

CHAPTER VII

REPAIR, HEATING, CLEANING AND PAINTING OF SCHOOLS

50. (1) It is the duty of the manager to arrange that each school under his charge is adequately furnished and kept in proper structural and decorative condition,* that the schoolrooms are swept and dusted every day, that at intervals the floors are washed and the rooms disinfected, that the school is adequately heated and properly lighted and ventilated, and that the toilets are regularly cleansed and maintained in a sanitary condition.

Works of maintenance should be carried out, as far as possible, during the vacation periods.

(2) Teachers are expected to co-operate with the managers in seeing that the work connected with the heating and cleaning of the schools (including the maintenance of the toilets in a sanitary condition) is effectively performed.

(3) The manager is responsible for making arrangements for the collection of such funds locally in supplement of the State grant as will ensure that the school premises will be adequately heated and cleaned and kept in a proper decorative condition. The Minister cannot approve of any expenditure for these purposes being imposed on the teachers of the schools.

(4) Grants may be made to managers towards the cost of (i) heating and cleaning and (ii) painting the schools, subject to the conditions set out at Schedules XII and XIII, respectively.

CHAPTER VIII

SCHOOL YEAR, TIME-TABLE, SCHOOL HOURS, HOURS CONSTITUTING AN ATTENDANCE, CLOSINGS FOR VACA- TIONS AND OTHER PURPOSES, ENROLMENT AND ATTENDANCES OF PUPILS, BOOKS, SCHOOL FEES,

School Year.

53. (1) The school year for national schools commences on the 1st July.

* Schools vested in the Minister are kept in repair by the Commissioners of Public Works.

(2) Schools should be in operation for at least 42 weeks in the school year. In fosterage schools however, and in other schools in which there is a meeting on not less than 20 Saturdays in the school year, the Minister may sanction special regulations as to the period of operation, but the period of operation of such schools in the school year must be at least 190 days, unless in very exceptional circumstances, as provided for in rule 60. The minimum period of 190 days may include Saturdays.

Time-Table.

54. (1) The time-table must be displayed in a conspicuous place in the school.

(2) The time-table must show:—

- (a) the times for Religious Instruction and Secular Instruction;
- (b) the periods of closing for the recognised vacations (giving the approximate dates), and any other days on which the school will be closed;
- (c) the dates and times of absence under rule 56(7).

School Hours, School Meetings, Roll-Call.

55. (1) (a) The term "school hours" in relation to any school day means the entire time of the school meeting from the opening of the school for the reception of the pupils to its closing on their dismissal.

(b) The term "roll-call" means the calling and marking of the rolls and the recording in the Daily Report Book of the numbers present.

(2) (a) The school day shall be regarded as comprising one school meeting only, except in schools in which the mid-day interval is longer than one hour.

(b) The school day shall be regarded as comprising two school meetings when the mid-day interval is longer than one hour.

(3) Roll-call shall take place at each school meeting.

(4) Except as otherwise provided in this rule the following general regulations shall apply in the formulation of time-tables for all national schools.

(a) The school shall be open to receive the pupils not later than 9.30 a.m.

(b) The time-table shall provide for a minimum daily period of formal secular instruction in accordance with the terms of rule 56(1).

(c) Formal instruction shall commence not later than 9.50 a.m. in all schools, and not later than 2 p.m. at the afternoon meeting in schools in which there are two meetings daily.

(d) Roll-call shall be completed not later than 40 minutes after the time fixed for the commencement of formal instruction at the school meeting. A minimum period of ten minutes shall be set down in the time-table for roll-call. (See, however, rule 56(2).)

(5) It shall be permissible, with the prior sanction of the Minister —

(a) to adopt a modified time-table suitable to the needs of a particular area provided that no reduction is thereby made in the minimum period for formal secular instruction as specified in rule 56, or

(b) to adopt a modified time-table for schools or classes for handicapped children.

(6) During the period of operation of the Summer Time Act the manager may arrange to postpone for not more than one hour the times approved under sections (4) and (5) of this rule for the opening of the school, the roll-call and the commencement and termination of the school meeting or meetings and for the attendance of the teaching staff. The time-table, however, must be arranged according to "official time" and "official time" must be shown on all school clocks.

(7) The teaching staff is required to be in attendance in accordance with the provisions of rule 124 (1) (a) and (b).

Secular Instruction, Attendance, etc.

56. (1) (a) The period of secular instruction to be provided for in the time-table of each school day must be at least four hours.

(b) This minimum period of four hours may include intervals as specified in section (6) of this rule but may not include the time spent on roll-call or the recreation interval.

(2) (a) In a school in which there is only one meeting daily an "attendance" means (i) presence at roll-call and at secular instruction for not less than four hours thereafter, or (ii) if formal secular instruction is given for at least one half-hour prior to roll-call, presence at roll-call and at secular instruction for not less than three-and-a-half hours thereafter.

(b) In schools in which there are two meetings daily a "half-attendance" means —

(i) presence at roll-call and at secular instruction at the morning meeting for not less than two-and-a-quarter hours; not more than one half-hour of formal secular instruction given before roll-call may be reckoned as part of that period;

or

(ii) presence at roll-call and at secular instruction at the afternoon meeting for not less than one-and-three-quarter hours after roll-call.

(c) In schools in which there is only one meeting daily a "half attendance" means presence throughout the period of secular instruction from the roll-call up to the recreation interval (provided that that period of instruction is of not less than one-and-a-half hours' duration) in the case of a pupil who, under the terms of section (11) of this rule, is allowed home for dinner but who is late in returning or does not return after the interval.

(3) In schools or classes for handicapped children the Minister may sanction modifications of the provisions of sections (1) and (2) of this rule.

(4) (a) In respect of a child enrolled in an infants' class or first standard the time required under section (2) of this rule for an "attendance" may be reduced by one hour, and the time required for a "half-attendance" may be reduced by one half-hour.

(b) The provisions of this section do not exempt any teacher from attendance for the full period of the school meeting.

(5) In a school in which there is only one meeting daily an interval for recreation of one half-hour should be allowed. A manager may, however, arrange for a recreation interval in excess of one half-hour but not exceeding one hour.

(6) In all schools a five minutes' break should be allowed at an intermediate time in the forenoon and again in the afternoon. The time at which each break is taken should be duly entered on the time-table. The pupils should be permitted to go into the playground and the classroom should be ventilated during each break.

(7) In order to enable pupils of any standard to attend each month religious exercises under arrangements sanctioned by the manager,

(a) the time required for an "attendance" under section (2) of this rule, in schools in which there is only one meeting daily, may be reduced by one hour on one day in the month or by one half-hour on each of two days in the month, and

(b) the time required for a "half-attendance" under section (2) (b) of this rule in schools in which there are two meetings daily, may be reduced by one hour for one meeting in the month or, by one half-hour at each of two meetings in the month.

(8) The minimum time constituting an "attendance" or "half-attendance" as defined in section (2) of this rule may include

(a) the time spent by a child during school hours at the annual Diocesan Examination in Religious Knowledge;

(b) any time devoted to instruction given elsewhere than at the school in Cookery, Laundry, Domestic Economy, Gardening, Manual Instruction, or other approved subject, under arrangements made with the prior sanction of the Minister;

(c) any time devoted to visits paid during school hours, under arrangements sanctioned by the Minister, to places of interest, or any time devoted to lectures in accordance with the provisions of rule 21 subject to the condition that the visits or lectures in any year must, however, be limited;

(d) time spent by a child during school hours in undergoing inspection under a scheme of school medical service.

(9) Time spent by a child in undergoing treatment under a scheme of school medical service at the school clinic, at home, or in a hospital or other institution, shall count as attendance at school to an extent of not more than 10 school days in any school year provided that such time is certified by the school medical officer or school dentist, or other registered medical practitioner or registered dentist, to have been necessarily so spent.

(10) A pupil, who at any school meeting does not remain under instruction in the approved programme until the conclusion of the time prescribed for the "attendance" or "half-attendance" as the case may be, cannot be given credit for being present at that meeting, and the mark denoting an incomplete attendance must be made at once except as otherwise provided in rule 63(2).

(11) The teacher of any school, in which there is only one meeting daily, is at liberty, on the written application of the parent, and with the approval of the manager, to allow any pupil home for lunch during the time allowed for recreation. The manager may withdraw the permission at any time.

Vacations.

57. (1) Managers may close their schools for the recognised vacations notified on the time-table. The maximum vacation that may, as a rule, be taken in any school year is ten weeks (50 school days).

(2) (a) Summer vacation shall commence not later than the third Monday in July and shall extend for a period of not more than eight weeks.

(b) Subject to the conditions of subsection (a) of this section the Minister may fix a date of closing for summer vacation in relation to any area or areas or any type or category of school.

(3) In a school in which secular instruction is given for at least two hours or not less than 20 Saturdays in the school year, in addition to the ordinary full meetings on days other than Saturdays, modifications as indicated in the subjoined table may be sanctioned in regard to

(a) the minimum number of days of operation of the school required for payment of grants in full,

and

(b) the maximum period for which the school may be closed for vacation during the year.

No. of Saturday meetings	Minimum number of days of operation of school in addition to Saturdays	Maximum vacation permissible
20 to 23 (inclusive)	185	55 days
24 to 27 "	184	56 "
28 to 31 "	183	57 "
32 to 35 "	182	58 "
36 to 39 "	181	59 "
40	180	60 "

(4) Where arrangements are made, under an approved scheme, for a special course of instruction or training for persons employed as teachers in national schools, such scheme may provide

(i) that the attendance at any such course shall be on the same basis as attendance at school in a teaching capacity and be subject to the same rules and regulations, including the payment of salary, computation of service, absence owing to illness or other cause;

(ii) for the extension of the time during which the schools may be closed under the Rules.

Personal Vacation.

58. Where a teacher has, during the year, attended a course or courses of instruction or study approved by the Minister, the vacation, inclusive of the time spent at the course or courses of instruction, may be extended to a period not exceeding 55 school days, subject to the prior approval of the manager and to the following conditions:—

(a) where there is more than one teacher recognised in the school the extension of vacation is available only for the teacher or teachers who have attended a special course or courses;

(b) where all the teachers recognised in the school have attended a special course or courses, the school may be closed for an extra period of vacation in the school year, provided that the school be kept in operation for at least 190 days in the year, and that each member of the recognised staff is entitled to the number of days' extra vacation for which the school is closed; any vacation to which a member of the staff may be entitled in excess of the extra period of school vacation may be taken by the teacher only as personal vacation;

(c) the personal vacation allowed to any teacher shall not exceed the number of school days which the Minister may decide to allow in respect of attendance at any course or courses and shall not in any event exceed five school days, inclusive of any days of operation of the school occurring during the period of the course attended by the teacher;

- (d) personal vacation in respect of attendance at approved courses may be taken
- (i) not earlier than the day preceding the opening date of the special course which the teacher is attending, in the case of summer courses, or not earlier than the 1st July next following the completion of the course which the teacher has attended, in the case of winter courses; and
 - (ii) not later than the 30th June next following the earliest day referred to in (i) above.

Closing of School on Special Days.

59. In addition to closing on public and religious holidays a manager may also close a school on special days (such as a confirmation day, a fair day or a local holiday, etc.) not occurring during school vacation where he is satisfied that the circumstances are such as to warrant his taking this action, subject to the condition that, except as otherwise provided in rule 60, the school is kept in operation in each school year for at least 190 days which are taken into account in computing the quarterly and annual averages.

Grants Reduced because of Insufficient Period of Operation.

60. If a school has not been in operation for at least 190 days in the school year the grant of salary and other emoluments is reduced, unless owing to some exceptional cause it has not been possible for the school to be in operation for 190 days, in which case the Minister may abate this requirement.

Closing of School for Election.

61. A school may not be closed for an election unless the school premises (or any portion thereof) have been requisitioned as a polling booth.

Closing of School in the Interests of Public Health.

62. When the closing of a school is deemed necessary in the interests of public health the written recommendation of the Medical Officer of Health should be obtained by the manager and forwarded to the Department. The responsibility for closing the school rests with the manager. (See also rules 64(2)(b) and 65(3)(b).

Closing of School without Reasonable Cause.

63. (1) Should the Minister consider that a school has been closed without reasonable cause, payment of salary and other emoluments may be refused in respect of the day or days of closing or the closing may be required to be reckoned as part of the vacation allowed under rule 57.

The Minister may also require the day or days of such closing to be included in calculating the quarterly and annual averages of attendance.

(2) When a school has commenced operation on any day the pupils should not, as a rule, be dismissed before the end of the attendance period. Should the pupils be dismissed before the end of the attendance period, the Minister shall require the attendance of pupils on that day to be included in calculating the averages of attendance if he is satisfied that the early dismissal of the pupils was for the purpose of affecting the averages of attendance. The application of this rule is, however, subject to the provisions of rule 65(3).

Enrolment of Pupils.

64. (1) A child may not be allowed to attend or be enrolled in a national school before the fourth anniversary of his birth. A pupil may not be retained on the rolls after the eighteenth anniversary of his birth.

(2) (a) A pupil's name shall be struck off the rolls of a national school from whichever of the following dates is the earliest:—

- (i) the day following the date of issue of a transfer form under the School Attendance Act, or
- (ii) the date on which it becomes known to the principal teacher that the pupil has ceased to attend school for any cause, or that he has transferred to another school whether national, secondary, vocational or private school, or
- (iii) on the Saturday following, when the pupil has been absent for 15 consecutive school days,

provided, however, that where the Minister is satisfied that the circumstances warrant it he may direct that the name of a pupil be struck off the rolls from a date not earlier than the day after the date of the pupil's last attendance at the school.

(b) When the Medical Officer of Health, in order to guard against the spread of infectious disease in the locality, directs or recommends the exclusion from school, for a definite period, of any pupil the absence of the pupil concerned during such definite period will not be reckoned in calculating the period of 15 consecutive school days. In each case of this kind the written direction or recommendation of the Medical Officer of Health in regard to the exclusion of the pupil from school should be forwarded to the Department.

(3) (a) Every child who has attained the age of six years and has not attained the age of 14 years, and every other child to whom the School Attendance Act 1926 is for the time being applied by virtue of an Order made by the Minister, must attend school in accordance with the provisions of the Act unless there is a reasonable excuse, under its terms, for his non-attendance.

(b) For the purpose of the School Attendance Act a child is deemed to have attained any particular age on whichever of the following days

viz., the 31st March, the 30th June, the 30th September, or the 31st December, first occurs after the anniversary of his birth on which he actually attains such age.

(4) (a) When application is made in respect of a pupil between the ages of four and six years or a pupil over 14 years of age, for admission to a national school, the principal teacher should ascertain from the parent whether the pupil was previously enrolled in another national school, and if so, he should request the parent to obtain a certificate to that effect from the principal teacher of the school which the pupil previously attended. This certificate should be retained in the Roll Book of the particular class in which the pupil is enrolled.

(b) In the case of a pupil who is not within the limits of age set out in section (3) of this rule, a period of enrolment in any quarter may not be included in the calculation of figures of average enrolment, quarterly or annual, unless the pupil has made the following minimum number of attendances in the particular quarter:—

September Quarter: 10 attendances.

Any Other Quarter: 15 attendances.

(5) On the first admission of a child to a national school the parent or guardian of the child should be requested to produce a Registrar's Certificate, a Baptismal Certificate or other satisfactory documentary evidence of the date of birth of the child. This document shall be retained in the school records and shall be given to the child on his transfer to another school or on the termination of his school attendance.

When a certificate or other satisfactory documentary evidence of age is not produced, the Minister determines whether the attendances and enrolment of the child may be included in the calculation of the averages of attendance and enrolment at the school for any period.

(6) As a rule, no pupil over six-and-a-half years of age may on admission to a school be enrolled in an infants' class.

(7) As a rule, a pupil should not be retained in an infants' class beyond the 30th June next following the date on which he has

(a) been enrolled in school for one-and-a-half years, or

(b) reached the age of six-and-a-half years, whichever is the earlier.

(8) As a rule, a pupil should not be retained in an infants' school or infants' department after he completes first standard or after the 30th June next following the date on which he reaches seven-and-a-half years, whichever is the earlier.

(9) Boys enrolled in an infants' class should, as a rule, be taught by a mistress.

If boys are enrolled in an infants' class in a boys' school in which there is not a mistress on the staff, an assistant mistress should be appointed to the school at the earliest available opportunity, either on the occurrence of a vacancy for an assistant teacher in the school, or in the

event of the appointment of an additional assistant being warranted.

(10) The promotion of pupils should normally date from the beginning of the school year.

Average Daily Enrolment and Average Daily Attendance.

65. (1) (a) The average daily enrolment during any period is the number found by dividing the total number of daily "enrolments" on all completed school days by the number of such school days.

(b) When the figure of average enrolment contains a fraction the fraction shall be counted as a unit. Thus an average enrolment of 35.1 is reckoned as 36.

(2) (a) The average daily attendance during any period is the number found by dividing the total number of complete "attendances" on all completed school days by the number of such school days, two "half attendances" counting as one completed "attendance".

(b) When the figure of average attendance contains a fraction of not less than .5 the fraction counts as a unit. Thus an average attendance of 35.5 is reckoned as 36.

(3) (a) When, owing to severe weather, or other exceptional cause, the total number of pupils in attendance on any day or days is under two-thirds of the average attendance for the month in which the day or days occur, the attendance on such a day or days may be excluded from the calculation of the quarterly and annual averages of attendance. The cause of such low attendance should be recorded in the Daily Report Book.

Days so excluded may be reckoned as part of the required minimum of 190 days.

(b) When the Medical Officer of Health, in order to guard against the spread of infectious disease in the locality, directs or recommends the exclusion from school, for a definite period, of a considerable proportion of the pupils enrolled, the attendances of the remaining pupils during such period may be excluded from the calculation of the quarterly and annual averages of attendance. In each case of this kind the written direction or recommendation of the Medical Officer of Health in regard to the exclusion of the pupils from school should be forwarded to the Department together with a statement showing (i) the number of pupils excluded and the standards in which they are enrolled, and (ii) the total enrolment in the school during the period in question. Any period excluded from the calculation of the averages of attendance under the provisions of this section will operate to reduce, by an equivalent number of days, the requirement as regards 190 days of operation in the year, specified in rule 60.

***(4)** Where the Minister is satisfied that the figures of average enrolment or average attendance as furnished in the school returns have been obtained,

- (a) by the transfer, removal and attendance of any child from another school, or the attendance of any child brought from another district;
- (b) by the attendances, for such periods as to render, in the opinion of the Minister, the attendance of little or no educational value, of any child between four and six years of age, or of any child between 14 and 18 years of age who has ceased to be a school-going child for the purposes of education in a national school;

and that such transfers, removals and attendances have been made specifically with the object of establishing or maintaining the average enrolment or average attendance furnished in such school returns, i.e.:

- (i) an average enrolment or an average attendance for the purpose of the payment of grants to a new teacher;
 - (ii) an average enrolment or an average attendance requisite for the retention of, and payment of grants to a serving teacher;
- or
- (iii) an average attendance for the payment of grants other than those falling under (i) and (ii);

the enrolments and attendances shall be disallowed in calculating the figures of average enrolment or average attendance as the case may be.

(5) Where the Minister is satisfied that a teacher has obtained or endeavoured to obtain, either by his own act, or through another person or persons (i.e. by canvassing, or giving inducement to, or bringing pressure or undue influence to bear on a parent, guardian or child),

- (a) with the object indicated in the preceding section **(4)**,
 - (i) the transfer or removal from one school to another and/or the attendance of any child coming under that section, or
 - (ii) the attendance of any child ineligible for enrolment under the rules made by the Minister; or

- (b) with the object of altering the figures of average enrolment or average attendance at any school and of thereby affecting the payment of State grants, the transfer, removal or absence of a child, eligible for enrolment, from any school;

the teacher will be regarded as having acted improperly under rule 108†

* Note to rule 65(4) and (5). There is no intention to prevent or interfere in any way with the laudable efforts of teachers to secure more punctual or more regular attendance or an extension of the period of attendance of bona fide pupils at national schools. Nor is there any intention to interfere with the attendance of children, subject to the rules at a particular school on educational grounds or owing to the suitability of its position.

† See Schedule VII for the special official procedure in cases of irregularities in School Records.

(6) (a) Where the Minister decides that certain pupils are regularly but temporarily enrolled in any school, the enrolment and attendance of these pupils shall be excluded from the calculation of the figures of average enrolment and average attendance, respectively, for the purpose of deciding the question of an increase in the emoluments of any member of the teaching staff — see also rule 88(7).

(b) When a school is closed for repairs, etc., and the pupils attend other schools during the time of closing, their enrolments and attendances at these schools shall not be included in calculating the figures of average enrolment or average attendance for the purpose of establishing a grant for a new teacher.

List of Sanctioned Books.

66. (1) A list of books sanctioned by the Minister for use in national schools, is published for each school year. The managers may select the books to be used in their schools for the purpose of secular instruction from this list, subject to such conditions as may be contained therein. (See Schedule VI for particulars of the scheme for the provision of free books for necessitous children.)

No book (whether previously sanctioned or otherwise) which does not appear on the list sanctioned by the Minister for the particular school year may be used for secular instruction in a national school without the special sanction of the Minister previously obtained.

(2) In a separate class or standard in charge of one teacher, the readers and text books, when selected, should not be changed, for a period of years, unless in exceptional circumstances.

(3) In a division consisting of two or more classes or standards combined, in charge of one teacher, the readers and text books, when selected, should be changed only to the extent that is absolutely necessary.

School Fees.

67. School fees may be charged only with the special sanction of the Minister and in respect of the following categories of pupils:—

- (a) pupils of 15 years of age and upwards;
- (b) pupils under 15 years of age for extra or optional subjects taught wholly outside the ordinary school hours, and
- (c) pupils between the ages of 4 and 15 years in certain schools where an excess fee was allowed under Section 18(4) of the Irish Education Act 1892, subject to the limit allowed, provided that:—

- (i) no scale of school fees may be fixed or altered except with the approval of the Minister;
- (ii) No fees may be charged to pupils under 15 years of age for instruction given either inside or outside school hours if the payment is to be a condition of admission to the

school, or would, in the opinion of the Minister, have the effect of preventing any child from receiving free primary education;

- (iii) no fees may be charged or continue to be charged in any school or to any pupil where the Minister so decides.

CHAPTER IX

RELIGIOUS INSTRUCTION

68. Of all the parts of a school curriculum Religious Instruction is by far the most important, as its subject-matter, God's honour and service, includes the proper use of all man's faculties, and affords the most powerful inducements to their proper use. Religious Instruction is, therefore, a fundamental part of the school course, and a religious spirit should inform and vivify the whole work of the school. The teacher should constantly inculcate the practice of charity, justice, truth, purity, patience, temperance, obedience to lawful authority, and all the other moral virtues. In this way he will fulfil the primary duty of an educator, the moulding to perfect form of his pupils' character, habituating them to observe, in their relations with God and with their neighbour, the laws which God, both directly through the dictates of natural reason and through Revelation, and indirectly through the ordinance of lawful authority, imposes on mankind.

69. (1) The religious denomination of each pupil must be entered in the school register and roll-book. This information should be ascertained from the parent (the father, if possible) or the guardian of the pupil, where necessary.

(2) (a) No pupil shall receive, or be present at, any religious instruction of which his parents or guardian disapprove.

(b) The periods of formal religious instruction shall be fixed so as to facilitate the withdrawal of pupils to whom paragraph (a) of this section applies.

(3) Where such religious instruction as their parents or guardians approve is not provided in the school for any section of the pupils, such pupils must, should their parents or guardians so desire, be allowed to absent themselves from school, at reasonable times, for the purpose of receiving that instruction elsewhere.

(4) Visitors may not be present during formal religious instruction unless with the express approval of the manager.

(5) The periods of formal religious instruction shall be indicated on the timetable.

CHAPTER X

SECULAR INSTRUCTION

Programme of Secular Instruction.

70. (1) The Minister may prescribe a programme of instruction in any subject of the curriculum for pupils of national schools. He may, from time to time, alter the programme of instruction in any subject of the school curriculum.

(2) The following are the subjects of the curriculum of national schools:—

Irish, English, Mathematics, History, Geography, Needlework (Girls), Music, Rural Science or Nature Study, Drawing, Physical Training, Cookery (Girls), Laundry (Girls) or Domestic Economy (Girls), Manual Instruction (Boys).

(3) The following are **Obligatory Subjects**:—*

Irish, English, Mathematics, History, Geography, Needlework (Girls), Music.

(4) The following are **Optional Subjects**:—*

Drawing, Physical Training, Rural Science or Nature Study, Cookery (Girls), Laundry (Girls) or Domestic Economy (Girls), Manual Instruction (Boys).

(5) Special grants are paid for Cookery, Laundry and Domestic Economy under the terms of rule 147.

Instruction to Infants' Classes.

71. (1) Where the teachers are sufficiently qualified, work in infants' classes should be conducted in Irish, save where Circular 11/60 (see Schedule XVI) is invoked.

(All teachers holding the certificate of competency to give instruction in the school programme through the medium of Irish, or its equivalent, are deemed to be sufficiently qualified, but the possession of such a certificate is not regarded as essential for the purpose).

(2) A teacher who is able to teach Irish, but is unable to use Irish as the sole medium of instruction, is required to teach Irish as a subject and to use it as much as possible as the medium of instruction and as the school language.

(3) English may be taught as an optional subject for one half-hour a day.

Alternative Courses may be Submitted.

72. (1) It is desirable that managers should arrange the programme of their schools so as to suit local needs. They may therefore submit

* Particulars regarding the programme prescribed in these subjects and the extent to which subjects are obligatory are set out in the Programmes of Primary Instruction.

for approval to the Department, through the inspectors, alternative courses in any subject.

Alternative courses must date from the beginning of the school year, and application for approval must be made not later than the 1st March preceding the school year for which the courses are proposed.

(2) (i) The alternative courses for seventh and eighth standards should be based upon the official programmes of instruction for Secondary Schools and should include, as a rule, Singing, Physical Training, Domestic Economy (Girls) and Needlework (Girls) and any other branch of post-primary education suitable to local needs.

(ii) The teachers of such courses will be required to satisfy the Minister as to the adequacy of their qualifications.

Primary School Certificate.

73. (1) A written examination for the purpose of the award of the Primary School Certificate to pupils of national schools will be held annually. The Certificate will testify that the pupil has completed the sixth standard course of the school programme and has passed the written tests comprising the examination.

(2) The examination will be compulsory for all pupils on the rolls of the sixth or higher standards who have not previously sat for this examination, and who are not absent owing to reasonable cause. Managers and principal teachers are charged with the duty of making such arrangements for the examination as may be prescribed by the Minister. The regulations for the examination are issued annually by the Department.

Secondary Schools Certificate Examinations.

74. The Minister may admit to the Secondary Schools Certificate Examinations pupils from national schools who have pursued an approved course of study of the required duration and comply with the other prescribed conditions.

These conditions are set out in the Rules and Programme for Secondary Schools, which is published annually.

CHAPTER XI

QUALIFICATIONS OF TEACHERS

Classes of Recognised Teachers:

75. The teachers recognised in national schools are:—

- Principal Teachers,
- Vice-Principal Teachers,
- Assistant Teachers,
- Junior Assistant Mistresses.

Except as provided in rules 80, 81 and 82 an unqualified person may not be employed in a national school and any person from whom recognition as teacher in a national school or in a particular capacity in a national school has been withdrawn by decision of the Minister from a specified date may not continue to serve beyond that date in contravention of that decision.

Principal and Vice-Principal Teachers:

76. The following are eligible for recognition as principal teacher of a school with an average daily enrolment for the preceding school year of —

- (1) less than 80 pupils
 - (a) persons who have successfully completed a recognised course of training, who have satisfactorily completed probation in accordance with rule 95 and whose service is satisfactory,
 - or
 - (b) in a provisional capacity, persons who have successfully completed a recognised course of training but who have not yet completed probation, provided that, if such persons have already given service as teacher, that service has been satisfactory.

In schools in the Gaeltacht or in infants' schools or infants' departments of schools, teachers trained before 1963 must hold the certificate of competency to give instruction in the school programme through the medium of Irish.

- (2) from 80 to 199 pupils

persons eligible for recognition under section (1) of this rule whose last three years of service have been satisfactory and who have given, in all, not less than five years' service.
- (3) 200 pupils or more

persons eligible under section (1) of this rule whose last five years of service have been satisfactory, who have given, in all, not less than seven years' service and who hold the certificate of competency to give instruction in the school programme through the medium of Irish or the Teastas Árd-Inniúlachta.

The period of seven years' service specified in this section may be reduced by two years for candidates who are graduates of a University.

(4) The following conditions apply to the appointment and recognition of principal teachers:—

- (a) In a mixed school, i.e., a school in which boys and girls are enrolled, where there is an average daily enrolment of 80 pupils or more the principal teacher should be a master.
- (b) In a mixed school where the average daily enrolment is less than 36 the principal teacher shall, as a rule, be a mistress.

(c) A master is not recognised in any capacity in a girls' school.

(d) A mistress is not recognised as principal of a boys' school unless the school is an infants' school.

(5) Trained teachers whose last three years of service have been satisfactory, who have given, in all, not less than five years' service and who hold the qualification in Irish prescribed in section (3) of this rule are eligible for recognition as vice-principal teacher.

Recognition as vice-principal accorded under the provisions of this section shall be withdrawn if the teacher's work ceases to be estimated as satisfactory.

(6) (a) In reckoning service for the purpose of the appointment of a principal teacher or vice-principal teacher under the foregoing sections of this rule, credit may be given (in addition to service as principal, assistant or trained junior assistant mistress) for full-time service, up to a maximum of two years, as:—

(i) supernumerary assistant under the terms of rule 105(1)

or

(ii) substitute teacher recognised for a principal or assistant teacher in circumstances in which the Rules require or approve of the employment of a substitute teacher provided that the service is continuous and for a period of not less than three months.

(b) Service as untrained junior assistant mistress or as substitute teacher for a junior assistant mistress cannot be reckoned for the purpose of the appointment of a principal or a vice-principal teacher.

Trained Assistant or Junior Assistant Mistress:

77. Persons who have completed successfully a recognised course of training are eligible for recognition as assistant or junior assistant mistress. In schools in the Gaeltacht or in infants' schools or infants' departments of schools, teachers trained before 1963 must hold the certificate of competency to give instruction in the school programme through the medium of Irish.

Untrained Assistant Teacher:

78. (1) The following are eligible for recognition as untrained assistant teacher —

(a) Junior assistant mistresses who are 28 years of age or over and who are eligible under the provisions of rule 91.

(b) Nuns temporarily recognised under section (2) of this rule in respect of whom the Minister decides that facilities for a course in training cannot be made available. These nuns will not be regarded as having satisfactorily completed their probation until they shall have given at least one year's satisfactory service from the date of first appointment under the terms of

section (2) of this rule, and shall have passed a test in Irish of such standard as the Minister may require. Recognition conferred under this subsection is confined to members of communities serving in convent national schools.

(2) (a) The following are eligible for recognition as untrained assistant teachers in a temporary capacity:—

(i) junior assistant mistresses under 28 years of age who become eligible under the provisions of rule 91;

(ii) monks and nuns (for service in monastery and convent national schools) who qualify in accordance with the prescribed conditions at the Training College Entrance Examination.*

(b) The persons referred to at subsection (a)(ii) above shall be required to pass a test in practice of teaching in the first six months of their service and, within the first 12 months of their service, to pass a test in Irish of such standard as the Minister may require. Subject to these conditions, they may be recognised temporarily to a date not later than the 30th September following the completion of five years from the date of their passing the Training College Entrance Examination and for the further period of a recognised course of training entered upon by them.†

The Minister determines the date on which a teacher shall enter on the course of training and recognition under the terms of this rule may be withdrawn from any teacher who does not enter on the course on that date.

Junior Assistant Mistress:

79. The following are eligible for recognition as junior assistant mistress:—

(a) Women already recognised, or eligible for recognition, as principal or assistant teachers under these rules.

(b) Women who have been awarded qualification as junior assistant mistress in the appropriate programme‡ as a result of their attendance at the Training College Entrance Examination in 1958 or previously, subject to the following conditions:—

(i) They must secure appointment before the expiration of three years from the 1st October of the year in which they were awarded the qualification.

* (a) Particulars regarding the regulations and syllabus for the Training College Entrance Examination are published in a separate pamphlet from time to time and may be obtained from the Department (Primary Branch). (b) Admission of the candidates referred to in this section to the Training College Entrance Examination may be suspended in any year or years.

† See, however, rule 151.

‡ Junior assistant mistresses are regarded as qualified, under the conditions prescribed in the Rules, to give instruction in Kindergarten, Drawing, Singing, Cookery (girls) and Needlework (girls), and to teach the pupils of the junior standards in accordance with the requirements of the programme.

- (ii) On appointment they are placed on probation for one year during which, in order to warrant their further continuance, they are required to obtain a satisfactory report on their teaching, including the teaching of Oral Irish. On receipt of that report, they are registered as competent to teach Irish.
- (iii) Their continued recognition in schools outside the Gaeltacht beyond a date not later than five years from the 1st October of the year in which they were awarded the qualification, is dependent on their having obtained in the meantime the certificate of competency to give instruction in the school programme through the medium of Irish to junior standards.
- (iv) Their continued recognition in schools situated in the Gaeltacht, beyond the 30th September following the first examination for the Department's certificates in Irish held after the date of their appointment, is dependent on their having obtained in the meantime the certificate of competency to give instruction in the school programme through the medium of Irish to junior standards.

Teachers in Island and Small Schools.

80. Where, in an island school, or a small school having an average enrolment of less than twenty pupils, a teacher holding the qualifications normally required under the Rules cannot be obtained, the services of a person who does not possess such qualifications may be accepted in a temporary capacity and subject to the following conditions:—

- (a) that she obtains a satisfactory report from the inspector as to her general suitability for the post;
- (b) that on the date of entry on duty she is within the limits of age prescribed in rule 93(2);
- (c) that she obtains honours in Irish and passes in English, History and Geography and Mathematics at the Leaving Certificate Examination, and in addition, passes such tests in Oral Irish, Singing and Needlework, as the Minister may prescribe.

On fulfilling the required conditions the candidate is accorded recognition as teacher but such recognition is confined to the school in which she is serving or to other schools of the kind contemplated in this rule.

Teachers specially recognised in National Schools (including Schools for Handicapped Children).

81. If he considers that the circumstances warrant it, the Minister may, having regard to the educational and other qualifications of the candidate, declare a person who does not comply with the conditions for recognition laid down in the Rules to be eligible for recognition as

teacher in a national school. In that event he may stipulate that recognition is to be accorded as teacher in a particular type of national school and/or in a particular capacity in a national school.

82. If the Minister is satisfied that a teacher who is eligible for recognition in accordance with the Rules is not available to fill a vacancy in a national school, he may accept, temporarily and in a non-pensionable capacity, as an exceptional matter, the services of a person who is not eligible to serve as teacher in a national school. In that event, the Minister will decide the rate at which payment is to be allowed for the services given by such person. The acceptance of the services of a person under this rule confers no claim to recognition in any capacity as teacher in a national school.

Teachers Trained in Great Britain or Northern Ireland.

83. (1) Teachers certificated after a two years' course of training in Great Britain or Northern Ireland may be recognised on probation in national schools and paid, pending the satisfactory completion of their probation, at the minimum rate for trained teachers, provided the Minister is satisfied that:—

- (a) they have completed a course of study equivalent to that prescribed for a recognised training college, and
- (b) they have passed a test in Irish of such standard as the Minister may require.

(2) In order that such teachers may be regarded as having satisfactorily completed their probation, the following conditions must be fulfilled:—

- (a) they must have passed a test in Irish of such standard as the Minister may require, and
- (b) they must have given at least two years' satisfactory service which must include at least six months' satisfactory service in a national school but may include not more than 18 months' satisfactory service in a public elementary school in Great Britain or Northern Ireland or other school acceptable to the Minister for this purpose.

(3) A teacher trained in Great Britain or Northern Ireland who has satisfactorily completed his probation may be placed at the appropriate point in the salary scale as from the date on which he has satisfactorily completed his probation.

(4) For the purpose of recognition under this rule men teachers must have entered on their course of training before 1st July, 1935, and women teachers must have entered on their course of training before 1st July, 1937.

Teachers in Infants' Schools and Departments.

84. Candidates for appointment in any capacity in infants' depart-

ments of schools, or in infants' schools must satisfy the Minister as to their knowledge of Kindergarten and of the other exercises adopted in infants' schools for the instruction and training of children.

Qualifications of Teachers in National Schools paid on a Capitation Basis.

85. (1) A member of a community of monks or of nuns proposed for appointment for the first time subsequent to 30th June, 1931, as a member of the staff of a national school paid on a capitation basis, must be a trained teacher or be qualified under rule 78(1) or (2).

(2) A person proposed for appointment as lay assistant in a national school paid on a capitation basis must be a trained teacher or be qualified under rule 78.

Qualifications in Irish necessary for Serving Teachers.

86. (1) The recognised qualifications in Irish required of serving teachers are:—

- (a) Teastas Ard-Inniúlachta i.e. certificate of high competency in Oral Irish;
- (b) Certificate of competency to give instruction in the school programme through the medium of Irish.

(2) Teachers who complete their course of training in 1963 or subsequently and untrained teachers proposed for permanent appointment after 30th June, 1963, are required to obtain the Teastas Ard Inniúlachta by the end of their fifth year of service to warrant continued recognition as teacher.

- (3) (a) Subject to the reservations in subsection (b) following a teacher shall not be granted an increment on the salary scale until he obtains the certificate of competency to give instruction in the school programme through the medium of Irish.
- (b) Subsection (a) of this section does not apply to a teacher to whom section (2) of this rule applies or to a teacher who, before 1st June, 1930, gave recognised service for which he was paid personal salary by the Department, or to a person first appointed as temporary untrained assistant, under the terms of rule 78(2), after 30th June, 1963.

(4) A junior assistant mistress serving in a school outside the Gaeltacht from whom increments have been withheld under the terms of subsection (3)(a) of this rule may, on obtaining the certificate of competency to give instruction in the school programme through the medium of Irish and provided her work is estimated as satisfactory, be placed in the appropriate salary scale as from the date of the award of the certificate at the point she would have reached had increments not been withheld under subsection (3)(a).

Higher Certificate.

87. A teacher may be awarded a Higher Certificate provided he furnishes evidence of outstanding merit in any department of literature, science, education, etc., and that his work as a teacher was satisfactory during the five years immediately preceding the date of his application for the Higher Certificate.

CHAPTER XII

STAFFING ARRANGEMENTS FOR SCHOOLS* APPOINTMENT AND CONTINUANCE OF TEACHERS†

88. (1) The minimum figure of average enrolment required for the establishment of a post for a junior assistant mistress or an assistant teacher in a classification school is determined by the Minister from time to time (See Schedule XVII).

(2) The minimum figure of average enrolment (referred to as the "retention average") required to sustain a post for a junior assistant mistress or an assistant teacher is determined by the Minister from time to time (See Schedule XVII).

(3) The appointment of a junior assistant mistress or an assistant teacher, whether it be a first appointment or an appointment in succession, may be sanctioned only if the appropriate figure of average enrolment has been reached for:—

- (a) each of the two quarters next preceding the quarter in which the teacher so appointed enters on duty;

or

- (b) the quarter immediately preceding the quarter in which the teacher so appointed enters on duty and the preceding school year;

or

- (c) the quarter immediately preceding, and the year ended on the last day of one of the three quarters next preceding the quarter in which the teacher so appointed enters on duty.

NOTE: The provisions of this section and of section (1) of this rule are not strictly enforced where a school is newly recognised or newly organised.

(4) To warrant the appointment of a teacher in succession to an outgoing junior assistant mistress or assistant teacher the retention

* Under rule 18(1)(b) the Minister may refuse payment of salary for service given by a teacher appointed without prior official approval.
† Conditions regarding the appointment and continuance of teachers in amalgamated schools are dealt with in rule 98.

average must have been secured on the date the vacancy arises for the periods mentioned at (a), (b) or (c) of section (3) of this rule.

The teacher so appointed shall enter on duty in the school not later than the last day of the third quarter following the quarter in which the vacancy arises but should the date of entry on duty be delayed beyond the last day of the quarter in which the vacancy arises then the conditions set out in section (3) must be fulfilled on the date of the teacher's entry on duty.

If the teacher does not enter on duty before the end of the third quarter following the quarter in which the vacancy arises then unless the enrolment requirements for the establishment of a post continue to be fulfilled the post shall be suppressed.

(5) When a post for a junior assistant mistress or assistant teacher is vacated and the figures of average enrolment are such that an appointment in succession under section (4) of this rule cannot be sanctioned the post shall be suppressed from the day following the last day on which the teacher gave recognised service in the post.

(6) (a) A post occupied by a junior assistant mistress or assistant teacher shall be suppressed at the end of the fourth consecutive quarter in which the appropriate retention average has not been reached.

(b) When a post for a junior assistant mistress or assistant teacher is suppressed under subsection (a) of this section payment of salary and other emoluments cannot be continued to the teacher in any circumstances unless he elects to have his name placed on the appropriate panel set up under rule 97.

(7) (a) Where the Minister decides that certain pupils are regularly but temporarily enrolled in any school, the enrolments of such pupils shall not be reckoned, for the purpose of the recognition of an assistant teacher or junior assistant mistress, in calculating the average or averages of enrolment for the periods specified in subsections (a), (b) or (c) of section (3) or in section (4) of this rule.

(b) Should the averages of enrolment, exclusive of the enrolments of the pupils regularly but temporarily enrolled, not warrant the appointment of an assistant teacher or junior assistant mistress, the Minister may recognise an assistant teacher or junior assistant mistress in a temporary capacity for such period as he may determine provided that the averages of enrolment including in their calculation the enrolments of the pupils regularly but temporarily enrolled fulfil the conditions for the recognition of an assistant teacher or junior assistant mistress under the terms of section (3) of this rule.

(c) A teacher recognised temporarily under this section will not, on the termination of the period of recognition, be eligible to be placed on a diocesan or other approved panel under rule 97.

(8) (a) In a school in which pupils under four years of age were on the rolls during the whole or any part of the year ended 31st March,

1934, the terms of section (6)(b) of this rule shall not apply to a junior assistant mistress or assistant teacher who has been recognised continuously as a member of the teaching staff of the school from a date preceding 1st April, 1934, if the average daily enrolment of pupils under four years of age for the year ended 31st March, 1934, when added to the actual average daily enrolment, reaches the appropriate retention average required under section (2) of this rule. For the purposes of this subsection the average daily enrolment of pupils for the year ended 31st March, 1934, shall be calculated in the manner indicated in subsection (b) of this section.

Provided that, as from the date from which, but for the provisions of this section, the post for a junior assistant mistress or assistant teacher would have been suppressed under section (6) of this rule, the teacher shall be declared redundant and the provisions of section (11) or (12) of rule 98 as appropriate, shall apply, as if the teacher were a redundant teacher in an amalgamated school.

(b) The figure of enrolment which would have produced the actual average attendance of pupils under four years of age for the year ended 31st March, 1934, on the basis of a percentage attendance of 90, shall be deemed to be the average daily enrolment of pupils under four years of age for that year.

Appointment and Continuance of Vice-Principal Teachers.

89. (1) (a) Except as provided in subsection (b) of this section an assistant teacher forming part of the recognised staff may be appointed as vice-principal teacher in a school in which he is serving, subject to the following figures of average enrolment being secured:—

for the appointment of a 1st vice-principal — 185 units
 „ „ 2nd „ „ — 370 „

and so on, for each additional vice-principal an additional 185 units of average enrolment.

(b) In an amalgamated school with a privileged assistant on the staff the number of vice-principals which may be appointed under this rule shall be reduced by one.

(2) The first recognition of a vice-principal shall in the matter of average enrolment, be determined in the manner prescribed for assistant teachers in rule 88(3).

(3) Recognition as vice-principal shall be withdrawn from the date of the inspector's report if the estimate of the teacher's work ceases to be satisfactory.

(4) The appointment of an assistant teacher to the position of vice-principal does not affect his seniority as an assistant teacher in the school (see rule 96) or the conditions under which payment of salary as assistant teacher in the school may be continued to him.

(5) During the first two years from the date of his recognition as vice-principal, the continued recognition of the teacher in that capacity shall be subject to the condition that the average daily enrolment of pupils shall not have fallen for four consecutive quarters below the following figures:—

for a first vice-principal — 170 units
 „ second „ — 355 „

and so on, for each additional vice-principal an additional 185 units of average enrolment.

If the average daily enrolment of pupils should fall below the appropriate figure for four consecutive quarters within two years from the date of his recognition as vice-principal recognition in that capacity shall be withdrawn from the teacher as from the end of the fourth consecutive quarter of insufficient enrolment.

(6) Recognition as vice-principal in the school in which he is serving shall not be withdrawn from a teacher owing to insufficiency of average enrolment except as provided in sub-section (5) of this rule.

Appointment of Junior Assistant Mistresses.

90. (1) In a school where an average enrolment of at least 36 pupils has been maintained so as to satisfy one of the provisions of rule 88(3) a junior assistant mistress may be recognised and paid salary at the rate specified in Schedule IX, Section A(1)(d).

(2) In a mixed school under a master where the average enrolment of pupils is too small to admit of the establishment or continuance of a post for a junior assistant mistress on the salary scale specified in Schedule IX, A(1)(d), the Minister may, if he decides that the circumstances warrant it, sanction the appointment of a junior assistant mistress on such fixed salary as he may determine. The continued recognition in the post of a junior assistant mistress so appointed will be subject to such other conditions as the Minister may prescribe.

(3) If the principaiship of a school in which a junior assistant mistress is recognised under section (2) of this rule becomes vacant, the junior assistant mistress shall be declared redundant, but may continue to be recognised in the school pending the occurrence of an available vacancy in a school in the same parish or neighbourhood. Should such a vacancy arise, and the junior assistant mistress refuse to accept appointment to the vacant position, recognition may be withdrawn from her unless the Minister is satisfied that she has reasonable cause for declining the appointment.

Promotion of Junior Assistant Mistresses.

91. (1) A junior assistant mistress (other than a junior assistant mistress retained in an amalgamated school, under the terms of rule 98),

who is serving in a school in which an average daily enrolment of 60 units has been reached for the periods indicated in (a), (b) or (c) of section (3) of rule 88 may be recognised as untrained assistant provided that:—

- (a) she has served for at least three years as a recognised junior assistant mistress;
- (b) her work has been satisfactory during the preceding three years of her service;
- (c) she has the qualifications in Irish required under rule 76(1).

(2) If the junior assistant mistress is under 28 years of age, her recognition as untrained assistant shall, as a rule, be temporary only, for a period of not more than five years from the 30th September of the year in which she is recognised as untrained assistant, and for the further period of a course of training in a recognised Training College entered on with the approval of the Minister before the expiration of the five years' period.

(3) Except as otherwise provided in these Rules an assistant teacher must be appointed where the average daily enrolment warrants the recognition of such teacher and the services of a junior assistant mistress serving in the school, other than a junior assistant mistress retained in an amalgamated school under the provisions of rule 98, must be discontinued.

Temporary Teachers.

92. (1) (a) A teacher qualified under the Rules may be recognised in a temporary capacity in an established post for a period not, as a rule, exceeding six months, and paid salary and other grants at the appropriate rates.

(b) Except as provided in subsection (c) of this section, an assistant teacher or junior assistant mistress may not, under this rule, be appointed temporarily to a vacancy if there is an eligible assistant teacher or junior assistant mistress on the appropriate panel (rule 97).

(c) When an assistant teacher or junior assistant mistress has completed the maximum period of leave of absence owing to illness with pay allowed under rule 112 or rule 113, a qualified teacher may be recognised in a temporary capacity under subsection (a) of this section, without reference to the panel arrangement, for a period not exceeding six months from the date on which the former teacher completed the appropriate maximum period of sick leave with pay, provided that the enrolment conditions for the continuance of the post for the assistant teacher or junior assistant mistress are fulfilled and that the Minister is satisfied that the educational interests of the children require the services of such temporary teacher.

(2) A teacher recognised temporarily under this rule will not be eligible on the termination of his period of recognition to be placed on a diocesan or other approved panel.

Conditions as to Age and Health.

93. (1) (a) Candidate teachers must furnish satisfactory evidence of age and a medical certificate that they are of sound and healthy constitution and free from any physical or mental defect likely to impair their usefulness as teachers. The medical certificate shall include such details as the Minister may require. They must submit, at their own expense, to such medical examination as the Minister, with the concurrence of the Minister for Finance, may direct. The Minister may refuse recognition to any candidate teacher whose health, in the opinion of the Minister, is not satisfactory.

(b) The Minister may, at any time, if he considers the circumstances warrant such a course, require a teacher as a condition of continued recognition

- (i) to furnish a medical certificate (which shall include such details as the Minister may require) that he is free from any physical or mental defect likely to impair his usefulness as a teacher, or
- (ii) to present himself for medical examination by a doctor selected by the Minister,

and the Minister may declare such teacher ineligible for further recognition or he may deem the teacher to have retired, if he fails to comply with the Minister's requirements or if the medical report under (ii) shows that the teacher is mentally or physically unable to carry out his duties as a teacher.

The medical fees and any necessary expenses incurred by the teacher in connection with an examination under (ii) will be paid by the Department unless the teacher fails to satisfy the Minister that he has made a reasonable effort to comply with the instructions issued to him in connection with the examination, in which case the medical fees incurred may be recovered by deduction from the teacher's salary.

(c) (i) A person who has been declared ineligible for further recognition as teacher, or who is deemed to have retired under the terms of subsection (b) above, may appeal to be examined by a medical referee appointed by the Minister for Finance.

(ii) Such appeal must be made within fourteen days of the notification to him of his ineligibility for further recognition, or of the decision to deem him to have retired, as the case may be.

(iii) The appellant will be required to furnish adequate medical evidence at his own expense in support of his appeal, and to deposit a fee of two pounds (£2) which will be refunded to him if the appeal proves successful. (This deposit does not represent the cost of the medical referee's services.)

(iv) If the medical referee wishes to examine the appellant personally, the appellant's travelling expenses will be recouped if the appeal is successful, but not otherwise. Subsistence allowance will not be paid in any case in connection with the visit to the referee.

(v) The appellant will not, in any circumstances, be allowed to see the medical referee's report or be supplied with a copy of it.

(2) Teachers must on first appointment be over 18 and under 35 years of age.

(3) Teachers who have been continuously employed under educational authorities, from the age of 35 years or under, may be admitted up to 45 years of age.

(4) (a) Where a teacher's service has been interrupted for a considerable time, the Minister determines whether he shall be recognised if re-appointed, and if recognised, the rate of his remuneration. Such recognition if granted shall be provisional pending the receipt of a special report on the teacher's work.

(b) If the period of interruption is longer than 10 years the teacher must, as a rule, qualify in respect of age as a teacher seeking first appointment. (The terms of this subsection do not apply to women teachers who, having retired on marriage, are subsequently proposed for re-appointment).

(5) A teacher may not normally be retained in the service beyond the end of the school-year (i.e. 30th June) in which he reaches the age of 65 years: the Minister may, however, in certain circumstances accept the services of such person beyond that date.

(6) In no circumstances may teachers who have been awarded a pension be re-admitted to the service without previous sanction, and before re-admission such persons must submit satisfactory medical testimony that the state of their health is such as to fit them for the efficient discharge of their school duties.

Appointment of Assistants in Mixed Schools.

94. In mixed schools in which the principal teacher is a master and one or more assistants are employed, at least one assistant must be a mistress.

Where the principal teacher in such a school is a mistress the Minister determines, on the occurrence of a vacancy for an assistant teacher, whether the vacancy shall be filled by a master or a mistress

Teachers on Probation.

95. (1) (a) On first appointment all trained teachers (other than those recognised under rule 83) and untrained teachers serving as principal teachers are recognised on probation during the first two years of service at the end of which they are regarded as having satisfactorily completed their probation provided that the reports on their

school work are satisfactory and that they have the relevant qualifications in Irish as set out in subsection (b) following.

(b) (i) Teachers trained before 1963 and untrained teachers proposed for permanent appointment before 1st July, 1963, are required to hold the certificate of competency to give instruction in the school programme through the medium of Irish, and

(ii) Untrained teachers proposed for permanent appointment after 30th June, 1963, are required to have passed a test in Irish of such standard as the Minister may require.

(c) The period of probation may be extended beyond two years but, if a teacher has not satisfactorily completed probation within five years from the date of first appointment, further recognition as teacher cannot, as a rule, be granted. (The conditions governing the probation of teachers trained in Great Britain or Northern Ireland and of junior assistant mistresses are set out in rules 83 and 79 respectively.)

(2) Provisional recognition as principal teacher on probation under the terms of rule 76(1) cannot, as a rule, be extended beyond three years from the date of first appointment as teacher after the completion of the training course, but, if the inspector's report in the third year affords evidence of satisfactory service, provisional recognition as principal teacher may be extended for a further year.

A trained teacher from whom recognition as principal teacher has been withdrawn on account of failure to satisfy the probationary requirements may be recognised provisionally as assistant teacher for a further period not exceeding, as a rule, two years. If the reports on the teacher's work in the capacity of assistant teacher during such period of probation do not reach the standard required for the award of the Diploma, recognition as teacher will be withdrawn. (See rule 158).

(3) Junior assistant mistresses appointed as untrained assistants, after having given three years' satisfactory service, are not subject to probationary requirements.

Seniority of Assistants.

96. (1) In a school in which two or more assistants are employed the manager may, subject to the provisions of section (3) and (4) of this rule determine the order of their seniority. In the absence of any communication from the manager on the subject the order of seniority of the assistants is determined, except as provided in sections (3) and (4), by their length of service in the school in which they are employed. When a definite order of seniority has once been fixed it may not be changed by a manager without the sanction of the Minister.

(2) When a new appointment of an assistant is made, such assistant shall, subject to sections (3) and (4), rank last in order of seniority.

(3) In a mixed school with a male principal and two or more assistants, the order of seniority shall be arranged to ensure, as far as possible, the retention of an assistant mistress on the staff.

(4) In an amalgamated school, an assistant teacher with rights under rule 98 is regarded as senior to an assistant appointed to the school on or after the date of amalgamation.

Arrangements regarding Diocesan and Other Approved Panels.

97. (1) The following classes of teachers may, if they so desire, have their names placed on Diocesan or other approved panels to enable them to secure appointment to alternative posts in national schools:—

(a) assistant teachers and junior assistant mistresses who are lay persons and are paid personal salary by the Department, and whose posts have been suppressed owing to insufficiency of average enrolment or average attendance.

and

(b) lay principal teachers who are trained or who have qualification as junior assistant mistress or untrained assistant teacher and who lose their positions on the withdrawal of grants from their schools owing to a decline in the enrolment of pupils.

(2) (a) Each teacher to whom subsection (1)(a) above applies, and whose name is placed on a panel, will remain on the panel and will continue to be recognised in the school, in the capacity in which he was serving at the date on which he became eligible to have his name placed on the panel, subject to the rules other than those regarding average enrolment and average attendance, until he is appointed to an alternative post in a national school for which he is eligible under the rules, or, at latest, until, on a date after the last day of the quarter in which his name was first placed on the panel, he is offered an alternative post in a national school and is informed by the Department that he should accept such alternative post.

(b) A teacher to whom subsection (1)(b) above applies will not be entitled to receive any salary benefit until appointed to a post in a national school for which he is eligible, but his name will be retained on the panel until he is appointed to such post or, at latest, until, on a date after the last day of the quarter in which his name was first placed on the panel, he is offered a post in a national school and is informed by the Department that he should accept such post.

(3) A teacher who fails to fulfil the official requirements for the placing of his name on the panel, or refuses to have his name so placed will be deemed to have waived his privileges under this rule.

(4) Where a vacancy for an assistant teacher or junior assistant mistress occurs in a national school staffed by lay teachers, or where

the manager of a classification or capitation Convent or Monastery national school proposes to appoint to a vacancy for an assistant teacher or a junior assistant mistress a lay teacher whose salary would be paid by the Department, the manager shall fill the vacancy from the appropriate panel if there is an eligible teacher on the panel.

(5) The provisions of section (4) of this rule shall not apply if

(a) the teacher appointed to the vacancy enters on duty on or before the last day of the quarter in which the vacancy arises and, in addition, the eligible teachers on the panel do not include (i) a teacher placed on it prior to the first day of the quarter in which the vacancy arises, or (ii) a principal teacher placed on it in that quarter unless he has been offered appointment to the vacancy and has refused to accept it,

or

(b) the vacancy is being filled on a date after the last day of the quarter in which it arose and the eligible teachers on the panel on that date (i) do not include a teacher placed on it prior to the first day of the quarter then current, and (ii) have each been offered appointment to the vacancy and have refused to accept it,

or

(c) by a readjustment of the staffs of the schools under his management or by co-operation with another manager, there will result at the time at least one vacancy which will be filled from the panel,

or

(d) the manager appoints to the vacancy an eligible redundant teacher.

(6) A manager will not be required to appoint to a panel vacancy in a school under his management a teacher of a different religious denomination, unless in a case in which there is, owing to local circumstances, a sanctioned arrangement that the vacancy will be filled by a teacher of a particular denomination.

(7) (a) Where a manager with the approval of the appropriate Ecclesiastical or other Religious Authority refuses on the grounds of faith or morals to appoint a particular teacher, from an approved panel, to a panel vacancy for which he is eligible, the Minister will decide, on consideration of the circumstances of the case, whether payment of salary under this rule may be continued to such teacher.

(b) It is not permissible for a manager, under this section

(i) to refuse to appoint a teacher from an approved panel to a panel vacancy on the ground that the appointment would necessitate the teacher's residing away from home,

or

(ii) to refuse to appoint to a panel vacancy a married woman, qua married woman, who is on an approved panel.

(8) Where a teacher whose name is on an approved panel, and who is continued in a school and paid salary under the provisions of this rule, is offered and refuses an alternative position which the Minister decides the teacher should accept, payment of salary in the capacity in which he is serving may be continued to the teacher only to the date on which he is informed by the Department that he should accept the alternative position.

(9) The panel arrangements do not apply to schools recognised under rules 27(1) and 28.

Arrangements in regard to Staff on the Amalgamation of Schools.

98. (1) Where two schools are amalgamated the principal teacher of one of the former separate schools may be retained as privileged assistant in the amalgamated school, irrespective of the average enrolment.

(2) An assistant teacher or a junior assistant mistress, recognised prior to the amalgamation, will, except as provided under sections (3), (5), (7) and (9) of this rule, be declared redundant. The teacher may, however, continue to be recognised as an assistant or as a junior assistant mistress, as the case may be, on the same conditions in regard to average daily enrolment as would have applied in his former school had that school been continued as a separate school, pending

(a) in the case of a junior assistant mistress, the occurrence of an available vacancy in a school in the same parish or neighbourhood,

or

(b) in the case of an assistant teacher, the occurrence of an available vacancy which the Minister may consider it reasonable for such assistant teacher to accept.

The average daily enrolment in the amalgamated school shall, for the purposes of this section, be calculated by reference only to the enrolment of pupils of the same sex and age as the pupils who, immediately prior to the amalgamation, were enrolled in the former school in which the teacher in question was then serving.

(3) In an amalgamated school, the staff of which consists of a principal, privileged assistant and one or two junior assistant mistresses,

(a) one junior assistant mistress may be excluded from the redundant list and may be retained on the teaching staff so long as the average daily enrolment for the preceding school year is not less than 60;

(b) both junior assistant mistresses may be excluded from the redundant list and may be retained on the teaching staff so

long as the average daily enrolment for the preceding school year is not less than 80.

(4) A junior assistant mistress excluded from the redundant list under the provisions of section (3) of this rule, will cease to be so excluded as from the 1st July next following the school year in which the average daily enrolment falls below 60 or 80 as the case may be, and may be retained in the school only on the conditions specified in section (2) of this rule.

(5) In an amalgamated school the staff of which consists of a principal, a privileged assistant and one or two assistants.

(a) one assistant may be excluded from the redundant list and may be retained on the teaching staff so long as the average daily enrolment for the preceding school year is not less than 70;

(b) both assistants may be excluded from the redundant list and may be retained on the teaching staff so long as the average daily enrolment for the preceding school year is not less than 85.

(6) An assistant teacher excluded from the redundant list under the provisions of section (5) of this rule, will cease to be so excluded as from the 1st July next following the school year in which the average daily enrolment falls below 70 or 85, as the case may be, and may be retained in the school only on the conditions specified in section (2) of this rule.

(7) In an amalgamated school the staff of which consists of a principal teacher, a privileged assistant, an assistant teacher and a junior assistant mistress, both the assistant teacher and the junior assistant mistress may be excluded from the redundant list and may be retained on the teaching staff so long as the average daily enrolment for the preceding school year is not less than 80.

(8) An assistant teacher excluded from the redundant list under the provisions of section (7) of this rule, will cease to be so excluded as from the 1st July next following the school year in which the average daily enrolment falls below 80, and may be retained in the school only on the conditions specified in section (2) of this rule.

(9) In an amalgamated school, the staff of which consists of a principal and two junior assistant mistresses, both junior assistant mistresses may be retained on the staff, so long as the average daily enrolment for the preceding school year is not less than 60. If the average enrolment should fall below 60 for a school year, one of the junior assistant mistresses will be declared redundant as from the 1st July next following and may be retained in the school only on the conditions specified in section (2) of this rule.

(10) Where the question arises in an amalgamated school as to which of two assistant teachers or as to which of two junior assistant mistresses

is to be excluded from the redundant list, the choice of the assistant teacher or junior assistant mistress to be so excluded shall be determined by the manager, subject to the approval of the Minister, or by the Minister in the event of the failure of the manager to indicate to the Minister the assistant teacher or the junior assistant mistress he desires to be excluded from the redundant list.

(11) Should a junior assistant mistress who has been declared redundant, refuse to accept a vacancy offered to her in a school in the same parish or in the same neighbourhood, the Minister may withdraw recognition from her unless satisfied that she has a reasonable cause for such refusal.

(12) Should an assistant teacher who has been declared redundant refuse to accept a vacancy which the Minister considers that the teacher should accept, the Minister may withdraw recognition from the teacher.

(13) In an amalgamated school in which there is a junior assistant mistress recognised under the terms of this rule, the full staff of assistant teachers (inclusive of the privileged assistant, if any) warranted by the average enrolment in accordance with the terms of rule 88 may be recognised in addition to the junior assistant mistress. If there are two junior assistant mistresses recognised under the terms of this rule in an amalgamated school, the appointment of an assistant teacher subsequent to amalgamation cannot be sanctioned if it would bring the number of assistants (inclusive of the privileged assistant, if any, and reckoning the two junior assistant mistresses as the equivalent of one assistant mistress for this purpose) beyond the maximum prescribed by rule 88.

Provided that where there are two junior assistant mistresses recognised under the terms of this rule in an amalgamated school in which the average daily enrolment is sufficient to warrant the appointment of an assistant teacher under rule 88 one of the two junior assistant mistresses may be recognised as assistant teacher if she possesses the qualifications required under rules 77 or 78(1)(a).

(14) The provisions of sections (3), (5), (7) and (9) of this rule under which recognition may be continued to assistant teachers and junior assistant mistresses in amalgamated schools subject to the maintenance of the prescribed figures of average daily enrolment for the preceding school year, are not applicable to teachers appointed to amalgamated schools subsequent to the date of amalgamation. The continuance of such teachers is governed by sections (2) and (6)(a) of rule 88.

Teachers Declared Redundant.

99. Subject to the general arrangements in regard to the appointment of teachers, a teacher who is declared redundant, or whose post is suppressed owing to insufficient enrolment, shall not be in a worse position under the rules, insofar as they relate to the qualifications in

Irish required for appointment, than if the teacher had continued to serve in the school in which he had been employed.

Staff Required in Schools recognised for Special Purposes.

100. (a) In the Model Schools, in Research and Practising Schools in connection with a Training College or a University, and in special schools for Irish speakers provided for in rule 24 the ratio between the number of teachers on the staff and the number of pupils on rolls is determined by the Minister.

(b) The special basis of staffing for Industrial Schools and for schools for handicapped children are set out in Schedules XIV and XV.

Continuance of Grants to Schools of less than 28 pupils.

101. In the event of a vacancy arising in a school with an average daily enrolment of less than twenty-eight pupils, and within two miles of one or more schools under similar denominational management, a permanent appointment may not be made until the Minister has considered a re-arrangement of the schools in the district.

Convent and Monastery National Schools.

102. (1) Convent and Monastery National Schools are of two types:—

- (a) classification national schools in which the staff, recognised under rule 88, are paid personal salaries in accordance with the Rules (see rule 131);
- (b) capitation national schools in which capitation grants are paid in accordance with the Rules, and in which lay assistant teachers, if any, are paid personal salaries (see rule 133).

(2) The Conductors of Convent and Monastery national schools may elect to change from the capitation to the classification basis.

Staff Required in Capitation Schools.

103. (1) In any Convent or Monastery or other national school paid by capitation, the teaching staff is deemed sufficient if the number of recognised teachers in proportion to the average daily attendance for the calendar year, corresponds with the following scale:—

Under 35 pupils	1 teacher
35 but under 55 pupils	1 teacher and a second teacher corresponding to a junior assistant mistress.
55 " " 95 "	2 teachers
95 " " 140 "	3 "
140 " " 185 "	4 "
185 " " 230 "	5 "

230	"	"	275	"	6	"
275	"	"	320	"	7	"
and so forth.						

(2) The Minister may sanction the appointment of a teacher or teachers in addition to the staff normally employed. These appointments are subject to such conditions as may be specified by the Minister. The salaries of lay teachers so employed will be paid by the Department in the same manner as those of assistant teachers in classification schools, but deductions from the grants payable to the conductors, such as are made in respect of recognised lay assistant teachers under rule 142(1), will not be made in respect of such extra lay teachers. Where members of religious orders are so employed an additional capitation grant at a rate equivalent to the minimum of the salary scale for trained women and single men teachers will be paid to the conductors.

(3) A teacher who is not in receipt of personal salary from the Department and who is serving as a member of the required minimum staff or recognised in accordance with section (2) above will not normally be eligible for continued recognition in that capacity after the end of the school year in which he or she reaches the age of 65 years.

Lay Assistants in Capitation Schools.

104. (1) Lay assistants recognised as forming portion of the teaching staff receive the same rates of salary and are subject to the same conditions of service as assistant teachers in classification schools.* They must enter into agreements with the managers as required of teachers in classification schools.

(2) The Minister may sanction the appointment of lay teachers in capitation schools to special posts in these schools subject to such conditions as he may impose from time to time. Special allowances may be paid to such teachers.

Supernumerary Assistants in Capitation or Classification Schools.

105. (1) The manager of a Convent or Monastery national school may employ assistant teachers other than teachers on the recognised staff as required under the Rules, but such supernumerary assistants must be trained teachers or qualified under rule 78. A supernumerary lay assistant must be paid by the conductors a salary not less than the minimum of the scale to which the teacher would be entitled as an assistant teacher in a classification school.

(2) Subject to the provisions of section (1) of this rule being fulfilled supernumerary assistants, who give full-time service as such, are entitled to the following privileges:—

* For the purpose of rule 88 the recognition of a lay assistant teacher means recognition during the period from the date of appointment to the date from which the actual average daily attendance for the calendar year is insufficient, under rule 103(1), for the continued recognition of the teacher.

- (a) the recognition of their service for the purposes of probation and of the teaching diploma;
 - (b) the recognition of their service in respect of claim for first appointment, or re-appointment in national schools.
- (3) A substitute cannot be recognised for a supernumerary assistant teacher during absence from school duty owing to illness or other cause. Subject to the terms of rule 112(1) absence owing to illness for a period not exceeding 31 days in any calendar year may be reckoned for the purposes mentioned at section (2)(a) and (b) of this rule.

Teachers whose School Work has been Estimated as "Not Satisfactory".

106. (1) Teachers whose school work does not reach a satisfactory standard may have recognition withdrawn from them or be dealt with otherwise as the Minister may determine.

(2) Recognition is not withdrawn from a teacher under this rule before he has had ample opportunity of remedying the defects in his teaching.

(3) Recognition is not withdrawn from a teacher under this rule on the reports of one inspector only; before recognition is finally withdrawn his work in all the standards for which he is responsible is inspected by the Divisional Inspector or by one of the Deputy Chief Inspectors or by the Chief Inspector.

(4) Should it appear necessary to withdraw recognition from a teacher under this rule a formal statement of the grounds on which it is proposed to take such action is furnished direct to the teacher. Any representations or explanations which he may submit in his own behalf are carefully considered by the Minister before final action is taken.

Incorrect Averages Furnished by Teachers, and Recovery of State Grants Overpaid to Teachers.

107. (1) Where the returns of averages of enrolment and/or averages of attendance include in their calculation the enrolment and/or attendance of pupils who were ineligible under the Rules for enrolment or who were transferred from another national school in contravention of subsection (4) of section 6 of the School Attendance Act 1926, the enrolment and attendance of such ineligible pupils shall be disallowed for the purpose of the payment of salary and other grants to the teaching staff.

Where the furnishing of incorrect averages of enrolment and/or average attendance affects the payment of State Grants, the Minister may recover, by refund on the part of the teacher concerned or by deduction, in whole or in part, from the salary or grants payable or which may become payable under the Rules to the teacher in respect of service as a national school teacher, any resulting overpayment of State grants made to another teacher from the Vote for Primary Education

and such refund or deduction may be made in one sum or in several sums or instalments as the Minister may decide.

(2) Where an overpayment in salary or grants in respect of service in a national school is made to a teacher, such overpayment may be recovered by refund on the part of the teacher or by deduction from salary or grants payable to the teacher, or which may become payable to him from the Vote for Primary Education, and such refund or deduction may be made in one sum or in several sums or instalments as the Minister may decide.

Teachers who Falsify the School Records or Conduct Themselves Improperly.

108. (1) Where the Minister is satisfied that a teacher

(a) has conducted himself improperly, or has failed or refused to comply with the Rules or to discharge his duties under the School Attendance Act 1926,

or

(b) has falsified or collaborated with another teacher in falsifying the records of a national school,

or

(c) has not complied with, or has collaborated with another teacher in not complying with any of the provisions of the Rules with regard to the keeping of the school records, with the object of establishing or maintaining an average of enrolment and/or an average of attendance, or of altering the average of enrolment and/or the average of attendance at the school, for the purpose of affecting the payment of State grants,

the teacher is dealt with as the Minister may determine, Penal action, including prosecution, withdrawal of recognition in the capacity in which the teacher is serving, or in any capacity as a teacher, withdrawal or reduction of salary, may be taken when in the opinion of the Minister such action appears warranted.*

(2) Before action as set forth in section (1) of this rule is taken the teacher is afforded an opportunity of forwarding any statement he may desire to submit in his defence.

Salary in whole or in part may, however, be withheld at the discretion of the Minister pending full investigation of the circumstances of the case.

Re-appointment of Teachers from whom Salary has been Withdrawn.

109. In the case of teachers from whom salary has been withdrawn, the Minister determines whether they shall be recognised if proposed for re-appointment.

* See Schedule VII for the official procedure in cases of irregularities in school records.

Teachers not Permitted to Engage in any Occupation or Office tending to interfere with their usefulness as Teachers.

110. (1) Teachers are not permitted to carry on or engage in any business or occupation or to be members of any association or to undertake any office or function tending to interfere with the satisfactory discharge of their duties as teachers.

(2) Whilst teachers are permitted to be members of county councils or other statutory local bodies, they shall not absent themselves from their schools during school hours or interrupt their school duties for the purpose of attending meetings or transacting other business arising out of their membership of such bodies, except as provided in section (3) of this rule.

(3) Teachers who are members of School Attendance Committees under the School Attendance Act, 1926, or of Scholarship Committees, Vocational Education Committees, Library Committees or School Medical Service Committees established under county, borough or urban councils may, with the permission of the manager, be absent from school during the whole or part of a school day, for the purpose of attending a meeting of such committee.

Arrangements should, however, be made to ensure that a school will not be closed to enable a teacher to attend such meetings.

(4) Payment of salary may be allowed to a teacher for absence from school under the conditions specified in section (3) of this rule provided that he has been absent from school on not more than six occasions for such cause during a school year, or on not more than ten occasions if the absence on all of these occasions was for the purpose of attendance at meetings of a Vocational Education Committee, and that the Minister is satisfied that his absences were reasonable and necessary. This limitation does not apply in respect of attendance at meetings of School Attendance Committees under the School Attendance Act 1926.

(5) Teachers are forbidden to keep, or to act as assistants in keeping, publichouses or houses for the sale of spiritous liquors.

(6) A member or officer of a school committee (see rule 14) cannot be recognised as a national teacher.

Teachers may Act as Presiding Officers or Polling Clerks.

111. The employment of teachers as presiding officers or polling clerks in polling booths at a contested Dail Election or Presidential Election or Local Election or at a Referendum is not prohibited, except where absence owing to such employment would involve the closing of the school. If a teacher absents himself from school in order to act as presiding officer or polling clerk, or for any other purpose in connection with an election, salary cannot be allowed for the day or days of such absence.