STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART III

THE CURRICULUM

Special cases

Development work and experiments

14.—(1) For the purpose of enabling development work or experiments to be carried out, the Department may direct as respects a particular grant-aided school that, for such period as may be specified in the direction, Articles 5, 6 and 8—

(a) shall apply with such modifications as may be so specified; or

(b) shall not apply.

(2) A direction under paragraph (1) may apply either generally or in such cases as may be specified in the direction.

(3) A direction shall not be given under paragraph (1) in relation to a school except on the application of—

(a) the Board of Governors of the school;

(b) the Northern Ireland Curriculum Council, with the agreement of the Board of Governors of the school; or

(c) the relevant board, with the agreement of the Board of Governors of the school.

(4) Before giving a direction under paragraph (1) on an application mentioned in paragraph (3) (a) or (b), the Department shall consult the relevant board.

(5) In paragraphs (3) and (4) "relevant board" has the meaning assigned to it by Article 10(9).

(6) The Department may make it a condition of a direction under paragraph (1) that any body by which or with whose agreement the request for the direction was made should, when so directed or at specified intervals, report to the Department on any matters specified by the Department.

Exceptions by regulations

15. The Department may by regulations provide that Articles 5, 6 and 8—

(a) shall apply with such modifications as may be specified in the regulations; or

(b) shall not apply;

in such cases or circumstances as may be so specified.

Pupils with statements of special educational needs

16. The special educational provision for any pupil specified in a statement under Article 31 of the principal Order of his special educational needs may include provision—

(a) applying Articles 5, 6 and 8 with such modifications as may be specified in the statement; or

(b) excluding the application of those Articles.

Temporary exceptions for individual pupils

17.—(1) The Department may make regulations enabling the principal of any grant-aided school, in such cases or circumstances and subject to such conditions as may be prescribed—

(a) to direct as respects a registered pupil at the school that, for such period as may be specified in the direction (the "operative period" of the direction), Articles 5, 6 and 8—

(i) shall apply with such modifications as may be so specified; or

(ii) shall not apply; and

(b) to revoke any direction given by him under the regulations and to vary any such direction except so as to extend its operative period.

(2) The conditions prescribed by the regulations shall, in particular, limit the period that may be specified in any direction given under the regulations to a maximum period specified in the regulations; and any maximum period specified in the regulations in relation to directions given under the regulations or in relation to directions so given in any circumstances so specified—

(a) shall be either—

(i) a fixed period not exceeding six months; or

(ii) a period determinable (in such manner as may be specified in the regulations) not later than six months from its beginning; and

(b) may differ according to whether or not the direction in question is given in respect of a period beginning immediately after the end of the operative period of a previous direction or within such period after the end of the operative period of a previous direction as may be specified in the regulations.

(3) Where a principal gives a direction under regulations made under this Article in the case of any pupil or varies any direction so given, he shall give the information mentioned in paragraph (4), in such manner as may be prescribed, to the Board of Governors and shall take such steps as may be prescribed to give that information also to a parent of the pupil.

(4) That information is the following—

(a) the fact that he has taken the action in question, its effect and his reasons for taking it;

(b) the provision that is being or is to be made for the pupil's education during the operative period of the direction; and

(c) either—

(i) a description of the manner in which he proposes to secure the full application in relation to the pupil after the end of that period of Articles 5, 6 and 8; or

(ii) an indication of his opinion that the pupil has or probably has special educational needs by virtue of which the board would be required to determine the special educational provision that should be made for him (whether initially or on a review of any statement of his special educational needs the board is for the time being required under Article 31 of the principal Order to maintain).

(5) Where the principal of a grant-aided school includes such an indication of opinion as is mentioned in paragraph (4)(c)(ii) in information given to the Board of Governors under paragraph (3), he shall also give that information, in such manner as may be prescribed, to the board.

(6) It shall be the duty of a board on receiving information given to the board under paragraph (5) by the principal of any grant-aided school which includes such an indication of opinion with respect to a pupil, to consider whether any action on its part is required in the case of that pupil under Article 29 of the principal Order (assessment of special educational needs).

(7) Where the principal of a grant-aided school—

(a) gives, revokes or varies any direction with respect to a pupil under regulations made under this Article;

(b) refuses to give, revoke or vary such a direction in response to a request made, in such manner and circumstances as may be prescribed, by the parent of a registered pupil at the school; or

(c) fails within such period as may be prescribed following the making of such a request to give, revoke or vary such a direction in accordance with the request,

the parent of the pupil concerned may appeal to the Board of Governors.

(8) On any such appeal the Board of Governors may—

(a) confirm the principal's action; or

(b) direct the principal to take such action authorised by the regulations as it considers appropriate in the circumstances;

and it shall be the duty of the principal to comply with any directions of the Board of Governors under sub-paragraph (b).

(9) The Board of Governors shall notify the appellant and the principal in writing of its decision on any such appeal.

(10) Before making any regulations under this Article the Department shall consult with any persons with whom consultation appears to be desirable.