

SAINT VINCENT AND THE GRENADINES

EDUCATION BILL 2005

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SAINT VINCENT AND THE GRENADINES

BILL FOR

**ACT NO. OF 2005
I ASSENT**

[]

Governor-General

AN ACT to make provision for the delivery of educational services in Saint Vincent and the Grenadines by both the public and the private sectors and for matters connected therewith and incidental thereto.

[]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows:

PART I

PRELIMINARY

1. (1) This Act may be cited as the Education Act 2005.

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

2. (1) In this Act, unless the context otherwise requires -

“academic year” or “school year” means the period beginning on the 1st September of any year and ending on 31st August of the following year and consisting of 3 terms totalling 39 weeks;

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

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

“all-age school” means a school which accepts students at a primary level and at secondary level to age sixteen;

“assisted private school” means a private school which receives some material assistance in money, goods or services from the Government;

“Board of Management” means -

- (i) a Board of Management of a pre-primary, primary or all-age school established under section 58;
- (ii) a Board of Management for a secondary school established under section 61; or
- (iii) a Board of Management for an institution of tertiary education, by whatever name called;

“Central Board of Management” means a Board of Management for denominational schools established under section 64 (2);

“Chief Education Officer” means the person appointed as such by the Public Service Commission under section 7;

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

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

“court” means the Family Court;

“denominational school” means an educational institution established and managed by a religious denomination and may be -

- (a) private when it is wholly financed by a religious denomination and does not receive any substantial assistance from public funds;
- (b) public when it receives substantial assistance from public funds and to which the general public has access without any conditions other than those imposed by this Act;

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

“educational institution” means a school, college or other institution offering education to the public at the pre-primary, primary, secondary or tertiary level;

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

“former Act” means the Education Act 1992;

“home education” means education provided in accordance with section 112;

“Minister” means the Minister for the time being responsible for education;

- “Ministry” means the Ministry of Education;
- “parent” has the meaning given to it by subsection (2) and (3);
- “Permanent Secretary” means the person for the time being performing the duties of the Permanent Secretary of the Ministry;
- “permit” means a permit for a private educational institution issued under section 78;
- “pre-primary education” means education suited to the needs of students of pre-primary school age;
- “primary education” means education suited to the needs of students of primary school age;
- “principal”, in relation to an educational institution, means the person performing the duties of head of the institution;
- “private school” means an educational institution which is owned, managed and financed by a trust, individual or body and which does not receive any material assistance from the Government;
- “proprietor” in relation to a private educational institution means the person or body which owns and operates the institution;
- “public school” means an educational institution which is wholly or mainly maintained out of public funds and to which the general public has access without any conditions other than those imposed by or under this Act;
- “Public Service Board of Appeal” means the board established by section 86 of the Constitution;
- “public tertiary educational institution” means an institution of tertiary education which is wholly or mainly maintained out of public funds;
- “regulations” means the regulations made under this Act;
- “school” where used without qualification means a school at the primary or secondary level;
- “school age” -
- (a) in relation to pre-primary education, means the ages of three to four inclusive;
 - (b) in relation to primary education, means the ages from five to eleven inclusive;
 - (c) in relation to secondary education, means the ages from twelve to twenty inclusive;
- “school vacation” means any of the periods specified in section 39;
- “secondary education” means education suited to the needs of students of secondary school age;

“special education” means education provided in accordance with section 113;

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

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

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

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

“teachers’ college” means an educational institution for training persons to teach in educational institutions;

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

“tertiary education” means -

- (a) university education;
- (b) education at a teachers’ college, a technical college, a vocational training college or any other similar institution of higher learning; or
- (c) other education suited to the needs of persons over compulsory school age who are not enrolled for secondary education in any educational institution or who are so enrolled but have not completed a course of secondary education.

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

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

PART II

ADMINISTRATION OF THE EDUCATION SYSTEM

Division 1

The Minister

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

(2) The general goals and objectives are -

- (a) to establish a varied, adequate and comprehensive education system that is characterised by excellence;

- (b) to promote the education of the people of Saint Vincent and the Grenadines by establishing educational institutions which will foster the spiritual, cultural, moral, intellectual, physical, social and economic development of the community;
- (c) to frame all educational policy so as to provide a more valid, comprehensive and relevant educational service directly related to the changing needs of Saint Vincent and the Grenadines;
- (d) to effect the execution of the educational policy of the Government; and
- (e) to establish a co-ordinated education system organised in accordance with this Act.

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

- (a) to encourage the development of basic knowledge and skills in all persons, including but not limited to -
 - (i) literacy, listening, speaking, reading, writing, numeracy, mathematics, analysis, problem solving, information processing and computing;
 - (ii) critical and creative thinking skills for the modern world;
 - (iii) an understanding of the role of science and technology in society and related skills;
 - (iv) appreciation and understanding of the creative and performing arts;
 - (v) physical development and personal health and fitness;
 - (vi) the creative use of leisure time;
- (b) to develop a sense of self worth in all persons through a positive educational environment;
- (c) to promote understanding of the importance of the family and the community;
- (d) to provide opportunities for everyone in Saint Vincent and the Grenadines to reach their maximum potential;
- (e) to promote understanding of and respect for the Constitution, laws and national symbols of the State;
- (f) to promote the principle and practice of gender equality;
- (g) to promote knowledge and understanding of the history, language, culture, rights and values of Saint Vincent and the Grenadines and its changing role in contemporary society;
- (h) to increase awareness and appreciation of the natural environment of Saint Vincent and the Grenadines and the need for its protection by all persons;

- (i) to promote a Caribbean identity by encouraging regional cooperation and integration;
- (j) to develop an understanding of the historical and contemporary role of labour and business in society;
- (k) to prepare students for participation in life in Saint Vincent and the Grenadines and in global society, having regard to the changing nature of that society.

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

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

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

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

University of the West Indies and any other institution of higher learning;
and

- (j) actively encourage the formation, functioning and development of students' councils in all educational institutions, and of a National Student Council.

5. (1) The Minister may do everything reasonably necessary or convenient for the purpose of carrying out his responsibilities under this Act, and in particular may -

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

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

6. The Minister shall table in Parliament an annual report on the state of education in Saint Vincent and the Grenadines within twelve months of the end of the academic year for which the report is made.

Division 2

The Chief Education Officer

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

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

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

(3) The Chief Education Officer may -

- (a) in the interests of efficiency, after consultation with the principals and teachers concerned, recommend to the Public Service Commission the transfer of a teacher in accordance with section 127 (1);
- (b) after consultation with the Permanent Secretary, delegate authority to professional staff of the Ministry for administering various aspects of the

system of education including the registration and inspection of private schools.

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

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

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

Division 3

The Education Advisory Board

9. (1) There shall be established a body to be called the Education Advisory Board.

(2) The provisions of Schedule 1 has effect in relation to the constitution of the Advisory Board and otherwise in relation thereto.

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

10. (1) The functions of the Advisory Board shall be to advise the Minister on any matter for which the Minister is responsible under this Act and in particular -

- (a) to advise on the making of regulations;
- (b) to advise on the training of teachers, lists of text books, curricula and other matters on which this Act requires the Minister to obtain the advice of the Advisory Board;
- (c) to advise on any other matter on which the Minister requests the Advisory Board's advice.

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

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

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

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

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

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

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

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

(2) A special committee -

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

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

PART III

RIGHTS AND RESPONSIBILITIES OF STUDENTS AND PARENTS

Division 1

Students' Rights and Responsibilities

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

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

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

- (a) enroll the student in an educational programme offered by a public school or an assisted private school;
- (b) direct the student to enroll in an educational programme offered by a private school;

- (c) provide special education for the student; or
- (d) permit the student to undertake a home education programme.

(3) Except in the case of a student who is transferred under section 32 (1), if a student is directed to enroll in a private school under subsection (2) (b), the Government shall pay the fees and other costs if any, consequent to the student's attendance at such private school.

16. (1) Neither a student nor his parents may be charged tuition fees or other costs for attendance at a public school except that -

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

(2) If a student is over eighteen years of age, fees and charges payable at an educational institution are payable by the student or by his sponsors, but otherwise are payable by the parents of the student.

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

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

18. (1) A student shall be accountable -

- (a) to the relevant teacher for his conduct on school premises during school hours and whenever a teacher is in charge of the student while engaged in authorised school activities conducted outside school hours; and

(b) to the principal for his general deportment at any time that he is under supervision of the school and members of the teaching staff, including any time spent in travelling between the school and his place of residence.

(2) A student while travelling on a school bus shall be under the general direction and control of -

(a) the driver of the school bus; and

(b) any person under whose supervision students are placed on the authority of the Chief Education Officer,

in respect of behaviour and deportment on a school bus.

(3) In this section, “school bus” means a bus or other form of transport provided by or on behalf of the Ministry for taking students to and from an educational institution or an event or activities organised by or for an educational institution.

19. (1) A student in an educational institution shall take good care of any public property placed at the student’s disposal and if such property is to be returned, the property shall be returned in good condition on a day and time determined by the principal.

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

20. (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 eighteen are entitled to exercise all the rights and powers, to assume all the obligations, and to receive all the benefits under this Act, that their parents are otherwise entitled to exercise, assume, or receive on their behalf, including but not limited to the receipt of reports, approving school visits and paying fees.

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

Division 2

Parents’ Rights and Responsibilities

21. Subject to this Act, parents of children of compulsory school age may chose for their children education in a public school, a private school or an assisted private school, or home education in accordance with section 112.

22. (1) Parents of a child under the age of eighteen years who is attending an educational institution are entitled -

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

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

(2) Each parent of a child under the age of eighteen years who is attending an educational institution may, and at the request of the principal shall, consult with the teacher or principal with respect to the child's performance at the institution.

(3) If either parent of a child under the age of eighteen years who is attending an educational institution knows that the child has a particular medical or other condition of which the principal ought to be made aware, the parent shall notify the principal in writing -

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

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

23. (1) Every principal of an educational institution shall establish and maintain for each student enrolled in the institution a student record in accordance with guidelines issued by the Chief Education Officer.

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

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

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

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

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

- (a) the parents of a student who is below eighteen years of age;
- (b) a student who is eighteen years of age or older, whether or not he is financing his own education;

(c) the parents of a student who is eighteen years of age or older who are financing the student's education or who have obtained the student's consent;

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

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

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

(a) in good faith;

(b) within the scope of his duties and responsibilities; and

(c) with reasonable care.

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

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

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

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

24. (1) Parents of a student at an educational institution and teachers at an educational institution may, in accordance with regulations made under this Act, form an association, to be known as a Parent Teacher Association.

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

(a) Parent Teacher Associations; and

(b) a National Council of Parent Teacher Associations.

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

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

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

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

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

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

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

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

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

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

(6) Subsection (2) shall not apply to a denominational school.

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

Division 3

Admission and Attendance of Students

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

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

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

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

(2) A child may only be admitted to and be retained in a public or assisted private primary or all age school if the child has attained the age of five years at the start of the academic year, or will attain that age by the following April 30th, and has not attained the age of sixteen years.

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

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

- (a) the child is accompanied by a parent or by a responsible person over the age of eighteen years who has been authorised by a parent to represent him;
- (b) the person accompanying the child brings a birth certificate giving the information required for the student’s record;
- (c) the child has attained the age prescribed by section 28 or will attain that age by the following April 30th; and
- (d) a certificate issued by a medical practitioner or by the public health authorities is produced indicating that the child has been immunized as prescribed by the regulations made under this Act, or has been exempted.

(3) Subject to subsection (4), no child may, without the written permission of the Chief Education Officer, be admitted to a public or assisted private pre-primary, primary school or all age school other than at the beginning of the academic year.

(4) In case of a denominational school no child may, without the written permission of its Board of Management, after consultation with the Chief Education Officer, be admitted to a denominational school except at the beginning of the academic year.

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

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

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

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

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

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

(2) The Student Register shall include -

(a) upon admission of a student to the institution -

- (i) the name and date of birth of the student;
- (ii) the date of admission;
- (iii) the name, residence and telephone number of the student's parents or guardians;
- (iv) the name of any educational institution which the student attended previously;
- (v) the date the student left the educational institution which he last attended;
- (vi) the grade, class or form the student was in at the date of leaving the educational institution which he last attended;
- (vii) the grade, class or form to which the student is admitted;

(b) upon the departure of a student from the institution -

- (i) the date of the student's departure,
- (ii) the grade or form the student was in at the date of departure, and
- (iii) the educational institution, if any, which the student will next attend.

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

32. (1) Except to with the written approval of the Chief Education Officer, a student who seeks a transfer from one public or assisted private school to another shall not be admitted to that other school -

- (a) except on presentation of a letter of transfer signed by the principal of the public or assisted private school from which the student seeks to be transferred; and
- (b) after consultation between the principal of the public or assisted private school from which the student seeks to be transferred and the receiving principal concerning the availability of a place in the receiving school.

(2) A principal shall provide on request to every student who wishes to transfer from the institution a letter of transfer referred to in subsection (1) (a).

(3) Every letter of transfer shall be retained by the principal of the receiving school and a copy sent to the Chief Education Officer for information.

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

33. (1) Subject to section 34, no student who is suffering from or who has been exposed to a contagious disease shall be admitted to or permitted to remain in any educational institution.

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

34. (1) A student who has been refused admission to an educational institution on the ground that the student is suffering from or exposed to a contagious disease may be re-admitted upon production of a medical certificate from a medical practitioner to the effect that the student is free from such disease and is unlikely to be a source of infection to other persons in the institution.

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

35. (1) If any of the following occurs -

- (a) the total or partial destruction by hurricane, earthquake, fire, flood or other natural disaster of all or any of the buildings used in connection with any educational institution;
- (b) the outbreak of any infectious or contagious disease among students at an educational institution; or
- (c) attendance at any public or assisted private school has fallen to an extent that, in the opinion of the Minister, justifies the temporary or permanent closing of the educational institution,

the Minister may direct that the educational institution be temporarily or permanently closed, and the educational institution shall, with effect from the date of the direction be closed.

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

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

(4) The Minister may delegate to the Chief Education Officer the power conferred on the Minister by this section to temporarily close an educational institution.

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

36. (1) Subject to subsection (3), 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 pre primary, primary all-age or secondary.

(2) Subject to subsection (3) a scheme of zoning shall link the place of residence of the student and the location of the school of attendance.

(3) A scheme of zoning introduced under subsection (1) and (2) shall not prevent a student of a particular religious denomination from attending a denominational school of his religious denomination that is outside the place of residence of that student.

(4) The Minister in the process of zoning shall consult with the Boards of Management and parents of affected students.

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

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

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

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

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

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

38. (1) Attendance shall not be reckoned for any student at a school until his name has been duly entered in the Attendance Register referred to in section 37 (2).

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

39. (1) The vacations to be observed in every school are -

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

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

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

(2) Any other holiday which on account of local circumstances is granted by the principal shall be reported to the Chief Educational Officer as soon as practicable.

Division 4

Compulsory School Attendance

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

(2) A student is excused from school attendance if -

- (a) the school is closed for any reason;
- (b) the student is excluded from attendance at school under any provision of this Act or the regulations;
- (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 medical practitioner, makes the student incapable of being educated by ordinary methods of instruction;
- (e) the student has been granted permission by the principal of the school to be temporarily absent from the school for good and sufficient reason;
- (f) the student is participating in observances, celebrations, or activities recognised by a religious denomination;
- (g) the student has been suspended by a school in accordance with the provisions of this Act or the regulations and has not been given permission to enrol in another school;
- (h) the student is receiving home education or special education in accordance with this Act; or

- (i) the student is engaged in work experience or some other educational activity authorised or approved by the principal.

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

(2) A school attendance officer 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 is appointed.

43. A school attendance officer shall -

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

44. A school attendance officer may apprehend and deliver to the school from which he is absent, or to his parent, any student found absent from school without having an excuse under section 41 (2).

45. A school attendance officer who has reasonable cause to believe that a person is in contravention of section 41, may at any time, upon presentation of his credentials -

- (a) enter any premises and make enquiries needed to determine whether there is a contravention of section 41 in relation to a child of compulsory school age whom the school attendance officer 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 who is not at school concerning -
 - (i) his name, age and place of residence,
 - (ii) the identity of his or her parents,
 - (iii) the school at which he is registered,
 - (iv) the reason for his absence from school, and
 - (v) any other matter relevant to the inquiries referred to in paragraph (a).

46. (1) A person who -

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

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

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

47. Every principal of a school shall -

- (a) report to the school attendance officer the name, ages and residences of all pupils of compulsory school age who have not attended school for a prescribed period;
 - (b) give to the Chief Education Officer such other information as the Chief Education Officer requires
- for the enforcement of compulsory education; and
- (c) report in accordance with sections 54 and 55 to the Chief Education Officer every case of suspension and expulsion.

48. (1) A parent of a child of compulsory school age who neglects or refuses to cause the child to attend school, unless the child has an excuse under section 41 (2), commits an offence and is liable on summary conviction to a fine of one thousand dollars.

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

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

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

(3) A person may employ a student over fourteen years of age -

- (a) during school vacations as specified in or under section 39;
- (b) if the employment of the student is part of an educational programme to prepare the student 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, a child of compulsory school age shall not be admitted, on payment or otherwise, to any cinema show or gaming establishment or other similar form of entertainment on any day at a time at which attendance at a school is required by or under this Act.

(5) It is an offence for a person who carries on any business in connection with the sale, storage or conveyance of intoxicating liquor within the meaning of the Liquor Licence Act to permit a child of compulsory school age to loiter on the premises.

(6) A person who contravenes subsection (4) or (5) commits an offence and is liable on summary conviction to a fine of three thousand dollars or to imprisonment for six months or both.

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

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

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

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

Division 5

Discipline, Suspension and Expulsion of Students

51. (1) The principal of an educational institution may, after consultation with its Board of Management, make rules to govern the attire, conduct and discipline of students.

(2) Rules made under subsection (1) -

- (a) shall be circulated to parents of the students; and
- (b) in the case of a public or assisted private school, do not come into effect unless approved in writing by the Chief Education Officer.

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

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

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

52. (1) Subject to section 53 such forms of punishment as are approved by the Chief Education Officer from time to time may be administered in educational institutions as occasion arises.

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

(3) So far as practicable, a teacher shall not detain a student after school hours for any purpose except in the presence of another teacher.

53. (1) Subject to subsections (7) and (8), corporal punishment may be administered to a student at a school but only -

(a) in accordance with section (2); and

(b) if no other punishment is considered suitable or effective in the particular case.

(2) Corporal punishment shall only be administered -

(a) by the principal or deputy principal or a teacher specifically designated by the principal for the purpose;

(b) in the principal's office or other private room in the school;

(c) using an instrument prescribed by the regulations; and

(d) in conformity with any written guidelines issued by the Chief Education Officer.

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

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

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

(6) A person other than a female who administers corporal punishment to a girl commits an offence and is liable on summary conviction to a fine of two thousand dollars.

(7) The parent or guardian of a student at a school may in writing to the principal of the school state that he objects to corporal punishment being administered to the student by the school and a person who knowingly administers corporal punishment contrary to such a written objection commits an offence and is liable on summary conviction to a fine of two thousand dollars.

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

(9) An order made under subsection (8) shall be laid before Parliament within three months of the date of its making and is subject to annulment by a resolution of Parliament supported by the votes of a majority of the members present and voting.

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

(2) If a student is suspended under this section, the principal shall -

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

(3) If there is no resolution of the problem within two school days, the principal shall decide either to re-admit the student or to suspend the student in accordance with section 55.

(4) Suspension under this section or section 55 shall take effect from the next school day after the day of the decision and a student shall not be sent away from school during school hours.

55. (1) The principal of a school may suspend a student for a period of ten school days for -

- (a) gross misconduct which may constitute a risk or danger to members of staff or other students;
- (b) breach of any school rule which carries a penalty of suspension;
- (c) persistent breach of school rules other than one specified in paragraph (b);
- (d) unreasonable refusal by the student to be inspected, examined, immunized or treated by a medical practitioner or registered nurse acting in accordance with any school health programme in operation in Saint Vincent and the Grenadines.
- (e) destroying or damaging without lawful excuse any property of the school;

- (f) assaulting the principal, a member of staff or other employee of the school, or a student or any other person lawfully present in the school;
- (g) possession of any article made or adapted for use for causing injury or intended by the student for such use by him or by some other person; or
- (h) possession of alcohol or illegal drugs or substances.

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

(3) If a student is suspended under this section the principal shall report in writing to the students parents, the Board of Management and the Chief Education Officer, stating the reason for the suspension, and the provisions of section 54 (2) (c) shall apply.

56. (1) The Chief Education Officer may order, after the receipt of notification under section 55 (3) and after consultation with the Board of Management, that -

- (a) the suspension imposed by the principal be extended for a specified number of days to enable proper enquiries to be made;
- (b) the student be suspended for a specified period at the end of the school term or academic year, whichever occurs first;
- (c) the student be reinstated on a date to be fixed by the Chief Education Officer;
- (d) the student be transferred to another school, including a special school; or
- (e) the student be expelled.

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

(3) The Chief Education Officer shall make a decision within ten days of representations being made under subsection (2) and the student shall remain suspended during that period.

(4) A student, or the parent or sponsor of a student, may appeal in writing to the Minister within fourteen days of receipt of a decision by the Chief Education Officer under subsection (3).

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

PART IV

MANAGEMENT OF EDUCATIONAL INSTITUTIONS

Division 1

Public Schools

57. (1) Public pre-primary, primary and all-age schools may be established and maintained in accordance with this Act and the regulations.

(2) Subject to this Act, public pre-primary, primary and all-age schools are under the management and control of the Minister.

(3) The Minister may appoint a public officer in the Ministry to be the manager of any public pre-primary, primary or all-age school.

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

58. (1) Subject to subsection (4), the Minister may by a notice published in the *Gazette* establish a Board of Management for any public pre-primary, primary or all-age school if the Minister thinks it is desirable to do so in the interest of economy and efficiency and for the participation of the community in the management of education.

(2) A Board of Management for a public pre-primary, primary or all-age school shall consist of -

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

(3) If a Board of Management is not established for a public pre-primary, primary or all -age school under subsection (1), the principal, deputy principal and manager (if any) of the school shall be responsible for the day to day management of such school.

(4) A religious denomination which receives substantial assistance from public funds for any of its pre-primary, primary or all age schools may establish a Board of Management for any such school and such Board shall have responsibility for managing a denominational school in accordance with this Act.

59. (1) Subject to subsection (2), a Board of Management for a public pre-primary, primary or all-age school shall -

- (a) be responsible to the Minister for the efficient management of the school;
- (b) receive, disburse and account for the financial resources of the school;
- (c) supervise the rebuilding or extension of the school if decided on by the Ministry;
- (d) review, modify if necessary and approve the school development plan prepared annually by the principal of the school;
- (e) establish polices for the administration, management and operation of the school;
- (f) prepare reports and provide information required by or under this Act or the regulations;
- (g) monitor -
 - (i) student progress,
 - (ii) order among and discipline of students,
 - (iii) the system of instruction,
 - (iv) the keeping of school records, and
 - (v) the condition of the school buildings and premises;
- (h) in consultation with the Chief Education Officer and the principal and staff establish a procedure for resolving disputes between the school, parents and teachers; and
- (i) perform any other function conferred on it by this Act, by the regulations or by the Minister in writing.

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

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

(2) Subject to this Act, public secondary schools are under the management and control of the Minister.

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

61. (1) Subject to subsection (3), the Minister may by a notice publish in the *Gazette* establish a Board of Management for every public secondary school where it appears to the Minister to be desirable to do so in the interest of economy, efficiency, and for the participation of the community in the management of education.

(2) The Board of Management for a public secondary school shall be constituted in the same manner as a Board of Management for public pre-primary, primary or all-age

school under section 58, except that in addition there shall be one member nominated by the student council or other student body of the school.

(3) A religious denomination which receives substantial assistance from public funds for its secondary schools may establish a Board of Management for any of its secondary schools and such Board shall have responsibility for managing the secondary school in accordance with this Act.

62. (1) The functions of a Board of Management for a public secondary school are the same as prescribed by section 59 in respect of pre-primary, primary and all-age schools but in addition a Board of Management for a public secondary school may-

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

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

63. (1) Schedule 2 applies in respect of the procedure of a Board of Management for a public school.

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

64. (1) Subject to subsection (2), the Minister may establish a joint Board of Management to manage more than one public school if the Minister is satisfied that the interests of education in the area in which the schools are situated will be best served by a joint Board.

(2) A religious denomination which receives a substantial assistance from public funds for its schools may establish a Central Board of Management for all its schools and such Board shall have responsibility for managing those schools in accordance with this Act.

(3) A Central Board of Management established under subsection (2) may regulate its own procedure in a manner not inconsistent with Schedule 2.

(4) A Central Board of Management may advise the Minister to exercise the powers in subsection (1) in respect of the schools under its jurisdiction.

(5) If a Board of Management is appointed to administer more than one school-

- (a) the functions of the Board are in respect of each school managed by the Board;
- (b) the membership of the Board may exceed the number prescribed for one Board of Management; and

- (c) in the appointment of additional members account shall be taken as far as possible of the different categories of persons to be represented.

65. (1) Every Board of Management shall in respect of each school managed by the Board, after consultation with the principal, submit to the Chief Education Officer-

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

(2) The report of the Board of Management of every public school shall be laid before Parliament within three months of being received by the Minister.

66. Subject to this Act and regulations made under this Act a Board of Management shall act in accordance with any written directions of the Minister concerning the performance of its functions under this Act.

67. The financial resources of a public school shall be -

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

68. (1) Every Board of Management shall keep proper accounts of its transactions, and the accounts shall be audited annually by the Director of Audit or a person authorised by the Director of Audit for the purpose.

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

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

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

69. The Board of Management of a public school shall ensure that -

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

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

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

- (a) a President;
- (b) a Vice-President;
- (c) a Secretary;
- (d) an Assistant Secretary; and
- (e) a public relations officer.

(2) The functions of the student council shall be -

- (a) to ensure that the school administration looks after the general welfare of all students attending the school;
- (b) to report to the principal on teacher behaviour and classroom performance;

- (c) to assist the school administration in the discipline of students;
- (d) to assist the school administration in reduction incidences of vandalism at the school;
- (e) to assist in the general maintenance and upkeep of the school and its premises;
- (f) to provide opportunities for students to participate in leadership roles;
- (g) to assist the principal and staff in deciding on school rules and policies;
- (h) to assist teachers in encouraging all students to obey school rules and policies;
- (i) to suggest ways of assisting slow students with their school work;
- (j) to assist the principal and staff in identifying students with financial and other problems and to organize assistance for them; and
- (k) to organize activities, in consultation with the principal and staff, for enriching the experience of all students.

Division 2

Private Schools

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

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

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

(4) The proprietor of a private school may appoint a Board of Management (by whatever name called) to advise on the management of the school which shall regulate its own procedure, but any such appointment does not affect the obligations of the proprietor under this Act.

73. (1) This Act applies to every private school providing all or some of the following educational services -

- (a) early childhood educational services (pre-primary education);
- (b) primary education;
- (c) special education;
- (d) secondary education;
- (e) secondary level adult education services in vocational education;
- (f) secondary level instructional services in vocational education;

- (g) instructional services in general education at the tertiary level; or
- (h) instructional services in vocational training at the tertiary level.

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

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

74. (1) No person may operate a private school to which this Act applies unless he is the holder of a permit issued by the Minister for the institution and for the educational services or categories of educational service mentioned in section 73.

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

75. (1) A private school registered under the former Act and which registration has not been cancelled at the commencement of this Act shall be deemed to have been granted a permit under section 78 of this Act.

(2) A person who, at the commencement of this Act, is operating a private school without the institution being registered under the former Act shall within six months of the commencement of this Act, or such further period as the Minister by a notice allow, obtain a permit under section 78 of this Act.

76. (1) The Chief Education Officer shall keep in the prescribed manner a register of private schools to be known as the Private Schools Register.

(2) There shall be entered on the Private Schools Register the particulars of every private school in respect of which a permit has been issued by the Minister under section 78 or is deemed to have been issued by virtue of section 75 (1).

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

(4) If a permit is cancelled under section 90, the private school in respect of which the permit was held shall be removed from the Register.

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

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

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

78. (1) When premises of the private school in respect of which an application is made under section 77 has been inspected, the Minister shall, subject to any condition that the Minister specifies, issue a permit if the Minister is satisfied that -

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

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

79. (1) The Minister shall refuse to issue a permit if the proprietor, principal or any member of staff employed by the private school has been convicted of child molestation or any other sexual offence concerning children.

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

(3) The Minister may refuse to issue a permit if he determines that the private school has not satisfied any of the requirements set out in section 78 (1).

(4) If an application for a permit to operate a private school has been refused, the applicant shall be notified in writing -

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

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

(2) Conditions attached to a permit under subsection (1) shall not be inconsistent with this Act or the regulations and shall only be such as to promote the Minister's goals and objectives under this Act.

(3) The Minister may, by notice in writing, vary or revoke at anytime any condition for the time being attached to the permit.

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

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

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

82. A permit to establish a private school shall specify -

- (a) the name, qualifications and health status of the holder of the permit;
- (b) the name and address of the school;
- (c) the location of the buildings or premises at its disposal;
- (d) the educational services or categories of educational service the school is authorised to provide;
- (e) any limit or condition specified under section 80;
- (f) the maximum number of students who may be admitted as determined under section 81;
- (g) the minimum number of staff who should be employed for the size of the school and their qualifications.

83. In respect of vocational education, a permit to establish a private school shall specify -

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

84. (1) Unless cancelled under section 90 or surrendered by a proprietor, a permit shall remain in force for a period of three years beginning on the day when it is issued and may be renewed from time to time if the holder -

- (a) applies in writing to the Minister within the prescribed time and in the prescribed manner and furnishes the prescribed information and documents;
- (b) meets the requirements of section 78; and

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

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

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

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

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

86. (1) A private school shall keep in force a general liability insurance policy or other form of indemnification in the minimum amount prescribed by the Minister by an order for each occurrence for any loss or damage resulting from bodily injury to, or the death of one or more person, 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) shall provide coverage to a private school for all claims arising out of liability imposed by law on a private and for any liability assumed under an agreement entered into by private school.

(3) A private school 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 other person, whether receiving remuneration or not, when acting within the scope of his duties for the named insured.

(4) A proprietor who fails to maintain an insurance policy as required by this section commits an offence and is liable on summary conviction to a fine of five thousand dollars.

87. (1) The holder of a permit shall inform the Minister once in every academic year of the names and qualification of all staff members.

(2) The holder of a permit shall inform the Minister -

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

88. (1) The Minister, the Chief Education Officer and any other person authorised in writing by the Minister or the Chief Education Officer may enter the premises of any

private school during the hours of operation of the institution in order to make enquiries, carry out an inspection under Part XI or discharge any other function under this Act.

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

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

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

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

(4) This section does not affect Division 1 or Part XI or any regulations made under that Part.

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

90. (1) If a proprietor who is served with a notice under section 89 fails, within the time specified in notice or within such further time as the Minister allows, to comply with the notice, the Minister shall -

- (a) cancel the permit of the private school;
- (b) cause the institution to be removed from the Private Schools Register; and
- (c) in writing inform the proprietor -
 - (i) that the permit has been cancelled and the registration has been cancelled and of the reasons for the revocation and cancellation; and
 - (ii) of his right to ask the Minister to review the decision.

91. (1) The proprietor of a private school who is refused a permit pursuant to section 79 or whose permit is cancelled under section 90 may, within thirty days of being notified of the refusal or cancellation, ask the Minister to review the refusal or cancellation, as the case may be.

(2) In a request for a review under subsection (1) of the refusal to issue a permit, the proprietor may ask the Minister for a review on any of the following grounds -

- (a) that the reasons given for the decision do not disclose any failure to meet any of the requirements for a permit set out in section 78;

(b) that the inspection of the school carried out pursuant to section 88 was not adequate for determining whether the school meets the requirements of section 78; or

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

(3) In a request under subsection (1) for a review of the cancellation of a permit, the proprietor may ask the Minister for a review on any of the following grounds -

(a) that no notice was served on the proprietor under section 89;

(b) that the time specified in the notice served under section 89 or the further time allowed to the proprietor under section 90 to comply with the notice was unreasonable;

(c) that the proprietor has complied with the notice served under section 89; or

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

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

92. (1) If the registration of a private school is cancelled under section 90, the proprietor of the school may re-apply to the Minister for the issue of a permit.

(2) If the Minister is satisfied that section 77 and 78 have been complied with, the Minister may re-issue a permit to the proprietor of the school, subject to any conditions the Minister specifies.

(3) From the date on which the cancellation of the registration takes effect, the school shall remain closed until the Minister re-issues a permit.

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

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

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

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

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

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

Division 3

Assisted Private Schools

96. (1) An assisted private school is a private school which has agreed to receive public funds for one or more of the following purposes -

- (a) maintenance of the school;
- (b) provision of furniture or equipment;
- (c) the building of an extension to the school or its rebuilding;
- (d) payment of the salaries of the staff;
- (e) any other purpose approved by the Minister.

(2) The provisions of this Act relating to private schools apply to such schools.

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

(2) An agreement under subsection (1) shall -

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

(3) Either party to an agreement may terminate the agreement by giving the other at least eighteen calendar months notice in writing.

(4) If an assisted private school ceases to be registered as a private school the agreement lapses.

(5) Any agreement for assistance to a private school made under the former Act and which is in force at the commencement of this Act continues in force as if made under this Act.

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

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

99. Every assisted private school shall be managed by a Board of Management which shall manage the school as if it were a public school and the provisions of Division 1 apply with necessary modifications.

100. (1) A Board of Management for an assisted pre-primary, pre-primary, primary or all-age school shall consist of -

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

(2) A Board of Management for an assisted private secondary school shall consist of -

- (a) the principal who shall be an *ex-officio* member; and
- (b) the following members who shall be appointed by the Minister by instrument in writing -
 - (i) three members, including the chairperson and deputy chairperson nominated by the proprietor of the school;
 - (ii) a member nominated by the Minister in his discretion;
 - (iii) a member nominated by the academic staff;
 - (iv) a member nominated by the student council or other student body;
 - (v) a member nominated by the Old Students' Association, if any, and if no association exists the principal may nominate any former student of the school to be appointed to the Board;
 - (vi) a member nominated by the Parent Teacher Association, if any, if no association exists the principal may nominate any parent to be appointed to the Board.

(3) The quorum for a Board of Management for an assisted private school shall include the chairperson or deputy chairperson,

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

(5) Schedule 2 applies in respect of the procedure of a Board of Management for an assisted private school.

101. (1) The Minister may establish a Board of Management to manage more than one assisted private school if -

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

(2) If a Board of Management is appointed to administer more than one assisted private school, the provisions of section 64 shall apply.

102. (1) The functions of a Board of Management for an assisted private school shall be -

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

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

PART V

TERTIARY EDUCATION

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

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

(3) A teachers' college or a technical college may be established as a department or part of another institution of tertiary education.

104. (1) In relation to a public tertiary educational institution independently established the Minister may -

- (a) by an order provide for -
 - (i) the curriculum;
 - (ii) the criteria for admission of students;
 - (iii) the payment of fees;
 - (iv) the appointment of staff, including their terms and conditions of employment;
 - (v) the awarding of degree or diplomas; and

(vi) the management.

(b) make regulations regarding the -

- (i) professional behaviour of academic staff;
- (ii) conduct and discipline of students and trainees; and
- (iii) conduct of members of the public.

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

105. Until such time as Parliament enacts a law to regulate technical and vocational education and training, the Minister may make regulations, consistent with this Act, for -

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

106. (1) The Minister may establish publicly funded teachers' colleges at such places and covering such subjects as the Minister considers appropriate.

(2) The Minister may make regulations -

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

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

PART VI

OTHER TYPES OF EDUCATION

Division 1

Early Childhood Education

108. (1) Early childhood education services in this Act called “pre-primary education” may be provided either by the Minister or by private schools.

(2) If the Minister provides early childhood education services, it may be as a pre-primary section of a public or assisted private primary school or as separate pre-primary school and in either event the Minister may charge fees for the services.

(3) A private school may offer early childhood education services if the proprietor has an appropriate permit issued under section 78.

(4) A private school that provides early childhood education services may charge reasonable fees for them.

109. (1) The Minister may, if he considers it desirable, establish a Council on Early Childhood Education to advise him on rules and guidelines to implement this Division.

(2) If a Council on Early Childhood Education is established, the Minister may by order provide for -

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

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

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

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

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

(2) Until regulations are made under section 110, and to the extent that the regulations do not cover any matter, the provisions of this Act apply to an educational institution providing early childhood education to the extent possible.

Division 2

Home Education

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

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

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

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

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

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

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

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

Division 3

Special Education

113. (1) The Chief Education Officer shall provide a special education programme for any student of compulsory school age or for any student beyond that age who is still a

dependant who by virtue of intellectual, communicative, behavioural, physical or multiple exceptionalities is in need of special education.

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

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

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

114. (1) The principal of every educational institution, in consultation with professional staff and the parent, shall determine -

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

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

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

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

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

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

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

115. (1) If a disagreement arises respecting a decision concerning-
- (a) the identification of a child as a child with special educational needs;
 - (b) the individual education plan proposed for the child;
 - (c) a request by a parent for a determination under section 114;
 - (d) the implementation of an individual education plan in an environment other than regular classes;
 - (e) the implementation of an individual education plan in an institution other than where the student would normally attend; or
 - (f) the apportionment of the cost of an individual education plan between the Ministry and the parents,

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

(2) If an appeal is made to the Minister, the child shall be enrolled in a programme determined in accordance with section 114 until the Minister makes a decision.

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

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

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

Division 4

Distance Learning and Continuing Education

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

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

PART VII

TEACHERS - GENERAL

Division 1

Employment of Teachers

119. (1) A person shall not -
- (a) appoint a person who does not hold the prescribed qualifications to teach; or
 - (b) accept an appointment to teach without having the prescribed qualifications.

(2) Any person who contravenes of subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred dollars.

120. (1) For employment as a teacher at the pre-primary, primary or all-age level a person shall have -

- (a) attained the age of eighteen years; and
- (b) passed at least four GCE or CXC 'O' Level subjects including English Language, a science subject, a social science subject and mathematics, or any other subjects accepted by the Education Advisory Board.

(2) For employment as a teacher at secondary level a person shall have -

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

(3) The Minister may by an order vary the qualifications set out in subsection (1) or (2) and may prescribe equivalent qualifications.

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

121. (1) An application for employment as a teacher in a public school shall be made to the Chief Education Officer and be accompanied by -

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

(2) The appointment of a teacher in a public school is made by the Public Service Commission on the recommendation of the Ministry and in accordance with this Act and the Public Service Commission Regulations.

(3) In the case of a denominational school which receives substantial assistance for public funds a recommendation for the purposes of subsection (2) shall be made only after consultation with the relevant Board of Management.

(4) The appointment of a teacher in a public educational institution shall be in accordance with the requirements of the institution and on the basis of the qualifications and suitability of the teacher.

122. (1) The Minister shall keep a register in respect of public and assisted private schools which shall be known as the Teachers Register.

(2) A person shall be registered in the Teachers Register required by subsection (1) if he possesses the prescribed qualifications and is in other respects a fit and proper person to be so registered.

123. A copy of the Teachers Register shall be published in the *Gazette* annually.

124. (1) No person -

(a) shall be eligible for appointment as a teacher at a public or assisted private school; or

(b) shall continue to be a teacher at a public or assisted private school, unless his name is registered in the Teachers Register.

(2) Subsection (1) shall apply to persons who are appointed temporarily.

(3) A person whose registration as a teacher has been cancelled shall not be appointed to a position as a teacher at a public or assisted private school unless his name has been reinstated in the register.

125. (1) Application for registration as a teacher shall be in the prescribed form and shall be accompanied by the relevant documents prescribed by regulations made under this Act.

(2) A person who is refused registration for any reason may, within thirty days of the date of the refusal, appeal in the manner prescribed.

126. (1) The Public Service Commission may -

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

(b) appoint non-pensionable teachers at a public or assisted private school,

after consultation with the Chief Education Officer and the respective Board of Management, if any, and in accordance with this Act and the Public Service Commission Regulations.

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

127. (1) The Chief Education Officer after consulting the respective Boards of Management and the teacher concerned may in the interests of efficiency and to maintain

student to teacher ratios recommend to the Public Service Commission the transfer of a teacher from or to any public school.

(2) If the power to transfer teachers has been delegated to the Permanent Secretary or any other public officer under section 78 (2) of the Constitution, the Chief Education Officer's recommendation under subsection (1) shall be to that officer.

128. Every teacher at an educational institution shall have the right to -
- (a) be treated in a manner consistent with the dignity of the teaching profession;
 - (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 proper performance of assigned professional duties;
 - (e) be protected as far as reasonably possible from molestation, abuse, assault and battery in the performance of assigned professional duties whether within or outside the institution;
 - (f) be provided with legal and psychological support in the event of injury while performing assigned professional duties;
 - (g) be compensate for injury to body or mind and for damage to or loss of material possessions in the performance or as a consequence of the performance of assigned professional duties unless the injury, damage or loss was caused by the negligence of the teacher;
 - (h) reasonable access to professional training and development;
 - (i) be provided with adequate clothing, tools and equipment when engaged in hazardous activities in the course of assigned professional duties;
 - (j) be a member of a representative body or association and participate in the lawful activities of any representative body or association of which the teacher is a member;
 - (k) participate in preparation of the school improvement plan;
 - (l) be consulted before being transferred; and
 - (m) have access to his personal file held by the Ministry, in accordance with regulations made under section 186.

129. A teacher at a public school who attains performance appraisal grades indicating consistently poor performance for three consecutive years shall attend a development counselling or remedial programme recommended by the Chief Education officer in consultation with the Department of Human Resources and if the teacher fails to do so may be reported by the appropriate Officer in the Ministry to the Public Service Commission with a view to dismissal.

Division 2

Conduct of Public School Teachers

130. Except for section 139 this Division applies

- (a) only to a teacher employed in the public service; and
- (b) to principals and deputy principals in their capacity as teachers.

131. (1) It shall be the duty of every teacher to conduct himself in public or private as not to bring the teaching profession into disrepute.

(2) A teacher shall discharge the duties lawfully assigned by the principal of the educational institution to which he is attached.

(3) Where no rules exist, a teacher shall act according to his conscience to achieve a professional standard of conduct in setting a good example for students.

132. (1) Every teacher in an educational institution -

- (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 or, as the case may be to their sponsor in accordance with this Act and the regulations;
- (d) under the direction of the principal, maintain order and discipline among students while they are in the institution or on the grounds or attending or participating in activities sponsored or approved for the institution and not inconsistent with this Act or the regulations made under this Act;
- (e) review with students their assessments and progress and advise students of the expectations for them;
- (f) maintain any registers, records or other forms required by or under this Act and make such registers, records or forms available for inspection by the Chief Education Officer or any person authorised by the Chief Education Officer;
- (g) observe the standards of the institution as established by the principal and the Board of Management;
- (h) upon reasonable notice from the principal, admit a parent or sponsor of a student to the classroom for the purpose of observing;
- (i) report promptly to the principal any apparent outbreak of contagious or infectious disease in the institution, any unsanitary condition of the buildings or surroundings and any other condition or circumstance that might reasonably threaten the health or safety of students or other employees of the institution;

- (j) notify the principal of any absence from the 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 practice teaching, render assistance to the student teachers and submit reports on their teaching ability;
- (l) perform assigned duties as outlined in any emergency plan developed by the administration of the institution to protect the health and safety of students;
- (m) report to the principal if there are reasonable grounds to believe that a child is in need of protection as defined in any written law;
- (n) attend staff meetings;
- (o) plan and prepare courses and lessons;
- (p) teach students assigned to him according to their educational needs, 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 educational 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 policy for the pastoral care of students;
- (t) make arrangements under the direction of the principal, for parents or, as the case may be, for sponsors to be given regular information about the school curriculum, the progress of a student and other matters affecting the institution;
- (u) promote effective relationships with persons and bodies outside the institution;
- (v) advise and assist the Board of Management if any in the exercise of its functions, including attending meetings and making any reports to it in connection with the discharge of his functions that are required;
- (w) participate in implementing the effective supervision of students during school hours, and the security of the buildings of the institution and their contents and of the grounds of the institution;
- (x) assist, to the extent appropriate having regard to other duties, in the provision of cover for absent teachers;

- (y) in the case of a primary, all-age or secondary school, be in school at least fifteen minutes before school starts and remain in school at least half an hour after the students are dismissed;
- (z) perform any other duties prescribed by regulations made by the Minister under this Act.

133. (1) A teacher shall not leave Saint Vincent and the Grenadines outside the teachers' vacation period as defined in section 144 without the permission in writing of the Chief Education Officer obtained in accordance with that section.

(2) A teacher shall not at any time engage in any activity which would tend to impair his usefulness as a teacher, nor engage in any occupation or undertaking which might be inconsistent with his position as a teacher.

(3) A teacher shall not make public or communicate to the press or to an individual or make copies of documents, papers or information of which he has become possessed in an official capacity, unless his duties so require.

(4) A teacher shall not solicit the intervention or influence of individual member of the House of Representatives or of any Minister, to support or advance his individual claims in the service.

(5) A teacher shall not without the permission of the principal of the educational institution to which he is attached permit any person who is not a student of the institution to be present during school hours in any part of the premises of the institution normally reserved for the use of students.

(6) A teacher who desires to initiate legal proceedings against another teacher, or against a member of the public, with respect to any matter which arose out of and in the course of the execution of the teacher's duty, shall apply to the Chief Education Officer for permission to proceed.

134. A teacher who -

- (a) persistently fails to perform the duties mentioned in section 132;
- (b) contravenes any of subsections (1) to (6) of section 133;
- (c) is persistently unpunctual;
- (d) in the discharge of his duties is discourteous or impolite to students, other teachers, supervisors or members of the public;
- (e) wilfully disobeys or disregards any lawful order made or given by any person having authority to make or give the order;
- (f) is drunk while on duty;
- (g) is inefficient or incompetent through causes which appear to be within his own control;
- (h) is guilty of any immoral or obscene or disorderly conduct;
- (i) performs his duties in a negligent manner;

- (j) uses, without lawful authority, any property or facilities provided for the purposes of the teacher's official duties, or connected with official duties in a manner inconsistent with these purposes; or
- (k) is convicted of any criminal offence involving dishonesty, fraud or moral turpitude or is convicted of an offence and is sentenced to imprisonment without the option of a fine,

is guilty of misconduct and is liable to disciplinary action by the Public Service Commission in accordance with the regulations made for that purpose.

135. (1) The Chief Education Officer shall keep a record of all reports of misconduct made against teachers by principals, Boards of Management or members of the public.

(2) The Chief Education Officer shall in writing inform a teacher of any report of misconduct against the teacher and warn him of the possible consequences of a further report of misconduct.

(3) On a second or subsequent report of misconduct against a teacher the Chief Education Officer shall report the matter to the Public Service Commission on a complaint with a view to disciplinary action.

(4) The requirement for a warning does not apply to misconduct of the kind described in section 134 (k) and such misconduct shall be reported to the Public Service Commission on its first occurrence.

136. If the Minister receives from any person a complaint in writing that a teacher has been guilty of misconduct, the Minister may ask the Chief Education Officer to hold an enquiry to decide whether the complaint should be referred to the Public Service Commission for disciplinary action.

137. (1) The employment of a teacher who was appointed by the Public Service Commission may be terminated -

- (a) in the case of a teacher employed on a provisional or temporary basis, by one month's written notice given by either the Public Service Commission or the teacher or by the payment of the teacher of an amount equal to one month's salary in lieu of notice by the Commission;
- (b) in any other case, by three months's written notice given by either the Public Service Commission or the teacher or by the payment to the teacher of an amount equal to three months's salary in lieu of notice by the Commission.

(2) Notice of resignation by a teacher must be given in writing terminating at the end of a school term.

(3) If the Public Service Commission proposes to terminate the employment of a teacher (other than a teacher employed on a provisional or temporary basis), the teacher shall be given the opportunity to make representations to the Public Service Board of Appeal personally or through a representative.

138. Upon termination of his employment a teacher shall deliver to the Ministry any property of the educational institution to which he was attached in his custody and a note of such delivery shall be entered in the daily log book.

139. A teacher shall not transmit any communication to the Minister on any matter which affects the work of the educational institution to which he is attached except through the Chief Education Officer.

Division 3

Duties of Principals

140. (1) In addition to any requirements of this Act relating to the duties of a principal, the principal of an educational institution shall -

- (a) ensure so far as possible the observance of the provisions of this Act and the regulations;
- (b) promote satisfactory relationships with parents and the community served by the institution;
- (c) develop and implement procedures for parental and community involvement in the institution and promote co-operation between the institution and the community it serves;
- (d) maintain order and discipline in the institution, on the institution's grounds, and during activities sponsored or approved by the institution;
- (e) supervise and direct teachers and other staff assigned or rendering services to the institution, including volunteers;
- (f) keep and maintain any records and complete any returns and forms required by this Act and the regulations including -
 - (i) admission and attendance register;
 - (ii) log book recording daily occurrences of the institutions;
 - (iii) leave book;
 - (iv) teacher attendance register;
 - (v) student's register;
 - (vi) inventory and stock book;
 - (vii) accounts books in hard covers;
 - (viii) punishment book;
 - (ix) visitors' book;
 - (x) a copy of the regulations;
 - (xi) weekly records of work;
 - (xii) copies of inspection reports;

- (xiii) the approved time table;
 - (xiv) list of the basic textbooks used for secular instruction;
 - (xv) any circulars the Ministry issues from time to time; and
 - (xvi) any records required by the school medical officer;
- (g) make the records available for inspection by authorised persons at any reasonable time;
 - (h) ensure the proper maintenance and care of the institution's property;
 - (i) requisition necessary materials, supplies, and equipment for the institution and arrange for distribution of them;
 - (j) attend meetings of the Board of Management, the Parent Teacher Association or school committee for the institution when requested by the relevant body to do so;
 - (k) report promptly to the Chief Education Officer, the Chief Medical Officer and other appropriate health personnel any apparent outbreak of contagious or infectious disease in the institution's buildings or surrounds and any other dangerous or unsafe condition in the institution;
 - (l) report to the Chief Education Officer and to the government department responsible for child welfare if there are reasonable grounds to believe that a student is in need of protection as defined in any written law;
 - (m) prepare the school's operation and maintenance budget for review and approval by the Board of Management, if any;
 - (n) submit statements on all school finances to the Chief Education Officer not more than seven days after the end of each term;
 - (o) be responsible for the preparation and implementation of the school development plan;
 - (p) keep parents informed of the progress and development of students;
 - (q) ensure that instruction in the institution is consistent with the courses of study prescribed pursuant to this Act and the regulations;
 - (r) include cultural heritage traditions and practices in the activities of the institution;
 - (s) formulate with the assistance of the staff the overall aims and objectives of the institution and policies for their implementation;
 - (t) deploy and manage all teaching and non-teaching staff of the institution 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;

- (u) 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;
- (v) maintain effective relationships with organisations representing teachers and other persons on the staff of the institution;
- (w) organise and implement the prescribed curriculum for the institution having regard to -
 - (i) the needs, experience, interests, aptitudes and stage of development of the students, and
 - (ii) the resources available to the institution;
- (x) keep under review the work and organisation of the institution;
- (y) evaluate the standards of teaching and learning in the institution, and ensure that proper standards of professional performance are established and maintained;
- (z) maintain good order and discipline among the students and safeguard their health and safety both when they are authorised to be on the institution's premises and when they are engaged in authorised school activities elsewhere;
- (aa) initiate staff development programmes;
- (bb) perform any other related duties prescribed by the regulations.

(2) The duties mentioned in paragraphs (a), (b), (c), (d), (h), (o), (p), (q), (r), (s), (x) and (y) shall be performed in cooperation with the Board of Management of the institution, if one exists.

(3) A principal of a public school who consistently fails to perform a professional duty specified in subsection (1) is guilty of misconduct and liable to disciplinary action by the Public Service Commission in accordance with regulations made for that purpose.

141. (1) A person appointed as deputy principal in an educational institution, in addition to carrying out the professional duties of a teacher and any other duties assigned to him by the principal, shall -

- (a) assist the principal in managing the institution or that part of it determined by the principal;
- (b) undertake any professional duties of the principal delegated to him by the principal;
- (c) undertake, in the absence of the principal and to the extent required by the principal, or other appropriate authority, the professional duties of the principal.

(2) A deputy principal of a public school who consistently fails to perform a professional duty as specified in subsection (1) is liable to disciplinary action by the Public Service Commission in accordance with regulations made for that purpose.

PART VIII

TEACHERS' CONDITIONS OF SERVICE

Division 1

Application

142. This Part, other than section 150, applies generally to -
- (a) teachers appointed by the Public Service Commission; and
 - (b) principals and deputy principals in their capacity as teachers.

143. (1) The provisions of any written law relating to leave, remuneration and conditions of service of employees apply-

- (a) to teachers not in the public service unless displaced by other contractual terms; and
- (b) to teachers in the public service to the extent that any matter is not provided for in this Act.

(2) To the extent that provision is made in the Public Service Commission Regulations for any matter relating to public officers which is not dealt with by this Act, the Regulations apply to teachers in the public service in relation to conditions of service.

Division 2

Leave

144. (1) The teachers' vacation period shall be -
- (a) three weeks at the end of the first term of the school year;
 - (b) two weeks at the end of the second term of the school year; and
 - (c) five weeks at the end of the final term of the school year, commencing on the Monday of third week of the school summer vacation and ending on Friday of the seventh week of that vacation, inclusive.

(2) Absence at any other time shall be taken as leave of absence, unless otherwise agreed or provided by or under a written law.

(3) Application for permission to leave Saint Vincent and the Grenadines outside the teachers' vacation period shall be made in writing at least one month in advance to the Chief Education Officer, and shall be sent through the principal.

(4) An application under subsection (3) shall specify the dates, the countries to be visited and the purpose of the visit and provide a contact address and telephone number in each country.

145. (1) Leave of absence for up to two days per term may be granted to a teacher by the principal if applied for at least two days in advance.

(2) A written record of such leave shall be kept by the principal and forwarded to the Chief Education Officer.

(3) Any additional leave shall be considered as no pay leave.

(4) Application for more than two days' leave in a term shall be made to the Chief Education Officer through the principal, who should attach his comments to the application.

(5) Any such application shall be submitted to the Chief Education Officer at least fourteen days in advance.

146. (1) Every teacher shall report for duty for the five working days of the week prior to the reopening of school for the new academic year.

(2) A teacher who fails to report for duty within seven working days after the date he should have reported, without the permission of the Chief Education Officer, shall be considered as having resigned.

147. (1) On retirement a teacher shall be allowed leave not exceeding three months with full pay at the rate of pay immediately before retirement.

(2) An application for retirement shall be made at the beginning of the term prior to the term in which the retirement takes effect.

148. A teacher who has been accepted by a university or any other institution to pursue a course of full-time study may, if the course is directly related to his work as a teacher and if the Chief Education Officer so recommends, be granted study leave on the following conditions-

- (a) at the time of granting the leave the teacher shall be employed in a permanent capacity in a public school;
- (b) the teacher must have completed not less than three consecutive years of service as a teacher immediately before the commencement of the leave;
- (c) the leave shall be limited to three months with full pay;
- (d) the period of leave shall include school vacations;
- (e) the teacher shall receive half pay during the remaining portion of the leave for a period not exceeding six months;
- (f) the teacher shall enter into a bond, with sureties, with the Government to return to Saint Vincent and the Grenadines on completion of the course of study and to teach in a public school for the period specified in the bond;
- (g) the teacher shall provide to the Chief Education Officer during the course of study certificates from the institution at which he is pursuing the course of study as to his attendance and diligence.

149. (1) A teacher may be granted up to two months sick leave on full pay in any one year on production of medical evidence.

(2) If sickness is prolonged beyond two months but there is a reasonable chance of recovery, a teacher who has at least ten years' teaching experience may receive full pay for a further period on the recommendation of the Chief Education Officer and on production of medical evidence.

(3) The Public Service Commission may appoint a medical board at any time after the second month of sick leave for advice on whether further leave should be granted or the teacher should be retired on medical grounds.

(4) Application for sick leave for more than two days shall be made to the Chief Education Officer in writing and recorded by the principal in the leave book.

150. (1) A teacher may be granted compassionate leave by the Chief Education Officer on the death of a parent, a grand parent, a child, a spouse or a sibling.

(2) If the death occurs locally, compassionate leave of up to three working days may be granted.

(3) If the death occurs abroad, compassionate leave of up to five working days may be granted.

(4) A teacher shall apply in writing for compassionate leave.

151. A female teacher shall be granted maternity leave in accordance with the relevant law for that purpose.

Division 3

Remuneration, Advances and Increments

152. (1) On appointment, a teacher's pay shall be computed from the date of his assumption of duty.

(2) On promotion, a teacher shall normally receive the pay attached to the post to which he is promoted from the date of the promotion.

(3) Subject to subsection (4), upon first appointment, the commencing salary is the minimum of the scale applicable whether such appointment is temporary, acting or permanent.

(4) If the Public Service Commission is of the opinion that the qualifications or experience of a teacher warrants a higher salary than the minimum of the scale applicable to the post to which the teacher is appointed the Commission may authorise payment at such point in such scale as it considers appropriate to the particular case.

153. Salary shall normally be paid on the last working day of the month, but the Minister responsible for finance may specify an earlier date for payment in any month if it appears expedient.

154. (1) A teacher who acts for at least twenty eight consecutive days in a grade higher than his substantive grade shall be entitled to be paid-

- (a) if at the time of appointment to act the teacher's substantive salary is less than the minimum salary of the higher grade, the minimum of the higher grade;
- (b) if at the time of the appointment to act the teacher's substantive salary is equal to or greater than the minimum salary of the higher grade, one increment above the substantive salary.

(2) A teacher who receives acting pay under subsection (1) is entitled pro rata to any other allowances attached to the higher grade.

155. (1) A teacher may be granted an advance from public funds to enable the teacher or a member of his family to go abroad for medical treatment which cannot be adequately provided in Saint Vincent and the Grenadines.

(2) An advance under subsection (1) may be made on the following conditions-

- (a) a medical certificate from a panel of at least two medical officers, stating what advantages are to be derived from medical treatment abroad, shall be presented;
- (b) except in special circumstances, the amount of the advance will be limited to 25% of the teacher's annual salary and restricted to the expenditure needed for the proposed journey and the cost of treatment; and
- (c) the advance is repayable by twelve monthly installments commencing at the end of the third month following that in which the teacher resumes duty, or over such longer period as the Minister responsible for finance thinks fit, taking into consideration the circumstances of the particular case.

156. (1) The Minister responsible for finance may authorise an advance for other purposes not specified in this Division.

(2) Security to the satisfaction of the Permanent Secretary in the Ministry responsible for finance shall be furnished when an advance exceeds one month's pay.

(3) An application for an advance under this section should be made to the Permanent Secretary, Ministry of Finance through the Permanent Secretary responsible for this Act.

(4) An advance, if approved, shall be recovered by monthly deductions from the teacher's salary.

(5) In determining the number of monthly installments, the general indebtedness of the teacher shall be taken into account.

157. (1) If a teacher holds an office carrying a salary scale, increments shall be paid to the teacher, subject to a report on the completion of each year of satisfactory service, until the teacher has reached the maximum of the scale.

(2) A teacher who is promoted to an acting position shall be paid increments on his substantive post.

(3) The incremental date for teachers is 1st of January of each year.

(4) If a teacher is promoted but his salary is above or equal to the minimum of the higher scale, the teacher shall receive an immediate increment in the new scale.

Division 4

Payment of Pensions and Gratuities

158. (1) This Division applies only to teachers in the public service.

(2) The award of pensions and gratuities to teachers is governed by the pension laws in force for the time being.

159. (1) The computation and authorisation of pensions and gratuities of persons whose retirement from the teaching service is known to be imminent shall be treated as a matter of priority.

(2) The Permanent Secretary shall ensure that particulars of service and salary of a teacher whose retirement is known to be imminent are furnished to the Accountant General not less than three calendar months before the date on which the teacher is due to retire, so as to enable the Account General to compute the pension, retiring allowances and gratuity and submit them for authorisation before the retirement date.

(3) The years of service for computation of retirement benefits of a teacher shall be calculated from the date of the teacher's first substantive appointment.

PART IX

CURRICULUM AND ASSESSMENT OF STUDENTS

160. (1) The Minister shall establish a national curriculum for all educational institutions.

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

(a) promote the spiritual, moral, cultural, intellectual and physical development of students; and

(b) prepare students for the opportunities, responsibilities and experiences of adult life.

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

161. (1) The curriculum for every educational institution shall include 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 that must be taught to students of different abilities and maturities during each key stage; and
- (c) assessment arrangements that include assessing students at or near the end of each assessment stage in order to ascertain what they have achieved in relation to the attainment targets.

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

162. (1) The assessment stages in relation to a student shall be -
- (a) the period from the attainment of compulsory school age to the end of the academic year in which the majority of students in the student's case attain the age of nine;
 - (b) the period beginning from the start of the academic year in which the majority of students in the student's class attain the age of eleven to the end of the academic year in which the majority of students in the class attain the age of fourteen;
 - (c) the period from the start of the academic year in which the majority of students in the student's class attain the age of fourteen to the end of the academic year in which the majority of students in the class attain the age of sixteen.

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

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

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

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

163. (1) The Minister shall publish by notice in the *Gazette* -

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

that the Minister considers appropriate.

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

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

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

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

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

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

165. (1) Subject to subsections (2) and (5), the school day in every public or assisted private school at the primary, all-age or secondary level shall begin with collective worship by all students attending the school, and arrangement shall be made for a single act of worship attended by all students unless the construction of the school premises makes that impracticable, provided that in the case of a denominational school, its Board of Management shall determine the form of worship.

(2) The collective workshop required by subsection (1) shall be in accordance with paragraphs (a) and (b) of the Preamble of the Constitution of Saint Vincent and the Grenadines.

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

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

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

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

(6) Subject to subsection (2), if an assisted private school is owned or managed by a denominational body, the denominational body is responsible for organising and

providing religious instruction or education to students that belong to its religious faith in accordance with a curriculum prescribed by the body.

(7) If an assisted private school owned or managed by a denominational body admits students who not subscribe to the religious beliefs of the denominational body, no student, except with his consent or, if he is under the age eighteen years, the consent of a parent, may be compelled or required to receive religious instruction or take part in or attend any religious ceremony or observance provided under subsection (1).

166. (1) The religious education given to a student at a public or assisted private school pursuant to section 165 shall be given in accordance with an agreed syllabus adopted for the school.

(2) In respect of public or assisted private schools with the exception of denominational schools the Minister may appoint a panel of advisors on religious matters to advise on religious instruction in schools and in particular as to methods of teaching, choice of books and the provision of lecturers or teachers.

PART X

SCHOLARSHIPS AND OTHER FINANCIAL ASSISTANCE

167. (1) The Government shall make provision for the award of Saint Vincent and the Grenadines Island Scholarship.

(2) Saint Vincent and the Grenadines Island scholarships shall be open to public competition each year.

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

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

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

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

169. (1) To be eligible to compete for a scholarship a student must-
- (a) have for three years immediately preceding the competition referred to in section 167 (2) have been *bona fide* receiving education in Saint Vincent and the Grenadines;
 - (b) have passed the Caribbean Examinations Council Examination or any other equivalent examination prescribed by the regulations in three or more subjects at 'A' level, in addition to the General Paper;
 - (c) have satisfied the standards of conduct and deportment established by the institution which the student attends, or by the Ministry;
 - (d) be a person who is, or be the child of a person who is a citizen of Saint Vincent and the Grenadines or of a Member State of the Organisation of Eastern Caribbean States; or
 - (e) be a person who is, or be the child of a person who is-
 - (i) employed in Saint Vincent and the Grenadines by the Government or by the Secretariat of the Organisation of Eastern Caribbean States; or
 - (ii) resident in Saint Vincent and the Grenadines if the person's country of citizenship has enacted legislation in terms similar to this Part and does not discriminate against citizens of the Organisation of Eastern Caribbean States in the award of scholarships of the kind established by this Part.

170. (1) Scholarships shall be awarded by the Cabinet on the basis of results of the examination mentioned in section 169 (1) (b) to eligible students who achieve the best results in the examination.

(2) In the event of competitors being equal the Cabinet may award scholarships to such of the equal students as it considers fit.

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

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

172. (1) Subject to subsection (2) a scholarship shall be forfeited-
- (a) on expulsion of the scholarship holder from the institution;
 - (b) if the holder fails to pass any examination within the period fixed by the competent authorities of the university or institution unless the Cabinet is satisfied on the recommendation of the authorities that the holder has been prevented from passing the examination in circumstances which do not justify forfeiture;
 - (c) if the holder enters course of study or accepts any appointment which is not approved by the Cabinet;

- (d) if the holder fails without reasonable excuse to comply with the requirements of this Act or the regulations;
- (e) if any event occurs either before or after the holder has entered any course of study which in the opinion of the Cabinet is likely to be prejudicial to the object for which the scholarship was granted; or
- (f) on proof to the satisfaction of the Cabinet of grave misconduct by the holder at any time after the award.

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

173. Every student to whom a scholarship is awarded under this Part shall sign a bond in a prescribed sum and in a prescribed manner to return, on obtaining his qualifications, to Saint Vincent and the Grenadines and to serve as a public officer for a period of not less than two years if the person is offered an appointment appropriate to his qualifications in the public service of Saint Vincent and the Grenadines at the remuneration paid to holders of such offices in Saint Vincent and the Grenadines.

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

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

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

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

PART XI

INSPECTION AND REVIEW OF THE EDUCATION SYSTEM

Division 1

Inspection of Educational Institutions

176. (1) The Minister, the Chief Education Officer, an education officer, a public officer authorised in writing by the Chief Education Officer and any other person authorised in writing by the Minister, hereinafter referred to in this Part as an authorised person, may at the times and in the manner prescribed by regulations, inspect any educational institution.

(2) A person who, pursuant to this section, inspects an educational institution shall -

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

177. (1) The principal of an educational institution shall keep the institution open at all times during school hours to visits and inspections by an authorised person.

(2) Any person who, pursuant to section 176 (1), inspects an educational institution may at the request of the Chief Education Officer examine the students in the subjects of instruction taught at the institution.

178. A person who-

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

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

Division 2

Review of the Education System

179. (1) Every five years or as soon as practicable thereafter, the Cabinet, on the recommendation of the Minister shall appoint an Education Review Committee consisting of eight members to review and report on the education system of Saint Vincent and the Grenadines.

(2) The Education Review Committee shall include -

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

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

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

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

PART XII

MISCELLANEOUS

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

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

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

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

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

(6) The sale of food and drink at an educational institution is not permitted during lesson periods.

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

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

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

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

182. (1) No building of an educational institution may be used for dances other forms of entertainment or public meetings unless the building is certified as architecturally safe for such purpose by the Chief Engineer of the Ministry responsible for public works.

(2) No public school may be used for any dance or public activity without the written permission of the Chief Education Officer who shall satisfy himself that arrangements will be made for the replacement or repair of furniture or premises damaged during the dance or public activity.

(3) The Chief Education Officer may delegate his functions under subsection (2) in relation to any public school to the Board of Management, if any, of that school, which shall satisfy itself accordingly.

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

184. (1) A 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,
 - (ii) assaults, insults or abuses a teacher or student, or

(iii) disrupts any lawful activity conducted on the premises of the educational institution;

(d) in a public place causes or makes a noise that disturbs or is likely to disturb any lawful activity carried out on the premises of an educational institution; or

(e) commits any damage to any building or other property on the premises of, or forming part of the compound of any educational institution,

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

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

185. A prosecution for an offence under this Act may be brought in the name of the Chief Education Officer.

186. (1) The Minister may, on the advice of the Advisory Board given in accordance with section 12, make regulations for the proper carrying out of the Minister's goals and objectives under this Act.

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

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

(b) concerning the management of private schools and in particular in respect of-

(i) the size of the classrooms and their equipment, the number of students that may occupy each classroom and the necessary sanitary facilities to be provided;

(ii) the registers and other records to be kept by proprietors of private schools and the particulars to be furnished to the Ministry by the proprietors;

(iii) the suitability of the premises;

(iv) the suitability of the curriculum, courses and methods of instruction; and

(v) generally for more effectively carrying out the provisions of this Act respecting private schools;

(c) prescribing the standards to which the premises of educational institutions shall conform;

(d) concerning the purposes for which the premises of a public school or an assisted private school may be used;

- (e) prescribing the financial or other assistance which may be given to any educational institution or class of educational institution, and the conditions for such assistance;
- (f) concerning the discipline of students at educational institutions including the instrument, if any, which may be used for corporal punishment;
- (g) requiring the keeping by educational institutions of a school record of each student, the particulars to be included in the record and the disposal of the record;
- (h) respecting-
 - (i) the admission of students to public schools and assisted private schools; and
 - (ii) the transfer of students from one institution to another;
- (i) concerning the records to be kept by principals and staff of public schools and assisted private schools of
 - (i) public moneys or property payable to or vested in the school,
 - (ii) moneys derived from fund-raising activities held at or for the school,
 - (iii) moneys and other property derived or the school by way of gift, bequest, trust, donation, or in any other manner whatsoever;
- (j) concerning the terms of employment of teachers including grading, promotion and leave and payment of salaries and other remuneration so far as they are not prescribed by this Act or any other written law;
- (k) concerning the establishment, administration, organisation, inspection, classification and discontinuance of schools, including pre-primary schools and schools for children with special needs;
- (l) concerning the award of grants and bursaries for tertiary education under section 174 and specifying the value and any conditions subject to which grants and bursaries may be held;
- (m) concerning the giving of other financial assistance to needy students under section 175;
- (n) prescribing the academic year, school hours, terms and vacations of educational institutions so far as they are not prescribed by this Act;
- (o) prescribing the cases in which, and the matters for which, fees may be charged in public schools and assisted private schools and regulating the accounting for such fees;
- (p) concerning the inspection of educational institutions;
- (q) concerning the constitution, rights, powers and responsibilities of student councils and of the National Student Council;

- (r) concerning the constitution, rights, powers and responsibilities of Parent Teacher Associations;
- (s) embodying any collective agreement arrived at between the Ministry and the Saint Vincent and the Grenadines Union of Teachers concerning the conditions of service of teachers represented by the union, or between the Ministry and any other body representing members of the teaching profession in respect of such members;
- (t) regulating the keeping of personal files of teachers and access to them by teachers;
- (u) prescribing anything which by this Act is to be prescribed.

187. (1) The Education Act 1992 is repealed.

(2) Notwithstanding subsection (1), subsidiary legislation made or continued under the former Act shall remain in force so far as they are not inconsistent with this Act until they have been revoked by subsidiary legislation made under this Act, and shall be deemed for all purposes to have been made under this Act.

(3) Subject to this Act all appointments made under the former Act which is in force at the commencement of this Act or any application pending or matter commenced which has not been completed shall be deemed to have been done in accordance with this Act.

188. (1) At the commencement of this Act -

- (a) the Education Advisory Board established under the former Act is dissolved; and
- (b) any Board of Management or Governing Board, as the case may be, established under the former Act for -
 - (i) a public school; or
 - (ii) an assisted private school,

shall continue to exist until a Board of Management is appointed as provided by this Act and thereafter the Board of Management or Governing Board as the case may be, established under the former Act is dissolved,

without prejudice to any action taken or commenced.

(2) At the commencement of this Act, any Education Board established under the former Act for a public tertiary educational institution shall continue to exist until provision is otherwise made for the management of that institution.

SCHEDULE 1

(section 9 (2))

EDUCATION ADVISORY BOARD

1. In this Schedule, “member” means a member of the Advisory Board.
2. **1. Constitution Board.** The Minister shall with the prior approval of the Cabinet appoint the Advisory Board which shall consist of the following members members appointed by instrument in writing as follows-
 - (a) the Director of the Saint Vincent and the Grenadines Community 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 National Council of Parent Teacher Association;
 - (d) one representative nominated by the duly recognised organisations representing teachers;
 - (e) the Resident Tutor, the University of the West Indies School of Continuing Studies;
 - (f) one representative nominated by a Central Board of Management;
 - (g) one representative nominated by the Early Education Council if any;
 - (h) one representative of the National Student Council, if one exists;
 - (i) one representative nominated by the Council on Special Education, if one exists;
 - (j) one representative nominated by a religious organisation; and
 - (k) one representative nominated by the business and professional community.

(2) Members appointed pursuant to item 1 (f) shall be rotated between each Central Board of Management every two years.
3. **Chairman and Deputy Chairman.** (1) The Minister shall appoint-
 - (a) one member to be Chairman; and
 - (b) another member to be Deputy Chairman.

(2) The Chairman, or in his absence the Deputy Chairman shall preside at meeting of the Advisory Board.

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

4. Tenure of office. A member shall hold office, on such conditions and terms specified in the instrument of appointment, for a period of two years and shall be eligible for reappointment.

5. Remuneration. The Minister shall prescribe the remuneration and allowances payable to members.

6. Vacancy. (1) A vacancy in the membership of the Advisory Board shall occur-

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

(2) A vacancy in the Advisory Board shall not impair the right of the remaining members to act.

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

7. Resignation. (1) A member may at any time resign his office by instrument in writing addressed to the Chairman for submission to the Minister.

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

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

8. Revocation of appointment of member. (1) The Minister may revoke the appointment of a member if that member-

- (a) becomes incapable of carrying out his duties;
- (b) becomes bankrupt or compounds with his creditors;
- (c) is convicted of any offence;
- (d) is guilty of misconduct;
- (e) is absent, except on leave granted by the Advisory Board, from three consecutive meetings of the Advisory Board;

- (f) fails to comply with item 14;
- (g) fails to carry out satisfactorily any of his functions under this Act rules made under this Act,

Provided that such appointment shall not be revoked under this paragraph unless the member has been given a reasonable opportunity to be heard.

(2) It shall be an implied term of the appointment of a member that the appointment shall terminate if he is convicted of any offence the commission of which involves dishonesty.

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

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

11. Meetings. (1) The Advisory Board shall meet at least three times per year and at such other times as the Chairman determines is necessary and expedient for the transaction of its business and such meetings shall be held at such places and times and such days as the Chairman determines.

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

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

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

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

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

13. Quorum. The quorum of the Advisory Board at any meeting shall be five members.

14. Disclosure of interest. (1) Any member who has any interest directly or indirectly in any matter being considered or about to be considered by the Advisory Board shall disclose the nature of his interest to the Advisory Board.

(2) The disclosure shall be made at the meeting of the Advisory Board at which the matter is first taken into consideration, or if the member was not at the date of the meeting interested in the matter, at the next meeting of the Advisory Board held after he becomes so interested.

(3) In any case where the member becomes interested in a matter concluded by the Advisory Board after such matter has been determined by the Advisory Board such disclosure shall be made at the first meeting of the Advisory Board held after the member acquired such interest or becomes so interested.

(4) A disclosure under paragraph (1) shall be recorded in the minutes of the meeting of the Advisory Board and after such disclosure the member shall neither be present during any deliberation of the Advisory Board nor take part in any decision of the Advisory Board with respect to that matter.

15. Resolution. (1) If a majority of members signs a document circulated by, or on behalf of the Advisory Board containing a statement that those members are in favour of a resolution in the terms set out in the document, a resolution in those terms shall be deemed to have been passed at a meeting of the Advisory Board held on the day on which the last member to sign so signs the document.

(2) If a resolution under paragraph (1) is deemed to have passed at a meeting of the Advisory Board, notice of the resolution shall be given under the procedure established by the Advisory Board.

SCHEDULE 2

(section 63 (1) and 100 (5))

PROCEDURE OF BOARDS OF MANAGEMENT

1. Definition. In this Schedule “Board” means a Board of Management appointed under section 58, 61 or 100 of this Act.

2. Chairperson and Deputy Chairperson. (1) Except in cases of a Board established under section 100 of this Act, a Board shall elect a chairperson and deputy chairperson from among its members at its first meeting.

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

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

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

4. Filling of vacancies. If a vacancy occurs in the membership of a Board the vacancy shall be filled by the appointment of another member in the manner indicated in section 58, 61 or 100 of this Act, as the case may be, and such person holds office for the remainder of the period for which the previous member was appointed. Any such appointment shall be made in the same manner and from the same category of persons, if any appointment of the previous member.

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

6. Duration of membership. (1) Every member of a Board holds office for a term of two years unless before the end of the term the member dies, resigns, is removed from office for any cause by the Minister or the nominating authority under section 58, 61 or 100 of this Act or ceases to be a member in accordance with paragraph (4).

(2) A member of a Board is eligible for reappointment for a further term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed in the House of Assembly this day of 2005.

Clerk of the House of Assembly

OBJECTS AND REASONS

This Bill seeks to make provision for the delivery of educational services in St. Vincent and the Grenadines by both the public and the private sectors and for matters connected therewith and incidental thereto.

Hon. Clayton Burgin
Minister of Education, Youth and
Sports