



Primary Circular 0010/2008

DEPARTMENT OF EDUCATION AND SCIENCE
PRIMARY BRANCH

TO BOARDS OF MANAGEMENT, PRINCIPAL TEACHERS AND TEACHING
STAFF IN PRIMARY SCHOOLS

REGULATIONS GOVERNING THE APPOINTMENT AND
RETENTION OF TEACHERS IN PRIMARY SCHOOLS FOR THE
SCHOOL YEAR 2008/09

1. **Staffing in the 2008/2009 school year**

- 1.1 The number of mainstream class teachers appropriate to a school shall be determined by reference to the school's valid enrolment on 30 September, 2007.

The schedule of enrolment of pupils required for the appointment and retention of mainstream class teachers for the 2008/09 school year is attached as follows:

- Ordinary schools - Appendix A
- Gaelscoileanna - Appendix B and
- Gaeltacht schools - Appendix C

- 1.2 Only pupils who were **validly** enrolled on 30 September 2007 should be taken into account for the purpose of determining staff numbers. In this regard the terms of Department Circulars 24/02 - Determination of Valid Enrolment in Primary Schools and 32/03 – Retention of Pupils in Primary Schools must be adhered to. **Pupils retained on the school register on 30 September, 2007 for the purpose of compliance with the Education and Welfare Act, 2000 should not be counted towards valid enrolment for the purpose of determining staff numbers.**

2. Developing School Criteria for the School Year 2008/09

- 2.1 A developing school is defined as a school where the enrolment on 30 September, 2008 is projected to exceed the enrolment on 30 September, 2007
- i) by a minimum numerical increase **and**
 - ii) by having a stipulated excess of 5 pupils above the required appointment figure

For primary schools with a Staffing of Principal plus 7 Mainstream Class Teachers or greater the minimum numerical increase referred to at i) above is 25 pupils.

For primary schools with a Staffing of Principal plus 6 Mainstream Class Teachers or fewer, the minimum numerical increase referred to at i) above is 15 pupils. An average class size in excess of 27 pupils must also apply to schools seeking a post under this criterion.

Schools must qualify under both criteria at i) & ii) above and in the case of such schools, (an) additional permanent post(s) may be sanctioned provisionally pending the confirmation of the valid enrolment on 30 September, 2008. The staffing will be adjusted in the light of the actual valid enrolments on 30 September, 2008.

Two exceptions exist:

- School seeking the appointment of the 2nd mainstream class teacher.
In such instances, schools projecting a minimum numerical increase on 30 September, 2008 of 15 pupils on 30 September, 2007 enrolment, are not required to meet the stipulated excess number of 5 pupils on the appointment figure. The minimum projected enrolment of 48 pupils must be achieved to secure a 2nd mainstream class teacher.
- Schools seeking the appointment of more than one developing school post.
In such instances, schools must meet the requirement of minimum numerical increase and the stipulated excess number of 5 pupils on the appointment figure for the first developing school post. In the case of each post sought thereafter the stipulated excess number of 5 pupils on the appointment figure must be met.

Application(s) for (an) additional post(s) under developing school criteria must be submitted to the Primary Payments Section on or before 10 October, 2008.

3. Appointment of the 1st Mainstream Teacher in new schools

- 3.1 The enrolment required for the 2008/09 school year for the appointment of the 1st mainstream class teacher to a school opening in September, 2008 is 20 pupils. This enrolment must be achieved by 30 September, 2008.

4. Appointment of Administrative Principals

The following criteria apply for the appointment of an administrative principal in the 2008/09 school year:

- a) The enrolment figure for the appointment and retention of administrative principals in ordinary /Gaeltacht schools is 178 pupils and in Gaelscoileanna is 158 pupils. On the appointment of the 7th mainstream class teacher the Principal becomes an Administrative Principal and no consequential additional teaching post is warranted.

OR

- b) Principal teachers in ordinary/Gaeltacht primary schools with an enrolment of fewer than 178 pupils or in Gaelscoileanna with an enrolment of fewer than 158 pupils, but with a staffing of Principal plus nine or more teachers, when all ex-quota posts are counted, may be appointed as Administrative Principals. In such instances, a permanent mainstream class teacher may be appointed to replace the Principal

OR

- c) Where a school has staffing of Principal plus four or five mainstream class teachers and also has a specialist autism unit established under the approval of the National Council for Special Education, the Principal will be appointed on an administrative basis. In such instance, a permanent mainstream class teacher may be appointed to replace the Principal. Please note that while a specialist autism unit consists of 2-3 classes, the enrolment of the first pupil allows for the appointment of the replacement teacher and for the appointment of Principal to administrative status.

4.1 **Allocation of Administrative Principals under DEIS**

Schools which qualified for the Urban Strand (Band 1 and 2) of the School Support Programme (SSP) under DEIS are entitled to the allocation of administrative principals on lower enrolment and staffing figures than apply in primary schools generally, under the following terms:

- The enrolment figure for the appointment and retention of administrative principals in urban/town primary schools participating in the SSP will be 144 pupils (Principal plus 5 mainstream teachers). This will facilitate the principal becoming an administrative principal. In such instances, a permanent mainstream class teacher may be appointed to replace the principal

or

- Principal teachers in urban/town primary schools participating in the SSP with an enrolment of fewer than 144 pupils but with a staffing of principal plus seven or more teachers when all ex-quota posts are counted may be appointed as administrative principals. In such instances, a permanent mainstream class teacher may be appointed to replace the principal.

Any queries relating to the appointment of an administrative principal under DEIS should be made to the Social Inclusion Unit of the Department at 090 648 3773 or 090 648 3774.

5. **Appointment of Administrative Deputy Principals**

The following criteria will apply for the appointment of an Administrative Deputy Principal in the 2008/09 school year:

- Deputy Principals in schools with 24 or more mainstream class teachers (including Developing School Posts) may be appointed as Administrative (non-teaching) Deputy Principals. The following posts allocated under Social Inclusion measures may also be included when counting the 24 posts required for Administrative Deputy Principal status, Disadvantaged Concessionary, Maximum Class Size, Breaking the Cycle, Giving Children an Even Break and SSP Band 1 (Urban) posts. In such instances, a permanent mainstream class teacher may be appointed to replace the Deputy Principal. In the event that the appointment as administrative deputy principal is dependant on the confirmation of a developing school post, the appointment of administrative deputy principal and the replacement teacher should be done on a provisional basis pending confirmation of the developing school post.

OR

- Deputy Principals in mainstream schools that, in addition to ordinary mainstream class teachers, also have five or more special classes for children with more complex low incidence special needs, may be appointed as Administrative (non-teaching) Deputy Principals. In such instances, a permanent mainstream class teacher may be appointed to replace the Deputy Principal.

6. Island schools

In the event that a reduction in the pupil numbers of an island school will result in the loss of the second teaching post in the school, the second teacher may be retained, subject to:

- the total number of pupils in the school being 8 or above and
- the school being the only primary school remaining on the island.

7. Panel Arrangements

7.1 Redeployment Panels exist for teachers employed in schools which are under the patronage of the following:

- **The Catholic Church:**
The Catholic panels are compiled on a diocesan basis. Accordingly, each diocese operates its own panel and panel offers to teachers will be made by schools within the geographical area of the diocese.
- **The Church of Ireland, Methodist Church in Ireland and Presbyterian Church or under joint patronage:**
The Church of Ireland, Methodist Church in Ireland and Presbyterian Church panels are compiled on a diocesan or united diocesan basis. Accordingly, each diocese operates its own panel and panel offers to teachers will be made from schools within the geographical area of the diocese or united diocese.
- **Educate Together:**
The multi-denominational panels are operated by Educate Together on a national basis.
- **Religious:**
The religious panels operated by each Religious Order for teachers who are members of Religious Orders.
- **Special Education:**
The Special Education panel operates for certain teachers teaching in special schools, special classes or as resource teachers for children with low-incidence special needs in primary schools who hold conditional registration from the Teaching Council. Primary Administration 3 Section of the Department operates the panel on a national basis.

7.2 It is expected that the names of teachers eligible for re-deployment will be available from the relevant operator of the panel, i.e., Diocesan Offices, Educate Together, etc., with effect from 14 March, 2008.

7.3 A Board of Management seeking to fill a permanent vacancy for the 2008/09 school year is obliged to offer the post in the first instance to a teacher on the panel. In the interest of the smooth operation of the panel, in assisting school management with staffing assignments for the coming school year and in providing clarification for teachers that may be moving to a new school, Boards of Management should endeavour to make panel offers immediately. **In any event Boards should fill vacancies from the Panels by 31 May, 2008.**

7.4 Boards of Management with vacancies to fill and teachers whose names are placed on panels for redeployment should read carefully the booklet "Panel Rights for Teachers" (updated version May 2005). Details of the manner in which teachers may be appointed from the panels are also contained in the booklet "Appointment of Principals, Permanent and Temporary Teachers (April, 2002)". Both booklets are available on the Department website www.education.ie.

There are no circumstances under which a Board of Management may fill a permanent vacancy arising in September, 2008 where there are teachers remaining on the relevant panel for redeployment other than through the panel. In particular a Board of Management cannot fill a permanent vacancy by the appointment of a teacher to a temporary/fixed term contract in September, 2008 while teachers remain on the relevant panel for redeployment.

7.5 **Boards of Management will not be allowed to advertise permanent positions for the current school year, 2007/08, after 1 May, 2008.** If a vacancy arises after that date it should be filled in a temporary/fixed term capacity until the end of the school year and the permanent position should be filled from the relevant re-deployment panel for the 2008/09 school year.

7.6 ***The teacher's contact address is given on the panel form. This is the address which will be used for making contact with a teacher on the panel during the summer vacation. A teacher on a panel must be contactable at that address until s/he has been offered and accepted a post. In the event that s/he has not obtained a post and is not contactable at the address her/his name will be removed from the panel list and salary, if applicable, will be withdrawn with effect from the start of the 2008/09 school year.***

7.7.1 ***A Board of Management must notify the appropriate operator of the panel, (i.e., Diocesan Office/ Educate Together /Religious Order/Primary Administration Section 3) and the Primary Payments Section of the Department immediately a panel teacher has accepted a post in its school. Failure to notify the panel operator will hinder the efficient operation of the panel system and cause unnecessary difficulties for other Boards of Management. Failure to notify the Primary Payments Section may cause difficulties for the teacher in relation to processing of salary payment.***

7.8 Boards of Management that are unable to fill vacancies from the panel can only proceed to fill vacancies by open competition following approval from the Department.

7.9 Under the Towards 2016 Agreement, the existing redeployment panel arrangements at primary level will be reviewed to increase their flexibility and operation. Discussions will be held with school Management Bodies and teacher representatives in this context and agreed arrangements will be incorporated with current procedures.

8. Employment of Qualified Teachers

Boards of Management are obliged to recruit and employ fully qualified primary teachers for any vacancy in the school, regardless of the duration of the vacancy. Information regarding recognised qualifications can be obtained from the Primary Administration Section of the Department (Tel: 090 6483735/6483736).

Under no circumstances should a Board of Management engage an untrained person and commit to retaining that person for the full duration of a teacher's absence on maternity leave, parental leave, career break etc...

It should be noted that a post-primary qualified teacher is not fully qualified for the purposes of appointment as a primary teacher.

In the event that no suitable qualified teacher applies for a post and an untrained person is appointed pending the availability of a qualified teacher, the Board must outline to the Department the efforts made to secure a qualified teacher and the circumstances that necessitated the appointment of an untrained person.

The procedures for the appointment of teachers as outlined in Appendix D of the Constitution of Boards & Rules of Procedures for Boards of Management of National Schools, November, 2007 must be adhered to at all times.

9. Vetting of teachers.

Boards of Management are reminded of their obligations in relation to vetting procedures for the employment of new teachers. Please note that "new teachers" are defined as those who are newly qualified or are re-entering the service after a period of three years or more. A Board of Management is obliged to request from the prospective employee the Vetting Letter from the Teaching Council outlining the outcome of the vetting process before a decision to appoint is taken or before the offer of a formal appointment is made.

10. Appeal Board for Mainstream Staffing

10.1 Under arrangements introduced in August, 2002 all staffing appeals are now considered by an independent Staffing Appeal Board.

- The Appeal Board may determine that a departure from the staffing schedule is necessary in the circumstances outlined at (a) to (c) below
 - (a) Where a departure from the staffing schedule is warranted to meet exceptional accommodation difficulties such as schools operating on a split site for a period following amalgamation or prior to the provision of a permanent building.
 - (b) Where the Appeal Board is satisfied, on the basis of verifiable evidence, that the required pupil numbers were enrolled in September or October 2007, but due to circumstances outside the control of the school were not enrolled on the 30th September, 2007. However, for staffing purposes, a pupil can be included in the enrolment of only one school in any school year. **
 - (c) Where the Appeal Board considers that in relation to the granting of a post under the developing school criterion, including posts allocated on projected enrolments for schools in DEIS, the projected pupil numbers required to retain the post were enrolled or are likely to be enrolled by December, 2008, but due to circumstances outside the control of the school, were not enrolled as expected on 30 September, 2008. A post allocated by the Appeal Board under this

criterion will be sanctioned on a provisional basis subject to confirmation of the required enrolment being achieved in December, 2008. As with (b) above, for staffing purposes, a pupil can be included in the enrolment of just one school in any school year. **

** In the event that the school in which the pupil was enrolled on 30 September can verify that the pupil did not need to be counted for the appointment or retention of a teacher in that school, the Appeal Board will consider allowing the pupil to be counted as part of the enrolment for staffing purposes in the school to which s/he has transferred.

- 10.2 The Appeal Board, which operates independently of the Minister and the Department, will review appeals on the mainstream teaching allocation to schools for the 2008/09 school year.
- 10.3 It is proposed that the first meeting of the Staffing Appeal Board to deal with appeals for the 2008/09 school year will be held in May, 2008. Further meetings will be held in June and October, 2008.

The closing dates for receipt of staffing appeals are 09 May, 20 June, and 10 October. These closing dates will also be posted on the Departments' website.

Please note that closing dates will be strictly adhered to and accordingly, appeals received after a particular closing date will not be considered by the Board at that session.

Appeals must be submitted to Primary Payments Section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made. Please mark the envelope "Staffing Appeal".

The standard application form is available on the Department website at www.education.ie under Education Personnel/ Primary/ Circulars and Information Booklets.

- 10.4 **A Board of Management may appeal only once in a particular case.** The Appeal Board's adjudication will be regarded as a final determination in relation to the post(s) and no further appeal in respect of the 2008/2009 school year shall be considered.

11. Staffing Regulation

- 11.1 A statutory regulation governing the allocation of mainstream staffing and the establishment and operation of the Appeal Board is at draft stage. Copies of the regulation when implemented will issue to all Boards of Management.

12. Class sizes

The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 27 pupils. Posts allocated on the basis of this schedule are specifically for mainstream classes and should be deployed accordingly. School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

The attention of the Department has been drawn to the existence of very large classes in a limited number of schools. Given the level of staffing which the schedules allow, the Department considers that apart, perhaps, from exceptional

accommodation constraints, there is no reason for the existence of very large classes in any particular school.

The Department's Inspectorate will monitor the deployment of staff and class sizes and, where necessary, discuss with school authorities the basis on which school policy decisions in this regard have been made, and report to the Department, where appropriate.

13. Posts of Responsibility

The Post of Responsibility Schedule is attached at Appendix D for the information of schools.

This Circular may also be accessed on the Department of Education & Science website at www.education.ie under Education Personnel/ Primary/ Circulars and Information Booklets.

Please note that queries regarding the Circular may be E-Mailed to mailto:primary_payments@education.gov.ie

Hubert Loftus
Principal Officer.

March, 2008.

Appendix A

Schedule of Enrolment of Pupils Governing the Appointment and Retention of Mainstream Class Teachers in National Schools for the 2008/2009 school year
(The figures required for these purposes are the figures of enrolments on 30th September of the preceding school year)

Mainstream Class Teacher	Appointment Figure	Retention Figure
1	12	12
2	48	48
3	80	80
4	114	114
5	144	144
6	173	173
7	178	178
8	205	205
9	232	232
10	259	259
11	286	286
12	313	313
13	340	340
14	367	367
15	394	394
16	421	421
17	448	448
18	475	475
19	502	502
20	529	529
21	556	556
22	583	583
23	610	610
24	637	637
25	664	664
26	691	691
27	718	718
28	745	745
29	772	772
30	799	799

For the 31st mainstream class teacher and upward add an additional 27 units of enrolment.

Appendix B

Schedule of Enrolment of Pupils Governing the Appointment and Retention of Mainstream Class Teachers in Gaelscoileanna for the 2008/2009 school year

The figures required for these purposes are the figures of enrolments on 30th September, of the preceding school year.

Mainstream class teacher	Appointment Figure	Retention Figure
1	12	12
2	48	48
3	77	76
4	98	96
5	125	122
6	153	153
7	158	158
8	193	193
9	229	229
10	259	257
11	286	286
12	313	313
13	340	340
14	367	367
15	394	394
16	421	421
17	448	448
18	475	475
19	502	502
20	529	529
21	556	556
22	583	583
23	610	610
24	637	637
25	664	664
26	691	691
27	718	718
28	745	745
29	772	772
30	799	799

For the 31st mainstream class teacher and upward add an additional 27 units of enrolment.

Appendix C

Schedule of Enrolment of Pupils Governing the Appointment and Retention of Mainstream Class Teachers in Gaeltacht schools for the 2008/2009 school year

The figures required for these purposes are the figures of enrolments on 30th September, of the preceding school year.

Mainstream class teacher	Appointment Figure	Retention Figure
1	12	12
2	48	48
3	80	76
4	114	96
5	144	122
6	173	153
7	178	158
8	205	193
9	232	229
10	259	257
11	286	286
12	313	313
13	340	340
14	367	367
15	394	394
16	421	421
17	448	448
18	475	475
19	502	502
20	529	529
21	556	556
22	583	583
23	610	610
24	637	637
25	664	664
26	691	691
27	718	718
28	745	745
29	772	772
30	799	799

For the 31st mainstream class teacher and upward add an additional 27 units of enrolment.

APPENDIX D

Primary Posts of Responsibility Schedule

Number of Authorised Posts (incl Principal)	Principal	Deputy Principal	Assistant Principal Posts	Special Duties Posts
1	1	0	0	0
2	1	0	0	1
3	1	1	0	0
4	1	1	0	1
5	1	1	0	1
6	1	1	0	1
7	1	1	0	2
8	1	1	0	2
9	1	1	0	3
10	1	1	0	3
11	1	1	0	3
12	1	1	0	4
13	1	1	0	4
14	1	1	1	4
15	1	1	1	4
16	1	1	1	5
17	1	1	1	5
18	1	1	1	6
19	1	1	1	6
20	1	1	2	6
21	1	1	2	6
22	1	1	2	7
23	1	1	2	7
24	1	1	3	7
25	1	1	3	7
26	1	1	3	8
27	1	1	3	8
28	1	1	3	9
29	1	1	3	9
30	1	1	3	10
31	1	1	3	10
32	1	1	4	10
33	1	1	4	10
34	1	1	4	11
35	1	1	4	11
36	1	1	5	11
37	1	1	5	11
38	1	1	5	12
39	1	1	5	12
40	1	1	6	12
41	1	1	6	12
42	1	1	6	13
43	1	1	6	13
44	1	1	7	13
45	1	1	7	13
46	1	1	7	14
47	1	1	7	14
48	1	1	8	14
49	1	1	8	14
50	1	1	8	15
51	1	1	8	15
52	1	1	9	15
53	1	1	9	15
54	1	1	9	16
55	1	1	9	16
56	1	1	10	16
57	1	1	10	16
58	1	1	10	17
59	1	1	10	17
60	1	1	11	17
61	1	1	11	17