
STATUTORY INSTRUMENTS

1990 No. 2104 (S.182)

EDUCATION, SCOTLAND

The Testing in Primary Schools (Scotland) Regulations 1990

<i>Made</i>	- - - -	<i>24th October 1990</i>
<i>Laid before Parliament</i>		<i>25th October 1990</i>
<i>Coming into force</i>		
<i>For the purposes of regulations 3(7) and 5(2)</i>		<i>1st August 1991</i>
<i>For all other purposes</i>		<i>17th November 1990</i>

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Education (Scotland) Act 1980(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Testing in Primary Schools (Scotland) Regulations 1990 and shall come into force for the purposes of regulations 3(7) and 5(2) on 1st August 1991 and for all other purposes on 17th November 1990.

Interpretation

- 2.—(1) In these Regulations, unless the context otherwise requires—
- “attainment test” means a test which an education authority are required to hold by virtue of regulation 3(1);
 - “class” means a group of pupils for the time being under the immediate charge of a teacher;
 - “primary school” includes any primary department in a school;
 - “school year” means the period of 12 months commencing on 1st August in any calendar year;
 - “Scottish Examination Board” means the Board established under section 129 of the Education (Scotland) Act 1980(2) and any reference to “the Board” shall be construed accordingly;
 - “the 1975 Regulations” means the Schools General (Scotland) Regulations 1975(3).

(1) 1980 c. 44; section 2 was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), section 69.
(2) 1980 c. 44; section 129 was amended by the Education (Scotland) Act 1981 (c. 58), section 13 and Schedule 9; and by the Self-Governing Schools etc. (Scotland) Act 1989, section 69(3).
(3) S.I.1975/1135, to which there are amendments not relevant to these Regulations.

(2) Yearly stages of primary education are designated by letters and numbers such that “P1” and “P7” represent respectively the first and final stages of primary school education; and any other yearly stage of primary education so designated shall be construed accordingly.

(3) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number.

Attainment tests

3.—(1) Subject to the provisions of this regulation, every education authority shall test the level of educational attainment of every pupil in stages P4 and P7 in attendance at primary schools under their management—

- (a) in respect of language, meaning the English language except where paragraph (2) applies, and mathematics, where the pupil is in stage P4; and
- (b) in respect of the English language and mathematics, where the pupil is in stage P7.

(2) Where Gaelic is a language of instruction at a school, testing in respect of language in accordance with paragraph (1)(a) may, in relation to any pupil in attendance at the school, be in respect of the English language or the Gaelic language or both of those languages, as appears to the education authority appropriate in the circumstances.

(3) Paragraph (1) shall not apply in respect of any pupil for whom a Record of Needs is kept; but the education authority may test the level of educational attainment of any such pupil in accordance with this regulation where they consider it appropriate to do so, having first consulted a parent of the pupil.

(4) Where a pupil is in attendance at a school where Gaelic is a language of instruction, in the school year in which these Regulations come into force, the duty of the education authority—

- (a) under paragraph (1)(a), shall not apply; and
- (b) under paragraph (1)(b), shall apply only insofar as it relates to the English language.

(5) For the purpose of holding any attainment tests an education authority—

- (a) shall select—
 - (i) by no later than 17th December 1990 in respect of the school year in which these Regulations come into force and by no later than 15th November in respect of each subsequent school year;
 - (ii) from the range of materials prepared by the Scottish Examination Board for that purpose,

such materials as appear to them appropriate to the level of education and circumstances of the pupils whose level of educational attainment is to be tested; and
- (b) shall use the materials so selected when holding such tests and may use different such materials in respect of different pupils or groups of pupils.

(6) An education authority shall hold attainment tests at each primary school under their management within the period from 1st March to 30th April in each school year and may hold such tests at different times within that period in respect of each such school, different classes at any such school, or a pupil, or group of pupils, in any such class.

(7) Without prejudice to paragraphs (1) and (2), where—

- (a) an education authority hold attainment tests at a school under their management; and
- (b) Gaelic is a language of instruction at that school,

they may select, in accordance with paragraph (5)(a), materials prepared in Gaelic and may use such materials in respect of the testing of the level of educational attainment of any pupil in language or

mathematics and, in holding such tests in respect of that pupil, they may also use materials prepared in English which they have so selected.

Marking of tests

4. Where attainment tests have been held by an education authority, they shall ensure that the tests are marked, in respect of each pupil whose level of educational attainment has been tested, by no later than the end of the school year in which those tests were held.

Provision of information on the results of tests

5.—(1) An education authority shall provide to the Scottish Examination Board, on request being made and in accordance with such request—

- (a) information in respect of the results of any attainment tests held by them;
- (b) samples of attainment test papers which have been completed and marked at schools under their management.

(2) An education authority shall ensure that, subsequent to the holding of attainment tests in any school year at a school under their management, and by no later than the end of that school year—

- (a) the results of those tests in respect of each pupil are supplied to a parent of that pupil; and
- (b) a summary of the results of those tests, so far as possible without identifying the results of any individual pupil, is provided to the school board of that school.

Amendment of regulation 10 of the 1975 Regulations

6. In paragraph (1)(d) of regulation 10 of the 1975 Regulations, after the word “tests” there shall be inserted the words:—

“, including any attainment tests within the meaning of regulation 2(1) of the Testing in Primary Schools (Scotland) Regulations 1990.”.

St. Andrew’s House, Edinburgh
24th October 1990

Malcolm Rifkind
One of Her Majesty’s Principal Secretaries of
State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require education authorities to test the level of certain aspects of the educational attainment of primary school pupils, who are attending schools under their management and who are at certain stages in their primary education.

Regulation 3(1) provides the general rule that every education authority shall test the level of educational attainment of all primary school pupils who are in their fourth and seventh years of primary education (“P4” and “P7”, respectively) in schools under their management: in respect of language (which in all schools, other than those where Gaelic is a language of instruction, means the English language) and mathematics where the pupil is in P4; and, in respect of the English language and mathematics, where the pupil is in P7.

Regulation 3(2) provides that where Gaelic is a language of instruction at a school, attainment tests in language in respect of P4 pupils may be in respect of the English or the Gaelic language, or both, as the education authority may consider appropriate.

Regulation 3(3) makes an exception to the general rule of regulation 3(1) in respect of pupils with special educational needs who have a Record of Needs: attainment testing in respect of such pupils is to be carried out only where the education authority consider that appropriate, following consultation with a parent of the pupil.

Regulation 3(4) also qualifies regulation 3(1) in that it provides that where a pupil is in attendance at a school where Gaelic is a language of instruction, the duty of the education authority under regulation 3(1) to hold attainment tests applies, for the purposes of the school year in which these Regulations come into force, only in respect of pupils in P7 and insofar as the tests relate to those pupils' level of educational attainment in the English language.

Regulation 3(5) provides that, for the purpose of holding attainment tests, an education authority shall select, from the range of materials prepared by the Scottish Examination Board for that purpose, such materials as appear to the authority appropriate to the level of education and circumstances of the pupils whose level of educational attainment is to be tested. The authority are required to do so by 17th December in the first school year in which the Regulations come into force and by 15th November in all subsequent such years. An education authority are also required, when holding attainment tests, to use such materials as they have selected in accordance with regulation 3(5) and different such materials may be used by the authority for testing the educational attainment of different pupils or groups of pupils.

Regulation 3(6) requires an education authority to hold attainment tests at each of their primary schools, within the period from 1st March to 30th April in each school year, and gives the authority discretion to hold such tests at different times within that period in respect of: a particular school; a class at a school; or a pupil or group of pupils in any such class.

Regulation 3(7) provides that, (without prejudice to the requirement that the level of educational attainment of all pupils in P7 be tested in respect of the English language), where an education authority hold attainment tests at one of their schools, where Gaelic is a language of instruction at that school, they may select, in accordance with paragraph (5)(a), test materials prepared by the Scottish Examination Board which are in Gaelic. It is further provided that in those circumstances an education authority may use such materials for testing the level of educational attainment of a pupil in language or mathematics and, in respect of that pupil, they may also use test materials, prepared by the Board, which are in English.

Regulation 4 provides that an education authority shall ensure that attainment tests held at one of their schools are marked, in respect of each pupil whose level of educational attainment has been tested, by no later than the end of the school year in which those tests were held.

Regulation 5(1) requires an education authority to provide the Scottish Examination Board with such information as the Board may request in respect of the results of attainment tests held at their schools and with samples of completed and marked attainment test papers. Regulation 5(2) requires an education authority, after holding attainment tests in any school year at a school under their management, to ensure that, by the end of that school year: a parent of each pupil who has undertaken such a test is supplied with that pupil's results; and, that the school board of the school is provided with a summary of the results of the tests, so far as possible without identifying the results of any individual pupil.

Regulation 6 amends regulation 10(1)(d) of the Schools General (Scotland) Regulations 1975, so as to require an education authority to record in a pupil's progress record (which record the authority are obliged to keep by virtue of that provision) the results of any attainment tests administered to that pupil.

"Primary school" is defined for the purposes of these Regulations so as to include a primary department in a school which provides both primary and secondary education (regulation 2(1)).

Regulations 3(7) and 5(2) come into force on 1st August 1991, whereas all other provisions of these Regulations come into force on 17th November 1990.