

COMMONWEALTH OF DOMINICA

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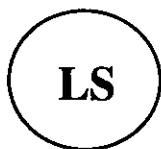
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FOURTH SCHEDULE

COMMONWEALTH OF DOMINICA

ACT No. 11 of 1997

I assent

C.A. SORHAINDO
President.

7th November, 1997.

AN ACT RESPECTING EDUCATION.

(Gazetted 13th November, 1997.)

BE IT ENACTED by the Parliament of the Commonwealth of
Dominica as follows:

PRELIMINARY

1. This Act may be cited as the –

Short title and
commencement.

EDUCATION ACT 1997,

and shall come into operation on such a day as the Minister may by
Order appoint and the Minister may appoint different days for
different provisions or Parts of the Act.

Interpretation.

2. In this Act unless the context otherwise requires –

“adult education” means –

- (a) continuing education; and
- (b) training activities organised on a part-time basis suitable to the requirements of persons over compulsory school age and designed to enhance knowledge, skills, attitudes or cultural awareness, but does not include tertiary education;

“assisted private school” means any private school that is in receipt of assistance under this Act;

“Chief Education Officer” means the person appointed to that post in the Public Service;

“class” in relation to a particular student and a particular subject, means the teaching group in which a student is regularly taught that subject or, where there are two or more groups, such one of them as may be designated by the principal of the school;

“compulsory school age” means from five years of age to sixteen years of age;

“Curriculum” means an organised set of theoretical and/or practical learning experiences;

“distance education” means an educational process in which a significant proportion of the teaching is conducted through one medium or a combination of media by persons removed in space or time from the learners;

“education” means activities designed for learning;

“educational programme” means a course of study whether conducted in a school or otherwise that is designed to meet the specified learning needs of an individual or group of persons;

“Minister” means the Minister responsible for Education;

“Ministry” means the Department of Education;

“parent” in relation to any child, includes a guardian and every person who is liable to maintain or has the custody of any child and a person living as husband with the mother of a child whether or not he is the father and a person living as wife with the father of a child whether or not she is the mother;

“pre-primary education” means education provided either within a primary school or in a pre-primary school specially designed for that purpose and suitable to the needs of children three years of age or older but under five years of age;

“pre-primary school” means a school that provides mainly pre-primary education;

“primary education” means full-time education suited to the requirements of students of primary school age;

“primary school” means a school that provides primary education;

“primary student” means a student who at the beginning of the school year has attained the age of five years or will attain that age during that same school year but has not attained the age of fourteen years, and who has not yet gained admittance to a secondary school;

“principal” means the head of any school or institution under this Act;

“private school” means a school that is owned, managed and financed by a person or religious community or body, and which is attended by twelve or more students continuously for more than eight hours per week and is registered under this Act;

“public school” means a school that is wholly or mainly maintained at the public expense and to which the general public has, subject to this Act and Regulations, unconditional access;

“school” means any pre-primary, primary or secondary school, or any school for special or adult education, any training centre or tertiary institution or any institution of higher education as may be prescribed;

“school hours” means the period prescribed during which attendance is required at school under this Act;

“school year” means such period not exceeding twelve months as may be prescribed as a school year;

“secondary education” means full-time education suited to the requirements of students of secondary school age;

“secondary school” means a school that provides mainly secondary education;

“student” means a person of any age for whom education is provided under this Act;

“Teachers College” means any school or institution established for the purpose of training teachers;

“technical institution” means any school or institution that provides for studies, training or research in technology, science, commerce or art;

“tertiary education” means –

(a) education suitable to the requirements of persons over compulsory school age who are not enrolled for secondary education in any school or, if enrolled in secondary education, have completed a course of secondary education; and

(b) college or university education and instruction normally available at institutions for teacher training, vocational training and technical training;

“tertiary institution” means an institution that provides mainly tertiary education;

3. The purpose of this Act is to provide for the orderly and coordinated development of a relevant, varied and comprehensive educational system in Dominica characterised by excellence.

PART I
ADMINISTRATION OF THE EDUCATION SYSTEM

DIVISION A
RESPONSIBILITIES AND POWERS OF THE MINISTER

4. (1) The Minister is responsible for the overall administration of this Act, and shall, subject to available resources, exercise the powers conferred on him under this Act, so as to ensure –

Responsibilities of the Minister.

- (a) the establishment of a relevant, varied and comprehensive educational system that is characterised by excellence;
- (b) the promotion of the education of the people of Dominica by the establishment of institutions for the purpose of fostering the spiritual, cultural, moral, intellectual, physical, social and economic development of the community;
- (c) the framing of educational policy designed to give effect to the purpose of this Act;
- (d) the effective execution of the educational policy of the Government; and
- (e) the establishment of a co-ordinated educational system organised in accordance with this Act.

(2) Without prejudice to the generality of subsection (1), the Minister is responsible to ensure the establishment and pursuit of goals and objectives that –

- (a) encourage the development of the basic knowledge and skills in all persons, including –
 - (i) the skills of literacy, listening, speaking, reading, writing, numeracy, mathematics, analysis, problem solving, information processing, computing;
 - (ii) critical and creative thinking skills for today's world;

- (iii) an understanding of the role of science and technology in society together with scientific and technological skills;
 - (iv) appreciation and understanding of creative arts;
 - (v) physical development and personal health and fitness; and
 - (vi) the creative use of leisure time;
- (b) develop self-worth through a positive educational environment;
 - (c) promote the importance of the family and community;
 - (d) provide opportunities to reach maximum potential;
 - (e) promote the recognition, understanding and respect for the Constitution, Laws and national symbols of the State;
 - (f) develop further an understanding of the principle of equality between the sexes;
 - (g) promote understanding of the indigenous people, history, language, culture, rights, and values of Dominica and their changing role in contemporary society;
 - (h) increase awareness and appreciation of the natural environment of the State;
 - (i) promote a Caribbean identity through regional cooperation and integration;
 - (j) develop an understanding of the historical and contemporary role of labour and business in society; and
 - (k) prepare the people of Dominica for participation in the Dominican and global society.

(3) In addition to the responsibilities referred to in subsections (1) and (2) and the several duties imposed on the Minister under this Act, the Minister is responsible for –

-
- (a) devising a system of education designed as far as possible to ensure that the intellectual and vocational abilities, aptitudes and interests of students find adequate expression and opportunity for development;
 - (b) establishing public schools and determining their classification;
 - (c) making, subject to this Act, provision for the admission and transfer of students in public schools and assisted private schools;
 - (d) establishing and maintaining or assisting in the establishment and maintenance of schools, institutions or other facilities for tertiary, adult and continuing education and special education as he considers necessary, including –
 - (i) teachers' colleges for the training of teachers; and
 - (ii) technical colleges and training centres considered necessary for fulfilling the requirements of technical and vocational education;
 - (e) taking such other action as he considers necessary for ensuring that the requirements of teachers in public schools are satisfied;
 - (f) ensuring the proper management of schools in accordance with this Act and Regulations;
 - (g) rendering, to such students or class of students, subject to such conditions as may be prescribed, such forms of assistance as may be necessary for enabling the students to take full advantage of the educational facilities available;
 - (h) evaluating the work of public schools and assisted private schools with particular reference to the curriculum to be followed therein, and making

- provision for the examination and testing of students and the award of certificates;
- (i) the referral of children who have been identified by the Chief Education Officer as having learning difficulties to appropriate medical, educational, social services or other agencies where they exist for remedial treatment or assistance;
 - (j) providing educational opportunities for meeting the demands for higher education and in particular taking such steps as may be necessary for the carrying out of Government's obligation to the Caribbean Examination Council, University of the West Indies or any other institution of higher learning; and
 - (k) actively encouraging the formation, functioning and development of students councils in all schools and a National Students Council.

Powers of Minister.

5. For the purpose of the performance of his responsibilities and duties under this Act, the Minister may –

- (a) require attendance of persons of compulsory school age at schools established and conducted under this Act;
- (b) regulate the operation of public schools, assisted private schools and private schools;
- (c) in consultation with such organisations representing the teaching profession as he considers appropriate –
 - (i) make provision for the professional training of teachers for the entire system of education, and lay down standards which are applicable to the recruitment of teachers, their training, professional development and conditions of service;
 - (ii) prescribe lists of text-books and practices in all public schools and assisted private schools so as to ensure conformity with national standards of edu-

cation provided that in the case of assisted private schools text-books for religious education shall be determined by the religious community or body establishing the school;

- (iii) prescribe, in accordance with this Act, curriculum for public schools and assisted private schools;
- (d) designate the grades or classes and special programmes to be offered in public schools and assisted private schools;
- (e) prescribe forms and notices as required for the administration of this Act;
- (f) constitute committees or other bodies to offer advice from time to time on educational and related matters;
- (g) determine the level of assistance to assisted private schools and regulate such assistance;
- (h) establish or disestablish public schools including schools for technical education and inaugurate classes or discontinue classes in those schools when necessary; and
- (i) provide for any other matter or do all such things as is necessary or expedient from time to time for the carrying out of his responsibilities for education and training.

6. The Minister shall table in the House of Assembly an annual report on the state of education within twelve months of the end of the school year for which the report is made. Annual report.

DIVISION B

RESPONSIBILITIES AND DUTIES OF CHIEF EDUCATION OFFICER

7. (1) The Chief Education Officer is, subject to section 4 and the directions of the Minister, responsible for the general administration of this Act. Duties of Chief Education Officer.

- (2) The Chief Education Officer shall –
- (a) ensure that schools are administered in a proper and efficient manner;
 - (b) develop administrative principles and procedures for implementing general policies and administering the education system;
 - (c) after prior consultation with the Permanent Secretary, delegate authority to professional staff of the Ministry for administering various aspects of the education system including the registration and administration of private schools;
 - (d) develop and direct training of all professional personnel;
 - (e) initiate, subject to the provisions of this Act, curriculum, innovation and reform and the establishment of appropriate procedures for evaluating the instructional programme of educational institutions;
 - (f) advise the Minister on matters affecting education in the State;
 - (g) ensure that the premises and property of public and assisted private schools are protected against improper use;
 - (h) initiate, organise and conduct courses of induction and training for untrained teachers;
 - (i) ensure the observance of the provisions of this Act and Regulations pertaining to the conduct of educational institutions; and
 - (j) perform such other duties under this Act as the Minister may from time to time assign to the Chief Education Officer.

8. (1) The Minister may delegate in writing to the Chief Education Officer any responsibility or duty conferred on the Minister under this Act or Regulations, but this does not preclude

the Minister from exercising any or all of the duties so delegated where he considers it necessary.

(2) Where by this Act or any enactment made under this Act the Chief Education Officer is required or permitted to perform any duty, the Chief Education Officer may, after consulting the Permanent Secretary, authorise in writing an Education Officer or another public officer who is accountable to him to perform the duty.

DIVISION C

ESTABLISHMENT AND FUNCTIONS OF THE EDUCATION ADVISORY BOARD AND COMMITTEES

9. (1) The Minister shall establish a body to be called the Education Advisory Board.

Establishment of
Education Advisory
Board.

(2) The Board must consist of the following members:

- (a) the principal of the Clifton Dupigny Community College;
- (b) four members nominated by the Minister in his discretion from among persons representing –
 - (i) expert educational opinion;
 - (ii) Parent Teacher Associations;
 - (iii) technical, vocational or business education; and
 - (iv) organisations concerned with community development, industry and commerce, and professional services;
- (c) one representative nominated by the Association of School Principals, if one exists;
- (d) one representative nominated by the appropriate representative body representing teachers;
- (e) the Resident Tutor, the University of the West Indies School of Continuing Studies;

- (f) one representative nominated by the religious community;
- (g) one representative nominated by the business and professional community; and
- (h) one representative nominated by the youth and student community.

(3) The representatives nominated under subsection (2)(b), (c), (d), (f), (g) and (h) shall be appointed by the Minister by instrument in writing.

(4) The Board shall appoint a chairperson and a vice-chairperson from among its members.

(5) The appointment of a member of the Board shall be for a period not exceeding three years, but the member shall be eligible for reappointment.

First Schedule.

(6) The First Schedule has effect with respect to the constitution and procedure of the Board and otherwise in relation thereto.

Functions of Advisory Board.

10. The Board shall advise the Minister on matters –

- (a) connected with education as it thinks fit;
- (b) respecting the performance of any of his responsibilities or the exercise of his powers under this Act and Regulations as the Minister refers to it;
- (c) on any matter relating to the promotion of education as the Minister refers to it.

Powers of the Board to hold public hearing.

11. (1) Prior to advising the Minister on any matter concerning the promotion of education, the Board may, where it thinks advisable and with the approval of the Minister –

- (a) hold a public hearing into the matter; or
- (b) appoint one or more members to hold a public hearing into the matter; or

(c) solicit written memoranda from the public on any matter.

(2) The Minister may require the Board to hold a public hearing respecting any matter affecting the promotion of education and when he has so required, the Board may adopt the procedure outlined in subsection (1) which it considers most appropriate.

12. (1) The Minister is not bound to accept the advice of the Board, and where he considers it advisable he may refer a matter back to the Board for reconsideration.

Minister not bound by advice of Board.

(2) Where after reconsideration, pursuant to subsection (1) the Board adheres to the advice it had previously given, the Minister may reject the advice or adopt it either wholly or with such modification, additions or adaptations as he thinks fit.

13. (1) Notwithstanding section 9, the Minister may appoint such special committees as he considers necessary to advise him with respect to any specific matter which may arise from time to time.

Special committees.

(2) A special committee must comprise such members as the Minister appoints and has such functions as the Minister specifies.

(3) The Minister may refer any matter to a special committee appointed under subsection (1) notwithstanding that the Board considered or has power to consider that matter.

PART II

RIGHTS AND RESPONSIBILITIES OF STUDENTS AND PARENTS

DIVISION A

STUDENTS RIGHTS AND RESPONSIBILITIES

14. Subject to available resources, all persons are entitled to receive an educational programme appropriate to their needs in accordance with the provisions of this Act and Regulations.

Right to education.

Responsibility to students.

15. (1) The Chief Education Officer shall provide to every compulsory school-age person who resides in the State an educational programme consistent with the requirements of this Act and Regulations.

(2) For the purposes of providing the educational programme to the student, the Chief Education Officer shall –

- (a) enroll the student in an educational programme offered by a public school; or
- (b) direct the student to attend an educational programme offered by another school where it is reasonable to do so.

(3) Except in the case of a student who is transferred under section 53(1)(d), where a student is directed to attend an educational programme pursuant to subsection (2)(b), the Government is responsible for the fees and costs, if any, consequent to the student's attendance at the educational programme.

Free tuition.

16. (1) Tuition fees consequent to the student's attendance for an educational programme at a public school under section 27 shall not be charged to the student or the parents of the student.

(2) Notwithstanding subsection (1) –

- (a) tuition fees may be payable in such amounts, for such purposes and by such persons or classes of persons who are not citizens of any Member State or Associated Member State of the Caribbean Community, as the Minister may prescribe by Order;
- (b) other charges may be imposed at a public school or assisted private school with the written approval of the Minister.

Students responsibilities.

17. Every student enrolled in a public school or assisted private school shall –

- (a) observe the code of conduct and other rules and policies of the Ministry and of the school;

- (b) attend classes regularly and punctually and participate in the educational programmes in which the student is enrolled;
- (c) be diligent in pursuing the prescribed curriculum;
- (d) observe standards approved by the Chief Education Officer or the principal as the case may be, with respect to –
 - (i) cleanliness and tidiness of the person;
 - (ii) general deportment;
 - (iii) attire;
 - (iv) courtesy; and
 - (v) respect of the rights of other persons.

18. (1) Every student is accountable –

Students accountable to teacher, principal, and Ministry.

- (a) to the teacher for his conduct on the school premises during school hours and during such hours as the teacher is in charge of the student in class or while engaged in authorised school activities conducted outside of school hours;
- (b) to the principal for his general deportment and conduct at any time that he is under the supervision of the school and members of the teaching staff, including the time spent in travelling between the school and his place of residence.

(2) Every student is under the general direction and control of –

- (a) the driver of a school bus, if the driver is an employee of the Ministry;
- (b) any person under whose supervision students are placed on the authority of the Chief Education Officer;

in respect of the student's general behaviour and deportment on a school bus, or while under supervision as the case may be.

Rights of students.

19. (1) Every student has a right to be treated with respect and dignity and in a fair and reasonable manner.

(2) A student may express any religious, political, moral or other belief or opinion so long as the expression does not adversely affect the rights or education of other students, or the rights of other persons in the educational institution.

DIVISION B

PARENTS' RIGHTS AND RESPONSIBILITIES

Rights and responsibilities of parents.

20. (1) Subject to section 22, parents of students attending public schools and assisted private schools are entitled –

- (a) to be informed of the progress, behaviour and attendance of their children;
- (b) upon reasonable notice to the principal and teacher, to observe the instruction of their children, if the parental visitation does not impede the instruction of other children;
- (c) to appeal decisions that significantly affect the education, health or safety of their children; and
- (d) to be consulted in the development of any specialised educational programmes prepared for their children.

(2) A parent of a student attending a school may and at the request of a teacher or principal shall, consult with the teacher or principal with respect to the student's educational programme.

(3) A parent shall inform the principal in writing of any medical or other condition peculiar to his child –

- (a) on admission of the child; or
- (b) as soon as the parent becomes aware of such medical or other condition.

(4) The information provided under subsection (3) constitutes part of the student's record under section 22.

21. Subject to the provisions of this Act, parents may choose for their children, a home education programme in accordance with section 79 or any other educational programme provided by a private or public school. Choice of education.

22. (1) Every principal shall establish and maintain a student record for each student enrolled in the school managed by the principal in accordance with the guidelines established by the Chief Education Officer. Student records and reports.

(2) Every school shall provide to the parents of a student a periodic or termly report of the student's academic performance and conduct.

(3) The report referred to in subsection (2) must be in such form and contain such information as the Chief Education Officer may determine.

(4) The following persons, on paying the prescribed fee, may examine and copy a student's record or request a certified copy of a student's record:

- (a) the parents of a student who is below eighteen years of age;
- (b) a student who is eighteen years of age or older; or
- (c) the parents on behalf of a student who is eighteen years of age or older.

(5) Subject to subsection (2), a student's record is privileged for the information and use of school and departmental officials as required for the performance of their functions and is not available to any other person or institution without the written permission of the parent or, where the student is eighteen years of age or older, the student.

(6) Persons who contribute information to a student's record are exempt from any liability with respect to the provision of that information if those persons, in providing the information, acted –

- (a) in good faith;
- (b) within the scope of their duties and responsibilities; and
- (c) with reasonable care.

(7) If, on examining a student's record, a person authorised under this section is of the opinion that the student's record contains inaccurate or incomplete information, that person may request the principal to rectify the record.

(8) Where the principal refuses to rectify the record when so requested under subsection (7), the person who has requested the rectification may, within fourteen days of the refusal, refer the matter to the Chief Education Officer who shall review the request and provide direction to the principal.

(9) Where the person who has referred a matter to the Chief Education Officer under subsection (8) or the relevant principal is dissatisfied with its disposition by the Chief Education Officer, that person or the principal may appeal the matter to the Education Appeal Tribunal established pursuant to this Act within fourteen days of the disposition.

- (10) A person who –
- (a) discloses information from a student's record in contravention of subsection (5), or
 - (b) tampers with a certified copy of a student's record received under this section,

is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

Damage to school property.

23. (1) Every student in a public school or assisted private school shall take good care of the property placed at his disposal and where such property is to be returned, the property shall be returned in good condition at the end of the school activities on a day and time determined by the principal.

(2) If a student fails to comply with subsection (1), the Chief Education Officer may claim the value of the property from

the parents of the student if a minor or from the student himself if the student is eighteen years or over.

(3) If the property of a public school or assisted private school is destroyed, damaged, lost or converted by the intentional or negligent act –

- (a) of a student who is a minor, the student and the student's parents are liable in respect of the act of the student; or
- (b) of two or more students who are minors acting together, the students and their parents are jointly and severally liable in respect of the act of the students.

(4) If the property of a public school or assisted private school is destroyed, damaged, lost or converted by the intentional or negligent act of one or more students who are eighteen years or older –

- (a) the single student is liable in respect of his sole act; and
- (b) the students who acted together are jointly and severally liable in respect of their act.

24. (1) Parents and teachers may, in accordance with Regulations made under this Act form associations, to be known as Parent Teacher Associations.

Parent Teacher Associations.

(2) The Minister shall encourage and assist in the formation of –

- (a) Parent Teacher Associations; and
- (b) a National Council of Parent Teacher Associations.

(3) Parent Teacher Associations may be established in public and private assisted schools.

(4) The objects of Parent Teacher Associations must include the promotion of the interests of the school by bringing parents, members of the community, students and teachers into close co-operation.

(5) Parent Teacher Associations may, subject to this Act and Regulations, make rules for the regulation and control of their business.

(6) On the formation of a Parent Teacher Association, the names of the members of the executive shall be forwarded to the Chief Education Officer and thereafter after every election of a new executive.

School committees.

25. (1) Subject to subsection (2), where a Parent Teacher Association does not exist, the principal, in consultation with his staff may establish a school committee comprising such number of parents, teachers and members of the community as the principal determines.

(2) A school committee shall not come into existence without the written approval of the Chief Education Officer.

(3) A school committee shall be an advisory committee to the school for which it is established.

(4) A school committee shall –

- (a) advise the school administration when requested by the principal on any matter relating to the school;
- (b) perform any duty or function referred to it by the Minister; and
- (c) actively pursue the formation of a Parent Teacher Association.

(5) On the formation of a Parent Teacher Association, the principal shall dissolve the school committee forthwith.

Wishes of parents to be considered in education of students.

26. The Minister shall, in the performance of his responsibilities and duties under this Act, have regard to the general principle that, so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, the wishes of parents formally conveyed to him are to be considered in the education of students.

DIVISION C

ADMISSION AND ATTENDANCE OF STUDENTS

27. Every child shall attend school from the first day of the school calendar in the school year following that in which he attains the lower age of the compulsory school age until the last day of the school calendar in the school year in which he attains sixteen years of age or at the end of which he obtains a school leaving certificate or diploma awarded by the school, whichever occurs first.

Compulsory school attendance.

28. (1) A child shall not be admitted to a primary school unless at the time of admission –

Mode of admission.

- (a) the child is accompanied by a parent, or a responsible person over the age of eighteen years who has been authorised by a parent to represent him;
- (b) the person accompanying the child brings a birth certificate giving the information required for the Student's Register;
- (c) the child has attained the lower age of the compulsory school age or will attain that age during that same school year; and
- (d) a certificate issued by a registered Medical Practitioner or the Public Health authorities is produced indicating that the child has been immunised as may be prescribed by Regulations made under this Act.

(2) A child shall not, without the written permission of the Chief Education Officer, be admitted to a primary school other than in September, or the beginning of the primary school year.

29. (1) Subject to subsections (2) and (3) a child without the written permission of the Chief Education Officer shall not be admitted as a student to a public secondary school or assisted private secondary school before the child has reached the age of ten years.

Age limit for secondary schools.

(2) A child below ten years of age may be admitted to a secondary school with the written permission of the Chief Education Officer on the grounds of exceptional ability and consistently high academic performance as evidenced by –

- (a) outstanding performance in termly and annual class examinations with a Grade A average or its equivalent in each examination;
- (b) the child's assessment result at the key stages as provided for in section 139; and
- (c) the written recommendation of the principal of the last school attended by the child.

(3) A child below ten years of age who prior to his residence in Dominica attended or gained admission to a secondary school or the equivalent of a secondary school may on the written permission of the Chief Education Officer be admitted to a public secondary school or an assisted private secondary school.

(4) A student shall not, without the written permission of the Chief Education Officer, be retained in a public secondary school or an assisted private secondary school after the end of the school year in which he shall have reached the age of nineteen years.

Student's Register.

30. (1) The principal of every school shall maintain a register of students which shall be known as the Student's Register.

(2) The Student's Register must include –

(a) upon admission of a student to a school –

- (i) the name, telephone number, address and date of birth of such student;
- (ii) the date of admission;
- (iii) the name and residence of the student's parent;
- (iv) the name of the last school, if any, which the student attended;
- (v) where appropriate, the date the student left the school from which he transferred as far as it can be ascertained;

- (vi) the standard, class or form of the student at the date of leaving the school from which he was transferred;
- (vii) the standard, class or form to which the student is admitted; and

(b) upon the departure of a student from a school –

- (i) the date of the student's departure;
- (ii) the standard, class or form of the student on the date of departure; and
- (iii) where appropriate, the school or other location to which the student is being transferred.

(3) Notwithstanding subsection (2), the Student's Register must include any other information as may be prescribed in writing by the Chief Education Officer from time to time.

31. (1) Subject to the approval of the Chief Education Officer, Transfer of students. a student who seeks admission from one school to another shall not be admitted to that other school –

- (a) except on presentation of a letter of transfer signed by the current principal; and
- (b) after consultation between the current principal and the receiving principal concerning the availability of a school place in the receiving school.

(2) A principal shall furnish on the request of any student seeking a transfer the letter referred to in subsection (1).

(3) Letters of transfer shall be retained by the principal of the admitting school and a copy thereof shall be submitted for endorsement to the Chief Education Officer.

(4) In the event that a dispute arises between two or more principals when a student seeks to transfer from one school to another, the Chief Education Officer shall make a final determination.

Effect of contagious diseases.

32. (1) Subject to section 33, a student suffering from or exposed to a contagious disease shall not be admitted to or permitted to remain in any school.

(2) Where the principal discovers, or has reason to suspect the presence of a contagious disease the principal shall immediately report the same to the parent of the student concerned, the Chief Education Officer, and the Chief Medical Officer.

Re-admission of student on production of medical certificate.

33. (1) A student who has been refused admission to a school on the ground that he is suffering from or exposed to a contagious disease shall not be re-admitted except upon production of a medical certificate from a medical practitioner registered under the Medical Act to the effect that such student is free from such disease and is unlikely to be a source of infection to other persons in the school.

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(2) The medical certificate required by subsection (1) shall be issued free of charge by any Government medical officer issuing the same.

Temporary or permanent closing of schools.

34. (1) Where –

- (a) as a result of the total or partial destruction by hurricane, earthquake, fire, flood or other natural disaster, of all or any of the buildings used in connection with any public school or assisted private school; or
- (b) as a result of the outbreak of any infectious or contagious disease; or
- (c) for any other reason,

attendance at any public school or assisted private school has fallen to such an extent that, in the opinion of the Minister justifies the temporary or permanent closing of the institution, the Minister may, notwithstanding anything contained in this or any other enactment, direct that the school be temporarily or permanently closed, as the case may be, and the school shall, with effect from the date of the direction, be closed.

(2) Where a school is permanently closed, the Minister shall provide alternative accommodation to the students affected by the closure.

(3) The powers conferred on the Minister by this section are in addition to any powers conferred upon the Minister in any other enactment.

(4) Without affecting subsection (1), the Minister may delegate to the Chief Education Officer the power conferred on the Minister by that subsection to temporarily close a school referred to in subsection (1).

(5) Notwithstanding subsections (1) and (3), the principal of a school may, in an emergency, where it is impractical to obtain the prior approval of the Minister or Chief Education Officer, close a school temporarily and inform the Minister or Chief Education Officer as soon as practicable thereafter.

35. (1) The Minister may by Order introduce a scheme of zoning for the admission and transfer of students to public schools and assisted private schools, whether primary or secondary. Zoning of schools.

(2) The scheme of zoning shall link the place of residence of the student and the location of the school of attendance.

(3) Residency of a student shall be determined by the residency of the student's parents.

DIVISION D

ENFORCEMENT OF COMPULSORY SCHOOL ATTENDANCE

36. Subject to section 37, the parents of every child of compulsory school age shall ensure that the child receives an education by regular attendance at a school. Duty of parents to enforce attendance.

37. (1) Subject to subsections (2) to (6), a child of compulsory school age is exempted from school attendance if – Valid excuses from attendance.

- (a) the Minister is satisfied after consultation with the Chief Education Officer, that the child is receiving adequate instruction at home or elsewhere;
- (b) the child is excluded from attendance at school under any provision of this Act or the Regulations;
- (c) the child is unable to attend school because of sickness, danger of infection, infirmity, sudden or serious illness of a parent or other related cause;
- (d) the child is suffering from a mental or physical disability that, in the opinion of a registered medical practitioner, makes the student incapable of being educated by ordinary methods of instruction;
- (e) the child is granted permission by the principal of the school to be temporarily absent from school for good and sufficient reason;
- (f) the child is a participant in religious observances, celebrations or activities recognised by a religious community;
- (g) the child has been suspended by a school in accordance with the provisions of this Act and has not been given permission to enroll in another school; or
- (h) the child is engaged in work experience or other educational programmes authorised or approved by the principal;
- (i) the child is representing the State in an educational, cultural or sporting event or in any other official capacity.

(2) The parent of a child of compulsory school age who wishes the child to be exempted from school attendance under subsection (1)(a), (c), (d), (e) and (f), must apply for a certificate of exemption from school attendance in accordance with subsection (3).

(3) An application under subsection (2) must be made –

(a) in the case of paragraphs (a) and (d) to the Chief Education Officer; and

(b) in the case of paragraphs (c), (e) and (f) to the principal of the school,

and the Chief Education Officer or the principal, as the case may be, may grant or refuse the certificate.

(4) A certificate granted under subsection (3) exempts the child to whom it relates from attendance at school to the extent specified in the certificate.

(5) A parent who is dissatisfied with a refusal under subsection (3) may appeal to the Minister, who may confirm or overrule the refusal.

(6) The decision of the Minister on an appeal under subsection (5) is final.

(7) Section 45 does not apply in the case of a child with respect to whom a certificate has been granted under this section or to a child who is exempted under subsection (1)(b), (g) and (h).

38. The Minister may by Order, designate school attendance counsellors to assist teachers in the counselling of children of compulsory school age and their parents and in the enforcement of the compulsory attendance provisions of this Act.

School attendance counsellors.

39. A school attendance counsellor shall ensure that section 36 is complied with in respect of all children of compulsory age within the district or area to which he is assigned.

Responsibility of school attendance counsellor.

40. For the purposes of section 39, a school attendance counsellor, who has reasonable cause to believe that a person is in contravention of this Act or Regulations may, at any reasonable time, whether during school hours or not, upon presentation of his credentials to the person present on the premises –

Power to enter premises and question children.

(a) enter the premises and make such inquiries as are necessary to determine whether section 36 is being

complied with or whether anyone is in contravention of section 45 in relation to a child of compulsory school age whom he has reasonable cause to believe to be frequently visiting, residing or employed on the premises;

- (b) stop and question any child who appears to be of compulsory school age and is not at school, concerning –
- (i) his age;
 - (ii) his name and address;
 - (iii) the school at which he is registered;
 - (iv) the reason for his absence from school; and
 - (v) any other matter relevant to the inquiries referred to in paragraph (a).

Offences against school attendance counsellors.

- 41. (1)** A person is guilty of an offence who –
- (a) assaults, obstructs, or uses insulting, abusive or indecent language to –
 - (i) a school attendance counsellor in the execution of his duties; or
 - (ii) any other person executing a duty imposed on him by this Act or Regulations, in relation to the attendance at school of any child;
 - (b) being a parent, fails, without reasonable cause, having been requested by a school attendance counsellor to give the officer any information concerning –
 - (i) the name, age, residence, parent, enrolment and the attendance of any child at school;
 - (ii) any other matter, relevant to the attendance of any child at school; or
 - (c) gives to any school attendance counsellor, knowing it to be false or misleading, any information

concerning any matter mentioned in paragraph (b).

(2) Subsection (1) applies, notwithstanding that the child in relation to whom the offence is committed is not of compulsory school age.

(3) A person who is convicted of an offence under subsection (1) is liable on summary conviction to a fine of one thousand five hundred dollars and six months imprisonment.

42. A school attendance counsellor may at the request of the parent apprehend and deliver to the school from which he is absent or to his parent, any student found absent from school without having been exempted under section 37.

Power to deliver absent student.

43. A school attendance counsellor shall –

Duties of school attendance counsellor.

- (a) report monthly to the Chief Education Officer;
- (b) perform his duties under the direction and supervision of the Chief Education Officer;
- (c) inquire into every suspected case of unlawful failure to attend school within his knowledge or when requested to do so by the Chief Education Officer or the principal of a school;
- (d) counsel children of compulsory school age and their parents;
- (e) give, with the approval of the Chief Education Officer –
 - (i) written warning of the consequences of such failure to the parent of the child who is not attending school, and
 - (ii) written notice to the parent to cause the child to attend school forthwith; and
- (f) report monthly or whenever necessary, to the relevant principals as regards cases of non-attendance reported to him under section 44(a).

44. Every principal of a school shall –

Reports by principals.

- (a) in accordance with such Regulations as may be prescribed, report to the proper school attendance counsellor, the names, ages and residences of all students of compulsory school age who have not attended school as required;
- (b) furnish the Chief Education Officer with such other information as the Chief Education Officer requires for the enforcement of compulsory school attendance; and
- (c) report in accordance with section 52 to the Chief Education Officer every case of suspension and expulsion.

Liability of parent.

45. (1) Subject to section 37, a parent of a child of compulsory school age, who neglects or refuses to cause the child to attend school is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

(2) The Court may, instead of imposing a fine, require a person convicted of an offence under subsection (1) to enter into a bond not exceeding one thousand dollars, with one or more sureties to be approved by the Court, on condition that the person shall, after the expiration of five days, cause the child to attend school as required.

Compulsory school age and offences.

46. (1) Subject to subsection (3), a person who employs a child of school age during the school year is guilty of an offence and liable on summary conviction to a fine of two thousand dollars.

(2) If a body corporate contravenes subsection (1) in addition to the said body corporate, every director and officer of the body corporate, who authorises, permits or acquiesces in such contravention is guilty of an offence and liable on summary conviction to the same penalty as the corporation.

(3) Notwithstanding subsection (1), a person may employ a student over fourteen years of age –

- (a) during the vacation periods of the school year as specified by the Minister; or

(b) if the employment of the student is part of the school programme to prepare students for future employment.

(4) Except with the permission of the principal or under the supervision of a teacher deputed by him for the purpose, a student of compulsory school age on the register of any school whether public or private, shall not be admitted, on payment or otherwise to any cinema show or other similar form of entertainment on any day and at any time which attendance at school is by this Act or Regulations required.

(5) A student of compulsory school age enrolled on the register of any school, whether public or private, shall not be allowed to loiter on the licensed premises of any person who carries on any business in connection with the sale, storage or conveyance of intoxicating liquor within the meaning of the relevant provision of the Liquor Licences Act.

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(6) A person who contravenes any of the provisions of subsections (4) and (5) is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and six months imprisonment.

47. (1) Prosecutions under sections 45 and 46 may be instituted by the Chief Education Officer.

Legal proceedings.

(2) In prosecutions under sections 45 and 46 a statement as to the attendance or non-attendance at school of a child, signed or purporting to be signed by the principal of the school, is *prima facie* evidence of the facts stated therein.

(3) In any prosecution under this section a birth certificate is evidence of the age of the person named in the certificate.

(4) In the absence of a birth certificate, the Court or the Judge may receive and act upon any other document or information relating to age that it considers reliable.

(5) In any prosecution under sections 45 and 46, the Court may draw inferences as to the age of a person from the person's

demeanour or from statements made by the person in direct examination or cross-examination.

DIVISION E

DISCIPLINE, SUSPENSION AND EXPULSION OF STUDENTS

School rules to govern discipline.

48. (1) A public school or an assisted private school may, after consultation with its Board of Management provided that such a Board exists, introduce rules to govern the attire, conduct and discipline of students.

(2) Rules established pursuant to subsection (1) shall not come into effect unless they are –

(a) approved in writing by the Chief Education Officer; and

(b) circulated to the parents of the students of the school.

(3) The rules that affect students shall be posted in conspicuous places within the school and brought to the attention of the students of the school at the commencement of each school year.

(4) The rules established pursuant to this section shall be applied without discrimination to all students and shall be consistent with this Act and the Regulations.

(5) Discipline of students shall be administered in accordance with this Act and Regulations, and the rules and procedures established by the Board of Management, or Chief Education Officer.

Corporal punishment.

49. (1) In the enforcement of discipline in public schools, assisted private schools and private schools degrading or injurious punishment shall not be administered.

(2) Corporal punishment may be administered where no other punishment is considered suitable or effective, and only by the principal, deputy principal or any teacher appointed in writing

by the principal for that purpose, in a manner which is in conformity with the guidelines issued in writing by the Chief Education Officer.

(3) Whenever corporal punishment is administered an entry shall be made in a punishment book that shall be kept in each school for such purpose with a statement of the nature and extent of the punishment and the reasons for administering it.

(4) A person other than those mentioned in subsection (2) who administers corporal punishment to a child on the school premises is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

50. Notwithstanding section 49, the Minister may by Order, subject to affirmative resolution of the House, suspend or abolish corporal punishment in public schools and assisted private schools.

Abolition of corporal punishment.

51. (1) A principal may suspend a student for a period not exceeding two school days for any breach by the student of the responsibilities specified in section 17.

Suspension for minor offences.

(2) When a student has been suspended, the principal shall –

- (a) make every effort possible to inform the student's parents of the suspension and the reason for it; and
- (b) meet as soon as possible with the student and the parents of the student to review the circumstances surrounding the suspension and to determine appropriate corrective action which may include counselling for the student and the parents.

(3) If a resolution is not reached within two school days, the principal must decide either to reinstate or to suspend the student in accordance with section 52.

52. (1) The principal of any public school or assisted private school may suspend a student for a period of more than two days but not exceeding ten school days for –

Suspension for major offences.

- (a) gross misconduct that may be considered a risk or danger to members of staff or other students;
- (b) breach of the school rules that imposes a penalty of suspension;
- (c) persistent breach of school rules other than those specified in paragraph (b);
- (d) a refusal by the student to be inspected, examined, immunised or treated by a duly qualified medical practitioner or nurse acting in accordance with any scheme or school health programme in operation in the State;
- (e) destroying or damaging without lawful excuse the property of the school;
- (f) assaulting the principal, a member of staff or other employee of the school, a student or any other person lawfully present in the school;
- (g) possession of any article made or adapted for use for causing injury or intended by the student having it with him for such use by him or by some other person; and
- (h) possession of alcohol, illegal drugs and substances.

(2) A student who is suspended under subsection (1)(d) shall only be re-admitted on the production of a medical certificate signed by a duly qualified medical practitioner or family nurse practitioner.

(3) For the purposes of subsection (2), "duly qualified" in respect of a medical practitioner or family nurse practitioner, means registered under the provisions of the Medical Act.

(4) When a principal suspends a student under this section the principal shall report in writing to the parents of the student, the reason or reasons for the suspension and shall submit a copy to the Chief Education Officer and the School Board if one exists.

53. (1) The Chief Education Officer may, after receipt of the report under section 52(4), order, after consultation with a legal officer of the Attorney General's Office and the Chairperson of the School Board if one exists, that –

Action by Chief
Education Officer.

- (a) the student be placed on a suspension that exceeds ten school days and that ends at the end of the term or semester or school year, whichever occurs first;
- (b) the term of suspension be extended for a specified number of days to enable proper enquiries to be made;
- (c) the student be reinstated after due investigation and, if the circumstances warrant this, on a date to be fixed by Chief Education Officer;
- (d) the student be transferred to another school including a special school;
- (e) the student be expelled.

(2) The parents of a suspended student who is a minor or the representative of a suspended student who is eighteen years of age or over may make representations to the Chief Education Officer with respect to the suspension within seven days of the suspension by the principal.

(3) The Chief Education Officer shall make a decision within ten days of the representations being made to him and the student shall remain suspended during that period.

(4) A student or a parent of a student or the relevant principal may appeal within fourteen days of receipt of a decision by the Chief Education Officer to the Education Appeal Tribunal established pursuant to this Act.

(5) The Chief Education Officer shall inform the student, the parents of the student, and the relevant principal of the right of appeal under subsection (4) at the time of notifying them of his decision under subsection (3).

PART III
ADMINISTRATION OF SCHOOLS
DIVISION A
MANAGEMENT OF PUBLIC PRIMARY SCHOOLS

Establishment and maintenance of primary schools.

54. Primary schools that are public schools may be established and maintained in accordance with this Act and Regulations.

Management of public primary schools.

55. All primary schools that are public schools are under the control of the Minister.

Boards of Management.

56. (1) The Minister may by Notice, if he considers it necessary, appoint a Board of Management for any primary school that is a public school where it appears to him to be desirable to do so in the interest of economy, efficiency, and for the participation of the community in the management of education.

(2) Notwithstanding subsection (1), the Minister may appoint one Board of Management to administer more than one primary school if he is satisfied that the general interest of education in the area in which these institutions are situated will be best served by a single Board.

Members of a Board of Management.

57. (1) A Board of Management appointed under section 56 must include the following members:

- (a) the principal who shall be an *ex officio* member;
- (b) one member who shall be a representative nominated by the Parent Teacher Association of the school, and if an association does not exist, the Minister may on the advice of the relevant principal appoint a parent;
- (c) one member who shall be a representative nominated by the staff at an authorised staff meeting;
- (d) not less than four members appointed by the Minister acting in his discretion from among persons representing –

- (i) expert educational opinion;
- (ii) the religious community;
- (iii) organisations concerned with business;
- (iv) organisations concerned with youth and community development; and
- (v) such other areas of national interest as the Minister considers appropriate.

(2) The persons named in subsection (1)(b), (c) and (d) shall be appointed by the Minister by instrument in writing.

(3) The Second Schedule has effect in respect to the procedure and functions of the Board of Management established under subsection (1) and otherwise in relation thereto. Second Schedule.

58. (1) Subject to subsection (2) a Board of Management appointed under section 56 shall be responsible for all or any of the following as the Minister may decide: Functions of a Board of Management for a primary school.

- (a) the control and management of –
 - (i) the expenditure of any grants for the repair and maintenance of the school;
 - (ii) the rebuilding or extension of the school;
 - (iii) other matters relating to the organisation of the schools as may be referred to by the Minister;
- (b) the responsibility for the efficient maintenance of the school under its control and management and for the keeping of the buildings in a good state of repair and sanitation;
- (c) revision, modification if necessary, and approval of the school plan prepared by the school administration for each school operated by it;
- (d) the establishment of policies for the administration, management and operation of the school including a student attendance policy;

- (e) the preparation of reports, information, and the performance of any duties as may be required under this Act, its Regulations and guidelines, or by the Minister;
 - (f) the arrangement for the examination and investigation of –
 - (i) student progress;
 - (ii) order among and discipline of students;
 - (iii) the system of instruction;
 - (iv) mode of keeping school records; and
 - (v) conditions of buildings and premises;
 - (g) in consultation with the Chief Education Officer and the principal and staff, the establishment of a procedure for resolving disputes between schools, parents and teachers; and
 - (h) generally, the exercise of any other function conferred on it by this Act or the Regulations.
- (2) In the performance of its functions under subsection (1)(a), (b), (c) and (d) the Board of Management shall consult the Chief Education Officer.

Submission of reports,
statements and estimates.

59. Every Board of Management shall, after consultation with the principal, submit to the Chief Education Officer –

- (a) within one month after the end of the school year a report containing information on –
 - (i) the discipline of students;
 - (ii) the attainment levels of the students;
 - (iii) the application of the curriculum;
 - (iv) the condition of the school and the maintenance of its property;
 - (v) student attendance; and
 - (vi) generally, any matter which directly or indirectly affects the school and its development;

- (b) not later than July 31st in each year, or such later date as the Minister approves in writing, a statement detailing the expenditure of any grant made to the Board of Management;
- (c) on, or before July 31st in each year, its estimate of expenditure for the school under its control in respect of the next financial year for the approval of the Minister.

60. Subject to this Act and Regulations, a Board of Management shall act in accordance with any general or special directions of the Minister concerning the exercise and performance of its functions under this Act.

General or special directions.

DIVISION B

MANAGEMENT OF PUBLIC SECONDARY SCHOOLS

61. This Division applies to any public secondary school established under this Act.

Application of Division.

62. Subject to this Act public secondary schools are under the management and control of the Minister.

Management of public secondary schools.

63. (1) The Minister may, by Notice, if the Minister considers it necessary, appoint a Board of Management for each public secondary school established under this Act where it appears to the Minister to be desirable to do so in the interest of economy, efficiency, and for the participation of the community in the management of education.

Establishment of Board of Management.

(2) Notwithstanding subsection (1), the Minister may appoint one Board of Management to administer more than one public secondary school if the Minister is satisfied that the general interest of education in the area in which these schools are situated will be best served by a single Board.

(3) A Board of Management appointed under subsection (1) must include the following members:

- (a) the principal who shall be an *ex-officio* member;
- (b) one member who shall be a representative nominated by the Parent Teacher Association of the school, and if an association does not exist, the Minister may appoint a parent after consultation with the principal;
- (c) one member who shall be a representative nominated by the staff at an authorised staff meeting;
- (d) not less than five members appointed by the Minister acting in his discretion from among persons representing –
 - (i) expert educational opinion;
 - (ii) the religious community;
 - (iii) organisations concerned with business;
 - (iv) organisations concerned with youth and community development; and
 - (v) such other areas of national interest as the Minister considers appropriate;

(4) The persons named in subsection (3)(b), (c) and (d) shall be appointed by the Minister by instrument in writing.

(5) The Board may invite a student selected by a student council, if one exists, to any meeting of the Board whenever the Board considers it necessary; however, the student representative must be invited to at least one meeting in each school year.

(6) The provisions of the Second Schedule has effect in respect to the procedure and functions of a Board of Management established under subsection (1), and otherwise in relation thereto.

Second Schedule.

Functions of Board of Management for secondary schools.

64. (1) Subject to subsection (2), the functions of a Board of Management in relation to the school for which it is established are –

- (a) to be responsible to the Minister for the management, control, operation and maintenance of the school;

-
- (b) to receive, disburse and account for the expenditure of such sums as may from time to time be voted by Parliament for the operation of such school;
 - (c) to review, modify if necessary, and approve the school plan prepared by the school administration for each school operated by it;
 - (d) to establish policies for the administration, management and operation of its school, including a student attendance policy;
 - (e) to prepare reports, provide information, and perform any duties as may be required under this Act, its Regulations and guidelines, or by the Minister;
 - (f) to arrange for the examination and investigation of –
 - (i) student progress;
 - (ii) order among and discipline of students;
 - (iii) the system of instruction;
 - (iv) mode of keeping school records; and
 - (v) conditions of buildings and premises;
 - (g) in consultation with the Chief Education Officer and the principal and staff, establish a procedure for resolving disputes between schools, parents and teachers;
 - (h) to make recommendations to the Minister with regard to any matter directly or indirectly affecting the school or the development of secondary education generally;
 - (i) to appoint where necessary committees consisting wholly or partly of members of the Board of Management; and
 - (j) to perform such other functions in relation to the school as the Minister requires or as may be prescribed by this Act or Regulations.

(2) In the performance of its functions under subsection (1) (a), (c) and (d), the Board of Management shall consult the Chief Education Officer.

(3) For the purpose of performing its function under subsection (1)(b) the Board of Management may appoint a Bursar who shall be paid from funds voted by Parliament.

Funds and resources of a Board of Management.

65. The funds and resources of a Board of Management are –

- (a) moneys voted for the purposes of the Board of Management by Parliament;
- (b) moneys or property payable to or vested in the Board of Management in respect of any matter incidental to their functions;
- (c) moneys derived from fund-raising activities; and
- (d) moneys and other property derived by way of gift, bequest, trust, or donation, or in any other manner.

Accounts and audit.

66. (1) Every Board of Management established pursuant to sections 56 and 63 shall keep proper accounts of its transactions, and the accounts shall be audited annually by the Director of Audit or any person authorised by him in that behalf.

(2) The Director of Audit shall, at the request of the Minister or on his own initiative, carry out at any time an investigation into, or a special audit of the accounts of a Board of Management.

(3) The members and employees of a Board of Management shall –

- (a) grant to the Director of Audit or any authorised member of the staff of the Director of Audit referred to in subsection (1), access to all books, documents, money and property of the Board; and
- (b) give to any person referred to in paragraph (a) such information as might be within the knowledge of the members and employees of the Board in relation to the operation of the Board of Management.

67. (1) Every Board of Management under this Division shall submit to the Minister – Annual report, statement of accounts of estimates.

- (a) a report in accordance with section 59;
- (b) not later than the 31st August in each year, or such later date as the Minister approves, a statement of its accounts, audited in accordance with section 67, for the financial year ending that year; and
- (c) on or before the 31st July in each year, its estimates of revenue and expenditure in respect of the next financial year for the approval of the Minister.

(2) Copies of the documents referred to in subsection (1) (a) and (b) shall be laid in Parliament.

68. (1) Minutes of meetings of any Board of Management, established pursuant to sections 56 and 63 are, if duly signed by the chairperson, or deputy chairperson, receivable in evidence in all legal proceedings without further proof and every meeting of a Board of Management in respect of which minutes have been signed shall be deemed to have been duly convened and held, and all members present at the meeting shall be deemed to have been duly qualified to act. Minutes of Board receivable in evidence.

DIVISION C

MANAGEMENT OF ASSISTED PRIVATE SCHOOLS

69. (1) Every primary school that is an assisted private school shall be administered by a Board of Management appointed by the Minister which shall consist of not more than nine persons appointed as follows: Management of assisted private primary schools.

- (a) four persons including the chairperson nominated by the proprietor who owns the school;
- (b) the principal of the institution who shall be an *ex-officio* member;
- (c) one member nominated by the academic staff from among its members;

- (d) one member nominated by a recognised local community group;
- (e) one member nominated by the Minister; and
- (f) one parent nominated by the Parent Teacher Association where such an association exists.

(2) In the case of a school whose proprietor is a religious community or body the persons nominated for appointment pursuant to subsection (1)(c), (d) and (f) and the person nominated by the Minister shall belong to that religious community.

(3) The quorum shall be four members and shall include the chairperson or the vice-chairperson of the Board of Management.

(4) A Board appointed under this section or section 70 or 72 may invite a student selected by a student council, if one exists, to any meeting of the Board whenever the Board considers it necessary; however, the student representative must be invited to at least one meeting in each school year.

(5) Notwithstanding subsection (1) where an assisted private primary school is owned or managed by a religious community or body the Minister may, on the request of the proprietor or head of that religious community or body, delegate in writing his power of appointment to the proprietor or head of that religious community or body.

Management of assisted private secondary schools.

70. (1) Every secondary school that is an assisted private school shall be administered by a Board of Management of not more than twelve members appointed by the Minister in the following manner:

- (a) five members including the chairperson nominated by the proprietor who owns the school;
- (b) the principal of the institution who shall be an *ex-officio* member;
- (c) one member nominated by the academic staff;
- (d) two members nominated as follows:

- (i) one by the Old Students' Association where such an association exists;
 - (ii) one parent, who is not a teacher, by the Parent Teacher Association where such an association exists; and
- (e) three members nominated by the Minister for their particular expertise.

(2) In the case of a school whose proprietor is a religious community or body the persons nominated for appointment pursuant to subsection (1)(c) and (d) and the persons nominated by the Minister shall belong to that religious community.

(3) The quorum shall be five and shall include the chairperson or vice-chairperson of the Board of Management.

(4) The Second Schedule has effect in respect to, the procedure of a Board of Management established under sections 69, 70 and 72, and otherwise in relation thereto.

(5) Notwithstanding subsection (1) where an assisted private secondary school is owned or managed by a religious community or body the Minister may, on the request of the proprietor or head of that religious community or body, delegate in writing his power of appointment to the proprietor or head of that religious community or body.

71. In addition to the functions conferred by the proprietors of an assisted private school, a Board of Management established under section 69,70 or 72 shall –

Proprietor of an assisted private school may add duties.

- (a) if the school for which the Board of Management is established is a primary school, perform the functions established under section 58 with whatever modifications stipulated in the Agreement under section 116; and
- (b) if the school for which the Board of Management is appointed is a secondary school, perform the functions established under section 64(b), (c), (d), (e), (f), (g), (h),

(i), and (j) with whatever modifications stipulated in the Agreement under section 116.

Appointment of joint
Board of Management.

72. (1) Notwithstanding sections 69 and 70, the Minister may appoint a Board of Management to administer more than one assisted private school if –

- (a) these schools have the same proprietor, who agrees to or requests, the appointment of a single Board of Management; or
- (b) these schools have more than one proprietor, and the proprietors agree to or request the appointment of a single Board of Management and further agree to the composition of the membership of the Board of Management under subsection (2); and
- (c) the Minister is satisfied that the general interest of education in the area in which these institutions are situated will be best served by a single Board.

(2) Where a Board of Management is appointed to administer more than one assisted private school, the membership of that Board of Management may exceed the number prescribed for one Board of Management but may not exceed fifteen members; and in the nomination of additional members consideration must be given by the proprietor or proprietors, to the different categories of persons to be represented on the Board of Management.

(3) Where the schools under subsection (1)(b) are schools owned or managed by a religious community or body the Minister may delegate his power of appointment to the proprietor or head of that religious community or body if the Minister is –

- (a) requested to do so by the proprietor or head of the religious community or body; and
- (b) satisfied that the general interest of education in the area in which these institutions are situated will be best served by a single Board.

DIVISION D
MANAGEMENT OF TERTIARY INSTITUTIONS

73. (1) The Minister may establish and maintain, in accordance with this Act and Regulations, colleges, technical institutions, universities and any other institution of higher education at such places as he may determine.

Establishment and management of tertiary institutions.

(2) Any college, technical institution, or other tertiary institution in existence at the commencement of this Act shall be deemed to be established by this Act.

(3) For the purposes of subsection (1), the Minister may by Order provide for any matter respecting the establishment or management of any tertiary institution.

(4) Without prejudice to the generality of the foregoing, the Minister may provide in any Order made under subsection (3) for the establishment of a governing board for any tertiary institution, and may specify the number of members of the board and its powers, functions and procedures.

(5) Without affecting subsections (1) to (4), the Minister may appoint such number of advisory boards as he thinks fit to advise on, and assist with, the management of the tertiary institutions to which this Division applies.

(6) An advisory board may be appointed under subsection (5) to advise on, and assist with, the management of more than one tertiary institution.

(7) Every advisory board appointed under subsection (5) shall consist of a chairman and such other members as the Minister determines.

(8) Where a tertiary institution that is established and registered as a private school becomes an assisted private school under this Act, the Minister may by Order provide for any matter respecting –

- (a) its curriculum;
- (b) the criteria for admission of students;
- (c) the payment of fees;
- (d) the appointment of the staff, including their terms and conditions of employment;
- (e) its management;
- (f) the regulation of –
 - (i) professional behaviour of instructors, lecturers and tutors; and
 - (ii) conduct and discipline of students and trainees.

PART IV
CATEGORIES AND STAGES
OF EDUCATION

DIVISION A

THE FORMS AND STAGES OF EDUCATION

Stages of public education.

74. (1) Subject to subsection (2), the system of public education is in three stages, that is to say –

- (a) primary education;
- (b) secondary education; and
- (c) tertiary education.

(2) The Minister may, as resources permit, include as part of the system of public education –

- (a) pre-primary education;
- (b) education to meet the requirements of pupils who are gifted or have exceptional ability;
- (c) special education in accordance with the provisions of this Act;

(d) adult education; and

(e) distance education.

DIVISION B

PRE-PRIMARY EDUCATION SERVICES

75. (1) Subject to satisfying the provisions of Division B of Part V, a private school specified in section 89 may provide a Pre-primary Services Programme suitable to the needs of children three years of age or older but under five years of age, if the parent of the child agrees.

Establishment of pre-primary education services.

(2) A private school that provides pre-primary services may charge the parents of children attending the programme fees in respect of the programme.

76. A private school offering pre-primary education services shall develop and maintain policies and programmes consistent with the pre-primary education services, policies, programmes and plans prescribed by the Minister.

Programmes and policies.

77. (1) The Minister may, when he considers it necessary, establish a Council on Pre-primary Education to advise him on policies to guide the implementation of this Division.

Council on pre-primary education services.

(2) Where a Council on Pre-primary Education is established, the Minister may by Order provide for its –

(a) membership;

(b) procedures for the conduct of its business; and

(c) powers and functions.

78. (1) The Minister may make Regulations generally for the proper carrying out of the purposes of this Division.

Regulations respecting pre-primary education services.

(2) Without limiting subsection (1), the Minister may make Regulations –

- (a) prescribing the academic and professional qualifications of teachers and other persons employed in pre-primary education services;
- (b) respecting the records to be submitted to the Minister by a private school engaged in pre-primary education services;
- (c) concerning the safety standards which must be satisfied by private schools;
- (d) respecting the health requirements of the environment and of the persons employed in pre-primary education services;
- (e) concerning the buildings, premises, equipment and furnishings to be used in delivering pre-primary education services;
- (f) prescribing the ratio of staff to students required by the private school;
- (g) respecting the needs of children of specified ages attending the programme offered by the private school;
- (h) respecting teacher training and curriculum development; and
- (i) respecting the need for insurance or some other form of indemnification.

DIVISION C
HOME EDUCATION

Home education.

79. (1) A parent of a student may provide, at home, a home education programme for the student if the parent complies with this section and the programme meets the goals and objectives set out in section 4(2).

(2) The parent shall, prior to the commencement of a home education programme for the student and on an annual basis thereafter for as long as the home education program is offered, register the student with the Chief Education Officer.

(3) An educational plan for each student who is receiving home education shall be prepared and provided to the Chief Education Officer subject to the following conditions:

- (a) the initial educational plan shall be prepared and provided to the Chief Education Officer three months prior to the commencement of the home education programme;
- (b) the educational plan shall be for a minimum period of three school years and shall cover every year of the home education programme; and
- (c) each educational plan shall include a description of the learning activities for the student that will comply with the goals and objectives set out in section 4(2); and
- (d) the educational plan shall be based on the national curriculum as established by the Minister under Part VIII.

(4) The parent of a home education student may request that tests be administered to the student subject to the requirements of the Regulations and to payment of fees prescribed by the Regulations for any tests that are administered.

(5) A student in a home education programme may attend courses offered by the Ministry subject to any terms and conditions established by Regulations.

(6) Subject to Regulations made under this Act, the parent of a home education student may receive, for the student, educational resource materials and use of school facilities and equipment.

(7) For the purposes of this Division the Chief Education Officer shall –

- (a) provide for the assessment of the student's achievement on a regular basis and communicate the results to the parent;

- (b) advise the parent if, in the opinion of the Chief Education Officer, the student is not making reasonable progress in the programme; and
- (c) provide the parent with recommendations which will assist the student in improving the level of achievement.

Termination of programme.

80. (1) Notwithstanding section 79(1), the Chief Education Officer shall in writing, terminate the home education programme if the Chief Education Officer is of the opinion, after considering the abilities of the student, that –

- (a) the home education programme no longer meets the goals and objectives set out in section 4(2); or
- (b) the student has failed to meet standards of student achievement, as measured by achievement testing, comparable to those of students in public schools.

(2) The Chief Education Officer shall, in conjunction with the notice of termination, direct the student to attend a school established by or registered under this Act effective on the date specified in the notice of termination.

(3) Where the parent disagrees with the decision of the Chief Education Officer made under subsection (1), the parent may appeal to the Education Appeal Tribunal established pursuant to this Act within fourteen days of the decision.

DIVISION D

SPECIAL EDUCATION

Special education.

81. (1) The Chief Education Officer is responsible for providing special education programmes for students of compulsory school age who by virtue of intellectual, communicative, behavioural, physical or multiple exceptionalities are in need of special education.

(2) A student who is entitled to a special education programme shall have the programme delivered in the least restrictive and most enabling environment to the extent that resources permit and it is considered practicable by the Chief Education Officer in consultation with professional staff of the school and the Ministry and the parents, having due regard for the educational needs and rights of all students.

(3) A special education programme may take the form of an individual education plan in that the plan is tailored to the specific or individual needs of the student.

(4) Where it has been determined that a student requires an individual education plan, the costs of developing, providing and maintaining that plan shall be apportioned between the student if over eighteen years of age, or the parent of the student as the case may be and the Ministry in such manner as may be prescribed by Regulations.

82. (1) Before a determination regarding special education needs is made under subsection (2), the following procedures shall be followed:

Determination of
special education
needs.

- (a) the student shall be referred to the Chief Education Officer for a determination of the assessments that may be required to be performed;
- (b) the parent of the student shall receive written information concerning the procedures outlined in this section;
- (c) prior written, informed consent by a parent for the administration to the student of the psychological and other specialised tests that are not routinely used by teachers shall be obtained;
- (d) where possible, the assessment shall be multi-disciplinary;
- (e) the results of the assessments shall be provided and explained to the parent;

(f) a parent and, where appropriate, the student shall be consulted prior to the determination of and during the implementation of the special education programme;

(g) the parents shall be provided with information concerning the right of appeal to the Education Appeal Tribunal.

(2) Subject to subsection (1), the principal in consultation with professional staff and parents or, where a child is not in attendance at a school, the Chief Education Officer, in consultation with professional staff and parents, shall determine whether a student is a student with special education needs, and if so, what special education programme is appropriate to meet the needs of that student.

(3) Parents have the right to request for their children a determination in accordance with this section.

(4) A principal may invite a parent to be a member of a school-based team that is established for the provision of a special education programme for a student.

(5) The school-based team referred to in subsection (4), shall comprise persons selected on the basis of their expertise by the principal of the school to advise on a programme specific to the needs of a particular student or group of students.

(6) Where there is more than one parent for a child, consultation with one parent shall be deemed to be compliance with any consultation requirements of this section.

Special needs appeals.

83. (1) If a disagreement arises respecting a decision concerning —

(a) the identification of a student as a student with special education needs;

(b) the Individual Education Plan established for a student;

- (c) a request by a parent for a determination pursuant to section 82(3);
- (d) the implementation of the Individual Education Plan in an environment other than the regular class;
- (e) the non-implementation of an Individual Education Plan in a school where the student would normally attend; or
- (f) the apportionment of costs, between the Ministry and the parents of the student for the provision of an individual education plan,

the parent, student, or Board of Management may, within fourteen days of the decision, appeal the matter to the Education Appeal Tribunal established pursuant to this Act.

(2) A decision under subsection (1), must be communicated in writing to the parents, student or Board of Management as the case may be.

(3) When an appeal is made to the Education Appeal Tribunal, the student shall be enrolled in the programme determined in accordance with section 82 until the Education Appeal Tribunal makes its decision.

84. (1) The Minister may establish a Council on Special Education to advise him on guidelines for the implementation of this Division.

Council on Special
Education.

(2) Where a Council on Special Education is established the Minister may by Order provide for its –

- (a) membership;
- (b) procedure for business; and
- (c) powers and functions.

PART V
CATEGORIES OF SCHOOLS

Organisation of schools. **85.** For the purposes of this Act, the school system is organised in the following categories:

- (a) public schools;
- (b) private schools; and
- (c) assisted private schools.

DIVISION A
PUBLIC SCHOOLS

Status of public schools. **86.** All public schools existing at the commencement of this Act shall be deemed to have been established by this Act and shall continue as public schools under this Act.

DIVISION B
PRIVATE SCHOOLS

Interpretation. **87.** The word “school” or “institution” where used in this Division to refer to the subject of rights or obligations, means the person operating the school or institution to which the provision concerned applies.

Body without legal personality. **88.** (1) In the case of a body not endowed with legal personality, the provisions of this Act applies as if the body were endowed with legal personality.

(2) The obligations to comply with the provisions of this Act lies with the persons responsible for the administration of the body.

(3) In the case of an institution established by partnership, the obligation lies with both the partnership and the partners.

89. This Act applies to every private school dispensing all or some of the educational services belonging to one or more of the following categories:

Applicability.

- (a) pre-primary educational services;
- (b) primary education;
- (c) organisations, schools or other institutions providing special education;
- (d) secondary school education;
- (e) secondary school instructional services in vocational education;
- (f) secondary school adult education services;
- (g) secondary school adult education services in vocational education;
- (h) instructional services in general education at the tertiary level; and
- (i) instructional services in vocational training at the tertiary level.

90. (1) Section 89(a) to (d), (f) and (h) refers to education or instruction intended mainly to develop students' abilities in subjects preparing them for studies at the primary, secondary, post-secondary, tertiary or university level, as the case may be.

References and object.

(2) Section 89(e), (g) and (i) refers to vocational education or vocational training which is intended mainly to develop students' abilities so as to prepare them for an occupation, a trade or a profession.

91. A person may not operate a private school to which this Act applies unless that person is the holder of a permit issued by the Minister, for the school or institution and the educational services or categories of educational services mentioned in section 89.

Registration.

Presumption.

92. A person or body dispensing for profit or non-profit purposes, educational services for his or its own account as the case may be, shall be deemed to be operating a private school.

Existing private schools.

93. (1) A person who, at the commencement of this Act, is operating a private school, shall, within twenty-four months of the commencement of this Act or such further period as the Minister may in writing allow, comply with section 91.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and six months imprisonment, and, in the case of a continuing offence is liable to a further fine of two hundred dollars for each day during which the offence continues after the first conviction.

Private Schools Register.

94. (1) The Chief Education Officer shall keep in such manner as may be prescribed, a register of private schools to be known as the Private Schools Register, in which must be entered the particulars of every private school in respect of which a permit has been issued by the Minister.

(2) The Chief Education Officer shall annually certify a copy of the Private Schools Register and the copy so certified shall be published in the *Gazette* on such date as the Minister may determine.

(3) The Chief Education Officer shall certify any amendment to the Register and the amendment shall be published in the *Gazette*.

Application for registration.

95. (1) An application for a permit to establish a private school shall be made in the prescribed form by or on behalf of the proprietor of the private school and shall contain the prescribed information.

(2) The Minister shall, upon the receipt of an application made under subsection (1) cause the private school to be inspected.

Requirements for registration.

96. Where a private school in respect of which an application is made under section 95 has been inspected, the Minister shall,

subject to any condition that he may specify, cause the school to be issued a permit and registered if the Minister is satisfied that –

- (a) the premises are suitable for the activities intended by the private school;
- (b) the furniture is adequate and suitable having regard to the number and ages of the students attending the private school;
- (c) the accommodation provided is adequate and suitable having regard to the number, ages and sex of the students attending the private school;
- (d) efficient and suitable instruction equivalent to that provided in an equivalent public school is being or will be provided at the private school having regard to the ages and sex of the students attending the institution;
- (e) there is adequate land for the recreation of the students;
- (f) the proprietor or principal has not been convicted of or pleaded guilty to, an offence under this Act, or any criminal offence in the three years preceding the application;
- (g) that the private school will have at its disposal the adequate human and material resources required for dispensing the educational services for which the permit is issued and sufficient financial resources for that purpose; and
- (h) the applicant has paid the fee prescribed by Regulations.

97. (1) The Minister may refuse to issue a permit if, during the three years preceding the application, a permit held by the applicant was revoked. Refusal.

(2) Where an application for a permit to establish a private school has been refused, the applicant shall be notified in writing –

- (a) of the refusal and of the reasons for refusal; and
- (b) of his right of appeal under section 109.

Limitation on instruction.

98. Notwithstanding section 91, the Minister may refuse to issue a permit authorising, in a primary school or in general education at the secondary school level, instructions limited to certain subjects or classes, or the Minister may subject the issue of such a permit to the conditions that he determines.

Number of students.

99. (1) The Minister may determine the maximum number of students who may be admitted to educational services or categories of educational services provided by a private school.

(2) The capacity of the facilities at the disposal of an institution is the capacity determined by the applicant for a permit and approved by the Minister.

(3) Where the applicant fails to determine such capacity, the Minister may refuse to issue the permit.

Content of permit.

100. The permit to establish a private school must mention –

- (a) the name of the proprietor who shall be the holder;
- (b) the name and address of the institution;
- (c) the address of the buildings or premises at its disposal;
- (d) the educational services or categories of educational services the institution is authorised to dispense;
- (e) where applicable, the authorisations and conditions determined under sections 98 and 99; and
- (f) the maximum number of students who may be admitted under section 99.

Vocational education.

101. In respect of vocational education, the permit to establish a private school must specify, where it concerns –

- (a) secondary school instructional services in vocational education or adult vocational education, the vocational education programmes that the institution is authorised to dispense;

- (b) supplementary vocational training, the fields for which the permit is granted; or
- (c) general or vocational education at the tertiary level, the programmes that the institution is authorised to dispense.

102. (1) On first issuance, a permit is valid for a period of three years. Duration and renewal of permits.

(2) The Minister shall renew for five years, and subsequently for the same period, a permit held by a person who –

- (a) applies therefor in writing to the Minister within the time limit prescribed by Regulations and furnishes, within that time limit, the information and documents prescribed by such Regulations;
- (b) meets the conditions set out in section 96;
- (c) has complied with the provisions of this Act and its Regulations for the period of validity preceding the renewal.

(3) Notwithstanding subsections (1) and (2), the Minister may issue or renew a permit for a different period or without a date of expiry where the Minister on the approval of Cabinet considers it expedient.

103. (1) The Minister may, at the request of a permit holder, modify the permit upon payment of the fees prescribed by Regulations. Modification.

(2) To modify the educational services mentioned in a permit, the holder must meet the conditions for the issue of a permit which apply to the educational services for which the request is made.

104. A permit may not be transferred except with the written authorisation of the Minister. Transfer.

Information.

- 105.** (1) The holder of a permit shall inform the Minister –
- (a) of any change which renders the information provided for the issue, renewal or modification of a permit inaccurate or incomplete;
 - (b) whenever the institution fails to provide all or some of the educational services mentioned in its permit.
- (2) Every legal person or body holding a permit shall inform the Minister of any amalgamation, sale or transfer affecting it, as well as of any change in the name of the institution.

Visits to private schools.

- 106.** (1) The Minister or the Chief Education Officer or any other person authorised in writing by the Minister or Chief Education Officer may for the purpose of making enquiries, carrying out inspections and discharging such other duties as are imposed on him by this Act and Regulations, enter the premises of any private school during the hours of operation of that school.
- (2) The proprietor of a private school shall during school hours, keep the school open to visits by the persons mentioned in subsection (1).
- (3) A person who in respect of any person specified under subsection (1) –
- (a) obstructs that person in the performance of his duties;
 - (b) makes a false representation to that person; or
 - (c) refuses to furnish any information which that person may require under this Act or Regulations,
- is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

Notice to comply.

- 107.** Where the Minister is satisfied that a private school registered under this Act has ceased to be conducted in accordance with this Act or Regulations, the Minister may serve on the proprietor of the school a notice of that fact, requiring the propri-

etor, within the time specified in the notice to conduct the school in accordance with this Act or the Regulations as the case may be.

108. Where a proprietor who is served with a notice under section 107 fails, within the time specified in the notice or within such further time as the Minister allows, to comply with the notice, the Minister shall –

Cancellation of registration.

- (a) cancel the permit and the registration of the private school; and
- (b) in writing inform the proprietor –
 - (i) that the permit has been revoked and the registration has been cancelled and of the reasons for the revocation and cancellation; and
 - (ii) of his right to appeal under section 109.

109. (1) The proprietor of a private school which is refused a permit and registration pursuant to sections 96 and 97 or whose registration is cancelled under section 108(a) may, within thirty days of being notified of the refusal or cancellation, appeal to the Education Appeal Tribunal established pursuant to this Act against the refusal or cancellation, as the case may be.

Appeal.

(2) In the case of a refusal, a proprietor may appeal on any of the following grounds:

- (a) that the reasons given for the decision do not disclose any failure to meet any of the requirements for registration set out in section 96;
- (b) that the inspection of the school carried out pursuant to section 95(2) was not adequate for determining whether the school meets the requirements set out in section 96; or
- (c) that there is no evidence available to support the decision.

(3) In case of a cancellation, a proprietor may appeal on any of the following grounds:

- (a) that a notice was not served on the proprietor under section 107;
- (b) that the time specified in the notice served under section 107 or the further time allowed to the proprietor under section 108 to comply with the notice is unreasonable;
- (c) that the proprietor has complied with the notice served under section 107; or
- (d) that there is no evidence available to support the decision.

(4) Where an appeal is brought under this section against a cancellation of registration or a refusal to grant a permit, the Minister may not enforce the refusal or cancellation until the appeal is determined or withdrawn.

(5) The determination of an appeal by the Education Appeal Tribunal shall be final and binding upon the parties to any such decision.

(6) Where an appeal is dismissed or withdrawn, cancellation of the registration of the private school or the refusal to grant a permit shall take effect from the date of the making of the order by the Education Appeal Tribunal dismissing the appeal, or the date of withdrawal of the appeal.

Registration and closure.

110. (1) Where the registration of a private school is cancelled pursuant to section 108, the proprietor of the school may, if the proprietor has complied with the notice served on him under section 107, apply to the Minister for the re-registration of the school.

(2) The requirements of section 96 applies to an application under subsection (1).

(3) From the date on which the cancellation of the registration of a private school takes effect, the institution shall remain closed until it is re-registered.

(4) Where the Minister is satisfied that the notice served under section 107 has been complied with, the Minister may re-register the private school subject to any condition which the Minister may specify.

111. The proprietor of a private school shall furnish the Minister with returns in the manner and containing the information required by this Act and Regulations.

Returns.

112. (1) The Public Health Authorities shall require the same health and sanitary arrangements for private schools as are required for public schools and assisted private schools.

Health and sanitation.

(2) The Minister may, on the advice of the Chief Medical Officer, require the closure of any private school or classroom at the school, or the exclusion of certain pupils for a specified time with a view to preventing the spread of disease or any danger to health.

113. (1) A teacher employed in a private school shall possess at least the minimum qualifications required of a teacher employed in an equivalent public school.

Disqualification of teachers.

(2) The Chief Education Officer may declare any person who does not possess the minimum qualification required under subsection (1) to be unfit for employment as a teacher in a private school and that person shall not be so employed.

(3) An appeal from a decision of the Chief Education Officer made pursuant to subsection (2) lies to the Educational Appeal Tribunal established pursuant to this Act within fourteen days of the decision.

(4) The decision of the Educational Appeal Tribunal shall be final and binding on the parties to any such decision.

114. A private school which denies admission to a child or expels a student on account of race or the political affiliation of the parents of the student is guilty of an indictable offence and liable on conviction to a fine of ten thousand dollars.

Prohibition of discrimination.

DIVISION C
ASSISTED PRIVATE SCHOOLS

Definition of assisted private schools.

115. Subject to section 116, an assisted private school is either –

- (a) a private school that has agreed to receive public funds for one or more of the following purposes:
 - (i) maintenance of the school;
 - (ii) provision of school furniture or equipment;
 - (iii) the building of an extension to the school or the rebuilding thereof;
 - (iv) payment of the salaries of the staff;
 - (v) any other purpose approved by the Minister; or
- (b) a private school that has agreed to receive staff members paid from public funds; or
- (c) a school whose property is jointly owned by the State and a private proprietor or body, or a school that uses property leased by the State to a private proprietor or body –
 - (i) and the management is jointly shared between the Minister and the private proprietor or body, or
 - (ii) is in receipt of assistance under paragraph (a) or (b); or
- (d) a school that is owned by the State and the Minister agrees that it should become an assisted private school for the purposes of its management.

Agreement to establish assisted private schools.

116. (1) Subject to this Act and Regulations, an assisted private school comes into existence by mutual agreement between the Minister and the proprietor of the school.

- (2) An agreement under subsection (1) must –
 - (a) be in writing;

- (b) exist for one or more schools;
- (c) be for a minimum period of three years; and
- (d) subject to this Act and Regulations, specify the terms, conditions, the rights, responsibilities and liabilities of the respective parties.

(3) Any party to the agreement may terminate the agreement by giving the other at least thirty-six calendar months notice.

(4) Every private school existing at the commencement of this Act that is in receipt of assistance for any of the purposes specified in section 115(a) or in the manner specified in section 115(b) or (c) shall be deemed to be an assisted private school and shall continue to receive such assistance for a period of twenty-four months from the commencement of this Act or until an agreement is concluded under this section between the proprietor of the school and the Minister, whichever occurs first.

117. (1) The Minister shall publish in the *Gazette* by July 31 each year, a list of all assisted private schools and shall cause the list to be circulated to all public and assisted private schools.

Publication of list of assisted private schools.

(2) Where the Minister and the proprietor of an assisted private school agree, a list published by virtue of subsection (1) may detail the respective rights, responsibilities and obligations of the Government and the assisted private school.

118. (1) Subject to subsection (2), where an assisted private school is owned or managed by a religious community or body, the religious community or body is responsible for organising and providing religious instruction or education to students who belong to its religious faith in accordance with a curriculum prescribed by that religious community or body.

Religious education in assisted private schools.

(2) Where an assisted private school admits a student who does not subscribe to the religious beliefs of the religious community or body, the student, except with his consent or, if he is a person under the age of eighteen years, the consent of his parent, is not compelled or required to receive religious education or instruction

or take part in or attend any religious ceremony or observance prescribed under subsection (1).

Loans to assisted private schools.

119. (1) Where the proprietor or the Board of Management of any assisted private school requires a loan for the purpose of improving or extending the buildings of the assisted private school or erecting a new school in substitution for any discontinued assisted private school, the proprietor or the Board of Management may apply to the Minister for a loan from the Government.

(2) If upon consideration of an application for a loan under this section, the Minister is satisfied that the purpose for which the loan is required ought to be carried out and that the amount required may properly be obtained by borrowing, the Minister may arrange to obtain a loan from the Government on such terms and conditions as may be agreed by the parties.

PART VI

TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING

Establishment of Technical and Vocational Education and Training Council.

120. (1) The Minister may establish a Technical and Vocational Education and Training Council whose membership shall be as follows:

- (a) the Permanent Secretary of the Department of Labour, who shall be an *ex officio* member;
- (b) the Chief Education Officer who shall be an *ex officio* member;
- (c) the principal of the Clifton Dupigny Community College or his nominee;
- (d) the following persons appointed by the Minister:
 - (i) two members appointed on recommendations of the associations which represent employers;

- (ii) three members with expertise in technical and vocational education and training; and
- (iii) two members appointed on recommendations of the trade unions.

(2) The Board shall appoint a chairperson and a vice-chairperson from among its members.

(3) In the case of the inability of any member to act, the Minister may appoint a person to act temporarily in the place of that member.

(4) The Third Schedule has effect with respect to the procedure of the Technical and Vocational Education and Training Council and otherwise in relation thereto.

121. The functions of the Technical and Vocational Education and Training Council are –

- (a) to advise the Minister generally on policy and legislation relating to technical and vocational education and training;
- (b) to prepare plans for technical and vocational education and training in accordance with national policies and economic needs;
- (c) to ensure that agreed plans for technical and vocational education and training are implemented;
- (d) to co-ordinate technical and vocational education and training at all levels of the educational system;
- (e) to establish standards for technical and vocational education and training;
- (f) to establish training priorities, qualifications and accreditation;
- (g) to advise the Minister on the scheme of examinations which may be adopted to test students;
- (h) to determine the facilities and resources required to ensure satisfactory standards of technical and voca-

tional education and training and the welfare of students, trainees and staff of training institutions;

- (i) to advise the Minister on the allocation of resources for technical and vocational education and training;
- (j) to make recommendations to the Minister on the making of Regulations respecting technical and vocational education and training;
- (k) to advise the Minister on the making of grants and loans for the support and provision of technical and vocational education and training; and
- (l) to carry out such other functions relating to technical and vocational education and training as the Minister may require.

Directions.

122. The Minister may give directions of a general or specific nature to the Technical and Vocational Education and Training Council and it shall comply with those directions.

Appointment of committees and functions thereof.

123. (1) The Technical and Vocational Education and Training Council may appoint committees to perform, in relation to technical and vocational education and training –

- (a) such of its functions as it delegates in writing; and
- (b) such other functions as are specified in section 124.

Fourth Schedule.

(2) The provisions of the Fourth Schedule shall apply in respect of the procedure and function of committees and otherwise in relation thereto.

Additional functions of committee.

124. The additional functions of a committee appointed by the Technical and Vocational Education and Training Council are –

- (a) to undertake research or assist persons in undertaking research into matters relating to technical and vocational education and training;
- (b) to advise the Technical and Vocational Education and Training Council on specified aspects of technical and vocational education and training;

- (c) to advise the Technical and Vocational Education and Training Council on the training facilities to be provided at institutions for persons employed or seeking training in technical and vocational education and training;
- (d) to advise on or make arrangements for giving selection criteria in respect of persons wishing to obtain technical and vocational education and training;
- (e) to apply or make arrangements for tests and other methods of ascertaining the standards of efficiency to be recommended by the committees for persons seeking technical and vocational education and training; and
- (f) to recommend the terms applicable to persons wishing to obtain technical and vocational education and training.

125. (1) The Technical and Vocational Education and Training Council may, with the approval of the Minister and subject to section 122, formulate schemes for regulating training in any occupation. Training schemes.

(2) A term of any contract for training registered before the date of the coming into force of the scheme may not be revoked or varied by means of a scheme.

(3) A scheme may contain, in respect of any occupation to which it relates –

- (a) the qualifications, including the age and educational standards required for trainees;
- (b) the practical training that employers are required to provide for their trainees;
- (c) the theoretical training that is required to be provided by, or at the expense of, employers for their trainees, or that trainees are required to undergo, and the manner in which the training is to be provided or undergone;

- (d) the proficiency tests or examinations that trainees are required to take;
- (e) the maximum number of ordinary working hours including overtime, trainees may be required or permitted to work during any day, week or other specified period;
- (f) the days on which, the hours in any day before or after which, and the intervals during which, a trainee cannot be required or permitted to work;
- (g) the minimum wages and other conditions that apply to trainees;
- (h) the minimum remuneration and other conditions that apply in respect of any period during which a trainee is unable, by reason of any condition of training, or other circumstances, to render service to his employer during working hours; and
- (i) any other matter that, in the opinion of the Technical and Vocational Education and Training Council, with the approval of the Minister, is necessary for the effective operation of the scheme.

(4) Different conditions of training may be specified in a scheme in respect of different classes of employers, trainees or occupations and the Technical and Vocational Education and Training Council may, in determining the different conditions for any scheme, apply any method of differentiation it thinks fit.

(5) A scheme may be amended by a subsequent scheme or by an Order made by the Technical and Vocational Education and Training Council with the approval of the Minister.

System for monitoring.

126. Subject to the approval of the Minister, the Technical and Vocational Education and Training Council shall establish an effective system for monitoring the implementation of the technical and vocational education and training strategy and plan.

127. (1) The Technical and Vocational Education and Training Council shall, not later than six months after the end of the school year, submit to the Minister a report containing – Annual report.

(a) an account of the activities of the Technical and Vocational Education and Training Council throughout the preceding financial year in such detail as the Minister directs; and

(b) a statement of the accounts of the Technical and Vocational Education and Training Council for that financial year audited in accordance with Regulations enacted for that purpose.

(2) A copy of the report of the Technical and Vocational Education and Training Council referred to in subsection (1) shall be printed and laid before the House of Assembly by the Minister and published in the *Gazette*.

128. Subject to the approval of the Minister, the Technical and Vocational Education and Training Council shall prepare a national policy for technical and vocational education and training to meet the needs of society and the economy. National policy.

129. (1) Subject to the approval of the Minister, the Technical and Vocational Education and Training Council shall prepare a strategy and plan for technical and vocational education and shall update it each year. Plans for technical and vocational education.

(2) The strategy and plan referred to in subsection (1) shall identify outputs and priorities and recommend allocation of resources to implement the plan in the most cost effective manner.

(3) The strategy and plan shall only be implemented in public and assisted private schools on the written direction of the Minister to the Chief Education Officer.

130. The Minister may make Regulations –

(a) on the recommendation of the Technical and Vocational Education and Training Council – Power to make Regulations respecting technical and vocational education and training.

- (i) prescribing the form and terms of any contract of training;
- (ii) prescribing the procedure for the registration and transfer of contracts for training, and for the notification of the expiration or termination of such contracts;
- (iii) for the holding of tests in respect of any specified occupation, and for the granting of a certificate of proficiency to any person who enters for, and passes, any such test, notwithstanding that that person is not a trainee; and
- (iv) respecting technical and vocational education and training generally and for matters related thereto;
- (b) enabling the Technical and Vocational Education and Training Council to appoint an Executive Director and other members of staff to manage its affairs;
- (c) establishing an employment and training fund for the purposes of promoting and supporting training and the upgrading of skills for the labour force;
- (d) establishing and regulating the accounting and auditing of any funds received by the Technical and Vocational Education and Training Council;
- (e) respecting the criteria and eligibility for receiving grants or loans;
- (f) respecting the procedures for the evaluation of proposals for grants or loans;
- (g) establishing procedures for monitoring the performance and outcome of training required to satisfy the conditions for award of grants or loans;
- (h) respecting the procedures regarding training schemes; and
- (i) respecting the supervision for trainees by employers.

PART VII
PROFESSIONAL DUTIES AND RESPONSIBILITIES
OF TEACHERS AND PRINCIPALS

131. A person may not be employed as a teacher, principal or deputy principal in a public or assisted private school unless that person holds a valid qualification as established in Regulations made by the Minister.

Qualifications of teachers.

132. Every teacher has the right to –

Rights of teachers.

- (a) be treated in a fair and reasonable manner;
- (b) be provided with an adequate working environment;
- (c) be provided with sufficient and appropriate equipment to carry out assigned professional duties;
- (d) be provided with adequate physical facilities to enable the performance of the assigned professional duties;
- (e) be protected as far as reasonably possible from molestation, abuse, assault and battery in the process of carrying out assigned professional duties whether within or outside the school when the teacher is engaged in authorised activities;
- (f) be afforded, if necessary, legal or psychological support, or both, in the event of injury while in the execution of assigned duties;
- (g) compensation for personal injury, damage to, or loss of material possessions while in the execution or as a consequence of the execution of assigned duties provided that the injury, damage or loss was not caused by the negligence of the teacher;
- (h) reasonable access to professional training and development whether basic or otherwise;
- (i) be provided with adequate clothing, tools and equipment when engaged in hazardous activities;

- (j) be a member of a representative body or association and to participate in the lawful activities of the representative body or association of which the teacher is a member; and
- (k) participate in the preparation of the school plan.

Exercise of general professional duties.

133. A teacher shall –

- (a) carry out his professional duties under the reasonable direction of the principal; and
- (b) perform in accordance with any directions which may reasonably be given to him by the principal from time to time such additional duties as may reasonably be assigned to him.

Duties of teachers.

134. (1) Every teacher in a public school and an assisted private school shall –

- (a) encourage students in the pursuit of learning and teach them diligently and faithfully;
- (b) teach courses of study that are prescribed, approved, or authorised pursuant to this Act or the Regulations;
- (c) report on the progress, behaviour, and attendance of students to their parents in accordance with the provisions of this Act and the Regulations;
- (d) under the direction of the principal, maintain order and discipline among students while they are in school, on school grounds, or attending or participating in activities sponsored or approved for the school not inconsistent with this Act or the Regulations;
- (e) review with students their assessments and progress and advise students of the expectations for them;
- (f) maintain whatever registers, records, or other forms as may be required by the principal, Chief Education Officer, or this Act or Regulations and make

- those registers, records, or other forms available for inspection by the Chief Education Officer or by any person authorised by the Chief Education Officer;
- (g) observe the standards of the school as established by the staff and principal;
 - (h) upon reasonable notice from the principal, admit a parent of a student to the classroom for the purpose of observing;
 - (i) report promptly to the principal an apparent outbreak of contagious or infectious diseases in the school, any insanitary condition of the school building or surroundings and any other conditions or circumstances that may reasonably threaten the health or safety of students or other employees of the school;
 - (j) notify the principal of any absence by the teacher from school and the reason for the absence;
 - (k) upon the direction of the principal, co-operate with student teachers and their instructors in the classroom for the purpose of observing and practice teaching, and render assistance to the student teachers and submit reports on the teaching ability of the student teachers;
 - (l) perform assigned duties as outlined in the school emergency plan developed by the school administration and teachers to protect the health and safety of students;
 - (m) report to the principal and to the proper government official responsible for child welfare that a student is in need of protection when there are reasonable grounds to believe that the child is in need of protection pursuant to any legislation enacted by Parliament;
 - (n) attend staff and other related meetings;

- (o) plan and prepare courses and lessons;
- (p) teach the students assigned to him according to their educational needs and set work to be carried out by the students in school and elsewhere and mark the same;
- (q) assess, record and report in a manner approved by the principal on the development, progress and attainment of students;
- (r) provide guidance and advice to students on education and social matters and on their further education and future careers, including information about sources of more expert advice on specific questions;
- (s) participate in the implementation of a policy for the pastoral care of the students;
- (t) make arrangements under the direction of the principal for parents to be given regular information about the school curriculum, the progress of their children and other matters affecting the school;
- (u) promote effective relationships with persons and bodies outside the school;
- (v) advise and assist the Board of Management in the exercise of its functions, including attending meetings and making such reports to it in connection with the discharge of his functions as may be required;
- (w) make and participate in implementing arrangements for the effective supervision of students during the school day, and the security of school buildings and their contents and of the school grounds;
- (x) participate to such extent as may be appropriate having regard to other duties, in the teaching of students at the school, including provision of cover for absent teachers; and

- (y) perform any other duties which may be prescribed by Regulations made by the Minister under this Act.

(2) A teacher who fails to perform any or a combination of the professional duties specified in subsection (1) is liable to disciplinary action in accordance with prescribed Regulations respecting discipline.

135. (1) A person appointed deputy principal in a public or an assisted private school, in addition to carrying out the professional duties of a school teacher, including those duties particularly assigned to him by the principal, shall –

Duties of deputy principal.

- (a) assist the principal in managing the school or such part of it as may be determined by the principal;
- (b) undertake any professional duty of the principal which may be delegated to him by the principal; and
- (c) undertake, in the absence of the principal to the extent required by him, the professional duties of the principal.

(2) A deputy principal who fails to perform any or a combination of the professional duties specified in subsection (1) and section 134(1) is liable to disciplinary action in accordance with prescribed Regulations respecting discipline.

136. (1) Subject to the provisions of this Act, the principal of each public or assisted private school shall –

General responsibilities of principals.

- (a) furnish such returns as may be prescribed by the Minister by Regulations;
- (b) ensure the observance of the provisions of the Education Act and Regulations;
- (c) promote satisfactory relationships with parents and the community served by the school;
- (d) develop and implement procedures for parental and community involvement in the school and promote

- co-operation between the school and the community it serves;
- (e) maintain order and discipline in the school, on the school grounds and during activities sponsored or approved for the school;
 - (f) supervise and direct teachers and other staff assigned or rendering services to the school including volunteers;
 - (g) maintain any records and complete any returns and forms required pursuant to this Act and Regulations;
 - (h) ensure the proper maintenance and care of school property;
 - (i) requisition necessary materials, supplies, and equipment for the school and arrange for distribution of them;
 - (j) attend meetings of the Board of Management, the Parent Teacher Association or school committee for the school when requested by the relevant body to do so;
 - (k) report promptly to the Chief Education Officer, the Chief Medical Officer, and other appropriate health personnel an apparent outbreak of any contagious or infectious disease in the school, any insanitary condition in the school building or surroundings and any other dangerous or unsafe condition in the school;
 - (l) report to the Chief Education Officer and to the proper government official responsible for student welfare that a student is in need of protection when there are reasonable grounds to believe that the student is in need of protection pursuant to any legislation enacted by Parliament;
 - (m) prepare the school's operations and maintenance budget for review and approval by the Board of Management, if such a body exists;

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- (n) be responsible for the preparation and implementation of the school plan;
 - (o) keep parents informed of the progress and development of students;
 - (p) ensure that instruction in the school is consistent with the courses of study prescribed pursuant to this Act or Regulations;
 - (q) include in the activities of the school, cultural heritage traditions and practices;
 - (r) formulate with the assistance of the staff the overall aims and objectives of the school and policies for their implementation;
 - (s) deploy and manage all teaching and non-teaching staff of the school and allocate particular duties to them (including such duties of the principal as may properly be delegated to the deputy principal or other members of the staff) in a manner consistent with their conditions of employment;
 - (t) ensure that the duty of providing cover for absent teachers is shared equitably among all teachers in the school (including the principal), taking into account their teaching and other duties;
 - (u) maintain relationships with organisations representing teachers and other persons on the staff of the school;
 - (v) organise and implement the prescribed curriculum for the school, having regard to –
 - (i) the needs, experience, interests, aptitudes and stages of development of the students;
 - (ii) the resources available to the school; and
 - (iii) his duties under the Education Act and Regulations;

- (w) keeping under review the work and organisation of the school;
- (x) evaluate the standards of teaching and learning in school, and ensure that proper standards of professional performance are established and maintained;
- (y) maintain good order and discipline among the students and safeguard their health and safety both when they are authorised to be on the school premises and when they are engaged in authorised school activities elsewhere.
- (z) perform any other related duties which may be prescribed by Regulations made by the Minister under this Act.

(2) A principal who fails to perform any or a combination of the professional duties specified in subsection (1) is liable to disciplinary action in accordance with prescribed Regulations respecting discipline.

PART VIII

CURRICULUM AND ASSESSMENT OF STUDENTS

National curriculum.

137. (1) The Minister shall establish a national curriculum for public schools and assisted private schools.

(2) A curriculum established under subsection (1) must be balanced and broadly based and must, in addition to the goals and objectives specified in section 4(2) –

- (a) promote the spiritual, moral, cultural, intellectual and physical development of students and of society; and
- (b) prepare students for the opportunities, responsibilities and experiences of adult life.

(3) The Minister may revise the national curriculum whenever he considers it necessary and expedient to do so.

138. (1) The curriculum for every public school and assisted private school must comprise core and foundation subjects and specify in relation to each of them –

Core and foundation subjects.

- (a) attainment targets that include the knowledge, skills and understanding which students of different abilities and maturities are expected to have by the end of each key stage;
- (b) programmes of study that include the matters, skills and processes which are required to be taught to students of different abilities and maturities during each key stage; and
- (c) assessment arrangements that include the arrangements for assessing students at or near the end of each key stage for the purpose of ascertaining what they have achieved in relation to the attainment targets.

(2) Subsection (1) does not apply in the case of a school engaged in the delivery of special education.

139. (1) The key stages in relation to a student are as follows:

Key stages of assessment.

- (a) the period beginning with his attainment of compulsory school age and ending at the same time as the school year in which the majority of students in his class attain the age of seven;
- (b) the period beginning at the same time as the school year in which the majority of students in his class attain the age of eight and ending at the same time as the school year in which the majority of students in his class attain the age of ten;
- (c) the period beginning at the same time as the school year in which the majority of students in his class attain the age of eleven and ending at the same time as the school year in which the majority of students in his class attain the age of twelve; and

(d) the period beginning at the same time as the school year in which the majority of students in his class attain the age of thirteen and ending at the same time as the school year in which the majority of students in his class attain the age of sixteen;

(2) For each key stage in subsection (1) the Chief Education Officer shall ensure that arrangements are made for the assessment of students to ascertain what they have achieved in relation to the attainment targets.

(3) The assessments may be made by the Ministry or by a body or organisation designated or contracted to do so by the Minister.

(4) The Minister shall determine the frequency of the assessments.

(5) The Minister may publish the results of the assessments together with a commentary thereon by the Chief Education Officer.

Notice of determination
of attainment targets.

140. (1) The Minister shall by Notice published in the *Gazette* establish –

- (a) the core subjects and other foundation subjects;
- (b) the attainment targets;
- (c) the programmes of study; and
- (d) the assessment arrangements,

that he considers appropriate.

(2) A Notice issued under subsection (1) may not require that –

- (a) any particular period or periods of time should be allocated during any key stage to the teaching of any programme of study or any matter, skill or process forming part of it; or
- (b) provision of any particular time should be made in school timetables for the periods to be allocated to such teaching during any such stage.

141. (1) For the purpose of creating and revising the national curriculum from time to time, the Minister may constitute subject panels to develop syllabuses for the core and foundation subjects. Subject panels.

(2) A subject panel shall comprise the following:

- (a) members of the teaching profession, with expertise in the subject;
- (b) officials of the Ministry; and
- (c) other persons, including parents, having relevant knowledge or experience in the subject.

(3) Subject panels shall consist of not less than five or more than nine members appointed by the Minister after consultation with the Chief Education Officer, of whom --

- (a) one shall be appointed as chairman; and
- (b) another may be appointed as deputy chairman.

(4) The Chief Education Officer or other official designated by him may co-ordinate the work of the subject panels and ensure the evaluation and implementation of the recommended syllabuses into the school system.

142. (1) Subject to subsection (3), the school day in every public or assisted private school shall begin with collective worship by all students in attendance at the school, and the arrangements made shall provide for a single act of worship attended by all students unless the school premises are so constructed as to make it impracticable to assemble for that purpose or it is more convenient to conduct such worship in the classrooms or otherwise. Collective worship and religious education.

(2) It shall not be a condition of admission or attendance of any student in a public school or assisted private school that a student --

- (a) participates in religious education or attends or abstains from attending any place of religious instruction or worship;

- (b) if the parent of the student objects, attends any religious observances or receives any education in religious subjects at a school or elsewhere; or
 - (c) attends a school or an activity in any place on any day specially set apart for religious worship by the religious body to which the student belongs.
- (3) Where the parent of any student attending a public school or assisted private school requests in writing that the student be excused from attendance at collective worship, any religious observance or any education or instruction in religious subjects at the school or elsewhere, then, until the request is withdrawn, the student shall be excused.

PART IX

INSPECTION AND REVIEW OF THE EDUCATION SYSTEM

DIVISION A

INSPECTION OF SCHOOLS

Inspection of schools.

143. (1) The Chief Education Officer, an Education Officer, or a public officer authorised in writing by the Chief Education Officer or any other person authorised in writing by the Minister shall, at the times and in the manner prescribed, inspect public schools, assisted private schools and private schools.

(2) A person who, pursuant to subsection (1) inspects a school shall –

- (a) give such assistance and guidance to the teachers employed at the school as might promote the good conduct and efficiency of the school;
- (b) advise the principal of the school on matters relating to its welfare and development; and
- (c) give to the Minister, the Board of Management, or, in the case of a private school, the proprietor or body, a report on the school.

144. The principal of a public school, an assisted private school and the proprietor, body or principal of a private school shall keep the school open at all times during school hours to visits and inspections –

Schools to be opened for inspections and visits.

- (a) by the Minister;
- (b) by the Chief Education Officer; or
- (c) by any other person authorised in writing by the Chief Education Officer to visit or inspect the school.

145. A person who –

Offences.

- (a) prevents a person empowered or authorised under this Act from visiting or inspecting public schools, assisted private schools or private schools; or
- (b) assaults or obstructs a person empowered or authorised under this Act to visit or inspect a public school, an assisted private school or a private school during a visit or inspection of such schools,

is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and in the case of a second or subsequent conviction to six months imprisonment.

DIVISION B

REVIEW OF THE EDUCATION SYSTEM

146. (1) Every five years or as soon as practicable thereafter, Cabinet on the recommendation of the Minister, shall appoint an Education Review Committee of not more than five members to review and report on the education system of Dominica in accordance with section 147.

Appointment of Education Review Committee.

(2) The Education Review Committee shall comprise –

- (a) a member having relevant knowledge or expertise in education and who shall be chairperson;
- (b) one member from either –

- (i) a Parent Teacher Association; or
- (ii) a Board of Management;
- (c) one member from organisations concerned with either –
 - (i) community development; or
 - (ii) industry and commerce; or
 - (iii) professional services;
- (d) one member representing the teaching profession; and
- (e) such other member as the Cabinet in its discretion thinks fit.

Review and report of
Education Review
Committee.

147. (1) The Education Review Committee shall review and report on –

- (a) the physical conditions and the maintenance of public and assisted private schools;
- (b) the suitability of the curriculum, in public and assisted private schools;
- (c) the performance of students at –
 - (i) the assessments held in accordance with section 139(1) and (2);
 - (ii) annual examinations set and marked by individual schools; and
 - (iii) examinations set by the Caribbean Examinations Council;
- (d) the organisation of the Ministry and its delivery of education services;
- (e) the teaching service, and the number, quality and performance of teachers; and
- (f) any other matter which in the opinion of the Education Review Committee would enhance the quality and delivery of education in Dominica.

(2) The report of the Education Review Committee shall be submitted to the Minister who shall cause it to be laid before the House of Assembly.

(3) After the report of the Education Review Committee has been laid before the House of Assembly it shall be printed and sold to the public.

PART X APPEALS

148. (1) For the purposes of determining appeals under this Act, the Minister shall appoint an Education Appeal Tribunal.

Establishment of
Education Appeal
Tribunal.

(2) The Minister shall appoint to the Education Appeal Tribunal –

- (a) a chairperson, who appears to be suitably qualified by having held high office in the judicial or legal field;
- (b) a maximum of five other persons; and
- (c) a secretary who shall be a public officer.

(3) The chairperson and the members of the Education Appeal Tribunal shall be appointed for the term and in the manner specified by the Minister.

(4) The Minister may solicit and consider nominations for the membership of the Education Appeal Tribunal from groups interested in education in Dominica.

(5) The chairperson and the members of the Education Appeal Tribunal shall swear an oath of non-disclosure in the form prescribed by the Minister for information gained during an appeal in accordance with this Part.

149. (1) An appeal referred to the Education Appeal Tribunal shall be heard by the chairperson and two or more members chosen by the chairperson.

Composition of
Tribunal.

(2) Subject to section 148(2)(a), where possible, the qualifications of the members of the Education Appeal Tribunal shall be appropriate to the matter under consideration by the Tribunal.

(3) The chairperson may call upon such experts or consultants as are considered advisable to report to the Education Appeal Tribunal.

Mediation.

150. Prior to the consideration of an appeal by the Education Appeal Tribunal, the chairperson may appoint a mediator to attempt to settle the matter under appeal.

Procedure of Tribunal.

151. (1) In considering the matter being appealed, the Education Appeal Tribunal may make any investigation it considers necessary.

(2) The Education Appeal Tribunal shall set the time, place, and date for a hearing of the appeal and shall notify the parties to the appeal of the time, place and date of the hearing.

(3) A decision shall not be made by the Education Appeal Tribunal without giving the parties to the appeal an opportunity to make representations either orally or in writing or both.

(4) Parties to the appeal shall pay their own costs unless otherwise directed by the Tribunal.

(5) Except if the Education Appeal Tribunal decides otherwise, appeals shall be held in camera and may be heard in any place or community.

152. The Education Appeal Tribunal, in deciding a matter being appealed, may make an order doing one or more of the following:

- (a) confirming or varying the decision that is under appeal;
- (b) identifying a student as a student with special educational needs;
- (c) determining that an individual education plan be prepared for a student;

- (d) directing the Chief Education Officer to implement an individual education plan in a particular environment including, but not limited to, a regular class;
- (e) directing the Chief Education Officer to enroll a student in a school named by the Education Appeal Tribunal;
- (f) directing a determination to be made in accordance with section 83;
- (g) defining the contents of a student record when the appeal under consideration is pursuant to section 22; and
- (h) reinstating to school a student who has been expelled or placed on an indefinite suspension.

153. In the determination of an appeal, the Education Appeal Tribunal shall consider –

Matters to be considered.

- (a) the educational interests of the student who is the subject of the appeal;
- (b) the impact of a decision on the total school or class population; and
- (c) any other factor that appears to be relevant to the matter in dispute.

154. The decision of the Education Appeal Tribunal shall be final and binding upon the parties to the appeal.

Final decision.

155. (1) A copy of an order made by the Education Appeal Tribunal shall be filed with the Registrar of the High Court.

Enforcement of order.

(2) On the filing of a copy of an order with the Registrar of the High Court, the order has the same force and effect as if the order were an order of that Court.

156. A copy of the decision of the Education Appeal Tribunal shall be sent to the Minister and the parties to the appeal.

Copy to the Minister and parties.

PART XI
MISCELLANEOUS

Vendors on school
premises.

157. (1) A person may not sell or offer for sale any services, goods, food, beverages or any other item on school premises without the written permission of the Chief Education Officer.

(2) A person who wishes to sell or offer for sale services, goods, food, beverages or any other item on the premises of a public school or assisted private school shall apply in writing to the Chief Education Officer through the principal of the particular school, for permission to do so.

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(3) Where an application is made under subsection (2), the applicant shall submit together with his application a medical certificate from a medical practitioner registered under the Medical Act to the effect that the applicant is free from diseases and is unlikely to be a source of infection to a person at the school.

(4) Where an application is made under subsection (2), the Chief Education Officer may after interviewing the applicant and consulting the principal and having considered the suitability of the proposed services, goods, food, beverages or any other item to be sold, grant permission to the applicant, on such terms and conditions as the Chief Education Officer thinks fit.

(5) A person who sells or offers for sale food or drink on school premises shall ensure that the area used by him is in a clean state and that all wrapping or other kinds of litter are collected and disposed of.

(6) The sale of food and drink is not to be permitted during lesson periods.

(7) The Chief Education Officer may revoke the written permission given to any vendor who contravenes any of the conditions stated in the permit.

(8) A person who sells or offers for sale food, drink or any other item on the school premises or within the entrance or exit of a public school or assisted private school during school hours

without the written consent of the Chief Education Officer is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and one year imprisonment.

158. A person who sells, offers or exposes for sale any alcoholic beverage or tobacco on the premises of any school whether public or private is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and one year imprisonment.

Prohibition of sale of alcoholic beverages and tobacco.

159. (1) A person who –

Loitering, etc., on school premises.

- (a) is found loitering, wandering or otherwise trespassing on the premises of any school ;
- (b) creates a disturbance on the premises of any school;
- (c) while on the premises of any school –
 - (i) uses threatening or insulting language or in any manner interferes with any student or member of the staff of the school;
 - (ii) assaults, insults or abuses any student or member of the staff of the school; or
 - (iii) disrupts any lawful activity conducted on the premises of the school;
- (d) in a public place causes or makes a noise that disturbs or is likely to disturb any lawful activity carried out on the premises of the school; or
- (e) commits any damage to any school building or other property found on the premises of, or forming part of the compound of the school,

is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and one year imprisonment.

(2) A person who commits an offence under subsection (1) may be arrested by any member of the Police Force, with or without a warrant.

(3) A prosecution for an offence under this section in relation to a public school or an assisted private school may be brought in the name of the Chief Education Officer.

Regulations.

160. (1) Subject to the provisions of this Act, the Minister may make Regulations generally as he considers necessary or expedient for carrying out the purposes of this Act.

(2) Without restricting the generality of subsection (1), the Minister may make Regulations –

- (a) respecting the management and conduct of public schools and assisted private schools;
- (b) respecting the control and management and conduct and registration of private schools and in particular in respect of –
 - (i) the size of the classrooms and their equipment, the number of students that may occupy each classroom and the necessary sanitary facilities to be provided;
 - (ii) the registers and other records to be kept by proprietors of private schools and the particulars to be furnished to the Ministry by the proprietors;
 - (iii) the suitability of premises;
 - (iv) the suitability of the curriculum and courses and methods of instruction;
 - (v) generally for more effectively carrying out the provisions of this Act respecting private schools;
- (c) prescribing the standard to which the premises of schools are to conform;
- (d) concerning the purposes for which the premises of a public school may be used and for related matters;

-
- (e) prescribing the financial or other assistance and the conditions subject to which such assistance is given to any school or institution, or class of schools or institutions specified in such regulations;
 - (f) respecting the admission of students to public schools and assisted private schools, the discipline of such students, the keeping by public schools and assisted private schools of a school record of each student, the particulars to be included in the record and the disposal of the record;
 - (g) respecting the admission of persons to teachers' colleges and the conditions of admission;
 - (h) respecting –
 - (i) the admission or transfer of students to public secondary schools and assisted private secondary schools; and
 - (ii) the qualifying examinations for admission;
 - (i) concerning the management and accounting by principals and teachers of public schools and assisted private schools of –
 - (i) moneys or property payable to or vested in the school;
 - (ii) moneys derived from fund-raising activities;
 - (iii) moneys and other property derived by way of gift, bequest, trust or donations, or in any other manner whatsoever;
 - (j) respecting special or home education;
 - (k) respecting the establishment of Education Districts;

- (l) prescribing the division into which students of teachers' colleges are to be classified and the conditions for the selection of students for those divisions and for their admission to or continuation in or removal from, teachers' colleges in those divisions;
- (m) prescribing the course and curricula for students of the various divisions in teachers' colleges;
- (n) providing for the certification and registration of teachers completing courses of training;
- (o) subject to any relevant existing collective agreement, concerning the terms of employment including grading, promotion, and leave and payment of salaries and other remuneration to teachers;
- (p) concerning the establishment, administration, organisation, inspection and classification and discontinuance of schools;
- (q) respecting the award of scholarships, bursaries, grants and other financial assistance for tertiary education and specifying the value and other conditions subject to which grants, scholarships and bursaries may be held or other financial assistance given;
- (r) prescribing the school year, hours of school, terms and vacations of public schools and assisted private schools;
- (s) prescribing the cases in which, and the matters for which, fees may be charged in public schools;
- (t) concerning the inspection of public schools, assisted private schools and private schools;
- (u) concerning the constitution, rights, powers and responsibilities of Student Councils and of the National Students Council;

- (v) embodying any collective agreement arrived at between the Ministry and the representative body representing teachers concerning the conditions of service of teachers represented by that body, or between the Ministry and any other body representing members of the teaching profession in respect of such members;
- (w) prescribing anything which by this Act is to be prescribed;
- (x) respecting such other matters that may be incidental to or connected with the foregoing.

161. The Education Ordinance is repealed.

Repeal.
Cap. 103.

FIRST SCHEDULE

(Section 9(6)).

EDUCATION ADVISORY BOARD

1. In this Schedule, "Board" means the Education Advisory Board appointed under section 9 of this Act. Definition.
2. The appointment of a member of the Board is, subject to this Schedule, for a period not exceeding two years, but the member shall be eligible for re-appointment. Tenure.
3. The Board shall elect a Chairperson and a Deputy Chairperson from among its members. Chairperson and Deputy Chairperson.
4. In the absence or in the case of the inability to act of a member, the Minister may appoint any person from the group that member represents to act temporarily in place of such member. Temporary appointment.
5. (1) Any member of the Board, other than the Chairperson may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairperson and from the date of the receipt by the Minister of such instrument, if a date is not specified therein, such member shall cease to be a member of the Board. Resignation of members.

(2) The Chairperson may at any time resign his office as a member of the Board by instrument in writing addressed to the Minister, and, such resignation shall take effect from the date of the receipt of such instrument by the Minister, if a date is not specified therein.

Forfeiture of membership.

6. Any member of the Board who fails to attend three consecutive meetings without excuse acceptable to the Board shall cease to be a member.

Filling of vacancies.

7. If any vacancy occurs in the membership of the Board such vacancy shall be filled by the appointment of another member who may, subject to this Schedule hold office for the remainder of the period for which the previous member was appointed, but such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

Publication of membership.

8. The names of all members of the Board as first constituted and every change in the membership shall be published in the *Gazette*.

Constitution not affected by vacancy.

9. The Board shall be deemed to be properly constituted for the purpose of this Schedule notwithstanding any vacancy among its members or any defect in its appointment.

Meetings.

10. (1) The Board shall meet at least three times a year and at such other times as may be convenient or expedient for the transaction of business and at such places as the Chairperson may determine.

(2) Subject to this Schedule, the Board may regulate its own procedure.

Special meetings.

11. The Chairperson may at any time call a special meeting of the Board and shall call a special meeting within fourteen days of a requisition for that purpose addressed to him by any five members.

Person to preside at meetings.

12. The Chairperson or, in his absence, the Deputy Chairperson shall preside at the meetings of the Board, and in the case of the absence of both the Chairperson and the Deputy Chairperson, the members present and constituting a quorum shall elect a temporary chairperson from among the members present.

Decisions.

13. The decisions of the Board shall be by a majority of votes of the members present and, in addition to an original vote, the Chairperson or

any other person presiding at the meeting shall have a casting vote in any case in which the voting is equal.

14. The quorum of the Board at any meeting shall be seven. Quorum.

15. Minutes of the proceedings of the Board shall be kept in proper form. Minutes.

SECOND SCHEDULE

(Sections 57(3), 63(6),
and 70(3).)

CONSTITUTION, PROCEDURE AND FUNCTIONS OF BOARDS OF MANAGEMENT

1. In this Schedule "Board" means a Board of Management appointed under sections 56, 63, 69, 70 and 72 of this Act. Definition.

2. (1) Except in cases of Boards established under sections 69, 70 and 72 of the Act, a Board shall elect a Chairperson and a Deputy-Chairperson from among its members. Chairperson and Deputy-Chairperson.

(2) The membership of a Board as first constituted and any changes therein shall be published in the *Gazette*.

3. If any vacancy occurs in the membership of a Board such vacancy shall be filled by the appointment of another member in the manner indicated in sections 56, 63, 69, 70 and 72, and such person, shall hold office for the remainder of the period for which the previous member was appointed, provided however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member. Filling of vacancies.

4. (1) A member of a Board may not be appointed to any office or employment under a Board of which he is a member or any other Board. Employment of member.

(2) A person is not eligible for appointment to any office or employment under a Board within one year from the date on which the person last held office or acted as a member of that Board.

5. (1) Every member of a Board shall hold office for a term of three years unless, before the end of the term the member dies, resigns, is removed from office for any cause by the Minister or the appointing Duration of membership.

authority under sections 69, 70 and 72 of the Act or ceases to be a member in accordance with subparagraph (4).

(2) Every member is eligible for reappointment for a further term.

(3) Any member of a Board who fails without reasonable cause to attend three consecutive meetings of the Board shall cease to be a member thereof.

(4) A member of a Board may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairperson in cases of Boards established in public schools and through the proprietor or body in cases of Boards established for private assisted schools provided that the resignation shall be effective from the date of receipt by the Minister of such instrument, if a date is not specified therein.

(5) The Chairperson may at any time resign office by instrument in writing addressed to the Minister in cases of Boards established in public schools and the proprietor or body in cases of Boards established in private assisted schools and the resignation shall be effective from the date of receipt by the Minister of such instrument, if a date is not specified therein.

Meetings.

6. (1) A Board shall meet at least once in every school term and at such other times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times on such days as the Chairperson may determine.

(2) The Chairperson may, at any time summon a meeting of a Board, and shall summon a meeting within seven days –

(a) if a request for that purpose is addressed to him by any three members of a Board; or

(b) on a direction to that effect addressed to him by the Minister.

(3) The Chairperson, or in his absence the Deputy Chairperson, shall preside at any meeting of a Board.

(4) At any meeting of a Board, in case of the absence or inability to act of both the Chairperson and the Deputy Chairperson, the members of the Board shall elect one of their members to preside at that meeting.

7. At any meeting of a Board a quorum shall be the minimum number constituting a majority of the total members of the Board.

8. The decisions of a Board shall be by a majority of the votes of the members present and constituting a quorum, but in any case in which the voting is equal the Chairperson, Deputy Chairperson or other member presiding at the meeting shall in addition to an original vote, have a second or casting vote. Decisions.

9. (1) Minutes in proper form of each meeting of a Board shall be kept by the secretary or such person as the Board may appoint for the purpose and shall be confirmed by the Chairperson or Deputy Chairperson, as the case may be, as soon as practicable thereafter at a subsequent meeting. Minutes.

(2) A copy of the Minutes of each meeting as recorded by the secretary or such person as is referred to in subparagraph (1) shall be submitted to the Minister within one month of the meeting.

10. (1) The Chief Education Officer may attend any meeting of a Board or a committee or sub-committee thereof or may be represented at any such meeting by a public officer authorised by him in writing in that behalf. Attendance of Chief
Education Officer.

(2) The Chief Education Officer or his representative may take part in the proceedings of any such meeting but shall not be entitled to vote.

11. (1) A Board may appoint a committee for any of the purposes of the Board which in its opinion would be better regulated or managed by means of a committee, with or without restrictions or conditions, as it thinks fit. Appointment of
committees.

(2) The number of members of a committee appointed under this section and their terms of office shall be fixed by the Board.

(3) A committee appointed under this section may include persons who are not members of the Board but the Chairperson and at least two-thirds of the members of every committee shall be members of the Board.

(4) Any committee appointed by a Board under this section may, subject to any restrictions imposed by the Board, appoint a sub-committee of its members as it may determine.

(5) Any sub-committee appointed under this paragraph shall be constituted in such manner as, subject to any restrictions imposed by the Board, may be determined by the appointing committee; but the Chairper-

son and at least two-thirds of the members of every sub-committee shall be members of the Board.

(6) Subject to any restrictions imposed by the Board where a committee appointed by the Board appoints a sub-committee in the exercise of the powers conferred on it by subparagraph (4), it may delegate to the sub-committee, with or without restrictions or conditions as it thinks fit, any of its functions.

Power to delegate.

12. Without prejudice to paragraph 11, a Board, after consultation with the Minister, may delegate to any committee such of its functions as it considers appropriate subject to such restrictions or conditions as it thinks fit.

(Section 120).

THIRD SCHEDULE

PROCEDURE OF TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING COUNCIL

Definition.

1. In this Schedule, "Council" means the Technical and Vocational Education and Training Council appointed under section 120 of this Act.

Duration of appointment.

2. A member of the Council holds office for a term of three years unless he dies, resigns or has his appointment revoked before the end of that term, but –

(a) a person who is appointed to fill a vacancy created by the death, resignation or removal from office of a former member shall hold office only for the unexpired portion of the term of that former member; and

(b) every member is, on the expiration of the term of his appointment, eligible for re-appointment for a further term.

Leave of absence.

3. The Minister may grant leave of absence to a member of the Council and may appoint a person to act temporarily in the place of that member.

Resignation of member.

4. A member of the Council other than the Chairperson may resign office by instrument in writing addressed to the Minister transmitted through the Chairperson and, from the date of the receipt of the instrument by the Minister if a date is not specified therein, that member ceases to be a member of the Council.

5. The Chairperson may at any time resign his office by instrument in writing addressed to the Minister and, from the date of the receipt of such instrument by the Minister, if a date is not specified therein, he ceases to be Chairperson and to be a member of the Council. Resignation of Chairperson.
6. Four members of the Council shall form a quorum. Quorum.
7. Decisions of the Council are to be by majority of the members present and voting, and where the voting is equal the Chairperson, in addition to his original vote, has a second or casting vote. Decisions.
8. The Council is required to meet at such times as may be expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Council determines. Frequency of meetings.
9. The Chairperson or, in the event of his being absent from Dominica or for any reason is unable to act, the Deputy Chairperson, is required to call a special meeting within seven days after receiving a request to do so by any four members of the Council. Special meeting.
10. Minutes of each meeting are to be duly kept by the Secretary or other person appointed by the Council for the purpose, and are to be confirmed by the Council at its next meeting and signed by the Chairperson or other person presiding at that meeting. Minutes.
11. The Council may co-opt persons to attend any of its meetings for the purpose of assisting or advising it respecting any matters with which it is dealing, but a co-opted member does not have a right to vote. Co-opting of other persons.
12. Subject to this Schedule, the Council may regulate its own procedure. Procedure.
13. All documents made by, and all decisions of the Council are to be signified under the hand of the Chairperson or any member authorised to act in that behalf, or by the Secretary. Documents.

FOURTH SCHEDULE

(Section 123).

CONSTITUTION OF COMMITTEES

1. In this Schedule – Definition.
- ‘Council’ means the Technical and Vocational Education and Training Council appointed under section 120 of this Act; and

“committee” means a committee appointed by the Technical and Vocational Education and Training Council under section 123 of this Act.

- Composition. 2. (1) A committee comprises not more than five persons.
- (2) The Council shall, in respect of a committee, appoint one member of that committee to be Chairperson.
- Acting member. 3. (1) A member of a committee may, with the permission of the Chairperson of that committee, appoint a person to act for him in case of his absence from a particular meeting.
- (2) A person appointed to act as a member of a committee in pursuance of subparagraph (1) may not appoint a person to act for himself nor may be appointed to act for more than one member.
- Duration of membership. 4. A member of a committee shall hold office for a period not exceeding three years, but is eligible for re-appointment.
- Vacancy. 5. Where a vacancy occurs in respect of a committee, the Council may appoint a person to fill that vacancy for the unexpired portion of the period in respect of which the vacancy occurs.
- Revocation of membership. 6. The Council may revoke the appointment of a member of a committee who –
- (a) is absent from three consecutive meetings of the committee without leave of the Council;
- (b) is absent from Dominica for three months or more without the permission of the Council;
- (c) is unable to perform his duties as a member of the committee; or
- (d) fails to comply with a direction given by the Council.
- Secretary. 7. The Council may assign a person to be the secretary of a committee.
- Frequency of meetings. 8. A committee shall meet as often as the Chairperson decides, but at intervals not exceeding three months.
- Quorum. 9. A quorum consists of three members including the Chairperson.

10. Decisions of a committee are to be by a majority of votes, and where voting is equal, the Chairperson, in addition to his original vote, has a casting vote.

Decisions.

11. A committee may co-opt persons to attend any of its meetings for the purpose of assisting or advising it with respect to any matter with which it is dealing, but a co-opted person is not entitled to vote and shall not be counted for the purpose of constituting a quorum.

Co-opting.

12. A committee may establish a sub-committee to assist in the performance of its functions and may co-opt to serve on any such sub-committee, any person whose assistance and advice the committee considers necessary for the purpose for which the sub-committee is established.

Establishment of sub-committees.

Passed in the House of Assembly this 10th day of October, 1997.

ALEX F. PHILLIP (MRS.)
Acting Clerk of the House of Assembly.

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