

**VIRGIN ISLANDS**  
**EDUCATION REGULATIONS, 2016**  
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*Regulation*

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**VIRGIN ISLANDS**

**STATUTORY INSTRUMENT 2016 NO. 37**

**EDUCATION ACT, 2004  
(No. 10 of 2004)**

**EDUCATION REGULATIONS, 2016**

[Gazetted 26<sup>th</sup> May, 2016]

The Minister, with the approval of Cabinet and in exercise of the powers conferred by section 173 of the Education Act, 2004 (No. 10 of 2004), makes these Regulations.

**PART I  
PRELIMINARY**

Citation.                   **1.**       These Regulations may be cited as the Education Regulations, 2016.

Interpretation.           **2.**       In these Regulations, unless the context otherwise requires

No. 10 of 2004           “Act” means the Education Act, 2004;

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

“attainment targets” means in relation to a subject area, pursuant to section 152 of the Act, the attainment target established by the Minister by notice published in the *Gazette*;

“Board of Management” means a Board appointed under sections 79, 80 or 82 of the Act;

Cap. 178               “controlled drug” has the meaning assigned to it in the Drugs (Prevention of Misuse) Act;

“Department” means the Department of Education;

“Director of Public Works” means the public officer holding such post in the Public Service of the Territory;

“directory information” means in relation to a student, the name, religious persuasion, telephone number or residential address of the student and his parent;

“gang” means a unit consisting of two or more persons and having identifiable leadership that on an ongoing basis regularly conspires and acts in concert mainly for criminal or disruptive purposes;

“individual educational plan” or “IEP” means a written programme for each student with special education needs;

“instructional time” means

- (a) the time during which students are under instruction or otherwise under the control or supervision of a teacher and includes recess and assembly; and
- (b) does not include time spent by the teacher in marking tests or examination papers, for grading and classifying students, when no students are present or under the supervision or control of the teacher;

“learning outcomes” means, in relation to a subject area, a statement describing the agreed basic depth and breadth of what a student should know and be able to do at the end of each key stage of education and the desirable attitudes that the student should be able to demonstrate or display at the end of each key stage of education;

“learning supports” means the provisions made for students with special needs conditions including learning difficulties, sensory challenges, communication deficiencies, mental health issues, physical problems, and/or disabilities;

“Management Authority” means

- (a) in relation to public schools, the Chief Education Officer or the School Management Committee; and
- (b) in relation to a private or assisted private school, the proprietor or the Board of Management;

“primary school” means a school or department of a school recognised by the Minister as providing full-time primary education;

“proprietor” in relation to a private or assisted private school means any person who maintains that school;

“school building” means a building used in connection with a school;

“school day” means any day that is within the school year other than

- (a) a Saturday, a Sunday or a public holiday; or
- (b) a working day that is within a major school vacation;

“School Management Committee” means a Committee appointed under section 66 of the Act;

“special needs” means the exceptional or unique requirements that are present as a result of a medical, physical, mental, emotional or developmental condition or disability, which must be met by special education;

“student” means a person of any age for whom primary or secondary education is provided under the Act and these Regulations.

Applicability.

- 3.** Except as provided otherwise, these Regulations shall apply
- (a) to the conduct, operations and management of every school;
  - (b) to the students enrolled in or admitted to schools and the parents of such students; and
  - (c) to the principals, deputy and assistant principals, teachers and other staff members of such schools.

**PART II  
SCHOOL YEAR, SCHOOL HOLIDAYS AND HOURS OF  
SCHOOL**

School year.

- 4. (1)** The school year shall
- (a) commence on the first day of September of one year and end on the thirty-first day of August the following year; and
  - (b) unless otherwise specified by the Minister, consist of not less than one hundred and ninety-five school days divided into three terms and three major

periods of school vacation as set out in Regulation 8.

(2) The principal shall ensure that instructional classes for his school in any school year shall commence not later than the date of the second Monday in the month of September in any calendar year and, unless otherwise specified by the Minister, shall end not later than the date of the second Monday in July in the following calendar year.

School day.

5. (1) Every school shall be in session every school day except during an interruption approved by

- (a) the Minister or the Management Authority acting on behalf of the Minister in the case of a public or assisted private school; or
- (b) the Management Authority in the case of a private school.

(2) The Management Authority shall immediately inform the Chief Education Officer of any interruption of school approved under subregulation (1) (b).

(3) Subject to these Regulations, the school day for a public

- (a) pre-primary school shall commence at 8:40 am and shall end at 3:00 pm with a period of one hour between for lunch; and
- (b) primary or secondary school shall commence at 8:40 am and shall end at 3:30 pm with a period of one hour between for lunch.

(4) Unless otherwise specified by the Minister, the school day shall comprise

- (a) two instructional sessions (referred to as “the morning session” and “the afternoon session” ) for pre-primary schools along with a break of approximately fifteen minutes in the morning session and a ten minute break in the afternoon session; and
- (b) two instructional sessions (referred to as “the morning session” and “the afternoon session” ) for primary schools along with a break of



approximately fifteen minutes in the morning session; and

- (c) five instructional periods for secondary schools along with a fifteen minute break at a given point throughout the day.

(5) Where the school day for a school consists of one instructional session that goes beyond the noon hour, there shall be a break of no less than twenty minutes within that session.

(6) Where a school does not meet the required one hundred and ninety-five school days within the regular time scheduled in the school timetable for the conduct of instructional sessions referred to in these Regulations, due to events organised by the Ministry or the Department, the school shall be exempted from making up such time.

(7) The Minister may direct that the aggregate scheduled instructional time for each class during a school day shall not be less than five hours.

Hours of instruction for private and assisted private schools.

**6. (1)** The Management Authority of a private school shall, prior to the commencement of the school year and subject to approval by the Minister, determine the commencement and ending of the morning and afternoon sessions in a school day in respect of the school.

- (2) There shall be
  - (a) scheduled instructional time of not less than five hours in each class on a school day; and
  - (b) a break of not less than fifteen minutes during the morning session on each school day,

but students in the Early Childhood Education section of a primary school (Kindergarten to Grade One) may be permitted a second break.

(3) The Minister may, on a written application by the Management Authority, approve in writing different instructional sessions and hours for the commencement of the sessions for assisted private schools.

(4) The application referred to in subregulation (3) shall be addressed to the Chief Education Officer and must contain such information as the Management Authority of the school and the Chief Education Officer may agree to.

Roll call and collective worship.

7. The principal shall ensure that morning assembly, collective worship and roll call shall be conducted within a period of not more than thirty minutes before the commencement of the first instructional session of any school day unless otherwise specified.

School vacations.

8. (1) The school year shall consist of three school terms and one major school vacation at the end of each school term (hereinafter referred to as the Christmas vacation, Easter vacation and Summer vacation respectively).

(2) The Christmas vacation shall commence and end on the dates fixed in each school year by the Minister, and shall consist of Christmas Day, New Year's Day and not less than five but not more than ten working days.

(3) The Easter vacation shall commence immediately after twelve weeks of instruction is completed in the second term and shall not be more than two weeks unless the Minister provides otherwise.

(4) The summer vacation shall commence not later than the second Monday in July and end on the thirty-first day of August in the year, unless the Minister provides otherwise.

**PART III  
RIGHTS AND RESPONSIBILITIES OF STUDENTS  
AND PARENTS**

Responsibilities of students and parents.

9. (1) Every student enrolled at a school shall
- (a) respect and obey these Regulations and the rules of the school and be subject to the discipline of the school;
  - (b) have respect for every person placed in authority over the student;
  - (c) assist in maintaining order and discipline at the school; and
  - (d) use his best endeavours to maintain and promote the objectives and the standards of the school.

(2) The parent of a student shall

- (a) ensure that the student respects and obeys these Regulations and the rules of the school and be subject to the discipline of the school;
- (b) ensure that the student respects every person set in authority over the student; and
- (c) use his best endeavours to maintain and promote the objectives and the standards of the school.

Rights of students to be recognised.

**10.** The rights of a student pursuant to section 20 of the Act shall be considered as recognised if the student and the parent of such student are respected as human beings and treated as such by the principal, teachers and other students of the school.

Information on curriculum.

**11. (1)** Subject to these Regulations, the principal of a school shall on request provide a parent of a student enrolled in the school with a copy of the school curriculum or programme of studies organised into courses of study being offered to the student at each grade level.

(2) Where an alternate area of study is introduced for an area prescribed in a school curriculum, or a change or addition is made or introduced in accordance with the Act, the principal of the school shall inform the parents of the students affected of such alternative area of study, change or addition.

Written report.

**12. (1)** A parent of a student shall receive at least once every term, a written report respecting the progress and performance of the student signed by the principal or a teacher authorised by the principal.

(2) The report referred to in subregulation (1) must contain

- (a) a summary assessment of the achievement of the student in each subject, a record of attendance and tardiness, and a comment on the overall academic performance, ability and behaviour of the student as the teacher or principal considers noteworthy; and
- (b) in the last term of the school year, an indication of whether or not the student has been promoted to the next grade level.

Access to school policies.

**13.** The principal or a person authorised by the principal shall upon the request of a parent of a student make available to the parent written copies of the policies of the school respecting promotion, school safety, fund-raising, student discipline, student assignments and rewards,

and the system of education and other measures for assessment and evaluation of the achievement of students, as determined by the Chief Education Officer.

Examination of  
student's education  
records.

**14. (1)** A parent of a student enrolled in a school, upon a written request to the principal, is entitled to enter the school premises at any reasonable time to inspect and review the education records of the student required to be kept or otherwise kept by the school.

(2) The principal shall comply with a request for access to records under subregulation (1), within a reasonable time, but no more than thirty days after he has received the request.

(3) If circumstances prevent the parent from exercising the right to inspect and review the education records, the principal shall provide the parent with a copy of the education records requested or make such reasonable arrangements for the parent to inspect and review the education records requested.

(4) The principal, teacher or other person who has access to education records shall not destroy or cause to be destroyed any education records if there is an outstanding request to inspect and review such education records.

(5) Where the parent believes that the education records relating to the student contain information that is incorrect, misleading or in violation of the right of privacy of the student, the parent may ask the principal of the school to amend and correct the education records.

(6) A parent who wishes to make a request under subregulation (5) shall submit the grounds upon which the request is being made and any evidence in support of the grounds.

(7) Notwithstanding subregulations (5) and (6), the principal of a school may, upon a written request from the parent, give that parent an opportunity to have a hearing to challenge the content of the educational records of the student.

(8) Where a request is made under subregulation (5) or (7) to amend or correct an education record, the principal of a school shall, in writing, inform the parent of his decision respecting such request.

(9) Where the principal of a school refuses to amend or correct the education record and the parent is informed of the decision in writing under subregulation (8), the provisions of section 23 (6) and (7) of the Act shall apply *mutatis mutandis*.

Display of school calendar.

**15. (1)** A principal shall at the commencement of the school year display the school calendar on the school notice board.

(2) A principal may, at the commencement of the school year or at such reasonable time, provide a parent of a student enrolled at the school with a copy of the school calendar prepared in accordance with regulation 71 (2).

Communication between parents and teachers.

**16. (1)** Notwithstanding the provisions of these Regulations, a parent of a student enrolled at a school shall use his best endeavours to maintain frequent communication with the school in relation to the academic progress and behaviour of the student.

(2) Without limiting the generality of subregulation (1), parents are encouraged to meet teachers at such times as the school may arrange and make available for such purposes.

Right respecting religious observance.

**17.** The parent of a student may object to participation by the student in religious observances or instructions in a public school or assisted private school if such objection is stated in writing, dated and signed by the parent.

Non-disclosure of student information.

**18. (1)** Subject to this regulation, a principal, teacher or other person having access to the education records of a student shall not disclose information from the education records of a student without the consent of the parent.

(2) Subject to subregulation (4), where a parent requires information from the education records of the student to be disclosed to another person, the parent shall provide a signed and dated written consent in that regard.

(3) The written consent under subregulation (2) shall

- (a) specify the information that may be disclosed;
- (b) state the purpose for the disclosure; and
- (c) identify the person or category of persons to whom the disclosure can be made.

(4) A principal shall upon a written request disclose information from the education records of a student if the disclosure

- (a) is to an official of the school whom the principal has determined to have a legitimate educational interest for which the disclosure is necessary;
- (b) is to the principal of another school where the student seeks or intends to enrol;
- (c) is in connection with financial aid for which the student has applied or which the student has received if the information is necessary to determine eligibility for the aid, the amount of the aid, the conditions for the aid or to enforce the terms and conditions for the aid;
- (d) is to an organisation conducting studies for or on behalf of a school or other educational institution to develop, validate or administer predictive or diagnostic tests or to improve instructions;
- (e) is to an accrediting body to carry out its accrediting functions;
- (f) is to a person in order to comply with a decision of a court of competent jurisdiction;
- (g) is to a person in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other person;
- (h) is information that the school has designated as directory information to a person determined to have a legitimate interest;
- (i) is to a police officer conducting a criminal investigation in which the student is a suspect.

(5) A principal shall, in respect of students enrolled in the school, maintain a record of every request for personal information from the education records of each student.

(6) The record referred to in subregulation (5) shall, for each request or disclosure, contain

- (a) the parties who received or requested the information; and

- (b) the legitimate interests that the parties have in requesting or obtaining the information.
- (7) Nothing in this regulation shall be construed as prohibiting
  - (a) the principal of a school from including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students or other members of the school community; or
  - (b) the disclosure of information referred to in paragraph (a) to any teacher or school official whom the school determines to have a legitimate educational interest in the behaviour of the student.

Consent to search.

**19. (1)** Subject to subregulation (2) and regulation 38 (3), where a student is eighteen years of age or older, the rights accorded to, and the consent required of, a parent under the Act and these Regulations shall transfer from the parent to the student who has attained the age of eighteen years.

(2) The consent given by a parent of a student to conduct searches of the student pursuant to the Act and these Regulations shall continue to operate as if that consent were given from the beginning by the student who has attained the age of eighteen years.

**PART IV  
STUDENT COUNCILS AND PARENT TEACHER  
ASSOCIATIONS**

Student councils.

**20. (1)** Every public and assisted private secondary school shall have a Student Council whose constitution shall be determined by the specific requirements and circumstances of the school.

(2) A person who is not enrolled or admitted as a student of a school is not eligible to membership in the Student Council of the school.

(3) Every Student Council shall elect an executive body from among its members when it exceeds eleven persons.

(4) The constitution of the Student Council of a school shall be submitted to the principal of the school for ratification.

(5) There shall be, in respect of the Student Council of a school, a teacher advisor who shall be a member of the staff of the school.

(6) The meetings of the Student Council may be scheduled on the school timetable.

(7) The frequency of the meetings referred to in subregulation (6) shall be agreed upon between the principal and the executive of the Student Council.

(8) Unscheduled extraordinary meetings may be held with the permission of the principal.

(9) In considering school rules and policies, including issues meriting suspension of students, the Student Council shall be invited by the principal to make a contribution on behalf of the students.

(10) The Student Council shall present the views of the student body to the principal for consideration.

(11) The principal of a school shall, through the Student Council, ensure that opportunities are given for students enrolled at the school to evaluate their teachers and programmes of study.

(12) Subject to this regulation, a Student Council shall determine its rules of procedure.

**21.** (1) There shall be a National Student Council made up of not more than two delegates from every Student Council in the Virgin Islands.

(2) The Minister, in consultation with the Chief Education Officer, shall appoint an education officer to represent the Ministry on the National Student Council.

(3) The National Student Council shall have one representative on the National Text-Book Committee.

(4) The Ministry shall mobilise students of the National Student Council to assist in educational projects.

**22.** (1) Every Parent Teacher Association at each school shall comprise parents of students currently registered at the school, the principal and teachers of the school and parents of past students with particular expertise who are willing to serve.

National  
Student Council  
and its  
responsibilities.

Parent Teacher  
Associations.



(2) The principal of a school shall take the initiative to encourage the formation of a Parent Teacher Association.

(3) The duties and responsibilities of the Parent Teacher Association shall be determined by the specific requirements of the school.

National  
Council of  
Parent Teacher  
Associations.

**23.** (1) The Minister shall encourage the formation of a National Council of Parent Teacher Associations.

(2) The objectives of the National Council of Parent Teacher Associations shall be to

- (a) provide a forum for the discussion of matters of national importance;
- (b) facilitate the implementation of school educational policies within the schools;
- (c) monitor the preservation of standards in the public education system;
- (d) serve as a communication link between parents and the Ministry through the Chief Education Officer.

(3) The National Council of Parent Teacher Associations shall consist of one representative of every Parent Teacher Association.

(4) There shall be an executive body of the Council consisting of not more than fifteen persons elected from among its members and shall determine its rules of procedure.

## **PART V ENFORCEMENT OF COMPULSORY SCHOOL ATTENDANCE**

Enrolment and  
registration.

**24.** (1) A child who attains the age of five years within six months of the school year in which enrolment is requested shall be eligible to be enrolled in and admitted to a primary school for that school year.

(2) Notwithstanding subregulation (1), a child who has previously been enrolled in a school having an education programme equivalent to a primary or secondary grade in the education programme of the Virgin Islands and has received regular assessment from the school shall be admitted to the appropriate grade as determined by the Chief Education Officer.

(3) Subject to these Regulations, where a child is eligible for admission to a school as a student

Schedule

(a) the parent shall make an application in Form A set out in the Schedule for enrolment and admission to the school; and

(b) the student shall not be refused admission to the school except on the grounds that accommodation for that student in that school is not available, or on such other ground as the Minister may approve.

(4) The Chief Education Officer or a person designated by the Chief Education Officer shall discuss with parents of students to be enrolled at the school the provisions of the Act and these Regulations respecting school admission and attendance.

(5) The parent of the student is required to signify on the application form that the provisions of the Act and these Regulations respecting school admission and attendance were discussed with him and that the parent understood what was discussed.

(6) Where the student has previously attended another school, the principal of the school enrolling that student may request the parent and the student to briefly indicate in writing whether or not the student has

(a) any special need, condition or exceptional performance;

(b) any past, current or pending disciplinary action;

(c) any history of behavioural and emotional problems;

(d) any fees due and owing to the other school;

(e) any health conditions affecting the student's educational needs.

(7) Where a student is admitted to a school the principal shall cause the name of the student to be entered in the Admission Register and class register required to be kept at the school with such particulars as may be required.

Particulars to be provided with application for enrolment.

**25. (1)** During the application process, the parent or guardian of the student or other responsible person, as the case may be, shall furnish the Department with the following particulars:

- (a) the name of the student;
- (b) the date of application;
- (c) the date of birth of the student, proved by the birth certificate of the student;
- (d) the address of the student;
- (e) the religious persuasion of the student;
- (f) the name, address, occupation and telephone number of the parents;
- (g) immunisation records as proved by a health certificate or a certificate of exemption from immunisation pursuant to regulation 27 (5);
- (h) any known conditions affecting the student's educational needs;
- (i) where applicable, the name of the last school attended and a transfer letter from the principal of that school;
- (j) the date the student left the school referred to in paragraph (i) and the grade reached by the student at the date of leaving;
- (k) where applicable, the particulars referred to in regulation 24 (6).

(2) Notwithstanding subregulation (1) (g), a child in respect of whom admission is sought to a primary school without immunisation records or a certificate of exemption, may be considered for admission if the parent presents a medical certificate indicating that the child has suffered or is suffering from a disease that makes immunisation inadvisable or detrimental.

(3) Where there is a change in the information submitted upon enrolment, the parent or the student shall promptly notify the principal of that change.

Admission.

**26. (1)** Students who have completed primary education shall matriculate to a public or assisted private secondary school.

(2) The Department shall not register more than the number of students determined by space and standards for classrooms as specified by the Ministry through the Chief Education Officer.

(3) No arrangement shall be made between or among schools for automatic entry of students into the system of public education.

(4) Subject to the directions of the Minister, a principal shall in considering applications for admission of children to a public or assisted private secondary school, as far as is practicable, give priority to children of persons resident in the area of the school.

(5) The principal of a primary school may not admit a child to the school unless the principal

(a) verifies the age of the child by reference to the birth certificate of the child bearing the name of the child or such other authentic and credible documentary evidence; and

(b) subject to regulations 25 (2) and 27 (5), is satisfied on the evidence of the immunisation records referred to in regulation 25 (1) (g) that the child is immunised against Tuberculosis, Diphtheria, Pertussis, Tetanus, Hepatitis B, Haemophilus influenzae type B and Meningitis, Poliomyelitis, Measles, Mumps and Rubella.

Persons entitled to be admitted.

**27. (1)** Subject to these Regulations, a child is entitled to be admitted as a student of a school, if that child is

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(a) a child of a person who belongs to the Virgin Islands pursuant to section 2 (2) of the Constitution of the Virgin Islands;

(b) a child of a Foreign or Commonwealth Diplomat or Consular Officer serving in the Virgin Islands;

(c) a child of a person employed in the Virgin Islands by an overseas or regional organisation in which the Government of the Virgin Islands participates;

(d) a child of a person to whom a Certificate of Residence has been granted under the Immigration and Passport Act;

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- (e) a child of a person employed in the service of the Government of the Virgin Islands;
- (f) a child of a serving member of any of her Majesty's Forces on duty in the Virgin Islands;
- (g) a child of a person employed in the service of any Commonwealth country engaged in official duties in the Virgin Islands;
- (h) a child of a person who is ordinarily resident in the Virgin Islands.

(2) A person desirous of bringing a child into the Territory for admission to a school shall

- (a) settle the child's status with the Department of Immigration; and
- (b) contact the Ministry to inquire whether a place is available in a school for the accommodation of the child and about such other matters as might be necessary for the admission of the child into a school.

(3) A parent who conscientiously believes that immunisation by vaccination as required under this regulation is contrary to his personal, philosophical or religious beliefs, may apply not to have his child immunised by filing with the Chief Education Officer an affidavit to that effect and the Chief Education Officer shall immediately submit a copy of the affidavit to the Chief Medical Officer for his consideration and recommendation.

(4) Where the Chief Medical Officer receives a copy of the application made under subregulation (3) and the child is located outside the Territory the Chief Medical Officer may require that medical tests be done before making a recommendation under subregulation (5).

(5) A child on whose behalf an application is made under subregulation (3) is exempt from the requirement to be immunised if

- (a) the Chief Medical Officer recommends such exemption to the Chief Education Officer; and

- (b) the parent making the application receives from the Ministry a certificate of exemption as a conscientious objector on the child's behalf.

(6) Subject to these Regulations, a person who is aggrieved by the decision of a principal to refuse admission of a child may, in writing appeal to the Education Appeal Tribunal, against that decision and the Tribunal shall dispose of the appeal within twenty-one days of the date of the hearing.

(7) For the purposes of this regulation

“ordinarily resident” means that the person has resided in the Virgin Islands for a period of not less than three years immediately preceding the date of the application to admit his child into a school, and that

- (i) the number of days on which he was absent from the Virgin Islands in that three year period does not exceed two hundred and seventy days;
- (ii) the number of days he was absent from the Virgin Islands in the period of twelve months immediately preceding the date of the application does not exceed ninety days; and
- (iii) he was not, at any time during the relevant period of three years, in breach of the immigration laws of the Virgin Islands.

(8) Notwithstanding the definition of “ordinarily resident”, a person shall be deemed to be ordinarily resident in the Virgin Islands where he proves to the satisfaction of the Chief Immigration Officer that he had been absent from the Virgin Islands on the grounds of illness, study, Government service or service in the armed forces of Her Majesty's Government.

Dates and times for enrolment and registration.

**28.** A principal of a school shall, not less than one month prior to the end of the school year, inform the public of the dates for registration and enrolment respecting new admissions to the school.

Attendance of students.

**29. (1)** Subject to the Act and this regulation, a parent shall ensure that his child, who has attained the compulsory school age, attends school on every school day.

(2) A student shall not be required to attend school and the parent of the student shall not be required to cause the student to attend school if

- (a) any of the requirements mentioned in section 39 (1) of the Act is satisfied; or
- (b) the student is temporarily unable to attend school by reason of an unavoidable cause, and evidence of that fact is provided by the parent or, at the request of a parent, a doctor.

(3) If there is an outbreak in the Territory of a disease referred to in regulation 26 (5) (b), the Minister, on the recommendation of the Chief Medical Officer, shall direct the principal of a school to exclude from attendance at school a child who is not immunised against the disease and to notify the parents of all the children at the school of the outbreak.

(4) Before making a recommendation under subregulation (3), the Chief Medical Officer shall take into consideration such factors as

- (a) the degree to which the outbreak is a threat to a school;
- (b) the likelihood for a child at the school who is not immunised against the disease to be infected as a result of an outbreak of the disease;
- (c) whether a child at the school who is not immunised against the disease presents a danger to the wider school population;
- (d) the availability of control and prevention measures to manage the outbreak; and
- (e) the exact location of the outbreak in the Territory and the likelihood of it being contained in that location until the incubation period of the disease expires.

(5) The parent of a child who has been excluded from attendance at a school as a result of an outbreak shall not return his child to the school

- (a) unless he receives notification from the school that the disease no longer poses a threat; or
- (b) he gets the child immunised and presents to the principal of the school the appropriate immunisation records as proved by a health certificate regarding the child.

(6) The principal shall not allow a child who has been excluded from attendance at school as a result of an outbreak to return to the school until

- (a) the incubation period of the disease expires and the disease no longer poses a threat as shall be indicated by notice in writing by the Chief Medical Officer; or
- (b) appropriate immunisation records as proved by a health certificate regarding the child are presented to the principal.

(7) Where the principal is notified in accordance with subregulation (6) (a) he shall notify the parents of that child that the outbreak no longer poses a threat.

(8) Except as otherwise provided, a student who is absent from school, when the school is in session, shall upon his return to the school furnish the principal through the class teacher in the case of

- (a) a student who is under eighteen years, a written excuse signed by the parent of the student;
- (b) a student who is eighteen years of age or older, a written excuse signed by the student.

(9) A principal shall not retain a student in a public or assisted private secondary school after the end of the school year in which the student shall have reached the age of nineteen years.

(10) Notwithstanding subregulation (9), a student who wishes to be in school for a further period of one year after attaining the age of



nineteen years may make a written request to the Chief Education Officer for permission to do so setting out the reason for his request.

(11) If the Chief Education Officer is satisfied, on a request made under subregulation (10), that it is desirable to allow a student a further period at school, the Chief Education Officer may grant permission in writing allowing a student a further period not exceeding two years to complete his studies at the school.

(12) Before granting the request referred to in subregulation (10), the Chief Education Officer shall consult the principal of the school.

Attendance registers.

**30.** (1) A principal shall ensure that separate attendance registers are kept in respect of teachers and students and the registers shall be available for inspection by an education officer, a member of the Management Authority, the Chief Education Officer or such other person entitled to inspect the registers.

(2) At the commencement of each school year, the name of every student on the roll of the school shall be entered in the attendance register in alphabetical order of surnames according to gender.

Marking of attendance register.

**31.** (1) The roll shall be called and recorded in the attendance register at the beginning of each session.

(2) Attendance shall not be recorded for any student until his attendance has been duly noted and entered in the attendance register.

(3) The classroom teacher shall, every day and in the manner prescribed by the principal, mark the attendance register in respect of that class so as to indicate the students who are present (lateness to be noted), absent (excused or unexcused), sick or suspended.

(4) Where the school day is divided into two instructional sessions, there shall be two markings of the registers to be done in blue or black ink as follows:

(a) a first marking, at the commencement of the morning session; and

(b) a second marking, at the commencement of the afternoon session.

Schools' duties upon student's failure to attend school.

**32.** (1) Where a student fails to attend school without a valid excuse, the principal of the school shall

- (a) in the case of one unexcused absence within one month during the current school year, inform the parent of the student in writing or by telephone of the unexcused absence and of the potential consequences of additional unexcused absences;
- (b) in the case of two or more unexcused absences within one month during the current school year
  - (i) where practicable, schedule a meeting with the parent of the student and the student at a reasonably convenient time for the purpose of discussing the causes of such absences; and
  - (ii) take such steps as the principal considers necessary to eliminate or reduce the absences of the student.

(2) The principal shall report the non-attendance of the student to the relevant school attendance counsellor or education officer as the case may be who shall act in accordance with the provisions of the Act or these Regulations.

(3) Where a student is absent for the whole of a term, the principal shall, subject to subregulation (4), cause the name of the student to be deleted from the attendance register if it is known to the principal that the student has

- (a) gone into employment or wilfully stayed away from school; or
- (b) been admitted to a correctional institution or into another educational institution.

(4) Under subregulation (3), where the student is of compulsory school age, the principal shall consult with the Chief Education Officer before deleting the name of the student from the attendance register.

(5) Where a student whose name has been deleted from the attendance register of a school pursuant to subregulation (3) makes an application in writing for re-admission, the principal

- (a) shall, subject to these Regulations, admit the student if the student is of compulsory school age; or

(b) in any other case, may admit the student.

(6) For the purposes of this regulation, an “unexcused absence” means that the student

(a) has failed to attend the majority of hours or periods in an average school day; and

(b) has not satisfied the statutory requirement for excused absences.

Timetable.

**33. (1)** A principal shall

(a) ensure that a school master timetable and timetable for each class in the school are prepared and ready for implementation from the first day of school in every school year;

(b) ensure that the timetables referred to in paragraph (a) are arranged with due regard to the necessity for recreation or intra-curricula activities;

(c) not later than five days after the first day of the school year furnish the Chief Education Officer with a copy of the timetables for approval.

(2) Subject to these Regulations, the Chief Education Officer or an education officer designated by the Chief Education Officer shall approve the timetables referred to in subregulation (1) with such modifications or recommendations as may be necessary.

(3) Except as otherwise provided, the Chief Education Officer shall ensure that the instructional time allotted on the timetable of

(a) a secondary school to a core subject is not less than three hours per week;

(b) a primary school to a core subject is not less than five hours per week.

(4) Where it is found that the time scheduled for a subject in a timetable is inconsistent with these Regulations or the recommendations of the National Curriculum, the Chief Education Officer or an education officer designated by him shall

- (a) in writing inform the principal of the relevant school of the inconsistency; and
- (b) take such steps so as to address that inconsistency.

(5) The principal shall cause the approved timetables to be posted prominently and conspicuously on the premises of the school.

(6) Notwithstanding the provisions of this regulation, the Minister may approve instructional time of such duration for students receiving special education as the Minister may consider necessary in the circumstances.

Transfer.

**34.** (1) After the commencement of these Regulations, every school shall with the approval of the Minister and subject to section 33 of the Act adopt a policy establishing rational, fair and equitable standards for acceptance and rejection of applications for transfer to the school.

(2) Without prejudice to the generality of subregulation (1), a school shall on an application for transfer release a student to another school that agrees to accept the student if

- (a) a financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer;
- (b) the other school is more accessible to the parent's place of work or place of residence; or
- (c) there is a special hardship or detrimental condition affecting the student that needs to be resolved.

(3) A parent of a student or a student who is eighteen years of age or older may request or apply for a transfer in Form B set out in the Schedule

Schedule

- (a) from the school where the student is enrolled to another school; or
- (b) to a school from a home education programme.

(4) An applicant for a transfer must include in his application the following information

- (a) the name of the student;

- (b) the date of birth of the student;
- (c) the reason for the transfer;
- (d) in the case of a student under eighteen years, evidence of a parent of the student having approved or requested the transfer;
- (e) a statement regarding the conduct of the student;
- (f) a brief statement of the performance of the student;
- (g) the signature of an authorised education officer;
- (h) the signature of the principal of the transferring school; and
- (i) the official stamp of the transferring school.

(5) A principal accepting applications for transfer from students previously attending another school or from students receiving home education shall

- (a) consider all applications equally; and
- (b) provide to each applicant written notification of the acceptance or rejection of the application.

(6) A student attending a public or assisted private secondary school who or whose parent seeks a transfer for him from that school to another school may be accepted or transferred subject to such conditions as may be imposed.

(7) A principal shall not without cause fail to honour a request for a transfer made pursuant to this regulation.

(8) A principal may reject an application by a student for transfer if

- (a) the disciplinary records of the student indicate a history of gang membership, crimes, violent or disruptive behaviour; or
- (b) the student has been suspended from school for more than ten consecutive days or expelled from school.

(9) Where the principal rejects the application for a transfer, he shall provide the applicant with the reason for the rejection.

Children requiring special education.

**35.** (1) When a child attains the compulsory school age and there is reasonable grounds to believe that the child is in need of special education, the parent shall in writing inform the Chief Education Officer of such need.

(2) Where it is determined while attending school that a student requires learning supports, the principal of the school shall inform the Chief Education Officer in writing of such need.

(3) A determination made under subregulation (2) may be as a result of, but not limited to the following:

- (a) a failure to be promoted;
- (b) general failure to develop academically;
- (c) repeated behavioural problems;
- (d) emotional instability;
- (e) physical conditions; or
- (f) failure to get along with others.

(4) When there is information that a student has a need for learning supports and where an evaluation was not conducted, the Chief Education Officer shall ensure that one is done so that where possible the reasons for the supports as well as the forms of supports can be determined, and documented.

(5) An IEP for students requiring learning supports shall be developed by a team of the following persons, using a standard form:

- (a) the parent or guardian of the student;
- (b) the student, where necessary;
- (c) the teacher; and
- (d) any other persons with the appropriate expertise, as may be necessary.

(6) The IEP shall be developed using the following steps:

- (a) the student is evaluated with the input of all relevant stakeholders;
- (b) the need for learning supports clearly identified;
- (c) IEP team meeting is scheduled;
- (d) written IEP is developed, learning supports are provided;
- (e) progress is measured and reports provided to parents;
- (f) IEP is reviewed;
- (g) the student is re-evaluated and plan modified as may be necessary; and
- (h) the process is repeated until there is a change in the status of the student.

(7) The IEP must include:

- (a) the student's name;
- (b) the parents or guardian name;
- (c) contact information for the parent or guardian and student, including a physical address;
- (d) team members names;
- (e) team leader or coordinator;
- (f) short and long term objectives;
- (g) instructional methods;
- (h) list of resources;
- (i) date for review; and
- (j) the assessment methods with accommodation required to measure to student progress.

(8) The principal shall be responsible for ensuring that the IEP is developed and reviewed twice each term, by the team, before Mid-term and at the end of the term.

(9) The IEP shall be part of the student's permanent records and shall move with him through the grades.

(10) The principal is responsible for ensuring that an alternate method of testing or accommodation is provided where it is supported by documentation in the IEP.

(11) Assessment accommodations

(a) should be similar to the classroom so that the student is familiar with the accommodation before using it in a formal testing situation; and

(b) may include presentation accommodations, response accommodations, setting accommodations, and time or scheduling accommodations.

(12) Notwithstanding subregulation (10), alternate testing or accommodation cannot be provided for examinations and tasks, when the student clearly lacks the prerequisite skills or when the alternate testing or accommodation simply provides advantages to the student.

(13) Where a child requires learning supports, it shall be the parent's responsibility to ensure that child is taken to the location where such supports are provided, when this is within an island.

**PART VI  
DISCIPLINE, SUSPENSION AND EXPULSION OF STUDENTS**

Duty of school respecting discipline.

**36. (1)** Every principal and teacher employed at a school shall

(a) ensure the establishment and enforcement of the student disciplinary policy and rules of the school; and

(b) institute ways to observe and monitor violent incidents committed by students enrolled at the school.

(2) Subject to the provisions of these Regulations, every principal and teacher shall while in and out of school use such measures



- (a) to promote and maintain a high level of discipline among students; and
- (b) to set examples in matters of respect for constituted authority, commitment to duty, punctuality, regularity, and exemplary conduct and mode of dress.

(3) In the exercise of discipline or administration of punishment, principals and teachers shall respect the rights of students to be heard in their defence and to be treated with impartiality.

Student disciplinary policy.

**37.** The student disciplinary policy of a public or assisted private school shall be based on

- (a) such rules as the Minister in consultation with the Chief Education Officer may prescribe pursuant to section 54 (1) of the Act;
- (b) the rules approved by the Chief Education Officer pursuant to section 54 (5) of the Act;
- (c) the following principles:
  - (i) discipline is an integral part of education and teaches and promotes the development of integrity, accountability, personal ethics and self-management;
  - (ii) discipline must be fair, equitable and consistent with the goals of education;
  - (iii) suspension and expulsion are acceptable components of discipline administered in the school;
  - (iv) the disciplinary policy must be established or formulated with the participation of the Parent Teacher Association and Student Council of the school;
  - (v) the disciplinary policy must outline appropriate procedures and responses to be used with students;

- (vi) the disciplinary policy must be consistently enforced, but must be flexible enough to provide for reasonable adjustment in various circumstances.

Searches and actions relating to students involved with drugs etc.

**38. (1)** A principal of a school shall ensure that a parent of a student enrolled in or admitted to the school signs a consent form empowering the principal or an authorised person to search the student so as to prevent the entry of controlled drugs, weapons and other prohibited articles or substances of any kind into a school or on the premises of the school.

(2) The parent of every child seeking admission for the child to a school shall signify in writing his consent for the child to be searched by the principal or an authorised person.

(3) Every student who is eighteen years of age or older seeking a transfer to a school shall signify in writing his consent to be searched by the principal or an authorised person.

(4) Where the principal or an authorised person has reasonable grounds to suspect that a student enrolled at the school has on the premises in his possession or on his person a weapon, any controlled drug or other prohibited article or substance, the principal or an authorised person may stop and search the student.

(5) The principal shall ensure that a student is searched by an authorised person having the same gender as the student and that the search is conducted in the presence of at least one other adult person.

(6) Where a controlled drug or other prohibited article or substance is found in the control, custody or possession of a student enrolled at a school, the principal of the school shall

- (a) inform a school security officer and, subject to these Regulations, communicate the information to the parent of the student and to the Chief Education Officer;
- (b) suspend the student pending an investigation into the matter; and
- (c) ensure that the student receives professional counselling.

(7) Where the principal has reasonable grounds to suspect that a student is a drug user, whether on the school premises or otherwise, or is a drug dealer on the school premises, the principal shall, subject to these Regulations and the Education (Student Code of Conduct) Rules, take such measures so as to ensure that the student is punished or receives professional counselling, or both.

(8) A student who has been disciplined for a controlled drug-related offence at one school shall only be transferred to another school on professional advice and with the agreement of the principals involved.

(9) For the purpose of this regulation, “authorised person” means a police officer, a security officer, a member of staff, or a person authorised by the Chief Education Officer.

Patrols and professional counselling.

**39.** (1) The Chief Education Officer shall, in collaboration with the principal and the police, ensure that

- (a) regular patrols of the premises of a public or assisted private school are conducted; and
- (b) the relevant school is immediately provided with copies of any report made, or is otherwise informed of any action taken in respect of the patrols.

(2) The Chief Education Officer may, in collaboration with the relevant principal, the relevant officers of the Department of Education and the Ministry of Health, provide professional counselling for a student who breaches the provisions of Part V and this Part of these Regulations.

Parents responsible for behaviour of student.

**40.** Subject to the provisions of the Act and these Regulations, the parents of a student enrolled at a school shall be responsible for the conduct of the student and shall co-operate with the school in promoting and maintaining discipline in and out of school.

Withdrawal or expulsion for misbehaviour.

**41.** (1) Subject to these Regulations, a parent of a student or a relevant teacher or principal shall take such action as may be necessary to ensure that a student completes primary and secondary education without interruption.

(2) The principal of a public or assisted private school may in writing

- (a) request a parent of a student to withdraw the student from the school for reason of misbehaviour; or

- (b) recommend to the Chief Education Officer the expulsion of a student from the school for reason of misbehaviour.

(3) A principal shall, when making a request for withdrawal or recommendation for expulsion of a student from the school, ensure that he satisfies the requirements of the Act and these Regulations and the school's rules and policy respecting withdrawal and in particular a principal shall ensure that

- (a) he is entitled to make the request or recommendation;
- (b) the name and age of the student and the nature of the problem that has given rise to the request for withdrawal or recommendation for expulsion is clearly stated;
- (c) the student who is the subject of the request for withdrawal or recommendation for expulsion and the parent of the student are given adequate warning in writing of the behaviour of the student before a request is made for withdrawal or recommendation for expulsion;
- (d) he has discussed the withdrawal or recommendation for expulsion of the student with the parent and student;
- (e) the student who is the subject of the request for withdrawal or recommendation for expulsion has been given an opportunity to be heard;
- (f) he has secured the approval of the Chief Education Officer before withdrawal of the student becomes effective; and
- (g) he has complied with the recommendation or advice, if any, of the Minister.

(4) A parent or student aggrieved by a decision made under this regulation may, subject to Part 10 of the Act, appeal against the decision to the Education Appeal Tribunal.

Investigations and notification by principal.

**42. (1)** A principal of a public or assisted private school shall

- (a) research and investigate the circumstances surrounding any misconduct that would result in suspension or expulsion of a student from school before suspending or recommending the expulsion of the student; and
- (b) facilitate any investigation respecting the misconduct referred to in paragraph (a) that the Chief Education Officer may direct.

(2) Where a student has been suspended or recommended for expulsion, the principal shall within two days of the suspension or recommendation for expulsion forward a full written report respecting the suspension or recommendation for expulsion to the Chief Education Officer and the parent of the student clearly outlining

- (a) the reason or reasons for the suspension or recommendation for expulsion; and
- (b) the results of any investigation conducted pursuant to this regulation.

(3) Where a student is on suspension and an external or school leaving examination in relation to the student is scheduled to be held during the period of suspension, the principal shall permit the student on the school premises in a designated location to write the external or school leaving examination.

Actions by principal respecting gangs.

**43. (1)** For the purposes of this regulation, “undesirable conduct or behavioural patterns that may reasonably be associated with a gang” includes habitual use of offensive language, consumption of alcoholic beverage, involvement in the use of a controlled drug, disrespect for authority and involvement in criminal behaviour in or outside the school premises.

(2) A student shall not display or participate in the display of undesirable conduct or behavioural patterns that may reasonably be associated with a gang.

(3) Subject to these Regulations, the principal of a school may refuse admission to a student, or may suspend or recommend the expulsion of a student

- (a) whose conduct, mode of dress, symbols or other undesirable conduct or behavioural pattern may reasonably be associated with a gang; or

(b) where the undesirable conduct or behavioural patterns referred to in paragraph (a) give rise to a reasonable suspicion that the student belongs to a gang or is involved in gang related activities.

(4) The principal shall, before taking any of the actions referred to in subregulation (3), discuss the undesirable conduct or behavioural pattern necessitating the action with the student and the parent of the student.

(5) Where a student after repeated counselling and warnings continues to display such undesirable conduct or behavioural patterns, the principal may suspend the student from the school or where necessary contact the police.

(6) Where there is no change in behaviour at the end of the period of suspension, the principal after consultation with the Chief Education Officer shall request the parent to permanently withdraw the student from the school, pursuant to these Regulations and the Education (Student Code of Conduct) Rules.

(7) Where a parent fails or refuses to withdraw a student after a request for withdrawal has been made pursuant to subregulation (6), the principal shall recommend to the Chief Education Officer the expulsion of the student.

Approval by Chief Education Officer.

**44.** A student who has been expelled or withdrawn from a public or assisted private school shall not be re-admitted to that school or admitted to any other public or assisted private school without the approval of the Chief Education Officer.

External examinations.

**45. (1)** A school shall be directly responsible to furnish to the local registrar of examinations such information as may be required for the registration for examinations of the student enrolled at the school.

(2) The principal of a public or assisted private secondary school shall not later than the eighth week of the first term in a school year

(a) inform the students preparing to write external examinations during the school year and the parent of such students of the regulations in respect of the administration of the external examinations; and

- (b) convene a meeting with the parents and students referred to in paragraph (a) to discuss the regulations referred to in paragraph (a).

(3) Where a student registered to write external examinations is expelled from a school immediately prior to the date of the commencement of the examinations, the regulations governing the external examinations shall apply.

## **PART VII ADMINISTRATION AND OPERATION OF SCHOOLS**

Management of schools.

**46.** (1) The Management Authority of a school shall be accountable and responsible to the Minister.

(2) The Management Authority of a school shall ensure that

- (a) the school buildings and class rooms are of a satisfactory standard
  - (i) in the case of a public school to the Minister;
  - (ii) in the case of a private or assisted private school to the Minister through the Chief Education Officer;
- (b) the grounds adjoining the school building shall be suitable for the purpose of recreation, where feasible, for the students attending the school;
- (c) the boundaries of the school grounds are established and properly secured;
- (d) a sufficient supply of drinking water is provided with suitable arrangements for the use of the water by students and teachers;
- (e) the school is provided with separate toilets for teachers and students;
- (f) there are separate toilets provided for male and female members of the school community;

- (g) the toilets are constructed and maintained to the satisfaction of the Chief Environmental Health Officer;
- (h) the school is provided with all the requisite furniture and equipment;
- (i) the school building is kept in a state of good repair and proper sanitary condition in accordance with the guidelines set out in the maintenance manual, referred to in regulation 58;
- (j) provision is made for repair and inspection of the school plant;
- (k) provision is made for inspection and verification of all records and registers required to be kept by the principal; and
- (l) the school complies with any other requirements that the Minister through the Chief Education Officer may from time to time direct.

(4) Where recommendations in respect of the management and operations of a private or assisted private school are required to be made under the Act and these Regulations to the Ministry, the Management Authority of the school shall in writing address such recommendations to the Chief Education Officer.

(5) The Management Authority shall not discriminate against persons with regard to appointment, training, employment or discipline on the grounds of politics, religion or any other beliefs that do not adversely affect the rights of any other persons in the school.

(6) The Management Authority of a school shall recognise the rights of the representative body of teachers to represent their respective members at the school.

(7) In discharging its responsibilities, the Management Authority shall take into consideration the various documents used in the governance of the teaching service including the collective agreement with the representative body of the teachers and where applicable, the Teaching Service Commission Regulations and Public Service Commission Regulations.



Management Authority.

**47.** (1) Where a Management Authority is appointed in respect of a public or assisted private school every appointment to the Management Authority shall be published in the *Gazette*.

(2) The Management Authority of a school

(a) shall be responsible for the administration of the institution for which it has been appointed without infringing upon the duties and responsibilities of the principal; and

(b) shall recognise the rights of the representative body of teachers to represent their members at the school.

(3) Any member of the Management Authority may, in the exercise of his functions and duties, visit the school during normal school hours on giving prior notice to the principal.

(4) The Management Authority shall not discriminate against persons with regard to appointment, training, employment or discipline on the grounds of politics, religion or any other beliefs that do not adversely affect the rights of any other person in the school.

(5) In discharging its responsibilities, the Management Authority of a school shall

(a) make such recommendations, as are required to be made under the Act and these Regulations, to the Chief Education Officer;

(b) where applicable, take into consideration the various documents used in the governance and regulation of the teaching profession including

(i) regulations respecting discipline; and

(ii) such collective agreement with the representative body of teachers.

(6) In the exercise of its responsibilities under the Act and these Regulations, the Management Authority of a school shall give due consideration to the political, religious, moral, and such other beliefs of persons in the school as long as such beliefs do not adversely affect the rights of other persons in the school.

Records to be kept.

**48.** (1) The principal of a public or assisted private school shall keep in such form as the Chief Education Officer may approve

- (a) a proper record of official papers including copies of the records required to be kept in respect of every teacher;
- (b) a register of students;
- (c) attendance registers for students;
- (d) attendance registers for teachers and other staff members;
- (e) a log book, diary or ledger;
- (f) subject to these Regulations, a cumulative record of every student of the school;
- (g) a copy of the current school timetable;
- (h) a copy of the Education Act and any Regulations made under that Act;
- (i) an inventory of the equipment, furniture, books and other materials;
- (j) a book for recording punishments for breaches of these Regulations, the Education (Student Code of Conduct) Rules and other rules of the school and for recording any action taken by the school in respect of those breaches; and
- (k) such other records as the Chief Education Officer may require to be kept.

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(2) The principal shall

- (a) keep separate the records of a teacher from the records of every other teacher required to be kept in subregulation (1) (a); and
- (b) record in the log book referred to in subregulation (1) (e) every significant event occurring in the daily life of the school.

Custody and inspection of records.

**49. (1)** Every register, book or other official document or record required to be kept by a public or assisted private school under the Act and these Regulations shall

- (a) be kept in a secure place on the premises of the school; and
- (b) be opened for inspection at all reasonable times during school hours by
  - (i) any member of the Board of Management;
  - (ii) the Permanent Secretary;
  - (iii) the Chief Education Officer; or
  - (iv) a person acting under the authority of the Permanent Secretary or the Chief Education Officer.

(2) For the purposes of security, an electronic version of every register, book or other official document referred to in subregulation (1) shall be kept in a secure place.

Register of students.

**50.** (1) The principal of a school shall, as regards each student enrolled and admitted in the school, cause to be entered in the register of students the following particulars:

- (a) the index number, full name and date of birth of the student;
- (b) the date of admission of the student at the school;
- (c) the name and address of the parent(s);
- (d) the name of the last educational institution (if any) that the student attended and the last date of attendance at that institution;
- (e) the date on which the student ceased to be a student at the school in respect of which the record is kept; and
- (f) the particulars mentioned in section 32 (2) and (3) of the Act.

(2) The accumulative record or information of the students shall be kept

- (a) in permanent hard copy; and

- (b) where an electronic management information system has been introduced, in electronic form, supported by hard copy.

Instruction and  
assessment.

**51. (1)** The Chief Education Officer shall ensure that effective arrangements are made for grade level and ability instruction in accordance with the provisions of the Act.

(2) A principal shall

- (a) be responsible for ensuring that the administration of the instruction programme is performed in accordance with the Act and these Regulations and the National Curriculum;
- (b) be responsible for ensuring that instruction is tied to the students' environmental and life experiences;
- (c) be responsible for ensuring that instruction optimises the development of the students' critical thinking and problem solving skills; and
- (d) be responsible for ensuring that the quality of instruction at all grade level is of a high standard and aims at significantly improving student engagement and achievement and adequately preparing them for the next grade level.

(3) A teacher shall

- (a) be responsible for effective curriculum mapping that promotes critical thinking and active teaching and learning and high levels of student achievement through discovery, investigation, analysis, synthesis, problem solving and evaluation methods;
- (b) be responsible for effective lesson plan design and delivery that promotes critical thinking and active teaching and learning and high levels of student achievement through discovery, investigation, analysis, synthesis, problem solving and evaluation methods;
- (c) employ instructional and classroom management strategies that are in keeping with research-based practice;

- (d) ensure that each student is consistently provided with the best possible instructional opportunity to fully develop in the intellectual, emotional, social, spiritual and physical realms; and
- (e) be responsible for working collaboratively with peers and parents to help assure that each student succeeds educationally and in life.

Guidance  
Counsellors.

**52.** (1) Every school shall have on staff an appropriate number of qualified guidance counsellors.

(2) For the purposes of subregulation (1), an “appropriate number of qualified guidance counsellors” means a ratio of two hundred students to one guidance counsellor.

### **PART VIII CLOSURE AND DISCONTINUANCE OF SCHOOLS AND GRANTS TO ASSISTED PRIVATE SCHOOLS**

Minister may  
direct closure of  
schools.

**53.** (1) The Minister may direct the temporary or permanent closure of a school, if any of the conditions set out in section 36 of the Act have occurred and in the case of

- (a) an assisted private school, if such school does not operate in accordance with the terms of any agreement made in accordance with the Act; or
- (b) a private school, if the permit granted in respect of the private school is revoked pursuant to regulation 65.

(2) The Minister may, on the advice of the Chief Education Officer, cause a school to be closed if the Minister is satisfied that

- (a) the school building is structurally unsafe or dilapidated;
- (b) the school plant is unsanitary and dangerous to health;
- (c) an evacuation or transfer of the population from the area in which the school is located has been effected;

- (d) there is a natural disaster, enemy action, or widespread civil commotion or any other sufficient reason that renders it inadvisable to allow the school to remain open;
- (e) the school is operating in a manner contrary to public welfare;
- (f) the practices and operation of the school are not compatible with national educational goals; or
- (g) in the case of a private school, the school does not provide instructions to its students to a standard that would ensure a reasonable proportion of the students to succeed in recognised public examinations.

(3) The Minister shall not cause a school to be closed pursuant to subregulation (2) (a) unless the Director of Public Works or a competent engineer submits a report referred to in regulation 59 stating that the school building is structurally unsafe or dilapidated.

(4) Where a public or assisted private school is closed temporarily or permanently pursuant to this regulation, the Management Authority and principal of the school shall deliver to the Minister through the Chief Education Officer copies of such records of the institution as the Minister may require.

Notice of intention to discontinue private or assisted private schools.

**54.** (1) Except as otherwise provided in the Act or these Regulations, the Management Authority of a private or assisted private school may not discontinue such a school unless the Management Authority of the school gives the Minister not less than six months notice in writing, or such shorter notice as the Minister may accept, of the intention to discontinue the school.

(2) Where notice of intention to discontinue a school under this regulation is given to the Minister in accordance with subregulation (1), or where such intention otherwise comes to the knowledge of the Minister, the Minister may take such steps as the Minister considers necessary for the continuance of the education of the students in the event of the discontinuance of the school.

Grants to assisted private schools.

**55.** (1) The Minister may grant annually to an assisted private school such sums of money as circumstances may permit.

(2) Money granted pursuant to subregulation (1) shall

- (a) not be disbursed without the authorisation in writing of the Permanent Secretary; and
- (b) be used by the assisted private school exclusively for the purpose for which it is granted.

(3) Where money granted to an assisted private school is misappropriated, the Minister may

- (a) discontinue future grants to the school;
- (b) reduce by the amount misappropriated any future grants made to the school.

Withdrawal of grants.

**56. (1)** The Permanent Secretary may, on the advice of the Chief Education Officer, after consultation with the Management Authority of an assisted private school withdraw public funds from the assisted private school if

- (a) the school fails to comply with any of the provisions of the Act or of these Regulations;
- (b) the Chief Education Officer has reason to believe that
  - (i) the school does not operate in accordance with the terms of an agreement made in accordance with the Act;
  - (ii) the school building is structurally unsafe or in a state of disrepair;
  - (iii) the school does not provide instructions to the standard that would ensure a reasonable proportion of the students at the school to succeed in recognised public examinations;
  - (iv) a school building is not maintained in a proper sanitary condition and in all respects is unfit for the purposes of a school.

(2) Where the assisted private school is permanently closed

- (a) money forming part of the grant that has been disbursed to that school and which is not spent as at the date of closure of that school shall from such

date be deemed a debt due and payable to the Ministry;

- (b) the Permanent Secretary shall
  - (i) not disburse or authorise the disbursement of any grant or part thereof referred to in regulation 55 to the school;
  - (ii) recover from the Management Authority of the assisted private school such money referred to in paragraph (a).

**PART IX**  
**SCHOOL BUILDINGS AND OTHER RELATED**  
**ENVIRONMENTAL STANDARDS AND REQUIREMENTS**

Standards respecting buildings and facilities.

**57. (1)** The Management Authority of a school shall ensure that at all times the necessary facilities are provided for the school.

(2) The school buildings, premises and facilities of every school shall conform to standards and satisfy the conditions determined by the Minister and the laws relating to standards of buildings for public use.

(3) The Minister, subject to the advice of the Director of Public Works and the Chief Physical Planner, may from time to time make such decisions relating to specifications, plans, sites, and methods of construction and equipment of school buildings as may, in the opinion of the Minister, be appropriate to the requirements of the level of education that the buildings are intended to support.

(4) The Management Authority of a school shall ensure that every school building constructed before, on or after the date of the commencement of these Regulations is

- (a) at all times maintained in proper sanitary condition and repair in accordance with the approved standards; and
- (b) in all respects, fit for the purpose of a school to the satisfaction of the Minister.

(5) Where a school plant is not maintained in a sanitary condition and repair, or does not fit the purpose of the school to the



satisfaction of the Minister, the Minister may, after consultation with the Management Authority order the school to be closed.

School plant maintenance manual.

**58.** (1) Not later than twelve months after the commencement of these Regulations, the Management Authority of a school shall cause to be prepared and issued to the school a maintenance manual in respect of the school plant.

(2) The maintenance manual must contain and list separately the maintenance activities that must be performed daily, weekly, monthly, quarterly or annually.

(3) The principal may, with the approval of the Management Authority, designate such competent persons who shall from time to time inspect the school plant or any part thereof in order that defects in the school plant may be detected at a very early stage.

(4) Where a teacher employed at a school or a student of the school detects any noticeable defect in the school plant or part of the school plant, the teacher or student, as the case may be, shall report such defect to the principal.

Inspection of school plant for defects.

**59.** (1) The Management Authority of a school shall, for the purpose of detecting structural, electrical or other defects, cause an inspection of the school plant to be made annually or at such times as may be specified in the school plant maintenance manual or from time to time as circumstances may require.

(2) Every inspection referred to in subregulation (1) shall be made by a competent person and every school shall be kept open at all times during school hours for the carrying out of such inspection.

(3) Where an inspection is carried out under subregulation (1), the person conducting the inspection shall within fifteen working days of the conduct of the inspection prepare a report of the inspection and submit a copy of the report

- (a) in the case of a public school to the Management Authority and the principal of the relevant school;
- (b) in the case of any other school, to the Management Authority, the Chief Education Officer and the principal of the relevant school.

(4) The report referred to in subregulation (3) shall specify the defects (if any) observed and such recommendations and actions as may be necessary to deal with the defects.

Use of public  
school buildings.

**60.** (1) The Chief Education Officer shall, not later than six months after the commencement of these Regulations, cause to be prepared guidelines respecting the use of school buildings, premises and facilities of public schools for purposes other than the purposes of the public school.

(2) The guidelines referred to in subregulation (1) must contain a statement setting out the mandatory conditions that must be satisfied.

(3) Without prejudice to the generality of subregulation (2)

- (a) every application for permission to use the buildings, or premises must be made to the Chief Education Officer through the principal of the public school;
- (b) the Management Authority of the public school may charge such fees as it considers fit, but no fees may be charged for the use of the school by the Government, or a Department, Division or Unit of the Government;
- (c) the applicant shall pay the expenses arising from any loss or damage caused to the building, the furniture and fixtures in connection with the use of the premises and where a deposit was requested that deposit may be forfeited;
- (d) the fees under paragraph (b) do not include expenses arising from any loss or damage under paragraph (c);
- (e) the applicant shall
  - (i) be responsible for the cleaning of the school buildings, premises and facilities;
  - (ii) ensure that the school building is ready for school use before the next school day; and

(iii) comply with such other conditions as the Chief Education Officer may consider necessary.

(4) The Chief Education Officer shall, within ten days of preparation of the guidelines referred to in subregulation (1), furnish every principal of a public school with a copy of such guidelines.

(5) Except with the written approval of the Chief Education Officer, after consultation with the principal, a school building of a public school may not be used for any purpose other than a purpose of the school.

(6) Subject to these Regulations, the Government may use a public school building or its premises for such purposes as may be required by the Government.

(7) A person who is desirous of using the school building, premises or facilities for an event or purpose shall make an application in writing, not later than thirty days prior to the date of the holding of the event, to the Chief Education Officer for the use of the school building, premises or facilities.

(8) Subject to subregulation (9), the Chief Education Officer may on a written application issue a permit in Form C set out in the Schedule to an applicant to use the school buildings, premises or facilities of a public school for

Schedule

(a) any religious, charitable, educational, recreational, social or civic purpose; or

(b) the purpose of a political meeting.

(9) Where the buildings of a public school are owned by a religious denomination, the buildings or premises may not be used for any purpose, without the approval of that religious denomination.

(10) Where the Chief Education Officer issues a permit for the use of the school buildings, premises or facilities under this regulation, the Chief Education Officer shall as soon as practicable forward a copy of the permission to the principal of the public school.

(11) The principal of a school may, where he considers it appropriate, seek the assistance of the police in relation to the holding of activities involving members of the public.

Use of open flames prohibited.

**61. (1)** The principal of a school shall not allow any fire or open flame inside a school building except a fire or open flame emitted by a stove, a Bunsen burner, an alcoholic lamp or such other like device required to be used in instructional classes.

(2) Where a barbecue grill or fire is to be used on the premises of the school, the principal shall ensure that the barbecue grill or fire shall be kept at a reasonable distance from the school buildings and outside the reach of students.

(3) The principal of a school shall ensure that electrical connections and extensions and the installation of electrical equipment at and for the school shall be done by a certified electrician.

(4) Except as provided under these Regulations, a person may not on the premises of the school use or possess match bombs or other like incendiary devices that pose a threat to the safety, security and discipline of the students and other persons in the school.

## **PART X PRIVATE SCHOOLS**

Registration.  
Schedule

**62. (1)** An application for a permit to establish a private school or to continue to operate an existing private school shall be made in Form D set out in the Schedule and shall contain the following:

- (a) the name and address of
  - (i) the school and the applicant, if the applicant is not the school;
  - (ii) the proprietor;
  - (iii) the principal;
  - (iv) the person to whom correspondence on matters relating to the school are to be sent;
  - (v) the proprietor or owner of the building in which the business of the school is carried on and the type of tenancy that is applicable;
- (b) the number of students who will be admitted to the school having regard to the age and gender of those students for whom there is accommodation at the school;

- (c) the number of teachers presently employed, or to be employed, at the school and their educational qualifications, and the number that will be employed and their educational qualifications;
- (d) a description of the building referred to in paragraph (a) (v) and its grounds;
- (e) evidence of the need for the school in the community;
- (f) the aims and objectives of the school;
- (g) a statement respecting the philosophy, outcomes, content, scope, and sequence of each subject offered or to be offered at the school;
- (h) an outline of instructional strategies to be used;
- (i) the number of instructors for each subject;
- (j) the list of major learning resources for each subject approved by the proprietor of the school;
- (k) an outline of the evaluation strategies and procedures;
- (l) the fees to be charged;
- (m) the time at which the school day commences and ends including break and lunch periods;
- (n) the subjects and language of instruction and the level to which those subjects are to be taught and the examinations to be taken;
- (o) a description of the accommodation provided, including the number of classrooms, recreation rooms, and separate lavatories for male and female teachers and male and female students, water supply, canteen facilities, and safety measures.

(2) The application shall be accompanied by a non-refundable fee of five hundred dollars.

**63. (1)** Where a permit is issued to an applicant to operate a private school under section 106 of the Act, the permit holder shall administer and

Display of  
permit.

operate the private school in accordance with the Act, these Regulations and such conditions as the Minister may stipulate in the permit.

- (2) The holder of a permit shall
  - (a) ensure that the permit signed by the Chief Education Officer and the Minister is prominently and conspicuously displayed at all times at the school;
  - (b) keep available at the private school, a copy of the Act, these Regulations and a copy of the permit.

Renewal of permit.

**64.** (1) For the purposes of section 112 (2) of the Act, a permit holder who wishes to renew his permit shall apply in writing to the Minister for such renewal not less than six months before the expiry date of his permit and such applicant shall furnish the information prescribed in regulation 62.

(2) The Minister may in writing request any permit holder who is seeking a renewal under subregulation (1) to furnish him with any register, record, book or relevant document, and the permit holder shall furnish the documents within the time stipulated in the written request.

Revocation of permit.

**65.** (1) Where the Minister has reasonable grounds to believe that a permit holder does not, or fails to operate or manage a private school in accordance with the provisions of regulation 63 (1), the Minister may give the permit holder notice of such failures and such reasonable time as the Minister considers necessary to remedy the failures.

(2) Where after the expiry of the time referred to in subregulation (1) the permit holder fails, or is unable to remedy the failures within the time, the Minister may, subject to subregulation (3), revoke the permit.

(3) The Minister shall not revoke a permit to operate a private school unless the Minister gives a reasonable time to the permit holder to explain why the permit should not be revoked.

Private School Register.

**66.** The Chief Education Officer shall enter in the Private School Register referred to under section 104 (1) of the Act the following particulars as regards each private school issued a permit and registered

- (a) the particulars required to be stated in a permit under section 110 of the Act;

- (b) the name and particulars of the principal of the private school;
- (c) the day the permit is issued;
- (d) the particulars of any notice served on the proprietor of the private school under section 117 of the Act;
- (e) the particulars of any modification, transfer or revocation of the permit or cancellation of the registration of the private school;
- (f) the particulars of any conviction of a permit holder for breach of the Act or these Regulations.

**PART XI**  
**PROFESSIONAL DUTIES AND RESPONSIBILITIES OF**  
**TEACHERS AND PRINCIPALS**

Responsibility to observe Regulations and rules.

**67. (1)** Every teacher employed at a school and other staff members shall

- (a) conform to these Regulations and the rules of the school;
- (b) support the principal in maintaining and enforcing these Regulations and the rules of the school;
- (c) obey the lawful instructions and directions of the principal and such other person who may be placed in authority over the teacher including the deputy principal, the assistant principal and the head of department;
- (d) as soon as practicable, communicate to the principal any abuses or impropriety respecting the Act, these Regulations and the school rules.

(2) Where a teacher employed at a school or other staff member has reasonable grounds to believe that misconduct, abuse or impropriety respecting the provisions of the Act, these Regulations or school rules has occurred, the teacher or staff members shall, as soon as practicable, communicate that belief to the principal.

(3) The principal may investigate or cause an investigation to be conducted in respect of any communication received pursuant to subregulation (2).

(4) The principal of a public school or assisted private school may, in writing, bring a case of misconduct, abuse or impropriety, which has been investigated, to the notice of the Chief Education Officer within such time as the urgency of the case requires.

(5) The Chief Education Officer shall

- (a) co-operate with, and provide support to, the principal of a school in the effort to promote the efficiency of the school; and
- (b) cause to be made such inquiry into any allegation of misconduct, abuse or impropriety notified to him in accordance with this regulation.

Rights and professional duties of teachers.

**68.** (1) A teacher shall, in respect of the enjoyment of the rights set out in section 144 of the Act, have

- (a) the right to appeal to the Teaching Service Commission, in accordance with the Public Service Commission Regulations appeal procedure, where disciplinary action has been recommended by the principal, Chief Education Officer or the Permanent Secretary against him;
- (b) the right to institute legal action against any person on a matter arising out of the execution of his duties, on condition that permission is first sought and received from the Teaching Service Commission to proceed with the action;
- (c) the right to be given legal representation by the Ministry in a civil or criminal proceeding arising out of the execution of his duties;
- (d) the right to lodge a report to the Ministry against a fellow teacher, the principal of the school, the deputy principal, the assistant principal, the Chief Education Officer or other official of the Ministry, a member of the public on any matter arising out of the execution of his professional duties.



(2) As regards the exercise of the professional duties set out in section 146 of the Act, it shall be the duty of a teacher employed at a public or assisted private school to

- (a) report to the principal, or in the absence of the principal, the deputy principal or the assistant principal, any unauthorised activity such as the unauthorised presence of persons on the premises of the school that appears likely to disrupt or threaten the safety or security of school personnel or property;
- (b) attend instructional planning sessions or other school related activities as may be determined by the principal, the Chief Education Officer or any such persons authorised by the Chief Education Officer;
- (c) seek, in the prescribed form and through the principal, the permission of the Chief Education Officer to travel overseas;
- (d) make adequate preparation for each school day including the preparation of the work to be done in his class and teaching of such subjects as may be assigned to him;
- (e) comply with the policy guidelines referred to in regulation 69;
- (f) participate in extra-curricula activities of the school.

Development of  
policy  
guidelines.

**69.** (1) Every school shall prepare and adhere to a written statement of the policies and procedures to be used by the principal and staff in relation to disciplining of students enrolled at the school, promotion, graduation, school safety, school trips and fund-raising.

(2) Every teacher employed at a public or assisted private school shall assist the school in developing and preparing the policy guidelines and procedures of the school respecting student discipline, promotion, graduation, school safety, school trips and fund-raising.

(3) A teacher employed at a school may participate in preparing a written statement respecting the system of instruction and techniques respecting assessment and evaluation of students at the school.

(4) A written statement of the policies and procedures referred to in this regulation and the school rules made under the Act shall not come into effect unless approved in writing by the Chief Education Officer.

Learning  
outcomes.

**70.** (1) A principal shall make available to a student of the school and his parent the expected learning outcomes to be met at the end of a grade or division in the school by the end of the first term of each school year.

(2) A principal of a school shall develop special assistance programmes for students who do not or who the school has reason to believe would not meet some of the expected learning outcomes at the end of a grade or division in the school.

(3) Where the principal determines that a student has not or would not be able to meet the expected learning outcomes of his grade or division, the principal shall recommend to the parent that the student undergoes relevant remedial work in a special assistance programme referred to in subregulation (2).

School  
calendar.

**71.** (1) The Ministry shall circulate an annual Calendar of Activities at the beginning of the school year for public or assisted private schools, on which shall be indicated the dates of the beginning and ending of instructional sessions for each year, the dates for school vacations and school holidays and other relevant activities.

(2) The principal shall, before the commencement of a school year, develop and prepare a calendar for the school year on which shall be indicated

- (a) the beginning and ending of each term during the school year;
- (b) the school vacation periods for the school year;
- (c) the dates for the end of term examinations and other major school examinations;
- (d) the proposed dates for the commencement and ending of external examinations;
- (e) the dates for school annual graduation and other major ceremonies;
- (f) the dates for the submission of applications for admission to the school;

- (g) the dates for activities respecting the professional development of members of staff; and
- (h) such other academic and non-academic activities for the school year.

(3) The principal of every school shall, not later than the last day of the sixth week of the first term of every school year, forward a copy of the school calendar to the Chief Education Officer.

Teaching and learning plans.

**72.** (1) A teacher shall develop and prepare appropriate teaching and learning plans for each subject and class as may be assigned to him to teach in any school year.

(2) Except as otherwise provided, every teacher shall present the teaching and learning plans developed and prepared pursuant to this regulation to the principal at such times as the principal may consider necessary.

Annual reports.

**73.** (1) Every class teacher shall prepare and submit to the principal of the school an annual report in respect of each student in his class during the school year as regards the promotion and entitlement of the student to awards and receipt of awards.

(2) The class teacher shall in the preparation of the annual report consult with such members of the staff as he considers necessary and information received during such consultations shall be confidential.

(3) The principal of a public or assisted private school shall

- (a) in such form as the Chief Education Officer may prescribe prepare an annual report in respect of the management and operations of the school for each school year; and
- (b) not later than the last day of the sixth week of the first term of the school year immediately following the school year referred to in paragraph (a), forward a copy of the annual report to the Chief Education Officer.

Conflict of interest.

**74.** (1) Every teacher shall arrange his private interests in a manner that will prevent a conflict of interest in the discharge of his professional duties.

(2) Without prejudice to the generality of subregulation (1), a teacher in the discharge of his professional duties

- (a) shall perform his duties and functions impartially, responsibly, diligently, efficiently and with integrity;
- (b) shall not for his personal use solicit or accept directly or indirectly a fee, gift or benefit from a person or organisation that has dealings with the school;
- (c) shall not use or benefit from the use of the property or services of the school except in the course of performance of his duties and functions and otherwise only to the extent that a member of the public may use or benefit from such property or services.

Dress code for teachers and principals.

**75. (1)** Every teacher and principal shall, in relation to dress

- (a) respect the acceptable standard in relation to dress code;
- (b) set the acceptable standard that students ought to emulate;
- (c) be neat, modest and well-groomed; and
- (d) not wear garments that allow undue exposure.

(2) Subject to subregulation (6), the principal of a school

- (a) shall ensure that every teacher employed at the school respects the acceptable standard in relation to dress code; and
- (b) shall not permit a teacher while at work during the school hours to wear a T-shirt as the outer clothing, jeans, slippers, head covering, or sleeveless shirts.

(3) Where a teacher reports to work and is dressed in a manner contrary to this regulation, the principal shall not permit the teacher to teach and that teacher shall be permitted to return home for a change of dress.

(4) Where a teacher persists in disregarding the acceptable dress code, the principal shall in writing report the matter to the Chief

Education Officer who may refer the matter to the Teaching Service Commission for disciplinary action.

(5) Where a principal of a school makes a report under subregulation (4), the principal shall not later than twenty four hours after the making of the report deliver or cause a copy of such report to be delivered to the teacher concerned.

(6) Notwithstanding subregulations (1) and (2), the principal may allow the wearing of jeans, head coverings or T-shirts in special circumstances or for specific school activities, events or functions.

Duties of  
deputy principal  
of secondary  
schools.

**76.** (1) Subject to the approval of the Permanent Secretary, a deputy principal of a public or assisted private secondary school shall be appointed on the recommendation of the principal, who shall provide supporting information to the Permanent Secretary.

(2) A deputy principal of a public or assisted private secondary school shall

- (a) in the absence or inability of the principal of the school to function, perform the functions of the principal;
- (b) assist the principal of the school
  - (i) with the discipline of students;
  - (ii) in the administration and organisation of the school and the activities of the school; and
  - (iii) in preparing a roster for the supervision of students when a teacher is absent or the timetable is interrupted for any reason;
- (c) advise the principal of the school on academic policies and discipline of students;
- (d) prepare the staff duty list as may be required;
- (e) oversee the arrangements required to be made in respect of internal and external examinations arrangements as regards the timetable, preparation of facilities, inspection and storage of internal papers, invigilation, delivery of answer papers to the appropriate persons, and such other related activities;

- (f) teach such classes and subjects and undertake such other duties as the principal of the school may assign to him.

Heads of departments of secondary schools.

**77.** A head of department of a public or assisted private secondary school shall in addition to his other teaching duties

- (a) develop or assist in developing the curriculum in respect of the subjects within the portfolio of his department;
- (b) advise the principal of the school on the choice of textbooks and other educational or instructional material and equipment;
- (c) arrange and conduct such departmental meetings as may be necessary;
- (d) advise the members of his department on the choice or methods of teaching in relation to a subject within the department;
- (e) assist the principal of the school on matters relating to recruitment and training of staff for the department;
- (f) conduct staff development activities as may be required.

## **PART XII GENERAL**

Mode of dress of students.  
S.I. No. 24 of 2006

**78. (1)** Subject to the Act, these Regulations and the Education (Student Code of Conduct) Rules, the mode of dress in relation to school attendance of students enrolled in a school shall be determined by the school and set out in the rules of the school.

(2) Every principal of a public or assisted private school shall consult with the Chief Education Officer in determining the uniforms to be used by the students at the school.

Records.

**79. (1)** The principal of a school shall, in respect of students at the school, keep for inspection by the Minister or the Chief Education Officer, or any other person authorised in writing by the Minister or the Chief

Education Officer, the following records which shall be kept in electronic and permanent hard copy:

- (a) an admission register of students;
- (b) an attendance register of students;
- (c) mid-term, term and annual progress reports respecting students;
- (d) a log book or diary;
- (e) a visitors' book;
- (f) subject curriculum;
- (g) schemes of work books and daily lesson plans;
- (h) an inventory book in which shall be recorded school books and other school material as may be supplied to a student;
- (i) a punishment record;
- (j) an inventory of all furniture and other school equipment.

(2) The principal of a school shall, in such form as the Management Authority of the school may direct, keep and maintain a permanent record of every student enrolled in or admitted to the school in respect of

- (a) the name, address and telephone number of the student;
- (b) the attendance record and academic performance of the student;
- (c) the grade completed by the student; and
- (d) the year in which the student graduated or otherwise left the school.

(3) For the purposes of this regulation "punishment record" means a book or an electronic record for recording actions taken by the school against students for misconduct.

Awards and graduations.

**80.** The principal of a public or assisted private school may hold an annual prize-giving or graduation ceremony, the date of which shall be determined by the principal after consultation with the Chief Education Officer or, where applicable, the Management Authority of the school.

Books, teaching aids and materials.

**81. (1)** The Minister, in consultation with the Chief Education Officer shall, utilising a participatory approach involving teachers, curriculum officers and subject specialists at all levels, prescribe the text books to be used during a four year period.

(2) Subject to the provisions of the Act, the Ministry, in consultation with the Chief Education Officer, shall from time to time

- (a) issue the core booklist for schools;
- (b) provide to each public school teaching aids, materials, supplies and other equipment; and
- (c) supply, repair and maintain equipment,

as may be required to conduct the prescribed school programme in classrooms, school libraries, laboratories, art rooms and such other area in which the school programme or portion of the programme is conducted.

(3) Any teaching aids, materials, supplies and equipment

- (a) that is referred to in subregulation (2) (b);
- (b) that is given by an individual, non-governmental organisation, agency or company from the private sector,

shall be the property of the Ministry and shall be for the use of the students enrolled in the school.

(4) A person may not sell, buy, rent, trade in or destroy in any way whatsoever any book, teaching aid, supplies, materials or related material provided under this regulation.

Organisation of fund-raising activities.

**82. (1)** Except as approved in writing by the Chief Education Officer or as may be otherwise provided, every school activity organised by a public or assisted private school in which students of the school are required to participate shall



- (a) in the case of a primary school, end at or before 7:00 p.m.; and
- (b) in the case of a secondary school, end not later than 8:00 p.m.

(2) Every planning committee respecting any fund-raising activity organised by the staff, student or Parent Teacher Association shall comprise at least the principal or a member of staff of at least five years standing as a teacher designated by the principal.

(3) The principal of a school shall, not less than one month prior to the submission of the proposals respecting a fund-raising activity for approval by the Management Authority of the school, discuss such proposals with the Chief Education Officer.

(4) The school shall ensure that invitations to a fund-raising activity to be held pursuant to these Regulations are by tickets or such other form of document so as not to exceed the permitted capacity of the venue to be used for the holding of the activity, function or event.

(5) Where a fund-raising activity involves

- (a) the entire student body of the school, the teachers employed at that school shall attend in order to assist in the supervision of the students;
- (b) the participation of both male and female students but not the entire student body of the school, teachers of both genders where practicable shall attend the activity.

No. 1 of 1997

(6) Subject to section 301 of the Criminal Code, 1997, every ticket or sheet in relation to a raffle, sponsored walk or such other fund-raising activity or any other document issued by the school in relation to a fund-raising activity shall bear the stamp of the school, which shall be authenticated by the signature of the principal of the school.

(7) The school shall ensure that students do not during school hours frequent public places to solicit sponsorship or to conduct any fund-raising activity.

(8) The principal of a school shall ensure that, not later than one month after the holding of a fund-raising activity by the school, a financial statement in respect of the fund-raising activity is presented in

such form as the Management Authority may prescribe to the staff and Parent Teacher Association of the school.

Alcoholic beverages and other items prohibited.

**83.** (1) A person, being on the premises of a school shall not sell, buy, trade in or consume any alcoholic beverage.

(2) A person shall not, at the venue where a fund-raising activity is held under these Regulations, sell or serve drinks in a glass container or bottle.

(3) The principal of a school shall ensure that alcoholic beverages are not sold, bought, served, consumed or brought on the school premises during the staging of any function organised for and on behalf of the school by the staff, Parent Teachers Association or such other group affiliated to or associated with the school.

(4) A teacher who participates in any school activity involving students shall, for the duration of that activity and while in the presence of the students, refrain from

(a) smoking any substance; or

(b) drinking any alcoholic beverage.

(5) The principal of a school shall discourage students from selling their personal items during any fund-raising activity.

Fees.

**84.** (1) Subject to subregulation (2), a principal of a public or assisted private school, with the approval of the Minister, may charge and collect fees to cover expenses incurred in the administration of the school.

(2) The proprietor of a private or assisted private school shall not increase fees or charge new fees without the approval of the Minister.

(3) Where a proprietor of a private or assisted private school intends to increase the fees at the school, after receiving approval from the Minister, the proprietor of the school shall give at least one term's notice in writing to the Ministry and to the parents of the students of his intention to increase the fees respecting the school.

(4) The principal of a public or assisted private school shall, in establishing the quantum of any fee to be charged or collected, adopt rules for waiving and reducing the fee in cases of a student whose parents, by reason of their low income or financial status, would have difficulty in paying the entire amount of such fee.

Complaints and investigations.

- (5) Notwithstanding the provisions of this regulation
  - (a) where a student or parent of the student requires a copy of a document in the control and possession of the school, the principal of the school shall, where practicable, furnish a copy of the document at a cost not greater than the cost of printing the copy of the document;
  - (b) the principal of a public or assisted private school may, on the basis of a resolution adopted at a General Meeting of the Parent Teachers Association called for the purpose of increasing fees charged and collected by the school and supported by a majority vote of members present and voting, increase such fees.

**85. (1)** Where a teacher, principal, education officer, parent or student who is eighteen years of age or older has reason to believe that a person other than the Chief Education Officer has acted in a manner contrary to the Act or these Regulations, the teacher, principal, education officer, parent or student may file a written complaint with the Chief Education Officer regarding the act.

(2) The complaint filed must contain the reasons that caused the complainant to believe that the contravention complained of under subregulation (1) has occurred.

(3) Subject to subregulations (5) and (6), the Chief Education Officer shall, within two weeks from the date of receipt of the complaint and upon giving notice in writing to

- (a) the complainant; and
- (b) the person against whom the complaint is filed,

cause an investigation to be conducted of the alleged violation that is the subject of the complaint.

(4) The notice referred to in subregulation (3) must contain the substance of the alleged violation and a request to the person referred to in paragraph (b) of that subregulation for a written response to the complaint.

(5) The Chief Education Officer shall not initiate an investigation under this regulation

- (a) if the complaint is not in writing;

- (b) if the complaint is not filed within thirty days immediately after the date of the alleged violation or of the date that the complainant knew or reasonable should have known of the alleged violation; and
- (c) unless he is satisfied that the complainant has made the necessary efforts to have the matter that is the subject of the complaint resolved by the relevant school or education officer as the case may be.

(6) The procedure set out in the Teaching Service Commission Regulations and Public Service Commission Regulations for the conduct of an investigation respecting misconduct by public officers shall apply *mutatis mutandis* in the case of an investigation under these Regulations.

Appeals.

**86.** Subject to provisions in these Regulations respecting appeals to the Education Appeal Tribunal, every appeal of a decision made under the Act or these Regulations shall be in writing and addressed to the secretary of the Tribunal and filed any time within fourteen days

- (a) after the date of the decision; or
- (b) of the date that the appellant knew or reasonably should have known of the decision.

Revocation.  
S.I. 20 /1987

**87.** The Education Regulations, 1987 are revoked.

**SCHEDULE**

[Regulation 24 (3) (a)]

**FORM A**

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**STUDENT ENROLMENT APPLICATION FORM**

1.	Full name of student											
2.	Date of birth (to be accompanied with valid birth certificate of the student)											
3.	Residence of the student											
4.	Full name of parent											
5.	Residence of parent											
6.	Occupation of parent											
7.	Telephone number(s) of parent											
8.	Religious persuasion of the student											
9.	Immunisation records as proved by a health certificate, a certificate of exemption from immunisation, or a medical certificate											
10.	Any disabilities or conditions affecting the student's educational needs											
11.	Name of last school attended and the transfer letter from the principal of that school (where applicable)											
12.	Date student left last school (where applicable)											
13.	The grade reached by the student at the date of leaving (where applicable)											
14.	Reason for transfer (transfer student only)											
15.	Indicate (where applicable) whether the student has any: (a) history of placement in special education (b) past, current or pending disciplinary action (c) history of undesirable, violent or disruptive conduct or behaviour (d) fees due and owing to the other school (e) health conditions affecting the student's educational needs	<table border="0"> <tr> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> </table> <p>If yes, give details</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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<input type="checkbox"/> Yes	<input type="checkbox"/> No											
<input type="checkbox"/> Yes	<input type="checkbox"/> No											
<input type="checkbox"/> Yes	<input type="checkbox"/> No											
<input type="checkbox"/> Yes	<input type="checkbox"/> No											
16.	Date of registration											
17.	Parent's signature											
18.	Date of application											
19.	Principal's signature											

This form is to be completed in triplicate and a copy for each of the following:

- One copy for parent       One copy for school       One copy for Chief Education Officer

**FORM B****SCHOOL TRANSFER APPLICATION FORM**

I \_\_\_\_\_ wish to apply for a transfer in favour of \_\_\_\_\_.  
 ( name of parent) (name of student)

1.	Full name of student	
2.	Date of birth of student	
3.	Current school/home based education	
4.	Evidence of parent of the student having approved or requested the transfer (where student under eighteen years)	
5.	A statement regarding conduct of student	
6.	A statement of the student's academic performance	
7.	Transfer school	
8.	Reason(s) for seeking transfer	
9.	Signature of principal of transferring school	
10.	Signature of authorised education officer	
11.	Official stamp of transferring school	

\_\_\_\_\_  
 Signature of applicant

\_\_\_\_\_  
 Date

**FORM C**

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**FORM OF PERMIT TO USE PUBLIC SCHOOL BUILDINGS, PREMISES OR FACILITIES**

1. Permission is hereby given to \_\_\_\_\_ to use the  
(Hereinafter referred to as the applicant)  
building, premises or facilities of the \_\_\_\_\_  
(Name of School)  
situated at \_\_\_\_\_, subject to the Education Act and  
Regulations made under the Act.

2. The applicant is permitted to use the building, premises or facilities of the school for the purpose of -

(a) Meeting

(b) Workshop/Conference

(c) Wedding

(d) Fair

(e) Bar-B-Q

(f) Other function (Specify) \_\_\_\_\_

3. This permit is issued subject to the following terms and conditions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. This permit is valid for a period of: \_\_\_\_\_

5. Expiry Date: \_\_\_\_\_

6. The Chief Education Officer may at any time amend, suspend or revoke this permit.

Dated this            day of            , 20   .

\_\_\_\_\_  
Chief Education Officer

\_\_\_\_\_  
Date



**FORM D**

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**FORM OF APPLICATION FOR PERMIT TO ESTABLISH A PRIVATE SCHOOL OR  
TO CONTINUE TO OPERATE AN EXISTING PRIVATE SCHOOL**

To: The Minister of Education

How to complete the form -

1. This form should be completed in duplicate and in block letters. The form should be completed by the proprietor or by someone on his behalf.
2. Completed form must be accompanied by the relevant documents.

**Purpose of Application**

3. Indicate whether:
 

Application for permit to establish private school	<input type="checkbox"/>
Application to continue to operate an existing private school	<input type="checkbox"/>

**Personal Information**

4. Name of applicant: \_\_\_\_\_  
(State capacity- proprietor or agent of proprietor)

Address of applicant: \_\_\_\_\_

Telephone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Email address: \_\_\_\_\_

5. Name of proprietor: \_\_\_\_\_

Address of proprietor: \_\_\_\_\_

6. Name of principal: \_\_\_\_\_

Address of principal: \_\_\_\_\_

7. Name of contact person of the school: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No(s): \_\_\_\_\_ Fax No: \_\_\_\_\_

Email address: \_\_\_\_\_

8. Name(s) of owner of school building: \_\_\_\_\_

Address of owner of school building: \_\_\_\_\_

**School Property**

9 Type of ownership - (Tick appropriate box)

Sole Ownership

Joint Tenancy

Tenancy in Common

10. Address and description of the location where school is to be established:

\_\_\_\_\_

(Description to include approximate size of the school premises)

**Information on School**

11. Evidence of the need for the school in the community: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. The aims and objectives of the school: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

13. Short and concise statements respecting the following- the philosophy, outcomes, content, scope and sequence of each subject offered or to be offered at the school (School Curriculum or Programme to be attached):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

14. Outline of the evaluation strategies used or to be used: \_\_\_\_\_

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15. Number of instructors/teachers for each subject: \_\_\_\_\_  
\_\_\_\_\_

16. List of major learning resources for each subject: \_\_\_\_\_  
\_\_\_\_\_

17. An outline of the evaluation methods and procedure adopted or to be adopted at the school: \_\_\_\_\_  
\_\_\_\_\_

18. Allotment of time during school day -

**Primary School**

Commencement of school day: \_\_\_\_\_  
Break time(s): \_\_\_\_\_  
Lunch time: \_\_\_\_\_  
End of school day: \_\_\_\_\_

**Secondary School**

Commencement of school day: \_\_\_\_\_  
Break time(s): \_\_\_\_\_  
Lunch time: \_\_\_\_\_  
End of school day: \_\_\_\_\_

19. Subjects and Examinations -

**Primary School**

Language of instruction: \_\_\_\_\_

Subjects taught or to be taught	Level
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Type(s) of examination taken or to be taken \_\_\_\_\_ at what level examination taken or to be taken \_\_\_\_\_.

**Secondary School**

Language of instruction: \_\_\_\_\_

Subjects taught or to be taught	Level
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Type(s) of examination taken or to be taken \_\_\_\_\_ at what level examination taken or to be taken \_\_\_\_\_.

20. Description of the accommodation provided or to be provided -

- (a) Number of classrooms: \_\_\_\_\_
- (b) Number of recreational rooms: \_\_\_\_\_
- (c) Number of lavatories: \_\_\_\_\_

**Teachers**

Male \_\_\_\_\_

Female \_\_\_\_\_

**Students**

Male \_\_\_\_\_

Female \_\_\_\_\_

21. Means of maintaining discipline: \_\_\_\_\_  
(Attach rules of conduct discipline)

**Background of Proprietor & Principal**

22. Has the Proprietor, within the last three years preceding the application, ever -

- (a) been convicted of an offence under the Act: \_\_\_\_\_
- (b) pleaded guilty to an offence under the Act: \_\_\_\_\_
- (c) been convicted of a criminal offence committed in relation to the operation of a private school: \_\_\_\_\_

If yes, state particulars, as follows –

Place: \_\_\_\_\_  
Offence: \_\_\_\_\_  
Date: \_\_\_\_\_  
Sentence: \_\_\_\_\_

23. Has the principal, within the last three years preceding the application, ever -

- (a) been convicted of an offence under the Act: \_\_\_\_\_
- (b) pleaded guilty to an offence under the Act: \_\_\_\_\_
- (c) been convicted of a criminal offence committed in relation to the operation of a private school: \_\_\_\_\_.

If yes, state particulars, as follows -

Place: \_\_\_\_\_  
Offence: \_\_\_\_\_  
Date: \_\_\_\_\_  
Sentence: \_\_\_\_\_

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**For OFFICIAL USE ONLY**

- Application No: \_\_\_\_\_
- Fee of five hundred dollars received: \_\_\_\_\_
- Date Received: \_\_\_\_\_, 20 .
- Approved  Rejected
- Permit valid to: \_\_\_\_\_, 20 .

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_  
Minister of Education

\_\_\_\_\_  
Date

Made by the Minister this 12<sup>th</sup> day of May, 2016.

(Sgd.) Myron V. Walwyn  
Minister for Education and Culture.