Primary Circular 0021/2010

DEPARTMENT OF EDUCATION AND SCIENCE
SCHOOLS DIVISION

TO BOARDS OF MANAGEMENT, PRINCIPAL TEACHERS AND TEACHING STAFF IN PRIMARY SCHOOLS

REGULATIONS GOVERNING THE APPOINTMENT AND RETENTION OF TEACHERS IN PRIMARY SCHOOLS FOR THE SCHOOL YEAR 2010/2011

1. Staffing in the 2010/2011 school year

1.1 The number of mainstream class teachers appropriate to a school shall be determined by reference to the school's valid enrolment on 30 September, 2009.

The schedule of enrolment of pupils required for the appointment and retention of mainstream class teachers for the 2010/11 school year is attached at **Appendix A**.

1.2 Only pupils who were **validly** enrolled on 30 September 2009 should be taken into account for the purpose of determining staff numbers. In this regard the terms of Department Circulars 24/02 - Determination of Valid Enrolment in Primary Schools and 32/03 – Retention of Pupils in Primary Schools must be adhered to. **Pupils retained on the school register on 30 September, 2009 for the purpose of compliance with the Education and Welfare Act, 2000 should not be counted towards valid enrolment for the purpose of determining staff numbers.**

1.3 The additional posts in the renewed Programme for Government have resulted in some improvement in the staffing schedule. These improvements have been targeted at medium to larger schools that are typically under greatest pressure in relation to class sizes.

2. Developing School Criteria for the School Year 2010/11

2.1 A developing school is defined as a school where the enrolment on 30 September, 2010 is projected to exceed the enrolment on 30 September, 2009

i) by a minimum numerical increase **and**

ii) by having a stipulated excess of 5 pupils above the required appointment figure

For primary schools with a Staffing of Principal plus 7 Mainstream Class Teachers or greater the minimum numerical increase referred to at i) above is 25 pupils.

For primary schools with a Staffing of Principal plus 6 Mainstream Class Teachers or fewer, the minimum numerical increase referred to at i) above is 15 pupils. An average class size in excess of 28 pupils must also apply to schools seeking a post under this criterion (see exceptions at 2.2 below).

Schools must qualify under both criteria at i) & ii) above and in the case of such schools, an additional permanent post(s) may be sanctioned provisionally pending the confirmation of the valid enrolment on 30 September, 2010. The staffing will be adjusted in the light of the actual valid enrolments on 30 September, 2010.

2.2 Two exceptions exist:

1) School seeking the appointment of the 2nd mainstream class teacher.

In such instances, schools projecting a minimum numerical increase on 30 September, 2010 of 15 pupils on 30 September, 2009 enrolment, are not required to meet either the stipulated excess number of 5 pupils on the appointment figure or the stipulated average class size. The minimum projected enrolment of 49 pupils must be achieved to secure a 2nd mainstream class teacher.

2) Schools seeking the appointment of more than one developing school post.

In such instances, schools must meet the requirement of minimum numerical increase and the stipulated excess number of 5 pupils on the appointment figure for the first developing school post. In the case of each post sought thereafter the stipulated excess number of 5 pupils on the appointment figure must be met.

Application(s) for an additional post(s) under developing school criteria must be submitted to the Primary Allocations Section on or before 7 October, 2010.

3. Appointment of the 1st Mainstream Teacher in new schools

The enrolment required for the 2010/11 school year for the appointment of a Principal and 1 mainstream class teacher to a school opening in September, 2010 is 20 pupils. This enrolment must be achieved by 30 September, 2010.

4. Appointment of Administrative Principals

4.1 The following criteria apply for the appointment of an administrative principal in the 2010/11 school year:

a) The enrolment figure for the appointment and retention of administrative principals in ordinary/Gaeltacht schools is 178 pupils and in Gaelscoileanna is 158 pupils. On the appointment of the 7th mainstream class teacher the Principal becomes an Administrative Principal and no consequential additional teaching post is warranted.

OR

b) Principal teachers in ordinary/Gaeltacht primary schools with an enrolment of fewer than 178 pupils or in Gaelscoileanna with an enrolment of fewer than 158 pupils, but with a staffing of Principal plus nine or more teachers, when all ex-quota posts are counted, may be appointed as Administrative Principals. In such instances, a permanent mainstream class teacher may be appointed to replace the Principal.

OR

c) Where a school has a staffing of Principal plus four or five mainstream class teachers and also has a specialist autism unit established under the approval of the National Council for Special Education, the Principal will be appointed on an administrative basis. In such instance, a permanent mainstream class teacher may be appointed to replace the Principal. Please note that while a specialist autism unit consists of 2-3 classes, the enrolment of the first pupil allows for the appointment of the replacement teacher and for the appointment of the Principal to administrative status.

4.2 Allocation of Administrative Principals under DEIS

Schools which qualified for the Urban Strand (Band 1 and 2) of the School Support Programme (SSP) under DEIS are entitled to the allocation of administrative principals on lower enrolment and staffing figures than apply in primary schools generally, under the following terms:

- The enrolment figure for the appointment and retention of administrative principals in Band 1 and Band 2 primary schools is 145 pupils and in SSP Gaelscoileanna is 125 pupils (Principal plus 5 mainstream teachers). This will facilitate the principal becoming an administrative principal. In such instances, a permanent mainstream class teacher may be appointed to replace the principal

or

- Principal teachers in Band 1 and Band 2 primary schools with an enrolment of fewer than 145 pupils or in SSP Gaelscoileanna with an enrolment of fewer than 125, but with a staffing of principal plus seven or more teachers, when all ex-quota posts are counted, may be appointed as administrative principals. In such instances, a permanent mainstream class teacher may be appointed to replace the principal.

Any queries relating to the appointment of an administrative principal under DEIS should be made to the Social Inclusion Unit of the Department at 090 648 3773 or 090 648 3774.

5. Appointment of Administrative Deputy Principals

The following criteria will apply for the appointment of an Administrative Deputy Principal in the 2010/11 school year:

- Deputy Principals in schools with 24 or more mainstream class teachers (including Developing School Posts) may be appointed as Administrative (non-teaching) Deputy Principals. The following posts allocated under Social Inclusion measures may also be included when counting the 24 posts required for Administrative Deputy Principal status, Disadvantaged Concessionary, Breaking the Cycle, Giving Children an Even Break and SSP Band 1(Urban) posts. In such instances, a permanent mainstream class teacher may be appointed to replace the Deputy Principal. In the event that the appointment as administrative deputy principal is dependant on the confirmation of a developing school post, the appointment of administrative deputy principal and the replacement teacher should be done on a provisional basis pending confirmation of the developing school post.

OR

- Deputy Principals in mainstream schools that, in addition to ordinary mainstream class teachers, also have five or more special classes for children with more complex low incidence special needs may be appointed as Administrative (non-teaching) Deputy Principals. In such instances, a permanent mainstream class teacher may be appointed to replace the Deputy Principal.

6. Island schools

In the event that a reduction in the pupil numbers of an island school will result in the loss of the second teaching post in the school, the second teacher may be retained, subject to:

- the total number of pupils in the school being 8 or above and
- the school being the only primary school remaining on the island

7. Panel Arrangements

7.1 Redeployment Panels exist for teachers employed in schools which are under the patronage of the following:

- The Catholic Church - *panels are compiled on a diocesan basis. Accordingly, each diocese operates its own panel and panel offers to teachers will be made by schools within the geographical area of the diocese.*

- The Church of Ireland, Methodist Church in Ireland and Presbyterian Church or under joint patronage - *panels are compiled on a diocesan or united diocesan basis. Accordingly, each diocese operates its own panel and panel offers to teachers will be made from schools within the geographical area of the diocese or united diocese*.

- Educate Together: *multi-denominational panels are operated by Educate Together on a national basis.*

- Religious: *panels operated by each Religious Order for teachers who are members of Religious Orders*.

Special National Panel:
The Special National panel operates for certain teachers teaching in special schools, special classes or as resource teachers for children with low-incidence special needs in primary schools who hold conditional registration (restricted recognition) from the Teaching Council. LSRT Allocations Section of the Department operates the panel on a national basis.

7.2 *Please note revised redeployment panel arrangements agreed under the Teachers Conciliation Council process and introduced for the 2009/10 school year.*
The revisions attempt to improve the effectiveness of the operation of the panels and seek to introduce a greater level of transparency and sharing of information.

The revised procedures are set out on the Department website, together with the existing redeployment panel arrangements booklet Panel Rights for Teachers (updated version – May 2005) at www.education.gov.ie. The revised procedures are set out on the basis of the operation of the Catholic Diocesan panels but will apply in a similar manner to all redeployment panels (Church of Ireland, Educate Together and Special National Panel).

The revised procedures require schools to notify any vacancies to their Diocesan Education Secretary/Panel operator within defined timeframes. The revised procedures also outline the consequences for those schools that fail to adhere to this requirement, i.e., appointment of Panel Officer – see below.

7.3 Difficulties with operation of redeployment panel
The revision to the existing procedures also includes a facility whereby in the event of difficulties arising, the Patron/Diocesan Education Secretary can ask the Department to appoint a Panel Officer. The Panel Officer will be empowered to consult with any parties that he/she considers it appropriate to consult with and will consider any submissions that any interested party may wish to make. The Panel Officer having considered the matter will give a report of his/her consideration of the matter and conclusions in relation to the resolution of any difficulties. The report, conclusions and determination of the Panel Officer will be communicated to the Patron and is binding on all parties.

7.4 Key Actions and dates for the operation of the redeployment panels

The revised procedures set out agreed timeframes that will help improve the operation of the redeployment panels. The actions and dates for the 2010/11 staffing schedule are as follows:

Key action	**Date for action to be completed**
Publish staffing schedule on Department of Education & Science website	**2 March 2010**
Obligation on schools to notify their Diocesan Education Secretary of any impending vacancy as a consequence of (a) the staffing schedule or (b) any other reason known at this stage such as retirement, etc.	**Week commencing 15 March 2010**
Department of Education & Science forwards panel list to Patron/Diocesan Education Secretary	**Week commencing 22 March 2010**
Patron/Diocesan Education Secretary circulates: (a) the list of teachers on the panel to all schools with known vacancies and (b) the list of schools with vacancies to the teachers on the panel. The Diocesan Education Secretary may use its management body website to communicate vacancies/panel information but this should not include the publication of teachers' names or personal details. The Department of Education & Science may publish & update this information on its website.	**3 days after receipt of panel list from Department of Education and Science**
3 week timeframe for schools with vacancies to interact with teachers on the panel, exclusive of Easter vacation period. At the end of the above 3 week period, or at any later date, the Diocesan Education Secretary may request the Department to appoint a Panel Officer to deal with a panel blockage.	**Friday 23 April 2010**

7.5.1 ***The teacher's contact address is given on the panel form. This is the address which will be used for making contact with a teacher on the panel. A teacher on a panel must be contactable at that address until s/he has been offered and accepted a post. In the event that s/he has not obtained a post and is not contactable at the address her/his name will be removed from the panel list and salary, if applicable, will be withdrawn with effect from the start of the 2010/11 school year.***

7.5.2 ***A Board of Management must notify the appropriate operator of the panel, (i.e., Diocesan Office/ Educate Together /Religious Order) and the Primary /LSRT Allocation Sections of the Department immediately a panel teacher has accepted a post in it's school. Failure to notify the panel operator will hinder the efficient operation of the panel system and cause unnecessary difficulties for other Boards of Management. Failure to notify the Allocation Section may cause difficulties for the teacher in relation to processing of salary payment.***

7.5.3 Boards of Management that are unable to fill vacancies from the panel can only proceed to fill vacancies by open competition following approval from the Department.

8. Schools with vacancies.

8.1 A Board of Management seeking to fill a permanent vacancy for the 2010/11 school year is obliged in the first instance under the terms of Section 6 of Circular 0082/2007 to consider it's obligations to any fixed term teacher in the school who qualifies for a contract of indefinite duration. If no teacher qualifies for a CID the board is obliged to offer the post to a teacher on the panel.

8.2 Boards of Management with vacancies to fill and teachers whose names are placed on panels for redeployment should read carefully the Revised Procedures for operation of Redeployment Panels (January, 2009) and the booklet "Panel Rights for Teachers" (updated version May 2005). Details of the manner in which teachers may be appointed from the panels are also contained in the booklet "Appointment of Principals, Permanent and Temporary Teachers (April, 2002)". Both booklets and revised procedures are available on the Department website www.education.ie under Education Personnel/ Primary/Appointment Redeployment.

With the exception of CID obligations, there are no circumstances under which a Board of Management may fill a permanent vacancy arising in September, 2010 where there are teachers remaining on the relevant panel for redeployment other than through the panel. In particular a Board of Management cannot fill a permanent vacancy by the appointment of a teacher to a temporary/fixed term contract in September, 2010 while teachers remain on the relevant panel for redeployment.

8.3 **Boards of Management will not be allowed to advertise permanent positions for the current school year, 2009/10, after 1 May, 2010.** If a vacancy arises after that date and the board has no CID obligation, it should be filled in a temporary/fixed term capacity until the end of the school year and the permanent position should be filled for the 2010/11 school year on the basis outlined in paragraph 8.1above.

9. Employment of Qualified Teachers

Boards of Management are obliged to recruit and employ fully qualified primary teachers for any vacancy in the school, regardless of the duration of the vacancy. It should be noted that a post-primary qualified teacher is not fully qualified for the purposes of appointment as a primary teacher.

In the event that no suitable qualified teacher applies for a post the Board must outline to the Department the efforts made to secure a qualified teacher and the circumstances that necessitated the appointment of a person who is not qualified as a primary school teacher pending the appointment of a qualified primary school teacher.

The procedures for the appointment of teachers as outlined in Appendix D of the Constitution of Boards & Rules of Procedures for Boards of Management of National Schools, November, 2007 and those of circular 62/2008, Web based Advertising of Teaching Posts, must be adhered to at all times.

10. Appeal Board for Mainstream Staffing

10.1 The Appeal Board, which operates independently of the Minister and the Department, will review appeals on the mainstream teaching allocation to schools for the 2010/11 school year.

10.2 It is proposed that the first meeting of the Staffing Appeal Board to deal with appeals for the 2010/11 school year will be held in May, 2010. Further meetings will be held in June and October, 2010.

The closing dates for receipt of staffing appeals are 23 April 2010, 11 June 2010, and 15 October, 2010. These closing dates will also be posted on the Departments' website. **Please note that closing dates will be strictly adhered to and accordingly, appeals received after a particular closing date will not be considered by the Board at that session.**

Appeals must be submitted to Primary Allocations Section, Schools Division, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made. Please mark the envelope "Staffing Appeal".

The standard application form is available on the Department website at www.education.ie under Education Personnel/Primary/Circulars and Information Booklets.

10.3 The Appeal Board may determine that a departure from the staffing schedule is necessary in the circumstances outlined at (a) to (c) below

(a) Where a departure from the staffing schedule is warranted to meet exceptional accommodation difficulties such as schools operating on a split site for a period following amalgamation or prior to the provision of a permanent building.

(b) Where the Appeal Board is satisfied, on the basis of verifiable evidence, that the required pupil numbers were enrolled in September * or October 2009, but due to circumstances outside the control of the school were not enrolled on the 30th September, 2009. However, for staffing purposes, a pupil can be included in the enrolment of only one school in any school year. **

(c) Where the Appeal Board considers that in relation to the granting of a post under the developing school criterion the projected pupil numbers required to retain the post were enrolled or are likely to be enrolled by December, 2010, but due to circumstances outside the control of the school, were not enrolled as expected on 30 September, 2010. A post allocated by the Appeal Board under this criterion will be sanctioned on a provisional basis subject to confirmation of the required enrolment being achieved before 31 December, 2010. As with (b) above, for staffing purposes, a pupil can be included in the enrolment of just one school in any school year. **

* A pupil who leaves the school before 30 September and does not return to the school in the school year will not be eligible for consideration under this criterion.

** In the event that the school in which the pupil was enrolled on 30 September can verify that the pupil did not need to be counted for the appointment or retention of a teacher in that school, the Appeal Board will consider allowing the pupil to be counted as part of the enrolment for staffing purposes in the school to which s/he has transferred.

English as an Additional Language
The Staffing Appeals Process also provides for an appeal mechanism for Meeting the needs of pupils learning English as an Additional Language (EAL).

Primary schools where at least 25% of their total enrolment is made up of pupils that require EAL support (pupils with less than B1 (Level 3) proficiency) can lodge an appeal to the Primary Staffing Appeal Board for a review of their proposed allocation for 2009/10 under the rules for EAL support as set out in Circular 0015/2009.

The relevant criterion is

- Where the Appeal Board is satisfied that having considered the circumstances outlined by the school and having regard to the high number of pupils requiring EAL support, additional post(s) may be approved to support the educational needs of such pupils

10.4 A Board of Management may appeal only once in a particular case.

The Appeal Board's adjudication will be regarded as a final determination in relation to the post(s) and no further appeal in respect of the 2010/2011 school year shall be considered.

11. Class sizes

The staffing schedule is structured to ensure that, on average, one mainstream classroom teacher is allocated to schools for every 28 pupils. Improvements to the staffing schedule arising from the additional posts in the renewed Programme for Government mean that one mainstream classroom teacher is allocated, on average, for every 27 pupils in medium to larger schools as these schools are typically under greatest pressure in relation to class sizes.

Posts allocated on the basis of the staffing schedule are specifically for mainstream classes and should be deployed accordingly. School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment etc.). In particular, school authorities should ensure, as far as possible, that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

The Department's Inspectorate will monitor the deployment of staff and class sizes and, where necessary, discuss with school authorities the basis on which school policy decisions in this regard have been made, and report to the Department, where appropriate.

12. Posts of Responsibility

The Post of Responsibility Schedule is attached at **Appendix B** for the information of schools.

Appointments to Principal and Deputy Principal in schools can continue to be filled in the normal way.

The Government decision on the moratorium on promotions in the Public Service means that with effect from 27 March 2009 schools may no longer make any appointment to other posts of responsibility.

The Government decision provides for an exception to the above rule in respect of the filling of the first allocation of posts of responsibility in new schools. The Department will be in direct communication with new schools in relation to their entitlement to fill their first allocation of posts of responsibility.

The Department circular and guidance on the moratorium is available at www.education.ie.

This Circular may also be accessed on the Department of Education & Science website at www.education.ie under Education Personnel/ Primary/ Circulars and Information Booklets/Staffing Schedule/Allocation of Mainstream Teaching Posts.

Please note that queries in relation to teaching post allocations and re-deployment panels may be E-Mailed to mailto:PrimaryAllocations@education.gov.ie

Hubert Loftus
Principal Officer.

March, 2010

Appendix A

Schedule of Enrolment of Pupils Governing the Appointment and Retention of Mainstream Class Teachers in National Schools for the 2010/2011 school year
(The figures required for these purposes are enrolments on 30th September 2009)

STAFFING SCHEDULE 2010-2011						
MCTs* in addition to Principal	Ordinary Schools		Gaeltacht Schools		Gaelscoileanna	
	Appointment	Retention	Appointment	Retention	Appointment	Retention
1	12	12	12	12	12	12
2	49	49	49	49	49	49
3	81	81	81	76	77	76
4	115	115	115	96	98	96
5	145	145	145	122	125	122
6	173	173	173	153	153	153
7	178	178	178	158	158	158
8	205	205	205	193	193	193
9	232	232	232	229	229	229
10	259	259	259	257	259	257
11	286	286	286	286	286	286
12	313	313	313	313	313	313
13	340	340	340	340	340	340
14	367	367	367	367	367	367
15	394	394	394	394	394	394
16	421	421	421	421	421	421
17	459	459	459	459	459	459
18	487	487	487	487	487	487
19	515	515	515	515	515	515
20	543	543	543	543	543	543
21	571	571	571	571	571	571
22	599	599	599	599	599	599
23	627	627	627	627	627	627
24	655	655	655	655	655	655
25	683	683	683	683	683	683
26	711	711	711	711	711	711
27	739	739	739	739	739	739
28	767	767	767	767	767	767
29	795	795	795	795	795	795
30	823	823	823	823	823	823
31	851	851	851	851	851	851
32	879	879	879	879	879	879
33	907	907	907	907	907	907
34	935	935	935	935	935	935
35	963	963	963	963	963	963
36	991	991	991	991	991	991
37	1019	1019	1019	1019	1019	1019
38	1047	1047	1047	1047	1047	1047
39	1075	1075	1075	1075	1075	1075
40**	1103	1103	1103	1103	1103	1103

* MCT means mainstream classroom teacher

** For the 41st MCT and upward, add an additional 28 validly enrolled pupils

APPENDIX B

Primary Posts of Responsibility Schedule

Number of Authorised Posts (incl Principal)	Principal	Deputy Principal	Assistant Principal Posts	Special Duties Posts
1	1	0	0	0
2	1	0	0	1
3	1	1	0	0
4	1	1	0	1
5	1	1	0	1
6	1	1	0	1
7	1	1	0	2
8	1	1	0	2
9	1	1	0	3
10	1	1	0	3
11	1	1	0	3
12	1	1	0	4
13	1	1	0	4
14	1	1	1	4
15	1	1	1	4
16	1	1	1	5
17	1	1	1	5
18	1	1	1	6
19	1	1	1	6
20	1	1	2	6
21	1	1	2	6
22	1	1	2	7
23	1	1	2	7
24	1	1	3	7
25	1	1	3	7
26	1	1	3	8
27	1	1	3	8
28	1	1	3	9
29	1	1	3	9
30	1	1	3	10
31	1	1	3	10
32	1	1	4	10
33	1	1	4	10
34	1	1	4	11
35	1	1	4	11
36	1	1	5	11
37	1	1	5	11
38	1	1	5	12
39	1	1	5	12
40	1	1	6	12
41	1	1	6	12
42	1	1	6	13
43	1	1	6	13
44	1	1	7	13
45	1	1	7	13
46	1	1	7	14
47	1	1	7	14
48	1	1	8	14
49	1	1	8	14
50	1	1	8	15
51	1	1	8	15
52	1	1	9	15
53	1	1	9	15
54	1	1	9	16
55	1	1	9	16
56	1	1	10	16
57	1	1	10	16
58	1	1	10	17
59	1	1	10	17
60	1	1	11	17
61	1	1	11	17