

# 2. MY RIGHT TO EDUCATION

## 2.1 General

### Do I have a right to education?

Yes. All children and young people in Ireland have the right to education. This right is protected under the Irish Constitution. In addition, the Education Act 1998 requires the Government to make sure that everyone living in the State is guaranteed “a level and quality of education appropriate to meeting the needs and abilities of that person”. The Government must make sure that you receive a certain standard of education. This right is generally defined as covering primary and second-level education.

## 2.2 Early childhood care and education

### For parents and guardians When is my child eligible for free early childhood education?

Young children are entitled to one year of free pre-school care and education. This is called the Early Childhood Care and Education (ECCE) Scheme. Children are eligible for this if they are aged between 3 years 2 months and 4 years 7 months on 1 September of the relevant year. The ECCE scheme is available to all children for three hours a day during term times in the year before a child starts primary school. The Government pays for this scheme.

### Where can I go if I have a complaint about the childcare services that my child receives?

If you have a general complaint, you should first complain to the service provider or child-minder. If you are unhappy with their response, you may contact your local county childcare committee at [www.dcy.gov.ie](http://www.dcy.gov.ie). You can also contact Tusla's Early Years Pre-School Inspection Services at [www.tusla.ie](http://www.tusla.ie).

### Is childcare regulated?

All organisations providing crèche and pre-school services must be registered with and inspected by Tusla's Early Years Pre-School Inspection Services and must follow rules about hygiene, health and safety, and staffing. This applies to both public and private providers. Registered childminders who mind four or more pre-school children privately in their own home must also be registered and inspected.

### Where can I go if I am concerned about the safety of a child?

If you have any concern about the safety of a child, contact the Child and Family Agency or the Gardaí.

See section 4 of this guide for more details.

## 2.3 School attendance

### Do I have to go to school?

Yes. You must go to school from the age of 6 until you are 16 years old, or you have finished three years of secondary school. The only exception is if you are being educated at home.

### Do I have a right to be taught at home?

Your parent or guardian can choose to educate you at home. To do this, they must register you with the Child and Family Agency's Educational Welfare Services which will work with them to make sure that your education meets the required standard.

### Do I have to go school every day?

Yes. Your parent or guardian must make sure that you go to school every day and must tell the school and give a reason if you are going to be absent.



### What happens if I am sick or have other reasons for not going to school?

If you are unable to attend school, your parent or guardian should contact the school, preferably in writing, to explain why. If you miss 20 or more days in a school year or if your school is concerned that you are missing too many days, the school must tell the Child and Family Agency's Educational Welfare Services. If there is no clear reason for your absence, the agency may send someone to visit your parent or guardian to work out how to improve your school attendance.

## 2.4 Choosing a school and school admission

### Who decides which school I attend?

Your parent or guardian will usually decide which school you will attend. You do not have an absolute right to attend the school of your choice, but the State must provide you with a school near your home that meets your parents' or guardian's religious or philosophical beliefs. Schools do not have to admit a child if there are no places available. You do not have the right to choose which school you attend.

## What rules must the school follow in its admissions policy?

Each school must have an admissions policy which is available to the public. In general, schools cannot refuse to admit you based on any of the following equality grounds:

- gender
- marital or civil status
- family status
- sexual orientation
- religion
- disability
- race
- membership of the Traveller community.

There are some exceptions. For example, girls' schools are entitled to admit only girls. The same applies to boys schools. Also, religious or faith-based schools can give preference to pupils of that religion or faith.

## For parents and guardians Do I have a right to complain if my child is refused admission to a school?

Yes. If a school refuses to enrol your child, you may appeal the decision to the school's Board of Management. If this is unsuccessful, you can appeal to the Secretary General of the Department of Education and Skills. You can also ask for help from the Irish Human Rights and Equality Commission to make a complaint to the Equality Tribunal or the Ombudsman for Children. You will find contact details at the end of this guide.

## 2.5 School curriculum and exams Who decides what I learn at school?

The Minister for Education and Skills sets the curriculum (the subjects to be taught) taking into account the advice of the National Council for Curriculum and Assessment. Your school and teachers decide what you will learn from that curriculum every day at school.



## Do I have a right to choose my own subjects at school?

For your first eight years in school (from junior infants to sixth class), you will study the set curriculum (seven study areas, some of which are further divided into subjects).

The curriculum aims to:

- develop each child's potential to the full,
- encourage a love of learning, and
- help children develop skills they will use throughout their lives.

In secondary school you will be able to choose certain subjects within the curriculum. However, you must study English, Mathematics and Irish.

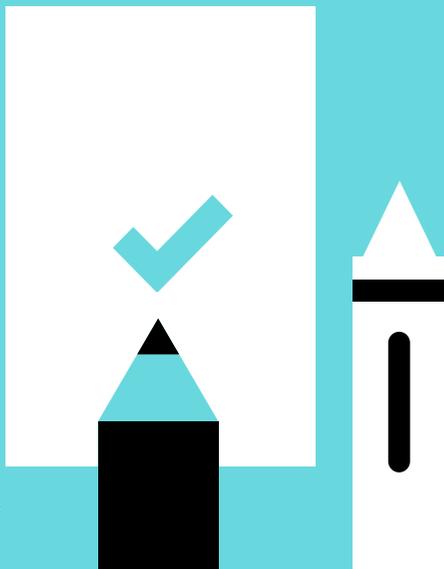
For more information see [www.curriculumonline.ie](http://www.curriculumonline.ie)

## Do I have the right not to study religion in school?

Yes, but only if your parent or guardian agrees. If you do not share the religion of your school, or do not have a religion, you do not have to attend religious instruction. Your parent or guardian can ask for you not to participate in this class and the school should agree to this. If you belong to a different religion from that of your school, the school does not have to provide you with instruction in that religion.

## Do I have to do homework?

Each school sets its own rules and policies for homework and as a pupil you are responsible for following the rules and policies of your school.



## Do I have to do tests and exams?

You must follow school rules or policy which may include sitting tests and exams. Pupils in primary schools will do standardised tests in reading and maths in 2nd, 4th and 6th classes. The law does not say that you must sit the Junior Certificate and Leaving Certificate exams. However, the Leaving Certificate is the most common way into third-level education (universities and third-level colleges).

There are also other education options such as the Leaving Certificate Applied, Quality and Qualifications Ireland (QQI) Awards (some of these awards used to be called Further Education and Training Awards) and other courses and access programmes.

Children who are educated at home do not have to sit formal examinations but they can arrange to do so. You can get more information on the website of the State Examinations Commission, [www.examinations.ie](http://www.examinations.ie).

## Can I appeal the results of my Junior Certificate or Leaving Certificate exams if I think they are unfair?

Yes. To appeal a result in a Junior Certificate subject, talk to your school which will apply to the State Examinations Commission on your behalf. To appeal a result in a Leaving Certificate subject, you must fill in an appeal application form which you can get from your school. You must then send the form to the State Examinations Commission. For both exams there is a fee for each subject you wish to appeal.

## 2.6 Student councils

Student councils let second-level students work with school management, staff and parents for the benefit of the school and its students.

## Can I set up a student council in my school?

Yes. Students in post-primary schools have the right to set up a student council and to get help from the school to do this. The Department of Children and Youth Affairs has a resource pack on student councils which you might find useful – see [www.dcyia.ie](http://www.dcyia.ie).

## 2.7 School discipline

### What happens if I get into trouble at school?

Schools must have a system to deal with students who cause trouble or break the rules. By law, the Board of Management of every school must have a code of behaviour for students. The code of behaviour explains what will happen if you do not obey the school's rules.

Your school will give a copy of the code of behaviour to your parents or guardian when you enrol. The school may ask your parents or guardian to confirm in writing that they agree with the procedures in the code and that they will do all they can to make sure you obey the rules.

If you cause trouble in school, the school may consider a number of options such as:

- detention (being required to stay in school during lunchtime or after school for an hour or so),
- confiscation (taking away something, such as your mobile phone), or
- temporarily excluding you from class (putting you outside the classroom).

If your behaviour is more serious, the school can suspend you or even expel you (explained on the next page). However, the school must act fairly and give you a chance to have your say.

### What happens if I am suspended?

Suspension means you are not allowed to attend school for a set number of days. A school may suspend you if you have seriously misbehaved. The school's decision must be reasonable and reflect the seriousness of what you have done. Schools must have procedures in place which outline what steps must be taken before you can be suspended.

### What happens if I am expelled?

Expulsion means you cannot attend this school again. By law, schools must have procedures in place which outline the steps to be taken before you can be expelled. For instance, the school's Board of Management must tell the Educational Welfare Officer that the school plans to expel you.

The school must then wait at least 20 days before it can expel you. The Educational Welfare Officer will try to find a way to make sure that you still get an education, perhaps in another school.



## Can I appeal my suspension or expulsion?

You cannot appeal it yourself but your parents or guardian can appeal it for you. They must first appeal to the school's Board of Management. If this is not successful, they can appeal to the Department of Education and Skills. An appeals committee will hear the appeal and make recommendations to the Secretary General of the Department on what action to take. The Secretary General will then write to your parents or guardian and to the school's Board of Management with the reasons for the decision. The Secretary General may also tell the Board of Management how to resolve the issue.

## Can a teacher or anyone else hit me at school?

No-one is allowed to hit you or be physically abusive to you in any way. If you have been physically abused at school by a teacher or anyone else, you should tell your parents or guardian, or an adult you trust. You, or your parent or guardian acting on your behalf, can make a complaint to the Gardaí. Your parents or guardian may also complain to the school on your behalf.

## Can I complain if I think my teacher is treating me unfairly?

Your parent or guardian can make a complaint on your behalf directly to the teacher. If you are not happy with the teacher's response, your parents or guardian can complain to the school principal. If the issue is not resolved, your parent or guardian can make a complaint to the school's Board of Management. Finally, if you feel that the way your complaint was handled by the school was unfair, you can complain to the Ombudsman for Children's Office (OCO).

If the complaint is about discrimination, your parent or guardian may complain to the Equality Tribunal. If the complaint is about a data protection issue, you can complain to the Data Protection Commissioner (details at the back of this guide).

## For parents and guardians

### How do I make a complaint to my child's school?

If you want to make a complaint about your child's education or treatment, you should follow these steps:

1. Speak directly to your child's teacher, following the usual arrangements for this.
2. If the matter remains unresolved, speak to the school principal.
3. If necessary, and if the complaint concerns a teacher, write formally to the school principal.
4. If the complaint is not resolved by the principal, write to the chairperson of the Board of Management of the school. The chairperson will refer the complaint to a sub-committee which will investigate and reply to you.
5. If you do not agree with the outcome (result) of the investigation, write to the chairperson appealing the decision.
6. If you are not satisfied with the response of the chairperson then you can complain to the Ombudsman for Children (OCO). See page 71 of this pack for contact details.

## 2.8 Bullying

### What is bullying?

Bullying is negative behaviour by a person or group against you which is repeated over time. Bullying can be verbal, psychological or physical and can take place to your face, by phone, online or through social media. Bullying behaviour can take many forms including:

- deliberately excluding you from a group or activity;
- nasty gossip about you;
- placing an offensive or hurtful message, image or statement on a social network site or other public forum or website where it can be viewed or repeated by other people;
- bullying based on your identity (that is bullying because you are gay or transgender, of a different race, a Traveller, have a disability or have special educational needs).

If you are being bullied, you have a right to be protected. No-one should bully you for any reason. For more information about bullying, please see the section on taking part in the online community on page 14.

## What should the school do if I am being bullied or if I report a friend being bullied?

First, you should tell your teacher, school principal or other trusted adult about the bullying. Schools must have a policy for dealing with bullying. This should state clearly that bullying is unacceptable. The school should have:

- procedures (instructions) for investigating and dealing with bullying;
- procedures to help those affected by bullying;
- strategies to prevent bullying happening in the first place; and
- a record of measures they take to tackle bullying.

## 2.9 Privacy in school Do I have a right to privacy in school?

Privacy in school means attending school without any interference by the school in your private life, your personal space, your body or your belongings. There are some situations where a school can interfere with your privacy. For example, a teacher can search your bag if he or she believes that you are carrying illegal substances or alcohol. However, both you and your parent or guardian must agree to this.

Your parent or guardian must be present if a teacher wants to search you, for example, to check what is in your pockets.

Your locker is school property but you are entitled to privacy while the locker is assigned to you during the school year. A teacher may search your locker if he or she has a good reason for doing so. The teacher should tell you the reason for the search.

## Do my parents have a right to know how I am doing in school?

Your parents or guardian have a right to be kept informed about your education and behaviour in school. This is usually done through school reports, which parents receive once a year, and through parent-teacher meetings.



## Do I have a right to see my school records?

Not until you reach 18 years of age. This is when the school has to make school records available to you if you ask for them. If you are under 18, your parent or guardian can access school records on your behalf.

## 2.10 Cost of school

### For parents and guardians Can I get financial assistance to help pay for the costs of school?

You can apply for support from the Department of Social Protection to help with the cost of your child's schooling. There are a number of grants available. These are means-tested so, to qualify, you will have to meet a number of conditions.

The types of financial assistance include:

- the Back to School Clothing and Footwear Allowance;
- the School Books Grant scheme; and
- no exam fees for medical card holders.

You can find out more on the website of the Department of Social Protection, [www.welfare.ie](http://www.welfare.ie).

Some schools have their own schemes to help parents with costs. To find out if your child's school has a scheme, contact the school.

## 2.11 Special educational needs

If you have special educational needs, you have the right to education that is suitable to your needs.

### Where can I go to school if I have special educational needs?

You can be educated in:

- a mainstream class in a mainstream primary or post-primary school;
- a special class in a mainstream primary or post-primary school which has fewer students than other classes; or
- a special school for students with special educational needs.

The law says that children with special educational needs should, where possible, be educated in a mainstream school with children who do not have special needs. This should happen unless it would not be in your best interests or the best interests of the other children in the school.

### Do I have a right to additional supports if I go to a mainstream primary school?

You may be given additional teaching support from a learning support or resource teacher. You may also be given access to a Special Needs Assistant (SNA) if you have significant care needs to help you with practical tasks, such as getting around the school. All primary schools have a number of learning support or resource teachers and

you will not necessarily need to be assessed to access these teaching supports. It is up to the school to decide how to share these teachers.

A primary school can also apply to the National Council for Special Education (NCSE) for additional teaching support or access to SNA support if you have a more severe disability, such as a hearing impairment or autistic spectrum disorder. A formal assessment will be required to access this support and the support of an SNA.

## If I had additional supports in primary school, will I get them at post-primary level?

You will not automatically get additional supports such as extra teaching support or a Special Needs Assistant when you go to post-primary school. However, if you have an ongoing need, the school may provide you with some additional learning support from its existing learning support resources, or it may apply to the National Council for Special Education (NCSE) for additional resources. This means that your parents or guardian will have to submit medical reports about your specific needs so the NCSE can assess whether to give additional supports including SNA support if you continue to require it.

## 2.12 School transport

Bus Éireann operates a school transport scheme for the Department of Education and Skills to provide transport to and from school for children who do not live near their school.

## For parents and guardians Is my child eligible for school transport?

If your child is in primary school, they may be eligible for school transport if they live more than 3.2km from the nearest suitable national school. To be eligible for school transport at second-level, your child must live over 4.8km from the nearest suitable post-primary school and attend that school.

If your child has a special educational need arising from a diagnosed disability, they may be eligible for transport under a special scheme. To find out more see the Department of Education's website, [www.education.ie](http://www.education.ie), under 'school transport'.

## If I am unhappy about a school transport decision affecting my child, can I appeal it?

Yes. You may appeal some decisions under the School Transport Scheme to the School Transport Appeals Board. There is no charge for making an appeal. You can find information about the Schools Transport Appeals Board on the Department of Education and Skills website, [www.education.ie](http://www.education.ie), under 'bodies and committees'.

