



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 2

#### ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

##### *Establishment of new schools*

#### **11 Publication of proposals to establish maintained schools: special cases**

- (1) Where a local education authority in England propose to establish—
  - (a) a new maintained nursery school, or
  - (b) a new foundation or foundation special school providing education suitable only to the requirements of persons above compulsory school age,the authority must publish their proposals under this section.
- (2) Where any persons (“proposers”) propose to establish a new foundation, voluntary or foundation special school in England which—
  - (a) is to provide education suitable only to the requirements of persons above compulsory school age,
  - (b) is to replace an independent school that is not an Academy, a city technology college or a city college for the technology of the arts, or
  - (c) in the case of a new foundation special school, is to replace a non-maintained special school,they must publish their proposals under this section.
- (3) A new foundation, voluntary or foundation special school is not to be regarded for the purposes of subsection (2)(b) as replacing an independent school unless—
  - (a) the independent school has been registered under Chapter 1 of Part 10 of EA 2002 (regulation of independent schools) for a continuous period of at least two years ending with the date of the publication of the proposals under this section, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) it is proposed that the independent school should continue in existence but should then close as an independent school immediately before the proposals are implemented.
- (4) A new foundation special school is not to be regarded for the purposes of subsection (2)
  - (c) as replacing a non-maintained special school unless—
    - (a) the non-maintained special school has been approved under section 342 of EA 1996 (approval of non-maintained special schools) for a continuous period of at least two years ending with the date of the publication of the proposals, and
    - (b) it is proposed that the non-maintained special school should continue in existence but should then close as a non-maintained special school immediately before the proposals are implemented.
- (5) Proposals under this section must—
  - (a) contain such information, and
  - (b) be published in such manner,as may be prescribed.
- (6) Before publishing any proposals under this section, the authority or proposers (as the case may be) must consult such persons as appear to them to be appropriate; and in discharging their duty under this subsection the authority or proposers must have regard to any guidance given from time to time by the Secretary of State.
- (7) Where any proposals are published under subsection (2), the proposers must submit the proposals in accordance with regulations to the local education authority who it is proposed should maintain the school.
- (8) Schedule 2 has effect in relation to the consideration, approval and implementation of proposals under this section.
- (9) In this section “non-maintained special school” means a school which is approved by the Secretary of State under section 342 of EA 1996.