

FAQ on the drafting of a primary school's Admissions policy

1. Can a school still attach details about their school in the new Admissions Policy?

The Mission Statement and general objectives of the school can be inserted in Section 2 of the Admissions policy. Other additional documentation relating to general information about the school could be created separately. Such information/document could be placed on the school's website alongside the Admission policy or forwarded, as a separate document, with an enrolment application form.

2. Should a Mainstream school with, for example, a special class, a language class and an ASD unit have three separate Admission Policies?

No. All admissions, to either mainstream or special class, should be dealt with in the one Admission policy.

3. How are admissions, referred to in question 1 above, dealt with separately within the one policy?

A school must set out, in Section 4 of the template Admission policy, the category/categories of SEN catered for by the school/special class/unit. A school must ensure to tailor the template Admission policy to accurately reflect that particular school. Where such school is oversubscribed, separate criteria should be specified, in Section 6 of the template Admission policy, for each specific class setting e.g. Special class / mainstream.

4. Can waiting lists continue to operate?

[Department of Education & Skills \(DES\) FAQ to Circular 07/2020, Section 5, Question 10](#)

'What happens to waiting lists in existence prior to the commencement of the relevant provision on 1 February 2020?

Where applications or expressions of interest were received by the school before 1 February 2020 and where a school had also before 1 February 2020, confirmed in writing that the applicant had been placed on a list for the purposes of allocating school places in the year concerned, places on such waiting lists may remain valid and a school may apply a selection criterion based on such a waiting list. However, such waiting lists will cease to exist, as set out in the act, five years from the commencement of section 62 i.e. on 31 January 2025.'

5. Can a Gaelscoil continue to operate interviews for pupils prior to entry / prioritise Irish speaking pupils?

[DES FAQ to Circular 07/2020, Section 5, Question 13:](#)

'Can Irish Medium Schools give priority to Irish speaking students?

The act makes provision for Irish medium schools (where it is their policy to do so) to give priority in admission to students where the school is satisfied that the student has attained a level of fluency in the Irish language, and where such fluency would be likely to regress if the student were not admitted to an Irish medium school.

Key points to remember:

- *An applicant may, when making an application for admission to an Irish language school include a statement confirming that –*
 - *the student has attained a level of fluency in Irish and*
 - *that the student's fluency in Irish would be likely to regress if the student were not admitted to an Irish medium school.*
- *An applicant may provide whatever evidence they consider appropriate in relation to the student's fluency in Irish and may make the student available for interview or a meeting to demonstrate their level of fluency in Irish if they so wish.*
- *The Irish medium school cannot compel a student or his or her parents to attend for interview or a meeting for this purpose.*
- *The Irish medium school can only take into account the evidence provided by the applicant regarding the fluency of the student.*
- *The Irish medium school may not rank applicants on the basis of their relative fluency against other students who have also demonstrated their level of fluency in Irish. The school's selection criteria, as set out in their policy, must be applied where the number of such students is greater than the number of places available.*
- *Schools will also be required to take into account the special needs of the child in the context of the child's oral language fluency.'*

6. Can a school prioritise children of past pupils?

Yes. in the case of the school wishing to include selection criteria based on
(1) siblings of a student attending or having attended the school and/or
(2) parents or grandparents of a student having attended the school. In relation to
(2) parents and grandparents, a school may use this criterion to fill a maximum of
25% of the available places as set out in the school's annual admission notice.

7. May a school request copies of Special Educational Needs reports in advance of enrolment?

No, a mainstream school may not request copies of reports prior to enrolment .

However, in the case of admission to a special school or a special class, SEN reports may be requested to ensure that the applicant meets the criteria for the category or categories of special educational need provided by the school/special class.

– [see Section 7.8 Primary Circular 0056/2011](#)

8. May a school continue to prioritise children who have been baptised Catholic?

No.

9. May a school utilise parish boundaries when establishing criteria for oversubscription?

Yes.

10. Annual Admissions Notice - how does a school, which has never been oversubscribed, know what maximum figure to state as the maximum number of places being made available in junior infants?

The school should take a look at what it has in its existing Admissions policy and could consider, inter alia, pupil/ teacher ratio, Rule 43:2 of [Rules for National Schools](#) and retention figures for teachers. ([as per Staffing Arrangements in Primary Schools for 2020 /21 School Year: Circular 18/2020](#))

In certain circumstances a cap on numbers may exist. A school should seek the Patron's permission regarding any proposal to physically expand building or increase class streams.

11. May a school stipulate in its Admissions policy that it will not enrol a child who has behavioural issues where the school perceives a risk to health and safety?

No. Such a provision should not be included in a school's Admission policy.

12. May a school continue to state in its Admission policy that a child must not be less than 4 years on the 1st day of September of the school year for which they are applying?

Yes, all schools may state this, as it is provided for in the *Education (Admission to Schools) Act, 2018 (Admission Policies and Admission of Students) Regulations 2020 (S.I. No. 17 of 2020)*.

The selection criteria to be used by a school in drafting its Admission policy are a matter for each school to determine, in light of each school's own particular circumstances. Each school should ensure that each criterion is non-discriminatory and complies with the provisions of the *Education (Admission to schools) Act, 2018*.

Schools have discretion in relation to their selection criteria once it is not discriminatory or specifically prohibited by the Act. Age, as a criterion, is not prohibited by the Act.

However, it is important to remember that the Act requires schools to admit students seeking admission where they have places.

It is permissible for an oversubscribed school to give priority in the intake group to the earlier date of birth of the student or that the student has reached a minimum age.

This is subject in both cases to the student not being less than 4 years of age on the 1st September of the school year concerned.

13. If a child is on the junior infant intake waiting list and a place arises later in year (e.g. January), may they take up their place at that stage?

Section 62(7)(i) of the Act requires that an Admission policy provide, where a school is oversubscribed, that the school shall compile a waiting list of students whose applications for admission to the school were unsuccessful due to the school being oversubscribed, which shall remain valid for the school year in which admission is being sought.

Students are placed on the waiting list in order of priority after a school has applied its selection criteria.

In practice, this means that the applicant must remain on the waiting list for the duration of the school year for which admission is sought and must be offered a place should one become available during the school year.

It is then a matter for the parents of the child, having discussed the matter with the Principal, to decide whether it is in the best educational interest of the child to accept the offer of the place at that stage of the year.

14. Can you constitute a “Waiting List”, ranked from first to last, oldest children first?

The waiting list should be organised in line with oversubscription criteria.

15. Can you include a general statement in regard to 'an expectation or requirement that a child applying for a place in a mainstream class should be able to independently toilet?'

No, as to include such a provision may be interpreted as being discriminatory.

16. A school has 2 special classes and has set its criteria for these on the basis of mild to moderate learning difficulties, as agreed with DES. A child who does not fit the criteria, because s/he has much more serious learning difficulties, then decides to apply to the mainstream school. Is it true to say that there is nothing to stop him/her from joining the mainstream class, once there are available places?

The decision regarding school placement / setting, is one for parent following consultation with the school principal. A school cannot discriminate / refuse admission if a place exists in a mainstream school.

17. Can a senior school prioritise enrolment from children already enrolled in the junior school?

The Act does not prohibit the prioritisation of applicants on the basis of their attendance at a feeder school.

18. Can a school prioritise enrolment from children attending a pre-school on the same campus?

A school cannot prioritise such enrolments other than in relation to a student's prior attendance at

(a) an early intervention class, or

(b) an Early Start Preschool, specified in a list published by the Minister from time to time.)

19. Do Mainstream schools, with no special class(es), delete the text in Section 4 of the template Admissions policy?

This section only relates to Special schools or schools with special classes. Mainstream schools without special classes should delete all the options in this section and simply insert “**This section is not applicable to our school**” or “**Our**

school is not a special school and does not have a special class.” However, if a school has a special ASD class, this is where the school should state the specific evidence required for entry to the ASD class.

20. What type of arrangements are acceptable in the event that two or more students are tied for a place in any of the selection criteria categories?

Schools are asked to state what arrangements are in place for this scenario. The most common one stated is, priority to the eldest, for each criterion.

Another option to consider is the use of a lottery, in the event of a tie. A school should clearly state how such lottery would operate and should ensure that any such lottery is fair, open and transparent.

This FAQ is provided as an information guide only and should be read in conjunction with the the Education (Admission to Schools) Act 2018 (the Act). It is not a legal interpretation of the Education (Admission to Schools) Act 2018. Nor is it exhaustive in setting out the Act’s provisions and requirements. It is important for boards of management to note that legal advice may need to be sought in certain circumstances to ensure compliance with the legal requirements of the Act.