

2001 No. 827

EDUCATION, ENGLAND

**The Education (School Performance Targets) (England)
(Amendment) Regulations 2001**

<i>Made</i> - - - - -	<i>6th March 2001</i>
<i>Laid before Parliament</i>	<i>9th March 2001</i>
<i>Coming into force</i> - -	<i>31st March 2001</i>

In exercise of the powers conferred on the Secretary of State by sections 19 and 54(3) of the Education Act 1997(a), the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (School Performance Targets) (England) (Amendment) Regulations 2001 and shall come into force on 31st March 2001.

Amendment

2. The Education (School Performance Targets) (England) Regulations 1998(b) shall be amended as follows.

3. In regulation 2 (interpretation)—

- (a) in the definition of “designated school”—
 - (i) after “3” there shall be inserted “or 3A”, and
 - (ii) after “second key stage” there shall be inserted “or the final year of the third key stage”;
- (b) in the definition of “NC tests” after “mathematics”, there shall be inserted “or to third key stage pupils for the purpose of assessing the level of attainment which they have achieved in English, mathematics or science(c)”;
- (c) in the definition of “performance targets” there shall be substituted for the words “3 or 4 (or both)” the words “3, 3A, 4 or 4A, or any combination thereof”;
- (d) after the definition of “second key stage pupils” there shall be inserted the following definition—

“third key stage pupils” means pupils’ who are in the third key stage referred to in section 355(1)(c) of the 1996 Act;”

(a) 1997 c. 44; section 19 was amended by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 213. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these sections are exercisable by the Secretary of State only in relation to England.

(b) S.I. 1998/1532; amended by S.I. 1999/2267.

(c) The order currently in force in relation to the levels of attainment of third key stage pupils is the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 1999 (S.I. 1999/2189).

4. After regulation 3 there shall be inserted the following regulation—

“Targets for pupils in the third key stage

3A.—(1) This regulation applies to every school where education is provided which is suitable to the requirements of pupils in the final year of the third key stage.

(2) Subject to paragraph (5), the governing body of a school to which this regulation applies shall, by no later than 30th June in the 2000–01 school year and no later than 31st December in every subsequent school year, set the targets specified in paragraph (3) in connection with the performance of the relevant group of third key stage pupils in NC tests to be administered at or near the end of the following school year.

- (3) The targets referred to in paragraph (2) are—
- (a) the percentage of the relevant group of third key stage pupils to achieve level 5 or above in such tests in English;
 - (b) the percentage of the relevant group of third key stage pupils to achieve level 5 or above in such tests in mathematics; and
 - (c) the percentage of the relevant group of third key stage pupils to achieve level 5 or above in such tests in science.

- (4) In this regulation “the relevant group of third key stage pupils”, in relation to—

- (a) a school, and
- (b) any school year during which the governing body have a duty to set the targets specified in paragraph (3),

means all persons who, in the following school year, the governing body anticipate will be—

- (i) registered pupils, and
- (ii) in the final year of the third key stage.

(5) In relation to a designated school, paragraphs (2) and (4) shall have effect with the following modifications—

- (a) paragraph (2) shall have effect as if—
 - (i) for “by no later than 30th June in the 2000–01 school year and no later than 31st December in every subsequent school year” there were substituted “as soon after the beginning of every school year, commencing with the 2001–02 school year, as is reasonably practicable”, and
 - (ii) for “the following school year” there were substituted “that school year”; and
- (b) paragraph (4) shall have effect as if for “, in the following school year, the governing body anticipate will be”, there were substituted “are”.

5. After regulation 4 there shall be inserted the following regulation—

“Targets for groups of pupils with special educational needs

4A.—(1) This regulation applies where a target set by the governing body for a group of pupils under regulation 3, 3A or 4 is zero.

(2) Where this regulation applies and subject to paragraph (3), the governing body shall, within the time limits in those regulations, set additional appropriate targets for the performance of that group of pupils in appropriate public examinations or in appropriate assessments for the purposes of the National Curriculum.

(3) The governing body of a school to which regulation 3A applies shall not be required to set targets under this regulation in the 2000–01 school year.”.

- 6.—(1) Regulation 6 (publication of performance information) shall be amended as follows.

(2) In paragraph (1) after “1997–98 school year” there shall be inserted “and the governing body of every school to which regulation 3A applies shall publish in the school’s annual report for every school year after the 1999–00 school year”.

- (3) In paragraph (2)—

- (a) after “regulation 3” the first place where it occurs insert “or 3A”;
- (b) in sub-paragraph (a) after “regulation 3)” insert “or the relevant group of third key stage pupils (as defined in regulation 3A), as the case may be,”;

- (c) in sub-paragraph (b)(ii) after “second key stage” insert “or the third key stage, as the case may be,”.
- (4) After paragraph (2) there shall be inserted—
- “(2A) In relation to a school to which regulation 3A applies, paragraph (1) shall not require the governing body to publish information in the school year 2000–01 if the school’s annual report for that year has already been published before the governing body have set the performance target.”.
- (5) For paragraph (4) there shall be substituted
- “(4) In relation to a designated school to which there are normally admitted pupils who are in the final year of the third key stage, the reference in paragraph (1) to the 1999–00 school year shall have effect as a reference to the 2000–01 school year.”.
- (6) In paragraph (5)—
- (a) after “means” there shall be inserted “, subject to paragraph (5A)”; and
- (b) after sub-paragraph (a) there shall be inserted—
- “(aa) in relation to a school to which regulation 3A applies—
- (i) the percentage of registered pupils at or near the end of the final year of the third key stage who achieved level 5 or above in NC tests in English;
- (ii) the percentage of registered pupils at or near the end of the final year of the third key stage who achieved level 5 or above in NC tests in mathematics; and
- (iii) the percentage of registered pupils at or near the end of the final year of the third key stage who achieved level 5 or above in NC tests in science; and”.
- (7) After paragraph (5) there shall be inserted—
- “(5A) Where regulation 4A applies “pupils’ attainment results” in relation to any school year means the pupils’, results in relation to the targets set under that regulation.”.
7. In Schedule 2 there shall be added at the end—
- “4. Where no performance target has been set in relation to—
- (a) either or both of the two school years immediately preceding the relevant school year under paragraph 1(b)(i) or paragraph 2(b)(i); or
- (b) the relevant school year under paragraph 1(b)(ii),
- the school’s annual report shall state that fact.”.

6th March 2001

Estelle Morris,
Minister of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (School Performance Targets) (England) Regulations 1998 (“the principal Regulations”) so as to require targets to be set for pupils in the final year of the third key stage.

Additional targets will also have to be set for groups of pupils in the final year of the second key stage, the final year of the third key stage or aged 15 for whom a target set under regulation 3, 3A or 4 of the principal Regulations has been zero. Such pupils will be pupils with special educational needs.

£1.75

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.
E662 4/2001 602855 19585

ISBN 0-11-029237-5



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