

EDUCATION AND INSPECTIONS ACT 2006

EXPLANATORY NOTES

COMMENTARY

Part 2: Establishment, Discontinuance Or Alteration of Schools in England

Section 18: Alterations that may be made under section 19

92. This section provides that regulations may prescribe the alterations to maintained schools that require the publication of statutory proposals.
93. *Subsection (2)* provides that such alterations must include a change in the category of the school; the acquisition by a foundation or foundation special school of a foundation; and any change in a school's instrument of government which results in the majority of governors being foundation governors.
94. *Subsection (3)* provides that other alterations may be prescribed in regulations as requiring statutory proposals.
95. *Subsection (4)* provides that a maintained school may not change, acquire or lose a religious character; change category to a community or community special school; change category from a mainstream school to a special school or from a special school to a mainstream school; or change category from a maintained nursery school to any other kind of school or from any other kind of school to a maintained nursery school. The effect of *subsection (4)* is that any of these changes could be achieved only by discontinuing the existing school and establishing a new school in its place.