

Draft Regulations on Admission Process

REGULATIONS

entitled

**Education Acts 1998 and 2013 Procedures and Timelines for the Admission of Students
to Schools and Related Matters Regulations 2013**

To be made by the
Minister for
Education and Skills

I, _____, Minister for Education and Skills, in exercise of the powers conferred on me by sections 33 (g) and 33 (m) of the Education Act 1998 (no. 51 of 1998) as amended by [relevant provisions of new primary legislation], and having consulted with patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, hereby make the following regulations:

Citation

- (1) These regulations may be cited as the Education Acts 1998 and 2013 Procedures and Timelines for the Admission of Students to Schools and Related Matters Regulations 2013

Interpretation

- (2) In these regulations, except where the context otherwise requires-
 - “Applicant” means the parent of the student, or in the case of a student who has reached the age of 18 years, the student who has applied for admission to a school.
 - “Board” means a Board of Management of a school,
 - “Boarding School” means a school in which some or all of the students reside during the school year
 - “Intake Group” means intake of enrolments for the most junior class or year groupings in a school
 - “Minister” means the Minister for Education and Skills.
 - “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.

“Patron” means a patron within the meaning of section 8 of the Education Act, 1998

“Principal” means a Principal within the meaning of the Education Act 1998

“School” means a recognised school within the meaning of section 10 of the Education Act, 1998

“Special class” means a class grouping within a primary or post primary school which has been sanctioned by the National Council for Special Education specifically to cater for students with special educational needs.

“Special Educational Needs” has the same meaning as it has in the Act of 2004

“Student” means a person for whom an application for admission has been made

- (3) In these regulations, any reference to a regulation or schedule which is not otherwise identified is a reference to a regulation of, or a schedule to, these regulations.
- (4) In these regulations, any reference to a paragraph or sub-paragraph which is not otherwise identified is a reference to the paragraph or sub-paragraph of the provision in which the reference occurs.

Schedule of Fee-Charging Schools

- (5) In these regulations, any reference to schools to which this regulation applies is a reference to those fee-charging post-primary schools that are recognised by the Minister.

Implementation of Admission Policy

- (6) In accordance with the provisions of the Education (Admissions to Schools) Act 2013, implementation of the school's admission policy is a function of the school Principal.

Information regarding the notice of admission and application dates

- (7) No later than the last day of September preceding the start of the school year for which admission is being sought, the Board shall have decided upon the date on which the notice of admission will be published in accordance with regulation 16 and have decided upon the date from which the Principal may accept applications in accordance with regulation 9.
- (8) The Board shall ensure that details of the dates decided upon in accordance with regulation 7 are made available to any parent or other person who requests such information from the school on or after the first day of October preceding the start of the school year for which admission is being sought.

Timeframes for annual enrolment process*

- (9) The date on which a Principal may accept applications for admission to the school's intake group, other than in the case of applications that also seek a

residential boarding place at a boarding school, shall be no earlier than the first day of October preceding the start of the school year for which admission is being sought

- (10) The date on which the Principal of a boarding school may accept applications for admission to the school's intake group from those who also seek application for a residential boarding place in the school shall be no earlier than the first day of October two years preceding the start of the school year for which admission is being sought.
- (11) The closing date for receipt by a Principal of applications for admission to intake groups will be at least three weeks later than the date on which applications are first accepted.
- (12) Decisions on an application will be notified to the applicant no later than three weeks after receipt by the Principal of the application or three weeks after the closing date for receipt of applications as determined by Regulation 11 whichever is latest.
- (13) The timeframes set out in regulations 11 and 12 may be extended in the case of applications being accepted under regulation 10.
- (14) The timeframes set out in regulations 9, 11 and 12 may, subject to the agreement of the Minister, be extended in the case of admission to special schools or to special classes where this is deemed necessary to ensure the timely admission of students and in any such case, the school concerned shall comply with any direction of the Minister in relation to the notification of applicants or potential applicants of such extended timeframes.

(15) In the case of a school which has been granted a derogation under regulation 16 of the *Education Acts 1998 and 2013 Admission Policies of Schools and Related Matters Regulations 2013*, the timeframes set out in regulations 9, 10, 11 and 12 may be adjusted in accordance with the terms of such derogation.

*** Note regarding timeframes:**

Having regard to the feedback from the consultation on the 2011 discussion paper, the draft regulations have set the 1st of October of the preceding school year as the earliest date from which a school could accept applications for enrolment. Apart from setting this earliest possible starting date, the approach of the draft regulations is that schools otherwise have discretion to decide when to commence the enrolment process.

The regulations could be amended at drafting stage if, arising from the consultation process at the Oireachtas Committee on Education and Social Protection, it is deemed necessary and appropriate to give schools an option of an earlier timeframe for accepting applications for enrolment. It would then be a matter for each school to determine whether they wished to use the standard timeline of 1 October of the previous school year or use an earlier timeframe subject to additional conditions such as those outlined below.

The maximum earlier timeframe for such an option could, for example, be up to 2 years in advance of the relevant September at primary level and up to 3 years in advance of the relevant September at post-primary level. Such an approach would not involve creating a waiting list. It would just mean that the enrolment process

could transact at an earlier stage but fully in accordance with all of the other requirements (such as those relating to the public notice of enrolment, timeframes for acceptance and decision making, appeals process etc) as set out in this regulatory framework on school enrolment.

If a school chose to undertake its enrolment process earlier than 1 October of the previous school year, it would be necessary to require it to make some provision for late applicants. In this regard it might be required to set aside a minimum of 10% of its available places which would then fall to be filled in the year immediately proceeding intake. This would require the school to undertake a second and new application process for these remaining places. In order to give an equal opportunity to all applicants, the second tranche process should not give any priority or advantage to applicants who had applied (and were unsuccessful) in the first tranche. It would therefore require that an entirely new process be run and that it would be open to any parent (new applicants and previous unsuccessful applicants) to apply.

Notice of Admission Process

(16) The Principal shall, at least two weeks in advance of the date from which applications for admission to intake groups will be accepted, publish on the school's website or in one or more newspapers circulating in the district in which the school is located, the following details of the school's arrangements for the admission of students:

- (i) Details of how the admission policy of the school can be obtained;

- (ii) Details of how an application form can be obtained;
 - (iii) The date from which applications to intake groups will be accepted;
 - (iv) The latest date for receipt of applications to intake groups.
- (17) Where a Principal of a boarding school is accepting or has accepted applications in accordance with regulation 10, the notice under regulation 16 shall include the number of residential and non-residential places being made available in the intake group and the number of non-residential places being made available shall not thereafter be decreased.

Prior to making a decision on applications

- (18) It shall be permissible for schools to hold open days, public meetings and other events to provide information to prospective parents and students.
- (19) The attendance or non-attendance of a student or his or her parent at any event referred to in regulation 18 shall not be taken into account in any decision in respect of that applicant, except in accordance with Regulation 21.
- (20) It shall not be permissible, except in accordance with regulation 21 for schools to interview parents or students as part of a school's admission process.
- (21) Notwithstanding the provisions of these or other regulations it shall be permissible for a boarding school to require that a student or his or her parents attend a meeting, open day or interview where such attendance is

required for the purposes of deciding on an application for a residential boarding facility in the school and subject to such attendance or information not being used for any other purpose including for the purposes of assessing a student's academic abilities.

- (22) It shall not be permissible for schools to conduct any assessment or test of a student's academic or other abilities prior to a decision being taken in relation to that student's application for admission to the school.
- (23) It shall not be permissible for schools to request or require any payment, deposit, financial or other contribution as part of the admission process or as a condition of application for admission or for admission to the school other than in the case of those schools to which Regulation 5 of these regulations applies, or in the case of a boarding school which is permitted by the Department to charge a fee to recover the true economic cost of a residential boarding facility and in the case of such schools only insofar as the fee charged relates to the cost of the residential boarding place.
- (24) It shall not be permissible for a school to request any of the following prior to a decision on admission
 - (i) References or other information in respect of the student from other schools;
 - (ii) Any photograph of the student;
 - (iii) Information concerning any medical condition, disability or special educational need of the student except in the case of :
 - (a) Admission to a special school or special class and only insofar as this information is necessary in order to determine whether the student meets the enrolment criteria for such special school or class, or

- (b) A boarding school and only in so far as any such information is required for the purposes of deciding on an application for a residential boarding facility in the school;
- (iv) Information concerning the schools attended by the student's parents except in accordance with a derogation granted under regulation 16 of the *Education Acts 1998 and 2013 Admission Policies of Schools and Related Matters Regulations 2013*
- (v) Information concerning the employment or socio economic status of the student's parents.

Format of Application

- (25) The application form shall be a written document and must include or be accompanied by the following information:
 - (i) details of how the admission policy of the school can be obtained
 - (ii) the date from which applications for intake groups will be accepted
 - (iii) the latest date for receipt of applications to intake groups
 - (iv) the date by which the school will notify applicants of the decision on their application
 - (v) in the case of schools where the number of applications received for intake groups was greater than the number of places offered in the previous school year, a statement indicating the number of applications received in the previous year and the number and order of offers made in the previous school year in respect of each of the school's oversubscription criteria.

- (vi) in the case of schools where oversubscription is envisaged or where the number of places to be offered will be less than in the previous year, a statement indicating the number of places to be offered.
 - (vii) In the case of a boarding school the number of residential and non-residential places being made available in the intake group
- (26) The application form shall seek only such information as is relevant to the implementation of the school admission policy.
- (27) A school shall have in place arrangements for the distribution and return of applications that will not oblige an applicant to collect or return an application form in person.

Decision and Notification Process

- (28) Decisions on application shall be made by the Principal in accordance with the school's admission policy
- (29) The oversubscription criteria shall not be changed nor shall any additional oversubscription criteria be added to the admission policy between the date of publishing a notice under regulation 16 and the 15th September of the school year in which admission is being sought.
- (30) The Principal in making a decision in respect of an application, shall not take into account any factor or information other than those relevant to the school's admission policy.
- (31) Where the Principal has any connection with an applicant, the Principal shall declare such connection in respect of the applicant concerned.

- (32) Where the number of applications for admission to intake groups is greater than the number of places being made available, a sufficient number of offers of enrolment shall be made on a provisional basis in order to cater for the outcome of any appeals by unsuccessful applicants.
- (33) The number of offers of enrolment to be made on a provisional basis in accordance with Regulation 32 shall, subject to the number of available places, be equal to the number of unsuccessful applicants.
- (34) The Principal shall notify all applicants in writing of the decision on their application by the date set out in accordance with Regulation 12 of these regulations.
- (35) The Principal shall notify all unsuccessful applicants in writing of the right to appeal the decision.

Offers made on a Provisional Basis

- (36) Where an offer of enrolment is made on a provisional basis, the Principal must inform the applicant in writing of the date by which the Principal will either confirm an offer of enrolment or withdraw the offer.
- (37) Where an offer of enrolment is made on a provisional basis or where a provisional offer is subsequently withdrawn, the Principal must inform the applicant in writing of the applicant's right to appeal that decision.

Acceptance Process

- (38) Where an offer of enrolment or a provisional offer of enrolment is made, the Principal must inform the applicant that unless the applicant confirms acceptance of the offer in writing within a period of ten working days from the date of that offer, the offer will be deemed withdrawn.

- (39) Where an offer of enrolment or a provisional offer of enrolment is made and the applicant does not, within ten working days of the date of that offer, confirm in writing to the Principal acceptance of that offer, the offer will be deemed withdrawn.
- (40) An offer of enrolment to a school may not be deferred by either the school or the applicant.
- (41) Where an applicant confirms his or her acceptance of an offer of enrolment or his or her acceptance of an offer of enrolment made in the first instance on a provisional basis and which has subsequently been confirmed by the school Principal, the school shall admit the student concerned to the school from the date for which admission has been sought and such admission shall allow for full attendance and participation by the student in the school from that date onwards.

Decision to refuse admission

- (42) Where a decision to refuse admission is made, the notification under Regulation 34 of these regulations shall:
- (i) Provide the reasons for the refusal, including, where appropriate, details of why the student failed to meet the oversubscription criteria;
 - (ii) Provide details of the student's position on any waiting list drawn up in accordance with Regulation 43 of these regulations;
 - (iii) Inform the applicant of the right of appeal, and
 - (iv) Provide details of how such an appeal can be made.

Waiting List

- (43) A Principal shall compile a waiting list from unsuccessful applications to intake groups which shall remain valid for the period up to 15th September in the school year in which admission is being sought subject to:
- (i) Students being placed on this list in accordance with the order of priority of the oversubscription criteria as set down in the school admission policy and
 - (ii) The Principal offering any further school places that become available during the period up to 15th September in the school year in which admission is being sought, firstly to those students on the waiting list and such offers being made in accordance with the order of priority in which the students have been placed on this list.

Withdrawal of offer

- (44) The Principal may withdraw an offer of enrolment where:
- (i) An applicant fails in accordance with regulation 39 to confirm acceptance of an offer of enrolment or
 - (ii) A student fails to attend the school on the admission date without providing reason to the school within the following 3 days.
 - (iii) It is established that the offer was obtained through a fraudulent or intentionally misleading application.
- (45) The applicant may appeal a decision that has been made under regulation 44.

GIVEN under my Official Seal,

_____ 2013

Minister for Education and Skills.