

**ANTIGUA AND BARBUDA**



**THE EDUCATION ACT, 2008**

**No. 21 of 2008**

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No. 21 of 2008.

**THE EDUCATION ACT, 2008**

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VOCATIONAL EDUCATION AND TRAINING COUNCIL





I Assent,

[ L.S.]

**Louise Lake-Tack,**  
*Governor-General.*

31st December, 2008

**ANTIGUA AND BARBUDA**  
**THE EDUCATION ACT, 2008**  
**No. 21 of 2008**

**AN ACT** to provide for a regulatory system for the delivery of educational services in Antigua and Barbuda and for incidental and connected purposes.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**1. Short title**

This Act may be cited as the Education Act, 2008 and comes into operation on the date that the Minister may, by Notice published in the Gazette, appoint.

**2. Interpretation**

In this Act unless the context otherwise requires —

“Adult education” means:

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

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

“Compulsory school age” means the ages prescribed by the Minister during which students are obliged to attend school under section 27(1) of this Act;

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

“Denominational school” means an educational institution established, managed and maintained by a religious community at its own expense;

“Director of Education” means the person appointed as such by the Public Service Commission;

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

“Educational institution” means any school, training centre, or college or such other institution of higher education as may be prescribed;

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

“Minister” means the Minister of Education;

“Ministry” means the Ministry of Education;

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

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

“Primary student” means a student who at the beginning of the school year has attained the age prescribed under section 27 or will attain that age on December 31 of that same year but has not attained the age of six years;

“Principal” means the head of an educational institution under this Act;

“Private educational institutions” mean schools other than public schools and assisted private schools and which are owned, managed, and financed by trusts, individuals, bodies or any incorporated or unincorporated bodies and include -

- (a) a school; or
- (b) a class; or
- (c) an educational institution attended by twelve or more students continuously for more than eight hours per week and which is in possession of a permit issued by the Minister;

“Public schools” mean schools which are wholly or mainly maintained at the public expense and to which the general public has access without any conditions other than those authorised by or under this Act;

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

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

“Teachers College” means an educational institution established for the purpose of training teachers for service in educational institutions;

“Technical College” means a school or other institution that provides for studies, training or research in technology, science, commerce or art; and

“Tertiary education” means:

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

## **PART I**

### **ADMINISTRATION OF THE EDUCATION SYSTEM**

#### **DIVISION I**

#### **GOALS AND OBJECTIVES**

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

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

(2) The general goals and objectives which the Minister shall establish and pursue are—

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

(3) Without prejudice to the generality of subsection (1), the specific goals and objectives which the Minister shall establish and pursue are—

- (a) to encourage the development of the basic knowledge and skills in all persons, including—
  - (i) the skills of literacy, listening, speaking, reading, writing, numeracy, mathematics, analysis, problem solving, information processing, computing;
  - (ii) critical and creative thinking skills for today's world;
  - (iii) an understanding of the role of science and technology in society together with scientific and technological skills;
  - (iv) appreciation and understanding of creative arts;
  - (v) physical development and personal health and fitness; and
  - (vi) the creative use of leisure time;
- (b) to develop self-worth through a positive educational environment;
- (c) to promote the importance of the family and community;



- (d) to provide opportunities to reach maximum potential;
- (e) to promote the recognition, understanding and respect for the Constitution, laws and national symbols of the state;
- (f) to develop an understanding of the principle of gender equality and equity;
- (g) to promote understanding of the history, language, culture, rights, and values of Antigua and Barbuda and their changing role in contemporary society;
- (h) to increase awareness and appreciation of the natural environment of the state;
- (i) to promote a Caribbean identity through regional co-operation and integration;
- (j) to develop an understanding of the historical and contemporary role of labour and business in society; and
- (k) to prepare for participation in local, regional and global society.

(4) The Minister shall promote the goals specified in subsection (3) above through appropriate basic education and continuing education strategies.

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

(1) The Minister shall be responsible for the overall administration of this Act and in the exercise of the powers conferred upon the Minister, may do all things necessary or convenient for the purpose of carrying out the Minister's responsibilities.

(2) In addition to the duties referred to in subsection (1), the Minister shall be responsible for—

- (a) devising a system of education designed as far as possible to ensure that the intellectual and vocational abilities, aptitudes and interests of students find adequate expression and opportunity for development;
- (b) establishing public schools and determining their location and classification;
- (c) making, subject to this Act, provision for the admission and transfer of students in public schools and assisted private schools;
- (d) establishing and maintaining or assisting in the establishment and maintenance of educational institutions or other facilities for tertiary, adult and continuing education and special education as the Minister considers necessary, including —
  - (i) teachers' colleges for the training of teachers; and

- (ii) technical colleges and training centres considered necessary for fulfilling the requirements of technical and vocational education;
- (e) taking such other action as the Minister considers necessary for ensuring that the requirements of teachers in public educational institutions are satisfied;
- (f) conducting, managing and assisting schools in accordance with regulations made under this Act;
- (g) rendering, to such students or class of students, subject to such conditions as may be prescribed, such forms of assistance as may be necessary for enabling the students to take full advantage of the educational facilities available;
- (h) evaluating the work of public schools and assisted private schools with particular reference to the curriculum to be followed therein, and making provision for the examination and testing of students and the award of certificates;
- (i) the referral of children who have been identified by the Director of Education as having learning difficulties to appropriate medical, educational, social services or other agencies where they exist for remedial treatment or assistance;
- (j) providing educational opportunities for meeting the demands for higher education and in particular taking such steps as may be necessary for the carrying out of the Government's obligation to the Caribbean Examinations Council, the University of the West Indies or any other institution of higher learning; and
- (k) actively encouraging the formation, functioning and development of students councils in all schools and a National Student Council.

## **5. Powers of Minister**

(1) For the purpose of the performance of the functions under this Act, the Minister shall have power to—

- (a) require attendance of persons of compulsory school age at schools established and conducted under this Act;
- (b) regulate the operation of public schools, assisted private schools, and private educational institutions;
- (c) make provision for the professional training of teachers for the entire system of education, and lay down standards which are applicable to the recruitment of teachers, their training, professional development and conditions of service;

- (d) designate the grades or classes and special programmes to be offered in public schools and assisted private schools;
- (e) prescribe forms and notices as required for the administration of this Act;
- (f) constitute committees or other bodies to offer advise from time to time on educational and related matters;
- (g) prescribe lists of textbooks and practices in all public schools and assisted private schools so as to ensure conformity with national standards of education provided that in the case of assisted private schools textbooks for religious education shall be determined by the denomination establishing the school;
- (h) determine the level of assistance to assisted private schools and regulate such assistance;
- (i) establish or disestablish public schools including schools for technical education and inaugurate classes or discontinue classes in those schools when necessary;
- (j) prescribe, in accordance with this Act, curriculum for public schools and assisted private schools; and
- (k) provide for any other matter or do all such things as may be expedient from time to time for the carrying out of the Minister's responsibilities for education and training.

(2) In the exercise of the powers conferred by subsection (1) (c), (g) and (j) above, the Minister shall consult such organisations representing the teaching profession.

## **6. Annual Report**

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

## **DIVISION 2**

### **RESPONSIBILITIES OF THE DIRECTOR OF EDUCATION**

## **7. Duties of Director of Education**

(1) The Director of Education shall, subject to the directions of the Minister, be responsible for the general administration of this Act.

(2) The Director of Education shall—

- (a) ensure that schools and other educational institutions are administered in a proper and efficient manner;
- (b) develop administrative principles and procedures for implementing general policies and administering the school system;
- (c) after prior 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 administration of private schools;
- (d) develop and direct training of all professional personnel;
- (e) initiate, subject to the provisions of this Act, curriculum innovation and reform and the establishment of appropriate procedures for evaluating the instructional programme of schools and other educational institutions;
- (f) advise the Minister on matters affecting education in the state;
- (g) ensure that school premises, property and stock are protected against improper use;
- (h) initiate, organise and conduct courses of induction and training for untrained teachers;
- (i) ensure the observance of the provisions of this Act and regulations made thereunder pertaining to the conduct of schools and other educational institutions; and
- (j) perform such other functions under this Act as the Minister may from time to time assign to the Director of Education.

#### **8. Delegation of authority by Minister**

(1) The Minister may delegate in writing to the Director of Education any function, duty or responsibility conferred on the Minister by this Act or any regulation made under this Act, but this does not preclude the Minister from exercising any or all of the functions so delegated where the Minister considers it expedient.

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

(3) Where by this Act or any enactment made under this Act the Director of Education is required, or permitted or otherwise to perform any function, the Director of Education may, after consulting the Permanent Secretary, authorize a public officer who is accountable to him or her to perform the function.

### **DIVISION 3**

#### **ESTABLISHMENT AND FUNCTIONS OF THE EDUCATION**

##### **ADVISORY BOARD**

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

- (1) The Minister shall establish a body to be called the Education Advisory Board.
- (2) The Education Advisory Board shall consist of at least ten members including—
  - (a) the principal of the Antigua State College;
  - (b) four members nominated by the Minister in his discretion from among persons representing—
    - (i) expert educational opinion;
    - (ii) parents of children attending public schools;
    - (iii) parent teacher associations; and
    - (iv) technical, vocational or business education;
  - (c) one representative nominated by the Association of School Principals, if one exists;
  - (d) one representative nominated by the Antigua and Barbuda Union of Teachers;
  - (e) the Resident Tutor, the University of the West Indies School of Continuing Studies;
  - (f) one representative nominated by a religious organization; and
  - (g) one representative nominated by the business and professional community.
- (3) The representatives nominated by the Minister and the organizations specified in subsections 2(b), (c), (d), (f) and (g) above, shall be appointed by the Minister by instrument in writing with the approval of Cabinet.
- (4) The Education Advisory Board shall appoint a chairperson and a vice-chairperson from among its members.
- (5) The appointment of a member of the Education Advisory Board shall be for a period not exceeding two years, but the member shall be eligible for reappointment.

(6) The provisions of the First Schedule shall apply in respect of the constitution and procedure of the Education Advisory Board and otherwise in relation thereto.

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

(1) The Education Advisory Board shall advise the Minister on matters—

- (a) connected with education as it thinks fit;
- (b) 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 it; and
- (c) relating to the promotion of education as the Minister refers to it.

(2) Any advice given to the Minister, whether accepted by the Minister or not, shall be deemed confidential and so held to be by each member of the Education Advisory Board.

#### **11. Powers of the Board to hold public hearing**

(1) Prior to advising the Minister on any matter concerning the promotion of education, the Education Advisory Board may, where it thinks advisable and 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) solicit written memoranda from the public on the matter.

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

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

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

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

#### **13. Special Committees**

(1) Notwithstanding section 9, the Minister may appoint such special committees as 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 shall—

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

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

## **PART 2**

### **RIGHTS AND RESPONSIBILITIES OF**

#### **STUDENTS AND PARENTS**

##### **DIVISION 1**

#### **STUDENTS RIGHTS AND RESPONSIBILITIES**

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

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

##### **15. Responsibility to students**

(1) The Director of Education shall provide to every compulsory school-age person who resides in the state an educational programme consistent with the requirements of this Act and regulations made thereunder.

(2) For the purposes of providing the educational programme to the student, the Director of Education shall—

- (a) enroll the student in an educational programme, offered by the Ministry of Education; or
- (b) direct the student to attend an educational programme offered by another educational institution where it is reasonable to do so.

(3) Except in the case of a student who is transferred under section 54(1)(d), where a student is directed to attend an educational programme pursuant to paragraph (2)(b) above, the Government

shall be responsible for such fees and costs, if any, consequent to the student's attendance at the educational programme.

#### **16. Free tuition**

(1) No tuition fees consequent to the student's attendance in an educational programme at a public school under section 27 shall be charged to the student or the parents of the student.

(2) Notwithstanding subsection (1)—

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

#### **17. Student responsibilities**

Every student enrolled in a public school or assisted private school has the following responsibilities—

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



**18. Students accountable to teacher, principal, and Ministry**

(1) Every student shall be accountable—

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

(2) Every student shall be under the general direction and control of—

- (a) the driver and conductor of a school bus, if they are employees of the Antigua and Barbuda Transport Board; and
- (b) any person under whose supervision students are placed on the authority of the Director of Education

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

**19. 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 school.

(2) Students who have attained the age of 18 are entitled to exercise all the rights and powers, to assume all the obligations, and to receive all the benefits under this Act with respect to them that their parents are otherwise entitled to exercise, assume, or receive on their behalf.

**DIVISION 2**

**PARENTS' RIGHTS AND RESPONSIBILITIES**

**20. Rights and responsibilities of parents**

(1) Subject to section 19 and section 22, parents of students attending public schools and assisted private schools are entitled—

- (a) to be informed of the progress, behaviour and attendance of their children;

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

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

(3) Every parent shall inform the principal in writing of any medical or other condition peculiar to their child—

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

(4) The information provided under subsection (3) above shall constitute part of the student's record pursuant to section 22 of this Act.

## **21. Choice of education**

Subject to the provisions of this Act, parents may choose home schooling in accordance with section 81 of this Act, private schooling or public schooling for their children.

## **22. Student records and reports**

(1) Every principal shall establish and maintain a student record for each student enrolled in the school managed by the principal in accordance with the guidelines established by the Director of Education.

(2) All students shall be given a certified copy of their periodic or termly report on their academic performance and conduct.

(3) Every school shall provide to the parents of a student who is below 18 years of age or to a student who is 18 years of age or older, a periodic or termly report of the student's academic performance and conduct.

(4) The report referred to in subsections (2) and (3) above shall be in such form and contain such information as the Director of Education may determine.

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

- (a) the parents of a student who is below 18 years of age;
- (b) a student who is 18 years of age or older; and
- (c) the parents of a student who is 18 years of age or older who have obtained the student's consent.

(6) Subject to subsection (2), a student's record is privileged for the information and use of school and departmental officials as required for the performance of their functions and is not available to any other person or institution without the written permission of the parent or, where the student is 18 years of age or older, the student.

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

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

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

(9) Where the principal refuses to rectify the record when so requested under subsection (8) above, the person who has requested the rectification may, within 14 days of the refusal, refer the matter to the Director of Education who shall review the request and provide direction to the principal.

(10) Where the person who has referred a matter to the Director of Education under subsection (9) above, is dissatisfied with its disposition by the Director of Education, that person may appeal the matter to the Education Appeal Tribunal established pursuant to this Act within 14 days of the disposition.

(11) Any person who discloses information from a student's record in contravention of subsection (6) above, commits an offence and is liable on summary conviction to a fine of not more than one thousand dollars.

### **23. Damage to school property**

(1) Every student in a public school and assisted private school shall take good care of any public

property placed at the student's disposal and where such property is to be returned, the property shall be returned in good condition at the end of the school activities on a day and time determined by the principal.

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

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

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

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

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

#### **24. Parent Teacher Association**

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

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

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

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

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

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

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

## **25. School Committees**

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

(2) No school committee shall come into existence without the written approval of the Director of Education.

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

(4) A school committee shall—

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

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

## **26. Wishes of parents to be considered in education of students**

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 are to be considered in the education of students.

### **DIVISION 3**

#### **ADMISSION AND ATTENDANCE OF STUDENTS**

## **27. Compulsory school attendance**

(1) Every child shall attend school from the beginning of the school calendar in the school year following that in which the child attains the age prescribed in an order made by the Minister until the

last of the school calendar in the school year in which the child attains sixteen years of age or at the end of which the child obtains a certificate or diploma awarded by the Minister, whichever occurs first.

(2) Notwithstanding subsection (1), if the Minister is satisfied that it has become necessary or expedient to raise or lower the compulsory school age, the Minister may, by order, subject to affirmative resolution of the Parliament within sixty days of the making of the order, direct that subsection

(1) have effect as if for references therein there were substituted a reference to any age prescribed in the order.

### **28. Mode of admission**

(1) No child shall be admitted to a primary school unless at the time of such admission—

- (a) the child is accompanied by a parent or a responsible person over the age of eighteen years who has been authorized by a parent to represent him or her;
- (b) the person accompanying the child brings a birth or baptism certificate giving the information required for the Student's Register;
- (c) the child shall have attained the age prescribed under section 27 or will attain that age by December 31st of that same year; and
- (d) a certificate issued by a registered medical practitioner or the Public Health authorities is produced indicating that the child has been immunised as may be prescribed by regulations made under this Act.

(2) No child shall, without the written permission of the Director of Education, be admitted to a primary school other than in September, or the beginning of the primary school year.

### **29. Prohibition of discrimination**

Subject to the provisions of this Act, no person who is eligible for admission to a public educational institution or an assisted private school as a student shall be refused admission on any discriminatory grounds including race, place or origin, political opinions, colour, creed, sex, or subject to the provisions of this Act, mental or physical handicap.

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

(1) Subject to subsections (2) and (3) below, no child without the written permission of the Director of Education shall be admitted as a student to a public secondary school or assisted private sec-

ondary school before the child has reached the age prescribed in an order made by the Minister and published in the Gazette.

(2) A child below the age of eleven may be admitted to a secondary school on the written approval of the Director of Education on the grounds of exceptional ability and consistently high academic performance as evidenced by—

- (a) outstanding performance in termly and annual class examinations with a Grade A average or its equivalent in each examination;
- (b) the child's assessment results at the key stages as provided for in section 144; and
- (c) the written recommendations of teachers who have taught the child.

(3) A child below the age stipulated under subsection (1) above, who prior to the child's residence in Antigua and Barbuda attended or gained admission to a secondary school or the equivalent of a secondary school may on the written approval of the Director of Education be admitted to a public secondary school or an assisted private secondary school.

(4) No student shall without the written permission of the Director of Education be retained in a public secondary school or an assisted private secondary school after the end of the school year in which he or she shall have reached the age of sixteen years.

### **31. Student's Register**

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

(2) The Student's Register shall include—

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

- (vi) the standard, class or form of the student at the date of leaving the school from which he or she was transferred;
  - (vii) the standard, class or form to which the student is admitted; and
- (b) upon the departure of a student from a school—
- (i) the date of the student's departure;
  - (ii) the standard, class or form of the student on the date of departure; and
  - (iii) where appropriate, the school or other location to which the student is being transferred.

(3) Notwithstanding subsection (2) above, the Students Register shall include such other information as may be prescribed by the Director of Education from time to time.

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

(1) Subject to the approval of the Director of Education, a student who seeks admission from one school to another shall not be admitted to that other school—

(a) except on presentation of a letter of transfer signed by the current principal; and

(b) after consultation between the current principal and the receiving principal concerning the availability of a school place in the receiving school.

(2) A principal shall furnish on request to every student who has left his or her school a letter referred to in subsection (1) above.

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

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

### **33. Effect of contagious diseases**

(1) Subject to section 34, no student suffering from or exposed to a contagious disease shall be admitted to or permitted to remain in any school.

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



**34. Readmission of student on production of medical certificate**

(1) A student who has been refused admission to a school on the ground that the student is suffering from or exposed to a contagious disease shall not be re-admitted except upon production of a medical certificate from a medical practitioner registered under the Medical Act, Cap. 269 to the effect that such student is free from such disease and is unlikely to be a source of infection to other persons in the school.

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

**35. Temporary or permanent closing of schools**

(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 school or assisted private school; or
- (b) as a result of the outbreak of any infectious or contagious disease; or
- (c) for any other reason,

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

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

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

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

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

### **36. Zoning of schools**

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

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

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

## **DIVISION 4**

### **ENFORCEMENT OF COMPULSORY SCHOOL ATTENDANCE**

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

Subject to section 38, it shall be the duty of the parent of every child of compulsory school age to cause the child to receive an education by regular attendance at a school.

#### **38. Valid excuses from attendance**

A student shall be excused from school attendance if—

- (a) in the opinion of the Minister, the student is receiving satisfactory instruction at home or elsewhere;
- (b) the student is excluded from attendance at school under any provision of this Act or the regulations made thereunder;
- (c) the student 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 student is suffering from a physical or mental disability that, in the opinion of a registered medical practitioner, makes the student incapable of being educated by ordinary methods or instruction;
- (e) the student is granted permission by the principal of the school to be temporarily absent from school for good and sufficient reason;
- (f) the student is a participant in observances, celebrations, or activities recognized by a religious denomination;
- (g) the student has been suspended by a school in accordance with the provisions of this Act and has not been given permission to enroll in another school;

- (h) the student is enrolled and in regular attendance at a private school or a home education programme in accordance with this Act; or
- (i) the student is engaged in work experience or other educational programmes authorized or approved by the principal.

### **39. School attendance counsellors**

The Minister may, by order, designate school attendance counsellors to assist in the enforcement of the compulsory attendance provisions of this Act.

### **40. Responsibility of school attendance counsellor**

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

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

For the purposes of section 40 a school attendance counsellor, who has reasonable cause to believe that a person is in contravention of this Act and upon presentation of his or her credentials, may at any time—

- (a) enter premises and make such inquiries as are necessary to determine whether section 40 is being complied with or whether anyone is in contravention of section 43 in relation to a child of compulsory age whom the school attendance counsellor has reasonable cause to believe to be frequenting, visiting, residing or employed on the premises;
- (b) stop and question any child who appears to be of compulsory school age but is not at school concerning—
  - (i) his or her age;
  - (ii) his or her name and address;
  - (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 inquiries referred to in paragraph (a) above.

### **42. Offences against school attendance counsellors**

- (1) A person commits an offence if that person—

- (a) assaults, obstructs, or uses insulting, abusive or indecent language to—
  - (i) a school attendance counsellor in the execution of his duties; or
  - (ii) any other person executing a duty imposed on that person by this Act, in relation to the attendance of any child at school;
- (b) being a parent, fails, without reasonable cause, having been requested by a school attendance counsellor to give any information concerning—
  - (i) the name, age, residence, parent, enrollment of the attendance of any child at school;
  - (ii) any other matter, relevant to the attendance of any child at school; or
- (c) gives to any school attendance counsellor, knowing it to be false or misleading, any information concerning any matter mentioned in paragraph (b) above.

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

(3) A person who is convicted of an offence under subsection (1) above shall be liable on summary conviction to a fine not exceeding one thousand five hundred dollars or six months imprisonment or both.

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

A school attendance counsellor may, at the request of the parent, apprehend and deliver to the school from which he or she is absent or to his or her parent, any student found absent from school without having been excused under section 38.

#### **44. Duties of school attendance counsellor**

A school attendance counsellor shall—

- (a) report monthly to the Director of Education;
- (b) perform his or her duties under the direction and supervision of the Director of Education;
- (c) inquire into every suspected case of unlawful failure to attend school within his or her knowledge or when requested so to do by the Director of Education or the principal of a school;

- (d) give—
  - (i) written warning of the consequences of failure to attend school to the parent of the child who is not attending school; and,
  - (ii) written notice to the parent to cause the child to attend school forthwith.

#### **45. Reports by principals**

Every principal of a school shall—

- (a) report in accordance with such regulations as may be prescribed to the school attendance counsellor, the names, ages and residences of all pupils of compulsory age who have not attended school as required;
- (b) furnish the Director of Education with such other information as the Director of Education requires for the enforcement of compulsory education; and
- (c) report in accordance with section 53 to the Director of Education every case of suspension and expulsion.

#### **46. Liability of parent**

(1) A parent of a child of compulsory school age, who neglects or refuses to cause the child to attend school, unless the child is excused under section 38, commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

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

#### **47. Compulsory school age and offences**

(1) Subject to subsection (2) below, a person who employs a child of school age during the school year commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars.

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

(3) Notwithstanding subsection (1) above, a person or body corporate may employ a student over fourteen years of age—

- (a) during the vacation periods of the school year as specified by the Minister; or
- (b) if the employment of the student is part of the school programme to prepare students for future employment.

(4) Except with the permission of the principal or under the supervision of a teacher deputed by the principal for the purpose, no student of compulsory school age shall be admitted, on payment or otherwise, to any cinema show or other similar form of entertainment on any day and at any times which attendance at school is by this Act or regulations made hereunder, required.

(5) No student of compulsory school age shall be allowed to loiter on the licensed premises of any person or body corporate who carries on any business in connection with the sale, storage or conveyance of intoxicating liquor within the meaning of the relevant provision of the Licensing (Intoxicating Liquor) Act, Cap. 249.

(6) Any person or body corporate as the case may be who contravenes any of the provisions of subsections (4) and (5) above, commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for 6 months, or to both.

#### **48. Legal proceedings**

(1) Prosecutions under sections 46 and 47 may be instituted by the Director of Education.

(2) In prosecutions under sections 46 and 47 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 therein.

(3) In any prosecution under this section, 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.

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

(5) In any prosecution under sections 46 and 47, the court may draw inferences as to the age of a person from the person's demeanor or from statements made by the person in direct examination or cross-examination.

**DIVISION 5**  
**DISCIPLINE, SUSPENSION AND EXPULSION**  
**OF STUDENTS**

**49. School rules to govern discipline**

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

(2) Rules established pursuant to subsection (1) above shall—

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

(b) not come into effect unless approved in writing by the Director of Education.

(3) The rules 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 school year.

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

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

**50. Corporal punishment**

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

(2) Corporal punishment may be administered where no other punishment is considered suitable or effective, and only by the principal, deputy principal or any teacher appointed by the principal for that purpose, in a manner which is in conformity with the guidelines issued in writing by the Director of Education.

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

(4) A person other than those mentioned in subsection (2) who administers corporal punishment to a student on school premises commits an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

### **51. Abolition of corporal punishment**

(1) Notwithstanding section 50 the Minister may by order suspend or abolish corporal punishment in public schools, assisted private schools and private schools.

(2) An order made under subsection (1) shall be laid before Parliament, within three months of the date of the issue of such order and shall cease to have effect, without prejudice to the making of a further order, on its annulment by a resolution of Parliament supported by the votes of a majority of the members present and voting.

### **52. Suspension for minor offences**

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

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

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

(3) If there is no resolution within two school days, the principal must decide either to reinstate or to suspend the student in accordance with section 53.

### **53. Suspension for major offences**

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

- (a) gross misconduct which may be considered a risk or danger to members of staff or other students;
- (b) breach of the school rules which impose a penalty of suspension;
- (c) persistent breach of school rules other than those specified in paragraph (b);
- (d) a refusal by the student to be inspected, examined, immunised or treated by a duly qualified medical practitioner or nurse acting in accordance with any scheme or school health programme in operation in the state;



- (e) destroying or damaging without lawful excuse the property of the school;
- (f) assaulting the principal, a member of staff or other employee of the school, a student or any other person lawfully present in the school;
- (g) possession of any article made or adapted for use for causing injury or intended by the student for such use by him or her or by some other person; and
- (h) possession of alcohol or illegal drugs and substances.

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

- (b) For the purposes of subsections (1)(d) and (2)(a), “duly qualified” in respect of a medical practitioner or nurse, means registered under the provision of the Nurses Registration Act, Cap. 296.

(3) When a principal suspends a student the principal shall report in writing to the student’s parents, the Board of Management, if one exists, and the Director of Education and state the reason or reasons for the suspension.

#### **54. Action by Director of Education**

(1) The Director of Education may, after the receipt of notification under subsection 53(3) above order, after consultation with the Board of Management if one exists, that—

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

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

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

(4) A student or a parent of a student may appeal within 14 days of receipt of a decision by the Director of Education to the Education Appeal Tribunal established pursuant to this Act.

(5) The Director of Education shall inform the student and the parents of the student of the right of appeal under subsection (4) above at the time of notifying them of his or her decision under subsection (3) above.

### **PART 3**

#### **ADMINISTRATION OF EDUCATIONAL INSTITUTIONS**

##### **DIVISION 1**

##### **MANAGEMENT OF PUBLIC PRIMARY SCHOOLS**

##### **55. Establishment and maintenance of primary schools**

Primary schools which are public schools may be established and maintained in accordance with this Act and regulations made under this Act.

##### **56. Management of public primary schools**

All primary schools which are public shall be under the control of the Ministry of Education.

##### **57. Boards of Management**

(1) The Minister may by notice, if the Minister deems it necessary, appoint a Board of Management for any primary school which is a public 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) Notwithstanding subsection (1) above, the Minister may appoint one Board of Management to administer more than one primary school if the Minister is satisfied that the general interest of education in the area in which these institutions are situated will be best served by a single Board.

##### **58. Members of a Board of Management**

(1) A Board of Management appointed under section 57 shall include the following members—

(a) The principal who shall be an ex-officio member;

- (b) one member who shall be a representative nominated by the Parent Teacher Association of the school, provided that if no such association exists the Minister may appoint a parent after consultation with the principal;
- (c) one member who shall be a representative nominated by the staff at an authorised staff meeting;
- (d) not less than four members appointed by the Minister acting in his/her discretion from among persons representing—
  - (i) expert educational opinion;
  - (ii) religious denominations;
  - (iii) organizations concerned with business;
  - (iv) organizations concerned with community development;
  - (v) Antigua and Barbuda Union of Teachers (ABUT); and
  - (vi) such other areas of national interest as the Minister considers appropriate.

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

(3) The provisions of the Second Schedule shall apply in respect of the procedure and functions of the Board of Management established under subsection (1) and otherwise in relation thereto.

#### **59. Functions of a Board of Management for a primary school**

- (1) Subject to subsection (2) below, a Board of Management appointed under section 57 shall—
- (a) control and manage—
    - (i) the expenditure of any grants for the repair and maintenance of the school;
    - (ii) the rebuilding or extension of the school;
    - (iii) other matters relating to the organisation of the school as may be referred to it by the Minister;
  - (b) be responsible for the efficient maintenance of the school under its control and management and for the keeping of the buildings in a good state of repair and sanitation;

- (c) review, modify if necessary, and approve the school plan prepared by the school administration for each school operated by it;
- (d) establish policies for the administration, management and operation of the school including a student attendance policy;
- (e) prepare reports, information, and perform any duties as may be required under this Act, its regulations and guidelines, or by the Minister;
- (f) arrange for the examination and investigation of—
  - (i) student progress;
  - (ii) order among and discipline of students;
  - (iii) the system of instruction;
  - (iv) mode of keeping school records; and
  - (v) conditions of buildings and premises;
- (g) in consultation with the Director of Education and the principal and staff, establish a procedure for resolving disputes between schools, parents and teachers; and
- (h) generally exercise any other function conferred on it by this Act or by regulations made under this Act.

(2) In the performance of its functions under subsections (1)(a), (b), (c) and (d) above, the Board of Management shall consult the Director of Education.

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

Every Board of Management shall, after consultation with the principal, submit to the Director of Education—

- (a) within one month after the end of the school year a statement containing information on—
  - (i) the discipline of students;
  - (ii) the attainment levels of the students;
  - (iii) the application of the curriculum;

- (iv) the condition of the school and the maintenance of its property;
  - (v) student attendance; and
  - (vi) generally, any matter which directly or indirectly affects the school and its development;
- (b) not later than July 31st in each year, or such later date as the Minister approves in writing, a statement detailing the expenditure of any grant made to the Board of Management; and
- (c) on, or before July 31st in each year, its estimate of expenditure for the school under its control in respect of the next financial year for the approval of the Minister.

#### **61. Special or general directions**

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

### **DIVISION 2**

#### **MANAGEMENT OF PUBLIC SECONDARY SCHOOLS**

#### **62. Application of Division**

This Division shall apply to any public secondary school established under this Act.

#### **63. Management of public secondary schools**

Subject to this Act public secondary schools shall be under the management and control of the Minister.

#### **64. Establishment of Board of Management**

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

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

(3) A Board of Management appointed under subsection (1) above shall include the following members—

- (a) the principal who shall be an ex-officio member;
- (b) one member who shall be a representative nominated by the Parent Teacher Association of the school provided that if no such association exists, the Minister may appoint a parent after consultation with the principal;
- (c) one member who shall be a representative nominated by the staff at an authorised staff meeting;
- (d) not less than five members appointed by the Minister acting in his discretion from among persons representing—
  - (i) expert educational opinion;
  - (ii) religious denominations;
  - (iii) organizations concerned with business;
  - (iv) organizations concerned with community development; and
  - (v) such other areas of national interest as the Minister considers appropriate.
- (e) one member elected by the student council, if one exists.

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

(5) The provisions of the Second Schedule shall apply in respect of the procedure and functions of a Board of Management established under subsection (1) above and otherwise in relation thereto.

#### **65. Functions of Board of Management for secondary schools**

(1) Subject to subsection (2), the functions of a Board of Management in relation to the schools for which it is established are—

- (a) to be responsible to the Minister for the management, control, operation and maintenance of the school;
- (b) to receive, disburse and account for the expenditure of such sums as may from time to time be voted by Parliament for the operation of such schools;

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

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

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

## **66. Funds and resources of a Board of Management**

The funds and resources of a Board of Management are—

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

**67. Accounts and audit**

(1) Every Board of Management established pursuant to sections 57 and 64 shall keep proper accounts of its transactions, and the accounts shall be audited annually by the Director of Audit or any person authorised by him in that behalf.

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

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

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

**68. Annual report, statement of accounts of estimates**

(1) Every Board of Management under this Division shall submit to the Minister—

- (a) a report in accordance with section 60;
- (b) not later than the 31st August in each year, or such later date as the Minister approves, a statement of its accounts, audited in accordance with section 67, for the financial year ending that year; and
- (c) on or before the 31st July in each year, its estimates of revenue and expenditure in respect of the next financial year for the approval of the Minister.

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



**69. Minutes of board receivable in evidence**

Minutes of meetings of any Board of Management established pursuant to sections 57 and 64 are, if duly signed by the chairperson, or deputy chairperson, receivable in evidence in all legal proceedings without further proof and every meeting of a Board of Management in respect of which minutes have been signed shall be deemed to have been duly convened and held, and all members present at the meeting shall be deemed to have been duly qualified to act.

**DIVISION 3**

**MANAGEMENT OF ASSISTED PRIVATE SCHOOLS**

**70. Management of private assisted primary schools**

(1) Every primary school or educational institution which is an assisted private school shall be administered by a Board of Management appointed by the Minister which shall consist of not less than nine persons appointed as follows—

- (a) four persons including the chairperson nominated by the denomination or proprietor which owns the school;
- (b) the principal of the institution;
- (c) one member elected by the academic staff;
- (d) one member elected by a recognized local community group;
- (e) one member appointed by the Minister; and
- (f) one member elected by the Parent Teacher Association where such an association exists.

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

**71. Management of private assisted secondary schools**

(1) Every secondary school or educational institution which is an assisted private school shall be administered by a Board of Management of not more than twelve members appointed by the Minister in the following manner –

- (a) three members including the chairperson nominated by the denomination or proprietor which owns the school;

- (b) the principal of the institution;
- (c) one member nominated by the Minister;
- (d) two members elected in the following manner:
  - (i) one by the academic staff; and
  - (ii) one by the student council;
- (e) two members elected as follows—
  - (i) one by the Old Students' Association where such an association exists;
  - (ii) one by the Parent Teacher Association where such an association exists; and
- (f) three members nominated by the Board of Management for their particular expertise.

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

### **72. Denomination or proprietor may add duties**

(1) In addition to the functions conferred by the denomination or the proprietors of an assisted private school, a Board of Management established under sections 70 and 71 shall—

- (a) if the school for which the Board of Management is established is a primary school, perform the functions established under section 59 above; and
- (b) if the school for which the Board of Management is appointed is a secondary school, perform the functions established under section 65, above.

(2) The proprietors of a denominational school which has become an assisted private school, whether primary or secondary, shall not direct, request or encourage the Board of Management established under sections 70 and 71 to perform functions and duties inconsistent with the provisions of this Act.

### **73. Appointment of joint Board of Management**

(1) Notwithstanding sections 70 and 71, the Minister may appoint a Board of Management to administer more than one private assisted school if—

- (a) these assisted private schools have the same proprietors;
- (b) the proprietors agree to the appointment of a Board of Management;
- (c) the proprietors agree to the composition of the membership of the Board of Management under subsection (2); and
- (d) the Minister is satisfied that the general interest of education in the area in which these assisted private schools are situated will be best served by a Board of Management.

(2) Where a Board of Management is appointed to administer more than one assisted private school, the membership of that Board of Management may exceed the number prescribed for one Board of Management, and in the appointment of additional members consideration shall be given to the different categories of persons to be represented on the Board of Management.

#### **DIVISION 4**

#### **MANAGEMENT OF TERTIARY INSTITUTIONS**

#### **74. Establishment and management of tertiary institution**

(1) The Minister may establish and maintain, in accordance with this Act and regulations made under this Act, teachers' colleges, technical colleges, and any other institution of higher education at such places as the Minister may determine.

(2) A teachers' college or technical college or other tertiary institution may be established as a department or part of a public secondary school.

(3) Where a tertiary institution is independently established the Minister may by order provide for—

- (a) its curriculum;
- (b) the criteria for admission of students;
- (c) the payment of fees;
- (d) the appointment of the staff, including their terms and conditions of employment;
- (e) its management;
- (f) regulations regarding the—

- (i) professional behaviour of instructors, lecturers and tutors; and
- (ii) conduct and discipline of students and trainees.

**PART 4**

**CATEGORIES OF SCHOOLS AND THE STAGES**

**OF EDUCATION**

**DIVISION I**

**THE FORMS AND STAGES OF EDUCATION**

**75. Stages of public education**

(1) Subject to subsection (2) below, 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, as resources permit, include as part of the system of public education—

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

**DIVISION 2**

**EARLY CHILDHOOD EDUCATION SERVICES**

**76. Establishment of early childhood education services**

(1) Subject to satisfying the provisions of Division 2 of Part V of this Act, a private educational institution specified in section 91 of this Act may provide an Early Childhood Services Programme

suitable to the needs of children three years of age or older but under five years of age, if the parent of the child agrees.

(2) A private educational institution that provides early childhood services may charge the parents of children attending the programme fees in respect of the programme.

(3) A child who attends a programme under this section is not entitled to any of the rights and benefits given to a student under this Act by reason of attending that programme.

#### **77. Programmes and policies**

A private educational institution offering early childhood education services shall develop and maintain policies and programmes consistent with the early childhood services, policies, programmes and plan prescribed by the Minister.

#### **78. Insurance**

(1) A private educational institution shall keep in force a general liability insurance policy or other form of indemnification in the minimum amount prescribed by Order made by the Minister for each occurrence for 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 policy or other indemnification under subsection (1) above shall provide coverage to a private educational institution for all claims arising because of liability imposed by law on a private educational institution and for a liability assumed under any agreement entered into by the private educational institution.

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

#### **79. Council on early child-hood education services**

(1) The Minister may, when the Minister deems it desirable, establish a Council on Early Childhood Education to advise him or her on policies to guide the implementation of this Division.

(2) Where a Council on Early Childhood Education is established, the Minister may by order provide for its—

- (a) membership;

- (b) procedures for the conduct of its business; and
- (c) powers and functions.

### **80. Regulations**

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

(2) Without limiting subsection (1), the Minister may make regulations—

- (a) prescribing the academic and professional qualifications of teachers or other persons employed in early childhood education services;
- (b) respecting the records to be submitted to the Minister by a private educational institution engaged in early childhood education services;
- (c) concerning the safety standards which must be satisfied by private educational institutions;
- (d) respecting the health requirements of the environment and of the persons employed in early childhood education services;
- (e) concerning the buildings, premises, equipment and furnishings to be used in delivering early childhood education services;
- (f) prescribing the ratio of staff to students required by the private educational institution; and
- (g) respecting the needs of children of specified ages attending the programme offered by the private educational institution.

## **DIVISION 3**

### **HOME EDUCATION**

#### **81. Home education**

(1) A parent of a student may provide, at home, a home education programme for the student if the parent complies with this section and if the programme meets the goals and objectives outlined in section 3(3) of this Act.

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

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

- (a) The initial educational plan shall be prepared and provided to the Director of Education three months prior to the commencement of the home education programme;
- (b) The educational plan shall be for a minimum period of three school years and shall cover every year of the home education programme;
- (c) The educational plan shall include a description of the learning activities for the student that will comply with the goals and objectives set out in section 3(3) of this Act; and
- (d) The educational plan shall be based on the national curriculum as established by the Minister under Part 8 of this Act.

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

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

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

(7) The Director of Education shall—

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

## **82. Termination of programme**

(1) Notwithstanding subsection (1) of section 81, the Director of Education shall, in writing, terminate the home education program if the Director of Education is of the opinion, after considering the abilities of the student, that—

- (a) the home education programme no longer meets the requirements of section 3(3); or

- (b) the student had failed to meet standards of student achievement, as measured by achievement testing, comparable to those of students in public schools.

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

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

#### **DIVISION 4**

#### **SPECIAL EDUCATION**

#### **83. Special education**

(1) The Director of Education shall provide special education programmes for students of compulsory school age who by virtue of intellectual, communicative, behavioural, physical or multiple exceptionalities are in need of special education.

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

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

(4) Where it has been determined that a student will require an individual education plan, the costs of developing, providing and maintaining that plan shall be apportioned between the student if over 18 years of age, or the parent of the student as the case may be and the Ministry of Education in such manner as may be prescribed by regulations made under this Act.

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

(1) Before a determination is made under subsection (2) below, the following procedures shall be followed—

- (a) the student shall be referred to the Director of Education for a determination of the assessments that may be required to be performed;



- (b) the parent of the student shall receive written information concerning the procedures outlined in this section;
- (c) prior written informed consent by a parent for the administration to the student of the psychological and other specialized tests that are not routinely used by teachers shall be obtained;
- (d) where possible, the assessment shall be multi-disciplinary;
- (e) the results of the assessment reports shall be provided and explained to the parent;
- (f) a parent and, where appropriate, the student shall be consulted prior to the determination of and during the implementation of the special education programme; and
- (g) the parents shall be provided with information concerning the right of appeal to the Education Appeal Tribunal.

(2) Subject to subsection (1) above, the principal in consultation with professional staff and parents or, where a child is not in attendance at a school, the Director of Education, in consultation with professional staff and parents, shall determine—

- (a) whether a student is a student with special educational needs; and, if so
- (b) what special education programme is appropriate to meet the needs of that student.

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

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

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

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

### **85. Special needs appeals**

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

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

- (b) the individual education plan established for a student;
- (c) a request by a parent for a determination pursuant to subsection 84(3);
- (d) the implementation of the individual education plan in an environment other than the regular class;
- (e) the non-implementation of an individual education plan in a school where the student would normally attend; or
- (f) the apportionment of costs, including non-educational costs, between the Ministry of Education and the parents of the student for the provision of an individual education plan;

the parent, student, or Board of Management may, within fourteen (14) days of the decision, appeal the matter to the Education Appeal Tribunal established pursuant to this Act.

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

(3) When an appeal is made to the Education Appeal Tribunal, the student shall be enrolled in the program determined in accordance with section 84 until the Education Appeal Tribunal makes its decision.

#### **86. Council on Special Education**

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

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

(a) membership;

(b) procedures for its business; and

(c) its powers and functions.

### **PART 5**

#### **CATEGORIES OF EDUCATIONAL INSTITUTIONS**

#### **87. Organisation of schools**

For the purposes of this Act, the school system shall be organised in the following categories—

- (a) public schools;
- (b) private educational institutions;
- (c) denominational schools; and
- (d) assisted private schools.

## **DIVISION 1**

### **PUBLIC SCHOOLS**

#### **88. Status of public schools**

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

## **DIVISION 2**

### **PRIVATE EDUCATIONAL INSTITUTIONS**

#### **89. Interpretation**

The words “institution” or “school” where used in this Division to refer to the subject of rights or obligations, mean the person operating the institution or school to which the provision concerned applies.

#### **90. Body without legal personality**

(1) In the case of a body not endowed with legal personality, the provisions of this Act shall apply as if the body were endowed with legal personality.

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

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

#### **91. Applicability**

This Act applies to every private educational institution dispensing all or some of the educational services belonging to one or more of the following categories—

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

## **92. References and object**

(1) Subsections (a) to (f) and (h) of section 91 refer to education or instruction intended mainly to develop students' abilities in subjects preparing them for studies at the elementary, secondary, post-secondary, tertiary or university level, as the case may be.

(2) Subsections (g), and (i) of section 91 refer to vocational education or vocational training which is intended mainly to develop students' abilities so as to prepare them for an occupation, a trade or a profession.

## **93. Permit**

No person may operate a private educational institution to which this Act applies unless he or she is the holder of a permit issued by the Minister, for the institution and the educational services or categories of educational services mentioned in section 91.

## **94. Presumption**

Any person or body dispensing for profit or non-profit purposes, educational services for his or her own account and in the case of a body for its own account, shall be deemed to be operating a private educational institution.

## **95. Existing private educational institutions**

(1) A person who, at the commencement of this Act, is keeping a private educational institution, shall, within six months of commencement of this Act or of such further period as the Minister may by notice allow, comply with section 93.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding six months, and, in the case of a continuing offence is liable to a further fine not exceeding two hundred dollars for each day during which the offence continues after the first conviction.

#### **96. Private educational institutions register**

(1) The Director of Education shall keep in such manner as may be prescribed, a register of private educational institutions to be known as the Private Educational Institutions Register.

(2) There shall be entered on the Private Educational Institutions Register the particulars of every private educational institution in respect of which a permit has been issued by the Minister.

(3) The Director of Education shall annually certify a copy of the Private Educational Institutions Register and the copy so certified shall be published in the Gazette on such date as the Minister may determine.

(4) The Director of Education shall certify any amendment to the Register and the amendment shall be published in the Gazette.

#### **97. Application for registration**

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

(2) The Minister shall, upon the receipt of an application made in accordance with subsection (1) cause the private educational institution to be inspected.

#### **98. Eligibility for registration**

Where a private educational institution in respect of which an application is made under section 97 has been inspected, the Minister shall, subject to any condition that the Minister may specify, cause the educational institution to be registered if the Minister is satisfied that—

- (a) the premises are suitable for the activities intended by the private educational institution;
- (b) the furniture is adequate and suitable having regard to the number and ages of the students attending the private educational institution;
- (c) the accommodation provided is adequate and suitable having regard to the number, ages and sex of the students attending the private educational institution;

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

#### **99. Refusal**

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

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

- (a) of the refusal and of the reasons for refusal; and
- (b) of his right of appeal under section 112.

#### **100. Limitation on instruction**

Notwithstanding section 93, the Minister may refuse to issue a permit authorizing, in a primary school or in general education at the secondary school level, instructions limited to certain subjects of classes, or the Minister may subject the issue of such a permit to the conditions the Minister determines.

#### **101. Number of students**

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

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

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

### **102. Content of permit**

The permit to establish a private educational institution shall mention—

- (a) the name of the proprietor who shall be the holder;
- (b) the name and address of the institution;
- (c) the address of the buildings or premises at its disposal;
- (d) the educational services or categories of educational services the institution is authorised to dispense;
- (e) where applicable, the authorizations and conditions determined under sections 100 and 101; and
- (f) the maximum number of students who may be admitted under section 101.

### **103. Vocational education**

In respect of vocational education, the permit to establish a private educational institution shall specify, where it concerns—

- (a) secondary school instructional services in vocational education or adult vocational education, the vocational education programmes that the institution is authorized to dispense;
- (b) supplementary vocational training, the fields for which the permit is granted; or
- (c) general or vocational education at the tertiary level, the programmes that the institution is authorized to dispense.

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

(1) On first issuance, a permit is valid for a period of three years.

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

- (a) applies therefor in writing to the Minister within the time limit prescribed by regulation and furnishes, within that time limit, the information and documents prescribed by such regulation;
- (b) meets the conditions set out in section 98; and

- (c) has complied with the provisions of this Act and its regulations for the period of validity preceding the renewal.

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

#### **105. Modification**

(1) The Minister may, at the request of a permit holder, modify the permit upon payment of the fees fixed by regulation.

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

#### **106. Transfer**

A permit may not be transferred except with the written authorization of the Minister.

#### **107. Information**

(1) The holder of a permit must inform the Minister—

- (a) of any change which renders the information provided for the issue, renewal or modification of a permit inaccurate or incomplete;
- (b) whenever the institution fails to provide all or some of the educational services mentioned in its permit.

(2) Every legal person or body holding a permit must inform the Minister of any amalgamation, sale or transfer affecting it, as well as of any change in the name of the institution.

#### **108. Visits to private educational institutions**

(1) The Minister or the Director of Education or any other person authorized in writing by the Minister or the Director of Education may for the purpose of making enquiries, carrying out inspections and discharging such other duties as are imposed on him or her by this Act, enter the premises of any private educational institution during the hours of operation of that institution.

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

(3) A person who in respect of any person specified under subsection (1)—



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

commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

### **109. Notice to comply**

Where the Minister is satisfied that a private educational institution registered under this Act has ceased to be conducted in accordance with this Act or regulations made under this Act, the Minister may serve on the proprietor of the institution a notice of that fact, requiring him or her within the time specified in the notice to conduct the school in accordance with this Act or the regulations as the case may be.

### **110. Cancellation of registration**

Where a proprietor who is served with a notice under section 109 fails, within the time specified in the notice or within such further time as the Minister allows, to comply with the notice, the Minister shall—

- (a) cancel the permit and the registration of the private educational institution; and
- (b) in writing inform the proprietor—
  - (i) that the permit has been revoked and the registration has been cancelled and of the reasons for the revocation and cancellation; and
  - (ii) of his or her right to appeal under section 111 below.

### **111. Appeal**

(1) The proprietor of a private educational institution which is refused a permit and registration pursuant to sections 98 and 99 or whose registration is cancelled under section 110(a) may, within thirty days of being notified of the refusal or cancellation, appeal to the Education Appeal Tribunal established pursuant to this Act against the refusal or cancellation, as the case may be.

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

- (a) that the reasons given for the decision do not disclose any failure to meet any of the requirements for registration set out in section 98 above;

- (b) that the inspection of the school carried out pursuant to section 97(2) was not adequate for determining whether the school meets the requirements set out in section 99 above; or
- (c) that there is no evidence available to support the decision.

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

- (a) that no notice was served on the proprietor under section 109;
- (b) that the time specified in the notice served under section 109 or the further time allowed to the proprietor under section 110 to comply with the notice is unreasonable;
- (c) that the proprietor has complied with the notice served under section 109; or
- (d) that there is no evidence available to support the decision.

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

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

(6) Where an appeal is dismissed or withdrawn, cancellation of the registration of the private educational institution shall take effect from the date of the making of the order by the Education Appeal Tribunal dismissing the appeal, or the date of withdrawal of the appeal.

## **112. Registration and closure**

(1) Where the registration of a private educational institution is cancelled pursuant to section 110, the proprietor of the educational institution may, if the proprietor has complied with the notice served on him or her under section 109, apply to the Minister for the re-registration of the school.

(2) The requirements of section 98 shall apply to an application under subsection (1) above.

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

(4) Where the Minister is satisfied that the notice served under section 109 has been complied with, the Minister may re-register the private educational institution subject to any condition which the Minister may specify.

### **113. Returns**

The proprietor of a private educational institution shall furnish the Minister with returns in the manner and containing the information required by this Act and regulation made under this Act.

### **114. Health and sanitation**

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

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

### **115. Disqualification of teachers**

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

(2) The Director of Education 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 educational institution and that person shall not be so employed.

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

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

### **116. Prohibition of discrimination**

A private educational institution which denies admission to a child or expels a student on account of race or the political affiliation of the parents of the student commits an indictable offence and is liable on conviction to a fine not exceeding ten thousand dollars.

## **DIVISION 3**

### **ASSISTED PRIVATE SCHOOLS**

#### **117. Creation of assisted private schools**

Subject to section 118, an assisted private school is either—

- (a) an educational institution whose property is owned by a private proprietor, denominational body, a trust, an individual or any incorporated or unincorporated body and which has agreed to receive public funds for one or more of the following purposes—
  - (i) maintenance of the educational institution;
  - (ii) provision of school furniture or equipment;
  - (iii) the building of an extension to the educational institution or its rebuilding thereof;
  - (iv) payment of the salaries of the staff; and
  - (v) any other purpose approved by the Minister; or
- (b) an educational institution whose property is jointly owned by the Crown and a private proprietor or a denominational body—
  - (i) and the management is jointly shared between the Minister and the private proprietor or denominational body, and
  - (ii) is in receipt of public funds for any of the purposes specified in paragraph (a) above; or
- (c) the educational institution is owned by the Crown and the Minister agrees that it should become an assisted private school for the purposes of its management.

**118. Agreement to establish assisted private schools**

(1) An assisted private school comes into existence by mutual agreement between the Minister and the proprietor of the school.

(2) An agreement under subsection (1) above shall—

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

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

### **119. Publication of list of assisted private schools**

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

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

### **120. Religious education in assisted private schools**

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

(2) Where an assisted private school admits students who do not subscribe to the religious beliefs of the denominational body, no student, except with his or her own consent or, if he or she is a person under the age of eighteen years, the consent of his parent, shall be compelled or be required to receive religious education or instruction or take part in or attend any religious ceremony or observance prescribed under subsection (1) above.

### **121. Loans to assisted private schools**

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

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

## **DIVISION 4**

### **DENOMINATIONAL SCHOOLS**

#### **122. Status of denominational school**

Except where a denominational school agrees to become an assisted private school, it shall not lose its status whether or not it is in receipt of a Government grant or subsidy or other form of financial

assistance designed to meet in whole or in part the cost of the management and maintenance of the school.

**123. Regulations for denominational schools**

The Minister may make regulations respecting—

- (a) the registration of denominational schools;
- (b) the capacity of the facilities used by the denominational school;
- (c) the educational services or categories of educational services the denominational body dispenses;
- (d) the number and frequency of inspections by the Minister or Director of Education to denominational schools;
- (e) the annual returns of statistics to be furnished by the denominational body to the Minister;
- (f) the health and sanitary requirements to be maintained by the denominational body; and
- (g) the buildings, premises, equipment and furnishings to be used by the denominational body.

**PART 6**

**TECHNICAL AND VOCATIONAL EDUCATION**

**AND TRAINING**

**124. Establishment of Technical and Vocational Education Council**

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

- (a) the Permanent Secretary of the Ministry of Labour who shall be an ex officio member;
- (b) the Director of Education who shall be an ex officio member;
- (c) the principal of the Antigua State College or his nominee;
- (d) the following persons appointed by the Minister by instrument in writing—

- (i) two members appointed on the recommendations of the Antigua and Barbuda Union of Teachers (ABUT) which represent employers;
- (ii) three members with expertise in technical and vocational education and training; and
- (iii) two members appointed on recommendations of the trade unions.

(2) The Minister shall, by instrument in writing, appoint one member as chairperson, and one member as deputy chairperson.

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

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

### **125. Functions of Council**

The functions of the Technical and Vocational Education and Training Council are—

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

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

#### **126. Directions**

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

#### **127. Appointment of committees and functions thereof**

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

- (a) such of its functions as it delegates in writing; and
- (b) such other functions as are specified in section 128.

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

#### **128. Additional functions of committee**

The additional functions of a committee appointed by the Technical and Vocational Education and Training Council are as follows—

- (a) to undertake research or assist persons in undertaking research into matters relating to technical and vocational education and training;
- (b) to advise the Technical and Vocational Education and Training Council on specified aspects of technical and vocational education and training;
- (c) to advise the Technical and Vocational Education and Training Council on the training facilities to be provided at institutions for persons employed or seeking training in technical and vocational education and training;
- (d) to advise on or make arrangements for giving selection criteria in respect of persons wishing to obtain technical and vocational education and training;



- (e) to apply or make arrangements for tests and other methods of ascertaining the standards of efficiency to be recommended by the committee for persons seeking technical and vocational education and training; and
- (f) to recommend the terms applicable to persons wishing technical and vocational education and training.

### **129. Training schemes**

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

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

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

- (a) the qualifications, including the age and educational standards required for trainees;
- (b) the practical training that employers are required to provide for their trainees;
- (c) the theoretical training that is required to be provided by, or at the expense of, employers for their trainees, or that trainees are required to undergo, and the manner in which the training is to be provided or undergone;
- (d) the proficiency tests or examinations that trainees are required to take;
- (e) the maximum number of ordinary working hours including overtime, trainees may be required or permitted to work during any day, week or other specified period;
- (f) the days on which, the hours in any day before or after which, and the intervals during which, no trainee can be required or permitted to work;
- (g) the minimum wages and other conditions that apply to trainees;
- (h) the minimum remuneration and other conditions that apply in respect of any period during which a trainee is unable, by reason of any condition of training, or other circumstances, to render service to his employer during working hours; and
- (i) any other matter that, in the opinion of the Technical and Vocational Education and Training Council, with the approval of the Minister, is necessary for the effective operation of the scheme.

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

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

### **130. System for monitoring**

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

### **131. Regulations by Council**

(1) The Technical and Vocational Education and Training Council may, with the approval of the Minister, make regulations—

- (a) prescribing the form and terms of any contract of training;
- (b) relating to the manner of proof of educational qualifications;
- (c) prescribing the nature of returns that employers are required to furnish to the Council, and the period during which the returns are to be furnished;
- (d) prescribing the procedure for the registration and transfer of contracts for training, and for the notification of the expiration or termination of such contracts; and
- (e) for the holding of tests in respect of any specified occupation, and for the granting of a certificate of proficiency to any person who enters for, and passes, any such test, notwithstanding that that person is not a trainee.

### **132. Annual report**

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

- (a) an account of the activities of the Technical and Vocational Education and Training Council throughout the preceding financial year in such detail as the Minister directs; and
- (b) a statement of the accounts of the Technical and Vocational Education and Training Council for that financial year audited in accordance with regulations enacted for that purpose.

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

### **133. National policy**

The Technical and Vocational Education and Training Council shall prepare a national policy for technical and vocational education and training to meet the needs of society and the economy.

### **134. Plans for technical and vocational education**

(1) The Technical and Vocational Education and Training Council shall prepare a strategy and plan for technical and vocational education and shall update it each year.

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

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

### **135. Regulations by Minister**

The Minister may make regulations—

- (a) enabling the Technical and Vocational Education and Training Council to appoint an Executive Director and other members of staff to manage its affairs;
- (b) establishing an employment and training fund for the purposes of promoting and supporting training and the upgrading of skills for the labour force;
- (c) establishing and regulating the accounting and auditing of any funds received by the Technical and Vocational Education and Training Council;
- (d) respecting the criteria and eligibility for receiving grants or loans;
- (e) respecting the procedures for the evaluation of proposals for grants or loans;
- (f) establishing procedures for monitoring the performance and outcome of training required to satisfy the conditions for award of grants or loans;
- (g) respecting the procedures regarding training schemes; and
- (h) respecting the supervision of trainees by employers.

**PART 7**

**PROFESSIONAL DUTIES AND RESPONSIBILITIES**

**OF TEACHERS AND PRINCIPALS**

**136. Qualifications of teachers**

No person shall be employed as a teacher, principal or deputy principal in a public or assisted private school unless that person holds a valid qualification as established in regulations made by the Minister.

**137. Rights of teachers**

Every teacher has the right to—

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

- (k) participate in the preparation of the school plan.

### **138. Exercise of general professional duties**

A teacher shall—

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

### **139. Duties of teachers**

(1) Every teacher in a public school and an assisted private school shall—

- (a) encourage students in the pursuit of learning and teach them diligently and faithfully;
- (b) teach courses of study that are prescribed, approved, or authorised pursuant to this Act or the regulations;
- (c) report on the progress, behaviour, and attendance of students to their parents in accordance with the provisions of this Act and the regulations;
- (d) under the direction of the principal, maintain order and discipline among students while they are in school, on school grounds, or attending or participating in activities sponsored or approved for the school not inconsistent with this Act or regulations made thereunder;
- (e) review with students their assessments and progress and advise students of the expectations for them;
- (f) maintain whatever registers, records, or other forms as may be required by the principal, Director of Education, or this Act and make those registers, records, or other forms available for inspection by the Director of Education or by any person authorised by the Director of Education;
- (g) observe the standards of the school as established by the staff and principal;
- (h) upon reasonable notice from the principal, admit a parent of a student to the classroom for the purpose of observing;

- (i) report promptly to the principal an apparent outbreak of contagious or infectious diseases in the school, any unsanitary condition of the school building or surroundings and any other conditions or circumstances that may reasonably threaten the health or safety of students or other employees of the school;
- (j) notify the principal of any absence by the teacher from school and the reason for the absence;
- (k) upon the direction of the principal, co-operate with student teachers and their instructors in the classroom for the purpose of observing and practice teaching, and render assistance to the student teachers and submit reports on the teaching ability of the student teachers;
- (l) perform assigned duties as outlined in the school emergency plan developed by the school administration and the teachers to protect the health and safety of students;
- (m) report to the principal and to the proper government official responsible for child welfare that a student is in need of protection when there are reasonable grounds to believe that the child is in need of protection as defined pursuant to any legislation enacted by Parliament;
- (n) attend staff meetings;
- (o) plan and prepare courses and lessons;
- (p) teach students assigned to him or her according to their educational needs and set work to be carried out by the students in school and elsewhere and mark the same;
- (q) assess, record and report in a manner approved by the principal on the development, progress and attainment of students;
- (r) provide guidance and advice to students on education and social matters and on their further education and future careers, including information about sources of more expert advice on specific questions;
- (s) participate in the implementation of a policy for the pastoral care of the students;
- (t) make arrangements under the direction of the principal for parents to be given regular information about the school curriculum, the progress of their children and other matters affecting the school;
- (u) promote effective relationships with persons and bodies outside the school;

- (v) advise and assist the Board of Management in the exercise of its functions, including attending meetings and making such reports to it in connection with the discharge of his or her functions as may be required;
- (w) make and participate in implementing arrangements for the effective supervision of students during the school day, and the security of school buildings and their contents and of the school grounds;
- (x) participate to such extent as may be appropriate having regard to other duties, in the teaching of students at the school, including provision of cover for absent teachers; and
- (y) perform any other duties which may be prescribed by regulations made by the Minister under this Act.

(2) A teacher who fails to perform any or a combination of the professional duties specified in subsection (1) above is liable to disciplinary action by the Public Service Commission in accordance with the regulations made for that purpose by the Commission.

#### **140. Duties of Deputy Principal**

(1) A person appointed deputy principal in a school, in addition to carrying out the professional duties of a school teacher, including those duties particularly assigned to him or her by the principal, shall—

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

(2) A deputy principal who fails to perform any or a combination of the professional duties specified in section 139(1) above and subsection (1) of this section is liable to disciplinary action by the Public Service Commission in accordance with the regulations made for that purpose by the Commission.

#### **141. General responsibilities of principals**

(1) Subject to the provisions of this Act, the principal of each school shall—

- (a) furnish such returns as may be prescribed by the Minister by regulations made under the Education Act;

- (b) ensure the observance of the provisions of the Education Act and any regulations made under it;
- (c) promote satisfactory relationships with parents and the community served by the school;
- (d) develop and implement procedures for parental and community involvement in the school and promote co-operation between the school and the community it serves;
- (e) maintain order and discipline in the school, on the school grounds, and during activities sponsored or approved for the school;
- (f) supervise and direct teachers and other staff assigned or rendering services to the school including volunteers;
- (g) maintain any records and complete any returns and forms required pursuant to this Act and regulations;
- (h) ensure the proper maintenance and care of school property;
- (i) requisition necessary materials, supplies, and equipment for the school and arrange for distribution of them;
- (j) attend meetings of the Board of Management, the Parent Teacher Association or school committee for the school when requested by the relevant body to do so;
- (k) report promptly to the Director of Education, the Chief Medical Officer, and other appropriate health personnel an apparent outbreak of any contagious or infectious disease in the school, any unsanitary condition in the school building or surroundings and any other dangerous or unsafe condition in the school;
- (l) report to the Director of Education and to the proper government official responsible for student welfare that a student is in need of protection when there are reasonable grounds to believe that the student is in need of protection as defined pursuant to any legislation enacted by Parliament;
- (m) prepare the school's operations and maintenance budget for review and approval by the Board of Management, if such a body exists;
- (n) be responsible for the preparation and implementation of the school plan;
- (o) keep parents informed of the progress and development of students;
- (p) ensure that instruction in the school is consistent with the courses of study prescribed pursuant to this Act, or regulations made thereunder;



- (q) include in the activities of the school, cultural heritage traditions and practices;
- (r) formulate with the assistance of the staff the overall aims and objectives of the school and policies for their implementation;
- (s) deploy and manage all teaching and non-teaching staff of school and allocate particular duties to them (including such duties of the principal as may properly be delegated to the deputy principal or other members of the staff) in a manner consistent with their conditions of employment;
- (t) ensure that the duty of providing cover for absent teachers is shared equitably among all teachers in the school (including the principal), taking into account their teaching and other duties;
- (u) maintain relationships with organisations representing teachers and other persons on the staff of the school;
- (v) organise and implement the prescribed curriculum for the school, having regard to—
  - (i) the needs, experience, interests aptitudes and stage of development of the students;
  - (ii) the resources available to the school; and
  - (iii) his or her duties under the Education Act and regulations made under it;
- (w) keep under review the work and organisation of the school;
- (x) evaluate the standards of teaching and learning in school, and ensure that proper standards of professional performance are established and maintained;
- (y) maintain good order and discipline among the students and safeguard their health and safety both when they are authorised to be on the school premises and when they are engaged in authorised school activities elsewhere;
- (z) perform any other related duties which may be prescribed by regulations made by the Minister under this Act.

(2) A principal who fails to perform any or a combination of the professional duties specified in subsection (1) above is liable to disciplinary action by the Public Service Commission in accordance with the regulations made for that purpose by the Commission.

## **PART 8**

### **CURRICULUM AND ASSESSMENT OF STUDENTS**

#### **142. National curriculum**

- (1) The Minister shall establish a national curriculum for public schools and assisted private 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) above—
  - (a) promote the spiritual, moral, cultural, intellectual and physical development of students and of society; and
  - (b) prepare students for the opportunities, responsibilities and experiences of adult life.
- (3) The Minister may revise the national curriculum whenever the Minister considers it necessary and expedient to do so.

#### **143. Core and foundation subjects**

- (1) The curriculum for every public school and assisted private school shall comprise core and foundation subjects and specify in relation to each of them—
  - (a) attainment targets that include the knowledge, skills and understanding which students of different abilities and maturities are expected to have by the end of each key stage;
  - (b) programmes of study that include the matters, skills and processes which are required to be taught to students of different abilities and maturities during each key stage; and
  - (c) assessment arrangements that include the arrangements for assessing students at or near the end of each key stage for the purpose of ascertaining what they have achieved in relation to the attainment targets.
- (2) Subsection (1) above shall not apply in the case of a school engaged in the delivery of special education.

#### **144. Key stages of assessment**

- (1) The key stages in relation to a student are as follows—
  - (a) the period beginning with his attainment of compulsory school age and ending at the

same time as the school year in which the majority of students in his class attain the age of 7;

- (b) the period beginning at the same time as the school year in which the majority of students in his class attain the age of 9 and ending at the same time as the school year in which the majority of students in his class attain the age of 10;
- (c) the period beginning at the same time as the school year in which the majority of students in his class attain the age of 11 and ending at the same time as the school year in which the majority of students in his class attain the age of 12; and
- (d) the period beginning at the same time as the school year in which the majority of students in his class attain the age of 14 and ending at the same time as the school year in which the majority of students in his class attain the age of 15.

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

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

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

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

#### **145. Determination of attainment targets**

(1) The Minister shall by notice published in the Official Gazette establish—

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

that the Minister considers appropriate.

(2) A notice issued under subsection (1) above may not require that—

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

#### **146. 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) A subject panel shall comprise the following—

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

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

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

(4) It shall be the duty of the Director of Education or other official designated by him to co-ordinate the work of the subject panels and to ensure the testing and implementation of the recommended syllabuses into the school system.

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

(1) Subject to subsections (2) and (5) below, the school day in every public or assisted private school shall begin with collective worship by all students in attendance at the school, and the arrangements made shall provide for a single act of worship attended by all students unless the school premises are so constructed as to make it impracticable to assemble for that purpose.

(2) The collective worship required by subsection (1) shall not, in any public school and assisted private school, be distinctive of any particular religious denomination.

(3) Subject to section 148, religious education shall be part of the curriculum of every public school and assisted private school.

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

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

(b) if his or her parent objects, attends any religious observances or receives any education in religious subjects at an institution or elsewhere; or

(c) attends an institution or an activity in any place on any day specially set apart for religious worship by the religious body to which he or she belongs.

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

#### **148. Religious education in public schools**

(1) The religious education given to any student in attendance at a public school pursuant to section 147(3) shall be given in accordance with an agreed syllabus adopted for the school and shall not include any catechism or formulary which is distinctive of any particular religious denomination.

(2) In respect of public schools the Minister may constitute a standing advisory council on religious matters connected with the religious instruction to be given in accordance with an agreed syllabus and in particular, as to methods of teaching, the choice of books, and the provision of lecturers or teachers.

### **PART 9**

#### **ISLAND SCHOLARSHIPS AND GRANTS**

##### **149. Island scholarships**

(1) There shall be established scholarships to be called the Antigua and Barbuda Island Scholarships.

(2) The scholarships shall be open to public competition each year.

(3) The scholarships shall be tenable at the University of the West Indies or at any university, college or institution approved by the Cabinet.

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

**150. Value of scholarships**

(1) The scholarships shall be of such annual value as may by notice from time to time be determined by the Cabinet and shall be tenable for not less than three and not more than seven years, according to the time required for the completion of the approved course of study.

(2) A notice under subsection (1) may specify differential rates of allowances varying according to the country or the educational institution at which the scholarship is tenable provided that the rates so fixed shall apply equally to every holder of an award who for the time being falls within a particular category.

**151. Qualifications for scholarship**

(1) A student shall be eligible to compete for a scholarship if the student—

- (a) has for three years immediately preceding the examination referred to in section 152 been bona fide receiving his education either at a school or otherwise in Antigua and Barbuda;
- (b) has passed the Caribbean Examination Council proficiency examination or any other equivalent examination as may be prescribed by the Cabinet in five or more subjects including English Language;
- (c) has satisfied standards of conduct and deportment established by the school which the student attends or by the Ministry of Education;
- (d) is a citizen of Antigua and Barbuda or the child of a citizen of a Member State of the Organization of Eastern Caribbean States who is either—
  - (i) employed in Antigua and Barbuda by the Secretariat of the Organization of Eastern Caribbean States; or
  - (ii) resident in Antigua and Barbuda and the country of citizenship has enacted legislation in terms materially identical to this section and does not discriminate against the citizens of Antigua and Barbuda in the award of the scholarships established by this Part.

**152. Examination for scholarship**

(1) The scholarships shall be awarded by the Cabinet on the basis of results of the General Certificate of Education (Advanced Level) examination or such other equivalent examination as may be prescribed by the Cabinet to the students who are reported by the examiners to have the best claim to be awarded the scholarships.

(2) In the event of the examiners reporting that any competitors are equal, the Cabinet may award scholarships to such students as it may deem fit.

### **153. Entry at proposed institution**

(1) A scholarship holder shall enter the approved university, college or institution within a reasonable period after the award of the scholarship and shall keep the prescribed term continuously until the scholarship expires.

(2) No change shall be made by a scholarship holder in either the university or college or institution attended or the approved course of study except with the approval of the Cabinet.

### **154. Forfeiture of scholarship**

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

- (a) by expulsion of the scholarship holder from the university, college or institution;
- (b) by failure of the scholarship holder to pass any examination within the period from time to time fixed by the competent authorities of the university, college or institution unless the Cabinet is satisfied on the recommendation of the authorities of the university, or college or institution that the scholarship holder has been prevented from passing the examination in circumstances which would not in their judgment justify forfeiture;
- (c) if the scholarship holder enters on any course of study or accepts any appointment which is not approved by the Cabinet;
- (d) if the scholarship holder fails to comply with the requirements of this Chapter or of any regulations made thereunder without furnishing satisfactory evidence that the cause of such failure was beyond his or her control;
- (e) by reason of any event either before or after the scholarship holder has entered on 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 Cabinet of grave misconduct by the scholarship holder at any time after the award.

(2) The Cabinet may either before or after the scholarship holder has commenced studies, in lieu of declaring the scholarship to be forfeited, forfeit the whole or a portion of the scholarship accruing or payable in respect of any specified period if in the opinion of the Cabinet the circumstances of the case would be sufficiently met by the adoption of such a course.

**155. Scholar to sign undertaking**

Every student to whom a scholarship is awarded under this Act shall sign a bond in such sum and in such manner as may be prescribed to return, on his obtaining his qualifications, to Antigua and Barbuda and to serve therein for a period of not less than three years provided that the person is offered an appointment appropriate to his or her qualifications in the Public Service of Antigua and Barbuda at such initial remuneration as is paid to holders of like offices in Antigua and Barbuda.

**156. Travel grant**

(1) A scholarship holder shall be paid travelling expenses from Antigua and Barbuda to the approved university or college or institution and to Antigua and Barbuda from such university or college or institution.

(2) Any scholarship awarded prior to the commencement of this Act shall be deemed to have been awarded under this Act and shall henceforth be subject to the provisions thereof.

**157. Award of grants and bursaries**

The Cabinet may, on such terms and conditions as may be prescribed by regulations made under this Act, award grants or bursaries to—

(a) selected students of secondary schools; and

(b) students and teachers admitted to tertiary educational institutions,

as it thinks advisable.

**PART 10**

**INSPECTION AND REVIEW OF THE**

**EDUCATION SYSTEM**

**DIVISION 1**

**INSPECTION OF EDUCATIONAL INSTITUTIONS**

**158. Inspection of educational institutions**

(1) The Director of Education, an Education Officer, or a public officer authorized in writing by the Director of Education or any other person authorized in writing by the Minister shall, at such times and in the manner prescribed, inspect public schools, assisted private schools, and private educational institutions.



(2) Any person who, pursuant to subsection (1) above inspects an educational institutions shall—

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

### **159. Educational institutions to be opened for inspections and visits**

(1) The principal of a public school, an assisted private school and the proprietor or principal of a private educational institution shall keep the institution open at all times during school hours to visits and inspections—

- (a) by the Minister;
- (b) by the Director of Education; or
- (c) by any other person authorized in writing by the Minister or the Director of Education to visit or inspect the institution.

(2) Any person who, pursuant to subsection (1) above, inspects an educational institution may at the request of the Director of Education examine the students in the subjects of instruction taught at the institution.

### **160. Offences**

A person who—

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

commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars and in the case of a second or subsequent conviction to a term of imprisonment not exceeding six months.

## **DIVISION 2**

### **REVIEW OF THE EDUCATION SYSTEM**

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

(1) Every five years or as soon as practicable thereafter, Cabinet on the recommendation of the Minister of Education, shall appoint an Education Review Committee of not more than five members to review and report on the education system of Antigua and Barbuda in accordance with section 162.

(2) The Education Review Committee shall comprise—

- (a) a member having relevant knowledge or expertise in education and who shall be chairperson;
- (b) one member from either—
  - (i) a Parent Teacher Association; or
  - (ii) a Board of Management;
- (c) one member from organizations concerned with either—
  - (i) community development; or
  - (ii) industry and commerce; or
  - (iii) professional services;
- (d) one member representing the Antigua and Barbuda Teachers Union (ABUT); and
- (e) such other member as the Cabinet in its discretion thinks fit.

#### **162. Review and report of Education Review Committee**

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

- (a) the physical conditions and the maintenance of public and assisted private schools;
- (b) the suitability of the curriculum, in public and assisted private schools;
- (c) the performance of students at—

- (i) the assessments held in accordance with sections 144 (1) and (2);
  - (ii) annual examination set and marked by individual schools; and
  - (iii) examinations set by the Caribbean Examinations Council;
- (d) the organization of the Ministry of Education and its delivery of education services;
- (e) the teaching service, and the number, quality and performance of teachers; and
- (f) any other matter which in the opinion of the Educational Review Committee would enhance the quality and delivery of education in Antigua and Barbuda.

(2) The report of the Education Review Committee shall be submitted to the Minister who shall cause it to be laid before Parliament of Antigua and Barbuda.

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

## **PART 11**

### **APPEALS**

#### **163. Establishment of Education Appeal Tribunal**

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

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

- (a) a chairperson;
- (b) a maximum of five other persons; and
- (c) a secretary who shall be a public officer.

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

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

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

#### **164. The Composition of Tribunal**

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

(2) Where possible, the qualifications of the members of the Education Appeal Tribunal shall be appropriate to the matter under consideration by the Tribunal.

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

#### **165. Mediation**

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

#### **166. Procedure of Tribunal**

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

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

(3) No decision shall be made by the Education Appeal Tribunal without giving the parties to the appeal an opportunity to make representations either orally or in writing or both.

(4) Parties to an appeal shall pay their own costs.

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

#### **167. Powers of the Tribunal**

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

- (a) confirming or varying the decision that is under appeal;
- (b) identifying a student as a student with special educational needs;

- (c) determining that an individual education plan be prepared for a student;
- (d) directing the Director of Education to implement an individual education plan in a particular environment including, but not limited to, a regular class;
- (e) directing the Director of Education to enroll a student in a school named by the Education Appeal Tribunal;
- (f) directing a determination to be made in accordance with section 85;
- (g) defining the contents of a student record when the appeal under consideration is pursuant to section 22; and
- (h) reinstating to school a student who has been expelled or placed on an indefinite suspension.

**168. Matters to be considered**

In the determination of an appeal, the Education Appeal Tribunal shall consider—

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

**169. Final decision**

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

**170. Enforcement of order**

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

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

**171. Copy to the Minister and parties**

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

## **PART 12**

### **MISCELLANEOUS**

#### **172. Vendors on school premises**

(1) No person shall sell or offer for sale any services, goods, food, beverages or any other item on school premises without the written permission of the Director of Education.

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

(3) Where an application is made under subsection (2) above, the applicant shall submit together with his application a medical certificate from a medical practitioner registered under the Medical Act, Cap. 269 to the effect that the applicant is free from diseases and is unlikely to be a source of infection to a person at the school.

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

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

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

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

(8) A person who sells or offers for sale food, drink or any other item on the school premises or within the entrance or exit of a public school or assisted private school during school hours without the written consent of the Director of Education commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term of one year.

#### **173. Prohibition of sale of alcoholic beverages and tobacco**

Any person who sells, offers or exposes for sale any alcoholic beverage or tobacco on the premises of any educational institution whether public or private commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term of one year or both.

**174. Loitering etc. on school premises**

(1) Any person who—

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

commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or both.

(2) For the purposes of this section a school includes an assisted private school and a private educational institution.

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

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

**175. Regulations**

(1) Subject to the provisions of this Act, the Minister may make regulations generally for the proper carrying out of the goals and objectives of this Act.

(2) Without restricting the generality of subsection (1) above, the Minister may make regulations—

- (a) concerning the management and conduct of public schools and assisted private schools;

- (b) concerning the control and management and conduct and registration of private educational institutions and in particular in respect of—
  - (i) the size of the classrooms and their equipment, the number of students that may occupy each classroom and the necessary sanitary facilities to be provided;
  - (ii) the registers and other records to be kept by proprietors of private schools and the particulars to be furnished to the Ministry by the proprietors;
  - (iii) the suitability of premises;
  - (iv) the suitability of the curriculum and courses and methods of instruction;
  - (v) generally for more effectively carrying out the provisions of this Act respecting private educational institutions;
- (c) prescribing the standard to which the premises of educational institutions are to conform;
- (d) concerning the purposes for which the premises of a public school may be used;
- (e) prescribing the financial or other assistance and the conditions subject to which such assistance is given to any educational institution, or class of educational institutions specified in such regulations;
- (f) concerning the admission of students to public schools and assisted private schools the discipline of such students, the keeping by public schools and assisted private schools of a school record of each student, the particulars to be included in the record and the disposal of the record;
- (g) concerning the admission of persons to teachers' colleges and the conditions of admission;
- (h) respecting—
  - (i) the admission or transfer of students to public secondary schools and assisted private secondary schools; and
  - (ii) the qualifying examinations for admission;
- (i) concerning the management and accounting by principals and teachers of public schools and assisted private schools of—
  - (i) moneys or property payable to or vested in the school;
  - (ii) moneys derived from fund-raising activities;



- (iii) moneys and other property derived by way of gift, bequest, trust, or donations, or in any other manner whatsoever;
- (j) prescribing the division into which students of teachers' colleges are to be classified and the conditions for the selection of students for those divisions and for their admission to or continuation, in or removal from, teachers colleges in those divisions;
- (k) prescribing the course and curricula for students of the various divisions in teachers' colleges;
- (l) providing for the certification and registration of teachers completing courses of training;
- (m) concerning the terms of employment including grading, promotion, and leave and payment of salaries and other remuneration to teachers;
- (n) concerning the establishment, administration, organization, inspection and classification and discontinuance of schools, including pre-primary schools and schools for children with special needs;
- (o) concerning the award of bursaries, grants and other financial assistance for tertiary education and specifying the value and other condition subject to which grants, and bursaries may be held or other financial assistance given;
- (p) prescribing the academic year, hours of school, terms and vacations of public schools and assisted private schools;
- (q) prescribing the cases in which, and the matters for which, fees may be charged in public schools;
- (r) concerning the inspection of public schools, assisted private schools and private educational institutions;
- (s) concerning the constitution, rights, powers and responsibilities of Student Councils and of the National Students Council;
- (t) embodying any collective agreement arrived at between the Ministry of Education and the Antigua and Barbuda Union of Teachers (ABUT) concerning the conditions of service of teachers represented by that union, or between the Ministry and any other body representing members of the teaching profession in respect of such members;
- (u) prescribing anything which by this Act is to be prescribed.

**176. Repeal**

The Education Act Cap. 145 is repealed.

## **FIRST SCHEDULE**

### **[Section 9(6)]**

#### **EDUCATION ADVISORY BOARD**

##### **1. Definition**

In this Schedule, “Board” means the Education Advisory Board appointed under section 9 of the Education Act.

##### **2. Tenure**

The appointment of a member of the Board is, subject to this Schedule, for a period not exceeding two years, but the member shall be eligible for re-appointment.

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

The Board shall elect a chairperson and a deputy chairperson from among its members.

##### **4. Temporary appointment**

In the absence or in the case of the inability to act of a member, the Minister may appoint any person from the group that member represents to act temporarily in place of such member.

##### **5. Resignation of members**

(1) Any member of the Board, other than the chairperson may at any time resign from the Board by instrument in writing addressed to the Minister and transmitted through the chairperson and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Board.

(2) The chairperson may at any time resign his or her office as a member of the Board by instrument in writing addressed to the Minister such resignation to take effect from the date of the receipt of such instrument by the Minister.

##### **6. Forfeiture of membership**

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

##### **7. Filling of vacancies**

If any vacancy occurs in the membership of the Board such vacancy shall be filled by the appointment

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

#### **8. Publication of membership**

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

#### **9. Constitution not affected by vacancy**

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

#### **10. Meetings**

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

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

#### **11. Special meetings**

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

#### **12. Person to preside at meetings**

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

#### **13. Voting**

The decisions of the Board shall be by a majority of votes of the members present and, in addition to an original vote, the chairperson or any other person presiding at the meeting shall have a casting vote in any case in which the voting is equal.

#### **14. Quorum**

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

## **15. Minutes**

Minutes of the proceeding of the Board shall be kept in proper form

### **SECOND SCHEDULE**

**[Sections 57, 64, 70 and 71]**

### **CONSTITUTION, PROCEDURE, AND FUNCTIONS OF**

### **BOARDS OF MANAGEMENT**

#### **1. Interpretation**

In this Schedule “Board” means a Board of Management appointed under sections 57, 64, 70 and 71 of the Education Act.

#### **2. Chairperson and Deputy-Chairperson**

(1) Except in cases of Boards established under sections 70 and 71 of the Education Act, a Board shall elect a chairperson and a deputy chairperson from among its members.

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

#### **3. Filling of vacancies**

If any vacancy occurs in the membership of a Board such vacancy shall be filled by the appointment of another member in the manner indicated in sections 57, 64, 70 and 71, and such person shall hold office for the remainder of the period for which the previous member was appointed, provided however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

#### **4. Employment of member**

(1) No member of a Board may be appointed to any office or employment under the Board of which he or she is a member or any other Board.

(2) No person is eligible for appointment to any office or employment under a Board within one year from the date on which the person last held office or acted as a member of that Board.

#### **5. Duration of membership**

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

pointing authority under sections 70 and 71 of the Education Act or ceases to be a member in accordance with sub-section (4) below.

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

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

(4) A member of a Board may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairperson in cases of Boards established in public schools and through the denomination or proprietor in cases of Boards established for private assisted schools provided that the resignation shall be effective from the date of receipt by the Minister of such instrument.

(5) The chairperson may at any time resign office by instrument in writing addressed to the Minister in cases of Boards established in public schools and the denomination or proprietor in cases of Boards established in private assisted schools provided that the resignation shall be effective from the date of receipt by the Minister of such instrument.

## **6. Meetings**

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

(2) The chairperson—

(a) may at any time summon a meeting of a Board; and

(b) shall summon a meeting within seven days—

(i) on a request for that purpose addressed to the chairperson by any three members of a Board; or

(ii) on a direction to that effect addressed to the chairperson by the Minister.

(3) The chairperson, or in his or her absence the deputy chairperson, shall preside at any meeting of a Board.

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

## **7. Quorum**

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

## **8. Decisions**

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

## **9. Minutes**

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

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

## **10. Attendance of Director of Education**

(1) The Director of Education may attend any meeting of a Board or a committee or sub-committee thereof or may be represented at any such meeting by a public officer authorized by him in that behalf.

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

## **11. Appointment of committees**

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

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

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

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

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

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

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

## **12. Power to delegate**

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

### **THIRD SCHEDULE**

#### **[Section 124]**

### **PROCEDURE OF TECHNICAL AND VOCATIONAL**

### **AND TRAINING COUNCIL**

#### **1. Definition**

In this Schedule, "Council" means the Technical and Vocational Education and Training Council appointed under section 124 of the Education Act.

#### **2. Duration of appointment**

A member of the Council holds office for a term of 3 years unless he dies, resigns or has his or her appointment revoked before the end of that term, but—

- (a) a person who is appointed to fill a vacancy created by the death, resignation or removal from office of a member shall hold office only for the unexpired portion of the term of that former member; and
- (b) every member is, on the expiration of the term of his or her appointment, eligible for re-appointment for a further term.

#### **3. Leave of absence**

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

#### **4. Resignation of member**

A member of the Council other than the chairperson may resign office by instrument in writing addressed to the Minister transmitted through the chairperson and, from the date of the receipt of the instrument by the Minister if no date is specified therein, that member ceases to be a member of the Council.

#### **5. Resignation of chairperson**

The chairperson may at any time resign his office by instrument in writing addressed to the Minister and, from the date of the receipt of such instrument by the Minister if no date is specified therein, he or she ceases to be chairperson and to be a member of the Council.

#### **6. Quorum**

Four members of the Council shall form a quorum.

#### **7. Decisions**

Decisions of the Council shall be made by a majority of the members present and voting, and where the voting is equal the chairperson, in addition to his original vote, has a second or casting vote.

#### **8. Frequency of meetings**

The Council is required to meet at such times as may be expedient for the transaction of business and such meeting shall be held at such places and times and on such days as the Council determines.

#### **9. Special meeting**

The chairperson or, in the event of his being absent from Antigua and Barbuda or for any reason is unable to act, the deputy chairperson, is required to call a special meeting within 7 days after receiving a requisition to do so by any 4 members of the Council.

#### **10. Minister**

Minutes of each meeting are to be duly kept by the Secretary or other person appointed by the Council for the purpose, and are to be confirmed by the Council at its next meeting and signed by the chairperson or other person presiding at that meeting and the Secretary.

#### **11. Co-opting of other persons**

The Council may co-opt persons to attend any of its meetings for the purpose of assisting or advising it respecting any matters with which it is dealing, but a co-opted member does not have a right to vote.



## **12. Procedure**

Subject to this Schedule, the Council may regulate its own procedure.

## **13. Documents**

All documents made by, and all decisions of, the Council are to be signified under the hand of the chairperson or any member authorised to act in that behalf, or by the Secretary.

### **FOURTH SCHEDULE**

[Section 127]

#### **CONSTITUTION OF COMMITTEES APPOINTED BY THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING COUNCIL**

### **1. Definition**

In this Schedule—

- (a) “Council” means the Technical and Vocational Education and Training Council appointed under section 124 of the Education Act; and
- (b) “committee” means a committee appointed by the Technical and Vocational Education and Training Council under section 127 of the Education Act.

### **2. Composition**

- (1) A committee comprises not more than 5 persons.
- (2) The Council shall, in respect of a committee, appoint one member of that committee to be chairperson.

### **3. Acting member**

- (1) A member of a committee may, with the permission of the chairperson of that committee, appoint a person to act for him or her in case of his or her absence from a particular meeting.
- (2) No person appointed to act as a member of a committee in pursuance of sub-section (1) may

appoint a person to act for himself or herself nor may be appointed to act for more than one member; otherwise he or she may perform all the functions of a member of that committee.

#### **4. Duration of membership**

A member of a committee shall hold office for a period not exceeding three years, but is eligible for re-appointment.

#### **5. Vacancy**

Where a vacancy occurs in respect of a committee, the Council may appoint a person to fill that vacancy for the unexpired portion of the period in respect of which the vacancy occurs.

#### **6. Revocation of membership**

The Council may revoke the appointment of a member of a committee who—

- (a) is absent from three consecutive meetings of the committee without leave of the Council;
- (b) is absent from Antigua and Barbuda for three months or more without notifying the Council;
- (c) is unable to perform his or her duties as a member of the committee; or
- (d) fails to comply with a direction given by the Council.

#### **7. Secretary**

The Council may assign a person to be the secretary of a committee.

#### **8. Frequency of meetings**

A committee shall meet as often as the chairperson decides, but at intervals not exceeding three months.

#### **9. Quorum**

A quorum of a committee consists of three members one of whom must be the chairperson.

#### **10. Decisions**

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

#### **11. Co-opting**

A committee may co-opt persons to attend any of its meetings for the purpose of assisting or advising

it with respect to any matter with which it is dealing, but a co-opted person is not entitled to vote and shall not be counted for the purpose of constituting a quorum.

**12. Establishment of Sub-committees**

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

Passed the House of Representatives on  
the 10th day of November, 2008.

Passed the Senate on the 13th day of  
November, 2008.

**D. Gisele Isaac-Arrindell,**  
*Speaker.*

**McKenzie Frank,**  
*President.*

**T. Thomas,**  
*Acting Clerk to the House of Representatives.*

**T. Thomas,**  
*Acting Clerk to the Senate.*