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LEGAL SUPPLEMENT — C

BILL No. 10 of 2014

Thursday 19th June, 2014

PARLIAMENT OFFICE
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Georgetown,
Guyana.

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The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.



BILL NO. 10 OF 2014

EDUCATION BILL 2014

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A BILL

Intituled

AN ACT to repeal the Education Act, to reform the legal framework of education in Guyana and provide an effective system of education related to the needs of the people.

A.D. 2014

Enacted by the Parliament of Guyana:-

Short title and commencement.

1. This Act may be cited as the Education Act 2014 and shall come into force on the date the Minister may, by order, appoint.

Interpretation.

2. (1) In this Act –

- (a) “academic year” means a period not exceeding twelve months as may be prescribed;
- (b) “adult education” means education or training on a part-time basis for persons over compulsory school age designed to advance knowledge, skills, attitudes and cultural awareness but does not include tertiary education;
- (c) “Advisory Committee” means the National Advisory Committee on Education established under section 10;
- (d) “assessment” means the method used to determine the learning outcome of students’ attainment of curriculum standards and to inform teaching interventions;
- (e) “board of governors” means a board of governors established under section 54 for a public secondary school or a post secondary educational institution, or a joint board of governors established under section 57 for more than one public school in an area;
- (f) “Chief Education Officer” means the person appointed in that capacity under section 8;

- (g) “class” means, in relation to a particular student or a particular subject, the teaching group in which the student is regularly taught that subject;
- (h) “compulsory school age” means from three years and six months of age to fifteen years and six months of age;
- (i) “curriculum” means, in formal education or schooling, a set of courses, coursework and content offered at an educational institution;
- (j) “distance education” means a form of education in which students and teachers are not regularly in the presence of each other but communicate with each other in writing, by print or by electronic or similar means;
- (k) “educational institution” means a school, technical institution, training centre, college or any other institution of higher or further education but does not include the institutions prescribed by the Minister under subsection (3);
- (l) “educational programme” means a course of study, whether conducted in an educational institution or otherwise, designed to meet the learning needs of particular individuals or groups of individuals;
- (m) “former Act” means the former Education Act;
- (n) “Manual” means the Manual of Guidelines for the Maintenance of Order and Discipline in Schools in Schedule III;
- (o) “Minister” means the Minister responsible for education;
- (p) “parent” in relation to a child includes a guardian and any person who is liable to maintain or who has custody of the child and a person living as a spouse with the father or mother of a child;

Schedule III

- (q) “permit” means a permit for a private educational institution issued under section 70;
- (r) “pre-primary education” means education suited to the needs of students of pre-primary school age;
- (s) “primary education” means education suited to the needs of students of primary school age;
- (t) “principal” in relation to an educational institution means the person performing the duties of head of the institution;
- (u) “private educational institution” means an educational institution provided and maintained by any person or authority other than the Government;
- (v) “proprietor” in relation to a private educational institution means the person or body that owns and operates the institution;
- (w) “public educational institution” means an educational institution maintained at public expense and to which the general public has access;
- (x) “school” where used without any qualification means an institution that provides pre-primary, primary or secondary education;
- (y) “school age” –
 - (i) in relation to pre-primary education, means the age from three years six months but under five years and six months of age;
 - (ii) in relation to primary education, means the ages from five years six months and older but under eleven years six months; and

- (iii) in relation to secondary education, means the ages from eleven years six months and older but under nineteen years of age;
- (z) “school welfare officer” means a person appointed under section 40;
- (aa) “secondary education” means education suited to the needs of students of secondary school age;
- (bb) “special education” means –
 - (i) education suited to the requirements of persons who are mute, deaf, blind or otherwise physically, psychologically or mentally challenged; and
 - (ii) education suited to the requirements of students who are gifted or have exceptional ability;
- (cc) “sponsor” means a person or body paying the fees or maintenance expenses of a student at an educational institution, other than a parent of the student;
- (dd) “student record” means the record kept under section 24;
- (ee) “student register” means the register kept under section 32;
- (ff) “teacher” means any person employed in an educational institution and who is directly responsible for the education of children or adults;
- (gg) “teachers’ college” means an institution for training persons to teach;
- (hh) “technical college” means an institution that provides for study, training or research in technology, science, commerce or art;

(ii) “tertiary education” means the teaching and learning process that occurs following completion of schooling or its equivalent and leads to the award of sub-baccalaureate qualification, baccalaureate degree and post graduate degrees;

(2) A reference to a parent is a reference to either parent if the parents are living together, or, if the parents are separated, to the parent who has de facto care and control of the child.

(3) A reference to Regional Education Officer is a reference to the Principal Education Officer, Georgetown and a reference to the Regional Education Department is a reference to the Department of Education, Georgetown.

(4) For the purposes of this Act, the Minister may, by order, prescribe the institutions that shall not be educational institutions.

PART II

ADMINISTRATION OF THE EDUCATION SYSTEM

Main objectives.

3. (1) The Minister shall, subject to the resources of the State, ensure that all citizens of Guyana regardless of age, race, creed, gender, physical or mental ability or socio-economic status are given the best opportunity to achieve their full potential through equal access to quality education as defined by the standards and norms outlined by the Ministry.

(2) The general objectives are –

- (a) to establish a varied, adequate and comprehensive education system that is characterised by excellence;
- (b) to promote the education of the people of Guyana by establishing educational institutions which will foster the cultural, moral, intellectual, physical, social and economic development of the community;
- (c) to formulate policies to provide a valid, comprehensive and relevant educational service;

- (d) to effectively execute the educational policies of the Government;
- (e) to promote lifelong learning; and
- (f) to establish a co-ordinated education system organised in accordance with this Act.

(3) Without prejudice to the generality of subsections (1) and (2), the specific objectives are –

- (a) to encourage persons to develop their basic knowledge, skills and attitudes, including but not limited to –
 - (i) literacy and numeracy;
 - (ii) critical and creative thinking skills;
 - (iii) understanding of the role and related skills of science and technology in society;
 - (iv) appreciation and understanding of the creative and performing arts;
 - (v) physical development and personal health and fitness;
 - (vi) the creative use of leisure time; and
 - (vii) technical and vocational skills and information and communication skills;
- (b) to develop a sense of self worth and self discipline in all persons through a positive educational environment;
- (c) to promote understanding of the importance of the family and the community;
- (d) to provide opportunities for everyone to attain their maximum potential;

- (e) to promote understanding of the Constitution, laws and national symbols of Guyana, to engender respect for the diversity of our ethnic, religious and political traditions and to promote adherence to the ideals of justice and peace and the practice of democracy;
- (f) to promote principles and practice of gender equality;
- (g) to promote knowledge and understanding of the history, culture, rights and values of the people of Guyana;
- (h) to increase awareness and appreciation of the natural environment and the need for its protection;
- (i) to promote a Caribbean identity by encouraging regional cooperation and integration;
- (j) to promote discipline, national pride and social cohesion;
- (k) to develop an understanding of the historical and contemporary role of labour and business in society;
- (1) to prepare students for participation in life in Guyana and the global society, having regard to the changing nature of that society.

(4) The Minister shall promote the goals and objectives referred to in subsections (2) and (3) through appropriate strategies for education at all levels.

Decentralised
education system
of management.

4. (1) There is established a decentralised education system of management as follows –

- (a) the Ministry of Education, headed by the Minister, Permanent Secretary and the Chief Education Officer, which has responsibility for –
 - (i) national education strategic planning and research;
 - (ii) policy formulation and development;

- (iii) resource mobilization;
 - (iv) providing centralized services in relation to teacher training and development, facilities of school inspection, curriculum development, text and exercise books, school feeding, administration of examinations, setting of academic and non-academic standards;
 - (v) monitoring and evaluating education delivery and policy implementation;
 - (vi) reporting on the performance of the education system throughout the ten administrative regions, including the Georgetown education district;
- (b) the ten Regional Democratic Councils which are responsible for the management of the ten regions, except Georgetown district –
- (i) exercise general supervision of education in each region; and
 - (ii) are responsible for the actual implementation of the education programme through the Regional Education Departments;
- (c) the Regional Education Committee which is a sub-committee of a Regional Democratic Council –
- (i) gives support to the Regional Education Departments; and
 - (ii) advises on education matters; and
- (d) the Regional Education Departments, are directly responsible for the management and supervision of the day to day implementation of education in their respective regions with the major areas of responsibilities as follows –

- (i) management of the delivery of education at the regional level through regular monitoring, supervision and inspection visits to schools;
- (ii) communication of education policies;
- (iii) advising a Regional Democratic Council on education and providing feedback to the Ministry;
- (iv) establishing and maintaining good school and community relationships through the involvement of a Parent Teacher Association in every school;
- (v) ensuring overall consistency of the regional work plan and school improvement plan with the strategic plan of the Ministry;
- (vi) ensuring that the non-academic standards are met.

(2) The Regional Education Officer is the chief professional officer in the region and answers to the Regional Democratic Councils through the Regional Executive Officer, the Regional Chairman and the Regional Education Committee.

(3) The Georgetown education district is managed by the Ministry, through a Principal Education Officer.

Responsibilities of
the Minister.

5. (1) The Minister shall formulate and execute an education policy to give effect to the objectives set out in section 3.

(2) Without limiting the generality of subsection (1), the Minister shall, subject to this Act –

- (a) devise a system of education as far as possible to ensure that the intellectual and vocational abilities, aptitudes and interests of all students find adequate expression and opportunity for development;
- (b) establish public educational institutions or public schools in places the Minister thinks fit and determine their location and classification;

- (c) assist private educational institutions in accordance with this Act;
 - (d) establish and maintain or assist in the establishment and maintenance of facilities for special education and educational institutions or other facilities for tertiary, adult and continuing education as the Minister considers necessary, including teacher colleges, technical colleges and training centres;
 - (e) take action, as the Minister considers necessary, for ensuring an adequate supply of teachers in public educational institutions and public schools;
 - (f) provide to students any forms of needed assistance to enable the students to take full advantage of the education facilities available;
 - (g) assess the work of public schools through the process of monitoring, evaluation and reporting with particular reference to the goal of achieving quality education; and
 - (h) provide educational opportunities to meet the requirements for higher education and in particular take any steps needed to meet Government's obligations to the Caribbean Examinations Council, the University of Guyana and other institutions of higher learning.
6. (1) The Minister shall administer this Act, and in particular may —
- (a) require persons of compulsory school age to attend schools;
 - (b) establish and regulate the operation of educational institutions;
 - (c) make provision for the professional training of teachers for the entire system of education and specify standards for the recruitment of teachers, their training, professional development and conditions of service;

- (d) prescribe the grades or classes of teachers in educational institutions;
- (e) designate the grades or classes and special programmes to be offered in public schools;
- (f) prescribe the forms and notices required for the administration of this Act;
- (g) constitute committees or other bodies in addition to the bodies established under this Act, to provide advice from time to time on educational and related matters;
- (h) prescribe lists of textbooks for public schools so as to ensure conformity with national standards of education;
- (i) prescribe, core and foundation curricula for educational institutions; and
- (j) provide for matters and do all the things that are necessary under this Act.

(2) In the exercise of the Minister's powers, the Minister shall consult the Advisory Committee, the Guyana Teachers' Union and any other organisation representing the teaching profession.

Annual report.

7. (1) The Minister shall cause, at the end of each academic year, an annual report to be prepared on the state of education in Guyana.

(2) The Minister shall, within twelve months of the end of the academic year, table the report referred to in subsection (1) in the National Assembly.

Chief Education Officer.

8. (1) There shall be a Chief Education Officer who shall be responsible for the day-to-day administration of this Act.

(2) Without limiting the generality of subsection (1), the Chief Education Officer shall –

- (a) advise the Minister as required on matters affecting education;
- (b) ensure that educational institutions are administered in an efficient manner;
- (c) ensure the training and development of all professional education personnel;
- (d) monitor courses of induction and training for untrained teachers;
- (e) initiate curriculum innovation and reform and establish appropriate procedures for evaluating the instruction programmes in educational institutions;
- (f) ensure that public educational institutions are provided with the necessary tools, equipment and supplies;
- (g) actively encourage the formation, functioning and development of students' councils in public schools and of a National Students' Council;
- (h) promote the formation of Parent Teacher Associations.

(3) The Chief Education Officer may, after consultation with the Permanent Secretary, delegate authority to professional staff of the Regional Education Department for administering various aspects of the system of education including the inspection of private educational institutions with a view to their being granted a permit to operate.

Delegation of authority.

9. (1) The Minister may, by order and subject to the conditions and limitations as may be specified, delegate to the Permanent Secretary or to the Chief Education Officer any function, duty or responsibility conferred on the Minister by this Act other than the power of making regulations.

(2) The Minister may give general or specific directions in writing to the Chief Education Officer with respect to the performance of functions under this Act and the Chief Education Officer shall carry out those directions.

Establishment of
National Advisory
Committee on
Education.

10. (1) There is established a body to be known as the National Advisory Committee on Education.

Schedule I

(2) The provisions of Schedule 1 shall have effect in relation to the composition of and other matters pertaining to the Advisory Committee.

(3) The funds of the Advisory Committee shall be provided by the Ministry out of public funds at the Ministry's disposal.

Functions of the
Advisory
Committee.

11. The functions of the Advisory Committee shall be to advise the Minister —

- (a) on matters relating to education;
- (b) on matters respecting the discharge of any of the Ministers responsibilities or the exercising of the Minister's powers under this Act as the Minister refers to the Advisory Committee: and
- (c) on any other matter relating to the promotion of education that the Minister requests advice on from the Advisory Committee.

Public hearings.

12. The Advisory Committee may, with the approval of the Minister and before advising the Minister on any matter —

- (a) hold a public hearing into the matter;
- (b) invite written submissions from the public on the matter.

Minister not
bound by advice
of Advisory
Committee.

13. (1) The Minister is not bound to accept the advice of the Advisory Committee and if the Minister considers it appropriate the Minister may refer a matter back to the Advisory Committee for reconsideration.

(2) If after reconsideration under subsection (1), the Advisory Committee adheres to the advice it has previously given, the Minister may reject the advice or adopt it either wholly or with modifications as the Minister thinks fit.

Special
Committee.

14. In addition to or instead of obtaining the advice of the Advisory Committee, the Minister may appoint a special committee to advise the Minister with respect to any matter that may arise from time to time.

PART III
RIGHTS AND RESPONSIBILITIES OF STUDENTS AND PARENTS

A - Students' Rights and Responsibilities

Right to education. 15. Subject to this Act and to the availability of resources, all persons in Guyana are entitled to receive an education appropriate to their age and needs.

Compulsory education. 16. (1) The Chief Education Officer shall provide for every person of compulsory school age who resides in Guyana, in this Part called “the student”, an educational programme consistent with the requirements of this Act.

(2) For the purpose of meeting the obligations under subsection (1), the Chief Education Officer shall —

- (a) enroll the student in an educational programme offered by a public school;
- (b) advise the student to enroll in an educational programme offered by a private school; or
- (c) provide special education for the student.

Free tuition at schools. 17. Neither a student nor a student’s parents shall be charged tuition fees or other costs for attendance at a public school except that a student who is not a citizen of a Member State of CARICOM or of a Commonwealth country may be charged tuition fees and other costs as the Minister may determine.

Students’ responsibilities. 18. A student enrolled in a public school shall —

- (a) observe any code of conduct for students, other rules and policies for students specified by the Ministry or prescribed in the Manual in Schedule III;

Schedule III

- (b) attend classes regularly and punctually;
- (c) participate in the educational programmes for which the student is enrolled;

- (d) be diligent in pursuing the specified curriculum;
- (e) participate in extra and co-curricular activities; and
- (f) subject to paragraph (a), observe standards set by the principal and the board of governors, if any, with regard to –
 - (i) cleanliness and tidiness of the person;
 - (ii) general deportment;
 - (iii) attire;
 - (iv) courtesy; and
 - (v) respect for the rights of other persons.

Accountability of students.

19. A student shall be accountable —
- (a) to the student's teacher for the student's conduct on school premises during school hours and whenever a teacher is in charge of the student while the student is engaged in authorised school activities conducted outside school hours; and
 - (b) to the principal for the student's general deportment at all times whether in or out of school.

Return of property.

20. (1) A student shall take good care of any public property and if the property is to be returned, the property shall be returned in good condition on a day and time determined by the principal or any other person authorised by the principal.

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

Exercise of rights.

21. (1) 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 or create ill will.

(2) A student who has attained the age of eighteen years and who is supporting himself financially is entitled to exercise all the rights and powers, to assume all the obligations and to receive all the benefits under this Act, that the student's parents are otherwise entitled to exercise, assume or receive on the student's behalf, including but not limited to the receipt of reports, approving school visits and paying fees.

(3) Subsection (2) does not affect the right of any parent or other person or body who or which is paying for or otherwise sponsoring a student who has attained the age of eighteen years to receive reports on the student's academic results and any other information relevant to the student's progress.

B - Parent's Rights and Responsibilities

Choice of
Education.

22. Subject to this Act, a parent of a child of compulsory school age may choose for that child's education, a public school or private school.

Rights and
responsibilities of
parents or
guardians.

23. (1) A parent or guardian of a child attending a public school is entitled —
- (a) to be informed of the progress, behaviour and attendance of the child;
 - (b) upon reasonable notice to the principal and teacher, to observe the instruction of the child if the visit does not impede the instruction of other children;
 - (c) to appeal any decision taken under this Act that significantly affects the education, health or safety of the child; and
 - (d) to be consulted on the development of any special educational programme for the child.

(2) A parent or guardian of a student under the age of eighteen years may, and at the request of a principal or teacher shall, consult with the teacher or principal with respect to the student's educational performance.

(3) A parent or guardian of a child under the age of eighteen years who knows that the child has a particular medical or other condition of which the principal ought to be made aware, shall notify the principal in writing —

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

(4) Information collected under subsection (3) shall constitute part of the student's record.

Student records
and reports.

24. (1) A principal shall establish and maintain, in accordance with guidelines issued by the Chief Education Officer, a record called the student record for each student enrolled in the school.

(2) A student shall be entitled to receive a periodic written report on the student's academic performance and conduct and the report constitutes part of the student's record.

(3) In the case of a student under the age of eighteen years, a copy of the report referred to in subsection (2) shall be made available to the student's parents.

(4) In the case of a student aged eighteen years or older who is receiving financial assistance or other sponsorship, a copy of the report referred to in subsection (2) shall be given on request to the person or body providing the financial assistance or other sponsorship.

(5) The report referred to in subsection (2) shall contain the information and be in the form determined by the Chief Education Officer.

(6) The following persons may examine and copy a student's record or request a certified copy of it –

- (a) the parents of a student who is under eighteen years of age;
- (b) a student who is eighteen years of age or older, whether or not that student is financing his/her own education;
- (c) the parents of a student who is eighteen years of age or older who are financing the student's education or who have obtained the student's consent: or

(d) the sponsors of a student who is eighteen years of age or older.

(7) Subject to subsections (3) and (6), a student's record is privileged information for the use of the school and of Ministry officials in the performance of their functions and is not available to any other person or institution without the written permission of the parent or, if the student is eighteen years of age or older, the student.

(8) A person who contributes information to a student record is exempted from any liability with respect to the provision of the information if the person, in providing the information, acted –

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

(9) If, on examining a student's record, a person authorised under subsection (6) is of the opinion that the student's record contains inaccurate or incomplete information, the person may request that the principal rectify the record.

(10) A person who discloses information from a student record in contravention of subsection (7) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

Parent Teacher
Association.

25. (1) The parents and teachers of a school may, in accordance with the regulations, form an association, to be known as a Parent Teacher Association.

(2) The Regional Education Department may promote, encourage and assist in the formation of active and functioning Parent Teacher Associations.

(3) The Chief Education Officer shall encourage and assist in the formation of a National Parent Teacher Association.

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

(5) The purpose of a Parent Teacher Association of a school shall be the promotion of the interests of the school by bringing parents, members of the community, students and teachers into closer cooperation.

(6) Parent Teacher Associations may, subject to this Act, make rules for the conduct of their business.

(7) On the formation of the Parent Teacher Association and in every subsequent election of a new executive body, the Parent Teacher Association shall send the names of the members of the executive to the Chief Education Officer through the relevant Regional Education Officer.

School committee.

26. (1) If a Parent Teacher Association does not exist in a school, the principal, in collaboration with the academic staff, may establish a school committee comprising a number of parents, teachers and members of the community as the principal determines.

(2) A school committee shall be an advisory committee to the school.

(3) On the formation of a Parent Teacher Association for the school, the school committee shall stand dissolved.

Suggestions and wishes of parents to be considered.

27. The Minister shall, in exercising the Minister's functions under this Act, consider the views of parents formally conveyed to the Minister with regards to the education of students insofar as the views are compatible with the education programme.

C - Admission and Attendance of Students

No discrimination.

28. (1) Subject to this Act, a person who is eligible for admission to an educational institution as a student shall not be refused admission on any discriminatory ground relating to that student or a parent of that student.

(2) A person who or a body that refuses, to admit any student who is eligible for admission to an educational institution, or expels any student from an educational institution on any discriminatory ground relating to the student or a parent of the student, commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

(3) In this section “discriminatory ground” means a ground based on race, religion, place of origin, political opinion, colour, creed, status, physical disability.

Age limit for pre-primary, primary schools.

29. (1) A child may be admitted to a public pre-primary school if the child has attained the age of three years by June 30th in the year of admission.

(2) A child may be admitted to a public primary school if the child has attained the age of five years by June 30th of the year of admission.

(3) Notwithstanding anything in subsection (2), a child who has not satisfied the requirements as to age may be admitted to a public primary school if the Chief Education Officer determines that the child is competent to be admitted to the school.

Requirements for admission.

30. (1) A child may be admitted to a public pre-primary school or a public primary school where at the time of the admission –

- (a) the child is accompanied by a parent or the guardian or by a person over the age of eighteen years who has been authorised by a parent or the guardian to represent the child;
- (b) the person accompanying the child brings the child’s birth certificate;
- (c) the child has attained the age stipulated under section 29;
- (d) the person accompanying the child brings a certificate issued by a medical practitioner or by the public health authorities indicating that the child has been immunized, has been exempted from immunization or can produce the certificate within thirty days.

(2) Admission to a public pre-primary and primary school shall be at the beginning of the academic year except that the Chief Education Officer through the Regional Education Officer may grant written permission for admission at any other time of the academic year for good cause.

Age limit for secondary schools.

31. (1) Subject to subsections (2) and (3), a student may be admitted to a public secondary school if the student has attained the age of eleven years by June 30th of the year of admission.

(2) A student below the age stipulated in subsection (1) may be admitted to a public secondary school with the written permission of the Chief Education Officer on the ground of exceptional ability and consistently high academic performance as shown by –

- (a) outstanding performance in periodic school examinations;
- (b) the child's national assessment results; or
- (c) the written recommendations of teachers.

(3) A child below the age stipulated in subsection (I) but who, prior to the child's residence in Guyana, attended or gained admission to a secondary school or the equivalent of a secondary school outside Guyana may, with the written permission of the Chief Education Officer, be admitted to a public secondary school.

(4) A student shall not, without the written permission of the Chief Education Officer, be retained in a public secondary school after the end of the academic year in which the student attains the age of nineteen years.

Student Register.

32. (1) The principal of every school shall maintain a register of students, to be known as the Student Register.

(2) The Student Register shall include –

- (a) upon admission of a student to the school –
 - (i) the name and date of birth and gender of the student;
 - (ii) the date of admission;
 - (iii) the name, residential address, telephone number and email address, if any, of the student's parents or guardian;
 - (iv) the name and postal address of any school that the student attended previously;
 - (v) the date the student left the school that he last attended;
 - (vi) the grade the student was in at the date of leaving the school that he last attended;
 - (vii) the grade that the student is admitted to; and

- (b) upon the departure of a student from the school –
- (i) the date of the student's departure and the reason for the departure;
 - (ii) the grade or form the student was in at the date of departure; and
 - (iii) where appropriate the name and address of the school, if any, that the student will next attend.

(3) The Student Register shall include any other information specified by the Chief Education Officer from time to time.

Transfer of students.

33. (1) A principal of a public school from which a student seeks transfer shall provide a letter of transfer to the student, parent, guardian or sponsor of the student. The letter shall contain prescribed information.

(2) A student, parent, guardian or sponsor of the student shall upon receipt of the letter of transfer submit the letter of transfer to the regional education department that has responsibility for the school to which the student is being transferred.

Effect of disease.

34. (1) Subject to section 35, a student who is suffering from a contagious disease shall not be admitted to or be permitted to remain in any educational institution.

(2) If the principal of an educational institution is informed or has reasons to suspect the presence of a student with contagious disease in the institution, the principal shall immediately report the same to the parents of the student concerned, the Regional Education Officer and the Government Medical Officer.

Readmission of student on production of medical certificates.

35. (1) A student who has been refused admission to or who has not been permitted to remain in an educational institution on the ground that the student is suffering from or exposed to a contagious disease may be admitted or re-admitted upon production of a medical certificate from a Government Medical Officer to the effect that the student is free from the disease and is unlikely to be a source of infection to other persons in the institution.

(2) A Government Medical Officer who issues a medical certificate required by subsection (1) shall do so free of charge.

Temporary or permanent closing of schools, etc.

36. (1) If any of the following occurs —

- (a) 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 a public educational institution;
- (b) the outbreak of any infectious or contagious disease among students at a public educational institution; or
- (c) attendance at a public educational institution has fallen to an extent that, in the opinion of the Minister, justifies the temporary or permanent closing of the institution or school, the Minister may direct that the institution be temporarily or permanently closed with effect from the date of the direction.

(2) If an educational institution is permanently closed, the Minister or the Chief Education Officer through the Regional Education Officer shall provide alternative accommodation for 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 by any other enactment in relation to the closing or use of educational institutions or their control in an emergency.

(4) Notwithstanding subsections (1) and (3) the principal of an educational institution may, in an emergency and where it is impractical to obtain the prior approval of the Minister or the Chief Education Officer, close the institution temporarily after receiving permission to do so from the Regional Education Officer and inform the Chief Education Officer as soon as practicable.

Sessions and periods of instruction in schools.

37. (1) In all schools, except the pre-primary schools, the hours of instruction shall be divided into two sessions each day, with an interval between the two sessions.

(2) The roll of students shall be called in every school at the beginning of each session and attendance recorded in an Attendance Register.

(3) In primary schools, the sessions shall be of no less than two hours duration.

(4) In secondary schools the periods of instruction shall be determined in accordance with the national guidelines provided by the Ministry.

(5) The time-table in every school shall be arranged with due regard to the necessity for recreation and relaxation.

(6) The Regional Education Officer may sanction a change in any of the arrangements mentioned in this section to suit the convenience of a particular school or for any other sufficient reason.

Academic school
year

38. (1) The school year shall not be more than forty two weeks.

(2) The Minister may, by order, amend the duration of a school year in relation to a specified year as is considered by the Minister to be necessary for any specific reason or expedient in the public interest.

D - Compulsory School Attendance

Duty of parents
to ensure
attendance of
children.

39. (1) Subject to subsection (2), it shall be the duty of the parents or guardians of a child of compulsory school age to cause the child to regularly and punctually attend school unless the child is excused from school attendance as prescribed by the regulations.

(2) The parent or guardian of a child of compulsory school age who wishes the child to be exempt from compulsory school attendance may apply for a certificate of exemption from attendance in accordance with subsection (3).

(3) An Application under subsection (2) shall be made, in the case of –

(a) any of the grounds mentioned in the Regulations in relation to a mentally or physically challenged child or a child receiving special education, to the Regional Education Officer;

(b) any of the other grounds mentioned in the Regulations in relation to sickness and related causes or permission for religious observances, to the principal of the school and the Regional Education Officer or the principal, as the case may be, may grant or refuse to grant 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 or the guardian who is dissatisfied with a refusal under subsection (3) may appeal to the Chief Education Officer who may confirm or overrule the refusal.

(6) The decision of the Chief Education Officer on an appeal under subsection (5) shall be final.

School welfare officer.

40. (1) The Public Service Commission shall appoint suitably qualified persons as school welfare officers to assist in the enforcement of the compulsory school attendance in accordance with provisions of this Act.

Duties of school welfare officer.

41. (1) A school welfare officer shall –

- (a) perform his/her duties under the direction, control and supervision of the Regional Education Department;
- (b) inquire into every suspected case of unlawful failure to attend school within his/her knowledge or when requested to do so by the Regional Education Officer or the principal of a school; and
- (c) give to the parent or guardian of a child who is not attending school –
 - (i) written warning of the consequences of the child's failure to attend school; or
 - (ii) written notice to cause the child to attend school immediately.
- (d) submit a monthly report on enforcement of compulsory school attendance to the Regional Education Officer.

(2) The Regional Education Officer shall in turn submit a report on the enforcement of compulsory school attendance to the Chief Education Officer at the end of each term or more often as considered necessary.

Power to take absent student to principal or parent.

42. Where a school welfare officer finds a student is absent from school without having an excuse under section 39, the school welfare officer may take the student to the principal of the student's school or to the student's parents or guardian.

Power to enter premises and question children.

43. A school welfare officer who has reasonable cause to believe that a person is in contravention of section 39, may at any time, upon presentation of the credentials of the welfare officer –

- (a) enter any premises and make enquiries needed to determine whether there is a contravention of this Act in relation to a child of compulsory school age whom the school welfare officer has reasonable cause to believe is frequenting, visiting, residing, or employed on the premises;
- (b) stop and question a child who appears to be of compulsory school age but who is not in school concerning -
 - (i) the child's name, age and place of residence;
 - (ii) the identity of the child's parents;
 - (iii) the school where the child is registered;
 - (iv) the reason for the child's absence from school; and
 - (v) any other matter relevant to the inquiries referred to in paragraph (a).

Offences against school welfare officers.

44. (1) A person who –

- (a) assaults, obstructs or uses insulting, abusive or indecent language to –
 - (i) a school welfare officer in the execution of the welfare officer's duties; or
 - (ii) any other person executing a duty imposed on that person by this Act in relation to the attendance of any child at school;
- (b) being a parent requested to do so by a school welfare officer –
 - (i) refuses to give information concerning the name, age, residence or parentage of his/her child or the attendance of his/her child at school; or
 - (ii) gives false or misleading information knowing it to be false or misleading, commits an offence and is liable on summary conviction to a fine not exceeding one million dollars and to imprisonment for three months.

(2) Subsection (1) applies notwithstanding that the child in relation to whom the duties are performed is not of compulsory school age.

Reports by principals.

45. A principal of a school shall –
- (a) report to a school welfare officer the name, age and residence of all students of compulsory school age who have not attended the school for a prescribed period; and
 - (b) give to the Regional Education Officer any other information required by the Ministry for the enforcement of compulsory school attendance.

Liability of parents.

46. (1) A parent of a child of compulsory school age who neglects or refuses to cause the child to attend school, unless the child has an excuse under section 39, commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

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

Offences in relation to school age.

47. (1) Except with the written permission of the principal or under the supervision of a teacher deputed by the principal for the purpose, a child of compulsory school age shall not be admitted or entertained, on payment or otherwise, to any cinema show, gaming establishment, shop, private residence, place of business or other similar form of entertainment or place on any day at a time when attendance at a school is required by or under this Act.

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(2) A person who carries on any business in connection with the sale, storage or conveyance of intoxicating liquor within the meaning of the Spirits Act shall not permit a child of school age to loiter on the premises nor purchase the intoxicating liquor for the child or anyone else.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one month.

Legal proceedings.

48. (1) In a prosecution under this Act, a statement attendance or non-attendance at school of any child, signed or purporting to be signed by the principal of the school, shall be prima facie evidence of the facts stated in it.

(2) In a prosecution under this Act a birth or baptismal certificate or a copy of either purporting to be certified under the hand of the person in whose custody the records are held is evidence of the age of the person named in the certificate or copy.

(3) In the absence of a certificate or copy as mentioned in subsection (2), or in corroboration of a certificate or copy the court may receive and act upon any other document or information relating to age that it considers reliable.

(4) In a prosecution under this Act, the court may draw inferences as to the age of a child from the child's demeanour or from statements made by the person in direct examination or cross-examination.

E - Maintenance of Order and Discipline in Schools

Right of the school to maintain order and discipline.

49. The principal and staff of a public school shall ensure that order and discipline prevail in accordance with the Manual.

Discipline in private schools.

50. The head of a private educational institution or a private school may adopt the Manual for ensuring order and discipline in the school.

PART IV

CATEGORIES OF SCHOOLS AND THE STAGES OF EDUCATION

A - Forms and Stages of Education

Stages of public education.

51. (1) Subject to subsection (2), the system of public education shall be organized in the following stages –

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

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

- (a) education to meet the requirements of students who are gifted or have exceptional ability;
- (b) special education in accordance with the provisions of this Act;
- (c) adult and continuing education; and
- (d) distance education.

B - Public Schools

Establishment of public pre-primary schools and primary schools.

52. (1) Public pre-primary schools or public primary schools may be established and maintained in accordance with this Act.

(2) Subject to this Act, public pre-primary schools or public primary schools shall be managed and controlled by the Minister.

(3) Notwithstanding anything in this Act, the Minister may establish a public pre-primary school or a public secondary school as a department of a public primary school.

Establishment of public secondary school.

53. (1) A public secondary school may be established and maintained in accordance with this Act.

(2) Subject to this Act, a public secondary school shall be managed and controlled by the Minister.

Boards of governors for a public secondary school.

54. (1) The Minister may, by a notice published in the *Gazette*, establish a board of governors for a public secondary school 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.

(2) A board of governors for a public secondary school shall consist of—

- (a) the principal and vice principal who shall be *ex-officio* members; and
- (b) the following other members who shall be appointed by the Minister by instrument in writing –
 - (i) a member nominated by the Parent Teacher Association of the school, except that the principal may nominate any parent to be appointed to the board of governors where no parent teacher association exists;

- (ii) a member nominated by the academic staff of the school; and
 - (iii) not less than seven members nominated by the Minister, after consultation with the Regional Democratic Council and the Neighbourhood Democratic Council and Amerindian Village Council, wherever this is relevant, from among persons who represent religious denominations, organisations concerned with business, organisations concerned with community development or any other areas of national interests as the Minister considers appropriate; and
- (c) one member nominated by the student body of the school.

Functions of
board of
governors for a
public secondary
school.

55. (1) A board of governors for a public secondary school shall –

- (a) be responsible for the good governance of the school;
- (b) make recommendations for the appointment of staff to the school;
- (c) make recommendations for disciplinary actions to be taken in accordance with the disciplinary procedures established by the Ministry;
- (d) receive, disburse and account for the financial resources of the school;
- (e) oversee the rebuilding or extension of the school if decided on by the Ministry;
- (f) review and approve, with modifications as considered necessary, the school development plan prepared annually by the school management;
- (g) monitor implementation of policies for the administration of the school;
- (h) prepare reports and provide information required under this Act;
- (i) monitor and evaluate the performance of the students at various grade assessments and examinations and take the necessary measures to achieve improved results;

- (j) in consultation with the Regional Education Officer, the principal and the members of the staff of the school establish a procedure for resolving disputes between the school, parents and teachers;
- (k) perform any other function conferred on it by this Act or by the Minister in writing.

(2) A board of governors for a public secondary school may also –

- (a) make recommendations to the Minister with regard to any matter affecting the school or the development of secondary education generally; and
- (b) appoint, where necessary, committees consisting wholly or partly of members of the board of governors.

Procedure of boards of governors. Schedule II

56. Schedule II applies in respect of the procedure of a board of governors for a public school.

Board of governors for more than one school.

57. (1) The Minister may establish a joint board of governors to manage more than one public school if the Minister is satisfied that the interests of education in the area in which the schools are situated will be best served by a joint board.

(2) If a board of governors is appointed to administer more than one public school-

- (a) the membership of the board may exceed the number prescribed for one board; and
- (b) in the appointment of additional members account shall be taken as far as possible of the different categories of persons to be represented.

Submission of reports, statements and estimates.

58. A board of governors shall in respect of each school managed by the board, after consultation with the principal, submit to the Regional Education Officer –

- (a) within one week after the end of the school term, a statement containing information on –

- (i) the discipline of students and any breach of the Manual;
 - (ii) attendance of students; and
- (b) at the end of the school year a statement containing the following –
- (i) the attainment levels of the students at assessment and examinations;
 - (ii) the level of the implementation of the curriculum;
 - (iii) the condition of the school buildings and premises and the maintenance of its property;
 - (iv) generally any matter that affects the school and its development;
 - (v) the performance of teachers; and
 - (vi) programmes for students during the vacation periods.

Written directions
to board of
governors.

59. Subject to this Act, a board of governors shall act in accordance with any written directions of the Minister concerning the performance of its functions under this Act.

Financial
resources of
public schools.

60. The financial resources of a public school shall be –

- (a) by way of grants to be determined by criteria and formula to ensure equity in allocations; and
- (b) money and other property derived for the school by way of gift, bequest, trust, donation or in any other manner as approved by the Minister.

Accounts and
audit.

61. (1) A board of governors shall keep proper accounts of its transactions and the accounts shall be audited annually by the Auditor General or an approved auditor.

(2) The approved auditor shall at the request of the Minister carry out at any time an investigation into the accounts of a board of governors.

(3) The members and employees of a board of governors shall-

- (a) grant to the Auditor General or an approved auditor access to all books, documents, vouchers, bills, money and property of the board; and
- (b) give to auditors referred to in paragraph (a) any information that is within the knowledge of the members and employees in relation to the operation of the board of governors.

General requirements of public schools.

62. The board of governors of a public school shall ensure that –

- (a) the premises of the school are in good sanitary condition and maintained in a clean and healthy condition which the Minister considers satisfactory;
- (b) the school is not conducted for private profit and no portion of its funds is used for any purpose other than the purposes of the school; and
- (c) returns of statistics are provided to the Minister at intervals, in a manner, and containing the information, required by this Act and the regulations.

Minutes of board of governors receivable in evidence.

63. The minutes of the meetings of a board of governors if duly signed by the chairperson or deputy chairperson are receivable in evidence in all legal proceedings without further proof and every meeting of a board of governors where minutes have been signed is deemed to have been duly convened.

Student councils.

64. (1) There shall be established at a public secondary school a student council elected by the student body from among its members and comprising –

- (a) a President;
- (b) a Vice President;
- (c) a Secretary;
- (d) an Assistant Secretary; and

(e) a public relations officer.

(2) The functions of a student council shall be –

- (a) to ensure that the school administration looks after the general welfare of all students attending the school;
- (b) to report to the principal on teacher behaviour and classroom performance;
- (c) to assist the school administration in the discipline of students;
- (d) to assist the school administration in reduction of incidences of vandalism at the school;
- (e) to assist in the general maintenance and upkeep of the school and its premises;
- (f) to provide opportunities for students to participate in leadership roles;
- (g) to assist the principal and staff in deciding on school rules and policies;
- (h) to assist teachers in encouraging all students to obey school rules and policies;
- (i) to suggest ways of assisting students who are slow in studies or with their school work;
- (j) to assist the principal and staff in identifying students with financial and other problems and to organise assistance for them; and
- (k) to organise activities, in consultation with the principal and staff, for enriching the experience of all students.

C - Private Educational Institutions and Private Schools

School board.

65. The proprietor of a private educational institution or private school may appoint a board (by whatever name called) to assist and advise on the management and good governance of the institution or school.

Application of Act to certain categories of private educational institutions and private schools.

66. (1) This Act applies to every private educational institution or private school providing all or any of the following educational services –

- (a) pre-primary education;
- (b) primary education;
- (c) secondary education;
- (d) special education;
- (e) instructional services in general education at the tertiary level;
- (f) instructional services in vocational education; and
- (g) training at the secondary, tertiary and adult levels.

(2) Paragraphs (a) to (e) of subsection (1) refer to the object of education or instruction which is intended mainly to develop students' abilities so as to prepare them for studies at the primary, secondary, post-secondary, tertiary or university level, as the case may be.

(3) Paragraph (f) of subsection (1) refers to vocational education or training which is intended mainly to develop students' abilities so as to prepare them for an occupation, trade or profession.

Requirement of a permit.

67. (1) A person shall not operate a private educational institution or private school unless he is the holder of a permit issued by the Minister for the institution or school.

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

(3) A private educational institution or private school registered under the former Act and whose registration has not been cancelled at the commencement of this Act shall be deemed to have been issued a permit under this Act for a period of three years from the date of commencement of this Act.

Private
educational
institutions and
private schools
register.

68. (1) The Chief Education Officer shall keep in the prescribed manner a register of private educational institutions and private schools to be known as the Private Educational Institutions and Private Schools Register (in this Part referred to as the “Register”).

(2) There shall be entered on the Register the particulars of every private educational institution or private school in respect of which a permit has been issued by the Minister under this Act or is deemed to have been issued by virtue of this Act.

(3) The Chief Education Officer shall, annually and preferably before the commencement of every academic year, certify a copy of the Register and the copy so certified shall be published in the *Gazette* on a date determined by the Minister.

(4) Where a proprietor fails to renew a permit or where a permit is revoked under this Act the private educational institution or private school in respect of which the permit was held shall be removed from the Register.

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

(6) Where the Minister is satisfied that there is any error in the Register any omission from the Register, the Minister shall rectify the error or omission.

Application for
permit.

69. (1) An application for a permit to establish a private educational or private school shall be made in the prescribed form by the proprietor of the proposed private educational institution or private school and shall –

(a) contain the particulars required; and

(b) be accompanied by the documents, as determined by the Minister.

(2) The Minister shall, upon receipt of an application made under subsection (1), cause the premises of the private educational institution or private school to be inspected to assess its suitability.

Issue of permit.

70. (1) Where the premises of the proposed private educational Institution or private school in respect of which an application is made under section 69 has been inspected, the Minister may, subject to any condition that the Minister specifies, issue a permit if the Minister is satisfied that –

- (a) the premises are safe and suitable for the activities intended by the institution or school;
- (b) the furniture and equipment, washroom and other facilities are adequate and suitable having regard to the number, ages and gender of the students who would be attending the institution or school;
- (c) the accommodation provided is adequate and suitable having regard to the number, age and gender of the students who would be attending the institution or school;
- (d) efficient and suitable instruction equivalent to that provided in an equivalent public educational institution or public school is being or will be provided at the institution, having regard to the ages and sex of the students who would be attending the institution or school;
- (e) the institution or school has access to adequate land for the recreation of the students;
- (f) neither the proprietor nor the principal has been convicted of or has pleaded guilty to an offence under this Act, or to a criminal offence in relation to the operation of a private educational institution or private school, in the five years preceding the application;
- (g) the institution or school will have at its disposal adequate human and material resources for providing the educational services for which the permit will be issued and sufficient financial resources for that purpose;
- (h) the institution or school is so located that it would not impede road traffic;
- (i) the sanitary facilities and facilities for drinking water of the institution or school are adequate;
- (j) the institution or school follow the national core curriculum and comply with the non-academic standards; and
- (k) the applicant has paid the prescribed fee.

(2) Before issuing a permit the Minister may seek the advice of the relevant technical experts as to fire, electrical, structural and other safety standards and the suitability of the premises of the institution or school generally.

Refusal of

71. (1) The Minister –

- (a) shall refuse to issue a permit if the proprietor, principal or any member of staff employed by the private educational institution or private school has been convicted of child molestation or any other sexual offence;
- (b) may refuse to issue a permit if-
 - (i) during the five years preceding the application, a permit held by the applicant was revoked;
 - (ii) the Minister determines that the private educational institution or private school has not satisfied any of the requirements set out in section 70;
 - (iii) the applicant fails to specify the capacity of facilities available.

(2) If an application for a permit to operate a private educational institution or private school has been refused, the applicant shall be notified in writing –

- (a) of the refusal and of the reasons for the refusal; and
- (b) of the right to ask the Minister to review the decision.

Conditions of a permit.

72. (1) The Minister may issue a permit limited to the subjects of instruction to be given by the private educational institution or private school and subject to any other conditions as the Minister specifies.

(2) The conditions attached to a permit pursuant to subsection (1) shall be consistent with this Act and in conformity with the promotion of the Minister's goals and objectives under this Act and meet the requirements of the Accreditation Council.

(3) The Minister may, by notice in writing to the proprietor of a private educational institution or private school, vary, add to or revoke at any time any condition for the time being attached to a permit:

Provided that before the Minister takes any action under this subsection, he first informs the proprietor of the proposed action to be taken and gives the proprietor sufficient time to consider the proposed action and respond to the Minister, the question of reasonableness being the overriding factor.

Maximum number of students.

73. (1) Based on the capacity of facilities available, the Minister may determine the maximum number of students who can be admitted to the educational services provided in a private educational institution or private school.

(2) The capacity of the facilities at a private educational institution or private school is the capacity specified by the applicant for a permit and approved by the Minister in issuing the permit.

Contents of permit.

74. A permit for a private educational institution or private school shall specify –

- (a) the name and qualifications of the proprietor;
- (b) the name and address of the institution or school;
- (c) the location of the buildings or premises and the land area at the disposal of the institution or school;
- (d) the educational services or categories of educational services the institution or school is authorised to provide;
- (e) the limits and conditions specified by the Minister under this Act;
- (f) the maximum number of students who may be admitted as determined under section 73;
- (g) the minimum number of teaching and other staff who should be employed for the size of the institution or school and their educational qualifications.

Vocational education permits.

75. In respect of vocational education, in addition to the requirements under section 74, a permit for a private educational institution or private school shall specify-

- (a) the vocational education programmes the institution or school is authorised to provide;
- (b) any supplementary vocational training for which the permit is issued, as accredited, recognised or approved by the Accreditation Council and in conformity with the Technical and Vocational Education and Training Act.

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Duration and renewal of permits.

76. (1) Unless revoked under section 82 or surrendered by a proprietor, a permit shall remain in force for a period of three academic years from the day when it is issued and may be renewed for successive periods of three years if the proprietor—

- (a) applies in writing to the Minister within the prescribed time and in the prescribed manner and furnishes the required particulars and documents;
- (b) meets the requirements of section 70; and
- (c) had complied with the provisions of this Act and the regulations for the period of validity preceding the renewal.

(2) The Minister may issue or renew a permit for a shorter or longer period if the Minister considers it expedient so to do and publishes the renewal in the *Gazette*.

Modification and transfer of permit.

77. (1) The Minister may, at the request of a proprietor and subject to any limitations or conditions, modify the permit upon payment of the prescribed fee.

(2) A permit may be modified in respect of the educational services specified in a permit if the proprietor meets the requirements for the issue of a permit applying to the educational services in respect of which the request is made.

(3) A permit shall not be transferred except with the written approval of the Minister.

Insurance.

78. (1) A private educational institution or private school shall keep in force a general liability insurance policy or other form of indemnification in the minimum amount prescribed by the Minister, by order, for each occurrence of any loss or damage resulting from bodily injury to, or the death of one or more persons and for loss or damage to property, regardless of the number of claims arising from any one occurrence.

(2) The general liability insurance policy or other indemnification shall provide coverage to a private educational institution or private school for all claims arising out of liability imposed by law on the institution or school or any liability assumed under an agreement entered into by the institution or school.

(3) A private educational institution or private school shall ensure that in its general liability insurance policy or other form of indemnification the word “insured” is defined to include the named insured and any employee, board member, agent or other person, whether receiving remuneration or not, when acting within the scope of his/her duties for the named insured.

(4) A private educational institution or private school which fails to maintain an insurance policy or other form of indemnification as required by this section commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars.

Information to be provided.

79. (1) At the beginning of an academic year, every proprietor shall inform the Minister the names and qualifications of the members of the teaching and other staff.

(2) In addition to the particulars to be submitted to the Minister under subsection (1), a proprietor shall inform the Minister –

- (a) of any change which renders the information provided for the issue, renewal or modification of the permit inaccurate or incomplete;
- (b) where applicable, that the institution or school is unable to provide all or any of the educational services specified in the permit;
- (c) of any amalgamation, sale or transfer affecting the institution or school; and
- (d) of any change in the name of the institution or school.

Visits to private educational institutions and private schools.

80. (1) The Minister, the Chief Education Officer and any other person authorised in writing by the Minister or the Chief Education Officer may enter the premises of any private educational institution or private school during school hours in order to make enquiries, carry out an inspection under Part IX or discharge any other function under this Act.

(2) The proprietor of a private educational institution or private school shall during school hours keep the institution or school open to visits by the persons mentioned in subsection (1).

(3) A person who, in respect of any person mentioned in subsection (1)-

- (a) obstructs that person in the performance of his/her duties;
- (b) makes a false representation to that person; or
- (c) refuses to furnish any information which that person reasonably requires under this Act, commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one month.

Notice to comply.

81. (1) If the Minister is satisfied that a private educational institution or private school registered under section 68 or deemed to have been registered under this Act has ceased to be conducted in accordance with this Act, the Minister may serve on the proprietor of the institution or school a notice requiring the proprietor to conduct the institution or school, as the case may be, in accordance with this Act.

(2) A notice referred to in subsection (1) shall specify the time within which a proprietor must comply with the notice.

(3) The Minister may, if he thinks fit, grant a proprietor further time, in addition to the time specified in the notice referred to in subsection (1), to comply with the notice.

Revocation of permit and cancellation of registration.

82. If a proprietor who is served with a notice under section 81 fails, within the time specified in the notice or within any further time the Minister allows, to comply with the notice, the Minister shall-

- (a) revoke the permit of the private educational institution or private school;
- (b) cause the institution or school to be removed from the Register; and (c) inform the proprietor, in writing –

- (i) that the permit issued under section 70 or deemed to have been issued under section 67 has been revoked;
- (ii) that the entry in the Register maintained under section 68 has been cancelled;
- (iii) of the reasons for the revocation and cancellation; and
- (iv) of the proprietor's right to ask the Minister to review the decision.

Review against
refusal and
cancellation.

83. (1) A proprietor of a private educational institution or private school who is refused a permit pursuant to section 71 or whose permit is revoked and the entry in the Register has been cancelled under section 82 may, within thirty days of being notified of the refusal or revocation and cancellation, apply to the Minister to review the refusal or revocation and cancellation, as the case may be.

(2) In an application requesting for a review of the refusal to issue a permit, the proprietor may ask the Minister for a review 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 a permit set out in section 67;
- (b) that the inspection of the school carried out pursuant to section 80 was not adequate for determining whether the school meets the requirements of section 67; or
- (c) that there is no evidence available to support the decision.

(3) In an application requesting for a review of the revocation of a permit and cancellation of registration, the proprietor may ask the Minister for a review on any of the following grounds –

- (a) that no notice was served on the proprietor under section 81;
- (b) that the time specified in the notice served under section 81 or the further time allowed to the proprietor under section 81 (3) to comply with the notice was inadequate or unreasonable.

(c) that the proprietor has complied with the notice served under section 81 in time; or

(d) that there is no evidence available to support the decision.

(4) If a review is sought under this section the Minister shall not enforce the refusal or revocation of a permit and cancellation of the entry in the Register maintained under section 68 until the review is determined or withdrawn.

Fresh application
for a permit.

84. (1) If the permit of a private educational institution or private school is revoked and its registration cancelled under section 82, the proprietor of the institution or school, may re-apply to the Minister for the issue of a permit and restoration of the entry in the Register.

(2) If the Minister is satisfied that sections 69 and 70 have been complied with, the Minister may re-issue a permit to the proprietor of the institution or school, subject to any conditions the Minister specifies.

(3) Where the Minister re-issues a permit to a private educational institution or private school, the Chief Education Officer shall re-register the institution or school on the Register.

Reports and
returns of
statistics.

85. The proprietor of a private educational institution or private school shall provide the Minister with the information, at the intervals and in the manner as is required by this Act.

Health care and
sanitation.

86. (1) The public health authorities shall require the same health care and sanitary arrangements for private educational institutions as are required for public educational institutions.

(2) The Minister may, on the advice of the Chief Medical Officer, require the closure of any private educational institution or school or any classroom at the institution, or the exclusion of certain students for a specified time in order to prevent the spread of any contagious or infectious disease or any danger to health at the institution or school.

Disqualification
of teachers.

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

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

(3) A teacher affected by a decision of the Chief Education Officer under subsection (2) may appeal in writing to the Minister within fourteen days of the decision.

(4) The Minister shall consider and dispose of every appeal under subsection (3) as expeditiously as possible.

PART V

MANAGEMENT OF PUBLIC EDUCATIONAL INSTITUTIONS

Establishment of public educational institutions.

88. (1) The Minister may establish and maintain in accordance with this Act, public educational institutions at the places the Minister determines.

(2) A teachers' college or a technical college may be established as a department or part of another public educational institution.

(3) A public educational institution established under the former Act and in existence at the commencement of this Act shall be deemed to have been established under this Act.

Subsidiary legislation.

89. (1) In relation to a public educational institution, the Minister may-

(a) by order provide for—

(i) the curriculum;

(ii) the criteria for admission of students;

(iii) the appointment of staff, including their terms and conditions of employment;

(iv) the awarding of degrees, diplomas or certificates; and

- (v) its management.
- (b) for the efficient functioning and academic excellence of every public educational institution, make regulations regarding –
 - (i) the professional behaviour of academic staff;
 - (ii) the conduct and discipline of students and trainees; and
 - (iii) conduct of members of the public.

(2) Until replaced by subsidiary legislation made under subsection (1), the provisions of this Act in relation to professional behaviour of academic staff, the conduct and discipline of students and teachers and conduct of the members of the public at schools shall apply to a public educational institution.

Technical and vocational education and training.
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90. The Council for Technical and Vocational Education and Training established by section 3 of the Technical and Vocational Education and Training Act shall carry out the functions assigned to it under this Act and advise the Minister on all matters relating to technical and vocational education and training in Guyana.

Teachers' colleges.

91. (1) The Minister may establish publicly funded branches of the teachers' college in different regions across Guyana and the teachers' college so established shall provide courses and curricula for students as the Minister considers appropriate.

- (2) The Minister may make regulations –
- (a) concerning the admission of persons to teachers' college and the conditions of admission;
 - (b) prescribing how the divisions of the students at the teachers' college are to be classified and the conditions for the selection of students for those divisions and for their admission to, continuation in or removal from teachers' colleges in those divisions;
 - (c) prescribing the courses and curricula for students of the various divisions in teachers' college; and

(d) for accreditation of the courses, curricula and facilities.

(3) A teachers college established under the former Act or any other Act and in existence at the commencement of this Act shall be deemed to have been established under this Act and shall be governed by this Act.

Application of
this Act to
President's
College and
Industrial Schools
Cap. 39:11
Cap. 39:04

92. This Act applies to President's College established under the President's College Act and to Industrial Schools under the Industrial Training Act in so far as it is not inconsistent with the provisions of those Acts.

PART VI OTHER TYPES OF EDUCATION

A- Special Education

Special education
programmes.

93. (1) The Chief Education Officer shall provide a special education programme for any student of compulsory school age and may provide education for a student beyond that age, who by virtue of intellectual, communicative, behavioral, physical or multiple attributes or other conditions is 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 that resources permit, and that is considered practicable by the Chief Education Officer in consultation with the principal and professional staff of the school and the student's parents, having regard to the educational needs and rights of other students.

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

(4) If it is determined that a student will require an individual education plan, the cost of developing, providing and maintaining the plan shall be apportioned between the parents and the Ministry, in the manner prescribed by the regulations.

Determination of
special
educational
needs.

94. (1) A principal shall, in consultation with professional staff and parent, determine –

- (a) whether a student at the school has special educational needs;
- and

- (b) if so, what special education programme is appropriate to meet those needs.

(2) If any child of compulsory school age is not attending school for any reason the Chief Education Officer in consultation with the parents or guardian and professional staff of the school shall determine –

- (a) whether the child has special educational needs; and
- (b) if so, what special education programme is appropriate to meet those needs.

(3) Before a determination is made under subsection (1) or (2)–

- (a) the parents or guardian of the child shall receive written information concerning the provisions of special education under this Act;
- (b) written consent of the parent shall be obtained to an assessment of the child being undertaken;
- (c) assessment shall if possible, be on a multi-disciplinary basis;
- (d) the results of the assessment reports shall be provided and explained to the parents or guardian of the child;
- (e) the parents or guardian of the child and where appropriate the child shall be consulted prior to the determination of and during the implementation of the special education programme; and
- (f) the parents or guardian of the child shall be provided with the information concerning the right of appeal to the Minister.

(4) A parent has the right to request for his/her child a determination in accordance with this section.

(5) If there is more than one parent for a child, consultation with the parents and where the parents are not alive or available in Guyana then consultation with the guardian of the child is sufficient compliance with the consultation requirements of this section.

Special needs
appeals.

95. (1) If a disagreement arises respecting a decision concerning –

- (a) the identification of a child as a child with special educational needs;
- (b) the individual education plan proposed for the child;
- (c) a request by a parent or guardian for a determination under section 94;
- (d) the implementation of an individual education plan in an environment other than regular classes;
- (e) the implementation of an individual education plan in a school other than where the student would normally attend; or
- (f) the apportionment of the cost of an individual education plan between the Ministry and the parents, the parents or the proprietor or principal of the school affected by the decision may, within fourteen days of the decision, appeal in writing to the Minister.

(2) If an appeal is made to the Minister, the child shall be enrolled in a programme determined in accordance with section 94 until the Minister makes a decision.

Council on
Special
Education.

96. (1) The Minister may establish a Council called the Council on Special Education to advise the Minister on rules and guidelines to implement a special education programme under this Part.

(2) If the Council on Special Education is established, the Minister may, by order, provide for –

- (a) its membership;
- (b) its powers and functions; and
- (c) the conduct of its business.

B - Distance Learning and Continuing Education

Distance learning.

97. The Minister may make provision for distance learning programmes at the pre-primary, primary, secondary or tertiary level and may regulate any programme in existence at the commencement of this Act or that comes into existence after the commencement of this Act.

Continuing and adult education.

98. The Minister may make provision for continuing and adult education programmes and may regulate any of the programmes in existence at the commencement of this Act or that may come into existence after the commencement of this Act.

PART VII

EMPLOYMENT OF TEACHERS

Employment of teachers.

99. A person to be employed as a teacher in a public school shall be within the age-limit and hold the prescribed qualifications.

Qualifications of teachers.

100. (1) A person **considered** for employment as a teacher at the pre-primary, primary and secondary level shall have –

(a) attained the age of seventeen years six months; and

(b) passed, with grades one to three, at least five subjects, at the Caribbean Secondary Education Certificate (CSEC) examinations or equivalent, inclusive of Mathematics and English language.

(2) The Minister may, by order, vary the qualifications prescribed under subsection (1).

(3) A person **considered** for employment as a teacher at tertiary level, a person must have the prescribed qualifications as laid down in the regulations.

Requirements for employment as a teacher.

101. (1) An application for employment as a teacher in a public school must be made to the Teaching Service Commission and must be accompanied by–

(a) the applicant's birth certificate;

- (b) evidence of the applicant's qualifications;
- (c) two recent testimonials;
- (d) a written statement by or on behalf of the Commissioner of Police as to whether the applicant has any record of criminal convictions; and
- (e) a medical certificate issued by a registered medical practitioner indicating that the applicant is free from any physical disability that will render the applicant unfit to teach.

(2) In the case of employment of teachers in a school governed by a Board, paragraphs (a) to (e) of subsection (1) shall apply and a recommendation by the Board for appointment of the teacher shall be made to the Teaching Services Commission.

(3) The Teaching Services Commission may return the recommendations to the Board to be reviewed if the procedure for appointment is not followed.

Appointment of teachers to public school, etc.

102. The Teaching Service Commission may appoint pensionable and non-pensionable teachers to public schools, in accordance with the regulations made under public schools, this Act and the rules of the Teaching Service Commission.

PART VIII CURRICULUM, ASSESSMENT OF STUDENTS

National curriculum.

103. (1) The Minister shall establish a national curriculum for all schools.

(2) A national curriculum established under subsection (1) shall be balanced and broadly based and shall, in addition to the goals and objectives specified in section 3 (3),-

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

(3) The Minister may revise the national curriculum whenever the Minister, on the advice of the Advisory Committee, considers it appropriate.

Core and
foundation
subjects.

104. (1) The curriculum for a school shall include core and foundation subjects, as well as work related learning and any other courses of study as are necessary, and must specify in relation to each of them –

- (a) attainment targets that include the knowledge, skills and understanding that students of different abilities and maturities are expected to have by the end of each education stage;
- (b) programmes of study that include the content, skills and processes that must be taught to students of different abilities and maturities during each education stage;
- (c) assessment systems that include evaluating students at or near the end of each assessment stage in order to ascertain what they have achieved in relation to the attainment targets; and
- (d) programmes of study to address remedial education.

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

Assessment
stages.

105. (1) The assessment stages in relation to a student are –

- (a) an annual examination at the end of each Grade from primary to secondary school;
- (b) National assessments at Grades 2, 4, 6 and 9;
- (c) Caribbean Secondary Education Certificate (CSEC) at Grade 11;
- (d) Caribbean Advanced Proficiency Examination (CAPE) at Grades 12 and 13;
- (e) any other examination, national or overseas, as may be determined by regulations.

(2) Arrangements shall be made in every school for the assessment of students in accordance with this Part.

(3) The assessment may be made by the Ministry or by a body or organization 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 on them by the Chief Education Officer, but not so as to identify individual students or teachers.

Determination of attainment targets.

106. (1) The Minister may, by notice published in the *Gazette*, prescribe-

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

(2) A notice under subsection (1) shall not require that any particular period or periods of time should be allocated to the teaching of any particular subject.

Subject panels.

107. (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.

(2) The members of a subject panel shall include-

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

(3) Subject panels shall consist of five to nine members, including a chairperson and deputy chairperson, appointed by the Minister after consultation with the Chief Education Officer.

(4) The Chief Education Officer or any other public officer designated by the Chief Education Officer shall co-ordinate the work of the subject panels and ensure the testing of the recommended syllabuses and their incorporation into the education system.

PART IX INSPECTION AND REVIEW OF THE EDUCATION SYSTEM

A - Inspection of Schools

Inspections of schools.

108. (1) The Regional Education Officer for each of the ten administrative regions, or any other authorised person may, at the times and in the manner prescribed by regulations, inspect public schools but in any case shall inspect each school in the region at least three times per academic year.

(2) For the purposes of this Part an “authorised person” means a person authorised in writing by the Regional Education Officer in the Regional Education Department to carry out the inspection of schools in the ten administrative regions.

- (3) A person who, pursuant to this section, inspects a school may-
- (a) give assistance and guidance to the teachers employed at the school in order to promote the good administration and effectiveness of the school; or
 - (b) advise the principal of the school on matters relating to the welfare and development of students; and
 - (c) give to the Minister, the board of management, or in the case of a private school, the proprietor, a report on the school.

Schools to be opened for inspections and visit.

109. (1) The principal of a school shall keep the school open at all times during school hours for visits and inspections by an authorised person.

(2) A person who, pursuant to section 108 (1), inspects a school may at the request of the Regional Education Officer examine the students in the subjects of instruction taught at the school.

Offences.

110. A person who –

- (a) assaults or obstructs an authorised person during a visit or inspection; or
- (b) makes a false representation or gives false information to an authorised person, commits an offence and is liable on summary conviction to a fine not exceeding one million doallrs.

B - Review of the Education System

Monitoring the evaluation, reporting and development.

111. (1) Through the process of monitoring the evaluation, reporting and development, the Ministry shall seek to ascertain the level and quality of supervision and guidance provided by the Regional Department of Education.

(2) An established unit within the Ministry shall conduct visits to each Regional Education Department and to selected schools across the regions at least twice an academic year to continuously measure and assess adherence to policies and learning outcomes at the different levels of the school system.

(3) The unit shall establish reporting mechanisms and strategies and ensure that term and annual reports are provided to the Minister of Education and members of the regional administration.

Purpose of monitoring the evaluation, reporting and development.

112. The purpose of monitoring the evaluation, reporting and development is to–

- (a) ensure that a rigid system of management and supervision of schools is practised by the Regional Education Department

- (b) ensure that all policy documents, assessment and instruments are utilized in accordance with the Ministry guidelines to produce effective results in schools;
- (c) encourage continual professional growth;
- (d) identify both strengths and challenges among teachers and education officers to provide solutions or remedies for poor performance;
- (e) ensure strict accountability for the performance and outcomes at all levels of schools and provide a system of rewards and sanctions when necessary; and
- (f) ensure adherence to academic and non-academic standards.

PART X MISCELLANEOUS

113. (1) For the purpose of this section, “adult” includes a student who has attained the age of eighteen years.

Search of
students.

(2) This section applies to all educational institutions.

(3) Where a teacher of a school has reasonable grounds for believing that a student has in the student’s possession any tobacco products, cigarettes, intoxicating liquor or controlled drug, fire-arm, explosives or ammunition, a knife or other weapon as specified by the principal as a prohibited item within the premises of the educational institution or any article that has been reported as stolen, the teacher shall make a report to the principal who may order a search of the student’s person and the student’s belongings.

(4) Where on a search carried out under this section any of the prohibited items or stolen property is found on the student, in the student’s belongings or hidden by the student, the principal shall report the finding immediately to –

- (a) the parent or guardian of the student;
- (b) the Regional Education Officer or the Chief Education Officer, where applicable;
- (c) the police; and
- (d) the board of governors, if any.

Schedule III.

(5) Notwithstanding the guidelines set out in the **Manual**, the search of a student's person shall be conducted as follows –

- (i) a female student may only be searched by a female adult person in the presence of two other female adult persons.
- (ii) a male student may be searched by an male adult in the presence of two other male adult persons.

(6) A search under this section shall be carried out in a private place, except where it is impossible or impracticable to remove to a private place, whether at the premises of the educational institution or elsewhere during school related activities and no student, other than the student searched, shall be present during a search.

(7) A search under this section shall be conducted as far as possible within the guidelines set out in the **Manual**, including a search of a student's belongings or the student's locker.

Powers of person carrying out search.

114. (1) Subject to the Manual, a teacher who carries out a search under section carrying 113 may exercise the same powers conferred on a constable by law.

(2) Where a search is instituted under section 113 the principal shall record and keep a report of it in writing.

Obstruction of search.

115. (1) A student who-

- (a) assaults, obstructs or uses insulting, abusive or indecent language to a teacher carrying out or attempting to carry out a search under section 113; or
- (b) is found in possession of any tobacco products, intoxicating liquor, controlled drug, firearm, explosives or ammunition, a knife or other weapon or any article that has been reported stolen,

commits an offence and is liable on summary conviction, if he is under the age of sixteen years, to a fine of twenty-five thousand dollars, or if the student is sixteen years of age or older, to a fine of thirty-five thousand dollars.

(2) A person, other than a student, who assaults, obstructs or uses insulting, abusive or indecent language to a principal, deputy principal or teacher carrying out a search under section 113 or any adult assisting the principal, deputy principal or teacher,

commits an offence and is liable on summary conviction to a fine not exceeding one million dollars and imprisonment for three months.

Damage to
school property.

116. (1) A student who wilfully damages or destroys any school property or the school property of any person lawfully on the school premises, commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars.

(2) The Court where a student referred to in subsection (1) is tried may order the parent or guardian of the student to pay compensation for the destruction or damage caused.

Cap.10:03

(3) Without affecting subsection (2), nothing in this section or sections 113 and 114 shall affect the application of the Juvenile Offenders Act to a student who is under the age of sixteen.

Counselling and
rehabilitation.

117. A student who is convicted under sections 115 or 116 shall, in addition to any penalty imposed on the student or the student's parents or guardian, be ordered to undergo counseling and rehabilitation for a period not exceeding one year as the court considers appropriate.

Vendors on
school premises.

118. (1) No unauthorized person may sell or offer for sale any services, goods, school food, beverages or any other item on the premises of an educational institution.

(2) A person who wishes to sell or offer for sale services, goods, food, beverages or any other item on the premises of an educational institution shall apply in writing to the Regional Education Officer through the principal of the educational institution for permission to do so.

(3) A person who applies for permission under subsection (2) shall submit –

(i) with the application a medical certificate from a registered medical practitioner to the effect that the applicant is free from any communicable disease and is unlikely to be a source of infection to persons at the school;

(ii) in respect of food vendors, a valid food handlers certificate.

(4) On receiving an application under subsection (2), the Regional Education Officer may, after interviewing the applicant, consulting the principal and considering the

suitability of the proposed services, goods, food, beverages or other item to be sold, grant permission to the applicant, on any terms and conditions the Regional Education Officer thinks fit.

(5) A person who sells or offers for sale food or drink on school premises shall ensure that –

- (a) the items of food or drink are hygienic;
- (b) the area used is clean and free from stray animals and insects; and
- (c) all wrappings and other kinds of litter are collected for disposal.

(6) The Regional Education Officer may revoke the permission given to a vendor who contravenes any of the conditions stated in the permit.

(7) Where an educational institution function is held in a public park, no vendor may, sell or offer for sale any services, goods, food, beverages or other item within one hundred yards of the activities, inside the park.

(8) The functions of the Regional Education Officer under this section in relation to any educational institution may be delegated by the Regional Education Officer to the board of governors, if any, or the Parent Teacher Association of an educational institution.

(9) A person who contravenes subsection (1), (5) or (7) commits an offence and is liable on summary conviction to a fine of twenty five thousand dollars.

Prohibition of sale of alcoholic beverages or tobacco.

119. A person who sells, offers or exposes for sale any alcohol beverage or sale of alcoholic tobacco on the premises of an educational institution commits an offence and is liable beverages or on summary conviction to a fine of fifty thousand dollars.

Use of premises of educational institution.

120. (1) No public educational institution building may be used for public activity of educational without the written permission of the Permanent Secretary who must be satisfied that institution, arrangements will be made for the replacement or repair of furniture or premises damaged during the public activity and for the cleaning of the premises.

(2) The functions of the Permanent Secretary under subsection (1) in relation to any public educational institution may be delegated by the Permanent Secretary to the board of governors, if any, or the Parent Teacher Association of that school.

Offences on premises of educational institution.

121. (1) A person who –

- (a) is found loitering, wandering or otherwise trespassing on the institution. premises of an educational institution;
- (b) creates a disturbance on the premises of an educational institution;
- (c) while on the premises of an educational institution –
 - (i) uses threatening or insulting language or in any manner interferes with any student or member of the staff of the school or educational institution;
 - (ii) assaults, insults or abuses a teacher or student; or
 - (iii) disrupts any lawful activity conducted on the premises of the educational institution;
- (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 a school or educational institution; or
- (e) damages any building or other property on the premises of or forming part of the compound of a school or educational institution,

commits an offence and is liable on summary conviction to a fine of not exceeding one million dollars and the Court may also order the person convicted to pay compensation in respect of damage to property.

(2) For the purposes of this section, educational institution includes the playground of the educational institution.

Prosecutions.

122. A prosecution for an offence under this Act may be brought with the sanction and in the name of the Chief Education Officer, where applicable.

Regulations.

123. (1) The Minister may, on the advice of the Advisory Committee and subject to negative resolution of the National Assembly, make regulations for the proper carrying out of the objectives under this Act.

(2) Without limiting the generality of subsection (1), the Minister may, on the advice of the Advisory Committee make regulations –

- (a) in respect of public educational institutions –

- (i) concerning the management and conduct;
 - (ii) concerning the discipline of students, including the instrument, if any, that may be used for corporal punishment;
 - (iii) concerning the purposes that the premises may be used for;
 - (iv) respecting –
 - (A) the admission of students; and
 - (B) the transfer of students;
 - (v) concerning the management and accounting records to be kept by principals and staff of –
 - (A) public moneys or property payable to or vested in the institution;
 - (B) moneys derived from fund-raising activities held at or for the institution;
 - (C) moneys and other property derived by way of gift, bequest, trust, donation or in any other manner whatsoever;
 - (vi) concerning the terms and conditions of employment of teachers, including grading, promotion and leave and payment of salaries and other remuneration so far as they are not prescribed by this Act or any other law;
 - (vii) prescribing the cases and the matters where fees may be charged and regulating the accounting for those fees;
 - (viii) embodying any collective agreement arrived at between the Ministry and the Guyana Teachers Union concerning the conditions of service of teachers represented by the union or between the Ministry and any other body representing members of the teaching profession in respect of the members;
- (b) in respect of the management of private educational institutions and in particular in respect of—

- (i) the size of the class rooms 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 and the particulars to be furnished to the Ministry by the proprietors;
 - (iii) the suitability of the premises;
 - (iv) the suitability of the curriculum, courses and methods of instruction;
 - (v) the discipline of students and instruments that may be used for corporal punishment;
 - (vi) generally for more effectively carrying out the provisions of this Act in respect the institutions; and
- (c) in respect of all educational institutions both public and private –
- (i) concerning the establishment, administration, organisation, inspection, classification and discontinuance of the institutions;
 - (ii) concerning the award of grants and bursaries for tertiary education and specifying the value and any conditions subject to which grants and bursaries may be held;
 - (iii) prescribing the academic year, school hours, terms and vacations so far as they are not prescribed by this Act;
 - (iv) prescribing the standards the premises must conform to;
 - (v) prescribing the financial or other assistance that may be given and the conditions subject to which the assistance is given;

- (vi) requiring the keeping of a record of each student, the particulars to be included in the record and the disposal of the record;
 - (vii) concerning the inspection;
 - (viii) concerning the constitution, rights, powers and responsibilities of student councils;
 - (ix) concerning the constitution, rights, powers and responsibilities of Parent Teacher Associations;
 - (x) regulating the keeping of personal files of teachers and access to them by teachers; and
- (d) prescribing any other matter that is requested to be prescribed under this Act.

Power to amend
the Schedules.

124. The Minister may, subject to negative resolution of the National Assembly, by order, amend the Schedules to this Act.

Removal of
difficulties.

125. (1) If any difficulty arises in giving effect to the provisions of this Act, the Minister may, by order, make such provisions not inconsistent with the provisions of this Act as appear to the Minister to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of three years from the commencement of this Act.

(2) Every order made under this section shall be laid before the National Assembly.

Repeals and
savings.
Cap. 39:01

126. (1) The Education Act is repealed.

(2) Notwithstanding subsection (1), subsidiary legislation made or continued under the former Act and in force immediately before the commencement of this Act shall continue in force as if made under this Act, so far as it is not inconsistent with the provisions of this Act, until revoked or amended by subsidiary legislation made under this Act.

No. 11 of 1990.

(3) Section 22 of the President's College Act 1990 is repealed.

(4) Notwithstanding subsection (3), any order made under section 22 of the President's College Act 1990 shall continue to be in force unless it is revoked by the Minister by order under this subsection.

Transitional provisions.

127. (1) At the commencement of this Act, the National Council for Education constituted under the former Act is dissolved and a person who, immediately before the dissolution of that Board, held office as a member of that Board, ceases to hold that office.

(2) A board of management or a governing board, as the case may be, established under the former Act for a public school and in existence at the commencement of this Act shall continue to exist until a board of management or governing board is appointed as provided by this Act and the board of management or governing board as the case may be, established under the former Act is dissolved.

(3) An Education Board established under the former Act for a public educational institution shall continue to exist until provision is otherwise made for the management of the institution.

SCHEDULE 1 10 (2).

NATIONAL ADVISORY COMMITTEE ON EDUCATION

1. Definitions.

In this Schedule –

“Advisory Committee” means the National Advisory Committee on Education established under section 10;

“member” means a member of the Advisory Committee.

2. Constitution of Committee.

(1) The Minister shall, with the approval of the Cabinet, appoint the Advisory Committee consisting of –

- (a) the following *ex-officio* members –
 - (i) the Registrar or Deputy Registrar of the University of Guyana;
 - (ii) the Chief Medical Officer;
- (b) a representative of each of the following entities –
 - (i) Ministry with responsibility *for* social services;

- (ii) the Guyana Teachers Union;
 - (iii) the Childcare and Protection Agency
 - (iv) Ministry with responsibility for youth;
 - (v) Guyana Public Service Union;
 - (vi) a representative each from the three main religions
 - (vii) the Private Sector Commission;
 - (viii) Council for Technical and Vocational Education and Training;
 - (ix) the National Accreditation Council
 - (x) a Representative from Private schools
 - (xi) the National Commission on Disability
 - (xii) a Representative each from the pre-primary, primary and secondary sector
 - (xiii) the Chief Education Officer
- (c) two persons nominated by the Minister in the Minister's discretion from among persons who are –
- (i) experts in education; or
 - (ii) parents of children attending public schools.

(2) The entities mentioned in paragraph (2) (1) (b) (ii) to (x) inclusive, may nominate representatives on a rotational basis.

(3) Members of the Advisory Committee shall be appointed by the Minister by letter.

3. Chairperson and Deputy Chairperson.

(1) The members shall elect –

- (a) a member to be Chairperson; and
- (b) another member to be Deputy Chairperson.

(2) The Minister shall appoint by letter, as Chairperson and Deputy Chairperson respectively, the members elected pursuant to paragraph (1).

(3) In the case of absence of both the Chairperson and Deputy Chairperson at a meeting of the Advisory Committee, the members present at the meeting shall elect from amongst the members a temporary Chairperson who shall preside at the meeting.

4. Tenure of office.

Subject to this Schedule, a member, other than the *ex-officio* members, shall hold office, on the conditions and terms specified in the letter of appointment, for a period of two years and shall be eligible for reappointment.

5. Remuneration.

The Minister, subject to the approval of the Cabinet, shall determine the remuneration and allowances payable to members.

6. Vacancy.

- (1) A vacancy in the membership of the Advisory Committee shall occur –
 - (a) on the resignation of a member;
 - (b) on the revocation of appointment of a member by the Minister under paragraph 8
 - (c) death.

(2) The Advisory Committee shall be deemed to be properly constituted for the purpose of this Schedule notwithstanding any vacancy in the Committee or any defect in the appointment of a member.

(3) Where a person ceases to be a member for any reason, the Minister may appoint any other person to act as a member for the duration of the time that the previous member would have served and the appointment shall be made in the same manner and from the same category of persons as the appointment of the previous member.

7. Resignation.

(1) A member, other than the Chairperson or Deputy Chairperson, may at any time resign his/her office by letter addressed to the Chairperson, who shall immediately forward the letter to the Minister.

(2) Pursuant to paragraph (1), a member shall cease to be a member from the date of receipt of the letter by the Minister.

(3) The Chairperson or Deputy Chairperson may at any time resign his/her office by letter addressed to the Minister and the resignation shall take effect from the date of receipt of the letter by the Minister.

8. Revocation of appointment of member.

The Minister may, at any time and for reasons to be recorded in writing, revoke the appointment of a member after giving the member an opportunity to make representations.

9. Temporary appointment.

In the event that a member is temporarily unable to act, the Minister may appoint another person from the same interest group that member represents to act temporarily in place of that member.

10. Publication of Committee members.

The Minister shall publish in the *Gazette* the names of the members of the Advisory Committee as first constituted and every subsequent change of membership.

11. Meetings.

(1) The Advisory Committee shall meet at least twice quarterly and at any other time the Chairperson considers it necessary and expedient for the transaction of its business and the meetings shall be held at the places, times and days as the Chairperson determines.

(2) The Chairperson or if the chairperson is for any reason unable to act, the Deputy Chairperson may at any time call a special meeting of the Advisory Committee and shall call a special meeting within fourteen days of the receipt by the Chairperson of a request for that purpose addressed to the Chairperson in writing by any five members.

(3) The minutes of the proceedings for each meeting of the Advisory Committee shall be kept in a manner determined by the Advisory Committee and the minutes of each meeting shall be confirmed at the next meeting of the Advisory Committee and shall be submitted to the Minister within fourteen days after being confirmed.

(4) The Advisory Committee may co-opt any person for any of its meetings but the persons shall have no right to vote.

(5) The Advisory Committee may regulate its own procedure.

12. Quorum.

The quorum of members at any meeting of the Advisory Committee shall be seven.

SCHEDULE 11 **s.56**
PROCEDURE OF BOARDS OF GOVERNORS

1. Definitions.

In this Schedule –

- (a) “Board” means a board of governors appointed under section 54;
- (b) “member” means a member of the Board.

2. Chairperson and Deputy Chairperson.

(1) A Board shall elect a chairperson and a deputy chairperson from among its members at its first meeting.

(2) The chairperson, or in the chairperson’s absence the deputy chairperson, presides at meetings of the Board.

(3) If both the chairperson and the deputy chairperson are absent from a meeting, the members present, if there is a quorum, shall elect one of their member to preside at the meeting.

3. Publication of membership.

The membership of a Board as first constituted and any subsequent change shall be published in the *Gazette*.

4. Filling of vacancies.

(1) If a vacancy occurs in the membership of a Board the vacancy shall be filled by the appointment of another member in the manner indicated in section 57, and the person holds office for the remainder of the period for which the previous member was appointed.

(2) An appointment pursuant to paragraph (1) shall be made in the same manner and from the same category of persons, as the appointment of the previous member.

5. Employment of members.

A person shall not be employed by a Board of which the person is a member.

6. Duration of membership.

- (1) A member holds office for a term of two years unless the member –
 - (a) dies;
 - (b) resigns;
 - (c) is removed from office for any cause by the Minister or the nominating authority under section 54;
 - (d) ceases to be a member in accordance with paragraph (4), prior to the end of the term of the member.
- (2) A member is eligible for reappointment for a further term.
- (3) A member who fails without reasonable cause to attend three consecutive meetings of the Board ceases to be a member.
- (4) A member, other than the chairperson, may resign by letter addressed to the Minister and transmitted through the chairperson and the resignation is effective from the date of receipt of the letter by the Minister.
- (5) The chairperson may resign the chairperson's office by letter addressed to the Minister and the resignation is effective from the date of receipt of the letter by the Minister.

7. Meetings.

- (1) A Board shall meet at least once in every school term and at any other times that are considered necessary and expedient for the transaction of its business.
- (2) Meetings of a Board shall be held at the places and times the chairperson decides.
- (3) The chairperson may at any time call a special meeting of the Board and shall call a special meeting within seven days –
 - (a) after receiving a written request from any three members; or

(b) after receiving a written direction from the Minister.

8. Quorum.

The quorum at any meeting of a Board is the minimum number constituting a majority of the total members of the Board.

9. Voting.

Decisions of a Board shall be by a majority of the votes of the members present and voting and if the votes are equal the person presiding has a casting vote as well as an original vote.

10. Minutes.

(1) Minutes of each meeting of a Board shall be kept in proper form by the secretary or other person appointed by the Board for the purpose and shall be confirmed by the Board at its next meeting and signed by the chairperson or other person presiding at the meeting, and by the secretary.

(2) A copy of the minutes of each meeting as recorded by the secretary or the person referred to in paragraph (1) shall be submitted to the Chief Education Officer within one month of the confirmation of the minutes.

11. Attendance of Chief Education Officer.

(1) The Chief Education Officer may attend any meeting of a Board or of a committee or sub-committee of a Board or may be represented at the meeting by a public officer authorised by the Chief Education Officer for the purpose.

(2) The Chief Education Officer or his/her representative may take part in the proceedings of the meeting but is not entitled to vote or otherwise take part in the decision-making process of the meeting.

12. Appointment of Committees.

(1) A Board may appoint a committee to perform any function of the Board that in its opinion would be better performed by a committee with or without restrictions or conditions, as it thinks fit.

(2) The number of members appointed to a committee and their terms of office are as fixed by the Board.

(3) A committee may include persons who are 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) A committee appointed by a Board may, subject to restrictions imposed by the Board, appoint a sub-committee of its members.

(5) A sub-committee appointed under paragraph (3) shall be constituted, subject to any restrictions imposed by the Board, as decided by the appointing committee; but the chairperson and at least one-third of the members of every subcommittee shall be members of the Board.

(6) Subject to any restrictions imposed by the Board, if a committee appointed by the Board appoints a sub-committee it may delegate to the subcommittee, with or without restrictions or conditions as it thinks fit, any of its functions.

13. Power to delegate.

A Board may, after consultation with the Chief Education Officer, delegate to a committee any of its functions it considers appropriate subject to any restrictions or conditions it thinks fit.

SCHEDULE III ss.2,18(a),49(1) and 118

MANUAL OF GUIDELINES FOR THE MAINTENANCE OF ORDER AND DISCIPLINE IN SCHOOLS

Citation. 1. This Manual may be cited as the Manual of Guidelines for the Maintenance of Order and Discipline in Schools.

Interpretation. 2. In this Manual-

(a) “school” includes all categories of educational institutions;

(b) “Head Teacher” means the head of the school, whether called the headmaster, head teacher or principal;

(c) “parent” means either of the parents or the legal guardian, as the case may be.

Right of the schools to maintain order and discipline.

3. (1) It is the responsibility of the administrative and non-administrative staff of every school to ensure that its climate is one in which order and discipline prevail.

(2) All members of the staff of a school shall consistently and impartially enforce the rules and code of conduct which govern the school.

(3) Every school has the right to institute measures or take appropriate action to ensure that order and discipline are not compromised by any student.

(4) No school has the authority to expel a student from its rolls but it may recommend the expulsion of a student for consideration by the Head of the Education Department and the Chief Education Officer.

(5) The Head Teacher may suspend a student in accordance with this Manual.

(6) The students are expected to respect and follow all lawful directives of the administrative and non-administrative staff of the school and any deliberate failure on the part of a student to comply with the same will subject the student liable to disciplinary action.

(7) Disciplinary action against a student shall be determined by the competent authority having due regard to-

- (a) the age of the student;
- (b) physical and mental health of the student;
- (c) nature and seriousness of the unacceptable behaviour or offence;
- (d) frequency of the misdemeanor on the climate of the school; and
- (e) the compelling circumstances and family background of the student.

(8) The right of a school to enforce order and discipline applies-

- (a) to every student who is enrolled in the school which is under the purview of the Ministry of Education;

- (b) during the regular school day, irrespective of the school timings;
- (c) while the student is participating in any activity within the school compound or representing the school in any organised school programme at any place;
- (d) while the student is in attendance at any school related activity or function, regardless of the time and location;
- (e) to any school-related misconduct, regardless of the time and location of the occurrence;
- (f) when the student retaliates or threatens to retaliate against any member of the school staff, regardless of the time and location; and
- (g) when the student commits a criminal offence on the school premises or at a school-related activity.

Benefits expected from maintenance of order and discipline.

4. By maintaining order and discipline by all concerned persons in a school, the following benefits are expected to be achieved-

- (a) prevalence of desired or acceptable behaviour by students and staff;
- (b) healthy and supportive school climate of the teaching and learning process;
- (c) spirit of team work and group cohesion amongst the school population;
- (d) safe and healthy school environment;
- (e) respect for the authorities including the teaching staff, prefects, class monitors, members of the students and the government authorities;
- (f) strong home and school community links;
- (g) meaningful use of instructional time;
- (h) child-friendly school environments;
- (i) respect for peers and schoolmates;
- (j) avoidance of negative labeling of students;
- (k) demonstration of self-discipline by the school staff and the students;
- (l) sense of security, acceptance by parents or guardian, teachers and students;
- (m) timely and appropriate corrective action for unacceptable behaviour of students;

- (n) opportunities for the acquisition and application of coping, decision-making and conflict resolution skills on the part of the students and teachers;
- (o) balanced school programme with emphasis on skills, attitudes, values and excellence;
- (p) enhanced parent involvement and participation;
- (q) improved interpersonal relationships between teacher and parent, teacher and student and student and student;
- (r) emphasis on preventative approaches to unacceptable behaviour;
- (s) timely offering of rewards, commendation, praise and acknowledgement of acceptable behaviour;
- (t) positive school image;
- (u) character building.

Role of the Head Teacher in the maintenance of order and discipline.

5. In the maintenance of order and discipline in a school, the Head Teacher shall -

- (a) lead in the formulation and implementation of a Code of Conduct and Disciplinary Policy for the school;
- (b) play a lead role in the articulation and implementation of the Code of Conduct and Disciplinary Policy of the school;
- (c) ensure that all teachers have written class room rules and access to the Code of Conduct and Disciplinary Policy of the school;
- (d) establish partnership between the home, school and community by encouraging active participation in the formulation and implementation of the Code of Conduct and Disciplinary Policy;
- (e) establish a **Misdemeanours Book** to record instances of disciplinary actions being administered in the school;
- (f) monitor order and discipline both within and outside the school;
- (g) keep students, teachers and parents *au fait* with activities and decisions in relation to school discipline;
- (h) ensure that peaceful education, conflict resolution and social skills are taught to the students;

- (i) draft and monitor the implementation of suitable plan of co-curricular activities to keep the students constructively occupied by religious clubs, societies, debating clubs, organised games-indoor and outdoor, etc.;
- (j) control access to and use of the school compound;
- (k) screen all visitors to the school and ensure that all visitors to the school first report to the Head Teacher;
- (l) report promptly any serious case of Category 2 of unacceptable behaviour to the relevant authorities;
- (m) review disciplinary strategies on a regular basis and include parents, students and teachers in the process;
- (n) expect support from officers of the Ministry of Education, Department of Education, teachers and parents in the implementation of disciplinary strategies;
- (o) model desirable and acceptable social and professional behaviour.

Role of teachers
in the
maintenance of
order and
discipline.

6. In the maintenance of order and discipline in a school, every teacher of the school shall have the following functions –

- (a) participate in the drafting of the Code of Conduct and Disciplinary Policy of the school;
- (b) develop, in collaboration with the students, written classroom rules and sanctions;
- (c) accept responsibility for maintaining discipline and order both within and outside the school;
- (d) implement class and school rules and regulations in a firm, impartial, consistent and prompt manner;
- (e) adhere to the guidelines adumbrated in the Code of Conduct and Disciplinary Policy;

- (d) include peace education, conflict resolution and social skills in the regular instructional programme;
- (g) respond to the students in a caring and respectful manner;
- (h) display impartial behaviour to all students regardless of ethnicity, religion, social or economic standing;
- (i) commend for acceptable behaviour demonstrated by the students;
- (j) impartially dispense punishment and reward;
- (k) keep accurate misdemeanour records and always inform the Head Teacher of discipline related problems;
- (l) utilise support from parents, Head Teacher and the students in the implementation of disciplinary strategies;
- (m) establish model desirable and acceptable social and professional behaviour.

Role of students
in the
maintenance of
order and
discipline.

7. In the maintenance of order and discipline in a school, every student of the school shall observe the following-

- (a) treat each other and members of the school staff with respect, dignity and courtesy;
- (b) follow established Class Rules and School Rules;
- (c) report contravention of Class Rules, School Rules and Code of Conduct and Disciplinary Policy of the school to the Class Teacher or the Head Teacher;
- (d) avoid acting in a manner which will expose others to danger, harm or injury;
- (e) avoid the use of threats and intimidation against others;
- (f) respect the right and property of others;
- (g) protect the school property and facilities;

- (h) avoid engaging in immoral activities;
- (i) obey instructions of teachers, prefects, class monitors and student bodies;
- (j) participate in activities such as religious discussions, debating clubs, organised indoor and outdoor games;
- (k) use the principles of peace education and conflict resolution skills to resolve conflicts and disputes;
- (l) refrain from carrying, using or being in possession of weapons, illegal drugs or prohibited electronic devices in the school or within the school compound;
- (m) maintain high academic and non-academic standards;
- (n) attend school regularly and punctually;
- (o) maintain personal hygiene, adhere to wearing school uniforms and practice good grooming.

8. In the maintenance of order and discipline of a student, the student's parents shall –

Role of parents in the maintenance of order and discipline.

- (a) participate in drafting and reviewing the Class Rules, School Rules and the Code of Conduct and Disciplinary Policy of the school;
- (b) study the Class Rules, School Rules and the Code of Conduct and Disciplinary Policy;
- (c) control and correct the behaviour of their child or ward;
- (d) request and participate in training that will assist the parents in better understanding and educating their child or ward;
- (e) keep the school informed of the needs, peculiarities and health status of their child or ward;
- (f) request for information on the performance and behaviour their child or ward at least once in each term;

- (g) encourage their child or ward to adhere to the Class Rules, School Rules and the Code of Conduct and Disciplinary Policy;
- (h) arrange to visit the school to discuss the performance and behaviour of their child or ward;
- (i) be involved in school activities as far as practicable;
- (j) encourage their child or ward to participate in school sponsored activities;
- (k) ensure that the school can make contact with the parents or either one of them during the day in case of an emergency by phone or by electronic mail or other means either at home or at work;
- (l) report promptly to the Head Teacher any unacceptable behaviour demonstrated by their child or ward or any other student away from the school premises;
- (m) treat their child or ward concerned with love and respect;
- (n) model desirable and acceptable social behaviour for their child;
- (o) seek the assistance of the school or a relevant agency if they experience difficulties in their attempts to discipline their child or ward.

Students to be penalised for unacceptable behaviour.

9. A student may be penalised for unacceptable behaviour under the following Categories—

- (1) Category 1 which will be addressed by the teacher under whose supervision the student was when the unacceptable behaviour occurred;
- (2) Category 2 which will be addressed by the Head Teacher;
- (3) Category 3 which will be addressed by the Head Teacher; and
- (4) Category 4 which will be addressed by the Head Teacher, the Head of the Education Department and the Chief Education Officer.

Category 1 types of unacceptable behaviour and disciplinary actions to be taken.

10. (1) The following shall be considered as unacceptable behaviour under Category 1 –

- (a) Loud talking in class;
- (b) repeated late attendance;
- (c) littering;
- (d) cursing and arguing;
- (e) chewing gum in class;
- (f) eating in class;
- (g) cheating at examinations;
- (h) superimposing or altering figures on report booklets or cumulative record cards;
- (i) making fun of other persons (teasing or name calling);
- (j) bullying;
- (k) being out of school uniform without permission;
- (l) hitting a student;
- (m) inappropriate touching;
- (n) failing to do homework;
- (o) destroying or defacing textbooks;
- (p) pelting other students;
- (q) obscene gestures;
- (r) playing rough;
- (s) stealing;

- (t) unexcused absences;
- (u) disrespect of teachers;
- (v) possessing and making use of pagers, cellular phones and computer games in classroom or school;
- (w) copying (writing student's work to use as one's own);
- (x) banging objects in class;
- (y) spitting on one another;
- (z) malicious scratching of face and body parts of other students;
- (aa) making faces;
- (bb) stretching out of tongue;
- (cc) telling untruth;
- (dd) urinating and defecating around school building and compound;
- (ee) indecent exposure;
- (ff) kicking a student;
- (gg) biting a student.

(2) A teacher may, having regard to the nature, seriousness and circumstances of unacceptable behaviour under Category 1, impose one or more of the following disciplinary actions-

- (a) parental contact;
- (b) detention before or after school;
- (c) in-school suspension;

- (d) withdrawal of privileges;
- (e) cleaning of part of premises where infraction occurred;
- (f) referral to counsellor or school welfare officer;
- (g) reprimand by supervising teacher;
- (h) writing or reciting lines;
- (i) warning or admonition.

Category 2 types of unacceptable behaviour and disciplinary actions to be taken.

11. (1) The following shall be considered as unacceptable behaviour under Category 2-

- (a) continuing any Category I unacceptable behaviour after three attempts to correct them;
- (b) fighting;
- (c) biting other persons.
- (d) leaving school or school sponsored activities without permission;
- (e) skipping classes;
- (f) using rude or vulgar language to any person;
- (g) possessing or using matches or lighters;
- (h) smoking;
- (i) refusing to wear school uniform;
- (j) stealing from other students and causing bodily harm to them;
- (k) possessing or using tobacco products or non-prescription drugs on the school premises or at school sponsored activities;

- (l) gambling;
- (m) refusal to be disciplined by teacher;
- (n) continuous outburst of anger or continuous verbal disruption of any school activity;
- (o) failure to complete or serve disciplinary assignments or sanction meted out;
- (p) wilful destruction or defacing of school property;
- (q) behaviour within or outside the school premises which is detrimental to the welfare or safety of the other students or school staff;
- (r) continued wilfull disobedience or open and persistent defiance of authority.

(2) The Head Teacher may, having regard to the nature, seriousness and circumstances of unacceptable behaviour under Category 2, impose one or more of the following disciplinary measures-

- (a) file charges by the competent authority with relevant law enforcement authorities;
- (b) cleaning part of school premises where infraction occurred;
- (c) in-school suspension;
- (d) Head Teacher or parent or student conference;
- (e) parental contact;
- (f) billing of parent for damages to school property;
- (g) referral to counsellor or school welfare officer;
- (h) referral to the Head of the Education Department for frequent and habitual infractions;

- (i) suspension by the Head Teacher.

Category 3 types of unacceptable behaviour and disciplinary actions to be taken.

12. (1) The following shall be considered as unacceptable behaviour under Category 3-

- (a) repeated unacceptable behaviour under Category 2;
- (b) sexual harassment;
- (c) carrying, bringing or possessing a pellet gun, air powered rifle, toy gun, can openers, box cutters, club, cutlass, screw driver, sling shot, stun gun, car aerial or any other instrument that can be used as a weapon;
- (d) possessing look-alike drugs or items which could be passed off as drugs;
- (e) possession, purchase or use of marijuana, cocaine, aerosol spray, paint, glue or any un-prescribed or dangerous drugs;
- (f) possession and use of fireworks or any other explosive device;
- (g) damage to the property of other students or teachers such as puncturing of tyres, breaking windows of vehicles and marking with paints;
- (h) retaliation against school staff through threats, bringing in groups, family members, friends or others to argue with or assault school staff or any student;
- (i) production or dissemination of pornographic material;
- (j) continued wilful disobedience or open and persistent defiance of proper authorities;
- (k) wilful destruction or defacing of school property;
- (l) behaviour within or outside school premises which is detrimental to the welfare or safety of other students or of school staff including behaviour which causes threat of physical harm to the student or other students;

- (m) serious violations in the school or on its premises;
- (n) repeated interference in the school's ability to provide educational opportunities for other students.

(2) The Head Teacher may, having regard to the nature, seriousness and circumstances of unacceptable behaviour under Category 3, impose one or more of the following disciplinary actions-

- (a) suspension by the Head Teacher;
- (b) charges filed with proper law enforcement authorities;
- (c) cleaning part of school premises;
- (d) in-class suspension;
- (e) Head Teacher and parent or student conference;
- (f) parental contact;
- (g) parental contact and billing of parent or guardian for damages to the school properties;
- (h) referral for counselling;
- (i) referral to the Head of the Education Department for frequent infractions to policy;
- (j) parent meeting following suspension for the purpose of discussing re-entry, transfer or expulsion;
- (k) exclusion from ceremonies and other activities;
- (l) referral of the student to the appropriate law enforcement agency or authority for possession or use of marijuana or for repeated unacceptable behaviour as regards possession, purchase or sale of drug paraphernalia.

Category 4 types of unacceptable behaviour and disciplinary actions to be taken.

13. (1) The following shall be considered as unacceptable behaviour under Category 4-

- (a) making a terrorist threat;
- (b) carrying, bringing, using or processing dangerous weapons or firearms;
- (c) committing extortion, blackmail or forcing a teacher or student to act through the use or threat of force;
- (d) committing an act that would be robbery or assault under the law if committed by an adult;
- (e) performing or orchestrating any sexual act;
- (f) repeated suspension during the school year for causing or initiating wilful disruption in the classroom or in school grounds or at school activities or events.

(2) The Head Teacher, the Head of the Education Department and the Chief Education Officer may, having regard to the nature, seriousness and circumstances of unacceptable behaviour under Category 4, impose one or more of the following disciplinary actions-

- (a) charges filed with proper law enforcement authorities;
- (b) Head Teacher or parent or student-meeting;
- (c) parental contact and billing of parent for damages to school property;
- (d) recommendations to the competent authority for expulsion;
- (e) denial of certificate or letters of recommendation;
- (f) mandatory suspension by the Head Teacher, followed by referral to the Head of the Education Department and the Chief Education Officer for expulsion.

Detention of students.

14. (1) Detention is one of the methods of punishment which may be meted out to a student.

(2) Detention may be awarded to a student by detaining the student in the school especially after school hours subject to the safeguards and other measures stipulated in this paragraph.

- (3) No student shall be detained without duly informing the parent.
- (4) No detention shall be administered which may make it difficult for the student to avail the student of the usual transportation arrangements to reach the student's home or causing the student to be stranded.
- (5) The time of detention should be spent in a way that will help the student to develop responsible behaviour.
- (6) When repeated detentions fail, then the student should be referred to the Head Teacher for any other disciplinary action or sanction.
- (7) The students at the nursery level should not be kept in after the school dismisses (i.e. after the working hours are over) for serving the detention period.
- (8) The nursery children and pupils of levels I and 2 must not be made to serve detention.
- (9) Any detention of a student for more than fifteen minutes must have the approval of the Head Teacher.
- (10) The detention of a student must not exceed one hour on any day.
- (11) A student can serve the detention period before the school hours begins, during recession or after dismissal of the classes or any other time than class room or instructional time.
- (12) The detention may be served in a class room or ideally in a detention room where the students are supervised by the teachers.
- (13) The class room in which detention will be served or the detention room must be well lit and ventilated.
- (14) A roster shall be established for teachers who supervise the detention room.
- (15) The student to be disciplined by detention shall be assigned a specific amount of time to be spent in the detention room and it must be communicated to the student and the supervisor of the detention room.

(16) A list of all students who serve detention shall be provided to the supervising teacher of the detention room.

(17) The supervising teacher shall make a record of all those who served or did not serve detention on a particular day.

(18) The students who did not turn up to serve detention, or who while serving detention, behaved in any unacceptable manner shall be further sanctioned by the Head Teacher.

Withdrawal of
privileges.

15. (1) Withdrawal of privileges is a method of punishment which may be awarded to a student.

(2) The withdrawal of a privilege may include non-permission of a student to participate in outdoor co-curricular activities, field trips, tours, service as a class monitor, participation in a competition and the other activities as may be determined by the Head Teacher.

(3) One of the methods of punishment mentioned in sub-paragraph (2) may be meted out to a student by debarring the student from participating in any co-curricular activity as may be determined by the concerned Teacher.

(4) Debarring a student is a form of disciplinary action which is suited for unacceptable behaviour or offence of Category 1.

(5) The teacher responsible for deciding the punishment may, having regard to the nature and seriousness of the misconduct determine the particular activity from which the student may be debarred.

(6) The student shall be debarred from only one particular activity at a time.

In-school
suspension of
students.

16. (1) In-school suspension may be inflicted on a student when the student behaves in an unacceptable manner.

(2) For inflicting in-school suspension on a student, the student is removed from the regular class room activities, for one teaching period only and is isolated in a closely supervised environment.

(3) A room that is well ventilated and lit shall be used for inflicting in-school suspension on a student.

(4) The in-school suspension shall be monitored by the Head Teacher, teacher counsellor or a responsible adult staff authorised by the Head Teacher.

(5) The maximum duration for which an in-school suspension may be administered to a student at any time shall not exceed one teaching period.

(6) The in-school suspension shall be administered to a student only once during a term of the academic year.

(7) A student who is to serve in-school suspension shall be assigned a specific assignment or task to be completed during that time.

(8) The teacher concerned shall decide what assignment or task may be given to a student who is to serve the in-school detention.

(9) Any home work shall not be given as one of the assignments or tasks which may be given for doing during an in-school detention period.

(10) The parents shall be notified that a student has received in-school suspension and it must be recorded in the quarterly progress card of the student.

Out-of school
suspension of
students.

17. (1) Out-of school suspension is a method of punishment which may be awarded to a student and this is done by preventing the student from attending school for a specified period of time.

(2) The period of suspension shall range between one day to five days and in no case it shall exceed five school days.

(3) Out-of school suspension may be inflicted as a method of disciplinary measures to be administered for any type of unacceptable behaviour or offence of Category 2 or 3.

(4) The Head Teacher is the competent authority to suspend a student and every order of suspension shall be addressed to the student through the parent.

(5) Every out-of school suspension order shall be shown to the student concerned and the student's acknowledgement of seeing the order is required and noted.

(6) A student who has allegedly committed any type of unacceptable behaviour or offence of Category 2 or 3 may be suspended only after a thorough investigation into

the allegation is conducted by the Head Teacher and the Head Teacher finds the student guilty.

(7) The statements from all parties concerned must be provided to the student and evidence shall be tendered at the investigation concerning the alleged offence or unacceptable behaviour.

(8) The parent of the student shall be promptly notified of the student's alleged unacceptable behaviour or commission of the alleged offence, the intention of the school to investigate into the allegation and subsequently the findings of the investigation.

(9) The Head Teacher shall promptly submit a report of the suspension to the Head of the Department of Education.

(10) The Head Teacher shall cause an entry of the suspension to be made in the **Misdemeanours Book** and the **Log Book**.

(11) A student who is under ten years of age shall not be suspended under this paragraph.

(12) The parents of the student must ensure that arrangements are in place for the proper supervision of the student while serving the suspension.

(13) A student who is serving a period of suspension shall not visit the school nor be found at its premises until the specified period of suspension has been served.

Minimal physical interference.

18. (1) Subject to this Act, minimum physical interventions may be made by the interference, staff of school on a student in a manner consistent with the student's human dignity and self-esteem.

- (2) The physical interventions may be used to-
- (a) restrain a student from an act of wrong doing;
 - (b) quell a disturbance threatening physical injury to others;
 - (c) obtain possession of a weapon or dangerous object from the student;
 - (d) self defence;
 - (e) protection of persons or property or both;
 - (f) preservation of order.

Search and seizures.

19. (1) The search may be of a body search of a student, the student's locker, school bag or the school premises.

(2) A search of lockers may be routinely conducted by the school staff.

(3) The search of lockers, school bags and school premises may be scheduled or unscheduled.

(4) A search of a locker or a school bag of a student may be conducted by at least two staff members in the presence of the student whose locker or bag is being searched.

(5) A student whose locker or school bag is to be searched must be informed of the intended action by the person who will be conducting the search.

(6) It is the duty of the student concerned to open or unlock the student's locker or bag, as the case may be, and take out the contents.

(7) Any prohibitive substance, object, weapon or harmful electronic device found in the student's locker or bag shall be seized by the person searching it and after making an inventory of the contents a report should be made to the parent or guardian and if necessary to the law enforcement agency with the permission of the Head Teacher.

(8) A record of any prohibitive substance, object, weapon or harmful electronic device found on a student or in the student's locker or bag shall be made in the **Misdemeanours Book** and in the **Log Book**.

(9) A report on the search made and the inventory of objectionable items found shall be made by the Head Teacher and it shall be forwarded promptly to the Head of the Department of Education and a copy sent to the parent or guardian of the student concerned.

(10) Routine searches shall also be conducted of the washrooms, class rooms, laboratories, library and the school grounds.

(11) The body of a student may be searched only by a law enforcement officer or in case it is not practicable to wait for a law enforcement officer then by the Head Teacher and in no case a female student may be searched except by a female.

(12) The Head Teacher of the school shall make the request for the law enforcement officer.

(13) The parent of the student who is to be subjected to body search shall be notified as soon as possible.

(14) After body search of a student is made, the Head Teacher shall ensure that the findings of the search are brought to the knowledge of the parent and the student.

(15) A body search by a law enforcement officer may be requested if the Head Teacher believes or has reasonable suspicion that a student has concealed on the student's person any prohibited or objectionable substance, object, weapon, drug or harmful electronic device which he has refused to hand over on request by the school staff.

(16) Prohibited substances, objects, weapons or electronic devices found on the body, locker or school bag of a student must be seized by a competent law enforcement officer.

(17) The law enforcement officer who seizes any prohibited substance, object, weapon or electronic device should prepare a seizure memorandum in the presence of independent witnesses and furnish a copy of it to the student from whom the items were seized and deal with the items in accordance with the law.

(18) The Head Teacher shall ensure that proper entries are made in the **Misdemeanours Book** and in the **Log Book about the search and seizure**.

(19) On every occasion of search and seizure, the Head Teacher shall submit a report on it to the Head of the Education Department.

Interrogation of students by the law enforcement officers.

20. (1) A student who commits a Category 4 unacceptable behaviour or offence may have to be interrogated by a law enforcement officer.

(2) Before a law enforcement officer interrogates a student, the parents of the student shall be notified.

(3) A student may be interrogated only in the presence of the student's parent and the Head Teacher or an attorney-at-law.

(4) The interrogation shall be conducted any where on the school premises or in the office of the Head Teacher.

(5) Whenever an interrogation under this paragraph is conducted, it shall be recorded in the **Log Book** maintained by the Head Teacher and a report shall be promptly forwarded to the Head of the Department of Education.

Expulsion of students from a school.

21. (1) A student may be removed from a school permanently or from the school system as a measure of punishment for serious unacceptable behaviour or commission of any serious offence.

(2) The Head Teacher of a school does not have the authority to expel a student from the school but he may recommend the expulsion of a student to the Head of the Education Department.

(3) The Head Teacher may make a recommendation for expulsion of a student from the school to Head of the Education Department and every recommendation shall be accompanied by all relevant documents and statements.

(4) Only a student who is over the age of fourteen years and six months may be expelled from the school system.

(5) A student who has committed an expellable offence and who is under the age of fourteen years and six months may be placed in a Special School or in the New Opportunity Corp.

Expulsion procedure.

22. (1) Before taking a decision to expel any student, the Department of Education shall conduct a hearing of the student, the student's parent or guardian, witnesses, the Head Teacher and all other persons concerned.

(2) The date, time and venue for the hearing shall be communicated to the Head Teacher, the student and the student's parent.

(3) The Head Teacher shall ensure that the student and the student's parent are fully informed of the date, time and venue of the hearing.

(4) The Education Department shall ensure that copies of the statements and the report of the Head Teacher are forwarded to the parent of the student for affording a reasonable opportunity of being heard.

(5) The officer who shall conduct the hearing shall summon the witnesses and parties who propose to give evidence and it shall be the duty of every person to cooperate with the conduct of the hearing officer.

(6) The officer conducting the hearing shall have due regard to the principles of natural justice.

(7) The student who has been alleged to have committed an expellable offence or misconduct is entitled to produce witnesses or evidence and to testify on the student's behalf.

(8) The Department of Education may conduct the hearing even if the student or the student's parent or both are absent without prior permission from the hearing despite being summoned.

(9) After the hearing, if the student who is alleged to have committed an expellable offence or misconduct is found to be guilty of the offence or misconduct, he may be expelled from the school or from the formal school system as may be decided by the Education Department.

(10) On the basis of the report of the hearing, the Chief Education Officer shall take a decision on whether or not the expulsion of the student is warranted.

(11) If the student or the student's parent or guardian is aggrieved by the decision of the Chief Education Officer, the student or the student's parent or guardian may prefer an appeal to the Minister.

(12) Every appeal under subparagraph (11) shall be made within thirty days from the date of the expulsion order and shall clearly state the reasons for the appeal.

(13) The Minister may, allow the appeal or vary, modify the finding at the hearing or reject the appeal as he deems just and proper and the decision shall be communicated to the student, the student's parents or guardian, the Chief Education Officer and the Head Teacher of the school.

(14) Every appeal under subparagraph (11) shall be disposed of as expeditiously as possible.

23. (1) A student under the age of fourteen years and six months who has been expelled from the school at which the offence or misconduct was committed may be enrolled in a Special School.

(2) While issuing an expulsion order under paragraph 18(10), the Chief Education Officer shall also issue an **approval order** for the enrolment of the student concerned in a Special School.

(3) Students who are of compulsory school age and who have been expelled from a school may be placed in a Special School.

(4) The approval order of the Chief Education Officer shall be countersigned by the Head Teacher of the school at which the offence or misconduct was committed.

(5) Upon issuance of an approval order, all records pertaining to the student shall be forwarded to the Chief Education Officer who signs and transmits them to the Head Teacher of the Special School where the student is to be enrolled.

(6) At the Special School, the student's behaviour and conduct shall be monitored and the Head Teacher of the Special School shall furnish a periodical report each term or half yearly to the parents or guardian of the student and to the Chief Schools Welfare Officer.

(7) The Head Teacher of the Special School shall ensure that counselling is provided to the students in the Special School.

(8) The Special School shall provide the students tuition in Health and Family Life Education, Mathematics, Science, English language, Social Studies, Social Skills and Etiquette and Pre-vocational education or Technology Education.

(9) At the end of each academic year, a student at a Special School shall be assessed to determine whether or not the student has been sufficiently rehabilitated and could be returned to the main-stream of schooling.

(10) To return to the main-stream of schooling, a student must demonstrate satisfactory progress in the academic and vocational areas and in behaviour management.

EXPLANATORY MEMORANDUM

The Bill seeks to repeal and replace the Education Act (Cap.39:01). It reforms the legal framework of education in Guyana and provides an effective system of education related to the needs of the people. Article 149H (1) of the Constitution mandates that every child is entitled to free primary and secondary education in schools owned or funded by the State. The Bill makes provision for giving effect to Article 149H (1) subject to available resources of the State and the availability of educational facilities to all persons in Guyana. The Bill contains provisions for ensuring free education to all persons. It relates to quality education at all levels both in public as well as private schools and other educational institutions in Guyana. The existing school management system is being strengthened giving maximum participation of parents and teachers in the management of schools. Discipline of students in schools is provided for. These measures will enure for the benefit of children, enhancing their talents, mental and physical and ensuring a rounded education in all schools.

Part 1 (Preliminary): This **Part** sets out the preliminary provisions of short title, commencement and interpretation. Clause 2 defines “academic year”, “compulsory school age”, “educational institution”, “school”, “special education” and “tertiary education”.

Part II (Administration of the Education System): This Part states the general goals and main objectives of an education system in Guyana. It provides for the establishment of a decentralized education system of management and a National Advisory Committee on Education. It also empowers the Minister to appoint Special Committees to advise the Minister on various matters relating to education.

Part III (Rights and Responsibilities of Students and Parents): This Part mainly deals with the rights and responsibilities of students and parents and the procedure relating to admission and attendance of students in schools, compulsory school attendance of children of compulsory school age and maintenance of order and discipline in public schools in accordance with the Manual in Schedule 111. Clause 15 provides that, subject to available resources, all persons in Guyana are entitled to receive education appropriate to their age and needs. Clause 16 envisages compulsory education to all persons of compulsory school age. Clause 25 provides for formation of Parent Teacher Associations and a National Parent Teacher Association. Clause 26 provides for the establishment of a School Committee in the absence of a Parent Teacher Association. Clauses 28 to 38 deal with school admissions and school attendance. Clause 39 provides that an academic

school year shall not be more than forty weeks. Clauses 39 to 48 deal with enforcement of compulsory school attendance programme. Clauses 49 to 51 provide for maintenance of order and discipline in schools.

Part IV (Categories of Schools and the Stages of Education): This Part deals with the categories of schools and the stages of school education. Primary education, secondary education and tertiary education are the stages of public education. However, the Minister may, by order, include as part of the system of public education pre-primary education, education to meet the requirements of students who are gifted or have exceptional ability, special education in accordance with Part VI, adult and continuing education and distance education. Clause 53 provides for the establishment of public pre-primary and primary schools. These schools shall be managed and controlled by the Minister. The pre-primary schools established under the existing Education Act shall continue to function. Clause 54 provides for establishment and maintenance of public secondary schools by the Minister. Clause 54 empowers the Minister to establish a board of governors for every public school whenever the Minister considers it necessary for the economy, efficiency and participation of the community in the management of education. Clause 64 provides for the establishment of a student council at every public secondary school for assisting the school administration, ensuring the general welfare of the students and maintenance of discipline amongst the students. Clauses 65 to 87 deal with the establishment and administration of private educational institutions and private schools providing pre-primary, primary, special and secondary education in instructional services in general at the tertiary level and in vocational education and training at the secondary, tertiary and adult levels. Clause 67 makes it mandatory that for operating a private educational institution or private school a permit is required to be obtained from the Minister. Further, provisions in this Part deal with the matters relating to the grant or refusal of a permit and the maintenance of a Private Schools Register by the Chief Education Officer.

Part V (Management of Public Educational Institutions): This Part contains provisions relating to the establishment and management of public educational institutions, teachers colleges and technical colleges as the Minister may determine. Clause 90 provides that the Council for Technical and Vocational Education and Training established by section 3 of the Technical and Vocational Education and Training Act will carry out such functions as may be assigned to it under the proposed legislation and advise the Minister on all matters relating to technical and vocational education and training in Guyana. Clause 91 provides for the establishment of publicly funded branches of the Teachers' Colleges in the regions of Guyana and Clause 92 applies the Act to President's College and the Industrial Training Schools.

Part VI (Other Types of Education): This **Part** deals with special education programmes for students of compulsory school age and certain students beyond the compulsory school age who by virtue of intellectual, communicative, behavioural, physical or multiple exceptionalities are in need of special education. The special education programme may take the form of individual education plan tailored to suit the specific or individual needs of the student concerned. Clause 97 empowers the Minister to make provision for distance learning education programme at preprimary, primary, secondary and tertiary levels. Clause 98 enables the Minister to make provision for continuing and adult education programmes.

Part VII (Employment of Teachers): This **Part** deals with employment of teachers, their age, qualifications, etc.

Part VIII (Curriculum Assessment of Students): This **Part** provides detailed provisions relating to the establishment of a national curriculum, assessment of stages, determination of attainment targets and constitution of subject panels for creating and revising a national curriculum.

Part IX (Inspection and Review of the Education System): This **Part** deals with inspection of public schools at least three times in an academic year by the Regional Education Officer or any person authorised by the Regional Education Officer. Clause 110 provides that assaulting or obstructing any person visiting for inspection or making a false representation or giving false information to a person making the inspection is an offence liable to be punished summarily with a fine of fifteen thousand dollars. Clauses 111 and 112 deal with review of education system by properly monitoring the evaluation, reporting and the developments on both academic and non-academic standards.

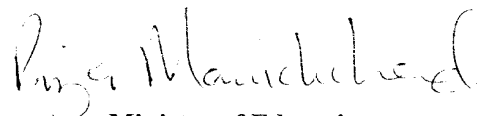
Part X (Miscellaneous): This **Part** deals with various miscellaneous matters including the procedure for search of students in schools for possession of intoxicating liquor, drugs, firearms, stolen goods, etc., use of school premises by vendors of food, beverages, etc., power of Minister to make Regulations for properly carrying out the provisions of the Act and repeal of the former Education Act.

Clause 125 contains the transitional provisions. The National Council for Education constituted under the former Act is dissolved. However, the board of management or a governing board established under the former Act is allowed to be continued until a board of management or governing board is constituted under this Act.

Schedule I contains detailed provisions relating to the composition, terms and conditions of appointment of the Chairperson, Deputy Chairperson and other members and powers and functions, etc. of the National Advisory Committee on Education established under section 10.

Schedule II contains detailed provisions relating to the procedure of board of governors of every public secondary school established under section 54.

Schedule III contains the Manual of Guidelines for the Maintenance of Order and Discipline in Schools. It provides detailed provisions dealing with unacceptable behaviour or offences, suspension, expulsion and education in a special school for expelled students.


Minister of Education.