



**SEANAD ÉIREANN**

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

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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

### EDUCATION (ADMISSION TO SCHOOLS) BILL 2016 —Committee Stage

#### *Leasuithe Amendments*

*\*Government amendments are denoted by an asterisk*

#### SECTION 7

1. In page 5, line 5, to delete “20 school days” and substitute “10 school days”.

—*Senator Lynn Ruane.*

- \*2. In page 5, to delete lines 19 to 25 and substitute the following:

“ ‘*Act of 2018*’ means the *Education (Admission to Schools) Act 2018*;

‘annual admission notice’ has the same meaning as it has in Part X (inserted by *section 9* of the *Act of 2018*);

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

‘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 9* of the *Act of 2018*);

‘school’ has the same meaning as it has in Part X (inserted by *section 9* of the *Act of 2018*);

‘school year’ has the same meaning as it has in Part X (inserted by *section 9* of the *Act of 2018*);

‘special class’ has the same meaning as it has in Part X (inserted by *section 9* of the *Act of 2018*);

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

- \*3. In page 8, line 5, to delete “matter” and substitute “matters”.
- \*4. In page 8, line 31, to delete “therefore” and substitute “therefor”.
5. In page 9, lines 9 to 14, to delete all words from and including “by—” in line 9 down to and including line 14 and substitute the following:

“by admitting the student to the school or special class concerned.”.

—*Senator Lynn Ruane.*

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\*6. In page 10, line 31, to delete “in the case of an appeal brought by a parent or a student.”.

7. In page 10, line 33, to delete “and” where it secondly occurs and substitute the following:

“(k) such other matters as the applicant considers relevant, and”.

—*Senator Lynn Ruane.*

8. In page 10, between lines 34 and 35, to insert the following:

“(5) The applicant may request an independent advocate who shall assist and support them with the appeal.”.

—*Senator Lynn Ruane.*

\*9. In page 12, lines 10 and 11, to delete all words from and including “by” in line 10 down to and including line 11 and substitute “when the decision to refuse admission was made.”.

10. In page 12, lines 17 to 19, to delete all words from and including “board to—” in line 17 down to and including line 19 and substitute the following:

“board to admit the student.”.

—*Senator Lynn Ruane.*

11. In page 13, between lines 29 and 30, to insert the following:

“(5) Following receipt of a decision under subsection (2), an applicant may seek a review by the Minister of the decision. Following the review, the Minister may direct the appeals committee to proceed to determine the appeal under section 29, notwithstanding any decision under subsection (2).”.

—*Senator Lynn Ruane.*

\*12. In page 13, line 35, to delete “*Education (Admission to Schools) Act 2018*” and substitute “*Act of 2018*”.

SECTION 8

13. In page 15, line 6, to delete “may” and substitute “shall”.

—*Senator Colette Kelleher.*

14. In page 15, line 15, to delete “28 days” and substitute “14 days”.

—*Senator Colette Kelleher.*

15. In page 15, line 28, to delete “may” and substitute “shall”.

—*Senator Colette Kelleher.*

16. In page 16, line 7, to delete “21 days” and substitute “14 days”.

—*Senator Colette Kelleher.*

17. In page 16, line 19, to delete “21 days” and substitute “14 days”.

—*Senator Colette Kelleher.*

[SECTION 8]

18. In page 16, line 26, to delete “may” and substitute “shall”.

—*Senator Colette Kelleher.*

19. In page 16, line 34, to delete “21 days” and substitute “14 days”.

—*Senator Colette Kelleher.*

20. In page 17, line 1, to delete “21 days” and substitute “14 days”.

—*Senator Colette Kelleher.*

21. In page 17, line 8, to delete “may” and substitute “shall”.

—*Senator Colette Kelleher.*

22. In page 17, line 19, to delete “21 days” and substitute “14 days”.

—*Senator Colette Kelleher.*

23. In page 17, line 28, to delete “21 days” and substitute “14 days”.

—*Senator Colette Kelleher.*

24. In page 17, line 34, to delete “may” and substitute “shall”.

—*Senator Colette Kelleher.*

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

“(21) The Minister shall—

(a) not later than 3 years after this section comes into operation, commence a review of the operation of this section, and

(b) not later than 12 months after its commencement, make a report to each House of the Oireachtas of the findings made on the review and of the conclusions drawn from the findings.”.

—*Senator Colette Kelleher.*

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26. In page 20, between lines 12 and 13, to insert the following:

“(b) the gender identity ground of the student or the applicant in respect of the student concerned,”.

—*Senator Lynn Ruane.*

27. In page 20, between lines 16 and 17, to insert the following:

“(d) the socio-economic status ground of the student or the applicant in respect of the student concerned,”.

—*Senator Lynn Ruane.*

28. In page 23, line 11, after “school” to insert “not aided by the Department of Education and Skills”.

—*Senator Grace O'Sullivan.*

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29. In page 23, line 20, to delete “or”.

—*Senator Grace O’Sullivan.*

30. In page 23, line 24, to delete “class,” and substitute the following:

“class, or

(vii) in the case of a student who is terminally ill,”.

—*Senator Grace O’Sullivan.*

31. In page 23, line 24, to delete “class,” and substitute the following:

“class, or

(vii) in the case of a student in foster care as defined by the Child Care Act 1991, as amended,”.

—*Senator Grace O’Sullivan.*

32. In page 23, to delete lines 39 and 40 and substitute the following:

“(iii) a preschool or pre-school service that provides education through the medium of Irish in the case of admission of a student to a primary school that provides education through the medium of Irish;”.

—*Senators Paul Gavan, Fintan Warfield.*

\*33. In page 23, line 39, to delete “subsection (8)” and substitute “subsections (8) and (9)”.

\*34. In page 24, line 7, to delete “subsection (9)” and substitute “subsection (10)”.

35. In page 24, line 9, 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;”.

—*Senators Aodhán Ó Ríordáin, Ivana Bacik, Gerald Nash, Kevin Humphreys, Colette Kelleher, Lynn Ruane.*

36. In page 24, to delete lines 26 to 34 and substitute the following:

“(h) provide that the admission policy of a second level school that provides education through the medium of Irish may provide for the inclusion of students that have attended a primary school that provides education through the medium of Irish,”.

—*Senators Paul Gavan, Fintan Warfield.*

\*37. In page 26, to delete lines 21 to 28 and substitute the following:

“(8) Subsection (7)(e)(iii) shall not—

(a) except insofar only as determining the student’s academic ability, skills or aptitude is necessary in order to ascertain whether or not the student has the category of special educational needs

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concerned, apply to the admission of students to—

- (i) 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, or
  - (ii) a special class,
- or
- (b) apply to the admission of students to courses known as—
    - (i) post leaving certificate courses, or
    - (ii) further education and training courses.”.

**\*38.** In page 26, between lines 28 and 29, 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 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 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 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 level of fluency in the Irish language.
- (d) In satisfying itself that a student has attained a 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.

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- (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 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;
  - 'level of fluency in the Irish language', in relation to a student, means a level of fluency indicative of what would be expected of a student who uses the Irish language as a normal means of communication in a non-educational environment, taking into account the age and any special educational needs of the student concerned."

39. In page 26, between lines 28 and 29, 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.”.

—*Senator Robbie Gallagher.*

**40.** In page 26, between lines 28 and 29, 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

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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

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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.”.

—*Senator Robbie Gallagher.*

**41.** In page 26, between lines 28 and 29, to insert the following:

“(9) Notwithstanding subsection (7)(e)(iii), and subject to this subsection, an Irish medium school may prioritise the admission of a student where the student has previously attended an Irish language pre-school or Naíonra.”.

—*Senator Grace O’Sullivan.*

**\*42.** In page 26, line 29, to delete “(9) Subsection (7)(e)(vi)” and substitute “(10) Subsection (7)(e)(vi)”.

**43.** In page 26, lines 30 to 37, to delete “virtue of—” on line 30 down to and including line 37 and substitute “virtue of a sibling of the student concerned attending the school.”.

—*Senators Aodhán Ó Riordáin, Ivana Bacik, Gerald Nash, Kevin Humphreys, Colette Kelleher, Lynn Ruane.*

**\*44.** In page 26, line 38, to delete “(10)(a) Notwithstanding” and substitute “(11)(a) Notwithstanding”.

**\*45.** In page 27, to delete lines 9 and 10 and substitute the following:

“(12) In this section—

‘code of behaviour’ has the same meaning as it has in the Education (Welfare) Act 2000;

‘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.”.

**\*46.** In page 28, line 5, after “sought,” to insert “include”.

**47.** In page 29, line 10, after “schools” to insert “and arrangements and procedures relating to the exclusion and suspension of students from schools”.

—*Senator Lynn Ruane.*

**48.** In page 31, line 6, to delete “concerned.” and substitute the following:

“concerned;

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

—*Senator Grace O’Sullivan.*

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\*49. In page 31, to delete lines 7 to 9.

\*50. In page 37, line 26, after “an” to insert “annual”.

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51. In page 41, to delete lines 25 to 31 and substitute the following:

“(i) in paragraph (c), by the insertion of “not aided by the Department of Education and Skills” after “where the establishment is a school,””.

—*Senator Grace O’Sullivan.*

52. In page 43, between lines 19 and 20, to insert the following:

“(5) The Minister shall—

- (a) between three and five years after this section comes into operation, commence a review of the operation of Section 7A, and
- (b) not later than 12 months after its commencement, make a report to each House of the Oireachtas of the findings made in the review, and of the conclusions drawn from the findings, including any potential need for legislative amendment.”.

—*Senator Lynn Ruane.*