

# CHAPTER 202 EDUCATION ACT

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• Act • Subsidiary Legislation •

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## ACT

Act No. 34 of 2006

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## CHAPTER 202 EDUCATION ACT

**An Act to repeal the Education Act, 1992, to reconstitute the Education Advisory Board and to make better provision for the delivery of educational services in Saint Vincent and the Grenadines by both the public and the private sectors, and for matters connected therewith and incidental thereto.**

**Be it enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows.**

[Act No. 34 of 2006.]

[Date of commencement: *27th December, 2006.*]

### PART I

#### *Preliminary*

#### **1. Short title and commencement**

(1) This Act may be cited as the Education Act, 2006.

(2) This Act shall come into force on such day as the Governor-General may appoint by proclamation published in the *Gazette* and different days may be appointed for different provisions or different purposes of this Act and for the same provision for the same purpose in relation to different cases or classes of case.

#### **2. Interpretation**

(1) In this Act, unless the context otherwise requires—

“**academic year**” means such period not exceeding twelve months as may be prescribed as an academic year for the purposes of this Act;

“**adult education**” means continued education or training on a part-time basis for persons over compulsory school age designed to advance knowledge, skills, attitudes and cultural awareness, but does not include tertiary education;

“**Advisory Board**” means the Education Advisory Board established under section 9;

**“assisted private educational institution”** or **“assisted private school”** means a private educational institution or private school that is in receipt of assistance under this Act;

**“board of management”** means the governing body established under this Act for a public school or an assisted private school;

**“central board of management”** means a board of management established under section 100(3) for an assisted private school established and managed by a religious denomination;

**“Chief Education Officer”** means the person appointed as such under section 7;

**“class”**, in relation to a particular student and a particular subject, means the teaching group in which the student is regularly taught that subject or, if there are two or more such groups, means the one designated by the principal of the school for the purpose of this Act;

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

**“distance education”** means a form of education in which students and teachers are not regularly in the presence of each other but communicate with each other in writing, by print or by electronic or like means;

**“early childhood education”** means education suited to the needs of children from birth to eight years of age;

**“educational institution”** means a technical institution, training centre, college or such other institution of higher or further education but does not include such other institution as the Minister prescribes under subsection (4);

**“educational programme”** means a course of study, whether conducted in an educational institution or a school or otherwise, designed to meet the learning needs of one or more particular individuals or groups of individuals;

**“former Act”** means the Education Act, 1992;

[Act No. 29 of 1992.]

**“home education”** means education provided in accordance with section 111;

**“Minister”** means the Minister responsible for education;

**“Ministry”** means the Ministry of Education;

**“parent”** has the meaning given to it by subsections (2) and (3);

**“Permanent Secretary”** means the Permanent Secretary of the Ministry;

**“permit”** means a permit for a private educational institution or private school issued under section 77;

**“pre-primary education”** means education suited to the needs of students from ages three years and older but under five years of age;

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

**“primary education”** means education suited to the needs of students from ages five years and older to eleven years of age;

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

**“principal”**, in relation to an educational institution or school, means the person performing the duties of head of the institution or school;

**“private educational institution”** or **“private school”** means an educational institution or school which is owned, managed and financed by a trust, individual or body and which does not receive any assistance from the Government;

**“proprietor”**, in relation to a private educational institution or private school, means the person or body which owns and operates the institution or school;

**“public educational institution”** or **“public school”** means an educational institution or a school which is wholly or mainly maintained out of public funds and to which the general public has access without any conditions other than those imposed by or under this Act;

**“regulations”** means the regulations made under this Act;

**“school”**, where used without qualification, means an institution that provides pre-primary, primary or secondary education;

**“school attendance officer”** means a person appointed as such under section 41;

**“school vacation”** means any of the periods specified in section 38;

**“secondary education”** means education suited to the needs of students from ages eleven years and older but under eighteen years of age;

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

**“special education”** means—

- (a) education suitable to the requirements of persons who are mute, deaf, blind or otherwise physically or psychologically challenged or mentally challenged; and
- (b) education suitable to the requirements of students who are gifted or have exceptional ability;

**“sponsor”** means a person or body paying the fees or maintenance expenses of a student at an educational institution, other than a parent of the student;

**“State”** means Saint Vincent and the Grenadines;

**“student record”** means the record kept under section 23;

**“student register”** means the register kept under section 31;

**“teacher”** means any person employed in an educational institution or school and who is directly responsible for the education of children or adults;

**“teachers’ college”** means an institution for training persons to teach;

**“technical college”** means an institution that provides for study, training or research in technology, science, commerce or art;

**“tertiary education”** means—

- (a) education suited to the needs of persons over compulsory school age who are not enrolled for secondary education in any school or, if enrolled in a secondary school, have completed a course of secondary education; and
- (b) university education and instruction normally available at institutions for teacher training, vocational training and technical training.

(2) In this Act, the term **“parent”**, in relation to a child, includes a guardian and any person who is liable to maintain or who has custody of the child and a person living as a spouse with the father or mother of a child, whether or not the person is the mother or father of the child, as the case may be.

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

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



## PART II

### *Administration of the Education System*

#### DIVISION 1

##### *The Minister*

### **3. Goals and objectives**

(1) The Minister shall, subject to the resources of the State, establish and pursue for the education system general and specific goals and objectives as provided in subsections (2) and (3).

(2) The general goals and objectives are—

- (a) to establish a varied, adequate and comprehensive education system that is characterised by excellence;
- (b) to promote the education of the people of Saint Vincent and the Grenadines by establishing educational institutions or schools which will foster the spiritual, cultural, moral, intellectual, physical, social and economic development of the community;
- (c) to frame all educational policy so as to provide a more valid, comprehensive and relevant educational service directly related to the changing needs of Saint Vincent and the Grenadines;
- (d) to effectively execute the educational policy of the Government;
- (e) to promote life-long knowledge; and
- (f) to establish a co-ordinated education system organised in accordance with this Act.

(3) Without prejudice to the generality of subsection (1), the specific goals and objectives are—

- (a) to encourage the development of basic knowledge and skills in all persons, including but not limited to—
  - (i) literacy, listening, speaking, reading, writing, numeracy, mathematics, analysis, problem solving, information processing and computing,
  - (ii) critical and creative thinking skills for the modern world,
  - (iii) an understanding of the role of science and technology in society and related skills,
  - (iv) appreciation and understanding of the creative and performing arts,
  - (v) physical development and personal health and fitness,
  - (vi) the creative use of leisure time, and
  - (vii) technical and vocational skills.
- (b) to develop a sense of self-worth and self-discipline in all persons through a positive educational environment;
- (c) to promote understanding of the importance of the family and the community;
- (d) to provide opportunities for everyone in Saint Vincent and the Grenadines to reach their maximum potential;

- (e) to promote understanding of and respect for the Constitution, laws and national symbols of the State;
- (f) to promote the principles and practice of gender equality;
- (g) to promote knowledge and understanding of the history, language, culture, rights and values of Saint Vincent and the Grenadines and its changing role in contemporary society;
- (h) to increase awareness and appreciation of the natural environment of Saint Vincent and the Grenadines and the need for its protection by all persons;
- (i) to promote a Caribbean identity by encouraging regional co-operation and integration;
- (j) to promote national pride, social cohesion and discipline;
- (k) to develop an understanding of the historical and contemporary role of labour and business in society; and
- (l) to prepare students for participation in life in Saint Vincent and the Grenadines and in global society, having regard to the changing nature of that society.

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

#### **4. Responsibilities of Minister**

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

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

- (a) devise a system of education designed as far as possible to ensure that the intellectual and vocational abilities, aptitudes and interests of students find adequate expression and opportunity for development;
- (b) establish public educational institutions or public schools in such places as the Minister thinks fit and determine their location and classification;
- (c) assist private educational institutions or private schools in accordance with this Act and the regulations;
- (d) establish and maintain, or assist in the establishment and maintenance of facilities for special education and educational institutions or other facilities for tertiary, adult and continuing education as the Minister considers necessary, including teachers' colleges, technical colleges and training centres;
- (e) take such action as the Minister considers necessary for ensuring an adequate supply of teachers in public educational institutions and public schools;
- (f) provide to prescribed students or classes of students and subject to prescribed conditions, any forms of assistance needed to enable such students to take full advantage of the educational facilities available;
- (g) evaluate the work of public schools and assisted private schools with particular reference to the curriculum to be followed and make provision for the examination and testing of students and the awarding of certificates;
- (h) refer children who have been identified by the Chief Education Officer as having learning difficulties to appropriate medical, education and social services or other agencies, where they exist, for remedial treatment or assistance;

- (i) provide educational opportunities to meet the requirements for higher education and in particular take any steps needed to meet the Government's obligations to the Caribbean Examinations Council, the University of the West Indies and any other institution of higher learning or training; and
- (j) actively encourage the formation, functioning and development of students' councils in public schools and of a National Student Council.

## 5. Powers

(1) The Minister may do everything reasonably necessary or convenient for the purpose of carrying out the Minister's responsibilities under this Act, and in particular may—

- (a) require persons of compulsory school age to attend schools established and conducted under this Act;
- (b) regulate the operation of educational institutions and schools;
- (c) make provision for the professional training of teachers for the entire system of education, and specify standards for the recruitment of teachers, their training, professional development and conditions of service;
- (d) prescribe the grades or classes of teachers in public schools and assisted private schools;
- (e) designate the grades or classes and special programmes to be offered in public schools and assisted private schools;
- (f) prescribe by regulations the forms and notices required for the administration of this Act;
- (g) constitute committees or other bodies in addition to the bodies established under this Act, to provide advice from time to time on educational and related matters;
- (h) prescribe lists of textbooks for public schools and assisted private schools so as to ensure conformity with national standards of education, except that in the case of an assisted private school which is established and managed by a religious denomination, textbooks for religious education may be determined by the denomination which established the school;
- (i) determine the level and nature of assistance to assisted private educational institutions or assisted private schools and regulate such assistance;
- (j) establish or disestablish public educational institutions or public schools including institutions or schools for technical education and inaugurate classes or discontinue classes in those institutions or schools when necessary;
- (k) prescribe, in accordance with this Act, core and foundation curricula for schools;
- (l) publish in the *Gazette* a list of all educational institutions and schools in Saint Vincent and the Grenadines;
- (m) provide for such matters and do all such things as are expedient from time to time for carrying out the Minister's responsibilities for education and training.

(2) In the exercise of the powers conferred by subsection (1), the Minister shall consult the Advisory Board, the Saint Vincent and the Grenadines Teachers' Union and any other organisations representing the teaching profession and not represented on the Advisory Board as the Minister considers appropriate.

## 6. Annual report

(1) The Minister shall, at the end of each academic year, prepare an annual report on the state of education in Saint Vincent and the Grenadines.

(2) The Minister shall, within twelve months at the end of the academic year for which the report referred to subsection (1) is prepared, table the report in the House of Assembly.

## DIVISION 2

### *The Chief Education Officer*

#### **7. Chief Education Officer**

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

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

- (a) ensure that educational institutions and schools are administered in a proper and efficient manner;
- (b) develop administrative principles and procedures for implementing general policies and administering the educational system;
- (c) develop and direct the training of all professional education personnel;
- (d) initiate, organise and conduct courses of induction and training for untrained teachers;
- (e) initiate, subject to the provisions of this Act, curriculum innovation and reform and establish appropriate procedures for evaluating the instructional programme at schools and educational institutions;
- (f) ensure that public educational institutions and public schools are provided with the necessary tools, equipment and supplies;
- (g) ensure the observance of the provisions of this Act and the regulations pertaining to the conduct of educational institutions and schools;
- (h) advise the Minister as required on matters affecting education in Saint Vincent and the Grenadines; and
- (i) perform such other functions conferred by this Act or the regulations or such functions as the Minister may assign to the Chief Education Officer from time to time.

(3) The Chief Education Officer may, after consultation with the Permanent Secretary, delegate authority to professional staff of the Ministry for administering various aspects of the system of education including the registration and inspection of private educational institutions and private schools.

#### **8. Delegation of authority**

(1) The Minister may delegate in writing to the Chief Education Officer any function, duty or responsibility conferred on the Minister by this Act or the regulations, other than the making of regulations, but this does not preclude the Minister from exercising any or all of the functions so delegated if the Minister considers it expedient.

(2) In cases of emergency and after consultation with the Permanent Secretary and the Chief Education Officer, the Minister may give general or specific directions in writing to any public officer in the Ministry respecting the performance of functions under this Act and the public officer shall carry out those directions.

(3) Where by or under this Act the Chief Education Officer is required or permitted to perform any function, the Chief Education Officer may, after consulting the Permanent Secretary, authorise a public officer accountable to the Chief Education Officer to perform the function.

### DIVISION 3

#### *The Education Advisory Board*

#### **9. Establishment of Education Advisory Board**

(1) There is established a body to be known as the Education Advisory Board.

(2) The provisions of the First Schedule have effect in relation to the composition of the Advisory Board and otherwise in relation thereto.

[First Schedule.]

(3) The funds of the Advisory Board shall be provided by the Ministry out of public funds at the Minister's disposal, and shall be adequate for the Advisory Board to perform its functions under this Act.

#### **10. Functions of the Advisory Board**

(1) The functions of the Advisory Board shall be to advise the Minister—

- (a) on matters connected with education as the Advisory Board thinks fit;
- (b) on matters respecting the performance of any of the Minister's responsibilities or the exercise of the Minister's powers under this Act as the Minister refers to the Advisory Board; and
- (c) on any other matter relating to the promotion of education on which the Minister requests the Advisory Board's advice.

(2) The Advisory Board may advise the Minister at any time and shall advise the Minister if so requested in writing by the Minister.

(3) The Advisory Board may request a meeting with the Minister at any reasonable time and any advice given to the Minister shall be recorded in writing and in the minutes of the Advisory Board.

#### **11. Public hearings**

(1) Before advising the Minister on any matter, the Advisory Board may, with the approval of the Minister—

- (a) hold a public hearing into the matter;
- (b) appoint one or more members to hold a public hearing into the matter; or
- (c) invite written submissions from the public on the matter.

(2) The Minister may require the Advisory Board to hold a public hearing on any matter for which the Minister is responsible under this Act and if so required, the Advisory Board may adopt whichever of the procedures mentioned in subsection (1) it considers most appropriate.

#### **12. Minister not bound by advice of Advisory Board**

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

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

### **13. Special committees**

(1) In addition to, or instead of obtaining the advice of the Advisory Board, the Minister may appoint any special committee the Minister considers necessary to advise the Minister with respect to any specific matter which may arise from time to time.

(2) A special committee—

- (a) comprises such members as the Minister appoints; and
- (b) has such duties as the Minister specifies.

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

## PART III

### *Rights and Responsibilities of Students and Parents*

#### DIVISION 1

##### *Students' Rights and Responsibilities*

### **14. Right to education**

Subject to available resources and to this Act, all persons in Saint Vincent and the Grenadines are entitled to receive an education appropriate to their needs.

### **15. Compulsory education**

(1) The Chief Education Officer shall provide for every person of compulsory school age who resides in Saint Vincent and the Grenadines, in this section called “the student”, an educational programme consistent with the requirements of this Act.

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

- (a) enrol the student in an educational programme offered by a public school or an assisted private school;
- (b) direct the student to enrol in an educational programme offered by a private school;
- (c) provide special education for the student; or
- (d) permit the student to undertake a home education programme.

(3) Except in the case of a student who is transferred under section 55(2)(b), if a student is directed to enrol in an educational programme under subsection (2)(b), the Government shall pay the fees and other costs, if any, consequent to the student's attendance at the educational programme.

### **16. Free tuition at schools**

Neither a student nor his or her parents may be charged tuition fees or other costs for attendance at a public school or an assisted private school except that—

- (a) a student who is not a citizen of a Member State of CARICOM or of a Commonwealth country may be charged tuition fees and other costs as the Minister may prescribe by an order published in the *Gazette*;
- (b) students at a public school or an assisted private school may be charged for books, specialised services and other items as the Minister may specify by notice published in the *Gazette*.

### **17. Students' responsibilities**

A student enrolled in a public school or an assisted private school shall—

- (a) observe any code of conduct for students and other rules and policies for students specified by the Ministry;
- (b) attend classes regularly and punctually;
- (c) participate in the educational programmes in which the student is enrolled;
- (d) be diligent in pursuing the prescribed curriculum;
- (e) participate in extra and co-curricular activities; and
- (f) subject to paragraph (a), observe standards set by the principal and the board of management, if any, as the case may be, with regard to—
  - (i) cleanliness and tidiness of the person,
  - (ii) general deportment,
  - (iii) attire,
  - (iv) courtesy, and
  - (v) respect for the rights of other persons.

### **18. Accountability of students**

A student shall be accountable—

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

### **19. Return of property**

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

(2) If a student fails to comply with subsection (1), the Chief Education Officer may claim the value of the property from the parents of the student, if a minor, or from the student, if the student is aged eighteen years or older.

### **20. Exercise of rights**

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

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

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

## DIVISION 2

### *Parents' Rights and Responsibilities*

#### **21. Choice of education**

Subject to this Act, a parent of a child of compulsory school age may choose for his or her child education in a public school, a private school, an assisted private school, or home education in accordance with section 111.

#### **22. Rights and responsibilities of parents**

(1) A parent of a child attending a public school or an assisted private school is entitled—

- (a) to be informed of the progress, behaviour and attendance of his or her child;
- (b) upon reasonable notice to the principal and teacher, to observe the instruction of the child if the visit does not impede the instruction of other children;
- (c) to challenge any decision taken under this Act that significantly affects the education, health or safety of the child; and
- (d) to be consulted on the development and delivery of any special educational programme for the child.

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

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

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

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

#### **23. Student records and reports**

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



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

(3) In the case of a student under the age of eighteen years, a copy of the report referred to in subsection (2) shall be given to his or her parents.

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

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

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

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

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

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

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

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

(10) If the principal refuses to rectify the record when so requested under subsection (9), the person who requested the rectification may, within fourteen days of the refusal, refer the matter to the Chief Education Officer who shall review the request and give directions to the principal.

(11) A person who has referred a matter to the Chief Education Officer under subsection (10) and is dissatisfied with the decision of the Chief Education Officer may appeal in writing to the Minister within fourteen days of the decision.

(12) A person who discloses information from a student's record in contravention of subsection (7) commits an offence and is liable on summary conviction to a fine of four hundred dollars.

## **24. Parent Teacher Associations**

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

(2) The Minister may encourage and assist in the formation of—

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

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

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

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

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

## **25. School committees**

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

(2) Subject to subsection (6), a school committee may only be established with the written approval of the Chief Education Officer.

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

(4) The functions of a school committee shall be—

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

(5) On the formation of a Parent Teacher Association for the school any school committee established under this section is dissolved.

(6) Subsection (2) shall not apply to an assisted private school established and managed by a religious denomination.

## **26. Wishes of parents to be considered**

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

## **DIVISION 3**

### *Admission and Attendance of Students*

## **27. No discrimination**

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

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

(3) In this section, “**discriminatory ground**” means a ground based on religion, race, place of origin, political opinion, colour, creed, social status, physical handicap and in the case of mixed gender schools, sex.

## **28. Age limit for pre-primary and primary schools**

(1) A child may be admitted to a public pre-primary school or an assisted private pre-primary school if the child has attained the age of three years at the beginning of the academic year, or will attain that age by the following April 30th, but will not attain the age of five years within the academic year.

(2) A child may be admitted to a public primary school or an assisted private primary school if the child has attained the age of five years at the beginning of the academic year, or will attain that age within the academic year.

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

## **29. Principles for admission**

(1) In the admission of students to a public pre-primary school, an assisted private pre-primary school, a public primary school, or an assisted private primary school priority shall be given to children resident in the locality of the school as determined by the Minister.

(2) A child may be admitted to a public pre-primary school, an assisted private pre-primary school, a public primary school, or an assisted private primary school where at the time of such admission—

- (a) the child is accompanied by a parent or by a person over the age of eighteen years who has been authorised by a parent to represent him or her;
- (b) the person accompanying the child brings a birth certificate giving the information required for the student record;
- (c) the child has attained the age prescribed by section 28 or will attain that age by the following April 30th or within the academic year in the case of admission to a public primary school or an assisted private primary school; and
- (d) a certificate issued by a medical practitioner or by the public health authorities is produced indicating that the child has been immunised as prescribed by the regulations, or has been exempted.

(3) Subject to subsection (4), admission to a public primary school or an assisted private primary school shall be at the beginning of the academic year, except that the Chief Education Officer may grant written permission for admission at any other time of the academic year.

(4) In case of an assisted private primary school established and managed by a religious denomination, admission shall be at the beginning of the academic year except that the board of management of the school, if any, after consultation with the Chief

Education Officer, may grant written permission for admission at any other time of the academic year.

(5) Admission to a public pre-primary school or an assisted private pre-primary school may be at any time in the academic year.

### **30. Age limit for secondary schools**

(1) Subject to subsections (2) and (3), a child may be admitted to a public secondary school or an assisted private secondary school if the child has attained the age of eleven years at the beginning of the academic year, or will attain that age by the following September.

(2) A child below the age stipulated in subsection (1) may be admitted to a public secondary school or an assisted private secondary school with the written permission of the Chief Education Officer on the grounds of exceptional ability and consistently high academic performance as shown by—

- (a) outstanding performance in termly and annual examinations as evidenced by national assessment measures;
- (b) the child's assessment results at each educational stage; and
- (c) the written recommendations of teachers who have taught the child.

(3) A child below the age stipulated in subsection (1) but who, prior to the child's residence in Saint Vincent and the Grenadines, attended or gained admission to a secondary school or the equivalent of a secondary school outside Saint Vincent and the Grenadines may, with the written permission of the Chief Education Officer, be admitted to a public secondary school or an assisted private secondary school.

(4) Admission to a public secondary school or an assisted private secondary school shall be at the beginning of the academic year except that the Chief Education Officer may grant written permission for admission at any other time of the academic year.

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

### **31. Student Register**

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

(2) The Student Register must include—

- (a) upon admission of a student to the school—
  - (i) the name and date of birth of the student,
  - (ii) the date of admission,
  - (iii) the name, residence, telephone number and email address, if any, of the student's parents,
  - (iv) the name of any school which the student attended previously,
  - (v) the date the student left the school which he or she last attended,
  - (vi) the grade or form the student was in at the date of leaving the school which he last attended,
  - (vii) the grade or form to which the student is admitted;
- (b) upon the departure of a student from the school—
  - (i) the date of the student's departure,

- (ii) the grade or form the student was in at the date of departure, and
- (iii) where appropriate the school, if any, which the student will next attend.

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

### **32. Transfer of students**

(1) A principal of a public school or an assisted private school from which a student seeks a transfer may, on application in writing of the parent of the student, provide a letter of transfer to the student after—

- (a) consulting the receiving principal concerning the availability of a place in the receiving school; and
- (b) the Chief Education Officer has approved the transfer in writing.

(2) A student may be admitted on transfer to the receiving school after presenting to the receiving school—

- (a) the written approval of the Chief Education Officer;
- (b) a letter of transfer signed by the principal of the public school or an assisted private school from which the student is transferring; and
- (c) a transcript of his or her academic record.

(3) Notwithstanding subsections (1) and (2), the receiving school may set conditions approved by the Chief Education Officer for the admission of the student.

(4) For the purposes of this section, “receiving school” means the public school or assisted private school to which a student seeks a transfer and “receiving principal” shall be construed accordingly.

### **33. Effect of disease**

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

(2) If the principal of an educational institution or school is informed or has reason to suspect the presence of contagious disease in the institution or school, the principal shall immediately report the same to the parents of the students concerned, the Chief Education Officer and the Chief Medical Officer.

### **34. Re-admission of student on production of medical certificate**

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

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

### **35. Temporary or permanent closing of schools, etc.**

(1) Where—

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

attendance at the institution or school has fallen to such extent that, in the opinion of the Minister justifies the temporary or permanent closing of the institution or school, the Minister may direct that the institution or school be temporarily or permanently closed, as the case may be, and the institution or school shall, with effect from the date of the direction, be closed.

(2) If an institution or school is permanently closed, the Minister shall provide alternative accommodation to the students affected by the closure.

(3) The powers conferred on the Minister by this section are in addition to any powers conferred upon the Minister by any other enactment in relation to the closing or use of educational institutions or schools or control of educational matters in an emergency.

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

### **36. Sessions and periods of instruction in schools**

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

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

(3) In primary schools the sessions must be of no less than two hours duration, except that in the pre-primary schools the second session may be for a shorter period if the Minister so decides from time to time.

(4) In secondary schools, subject to the approval of the Ministry, hours and periods of instruction shall be as determined by the school.

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

(6) The Minister may sanction a change in any of the above arrangements to suit the convenience of a particular school or for any other sufficient reason.

### **37. Reckoning of attendance at school**

(1) Attendance shall not be reckoned for any student at a school until his or her name has been duly entered in the Attendance Register referred to in section 36(2).

(2) The daily average attendance at a school for any year shall be computed by calculating the average of the best two hundred sessions for each year.

### **38. School vacations**

(1) The vacations to be observed in every school shall be a maximum of—

- (a) three weeks at the end of the first term of the academic year;
- (b) two weeks at the end of the second term of the academic year; and
- (c) eight weeks at the end of the final term of the academic year.

(2) The Minister, may by an order published in the *Gazette*, amend subsection (1) in relation to a specified academic year as the Minister considers it expedient to do so in the public interest.

### **39. Occasional holidays**

(1) Saturdays, Sundays and public holidays are holidays for the purpose of this Act and schools are not required to have sessions on those days.

(2) A principal may, with the prior written approval of the Chief Education Officer, grant other holidays on account of local circumstances.

## **DIVISION 4**

### *Compulsory School Attendance*

### **40. Duty of parent to enforce attendance**

(1) Subject to subsection (2), it shall be the duty of the parent of a child of compulsory school age to cause the child to regularly attend school.

(2) A child of compulsory school age is excused from school attendance if—

- (a) the school is closed for any reason;
- (b) the child is excluded from attendance at school under any provision of this Act or the regulations;
- (c) the child is unable to attend school because of sickness, danger of infection, infirmity, sudden or serious illness of a parent or other related cause;
- (d) the child is suffering from a physical or mental disability that, in the opinion of a medical practitioner, makes the child incapable of being educated by ordinary methods of instruction;
- (e) the child has been granted permission by the principal of the school to be temporarily absent from the school for good and sufficient reason;
- (f) the child is participating in observances, celebrations, or activities recognised by a religious denomination;
- (g) the child has been expelled by a school in accordance with the provisions of this Act or the regulations and has not been given permission to enrol in another school;
- (h) the child is receiving home education or special education in accordance with this Act;
- (i) the child is engaged in work experience or some other educational activity authorised or approved by the principal; or
- (j) the child has successfully completed compulsory school attendance.

(3) The parent of a child of compulsory school age who wishes the child to be exempt from compulsory school attendance at school under subsection (2) (c), (d), (e), (f) or (h) shall apply for a certificate of exemption from attendance in accordance with subsection (4).

(4) An application under subsection (3) must be made, in the case of—

- (a) any of the grounds mentioned in paragraphs (d) and (h) of subsection (2), to the Chief Education Officer;
- (b) any of the other grounds mentioned in paragraphs (c), (e) and (f) of subsection (2), to the principal of the school,

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

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

(6) A parent who is dissatisfied with a refusal under subsection (4) may appeal to the Minister who may confirm or overrule the refusal.

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

#### **41. School attendance officers**

(1) The appropriate Service Commission, after consultation with the Permanent Secretary, may appoint suitably qualified persons as school attendance officers to assist in the enforcement of the compulsory school attendance provisions of this Act.

(2) A school attendance officer shall be responsible for the enforcement of compulsory school attendance in respect of children of compulsory school age within the district or area to which he or she is appointed.

#### **42. Duties of school attendance officer**

A school attendance officer shall—

- (a) perform his or her duties under the direction and supervision of the Chief Education Officer;
- (b) inquire into every suspected case of unlawful failure to attend school within his or her knowledge or when requested to do so by the Chief Education Officer or the principal of a school;
- (c) give to the parent of a child who is not attending school—
  - (i) written warning of the consequences of the child's failure to attend school, or
  - (ii) written notice to cause the child to attend school forthwith; and
- (d) report monthly in writing to the Chief Education Officer.

#### **43. Power to deliver absent student**

A school attendance officer may apprehend and deliver to the school from which he or she is absent, or to his or her parents, a student found absent from school without having an excuse under section 40.

#### **44. Power to enter premises and question children**

A school attendance officer who has reasonable cause to believe that a person is in contravention of section 40, may at any time, upon presentation of his or her credentials—

- (a) enter any premises and make enquiries needed to determine whether there is a contravention of this Act in relation to a child of compulsory school age whom the school attendance officer has reasonable cause to believe is frequenting, visiting, residing, or employed on the premises;
- (b) stop and question a child who appears to be of compulsory school age but who is not at school concerning—
  - (i) his or her name, age and place of residence,
  - (ii) the identity of his or her parents,
  - (iii) the school at which he or she is registered,



- (iv) the reason for his or her absence from school, and
- (v) any other matter relevant to the enquiries referred to in paragraph (a).

#### **45. Offences against school attendance officers**

(1) A person who—

- (a) assaults, obstructs or uses insulting, abusive or indecent language to—
  - (i) a school attendance officer in the execution of his or her duties, or
  - (ii) any other person executing a duty imposed on the person by this Act in relation to the attendance of any child at school;
- (b) being a parent, and having been requested by a school attendance officer to give any information concerning—
  - (i) the name, age, residence, or parentage of a child, or the attendance of any child at school, or
  - (ii) any other matter relevant to the attendance of any child at school,refuses to give such information or gives false or misleading information knowing it to be false or misleading,

commits an offence and is liable on summary conviction to a fine of one thousand five hundred dollars or imprisonment for three months, or to both.

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

#### **46. Reports by principals**

A principal of a school shall—

- (a) report to a school attendance officer the name, ages and residences of all students of compulsory school age who have not attended school for a prescribed period; and
- (b) give to the Chief Education Officer such other information as the Chief Education Officer requires for the enforcement of compulsory school attendance.

#### **47. Liability of parents**

(1) A parent of a child of compulsory school age who neglects or refuses to cause the child to attend school, unless the child has an excuse under section 40, commits an offence and is liable on summary conviction to a fine of one thousand dollars.

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

#### **48. Offences in relation to school age**

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

(2) A person who carries on any business in connection with the sale, storage or conveyance of intoxicating liquor within the meaning of the Liquor Licence Act shall not permit a student to loiter on the premises.

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(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of three thousand dollars or to imprisonment for six months, or to both.

#### **49. Legal proceedings**

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

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

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

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

### **DIVISION 5**

#### *Discipline, Suspension and Expulsion of Students*

#### **50. Rules to govern discipline**

(1) The principal of a public school or an assisted private school may, after consultation with its board of management, if any, make rules to govern the attire, conduct and discipline of students.

(2) Rules made under subsection (1)—

(a) shall be circulated to parents of the students; and

(b) do not come into effect unless approved in writing by the Chief Education Officer.

(3) Rules made under subsection (1) that affect students shall be posted in conspicuous places within the school and shall be reviewed with the students of the school at the commencement of each academic year.

(4) Rules made under this section shall be applied without discrimination to all students and shall be consistent with this Act and the regulations.

(5) Discipline of students shall be administered in accordance with this Act and the rules made under this section.

#### **51. Power of punishment**

(1) Subject to section 52, such forms of punishment as are approved by the Chief Education Officer may, from time to time, be administered in schools as occasion arises.

(2) In the enforcement of discipline in schools, degrading or injurious punishment shall not be administered.

(3) A teacher may, in the presence of another teacher, detain a single student after school hours after prior notification of the detention is given to the parent of the student.

## **52. Corporal punishment in schools**

(1) Subject to subsections (6) and (7), a principal may direct that corporal punishment be administered as a last resort to a student—

- (a) in accordance with subsection (2); and
- (b) if no other punishment is considered suitable or effective in the particular case.

(2) Corporal punishment may be administered—

- (a) by the principal, deputy principal, or a teacher specifically designated by the principal for the purpose;
- (b) in the principal's office or other private room in the school in the presence of another teacher;
- (c) using an instrument prescribed by the regulations; and
- (d) in conformity with any written guidelines issued by the Chief Education Officer.

(3) Where corporal punishment is administered an entry shall be made in a punishment book which is to be kept in the school for the purpose of indicating the nature and extent of the punishment and the reasons for administering it.

(4) A person, other than a parent, or a person mentioned in subsection (2)(a), who administers corporal punishment to a student on school premises commits an offence and is liable on summary conviction to a fine of one thousand dollars.

(5) A person who administers corporal punishment to a student on school premises contrary to paragraph (b), (c) or (d) of subsection (2) commits an offence and is liable on summary conviction to a fine of one thousand dollars.

(6) The Minister may, by an order published in the *Gazette*, suspend or abolish corporal punishment in all schools and a person who administers corporal punishment contrary to such order commits an offence and is liable on summary conviction to a fine of two thousand dollars.

(7) An order made under subsection (6) shall be laid before the House of Assembly within three months of the date of its making and is subject to annulment by a resolution of the House of Assembly supported by the votes of a majority of the members present and voting.

## **53. Suspension from school for minor offences**

(1) A principal may suspend a student for up to two school days for any breach by the student of the responsibilities specified in section 17.

(2) Where a student is suspended under this section, the principal shall—

- (a) inform the student's parents of the suspension and the reasons for it;
- (b) meet as soon as possible with the student and his or her parents to—
  - (i) review the circumstances surrounding the suspension, and
  - (ii) determine appropriate corrective action, which may include counselling for the student and his or her parents.

(3) If there is no resolution of the matter within the two school days, the principal may—

- (a) readmit the student; or
- (b) suspend the student for an additional number of days not exceeding seven days to further review the circumstances of the suspension with the student and his or her parents to determine the appropriate corrective action.

(4) If there is no resolution of the matter after the additional days of suspension allowed under subsection (3)(b) the principal shall report the matter in writing to the Chief Education Officer stating the period of suspension and the reasons for it; and the Chief Education Officer shall proceed with the matter in accordance with section 55.

(5) Suspension under this section or section 54 shall take effect from the next school day after the day of the decision and a student shall not be sent away from school during school hours.

#### **54. Suspension from school for major offences**

(1) A principal may suspend a student for a period not exceeding ten school days for—

- (a) gross misconduct which may constitute a risk or danger to members of staff or other students;
- (b) persistent breach of school rules;
- (c) unreasonable refusal by the student to be inspected, examined, immunised or treated by a medical practitioner or registered nurse acting in accordance with any school health programme in operation in Saint Vincent and the Grenadines;
- (d) destroying or damaging without lawful excuse any property of the school;
- (e) assaulting the principal, a member of staff or other employee of the school, or a student or any other person lawfully present in the school;
- (f) possession of an article made or adapted for use for causing injury; or
- (g) possession of alcohol or illegal drugs or substances.

(2) A student who is suspended under subsection (1)(c) shall be re admitted on the production of a medical certificate signed by a medical practitioner or by a nurse registered under the Nurses, Midwives and Nursing Assistants Act.

[Chapter 373.]

(3) If a student is suspended under this section the principal shall—

- (a) inform in writing the student's parents and report in writing to the board of management, if any, and the Chief Education Officer, stating the reasons for the suspension; and
- (b) meet as soon as possible with the student and his or her parents to—
  - (i) review the circumstances surrounding the suspension, and
  - (ii) determine appropriate corrective action, which may include counselling for the student and his or her parents.

(4) If there is no resolution of the matter within the ten school days, the principal shall inform the Chief Education Officer and the Chief Education Officer shall proceed with the matter in accordance with section 55.

#### **55. Action by Chief Education Officer on a suspension**

(1) The Chief Education Officer, after receiving notification under section 53(4) or 54(4) and after consulting the principal and board of management, if any, may order that the suspension be extended for a specified number of days to enable enquiries to be made.

(2) The Chief Education Officer may, upon making enquiries order that—

- (a) the student be readmitted on a date to be fixed by the Chief Education Officer; or
- (b) the student be transferred to another school including a special school,

except that if the Chief Education Officer, after consulting the principal, determines that the remedies mentioned in paragraphs (a) or (b) are not appropriate in the particular case, the Chief Education Officer, may, on the recommendation of the principal, expel the student.

(3) Where the Chief Education Officer expels a student, the Chief Education Officer must make alternative arrangements for the education of that student as the circumstances warrant.

(4) The parent of a student who is suspended by a principal under section 54 and who is a minor or the parent or sponsor of a suspended student who is eighteen years of age or older, may, within seven days of the suspension, make representations to the Chief Education Officer with respect to the suspension.

(5) The Chief Education Officer shall make a decision within ten days of representations being made under subsection (4) and the student shall remain suspended during that period.

(6) A student or the parent or sponsor of a student, may appeal in writing to the Minister within fourteen days of receipt of a decision by the Chief Education Officer under subsection (5).

(7) The Chief Education Officer shall inform the student and the parent or sponsor of the student of the right of appeal under subsection (6) at the time of notifying them of the decision under subsection (5).

## PART IV

### *Categories of Schools and the Stages of Education*

#### DIVISION 1

##### *The Forms and Stages of Education*

### **56. Stages of public education**

(1) Subject to subsection (2), the system of public education shall be in the following stages—

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

(2) The Minister may include as part of the system of public education—

- (a) early childhood education;
- (b) special education;
- (c) adult education; and
- (d) distance education.

#### DIVISION 2

**57. Establishment of public pre-primary schools and primary schools**

(1) A public pre-primary school or public primary school may be established and maintained in accordance with this Act and the regulations.

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

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

(4) A public pre-primary school or public primary school established under the former Act and in existence at the commencement of this Act shall be deemed to have been established under this Act.

**58. Boards of management for pre-primary or primary school**

(1) The Minister may, by a notice published in the *Gazette*, establish a board of management for a public pre-primary school or public primary school if the Minister thinks it is desirable to do so in the interest of economy and efficiency and for the participation of the community in the management of education.

(2) A board of management for a public pre-primary school or public primary school shall consist of—

- (a) the principal who shall be an *ex officio* member; and
- (b) the following members who shall be appointed by the Minister by instrument in writing—
  - (i) a member nominated by the Parent Teacher Association of the school, or a school committee established under section 25(1), except that the principal may nominate any parent to be appointed to the board where no Parent Teacher Association or school committee exists,
  - (ii) a member nominated by the academic staff of the school, and
  - (iii) five members nominated by the Minister, after consultation with the principal, from among persons in the district served by the school who represent expert educational opinion, religious denominations, organisations concerned with business, organisations concerned with community development, or such other areas of national interest as the Minister considers appropriate.

**59. Functions of board of management for pre-primary and primary schools**

(1) Subject to subsection (2), a board of management for a public pre-primary school or a public primary school shall—

- (a) be responsible to the Minister for the efficient management of the school;
- (b) receive, disburse and account for the financial resources of the school;
- (c) supervise the rebuilding or extension of the school if decided on by the Ministry;
- (d) review, modify if necessary, and approve the school development plan prepared annually by the principal of the school;
- (e) establish policies for the administration, management and operation of the school;

- (f) prepare reports and provide information required by or under this Act or the regulations;
- (g) monitor—
  - (i) student progress,
  - (ii) order among, and discipline of students,
  - (iii) the system of instruction,
  - (iv) the keeping of school records, and
  - (v) the condition of the school buildings and premises;
- (h) in consultation with the Chief Education Officer, the principal, and staff, establish a procedure for resolving disputes between the school, parents, and teachers; and
- (i) perform any other function conferred on it by this Act, by the regulations, or by the Minister in writing.

(2) In the performance of its functions under subsection (1)(b) to (e) a board of management shall consult the Chief Education Officer.

#### **60. Establishment of public secondary school**

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

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

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

#### **61. Boards of management for public secondary school**

(1) The Minister may, by a notice published in the *Gazette*, establish a board of management for a public secondary school where it appears to the Minister to be desirable to do so in the interest of economy, efficiency, and for the participation of the community in the management of education.

(2) A board of management for a public secondary school shall be constituted in the same manner as prescribed by section 58 for a board of management of a public pre-primary school or a public primary school, except that in addition there shall be one member nominated by the student council or other student body of the school.

#### **62. Functions of boards of management for public secondary schools**

(1) The functions of a board of management for a public secondary school are the same as prescribed by section 59 in respect of a public pre-primary school or a public primary school but in addition a board of management for a public secondary school may—

- (a) make recommendations to the Minister with regard to any matter affecting the school or the development of secondary education generally;
- (b) appoint, where necessary, committees consisting wholly or partly of members of the board of management; and
- (c) perform any other function conferred on it by this Act, the regulations or by the Minister in writing.

(2) In the performance of its functions under subsection (1) the board of management shall, where appropriate, consult the Chief Education Officer.

### **63. Procedure of boards of management**

(1) The Second Schedule applies in respect of the procedure of a board of management for a public school.

(2) The members of a board of management for a public school may be paid attendance fees at a rate approved in writing by the Chief Education Officer.

### **64. Board of management for more than one school**

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

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

- (a) the functions of the board are in respect of each school managed by the board;
- (b) the membership of the board may exceed the number prescribed for one board of management; and
- (c) in the appointment of additional members account shall be taken as far as possible of the different categories of persons to be represented.

### **65. Submission of reports, statements and estimates**

(1) A board of management shall in respect of each school managed by the board, after consultation with the principal, submit to the Chief Education Officer—

- (a) within one month after the end of the academic year, a statement containing information on—
  - (i) the discipline of students,
  - (ii) student attendance,
  - (iii) the attainment levels of the students,
  - (iv) the application of the curriculum,
  - (v) the condition of the school buildings and premises and the maintenance of its property,
  - (vi) generally, any matter which affects the school and its development, and
- (b) not later than 31st July in each year, or such later date as the Minister approves in writing—
  - (i) a statement detailing the expenditure of any grant made to the school by the Ministry or of any funds voted for it by the Parliament, as the case may be, and
  - (ii) its estimate of revenue and expenditure for the school in respect of the next financial year for the approval of the Minister.

(2) The report of the board of management of a public school shall be laid before the House of Assembly within three months of being received by the Minister.

### **66. Written directions to board of management**

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



## **67. Financial resources of public schools**

The financial resources of a public school shall be—

- (a) in the case of a pre-primary school or primary school, a grant from the Ministry;
- (b) in the case of a secondary school, money voted by the Parliament for the operation of the school either specifically or as part of a vote for secondary schools generally;
- (c) money or property payable to or vested in the board of management in respect of any matter incidental to its functions;
- (d) money derived for the school from fundraising activities; and
- (e) money and other property derived for the school by way of gift, bequest, trust, donation or in any other manner.

## **68. Accounts and audit**

(1) A board of management shall keep proper accounts of its transactions, and the accounts shall be audited annually by the Director of Audit or a person authorised by the Director of Audit for the purpose.

(2) The Director of Audit shall at the request of the Minister, and may on his or her own initiative, carry out at any time an investigation into the accounts of a board of management.

(3) The members and employees of a board of management shall—

- (a) grant to the Director of Audit or any person authorised under subsection (1) access to all books, documents, money and property of the board; and
- (b) give to any person referred to in paragraph (a) any information that is within the knowledge of the members and employees in relation to the operation of the board of management.

## **69. General requirements of public schools**

The board of management of a public school shall ensure that—

- (a) the premises of the school are sanitary and maintained in a condition which the Minister considers satisfactory;
- (b) the school is not conducted for private profit and no portion of its funds is used for any purpose other than the purposes of the school;
- (c) fees charged are only those which have been approved by the Minister pursuant to section 16; and
- (d) returns of statistics are provided to the Minister at intervals, in the manner and containing the information required by this Act and the regulations.

## **70. Minutes of board receivable in evidence**

Minutes of the meetings of a board of management if duly signed by the chairperson or deputy chairperson, are receivable in evidence in all legal proceedings without further proof and every meeting of a board of management in respect of which minutes have been signed is deemed to have been duly convened.

## **71. Student councils**

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

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

### DIVISION 3

#### *Private Educational Institutions and Private Schools*

#### **72. Legal obligation of proprietor**

(1) The term “**private educational institution**” or “**private school**”, where used in this Act to refer to the subject of rights or obligations, means the proprietor of the institution or school.

(2) In the case of a proprietor not endowed with legal personality, the obligation to comply with the provisions of this Act lies on the person responsible for the administration of the private educational institution or private school.

(3) In the case of a partnership, the obligation lies on both the partnership and the partners.

(4) The proprietor of a private educational institution or private school may appoint a board, by whatever name called to advise on the management of the institution or school but any such appointment does not affect the obligations of the proprietor under this Act.

#### **73. Application of Act**

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

- (a) pre-primary education;

- (b) primary education;
- (c) special education;
- (d) secondary education;
- (e) secondary level adult education services in vocational education;
- (f) secondary level instructional services in vocational education;
- (g) instructional services in general education at the tertiary level; or
- (h) instructional services in vocational training at the tertiary level.

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

(3) Subsection (1)(f) and (h) refer to vocational education or training which is intended mainly to develop students' abilities so as to prepare them for an occupation, trade or profession.

#### **74. Requirement of a permit**

(1) A person shall not operate a private educational institution or private school unless he or she is the holder of a permit issued by the Minister for the institution or school and for the educational services or categories of educational service as mentioned in section 73.

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

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

#### **75. Private educational institutions and private schools Register**

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

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

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

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

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

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

#### **76. Application for permit**

(1) An application for a permit to establish a private educational institution or private school must be made in the prescribed form by or on behalf of the proprietor of the private educational institution or private school and must contain such particulars and be accompanied by such documents as the Minister determines.

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

#### **77. Issue of permit**

(1) When the premises of the private educational institution or private school in respect of which an application is made under section 76 has been inspected, the Minister may, subject to any condition that the Minister specifies in accordance with this Act, issue a permit if the Minister is satisfied that—

- (a) the premises are safe and suitable for the activities intended by the institution or school;
- (b) the furniture and equipment are adequate and suitable having regard to the number and ages of the students who would be attending the institution or school;
- (c) the accommodation provided is adequate and suitable having regard to the number, ages and sex of the students who would be attending the institution or school;
- (d) efficient and suitable instruction equivalent to that provided in an equivalent public educational institution or public school is being or will be provided at the institution or school, having regard to the ages and sex of the students who would be attending the institution or school;
- (e) the institution or school has access to adequate land for the recreation of the students;
- (f) neither the proprietor nor the principal has been convicted of or has pleaded guilty to an offence under this Act, or to a criminal offence in relation to the operation of a private educational institution or private school, in the five years preceding the application;
- (g) the institution or school will have at its disposal adequate human and material resources for providing the educational services for which the permit will be issued and sufficient financial resources for that purpose; and
- (h) the applicant has paid the prescribed fee.

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

#### **78. Refusal of a permit**

(1) The Minister—

- (a) shall refuse to issue a permit if the proprietor, principal, or any member of staff employed by the private educational institution or private school has been convicted of child molestation or any other sexual offence;
- (b) may refuse to issue a permit if, during the five years preceding the application, a permit held by the applicant was revoked;
- (c) may refuse to issue a permit if the Minister determines that the private educational institution or private school has not satisfied any of the requirements set out in section 77.

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

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

#### **79. Condition of a permit**

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

(2) Conditions attached to a permit pursuant to subsection (1) shall be consistent with this Act or the regulations and shall only be such as to promote the Minister's goals and objectives under this Act.

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

#### **80. Number of students**

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

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

(3) If an applicant fails to specify such capacity, the Minister may refuse to issue a permit.

#### **81. Contents of permit**

A permit for a private educational institution or private school must specify—

- (a) the name and qualifications of the proprietor;
- (b) the name and address of the institution or school;
- (c) the location of the buildings or premises at the disposal of the institution or school;
- (d) the educational services or categories of educational service the institution or school is authorised to provide;
- (e) any limit or condition specified by the Minister under this Act;
- (f) the maximum number of students who may be admitted as determined under section 80;
- (g) the minimum number of staff who should be employed for the size of the institution or school and their qualifications.

#### **82. Vocational education permits**

In addition to the contents to be specified in a permit under section 81, in respect of vocational education, a permit for a private educational institution or private school must specify—

- (a) the vocational education programmes the institution or school is authorised to provide; and
- (b) any supplementary vocational training for which the permit is issued.

### **83. Duration and renewal of permits**

(1) Unless revoked under section 89 or surrendered by a proprietor, a permit shall remain in force for a period of three years from the day when it is issued and may be renewed, upon payment of the prescribed fee, for successive periods of three years if the proprietor—

- (a) applies in writing to the Minister within the prescribed time and in the prescribed manner and furnishes the required particulars and documents;
- (b) meets the requirements of section 77; and
- (c) has complied with the provisions of this Act and the regulations for the period of validity of the permit preceding the renewal.

(2) The Minister may issue or renew a permit for a shorter or longer period if the Minister, with the approval of the Cabinet, considers it expedient.

### **84. Modification and transfer of permit**

(1) The Minister may, at the request of a proprietor, modify the permit upon payment of the prescribed fee.

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

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

### **85. Insurance**

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

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

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

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

### **86. Information to be provided**

(1) A proprietor shall inform the Minister once in every academic year of the names and qualification of all staff members.

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

- (a) of any change which renders the information provided for the issue, renewal or modification of the permit inaccurate or incomplete;

- (b) where applicable, that the institution or school is unable to provide all or any of the educational services specified in the permit;
- (c) of any amalgamation, sale or transfer affecting the institution or school; and
- (d) of any change in the name of the institution or school.

### **87. Visits to private educational institutions or private schools**

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

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

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

- (a) obstructs that person in the performance of his or her duties;
- (b) makes a false representation to that person; or
- (c) refuses to furnish any information which that person reasonably requires under this Act or the regulations,

commits an offence and is liable on summary conviction to a fine of one thousand five hundred dollars or to imprisonment for three months, or to both.

(4) A private educational institution or private school may, on its own initiative, request an inspection under this Act.

(5) This section does not affect Division 1 of Part X or any regulations made under that Part.

### **88. Notice to comply**

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

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

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

### **89. Revocation of permit and cancellation of registration**

(1) If a proprietor who is served with a notice under section 88 fails, within the time specified in notice or within such further time as the Minister allows, to comply with the notice, the Minister shall—

- (a) revoke the permit of the private educational institution or private school;
- (b) cause the institution or school to be removed from the Register; and
- (c) in writing, inform the proprietor—
  - (i) that the permit has been revoked and the registration has been cancelled and of the reasons for the revocation and cancellation, and

(ii) of his or her right to ask the Minister to review the decision.

(2) Where the revocation of the permit and the cancellation of registration of a private school becomes effective, the Minister may cause alternative accommodation to be provided in a public school to the students of the school.

#### **90. Review against refusal and cancellation**

(1) A proprietor of a private educational institution or private school who is refused a permit pursuant to section 78 or whose permit is revoked and registration cancelled under section 89 may, within thirty days of being notified of the refusal, or revocation and cancellation, ask the Minister to review the refusal, or revocation and cancellation, as the case may be.

(2) In a request for a review of the refusal to issue a permit, the proprietor may ask the Minister for a review on any of the following grounds—

- (a) that the reasons given for the decision do not disclose any failure to meet any of the requirements for a permit set out in section 77;
- (b) that the inspection of the institution or school carried out pursuant to section 87 was not adequate for determining whether the school meets the requirements of section 77; or
- (c) that there is no evidence available to support the decision.

(3) In a request for a review of the revocation of a permit and cancellation of registration, the proprietor may ask the Minister for a review on any of the following grounds—

- (a) that no notice was served on the proprietor under section 88;
- (b) that the time specified in the notice served under section 88 or the further time allowed to the proprietor under section 88(3) to comply with the notice was unreasonable;
- (c) that the proprietor has complied with the notice served under section 88; or
- (d) that there is no evidence available to support the decision.

(4) If a review is sought under this section the Minister shall not enforce the refusal, or revocation and cancellation until the review is determined or withdrawn.

#### **91. Fresh application for a permit**

(1) If the permit of a private educational institution or private school is revoked and its registration cancelled under section 89, the proprietor of the institution or school may re-apply to the Minister for the issue of a permit.

(2) If the Minister is satisfied that sections 76 and 77 have been complied with, the Minister may re-issue a permit to the proprietor of the institution or school, subject to any conditions the Minister specifies.

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

#### **92. Returns of statistics**

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

#### **93. Health and sanitation**



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

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

#### **94. Disqualification of teachers**

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

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

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

### **DIVISION 4**

#### *Assisted Private Educational Institutions and Assisted Private Schools*

#### **95. Assisted private educational institution and assisted private schools**

(1) The Minister may, out of monies voted by Parliament, grant financial and other assistance to private educational institutions or private schools in accordance with this Act and the regulations.

(2) An assisted private educational institution or an assisted private school is a private educational institution or private school which is receiving—

- (a) funds or any other assistance from the State for any of the following purposes—
  - (i) maintenance of the institution or school,
  - (ii) provision of furniture or equipment,
  - (iii) the building of an extension to the institution or school or its rebuilding,
  - (iv) payment of the salaries of the staff, or
  - (v) any other purpose approved by the Minister;
- (b) other assistance from the State, including the provision of teachers.

#### **96. Agreement establishing an assisted private school and educational institution**

(1) An assisted private educational institution or an assisted private school shall come into existence by agreement between the Minister and the proprietor of the institution or school.

(2) An agreement under subsection (1)—

- (a) shall be in writing;
- (b) may be for a specified period of years; and
- (c) shall specify consistently with this Act the terms, conditions, rights, responsibilities and liabilities of the respective parties.

(3) If an assisted private educational institution or an assisted private school ceases to be registered as a private educational institution or private school the agreement lapses.

(4) An agreement for assistance to a private educational institution or private school made under the former Act and which is in force at the commencement of this Act continues in force as if made under this Act.

(5) In any other Act, in any instrument made under any Act or in a document of any kind, a reference to an assisted school or an assisted secondary school under the former Act shall be read as a reference to an assisted private school under this Act.

#### **97. Publication of list of assisted private schools, etc.**

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

(2) A notice under subsection (1) shall state where and when the terms of an agreement between the Minister and an assisted private educational institution or assisted private school can be inspected and facilities for such inspection shall be provided to any person at any reasonable time.

#### **98. Management of assisted private schools**

(1) An assisted private school shall be managed by a board of management which shall manage the school as if it were a public school and the provisions of Division 2 relating to boards of management apply with necessary modifications.

(2) A religious denomination may establish a board of management for each of its assisted private schools and such board shall manage the school in accordance with this Act.

#### **99. Boards of management for assisted private schools**

(1) A board of management for an assisted private pre-primary school or an assisted private primary school shall consist of—

- (a) the principal who shall be an *ex officio* member;
- (b) the following members who shall be appointed by the Minister by instrument in writing—
  - (i) four persons, including the chairperson and deputy chairperson, nominated by the proprietor of the school,
  - (ii) two members nominated by the Minister in his discretion, to reflect local interest and opinion,
  - (iii) a member nominated by the academic staff, and
  - (iv) a member nominated by the Parent Teacher Association, except that if no association exists the principal may nominate any parent to be appointed to the board.

(2) A board of management for an assisted private secondary school shall consist of—

- (a) the principal who shall be an *ex officio* member; and
- (b) the following members who shall be appointed by the Minister by instrument in writing—
  - (i) three members, including the chairperson and deputy chairperson nominated by the proprietor of the school,
  - (ii) a member nominated by the Minister in his discretion,

- (iii) a member nominated by the academic staff,
- (iv) a member nominated by the student council or other student body,
- (v) a member nominated by the Old Students' Association, if any, and if no association exists the principal may nominate any former student of the school to be appointed to the board,
- (vi) a member nominated by the Parent Teacher Association, if any, if no association exists the principal may nominate any parent to be appointed to the Board.

(3) The quorum for a board of management for an assisted private school shall include the chairperson or deputy chairperson.

(4) The board of management for an assisted private school may co-opt not more than three additional members from among persons who have relevant expertise.

(5) The Second Schedule applies in respect of the procedure of a board of management for an assisted private school.

### **100. Appointment of joint board of management**

(1) The Minister may establish a board of management to manage more than one assisted private school, other than an assisted private school established and managed by a religious denomination, if—

- (a) the assisted private schools have the same proprietors or the proprietors agree to the appointment of a joint board of management; and
- (b) the Minister is satisfied that the interests of education in the area in which the schools are situated will be best served by a joint board of management.

(2) If a board of management is appointed to administer more than one assisted private school, the provisions of section 65 shall apply.

(3) A religious denomination may establish a central board of management for any of its assisted private schools and such board shall manage those schools in accordance with this Act.

(4) A central board of management established under subsection (3) may—

- (a) regulate its procedure in a manner consistent with the Second Schedule;
- (b) advise the Minister to manage the assisted private schools under its jurisdiction.

### **101. Functions of board of management**

(1) The functions of a board of management for an assisted private school shall be—

- (a) in the case of a pre-primary school or a primary school, the functions specified in section 59;
- (b) in the case of a secondary school, the functions specified in section 62; and
- (c) any additional functions consistent with this Act which are conferred on the board of management by the proprietor of the assisted private school.

(2) In the performance of its functions under subsection (1)(a) or (b) a board of management for an assisted private school shall consult the Chief Education Officer as appropriate.

**102. Establishment of public educational institutions**

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

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

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

**103. Management of public educational institutions**

(1) In relation to a public educational institution independently established the Minister may—

- (a) by an order published in the *Gazette* provide for—
  - (i) the curriculum,
  - (ii) the criteria for admission of students,
  - (iii) the payment of fees,
  - (iv) the appointment of staff, including their terms and conditions of employment,
  - (v) the awarding of degree or diplomas, and
  - (vi) its management;
- (b) make regulations regarding the—
  - (i) professional behaviour of academic staff,
  - (ii) conduct and discipline of students and trainees, and
  - (iii) conduct of members of the public.

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

**104. Technical and vocational education and training**

(1) The Minister may make regulations, consistent with this Act, for—

- (a) establishing and staffing technical and vocational education and training centres;
- (b) establishing standards for education and training in such centres;
- (c) prescribing the type of examinations which should be conducted at such centres;
- (d) prescribing the certificates of competency which may be granted on the successful completion of any course of training; and
- (e) regulating the training to be provided in any occupation.

(2) The Minister may establish a Council on Technical and Vocational Education and Training.

(3) If a Council on Technical and Vocational Education and Training is established, the Minister may, by an order published in the *Gazette*, provide for—

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

#### **105. Teachers' colleges**

(1) The Minister may establish publicly funded teachers' colleges at such places and the teachers' college so established shall cover such subjects as the Minister considers appropriate.

(2) The Minister may make regulations—

- (a) concerning the admission of persons to teachers' colleges and the conditions of admission;
- (b) prescribing the divisions into which students at teachers' colleges are to be classified and the conditions for the selection of students for those divisions and for their admission to, continuation in or removal from, in those divisions;
- (c) prescribing the courses and curricula for students of the various divisions in teachers' colleges;
- (d) providing for the accreditation of the courses, curricula and facilities.

#### **106. Saving for Saint Vincent and the Grenadines Community College**

Nothing in this Act shall prejudice the Saint Vincent and the Grenadines Community College and this Act applies to that College only to the extent that it can do so consistently with any Act establishing that College.

### PART VI

#### *Other Types of Education*

#### DIVISION 1

#### *Early Childhood Education Services*

#### **107. Provision of early childhood education services**

Early childhood education services may be provided either by the Minister or by private schools.

#### **108. Council on Early Childhood Education**

(1) The Minister may establish a Council on Early Childhood Education to advise on rules and guidelines to implement this Division.

(2) If a Council on Early Childhood Education is established, the Minister may, by an order published in the *Gazette*, provide for—

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

## **109. Regulations**

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

(2) Without limiting the generality of subsection (1), the Minister, in respect of private schools which provide early childhood education services, may make regulations—

- (a) prescribing the academic and professional qualifications of teachers or other persons to be employed therein;
- (b) specifying the records to be submitted to the Minister;
- (c) prescribing the safety standards to be satisfied;
- (d) concerning their buildings, premises, equipment and furnishings;
- (e) prescribing the ratio of staff to students in such schools; and
- (f) concerning the needs of children attending such schools.

## **110. Programmes and policies**

(1) Early childhood education services provided by the Minister or by a private school shall be consistent with this Act and the regulations.

(2) Until regulations are made under section 109, and to the extent that the regulations do not cover such matter, the provisions of this Act apply to a school providing early childhood education services to the extent possible.

## DIVISION 2

### *Home Education*

## **111. Home education programmes**

(1) A parent of a child of compulsory school age may provide, at home, a home education programme for the child if the parent complies with this Division and if the programme meets the goals and objectives set out in section 3(3).

(2) The parent shall, prior to the commencement of a home education programme for the child and every year thereafter for as long as the home education programme is provided, register the child with the Chief Education Officer.

(3) An educational plan for a child who is receiving home education shall be prepared and provided to the Chief Education Officer and shall comply with the following conditions—

- (a) the initial plan shall be prepared and provided to the Chief Education Officer three months prior to the commencement of the home education programme;
- (b) the plan shall include a description of the learning activities for the student that will comply with the goals and objectives set out in section 3(3);
- (c) the plan must be based on the national curriculum as established by the Minister under Part VIII; and
- (d) the plan shall be for a maximum period of three academic years with details for each year; and may be extended subject to the approval of the Chief Education Officer.

(4) A student in a home education programme may, subject to this Act and any terms and conditions prescribed by the regulations, attend courses offered by the Ministry.

(5) On payment of prescribed fees and subject to any prescribed conditions, a home educated child may receive educational resource materials provided by the Ministry and may use facilities and equipment of a public school or an assisted private school.

(6) The Chief Education Officer shall in respect of every child in a home education programme—

- (a) provide for the assessment of the child's achievement on a regular basis and communicate the results to the parent;
- (b) advise the parent if, in the opinion of the Chief Education Officer, the child is not making reasonable progress in the programme; and
- (c) provide the parent with recommendations which will assist the child to improve his or her level of achievement.

### DIVISION 3

#### *Special Education*

#### **112. Special education programmes**

(1) The Chief Education Officer shall provide a special education programme for any student of compulsory school age and may provide such education for student beyond that age, who by virtue of intellectual, communicative, behavioural, physical or multiple exceptionalities is in need of special education.

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

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

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

#### **113. Determination of special educational needs**

(1) A principal shall, in consultation with professional staff and the parent of a student, determine—

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

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

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

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

- (a) the parent of the child shall receive written information concerning the provisions of this Division;
- (b) written consent of the parent shall be obtained to an assessment of the child being undertaken;

- (c) assessment shall, if possible, be on a multi-disciplinary basis;
- (d) the results of the assessment reports shall be provided and explained to the parent;
- (e) the parent and, where appropriate, the child shall be consulted prior to the determination of and during the implementation of the special education programme; and
- (f) the parent shall be provided with information concerning the right of appeal to the Minister.

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

(5) If there is more than one parent for a child, consultation with one parent is sufficient compliance with the consultation requirements of this section.

#### **114. Special needs appeals**

- (1) If a disagreement arises respecting a decision concerning—
  - (a) the identification of a child as a child with special educational needs;
  - (b) the individual education plan proposed for the child;
  - (c) a request by a parent for a determination under section 113;
  - (d) the implementation of an individual education plan in an environment other than regular classes;
  - (e) the implementation of an individual education plan in a school other than where the student would normally attend; or
  - (f) the apportionment of the cost of an individual education plan between the Ministry and the parents,

the parent, the proprietor or principal of the school affected by the decision may, within fourteen days of the decision, appeal in writing to the Minister.

(2) If an appeal is made to the Minister, the child shall be enrolled in a programme determined in accordance with section 113 until the Minister makes a decision.

#### **115. Council on Special Education**

(1) The Minister may establish a Council on Special Education to advise on rules and guidelines to implement this Division.

(2) If a Council on Special Education is established, the Minister may, by an order published in the *Gazette*, provide for—

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

### DIVISION 4

#### *Distance Learning and Continuing Education*

#### **116. Distance learning**

The Minister may make provision for distance learning programmes at the pre-primary, primary, secondary or tertiary level and may regulate any programme in existence at the



commencement of this Act or which comes into existence after the commencement of this Act.

### **117. Continuing education**

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

## **PART VII**

### *Employment of Teachers*

### **118. Employment of teachers**

To be employed as a teacher in a public school or an assisted private school a person must hold the prescribed qualifications.

### **119. Qualifications of teachers**

(1) For employment as a teacher at the pre-primary, or primary level a person must have—

- (a) attained the age of eighteen years; and
- (b) passed at least six GCE 'O' Level or CXC subjects including English Language or their equivalent.

(2) For employment as a teacher at secondary level a person must have—

- (a) attained the age of eighteen years; and
- (b) passed at least six GCE 'O' Level or CXC subjects, including English Language, and two GCE 'A' Level subjects or their equivalent.

(3) The Minister may, by an order published in the *Gazette*, vary the qualifications set out in subsections (1) or (2) and may prescribe equivalent qualifications.

(4) For employment as a teacher at tertiary level a person must have the prescribed qualifications.

### **120. Requirements for employment as a teacher**

An application for employment as a teacher in a public school must be made to the Chief Education Officer and must be accompanied by—

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

### **121. Appointment of teachers to public school, etc.**

(1) The appropriate Service Commission may appoint—

- (a) pensionable teachers to public schools or assisted private schools; or

(b) non-pensionable teachers to public schools or assisted private schools, after consultation with the Chief Education Officer and the respective board of management, if any, and in accordance with this Act and the appropriate Service Commission Regulations.

[Public Service Commission Regulations, Chapter 2.]

(2) The appointment of a teacher to a public school or an assisted private school shall be in accordance with the requirements of the school and on the basis of the qualifications and suitability of the teacher.

(3) In the case of an assisted private school which is established and managed by a religious denomination, the Chief Education Officer may, after consultation with the relevant board of management, recommend the appointment of a teacher to the school.

## PART VIII

### *Curriculum and Assessment of Students*

#### **122. National curriculum**

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

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

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

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

#### **123. Core and foundation subjects**

(1) The curriculum for a school shall include—

- (a) core and foundation subjects;
- (b) work-related learning; and
- (c) such other courses of study as are necessary,

and shall specify in relation to each of them—

- (i) attainment targets that include the knowledge, skills and understanding which students of different abilities and maturities are expected to have by the end of each education stage,
- (ii) programmes of study that include the matters, skills and processes that must be taught to students of different abilities and maturities during each education stage, and
- (iii) assessment arrangements that include assessing students at or near the end of each assessment stage in order to ascertain what they have achieved in relation to the attainment targets.

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

#### **124. Assessment stages**

- (1) The assessment stages in relation to a student are—
  - (a) the period from the attainment of compulsory school age to the end of the academic year in which the majority of students in the student's class attain the age of seven years;
  - (b) the period from the start of the academic year in which the majority of students in the student's class attain the age of seven years to the end of the academic year in which the majority of students in the class attain the age of nine years;
  - (c) the period from the start of the academic year in which the majority of students in the student's class attain the age of nine years to the end of the academic year in which the majority of students in the class attain the age of eleven years;
  - (d) the period from the start of the academic year in which the majority of students in the student's class attain the age of eleven years to the end of the academic year in which the majority of students in the class attain the age of fourteen years; and
  - (e) the period from the start of the academic year in which the majority of students in the student's class attain the age of fourteen years to the end of the academic year in which the majority of students in the class attain the age of sixteen years.

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

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

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

(5) The Minister may publish the results of the assessments together with a commentary thereon by the Chief Education Officer, but not so as to identify individual students or teachers.

## **125. Determination of attainment targets**

- (1) The Minister shall publish by notice in the *Gazette*—
  - (a) the core subjects and other foundation subjects;
  - (b) the attainment targets;
  - (c) the programmes of study; and
  - (d) the assessment arrangements,

that the Minister considers appropriate.

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

## **126. Subject panels**

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

- (2) The members of a subject panel shall include—
  - (a) members of the teaching profession with expertise in the subject;
  - (b) officials of the Ministry; and

- (c) other persons, including parents, with relevant knowledge or experience in the subject.

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

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

## **127. Collective worship and religious education**

(1) Subject to subsections (2) and (5), the school day in a public school or an assisted private school at the primary or secondary level shall begin with collective worship by all students attending the school, and arrangement shall be made for a single act of worship attended by all students unless the construction of the school premises makes that impracticable, except that in the case of a an assisted private school established and managed by a religious denomination, its board of management shall determine the form of worship.

(2) Subject to subsection (6), the collective worship required by subsection (1) shall not be distinctive of any particular religious denomination.

(3) Subject to subsection (4), religious education must be part of the curriculum of every public school or assisted private school at the primary or secondary level.

(4) It shall not be a condition of admission or attendance of any student to a public school or an assisted private school that the student—

- (a) participates in religious education or attends or abstains from attending any place of religious instruction or worship;
- (b) attends any religious observances or receives any education in religious subjects at an institution of worship; or
- (c) attends an institution or an activity in any place or any day specially set apart for religious worship by the religious body to which he or she belongs.

(5) If the parent of any student attending a public school or an assisted private school requests that the student be excused from attendance at collective worship or at any religious observance or from classes in religious subjects at the school or elsewhere, then, until the request is withdrawn, the student shall be excused.

(6) Notwithstanding subsection (2), for an assisted private school established and managed by a religious denomination, the religious denomination is responsible for organising and providing religious instruction or education to students that belong to its religious faith in accordance with a curriculum prescribed by the body.

(7) If an assisted private school established or managed by a religious denomination admits students who do not subscribe to the religious beliefs of the denomination, no student, except with his or her consent or, if he or she is under the age of eighteen years, the consent of a parent, may be compelled or required to receive religious instruction or take part in or attend any religious ceremony or observance.

## **128. Religious education in public schools, etc.**

(1) The religious education given to a student at a public school or an assisted private school pursuant to section 127 shall be given in accordance with an agreed syllabus adopted for the school.

(2) In respect of public schools or assisted private schools, with the exception of assisted private schools established and managed by religious denominations, the Minister may appoint a panel of advisors on religious matters to advise on religious

instruction in the schools and in particular as to methods of teaching, choice of books and the provision of lecturers or teachers.

## PART IX

### *Scholarships and Other Financial Assistance*

#### **129. Saint Vincent and the Grenadines National Scholarships**

(1) The Government shall make provision for the award of Saint Vincent and the Grenadines National Scholarships, referred to in this Act as “a scholarship”.

(2) A scholarship is tenable at the University of the West Indies or at any university or educational institution approved by the Cabinet.

(3) The Cabinet shall determine the number of scholarships to be awarded each year.

#### **130. Value of scholarships**

A scholarship shall be of sufficient value to cover all reasonable expenses associated with the course of studies approved for the scholarship, including but not limited to—

- (a) the cost of one return passage between Saint Vincent and the Grenadines and the place of study;
- (b) the fees and other charges payable to the institution to which the student has been admitted; and
- (c) allowances to cover any or all of the following—
  - (i) clothing if necessary,
  - (ii) maintenance,
  - (iii) books and instruments,
  - (iv) medical expenses reasonably incurred, and
  - (v) if necessary, subsistence during travel if the scholarship is held overseas.

#### **131. Conditions for scholarships, etc.**

(1) The following persons are eligible for consideration for a scholarship—

- (a) a citizen of Saint Vincent and the Grenadines;
- (b) a child of a citizen of Saint Vincent and the Grenadines;
- (c) a person who is a resident of Saint Vincent and the Grenadines and who has been so resident in Saint Vincent and the Grenadines for a period not less than ten years; or
- (d) a citizen of a Member State of the Organisation of Eastern Caribbean States or the child of such a person who is—
  - (i) employed in Saint Vincent and the Grenadines by the Government or the Secretariat of the Organisation of Eastern Caribbean States, or
  - (ii) resident in Saint Vincent and the Grenadines,

and the country of citizenship has enacted legislation in terms materially identical to this provision and does not discriminate against citizens of Eastern Caribbean States in the award of scholarships.

(2) A person eligible for a scholarship pursuant to subsection (1) must have, for three years immediately preceding the application for a scholarship, been *bona fide* receiving education in Saint Vincent and the Grenadines.

### **132. Entry at proposed institution**

(1) A scholarship holder shall enter the approved university, college or institution within a time specified in the award and shall attend continuously until the scholarship expires.

(2) Except with the written approval of the Cabinet, no change may be made by a scholarship holder to either the institution attended or the course of study.

### **133. Forfeiture of scholarship**

(1) Subject to subsection (2), a scholarship shall be forfeited—

- (a) on expulsion of the scholarship holder from the approved university, college or institution;
- (b) if the holder fails to pass any examination within the period fixed by the competent authorities of the university, college or institution, unless the Cabinet is satisfied, on the recommendation of the authorities, that the holder has been prevented from passing the examination in circumstances which do not justify forfeiture;
- (c) if the holder enters a course of study or accepts any appointment which is not approved by the Cabinet;
- (d) if the holder fails without reasonable excuse to comply with the requirements of this Act or the regulations;
- (e) if any event occurs, either before or after the holder has entered any course of study, which in the opinion of the Cabinet is likely to be prejudicial to the object for which the scholarship was granted; or
- (f) on proof to the satisfaction of the Cabinet of grave misconduct by the holder at any time after the award.

(2) The Cabinet may, either before or after the scholarship holder has commenced studies, instead of declaring the scholarship to be forfeited, forfeit the whole or a portion of the amount payable in respect of any period if in the opinion of the Cabinet such a course is appropriate.

### **134. Scholar to sign undertaking**

A person to whom a scholarship is awarded under this Part shall sign a bond in a required sum and in a required manner to return, on obtaining his or her qualifications, to serve Saint Vincent and the Grenadines in accordance with the terms of the bond.

### **135. Award of grants and bursaries**

The Cabinet may, on terms and conditions prescribed by regulations, award grants or bursaries to—

- (a) students of secondary schools; and
- (b) teachers of public schools, for the purpose of pursuing a course of study at an educational institution.

### **136. Financial assistance to needy student**

(1) The Minister may, on application by or on behalf of a needy student, give financial assistance to such student out of monies voted for the purpose.

(2) An application for assistance under this section shall be made in the prescribed manner.

## PART X

### *Inspection and Review of the Education System*

#### DIVISION 1

##### *Inspection of Schools*

#### **137. Inspection of schools**

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

(2) A person who, pursuant to this section, visits or inspects a school may—

- (a) give assistance and guidance to the teachers employed at the school in order to promote the good administration and effectiveness of the school; or
- (b) advise the principal of the school on matters relating to the welfare and development of students; and
- (c) give to the Minister, the board of management, if any, or, in the case of a private school, the proprietor, a report on the school.

#### **138. Schools to be opened for inspections and visit**

(1) The principal of a school shall keep the school open at all times during school hours for visits and inspections by a person mentioned in section 137(1).

(2) Any person who, pursuant to section 137(1), visits or inspects a school may at the request of the Chief Education Officer examine the students in the subjects of instruction taught at the school.

#### **139. Offences**

A person who in respect of a person mentioned in section 137(1)—

- (a) assaults or obstructs that person during a visit or inspection; or
- (b) makes a false representation or gives false information to that person,

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

#### DIVISION 2

##### *Review of the Education System*

#### **140. Appointment of Education Review Committee**

(1) Every five years or as soon as practicable thereafter, the Cabinet, on the recommendation of the Minister shall appoint an Education Review Committee

consisting of nine members to review and report on the education system of Saint Vincent and the Grenadines.

(2) The Education Review Committee shall consist of—

- (a) a chairperson, who shall be a person who has knowledge or expertise in education;
- (b) one member from the National Parent Teacher Association;
- (c) one member from a board of management;
- (d) one member each from organisations concerned with—
  - (i) community development,
  - (ii) industry and commerce,
  - (iii) professional services;
- (e) one member representing the Saint Vincent and the Grenadines Teachers Union; and
- (f) two other members appointed by the Minister on the advice of the Cabinet.

(3) The Education Review Committee may co-opt additional members from among persons who have relevant expertise.

#### **141. Functions of Education Review Committee**

(1) The Education Review Committee shall review and report on—

- (a) the physical condition and the maintenance of educational institutions and schools in Saint Vincent and the Grenadines;
- (b) the suitability of the curriculum in educational institutions and schools in Saint Vincent and the Grenadines;
- (c) the performance of students at—
  - (i) the assessments held in accordance with Part VIII,
  - (ii) annual examinations set and marked by individual schools, and
  - (iii) examinations set by the Caribbean Examinations Council;
- (d) the organisation of the Ministry and its delivery of education services;
- (e) the teaching service generally and the number, quality and performance of teachers; and
- (f) any other matter which in the opinion of the Educational Review Committee would enhance the quality and delivery of education in Saint Vincent and the Grenadines.

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

(3) After the report of the Education Review Committee has been laid before the House of Assembly it shall be published and made available for sale to the public.

### PART XI

#### *Miscellaneous*

#### **142. Search of students**



(1) For the purposes of this section, “**adult**” does not include a student who has attained the age of eighteen years.

(2) This section applies to all educational institutions and schools.

(3) Where a teacher of an educational institution or school has reasonable grounds for believing that a student has in his or her possession any intoxicating liquor, controlled drug within the meaning of the Drug (Prevention of Misuse) Act, gun within the meaning of the Firearms Act, 1995, or any article that has been reported stolen the teacher may search the student’s person and the student’s property.

[Chapter 284, Chapter 386.]

(4) Where upon a search carried out pursuant to subsection (3), the teacher finds any intoxicating liquor, controlled drug, gun, or any article that has been reported stolen on the student or in the possession a student, the principal shall report forthwith the finding to—

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

(5) The search of—

- (a) a student’s person shall be conducted in the presence of an adult, other than the adult conducting the search; and
- (b) a student’s property shall be conducted in the presence of the student and another adult, other than the adult conducting the search.

(6) A female student may only be searched by a female in the presence of another female.

(7) A male student may be searched by an adult of either sex in the presence of another adult of either sex.

(8) A search under this section shall be carried out in a private place whether on the school premises or elsewhere during school related activities, and no student, other than the student searched, shall be present during a search.

### **143. Proceedings consequent to search**

(1) A teacher who carries out a search under the authority of section 142 may exercise the same powers, and has the same privileges and immunities as are conferred on a constable by law.

(2) Where a search is carried out under section 142 by a teacher other than the principal, that teacher shall forthwith forward a report in writing to the principal stating the facts and circumstances relating to the search.

(3) Whenever a search is carried out pursuant to section 142 by a teacher other than the principal, the principal shall, forthwith after the search, institute an inquiry into the circumstances relating to the search.

### **144. Obstruction of search, etc.**

(1) A student who—

- (a) assaults, obstructs or uses insulting, abusive or indecent language to a teacher carrying out or attempting to carry out a search under section 142; or
- (b) is found in possession of any intoxicating liquor, controlled drug, gun, or any article that has been reported stolen commits an offence and is liable on

summary conviction, if he or she is under the age of sixteen years, to a fine of one thousand dollars or if the student is sixteen years of age or older to a fine of fifteen hundred dollars or to imprisonment for six months, or both.

(2) A person, other than a student, who assaults, obstructs or uses insulting, abusive or indecent language to a principal, deputy principal or teacher carrying out a search under section 142 or any adult assisting such principal, deputy principal or teacher commits an offence and is liable on summary conviction to a fine of two thousand five hundred dollars or imprisonment for one year, or both.

#### **145. Damage to school property**

(1) A student who wilfully damages or destroys school property or the property of any person lawfully on the school premises commits an offence and is liable on summary conviction to a fine of five hundred dollars, if he or she is under the age of sixteen years, or, if he or she is sixteen years of age or older, to such fine or to imprisonment for three months, or both.

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

(3) Without affecting subsection (2), nothing in this section, or sections 143, 144 and 145 shall affect the application of the Juvenile Offenders Act to a student who is under the age of sixteen years.

#### **146. Counselling and rehabilitation**

A student who is convicted under section 144 or 145 shall, in addition to any penalty imposed on the student or his or her parent, be ordered to undergo counselling and rehabilitation for such period not exceeding one year as the magistrate considers appropriate.

#### **147. Vendors on school premises**

(1) No person may sell or offer for sale any services, goods, food, beverage or any other item on the premises of a public school or an assisted private school without the written permission of the Chief Education Officer.

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

(3) A person who applies for permission under subsection (2) shall submit with the application a medical certificate from a medical practitioner to the effect that the applicant is free from disease and is unlikely to be a source of infection to persons at the school.

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

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

(6) The sale of food and drink at a school is not permitted during lesson periods.

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

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

(9) The Chief Education Officer may delegate his functions under this section in relation to any school to the board of management for that school, if any.

(10) A person who contravenes subsection (1), (5), (6) or (8) commits an offence and is liable on summary conviction to a fine of five hundred dollars.

#### **148. Prohibition of sale of alcoholic beverages or tobacco**

Any person who sells, offers or exposes for sale any alcoholic beverage or tobacco on the premises of any school or educational institution, whether public or private, commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for twelve months, or to both.

#### **149. Use of premises**

(1) The building of a public educational institution or public school may not be used for a public activity—

- (a) unless the building is certified as architecturally safe for such purpose by the Chief Engineer of the Ministry responsible for public works;
- (b) without the written permission of the Permanent Secretary who shall make arrangements ensuring that the building or furniture, if damaged during the activity, will be repaired or replaced.

(2) The Permanent Secretary may delegate his or her functions under subsection (1) to the board of management, if any, of the institution or school, which shall make arrangements accordingly.

#### **150. Offences on premises of educational institution, etc.**

(1) A person who—

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

commits an offence and is liable on summary conviction to a fine of two thousand dollars.

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

## 151. Prosecutions

A prosecution for an offence under this Act may be brought in the name of the Chief Education Officer or Permanent Secretary where applicable.

## 152. Regulations

(1) The Minister may, on the advice of the Advisory Board given in accordance with section 10, make regulations for the proper carrying out of the Minister's goals and objectives under this Act.

(2) Without limiting the generality of subsection (1), the Minister may, on the advice of the Advisory Board given as aforesaid, make regulations—

- (a) concerning the management and conduct of public schools and assisted private schools;
- (b) concerning the management of private schools and in particular in respect of—
  - (i) the size of the classrooms and their equipment, the number of students that may occupy each classroom and the necessary sanitary facilities to be provided,
  - (ii) the registers and other records to be kept by proprietors of private schools and the particulars to be furnished to the Ministry by the proprietors,
  - (iii) the suitability of the premises,
  - (iv) the suitability of the curriculum, courses and methods of instruction, and
  - (v) generally for more effectively carrying out the provisions of this Act respecting private schools;
- (c) prescribing the standards to which the premises of schools or educational institutions shall conform;
- (d) concerning the purposes for which the premises of a public educational institution or public school may be used and the fees for use of such premises;
- (e) prescribing the financial or other assistance which may be given to any school or educational institution or class of school or educational institution, and the conditions for such assistance;
- (f) concerning the discipline of students at public schools or assisted private schools including the instrument, if any, which may be used for corporal punishment;
- (g) requiring the keeping by schools of a school record of each student, the particulars to be included in the record and the disposal of the record;
- (h) respecting—
  - (i) the admission of students to public schools and assisted private schools, and
  - (ii) the transfer of students from one school to another, so far as not prescribed by this Act;
- (i) concerning the management and accounting records to be kept by principals and staff of public schools and assisted private schools of—
  - (i) public monies or property payable to or vested in the school,
  - (ii) monies derived from fundraising activities held at or for the school,

- (iii) monies and other property derived by way of gift, bequest, trust, donation, or in any other manner whatsoever;
- (j) concerning the terms of employment of teachers including grading, promotion, leave, and payment of salaries and other remuneration so far as they are not prescribed by this Act or any other law;
- (k) concerning the establishment, administration, organisation, inspection, classification and discontinuance of schools, including pre-primary schools and schools for children with special needs;
- (l) concerning the award of grants and bursaries for tertiary education and specifying the value and any conditions subject to which grants and bursaries may be held;
- (m) concerning the giving of other financial assistance to needy students under section 136;
- (n) prescribing the academic year, school hours, terms and vacations of public schools and assisted private schools so far as they are not prescribed by this Act;
- (o) prescribing the cases in which, and the matters for which, fees may be charged in public schools and assisted private schools and regulating the accounting for such fees;
- (p) concerning the inspection of schools and educational institutions;
- (q) concerning the constitution, rights, powers and responsibilities of student councils and of the National Student Council;
- (r) concerning the constitution, rights, powers and responsibilities of Parent Teacher Associations and the National Council of Parent Teacher Associations;
- (s) embodying any collective agreement arrived at between the Ministry and the Saint Vincent and the Grenadines Teachers Union concerning the conditions of service of teachers represented by the union, or between the Ministry and any other body representing members of the teaching profession in respect of such members;
- (t) regulating the keeping of personal files of teachers and access to them by teachers; and
- (u) prescribing anything which by this Act is to be prescribed.

### **153. Repeal and savings**

- (1) The Education Act, 1992, is repealed.

[Act No. 29 of 1992.]

(2) Notwithstanding subsection (1), subsidiary legislation made or continued under the former Act and in force immediately prior to the commencement of this Act shall, so far as it is not inconsistent with the provisions of this Act and until it is revoked by subsidiary legislation made under this Act, continue in force as if made under this Act; and may be modified and adapted as necessary to conform to this Act.

### **154. Transitional provisions**

- (1) The Education Advisory Board constituted under the former Act is dissolved.

(2) A person who, immediately before the dissolution of that Board, held office as a member of that Board—

- (a) ceases to hold that office;

- (b) is not entitled to any remuneration or compensation because of the loss of that office; and
- (c) is eligible, if otherwise qualified, to be appointed as a member of the Advisory Board constituted under this Act.

(3) A board of management or a governing board, as the case may be, established under the former Act for—

- (a) a public school; or
- (b) an assisted private school,

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

(4) An Education Board established under the former Act for a public educational institution and in existence at the commencement of this Act shall continue to exist until provision is otherwise made for the management of the institution.

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### **First Schedule**

[Section 9(2).]

#### *Education Advisory Board*

#### **1. Definition**

In this Schedule, “**member**” means a member of the Advisory Board.

#### **2. Constitution of Board**

(1) The Minister shall, after the prior approval of the Cabinet, appoint the Advisory Board consisting of—

- (a) the following *ex officio* members—
  - (i) the Director of the Saint Vincent and the Grenadines Community College,
  - (ii) the Resident Tutor, University of the West Indies School of Continuing Studies,
  - (iii) the President of the National Students Council,
  - (iv) the Chief Medical Officer;
- (b) a representative of—
  - (i) the Ministry with responsibility for social services,
  - (ii) the Saint Vincent and the Grenadines Teachers Union,
  - (iii) the National Council of Parent Teachers’ Associations,
  - (iv) the Pre-School Services Committee,
  - (v) the National Youth Council,
  - (vi) a service club,
  - (vii) the Primary Headteachers Council,
  - (viii) a Trade Union,
  - (ix) the Saint Vincent and the Grenadines Christian Council,
  - (x) the Chamber of Industry and Commerce,

- (xi) the National Council for Technical, Vocational Education and Training,
  - (xii) an Assisted Private School,
  - (xiii) the Association of Principals of Secondary Schools;
- (c) two persons nominated by the Minister in his or her discretion from among persons representing—
- (i) expert educational opinion, or
  - (ii) parents of children attending public schools.

(2) The organisations mentioned at paragraphs (2)(b)(vi), (viii) and (xii) shall nominate representatives on a rotational basis.

(3) Members of the Advisory Board shall be appointed by the Minister by instrument in writing.

### **3. Chairperson and Deputy Chairperson**

(1) The members shall nominate—

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

(2) The Minister shall appoint in writing, as Chairperson and Deputy Chairperson respectively, the members nominated pursuant to paragraph (1).

(3) In the case of the absence of both Chairperson and Deputy Chairperson the members present at a meeting shall elect from among their number a temporary Chairperson who shall preside at the meeting.

### **4. Tenure of office**

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

### **5. Remuneration**

The Minister, after approval of the Cabinet, shall prescribe the remuneration and allowances payable to members.

### **6. Vacancy**

(1) A vacancy in the membership of the Advisory Board shall occur—

- (a) on the death of a member;
- (b) on the resignation of a member;
- (c) on the revocation of the appointment of a member by the Minister under item 8.

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

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

### **7. Resignation**

(1) A member, other than the Chairperson or Deputy Chairperson, may at any time resign his or her office by instrument in writing addressed to the Chairperson, who must forthwith forward the instruments to the Minister.

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

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

#### **8. Revocation of appointment of member**

The Minister may at any time revoke the appointment of a member.

#### **9. Temporary appointment**

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

#### **10. Publication of Board members**

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

#### **11. Meetings**

(1) The Advisory Board shall meet twice quarterly and at such other times as the Chairperson determines is necessary and expedient for the transaction of its business and such meetings shall be held at such places and times and such days as the Chairperson determines.

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

(3) The minutes of the proceedings of each meeting of the Advisory Board shall be kept in a manner determined by the Advisory Board and the minutes of each meeting must be confirmed at the next meeting of the Advisory Board and shall be submitted to the Minister within fourteen (14) days after being confirmed.

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

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

#### **12. Voting**

(1) The decision of the Advisory Board at any meeting shall be by a majority of votes of the members present and voting at a meeting of the Advisory Board.

(2) In the event of equal votes, the Chairperson or Deputy Chairperson if presiding at the meeting or member presiding as Chairperson at the meeting shall have a casting vote in addition to an original vote.

#### **13. Quorum**

The quorum of the Advisory Board at any meeting shall be six members.

#### **14. Disclosure of interest**

Any member who has any interest directly in any matter being considered or about to be considered by the Advisory Board shall disclose the nature of his or her interest to the Advisory Board.

#### **15. First Meeting of the Advisory Board**

The Minister is to call the first meeting of the Advisory Board in such manner as the Minister thinks fit.

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**Second Schedule**  
[Sections 63 and 99(5).]

*Procedure of Boards of Management*

**1. Definition**

In this Schedule, “**Board**” means a board of management appointed under section 58, 61 or 99 of this Act.

**2. Chairperson and Deputy Chairperson**

(1) Except in cases of a Board established under section 99 of this Act, a Board shall elect a chairperson and deputy chairperson from among its members at its first meeting.

(2) The Chairperson, or in his or her absence the Deputy Chairperson, presides at meetings of a Board.

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

**3. Publication of membership**

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

**4. Filling of vacancies**

(1) If a vacancy occurs in the membership of a Board the vacancy shall be filled by the appointment of another member in the manner indicated in section 58, 61 or 99 of this Act, as the case may be, and such person holds office for the remainder of the period for which the previous member was appointed.

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

**5. Employment of members**

A person may not be appointed to employment under a Board of which the person is a member.

**6. Duration of membership**

(1) A member of a Board holds office for a term of two years unless before the end of the term the member dies, resigns, is removed from office for any cause by the Minister or the nominating authority under section 58, 61 or 99 of this Act or ceases to be a member in accordance with paragraph (4).

(2) A member of a Board is eligible for re-appointment for a further term.

(3) A member of a Board who fails without reasonable cause to attend three consecutive meetings of the Board ceases to be member.

(4) A member of a Board, other than the Chairperson, may resign by instrument in writing addressed to the Minister (in the case of a Board established for a public school) or to the proprietor in the case of a Board established for an assisted private school and transmitted through the Chairperson and the resignation is effective from the date of receipt of the instrument by the Minister or proprietor respectively.

(5) The Chairperson may resign office by instrument in writing addressed to the Minister in the case of a Board established for a public school or to the proprietor in the case of a Board established for an assisted private school and the resignation is effective from the date of receipt of the instrument by the Minister or proprietor respectively.

**7. Meetings**

(1) A Board shall meet at least once in every school term and at such other times as are necessary or expedient for the transaction of its business.

(2) Meetings shall be held at such places and times as the chairperson decides.

(3) The Chairperson may at any time call a special meeting of a Board and shall call a special meeting within seven days—

(a) after receiving a written request by any three members of the Board; or

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

## **8. Quorum**

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

## **9. Voting**

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

## **10. Minutes**

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

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

## **11. Attendance of Chief Education Officer**

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

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

## **12. Appointment of Committees**

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

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

(3) A committee may include persons who are members of the Board but the chairperson and at least two-thirds of the members of every committee shall be members of the Board.

(4) Any committee appointed by a Board may, subject to restrictions imposed by the Board, appoint a subcommittee of its members.

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

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

**13. Power to delegate**

Without limiting item 11, a Board, after consultation with the Chief Education Officer, may delegate to a committee any of its functions it considers appropriate subject to any restrictions or conditions it thinks fit.

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**CHAPTER 202  
EDUCATION ACT**

**SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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