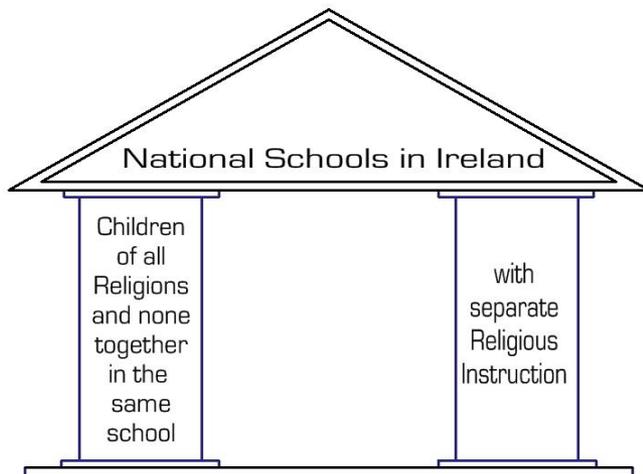


Irish National Schools' Trust presentation #2

A brief history of the National School
system from its origins in the Stanley
Letter of 1831

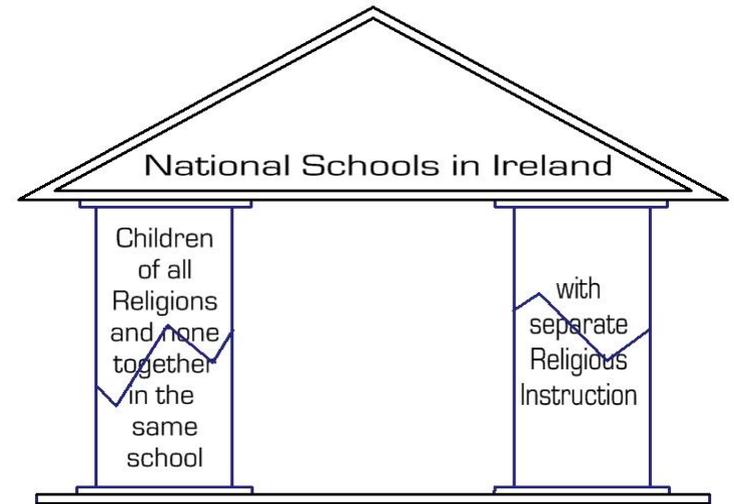
Legality and Illegality 2001

Legal Position Unchanged



The Two Pillars of the National School System

Illegality Beginning to Spread



The Two Pillars of the National School System



Ryan Report 2009 (Clerical Child Abuse)

"The failures by the Department that are catalogued in the chapters on the schools can also be seen as tacit acknowledgment by the State of the ascendancy of the Congregations.....The deferential and submissive attitude of the Department of Education towards the Congregations compromised its ability to carry out its statutory duty of inspection and monitoring of the schools.....The failures that occurred in all the schools cannot be explained by the absence of rules.....The rules were ignored and treated as though they set some aspirational and unachievable standard.....Not only did the individual carers disregard the rules.....but their superiors did not enforce the rules.....Neither did the Department of Education "

Recommendation relating to the Department of Education:

"A culture of respecting and implementing rules and regulations should be developed. Managers and those supervising and inspecting the services must ensure regularly that standards are observed."

To our knowledge, no protocols have been introduced in the Department of Education to address the issues raised in the Ryan Report.

Clontarf Report 2011

1. “Illegal Religious Discrimination in National Schools in Ireland”
2. Relevant legislation presently in place
3. Unchallenged to date

Forum on Patronage and Pluralism in the Primary Sector 2012

The term “National School” was used 70 times in the Report.

A key recommendation was that all schools, regardless of patronage, should be made suitable for attendance of children from all religious denominations.

The Report recommended that, where there was not adequate provision of schools suitable for all local children, there should be no religious discrimination in admissions policies.

Without specifying the Constitutional rights, the Report recommended that the Constitutional rights of children and their parents should be upheld in all schools

Implementation of its recommendations would have addressed nearly all of the difficulties developing since 1971.

Only the recommendation to change patronage is being implemented (on a very small scale) – with the (unintended by the Forum) consequence of creating an Apartheid system of State educational support.

Consideration might be given to the amendment of Section 7₅3(c)

CPSMA (Catholic Primary School Managers Association) Handbook 2012 ETHOS

10 sources for Ethos of a school:

8 issues of the The Sacred Congregation for catholic Education (1977 to 2009)

Documents of the Second Vatican Council. Gravissimum Educationis

Congregation for the Clergy (August 11, 1997) General Directory for Catechesis

Actual Ethos of a National School

Two Pillars of the National School system – from their foundation – to educate the poor of Ireland – to allow for State support without a hint of proselytism

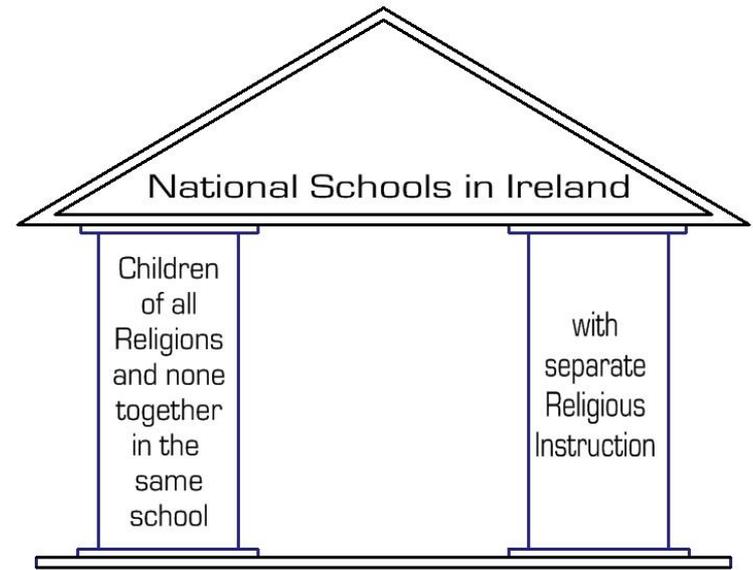
From the Stanley Letter

From the Constitution

From foundation

documents of each

School



The Two Pillars of the National School System

Equality Authority Draft Analysis of the Clontarf Report - 2013

It may be argued, however, that Article 44.2.4 necessarily implies *that a child may not be excluded on the basis of his or her religion, or on the basis that his or her parents object to the child receiving religious instruction in that school.*

“It is important to note that section 7 (of the Equal Status Act 2000) does not permit a blanket exclusion of all children not of the faith that the School professes.”

No study done of original documentary evidence in National Schools (only legal judgements, legislation and reports).

Joint Oireachtas Committee on Education and Social Protection 2013

Report on proposed legislation on schools admissions

Conclusion 2

Multiple patronage and ethos as a basis for policy can lead to segregation and inequality in the education system. The objectives of admission policy should be equality and integration.

Admissions to Schools Bill 2015 (draft)

Presently IRRELEVANT as regards Religious discrimination

Proposal to amend Section 7(3)(c) of the Equal Status Act 2000 to exclude schools in receipt of state funding from this section.

Admissions policies

Admissions policies

Standard National School Admissions policy – as used in our local school in Clontarf prior to 2003

1. Children of the catchment area (often the geographical-civil parish), and siblings of existing pupils in the school.
2. Children from outside the catchment area.
3. Where there are too many applicants, priority will be given to older children (“first come, first served” has also been common for this last criterion).

“Catholics First” Admissions policy

1. *Catholic children living within the parish and brothers and sisters of children already enrolled in the school.*
2. *Catholic children who live outside the parish and who do not have a Catholic school in their parish.*
3. *All children who live within the parish boundaries but are not Catholic.*
4. *Catholic children from outside the parish.*
5. *All children who apply to the school and are not Catholics and not resident in the parish.*

Catholic Patron – Dublin 2015



Enrolment Policy

Enrolment in Catholic primary schools in the Archdiocese of Dublin.

The Board is bound by the Department of Education and Skills' Rules for National Schools which provides that pupils may only be enrolled from the age of 4 years and upwards, though compulsory attendance does not apply until the age of 6 years.

In the event of applications for enrolment exceeding the number of places available, the following decision-making process will apply:

1. Catholic children living in the parish and brothers and sisters of pupils in the school
2. Catholic children living outside the parish who do not have a Catholic school in their own parish
3. Other children living in the parish
4. Other children living outside the parish

If the applications within categories exceed the number of places available, older children will have precedence.

Search on the website:

Search

Parental Rights

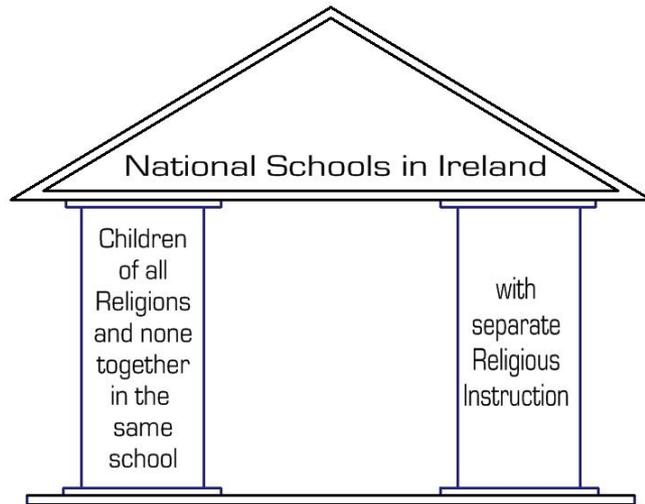
- Parents have a Constitutional right to send their children to a religiously exclusive school, but **only privately funded.**
- Parents **do not have a Constitutional right** to send their children to a religiously exclusive school which receives any state funding.
- The State is obliged to provide for free primary education, but **only in schools that are open to children of all religious denominations.**
- The State is **not allowed to provide any funding to a school that has a “Catholics First” admissions policy.**

Present Trends in National Schools

1. The term “National School” is disappearing.
2. General acceptance of religious discrimination
3. Children are forced to accept religious indoctrination against parents will
4. Children are being baptised to gain entry to schools
5. State is supporting religious discrimination, by creating schools specifically for non-Catholics
6. Efforts to create a religious Apartheid system

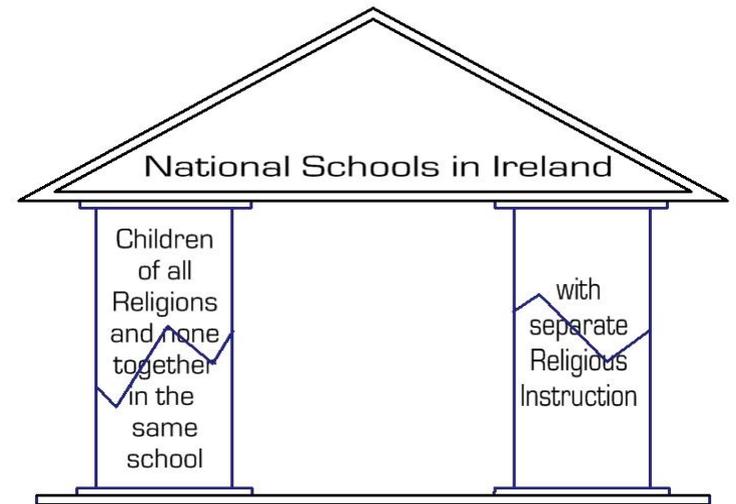
Legality and Illegality Today - 2015

Legal
Position
Unchanged



The Two Pillars of the National School System

Illegality
Spreading
Vigourously



The Two Pillars of the National School System

Ministerial Duties

Government Ministers do NOT have discretion as to whether or not to implement legislation or the Constitution.

Ministers (Education, Equality in this case) have a DUTY to implement existing legislation and Constitutional provisions.

Immediate Solution 1

Ministerial circular to all schools (under Section 33(g) of the 1998 Education Act)

:

In any school in receipt of any state funding or any public money, there shall be no discrimination in admissions policies on the basis a child's (or the child's parents') religious belief (or lack thereof).

Immediate solution 2

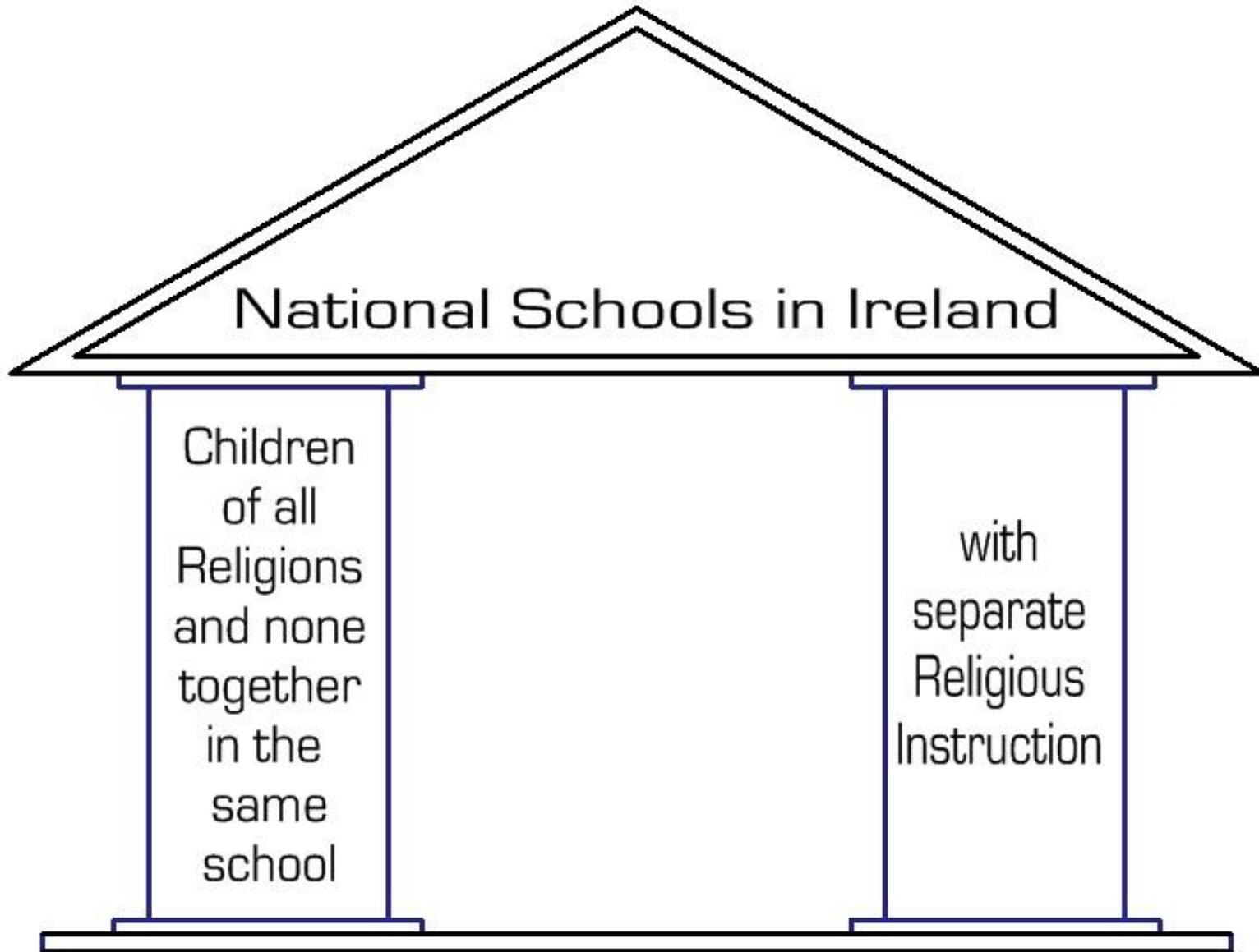
We would propose the following amendment be made to the Draft Bill (which already includes a proposal to amend the 1998 Education Act).

The 2015 School Admissions Bill should include (after the proposed amendment to the 1998 Education Act):

Section 7 (3) (c) of the Equal Status Act 2000 is hereby amended by substituting the following for subsection (3) (c)

*3. (c) where the establishment is a school providing primary or post-primary education to students and the objective of the school is to provide education in an environment which promotes certain religious values, it admits persons of a particular religious denomination in preference to others or it refuses to admit as a student a person who is not of that denomination and, in the case of a refusal, it is proved that the refusal is essential to maintain the ethos of the school - **this section shall not apply to any school in receipt of any state funding or public money.***

This addendum to Section 7(3)(c) should be incorporated in all other references to Section 7(3)(c) in the new School Admissions Act.



The Two Pillars of the National School System