



An Bille Oideachais (Ligean Isteach i Scoileanna), 2016
Education (Admission to Schools) Bill 2016

Mar a leasaíodh sa Roghchoiste um Oideachas agus Scileanna

As amended in the Select Committee on Education and Skills



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ACTS REFERRED TO

Child and Family Agency Act 2013 (No. 40)

Child Care Act 1991 (No. 17)

Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24)

Education (Amendment) Act 2012 (No. 14)

Education (Miscellaneous Provisions) Act 2007 (No. 9)

Education (Welfare) Act 2000 (No. 22)

Education Act 1998 (No. 51)

Education Acts 1878 to 2012

Education and Training Boards Act 2013 (No. 11)

Education for Persons with Special Educational Needs Act 2004 (No. 30)

Equal Status Act 2000 (No. 8)

Social Welfare Consolidation Act 2005 (No. 26)



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

Bill

entitled

An Act to make provision, in the interests of the common good, that a school recognised 5
in accordance with section 10 of the Education Act 1998 shall prepare and publish an
admission policy and that such policy shall include a statement that the school shall not
discriminate in its admission of a student to the school on specified grounds, and to
provide that in certain circumstances the patron or Minister may issue a direction to a
board of management in relation to the admission of students to a school and to provide 10
that in certain circumstances the patron may appoint an independent person to comply
with such direction, and to provide that in certain circumstances the National Council
for Special Education or the Child and Family Agency may designate a school or centre
for education which a child is to attend, and to provide an amended appeals process
where a student has been expelled or suspended from, or has failed to gain admission to, 15
a school, and for those and other purposes to amend the Education Act 1998, the
Education (Welfare) Act 2000 and the Education for Persons with Special Educational
Needs Act 2004, and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Definition 20

1. In this Act “Act of 1998” means the Education Act 1998.

Amendment of section 2 of Act of 1998

2. Section 2 of the Act of 1998 is amended by the insertion of the following definition:

“ ‘admission policy’ has the meaning assigned to it by section 62 (inserted
by *section 8 of the Education (Admission to Schools) Act 2017*);” 25

Amendment of section 9 of Act of 1998

3. Section 9 of the Act of 1998 is amended—

(a) in paragraph (i), by the substitution of “under this Act” for “under section 33”,
and

(b) in paragraph (m), by the deletion of “and in particular section 15(2)(d)”. 30

Amendment of section 10 of Act of 1998

4. Section 10 of the Act of 1998 is amended in paragraph (f) of subsection (2) by the substitution of “with this Act and such regulations as may be made by the Minister from time to time under this Act” for “with such regulations as may be made by the Minister from time to time under section 33 and with this Act”. 5

Amendment of section 15 of Act of 1998

5. Section 15 of the Act of 1998 is amended in subsection (2)(d)—
- (a) by the substitution of “subject to this Act, publish the admission policy of the school” for “publish, in such manner as the board with the agreement of the patron considers appropriate, the policy of the school concerning admission to and participation in the school, including the policy of the school relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special educational needs,”, and 10
 - (b) by the insertion of “inclusion,” before “equality”.

Amendment of section 23 of Act of 1998

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6. Section 23 (amended by section 6 of the Education (Amendment) Act 2012) of the Act of 1998 is amended—
- (a) in subsection (1), by the substitution of the following paragraph for paragraph (a):
 - “(a) be responsible for the day to day management of the school, including guidance and direction of the teachers and other staff of the school and the implementation of the admission policy of the school, and be accountable to the board of the school for that management,”, 20
 - and 25
 - (b) in subsection (2), by the substitution of the following paragraph for paragraph (b):
 - “(b) regulations made under this Act.”.

Appeals

7. (1) The Act of 1998 is amended by the substitution of the following section for section 29: 30

“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 35
- (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. 5 10

(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 8 of the *Education (Admission to Schools) Act 2017*); 15

‘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.”. 20

(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. 25

(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, 30

(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. 35

(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’). 40

- (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. 5
- (6) An appeals committee shall act in accordance with procedures determined under section 29B.

Procedures in relation to appeals 10

- 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: 15
- (a) the period within which an appeals committee shall determine an appeal and, in that regard, the Minister may— 20
 - (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 25
 - (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; 30
 - (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); 35
 - (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 40
 - (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; 5
 - (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— 10
 - (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 15
 - (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; 20
 - (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** 25
- 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
 - (b) may, in the case of an appeal under section 29(1)(c)(ii), 30
- 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. 35
- (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 5
 - (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. 10
- (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— 15
 - (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 20
 - (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— 25
 - (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. 30

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). 35
- (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 40

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, 15
 - (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, 20
 - (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, 25
 - (e) the educational interests of, and the effective provision of education for, other students of the school and the maintenance of a classroom and school environment which is supportive of learning amongst all students in the school and ensures continuity of instruction provided to students, 30
 - (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 35
 - (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— 40

- (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, 5
- (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 10
- (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. 15
- (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 20
 - (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, where it proposes to allow an appeal, its proposed direction to the board. 25
- (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. 30
- (9) An appeals committee shall, having considered any observations made under subsection (8), make its final decision. 35
- (10) Subject to subsection (9), an appeals committee shall, in its final decision—
 - (a) allow the appeal, or
 - (b) disallow the appeal. 40
- (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— 5
- (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). 10
- (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, 15
 - (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, 20
 - (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, 25
 - (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)— 30
 - (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 35
 - (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— 40

- (a) an appeal under section 29, and
 - (b) a designation under section 67 (inserted by *section 8* 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. 5
- (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. 10
 - (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. 15
 - (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.” 20
- (3) The amendments effected by *subsections (1) and (2)* shall not apply to an appeal to 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.

Admission to schools 25

8. The Act of 1998 is amended by the insertion of the following Part after Part IX:

“Part X

ADMISSION TO SCHOOLS

Definitions

60. In this Part— 30

‘Act of 2000’ means the Equal Status Act 2000;

‘admission statement’ has the meaning assigned to it by section 61;

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

‘applicant’ means the parent of a student or, in the case of a student who has reached the age of 18 years, the student, who has made an application for admission to a school; 35

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

‘independent person’ in relation to a school, does not include—

- (a) the patron of the school,
- (b) a member or former member of the board of the school,
- (c) a teacher, former teacher, other member of the staff or former other member of the staff of the school, 5
- (d) an applicant or a parent of a student in the school, or
- (e) a spouse, civil partner (within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010), child, parent, brother or sister of a person specified in paragraph (a), (b), (c) or (d); 10

‘intake group’ means the intake of students for the most junior class or 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;

‘oversubscribed’ means— 15

- (a) in relation to a school, that the number of students seeking admission to the school is greater than the number of places being 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; 20

‘school’ means a recognised school;

‘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; 25

‘special educational needs’ has the same meaning as it has in the Education for Persons with Special Educational Needs Act 2004;

‘student’ means a person in relation to whom an application for admission to a school has been made. 30

Admission statement

61. (1) Subject to subsection (2), the admission policy of a school shall include a statement (in this Part referred to as an ‘admission statement’) that the school shall not discriminate in its admission of a student to the school on— 35

- (a) the gender ground of the student or the applicant in respect of the student concerned,
- (b) the civil status ground of the student or the applicant in respect of the student concerned, 40

(c) the family status ground of the student or the applicant in respect of the student concerned,	
(d) the sexual orientation ground of the student or the applicant in respect of the student concerned,	
(e) the religion ground of the student or the applicant in respect of the student concerned,	5
(f) the disability ground of the student or the applicant in respect of the student concerned,	
(g) the ground of race of the student or the applicant in respect of the student concerned,	10
(h) the Traveller community ground of the student or the applicant in respect of the student concerned, or	
(i) the ground that the student or the applicant in respect of the student concerned has special educational needs.	
(2) In the case of—	15
(a) a school to which section 7(3)(a) of the Act of 2000 applies, that admits students of one gender only, 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 that gender, and	20
(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 or it refuses to admit as a student a person who is not of that denomination and, in the case of a refusal, it is proved that the refusal is essential to maintain the ethos of the school.	25
(3) In this section ‘civil status ground’, ‘disability ground’, ‘discriminate’, ‘family status ground’, ‘gender ground’, ‘ground of race’, ‘religion ground’, ‘sexual orientation ground’ and ‘Traveller community ground’ shall be construed in accordance with section 3 of the Act of 2000.	30
Admission policy	35
62. (1) Subject to this Act, regulations under this Act and such terms and conditions as may be attached to recognition of a school by the Minister under section 10, the board of the school shall following consultation with the patron, parents of students attending the school, the staff of the school, and such other persons as the Minister may determine, prepare a draft admission policy in respect of the school.	40

- (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). 5
- (3) The board shall submit the draft admission policy prepared under subsection (1) to the patron for approval.
- (4) The patron following consideration of the draft admission policy submitted under subsection (3) and within the prescribed period shall— 10
- (a) approve the draft, or
- (b) approve the draft subject to modifications.
- (5) Where the patron has approved the draft admission policy under subsection (4)(b), the patron shall return the draft to the board and specify the modifications to be made to the draft and the board shall, as soon as practicable, make the specified modifications and return the amended draft to the patron and the patron shall approve the amended draft. 15
20
- (6) Where the patron has approved a draft admission policy under subsection (4)(a) or an amended draft under subsection (5) the patron shall forward the approved policy to the board and the board shall as soon as practicable publish the policy (in this Act referred to as an ‘admission policy’). 25
- (7) An admission policy shall—
- (a) set out the characteristic spirit and general objectives of the school,
- (b) include an admission statement,
- (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— 30
- (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, 35
- (iii) in the case of a school that admits students of one gender only, where the school refuses to admit as a student a person who is not of that gender, 40

- (iv) in the case of a school whose objective is to provide education in an environment which promotes certain religious values, where the school refuses to admit as a student a person who is not of that denomination and it is proved that the refusal is essential to maintain the ethos of the school, 5
- (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; 15
 - (ii) the payment of fees or contributions (howsoever described) to 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; 20
 - (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; 25
 - (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, 30 35
- (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, 40

- (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—
 - (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, 5
- (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 10
- (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), 15
- (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, 20
- (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— 25
 - (i) an application for admission of a student to the school, or
 - (ii) the admission or continued attendance of a student in the school, 30
- (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), 35

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 40

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	5
(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	10
(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 available places as set out in the school’s annual admission notice for the school year concerned.	15
(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.	20
(b) Paragraph (a) shall cease to have effect 5 years after it comes into operation.	25
(11) In this section ‘code of behaviour’ has the same meaning as it has in the Education (Welfare) Act 2000.	
Annual admission notice	30
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.	35
(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	40
(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, 5
 - (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, 10
 - (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: 15
 - (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, 20

 - (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, 25
 - (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 30
 - (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.

Prohibition on charging admission and enrolment fees

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— 35
- (a) an application for admission of a student to the school, or
 - (b) the enrolment or continued enrolment of a student in the school.
- (2) Subsection (1) shall not apply in respect of— 40

- (a) fees charged by the category of schools known as fee charging post primary schools, which schools are specified in a list of fee charging post primary schools published by the Minister from time to time,
- (b) fees charged by the category of schools known as boarding schools, which schools are specified in a list of boarding schools published by the Minister from time to time, insofar as those fees relate solely to the cost of providing residential boarding places, or 5
- (c) fees charged by schools that provide courses known as post leaving certificate courses, insofar as those fees relate to the cost of providing such courses. 10

Regulations

65. (1) The Minister may, having regard to 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, 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, make regulations for the purpose of the preparation and publication by schools of admission policies and the admission of students to schools. 15 20
- (2) Regulations under this section may—
- (a) contain different provisions in relation to different categories of schools or different categories of students, and
 - (b) contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations. 25
- (3) Without prejudice to the generality of subsection (1) and (2), regulations under this section may provide for all or any of the following: 30
- (a) requirements in relation to the preparation and publication of an admission policy including all or any of the following:
 - (i) the period during which a patron may consider and approve a draft admission policy under section 62(4);
 - (ii) the manner in which and period during which a board shall publish and may otherwise make available an admission policy and information in relation to the application process; 35
 - (iii) the frequency in relation to which a board shall undertake a review of its admission policy;
 - (iv) the manner in which and period during which a board shall review its admission policy; 40

- (v) the consultation process that a board shall undertake when reviewing its admission policy; and
- (vi) details of additional information in relation to any of the matters referred to in paragraphs (a) to (q) of section 62(7) to be included in an admission policy; 5
- (b) selection criteria that schools shall be permitted to apply in cases where the number of students seeking admission to the school is greater than the number of places being made available at the school;
- (c) selection criteria that schools shall be permitted to apply in cases where 2 or more students are tied for a place or places in the school; 10
- (d) requirements in relation to the admission process, including in relation to all or any of the following:
 - (i) information that shall be contained in— 15
 - (I) an annual admission notice, and
 - (II) an application form;
 - (ii) the manner in which, and period during which a board shall publish an annual admission notice;
 - (iii) documents and information that a school shall not require an applicant to submit with an application, which may include photographs of the student, references from a school previously attended by the student, information in relation to the parents of the student, or information in relation to any medical condition, disability, or special educational needs of the student; 20 25
 - (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;
 - (v) the manner in which and periods during which a decision shall be made in relation to an application for admission; 30
 - (vi) the manner in which and periods during which an applicant shall be notified as to whether or not his or her application for admission has been accepted;
 - (vii) information that shall be contained in a notification under subparagraph (vi); 35
 - (viii) conditions that, in order to facilitate the efficient enrolment of students to schools, applicants may be required to adhere to when applying for or accepting a place in a school;
 - (ix) the procedures that shall apply when an offer is withdrawn; 40

(x)	arrangements that shall apply in relation to the compilation and operation of waiting lists of unsuccessful applicants;	
(xi)	arrangements that shall apply in relation to making offers of admission for places that become available following completion of the admission process;	5
(xii)	arrangements that shall apply in relation to applications for admission received after the commencement of the school year in which admission is sought;	
(xiii)	arrangements that shall apply in relation to applications for admission to a class or year other than the intake group of the school concerned.	10
(4)	In this section ‘pre-school service’ has the same meaning as it has in section 58A (inserted by section 92 of the Child and Family Agency Act 2013) of the Child Care Act 1991.	
	Co-operation between boards	15
66.	(1) The Minister may, from time to time, subject to subsection (2), and following consultation with the patron or patrons and the boards of the schools concerned, direct 2 or more boards to co-operate with each other in relation to the admission processes of the schools concerned.	
	(2) The Minister may make a direction under this section where—	20
	(a) a school is due to close, and the Minister considers that it is in the best interests of the students attending the school, or	
	(b) the Minister considers, having regard to the effective and efficient use of resources, that it is in the best interests of the students in an area that the boards in respect of which the direction is to apply shall co-operate with each other in relation to the admission processes of the schools concerned.	25
	(3) A direction under this section—	
	(a) shall be in writing,	
	(b) shall be for such period as the Minister, following consultation with the patron or patrons and the boards of the schools concerned, determines, and	30
	(c) may set out procedures in relation to co-operation by the boards in respect of the admission processes of the schools concerned.	
	(4) The Minister, where he or she considers it appropriate to do so, following consultation with the patron or patrons and the boards of the schools concerned, may—	35
	(a) amend a direction under this section,	
	(b) extend the period of a direction under this section, or	
	(c) cancel a direction under this section.	40

- (5) A board shall comply with a direction under this section.
- (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, 5
 - (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). 10

Designation of school by Council or Child and Family Agency

- 67.** (1) In the case of a child with special educational needs, the Council may— 15
- (a) of its own volition, or
 - (b) at the request of the parents of the child, where the Council is of the opinion that the parents of the child, after having made all reasonable efforts, have failed, for reasons related to the child's special educational needs, to obtain any school placement for the child, 20
- designate the school which the child is to attend and that school shall admit the child upon being directed by the Council to do so.
- (2) In making a designation under subsection (1), the Council shall have regard to— 25
- (a) the special educational needs of the child concerned,
 - (b) the wishes of the child's parents,
 - (c) where appropriate, and in accordance with the age and maturity of the child concerned, the wishes of the child,
 - (d) the availability of places in schools in the locality, 30
 - (e) the school that, in the Council's view, it would be in the best interests of the child concerned to attend, with preference given to the child's local school unless the best interests of the child require otherwise,
 - (g) the ability of the school to accommodate the child concerned and to meet his or her special educational needs, including that ability when resources are made available to the school, 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. 35 40

- (3) The Agency may in the case of a child other than a child in relation to whom a designation under subsection (1) may be made—
- (a) of its own volition, where the child has no school place, or
 - (b) at the request of the parents of the child, where the Agency is of the opinion that the parents of the child, after having made all reasonable efforts, have failed to obtain any school placement for the child,

designate the school which the child is to attend and that school shall admit the child, upon being directed by the Agency to do so.
- (4) In making a designation under subsection (3), the Agency shall have regard to—
- (a) the wishes of the child’s parents,
 - (b) where appropriate, and in accordance with the age and maturity of the child concerned, the wishes of the child,
 - (c) the availability of places in schools in the locality,
 - (e) the school that, in the Agency’s view, it would be in the best interests of the child to attend.
- (5) Where a school is designated under subsection (1) or (3), the board of the school may, not later than the prescribed date, appeal the decision to an appeals committee.
- (6) Subject to subsection (7), on hearing an appeal under subsection (5) an appeals committee shall within the prescribed period—
- (a) allow the appeal and cancel the designation, or
 - (b) dismiss the appeal.
- (7) The appeals committee shall, in reaching its decision, allow an appeal under subsection (5) and cancel the designation only where it is 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.
- (8) Where—
- (a) the Council has failed or refused to make a designation under subsection (1) pursuant to a request under paragraph (b) of that subsection within the prescribed period, or
 - (b) the Agency has failed or refused to make a designation under subsection (3) 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 designation.

- (9) On hearing an appeal under subsection (8), an appeals committee shall, within the prescribed period—
- (a) allow the appeal and give a direction to the Council or the Agency, as the case may be, requiring the Council or the Agency to designate a school, and the Council or the Agency, as the case may be, shall comply with such direction, or 5
 - (b) dismiss the appeal.
- (10) When notifying—
- (a) the board of its decision to allow or dismiss an appeal under subsection (5), or 10
 - (b) the parents of its decision to allow or dismiss an appeal under subsection (8),
- a committee shall give reasons for its decision.
- (11) 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. 15
- (12) An appeals committee shall be independent in the performance of its functions.
- (13) 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. 20
- (14) 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 to the education of persons with special educational needs. 25
- (15) 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. 30
- (16) The chairperson or an ordinary member of an appeals committee may resign by letter addressed to the Minister.
- (17) The chairperson or an ordinary member of an appeals committee may be removed from office by the Minister for stated misbehaviour. 35
- (18) 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.
- (19) The Minister may, in the interests of the operation of an efficient appeals process under this section and following consultation with the 40

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—	5
(a) 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	10
(c) provide for any other related or ancillary matter.	
(20) In this section—	
‘Agency’ means the Child and Family Agency;	
‘board’ includes, where the context so requires, a relevant managerial authority of a centre for education;	15
‘child’ includes a person in respect of whom an application for admission to a school has not been made;	
‘Council’ means the National Council for Special Education;	
‘school’ includes a centre for education.	
Direction to board and appointment of independent person by patron	20
68. (1) Subject to this section, the patron of a school may issue a direction to the board of a school and, where the board has failed to comply with the direction, the patron may appoint an independent person.	
(2) A patron shall, by notice in writing, inform a board where he or she proposes to issue a direction under this section.	25
(3) A notice under subsection (2) shall—	
(a) state that the patron is of the opinion that—	
(i) the board has failed to prepare and publish an admission policy,	
(ii) the admission policy of the school does not comply with this Act,	30
(iii) students are not being admitted to the school in accordance with—	
(I) this Act, or	
(II) the admission policy of the school,	
(iv) the board has failed to comply with section 64, or	35
(v) the board has failed to comply with a direction under section 29D or 29E,	
(b) set out the reasons for that opinion,	

- (c) state that the patron proposes to issue a direction under this section, and
 - (d) state that the board may make representations to the patron in relation to the proposed direction not later than 14 days after the service of the notice. 5
- (4) The patron may issue a direction in writing to the board where, having considered any representations made by the board pursuant to a notice under subsection (2), the patron remains of the opinion that subparagraph (i), (ii), (iii), (iv) or (v) of subsection (3)(a) applies.
- (5) A direction under this section shall— 10
- (a) state that the patron is of the opinion, having considered any representations made by the board pursuant to a notice under subsection (2), that he or she should issue a direction to the board,
 - (b) set out the reasons for that opinion,
 - (c) set out the remedial action to be taken by the board, and 15
 - (d) set out the period within which the remedial action shall be taken.
- (6) A board shall comply with a direction under this section.
- (7) Where the patron is of the opinion that the board has failed to comply with a direction under this section, the patron may, by notice in writing, inform the board that he or she proposes to appoint an independent person under subsection (9)(b). 20
- (8) A notice under subsection (7) shall—
- (a) state that the patron is of the opinion that the board has failed to comply with a direction under this section,
 - (b) set out the reasons for that opinion, 25
 - (c) state that the patron proposes to appoint an independent person under subsection (9)(b), and
 - (d) state that the board may make representations to the patron in relation to the proposed appointment not later than 14 days after the service of the notice. 30
- (9) Where, having considered any representations made pursuant to a notice under subsection (7), the patron remains of the opinion that the board has failed to comply with a direction under this section, the patron may, where he or she considers it is appropriate to do so—
- (a) forward a copy of the notice under subsection (7) and any representations made pursuant to that notice to the Minister, and 35
 - (b) appoint an independent person or persons, who, in the opinion of the patron, has the relevant knowledge and experience, to comply with the direction.

- (10) An appointment under subsection (9)(b) shall be subject to the consent of the Minister and shall be for such period as the patron, with the consent of the Minister, determines.
- (11) The patron may, with the consent of the Minister, extend the period referred to in subsection (10). 5
- (12) The patron shall, by notice in writing, inform the board where he or she has appointed an independent person under subsection (9)(b) and give reasons for the appointment.
- (13) A person appointed under subsection (9)(b) shall comply with a direction under this section. 10
- (14) The board, teachers and other members of the staff of the school shall co-operate (including giving access to all relevant records) with a person appointed under subsection (9)(b) in relation to the performance by that person of his or her functions under this Act.
- Direction to board by Minister** 15
- 69.** (1) Subject to this section, the Minister may issue a direction to a board.
- (2) The Minister shall, by notice in writing, inform the patron and the board where he or she proposes to issue a direction under this section.
- (3) A notice under subsection (2) shall—
- (a) state that the Minister is of the opinion that— 20
- (i) the board has failed to prepare and publish an admission policy,
- (ii) the admission policy of the school does not comply with this Act,
- (iii) students are not being admitted to the school in accordance with— 25
- (I) this Act, or
- (II) the admission policy of the school,
- (iv) the board has failed to comply with section 64, or
- (v) the board has failed to comply with a direction under section 29D or 29E, 30
- (b) set out the reasons for that opinion,
- (c) state that the Minister proposes to issue a direction under this section, and
- (d) state that the patron and the board may make representations to the Minister in relation to the proposed direction not later than 14 days after the service of the notice. 35
- (4) Where the Minister, having considered any representations made by the patron and the board pursuant to a notice under subsection (2), remains of the opinion that subparagraph (i), (ii), (iii), (iv) or (v) 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 and the board where he or she has appointed an authorised person under subsection (4) and give reasons for the appointment. 5
- (6) The authorised person shall, within such period as the Minister specifies, prepare and furnish to the Minister a report for the purposes of this section (in this section referred to as a report). 10
- (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 an authorised person shall—
- (a) have regard to any representations made to the Minister by the patron or the board pursuant to a notice under subsection (2), 15
 - (b) ascertain whether or not a board has prepared and published an admission policy in accordance with this Act, and where he or she considers that the admission policy of the school has not been so prepared or published, set out the remedial action which he or she considers should be taken by the board, 20
 - (c) ascertain whether or not the admission policy of the school complies with this Act, and where he or she considers that the admission policy of the school does not so comply, set out the remedial action which he or she considers should be taken by the board, 25
 - (d) examine whether or not students are being admitted to the school in accordance with this Act and the admission policy of the school, and where he or she considers that students are not being so admitted, set out the remedial action which he or she considers should be taken by the board, 30
 - (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
 - (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. 35
- (9) Where, having considered a report, the Minister remains of the opinion that subparagraph (i), (ii), (iii), (iv) or (v) of subsection (3)(a) applies, the Minister may issue a direction in writing to the board of the school concerned. 40
- (10) A direction under this section shall—

- (a) state that the Minister is of the opinion, having regard to the report, that he or she should issue a direction to the board,
 - (b) set out the reasons for that opinion,
 - (c) attach a copy of the report,
 - (d) set out the remedial action to be taken by the board, and 5
 - (e) set out the period within which the remedial action shall be taken.
- (11) The Minister shall forward a copy of a direction under this section to the patron.
- (12) A board shall comply with a direction under this section.
- (13) 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 authorised person in relation to the performance by that person of his or her functions under this Act. 10
- (14) 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. 15

Request to patron by Minister

- 70.** (1) Where the Minister is of the opinion that a board has failed to comply with a direction under section 69, he or she may, by notice in writing, inform the patron and the board. 20
- (2) A notice under subsection (1) shall—
- (a) state that the Minister is of the opinion that the board has failed to comply with a direction under section 69,
 - (b) set out the reasons for that opinion, and 25
 - (c) state that the patron and the board may, within 14 days of the notice, make representations to the Minister in relation to the board's failure to comply with the direction.
- (3) Where the Minister remains of the opinion, having considered any representations made pursuant to a notice under subsection (1), that the board has failed to comply with a direction under section 69, he or she may request the patron of the school concerned to direct the board to comply with the direction under section 69. 30
- (4) A patron shall comply with a request of the Minister under subsection (3). 35
- (5) A board shall comply with a direction of the patron under subsection (3).
- (6) Where, following a direction by the patron to the board to comply with a direction under section 69, the patron is of the opinion that the board

has failed to comply with the direction the patron shall, by notice in writing, inform the board.

- (7) A notice under subsection (6) shall—
- (a) state that the patron is of the opinion that the board has failed to comply with a direction under section 69, 5
 - (b) set out the reasons for that opinion,
 - (c) state that the patron proposes to appoint an independent person under subsection (8), and
 - (d) state that the board may make representations to the patron in relation to the proposed appointment not later than 14 days after the service of the notice. 10
- (8) Where the patron remains of the opinion, having considered any representations made by the board pursuant to a notice under subsection (6), that the board has failed to comply with a direction under section 69, the patron shall appoint an independent person who, in the patron’s opinion, has the relevant knowledge and experience to comply with the direction. 15
- (9) The patron shall forward to the Minister a copy of a notice under subsection (6) and any representations made pursuant to that notice.
- (10) An appointment under subsection (8) shall be for such period as the patron determines, and shall be subject to the consent of the Minister. 20
- (11) A patron may, with the consent of the Minister, extend the period referred to in subsection (10).
- (12) A person appointed under subsection (8) shall comply with the direction under section 69. 25
- (13) The board, teachers and other members of the staff of the school shall co-operate (including giving access to all relevant records) with a person appointed under subsection (8) in relation to the performance by that person of his or her functions under this Act.”.

Amendment of Education (Welfare) Act 2000 30

9. The Education (Welfare) Act 2000 is amended—

(a) in subsection (1) of section 23, by the insertion of “and publish” after “in accordance with subsection (2),”, and

(b) in section 26, by the substitution of the following subsection for subsection (1):

“(1) (a) The Child and Family Agency may appoint a person to appeal a decision to which paragraph (a) or (c) of subsection (1) of section 29 of the Act of 1998 applies and accordingly a reference in the said subsection (1) to ‘parent of the student’ or ‘student’ shall be construed as including a reference to the person appointed by the Child and Family Agency in accordance with this paragraph. 40

- (b) A person appointed under paragraph (a) shall—
- (i) be independent of the Child and Family Agency,
 - (ii) have such experience, qualifications, training or expertise, as the Child and Family Agency considers appropriate, and
 - (iii) in carrying out his or her functions, have regard to the best interests of the student concerned.”. 5

Repeals

10. The following are repealed:

- (a) section 33(g) of the Act of 1998;
- (b) section 10 of the Education for Persons with Special Educational Needs Act 2004; 10
- (c) section 19 of the Education (Welfare) Act 2000;
- (d) sections 4 and 6 of the Education (Miscellaneous Provisions) Act 2007.

Short title, collective citation and commencement

11. (1) This Act may be cited as the Education (Admission to Schools) Act 2017. 15
- (2) The Education Acts 1878 to 2012 and this Act (other than *section 9* and *paragraphs (b) and (c) of section 10*) may be cited together as the Education Acts 1878 to 2017.
- (3) This Act shall come into operation on such day or days as the Minister for Education and Skills may 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. 20

An Bille Oideachais (Ligean Isteach i
Scoileanna), 2016

BILLE

(mar a leasaíodh sa Roghchoiste um Oideachas
agus Scileanna)

dá ngairtear

Acht do dhéanamh socrú, ar mhaithe le leas an phobail, go ndéanfaidh scoil atá aitheanta de réir alt 10 den Acht Oideachais, 1998 beartas i dtaca le ligean isteach a ullmhú agus a fhoilsiú agus go mbeidh i mbeartas den sórt sin ráiteas á rá nach ndéanfaidh an scoil idirdhealú ar fhorais shonraithe maidir leis an scoil do ligean mac léinn isteach sa scoil, agus do dhéanamh socrú go bhféadfaidh an pátrún nó an tAire, in imthosca áirithe, ordachán a eisiúint chuig bord bainistíochta i ndáil le mic léinn a ligean isteach i scoil agus do dhéanamh socrú go bhféadfaidh an pátrún, in imthosca áirithe, duine neamhspleách a cheapadh chun ordachán den sórt sin a chomhlíonadh, agus do dhéanamh socrú go bhféadfaidh an Chomhairle Náisiúnta um Oideachas Speisialta nó an Ghníomhaireacht um Leanaí agus an Teaghlach, in imthosca áirithe, scoil nó lárionad oideachais a ainmniú ar a mbeidh leanbh le freastal, agus do chur próiseas achomhairc leasaithe ar fáil i gcás go mbeidh mac léinn díbeartha as scoil nó curtha ar fionraí ó scoil, nó i gcás nach mbeidh sé nó sí ligthe isteach i scoil, agus chun na geríoch sin agus chun críoch eile do leasú an Achta Oideachais, 1998, an Achta Oideachais (Leas), 2000 agus an Achta um Oideachas do Dhaoine a bhFuil Riachtanais Speisialta Oideachais Aca, 2004, agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Ordaíodh ag an Roghchoiste a chlóbhualadh,
28 Meitheamh, 2017

Education (Admission to Schools) Bill 2016

BILL

(as amended in the Select Committee on Education
and Skills)

entitled

An Act to make provision, in the interests of the common good, that a school recognised in accordance with section 10 of the Education Act 1998 shall prepare and publish an admission policy and that such policy shall include a statement that the school shall not discriminate in its admission of a student to the school on specified grounds, and to provide that in certain circumstances the patron or Minister may issue a direction to a board of management in relation to the admission of students to a school and to provide that in certain circumstances the patron may appoint an independent person to comply with such direction, and to provide that in certain circumstances the National Council for Special Education or the Child and Family Agency may designate a school or centre for education which a child is to attend, 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, and for those and other purposes to amend the Education Act 1998, the Education (Welfare) Act 2000 and the Education for Persons with Special Educational Needs Act 2004, and to provide for related matters.

Ordered by the Select Committee to be printed,
28th June, 2017

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