



DÁIL ÉIREANN

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

LEASUITHE A RINNE AN SEANAD AMENDMENTS MADE BY THE SEANAD

DÁIL ÉIREANN

AN BILLE OIDEACHAIS (LIGEAN ISTEACH I SCOILEANNA), 2016 [BILLE DÁIL ARNA LEASÚ AG AN SEANAD]

EDUCATION (ADMISSION TO SCHOOLS) BILL 2016 [DÁIL BILL AMENDED BY THE SEANAD]

*Leasuithe a rinne an Seanad
Amendments made by the Seanad*

*[The page and line references in this list of amendments
are to the text of the Bill as passed by Dáil Éireann]*

SECTION 7

1. 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*.”.

2. In page 8, between lines 4 and 5, to insert the following:

“(k) the manner in which, and period during which, a review under section 29F(5) shall be undertaken;”.

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3. In page 8, line 5, to delete “(k) such” and substitute “(l) such”.
4. In page 8, line 5, to delete “matter” and substitute “matters”.
5. In page 8, line 31, to delete “therefore” and substitute “therefor”.
6. In page 9, lines 8 to 11, to delete all words from and including “error” in line 8 down to and including line 11 and substitute the following:

“error—

- (a) where the failure or error related to the admission of a student to a school or special class, by admitting the student to the school or special class concerned, or
 - (b) where the failure or error related to a student’s ranking on the waiting list, by adjusting the ranking of the student on the waiting list.”.
7. In page 10, line 31, to delete “in the case of an appeal brought by a parent or a student,”.
 8. 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.”.
 9. In page 13, between lines 29 and 30, to insert the following:

“(5) An applicant may, after receiving a copy of a decision under subsection (4), request the Minister to review the decision.

(6) Where the Minister receives a request under subsection (5) he or she shall, as soon as practicable and subject to subsection (7), appoint a member of an appeals panel established under section 29A to review the decision.

(7) A person appointed under subsection (6) shall not have been a member of the appeals committee that made the decision in relation to the request concerned.

(8) A person appointed under subsection (6) shall review the decision in accordance with procedures under section 29B and, following the review shall make a recommendation to the Minister—

(a) that the decision of the appeals committee is upheld, or

(b) that the decision of the appeals committee is set aside.

(9) Where the Minister receives a recommendation under subsection (8) (b), he or she shall set aside the decision and direct the appeals committee to proceed to hear or determine, or continue to hear and determine, the appeal concerned.”.

10. In page 13, line 30, to delete “(5) Subject” and substitute “(10#) Subject”.

[# This is the appropriate reference if amendment No. 9 is accepted.]

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11. In page 13, line 35, to delete “*Education (Admission to Schools) Act 2018*” and substitute “*Act of 2018*”.
12. In page 13, line 38, to delete “(6) Where” and substitute “(11#) Where”.
[# *This is the appropriate reference if amendment No. 9 is accepted.*]
13. In page 13, line 39, to delete “subsection (5)” and substitute “subsection (10#)”.
[# *This is the appropriate reference if amendment No. 9 is accepted.*]
14. In page 14, line 1, to delete “(7) An appeals” and substitute “(12#) An appeals”.
[# *This is the appropriate reference if amendment No. 9 is accepted.*]

SECTION 8

15. In page 15, line 6, to delete “may” and substitute “shall”.
16. In page 15, line 15, to delete “28 days” and substitute “14 days”.
17. In page 15, line 28, to delete “may” and substitute “shall”.
18. In page 16, line 7, to delete “21 days” and substitute “14 days”.
19. In page 16, line 19, to delete “21 days” and substitute “14 days”.
20. In page 16, line 26, to delete “may” and substitute “shall”.
21. In page 16, line 34, to delete “21 days” and substitute “14 days”.
22. In page 17, line 1, to delete “21 days” and substitute “14 days”.
23. In page 17, line 8, to delete “may” and substitute “shall”.
24. In page 17, line 19, to delete “21 days” and substitute “14 days”.
25. In page 17, line 28, to delete “21 days” and substitute “14 days”.
26. In page 17, line 34, to delete “may” and substitute “shall”.
27. In page 18, between lines 17 and 18, to insert the following:
 “(21) The Minister shall—
 (a) not later than 3 years after *section 8* of the *Education (Admission to Schools) Act 2018* comes into operation, commence a review of the operation of this section, and
 (b) not later than 12 months after the expiration of the said 3 years, make a report to each House of the Oireachtas of his or her findings and conclusions resulting from that review.”.
28. In page 18, line 18, to delete “(21) In this” and substitute “(22#) In this”.
[# *This is the appropriate reference if amendment No. 27 is accepted.*]

SECTION 9

29. In page 23, to delete lines 39 and 40 and substitute the following:
 “(iii) other than in relation to a course known as a post leaving

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certificate course or a further education and training course and subject to subsections (8) and (9), a student's academic ability, skills or aptitude;”.

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

31. In page 24, between lines 25 and 26, to insert 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.”.

32. In page 26, to delete lines 21 to 28 and substitute the following:

“(8) Notwithstanding subsection (7)(e)(iii) in relation to—

(a) a school approved by the Minister to provide an education exclusively for students with a specified category or categories of special educational needs, or

(b) a special class,

a student's academic ability, skills or aptitude may be considered or taken into account insofar only as is necessary in order to ascertain whether or not the student has the category of special educational needs concerned.”.

33. 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

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

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

34. In page 26, line 29, to delete "(9) Subsection (7)(e)(vi)" and substitute "(10#) Subsection (7)(e)(vi)".

[# This is the appropriate reference if amendment No. 33 is accepted.]

35. In page 26, line 38, to delete "(10)(a) Notwithstanding" and substitute "(11#)(a) Notwithstanding".

[# This is the appropriate reference if amendment No. 33 is accepted.]

36. 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;

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‘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.’.

[# *This is the appropriate reference if amendment No. 33 is accepted.*]

- 37. In page 28, line 5, after “sought,” to insert “include”.
- 38. In page 31, to delete lines 7 to 9.
- 39. In page 37, line 26, after “an” to insert “annual”.

SECTION 11

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

“(5) The Minister for Education and Skills shall—

- (a) not later than 5 years after *section 11* of the *Education (Admission to Schools) Act 2018* comes into operation, commence a review of the operation of this section, and
- (b) not later than 12 months after the expiration of the said 5 years, make a report to each House of the Oireachtas of his or her findings and conclusions resulting from that review.’.

- 41. In page 43, line 20, to delete “(5) In this” and substitute “(6#) In this”.

[# *This is the appropriate reference if amendment No. 40 is accepted.*]