

THE EDUCATION ACT

SCHEMES
(under section 13)

(Omitted)

ORDERS
(under section 20)

(Omitted)

REGULATIONS
(under section 43)

The Education Regulations, 1980

L.N. 3/81
42/92
19/93
81/99

The Independent Schools Regulations, 1973

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SCHEMES
(under sections 42 and 72 of Cap. 106 of 1953 Edition saved by section 46(3) of Act 8 of 1965) (Omitted)

THE EDUCATION ACT

THE EDUCATION REGULATIONS, 1980

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THE EDUCATION ACT

REGULATIONS
(under section 43)

THE EDUCATION REGULATIONS, 1980

*(Made by the Minister on the 12th day of December, 1980)**[1st March, 1981.]*L.N. 3/81
Amdt:
L.N. 42c/92
19a/93
81/99PART I. *Preliminary***1.** These Regulations may be cited as the Education Regulations, 1980.

Short title.

2.—(1) In these Regulations—

Interpretation

“Board” or “Board of Management” means the Board of Management of a public educational institution;

“church school” means a public educational institution owned and operated by a religious denomination;

“college” means an educational institution offering tertiary education;

“Commission” means the Teachers Service Commission;

“Council” means the National Council on Education established under the National Council on Education Act;

“day release” means the release on pay granted by employers to apprentices and other members of staff to enable them to attend courses at approved educational institutions;

“leased school” means a public educational institution operating on premises leased by the Government;

“pre-primary educational institution” means an educational institution providing education for children below the age of six years recognized by the Minister as a pre-primary educational institution;

“provisionally registered school” means an independent school temporarily registered in the Register of Independent Schools;

“registered school” means an independent school registered in the Register of Independent Schools kept in accordance with section 25 of the Act;

“registered student” means a student registered as such in the register of admission that is kept by a public educational institution pursuant to regulation 26.

(2) References in these Regulations to—

- (a) secondary schools shall be construed as references to new secondary schools;
- (b) high schools shall be construed as references to secondary high schools;
- (c) comprehensive schools shall be construed as references to comprehensive high schools;
- (d) technical schools shall be construed as references to technical high schools.

PART II. *Management and Operation of Public Educational Institutions*
General Administration

Classification of public educational institutions.

3.—(1) Public educational institutions shall be classified into first, second and third stage schools, and—

- (a) in the first stage shall include pre-primary, primary and all-age schools;
- (b) in the second stage shall include new secondary, secondary high, comprehensive high, technical high, trade training centres and vocational schools (including agricultural vocational schools); and
- (c) in the third stage shall include community colleges, teacher training colleges and such other institutions as may be approved by the Minister.

(2) The educational system shall also include special schools for the handicapped, and institutions offering mainly part-time educational programmes.

Power of the Minister to classify.

4. The Minister may—

- (a) subject to paragraph (b), classify or re-classify a school into any category he deems fit;
- (b) after consultation with the owner of an aided public educational institution, classify such institution into any category he deems fit,

and such classification or reclassification, as the case may be, shall be published in the *Gazette*.

5. The Minister may specify in writing the standards or principles by, or in accordance with which classes, forms and grades are determined and arranged in a public educational institution.

Power of Minister to specify different grades in public educational institutions.

6. Unless the Minister in any special case otherwise directs—

- (a) the inspection of a public educational institution pursuant to section 39 of the Act shall in each case be undertaken after seven days notice thereof in writing has been given to the Board of Management and the principal of the institution; and
- (b) a copy of the report on the result of the inspection shall be made available to the Board of Management of the institution concerned.

Notice of inspection under section 39 of the Act.

7.—(1) The school year shall run from the 1st September of each year to the 31st August of the following year.

The school year.

(2) The school year shall be divided into three terms, that is to say—

- (a) the first term, which shall begin on 1st September and end on 31st December;
- (b) the second term, which shall begin on 1st January and end on 30th April; and
- (c) the third term, which shall begin on 1st May and end on 31st August,

so, however, that the first school day in each term shall be the first Monday of that term, except when that day is a public holiday, in which event the first school day shall be the day next following which is not a public holiday.

(3) Every public educational institution shall meet for classes not less than 190 days of each school year unless it is prevented from doing so for reasons approved by the Minister.

8. Subject to the provisions of regulation 7 (3), the Minister shall specify in writing the times at or periods within which school holidays shall be allowed in each year, and the duration of such holidays; and different provisions may be specified in respect of different categories of public educational institutions.

School holidays.

9.—(1) Every public educational institution, except so far as affected by holidays or other unavoidable cause or as permitted by the Minister either generally or in any particular case, shall provide—

School day and hours of instruction.

- (a) not less than five school days in each week; and

- (b) on each school day a period of educational instruction of, as respects each level of educational institution specified in the first column hereunder, not less than the number of teaching hours specified in relation to that level in the second column hereunder:

Level of educational institution	Minimum number of teaching hours
Pre-primary	3
Primary, all-age and secondary—	
(i) if operating a shift system as described in regulation 9 (3)	... 4½
(ii) in other cases	... 5

(2) In every school day there shall be at least one break of not less than thirty minutes.

(3) In this regulation—

“school day” means a day on which educational instruction is imparted pursuant to these Regulations, so, however, that—

(a) where a primary or secondary public educational institution operates a shift system which is so structured that the prescribed minimum number of teaching hours is provided in a morning shift and in an afternoon shift, each such morning or afternoon period shall be regarded as constituting a school day; and

(b) no part of a Saturday or a Sunday shall be included in a school day;

“teaching hours” means hours during which a teacher and students are present together imparting and receiving educational instruction.

Correspondence with the Ministry

Correspon-
dence with
the Ministry.

10.—(1) A principal of a public educational institution may correspond directly with the Ministry on any matter connected with the work of the institution.

(2) Any member of staff of a public educational institution may correspond directly with the Ministry—

(a) on any matter that affects him personally; or

(b) for the purpose of seeking advice or guidance on any matter of professional concern.

(3) A member of staff of a public educational institution, other than the principal, shall not correspond with the Ministry on any matter relating to the work of that institution unless—

- (a) such matter has been raised with the principal and where necessary, by way of follow-up, with the Board; and
- (b) a copy of any such communication is sent to the principal and to the Board.

(4) Any communication sent to the Ministry shall be addressed to the Permanent Secretary, Ministry of Education.

Health

11.—(1) The Minister may cause any public educational institution to be visited by health personnel for the purpose of examining or treating students attending that institution and, unless the Minister otherwise directs, the health authorities shall give seven days' notice of the intended visit to the principal of the educational institution.

Inspection of a public educational institution by health personnel.

(2) Subject to paragraph (3), the principal and other staff members of an educational institution shall co-operate fully with the health personnel in relation to any such visit.

(3) Where a principal of a public educational institution has been notified of an intended visit by health officials and he is of the view that such a visit on the proposed date will cause unreasonable disruption of any special programme already planned or in operation, he shall inform the health authorities accordingly, and shall endeavour to arrange for the visit to take place on some other date.

12. A School Medical Officer or any person designated by him in writing may at any reasonable time, with or without notice, enter and inspect the premises of any public educational institution.

Inspection by School Medical Officer.

Safety

13.—(1) The Board of a public educational institution shall ensure that proper fire fighting, first aid and protective equipment are provided for the institution and that proper safety precautions are taken for the protection of staff and students engaged in practical activities in workshops, laboratories and agricultural projects.

Safety precautions and equipment.

(2) The principal of a public educational institution shall ensure—

- (a) that fire fighting and safety equipment are regularly inspected and are kept in an easily accessible area; and
- (b) that regular fire drills are carried out and that all members of staff and all students participate therein.

Control of laboratory workshop or agricultural project.

14. A head of department at a public educational institution who is responsible for the overall direction and operation of any laboratory, workshop or agricultural project shall take steps to ensure—

- (a) that all machinery and equipment are used with due regard for the safety regulations as prescribed by the Ministry, and that copies of these regulations are made available as reference to every student;
- (b) that practical work is not carried out unless a member of staff is present.

Use of School Premises

Purpose for which premises of a public educational institution can be used.

15.—(1) During school hours the premises of a public educational institution shall only be used for the purposes of the institution, and thereafter only for such purposes as may be approved by the Board.

(2) The Board may permit the use of the premises of a public educational institution—

- (a) for any religious, charitable, educational, recreational, social or other civic purpose; and
- (b) for the purpose of any political meeting.

(3) The premises of a public educational institution that is owned by a religious denomination or Trust, shall not be used for any purpose that is repugnant to the principles of that denomination or Trust, or for any purpose not approved by that denomination or Trust.

Conditions to be satisfied in use of premises.

16. Regarding the use of the premises of a public educational institution the following conditions shall be satisfied—

- (a) every application for permission shall be made to the Board through the principal and shall, unless it is made by the Government or relates to the use of the premises for educational purposes, be accompanied by a deposit which shall be returned to the depositor after the premises have been so used subject to the utilization thereof, either wholly or partially, in accordance with paragraph (c);
- (b) the Board may charge such fees as they may think fit and the fees so collected shall be used for educational purposes connected with the institution but no fee shall be charged for the use of the premises by the Government or for educational purposes;

- (c) the person, organization, government department or agency by whom, or on whose behalf the premises are so used, shall pay the expenses arising from any loss or damage caused to the premises, furniture, equipment and fixtures therein, or any additional expenses for items such as cleaning, security services or lighting incurred in connection with such use of the premises and its facilities and any deposit made in accordance with paragraph (a) may be utilized towards such payment.

Records

17.—(1) In every public educational institution there shall be kept in such form or manner as may be directed by the Ministry or as may be prescribed—

Records to be kept in a public educational institution.

- (a) a copy of the Education Act and Regulations and any amendment thereto;
- (b) a Circulars File containing all circulars and other directives issued to the public educational institution by the Ministry of Education;
- (c) files for official papers and correspondence;
- (d) personal staff files;
- (e) a register of admission and withdrawal of students;
- (f) registers of attendance of teachers and administrative personnel;
- (g) a register of attendance of ancillary staff;
- (h) such numbers of registers of attendance of students as may be necessary for the purpose of the institution;
- (i) a log book;
- (j) such accounting records as may be prescribed;
- (k) library records;
- (l) an inventory of furniture, equipment, apparatus, books, school materials and supplies, kept up to date and according to instructions issued by the Ministry;
- (m) such transfer records as may be prescribed;
- (n) a cumulative record of every student of that institution;
- (o) a copy of the time-table and schemes of work including all relevant teachers' guides for use in the institution; and
- (p) any other registers, books, statistical or other records, which the Ministry may require to be kept in each institution.

(2) All registers, records and books shall be made available for inspection at all reasonable times by members of the Board, by members of the supervisory staff of the Ministry and by such other persons as may be authorized by the Minister.

Personal
staff files.

18.—(1) The principal of a public educational institution shall keep a confidential personal file in respect of each member of the teaching and administrative staff and such file as may be appropriate in respect of each member of the ancillary staff.

(2) There shall be kept in the personal file of a member of staff of a public educational institution—

- (a) any special correspondence from or copy of correspondence to the member of staff or any information from whatever source relevant to the member of staff;
- (b) any memorandum or instruction in connection with the duties and responsibilities of the member of staff issued by the principal or other person authorized so to do;
- (c) copies of reports on the work and efficiency of the member of staff and on his contribution to the school as well as any memorandum on disciplinary matters affecting the member of staff; and
- (d) the full name, address, date of birth, place of birth, nationality, marital status, details of academic or professional qualifications with copies of any testimonials, academic or other certificates and full details with dates of the beginning and ending of any previous teaching or other work experiences.

(3) In making an assessment of the performance of a member of staff for inclusion on his personal file, the principal shall take full account of the opinions of senior teachers, department heads and other members of staff who work with and are responsible for the supervision of the work of the member of staff concerned.

(4) A member of staff shall have the right, on request to the principal and in his presence, to inspect his personal file.

(5) Where a member of staff objects to the inclusion of any item in his personal file he may raise the matter with the principal and if the member of staff is not satisfied with the action taken by the principal he may take the matter up with the Board. If the action of the Board does not satisfy the member of staff, he may refer the matter to the Minister.

(6) A person shall not remove or alter any part of the contents of a personal file of a member of staff.

19.—(1) The principal and every member of staff of a public educational institution shall, on each day on which he is present, sign his name in the appropriate register of attendance and insert in the appropriate place therein, the time of arrival and of departure from duty.

Attendance
register of
staff.

(2) The principal or a person authorized by him in that behalf, shall examine the attendance register of staff every school day, and shall take appropriate action in instances of persistent unpunctuality. Members of staff who are persistently unpunctual may be subject to disciplinary action by the Board.

(3) A member of staff who is absent without leave and whose explanation of absence is unacceptable to the Board, through the principal, may be liable to a loss of salary in respect of the period of absence.

(4) Attendance registers of staff shall be carefully preserved and arrangements shall be made by the Board for them to be stored indefinitely.

20.—(1) A log book shall be kept in every public educational institution and in it shall be recorded—

Log book.

- (a) the dates of the beginning and the end of the working days of a school term;
- (b) changes of staff or any absences of members of staff;
- (c) the date of the completion of any substantial repairs to the building and details of any additional buildings or facilities recently acquired;
- (d) every event of importance connected with the institution such as special functions, celebrations, open days and any awards or achievements of staff or students;
- (e) any interruption of work or any circumstances affecting the normal operation of the institution that may for the sake of reference or for any other reason, deserve to be recorded;
- (f) any serious breach of discipline or neglect of duty on the part of any student:

Provided that—

- (i) the student shall be made aware of the contents of the record at the time of entry in the log book; and

- (ii) the parent or guardian of the student shall be informed at the time of entry in the record of the breach of discipline or neglect of duty by the student and the student or his parent or guardian shall be supplied with a copy of the record if he so requests;
- (g) any serious breach of discipline, or neglect of duty on the part of any member of staff :
 Provided that the member of staff shall be made aware of the contents of the entry at the time the entry is made and it shall be initialled by him; and he shall be supplied with a copy of the entry if he so requests;
- (h) the date of receipt, amount and nature of any special grant made to the institution.

(2) The entries to be recorded in the log book pursuant to paragraph (1) shall be made by the principal or at his direction.

(3) Once an entry is made in the log book it shall not be erased, removed or altered in any way but any correction thereof may be made by subsequent entry.

(4) Statements or comments by any member of the Board, members of staff of the Ministry of Education or other person authorized by the Minister to be present at any public educational institution for the purpose of any assessment, investigation or inquiry may, if not of a personal nature, also be included in the log book.

(5) Entries in the log book shall be of an official nature and shall not be communicated to any unauthorized person.

(6) The log book shall be carefully preserved as a permanent record of the institution.

Accounting records.

21.—(1) Accounting records for each public educational institution shall be kept by the appropriate officer of the institution and shall be maintained in accordance with the prescribed financial regulations.

(2) The Board shall delegate to the accounting officer through the principal responsibility for the proper custody and expenditure of funds of the institution.

Library records.

22. In the library of every public educational institution records shall be kept of—

- (a) all teaching and learning resources currently in stock whether they are in print or in some other form;

- (b) all items loaned including name of borrower and date of return;
- (c) statistical data of items added to or withdrawn from stock during the current year; and
- (d) furniture and equipment kept in the library.

Students and Scholarships

23.—(1) A student who is being admitted to a public educational institution for the first time shall normally be admitted at the beginning of a school year but if special circumstances so warrant, such student may be admitted at any other time.

Admission
of students.

(2) Subject to the provisions of these Regulations, no person who is eligible for admission as a student to a public educational institution shall be refused admission thereto except—

- (a) on the ground that accommodation is not available in that institution; or
- (b) on any other ground, approved by the Minister either generally or in any particular case.

24.—(1) The minimum age for admission as a student of a public educational institution shall be as follows—

Age of
admission.

- (a) pre-primary school—four years;
- (b) primary or all-age school—six years;
- (c) secondary school—eleven years;
- (d) technical school—thirteen years;
- (e) vocational school—fifteen years;
- (f) agricultural vocational school—fifteen years.

(2) For the purposes of this regulation a student shall be regarded as having attained the requisite age in any year if he will attain that age on or before the 31st December in that year.

25. A student shall not be admitted for the first time to a public educational institution unless—

Procedural
requirements
for admission.

- (a) he is, at the time of such admission, accompanied by his parent or some other responsible person who is able to give the information required for the register of students; or
- (b) he brings with him, at the time of such admission, a written statement from his parent giving the information required for the register of students; or

- (c) his admission is approved by the principal who shall record the reasons for such admission in the register of students.

Register of admission.

26.—(1) The register of admission to a public educational institution shall contain, in the case of each student—

- (a) the full name and address of the student;
- (b) the name and address of his parent or guardian;
- (c) the date of admission of the student;
- (d) the date of birth of the student which shall be copied from the certified copy of his birth certificate or, if it is not available, shall be obtained from the best available source, and this source shall be noted in the record;
- (e) the place of birth of the student;
- (f) the name and address of the last institution, if any, previously attended and the last date of attendance at such other institution from the student's transfer record.

(2) Where a student has been adopted, the principal shall, on the production of the relevant documents and at the request of the adoptive parent, register the student in his adopted name, and shall make a note in the record of the reasons for the re-registration.

(3) Registers of admission of students shall be carefully preserved as a permanent record of the institution.

Attendance registers of students.

27.—(1) The attendance registers of students shall be marked at the beginning and end of each school day.

(2) The names of boys shall be entered in the register separately from those of girls.

(3) The name of a student shall be removed from the register of attendance as soon as it is known that the student has ceased to attend the institution or when the student has failed to attend the institution for a period of one month, without notification of withdrawal.

(4) The attendance register shall give the date of withdrawal and if it is subsequently confirmed that the student will not be returning an entry recording such withdrawal shall then be entered in the admissions register.

(5) At the end of each school day the total number of students in attendance for that day shall be recorded in the log book and

the number of boys and girls in attendance shall be recorded separately therein.

(6) Attendance registers of students when completed shall be carefully preserved for at least five years after termination of the school year to which they relate.

28.—(1) A student may be transferred from one public educational institution to another where— Transfer of students.

- (a) he is eligible for admission to the other school; and
- (b) space is available in the school in which he seeks admission; and
- (c) there has been consultation between the principal of the institution he is presently attending and the principal of the institution to which he seeks admission; and
- (d) the Minister has given his approval in writing, where necessary.

(2) The principal of the institution that the student last attended shall, at the time of the transfer or within fourteen days thereafter, supply to the principal of the receiving institution a transfer record of the student which shall contain—

- (a) the name and address of the student;
- (b) date of birth;
- (c) name and address of parent or guardian;
- (d) date of first admission to a public educational institution;
- (e) date of admission to the school from which the student is now transferring;
- (f) grade and date of promotion to present grade in such school;
- (g) date of last attendance and cause of leaving present school;
- (h) number of days attended during current school year; and
- (i) details of standards achieved and general remarks on work and conduct.

(3) Where a cumulative record exists a copy of such record, certified by the principal, may replace the transfer record mentioned in paragraph (2) so long as the cumulative record contains the details required for the transfer record.

(4) A cumulative record or a certified copy thereof shall be retained permanently for purposes of record in the public educational institution in which a student has been enrolled.

**Student
behaviour.**

29.—(1) A student shall obey the rules of the school he is attending.

(2) Where a student considers that he has been victimized or otherwise unfairly treated he may appeal to the principal and, if necessary, the Board.

(3) Without prejudice to the powers of a principal under regulation 30, where a student breaches the rules of a school and if, after normal disciplinary actions and counselling have been taken, his behaviour continues to be disruptive and wasteful of time and resources, the matter may be referred by the principal to the student council for their study and recommendation.

**Suspension
of students.**

30.—(1) The principal of a public educational institution may suspend from the institution, for a period not exceeding ten days, any student—

- (a) whose conduct in his opinion is of such a nature that his presence in that institution is having or is likely to have a detrimental effect on the discipline of the institution;
- (b) who commits any act which causes injury to any member of staff or to any other student in that institution.

(2) Where a principal suspends a student he shall forthwith—

- (a) give notice of the suspension to the student council and the parent or guardian of that student; and
- (b) make a report to the Board, stating the reasons for the suspension.

(3) On receipt of the report referred to in paragraph (2) (b), the Board of a public educational institution shall, during the period of the suspension, investigate the matter and may, after investigation—

- (a) reinstate the student with or without a reprimand or a warning to the student and, where appropriate, to his parent or guardian;
- (b) suspend the student for a further period not exceeding five school days beyond the period of suspension already given; or
- (c) instruct the principal to exclude permanently the student from attending that institution and shall inform the Minister of such action.

(4) At any hearing by the Board into the conduct of a student who has been suspended, the student and parent or guardian shall

have the right to be present, and, if the student is aggrieved by a decision of the Board, he may appeal to the Minister.

(5) A student who has been permanently excluded for disciplinary reasons from a public educational institution may be admitted to another public educational institution if a confidential report of the circumstances surrounding the exclusion is given to the principal of that other institution.

(6) Where, in the opinion of the principal, the behaviour of the student appears to be abnormal, the principal may, with the approval of the parent or guardian, report the matter to the Minister who shall take steps to ensure that specialist opinion and treatment is obtained for the student.

(7) Except in special cases, a student shall only be suspended or excluded from a public educational institution after other efforts have been made to effect an improvement in the conduct of the student.

31.—(1) A student shall be excluded from attending a public educational institution during any period in which he is known to be suffering from a communicable disease or infestation. Exclusion of student for health reasons

(2) A student of a public educational institution who becomes pregnant shall be excluded from attending the institution during the period of pregnancy, but the Minister may take such steps as may be necessary to permit her to continue her education in that institution or, if convenient, in another public educational institution.

(3) Arrangements may be made to enable students who have been suspended, or excluded from school for pregnancy or other health reasons, to sit important examinations in connection with the completion of their education.

32.—(1) Every public educational institution shall have a student council Student Council. which shall consist of elected representatives of students with at least one staff advisor being elected by the students.

(2) Through the student council at the secondary and tertiary levels, the students shall have the right to—

- (a) democratically elect their own representatives;
- (b) have representation on the Board of the institution;
- (c) meet with the principal, and staff or both, on any matter affecting students' interest; and
- (d) hold regular meetings to conduct business on their behalf, but with due regard to the smooth functioning of the institution.

Assistance to
students

33.—(1) The Minister may authorize assistance for such student as he may consider eligible, with a view to helping to provide in such manner as he may determine, any or all books and other educational supplies, transport, clothing, food and such other items as may be approved for the purposes of such assistance.

(2) A student who wishes to obtain such assistance shall apply in the prescribed manner to the Minister through the principal of the institution in which the student is registered.

Proceedings for
determining
eligibility of
students for
admission to public
educational
institutions.

34. The Minister shall arrange proceedings for determining on a basis of an examination or a system of assessment, or a combination of examination and assessment, the eligibility of students for admission to public educational institutions each year.

Secondary schools
entrance
examination.

35.—(1) The secondary schools entrance examination shall be a basis for admission to high or comprehensive public educational institutions and shall be a competitive examination open to all students who are not less than ten years and eight months nor more than thirteen years of age on the first day of September of the school year (as prescribed in regulation 7 (1)) in which such students seek to enter the high or comprehensive public educational institutions.

(2) The secondary schools entrance examination shall be the basis for the award of the following scholarships—

- (a) the J. A. G. Smith Scholarship, to be awarded each year to a girl from a primary or all-age school who is placed first in the secondary schools entrance examination;
- (b) the Marcus Garvey Scholarship, to be awarded each year to the boy from a primary or all-age school who is placed first in the secondary schools entrance examination;
- (c) the George William Gordon Scholarship, to be awarded each year to a boy and a girl alternately, who is placed second in the secondary schools entrance examination;
- (d) the Paul Bogle Scholarship, to be awarded each year to a boy and a girl alternately, who is placed first among the candidates from primary or all-age schools in the parish of St. Thomas.

(3) The Minister shall award such other Government scholarships to students who have satisfied the requirements for such scholarships in

the secondary schools entrance examination, on such terms and conditions as he may determine.

(4) Every Government secondary scholarship shall be tenable in the first instance for a period of five years and thereafter may be extended for a maximum period of two years, if the Minister is satisfied on the recommendation of the principal and staff that the student's conduct and progress merit such extension.

(5) In this regulation, "secondary schools entrance examination" means such examination as the Minister may, by order, prescribe for the purposes of this regulation.

36.—(1) The number of students to be admitted for the first time to a public or aided high school shall be determined by the number of places available in that year in each particular school.

Admission
to high
schools.

(2) Of the number of places available for admission of students each year, five per cent or such other percentage being not less than five per cent as the Minister may determine, shall be reserved to be awarded at the discretion of the principal of the institution.

(3) For the purposes of advising him on the allocation of eligible students to places referred to in paragraph (1), the Minister shall appoint an Awards Committee, the membership of which shall include representatives of religious denominations and Boards of secondary schools.

37. When vacant places occur in any grade during any school year, the principal of a secondary school in which such vacancies occur may—

Filling of
vacancies
through the year.

- (a) admit such students as are assigned to that school by the Minister; or
- (b) accept students on transfer; or
- (c) permit students in any grade above the level of grade 7, already in the school to repeat a grade,

if such admittance of students or permission to repeat a grade, as the case may be, will not create enrolment in any class beyond the enrolment limits normally approved for such class nor necessitate staffing.

Tertiary Institutions

38. A student may be admitted to a tertiary public educational institution if he attains the age of seventeen years by the 31st December in the year of his admission but suitably qualified applicants may be admitted below that age.

Admission.

Award of
scholarships and
bursaries.

39.—(1) The Minister may, in respect of tertiary institutions, award such number of scholarships, exhibitions or bursaries at the undergraduate or post-graduate level, on such terms and conditions and of such value as he may specify in each award.

(2) A scholarship at the undergraduate level shall be valid for the duration of the programme of studies or research approved in respect of such scholarship, but may be extended at the discretion of the Minister for the purpose of such post-graduate studies or research as may be approved.

(3) Where a course of study chosen by the holder of any scholarship, exhibition or bursary is not provided by a local institution, he may pursue the course at any foreign institution approved for the purpose by the Minister.

(4) Scholarships shall be awarded on the results of prescribed examinations or on such other basis of assessment as the Minister may determine.

(5) A student to whom an award of a scholarship, exhibition or bursary is made shall undertake the course of study approved for the purpose of such award and shall not change the institution or his programme of studies except with the written permission of the Minister.

(6) The Minister shall ensure that a scholarship is of sufficient value to cover all reasonable expenses associated with the programme of studies or research approved for the award, including—

- (a) fees and other charges required to be paid to the institution to which the student has been admitted;
- (b) allowances of such amounts as may be approved for clothing, maintenance, books and instruments, medical expenses, travelling for purposes connected with the course of study and such other items as may be approved by the Minister;
- (c) the cost of such return passages between Jamaica and the place of study overseas as may be necessary for the completion of the course.

(7) The holder of a scholarship, exhibition or bursary shall give an undertaking that at the end of his period of training he shall work for the Government of Jamaica or such other local institution as the Minister may approve and such undertaking shall be supported by a bond entered into by the student for such sums and with such sureties as may be prescribed.

(8) The holder of a scholarship, exhibition or bursary shall at the end of each academic year or such other period as may be prescribed, cause the Minister to be furnished with a certificate from the institution at which he is pursuing a course of study under such scholarship, exhibition or bursary attesting to his attendance, diligence and progress.

(9) The Minister may revoke the award of a scholarship, exhibition or bursary where he is satisfied that the holder thereof—

- (a) has been guilty of gross misconduct;
- (b) has failed to make satisfactory progress in his studies;
- (c) has been expelled from the institution or country to which he was admitted for the purpose of study; or
- (d) for any other reason which in the opinion of the Minister, justifies such revocation.

40.—(1) A candidate shall be eligible for a scholarship, exhibition or bursary to a tertiary institution if he—

- (a) was born in Jamaica or born overseas of parents who are Jamaican citizens; or
- (b) has been domiciled in Jamaica during the five years prior to the award, but short periods of absence from Jamaica shall be disregarded for the purposes of this sub-paragraph.

Eligibility and conditions of award of scholarship, exhibition or bursary.

(2) Before an award can be entered upon, a candidate shall give or produce, as the case may require, to the Permanent Secretary in the Ministry of Education on or before the date prescribed—

- (a) a certificate, from a registered medical practitioner approved by the Minister, showing that he is mentally and physically fit to hold such award and undertake the particular course of studies prescribed in the award;
- (b) good and sufficient evidence that the requirements specified for the award have been satisfied; and
- (c) evidence that he is a person of good character.

(3) The detailed conditions of the various awards shall be prescribed in the Schedules of scholarship awards, obtainable at the Ministry of Education and as advertised in the *Gazette* and Press.

41.—(1) Every tertiary educational institution owned or aided by government shall be administered by a Board of not less than ten nor

Board of Management of tertiary institutions.

more than fifteen members appointed by the Minister in the following manner—

- (a) six members nominated by the Council;
- (b) the principal of the institution;
- (c) four members elected in the following manner—
 - (i) one by the academic staff;
 - (ii) one by the administrative and clerical staff;
 - (iii) one by the ancillary staff;
 - (iv) one by the student council;
- (d) two members, one of whom shall be elected by the Old Students' Association and the other by a recognized local community group, where such bodies exist;
- (e) two members nominated by the Board for their particular expertise.

(2) The Minister shall appoint a chairman from among the members nominated by the Council.

(3) The quorum shall be five, and shall include either the chairman or the vice-chairman of the Board.

Teachers

Power of Minister to specify minimum qualification for teachers.

42. The Minister may specify in writing in relation to any category of public educational institution the minimum qualifications for employment as a teacher and the ratio of teachers to students.

Appointment of teachers.

43.—(1) The appointment of every teacher in a public educational institution shall be made by the Board of Management of that institution after consultation with the principal of the institution and shall be subject to confirmation by the Minister.

Schedule A.

(2) Every appointment shall be in accordance with one of the categories of teachers and one of the types of appointments stipulated in Schedule A.

Schedule B.

(3) The appointment of a principal, vice-principal or a teacher with special responsibility in a public educational institution shall only be made in accordance with Schedule B.

Schedule C.

(4) Upon the appointment of every teacher in a public educational institution an agreement in writing in the form set out in Schedule C shall be executed, and—

- (a) such agreement shall be in triplicate and shall state the duration, type and category of employment and the duties which may be required to be performed as a condition of employment in that category;
- (b) a copy of the executed agreement shall be kept by the Ministry, one copy by the teacher, and one placed on the personal file of the teacher in the institution in which he is appointed; and
- (c) no variation or amendment of the agreement shall be made by any party unless it is initialled by all the parties to the agreement.

(5) It shall not be required as a condition for appointment of a teacher in a public educational institution that he shall perform any duties not connected with his work and responsibilities as a teacher.

44.—(1) Principals, vice-principals, heads of departments and teachers with special responsibility shall perform such functions as are stipulated in Schedule D and teachers shall perform such duties as are assigned to them.

Duties of
teachers.

Schedule D.

(2) In addition to regular teaching activities a teacher's duties shall include—

- (a) developing lesson plans on a regular basis;
- (b) evaluating and testing students;
- (c) keeping adequate records of students' progress;
- (d) the fostering of students' development on the personal and social level;
- (e) performing such other duties as may be required by the principal or such member of staff as may have been delegated responsibility by the principal.

45.—(1) Every person who wishes to be registered as a teacher shall apply to the Commission for such registration.

Registration
of teachers.

(2) Every application for registration shall be made in the prescribed manner and be accompanied by such documents as may be prescribed.

(3) A person shall not be registered as a teacher—

- (a) if he does not possess the prescribed qualifications;

- (b) if he does not establish that he is of good character; or
- (c) if, within a period of six months immediately preceding the date of his application—
 - (i) he had been refused registration as a teacher by the Commission; or
 - (ii) his registration as a teacher has been cancelled by the Commission.

(4) In deciding whether a person has established that he is of good character, regard shall be had to any criminal offence of which he may have been convicted, and to all the circumstances thereof and to the life and conduct of such person subsequent to the conviction.

(5) The Commission may refuse to register any person as a teacher—

- (a) if he suffers from any physical or mental defect or deformity likely to interfere with the practice of teaching;
- (b) if he has been convicted of any criminal offence of such a nature as to render him, in the opinion of the Commission, not a proper person to be a teacher in any school; or
- (c) if he has in any application for registration as a teacher made any statement or furnished any information which he knew to be false in any material particular.

(6) Subject to paragraph (8), the Minister may after consultation with the chairman of the Commission, direct the Commission to record in the Register of Teachers under a special column to be headed "authorized teachers" the name of any person who would otherwise be refused registration as a teacher on the ground that he does not possess the prescribed qualifications, and the Commission shall give effect to such direction.

(7) Registration as an authorized teacher shall in no circumstances exceed six years.

(8) The Minister may not direct the registration as an authorized teacher of any person whose name is struck off the Register of Teachers.

46.—(1) Subject to regulation 50, registration of a person as a pre-trained teacher shall not exceed six years from the date of first registration.

Registration
of pre-trained
teachers.

(2) A pre-trained teacher who is being employed the first time shall be registered on a provisional basis but the period of provisional registration shall not exceed three years.

47.—(1) During the first year of employment the work of a pre-trained teacher shall be continuously assessed by the principal or the principal and such other assessors as may be designated by the Minister.

Employment
of pre-
trained
teachers.

(2) The principal shall, at the end of each period of assessment, not exceeding two terms report in writing to the Board on the performance of the pre-trained teacher during that period.

(3) On receipt of the report referred to in paragraph (2), the Board shall—

- (a) if satisfied that the pre-trained teacher has been performing satisfactorily, appoint him on a permanent, temporary or acting basis for such period, within the period of six years referred to in regulation 46, as may be agreed between the parties;
- (b) inform the teacher that the report indicates that his performance is not satisfactory in all respects but that he may be appointed on a temporary basis for a further period of one year after the end of the first year of provisional registration; or
- (c) notify the teacher at least one month before the end of the first year of provisional registration that his employment shall be terminated at the end of that year.

48.—(1) Subject to paragraph (2), a pre-trained teacher whose employment has been discontinued under paragraph (3) of regulation 47 may be considered for employment in another public educational institution on such terms and conditions as are stipulated in paragraphs (1) and (2) of that regulation.

Discontinuation
of
employment
of pre-trained
teachers.

(2) If within a total period not exceeding three years from the date of registration a pre-trained teacher, after his work has been duly assessed, is not offered employment on a continuing basis, he shall cease to be eligible for employment as a pre-trained teacher in any public educational institution and his registration shall be terminated at the end of such period of three years.

49. A person whose period of registration as a pre-trained teacher has expired and—

Expiry of
registration.

- (a) who seeks employment as a teacher shall not be so employed in any public educational institution until he has obtained the qualifications prescribed for and is registered as a trained teacher;
- (b) who is employed as a pre-trained teacher in a public educational institution shall not be eligible for continued employment unless his registration has been extended under regulation 50; or
- (c) who has attained additional qualifications acceptable to the Minister may have his registration extended under regulation 50.

Extension of registration of pre-trained teachers.

50. A pre-trained teacher who is in the process of obtaining the qualifications prescribed for registration as a trained teacher, may have the period of his registration as a pre-trained teacher extended beyond the six-year period specified in regulation 46 for such further period as is reasonably necessary for the completion of the course of study.

Salary scales.

51. The salary scales and allowances of teaching personnel in public educational institutions shall be as approved by the Government.

Salary during temporary and acting appointments.

52.—(1) A teacher who is appointed as a temporary or acting teacher in a public educational institution for a period of less than one term shall be paid for the actual period of employment but—

- (a) if he is employed up to the last school day of any term he shall be paid up to the end of the month in which that day falls;
- (b) where a teacher's employment begins on the first school day of the term and continues for the rest of the month, the teacher shall be paid the full salary in respect of that month.

(2) A teacher who has been employed in a public educational institution for all the working days of a school term shall be paid a salary during the vacation period of that term.

(3) Subject to paragraph (4), a teacher may include service in more than one public educational institution as qualifying him under paragraph (2) for the payment of salary for the vacation period.

(4) The provisions of paragraph (3) do not apply where there has been a break in service, except where the Minister so approves.

(5) No contract of employment of a teacher in a public educational institution shall be for a period of less than one month.

53.—(1) A member of staff of a public educational institution may, with the approval of the Minister upon the recommendation of the Board, be seconded for duty in another public educational institution or in an approved government agency or organization, for such period not exceeding two years and on such terms and conditions and in such circumstances, as may be approved.

Secondment
of teachers.

(2) The period of secondment shall be stated at the time that the secondment is being determined.

(3) In determining the terms and conditions of secondment due regard shall be had to the existing terms and conditions of the teacher's appointment with a view to ensuring that the terms and conditions of the secondment are no less favourable.

54.—(1) Subject to paragraph (2), the employment of a teacher in a public educational institution may be terminated—

Termination
of employment
of teachers
by notice.

- (a) in the case of a teacher who holds a temporary, acting or provisional appointment, by one month's notice given by either the teacher or the Board and, where the employment is terminated by the Board, stating the reasons for the termination, or by a payment to the teacher of a sum equal to one month's salary in lieu of notice by the Board and such payment shall be accompanied by a statement by the Board of the reasons for the termination; and
- (b) in any other case by three months' notice given by either the teacher or the Board or by the payment to the teacher of a sum equal to three months' salary in lieu of notice by the Board.

(2) Where the Board of any public educational institution intends to terminate the employment of any teacher in that institution other than a teacher employed on a provisional, temporary or acting basis for less than one year, the termination shall not have effect unless the procedure set out in regulations 56 to 59 are followed.

(3) The employment of a teacher may be terminated by the Board or the teacher at any time without notice or payment of salary, as the case may be, if there is an agreement in writing between the teacher and the Board to that effect.

(4) A teacher—

- (a) who unilaterally terminates his appointment without due notice to, or the consent of, the Board of a public educational institution; or

- (b) who fails to take up duty in a public educational institution in violation of a written agreement, and without the consent of the Board,

shall be liable to be charged with professional misconduct.

Disciplinary offences.

55. A teacher in a public educational institution may have disciplinary action taken against him for—

- (a) improper conduct while in school;
- (b) neglect of duty;
- (c) inefficiency;
- (d) irregular attendance;
- (e) persistent unpunctuality;
- (f) lack of discipline;
- (g) such other conduct as may amount to professional misconduct

Complaint to the Board.

56. Where the Board of a public educational institution receives a complaint in writing that the conduct of a teacher employed by the Board is of such that disciplinary action ought to be taken against the teacher, it shall, as soon as possible, refer the matter to its personnel committee for consideration pursuant to regulation 85.

Conduct of enquiry.

57.—(1) The personnel committee shall consider the complaint referred to it under regulation 56 and—

- (a) if it finds that the complaint is trivial and that a hearing is unnecessary, report such finding to the Board forthwith; or
- (b) if it finds that a hearing should be held, notify the complainant in writing of the date, time and place of the hearing and give written notice within a period of not less than fourteen days before such date to the person complained against of—
 - (i) the charge or charges in respect of which the hearing is proposed to be held;
 - (ii) the date, time and place of the hearing;
 - (iii) the penalties that may be imposed under the Regulations if the charges are proven against such person; and
 - (iv) the right of the person complained against and a friend or his attorney to appear and make representations to the committee at the hearing.

(2) A person complained against who intends to be represented at the hearing by an attorney-at-law, shall give written notice of such

intention to the chairman or secretary of the Board, not less than seven days before the date of the hearing, and the Board shall inform the complainant.

(3) If a person complained against fails to appear at the hearing and the committee is satisfied that notice of the hearing was given to that person in accordance with paragraph (1)(b), the Committee may, if it sees fit, conduct the hearing in the absence of that person.

(4) At the hearing—

- (a) both parties shall be heard and be given opportunity to make representations;
- (b) any party may call witnesses and produce documents in support of his case;
- (c) the committee may, at the instance of any party or, if it sees fit, order that any documents in the possession of the other party be produced for the information of the committee;
- (d) notes shall be taken of such representations as may be made or such evidence as may be given.

(5) The personnel committee shall report in writing to the Board not later than fourteen days after the date of the enquiry—

- (a) that the allegations against the teacher have not been proved;
or
- (b) that the charges against the teacher have been proved and may recommend—
 - (i) that he be admonished or censured; or
 - (ii) in the case of charges relating to a second or subsequent breach of discipline, that, subject to the approval of the Minister, a sum not exceeding fifty dollars be deducted from his salary; or
 - (iii) that he be demoted if he holds a post of special responsibility; or
 - (iv) that his appointment as a teacher with that public educational institution be terminated,
 and the Board shall act on the recommendation as received from the personnel committee, or as varied and agreed at the discretion of the Board.

(6) The Board shall, within fourteen days after it has received the report of the personnel committee, give written notice containing details of its decision to the Minister and the teacher.

When
complaint
not heard.

58. If a complaint about a teacher's conduct is not heard and a decision handed down within nine months of the lodging of the complaint the matter of the complaint shall lapse at the expiration of the period of nine months aforesaid.

Dismissal of
teacher by
the Board.

59. Where on the completion of a hearing into the conduct of a teacher, the Board decides to terminate the appointment of such teacher, the Board shall as soon as possible thereafter submit to the Ministry the minutes of the meeting at which the decision was taken, together with a copy of the notice of termination of employment of the teacher.

Suspension
of teacher
from duties.

60.—(1) A teacher of a public educational institution against whom the Board intends to take disciplinary action, may be suspended from duties by the Board of the institution until the matter is determined.

(2) Where a teacher is suspended from duty under paragraph (1) the Minister may, on the recommendation of the Board of the institution, withhold such portion of his salary not exceeding one-fourth as he may determine, and if it is decided at the enquiry that the charges in respect of which he was suspended were not proved, then he shall be entitled to be paid the portion of his salary so withheld.

Right of
teacher to
appeal to
Appeals
Tribunal.

61. A teacher who is aggrieved by any action taken by the Board under paragraph (6) of regulation 57, may appeal to the Appeals Tribunal within twenty-eight days after the date of the action giving rise to such appeal.

Reference of
Board to
Commission.

62. Where a Board of a public educational institution has carried out investigations into the conduct of a teacher employed by the Board and has found that the conduct constitutes professional misconduct, it shall, as soon as possible, submit a full report to the Commission and shall inform the teacher concerned.

Leave Facilities

Study
leave.

63.—(1) A teacher in a public educational institution who has been accepted by a university or other institution, recognized by the Minister to pursue a course of full time study may, subject to paragraph (2), be granted study leave—

- (a) if he is a Jamaican citizen or has been domiciled in Jamaica for a period of not less than five years prior to applying for such leave;
- (b) if the course of study is directly related to his work as a teacher; and

(c) if the Board of the institution recommends the granting of study leave.

(2) A teacher shall be eligible for study leave if he has completed not less than two consecutive years of service as a teacher and holds a permanent post in a public educational institution at the date of the proposed commencement of the leave.

(3) An application for study leave shall contain details of the proposed course of study, and shall be accompanied by evidence of acceptance by the institution in which the teacher intends to pursue that course.

(4) A teacher who is granted study leave for a period of one year or more—

- (a) shall receive full salary for a period of one year; and
- (b) shall enter into a bond with such sureties as the Minister may require, to teach in a public educational institution in Jamaica for a period of three years.

(5) The Minister may cancel the study leave granted to any teacher—

- (a) whose performance or conduct justifies such cancellation; or
- (b) who changes his institution or course of study without receiving the prior consent of the Minister.

(6) A teacher who, after completing a course of study for which he was granted study leave, fails to report for duty without prior approval of absence from the Minister, shall be liable to be charged with professional misconduct or to have his position declared vacant.

(7) The Minister may require that a teacher on study leave shall cause to be submitted to the Minister at the end of each year or at such other intervals as the Minister may determine, a report from the institution he is attending attesting to his attendance and performance.

(8) For the purposes of pay, any vacation leave earned by a teacher shall be in addition to study leave.

(9) The number of persons to whom study leave and vacation leave may be granted at the same time shall not exceed ten per cent of the total number of the academic staff.

64.—(1) Teachers in public educational institutions shall not normally be eligible for vacation leave with pay in addition to school holidays.

Vacation
leave.

(2) Subject to regulation 63 (9), on the recommendation of the Board of a public educational institution and with the approval of the Minister, vacation leave of one school term may be granted—

- (a) to a principal who has served in such a capacity in public educational institutions for not less than four years immediately preceding the commencement of the leave; and
- (b) for other categories of teachers who have served as such in public educational institutions for not less than five years immediately preceding the commencement of the leave.

(3) Vacation leave may be granted only to teachers who are permanently employed.

(4) In calculating the vacation leave for which a principal or a teacher, as the case may be, may be eligible, account may be taken of any periods of leave other than vacation or study leave, not exceeding a total of twelve months, taken by the principal or teacher.

(5) Where a teacher does not take the vacation leave for which he is eligible but continues to serve in a public educational institution, the period of such vacation leave may be taken into account in calculating any other vacation leave which may be granted to him where he intends to use such leave for any purpose recognized by the Minister as being connected with education.

(6) Vacation leave for which a teacher is eligible may be applied to supplement a request for maternity leave or sick leave with pay.

Maternity
leave.

65.—(1) A teacher in a public educational institution who is pregnant is entitled to maternity leave in accordance with the provisions of the Maternity Leave Act, so, however, that such teacher shall be eligible for not less than two months maternity leave with full pay.

(2) A teacher who is permanently employed may be granted maternity leave without completing the qualifying period.

Sick
leave.

66.—(1) A teacher may be granted sick leave as follows—

Length of Service	Amount of Sick Leave
(a) Teachers who have continuous service of not less than three months.	Five days with full pay.

- | | |
|--|--|
| (b) Teachers who have continuous service exceeding six months but not exceeding twelve months. | Five days with full pay and five days with half pay. |
| (c) Teachers who have continuous service exceeding twelve months but not exceeding two years. | Ten days with full pay and ten days with half pay. |
| (d) Teachers who have continuous service exceeding two years but not exceeding five years. | Twenty days with full pay and twenty days with half pay. |
| (e) Teachers who have continuous service exceeding five years. | Forty days with full pay and forty days with half pay. |

(2) Any application for sick leave for a period exceeding a total of three consecutive school days must be supported by a medical certificate.

(3) A teacher who has exhausted all the sick leave with full pay and half pay for which he is eligible and who requires further leave on the grounds of ill health may be allowed such special sick leave whether on full pay or half pay as the Minister may approve; and such approval shall be recorded in the log book and in the teacher's personal file.

(4) Subject to paragraph (5), the Minister may require any teacher in a public educational institution who has been on sick leave for a continuous period exceeding one hundred and eighty days to be examined by a medical board to determine whether he is fit for further service as a teacher in a public educational institution.

(5) If, having regard to special circumstances, the Minister thinks fit, he may require any teacher in a public educational institution who has been on sick leave for any period less than the period granted in paragraph (4) to be examined by a medical board for the purposes specified in that paragraph.

67.—(1) A Board of a public educational institution may grant leave on full pay to any teacher in that institution for short periods not exceeding three working days at a time or for not more than

Casual
leave.

twelve working days in any one school year, on account of minor illness or on the grounds of urgent private affairs.

(2) Application for casual leave shall be in writing, addressed to the chairman of the Board and forwarded through the principal.

(3) Except in cases of emergencies, an application for casual leave shall be submitted to the principal before the date and time on which leave is required or if such application cannot be submitted in advance, then it shall be submitted as early as possible thereafter.

**Special
leave.**

68. A teacher in a public educational institution may be allowed special leave with or without pay as the Minister may approve on the recommendation of the Board to enable the teacher—

- (a) to undertake such short courses of study or research related to the work of the teacher as may be prescribed by the Minister;
- (b) to attend meetings recognized by the Minister as being of an international character and dealing in matters affecting education;
- (c) as an individual or as a member of a national team or group to participate in any international sporting or cultural event;
- (d) to perform work recognized by the Minister as work connected with education;
- (e) to attend meetings of boards and committees dealing with matters affecting education whether on an individual basis or as a representative of a professional organization related to education;
- (f) to be absent for such other reasons as the Minister may approve.

**Procedure
for leave.**

69. An application for leave—

- (a) shall be submitted in writing and shall be forwarded through the principal of the institution to the chairman of the Board who shall forward it to the Minister indicating whether or not the leave is recommended by the Board;
- (b) with the exception of casual leave, shall be approved by the Minister and be in accordance with the conditions specified for the grant of such leave.

Board of Management

70.—(1) Every secondary public educational institution which is owned by a denomination and which is government-aided shall be administered by a Board of not more than nineteen members appointed by the Minister in the following manner—

Secondary public educational institution owned by a denomination.

- (a) seven members including the chairman nominated by the denomination;
- (b) the principal of the institution;
- (c) one member nominated by the Council;
- (d) four members elected in the following manner—
 - (i) one by the academic staff;
 - (ii) one by the administrative and clerical staff;
 - (iii) one by the ancillary staff; and
 - (iv) one by the student council;
- (e) three members elected as follows—
 - (i) one by the Old Students' Association where such an association exists;
 - (ii) one by the Parent Teachers' Association where such an association exists; and
 - (iii) one by a recognized local community group;
- (f) three members nominated by the Board for their particular expertise.

(2) The quorum shall be seven and shall include the chairman or vice-chairman of the Board.

71.—(1) Every secondary educational institution owned by the Government shall be administered by a Board of not more than fifteen persons appointed by the Minister in the following manner—

Government owned secondary institution.

- (a) four members including the chairman nominated by the Council;
- (b) the principal of the institution;
- (c) four members elected as follows—
 - (i) one by the academic staff;
 - (ii) one by the administrative and clerical staff;
 - (iii) one by the ancillary staff; and
 - (iv) one by the student council;
- (d) three members elected as follows—

- (i) one by the Old Students' Association where such an association exists;
 - (ii) one by the Parent Teachers' Association where such an association exists; and
 - (iii) one by a recognized local community group;
- (e) three members nominated by the Board for their special expertise.

(2) The quorum shall be seven and shall include the chairman or vice-chairman.

Public educational institution operated by a Trust.

72. The provisions of regulation 70 shall apply to membership of a Board of a public educational institution operated by a Trust with the modification that the seven members including the chairman nominated under paragraph (1) (a), shall be nominated by the Trust.

Primary and all-age public educational institutions owned by a denomination (church schools).

73.—(1) Every primary and all-age public educational institution which is owned by a denomination and government-aided shall be administered by a Board appointed by the Minister which shall consist of not less than nine persons appointed as follows—

- (a) four persons including the chairman nominated by the denomination;
- (b) the principal of the institution;
- (c) one member elected by the academic staff;
- (d) one member elected by a recognized local community group;
- (e) in the case of an all-age school, one member elected by the student council; and
- (f) one member elected by the Parent Teachers' Association.

(2) The quorum shall be three and shall include the chairman or the vice-chairman of the Board.

Primary and all-age public educational institutions (government owned).

74.—(1) Every primary and all-age public educational institution shall be administered by a Board which shall consist of not more than eight persons appointed by the Minister as follows—

- (a) two members nominated by the Council, one of whom shall be named as chairman;
- (b) the principal;
- (c) one member elected by the academic staff;

- (d) one member elected by a recognized local community group or a church, citizens or other service organization operating in the community served by the institution;
- (e) in the case of an all-age school, one member elected by the student council; and
- (f) one member elected by the Parent Teachers' Association.

(2) The quorum shall be three and shall include the chairman or the vice-chairman of the Board.

75. The provisions of regulation 74 shall apply to the Boards of government-leased schools with the modification that in relation to the members appointed under paragraph (1)(a), the chairman shall be nominated by the denomination.

Government-leased schools.

76. The provisions of regulation 71 shall apply to the Boards of government secondary leased schools with the modification that in relation to the members nominated under paragraph (1)(a), the chairman shall be nominated by the denomination which holds the lease to the premises.

Government secondary leased schools.

77.—(1) Notwithstanding regulations 70 to 76 the Minister may appoint one Board of Management to administer more than one public educational institution if—

Appointment of Joint Boards of Management.

- (a) these institutions have the same owners; and
- (b) the owners agree to the appointment of a single Board; and
- (c) the Minister is satisfied that the general interest of education in the area in which these institutions are situated will be best served by a single Board.

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

78.—(1) The vice-chairman of any Board of Management shall be elected by a majority of votes of the members of the Board present and voting at a duly constituted meeting of the Board.

Appointment of Vice-chairman of a Board of Management.

(2) A vice-chairman shall hold office for a period of not less than one year and shall be eligible for reappointment on an annual basis.

Period of membership of a Board of Management.

79.—(1) Subject to the provisions of these Regulations, the members of any Board of Management shall be appointed for such period not exceeding three years as the Minister may determine and shall be eligible for reappointment.

(2) Any member elected or nominated as a representative of a group shall cease to be a member of a Board when he ceases to be the representative of the group who nominated him.

(3) The Minister may at any time revoke the appointment of any member of a Board if he thinks it expedient, but where he intends to revoke the appointment of a member who was elected or nominated by an organization or group, or nominated by the Council, he shall, before he revokes the appointment, consult with the organization, group or Council, as the case may be.

(4) Where an organization or group or the Council decides to revoke the appointment of any person elected, or as the case may be, nominated to be its representative on the Board, it shall submit to the Board notice of such revocation stating the date on which such revocation is to take effect and thereupon the membership of such member shall be terminated by the Minister.

(5) Any member of the Board who is absent for three consecutive meetings without justifiable excuse shall be deemed to have vacated his membership on the Board and the Board shall report the matter to the Minister and to the group which nominated that member.

Resignation of a member of a Board.

80. Any member of any Board of Management may resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and such resignation shall take effect as from the date of the receipt by the Minister of such instrument.

Resignation of the chairman of a Board.

81.—(1) In the case of a public educational institution, the chairman may at any time resign his office by instrument in writing addressed to the chairman of the Council, and the Council shall consider the resignation and thereafter transmit it to the Minister indicating in writing—

(a) whether or not the resignation has been accepted; and
 (b) the date from which it should take effect,
 and such resignation shall take effect on that date.

(2) A chairman of a church-owned or Trust school may at any time resign his office by instrument in writing addressed to the owner of the institution or to the Trust, as the case may be, and such resignation shall be considered by the owner or the Trust, as the case may be, and thereafter shall be referred to the Minister indicating whether the

resignation has been accepted, the date from which the resignation shall take effect, and the appointment of the chairman in such case shall be terminated by the Minister with effect from that date.

82.—(1) Where the chairman is absent or unable to attend a meeting of a Board the vice-chairman shall assume the duties of the chairman and where both the chairman and the vice-chairman are absent the members present and voting shall elect a chairman for that meeting.

Temporary appointment of chairman of a Board.

(2) Where a chairman is absent or unable to act, a temporary appointment shall be made by the Minister—

- (a) on the advice of the Council, in the case of a public educational institution owned by the government;
- (b) on the advice of the owners, in the case of a public educational institution owned by a denomination or Trust.

83. Where a vacancy occurs in the membership of a Board, it shall be filled by the appointment of another member from the same category from which the previous member was appointed and that other member shall, subject to the provisions of these Regulations, hold office for the remainder of the period for which the previous member was appointed, and in the making of such appointment the provisions of regulations 70 to 76 of this Part shall have effect to such extent as may be applicable.

Filling of vacancies on a Board.

84. The validity of the proceedings of any Board shall not be affected by any vacancy amongst the members or the categories of members thereof or by any defect in the appointment of a member.

Validity of the proceedings of a Board.

85.—(1) The Board of Management of every public educational institution shall, for the purpose of facilitating inquiries into allegation of breaches of discipline by or against members of staff or students appoint a personnel committee to which the Board shall refer any such allegations, and such personnel committee shall consist of—

Appointment of personnel committee of a Board.

- (a) in the case of a government owned institution—
 - (i) the chairman of the Board;
 - (ii) one nominee of the Council;
 - (iii) subject to sub-paragraph (c), the representative on the Board of the category of accused personnel;
- (b) in the case of an institution owned by a denomination or Trust—
 - (i) the chairman of the Board;
 - (ii) one nominee of the denomination or Trust or the Board;

(iii) subject to sub-paragraph (c), the representative on the Board of the category of accused personnel;

(c) where the accused personnel is the representative on the Board as described in sub-paragraphs (a) (iii) and (b) (iii), the category mentioned in those sub-paragraphs shall be entitled to nominate a representative for appointment to the committee.

(2) The quorum of the personnel committee shall be two, one of whom shall be the chairman or the vice-chairman of the Board.

(3) Upon completion of its hearing into the alleged breach of discipline the committee shall submit a report to the Board for action.

Appointment of the committees of a Board.

86.—(1) The Board of Management may appoint such other committees as it may consider necessary and each committee may regulate its own proceedings and the Board may delegate to any such committee the power and authority to carry out on its behalf such duties as the Board may determine.

(2) Where any such committee carries out any duties in relation to any matter under powers delegated to it by the Board the committee shall refer its decision for confirmation by the Board at the first meeting of the Board held subsequent to the meeting of the committee at which the decision was taken.

Communication and confidentiality concerning the proceedings of a Board.

87.—(1) No member of the Board shall disclose to any person who is not a member of the Board any matters discussed or any documents, papers and other information made available and dealt with at a meeting of a Board unless the Board directs otherwise.

(2) Unless otherwise instructed by the Board, members of a Board of Management who represent any organization or group shall give periodic and regular reports to their respective organization or group but in the making of such report regard shall be had to paragraph (1).

(3) A representative of an organization or group shall make known to the Board the views of that organization or group on any matter.

Procedure at a meeting of a Board.

88.—(1) Every Board of Management shall in each school year meet at least once in every term and at such other times as may be necessary for the transaction of business.

(2) Meetings of the Board shall be held at such places as the Board may determine.

(3) Subject to paragraph (4), prior notice of ordinary meetings shall be given not less than ten clear days before the date of the meeting.

(4) Notice of special meetings shall be delivered by hand to each member of the Board or to his known address not less than forty-eight hours before the time arranged for the meeting.

(5) Notice of all special meetings shall be given to every member and to every person whom the Board knows to be authorized by the Minister to represent him at such meetings.

(6) The chairman of the Board shall preside at the meetings of the Board at which he is present; in the case of his temporary absence, the vice-chairman shall preside. If both chairman and vice-chairman are absent, the members present and voting and forming a quorum shall elect one from among their number to preside at the meeting.

(7) The Minister may be represented at any meeting of a Board by such person or persons as he may authorize to represent him at such meeting and any such person or persons may take part in the proceedings of the Board at the meeting but shall not vote on any matter.

(8) No member shall vote on any question in which he has a direct personal interest.

(9) Where there is a conflict of interest, the member of the Board concerned shall declare his interest and shall not participate in the deliberations on the particular matter and he shall withdraw from the meeting during the period of the discussion of the matter.

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

(11) The minutes of the meetings of every Board shall be open to inspection by the Minister or by any person duly authorized by him for that purpose and shall be made available by the Board on the request of the Minister or such authorized person.

(12) The Board shall keep in proper form the minutes of all meetings of the Board and its committees and of any hearing or inquiry conducted by or on behalf of the Board or of any committee of the Board.

(13) A copy of the minutes of each meeting of the Board shall be sent to the Minister.

89.—(1) The Board of Management is responsible to the Minister for the administration of the institution for which it has been appointed and in discharging its responsibilities the Board shall be responsible for—

- (a) the conduct, supervision and efficient operation of the institution;
- (b) ensuring that proper books of accounts and other matters in relation to the assets and liabilities of the institution and to all sums of money received and expended by the institution are kept in strict accordance with such financial regulations as may be prescribed for public educational institutions;
- (c) submitting to the Minister at such time and in such manner as may be prescribed, such returns, statements, reports, forms and other documents relating to the conduct and maintenance of the institution as the Minister may require;
- (d) arranging for the accounts of the institution to be audited by an auditor approved by the Minister and for submitting such audited accounts as may be required by the Minister;
- (e) appointing in consultation with the principal, the academic staff, the bursar, secretary-accountants and such other administrative and ancillary staff as are approved for the establishment of the institution; and such members of staff shall be paid such salary and other allowances as the Minister may approve and shall be eligible for such leave and other fringe benefits as may be determined by the Minister, and the appointment and termination of appointment of such members of staff shall be on such terms and conditions as may be approved by the Minister;
- (f) dealing as prescribed in these Regulations with breaches of discipline by or against members of staff and students of the institution;
- (g) dealing as prescribed in these Regulations with the appointment, termination of appointment, promotion, demotion, suspension from duty and other personnel matters in relation to members of staff of the institution;
- (h) approving the guidelines and sanctions concerning school behaviour and such rights and responsibilities of students as may be worked out and approved in joint consultation between staff and students of the institution and presented to the Board.

(2) The Board may, if it sees fit, delegate to the principal of the institution, responsibility for the matters specified in paragraph (1) (e).

(3) Members of a Board who are not normally present on the compound of the institution that they administer shall visit the institution at least once a term and make a report to the Board at the first meeting of the Board subsequent to such visit.

(4) In the event of any irregularity in the operation of any educational institution, the Board of Management shall take such steps to correct the irregularity as it deems fit and shall in any case inform the Minister promptly of the irregularity.

PART III. *Miscellaneous*

90.—(1) The Minister shall, after consultation with the Board of Management of a public educational institution, determine the amounts to be paid by way of grants to that institution, and the Board shall in accordance with the financial regulations, prepare at such times and in such manner as may be prescribed, a budget for the operation of the institution, the financing of which shall be by such moneys as may be currently provided for the purpose by Parliament.

Financing
of public
educational
institutions.

(2) The sums of money approved for the budget of a government-owned educational institution and the sums representing the grant approved for a government-aided educational institution, shall be lodged in a bank in the account of the institution and operated in accordance with the requirements of the financial regulations determined by the Ministry.

(3) The Board shall keep in a bank, in the name of the institution, a separate account or accounts of receipts and expenditure of all moneys under its control other than those provided by the government subvention.

(4) All withdrawals from the account of the Board of every public educational institution shall be on the joint signatures of the chairman of the Board or his nominee, the principal of the institution and such other person, if any, as may be appointed to carry out the duties of secretary or bursar or the joint signatures of any two of such persons as aforesaid.

Terms and conditions of employment of administrative and ancillary staff.

91.—(1) The establishment of any public educational institution shall include such categories and numbers of administrative and ancillary staff as the Board of that institution may be authorized to appoint on such terms and conditions as the Minister may determine.

(2) Subject to regulation 89 (2)—

- (a) appointments of administrative staff shall be made by the Board and confirmed by the Minister on a probationary basis for a period not exceeding six months;
- (b) appointments of ancillary staff shall be made by the Board and the Minister shall be notified accordingly.

(3) Every employee other than a daily paid or casual employee shall, on appointment, receive a letter of appointment signed by the chairman of the Board or by the secretary on behalf of the Board or, where a delegation is made pursuant to regulation 89 (2), by the principal, setting out the terms and conditions of his employment as defined by the Minister, including details of leave and of any allowances that may be payable and a copy of each such letter shall be sent to the Minister.

(4) Subject to paragraph (5), during the probationary period of employment, the appointment of any member of the administrative or ancillary staff may be terminated by the Board as follows—

- (a) in the case of a weekly paid employee, on two weeks' notice in writing or payment of two weeks' salary in lieu thereof;
- (b) in the case of any employee paid on a monthly basis, on one month's notice in writing or payment of one month's salary in lieu thereof; and
- (c) in the case of any daily paid or casual employee, at the end of any day.

(5) Notwithstanding anything contained in paragraph (4), the appointment of any member of the administrative or ancillary staff may be terminated at any time without notice or payment of salary in lieu of notice if there is in existence an agreement in writing between the Board and the employee to that effect.

(6) Any member of the administrative or ancillary staff who is aggrieved by any decision of the Board may appeal to the Minister within twenty-one days after the date of the decision.

SCHEDULE A

(Regulation 43)

A teacher shall be classified into one of the following categories—

1. A pre-trained teacher, being a person—
 - (a) who has been awarded a degree or other acceptable qualifications from a university or other recognized institution but whose qualification does not include professional studies in education with supervised practical teaching as a major subject; or
 - (b) who possesses such minimum qualifications as shall be determined by the Minister as acceptable for registration as a pre-trained teacher.
2. A trained teacher, being a person who holds—
 - (a) a certificate as a trained teacher awarded by a teachers' college, college of education or other recognized institution that offers professional training for teachers; or
 - (b) a certificate or diploma in education awarded at the post-graduate level by a university or other institution recognized by the Minister; or
 - (c) a bachelor's degree in education or its equivalent, in relation to which the course of study includes the principles and practice (including supervised practice) of education, awarded by a university or other institution recognized by the Minister.
- 3.—(1) Specialist teacher, being a person who has pursued a course of study at a recognized institution or has obtained such qualification and experience as the Minister may determine as being appropriate for employment as a teacher to give instruction in such subjects as—
 - (a) industrial arts;
 - (b) music;
 - (c) physical education;
 - (d) home economics;
 - (e) agriculture;
 - (f) art and craft;
 - (g) speech and drama;
 - (h) remedial education;
 - (i) guidance and counselling;
 - (j) business and commercial studies,

and such other studies as may be included from time to time.

 - (2) A specialist teacher shall be categorized as—
 - (a) Specialist Teacher II, being a person who possesses a qualification acceptable as equivalent to a university degree awarded after studies at a specialist college or such other institution as is accepted by the Minister as being of comparable standard to a specialist college; or
 - (b) Specialist Teacher I, being a person—
 - (i) who possesses a qualification awarded by a teachers' college, the College of Arts, Science and Technology, the Cultural Training Centre, the Jamaica School of Agriculture or any other recognized specialist tertiary institution, and who has obtained such qualification after a period of not less than two years of full time studies or its equivalent;
 - (ii) who possesses a high standard of skill as a craftsman but has no formal academic qualifications or who has had approved experience in agriculture, industry, commerce or other accepted fields.

Teachers with Special Responsibility

- 4.—(1) A teacher with special responsibility, being a trained teacher who has been employed as a teacher for not less than three years and who, on the

recommendation of the Board of a public educational institution, has been authorized by the Minister to perform in addition to normal teaching duties such special duties as may be specified.

(2) Where a person is not a trained teacher, efficient service as a teacher for not less than five years may be accepted as qualifying him for appointment as a teacher with special responsibility.

(3) Teachers with less than the required experience may in special circumstances be considered for temporary appointments as a teacher with special responsibility.

5. (1) Lecturer-Librarian, being a person who has been awarded a degree or its equivalent from a university or other recognized institution that offers professional training in library studies.

(2) A Librarian, being a person who has a degree or diploma or other acceptable qualifications from a university or other institution that offers training in library studies.

(3) Teacher-Librarian, being a person who holds a certificate or diploma of a trained teacher with an option in library science awarded by a teachers' college, college of education or other recognized institution that offers professional training for teachers.

(4) A teacher with special responsibility for a school library, being—

- (a) a teacher who has been awarded a certificate or diploma of a trained teacher with an option in library science awarded by a teachers' college, a college of education or other recognized institution that offers professional training for teachers who assume responsibility for a school library in addition to other teaching responsibilities; or
- (b) a trained teacher who has successfully completed courses in school library routines.

Types of Appointment

When appointing teachers a Board of Management may make—

1. *Permanent appointments* in which the holder enjoys security of tenure in the particular institution until retirement, unless his employment is terminated in accordance with regulation 54.

2. Provisional appointments

(1) Teachers

- (a) A teacher who joins the service for the first time shall be appointed on a provisional basis. The duration of such provisional appointment shall not normally exceed three school terms;
- (b) During the first and second terms of that provisional period the principal along with the staff members responsible for the supervision of the teacher shall regularly assess the teacher's work and general professional competence and performance; these assessments shall be discussed with the teacher.
- (c) After consultation with the teacher, a recommendation regarding the teacher's competence and performance based on the assessments made in accordance with sub-paragraph (d) shall be made by the principal and sent to the Board in time to enable the Board, if the recommendation is unsatisfactory, and in their opinion warrants the nonconfirmation of the teacher's provisional appointment, to notify the teacher accordingly and such notice shall take effect from the end of that third term.
- (d) Where the recommendation is for a continuation of appointment based on the assessment of the teacher's work and professional competence by the principal and the Board is satisfied, subsequent appointment of

the teacher in that or other public educational institution shall not normally be offered or made on a provisional basis.

(2) *Principals*

- (a) A first appointment as a principal shall be on a provisional basis unless otherwise recommended by the Commission and approved by the Minister. The duration of the provisional appointment shall not normally exceed three school terms.
- (b) For a second or subsequent appointment, recommendation for a provisional appointment may be made by a Board to the Commission, indicating the period of the provisional appointment recommended.
- (c) The Commission may, as it thinks fit, recommend to the Minister that the period of the provisional appointment referred to in sub-paragraph (a) be varied or may recommend a provisional appointment where a permanent appointment has been recommended.
- (d) During the period of the provisional appointment, arrangements for the regular assessment of the principal shall be made by the Ministry and a report on such assessment which shall be discussed with the principal shall be made to the Board.
- (e) The Board shall, before the expiration of the period of the provisional appointment referred to in sub-paragraph (c), make a report to the Commission and that report shall take into account the assessment made by the Ministry as to the professional competence and performance of the principal.
- (f) The Commission shall determine in consultation with the Board, subject to confirmation by the Minister, whether the provisional appointment shall be made permanent or be extended for a further period; but the total period of an appointment on a provisional basis shall not exceed two years.

3. *Temporary appointments*

(1) A principal or a teacher may be appointed temporarily to the staff of a public educational institution—

- (a) if he does not have the qualification or experience to be offered appointment to that particular post on a permanent basis; or
- (b) to fill a vacancy for which there is no substantive holder.

(2) A temporary appointment shall be for a specified period not exceeding three terms unless the Board of the institution at the end of that period has agreed to extend the period of such appointment.

(3) Temporary appointments shall take effect on the day that the teacher assumes duty, but where a teacher is expected to assume duty on the first working day of a term, the appointment shall take effect at the beginning of the term.

4. *Acting appointments*

(1) A Board of Management may make an acting appointment to replace a principal or a teacher who is on leave or on secondment or is for any other reason absent with approval for a specified period.

(2) An acting appointment made in accordance with paragraph (1) shall not exceed three years unless the Board in any particular case otherwise recommends.

(3) A principal or teacher who holds an acting appointment shall enjoy the privileges and benefits, except increments, for which he would be eligible if he were employed permanently in the post; and the period of such acting appointment shall be computed for the purposes of vacation and other leave, increment, pension, promotion, benefit and allowance which he would normally have received in his substantive post.

SCHEDULE B

(Regulation 43)

PROCEDURE FOR THE APPOINTMENT OF A PRINCIPAL, VICE-PRINCIPAL OR
TEACHER WITH SPECIAL RESPONSIBILITIES

1. The following procedures shall be adopted with a view to selecting a candidate for appointment as a principal of a public educational institution—

- (a) the Board of Management of the public educational institution shall inform the Minister of the vacancy, which shall be advertised in the press;
- (b) applicants shall complete the prescribed application form and shall forward such form with any necessary documents or other specified requirements to the Board;
- (c) the Board shall, subject to paragraph (2), and having regard to the criteria for the appointment of principals laid down by the Minister, submit to the Commission a list of all applicants together with details of their academic and professional qualifications, teaching and other work experience and other particulars and stating the name of the applicant whom they consider to be acceptable for appointment; so, however, that if they consider each of a number of applicants to be acceptable, they shall set out the names of the first two or three in order of preference;
- (d) after receiving such advice the Commission may, if it thinks necessary, consult with the chairman of the Board of Management or with the Board of Management and make a recommendation to the Minister;
- (e) the Minister shall notify the Board of his decision.

2. When the Board of Management of any public educational institution owned or administered by a religious denomination proposes to make a submission under sub-paragraph (c) of paragraph 1 they shall consult with the head or the proper authority of that denomination in Jamaica and shall indicate the name or names in order of preference as required by that sub-paragraph and as approved by such head or proper authority.

3. For appointment as a principal, a teacher is required to be a registered trained teacher with at least three years of approved service as a trained teacher unless the requirements are varied in any particular case.

4. Where the Minister considers it necessary to refer to the Commission, the procedure for the appointment of a vice-principal shall be as follows—

- (a) in the case of the proposed appointment of a vice-principal, the Board shall submit to the Commission the name of the member of staff or, where the Board advertised the vacancy, of the applicant whom the Board considers to be acceptable for appointment as vice-principal, and details of the academic and professional qualifications and of the teaching and other working experience of the person recommended; so, however, that if the Board considers each of a number of persons to be acceptable it shall set out the names of the first two or three in order of preference;
- (b) the Commission shall, on receipt of the particulars referred to in sub-paragraph (a), submit its recommendation to the Minister;
- (c) for appointment as a vice-principal, a teacher is required to be a trained teacher who has served as a teacher for not less than three years unless the requirements are varied in any particular case.

5. (a) In the case of appointment of a teacher to a post of "teacher with special responsibility", the procedure described in paragraph 4 shall be followed with such modifications as may be necessary.
- (b) For appointment to a special responsibility post the teacher shall satisfy the requirements of Schedule A.

- (c) The recommendation to the Commission shall state the grade of the proposed appointment and list the duties and responsibilities to be performed by the teacher as prescribed in the job description for the particular category and grade of teacher with special responsibility.
- (d) The Commission may, if it thinks it necessary, consult with the chairman of the Board of Management or with the Board of Management before making a recommendation to the Minister.

6. As the appointment of a vice-principal or of a teacher with special responsibility is normally a promotion the Board of Management, in making their recommendation to the Commission, shall list the names, qualifications and experience of those members on the staff of the institution who are senior in appointment but who have not been recommended, giving reasons for their choice. An explanation shall also be given if the Board has not recommended a serving member of staff but has forwarded instead the name of a teacher selected as a result of advertisement.

M. E. FORM N. 503

SCHEDULE C

(Regulation 43)

TEACHER APPOINTMENT FORM

(Art. 35 (1))

To be submitted in quadruplicate for primary school teachers and in triplicate for post-primary school teachers

All relevant sections of this form must be completed

File No.

1 PERSONAL PARTICULARS				
Surname	Christian Names	Date of Birth		
Maiden Name	Marital Status (tick appropriate box)			
Nationality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Single	Married	Widowed	Divorced
				Legally Separated
Home Address	Grade	Nat'l Insurance Number	Registration Number	
Educational Qualifications	Institution(s) at which obtained	Date of qualifying examination	Duration of course	

N.B. DOCUMENTARY EVIDENCE OF QUALIFICATIONS MUST BE SUBMITTED FOR A FIRST APPOINTMENT

2 PREVIOUS TEACHING EXPERIENCE					
Names of last four educational Institutions at which employed	State whether recognised grant-aided or government-owned	DATES OF SERVICE		LENGTH OF SERVICE	
		From	To	Years	Months

[The inclusion of this page is authorized by L.N. 67/1982]

3	PARTICULARS OF APPOINTMENT			
Name of School			Grade	
Address of School			Parish	
Type of Appointment (tick appropriate box) <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary <input type="checkbox"/> Provisional		Category of Post	Date of appointment in new post	
Full name of teacher last employed in post			Date on which teacher left post	
Reason for leaving (tick appropriate box)				
<input type="checkbox"/> Resigned <input type="checkbox"/> Sick leave <input type="checkbox"/> Vacation leave <input type="checkbox"/> Study leave <input type="checkbox"/> Maternity leave				
4	ACCOMMODATION			
State whether cottage provided	Ownership of cottage (tick appropriate box) <input type="checkbox"/> Government <input type="checkbox"/> Private	Amount of rental	If no cottage provided, state amount of allowance	
5	FOR OFFICIAL USE ONLY			
Registration No.	National Insurance No.	File No.	Teacher's full name	
Incremental date	Grade of teacher		Salary scale	
Name and parish of school joining		Date joined	Basic salary	
			Special qualifications increments	
Name and parish of school leaving		Date left	Service increments	
			Acting allowance	
Signature of Appointments Clerk	Approved by		Special responsibility remuneration	
			Marriage allowance	
Signature of Salary Clerk	Approved by		House allowance	
			Gross salary	

6. The Board agrees on receipt of money paid by Government to pay for the services of the teacher an annual salary in accordance with the scale and Regulations for the time being in force. The salary shall be payable monthly during the continuance of this Agreement.

7. Salary shall be paid to the teacher—

- (a) from the 1st September if he/she commences duty at the beginning of the first term;
- (b) from the 1st January if he/she commences duty at the beginning of the second term;
- (c) from the 1st May if he/she commences duty at the beginning of the third term;
- (d) if the teacher takes up his/her appointment during term, from the first working day;
- (e) if newly appointed and taking up his/her first teaching appointment at the beginning of the term and the institution opening on a substantially earlier date than those hereinmentioned, from the first working day.

8. Payment of salary during periods of absence due to sickness or other causes shall be governed by the Regulations for the time being in force.

9. The teacher agrees to teach and to serve in the said institution under the direction of the Board and under the immediate direction of the principal of the institution in which he/she is employed and in accordance with Regulations under the Education Act and Circulars issued by the Minister of Education explaining these Regulations.

10. The teacher shall be employed in full-time service and exclusively in the capacity of a teacher and shall not be required to perform any duties except such as are connected with the work of the institution.

11. The discipline of the teacher during his/her employment in the said institution, and the termination of his/her employment under this Agreement shall be governed by Regulations made under the Education Act and for the time being in force.

12. TO BE COMPLETED BY TEACHER

I subscribe to the provisions herein and agree to accept appointment as proposed, provided it is sanctioned by the Ministry of Education.

Signature Date.....

13. TO BE COMPLETED BY CHAIRMAN OF SCHOOL BOARD

I hereby request the Ministry to confirm the appointment of.....
details of whom are set out above.

Signature Date.....

14. TO BE COMPLETED BY MINISTRY OF EDUCATION

I hereby confirm the appointment of the abovenamed teacher in the post proposed, at a salary of

Signature Date.....

for Permanent Secretary

SCHEDULE D

(Regulation 44)

1. *The duties and responsibilities of a teacher holding a post of special responsibility in a public educational institution*

A teacher who is appointed to hold a post of special responsibility in a public educational institution is required to undertake such duties and responsibilities of an administrative and supervisory nature as are prescribed from time to time in addition to, or partly in exchange for, the normal duties, and the responsibilities of a teacher with special duties and responsibilities shall be recorded in writing to the teacher by the principal after consultation with the teacher and at the time of his assumption of these duties.

2. *The duties and responsibilities of a head of department in a public educational institution*

(1) A head of department shall—

- (a) assist teachers in planning the curriculum of the department for presentation to and discussion with the principal;
- (b) supervise the preparation of and the details of the courses of study offered within the department and of the examination or assessments for the department;
- (c) advise the principal in recommending appointments to the teaching staff of the department under his jurisdiction, and in allocating the work to the members of staff concerned;
- (d) call regular meetings of teachers in the department to consider matters relating to the department;
- (e) supervise and assist the teachers in the department in maintaining proper professional standards and in keeping adequate records of students' work and progress;
- (f) assist the principal in co-operation with heads of other departments and other persons holding posts of special responsibility in general organization and management of the institution;
- (g) prepare an annual budget for supplies and equipment for the department and furnish the principal at the dates prescribed and in the manner prescribed, the necessary budgetary information;
- (h) maintain and keep up-to-date an inventory of the equipment and supplies in the department;
- (i) be responsible for the maintenance and care of the equipment and supplies in the department;
- (j) teach during such periods as may be prescribed by the principal;
- (k) perform such other duties as may be determined from time to time by the principal in addition to, or instead of, duties and responsibilities already listed above.

(2) In the case of a head of department who is librarian-in-charge in a second stage school or third stage public educational institution, the general responsibilities shall include—

- (a) assisting the principal in formulating policy to make the library programme an educational force in the institution;
- (b) establishing, organizing and administering the library as an integral part of the programme of the institution with special reference to curricula needs and the other activities of the school;
- (c) preparing library estimates and making recommendations for the funds needed to implement the school library programme;
- (d) preparing reports and making evaluation studies of the library's progress.

3. *The duties and responsibilities of a vice-principal in a public educational institution*

(1) A vice-principal shall perform such duties related to the administration and supervision of the institution as may be assigned to him by the principal. Such duties shall include such teaching as may be required.

(2) During short absences of the principal a vice-principal shall be in charge of the institution and shall perform the duties and carry out the responsibilities of the principal.

(3) Where there are two or more vice-principals on the establishment of the institution the vice-principal who is senior in appointment shall normally be in charge of the institution in the absence of the principal.

4. *The duties and responsibilities of a principal of a public educational institution*

(1) A principal shall be responsible as professional head of the institution and as chief executive officer of the Board of Management for—

- (a) formulating, in consultation with members of staff, the curriculum, syllabus and time-table of the institution, within the general educational policy laid down by the Minister and by the Board;
- (b) planning and administering the day-to-day educational programme and supporting services of the institution and carrying out such policy decisions as the Board may delegate for the efficient and orderly conduct of the day-to-day administration of the institution;
- (c) ensuring that the objectives of the programme of the institution within the context of the national programme of education are clearly defined to all involved in the implementation of the programme;
- (d) evaluating and preparing reports on the performance of each member of the academic and administrative staff;
- (e) ensuring that the curriculum gives proper significance to national emblems and make provisions for the observance of respect for them;
- (f) giving directions about the expenditure of the funds made available to the institution within the general policy laid down by the Board and outlined in the budget for the institution and be answerable to the Board for any failure to use such funds properly or to keep adequate control over their expenditure;
- (g) holding regular staff meetings to consider all matters relating to the work of the institution;
- (h) supervising the instruction in the institution and, assisted by the vice-principal, heads of departments and other persons holding posts of special responsibility, giving advice, guidance and professional assistance to the teachers and other teaching personnel;
- (i) recommending to the Board the appointment and promotion of members of staff and the demotion or dismissal of such persons whose work or attitude is unsatisfactory, but only after warning the member of staff in writing, giving guidance and assistance, and allowing a reasonable time for improvement;
- (j) submitting to the Board in the manner prescribed and at the required date or dates a budget for the institution;
- (k) such other duties and responsibilities as may be prescribed by the Board or by the Minister.

(2) The principal shall assume teaching duties unless the particular circumstances and size of the institution makes it impracticable for him to do so on a regular basis.

(3) The principal shall also be responsible for seeing that satisfactory arrangements are made for—

- (a) the inspection of the premises and for the reporting to him of any repairs needed and any lack of attention being given by those members of staff who have been assigned responsibility for the care of the premises and their equipment;
- (b) maintaining the prescribed staff, student, accounting, library and other records.

(4) In the absence of the principal and where no post of vice-principal is provided on the establishment of the institution the duties of principal shall be performed by the person who is at the time authorized to discharge the responsibilities of principal.

THE EDUCATION ACT

REGULATIONS
(under section 43)

THE INDEPENDENT SCHOOLS REGULATIONS, 1973

*(Made by the Minister on the 4th day of September, 1973)*L.N. 406/73
Amd:
L.N. 473A/74*[1st September, 1973.]*

Part I—Preliminary

1. These Regulations may be cited as the Independent Schools Regulations, 1973. Citation.

2. In these Regulations— Interpre-

“alterations” in relation to any school premises includes any improvements or enlargements which do not amount to the establishment of a new school;

“Committee” means the Committee of Independent Schools constituted under section 26 of the Act;

“independent school” means any school at which education is provided for twenty or more pupils between the ages of eight years and nineteen years, not being a public educational institution;

“Inspector” means an officer of the Ministry of Education designated as such by the Minister for the purposes of subsection (6) of section 25 of the Act and includes such an officer designated for purposes of subsection (1) of section 39 of the Act;

“notice of complaint” means a notice served by the Registrar under section 27 of the Act;

“parent” includes a guardian and every person who has the actual custody of a person under the age of 21 years;

“premises” in relation to any school, includes any playing fields whether or not detached from the school, but except where otherwise expressly provided, does not include a teacher’s dwelling-house;

“principal” in relation to any schools, means the principal teacher responsible for the day to day management of the school, its teaching, discipline and administration;

“proprietor” in relation to any school, means the person or body of persons responsible for the management of the school, and for the purposes of applications for the registration of an independent school, includes any person or body of persons proposing to be so responsible;

“provisionally registered school” means an independent school registered in the register of independent schools whereof the registration is provisional only;

“Register” means the Register of Independent Schools referred to in section 25 of the Act;

“registered school” means a school registered in the Register of Independent Schools whereof the registration is final;

“Registrar” means the Registrar of Independent Schools appointed pursuant to section 25 of the Act;

Part II—Registration

Super-
vision of
independent
schools.

3.—(1) The supervision of all independent schools shall be exercised by the Registrar and (subject to his direction) by Inspectors.

(2) It shall be lawful for the Registrar or any Inspector for the purposes of Part IV of the Act and these Regulations to enter upon the premises of any independent school, and to inspect such premises or the buildings thereon or to examine the books, records and other documents of the school.

(3) The proprietor of an independent school, his agents or servants shall furnish to the Registrar or an Inspector all such information (by the production of books, records and other documents or otherwise) or render such assistance as the Registrar or Inspector may reasonably require for the exercise of his powers in relation to that school.

The
Register.

4. There shall be recorded in the Register at the appropriate folio in respect of each school, entries relating to—

- (a) applications for registration of a school;
- (b) notices of complaint served by the Registrar;
- (c) decisions, recommendations or directions of the Committee;
- (d) appeals and final orders of the Minister thereon.

5.—(1) Every application for registration by a proprietor of an independent school shall be made in writing addressed to the Registrar of Independent Schools, Ministry of Education, National Heroes Circle, Kingston, or such address as the Minister may notify in the *Gazette*, and shall contain the particulars specified in the Schedule and shall be accompanied by—

Applications
for
registration.

Schedule.

- (a) a simple sketch or diagram of the school premises;
- (b) a simple floor plan of the buildings;
- (c) a copy of the school's prospectus;
- (d) particulars of the fees charged for tuition in respect of each course;
- (e) particulars of boarding fees (if any) for each age group of grade; and
- (f) such other information as the Committee may from time to time require for the purpose of these Regulations.

(2) Upon the receipt of the application and particulars referred to in paragraph (1), the Registrar shall provisionally register the school in accordance with subsection (4) of section 25 of the Act.

6. Notice that a school has been registered finally in the Register or that a school has been struck off the Register, as the case may be, shall be published in the *Gazette*.

Notifica-
tion in
Gazette.

7. The proprietor of a school which is either finally registered or provisionally registered or in relation to which an application is made to the Registrar for provisional registration shall furnish in writing to the Registrar—

Proprietor
to notify
Registrar
of changes.

- (a) as soon as possible, particulars of any change in the name or proprietorship of the school; and
- (b) in September of each year, without prejudice to regulation 8, particulars of any change or modification in respect of any other information required to be furnished pursuant to regulation 5.

8.—(1) After an application has been made for the registration of a school, the school or any department thereof shall not be transferred to any new site without the prior approval of the Committee.

No transfer
of school
without
prior
approval.

(2) The requirements of paragraph (1) shall continue to apply to a school after it is registered, whether provisionally or finally.

Transfer
to new
premises.

9.—(1) Where a proprietor proposes to transfer a school, or a department thereof to a new site, he shall notify the Registrar in writing of the postal address of the new site and furnish him with a simple plan sketch or diagram of the premises and a simple floor plan or sketch of the buildings showing the proposed physical layout of the school or department.

(2) The Registrar shall cause the proposed new site and buildings or, as the case may be, plans for buildings to be inspected and thereafter furnish the Committee with—

- (a) the particulars furnished by the proprietor;
- (b) the Inspector's report;
- (c) the Registrar's comments and recommendations, and the Committee may thereupon direct the Registrar to approve or disapprove the transfer of the school or department thereof, as the case may be.

(3) On compliance by a proprietor of a school with the provisions of paragraph (1) the Registrar may at the request of the proprietor provisionally approve the transfer of such school, or, as the case may be, the department thereof pending the Committee's decision under paragraph (2) and such approval shall, unless the transfer be subsequently disapproved by the Committee, have effect for the purposes of paragraph (1) of regulation 8.

(4) Any person aggrieved by the decision of the Committee under this regulation may appeal to the Minister in the manner and within the terms specified in section 29 of the Act and subsection (2) of this section shall have effect in relation to such appeal.

Deletion
of school
from
Register
for fail-
ure to
furnish
particu-
lars.

10. If at any time it appears to the Registrar that a proprietor has failed to comply with the requirements of regulation 7, 8 or 9, he may by notice of complaint in writing require the proprietor to furnish such particulars in relation to the matters mentioned in those regulations as he may specify; and if the proprietor fails to comply with the terms of such notice within two months of the date thereof, the Committee may direct that the name of the school be deleted from the Register.

Part III—*Management and Control*

Documents
to be kept
in connec-
tion with
independent
schools.

11.—(1) The proprietor of every independent school shall keep—

- (a) a register of admission;
- (b) attendance registers; and

- (c) any other book, record or document which the Registrar with the approval of the Independent Schools Committee may in writing require to be kept in such school.

(2) Every such register, book, record or other document shall be available for inspection during school hours by the Registrar and by Inspectors and any person making such inspection shall be permitted to take extracts therefrom for the purposes of Part IV of the Act and these Regulations.

12.—(1) In the register of admission for any school there shall be entered in respect of every pupil who attends that school—

- (a) an index number, the full name and date of birth, and the date of his admission;
- (b) the names and residence of his parents;
- (c) the name of the last educational institution (if any) previously attended by him and the latest date of attendance at such other institution;
- (d) so soon as it is known that he has ceased to be a pupil at the school, a note indicating the date of his last attendance.

Records to be kept in connection with pupils.

(2) The particulars of a pupil's date of birth shall, for the purpose of paragraph (1) be copied from his birth certificate. If his birth certificate is not available the particulars shall be obtained from the best available source of information, so, however, that if his birth certificate subsequently becomes available and shows that any correction in the register of admission is necessary, such correction shall be made and initialled by the person for the time being performing the duties of the principal.

(3) In each register of attendance for schools there shall be entered—

- (a) the name of every pupil who attends the part of the school in which such register is kept, so, however, that the requirement shall not apply as respects any pupil as soon as it is known that the pupil has ceased to attend the school or when the pupil has failed to attend the school for a period of four consecutive weeks during which the school met;
- (b) a record of the presence of every pupil at, or his absence from, the school during each session; such presence being indicated by a line opposite the pupil's name and his absence by the letter "a" opposite his name.

Proprietors
to furnish
information
or returns
to Registrar.

13. The proprietor of an independent school shall furnish in writing such information or returns as the Registrar may, from time to time, require for the purposes of these Regulations and Part IV of the Act.

Premises.

14.—(1) The premises of an independent school shall be kept in a proper state of repair, cleanliness and hygiene and adequate arrangements shall be made for the health and safety of the pupils and staff in case of danger from fire and other causes.

(2) The premises shall be convenient for teaching purposes, adapted to the circumstances of the school, and provided with equipment adequate for the curriculum; and the rooms shall not be overcrowded.

*Part IV—Representations to the Independent Schools Committee
and Appeals to the Minister*

Representations
to the
Committee.

15.—(1) Any representations under section 28 of the Act to the Independent Schools Committee (hereinafter referred to as the Committee) shall be by memorandum in writing signed by the person making the representation (hereinafter referred to as the objector) setting out the points which the objector wishes to bring to the attention of the Committee in regard to allegations made in the notice of complaint and stating the address to which communications regarding the representation should be sent.

(2) The representation shall be sent by registered mail or delivered by hand personally on the chairman of the Committee and a copy shall at the same time be so sent or delivered to the Registrar, and where the objector is a teacher, a copy shall be so sent or delivered to the proprietor of the school affected by the complaint.

Notice of
appeal.

16.—(1) An appeal to the Minister under section 29 or 31 of the Act shall be instituted by sending to the Minister within the time limited by section 29 a written notice of appeal signed by the appellant, setting out the grounds of appeal and stating the address to which communications regarding the appeal should be sent.

(2) Four copies of every such notice shall be sent to the Minister.

(3) Where the appeal is against any direction by the Committee pursuant to paragraph (b) of subsection (2) of section 28 of the Act (which relates to whether or not a proprietor or a teacher is a proper person to function as such) if the appellant is not the proprietor, the

appellant shall send a copy of the notice of appeal to the proprietor of the school.

17. The Minister shall fix a date, time and place for the hearing of the appeal (which date shall not be more than ninety days after the service of the notice of appeal) and shall cause to be served upon the appellant, not less than twenty-eight days before the date so fixed, a notice to this effect and shall at the same time send a copy of the notice to the Registrar if he is not the appellant and where the appeal is in relation to any direction pursuant to paragraph (b) of subsection (2) of section 28 aforesaid to the proprietor of the school or to the teacher, as the case may be.

Time and
place of
hearing.

18. An appellant (where appropriate including the Registrar) may at any time before the hearing give notice in writing to the Minister that he desires to withdraw his appeal and thereupon the appeal shall be deemed to be dismissed in regard to the appellant without prejudice to its continuance in regard to any other appellant.

Abandon-
ment
of appeal.

19. If an appellant (including, where appropriate, the Registrar) fails to appear at the time fixed for the hearing of the appeal the Minister may, if he is satisfied that the appellant has been afforded an adequate opportunity of attending, dismiss the appeal in regard to that appellant or hear and determine the appeal in the absence of the appellant.

Default of
appearance

20.—(1) An appellant may appear and be heard—

- (a) in person;
- (b) by an attorney-at-law;
- (c) if a partnership, by a partner;
- (d) if a company, by a duly authorized director or officer of the company; or
- (e) by any other person allowed by the Minister to appear on behalf of the appellant.

Right of
audience

(2) The Registrar (whether or not he is an appellant) may appear and be heard, in person, by an attorney-at-law or by any officer of his department.

(3) The appellant and the Registrar may call witnesses who shall be subject to cross-examination and re-examination.

Procedure
at hearing.

21.—(1) The Minister may require the attendance of further witnesses in addition to those called by or on behalf of the appellant and the Registrar.

(2) The Minister may permit evidence to be given by affidavit.

(3) The Minister shall not reject any evidence on the ground only that such evidence would be inadmissible in a court of law.

(4) After the evidence has been concluded, the Registrar and the appellant shall have the right to address the Minister if they so desire.

Decision
of the
Minister.

22. The Minister shall cause to be sent a copy of the order made by him together with a statement of his findings and the reason for the decision to every appellant and to the Registrar.

Extension
of time.

23. Subject to subsection (1) of section 29 of the Act (which fixes the time within which an appeal may be made to the Minister) the time appointed by these Regulations for doing any act in connection with any appeal may be extended by the Minister upon such terms (if any) as he may deem just, notwithstanding that the time appointed has expired before an application for extension is made.

SCHEDULE

(Regulation 5(1))

Return to be made for the purposes of registration under section 25 of the Education Act and the Independent Schools Regulations, 1973

- (1) Name of school.....
- (2) Full postal address.....
- (3) Full name and address of proprietor or responsible body.....
- (4) The names and addresses of the members of the managing or governing body, if any.....
- (5) The total area of the school premises.....
- (6) The number and size of classrooms.....
- (7) Details of the furniture and other equipment to be used in each classroom.....
- (8) Details of library and laboratory facilities.....
- (9) The areas (if any) allotted as playgrounds.....
- (10) The number and type of latrines used in connection with the school.....
- (11) Provisions for the supply of drinking water.....
- (12) The hours during which school is open.....
- (13) The holidays to be observed.....
- (14) No. of full-time pupils at the date on which this form is signed

Age last birthday	Below 8	8	9	10	11	12	13+	14	15	16	17	18	19	Above 19	Total
Boys															
Girls															
Total															

(15) No. of boarders included in (14) above

Boys.....Girls.....

(16) Teaching Staff:

THE INDEPENDENT SCHOOLS REGULATIONS, 1973

SCHEDULE, *contd.*

	Surname including maiden name in case of married woman	First Name	Qualification (e.g. Univ. Degrees, Diplomas or Certs.)	Date of Birth in full
(i) Principal				
(ii) Full-time Teachers				
(iii) Part-time Teachers				

I/We certify the above particulars to be correct and hereby apply under subsection (4) of section 25 of the Education Act for the abovenamed school to be registered.

Signed.....

Date.....

Witnessed by.....

Date.....