d), not later than 21 days from the service of the notice, make representations to the Minister.

(9) Where, following any representations under subsection (8), and such further consultation as the Minister considers appropriate, the Minister and the patron or any other person or body in relation to whom the ownership of the school premises is vested fail to agree arrangements in relation to the matters referred to in subsection (7)(d), the Minister may refer the matter to arbitration and, subject to section 29 of the Arbitration Act 2010, that Act shall apply to an arbitration under this section.

(10) On receipt of a notice under subsection (6) a board of management may, in respect of the matters referred to in paragraph (a), (b) or (c) of subsection (7), not later than 21 days from the service of the notice, make representations to the Minister.

(11) Where, after consideration of any representations made under subsections (8) and (10) and, where the Minister has referred the



matter to arbitration under subsection (9), following the conclusion of the arbitration process, the Minister remains of the opinion that a school should make additional provision in respect of children with special educational needs, he or she may by notice in writing request the board of management to agree to increasing such provision and such notice shall specify—

- (a) the measures the Minister considers the board of management shall take in relation to increasing such provision,
  - (b) the resources the Minister shall make available to the school, in order to assist the school in increasing such provision, and
  - (c) any other matter the Minister considers appropriate.
- (12) (a) The board of management shall, not later than 21 days from the service of a notice under subsection (11), by notice in writing to the Minister—
- (i) agree to increasing its provision for children with special educational needs in accordance with the terms of the notice under subsection (11), or
  - (ii) refuse to increase such provision.
- (b) Where a board of management fails by notice in writing to agree to increasing its provision for children with special educational needs in accordance with the terms of a notice under subsection (11), within 21 days from the service of a notice under that subsection, the board of management shall, for the purposes of this section, be regarded as having refused to increase such provision.
- (13) Where, pursuant to subsection (12), a board of management refuses to increase its provision for children with special educational needs, and the Minister remains of the opinion that the school should make additional provision in respect of children with special educational needs, the Minister may by notice in writing—
- (a) inform the patron of his or her opinion that such school should make such additional provision, and state the reasons for that opinion,
  - (b) furnish the patron with a copy of the report prepared under subsection (2), and
  - (c) furnish the patron with a copy of the notice given to the board of management under subsection (11) and, where applicable, a copy of the refusal by the board of management provided under subsection (12).
- (14) The patron may make representations to the Minister in respect of a notice under subsection (13) not later than 21 days from the service of a notice under that subsection.

- (15) Where the Minister, after consideration of any representations made under subsection (14), remains of the opinion that a school should make additional provision in respect of children with special educational needs, he or she may inform the patron and the board of management of his or her intention to give a direction under subsection (17) and shall serve a copy of a draft of the direction on the patron and the board of management.
- (16) The patron and the board of management may, within 21 days from the service of the copy of the draft direction, make representations in writing to the Minister in relation to the draft direction.
- (17) Where the Minister, after consideration of any representations made under subsection (16), remains of the opinion that a school should make additional provision in respect of children with special educational needs, the Minister may serve a direction (in this section referred to as a ‘Ministerial direction’) on the patron.
- (18) A Ministerial direction may include such amendments to the draft direction served under subsection (15) as the Minister considers appropriate having regard to any representations made under subsection (16) and shall specify that the patron shall, within 10 days, direct the board to comply with the terms of the Ministerial direction, which terms shall include:
- (a) the measures to be taken by the board in relation to making additional provision for children with special educational needs,
  - (b) the period during which such measures shall be taken, and
  - (c) any other matter the Minister considers appropriate.
- (19) The patron and, following a direction by the patron, the board of management shall comply with a Ministerial direction.
- (20) (a) The following documents shall be published in accordance with paragraph (b):
- (i) any notices issued by the Minister under this section;
  - (ii) any representations received by the Minister under this section;
  - (iii) a draft direction served under subsection (15);
  - (iv) a Ministerial direction.
- (b) The Minister shall publish the documents referred to in paragraph (a) on the website of the Department of Education and Skills not later than 7 days from the date on which he or she issues or receives them, or, in the case of a draft direction referred to in paragraph (a)(iii) or a Ministerial direction, not later than 7 days from the date he or she serves the draft direction or direction concerned.

(21) In this section—

‘Council’ means the National Council for Special Education;

‘relevant person’, in relation to a school, means the patron, the board of management or any other person or body in relation to whom the ownership of the school premises is vested;

‘resources’ includes resources made available by the Minister and allocated by the Council.”.

—An tAire Oideachais agus Scileanna.

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

**“Amendment of section 30 of Act of 1998**

8. 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 will not take place within school hours, and
- (b) religious instruction and faith formation relating to or arising from the characteristic ethos of the school shall not take place at any time during the school day and shall not imbue or permeate education during the school day.”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

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

**“Amendment of section 30 of Act of 1998**

8. 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.

**32.** In page 14, to delete lines 15 to 22 and substitute the following:

“ ‘oversubscribed’, in relation to a school, means—

- (a) in respect of the intake group of the school, that the number of students seeking admission to the intake group is greater than the number of places being made available by the school in respect of the intake group concerned,
- (b) in respect of 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 class concerned, or
- (c) in respect of any other class or year, that the number of students seeking admission to the class or year is greater than the number of places being made available by the school in respect of the class or year concerned;”.

—An tAire Oideachais agus Scileanna.

**33.** In page 14, to delete line 23 and substitute the following:

“ ‘school’ means a recognised school other than a recognised school that is situated in a hospital or approved centre (within the meaning of the Mental Health Act 2001) which is specified in a list of such schools published by the Minister from time to time;”.

—An tAire Oideachais agus Scileanna.

**34.** In page 14, between lines 23 and 24, to insert the following:

“ ‘school year’, in relation to a school, means the period commencing on the day the school reopens for tuition after the school’s summer holidays and ending on the last day in the following year that the school is open for tuition before the commencement of the school’s summer holidays for that year;”.

—An tAire Oideachais agus Scileanna.

**35.** In page 14, to delete lines 24 to 27 and substitute the following:

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

—An tAire Oideachais agus Scileanna.

**36.** In page 14, line 31, to delete “made.” and substitute the following:

“made;

‘waiting list’ shall be construed in accordance with section 62(7)(i).”.

—An tAire Oideachais agus Scileanna.

37. In page 14, between lines 32 and 33, to insert the following:

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

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

38. In page 15, line 20, to delete “and”.

—An tAire Oideachais agus Scileanna, Catherine Martin.

39. In page 15, to delete lines 21 to 29.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith, Róisín Shortall, Catherine Murphy.

40. In page 15, to delete lines 21 to 29 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 to maintain the ethos of the school.”

—Thomas Byrne.

41. In page 15, to delete lines 21 to 29 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.

42. In page 15, line 21, after “school”, to insert “not aided by the Department of Education and Skills”.

—Catherine Martin.

43. In page 15, line 21, after “*section 7(3)(c)*” to insert “(amended by *section 10(a)(i)*\* of the *Education (Admission to Schools) Act 2018*)”.

—An tAire Oideachais agus Scileanna.

[\*This is a reference to a new section inserted by amendment No. 137.]

44. In page 15, to delete lines 27 to 29 and substitute the following:

“others,

- (c) a school to which section 7(3)(ca) (inserted by *section 10(a)(ii)\** of the *Education (Admission to Schools) Act 2018*) 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 refuses to admit as a student a person who is not of a particular religious denomination and it is proved that the refusal is essential to maintain the ethos of the school,
- (d) a school to which section 7(3)(cb) (inserted by *section 10(a)(ii)\** of the *Education (Admission to Schools) Act 2018*) of the Act of 2000 applies, 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 as a student a person in accordance with section 7A (inserted by *section 10(b)\** of the *Education (Admission to Schools) Act 2018*) of the Act of 2000.”.

—An tAire Oideachais agus Scileanna.

[\*These are references to a new section inserted by amendment No. 137.]

45. In page 15, line 29, to delete “school.” and substitute the following:

“school, and

- (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 speaks Irish as a home language in preference to others whose home language is not Irish.”.

—Catherine Martin.

46. In page 15, between lines 29 and 30, to insert the following:

- “(e) a school that, with the approval of the Minister, provides an education exclusively for students with a category or categories of special educational needs specified by the Minister, 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
- (f) 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 category or categories of special educational needs specified by the Minister, 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.

**47.** In page 16, lines 23 and 24, to delete “as soon as practicable” and substitute “, within the prescribed period,”.

—An tAire Oideachais agus Scileanna.

**48.** In page 16, to delete line 28 and substitute the following:

“(b) include an admission statement and set out—

(i) in the case of a school that, with the approval of the Minister, provides an education exclusively for students with a category or categories of special educational needs specified by the Minister, the category or categories or special educational needs concerned,

(ii) in the case of 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 category or categories of special educational needs specified by the Minister, the category or categories or special educational needs concerned,”.

—An tAire Oideachais agus Scileanna.

**49.** In page 16, line 30, to delete “and” and substitute “including, where appropriate,”.

—An tAire Oideachais agus Scileanna.

**50.** In page 16, line 32, to delete “or special class concerned”.

—An tAire Oideachais agus Scileanna.

**51.** In page 16, to delete line 33.

—An tAire Oideachais agus Scileanna.

**52.** In page 17, to delete lines 1 to 5.

—Róisín Shortall, Catherine Murphy.

**53.** In page 17, line 1, after “school” to insert “not aided by the Department of Education and Skills”.

—Catherine Martin.

**54.** In page 17, between lines 5 and 6, 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 category or categories of special educational needs specified by the Minister, where the student does not have the specified category of special 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 category of special educational needs specified by the Minister in respect of that class.”.

—An tAire Oideachais agus Scileanna.

55. In page 17, to delete lines 8 and 9 and substitute the following:

“(e) provide that the school shall not, when deciding on an application to the school, or when placing a student on a waiting list for admission to the school, consider or take into account any of the following:”.

—An tAire Oideachais agus Scileanna.

56. In page 17, lines 10 and 11, to delete “specified category or categories of”.

—An tAire Oideachais agus Scileanna.

57. In page 17, line 18, to delete “subsection (8)” and substitute “subsections (8) and (9)\*”.

—An tAire Oideachais agus Scileanna.

[\*This is a reference to the subsection proposed to be inserted by amendment No. 75.]

58. In page 17, line 18, to delete “subsection (8)” and substitute “subsections (8) and (9)\*”.

—Thomas Byrne, Kathleen Funchion.

[\*This is a reference to the subsection proposed to be inserted by amendment No. 76.]

59. In page 17, line 26, after “course” to insert “or to a course known as a further education and training course”.

—An tAire Oideachais agus Scileanna.

60. In page 17, line 27, to delete “subsection (9)” and substitute “subsection (10)”.

—An tAire Oideachais agus Scileanna, Thomas Byrne, Kathleen Funchion.

61. In page 17, line 29, to delete “school;” and substitute the following:

“school, or 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.

62. In page 17, to delete lines 30 to 37 and substitute the following:

“(vii) the date and time on which an application for admission was received by the school, subject to subsection (11) and 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,”.



—An tAire Oideachais agus Scileanna.

**63.** In page 17, line 35, to delete “subsection (10)” and substitute “subsection (11)”.

—Thomas Byrne, Kathleen Funchion.

**64.** In page 18, to delete lines 5 to 12 and substitute the following:

“(h) provide that a decision on an application for admission shall be based on—

(i) the implementation of the school’s admission policy including, where applicable, the annual admission notice of the school, and

(ii) the information provided by the applicant in the application for admission 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.”.

—An tAire Oideachais agus Scileanna.

**65.** In page 18, lines 14 and 15, to delete “the intake group” and substitute “admission to the school”.

—An tAire Oideachais agus Scileanna.

**66.** In page 18, to delete lines 29 to 34 and substitute the following:

“(i) whether or not 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) whether or not he or she has applied for and is awaiting confirmation of an offer of admission from another school or schools, and where the applicant has so applied, he or she shall provide details of the other school or schools concerned.”.

—An tAire Oideachais agus Scileanna.

**67.** In page 18, lines 37 to 39, to delete all words from and including “details” in line 37 down to and including line 39 and substitute the following:

“details of the student’s ranking against the selection criteria and details of the student’s place on the waiting list.”.

—An tAire Oideachais agus Scileanna.

**68.** In page 18, to delete lines 42 and 43 and substitute the following:

“(i) it is established that information contained in the application is false or misleading in a material respect.”.

—An tAire Oideachais agus Scileanna.

69. In page 19, line 20, after “school” to insert the following:

“(which arrangements shall not result in a reduction in the school day in respect of the student concerned)”.

—An tAire Oideachais agus Scileanna.

70. In page 19, line 29, to delete “attendance” and substitute “enrolment”.

—An tAire Oideachais agus Scileanna.

71. In page 19, between lines 30 and 31, to insert the following:

“(q) contain details on the catchment area of the school, as prescribed in regulations under section 65.”.

—Thomas Byrne.

72. In page 19, line 31, to delete “(q) set out” and substitute “(r) set out”.

—Thomas Byrne.

73. In page 19, line 31, to delete “and criteria”.

—An tAire Oideachais agus Scileanna.

74. In page 19, line 38, to delete “(r) contain” and substitute “(s) contain”.

—Thomas Byrne.

75. In page 20, between lines 6 and 7, to insert the following:

“(9) (a) Notwithstanding subsection (7)(e)(iii), and subject to this subsection, an Irish language school may prioritise the admission of a student where the school is satisfied that the student has attained a reasonable level of fluency in the Irish language and that the said fluency would be likely to regress were the student not admitted to an Irish language school.

(b) An applicant may, when making an application for admission to an Irish language school, include a statement confirming that the student in respect of whom the application concerned relates has attained a reasonable level of fluency in the Irish language and that the said fluency would be likely to regress were the student not admitted to an Irish language school.

(c) When making an application in accordance with paragraph (b), the applicant shall provide such evidence as he or she considers appropriate in relation to the reasonable level of fluency in the Irish language of the student in respect of whom the application relates, which may include confirmation that the student concerned is available to attend an interview or meeting to demonstrate his or her reasonable level of fluency in the Irish language.

(d) In satisfying itself that a student has attained a reasonable level of fluency in the Irish language and that the said fluency would be

likely to regress were the student not admitted to an Irish language school, a school shall take into account only the evidence that the applicant has provided in accordance with paragraph (c).

- (e) An Irish language school may not rank in order of preference, for the purposes of admission to the school concerned, a student who has satisfied the school in accordance with paragraph (a) relative to other students who have satisfied the school in accordance with that paragraph, by virtue of the students' relative fluency in the Irish language.
- (f) Nothing in paragraph (e) shall preclude an Irish language school from applying the selection criteria set out in the school's admission policy to students who have satisfied the school in accordance with paragraph (a), where the number of such students is greater than the number of places available.
- (g) Nothing in this subsection shall be construed as permitting an Irish language school to require a student attend an interview or other meeting to assess his or her reasonable level of fluency in the Irish language.
- (h) In this subsection—

‘Irish language school’ means a school that provides education through the medium of Irish;

‘reasonable level of fluency in the Irish language’, in relation to a student, means a reasonable age appropriate level of oral fluency in the Irish language taking into account any special educational needs of the student concerned.”.

—An tAire Oideachais agus Scileanna.

**76.** In page 20, between lines 6 and 7, to insert the following:

- “(9) (a) Notwithstanding subsection (7)(e)(iii), and subject to this subsection, an Irish language school may prioritise the admission of a student where the school is satisfied that the student has attained a reasonable level of fluency in the Irish language and that the said fluency would be likely to regress were the student not admitted to an Irish language school.
- (b) An applicant may, when making an application for admission to an Irish language school, include a statement confirming that the student in respect of whom the application concerned relates has attained a reasonable level of fluency in the Irish language and that the said fluency would be likely to regress were the student not admitted to an Irish language school.
- (c) When making an application in accordance with paragraph (b), the applicant shall provide such evidence as he or she considers

appropriate in relation to the reasonable level of fluency in the Irish language of the student in respect of whom the application relates, which may include confirmation that the student concerned is available to attend an interview or meeting to demonstrate his or her reasonable level of fluency in the Irish language.

- (d) In satisfying itself that a student has attained a reasonable level of fluency in the Irish language and that the said fluency would be likely to regress were the student not admitted to an Irish language school, a school shall take into account only the evidence that the applicant has provided in accordance with paragraph (c).
- (e) An Irish language school may not rank in order of preference, for the purposes of admission to the school concerned, a student who has satisfied the school in accordance with paragraph (a) relative to other students who have satisfied the school in accordance with that paragraph, by virtue of the students' relative fluency in the Irish language, except in the case of a student who speaks Irish as a home language.
- (f) Nothing in paragraph (e) shall preclude an Irish language school from applying the selection criteria set out in the school's admission policy to students who have satisfied the school in accordance with paragraph (a), where the number of such students is greater than the number of places available.
- (g) Nothing in this subsection shall be construed as permitting an Irish language school to require a student attend an interview or other meeting to assess his or her reasonable level of fluency in the Irish language.
- (h) In this subsection—

‘a student who speaks Irish as a home language’, means a student whose communication with one or more parents is normally through the medium of Irish, and who displays the minimum level of fluency in Irish that would be expected where at least one parent has used Irish as the normal language of communication with the student from birth, taking into account any special educational needs of the student concerned;

‘Irish language school’ means a school that provides education through the medium of Irish;

‘reasonable level of fluency in the Irish language’, in relation to a student, means a reasonable age appropriate level of oral fluency in the Irish language taking into account any special educational needs of the student concerned.”.

—Thomas Byrne, Catherine Martin, Kathleen Funchion.

77. In page 20, between lines 6 and 7, to insert the following:

- “(9) (a) Notwithstanding subsection (7)(e)(iii), and subject to this subsection, an Irish medium school may prioritise the admission of a student where the school is satisfied that the student speaks Irish as a home language.
- (b) An applicant may, when making an application for admission to an Irish medium school, include a statement that the student in respect of whom the application concerned relates speaks Irish as a home language.
- (c) When making an application to an Irish medium school in accordance with paragraph (b), the applicant shall furnish such evidence as he or she considers appropriate in support of the statement that the student speaks Irish as a home language, which may include confirmation that the student and a parent or guardian, is available to attend a meeting in order to further support the statement that the student speaks Irish as a home language.
- (d) If a school is not satisfied that the evidence furnished in accordance with paragraph (c) is conclusive the school may turn down the application for priority admission or seek further evidence from the applicant.
- (e) If the school is not satisfied that the further evidence furnished in accordance with paragraph (d) is conclusive the school may turn down the application for priority admission.
- (f) A post primary Irish medium school may satisfy itself that a student is a speaker of Irish as a home language on the basis of a signed statement from the principal or vice-principal of an Irish medium primary school confirming that the applicant had previously been deemed, in accordance with paragraph (a), to be a speaker of Irish as a home language.
- (g) In satisfying itself that a student speaks Irish as a home language, a school shall take into account only the evidence that the applicant has provided in accordance with paragraphs (b), (c) or (d) and the evidence from any meeting as provided for at paragraph (c).
- (h) An Irish medium school may not rank in order of preference, for the purposes of admission to the school concerned, a student who has satisfied the school in accordance with paragraph (a) relative to other students who have satisfied the school in accordance with said paragraph, by virtue of the students’ relative fluency in the Irish language.
- (i) Nothing in paragraph (h) shall preclude an Irish medium school from applying the selection criteria set out in the school’s admission policy to students who have satisfied the school in

accordance with paragraph (a), where the number of such students is greater than the number of places available.

(j) Nothing in this subsection shall be construed as permitting an Irish medium school to require a student attend an interview or other meeting to assess his or her level of fluency in the Irish language.

(k) In this subsection—

‘a student who speaks Irish as a home language’, means a student whose normal language of communication with one or more parents or guardians is Irish and who displays the minimum level of fluency in Irish that would be expected where at least one or more parents or guardians have used Irish as the normal language of communication with the student from birth, taking into account any special educational needs of the student concerned;

‘Irish medium school’ means a school that provides education predominantly through the medium of Irish.”.

—Thomas Byrne.

**78.** In page 20, line 7, to delete “(9) Subsection (7)(e)(vi)” and substitute “(10) Subsection (7)(e)(vi)”.

—An tAire Oideachais agus Scileanna, Thomas Byrne, Catherine Martin, Kathleen Funchion.

**79.** In page 20, line 16, to delete “(10)(a) Notwithstanding” and substitute “(11)(a) Notwithstanding”.

—An tAire Oideachais agus Scileanna, Thomas Byrne, Catherine Martin, Kathleen Funchion.

**80.** In page 20, line 28, to delete “(11) In this section” and substitute “(12) In this section”.

—An tAire Oideachais agus Scileanna, Thomas Byrne, Catherine Martin, Kathleen Funchion.

**81.** In page 20, between lines 29 and 30, to insert the following:

“(12) (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.

(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.

**82.** In page 20, line 34, to delete “the intake group of”.

—An tAire Oideachais agus Scileanna.

**83.** In page 21, to delete lines 10 to 13 and substitute the following:

- “(iii) in respect of an application for admission to an intake group or special class, the date by which the applicant shall be notified of the decision in relation to his or her application,
- (iv) in respect of an application for admission to an intake group or special class, the date by which the applicant shall confirm acceptance of the offer of admission,”.

—An tAire Oideachais agus Scileanna.

**84.** In page 21, to delete lines 14 to 25 and substitute the following:

- “(c) in relation to the school year concerned, set out—
  - (i) the number of places being made available in the intake group,
  - (ii) in the case of a boarding school, the number of residential and the number of non-residential places being made available and
  - (iii) in the case of a school with a special class, the number of places being made available in the special class concerned;
- (d) in the case of a school where the intake group or a special class in the school was oversubscribed in the school year prior to the school year in relation to which admission is being sought, a statement setting out the number of applications received and the number and order of offers made in that school year in respect of each of the school's selection criteria,”.

—An tAire Oideachais agus Scileanna.

**85.** In page 21, between lines 33 and 34, to insert the following:

“(5) In this section, a reference to admission to a school means a reference to admission to the intake group of the school or admission to a special class in the school.”.

—An tAire Oideachais agus Scileanna.

**86.** In page 21, to delete line 39 and substitute the following:

“(b) the admission or continued enrolment of a student in the school.”.

—An tAire Oideachais agus Scileanna.

**87.** In page 22, line 8, to delete “or”.

—An tAire Oideachais agus Scileanna.

**88.** In page 22, line 11, to delete “courses.” and substitute the following:

“courses, or”.

(d) fees charged by schools that provide further education and training courses, in respect of such courses.”.

—An tAire Oideachais agus Scileanna.

**89.** In page 22, between lines 27 and 28, 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.

**90.** In page 22, between lines 27 and 28, 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 have attended a primary school which teaches through the medium of Irish.”.

—Catherine Martin.

**91.** In page 22, line 28, to delete “(3) Without” and substitute “(4) Without”.

—Catherine Martin.



**92.** In page 23, lines 7 to 9, to delete all words from and including “number” in line 7 down to and including “school” in line 9 and substitute “school is oversubscribed”.

—An tAire Oideachais agus Scileanna.

**93.** In page 23, to delete lines 32 to 34 and substitute the following:

“(vi) the manner in which and period during which a school shall notify an applicant as to the decision on his or her application;”.

—An tAire Oideachais agus Scileanna.

**94.** In page 23, between lines 36 and 37, to insert the following:

“(viii) the manner in which and periods during which an applicant shall confirm his or her acceptance of an offer of admission which may, where an applicant has accepted more than one offer or where an applicant has applied for and is awaiting confirmation of an offer of admission from another school or schools, include the manner in which and periods during which an applicant shall provide final confirmation to the relevant schools of the offer that he or she wishes to accept and any offers that he or she does not wish to accept;”.

—An tAire Oideachais agus Scileanna.

**95.** In page 23, line 37, to delete “(viii) conditions” and substitute “(ix) conditions”.

—An tAire Oideachais agus Scileanna.

**96.** In page 23, line 37, to delete “enrolment” and substitute “admission”.

—An tAire Oideachais agus Scileanna.

**97.** In page 23, line 38, to delete “may” and substitute “shall”.

—An tAire Oideachais agus Scileanna.

**98.** In page 23, line 40, to delete “(ix) the procedures” and substitute “(x) the procedures”.

—An tAire Oideachais agus Scileanna.

**99.** In page 24, line 1, to delete “(x) arrangements” and substitute “(xi) arrangements and procedures”.

—An tAire Oideachais agus Scileanna.

**100.** In page 24, line 3, to delete “(xi) arrangements” and substitute “(xii) arrangements and procedures”.

—An tAire Oideachais agus Scileanna.

**101.** In page 24, line 6, to delete “(xii) arrangements” and substitute “(xiii) arrangements and procedures”.

—An tAire Oideachais agus Scileanna.

**102.**In page 24, line 9, to delete “(xiii) arrangements” and substitute “(xiv) arrangements and procedures”.

—An tAire Oideachais agus Scileanna.

**103.**In page 24, line 11, to delete “concerned.” and substitute the following:

“concerned;

- (e) 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.

**104.**In page 24, line 11, to delete “concerned.” and substitute the following:

“concerned;

- (e) 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.

**105.**In page 24, line 12, to delete “(4) In this section” and substitute “(5) In this section”.

—Catherine Martin.

**106.**In page 25, line 5, after “an application” to insert “for admission”.

—An tAire Oideachais agus Scileanna.

**107.**In page 25, to delete lines 9 to 12 and substitute the following:

“(b) A list provided by the board under paragraph (a) may include all or any of the following details:

- (i) the date on which an application for admission was received by the school,
- (ii) the date on which an offer of admission was made by the school,
- (iii) the date on which an offer of admission was accepted by an applicant,
- (iv) a student’s personal details including his or her name, address, date of birth and personal public service number (within the meaning of section 262 of the Social Welfare Consolidation Act 2005).”.

—An tAire Oideachais agus Scileanna.

**108.**In page 25, line 23, after “so” to insert “and open an ASD unit where necessary to accommodate the special educational needs of that child”.

—Catherine Martin.

- 109.**In page 25, line 35, to delete “(g) the ability” and substitute “(f) the ability”.  
—An tAire Oideachais agus Scileanna.
- 110.**In page 25, line 35, after “to” where it firstly occurs to insert “make all reasonable efforts to”.  
—Catherine Martin.
- 111.**In page 26, line 9, after “so” to insert “and open an ASD unit where necessary to accommodate the special educational needs of that child”.  
—Catherine Martin.
- 112.**In page 26, line 16, to delete “(e) the school” and substitute “(d) the school”.  
—An tAire Oideachais agus Scileanna.
- 113.**In page 26, line 19, to delete “prescribed date” and substitute “date determined in procedures under subsection (19)”.  
—An tAire Oideachais agus Scileanna.
- 114.**In page 26, line 22, to delete “prescribed period” and substitute “period determined in procedures under subsection (19)”.  
—An tAire Oideachais agus Scileanna.
- 115.**In page 26, line 27, to delete “there has been non-compliance” and substitute “the Agency or the Council has failed to comply”.  
—An tAire Oideachais agus Scileanna.
- 116.**In page 26, line 34, to delete “prescribed period” and substitute “period determined in procedures under subsection (19)”.  
—An tAire Oideachais agus Scileanna.
- 117.**In page 26, line 37, to delete “prescribed period” and substitute “period determined in procedures under subsection (19)”.  
—An tAire Oideachais agus Scileanna.
- 118.**In page 26, line 38, to delete “prescribed period” and substitute “period determined in procedures under subsection (19)”.  
—An tAire Oideachais agus Scileanna.
- 119.**In page 27, line 2, to delete “prescribed period” and substitute “period determined in procedures under subsection (19)”.  
—An tAire Oideachais agus Scileanna.
- 120.**In page 28, between lines 13 and 14, to insert the following:  
“ ‘ASD Unit’ means a class within a mainstream school which has up to six children diagnosed with autism taught by a teacher and at least two special needs assistants;”  
—Catherine Martin.

**121.**In page 28, to delete line 37 and substitute “29D, 29E, 66, 67(1) or 67(3).”.

—An tAire Oideachais agus Scileanna.

**122.**In page 29, lines 38 and 39, to delete all words from and including “comply” in line 38 down to and including line 39 and substitute “carry out the remedial action set out in the direction.”.

—An tAire Oideachais agus Scileanna.

**123.**In page 30, lines 9 and 10, to delete all words from and including “comply” in line 9 down to and including line 10 and substitute the following:

“carry out the remedial action set out in the direction under this section within such period as the patron, with the consent of the Minister, may direct.”.

—An tAire Oideachais agus Scileanna.

**124.**In page 30, between lines 14 and 15, to insert the following:

“(15) In this section and section 69 a reference to an admission policy includes a reference to an admission notice.”.

—An tAire Oideachais agus Scileanna.

**125.**In page 30, to delete line 30 and substitute “29D, 29E, 66, 67(1) or 67(3).”.

—An tAire Oideachais agus Scileanna.

**126.**In page 31, to delete lines 13 to 15 and substitute the following:

“(8) When preparing a report an authorised person shall, having regard to the opinion of the Minister stated in the notice under subsection (2) and any representations made to the Minister by the patron or the board pursuant to that notice, do one or more of the following—”.

—An tAire Oideachais agus Scileanna.

**127.**In page 31, line 16, to delete “(b) ascertain” and substitute “(a) ascertain”.

—An tAire Oideachais agus Scileanna.

**128.**In page 31, line 21, to delete “(c) ascertain” and substitute “(b) ascertain”.

—An tAire Oideachais agus Scileanna.

**129.**In page 31, line 26, to delete “(d) examine” and substitute “(c) ascertain”.

—An tAire Oideachais agus Scileanna.

**130.**In page 31, line 31, to delete “(e) ascertain” and substitute “(d) ascertain”.

—An tAire Oideachais agus Scileanna.

**131.**In page 31, line 35, to delete “(f) ascertain” and substitute “(e) ascertain”.

—An tAire Oideachais agus Scileanna.

132. In page 31, line 36, to delete “section 29D or 29E” and substitute “section 29D, 29E, 66, 67(1) or 67(3)”.

—An tAire Oideachais agus Scileanna.

133. In page 31, line 37, to delete “is not so complying” and substitute “has not so complied”.

—An tAire Oideachais agus Scileanna.

134. In page 32, to delete line 28 and substitute “Minister’s opinion.”.

—An tAire Oideachais agus Scileanna.

135. In page 33, to delete line 17 and substitute “carry out the remedial action set out in the direction under section 69.”.

—An tAire Oideachais agus Scileanna.

136. In page 33, lines 24 and 25, to delete all words from and including “comply” in line 24 down to and including line 25 and substitute the following:

“carry out the remedial action set out in the direction under section 69 within such period as the patron, with the consent of the Minister, may direct.”.

—An tAire Oideachais agus Scileanna.

137. In page 34, between lines 6 and 7, to insert the following:

**“Amendment of Equal Status Act 2000**

10. The Equal Status Act 2000 is amended—

(a) in section 7(3)—

(i) by the substitution of the following paragraph for paragraph (c):

“(c) where the establishment is a school (other than a recognised primary school) 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, it admits persons of a particular religious denomination in preference to others,”,

(ii) by the insertion of the following paragraphs after paragraph (c):

“(ca) where the establishment is a school 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, it refuses to admit as a student a person who is not of a particular religious denomination and it is proved that the refusal is essential to maintain the ethos of the school,

(cb) where the establishment is a recognised primary school and it admits as a student a person in accordance with section 7A (inserted by *section 10(b)\** of the *Education (Admission to*

*Schools) Act 2018).*”,

and

- (iii) by the substitution of the following subsection for subsection (6) (inserted by section 15(c) of the Equality (Miscellaneous Provisions) Act 2015):

“(6) In this section—

‘member state of the European Economic Area’ means a state that is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2 May 1992, as adjusted by all subsequent amendments to that Agreement;

‘recognised primary school’ means a primary school—

- (a) designated by the Minister for Education and Skills under subsection (1) of section 10 of the Education Act 1998 to be a school recognised for the purposes of that Act, or
- (b) deemed to be a school recognised in accordance with the said section 10.”,

and

- (b) by the insertion of the following section after section 7:

**“Recognised primary schools**

**7A.** (1) When making an application for admission to a recognised primary school, an applicant may provide—

- (a) a statement confirming that the student in respect of whom the application relates is a member of a minority religion and that the applicant wishes the student to be educated in a school that provides a programme of religious instruction or religious education which is of the same religious ethos as, or a similar religious ethos to, the religious ethos of the minority religion of the student concerned, and
- (b) any evidence that the applicant wishes to include to support the statement that the student in respect of whom the application relates is a member of a minority religion.

(2) A recognised primary school may, following an application in accordance with subsection (1) and in accordance with this section, give priority to the admission of a student where the school is satisfied that—

- (a) the student concerned is a member of a minority religion, and
- (b) the school provides a programme of religious instruction or religious education which is of the same religious ethos as, or a similar religious ethos to, the religious ethos of the minority religion of the student concerned.

- (3) In satisfying itself in accordance with subsection (2)(a) a recognised primary school shall take into account only—
- (a) the statement that the applicant has provided in accordance with subsection (1)(a), and
  - (b) any evidence that the applicant has provided in accordance with subsection (1)(b).
- (4) (a) Subject to paragraph (b), a recognised primary school may not for the purpose of admission to the school concerned rank, in order of preference, by virtue of the particular religious denomination of a student who has satisfied the school in accordance with subsection (2) as against students of other religious denominations who have satisfied the school concerned in accordance with that subsection.
- (b) Nothing in paragraph (a) shall preclude a recognised primary school from applying the selection criteria set out in the school's admission policy to students who have satisfied the school in accordance with subsection (2), where the number of such students is greater than the number of places available.
- (5) In this section—
- ‘Act of 1998’ means the Education Act 1998;
  - ‘admission policy’ has the same meaning as it has in section 2 (amended by *section 2 of the Education (Admission to Schools) Act 2018*) of the Act of 1998;
  - ‘applicant’ has the same meaning as it has in Part X (inserted by *section 8 of the Education (Admission to Schools) Act 2018*) of the Act of 1998;
  - ‘minority religion’ means a religion other than a religion whose membership comprises in excess of 10 per cent of the total population of the State based on the population as ascertained by the Central Statistics Office in the most recent census report published by that office setting out the final result of a census of population of the State (whether or not that is the most recent such census of population);
  - ‘recognised primary school’ has the same meaning as it has in section 7;
  - ‘student’ has the same meaning as it has in Part X of the Act of 1998.”.”.

—An tAire Oideachais agus Scileanna.

[\*This reference is correct if this amendment is accepted.]

138. In page 34, between lines 6 and 7, to insert the following:

**“Amendment of section 7 of Equal Status Act 2000**

10. 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.

139. In page 34, between lines 6 and 7, to insert the following:

**“Amendment of Rule 69 of the Rules of 1965**

10. (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):

“(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.

140. In page 34, between lines 6 and 7, to insert the following:

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

10. 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.



**141.**In page 34, lines 16, to delete “*section 9* and *paragraphs (b) and (c) of section 10*” and substitute “*sections 9, 10\** and *paragraphs (b), (c) and (d) of section 10*”.

—An tAire Oideachais agus Scileanna.

[\**This is a reference to a new section inserted by amendment No. 137.*]

**142.**In page 34, between lines 17 and 18, to insert the following:

“(3) The Equal Status Acts 2000 to 2015 and *section 10\** may be cited together as the Equal Status Acts 2000 to 2018.”.

—An tAire Oideachais agus Scileanna.

[\**This is a reference to the new section inserted by amendment No. 137.*]

**143.**In page 34, line 18, to delete “This Act” and substitute “Subject to *subsection (4)*, this Act”.

—An tAire Oideachais agus Scileanna.

**144.**In page 34, after line 21, to insert the following:

“(4) *Section 10\** shall come into operation on such day or days as the Minister for Education and Skills may, after consultation with the Minister for Justice and Equality, appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.”.

—An tAire Oideachais agus Scileanna.

[\**This is a reference to the new section inserted by amendment No. 137.*]