

IRELAND

Overview

The efforts of the British administration of Ireland, over the course of the nineteenth century, to create a non-denominational educational system (Akenson) was resisted not only by Catholic authorities but also by many Irish nationalists. This led to a belief, on the part of some of those who wrote the Irish Constitution of 1922, that the role of the State in education should be limited (Farren); one of them later wrote that “when the State starts to be schoolmaster, it ceases to be neutral and liberal, it begins to inculcate a creed and to suppress all cultural rivalry and diversity, it becomes a monopolistic Church backed by physical force and overwhelming economic pressure. We in Ireland – Catholic, Protestant, or Jew – are determined to resist any State-imposed ideology” (Alfred O’Rahilly, quoted by Glendenning 1999, 28).

In most developed societies, nonpublic schools exist alongside the public school system as an alternative for those parents who seek for their children an education based upon a specific worldview. By contrast, in Ireland government-operated schools are few and the vast majority of schools are denominational. The Irish system of ‘national schools’ is a State-funded but privately-operated system by contrast with the more typical State-owned and administered system.

As a result of this unusual arrangement, the Irish educational system depends upon a high degree of consultation and compromise, with plentiful ambiguities. Recent legislation is leading to a more formalized system, with predictable adjustment difficulties. The legislation is in part a response to significant social changes which have introduced greater complexity into the provision of schools generally, including a growing diversity of school provision in response to parental demands.

The Structure of Schooling

The *Education (Welfare) Act* of 2000 created a Board to ensure that each child attend a recognised school or receive a certain minimum education, and to assist in the formulation and implementation of the policies and objectives of the Government. The composition and operation of Boards of Management should reflect and promote public accountability to the immediate community served by the school and to the State as the predominant source of funding for schools. In the case of Roman Catholic primary schools, persons nominated shall have a commitment to the ethos of the school and the community/parish served by the school and shall have an understanding of and commitment to Catholic education as outlined in the Deed of Trust for Catholic Schools.

The Board promotes the benefits to be derived from education, creates an environment in recognised schools that encourages children to attend school, conducts research into the reasons for non-attendance on the part of students and into strategies and programmes designed to prevent it, advises and assists children and the parents of children who exhibit problems relating to attendance at, and behaviour in, school, advises the National Council for Curriculum and Assessment as respects those aspects of the school curriculum that are likely to have an effect on attendance levels at, or the extent of student participation in school (www.irlgov.ie/educ/act22-00).

In the past two decades, significant social changes have introduced greater diversity and complexity into the provision of schools generally. It may be concluded that the system of national schools is a State-

aided system by contrast with a State-owned and administered system. In latter years, however, there is a growing diversity of school provision in response to parental demands.

The primary education sector is comprised of approximately 3,200 primary schools, 115 special schools and 79 non-aided private primary schools, serving altogether approximately 500,000 children.

Denominational primary schools provide education for the vast majority (98 %) of children. These schools employ in excess of 20,000 teachers. More than 50 % of these schools have four or fewer teachers. Most primary schools are privately owned by the churches. In 1994 there were 2,998 Catholic schools, 190 Church of Ireland [Anglican] schools, 18 Presbyterian schools, 10 multi-denominational schools and one school each for the Methodist, Jewish and Muslim denominations. . . . Since . . . another 4 multi-denominational schools have been established (Glendenning 1996, 333n).

The first *multi-denominational school* was founded in 1978, placed under the management of a limited company without share capital. The establishment of this school was a landmark in Ireland as it was the first time in more than a century that a State-funded school had been set up independently of church control and management other than a special school for the mentally handicapped. Currently, the number of multi-denominational schools stands at sixteen. These schools cater for children of many different faiths and those children with no faith. They provide a core religious education programme for all pupils and they facilitate those parents who desire to ensure religious instruction (in one particular faith) for their children.

Special schools provide education for children with special educational needs for whom a variety of provision is in place. The Department owns the site and buildings of four of the special centres for young offenders; the Office of Public Works owns at least one special school while others are owned by Health Boards or by religious orders or voluntary bodies. In instances where the sites are privately owned, the State usually defrays 95 % of the cost of the buildings.

The small number of *State schools* include 9 model schools, about 60 schools which are vested in the Minister for Finance, about 30 newly established *gaelscoileanna* that are vested in the Minister for Education and Science and some State-owned special schools (Glendenning 1999, 30).

Gaelscoileanna (schools which teach through the medium of Irish) have evolved from parental initiative. They are not parish schools and so do not have access to a local school site in the parish or to local contributions. The Department buys the site and provides 100 % of the capital building programme. In contrast with denominational and multi-denominational schools, the State is the owner of the *gaelscoileanna* but it is not their patron. These schools may opt for diocesan patronage, or that of a nationwide patronage body. Currently, 125 *gaelscoileanna* exist at primary level of which 108 are in the Republic and the remainder in Northern Ireland. The demand for these schools is increasing rapidly. Some unrecognised schools, it appears, also exist.

Most secondary schools are owned by religious orders or communities, diocesan authorities, boards of governors, or private individuals. The Intermediate Education (Amendment) Act of 1924 provided for the payment of capitation grants for each pupil in a recognized secondary school. No State funds were expended on the building and contents of these schools until 1964. With increased State funding came partial State control, although school ownership and the appointment and retention of teachers remained with the school authorities.

From the late 1950s onwards, the power of the State increased gradually in these schools as a consequence of a number of factors including the extended role of various Ministers for Education, the payment of State capital grants, and the introduction of free secondary education.

It is the Education Act 1998, however, which marks the first substantive legislative intervention in secondary education. However, the Intermediate Education (Ireland) Act 1878, and the Intermediate Education (Amendment) Act 1924 are still germane to these schools which currently educate approximately 61 % of all second level students.

Vocational schools, by contrast, are commonly owned by the State and administered by local authorities. The emergence of a new administrative framework for technical or vocational education in the twentieth century, had its origin in the two previous centuries. Technical education was transferred to the Department of Agriculture and Technical Instruction. The system of technical education was altered by the Vocational Education Act 1930.

The State owns the schools, having provided the full cost of the school site and the buildings. It also defrays the full costs of new buildings and renovations. However, the schools are administered by local boards. Although technically non-denominational, vocational schools include religion as part of the curriculum. In common with other teachers, religion teachers are paid by the State. It is estimated that these school currently educate approximately 26 % of all second level students.

Comprehensive schools are a State initiative in second-level education. Trusts for education were set up and three new comprehensive schools were opened. These schools are built and maintained totally out of State funds; while owned by the State, they are leased to trustees under a deed of trust for educational purposes.

Currently there are 16 comprehensive schools in existence. These schools have proved particularly attractive to the Protestant church because of their resourcing implications as they do not have the backing of the religious orders to finance their schools. The establishment of comprehensive schools heralded the introduction of community schools in 1972.

Community schools were a significant landmark in Church/State compromise for Irish education which proposed to fuse a private denominational educational sector (voluntary secondary schools) with a public non-denominational one (vocational schools). Some existing schools would amalgamate to form a community school while new schools would be opened in other areas (referred to as green field schools). These schools educate approximately 13 % of all second level students.

Community colleges are a concession to the concern of local vocational education authorities about the continuation of their role in the provision of non-denominational schooling. A compromise was achieved whereby a number of new schools, community colleges, would be set up under the control of the local boards but run on similar lines as community schools.

It is obvious that, apart from vocational education and the few “community colleges,” local government has little control over the provision of schooling.

The Legal Framework

Article 42 of the Irish *Constitution* of 1937 provides the basis framework for the arrangements that have only recently been specified in legislation.

The State acknowledges that the primary and natural educator of the child is the Family and guarantees to respect the inalienable right and duty of parents to provide . . . for the religious and moral, intellectual, physical and social education of their children.

Parents shall be free to provide this education in their homes or in private schools or in schools recognized or established by the State.

The State shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the State, or to any particular type of school designated by the State.

The State shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, moral, intellectual and social.

The State shall provide for free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative, and, when the public good requires it, provide other educational facilities or institutions with due regard, however, for the rights of parents, especially in the matter of religious and moral formation.

In exceptional cases, where the parents for physical or moral reasons fail in their duty towards their children, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

Clearly, the Constitution gives the state a secondary role in the provision of schooling, though it is to bear most of the financial burden of funding the Catholic and other nonpublic schools through which most children were and are educated. No conflict is seen between this arrangement and the official religious neutrality of the Irish State, expressed in the constitutional provision that “the State guarantees not to endow any religion” (article 42.2.2).

Until 1998 there was no legislative act governing the education system at first and second level. However, in December 1998, an Education Act was signed into law (Glendenning 1999, 7). This law, and subsequent legislation, seeks to build more procedural regularity and accountability into the existing situation, without fundamental change of the sort that occurred in the 1980s in England and Wales.

The Act provides a statutory basis for the education system at first and second levels. Universities and other higher education institutions are autonomous statutory bodies.

A wide variety of pre-school services is provided by or in association with voluntary and community groups, private business and individuals. The State’s role in existing non-Government provision is confined to: an element of funding (voluntary/community groups), inspection concerning basic standards (under the Child Care Act), and provision of training courses in institutions of further and higher education. Compulsory education starts at the age of 6. When pupils complete primary education (at the age of 12), they are admitted to the junior cycle of secondary level schooling. Parents may choose the school.

The Education (Welfare) Act of 2000 provides for the entitlement of every child in the State to a certain minimum education, the registration of children receiving education in places other than recognised schools, the compulsory attendance of certain children at recognised schools, the identification of the causes of non-attendance on the part of certain students and the adoption of measures for its prevention. It establishes the National Education Welfare Board and defines its activities. It repeals the school attendance acts 1926 to 1967 and provides for the amendment of the protection of young persons Act 1996 (www.irishgov.ie/educ/act22-00).

Freedom to establish non-state schools

It is possible to establish private schools which are State aided and the teachers in recognised schools are paid by the State. As already said, the State funds primary schools but not all of them. At secondary level, the local authority-run schools and the Community and Comprehensive schools (established since the 1980s onwards) are almost entirely State-funded and indemnified but the voluntary or confessional schools receive considerably less State funding. Most of the current and capital costs of primary schools are discharged by the State although it is supplemented by local contributions. There are 79 private primary schools which receive no State funding, but secondary level private schools do.

Special funding arrangements are also made for officially designated disadvantaged schools and for schools catering for children with special needs. Roman Catholic private schools are less favourably funded than Protestant private schools. Protestants may be considered a “minority group” in the Irish Republic, and in some areas are found in numbers insufficient to justify a Protestant school. In order to exercise their right to denominational education in accordance with parental wishes, many Protestant children must attend state-funded boarding schools. A “block grant” is disbursed annually by a special committee. It is a complex picture. The whole area of State funding of schools is currently being reformulated.

Home schooling

Home education is constitutional, provided minimum standards are met by parents. Article 42.2 of the 1937 Constitution provides: “Parents shall be free to provide this education in their homes or in private schools or in schools recognized or established by the State.” The State has the right to supervise such education.

This constitutional right was upheld by the High Court in a 1961 case and is subject to the State's obligation, “as guardian of the common good,” to require that the children receive a “certain minimum education moral, intellectual and social” which has not been defined in the Constitution, in statute or otherwise. Approximately 200 Irish families were practicing home schooling in 1995 (Glendenning 1999, 70n).

According to PART III of the Education (Welfare) Act of 2000 on Compulsory School Attendance a parent who chooses to educate his or her child in a place other than a recognised school, must apply to the National Educational Welfare Board to have the child concerned placed in the register.

The parent of a child who is being educated in a place other than a recognised school shall apply to the Board to have the child concerned registered in the register. An application specify the place at which the child receives the education to which the application relates, and comply with such requirements (if any) as may be prescribed by the Minister or developed by the Board with the approval of the Minister. An authorised person is to carry out, in consultation with the parent who made the application, an assessment of the education that is being provided, or that it is proposed will be provided, to the child, the materials used, or that it is proposed will be used, in the provision of such education, and the time spent, or that it is proposed will be spent, in the provision of such education. If, after assessment, the Board is of opinion that it is unable to determine the said matter, it shall, with the consent of the said parent, cause an authorised person to enter the place at which the child is being educated and observe the child receiving the education that is being provided to him or her, inspect such premises, equipment and materials as are used in the provision of education to the child, and carry out an assessment of the child, in the said place or such other place as the Board considers appropriate, as to his or her intellectual, emotional and physical development.”

School choice not limited by family income

As we have seen, article 42.3 of the Constitution guarantees that the State may not coerce parents “in violation of their conscience and lawful preference” to send their children to State schools or to any specific type of school designated by the State (Glendenning 1999, 94). As a result, government must provide the financial support to make it possible for parents to choose among schools. This includes, as noted, most current and capital costs, as well as the full cost of staff salaries. A local contribution toward operating costs is required, and in addition the State pays a grant (currently £60) per student annually. Frequently, the total amount does not meet the needs of the school and further funds have to be raised by the parish. Much depends on the wealth of the supporting parish which is generally reflected in the physical resources in the school.

Despite more favourable funding for disadvantaged schools, considerable distinctions in school resources persist. The abolition of the local contribution would bring much needed equity into the system.

No public funding is provided to the private primary schools that have not entered into agreements with the government.

The parental right of school choice also implies that public policy should be supportive of a diversity of educational offerings, and should ensure that they are within reach of parents of limited means. Thus “the State is required to respond equitably to the requirements of groups of parents who comply with the necessary criteria for the establishment and funding of schools, whether they are religious or secular schools” (Glendenning 1999, 115).

Protestants may be considered a “minority group” in the Irish Republic; they are a widely dispersed, dwindling population. In order to protect their right to denominational education in accordance with parental wishes, many Protestant children must attend boarding schools. The “block grant” which facilitates this education, currently amounts to approximately 3 million pounds and it is disbursed annually by a special committee. Recently, legal challenges have been raised to this preferential treatment (Glendenning 1999, 131).

One of the schools approved for public subsidy during the past decade is a Muslim school serving a largely immigrant population.

The *Constitution* requires that government supplement and give reasonable aid to private and corporate educational initiatives, and provide for free primary education, though it is not itself (according to an important ruling of the Supreme Court) required to educate. Article 44.2.4 provides that “legislation providing State aid for schools shall not discriminate between schools under the management of different religious denominations, nor be such as to affect prejudicially the right of any child to attend a school receiving public money without attending religious instruction at that school” (Nolan, 297).

Whereas in most countries public funding of denominational schools is an important protection for educational freedom and parental choice, the near-monopoly of publicly-funded Catholic schools in Ireland has created a situation in which the more important issue is to allow parents to make other choices. Perhaps the most significant development along these lines in recent years has been the preferential funding of Irish-language schools requested by parents. In the case of *gael scoileanna* with either permanent or temporary recognition, the State pays fully for the site and the building, as well as for salaries and operating expenses. In order to encourage these schools (and help maintain the Irish language), the State has provided a lower pupil/teacher ratio, free transportation, and salary supplements

for teachers. The requirement of a minimum number of pupils upon opening is also eased for these schools (Glendenning 1999, 124, 125).

This places these schools in a more favorable position than other schools, for which not all of these costs are covered and the sponsors must pay 5 percent of capital costs up to a maximum of £50,000. Newly-proposed *gaelscoileanna*, however, may not be in this favored position.

School distinctiveness protected by law and policy

Nonpublic schools seeking public subsidy must meet the requirements of section 10 of the Education Act 1998 (existing schools are “grandfathered”). Following a request by the sponsor (“patron”) of a school or a proposed school for subsidy, the Minister may grant recognition provided that certain conditions are met:

- . the number of students who are attending or are likely to attend the school is such or is likely to be such as to make the school viable;
- . in the case of a proposed school, the needs of students attending, or likely to attend the school cannot reasonably be met by existing schools;
- . the patron undertakes that the school shall provide the curriculum in accordance with section 30 of the Education Act;
- . the patron agrees to permit and co-operate with regular inspection and evaluation by government inspectors;
- . the school complies with health, safety and building standards;
- . the patron undertakes that the school will operate in accordance future regulations.

The Education Act of 1998, section 7, requires that the Minister of Education, in approving and overseeing subsidized schools, “have regard to . . . the practices and traditions relating to the organisation of schools or groups of schools existing” when the law was adopted, “and the right of schools to manage their own affairs” (complete text of the law found in Glendenning 1999, 489-527).

The curriculum to be prescribed by the Minister and offered in subsidized schools “shall have regard to the characteristic spirit of a school” and “shall ensure that the amount of instruction time to be allotted to subjects on the curriculum as determined by the Minister in each school day shall be such as to allow for such reasonable instruction time . . . for subjects relating to or arising from the characteristic spirit of the school” (section 30).

The decision in the *Campaign to Separate Church and State Ltd.* case clearly implies that State aid to denominational schools is constitutionally permissible and that it does not constitute endowment of religion within the meaning of Article 44.2.2 (Glendenning 1997, 137; 1998, 79-83).

Distinctive character

The Education Act 1998 gives explicit recognition to the need to protect the ethos of subsidized schools. The term used is “characteristic spirit,” which “determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school” (quoted by Glendenning 1999, 174).

Subsidized schools are required, “where practicable,” to have boards of management, appointed by the patron (sponsor--often the local bishop) and representative of various constituencies such as parents and teachers and with “an appropriate gender balance” (section 14). While this could potentially limit the

control of the patron, the law also requires that the board “uphold the characteristic spirit of the school and be accountable to the patron for so doing” (section 15b).

One of the stated objects of the Education Act of 1998 is “to promote the right of parents to send their children to a school of their choice having regard to the rights of patrons and the effective and efficient use of resources” (section 6e).

Given the preponderance of Catholic schools in an increasingly pluralistic and even secularized society, it is inevitable that questions have arisen about the right of conscience of pupils who are not Catholic. It is not difficult to arrange a right of excusal from specific religious ceremonies or from a religion class (perhaps with an alternative provided), but it is another matter if the entire curriculum and school life is permeated with a religious (or, one should add, a militantly secular) perspective. Yet this is precisely what any school with a distinctive ethos seeks to achieve. Catholic educators in Ireland call for an “integrated curriculum” in which religion is not simply a subject in the timetable a couple of times a week, from which a dissenting pupil might be excused.

This crucial aspect of the distinctive character of Catholic (and other) schools was recognized in the government’s curriculum guidelines in 1971. “The separation of religious and secular instruction into differentiated subject compartments,” the guidelines pointed out, “serves only to throw the whole educational function out of focus” (quoted by Glendenning 1999, 99). Though a rule was issued by the government in 1965, that formal religious instruction should be timetabled separately in order to permit the withdrawal of pupils, and this right of excusal is confirmed in the Education Act of 1998 (section 30e), this does not seem to prevent the whole curriculum having an “informal” though intentional religious coloring.

The *Report of the Constitution Review Group* (1996) found no easy resolution of this issue.

The conflict lies between the right of the child (exercised through its parents) not to be coerced to attend religious instruction at a publicly-funded school and the right of denominational schools, in receipt of such public funding, to provide for the fullness of denominational education through the medium of an integrated curriculum and other measures designed to preserve the religious ethos of a particular school (quoted by Glendenning 1999, 120).

In recent years, there is a growing diversity of school provision in response to parental demands. These schools include *gaelscoileanna* where the full educational programme is in the Irish language, multi-denominational or “Project” schools, and one Muslim school, all of which resulted from parental initiative. Such schools must comply with the ministerial rules for establishing schools.

Decisions about admitting pupils

Article 19 of the Education (Welfare) Act states that the board of management of a recognised school shall not refuse to admit as a student in such school a child, in respect of whom an application to be so admitted has been made, except where such refusal is in accordance with the policy of the recognised school concerned published under section 15(2)(d) of the Act of 1998. The Board of management, who manages the schools, is required by section 15 (2) (d) to “publish, in such manner as the board with the agreement of the patron considers appropriate, the school’s admission policy.” Generally, residence in the parish or vicinity of the school would be considered as a factor or element in this policy but parents have a constitutional guarantee of free choice of schools.

Among the duties of the board of a subsidized school is to “publish, in such manner as the board with the agreement of the patron considers appropriate, the school’s admission policy.”

A problem caused by the near-monopoly of Catholic schooling is to protect the right of non-Catholic parents to send their children to the school of their choice. School leaders may legitimately be concerned about maintaining what Irish law calls the “characteristic spirit” of their school if too many pupils are admitted who do not share the beliefs upon which it is based.

The Minister of Education is authorized to issue regulations governing the admission of pupils to subsidized schools (Education Act 1998, section 33g).

Decisions about staff

According to the appointment procedures for teachers provided in the Boards of Management of National Schools, all appointments of teachers in the school shall be made by the Board of Management in accordance with the Rules for National Schools and subject to the prior approval of the Patron and of the Minister for Education and Science.

The position of most teachers in Ireland is anomalous; they are employed by a board of management on behalf of the churches while, at the same time, they are classified as public servants. At the same time, unlike most of their European counterparts, who are paid directly by their employers, teachers in Ireland are paid directly by the State rather than by their employing board of management. Not only does government pay teachers, but it sets the terms and conditions of their employment, determines the required qualifications for employment, approves appointment and promotion, and inspects their professional work (Glendenning 1999, 359-62).

Teachers and other staff who are to be paid out of public funds are appointed by the board of management of a subsidized school, and may be suspended or dismissed by the board. The number of positions and the qualifications required must be approved by the government, and the procedures to be followed in cases of discipline of staff must be “agreed from time to time between the Minister, the patron, recognised school-management organisations and any recognised trade union and staff association representing teachers or other staff as appropriate” (*Education Act* 1998, section 24).

As this implies, the Minister issues regulations about the required qualifications of teachers (section 33c).

Because the great majority of employment opportunities are in Catholic schools, teachers who are not Catholic may be placed in a difficult situation “between two legally-established sets of rights: (a) that of the religious employing authority to carry on its educational mission in its school(s) according to its religious beliefs and practices; and (b) that of the individual teacher to freedom from discrimination in employment” (Glendenning 1999, 371). The Irish Supreme Court concluded, in a 1997 case, that, despite the general prohibition against treating citizens differently on the basis of their religious beliefs, occasions may arise when it is necessary to do so “in order to give life and reality to the constitutional guarantee of the free profession and practice of religion” (quoted by Glendenning 1999, 412-13).

The Employment Equality Act of 1998 accords a special status to schools [and religious and medical institutions] that are “under the direction or control of a body established for religious purposes or whose objectives include the provision of services in an environment which promotes certain religious values.” Such a school is not discriminating when “(a) it gives more favourable treatment, on the religion ground, to an employee or a prospective employee . . . where it is reasonable to do so in order to maintain the religious ethos of the institution, or (b) it takes action which is reasonably necessary to prevent an

employee or a prospective employee from undermining the religious ethos of the institution” (section 37). Similarly, the school management guidelines state that “a teacher shall not advertently and consistently seek to undermine the religious belief or practice of any pupil in the school” (quoted by Glendenning 1999, 418).

Teacher behavior outside of school can be grounds for dismissal if “might damage the school’s efforts to promote certain norms of behaviour and religious principles which it was established to foster” (Glendenning 1999, 430).

The *Teaching Council Bill* 2000 created a Council, whose purposes are

to regulate the teaching profession and the professional conduct of teachers,

to establish and promote the maintenance and improvement of standards.

According to article 43 of the this law, when a finding of unfitness to teach has been made by a panel established as defined by the law, the Disciplinary Committee may make a decision that the registered teacher shall be removed from the register of qualified teachers.

Article 29 of the *Teaching Council Bill* 2000 states that a person who is employed as a teacher in a recognised school but (a) is not a registered teacher, or (b) has been removed or suspended from the register, shall not be paid by the school for teaching out of public funds.

Accountability for school quality

As noted above, one of the conditions for acceptance as a subsidized school is agreement to submit to inspection by government representatives. The responsibilities of the Inspectorate are spelled out in the Education Act of 1998, section 13. Among other duties, an inspector is to

- . visit recognized schools . . . on the initiative of the Inspectorate, and, following consultation with the board, patron, parents of students and teachers, as appropriate . . .
- . evaluate the organisation and operation of those schools . . . and the quality and effectiveness of the education provided . . . including the quality of teaching and the effectiveness of individual teachers
- . evaluate the education standards in such schools
- . assist teachers in employing improved methods of teaching and conducting classes

Ireland has resisted employing another form of accountability for results which is prominent – and very controversial – in England and the United States. Under the *Freedom of Information Act* of 1997, the Minister of Education may refuse access to the overall results of pupils in a particular school in an examination and the comparative results of pupils in different schools (Glendenning 1999, 203).

Concerning assessment of pupils, there is no formal examination at the end of primary education. The Junior Certificate examination is taken at the end of the compulsory stage at the age of 15. Continuous assessment is the responsibility of teachers who use their own or standardized tests. Formal tests are generally taken at the end of each year at primary level and more frequently in the junior cycle of secondary education. Progression is automatic and only in exceptional cases do pupils repeat a year.

Students automatically progress from the junior cycle to the senior cycle in the same institution. The senior cycle offers a two-year course leading to one of three qualifications that prepare students either for employment or for further or higher education. Teachers administer tests during the year and students progress automatically in other than exceptional circumstances. External examinations are taken at the

end of the two-year-cycle or at various stages during the two-year programme in the case of the Leaving Certificate Applied Programme.

Teaching of values

The boards of subsidized schools are required, in their oversight of the instruction and school life, to “have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions and ways of life in society” (Education Act 1998, section 15e). According to article 23 of the *Education (Welfare) Act 2000*, the board of management of a recognised school shall, after consultation with the principal of, the teachers teaching at, the parents of students registered at, and the educational welfare officer assigned functions in relation to, that school, prepare, in accordance with subsection (2), a code of behaviour in respect of the students registered at the school.

Article 44.2.4 of the *Constitution* requires that “Legislation providing State aid for schools shall not discriminate between schools under the management of different religious denominations, nor be such as to affect prejudicially the right of any child to attend a school receiving money without attending religious instruction at that school.”

It is not difficult to arrange a right of excusal from specific religious ceremonies or from a religious class. There is a conscience clause contained in section 30. 2. e. of the *Education Act 1998*. It provides: “the Minister (e) shall not require any student to attend instruction in any subject which is contrary to the conscience of the parent of the student or in the case of a student who has reached the age of 18 years, the student.” This right of excusal does not seem to prevent the whole curriculum having an “informal” though intentional religious coloring.

Subsidized schools, as noted above, are required to follow a national curriculum; sex education if the area where this is most likely to cause conflict. Irish law recognizes that all schools need not provide such instruction in the same manner or from the same perspective. Among the “functions of a school” as defined by the *Education Act* of 1998 is to “promote the moral, spiritual, social and personal development of students and provide health education to them, in consultation with their parents, having regard to the characteristic spirit of the school” (section 9d).

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