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*Number 9 of 2007*

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**EDUCATION (MISCELLANEOUS PROVISIONS) ACT 2007**

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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
  2. Amendment of section 2 of Act of 1998.
  3. Amendment of section 13 of Act of 1998.
  4. Amendment of section 29 of Act of 1998.
  5. Amendment of section 53 of Act of 1998.
  6. Amendment of Act of 2000.
  7. Transfer of lands from City of Cork Vocational Education Committee.
  8. Expenses.
  9. Short title, collective citation and commencement.
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[No. 9.] *Education (Miscellaneous Provisions) [2007.]  
Act 2007.*

ACTS REFERRED TO

Education (Welfare) Act 2000	2000, No. 22
Education Act 1998	1998, No. 51
Education Acts 1878 to 2001	
Education for Persons with Special Educational Needs Act 2004	2004, No. 30



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*Number 9 of 2007*

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**EDUCATION (MISCELLANEOUS PROVISIONS) ACT 2007**

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AN ACT TO PROVIDE FOR CERTAIN CHANGES IN THE HEARING OF APPEALS UNDER SECTION 29 OF THE EDUCATION ACT 1998, TO PROVIDE FOR CERTAIN CHANGES IN THE FUNCTIONS PERFORMED BY THE INSPECTORATE UNDER SECTION 13 OF THAT ACT, TO MAKE PROVISION WITH REGARD TO ACCESS TO CERTAIN INFORMATION UNDER THAT ACT, FOR THOSE AND OTHER PURPOSES TO AMEND THE EDUCATION ACT 1998 AND THE EDUCATION (WELFARE) ACT 2000, TO PROVIDE FOR THE TRANSFER OF CERTAIN LANDS AND TO PROVIDE FOR RELATED MATTERS.

[31st March, 2007]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“Act of 1998” means the Education Act 1998;

“Act of 2000” means the Education (Welfare) Act 2000;

“Minister” means the Minister for Education and Science.

2.—Section 2 of the Act of 1998 is amended, in subsection (1), by inserting the following definition before the definition of “articles of management”:

Amendment of section 2 of Act of 1998.

“ ‘Act of 2000’ means the Education (Welfare) Act 2000;”.

3.—Section 13 of the Act of 1998 is amended—

Amendment of section 13 of Act of 1998.

(a) in subsection (3), by deleting paragraphs (a)(ii) and (h),

(b) by deleting subsection (4), and

(c) by adding the following subsections:

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

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

Amendment of section 29 of Act of 1998.

4.—Section 29 of the Act of 1998 is amended—

(a) in subsection (1)—

(i) by substituting the following paragraph for paragraph (c):

“(c) refuses to enrol—

(i) a student in a school, or

(ii) a student to receive instruction on the curriculum through Irish in a school, if that school provides for the teaching of subjects on the curriculum through Irish for some or all of its students, or”,

and

(ii) by inserting “, subject to subsection (4D),” after “Department of Education and Science and”,

(b) by substituting the following subsections for subsection (4) and subsection (4A) (inserted by the Act of 2000):

“(4) In hearing and determining an appeal under this section against a decision to which subsection (1)(a) or (b) applies an appeals committee shall have regard to—

(a) the nature, scale and persistence of any behaviour alleged to have given rise to, or contributed to, the decision made by or on behalf of the board,

(b) the reasonableness of any efforts made by the school to enable the student to whom the appeal relates (the ‘student concerned’) to participate in and benefit from education,

(c) the educational interests of the student concerned and the desirability of enabling the student as far as practicable to participate in and benefit from education with his or her peers,

(d) the educational interests of, and the effective provision of education for, other students of the school and the maintenance of a classroom and school environment which is supportive of learning among the students of the school and ensures continuity of instruction provided to