This Revised Act is an administrative consolidation of the Education Act 1998. It is prepared by the Law Reform Commission in accordance with its function under the Law Reform Commission Act 1975 (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the Consumer Insurance Contracts Act 2019 (53/2019), enacted 26 December 2019, and all statutory instruments up to and including the Education (Admission to Schools) Act 2018 (Admission Policies and Admission of Students) Regulations 2020 (S.I. No. 17 of 2020), made 14 January 2020, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.
Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

**Education Acts 1878 to 2018**: this Act is one of a group of Acts included in this collective citation, to be construed together as one (Education (Admission to Schools) Act 2018 (14/2018), s. 1(2)). The Acts in this group are:

- Intermediate Education (Ireland) Act 1878 (41 & 42 Vict. c. 66)
- Intermediate Education (Ireland) Act 1882 (45 & 46 Vict. c. 69)
- Intermediate Education (Ireland) Act 1900 (63 & 64 Vict. c. 43)
- Intermediate Education (Ireland) Act 1913 (3 & 4 Geo. 5 c. 29)
- Intermediate Education (Amendment) Act 1924 (47/1924)
- Vocational Education (Amendment) Act 2001 (9/2007), s. 36
- Education (Amendment) Act 2012 (14/2012), ss. 1(3) and 4-7
- Education (Miscellaneous Provisions) Act 2015 (11/2015), s. 7
- Teaching Council (Amendment) Act 2015 (31/2015), s. 32
- Education (Admission to Schools) Act 2018 (14/2018), other than ss. 10, 11, 12(b)-(d)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at
EDUCATION ACT 1998
REVISED
Updated to 14 January 2020

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY AND GENERAL

Section
1. Short title and commencement.
2. Interpretation.
3. Expenses.
4. Service of notices.
5. Laying of regulations and orders.
7. Functions of Minister.

PART II
SCHOOLS

8. Patron of school.
12. Annual funding.

PART III
THE INSPECTORATE

13. The Inspectorate.

PART IV
BOARDS OF MANAGEMENT

14. Establishment and membership of boards of management.
15. Functions of a board.
16. Dissolution by a patron.
17. Dissolution by patron at request of Minister.
18. Keeping of accounts and records.
21. The school plan.

PART V

THE PRINCIPAL AND TEACHERS

22. Functions of Principal and teachers.
23. The Principal.

PART VI

MISCELLANEOUS

25. School year, week, day.
27. Information to students and student council.
28. Grievance and other procedures.
29. Appeals to Secretary General.
29A. Establishment of appeals panels and appeals committees.
29B. Procedures in relation to appeals.
29C. Review by board of decision to refuse admission.
29D. Appeals under section 29(1)(a), (b) and (c)(ii).
29E. Appeals under section 29(1)(c)(i).
29F. Miscellaneous provisions in relation to appeals under section 29.
30. Curriculum.
31. Teaching through Irish.
32. Educational disadvantage. (repealed)
33. Regulations.
34. Financial year.
35. Amendment of Intermediate Education (Ireland) Act, 1878.
36. Amendment of Vocational Education Act, 1930.
37. Education support centres.
37A. Additional provision in respect of children with special educational needs.

PART VII
PART VIII
EXAMINATIONS

49. Interpretation.
50. Examinations.
51. Regulations.
52. Offences.
53. Refusal of access to certain information.

PART IX
BODIES CORPORATE

54. Establishment of bodies to provide services related to education.
55. Membership and staff.
56. Functions.
57. Administration.
58. Grants.
59. Revocation of establishment order.

PART X
ADMISSION TO SCHOOLS

60. Definitions.
61. Admission statement.
62. Admission policy.
63. Annual admission notice.
64. Prohibition on charging admission and enrolment fees.
65. Regulations.
66. Co-operation between boards.
67. Designation of school by Council or Child and Family Agency.
68. Direction to board and appointment of independent person by patron.
69. Direction to board by Minister.
70. Request to patron by Minister.

SCHEDULE 1
THE COUNCIL
SCHEDULE 2
EXAMINATIONS

ACTS REFERRED TO

Adoption Acts, 1952 to 1998
Children Acts, 1908 to 1989
Child Care Act, 1991 1991, No. 17
Civil Service Commissioners Act, 1956 1956, No. 45
Civil Service Regulation Acts, 1956 to 1996
Guardianship of Children Acts, 1964 to 1997
Health Act, 1970 1970, No. 1
Health Acts, 1947 to 1996
Intermediate Education (Ireland) Act, 1878 1878, 41 & 42 Vic., c. 66
Intermediate Education (Ireland) Acts, 1878 to 1924
Local Government Act, 1941 1941, No. 23
Ministers and Secretaries (Amendment) Act, 1956 1956, No. 21
Public Service Management Act, 1997 1997, No. 27
Trade Union Acts, 1871 to 1990
Vocational Education Act, 1930 1930, No. 29
AN ACT TO MAKE PROVISION IN THE INTERESTS OF THE COMMON GOOD FOR THE
EDUCATION OF EVERY PERSON IN THE STATE, INCLUDING ANY PERSON WITH A
DISABILITY OR WHO HAS OTHER SPECIAL EDUCATIONAL NEEDS, AND TO PROVIDE
GENERALLY FOR PRIMARY, POST-PRIMARY, ADULT AND CONTINUING EDUCATION AND
VOCATIONAL EDUCATION AND TRAINING; TO ENSURE THAT THE EDUCATION SYSTEM
IS ACCOUNTABLE TO STUDENTS, THEIR PARENTS AND THE STATE FOR THE EDUCATION
PROVIDED, RESPECTS THE DIVERSITY OF VALUES, BELIEFS, LANGUAGES AND TRADITIONS
IN IRISH SOCIETY AND IS CONDUCTED IN A SPIRIT OF PARTNERSHIP BETWEEN SCHOOLS,
PATRONS, STUDENTS, PARENTS, TEACHERS AND OTHER SCHOOL STAFF, THE
COMMUNITY SERVED BY THE SCHOOL AND THE STATE; TO PROVIDE FOR THE RECOG-
NITION AND FUNDING OF SCHOOLS AND THEIR MANAGEMENT THROUGH BOARDS OF
MANAGEMENT; TO PROVIDE FOR AN INSPECTORATE OF SCHOOLS; TO PROVIDE FOR
THE ROLE AND RESPONSIBILITIES OF PRINCIPALS AND TEACHERS; TO ESTABLISH THE
NATIONAL COUNCIL FOR CURRICULUM AND ASSESSMENT AND TO MAKE PROVISION
FOR IT, AND TO PROVIDE FOR RELATED MATTERS. [23rd December, 1998]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Education Act, 1998.

(2) Subject to subsection (3), this Act shall come into operation on such day or days
as, by order or orders made by the Minister under this section, may be fixed either
generally or with reference to any particular purpose, function, provision or class of
school, and different days may be so fixed for different purposes, functions or provi-
sions of this Act or different classes of schools.

(3) This Act shall come into operation in respect of any purpose, function, provision
or class of school, with reference to which the Minister has not made an order under
subsection (2), two years from the date of its passing.

(4) As soon as practicable after the end of the first and second years following the
date of passing of this Act, the Minister shall prepare a report on the implementation
of the Act and shall cause copies of the report to be laid before each House of the
Oireachtas.
The Intermediate Education (Ireland) Acts, 1878 to 1924 and this Act may be cited together as the Education Acts, 1878 to 1998, and shall be construed together as one.

Interpretation.

2.—(1) In this Act, except where the context otherwise requires—

“articles of management” means any instruments, relating to the operation and management of schools, as are in operation on the commencement of this Act and as shall be agreed from time to time by patrons of schools, national associations of parents and recognised trade unions and staff associations representing teachers;

“board” means a board of management established under section 14;

“centre for education” means a place, other than a school or a place providing university or other third level education, where adult or continuing education or vocational education or training, is provided and which is designated for that purpose under section 10(4);

“characteristic spirit” means the characteristic spirit referred to in section 15 (2) (b);

“Council” means the body established under section 39;

“curriculum” shall be construed in accordance with section 30;

“disability” means, in relation to a person, a restriction in the capacity of the person to participate in and benefit from education on account of an enduring physical, sensory, mental health or learning disability, or any other condition which results in a person learning differently from a person without that condition and cognate words shall be construed accordingly;

“educational disadvantage” means the impediments to education arising from social or economic disadvantage which prevent students from deriving appropriate benefit from education in schools;

“examination” has the meaning assigned to it by section 49;

“functions” includes powers and duties;

“Gaeltacht area” means an area for the time being determined to be a Gaeltacht area by order made under section 2 of the Ministers and Secretaries (Amendment) Act, 1956;

“Inspector” means a member of the Inspectorate;

“Inspectorate” means the Inspectorate appointed under section 13;

“Minister” means the Minister for Education and Science;

“national association of parents” means an association or other body of persons established by parents with objects which include representing the views and interests of parents with regard to education and assisting parents in exercising their rights and role in the process of the education of their children, that is—

(a) established and organised on a national basis and has a membership distributed over a substantial part of the State, and

(b) for the time being recognised by the Minister for the purposes of this Act, including the National Parents Council - Primary and the National Parents Council (Post-Primary) Limited, being bodies for the time being so recognised;

“National Council for Curriculum and Assessment” means the body established in accordance with section 39;
“parent” includes a foster parent, a guardian appointed under the Guardianship of Children Acts, 1964 to 1997, or other person acting in loco parentis who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts, 1952 to 1998, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter;

“parents’ association” means an association to which section 26 applies;

“patron” has the meaning assigned to it by section 8;

“prescribed” means prescribed by regulations made by the Minister and cognate words shall be construed accordingly;

[‘Principal’ means a person appointed to be a Principal;]

“recognised school” means a school which is recognised by the Minister in accordance with section 10;

“recognised school management organisations” means those bodies as may be established for the purpose of representing the interests of persons engaged in the management of schools and which are recognised by the Minister for the purposes of this Act;

“recognised trade union” means a trade union licensed under the Trade Union Acts, 1871 to 1990, that stands recognised for consultation purposes;

“school” means an establishment which—

(a) provides primary education to its students and which may also provide early childhood education, or

(b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training,

but does not include a school or institution established in accordance with the Children Acts, 1908 to 1989, or a school or institution established or maintained by [the Health Service Executive] in accordance with the Health Acts, 1947 to 1996, or [the Child and Family Agency in accordance with the Child Care Act 1991];

“school plan” has the meaning assigned to it by section 21(1);

“school week” means the period of time during a week when a school is open for the reception of students;

“school year” means such twelve month period commencing on a day that falls between the first day of July and the first day of October in any year as may be prescribed from time to time by the Minister, either generally or in respect of any school or class of school;

“special educational needs” means the educational needs of students who have a disability and the educational needs of exceptionally able students;

“student”, in relation to a school, means a person enrolled at the school and in relation to a centre for education, means a person registered as a student in that centre;

“support services” means the services which the Minister provides to students or their parents, schools or centres for education in accordance with section 7 and shall include any or all of the following:

(a) assessment of students;

(b) psychological services;

(c) guidance and counselling services;
(d) technical aid and equipment, including means of access to schools, adaptations to buildings to facilitate access and transport, for students with special needs and their families;

(e) provision for students learning through Irish sign language or other sign language, including interpreting services;

(f) […]

(g) provision for early childhood, primary, post-primary, adult or continuing education to students with special needs otherwise than in schools or centres for education;

(h) teacher welfare services;

(i) transport services;

(j) library and media services;

(k) school maintenance services;

(l) examinations provided for in Part VIII;

(m) curriculum support and staff advisory services, and

[(n) such other services as are specified by this Act or considered appropriate by the Minister, or both, but which shall not include health and personal social services within the meaning of the Health Act 2004;]

“teacher” includes a Principal;

[…]

(2) (a) In this Act a reference to a Part, section or a Schedule is a reference to a Part or section of or a Schedule to this Act, unless it is indicated that a reference to some other Act is intended.

(b) In this Act a reference to a subsection, paragraph or subparagraph is a reference to a subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that a reference to some other provision is intended.

(3) A reference in this Act to the performance of functions includes, with respect to powers and duties, a reference to the exercise of powers and the carrying out of duties.

Expenses.

3.—Any expenses incurred by the Minister in the administration of this Act shall, to such extent as may be approved of by the Minister for Finance, be paid out of monies provided by the Oireachtas.

Service of notices.

4.—Where a notice, direction or other document is authorised or required by or under this Act or regulations made thereunder to be served on a person, it shall, unless otherwise specified in this Act, be addressed to the person and shall be served on or given to the person in one of the following ways—

(a) where it is addressed to the person by name, by delivering it to the person, or

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address,
(c) by sending it by ordinary prepaid post addressed to the person at the address at which the person ordinarily resides, or in a case in which an address for service has been furnished, at that address.

Laying of regulations and orders.

5.—Every regulation and every order made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation or order is passed by either such House within the next 21 days on which that House has sat after the regulation or order is laid before it, the regulation or order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Objects of Act.

6.—Every person concerned in the implementation of this Act shall have regard to the following objects in pursuance of which the Oireachtas has enacted this Act:

(a) to give practical effect to the constitutional rights of children, including children who have a disability or who have other special educational needs, as they relate to education;

(b) to provide that, as far as is practicable and having regard to the resources available, there is made available to people resident in the State a level and quality of education appropriate to meeting the needs and abilities of those people;

(c) to promote equality of access to and participation in education and to promote the means whereby students may benefit from education;

(d) to promote opportunities for adults, in particular adults who as children did not avail of or benefit from education in schools, to avail of educational opportunities through adult and continuing education;

(e) to promote the right of parents to send their children to a school of the parents’ choice having regard to the rights of patrons and the effective and efficient use of resources;

(f) to promote best practice in teaching methods with regard to the diverse needs of students and the development of the skills and competences of teachers;

(g) to promote effective liaison and consultation between schools and centres for education, patrons, teachers, parents, the communities served by schools, local authorities, [the Health Service Executive], [the Child and Family Agency,] persons or groups of persons who have a special interest in, or experience of, the education of students with special educational needs and the Minister;

(h) to contribute to the realisation of national educational policies and objectives;

(i) to contribute to the realisation of national policy and objectives in relation to the extension of bi-lingualism in Irish society and in particular the achievement of a greater use of the Irish language at school and in the community;

(j) to contribute to the maintenance of Irish as the primary community language in Gaeltacht areas;

(k) to promote the language and cultural needs of students having regard to the choices of their parents;

(l) to enhance the accountability of the education system, and

(m) to enhance transparency in the making of decisions in the education system both locally and nationally.
Functions of Minister.

7.—(1) Each of the following shall be a function of the Minister under this Act:

(a) to ensure, subject to the provisions of this Act, that there is made available to each person resident in the State, including a person with a disability or who has other special educational needs, support services and a level and quality of education appropriate to meeting the needs and abilities of that person,

(b) to determine national education policy, and

(c) to plan and co-ordinate—

(i) the provision of education in recognised schools and centres for education, and

(ii) support services.

(2) Without prejudice to the generality of subsection (1), each of the following shall be a function of the Minister:

(a) to provide funding to each recognised school and centre for education and to provide support services to recognised schools, centres for education, students, including students who have a disability or who have other special educational needs, and their parents, as the Minister considers appropriate and in accordance with this Act;

(b) to monitor and assess the quality, economy, efficiency and effectiveness of the education system provided in the State by recognised schools and centres for education, having regard to the objects provided for in section 6 and to publish, in such manner as the Minister considers appropriate, information relating to such monitoring and assessment;

(c) to lease land or buildings to any person or body of persons for the purpose of establishing a school without prejudice to the establishment by patrons of schools which are situated on land or in buildings which are not leased to them by the Minister, the extension and further development of such schools when established and the recognition of such schools in accordance with section 10;

(d) to provide support services through Irish to recognised schools which provide teaching through Irish and to any other recognised school which requests such provision;

(e) to perform such other functions as are specifically provided for by this Act or any other enactment, and

(f) to do all such acts and things as may be necessary to further the objects for which this Act is enacted.

(3) The Minister shall have all such powers as are necessary or expedient for the purpose of performing his or her functions.

(4) In carrying out his or her functions, the Minister—

[(a) shall have regard to—

(i) the resources available,

(ii) the need to secure, as far as possible, that the education system provides—

(I) best practice in teaching methods,

(II) value for money, and

(III) quality outcomes for students,
by setting standards for those engaged in the provision of education, including the determination both of procedures and such other matters as are provided for by this Act,

(iii) the provision for education and training made by other agencies with funds provided by the Oireachtas,

(iv) the need to reflect the diversity of educational services provided in the State, and

(v) the practices and traditions relating to the organisation of schools or groups of schools existing at the commencement of this Part and the right of schools to manage their own affairs in accordance with this Act and any charters, deeds, articles of management or other such instruments relating to their establishment or operation,

and]

(b) shall make all reasonable efforts to consult with patrons, national associations of parents, parents’ associations in schools, recognised school management organisations, recognised trade unions and staff associations representing teachers and such other persons who have a special interest in or knowledge of matters relating to education, including persons or groups of persons who have a special interest in, or experience of, the education of students with special educational needs, as the Minister considers appropriate.

[(5) [...]  
(6) [...] ]

PART II

SCHOOLS

Patron of school. 8.—(1) (a) The person who, at the commencement of this section, is recognised by the Minister as the patron of a primary school, and

(b) the persons who, at the commencement of this section, stand appointed as trustees or as the board of governors of a post-primary school and, where there are no such trustees or such board, the owner of that school,

shall be deemed to be the patron for the purposes of this Act and the Minister shall enter his, her or their name, as appropriate, in a register kept for that purpose by the Minister.

(2) In any case other than that provided in subsection (1), the patron of a recognised school shall be the person who requested recognition of the school or a nominee of such person and the name of that person shall be entered in the register.

(3) The Minister may amend the register in respect of any school on the application of the person who stands for the time being registered as the patron or of the successor to that person.

(4) In the case of a school established or maintained by [an education and training board, that board] shall be the patron of the school for the purposes of this Act.

(5) Where two or more persons exercise the functions of a patron they may be registered as joint patrons.

(6) The patron of a school shall carry out the functions and exercise the powers conferred on the patron by this Act and such other functions and powers as may be
conferred on the patron by any Act of the Oireachtas or instrument made thereunder, deed, charter, articles of management or other such instrument relating to the establishment or operation of the school.

(7) In this section—

“person” includes a body of persons;

“school” includes a proposed school.

9.—A recognised school shall provide education to students which is appropriate to their abilities and needs and, without prejudice to the generality of the foregoing, it shall use its available resources to—

(a) ensure that the educational needs of all students, including those with a disability or other special educational needs, are identified and provided for,

(b) ensure that the education provided by it meets the requirements of education policy as determined from time to time by the Minister including requirements as to the provision of a curriculum as prescribed by the Minister in accordance with section 30,

(c) ensure that students have access to appropriate guidance to assist them in their educational and career choices,

(d) promote the moral, spiritual, social and personal development of students and provide health education for them, in consultation with their parents, having regard to the characteristic spirit of the school,

(e) promote equality of opportunity for both male and female students and staff of the school,

(f) promote the development of the Irish language and traditions, Irish literature, the arts and other cultural matters,

(g) ensure that parents of a students, or in the case of a student who has reached the age of 18 years, the student, have access in the prescribed manner to records kept by that school relating to the progress of that student in his or her education,

(h) in the case of schools located in a Gaeltacht area, contribute to the maintenance of Irish as the primary community language,

(i) conduct its activities in compliance with any regulations made from time to time by the Minister under section 33,

(j) ensure that the needs of personnel involved in management functions and staff development needs generally in the school are identified and provided for,

(k) establish and maintain systems whereby the efficiency and effectiveness of its operations can be assessed, including the quality and effectiveness of teaching in the school and the attainment levels and academic standards of students,

(l) establish or maintain contacts with other schools and at other appropriate levels throughout the community served by the school, and

(m) subject to this Act and in particular section 15 (2) (d), establish and maintain an admissions policy which provides for maximum accessibility to the school.
10.—(1) On a request being made for that purpose, the Minister may from time to time designate a school or a proposed school to be a school recognised for the purposes of this Act.

(2) The Minister may designate a school or a proposed school to be a school recognised for the purposes of this Act where the Minister, on a request being made for that purpose by the patron of a school or a proposed school, is satisfied that—

(a) the number of students who are attending or are likely to attend the school is such or is likely to be such as to make the school viable,

(b) in the case of a proposed school, and having regard to the desirability of diversity in the classes of school operating in the area likely to be served by the school, the needs of students attending or likely to attend the school cannot reasonably be met by existing schools,

(c) the patron undertakes that the school shall provide the curriculum as determined in accordance with section 30,

(d) the patron agrees to permit and co-operate with regular inspection and evaluation by the Inspectorate,

(e) the school complies, or in the case of a proposed school shall comply, with health, safety and building standards as are determined by law and any further such standards as are determined from time to time by the Minister, and

(f) the patron agrees that the school shall operate in accordance with such regulations as may be made by the Minister from time to time under section 33 and with this Act and with any other terms and conditions as may reasonably be attached to recognition by the Minister.

(3) A school that, on the commencement of this section, is in receipt of funds provided by the Oireachtas in respect of—

(a) the education activities for students of that school, or

(b) the remuneration of teachers in that school,

shall be deemed to be a school recognised in accordance with this section.

(4) The Minister may from time to time designate a place to be a centre for education.

11.—(1) Where the Minister is satisfied that the requirements for recognition of a school as provided for in section 10 (2) are not being met by a school, including a school recognised in accordance with section 10 (3), or that the functions of a school are not being effectively discharged and is of the opinion that recognition should be withdrawn from that school, the Minister shall inform the board, the patron, the teachers, the student council where one exists and the parents of students in that school by notice in writing of that opinion and the reasons for the opinion.

(2) If, after the expiration of three months from the date of the notice issued under subsection (1), and, after consideration of any representations made to the Minister by the board or the patron of the school, the teachers or the parents or the student council where one exists, the Minister remains of the said opinion, the Minister may withdraw recognition from the school by notice in writing addressed to the board and the patron of the school, and such notice shall be effective on and from the last day of the school year following the school year in which the notice was addressed to the board or such later date as the Minister may determine.

(3) It shall be the duty of the Minister in respect of a school from which recognition has been withdrawn to arrange to make alternative and appropriate education facilities
available for those students who were enrolled in the school on the date of such withdrawal and who require those facilities.

(4) Where the Minister is satisfied that a school from which recognition has been withdrawn satisfies the requirements for recognition of a school as provided for in section 10, and that the functions of the school will be effectively discharged, the Minister may restore recognition to that school, provided that such restoration of recognition shall not entitle that school or any person employed in the school to receive any payment out of monies provided by the Oireachtas in relation to the period subsequent to the withdrawal of recognition and prior to the restoration of recognition.

Annual funding. 12.—(1) The Minister, with the concurrence of the Minister for Finance, shall determine and publish in each school year criteria by which any class or classes of recognised schools or centres for education are to be funded in the following school year from monies provided by the Oireachtas and such criteria shall allow for the payment of additional monies to recognised schools having regard to the level of educational disadvantage of students in the schools.

(2) Except as otherwise provided by this Act, the Minister shall, in each school year by such date or dates as shall be determined by the Minister, make to each recognised school or centre for education a grant or grants, which accords with the criteria determined pursuant to this section, from monies provided by the Oireachtas in accordance with this Act, for the purposes of carrying on that school or centre for education.

(3) A grant or grants shall not be made unless the school is a recognised school at the date that such grant or grants are to be made.

(4) Except as otherwise provided in this Act, where, on the commencement of this section, arrangements are in place whereby grants are provided by the Minister to a body of persons which disburses such grants to two or more recognised schools, then nothing in this Act shall operate to alter such arrangements except with the agreement of that body or its successor.

(5) Where subsection (4) applies, the Minister shall, from monies provided by the Oireachtas, make such grant or grants to the body referred to in that subsection or its successor of an amount equal to the amount which, but for this subsection, would have been made to schools under subsection (2) and any such grant or grants shall be applied by that body for the benefit of students in those schools.

PART III

THE INSPECTORATE

The Inspectorate. 13.—(1) The Minister shall appoint a Chief Inspector and such and so many Inspectors as the Minister considers appropriate and the Chief Inspector and Inspectors collectively shall be known and are referred to in this Act as the “Inspectorate”.

(2) The Minister shall include amongst those he or she appoints as Inspectors under subsection (1) persons who hold qualifications as psychologists or who have other expertise, including expertise in the education of students with special educational needs.

(3) The functions of an Inspector shall be:

(a) to support and advise recognised schools, centres for education and teachers on matters relating to the provision of education and, without prejudice to the generality of the foregoing, an Inspector—
(i) shall visit recognised schools and centres for education on the initiative of the Inspectorate, and, following consultation with the board, patron, parents of students and teachers, as appropriate, do any or all of the following:

(I) evaluate the organisation and operation of those schools and centres and the quality and effectiveness of the education provided in those schools or centres, including the quality of teaching and effectiveness of individual teachers;

(II) evaluate the education standards in such schools or centres;

(III) assess the implementation and effectiveness of any programmes of education which have been devised in respect of individual students who have a disability or other special educational needs;

(IV) assess the implementation of regulations made by the Minister, and

(V) report to the Minister, or to the board, patron, parents of students and teachers, as appropriate, and as prescribed, on these matters or on any other matter relating to the activities of those schools or centres and the needs of students attending those schools or centres,

(ii) [...] 

(iii) shall advise teachers and boards in respect of the performance of their duties, and, in particular, assist teachers in employing improved methods of teaching and conducting classes, and

(iv) shall advise parents and parents’ associations;

(b) to evaluate the quality and effectiveness of the provision of education in the State, including comparison with relevant international practice and standards, and to report thereon to the Minister;

(c) to conduct research into education and to provide support in the formulation of policy by the Minister;

(d) to promote excellence in the management of, teaching in and the use of support services by schools and in the procedures for consultation and co-operation within and between schools and centres for education;

(e) to disseminate information relating to—

(i) the performance by the Inspectorate of the functions provided for in this section, and

(ii) successful educational initiatives which have been implemented by schools and centres for education,

and promote informed debate on those matters;

(f) to evaluate the effectiveness of the teaching, development, promotion and use of Irish in schools and centres for education and to report to the Minister on those matters;

(g) to advise the Minister on any matter relating to education policy and provision, including the curriculum taught in recognised schools, assessment and teaching methods, and

(h) [...] 

(4) [...]
(5) Where an Inspector has carried out an evaluation or an assessment under subsection (3)(a)(i), he or she may make recommendations to the Minister in respect of improvements that he or she considers appropriate.

(6) The Minister may, if a teacher and the board consent, second that teacher to the Inspectorate for such period as the Minister shall determine, to carry out any or all of the functions conferred on an Inspector.

(7) An Inspector shall have all such powers as are necessary or expedient for the purpose of performing his or her functions and shall be accorded every reasonable facility and co-operation by the board and the staff of a school or centre for education.

(8) An Inspector, including the Chief Inspector, shall carry out his or her functions in accordance with such procedures for, and criteria of, inspections as may be determined by the Minister from time to time, following consultation with patrons, school management organisations, recognised trade unions and staff associations representing teachers and such other persons as the Minister considers appropriate, and such directions as may be given by the Minister from time to time.

(9) A teacher or the board of a school may request the Chief Inspector to review any inspection carried out by an Inspector which affects the teacher or the school and the Chief Inspector shall review the inspection in accordance with such procedures as the Chief Inspector shall determine.

(10) A person who immediately before the commencement of this Part holds an office as Chief Inspector, Inspector or Inspector of Guidance Service/Psychologist or who is seconded to the Inspectorate shall on the commencement of this Part continue to hold that office or be so seconded as appropriate and this section shall apply to any such person.


(12) The Minister shall appoint Inspectors or second teachers to the Inspectorate, in accordance with this section, with the concurrence of the Minister for Finance.

[[(12A) A person who obstructs or interferes with an inspector in the course of exercising a power conferred on the inspector by this section or impedes the exercise by the inspector of such a power commits an offence and is liable—

(a) on summary conviction to a Class A fine, or

(b) on conviction on indictment, to a fine not exceeding €100,000.]]

[(13) The Chief Inspector, with the consent of the Minister, may delegate the performance of one or more of his or her functions to an Inspector nominated by the Chief Inspector and functions so delegated to such an Inspector shall be performable by him or her accordingly.

(14) The Minister may appoint an Inspector to perform the functions of the Chief Inspector during any period in which the Chief Inspector is temporarily unable to perform his or her functions, whether because of absence, ill-health or for any other reason, and, for the duration of that period, the functions of the Chief Inspector shall be performable by the Inspector so appointed accordingly.]
Establishment and membership of boards of management.

14.—(1) It shall be the duty of a patron, for the purposes of ensuring that a recognised school is managed in a spirit of partnership, to appoint where practicable a board of management the composition of which is agreed between patrons of schools, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers and the Minister.

(2) A board established in accordance with subsection (1) shall fulfil in respect of the school the functions assigned to that school by this Act, and, except in the case of a school established or maintained by [an education and training board], each board shall be a body corporate with perpetual succession and power to sue and may be sued in its corporate name.

(3) Pending the establishment of a board as provided for by subsection (1) the persons who have responsibilities under the structures and systems in place in a school for the management of that school at the commencement of this Part, including boards of governors, shall, as appropriate, discharge the functions of a board under this Act.

(4) The members of a board shall, except where articles of management otherwise provide, be appointed by the patron of the school.

(5) When making appointments to a board established in accordance with subsection (1) the patron shall comply with directions given by the Minister in respect of an appropriate gender balance and the Minister, before giving any such directions, shall consult with patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers.

(6) The Minister, with the agreement of the patron, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, shall prescribe matters relating to the appointment of a board.

(7) Except as provided by this Act, no action shall lie against a member of a board in respect of anything done by that member in good faith and in pursuance of this Act or any regulations made by the Minister under this Act.

(8) Where a patron determines that the appointment of a board in accordance with subsection (1) is not practicable, the patron shall inform the parents of students, the teachers and other staff of the school and the Minister of that fact and the reasons therefor at the time of such determination and, thereafter, if a board is not so appointed, the patron shall, from time to time or as requested by the Minister, inform the parents, teachers and other staff and the Minister of the reasons therefor.

Functions of a board.

15.—(1) It shall be the duty of a board to manage the school on behalf of the patron and for the benefit of the students and their parents and to provide or cause to be provided an appropriate education for each student at the school for which that board has responsibility.

(2) A board shall perform the functions conferred on it and on a school by this Act and in carrying out its functions the board shall—

(a) do so in accordance with the policies determined by the Minister from time to time,

(b) uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school, and at all times act in accordance with any Act of the Oireachtas or instrument made thereunder, deed, charter, articles of management or other such instrument relating to the establishment or operation of the school,
(c) consult with and keep the patron informed of decisions and proposals of the board,

(d) 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 ensure that as regards that policy principles of equality and the right of parents to send their children to a school of the parents’ choice are respected and such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerned, are complied with,

(e) have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society,

(f) have regard to the efficient use of resources (and, in particular, the efficient use of grants provided under section 12), the public interest in the affairs of the school and accountability to students, their parents, the patron, staff and the community served by the school, and

(g) use the resources provided to the school from monies provided by the Oireachtas to make reasonable provision and accommodation for students with a disability or other special educational needs, including, where necessary, alteration of buildings and provision of appropriate equipment.

(3) For the avoidance of doubt, nothing in this Act shall confer or be deemed to confer on the board any right over or interest in the land and buildings of the school for which that board is responsible.

Dissolution by a patron.

16.—(1) Subject to this section and to the consent of the Minister, the patron may—

(a) for good and valid reasons stated in writing to a member of a board of management remove that member from that office, or

(b) if satisfied that the functions of a board are not being effectively discharged, dissolve that board.

(2) Where a patron proposes to remove a member of a board from that office or to dissolve a board, the patron shall inform that member or board by notice in writing of his or her intention and the reasons therefor.

(3) If, at the end of a period of one month after the date of the notice provided for in subsection (2), the patron, having considered any representations made to him or her by or on behalf of the member or the board, remains of the view that the member should be removed from office or that the board should be dissolved then the patron may, subject to the approval of the Minister, by notice in writing and stating the opinion of the patron and the reasons therefor, remove the member from office or dissolve the board as appropriate.

(4) A copy of every notice issued under this section and any representations made to the patron shall be delivered to the Minister as soon as may be after it has been made.

(5) Whenever the patron dissolves a board, the patron may, subject to the approval of the Minister, appoint any person or body of persons as the patron thinks fit to perform the functions of the board.

(6) Where a patron removes a member of a board the resulting vacancy shall be filled in accordance with regulations made under section 14 (6).
(7) The patron shall provide, in accordance with section 14, for the re-establishment of a board dissolved under subsection (1) not later than six months following the dissolution or such longer period as the patron, with the consent of the Minister, considers appropriate and when the new board has been established the functions of the dissolved board shall be re-vested in the new board and shall cease to be functions of the person or body of persons, if any, appointed under subsection (5).

17.—(1) Where—

(a) the Minister is satisfied that the functions of a board are not being effectively discharged, or

(b) a board willfully neglects to comply with any order, direction or regulation of the Minister given or made under this Act, or

(c) a board fails to comply with any judgment or order of any court of competent jurisdiction,

the Minister may, by notice in writing, require the patron to dissolve the board for reasons stated in such notice and the patron shall dissolve the board accordingly as soon as may be after the date of such notice.

(2) Before the Minister serves a notice as provided for in subsection (1), he or she shall inform the board and the patron of his or her intention to do so and shall consider any representations made to him or her by or on behalf of the board or the patron within one month of informing the board and the patron.

(3) Whenever the patron dissolves a board under this section, subsections (5) and (7) of section 16 shall apply.

18.—(1) Except in the case of a school established or maintained by an education and training board, a board shall keep all proper and usual accounts and records of all monies received by it or expenditure of such monies incurred by it and shall ensure that in each year all such accounts are properly audited or certified in accordance with best accounting practice.

(2) Accounts kept in pursuance of this section shall be made available by the school concerned for inspection by the Minister and by parents of students in the school, in so far as those accounts relate to monies provided in accordance with section 12.

19.—(1) Where the Minister or the patron is of the opinion that the functions of a board are not being effectively discharged, the Minister or the patron, as the case may be, shall inform the board of that opinion and the reasons therefor.

(2) Having considered any representations by the board, the Minister or the patron, as the case may be, may authorise any person or persons as the Minister or the patron may deem appropriate to report to the Minister or the patron or both the Minister and the patron on any matter arising from or relating to the operation of that board.

(3) Any person appointed to prepare a report under this section shall be entitled at all reasonable times to enter any premises occupied by the school concerned and shall be afforded every facility and co-operation by the board, the teachers and other staff of the school, including access to all records, to perform his or her functions.

(4) A Principal or board shall supply the patron and the Minister with such information regarding the performance of the board’s functions as the patron or the Minister, as the case may be, may from time to time require.

(5) Where either the Minister or a patron proposes to exercise functions under this section then—

(a) the Minister shall inform the patron, or
The patron shall inform the Minister, as appropriate, of the proposed course of action.

20. A board shall establish procedures for informing the parents of students in the school of matters relating to the operation and performance of the school and such procedures may include the publication and circulation to parents, teachers and other staff and a student council where one has been established of a report on the operation and performance of the school in any school year, with particular reference to the achievement of objectives as set out in the school plan provided for under section 21.

The school plan.

21.—(1) A board shall, as soon as may be after its appointment, make arrangements for the preparation of a plan (in this section referred to as the “school plan”) and shall ensure that the plan is regularly reviewed and updated.

(2) The school plan shall state the objectives of the school relating to equality of access to and participation in the school and the measures which the school proposes to take to achieve those objectives including equality of access to and participation in the school by students with disabilities or who have other special educational needs.

(3) The school plan shall be prepared in accordance with such directions, including directions relating to consultation with the parents, the patron, staff and students of the school, as may be given from time to time by the Minister in relation to school plans.

(4) A board shall make arrangements for the circulation of copies of the school plan to the patron, parents, teachers and other staff of the school.

PART V

The Principal and Teachers

22.—(1) The Principal of a recognised school and the teachers in a recognised school, under the direction of the Principal, shall have responsibility, in accordance with this Act, for the instruction provided to students in the school and shall contribute, generally, to the education and personal development of students in that school.

(2) Without prejudice to subsection (1), the Principal and teachers shall—

(a) encourage and foster learning in students,

(b) regularly evaluate students and periodically report the results of the evaluation to the students and their parents,

(c) collectively promote co-operation between the school and the community which it serves, and

(d) subject to the terms of any applicable collective agreement and their contract of employment, carry out those duties that—

(i) in the case of teachers, are assigned to them by or at the direction of the Principal, and

(ii) in the case of the Principal, are assigned to him or her by the board.

23.—(1) In addition to the functions conferred on a Principal by section 22, the Principal of a recognised school shall—
(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 be accountable to the board of the school for that management,

(b) provide leadership to the teachers and other staff and the students of the school,

(c) be responsible, together with the board, parents of students and the teachers, for the creation in the school of an environment which is supportive of learning among the students and which promotes the professional development of the teachers,

(d) under the direction of the board, and in consultation with the teachers, the parents and, to the extent appropriate to their age and experience, the students, set objectives for the school and monitor the achievement of those objectives, and

(e) encourage the involvement of parents of students in the school in the education of those students and in the achievement of the objectives of the school.

(2) For the purpose of carrying out his or her functions under this Act, a Principal of a recognised school shall have all such powers as are necessary or expedient in that regard, and shall carry out his or her functions in accordance with—

(a) such policies as may be determined from time to time by the board of the school, and

(b) regulations made under section 33.

(3) The Principal of a recognised school shall be entitled to be a member of any and every committee appointed by the board of the school.

(4) Wherever practicable, the Principal of a recognised school shall, in exercising his or her functions under this section, consult with teachers and other staff of the school.

(5) Where the employer of the Principal, teachers and other staff of a recognised school is a person other than the board of the school concerned, a reference in this section to a board shall be construed and have effect as if the said person were substituted for the said reference wherever it occurs.

24.— (1) Subject to this section, the board of a recognised school—

(a) shall, if not already appointed, appoint a person to be Principal of the school, and

(b) may appoint such and so many persons as teachers and other staff of the school as the board from time to time considers necessary for the performance of its powers and functions under this Act.

(2) The numbers and qualifications of the teachers and other staff of a recognised school, who are, or who are to be, remunerated out of monies provided by the Oireachtas, shall be determined from time to time by the Minister, with the concurrence of the Minister for Public Expenditure and Reform.

(3) The terms and conditions of employment of the teachers and other staff of a recognised school, appointed by the board and who are, or who are to be, remunerated out of monies provided by the Oireachtas, shall be determined from time to time by the Minister, with the concurrence of the Minister for Public Expenditure and Reform.

(4) The Principal, a teacher or other member of staff of a recognised school appointed prior to, and holding office immediately before, the commencement of
this section, continues in office after such commencement as if appointed under this
section.

(5) (a) Notwithstanding subsections (3) and (11), a teacher or other member of staff
of a recognised school who is, or who is to be, remunerated out of monies
provided by the Oireachtas may be redeployed to another recognised school
in accordance with redeployment procedures determined from time to time
by the Minister with the concurrence of the Minister for Public Expenditure
and Reform following consultation with bodies representative of patrons,
recognised school management organisations and with recognised trade
unions and staff associations representing teachers or other staff as appro-
priate.

(b) A teacher or other member of staff redeployed in accordance with paragraph
(a) shall, in accordance with the redeployment procedures determined under
that paragraph, become an employee of—

(i) the board of, or

(ii) the [education and training board] which maintains,

the recognised school to which he or she is redeployed.

(6) Where all or part of the remuneration or superannuation, or both, of the Princi-
pal, a teacher or another member of staff of a recognised school is paid or is to be
paid out of monies provided by the Oireachtas, such remuneration and superannuation
shall be determined from time to time by the Minister, with the concurrence of the
Minister for Public Expenditure and Reform.

(7) For the purposes of section 30 of the Act of 2001—

(a) the Teaching Council shall provide the Minister and each [education and
training board] with information which is held by it in respect of each person
who is or was a registered teacher, and

(b) on and after commencement of that section, the Teaching Council shall, at
the request of the Minister or [an education and training board, provide the
Minister or education and training board], as appropriate, with the registra-
tion details of any person—

(i) who is or becomes registered under section 31 of the Act of 2001 or under
regulations made pursuant to that section,

[(ii) whose registration is renewed under section 33 (amended by section
14 of the Teaching Council (Amendment) Act 2015) of the Act of 2001,]

(ii) whose conditional registration lapses in accordance with section 32 of
the Act of 2001,

(iii) who is removed from the register in accordance with [sections 32, 34,
35 or 45 (amended by the Teaching Council (Amendment) Act 2015)] of

[the [Act of 2001,]]

(iv) whose registration is corrected in accordance with section 36 of the [Act
of 2001, or]]

[(v) who stands removed or suspended from the register under Part 5 of the
Act of 2001.]

[(8) Notwithstanding section 30 of the Act of 2001, the Minister, where he or she
is satisfied that it is necessary to facilitate the urgent, temporary or occasional staffing
needs of recognised schools, may from time to time prescribe both—

(a) the circumstances in which a person, who is not a registered teacher for a
reason other than that he or she is suspended or removed from the register]
under Part 5 of the Act of 2001, may be employed in the place of a registered teacher in a recognised school and be remunerated, in respect of such employment, out of monies provided by the Oirechtais, and

(b) the conditions attaching to the employment of such a person where he or she is, or is to be, remunerated out of monies provided by the Oirechtais.

(9) Notwithstanding section 30 of the Act of 2001, the Minister shall consider the following in satisfying himself or herself for the purposes of subsection (8):

(a) the desirability of ensuring that persons employed in teaching positions in a recognised school are registered teachers;

(b) the need to facilitate the urgent, temporary or occasional staffing needs of schools;

(c) the desirability of minimising disruption to the education of students; and

(d) the qualifications and relevant experience of a person referred to in paragraphs (a) and (b) of subsection (8).

(10) Without prejudice to the generality of subsection (8), regulations made under that subsection may provide for one or more than one of the following:

(a) a requirement that a person referred to in paragraphs (a) and (b) of subsection (8) be employed in the place of a registered teacher in a recognised school in a position remunerated, or to be remunerated, out of monies provided by the Oirechtais if, and only if, no registered teacher is available to take up the position in question;

(b) a limit on the length for which such a person may be so employed in place of a registered teacher;

(c) a requirement that such a person has certain minimum qualifications before he or she can be so employed;

(d) a requirement that the Minister consent to the employment of such a person;

(e) a limit on the subjects or purposes, or both, for which such a person may be so employed;

(f) a requirement that a school retain and furnish to the Minister evidence that it has been unable to employ a registered teacher in the place of a registered teacher in a recognised school; and

(g) a requirement that such a person is subject to An Garda Síochána vetting and clearance in accordance with standard practice for registered teachers.

(11) The board of a recognised school may, in accordance with procedures determined from time to time by the Minister following consultation with bodies representative of patrons, recognised school management organisations and with recognised trade unions and staff associations representing teachers or other staff as appropriate, appoint, suspend or dismiss any or all of the Principal, teachers and other staff of a school, who are remunerated or who are to be remunerated out of monies provided by the Oirechtais.

(12) Where the employer of the Principal, teachers and other staff of a recognised school is a person other than the board of the school concerned, a reference in this section to a board shall be construed and have effect as if the said person were substituted for the said reference wherever it occurs.

(13) [...]
(a) ‘Act of 2001’ means the Teaching Council Act 2001;

‘register’ means the Register of Teachers established under section 29 of the Teaching Council Act 2001 and ‘registration’ and ‘registered’ shall be construed accordingly;

and

(b) a reference to a person being, or to be, paid or remunerated out of monies provided by the Oireachtas includes a person being partly so paid or remunerated.

PART VI

MISCELLANEOUS

25.—The Minister may, from time to time, following consultation with patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, prescribe—

(a) the minimum number of days in a school year during which a school shall be open to receive students and provide them with instruction,

(b) the minimum number of hours of instruction in a school day or in a school week, and

(c) any matters related to the length of the school year, the school week or the school day and the organisation and structure of such year, week or day.

26.—(1) The parents of students of a recognised school may establish, and maintain from among their number, a parents’ association for that school and membership of that association shall be open to all parents of students of that school.

(2) A parents’ association shall promote the interests of the students in a school in co-operation with the board, Principal, teachers and students of a school and for that purpose may—

(a) advise the Principal or the board on any matter relating to the school and the principal or board, as the case may be, shall have regard to any such advice, and

(b) adopt a programme of activities which will promote the involvement of parents, in consultation with the Principal, in the operation of the school.

(3) The board shall promote contact between the school, parents of students in that school and the community and shall facilitate and give all reasonable assistance to parents who wish to establish a parents’ association and to a parents’ association when it is established.

(4) (a) A parents’ association shall, following consultation with its members, make rules governing its meetings and the business and conduct of its affairs.

(b) Where a parents’ association is affiliated to a national association of parents, the rules referred to in paragraph (a) shall be in accordance with guidelines issued by that national association of parents with the concurrence of the Minister.

27.—(1) A board shall establish and maintain procedures for the purposes of informing students in a school of the activities of the school.
(2) The procedures established and maintained under subsection (1) shall facilitate the involvement of the students in the operation of the school, having regard to the age and experience of the students, in association with their parents and teachers.

(3) Students of a post-primary school may establish a student council and, without prejudice to the generality of subsection (1), a board of a post-primary school shall encourage the establishment by students of a student council and shall facilitate and give all reasonable assistance to—

(a) students who wish to establish a student council, and

(b) student councils when they have been established.

(4) A student council shall promote the interests of the school and the involvement of students in the affairs of the school, in co-operation with the board, parents and teachers.

(5) The rules for the establishment of a student council shall be drawn up by the board, in accordance with such guidelines as may be issued by the Minister from time to time, and such rules may provide for the election of members and the dissolution of a student council.

(6) A student council, following consultation with the board, may make rules governing its meetings and the business and conduct of its affairs.

Grievance and other procedures.

28.—(1) The Minister, following consultation with patrons of recognised schools, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, may from time to time prescribe procedures in accordance with which—

(a) the parent of a student or, in the case of a student who has reached the age of 18 years, the student, may appeal to the board against a decision of a teacher or other member of staff of a school,

(b) grievances of students, or their parents, relating to the students’ school (other than those which may be dealt with under paragraph (a) [...], shall be heard, and

(c) appropriate remedial action shall, where necessary, be taken as a consequence of an appeal or in response to a grievance.

(2) In prescribing procedures for the purposes of this section the Minister shall have regard to the desirability of determining appeals and resolving grievances in the school concerned.

Appeals to Secretary General.

29.—(1) Where a board or a person acting on behalf of the board—

(a) permanently excludes a student from a school, or

(b) suspends a student from attendance at a school for a period to be prescribed for the purpose of this paragraph, or

(c) refuses to enroll a student in a school, or

(d) makes a decision of a class which the Minister, following consultation with patrons, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers, may from time to time determine may be appealed in accordance with this section,

the parent of the student, or in the case of a student who has reached the age of 18 years, the student, may, within a reasonable time from the date that the parent or student was informed of the decision and following the conclusion of any appeal
procedures provided by the school or the patron, in accordance with section 28, appeal that decision to the Secretary General of the Department of Education and Science and that appeal shall be heard by a committee appointed under subsection (2).

(2) For the purposes of the hearing and determination of an appeal under this section, the Minister shall appoint one or more than one committee (in this section referred to as an “appeals committee”) each of which shall include in its membership an Inspector and such other persons as the Minister considers appropriate.

(3) Where a committee is appointed under subsection (2) the Minister shall appoint one of its number to be the chairperson of that committee and who, in the case of an equal division of votes, shall have a second or casting vote.

(4) In hearing and determining an appeal under this section an appeals committee shall act in accordance with such procedures as may be determined from time to time by the Minister following consultation with patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers and such procedures shall ensure that—

(a) the parties to the appeal are assisted to reach agreement on the matters the subject of the appeal where the appeals committee is of the opinion that reaching such agreement is practicable in the circumstances,

(b) hearings are conducted with the minimum of formality consistent with giving all parties a fair hearing, and

(c) appeals are dealt with within a period of 30 days from the date of the receipt of the appeal by the Secretary General, except where, on the application in writing of the appeals committee stating the reasons for a delay in determining the appeal, the Secretary General consents in writing to extend the period by not more than 14 days.

[(4A) The National Educational Welfare Board may, at the hearing of an appeal brought by a parent or student against a decision to which paragraph (a) or (c) of subsection (1) applies, make such submissions (whether in writing or orally) to the appeals committee, as it considers appropriate.]

(5) On the determination of an appeal made under this section, the appeals committee shall send notice in writing of its determination of the appeal and the reasons for that determination to the Secretary General.

(6) Where—

(a) an appeals committee upholds a complaint in whole or in part, and

(b) it appears to the appeals committee that any matter which was the subject of the complaint (so far as upheld) should be remedied,

the appeals committee shall make recommendations to the Secretary General as to the action to be taken.

(7) As soon as practicable after the receipt by the Secretary General of the notice referred to in subsection (5), the Secretary General—

(a) shall, by notice in writing, inform the person who made the appeal and the board of the determination of the appeals committee and the reasons therefor, and

(b) in a case to which subsection (6) applies, may in such notice give such directions to the board as appear to the Secretary General (having regard to any recommendations made by the appeals committee) to be expedient for the purpose of remedying the matter which was the subject of the appeal and the board shall act in accordance with such directions.
(8) The Minister, in consultation with patrons of schools, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, shall from time to time review the operation of this section and section 28 and the first such review shall take place not more than two years from the commencement of this section.

(9) In the case of a school which is established or maintained by [an education and training board] an appeal against a decision of the board of such school shall lie, in the first instance, to [the education and training board] and thereafter to the Secretary General in accordance with subsection (1).

(10) The Minister shall, from time to time, following consultation with [education and training boards], national associations of parents and recognised trade unions and staff associations representing teachers, prescribe—

(a) the procedures for appeals under this section to [education and training boards], and

(b) which appeals shall inquire into whether the procedure adopted by a board in reaching a decision or conducting an appeal was fair and reasonable and which appeals shall be by way of a full re-hearing.

(11) The Secretary General may, in accordance with sections 4 (1) (i) and 9 of the Public Service Management Act, 1997, assign the responsibility for the performance of the functions for which the Secretary General is responsible under this section to another officer of the Department of Education and Science.

(12) For the purposes of subsection (1)(c), “student” means a person who applies for enrolment at a school and that person or his or her parents may appeal against a refusal to enroll him or her in the same manner as a student or his or her parents may appeal a decision under this section.

---

Curriculum.

30.—(1) The Minister may, from time to time, following such consultation with patrons of schools, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing
teachers, as the Minister considers appropriate, prescribe the curriculum for recognised schools, namely—

(a) the subjects to be offered in recognised schools,

(b) the syllabus of each subject,

(c) the amount of instruction time to be allotted to each subject, and

(d) the guidance and counselling provision to be offered in schools.

(2) Without prejudice to the generality of subsection (1), the Minister—

(a) shall have regard to the desirability of assisting schools to exercise their powers as provided for under subsection (4),

(b) shall have regard to the characteristic spirit of a school or class of school in exercising his or her functions under this section,

(c) may give directions to schools, where he or she considers it appropriate, to ensure that the subjects and syllabuses pursued in those schools are appropriate and relevant to the educational and vocational needs of the students in those schools,

(d) shall ensure that the amount of instruction time to be allotted to subjects on the curriculum as determined by the Minister in each school day shall be such as to allow for such reasonable instruction time, as the board with the consent of the patron determines, for subjects relating to or arising from the characteristic spirit of the school, and

(e) shall not require any student to attend instruction in any subject which is contrary to the conscience of the parent of the student or in the case of a student who has reached the age of 18 years, the student.

(3) The Minister may—

(a) consult with the National Council for Curriculum and Assessment and such other persons or bodies of persons as the Minister considers appropriate on any matter relating to the curriculum for recognised schools, and

(b) establish, as the Minister considers appropriate, such bodies of persons to conduct research and to advise him or her on matters relating to his or her duties under this section.

(4) A school may, subject to the requirement that the curriculum as determined by the Minister is taught in that school, provide courses of instruction in such other subjects as the board considers appropriate.

31.—(1) The Minister shall establish a body of persons—

(a) (i) to plan and co-ordinate the provision of textbooks and aids to learning and teaching through Irish,

(ii) to advise the Minister on policies relating to the provision and promotion of education through the medium of Irish in recognised schools generally and in schools located in a Gaeltacht area,

(iii) to provide support services to those schools through the medium of Irish, and

(iv) to conduct research into any or all matters to which this paragraph applies,
(b) to plan and co-ordinate the provision of textbooks and aids to the learning and teaching of Irish and to conduct research into and to advise the Minister on strategies which have as their objective the enhancement of the effectiveness in the teaching of Irish in recognised schools and centres for education.

(2) The Minister may by order, made with the consent of the Minister for Finance, delegate any of his or her functions in respect of the matters referred to in subsection (1) to the body established in accordance with that subsection which shall carry out those functions under the direction and control of the Minister.

(3) The body established in accordance with subsection (1)—

(a) shall, with the consent of the Minister, establish a committee to assist it in the performance of the functions conferred on it under subsection (1)(b), and

(b) may, with the consent of the Minister, at any time dissolve a committee appointed under this subsection or remove a member of a committee from such membership.

(4) The body established in accordance with subsection (1) shall, from time to time, as it considers appropriate, advise the National Council for Curriculum and Assessment on matters relating to—

(a) the teaching of Irish,

(b) the provision of education through the medium of Irish, including matters relating to the curriculum for primary and post-primary schools which provide education through the medium of Irish and assessment procedures employed in those schools, and

(c) the educational needs of people living in a Gaeltacht area,

and the National Council for Curriculum and Assessment shall have regard to any such advice in the exercise by it of its functions.

(5) The Minister may by order amend or revoke any order made under this section, including an order made under this subsection.

(6) In each financial year the Minister, with the concurrence of the Minister for Finance, out of monies provided by the Oireachtas, may make to the body appointed in accordance with subsection (1) a grant or grants for the purposes of expenditure by that body in the performance of its functions.

(7) The Minister may provide such secretarial and administrative support to a body established under this section as the Minister considers necessary.

Educational disadvantage.

32.—[...]

Regulations.

33.—The Minister, following consultation with patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, may make regulations for the purpose of giving effect to this Act and, without prejudice to the generality of the foregoing, the Minister may make regulations relating to all or any of the following matters:

(a) the recognition of schools and the withdrawal of recognition from schools;

(b) the making of grants by the Minister to schools and centres for education;

(c) the appointment and qualifications of persons who are to be employed as teachers in schools or centres for education;
(d) the inspection of schools;
(e) the building, maintenance and equipment of schools;
(f) the length of the school year, school week and school day;
(g) admission of students to schools;
(h) access to schools by school attendance officers and other persons;
(i) access to schools and centres for education by students with disabilities or who have other special educational needs, including matters relating to reasonable accommodation and technical aid and equipment for such students;
(j) procedures for the promotion of effective liaison and co-operation by schools and centres for education with—
   (i) other schools and centres for education,
   (ii) local authorities (within the meaning of the Local Government Act, 1941),
   [(iii) the Health Service Executive [and the Child and Family Agency], and]
   (iv) voluntary and other bodies which have a special interest in education, in particular, education of students with special educational needs;
(k) appeals, and
(l) the curriculum of schools.

34.—In this Act “financial year” means such period of 12 months as may be prescribed by the Minister.

35.—(1) Section 5 of the Intermediate Education (Ireland) Act, 1878, is hereby amended in subsection (4) by the deletion of “; provided that no examination shall be held in any subject of religious instruction, nor any payment made in respect thereof”.

(2) Without prejudice to the application of the Intermediate Education (Ireland) Act, 1878, to both male and female students, section 6 of that Act is hereby amended by the repeal of subsection (4).

36.—The Vocational Education Act, 1930, is hereby amended—
(a) in section 105(1) by the substitution of “a person” for “an officer of the Minister”, and
(b) in sections 106 and 107 by the substitution of “a person” for “an officer” wherever it occurs.

37.—(1) In this section “education support centre” means a place in which services are provided for schools, teachers, parents, boards and other relevant persons which support them in carrying out their functions in respect of the provision of education which is recognised for that purpose by the Minister in accordance with subsection (2).

(2) The Minister may recognise a place as an education support centre and where the Minister so recognises a place he or she shall cause the name and address of that centre to be entered in a register maintained by the Minister and available for inspection by members of the public during normal working hours.
(3) An education support centre shall have a management committee, to manage the business and staff of that centre.

(4) A committee established in accordance with sub-section (3) shall be a body corporate with perpetual succession and with power to sue and may be sued in its corporate name and no action shall lie against a member of a board in respect of anything done by that member in good faith and in pursuance of their functions as such members.

(5) The Minister may withdraw recognition from an education support centre.

(6) The Minister may, from time to time, make regulations relating to all or any of the following matters:

(a) procedures for the appointment of management committees;

(b) the appointment and remuneration of staff;

(c) the making of grants to education support centres;

(d) the provision of information to the Minister on any matter relating to the operation of education support centres;

(e) access to an education support centre and to the financial and other records of that education support centre by persons appointed by the Minister, and

(f) such other matters relating to the operation of such centres as the Minister considers appropriate.

37A. (1) Where the Council is of the opinion that there is insufficient capacity in an area in relation to the provision of education for children with special educational needs, the Council shall inform the Minister by notice in writing of its opinion and the reasons for its opinion and shall specify the type of provision in respect of which there is insufficient capacity.

(2) Where, following consultation with the Minister and having regard to any information provided to the Council by the Minister in relation to any planned additional provision of education for children with special educational needs and available land and buildings, the Council remains of the opinion that there is insufficient capacity in an area for the provision of education to children with special educational needs, it shall prepare and submit a report on the matter to the Minister.

(3) A report under sub-section (2) shall specify—

(a) the existing provision of education for children with special educational needs in the area concerned, having regard to the generality of provision of education within the area,

(b) any proposed or existing building projects which may affect capacity to provide education for children with special educational needs in the area concerned,

(c) any schools in the area concerned which the Council considers could meet additional demand for education for children with special educational needs,

(d) which (if any) of the schools referred to in paragraph (c) the Council considers should be requested to make additional provision in respect of children with special educational needs, and

(e) such other matters as the Council considers appropriate.

(4) Prior to preparing a report under sub-section (2), the Council shall consult with the Minister, bodies representative of patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers.
(5) (a) Where, on receipt of a report submitted under subsection (2), the Minister is of the opinion that a relevant person in respect of a school referred to in the report should make additional provision for children with special educational needs, he or she shall serve a notice in writing on the relevant person.

(b) A notice under paragraph (a) shall—

(i) set out the Minister’s opinion that the relevant person named in the report should make additional provision in respect of children with special educational needs and state the reasons for his or her opinion,

(ii) include a copy of the report submitted under subsection (2), and

(iii) confirm that the relevant person may make representations to the Minister in respect of the notice not later than 14 days from the service of the notice.

(c) On receipt of any representations made under paragraph (b)(iii), the Minister may consult the relevant person.

(6) Where—

(a) on consideration of a report submitted to the Minister under subsection (2),

(b) after consideration of any representations made under paragraph (b)(iii) of subsection (5), and

(c) following any consultation with the relevant person under paragraph (c) of subsection (5),

the Minister remains of the opinion that the relevant person should make additional provision in respect of children with special educational needs, the Minister shall serve a notice in writing on the relevant person.

(7) A notice under subsection (6) shall—

(a) set out the Minister’s opinion that the relevant person should make additional provision in respect of children with special educational needs and state the reasons for his or her opinion,

(b) specify details of the measures to be taken by the relevant person,

(c) specify what, if any, resources the Minister considers appropriate to provide to the school in order to assist the school in increasing its provision of education for children with special educational needs, and

(d) set out any proposed property arrangements, including any arrangements in relation to the provision of additional accommodation on the school premises and the funding arrangements the Minister shall provide for that purpose, in order to assist the school in increasing its provision of education for children with special educational needs.

(8) On receipt of a notice under subsection (6) the patron or any other person or body in relation to whom the ownership of the school premises is vested may, in respect of the matters referred to in subsection (7)(d), not later than 14 days from the service of the notice, make representations to the Minister.

(9) Where, following any representations under subsection (8), and such further consultation as the Minister considers appropriate, the Minister and the patron or any other person or body in relation to whom the ownership of the school premises is vested fail to agree arrangements in relation to the matters referred to in subsection (7)(d), the Minister may refer the matter to arbitration and, subject to section 29 of the Arbitration Act 2010, that Act shall apply to an arbitration under this section.
(10) On receipt of a notice under subsection (6) a board of management may, in respect of the matters referred to in paragraph (a), (b) or (c) of subsection (7), not later than 14 days from the service of the notice, make representations to the Minister.

(11) Where, after consideration of any representations made under subsections (8) and (10) and, where the Minister has referred the matter to arbitration under subsection (9), following the conclusion of the arbitration process, the Minister remains of the opinion that a school should make additional provision in respect of children with special educational needs, he or she shall by notice in writing request the board of management to agree to increasing such provision and such notice shall specify—

(a) the measures the Minister considers the board of management shall take in relation to increasing such provision,

(b) the resources the Minister shall make available to the school, in order to assist the school in increasing such provision, and

(c) any other matter the Minister considers appropriate.

(12) (a) The board of management shall, not later than 14 days from the service of a notice under subsection (11), by notice in writing to the Minister—

(i) agree to increasing its provision for children with special educational needs in accordance with the terms of the notice under subsection (11), or

(ii) refuse to increase such provision.

(b) Where a board of management fails by notice in writing to agree to increasing its provision for children with special educational needs in accordance with the terms of a notice under subsection (11), within 14 days from the service of a notice under that subsection, the board of management shall, for the purposes of this section, be regarded as having refused to increase such provision.

(13) Where, pursuant to subsection (12), a board of management refuses to increase its provision for children with special educational needs, and the Minister remains of the opinion that the school should make additional provision in respect of children with special educational needs, the Minister shall by notice in writing—

(a) inform the patron of his or her opinion that such school should make such additional provision, and state the reasons for that opinion,

(b) furnish the patron with a copy of the report prepared under subsection (2), and

(c) furnish the patron with a copy of the notice given to the board of management under subsection (11) and, where applicable, a copy of the refusal by the board of management provided under subsection (12).

(14) The patron may make representations to the Minister in respect of a notice under subsection (13) not later than 14 days from the service of a notice under that subsection.

(15) Where the Minister, after consideration of any representations made under subsection (14), remains of the opinion that a school should make additional provision in respect of children with special educational needs, he or she may inform the patron and the board of management of his or her intention to give a direction under subsection (17) and shall serve a copy of a draft of the direction on the patron and the board of management.

(16) The patron and the board of management may, within 14 days from the service of the copy of the draft direction, make representations in writing to the Minister in relation to the draft direction.
(17) Where the Minister, after consideration of any representations made under subsection (16), remains of the opinion that a school should make additional provision in respect of children with special educational needs, the Minister shall serve a direction (in this section referred to as a ‘Ministerial direction’) on the patron.

(18) A Ministerial direction may include such amendments to the draft direction served under subsection (15) as the Minister considers appropriate having regard to any representations made under subsection (16) and shall specify that the patron shall, within 10 days, direct the board to comply with the terms of the Ministerial direction, which terms shall include:

(a) the measures to be taken by the board in relation to making additional provision for children with special educational needs,

(b) the period during which such measures shall be taken, and

(c) any other matter the Minister considers appropriate.

(19) The patron and, following a direction by the patron, the board of management shall comply with a Ministerial direction.

(20) (a) The following documents shall be published in accordance with paragraph (b):

(i) any notices issued by the Minister under this section;

(ii) any representations received by the Minister under this section;

(iii) a draft direction served under subsection (15);

(iv) a Ministerial direction.

(b) The Minister shall publish the documents referred to in paragraph (a) on the website of the Department of Education and Skills not later than 7 days from the date on which he or she issues or receives them, or, in the case of a draft direction referred to in paragraph (a)(iii) or a Ministerial direction, not later than 7 days from the date he or she serves the draft direction or direction concerned.

(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.

(22) In this section—

‘Council’ means the National Council for Special Education;

‘relevant person’, in relation to a school, means the patron, the board of management or any other person or body in relation to whom the ownership of the school premises is vested;

‘resources’ includes resources made available by the Minister and allocated by the Council.

PART VII

NATIONAL COUNCIL FOR CURRICULUM AND ASSESSMENT
Establishment of National Council for Curriculum and Assessment.

38.—The Minister shall by order appoint a day to be the establishment day for the purposes of this Part.

39.—(1) There shall stand established on the establishment day a body to be known as the National Council for Curriculum and Assessment, or in the Irish language An Chomhairle Náisiúnta Curáiltaí agus Measúnachta (in this Act referred to as “the Council”) to perform the functions assigned to it by or under this Act.

(2) The Council shall be a body corporate with perpetual succession and an official seal and shall have power to sue and may be sued in its corporate name and, with the consent of the Minister, to acquire, hold and dispose of land or an interest in land and to acquire, hold and dispose of other property.

(3) Schedule 1 shall apply to the Council.

Composition and appointment.

40.—(1) The composition of the Council shall be determined by order, made by the Minister following consultation with patrons, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers and with such other persons or bodies of persons as the Minister considers appropriate.

(2) In determining the composition of the Council, the Minister shall ensure that, as far as is practicable, the membership of the Council—

(a) is representative of bodies and persons involved in the education system at early childhood and primary and post-primary levels, in particular national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, and

(b) includes other persons who—

(i) have experience or skills, including experience of and skills in business and industry, which in the opinion of the Minister are relevant to the work of the Council and would complement the experience and skills of the persons appointed in accordance with paragraph (a),

(ii) have a special interest in, or experience of, the education of students with a disability or other special educational needs, or

(iii) are representative of Irish language organisations,

as the Minister considers appropriate.

(3) The Minister may, by order, amend or revoke an order made under this section, including an order made under this subsection.

(4) The members of the Council shall be appointed by the Minister in accordance with regulations drawn up by the Minister following consultation with patrons, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers and with such other persons or bodies of persons as the Minister considers appropriate.

Objects and functions.

41.—(1) The object of the Council shall be to advise the Minister on matters relating to—

(a) the curriculum for early childhood education, primary and post-primary schools, and

(b) the assessment procedures employed in schools and examinations on subjects which are part of the curriculum.
(2) Without prejudice to the generality of subsection (1), it shall be a function of the Council:

(a) from time to time to review the curriculum, or any part of the curriculum, for schools and the syllabuses taught and to advise the Minister;

(b) to advise the Minister on appropriate methods for the assessment of the effectiveness of the education provided in schools, with particular regard to mechanisms whereby students who have problems achieving their potential may be identified as early as practicable and assisted;

(c) to advise the Minister on strategies which will assist students to make a successful transition from primary school to post-primary school;

(d) from time to time to advise the Minister on the standards of knowledge and skills which students at various age-levels should attain and on the mechanisms for assessing the achievement of such standards, having regard to national and international standards and good practice in relation to such assessment;

[(da) to co-operate with the Qualifications and Quality Assurance Authority of Ireland in respect of the framework of qualifications under the Qualifications and Quality Assurance (Education and Training) Act 2012.]

(e) from time to time to review the inservice training needs of teachers, including needs arising from the introduction of new curricula, subjects or syllabuses in schools, and to advise the Minister in relation to those needs;

(f) to advise the Minister on the requirements, as regards curriculum and syllabuses, of students with a disability or other special educational needs;

(g) to advise the Minister on strategies which have as their objective the enhancement of the effectiveness in the teaching and use of the Irish language in schools;

(h) to maintain, manage, administer and invest all the money and assets of the Council;

(i) to promote research and development in education and to conduct or commission such research and development where appropriate to its objects and functions;

(j) to promote equality of access to education generally and to instruction in any particular subjects between male and female students;

(k) to accept gifts of money, land or other property upon such trusts and conditions, if any, as may be specified by the donors, provided that nothing in any trust or condition is contrary to this Act, and

(l) to do all such acts and things as may be necessary to further the objects of the Council, including such functions in relation to review and reform of the curriculum in schools and the assessment of the outcomes of the education provided in schools as the Minister shall from time to time direct.

(3) In carrying out its functions the Council shall—

(a) have regard to the implications of its advice for the resources, including financial resources, available and shall quantify, as far as practicable, the resources necessary to give effect to any of its proposals,

(b) have regard to the desirability of achieving equality of access to, participation in and benefit from education,
(c) act in accordance with such directions as may from time to time be given to the Council by the Minister, including directions as to the priority to be accorded to the exercise by it of its different functions, and

(d) have regard to the practicalities of implementation of any advice which it proposes to give to the Minister.

Consultation with designated bodies.

42.—(1) The Minister may, for the purposes of this section, by order designate persons who, or organisations which, have a special interest in the exercise by the Council of its functions and the persons or organisations so designated are hereinafter referred to as “designated bodies”.

(2) The Council shall, from time to time as it considers appropriate, consult with designated bodies and shall consult with such bodies when requested to do so by the Minister.

(3) A designated body may at any time, as it considers appropriate, make representations to the Council on any matter relating to the functions of the Council and the Council shall consider such representations and shall inform the designated body of the outcome of that consideration.

(4) The Council shall give to each designated body a copy of each publication issued by it as soon as may be after it has been issued.

Chief executive officer.

43.—(1) The Minister shall, from time to time, appoint to the Council in a whole-time capacity a chief executive officer who shall carry on, manage and generally control the administration of the Council and shall manage and control the staff of the Council.

(2) The person who, immediately before the day on which the chief executive officer is appointed under subsection (1), holds the office of chief executive officer of the body of persons known as National Council for Curriculum and Assessment, being an unincorporated and non-statutory body of persons appointed by the Minister shall, if he or she so consents, be appointed as the first chief executive officer of the Council.

(3) The chief executive officer shall be employed by the Minister in accordance with such terms and conditions, which may include secondment from another office or employment, and receive such remuneration as the Minister, with the consent of the Minister for Finance, from time to time determines.

Staff.

44.—(1) The Minister, with the consent of the Minister for Finance, may appoint such and so many persons to assist the Council in the performance of its functions as the Minister considers appropriate.

(2) The persons appointed in accordance with subsection (1) shall be employed in accordance with such terms and conditions, which may include secondment from another office or employment, and receive such remuneration as the Minister, with the consent of the Minister for Finance, from time to time determines.

(3) The Minister may provide such administrative and secretarial support to the Council as he or she considers necessary.


Grants.

45.—In each financial year the Minister, with the concurrence of the Minister for Finance, out of monies provided by the Oireachtas, may make to the Council a grant
or grants for the purposes of expenditure by the Council in the performance of its functions.

46.—(1) The Council shall keep, in such form as may be approved of by the Minister, with the concurrence of the Minister for Finance, all proper and usual accounts and records of all monies received or expenditure incurred by it and, in particular, shall keep in such form as aforesaid such special accounts and records as the Minister may, with the concurrence of the Minister for Finance, from time to time direct.

(2) Accounts kept in pursuance of this section shall be submitted annually by the Council to the Comptroller and Auditor General for audit on a date not later than the thirtieth day of April in the year following the year to which the accounts relate, or on such other date as the Minister may from time to time determine, and, immediately after the audit, a copy of the accounts and of such other accounts, if any, as the Minister has directed to be kept, together with a copy of the report of the Comptroller and Auditor General on the accounts shall be presented by the Council to the Minister.

(3) The Minister shall cause copies of the accounts presented to him or her under this section by the Council, together with copies of the report of the Comptroller and Auditor General thereon, to be laid before each House of the Oireachtas.

(4) The Council shall provide the Minister with such information regarding the performance of its functions as the Minister may from time to time require.

47.—The Council may—

(a) establish committees, consisting either wholly or partly of persons who are members of the Council, to assist it in the performance of its functions,

(b) delegate to a committee appointed under this section any of its functions that may be better or more conveniently performed by a committee, and

(c) at any time dissolve a committee appointed under this section or remove a member of a committee from such membership.

48.—As soon as may be after the end of each year, the Council shall prepare and submit to the Minister, in such form as may be determined by the Minister, a report on the performance of the Council in that year.

PART VIII

EXAMINATIONS

49.—In this Part—

“candidate” means a person who, in accordance with procedures determined from time to time by the Minister, is registered to present himself or herself for an examination;

“examiner” means a person who is employed by the Minister for the purpose of—

(a) the preparation of examination papers or other examination materials,

(b) the marking of such papers or other such materials, or

(c) the carrying out of any other functions in respect of the conduct of examinations;

“examination” means an examination relating to post-primary, adult and vocational education and vocational training as may from time to time be conducted in accordance
with procedures determined by the Minister or by a body of persons established by
the Minister and to which this Part applies in accordance with section 50;

“examination paper” includes any paper, plan, map, drawing, diagram, pictorial or
graphic work or other document and any photograph, film or recording (whether of
sound or images or both)—

(a) in which questions are set for answer by candidates as part of an examination
or which are related to such questions, or

(b) in which projects or practical exercises are set which candidates are required
to complete as part of an examination or which are related to such projects
or exercises.

Examinations. 50.—(1) This Part shall apply to the examinations set out in Schedule 2.

(2) In addition to the examinations set out in Schedule 2, the Minister may from
time to time prescribe such other examinations as he or she considers appropriate
to which this Part shall apply.

Regulations. 51.—(1) The Minister may make regulations as he or she from time to time consider
appropriate for the effective conduct of examinations and in particular, without
prejudice to the generality of the aforesaid, may make regulations relating to—

(a) the preparation of an examination paper and other examination materials,

(b) procedures at places where examinations are conducted, including the
supervision of examinations,

(c) the marking of work presented for examination,

(d) the issuing of results of examinations,

(e) the charging and collection of fees for examinations,

(f) the terms under which candidates may appeal against the results of an exami-
nation and the procedure for such appeals,

(g) the penalties to be imposed on a person who acts in breach of regulations
made by the Minister or who otherwise misconducts himself or herself in
respect of an examination, and

(h) the designation of places where examinations may be held.

(2) The Minister may from time to time appoint a person or a body of persons to
advise him or her on any matter relating to the examinations or to supervise or review
any part of the conduct of the examinations, including appeals by candidates against
the results of examinations.

Offences. 52.—(1) A person who—

(a) knowingly and without lawful authority publishes an examination paper or
part of such paper to any other person prior to the holding of the examination
concerned,

(b) has in his or her possession without lawful authority an examination paper or
part of such paper prior to the holding of the examination concerned,

(c) carries out any duties relating to the preparation of examination papers and
knowingly and without lawful authority provides a candidate for an examina-
tion or any other person with information concerning the material prepared
by him or her in the course of those duties with the intention of conferring
an advantage upon a candidate over other candidates,

(d) knowingly and wilfully credits a candidate with higher marks than the marks
to which that candidate was entitled with the intention of conferring an
advantage on that candidate over other candidates,

(e) knowingly and maliciously credits a candidate with lower marks than the marks
to which that candidate was entitled,

(f) personates a candidate at an examination or knowingly allows or assists a
person to personate a candidate at an examination,

(g) knowingly and maliciously destroys or damages any material relating to an
examination,

(h) knowingly and maliciously obstructs any candidate or a person engaged in the
conduct of an examination or otherwise interferes with the general conduct
of an examination,

(i) knowingly and without lawful authority alters any certificate or any other
record, including a record in machine-readable form, containing the results
of an examination, or

(j) knowingly issues or makes use of any certificate or other document which
purports to be a document issued by the person or body under whose
authority the examination was conducted and to contain the results of an
examination knowing that those results are false,

shall be guilty of an offence.

(2) A person who knowingly aids, abets, counsels or procures another person to
commit any offence under subsection (1) or conspires with another person for the
commission of any such offence shall be guilty of an offence.

(3) A person who is guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding £1,500 or (at the discretion
of the court) to imprisonment for a term not exceeding six months, or to
both such fine and such imprisonment, or

(b) on conviction on indictment, to a fine not exceeding £5,000 or (at the discretion
of the court) to imprisonment for a term not exceeding two years, or to both
such fine and such imprisonment.

(4) No action shall lie against an examiner in respect of anything done by him or
her in good faith and in pursuance of his or her functions as an examiner.

[53. (1) Notwithstanding any other enactment, the Minister may refuse access to
information specified in subsection (4) (in this section referred to as the 'specified
information').

(2) The Minister may, following consultation with the Minister for Public Expenditure
and Reform, by regulations prescribe a public body for the purposes of this section.

(3) Notwithstanding any other enactment, where a public body stands prescribed
for the time being under subsection (2) that public body shall refuse access to the
specified information unless the Minister—

(a) consents to the public body granting access to that information, or

(b) directs the public body to grant access to that information.

(4) The specified information is any information—
(a) which would enable the compilation of information (that is not otherwise available to the general public) in relation to the comparative performance of—

(i) recognised schools in respect of the academic achievement of students, or

(ii) education or training facilities in respect of the academic achievement of learners,

including, without prejudice to the generality of the foregoing—

(I) the overall results or outcomes in any period of time of students in a recognised school or learners in an education or training facility in an examination or assessment, or

(II) the comparative overall results or outcomes in any period of time of students in different recognised schools or learners in different education or training facilities in an examination or assessment,

or

(b) relating to the identity of examiners.

(5) In this section—

‘Act of 2013’ means the Education and Training Boards Act 2013;

‘education or training facility’ has the same meaning as it has in the Act of 2013;

‘learner’ has the same meaning as it has in the Act of 2013;

‘public body’ has the same meaning as it has in the Freedom of Information Act 2014.

PART IX

BODIES CORPORATE

54.—(1) The Minister, with the concurrence of the Government, may from time to time by order (in this Act referred to as an “establishment order”) establish a body to perform, subject to subsection (2), functions in or in relation to the provision of support services.

(2) The performance of functions by a body established under subsection (1) shall be subject to the determination of matters of policy by the Minister.

(3) A body established under subsection (1) shall be known by such title as may be specified in the establishment order.

(4) A body so established shall be a body corporate with perpetual succession and a seal and with power to sue and be sued in its corporate name and to hold land.

(5) The Minister may from time to time by order amend an establishment order or an order made under this subsection.

[(6) The principal officer of a body established under subsection (1) shall be accountable to that body.]

(7) Before making an order under this section the Minister shall consult, as the Minister considers appropriate, with persons directly affected by the proposed order or with trade unions or associations representing such persons.
(8) Notwithstanding section 5, the Minister shall not make an order under this section unless he or she has first caused to be laid before each House of the Oireachtas a draft of the proposed order and a resolution approving of the draft has been passed by both Houses.

Membership and staff.

55.—(1) Every establishment order shall contain such provisions as the Minister considers appropriate in relation to—

(a) the number of members of the body established by the order, the method, terms and conditions of their appointment and their tenure of office, and

(b) the number, grades, qualifications, method of appointment (including secondment), conditions of service, tenure of office and the remuneration and superannuation of the persons employed in or by the body so established.

(2) A person seconded or transferred to a body established under section 54, shall not, while in the service of that body, receive less remuneration or be subject to less beneficial conditions of service than the remuneration to which that person was entitled and the conditions of service to which that person was subject prior to such secondment or transfer.

Functions.

56.—An establishment order shall contain such provisions as the Minister considers appropriate defining the functions of the body established by the order and the manner in which and the conditions under which the body so established may perform the functions so defined.

Administration.

57.—An establishment order shall contain such provisions relating to the administration generally of the body established by the order as the Minister considers appropriate including provisions relating to—

(a) the meetings of the body so established and the procedure at such meetings,

(b) the use and authentication of its seal,

(c) the regulation of its finances and the keeping and auditing of its accounts, and

(d) the furnishing to the Minister by such body from time to time of information regarding the performance of its functions, and the furnishing of such information to the Minister at any time at his or her request.

Grants.

58.—In each financial year the Minister, with the concurrence of the Minister for Finance, out of monies provided by the Oireachtas, may make to a body appointed under section 54 a grant for the purposes of expenditure by that body in the performance of its functions.

Revocation of establishment order.

59.—(1) The Minister may at any time by order revoke an establishment order.

(2) A revoking order shall contain such provisions as the Minister thinks necessary or expedient consequential on the revocation, and, in particular, may make provision for—

(a) the dissolution of the body established by the establishment order and the transfer or distribution of the property, rights and liabilities thereof to any of the following—

(i) the Minister, or

(ii) any one or more than one other body established by an establishment order,
the preservation of continuing contracts made by the dissolved body,

(c) the continuance of pending legal proceedings,

(d) notwithstanding any restriction in any other Act, the transfer of the holder of any office under the dissolved body to—

(i) the Department of Education and Science, or

(ii) any other body established by an establishment order.

[Part X

Admission to Schools]

[Definitions]

60. In this Part—


‘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;

‘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,

(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);

‘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’, in relation to a school, means—

(a) in respect of the intake group of the school, that the number of students seeking admission to the intake group is greater than the number of places being made available by the school in respect of the intake group concerned,

(b) in respect of 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 class concerned, or

(c) in respect of any other class or year, that the number of students seeking admission to the class or year is greater than the number of places being made available by the school in respect of the class or year concerned;
‘school’ means a recognised school other than a recognised school that is situated in a hospital or approved centre (within the meaning of the Mental Health Act 2001) which is specified in a list of such schools published by the Minister from time to time;

‘school year’, in relation to a school, means the period commencing on the day the school reopens for tuition after the school’s summer holidays and ending on the last day in the following year that the school is open for tuition before the commencement of the school’s summer holidays for that year;

‘special class’ means a class that has, with the approval of the Minister, been established by a school to provide an education exclusively for students with a category or categories of special educational needs specified by the Minister;

‘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;

‘waiting list’ shall be construed in accordance with section 62(7)(i).

(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—

(a) an application for admission of a student to the school, or

(b) the admission or continued enrolment of a student in the school.

(2) Subsection (1) shall not apply in respect of—

(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,

(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, or

(d) fees charged by schools that provide further education and training courses, in respect of such courses.
representing teachers, make regulations for the purpose of the preparation and publication by schools of admission policies and the admission of students to schools.

(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.

(3) Without prejudice to the generality of subsection (1) and (2), regulations under this section may provide for all or any of the following:

(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;

(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;

(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;

(b) selection criteria that schools shall be permitted to apply in cases where the school is oversubscribed;

(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;

(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—

(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;

(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;

(vi) the manner in which and period during which a school shall notify an applicant as to the decision on his or her application;

(vii) information that shall be contained in a notification under subparagraph (vi);

(viii) the manner in which and periods during which an applicant shall confirm his or her acceptance of an offer of admission which may, where an applicant has accepted more than one offer or where an applicant has applied for and is awaiting confirmation of an offer of admission from another school or schools, include the manner in which and periods during which an applicant shall provide final confirmation to the relevant schools of the offer that he or she wishes to accept and any offers that he or she does not wish to accept;

(ix) conditions that, in order to facilitate the efficient admission of students to schools, applicants shall be required to adhere to when applying for or accepting a place in a school;

(x) the procedures that shall apply when an offer is withdrawn;

(xi) arrangements and procedures that shall apply in relation to the compilation and operation of waiting lists of unsuccessful applicants;

(xii) arrangements and procedures that shall apply in relation to making offers of admission for places that become available following completion of the admission process;

(xiii) arrangements and procedures that shall apply in relation to applications for admission received after the commencement of the school year in which admission is sought;

(xiv) arrangements and procedures that shall apply in relation to applications for admission to a class or year other than the intake group of the school concerned.

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—

(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.

(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
(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—

(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.

(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 for admission to the school concerned has been received,

(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 the board under paragraph (a) may include all or any of the following details:

(i) the date on which an application for admission was received by the school;

(ii) the date on which an offer of admission was made by the school;

(iii) the date on which an offer of admission was accepted by an applicant;

(iv) a student’s personal details including his or her name, address, date of birth and personal public service number (within the meaning of section 262 of the Social Welfare Consolidation Act 2005).
Section 39.

SCHEDULE 1

THE COUNCIL

1. (1) As soon as may be after its establishment the Council shall acquire and retain in its possession a seal.

(2) The seal of the Council shall be authenticated by the signature of the chairperson or a member of the Council authorised by the Council to act in that behalf and by the signature of an officer of the Council authorised to act in that behalf.

(3) Judicial notice shall be taken of the seal of the Council and every document purporting to be an instrument made by the Council and to be sealed with the seal (purporting to be authenticated in accordance with this Schedule) of the Council shall be received in evidence and shall be deemed to be such instrument without proof unless the contrary is shown.

2. (1) The Minister shall appoint the chairperson of the Council.

(2) The chairperson may, at any time, resign from office as chairperson by letter addressed to the Minister and the resignation shall take effect from the date on which the letter is received.

3. The term of office of a member (including the chairperson) shall not be greater than five years.

4. (1) If a member of the Council dies, resigns, becomes disqualified, is removed from office or for any other reason ceases to hold office, the Minister may appoint a person to be a member of the Council to fill the casual vacancy so occasioned and the person so appointed shall be appointed in the same manner as the member of the Council who occasioned the casual vacancy.

(2) A person appointed to be a member of the Council in accordance with this paragraph shall hold office for the remainder of the term of office of the member who occasioned the casual vacancy he or she is appointed to fill and shall be eligible for re-appointment as a member of the Council.

5. (1) The Minister may, at any time, remove a member of the Council from office if he or she has committed stated misbehaviour or if his or her removal appears necessary to the Minister for the effective performance by the Council of its functions.

(2) The Minister may, at any time, for reasons stated in writing to the members of the Council, remove all such members from office.

(3) A member may, at any time, resign from office as such member by letter addressed to the Minister and the resignation shall take effect from the date on which the letter is received.

(4) A member of the Council who is absent from all meetings of the Council for a period of six consecutive months, unless such absence was due to illness or was approved by the Council, shall be disqualified at the expiry of such period from continuing to be a member of the Council for the remainder of that person’s term of office.

(5) A member (including the chairperson) whose term of office expires by effluxion of time shall be eligible for re-appointment.

6. (1) The Council shall, from time to time as occasion requires, appoint from amongst its members (other than the chairperson) two members to be deputy-chairpersons of the Council.
(2) A deputy-chairperson of the Council shall, unless that member sooner resigns, hold office until the expiration of that member’s period of office as a member of the Council.

7. (1) Where a member of the Council (including the chairperson)—

(a) accepts nomination as a member of Seanad Éireann, or

(b) is elected as a member of either House of the Oireachtas or as a representative in the European Parliament, or

(c) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act, 1997, as having been elected to the European Parliament to fill a vacancy, or

(d) is adjudged bankrupt or makes, under the protection or procedure of a court, a composition or arrangement with creditors, or

(e) is sentenced to a term of imprisonment by a court of competent jurisdiction, that member shall thereupon cease to be a member of the Council.

(2) A person shall not be eligible to be a member of the Council if that person—

(a) is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein, or

(b) is for the time being a member of the European Parliament, or

(c) is an undischarged bankrupt, or

(d) within the immediately preceding three years has, under the protection or procedure of a court, made a composition or arrangement with creditors, or

(e) within the immediately preceding five years, has been sentenced to a term of imprisonment by a court of competent jurisdiction.

8. A member of the Council including the chairperson who has—

(a) any interest in any company or concern with which the Council proposes to make any contract, or

(b) any interest in any contract which the Council proposes to make,

shall disclose to the Council the fact of the interest and the nature thereof and shall take no part in any deliberation or decision of the Council relating to the contract, and the disclosure shall be recorded in the minutes of the Council.

9. The chairperson and members of the Council shall be paid, out of funds at the disposal of the Council, such allowances for expenses as the Minister, with the approval of the Minister for Finance, may decide.

10. (1) The Council shall hold such and so many meetings and at such time as the chairperson deems necessary.

(2) A chairperson shall convene a meeting of the Council whenever requested to do so by not less than six members.

(3) The quorum for a meeting of the Council shall be one third of the total number of members, rounded up to the next whole number, plus one.

11. At a meeting of the Council—

(a) the chairperson shall, if present, be the chairperson of the meeting,
(b) if and so long as the chairperson is not present or if the office of chairperson is vacant, the deputy-chairperson who is present or if both deputy-chairpersons are present the deputy-chairperson as chosen by the members of the Council who are present shall, be chairperson of the meeting,

(c) if and so long as the chairperson is not present or the office of chairperson is vacant, and a deputy-chairperson is not present or the offices of deputy-chairperson are vacant, the members of the Council who are present shall choose one of their number to be chairperson of the meeting.

12. Every question at a meeting of the Council shall be determined by a majority of the votes of members present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote.

13. Subject to paragraph 10 (3), the Council may act notwithstanding one or more than one vacancy among its members.

14. Subject to this Act, the Council shall regulate, by standing orders or otherwise, its procedure and business.

Section 50.

SCHEDULE 2

EXAMINATIONS

Leaving Certificate Examination
Junior Certificate Examination
Technological Certificate Examination
Trade Certificate Examination
Certificate in Commerce Examination
Ceardeas Gaeilge Examination
Teastas i dTeagasc na Gaeilge Examination
Typewriting Teachers Certificate Examination
Commercial Instructors Certificate Examination