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11 Márta 2011

### Tag: Ciorclán 19/2011

A chara,

Tá eolas an thábhachtach sa litir atá leis an nóta seo mar gheall ar Chiorclán 19/2011 a d'fhoilsigh an Roinn ar an 4 Márta 2011. Tá leagan Béarla den litir churtha leis an litir dóibh siúd atá ar an mBord Bainistíochta le beagán Gaeilge. Chomh maith leis sin ní mór duit an Foras Pátrúnachta a cur ar an eolas faoi aon fholúntais atá agaibh i do scoil.

Le meas,

.....  
Caoimhín Ó hEaghra, Ard Rúnaí



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A Chathaoirleach agus a Phríomhoide, a chairde,

Tá mé ag scríobh chugat mar gheall ar Chiorclán 19/2011, Fógra do bhunscoileanna maidir leis an sceideal foirne do 2011/2012, na socrúithe chun poist a líonadh agus socrúithe maidir le ath-implonaithe agus painéil, a d'eisigh an Roinn Oideachais agus Scileanna ar an Aoine an 4ú Márta. Mar a thuigeann tú ón gcomhfhreagras roimhe seo, tá an Foras Pátrúnachta tar éis cur in iúl don Roinn roimh eisiúint an Chiorcláin go raibh an inní orainn mar gheall ar an méid a bhí le bheith sa chiorclán.

An chéad bhuairt atá againn ná go bhfuil An Foras Pátrúnachta fós gan phainéal, cé gur aontaíodh i bprionsabal leis an Roinn Oideachais agus Scileanna go gcruthófaí painéal don Fhoras i 2004. Coinníonn an ciorclán seo an staid reatha ina bhfuil ar mhúinteoirí faoi Phátrúnacht an Fhorais iarratas a dhéanamh dul ar phainéil phátrúin eile.

An dara buairt atá againn ná go bhfuil mí-shoiléireacht sa chiorclán maidir leis an modh a mbeidh múinteoirí ath-implonaithe isteach i nGaelscoileanna.

Tá an Foras Pátrúnachta tiomanta chun cinntiú nach ndéantar dochar don oideachas lán-Ghaeilge. Tá comhairle dlí faighte ag an bhForas Pátrúnachta maidir leis an gchiorclán seo agus táimid ag treorú dar scoileanna na rudaí seo leanas a dhéanamh:

1. Os rud é nach bhfuil painéal aitheanta don Fhoras fós ag an Roinn Oideachais agus Scileanna táimid ag moladh do mhúinteoirí iarratas a dhéanamh ar na painéil áitiúil mar a bhí mar chleachtas suas go dtí seo.
2. Nuair a tharlaíonn folúntas is scoil de chuid an Fhorais Pátrúnachta, tá an Foras Pátrúnachta ag forchoimeád an ceart, an folúntas seo a líonadh sa chéad áit le múinteoir dar gcuid féin beag bean ar cén painéal a bhfuil siad ar. Dá bhrí sin ní bheidh, An Foras Pátrúnachta, dhá bhrí sin ní bheidh an Foras Pátrúnachta ag cloí leis an limistéar de 45 ciliméadar mar atá ag pátrúin eile.
3. Nuair nach féidir folúntas a líonadh le múinteoir ón bhForas Pátrúnachta, atá ar phainéal de chuid na bpátrúin eile, tá an Foras Pátrúnachta ag forchoimeád an cheart sa dara huair an folúntas a líonadh le múinteoir buan nó le CID de chuid an Fhorais Pátrúnachta, atá a imlonnú ar bhonn téarma seasta nó buan i scoil faoi phátrúnacht eile trí phainéal an phátrúin sin.
4. Nuair a tharlaíonn folúntas nach féidir a líonadh le múinteoir de chuid an Fhorais Pátrúnachta, tá an Foras Pátrúnachta ag cuir faoi deara a cheart aon iarrthóir ionchasach



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a chur faoi agallamh i nGaeilge chun cinntiú go bhfuil caighdeán Gaeilge sách maith ag an múinteoir seo chun feidhmiú in Gaelscoil.

Tá an Foras Pátrúnachta ag díriú aird Bhoird Bhainistíochta ár scoileanna ar a ndualgais dhlíthiúla faoin Acht Oideachais 1998 agus go háirithe:

*Rannóg 15(2): Comhlíonfaidh bord na feidhmeanna a thugtar dó agus do scoil leis an Acht seo agus, le linn do bhord a fheidhmeanna a chomhall—*

*(b) déanfaidh sé spiorad saineúil na scoile, mar a chinntear é de réir na luachanna agus na dtraidisiún cultúrtha, oideachais, morálta, creidimh, sóisialta, teangeolaíochta agus spioradálta is bun le cuspóirí agus stiúradh na scoile agus is saintréithe den chéanna, a chosaint agus beidh sé cuntasach don phátrún as iad a chosaint amhlaidh, agus gníomhóidh sé i gcónaí de réir aon Achta den Oireachtas nó aon ionstraime arna déanamh faoin gcéanna, agus de réir aon ghníomhais, cairte, airteagal bainistíochta nó aon ionstraime eile den sórt sin a bhaineann le bunú nó le hoibriú na scoile,*

Leanann sé dhá bhrí sin go bhfuil Bord Bainistíochta freagrach go dlíthiúil don Fhoras Pátrúnachta i gcinntiú go gcuirtear timpeallacht lán-Ghaeilge ar fáil dá ndaltaí. Faoi alt 15 is gá don Bhord freisin oideachas cuí a sholáthar nó a chur faoi deara é a sholáthar do gach mac léinn ar an scoil a bhfuil freagracht ar an mbord sin ina leith. I gcomhthéacs Gaelscoil ní féidir é seo a thuiscint ach trí mheán na Gaeilge amháin a chuirtear ar fáil an t-oideachas nó a chur faoi deara é a sholáthar.

Ag tabhairt na pointí thuas san áireamh tá an Foras Pátrúnachta ag treorú do bhoird gan aon phost a thairiscint, is cuma buan nó téarma sheasta, go dtí go bhfuil an Bord sásta go bhfuil an leibhéal Gaeilge cuí ag an múinteoir. Caithfidh aon tairiscint a bheith faofa ag an bhForas Pátrúnachta.

Má theastaíonn aon eolas eile beidh muid an sásta cabhrú leat.

Le meas,

Caoimhín Ó hEaghra

Ard Rúnaí



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**Leagan Béarla den Litir**  
**Tag: Ciorclán 19/2011**

A chara,

I am writing in relation to Circular 19/2011, Notification to all primary schools about the staffing schedule for the 2011/2012 school year, arrangements for filling teaching posts and the redeployment/panel arrangements, which was issued by the Department of Education and Skills last Friday the 4<sup>th</sup> of March. As you are aware from previous correspondence, An Foras Pátrúnachta has expressed serious reservations to the Department relating to the proposed circular.

Our first concern is that Foras Pátrúnachta has not, as yet, been granted a panel by the Department of Education and Skills, in spite of an agreement in 2004 by the Department in principle to create such a panel. This Circular maintains the current situation where teachers from the gaelscoileanna have to apply to be put on panels of other Patron bodies.

Our second concern is that the Circular is unclear as to how teachers may be redeployed into the Gaelscoileanna.

An Foras Pátrúnachta is committed to ensuring that the all-Irish medium of the Gaelscoileanna will not be compromised. An Foras Pátrúnachta have sought legal advice in relation to the matter and are advising our schools to do the following:

1. As we do not have our own recognised panel we are advising teachers to apply to local panels when appropriate as has been the practice up to now.
2. Where a vacancy arises in a Foras Pátrúnachta school, An Foras Pátrúnachta reserves the right to fill this position in the first instance with one of our own teachers regardless of which panel that teacher is on. An Foras Pátrúnachta will not limit itself, therefore, to the 45km radius that applies to Patrons with panels.
3. Where a vacancy cannot be filled by a teacher of An Foras Pátrúnachta who is on the panel of another Patron, An Foras Pátrúnachta reserves the right in the second instance to fill such a vacancy with a permanent or CID holding teacher of An Foras Pátrúnachta, who has been redeployed on a fixed-term or permanent basis into a school under the patronage of another Patron body via that Patron body's panel.
4. Where a vacancy arises that cannot be filled by a Foras Pátrúnachta teacher, An Foras Pátrúnachta insists on the right to interview any prospective appointee in Irish to ensure that this teacher has sufficient Irish to teach in a Gaelscoil.



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An Foras Pátrúnachta is advising the Boards of Management of all our schools of their legal obligations under the Education Act 1998 and in particular:

Section 15(2)(b). This section provides that a Board shall:

*“(b) uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school as 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, and at all times act in accordance with any Act of the Oireachtas or instrument made thereunder, deed, charter, articles of management or other such instrument relating to the establishment or operation of the school,”*

It follows therefore that a Board of Management of a Gaelscoil is legally accountable to An Foras Pátrúnachta for upholding an all-Irish school environment for its pupils. A Board of Management is also required under Section 15 to “provide or cause to be provided an appropriate education for each student at the school”. In the context of a Gaelscoil, this can only be interpreted as providing or causing to be provided an education that is delivered solely in Irish.

Considering the above An Foras Pátrúnachta is advising Boards not to make any offers of appointment, whether permanent or fixed term, where the Board is not satisfied that the teacher has the requisite level of Irish. All offers must be ratified by An Foras Pátrúnachta.

If you require any further information please do not hesitate to contact us.

Le meas,

Caoimhín Ó hEaghra

Ard Rúnaí