CEAD ISTEACH

Ailtearacht Polasaí Iontrála Scoile

Cormac Ó Dúlacháin AS

caithin?

- naoínán
- ranganna eile
- tús na scoil bliana
- le linn na scoil bliana
- bunscoil nó meanscoil

teoranacha feidhmúchán

- uas-mhéad an rolla
- uas-mhéad an rang
- an rang cuí don pháiste
- eisceacht
- cumas feidhmiú sa ghaeilge
- crúthúnas, aois, reiligiún, seoladh……

dliteanas

- An Bunreacht
- Conradh ar an Aontas Eorpach
- Conbhinsiún Eorpach um Chearta an Duine
- Dlí um Chomhionnanas
- Dlí um Oideachas

An Bunreacht

- Oibleagáid an Stát sa Bhunoideachas
- Cothramas ós comhair an dlí

Cás na mBlascaod

That, while legislation was entitled to classify the citizens into various groups for legislative purposes, in the present case the classification appeared to be at once too narrow and too wide. The legislation was based on the principle of pedigree, which appeared to have no place in a democratic society committed to the principle of equality. Accordingly, there was no legitimate legislative purpose for the unfair treatment of the plaintiffs as compared with persons who owned or occupied and resided on the island prior to 1953 and their descendants.

BROWN v. BOARD OF EDUCATION, 347 U.S. 483 (1954)

- In each of the cases, minors of the Negro race, through their legal representatives, seek the aid of the courts in obtaining admission to the public schools of their community on a nonsegregated basis. In each instance, [347 U.S. 483, 488] they had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race. This segregation was alleged to deprive the plaintiffs of the equal protection of the laws under the Fourteenth Amendment. In each of the cases other than the Delaware case, a three-judge federal district court denied relief to the plaintiffs on the so-called "separate but equal" doctrine announced by this Court in Plessy v. Ferguson, 163 U.S. 537 . Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate. In the Delaware case, the Supreme Court of Delaware adhered to that doctrine, but ordered that the plaintiffs be admitted to the white schools because of their superiority to the Negro schools.

BROWN v. BOARD OF EDUCATION, 347 U.S. 483 (1954)

- Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

BROWN v. BOARD OF EDUCATION, 347 U.S. 483 (1954)

- In Sweatt v. Painter, supra, in finding that a segregated law school for Negroes could not provide them equal educational opportunities, this Court relied in large part on "those qualities which are incapable of objective measurement but which make for greatness in a law school." In McLaurin v. Oklahoma State Regents, supra, the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: ". . . his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession." [347 U.S. 483, 494] Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

BROWN v. BOARD OF EDUCATION, 347 U.S. 483 (1954)

- We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.

GRUTTER *v.* BOLLINGER *et al.*

- *Held:* The Law School's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body is not prohibited by the Equal Protection Clause, Title VI, or §1981. Pp. 9-32.

- In the landmark *Bakke* case, this Court reviewed a medical school's racial set-aside program that reserved 16 out of 100 seats for members of certain minority groups. The decision produced six separate opinions, none of which commanded a majority. Four Justices would have upheld the program on the ground that the government can use race to remedy disadvantages cast on minorities by past racial prejudice. 438 U. S., at 325. Four other Justices would have struck the program down on statutory grounds. *Id.*, at 408. Justice Powell, announcing the Court's judgment, provided a fifth vote not only for invalidating the program, but also for reversing the state court's injunction against any use of race whatsoever

- The Court endorses Justice Powell's view that student body diversity is a compelling state interest that can justify using race in university admissions. The Court defers to the Law School's educational judgment that diversity is essential to its educational mission. The Court's scrutiny of that interest is no less strict for taking into account complex educational judgments in an area that lies primarily within the university's expertise. See, *e.g., Bakke,* 438 U. S., at 319, n. 53 (opinion of Powell, J.). Attaining a diverse student body is at the heart of the Law School's proper institutional mission, and its "good faith" is "presumed" absent "a showing to the contrary." *Id.,* at 318-319. Enrolling a "critical mass" of minority students simply to assure some specified percentage of a particular group merely because of its race or ethnic origin would be patently unconstitutional. *E.g., id.,* at 307. But the Law School defines its critical mass concept by reference to the substantial, important, and laudable educational benefits that diversity is designed to produce, including cross-racial understanding and the breaking down of racial stereotypes

ECHR

an scoil mar gníomhaire an stát

Article 2 - Right to education

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

- GRAND CHAMBER
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- **CASE OF D.H. AND OTHERS v. THE CZECH REPUBLIC**
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- *(Application no. 57325/00)*

- JUDGMENT
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-
- STRASBOURG
-
- 13 November 2007
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- 207. The facts of the instant case indicate that the schooling arrangements for Roma children were not attended by safeguards (see paragraph 28 above) that would ensure that, in the exercise of its margin of appreciation in the education sphere, the State took into account their special needs as members of a disadvantaged class (see, *mutatis mutandis, Buckley*, cited above, § 76; and *Connors*, cited above, § 84). Furthermore, as a result of the arrangements the applicants were placed in schools for children with mental disabilities where a more basic curriculum was followed than in ordinary schools and where they were isolated from pupils from the wider population. As a result, they received an education which compounded their difficulties and compromised their subsequent personal development instead of tackling their real problems or helping them to integrate into the ordinary schools and develop the skills that would facilitate life among the majority population. Indeed, the Government have implicitly admitted that job opportunities are more limited for pupils from special schools.

- 208. In these circumstances and while recognising the efforts made by the Czech authorities to ensure that Roma children receive schooling, the Court is not satisfied that the difference in treatment between Roma children and non-Roma children was objectively and reasonably justified and that there existed a reasonable relationship of proportionality between the means used and the aim pursued. In that connection, it notes with interest that the new legislation has abolished special schools and provides for children with special educational needs, including socially disadvantaged children, to be educated in ordinary schools.

CASE OF ORŠUŠ AND OTHERS v. CROATIA

(Application no. 15766/03)

- The facts of the instant case indicate that the schooling arrangements for Roma children were not sufficiently attended by safeguards that would ensure that, in the exercise of its margin of appreciation in the education sphere, the State had sufficient regard to their special needs as members of a disadvantaged group (see, *mutatis mutandis, Buckley*, cited above, § 84, and *Connors*, cited above, § 84). Furthermore, as a result of the arrangements the applicants were placed in separate classes where an adapted curriculum was followed, though its exact content remains unclear. Owing to the lack of transparency and clear criteria as regards transfer to mixed classes, the applicants stayed in Roma-only classes for substantial periods of time, sometimes even during their entire primary schooling.

CASE OF ORŠUŠ AND OTHERS v. CROATIA

(Application no. 15766/03)

- In sum, in the circumstances of the present case and while recognising the efforts made by the Croatian authorities to ensure that Roma children receive schooling, the Court considers that there were at the relevant time no adequate safeguards in place capable of ensuring that a reasonable relationship of proportionality between the means used and the legitimate aim said to be pursued was achieved and maintained. It follows that the placement of the applicants in Roma-only classes at times during their primary education had no objective and reasonable justification.

comhionanas

- Gach Scoil v. Scoil Aitheanta
- Bacanna Díreach v. Bacanna Indíreach
- Eisceacht iomlán – Buachaillí/Cailíní
- Eisceacht teoranta – Reiligiún
- *c*) where an apparently neutral provision puts a person referred to in any paragraph of section 3(2) at a particular disadvantage compared with other persons, unless the provision is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.”,

comhionanas 2

- where an apparently neutral provision puts a person referred to in any paragraph of section 3(2) at a particular disadvantage compared with other persons, unless the provision is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.”,

Acht um Oideachas

- An Coist – Alt 29
- Cás Scoil Maloga
- Athbhreithniú v. Athmheas
- Cur i bhfeidhm v. Dliteanas an Polasaí

Plé Pháipear Shasana 1

- .7 It is for admission authorities to formulate their admission arrangements, but they **must not**:

a) place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements;

b) take into account any previous schools attended, unless it is a named feeder school;

c) give extra priority to children whose parents rank preferred schools in a particular order, including ‘first preference first’ arrangements;

d) introduce any new selection by ability

e) give priority to children on the basis of any practical or financial support parents may give to the school or any associated organisation, including any religious authority;

f) give priority to children according to the occupational, marital, financial or educational status of parents applying (though children of staff at the school may be prioritised in arrangements18);

Plé Pháipear Shasana 2

- g) take account of reports from previous schools about children's past behaviour, attendance, attitude or achievement, or that of any other children in the family;
- h) discriminate against or disadvantage disabled children or those with special educational needs;
- i) prioritise children on the basis of their own or parents' past or current hobbies or activities. (Designated faith schools may take account of religious activities, as laid out by the faith provider body/religious authority);
- j) in designated grammar schools that rank all children according to a pre-determined pass mark and then allocate places to those who score highest, give priority to siblings of current or former pupils;
- k) in the case of schools with boarding places, rank children on the basis of a child's suitability for boarding – more information on boarding schools is set out at paragraphs 1.34 - 1.35;
- l) name fee-paying independent schools as feeder schools;

Plé Pháipear Shasana 3

- m) interview children or parents. In the case of sixth form applications, a meeting may be held to discuss options and academic entry requirements for particular courses, but this meeting cannot form part of the decision making process on whether to offer a place. Boarding schools may interview children to assess their suitability for boarding;
- n) request financial contributions (either in the form of voluntary contributions, donations or deposits (even if refundable)) as any part of the admissions process – including for tests;
- o) request photographs of a child for any part of the admissions process, other than as proof of identity when sitting a selection test.

Plé Pháipear Shasana 4

- *Distance from the school*
- 1.11 Admission authorities **must** clearly set out how distance from home to the school will be measured, making clear how the 'home' address will be determined and the point in the school from which all distances are measured. This should include provision for cases where parents have shared residence of a child following the breakdown of their relationship and the child lives for part of the week with each parent.
- *Catchment Areas*
- 1.12 Catchment areas **must** be designed so that they are reasonable and clearly defined19. Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school.

Plé Pháipeár Shasana 5

- *Siblings at the school*

  Admission authorities **must** state clearly in their arrangements what they mean by ‘sibling’ (i.e. whether this includes step siblings, foster siblings, adopted siblings and other children living permanently at the same address or siblings who are former pupils of the school).

- Some schools give priority to siblings of pupils attending another state funded school with which they have close links (for example schools on the same site, or close links between two single sex schools). Where this is the case, this priority **must** be set out clearly in the arrangements.

Ní fios cá mbeidh fadbh?

- St. Gregory's – Cornrows
- JFS - United Synagogue- Orthodox Judaism -

Riaracháin

- Polasai
- Iarratas
- Cinneadh
- Cód