



**An Bille Oideachais (Ardteistiméireacht 2021) (Gráid
Chreidiúnaithe), 2021**
**Education (Leaving Certificate 2021) (Accredited
Grades) Bill 2021**

Meabhrán Míniúcháin agus Airgeadais
Explanatory and Financial Memorandum



**AN BILLE OIDEACHAIS (ARDTEISTIMÉIREACHT 2021)
(GRÁID CHREIDIÚNAITHE), 2021
EDUCATION (LEAVING CERTIFICATE 2021) (ACCREDITED
GRADES) BILL 2021**

EXPLANATORY AND FINANCIAL MEMORANDUM

Introduction

In recognition of the ongoing challenges posed by Covid-19 in regard to those due to undertake the Leaving Certificate examinations in 2021 and taking account of school closures and loss of learning by students, it is intended to run a set of written Leaving Certificate Examinations in 2021 and to put in place a system, to be operated by the State Examinations Commission (SEC) whereby Leaving Certificate candidates can also opt to have a set of accredited grades, to be known as “SEC accredited grades” issued to them. Students will be able to opt for the written examinations, SEC-accredited grades, or both.

The purpose of this Bill is to confer on the SEC the necessary functions to operate a system of accredited grades, and to provide a prohibition on the canvassing of teachers by students/parents or the giving of false or misleading information; and to provide for an indemnity for those involved in the process. This Bill also provides for the issuing of a certificate of final results in relation to the 2020 Leaving Certificate.

Summary of the Provisions in the Bill

Section 1 sets out the definitions to be used in the Bill. “Leaving Certificate 2021” comprehends the conventional examinations (provided for under the Education Act 1998) and the accredited grades process. The “teacher” and “tutor” definitions are designed to capture everyone who is directly involved in providing an estimated mark which, following a process of standardisation, results in the establishment of an accredited grade for a student.

Section 2 sets confers on the Minister power to determine that a system of accredited grades may be used for Leaving Certificate 2021 and what the main elements of that system could be included in that determination. It also provides for a right of appeal where an estimated mark is not provided and against an accredited grade awarded.

Section 3 provides for an indemnity in respect of any person who performs a function in relation to the provision of estimated marks. The terms and conditions that may be included in relation to the indemnity are provided for.

Section 4 deals with the prohibition against certain communications with a person performing functions in relation to the provision of estimated marks. It provides that where such communication occurs, this must be reported on to the SEC. The SEC is conferred with a power, in accordance with procedures to be prescribed by regulations, to withhold accredited

grades results from a candidate in that instance. The candidate has a right of appeals against a decision to withhold results. Detailed procedures in regard to the operation of this provision will be provided for in regulations.

Section 5 provides for an ability for the SEC to withhold results if false or misleading information is provided for the purpose of the provision of an estimated mark. The candidate has a right of appeal against a decision to withhold results in this situation. Detailed procedures in regard to the operation of this provision will be provided for in regulations.

Section 6 confers on the SEC a set of functions in relation to the system of accredited grades. This includes a function to receive estimated marks, to apply a process of standardisation, to determine an accredited grade, to issue results to candidates, to award a candidate the better of an accredited grade or Leaving Certificate examination result where they have participated in both processes, to consider appeals against a refusal to provide an estimated mark and to determine the procedure involved, to consider an appeal against an accredited grade awarded and to determine the procedure involved, to receive information in relation to a prohibited communication, to withhold results from a candidate in certain instances and to consider an appeal against a decision to withhold, and to appoint appeals officers. The SEC may request information from certain persons in dealing with appeals against a decision not to provide an estimated mark or against the award of an accredited grade. The performance by the SEC of its functions is subject to Ministerial policy determinations. The Minister is empowered to confer additional functions on the Commission in relation to the system of accredited grades. The SEC must submit to the Minister information regarding the performance of its functions as the Minister may require.

Section 7 confers on the Minister a regulation-making power to give effect to various aspects provided in other sections of the Bill. In particular, the regulations may provide for the procedure which the SEC will deploy where it receives information regarding a prohibited communication, or in respect of false or misleading information, including the procedure in respect of appeals.

Section 8 contains a power to designate people to be tutors in addition to those already defined in the Bill.

Section 9 provides the SEC with the power to provide a Leaving Certificate in respect of 2020 to candidates on the basis of the “better of” the grades achieved by the candidate from the Calculated Grades process or the written examinations held subsequently.

Section 10 provides a statutory basis on which the personal data of Leaving Certificate 2021 candidates can be processed for the purposes of the operation of the accredited grades system. The section allows for data sharing between the Minister, the SEC, the external contractor(s) involved in the process of standardisation including any quality assurance contractor retained and also any persons acting as appeals officers.

Section 11 provides for the laying of regulations and orders before each House of the Oireachtas.

Section 12 provides for the incurring by the Minister of expenses in the administration of the Act.

Section 13 provides for the short title and commencement of the Bill.

The *Schedule* provides a list of Leaving Certificate language subjects, known as “non-curricular subjects” in respect of which candidates will receive an estimated mark informed by a language proficiency test.

Financial Implications of the Bill

The impact on expenditure this year for the Department of Education and the SEC as a result of the provision of a system of accredited grades and Leaving Certificate examinations cannot be precisely specified at this stage. Savings will, however, arise from decisions resulting from Covid-19 restrictions, such as not to proceed with Junior Cycle examinations this year (save for a possible run of examinations later in the year for a small number early school leavers and adult learners). Some additional costs will arise from the operation of the accredited grades system in addition to the examinations.

An Roinn Oideachais,

23 April 2021.