



Newsletter

Issue 10: February 2011

Tel.: 1850 407 200 / (01) 629 2462 E-mail: info@cpsma.ie

Please photocopy and distribute to members of the Board of Management (BoM).

A copy has been sent to the Principal.

This Newsletter is also available on the CPSMA website at www.cpsma.ie.

ENROLMENT POLICY REVIEW¹

[This note is for guidance only and does not purport to be a legal interpretation]

In light of recent decisions of the Supreme Court,² High Court³ and the Equality Tribunal,⁴ Boards of Management are advised to review their enrolment policies. The following template may be used by a BoM to assist with this review.

	Questions	Y/N	If Not....
	Does the BoM have an Enrolment/Admissions policy in place?		Section 15(2) (d) <i>Education Act</i> , 1998 provides that a Board shall <i>publish, in such manner as the board with the agreement of the patron considers appropriate, the policy of the school concerning admission to and participation in the school...</i> If there are a number of Catholic schools within a parish boundary, a common enrolment policy (subject to the approval of the Patron) may be drawn up among those Catholic schools to ensure that applicant children get priority in the nearest or local school.
	Does the policy document include/refer to?:		
A	Title of Policy		State [Name of School] 'Enrolment Policy'
B	Introductory Statement		State how the policy was formed and who was involved.
C	Mission Statement		Clearly state the link between this policy, other relevant school policies and the Catholic ethos of the school. An educational establishment does not discriminate if it admits children of one particular religious denomination in preference to others, or if it refuses to admit a child who is not of that denomination, provided any such refusal is essential to maintain the ethos of the school. ⁵
D	Rationale		State why it is necessary to devise such a policy.
E	Aims		State ideally what the school seeks to achieve by having the policy in place.

¹ It should be noted that the DES has commenced initial preparatory work for developing a regulatory framework for enrolment.

² *Board of Management of St. Molaga's National School –v- The Secretary General of the Department of Education and Science and Others* [Appeal No: 234/2009] partially heard

³ *Lucan Educate Together v The Secretary General of the Department of Education and Science & Others* [2008] No.287 JR.

⁴ *Stokes v Christian Brothers High School Clonmel* DEC-S210-056 (subject to appeal)

⁵ Section 7(3)(c) *Equal Status Act*, 2000

<p>F</p>	<p>General Information Section⁶</p>	<p>Include:</p> <ul style="list-style-type: none"> • Name, address and contact details of school • Denomination/Name of Patron • Type of school e.g. Co-educational, single sex, ethos, etc. • Number of teachers & range of classes taught • Curriculum offered • Funding e.g. Oireachtas funding and DES grant assistance
<p>G</p>	<p>Application Procedure</p> <p>General Points to note</p>	<p>Clearly state how, when and by what means a parent/guardian should apply for enrolment e.g. application form.</p> <p>(a) PPS numbers should not be requested at the time of application unless a specific request for resources is being made to the NCSE⁷ at that time. Any such general request at enrolment is contrary to current Data Protection legislation.</p> <p>(b) Schools may... <i>as a condition of so registering such child, require his or her parents to confirm in writing that the code of behaviour so provided is acceptable to them and that they shall make all reasonable efforts to ensure compliance with such code by the child.</i>⁸</p> <p>(c) Admission of Junior Infants normally takes place on the first day of the academic year. Any child who has not reached his/her fourth birthday cannot be enrolled at any time.⁹</p> <p>(d) The BoM of a school must make a decision¹⁰ in respect of an application within 21 days of receipt of such application. Where a school <u>reasonably requires further information</u>, the policy should state that the application will not be treated as being complete until such time as all requested information, has been received. Schools should therefore clearly state what information and documentation is required.¹¹</p> <p>(e) The Board may wish to specify that Junior Infants must be four years old by/on a certain</p>

⁶ See cpsma.ie/school_policies/enrolment for further information

⁷ National Council for Special Education

⁸ Section 23(4) of the *Education (Welfare) Act, 2000*

⁹ Rule 64 of the *Rules for National Schools & DES Primary Circular 24/2002*

¹⁰ Section 19(3) of the *Education (Welfare) Act, 2000*

¹¹ Where applicable, requests in respect of guardianship, custody and access arrangements on behalf of parents should be supported by a written letter from a solicitor. See, CPSMA Newsletter/Issue 8. November 2010/Family Law Guidance Note.

		<p>date e.g. where the number of applications in any given year exceeds the availability of places. In the case of pupils applying for enrolment in other streams, the BoM should provide for enrolment at any time. Boards should exercise caution when taking applications throughout the year and are reminded of the requirement to give a decision to the applicant parent/guardian within 21 days of the application being made.¹²</p>
H	Decision Making Process	<p>The policy should clearly state that decisions will be given in writing within 21 days of receiving a complete application.¹³</p>
I	Enrolment Criteria	<p>In regard to criteria for enrolment, the priority order in which children will be accepted, in situations where schools may be oversubscribed, should be clearly stated.</p> <p>Suggested Criteria (adapt to suit circumstances):</p> <ol style="list-style-type: none"> 1. Children from [Name of other school]: This covers schools whose intake comes primarily from an infant, junior or other school 2. Sisters and/or brothers of pupils currently in the school. This will depend on the type of school e.g. single sex schools 3. Catholic children living within the parish boundary 4. Catholic children living outside the parish boundary who do not have a Catholic school within their own parish boundary 5. Other children living within the parish boundary 6. Other children living outside the parish boundary 7. Children of current staff, including ancillary staff. <p>In the event that there are more applicants within any category than there are available places, priority will be given to children within the particular category in order of age, starting with the oldest.</p> <p>Schools should ensure that criteria used do not directly or indirectly discriminate against an individual applicant or any group of applicants.¹⁴</p>

¹² Section 19(3) *Education (Welfare) Act, 2000*

¹³ Section 19(3) *Education (Welfare) Act, 2000*; [See cpsma.ie/school_policies/enrolment/decision_making for further information on the process to be followed by the BoM]

¹⁴ Section 3(2) *Equal Status Acts, 2000-2008*. See also *CPSMA Newsletter/Issue 2 November 2009/Equal Status Acts 2000-2004, Note.*; *Stokes v Christian Brothers High School Clonmel* DEC-S210-056 (subject to appeal)

J	Enrolment of Children with Special Needs	<p>Mainstream Schools (General)</p> <p>Mainstream Schools with Special Classes and Units</p> <p>Special Schools</p>	<p>As a general principle, enrolment of children with a disability or special educational needs cannot be deferred or postponed until additional resources have been approved or allocated by the DES or SENO.¹⁵ All relevant information and reports should be requested to support the application, thereby enabling the BoM to make a prompt and informed decision.¹⁶ The decision taken should always be in accordance with the agreed enrolment policy.</p> <p>Schools with special classes and units for children with Special Educational Needs [SEN] should provide clear guidance to applicant parents/guardians on how places in these classes are allocated e.g.</p> <ol style="list-style-type: none"> (1) Priority will be given to children currently enrolled in mainstream classes in the school with a professional report recommending placement (2) Children currently enrolled in special pre-schools attached to the school will be given priority over external applicants. The status of such pre-schools should be clearly established and stated e.g. private or State sponsored. (3) Other children with special needs who do not fall into either category 1 or 2 above. <p>In categories (1) & (2) these students may already be registered students of the school.</p> <p>As a priority, the policy should detail the range of disabilities and services catered for in the special classes and/or units. In this regard, the school needs to be very clear to whom, by whom and to what level, non-educational services can be provided.</p> <p>In certain cases the DES is prescriptive as to entry criteria for some classes and units and these should be stated accordingly.</p> <p>Special schools should state clearly the categories of SEN¹⁷ they cater for and the specific requirements for entry to the school i.e. the need for an applicant child to have a professional report confirming the diagnosed SEN and recommending placement in a special school.¹⁸ It should be noted that enrolment practices and resource</p>
---	------------------------------------------	---------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

¹⁵ Special Education Needs Organiser.

¹⁶ See [cpsma.ie/school_policies/enrolment/Enrolment of Children with special Needs](http://cpsma.ie/school_policies/enrolment/Enrolment_of_Children_with_special_Needs) p.4 and EPSEN Act note p.12

¹⁷ Special Educational Needs

¹⁸ DES Circular 38/2010

			allocations in special schools are currently under review by the DES/NCSE.¹⁹
K	Refusal to enrol on grounds of ‘Exceptional Circumstances’		<p>A BoM can only refuse to enrol in compliance with its agreed policy. The BoM can reserve in its enrolment policy the right to refuse enrolment in exceptional circumstances e.g.</p> <p>(a) The pupil has special needs such that, even with additional resources available from DES, the school cannot meet such needs and/or provide the pupil with an appropriate education</p> <p>or</p> <p>(b) In the opinion of the BoM, the pupil poses an unacceptable risk to other pupils, school staff and/or school property.</p> <p>Boards should only seek to rely on this clause in rare and exceptional circumstances. Schools should be aware of the right of a parent/guardian to appeal the decision of the BoM.</p>
L	Right of Appeal		<p>Section 29 of the <i>Education Act 1998</i>²⁰ provides for a right of appeal against a decision to refuse enrolment.²¹ The policy should state how, when and by whom parents/guardians are informed of their right to appeal a decision of the BoM in relation to a refusal to enrol. It should also state who has responsibility for preparing a response for the Appeals Committee if and when an appeal is initiated. Following a decision of the Supreme Court,²² Boards should note that, in an appeal under Section 29 of the Education Act 1998, an Appeals Committee can substitute its decision for that of the BoM and may make such recommendations to the Secretary General of the DES as it considers appropriate.²³</p>
M	Pupil Transfer		<p>Pupils may transfer to the school at any time subject to the school’s enrolment policy and available space. BoM should be aware that the enrolment, which determines the teaching allocation of a school each year, is determined by the enrolment as of 30th September in the previous school year.</p>

¹⁹ National Council for Special Education

²⁰ as amended by section 4 of the *Education (Miscellaneous Provisions) Act, 2007*

²¹ The procedure is set out on the DES website ‘www.education.ie’ and in DES Circular 22/2002

²² *Board of Management of St. Molaga’s National School –v- The Secretary General of the Department of Education and Science and Others* [Appeal No: 234/2009 partially heard;

²³ *Lucan Educate Together v The Secretary General of the Department of Education and Science & Others* [2008] No.287 JR. Judge O’Keeffe stated that the appeal committee “cannot strike down or disregard a provision in the enrolment policy of the school and substitute what it may consider as appropriate.”

			Schools should note that the legal obligation to share information in relation to attendance and educational progress has effect only when the child has been put on the register of the second school and not before. ²⁴ Any sharing of information prior to registration could be in breach of Data Protection legislation. ²⁵
N	Code of Behaviour		A school should append to its enrolment policy, a copy of its Code of Behaviour and any other policy referred to in its enrolment policy. Section 15(2)(d) of the <i>Education Act, 1998</i> provides that the enrolment policy should outline the policy in relation to suspension and expulsion in accordance with NEWB Guidelines. ²⁶
O	Review		The policy document should note when, how and by whom the policy will be monitored and reviewed.
P	Approval of Patron		Section 15(2)(d) of the <i>Education Act 1998</i> requires a Board of Management to <i>publish, in such manner as the board with the agreement of the patron considers appropriate, the policy of the school concerning admission to and participation in the school, including the policy of the school relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special educational needs, and ensure that as regards that policy principles of equality and the right of parents to send their children to a school of the parents' choice are respected and such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerned, are complied with.</i>
Q	Ratification		On receipt of approval from the Patron, the revised policy should be approved at a meeting of the BoM, signed by the Chairperson, dated and retained with the minutes of the particular meeting.
R	Communication/Circulation of Policy		Revised copies/updates should be made available on-line and/or issued in hard copy on request to parents/guardians. New applicants to the school should be given a hard copy of the enrolment policy.

²⁴ Section 20(5) of the *Education (Welfare) Act, 2000*

²⁵ Further information pertaining to valid enrolment and transfer of pupils between schools is available in DES Circular 24/2002

²⁶ NEWB 'Developing a Code of Behaviour: Guidelines for schools(2008)