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**An Bille Oideachais (Ligean Isteach i Scoileanna)  
(Comhoideachas), 2022**  
**Education (Admission to Schools) (Co-education) Bill  
2022**

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*Meabhrán Míniúcháin*  
*Explanatory Memorandum*

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**AN BILLE OIDEACHAIS (LIGEAN ISTEACH I SCOILEANNA)  
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EDUCATION (ADMISSION TO SCHOOLS) (CO-EDUCATION)  
BILL 2022**

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**EXPLANATORY MEMORANDUM**

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**Purpose of Bill**

At present discrimination on grounds of gender in the provision of services, including educational services, is generally prohibited. However, single sex primary and post-primary schools are exempted from this prohibition.

Thus, section 7 of the Equal Status Act 2000 provides that, generally, an educational establishment must not discriminate in relation to—

- the admission or the terms or conditions of admission of a person as a student to the establishment,
- the access of a student to any course, facility or benefit provided by the establishment,
- any other term or condition of participation in the establishment by a student, or
- the expulsion of a student from the establishment or any other sanction against the student.

However, subsection (3)(a) goes on to provide that an educational establishment is not discriminating by reason only that, if it is not a third-level institution and if it admits students of one gender only, it refuses to admit students of the other gender.

Provisions along similar lines are found in Part X of the of the Education Act 1998, which was inserted by section 9 of the Education (Admission to Schools) Act 2018. Thus, while section 61 provides that a school's admission policy must include a statement that the school does not discriminate in its admission of students to the school, subsection (2)(a) provides that, in the case of schools to which section 7(3)(a) of the Equal Status Act 2000 applies and that admit students of one gender only, the admission statement of the school shall include a statement that the school is not discriminating in relation to the admission of students where it refuses to admit students who are not of that gender.

And, while section 62(7)(c) of the Education Act 1998 requires an admission policy to provide that the school shall admit each student seeking admission to the school, an exemption is provided in subparagraph (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.

The purpose of this Bill is to disapply, at separate future dates, these exemptions from the prohibition against discrimination on the gender ground in those primary and post-primary schools that seek statutory recognition from the Minister for Education.

Lengthy lead-in periods are proposed before these changes come into operation, so as to give boards of management and other stakeholders the opportunity to plan and implement changes to admission policy or other options, including amalgamation of two single-sex schools.

### **Provisions of Bill**

*Section 1(1)* provides that the section applies—

- to recognised primary schools 10 years after the passing of the Bill as an Act, and
- to recognised post-primary schools 15 years after the passing of the Act.

By *subsection (2)*, from the date that the section applies to a recognised school, the exemptions provided by the enactments listed in *subsection (4)* shall cease to apply to the school; accordingly, from that date the school must no longer discriminate on the gender ground in relation to the admission or the terms or conditions of admission of students to the school.

*Subsection (3)* defines certain terms used in the section:

- “gender ground” is to be construed in accordance with section 3 of the Equal Status Act 2000,
- “recognised post-primary school” means a recognised school providing post-primary education (and which may also provide courses in adult, continuing or vocational education or vocational training),
- “recognised primary school” means a recognised school providing primary education (and which may also provide early childhood education), and
- “recognised school” means a school which is recognised by the Minister in accordance with section 10 of the Education Act 1998.

Finally, *subsection (4)* lists the relevant enactments that will cease to apply, that is to say, section 7(3)(a) of the Equal Status Act 2000 and sections 61(2)(a) and 62(7)(c)(iii) of the Education Act 1998.

*Section 2* provides in standard form for the short title and collective citation of the Bill when passed.

*Aodhán Ó Ríordáin, TD, Alan Kelly, TD, Ivana Bacik, TD,  
Brendan Howlin, TD, Duncan Smith, TD, Seán Sherlock, TD,  
Ged Nash, TD,  
Márta, 2022.*