ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER E26

EDUCATION ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 5/2012, in force 24 December 2012 (except-
Section 194 and Part 5 in force 1 April 2009)
Act 9/2021, in force 12 March 2021
U.K. S. I. 2019 No. 852, in force 14 May, 2019

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EDUCATION ACT

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EDUCATION ACT

PART 1
PRELIMINARY

Interpretation

1. In this Act—

"academic year" means such period not exceeding 12 months as may be prescribed as an academic year;

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

"assisted private school" has the meaning assigned to it in section 71;

"Board" means the Education Advisory Board established under section 9;

"Board of Management" means a Board of Management appointed under section 30(1), 77, 78 or 80;

"Chief Education Officer" means the person appointed as such under section 7;

"class", in relation to a particular student and a particular subject, means the teaching group in which a student is regularly taught that subject in an educational institution or, where there are 2 or more groups, such one of them as may be designated by the principal of an educational institution;

"compulsory school age" means the ages during which students are obliged to attend school under section 117;

"denominational school" means an educational institution established, managed and maintained by a religious community at its own expense;

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

"duly qualified", in relation to a medical practitioner or nurse, means registered under the Medical Act or any enactment replacing that Act;

"early childhood education" means education and care provided either within a primary school or in an institution specially designed for that purpose and suited to the needs and requirements of children 3 years of age or older, but under 9 years of age;

"early childhood education facility" means a school, day care centre or other similar institution that provides early childhood education;

"Education Appeal Tribunal" means the Education Appeal Tribunal established under section 181;

"education welfare officer" means a person appointed under section 129;

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"educational institution" means any school, any training centre or any college or such other institution or facility for tertiary education as may be prescribed, but does not include a home where a parent provides a home education programme;

"educational programme" means a programme of instruction whether conducted in an educational institution or otherwise that is designed to meet the specified learning needs of an individual or a group of persons;

"Governing Board" means a Board appointed by the Minister under section 37;

"home education programme" means a course of study provided to a student under the direction of the student's parent and centred in the student's home or, subject to sections 26(1) and (2), somewhere other than an educational institution;

"Minister" means the Minister responsible for education;

"Ministry" means the Ministry of Education;

"parent", in relation to any child, includes—

(a) a guardian and every person who is liable to maintain or has the custody of the child; and

(b) a person living as—

(i) husband with the mother of a child, whether or not the person is the father, or

(ii) wife with the father of the child, whether or not the person is the mother;

"Permanent Secretary" means the Permanent Secretary responsible for the Ministry;

"post secondary education" means education suitable to the requirements of persons over compulsory school age who—

(a) subject to paragraph (b), are not enrolled for secondary education in any educational institution; or

(b) if enrolled in a secondary educational institution, have completed a course of secondary education;

"prescribed" means prescribed by regulations made under this Act;

"primary education" means full-time education suited to the requirements of primary students;

"primary school" means a school or department of a school recognised by the Minister as providing primary education;

"primary student" means a student who—

(a) at the beginning of the academic year—

(i) has attained the age of 5 years, or

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(ii) will attain the age of 5 years on 31 December of that academic year; and

(b) is eligible to be enrolled in a primary school;

"principal" means the head of any educational institution under this Act;

"private educational institution" means an educational institution other than a public school or an assisted private school that is—

(a) attended by 12 or more students concurrently for more than 8 hours per week;

(b) owned, financed and managed by an individual, a trust, a religious body or any incorporated or unincorporated body; and

(c) in possession of a permit issued by the Minister under this Act;

"proprietor", in relation to a private educational institution or an assisted private school, includes a denominational body, a trust, an individual or any incorporated or unincorporated body;

"public" in relation to a school, means any educational institution which is wholly or mainly maintained from public funds voted by the House of Assembly and to which the general public has access without any conditions other than those authorised by or under this Act;

"scholarship holder" means a person to whom a scholarship is awarded under Part 9;

"school" means any early childhood education facility, primary or secondary school, or any school for special or adult education, any training centre or any institution for tertiary education as may be prescribed;

"school day", in relation to an educational institution, means any day during which attendance is required at the educational institution under this Act;

"school hours", in relation to an educational institution, means the period prescribed during which attendance is required at the educational institution under this Act;

"secondary education" means full-time education suited to the requirements of secondary students;

"secondary school" means a school or department of a school recognised by the Minister as providing secondary education;

"secondary student" means a student who—

(a) at the beginning of the academic year, has completed his or her primary education; and

(b) is eligible to be enrolled in a secondary school;

"special education" means education suitable to—

(a) the best development of individuals who—

(i) are hearing or visually impaired, physically disabled, emotionally or behaviourally disturbed, or

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(ii) have communicative disabilities or moderate or severe learning disabilities including those with profound multiple disabilities; and

(b) the requirements of pupils who are gifted or have exceptional ability;

"student" means a person of any age for whom education is provided under this Act;

"teacher" means a person employed in an educational institution and who holds a valid qualification as a teacher in accordance with section 100;

"teachers' college" means any school or institution established for the purpose of training teachers for service in public or private educational institutions;

"technical college" means any school or other institution that provides for studies, training or research in technology, science, commerce or art;

"tertiary education" means—

(a) higher education or university education;

(b) instruction normally available at institutions for teacher training, vocational training and technical training; or

(c) post secondary education;

"training centre" means any institution established for the purpose of providing education and training in any vocation.

Purpose

2. The purpose of this Act is to provide for the orderly and co-ordinated development of a relevant, varied and comprehensive educational system in Anguilla characterised by excellence.

PART 2

CENTRAL ADMINISTRATION

Goals and objectives

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

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

(a) the establishment of a relevant, varied and comprehensive educational system in Anguilla that is characterised by excellence;

(b) the promotion of the education of the people of Anguilla by the establishment of educational institutions for the purpose of fostering the spiritual, cultural, moral, intellectual, physical, social and economic development of the community;

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(c) the establishment of a co-ordinated educational system organised in accordance with this Act;

(d) the framing of an educational policy designed to give effect to the purposes of this Act; and

(e) the effective execution of the educational policy of the Government of Anguilla.

(3) The specific goals and objectives which the Minister shall establish and pursue are—

(a) the encouragement of the development of the basic knowledge and skills in all persons, including—

(i) the skills of literacy, listening, speaking, reading, writing, numeracy, mathematics, analysis, problem solving, information processing, computing,

(ii) critical and creative thinking skills,

(iii) an understanding of the role of science and technology in society together with scientific and technological skills,

(iv) appreciation and understanding of creative arts,

(v) physical development and personal health and fitness, and

(vi) the creative use of leisure time;

(b) the development of self-worth through a positive educational environment;

(c) the promotion of the importance of the family and community;

(d) the provision of opportunities to reach maximum potential;

(e) the promotion of the recognition, understanding and respect for the Constitution, laws and national symbols of Anguilla;

(f) the development of an understanding of the principle of gender equality;

(g) the promotion of understanding of the history, language, culture, rights and values of Anguilla and their changing role in contemporary society;

(h) the increase in the awareness and appreciation of the natural environment of Anguilla;

(i) the promotion of a Caribbean identity through regional co-operation and integration;

(j) the development of an understanding of the historical and contemporary role of labour and business in society; and

(k) the preparation of the people of Anguilla for participation in the Anguillian society and the global society.

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(4) The Minister shall promote the goals specified in subsections (2) and (3) through appropriate basic education and continuing education strategies.

Responsibilities of the Minister

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

(2) In addition to the duties referred to in section 3 and subsection (1), the Minister is responsible for—

(a) devising a system of education designed as far as possible to ensure that the intellectual and vocational abilities, aptitudes and interests of students find adequate expression and opportunity for development;

(b) establishing public schools in such places as he or she thinks fit and determining the classification of such schools;

(c) making, subject to this Act, provision for the admission and transfer of students in public schools and assisted private schools;

(d) establishing and maintaining or assisting in the establishment and maintenance of institutions or other facilities for tertiary, adult and special education, and youths at risk as he or she considers necessary, including—

(i) teachers' colleges or other institutions necessary for the training of teachers,

(ii) training centres and technical colleges considered necessary for fulfilling the requirements of technical and vocational education, and

(iii) institutions and facilities for youths at risk;

(e) taking such other action as he or she considers necessary for ensuring that the requirements of teachers in public schools are satisfied;

(f) establishing policies, guidelines and standards with respect to the conduct and management of schools and the provision of assistance to schools in accordance with regulations made under this Act;

(g) rendering, to such students or class of students, subject to such conditions as may be prescribed, such forms of assistance as may be necessary for enabling the students to take full advantage of the educational facilities available;

(h) evaluating the work of public schools and assisted private schools with particular reference to the curriculum to be followed in such schools, and making provision for the examination and testing of students and the award of certificates;

(i) the referral of children who have been identified by the Chief Education Officer as having learning difficulties to appropriate medical, educational or social services or other agencies, if any, for remedial treatment or assistance;

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(j) providing educational opportunities for meeting the demands for tertiary education and, in particular, taking such steps as may be necessary for the carrying out of any obligation of the Government of Anguilla to the University of the West Indies or any other institution for tertiary education;

(k) designating the grades or classes and special programmes to be offered in public schools and assisted private schools;

(l) prescribing forms and notices as required for the administration of this Act; and

(m) actively encouraging the formation, functioning and development of—

(i) student councils in all schools, and

(ii) a National Student Council.

Functions of the Minister

5. (1) For the purpose of the performance of his or her functions under this Act, the Minister has the power to—

(a) require the compulsory attendance of children of compulsory school-age at schools established and conducted under this Act;

(b) regulate the operation of public schools, assisted private schools and private educational institutions including prescribing the academic year for such educational institutions;

(c) make provision for the professional training of teachers for the entire system of education;

(d) establish standards which are applicable to the recruitment, training and conditions of service of teachers;

(e) constitute committees or other bodies to advise him or her from time to time on educational and related matters;

(f) prescribe list of textbooks and practices in all public schools and assisted private schools so as to ensure conformity with national standards of education, but, in the case of assisted private schools, textbooks for religious education shall be determined by the authority establishing the school;

(g) determine the level of assistance to assisted private schools and regulate such assistance;

(h) establish or disestablish public schools including schools for technical education and, when necessary, inaugurate classes or discontinue classes in such schools;

(i) prescribe, in accordance with this Act, curriculum for public schools and assisted private schools; and

(j) do all such things as may be necessary or expedient from time to time for the carrying out of his or she responsibilities for education and training.

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(2) In the exercise of the powers under paragraph (1)(c), the Minister shall consult the Anguilla Teachers Union or such representative body representing the interests of teachers and the teaching profession as he or she considers appropriate.

Annual report

6. The Minister shall cause to be laid in the House of Assembly an annual report on the state of education in Anguilla within 12 months of the end of the academic year for which the report is made.

Functions of the Chief Education Officer

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

(2) The Chief Education Officer shall—

(a) ensure that schools and other educational institutions are administered in a proper and efficient manner;

(b) develop administrative principles and procedures for implementing general policies relating to the education system and for administering the education system;

(c) after prior consultation with the Permanent Secretary**,** delegate authority to professional staff of the Ministry for administering various aspects of the system of public education;

(d) develop and direct training of all professional personnel;

(e) initiate, subject to the provisions of this Act, curriculum innovation and reform and the establishment of appropriate procedures for evaluating the instructional programme of educational institutions;

(f) advise the Minister on matters affecting education in Anguilla;

(g) ensure that premises, property and stock of public and assisted private schools are protected against improper use;

(h) initiate, organise and conduct courses of induction and training for untrained teachers;

(i) ensure the observance of the provisions of this Act and regulations pertaining to the conduct of educational institutions; and

(j) perform such other functions under this Act as the Minister may, from time to time, assign to the Chief Education Officer.

Delegation of authority

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

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(2) In any case of emergency and after consultation with the Permanent Secretary and the Chief Education Officer, the Minister may give, in writing, general or special directions to any person respecting the functions of the Minister under this Act and the person shall carry out such directions.

(3) Where, by this Act or any regulation made under this Act, the Chief Education Officer is required or permitted to perform any function, the Chief Education Officer may, after consulting the Permanent Secretary, in writing authorise an officer who is accountable to the Chief Education Officer to perform the function.

Establishment of Education Advisory Board

9. (1) The Minister shall establish a body to be called the Education Advisory Board.

(2) The Board shall comprise the following members—

(a) the President of the Anguilla Community College or his or her representative;

(b) the Resident Tutor and Head, University of the West Indies Open Campus Anguilla; and

(c) such number of members, being not less than 5 as the Minister determines, appointed from among persons representing—

(i) the appropriate representative body representing the interests of teachers and the teaching profession,

(ii) expert educational opinion,

(iii) parents of children attending public school and Parent-Teacher Associations,

(iv) religious denominations,

(v) technical, vocational or business education, and

(vi) organisations concerned with industry and commerce, community development or professional services.

(3) Subject to the approval of the Executive Council, the Minister shall, by instrument in writing, appoint the representatives specified in paragraph (2)(c).

(4) The provisions of Schedule 1 apply in respect of the constitution and procedure of the Board and otherwise in relation to that Board.

Functions of the Board

10. (1) The Board shall advise the Minister on matters—

(a) connected with education as that Board thinks fit;

(b) respecting the performance or exercise of any of the responsibilities or powers of the Minister under this Act as the Minister refers to that Board; and

(c) relating to the promotion of education as the Minister refers to that Board.

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

Powers of the Board to hold public hearing

11. (1) Before advising the Minister on any matter concerning the promotion of education, the Board may, where that Board thinks it advisable and with the approval of the Minister—

(a) hold a public hearing into the matter;

(b) appoint a committee of the Board, comprising one or more of its members, to hold a public hearing into the matter; or

(c) solicit written memoranda from the public on the matter.

(2) Where a committee of the Board is appointed to hold a hearing, the committee shall make, to the Board, a report of its findings.

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

Minister not bound by advice of the Board

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

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

Special committees

13. (1) Notwithstanding section 9, the Minister may appoint such special committees as the Minister considers necessary to advise him or her with respect to any specific matter which may arise from time to time.

(2) A special committee shall—

(a) comprise such members as the Minister appoints; and

(b) have such duties as the Minister specifies.

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

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PART 3

CATEGORIES AND STAGES OF EDUCATION

Division 1

Forms and Stages of Education

Forms and stages of public education

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

(a) primary education;

(b) secondary education; and

(c) tertiary education.

(2) The Minister may, as resources permit, include as part of the system of public education any or all of the following—

(a) early childhood education;

(b) special education;

(c) adult education;

(d) distance education.

Division 2

Organisation of Schools

Organisation of schools

15. (1) For the purposes of this Act, the school system comprises the following 3 categories of educational institutions—

(a) public schools;

(b) private educational institutions; and

(c) assisted private schools.

(2) All public schools existing on 24 December 2012 are deemed to have been established by or under this Act and continue as public schools under this Act.

Power of Minister to classify schools

16. The Minister may designate, re-designate, classify or reclassify public schools and assisted private schools to fulfil the purposes of education set out in this Act—

(a) having regard to the educational requirements of the students residing in any locality; and

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(b) after such consultation as the Minister considers desirable,

but, in the case of an assisted private school, the approval of the Board of Management or, if no Board has been appointed, approval of the proprietor is required.

Division 3

Early Childhood Education Services

Establishment of early childhood education services

17. (1) Subject to the provisions of Division 3 of Part 4, a private educational institution specified in section 43 or any public school may provide an early childhood education services programme suitable to the needs of children who have attained the age of 3 years but who are not yet of compulsory school age, if the parent of the child agrees.

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

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

Programmes and policies

18. A private educational institution which provides early childhood education services shall develop and maintain policies and programmes consistent with the policies, programmes and plan in respect of early childhood education services prescribed by the Minister.

Council on Early Childhood Education

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

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

(a) its membership;

(b) the procedures for the conduct of its business; and

(c) its powers and functions.

Regulations respecting early childhood education services

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

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

(a) prescribing the academic and professional qualifications of teachers or other persons employed in early childhood education services;

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(b) respecting the records to be submitted to the Minister by an educational institution engaged in early childhood education services;

(c) concerning the safety standards which must be satisfied by educational institutions engaged in early childhood education services;

(d) respecting the health requirements of the environment and of the persons employed in early childhood education services;

(e) concerning the buildings, premises, equipment and furnishings to be used in delivering early childhood education services;

(f) prescribing the ratio of staff to students required by an educational institution engaged in early childhood education services; and

(g) respecting the needs of children of specified ages attending the programme offered by an educational institution engaged in early childhood education services.

Division 4

Special Education

Special education

21. (1) The Chief Education Officer shall provide special education programmes for students, whether of compulsory school age or older, who are in need of special education, as determined in accordance with section 22.

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

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

(4) Where it has been determined that a student will require an individual education plan, the costs of developing, providing and maintaining that plan shall be apportioned—

(a) subject to paragraph (b), between the Ministry and the parent of the student; or

(b) where the student has attained the age of 18 years, between the Ministry and the student,

in such manner as may be prescribed.

Determination of special educational needs

22. (1) Subject to subsection (2)—

(a) where a student is in attendance at an educational institution, the principal shall; or

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(b) where a student is not in attendance at an educational institution, the Chief Education Officer shall,

in consultation with professional staff and parents, determine whether the student is a student with special educational needs and, if so, the special education programme which is most appropriate to meet the needs of that student.

(2) Before a determination regarding special education needs is made under subsection (1), the following procedures shall be followed—

(a) the parent of the student shall receive written information concerning the procedures outlined in this section;

(b) the informed consent of a parent shall first be obtained, in writing, for the administration to the student of any psychological and other specialised test that is not routinely used by teachers;

(c) the student shall be referred to the Chief Education Officer for a determination of the assessments that may be required to be performed and, where possible, such assessment shall be multi-disciplinary;

(d) the results of the assessment including the results of tests referred to in paragraph (b) shall be provided and explained to the parent;

(e) a parent and, where appropriate, the student shall be consulted prior to the determination of and during the implementation of the special education programme;

(f) the parents shall be provided with information concerning the right of appeal to the Education Appeal Tribunal.

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

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

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

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

Special needs appeals

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

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

(b) the individual education plan established for a student;

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(c) a request by a parent for a determination pursuant to section 22(3);

(d) the implementation of the individual education plan in an environment other than the regular class;

(e) the non-implementation of an individual education plan in a school where the student would normally attend; or

(f) the apportionment of costs, including non-educational costs, between the Ministry and the student or the parents of the student for the provision of an individual education plan,

the parent, student, or Board of Management may, within 14 days of the decision, appeal the matter to the Education Appeal Tribunal.

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

(3) When an appeal is made to the Education Appeal Tribunal, the determination of the principal or the Chief Education Officer, as the case may be, made in accordance with section 22(1) shall be observed unless that determination is altered by the Education Appeal Tribunal.

(4) For the purposes of this section, "Board of Management", in relation to an educational institution, shall be construed to mean the principal of the educational institution, if the Board of Management for that educational institution is not appointed.

Council on Special Education

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

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

(a) its membership;

(b) the procedures for the conduct of its business; and

(c) its powers and functions.

Division 5

Home Education

Home education programmes and plans

25. (1) A parent of a student may provide a home education programme for the student if the parent complies with this section and if the programme meets the goals and objectives set out in section 3(3).

(2) The parent shall—

(a) before the commencement of a home education programme for the student; and

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(b) on an annual basis, after such commencement, for as long as the home education programme is offered,

register the student with the Chief Education Officer.

(3) An educational plan for each student in a home education programme shall be prepared and provided to the Chief Education Officer subject to the following conditions—

(a) the initial educational plan shall be prepared and provided to the Chief Education Officer not later than 3 months before the commencement of the home education programme;

(b) the educational plan shall be for a minimum period of 3 academic years and shall cover every year of the home education programme;

(c) the educational plan shall include a description of the learning activities for the student that will comply with the goals and objectives set out in section 3(3); and

(d) the educational plan shall be compatible with the national curriculum established under Part 8.

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

Support and assessment of students in home education programme

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

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

(3) For the purposes of this Division, the Chief Education Officer shall—

(a) make provision for the assessment of the student's achievement on an annual basis and communicate the results to the parent; and

(b) provide the necessary advice to the parent.

(4) If, in the opinion of the Chief Education Officer, the student is not making reasonable progress in the home education programme, the Chief Education Officer may—

(a) make provision for the assessment of the student's achievement on a more frequent basis; or

(b) provide the parent with recommendations which will assist the student in improving the level of achievement.

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Termination of programme

27. (1) Notwithstanding section 25(1), the Chief Education Officer shall, in writing, terminate a home education programme if the Chief Education Officer is of the opinion, after considering the abilities of the student, that—

(a) the home education programme no longer meets the goals and objectives set out in section 3; or

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

(2) The Chief Education Officer shall, in conjunction with the notice of termination, direct the student to attend an educational institution established by or registered under this Act effective on the date specified in the notice of termination.

(3) Before the Chief Education Officer exercises the power under subsection (1) to terminate any home education programme, the Chief Education Officer shall provide to the parent of the student attending the home education programme—

(a) the necessary advice if, in the opinion of the Chief Education Officer, the student is not making reasonable progress in the programme; and

(b) recommendations which will assist the student in improving the level of achievement;

(c) an opportunity to show cause why the home education programme should not be terminated.

(4) Where the parent disagrees with the decision of the Chief Education Officer made under subsection (1), the parent may, within 14 days of the decision, appeal to the Education Appeal Tribunal.

PART 4

ADMINISTRATION OF EDUCATIONAL INSTITUTIONS

Division 1

Management of Public Primary Schools

Establishment and maintenance of public primary schools

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

Management of public primary schools

29. All primary schools which are public schools shall be under the control of the Minister.

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Boards of Management

30. (1) Where the Minister considers it necessary, the Minister may, by written notice published in the *Gazette*, appoint a Board of Management for any primary school which is a public school if it appears to the Minister to be desirable to do so—

(a) in the interest of economy and efficiency; and

(b) for the participation of the community in the management of education.

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

Members of a Board of Management

31. (1) A Board of Management appointed under section 30 shall include the following members—

(a) the principal, who shall be an *ex-officio* member;

(b) one member, who shall be a parent nominated by the Parent-Teacher Association of the primary school, but if no such association exists, the Minister shall, acting in his or her discretion, appoint a parent;

(c) one member, who shall be a staff member nominated at an authorised staff meeting by the staff of the relevant primary school;

(d) not less than 4 members appointed by the Minister, acting in his discretion, from among persons representing—

(i) expert educational opinion,

(ii) religious denominations,

(iii) organisations concerned with business,

(iv) organisations concerned with community development, and

(v) such other areas of national interest as the Minister considers appropriate.

(2) Without delay after a meeting in which a nomination referred to in paragraph (1)(b) or (c) is made, the appropriate authority of the—

(a) Parent-Teacher Association, if such an association exists; or

(b) staff;

shall give the Minister written notice of each person nominated by it.

(3) Each person referred to in paragraph (1)(b), (c) or (d) shall be appointed by the Minister by instrument in writing published in the *Gazette*.

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(4) The provisions of Schedule 2 shall apply in respect of the procedure and functions of the Board of Management and otherwise in relation to that Board.

Functions of a Board of Management

32. (1) Subject to subsection (2) and to the approval of the Minister, the function of a Board of Management in relation to a primary school for which it is appointed under section 30 are—

(a) to control and manage—

(i) the expenditure of any grants for the repair and maintenance of the primary school,

(ii) the rebuilding or extension of the school, and

(iii) other matters relating to the organisation of the primary school as may be referred to it by the Minister;

(b) to be responsible for—

(i) the efficient maintenance of the primary school, and

(ii) the keeping of the buildings of the primary school in a good state of repair and sanitation;

(c) to revise, modify, if necessary, and approve the school plan prepared by the school administration for each primary school operated by it;

(d) subject to subsection (3), to establish policies for the administration, management and operation of the primary school, including the following—

(i) code of conduct,

(ii) student attendance policy,

(iii) standards with respect to—

(A) cleanliness and tidiness of the student,

(B) general deportment of the student,

(C) attire and school uniform,

(D) courtesy, and

(E) respect for the rights of other persons;

(e) to prepare reports, information, and perform any duties as may be required under this Act, the regulations and guidelines issued under this Act, or by the Minister;

(f) to arrange for the examination and investigation of—

(i) student progress,

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(ii) order among and discipline of students,

(iii) the system of instruction,

(iv) mode of keeping school records, and

(v) conditions of buildings and premises of the school;

(g) to in consultation with the Chief Education Officer and the principal and staff, establish a procedure for resolving disputes between the primary school, parents and teachers; and

(h) to generally exercise any other function conferred on it by this Act or by regulations.

(2) The Board of Management shall, in the performance of its functions under paragraphs (1)(a), (b), (c) and (d), consult the Chief Education Officer.

(3) A policy made under paragraph (1)(d) shall be of no effect until it is approved by the Chief Education Officer.

Submission of reports

33. Every Board of Management shall, after consultation with the principal under its control and management, submit to the Chief Education Officer, within one month after the end of the academic year, a report containing information on—

(a) the discipline of students;

(b) the attainment levels of students;

(c) the application of the curriculum;

(d) the condition of the primary school and the maintenance of its property;

(e) student attendance; and

(f) generally, any matter which directly or indirectly affects the primary school and its development.

(Act 9/2021, s. 2)

Special or general directions

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

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Division 2

Management of Public Secondary Schools

Application of Division

35. This Division applies to the Albena Lake-Hodge Comprehensive School and any other public secondary school established under this Act.

Management of secondary schools

36. All public secondary schools shall be under the management and control of the Minister.

Establishment of Governing Boards

37. (1) The Minister may, by written notice published in the *Gazette*, appoint a Governing Board for each public secondary school established under this Act.

(Act 9/2021, s. 3)

(2) A Governing Board established under subsection (1) includes the following members—

(a) the principal, who shall be an *ex officio* member;

(b) one member, who shall be a parent nominated by the Parent-Teacher Association of the school but, if no such association exists, the Minister shall, acting in his or her discretion, appoint a parent;

(c) one member, who shall be a staff member nominated at an authorised staff meeting by the staff of the school;

(d) not more than 5 members appointed by the Minister, acting in his or her discretion, from among persons representing—

(i) expert educational opinion,

(ii) religious denominations,

(iii) organisations concerned with business,

(iv) organisations concerned with community development, and

(v) such other areas of national interest as the Minister considers appropriate; and

(e) one member, who shall be a member of the student council nominated by the student council of the school, if one exists, but if no such student council exists, the Minister shall, acting in his or her discretion, appoint a student.

(3) Without delay after a meeting in which a nomination referred to in paragraph (2)(b), (c), (d), (e) is made, the appropriate authority of the—

(a) Parent-Teacher Association, if such an association exists;

(b) staff; or

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(c) student council, if one exists;

shall give the Minister written notice of each person nominated by it.

(4) Each person referred to in paragraphs (2)(b), (c), (d) and (e) shall be appointed by the Minister by instrument in writing published in the *Gazette*.

(5) The provisions of Schedule 2 apply in respect of the procedure and functions of a Governing Board and otherwise in relation to the Governing Board.

Functions of a Governing Board

38. (1) The functions of a Governing Board in relation to the secondary school for which it is appointed are—

(a) to make recommendations to the Minister with regard to any matter, directly or indirectly, affecting the school or the development of secondary education generally;

(b) to review, modify if necessary, and approve the school plan prepared by the school administration for each school operated by it;

(c) subject to subsection (2), to establish policies for the administration, management and operation of the school, including the following—

(i) code of conduct,

(ii) student attendance policy,

(iii) standards with respect to—

(A) cleanliness and tidiness of the student,

(B) general deportment of the student,

(C) attire and school uniform,

(D) courtesy, and

(E) respect for the rights of other persons;

(d) to prepare reports, provide information, and perform any duties as may be required under this Act, regulations and guidelines made or issued under this Act, or by the Minister;

(e) to appoint, where necessary, committees consisting wholly or partly of members of the Governing Board; and

(f) to perform such other functions in relation to the school as the Minister requires or as may be referred to in this Act or prescribed.

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(2) A policy made under paragraph (1)(c) is of no effect until it is approved by the Chief Education Officer.

(Act 9/2021, s. 4)

Annual report

39. Every Governing Board shall submit to the Minister a report in accordance with section 33.

(Act 9/2021, s. 7)

Minutes of Governing Board admissible in evidence

40. (1) Every meeting of a Governing Board in respect of which minutes have been signed is deemed to have been duly convened and held, and every member present at that meeting is deemed to have been duly qualified to act.

(2) The minutes of meetings of any Governing Board are, if duly signed by the chairperson, or deputy chairperson, admissible in evidence in all legal proceedings without further proof.

(3) A copy of or an extract of the minutes of the meetings of any Governing Board is, if certified by the chairperson or deputy chairperson to be correct, admissible in evidence in all courts to the same extent as the original minutes would be admissible.

Division 3

Establishment of Private Educational Institutions

Interpretation

41. For the purposes of this Division, "permit" means a permit to operate a private educational institution issued in accordance with this Division.

Body without legal personality

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

(2) The obligation to comply with the provisions of this Act lies with the persons responsible for the administration of the body that operates the private educational institution.

(3) In the case of a private educational institution established by partnership, the obligation lies with both the partnership and the partners jointly and severally.

Applicability

43. (1) Subject to subsection (2), this Division applies to every private educational institution dispensing all or some of the educational services belonging to one or more of the following categories—

(a) early childhood educational services;

(b) primary school education;

(c) special education;

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(d) secondary school education;

(e) secondary school adult education services;

(f) secondary school instructional services in vocational education;

(g) secondary school adult education services in vocational education;

(h) instructional services in general education at the tertiary level; and

(i) instructional services in vocational training at the tertiary level.

(2) This Division does not apply to any private educational institution registered or licensed under any other Act which provides tertiary education.

References and object

44. (1) Sections 43(1)(a) to (f) and (h) refer to education or instruction intended mainly to develop students' abilities in subjects which are necessary or required to prepare the students for studies at the primary, secondary, post-secondary, tertiary or university level, as the case may be.

(2) Sections 44(1)(g) and (i) refer to vocational education or vocational training intended mainly to develop a students' abilities so as to prepare the students for any occupation, trade or profession.

Permit

45. (1) Subject to section 52(1), no person shall operate a private educational institution to which this Act applies unless the person is the holder of a permit issued by the Minister, for the institution and the educational services or categories of educational services mentioned in section 43(1).

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $1,000 or imprisonment for 6 months, and in the case of a continuing offence, the person is liable to a further fine of $200 for each day during which the offence continues after the first conviction.

Application for permit

46. (1) An application for a permit shall—

(a) be made in the prescribed form by or on behalf of the proprietor of the private educational institution; and

(b) contain the prescribed information.

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

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Requirements for permit

47. (1) Where a private educational institution has been inspected under section 46(2), the Minister shall issue a permit to the proprietor of the private educational institution if the Minister is satisfied that—

(a) the premises are suitable for the activities intended by the private educational institution and the proprietor has complied with the Building Act and any regulations or code made under that Act;

(b) the furniture is adequate and suitable having regard to the number and ages of the students attending the private educational institution;

(c) the accommodation provided is adequate and suitable having regard to the number, ages and sex of the students attending the private educational institution;

(d) efficient and suitable instruction equivalent to that provided in an equivalent public school is being or will be provided at the private educational institution having regard to the ages and sex of the students attending that institution;

(e) there is adequate land for the recreation of the students;

(f) the proprietor or principal has not been convicted of or pleaded guilty to an offence under this Act or a criminal offence other than an offence created under the Vehicle and Road Traffic Act;

(g) the private educational institution will have at its disposal adequate and sufficient financial, human and material resources required for dispensing the educational services for which the permit is issued;

(h) the proprietor holds a license in respect of the private educational institution issued under the Trades, Businesses, Occupations and Professions Licensing Act that is not expired or forfeited; and

(i) the applicant has paid the fee fixed by regulation.

(2) A permit referred to in subsection (1) may be issued subject to such condition or conditions as the Minister sees fit to impose.

Refusal

48. (1) Notwithstanding section 47, the Minister may refuse to issue a permit if—

(a) in the case of an application to renew a permit, a permit held by the applicant was suspended or cancelled during the 3 years immediately preceding the application; or

(b) the Minister is not satisfied that the requirements of section 47 are met.

(2) Where an application for a permit is refused, the applicant shall be notified in writing—

(a) of the refusal and of the reasons for the refusal; and

(b) of the right of appeal under section 63.

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Limitation on instruction

49. Without prejudice to section 47, the Minister may refuse to issue a permit to operate a private educational institution, other than an early childhood education facility, in which instructions are—

(a) limited to certain subjects or classes; or

(b) in the opinion of the Minister, contrary to the goals and objectives set out in section 3.

Number of students and categories of services

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

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

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

Content of permit

51. Every permit to establish a private educational institution shall specify—

(a) the name of the proprietor of the private educational institution, who shall be the holder of the permit;

(b) the name and address of the educational institution;

(c) the address of the buildings or premises at the disposal of the educational institution;

(d) the educational services or categories of educational services which the educational institution is authorised to dispense;

(e) where applicable, the conditions imposed under section 47(2); and

(f) the maximum number of students who may be admitted and the categories of services provided, as determined under section 50.

Existing private educational institutions

52. (1) A person who, on 24 December 2012, is keeping or operating a private educational institution, shall, before 24 June 2013 or such further period as the Minister may by notice in writing allow, comply with section 45.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $1,000 or imprisonment for 6 months, and, in the case of a continuing offence, the person is liable to a further fine of $200 for each day during which the offence continues after the first conviction.

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Private Educational Institutions Register

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

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

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

(4) The Chief Education Officer shall certify any amendment to the Private Educational Institutions Register and the amendment shall be published in the *Gazette*.

Vocational education

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

(a) secondary school instructional services in vocational education or adult vocational education, the vocational education programmes which the institution is authorised to dispense;

(b) supplementary vocational training, the fields for which the permit is granted; or

(c) general or vocational education at the tertiary education level, the programmes which the institution is authorised to dispense.

Duration and renewal of permits

55. (1) On first issuance, a permit is valid for a period of 3 years.

(2) Subject to section 48, the Minister shall renew for 5 years, and subsequently for the same period, a permit held by a person who—

(a) applies for the renewal of the permit, in writing, to the Minister no less than 6 months before the day on which the permit expires and furnishes, within the time allowed by the Minister, the information and documents required by the Minister;

(b) meets the requirements referred to in, and any conditions imposed under, section 47;

(c) does not exceed the maximum number of students who may be admitted, and the categories of services provided, as determined under section 50; and

(d) has, for the period of validity immediately preceding the renewal, complied with the provisions of this Act and the regulations.

(3) Notwithstanding subsections (1) and (2), the Minister may, with the approval of the Executive Council, issue or renew a permit for a different period or without a date of expiry if the Minister considers it expedient.

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Modification

56. (1) Subject to subsection (3), the Minister may, at the request of a holder of a permit, modify the permit upon payment of the fees fixed by regulation.

(2) A request to modify a permit shall be in writing and made to the Minister in such form and containing such information as the Minister may direct.

(3) For the purposes of modifying the educational services mentioned in a permit under subsection (1), the holder of the permit must meet the requirements for the issue of a permit which apply to the educational services for which the request is made.

Transfer of permits

57. No permit may be transferred except with the written authorisation of the Minister.

Information

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

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

(b) whenever the educational institution fails to provide all or some of the educational services mentioned in its permit.

(2) Every holder of a permit issued under this Division must inform the Minister of any amalgamation, sale, transfer or any change in the name involving the educational institution in respect of which the permit is issued.

Admission age

59. A child who has not yet attained the age of—

(a) three years by 31 December of the academic year for which admission is sought shall not be admitted as a student in an early childhood education facility; or

(b) five years by 31 December of the academic year for which admission is sought shall not be admitted as a student in a private primary school.

Visits to private educational institutions

60. (1) The Minister, the Chief Education Officer or any other person authorised in writing by the Minister or Chief Education Officer may, during school hours of a private educational institution, enter any premises of that institution for the purpose of—

(a) making enquiries;

(b) carrying out inspections; or

(c) discharging such other duties as are imposed on him or her by this Act.

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

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(3) In respect of any person referred to in subsection (1), any person who—

(a) obstructs that person in the performance of his or her duties;

(b) makes a false representation to that person; or

(c) refuses to furnish any information which that person may require under this Act or regulations,

commits an offence and is liable on summary conviction to a fine of $1,000.

Notice to comply

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

(2) A notice referred to in subsection (1) shall contain the following information—

(a) the manner in which the private educational institution fails to meet the requirements of this Act or the regulations;

(b) the action required to be taken for the private educational institution to meet the requirements of this Act or the regulations;

(c) the time period within which the action identified in the notice must be taken.

Suspension or cancellation of permit

62. (1) Where the proprietor who is served with a notice under section 61 fails to comply with the notice within the time specified in the notice, or within such further time as the Minister may allow, the Minister shall, subject to subsection (2)—

(a) suspend or cancel the permit of the private educational institution; and

(b) in writing, inform the proprietor—

(i) of such suspension or cancellation and the reasons therefor,

(ii) in the case of suspension, of the period for which the permit is suspended; and

(iii) of the right to appeal under section 63.

(2) Before the Minister suspends or cancels a permit, the Minister shall give the proprietor on whom the notice referred to in section 61 was served a reasonable time to make representations as to why the permit should not be suspended or cancelled.

Right of appeal

63. (1) Where—

(a) an application for a permit is refused under section 48; or

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(b) the permit of a private educational institution is suspended or cancelled under section 62;

the proprietor of the private educational institution may, within 30 days of being notified of the refusal or cancellation, appeal to the Education Appeal Tribunal against the refusal, suspension or cancellation, as the case may be.

(2) In the case of a refusal, the proprietor of the private educational institution may appeal on any or all of the following grounds—

(a) that the reasons given for the decision do not disclose any failure to meet any of the requirements set out in section 47;

(b) that the inspection of the private educational institution carried out under section 46(2) was not adequate for determining whether that institution meets the requirements set out in section 47;

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

(3) In the case of a suspension or cancellation, the proprietor of the private educational institution may appeal on any or all of the following grounds—

(a) that the notice referred to in section 61 was not served on the proprietor;

(b) that the time specified in the notice to comply or the further time allowed to the proprietor under section 62 to comply with the notice is unreasonable;

(c) that the proprietor has complied with the notice to comply under section 61;

(d) that there is no evidence available to support the suspension or cancellation of a permit.

Determination of appeal

64. (1) Where an appeal is made under this section against the suspension or cancellation of a permit by the Minister, the Minister shall not enforce the suspension or cancellation until the appeal is determined or withdrawn.

(2) The determination of an appeal by the Education Appeal Tribunal under this section is final and binding upon the parties to any such determination.

(3) Where an appeal is dismissed or withdrawn, suspension or cancellation of the permit shall take effect from—

(a) the date of the order by the Education Appeal Tribunal dismissing the appeal; or

(b) the date of withdrawal of the appeal;

and the Chief Education Officer shall amend the Private Educational Institutions Register to reflect the suspension and the term thereof, or the cancellation and the effective date of same, as the case may be.

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Closure of private educational institutions and re-issuance of permit

65. (1) Where the permit of a private educational institution is suspended or cancelled under section 62, the educational institution shall remain closed from the date on which the suspension or cancellation takes effect until—

(a) in the case of a suspension, expiry of the period of suspension; or

(b) in the case of cancellation, a new permit has been issued.

(2) Where the permit of a private educational institution is cancelled under section 62, the proprietor of the private educational institution may apply to the Minister for the re-issuance of a permit.

(3) An application under subsection (2) shall demonstrate that—

(a) the action required to be taken for the private educational institution to meet the requirements of this Act or the regulations contained in the notice served under section 61 have been taken; and

(b) the private educational institution meets the requirements referred to in section 47.

(4) Where the Minister is satisfied that the notice served under section 61 has been complied with and the requirements referred to in section 47 are met, the Minister may issue a new permit, subject to any condition which he or she may specify.

(5) Upon the expiry of a period of suspension or the re-issuance of a permit, the Chief Education Officer shall amend the Private Educational Institutions Register to indicate the expiry of the suspension or re-issuance of the permit, as the case may be.

Returns

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

Health and sanitation

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

(2) The Minister may, on the advice of a medical practitioner, require—

(a) the closure of—

(i) any private educational institution, or

(ii) any classroom at any private educational institution; or

(b) the exclusion of certain pupils from any private educational institution,

for a specified time with a view to preventing the spread of disease or any danger to health.

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Insurance

68. (1) Every private educational institution shall keep in force a general liability insurance policy or other form of indemnification in the minimum amount prescribed for—

(a) each occurrence for any loss or damage resulting from bodily injury to, or the death of, one or more persons; and

(b) loss or damage to property, regardless of the number of claims arising from any one occurrence.

(2) The general liability insurance policy or other form of indemnification shall provide coverage to that private educational institution for—

(a) the claims arising by reason of liability imposed by law on that private educational institution; and

(b) any liability assumed under any agreement to which the private educational institution is a party.

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

(4) Failure to maintain insurance in accordance with this section is grounds for immediate suspension of a permit.

Disqualification of teachers

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

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

(3) An appeal from a decision of the Chief Education Officer made under subsection (2) shall lie to the Minister whose decision shall be final.

Prohibition of discrimination

70. Without prejudice to any other law, a private educational institution which denies admission to a child or expels a child on account of—

(a) race, colour, religion, place of origin of the child; or

(b) race, colour, religion, place of origin or political affiliation of any parent of the child,

commits an offence and is liable on summary conviction to a fine of $3,000.

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Division 4

Establishment of Assisted Private Schools

Definition of "assisted private school"

71. Subject to section 72, an assisted private school is——

(a) an educational institution whose property is owned by a non-governmental proprietor and which has agreed to receive public funds for one or more of the following purposes—

(i) maintenance of the educational institution,

(ii) provision of school furniture or equipment,

(iii) the building of an extension to the educational institution or the rebuilding of the educational institution,

(iv) payment of the salaries of the staff, and

(v) any other purpose approved by the Minister;

(b) an educational institution—

(i) whose property is jointly owned by the Government of Anguilla and a non-governmental proprietor,

(ii) whose management is jointly shared between the Minister and the proprietor, and

(iii) which is in receipt of public funds for any of the purposes specified in paragraph (a); or

(c) an educational institution which is owned by the Government of Anguilla and which the Minister designates an assisted private school for the purposes of its management.

Agreement to establish assisted private schools

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

(2) An agreement under subsection (1)—

(a) may be made in relation to one or more assisted private schools;

(b) shall be in writing;

(c) shall be for a minimum period of 3 years; and

(d) shall, subject to this Act and regulations, specify the rights, responsibilities and liabilities of each party to the agreement, including the requirement to maintain insurance referred to in section 74.

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(3) Any party to the agreement may terminate the agreement by giving the other party written notice of at least 36 calendar months.

Publication of list of assisted private schools

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

(2) Where the Minister and the proprietor of an assisted private school agree, a list published under subsection (1) shall detail the respective rights, responsibilities and obligations of the Government of Anguilla and the assisted private school.

Insurance

74. (1) Every assisted private school shall keep in force a general liability insurance policy or other form of indemnification in the minimum amount prescribed for—

(a) each occurrence for any loss or damage resulting from bodily injury to, or the death of, one or more persons; and

(b) loss or damage to property, regardless of the number of claims arising from any one occurrence.

(2) The general liability insurance policy or other form of indemnification shall provide coverage to that private educational institution for—

(a) the claims arising by reason of liability imposed by law on that private educational institution; and

(b) any liability assumed under any agreement to which the private educational institution is a party.

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

Religious education in assisted private schools

75. (1) Subject to subsection (2), where an assisted private school is owned or managed by a denominational body, the denominational body shall, in accordance with a curriculum set by that denominational body, be responsible for organising and providing religious instruction or education to students enrolled at that school and who subscribe to the religious beliefs of that denominational body.

(2) Where the assisted private school admits students who do not subscribe to the religious beliefs of the denominational body, no student shall—

(a) subject to paragraph (b), except with his or her own consent if the student has attained the age of 18 years; or

(b) except with the consent of his or her parent if the student has not attained the age of 18 years,

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be compelled or be required to receive religious education or instruction referred to in subsection (1) or take part in or attend any religious ceremony or observance of that denominational body.

Division 5

Management of Assisted Private Schools

Procedures of Boards of Management

76. Subject to the provisions of this Division, the provisions of Schedule 2 apply with respect to the procedures of a Board of Management established under section 77, 78 or 80 and otherwise in relation to any such Board.

Management of assisted private primary schools

77. (1) The Minister shall, by written notice published in the *Gazette*, appoint a Board of Management for each primary school which is an assisted private school.

(2) A Board of Management established under subsection (1) shall consist of not more than 9 persons and include the following members—

(a) the principal, who shall be an *ex officio* member;

(b) four members, who shall be nominated by the proprietor of the assisted private school;

(c) one member, who shall be a member of the academic staff nominated by the academic staff;

(d) one member, who shall be nominated by a recognised local community group;

(e) one member, who shall be a parent nominated by the Parent-Teacher Association if such an association exists, but if no such association exists, the Minister shall, acting in his or her discretion, appoint a parent;

(f) one member, who shall be appointed by the Minister, acting in his or her discretion.

(3) Without delay after a meeting in which a nomination referred to in paragraph (2)(b), (c), (d) or (e) is made, the appropriate authority of the—

(a) the proprietor of the assisted private school;

(b) academic staff;

(c) recognised local community group; or

(d) Parent-Teacher Association, if such an association exists;

shall give the Minister written notice of each person nominated by it.

(4) Each person referred to in paragraphs (2)(b), (c), (d), (e) and (f) shall be appointed by the Minister by instrument in writing published in the *Gazette*.

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(5) Notwithstanding section 2 of Schedule 2, the Board of Management shall elect a chairperson and a deputy chairperson from among the members referred to in paragraph (2)(b).

Management of assisted private secondary schools

78. (1) The Minister shall, by written notice published in the *Gazette*, appoint a Board of Management for each secondary school which is an assisted private school.

(2) A Board of Management established under subsection (1) shall consist of not more than 12 persons and include the following members—

(a) the principal, who shall be an *ex officio* member;

(b) three members, who shall be nominated by the proprietor of the assisted private school;

(c) one member, who shall be a member of the academic staff nominated by the academic staff;

(d) one member, who shall be a member of the student council nominated by the student council of the school, if one exists, but if no such student council exists, the Minister shall, acting in his or her discretion, appoint a student;

(e) one member, who shall be an alumnus of the school nominated by the Old Students' Association, if such an association exists, but if no such association exists, the Minister shall, acting in his or her discretion, appoint an alumnus of the school;

(f) one member, who shall be a parent nominated by the Parent-Teacher Association if such an association exists, but if no such association exists, the Minister shall, acting in his or her discretion, appoint a parent;

(g) three members, who shall be nominated by the Board of Management for their particular expertise;

(h) one member who shall be appointed by the Minister, acting in his or her discretion.

(3) Without delay after a meeting in which a nomination referred to in paragraph (2)(b), (c), (d), (e), (f) or (g) is made, the appropriate authority of the—

(a) proprietor of the assisted private school;

(b) academic staff;

(c) student council;

(d) Old Students' Association, if such an association exists;

(e) Parent-Teacher Association, if such an association exists; or

(f) the Board of Management;

shall give the Minister written notice of each person nominated by it.

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(4) Each person referred to in paragraphs (2)(b), (c), (d), (e), (f) and (g) shall be appointed by the Minister by instrument in writing published in the *Gazette*.

(5) Notwithstanding section 2 of Schedule 2, the Board of Management shall elect a chairperson and a deputy chairperson from among the members referred to in paragraph (2)(b).

Proprietor of an assisted private school may add duties

79. (1) In addition to the functions conferred by the proprietors of an assisted private school, a Board of Management established under section 77, 78 or 80 shall, in respect of an assisted school under its control and management—

(a) perform the functions established under section 32 with the necessary modifications if such school is a primary school; and

(b) perform the functions established under section 38 if such school is a secondary school.

(2) Where a private educational institution becomes an assisted private school, whether primary or secondary, the proprietors of that school shall not direct, request or encourage the Board of Management established under sections 77, 78 or 80 to perform functions and duties inconsistent with the provisions of this Act.

Appointment of joint Board of Management

80. (1) Notwithstanding sections 77 and 78, the Minister may appoint a Board of Management to administer 2 or more assisted private schools in any of the following cases—

(a) if the assisted private schools have the same proprietor;

(b) if the assisted private schools have different proprietors and each proprietor agrees to the appointment and composition of the Board of Management under subsection (2);

(c) if the Minister is satisfied that the general interest of education in the area in which the relevant assisted private schools are situated will be best served by a single Board of Management.

(2) Where a Board of Management is appointed to administer 2 or more assisted private schools, the membership of that Board of Management may exceed the maximum number of members for a Board of Management referred to in section 77 or 78, and in the appointment of additional members, consideration shall be given to the different categories of persons to be represented on the Board of Management.

Special or general directions

81. Subject to the provisions of this Act, a Board of Management and proprietor of an assisted private school shall act in accordance with any special or general directions given by the Minister concerning the exercise and performance of the functions imposed on the Board of Management or proprietor by this Act or regulations.

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Grants to assisted private schools

82. The Minister may, in consultation with the Board, make grants out of money appropriated for that purpose by the House of Assembly to assisted private schools in accordance with such regulations as may be made for that purpose under this Act.

Division 6

Denominational Schools

Status of denominational schools

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

Regulations for denominational schools

84. The Minister may make regulations respecting—

(a) the registration of denominational schools;

(b) the capacity of the facilities used by the denominational school;

(c) the educational services or categories of educational services which the denominational body dispenses;

(d) the number and frequency of inspections by the Minister or Chief Education Officer to denominational schools;

(e) the annual returns of statistics to be furnished by the denominational body to the Minister;

(f) the health and sanitary requirements to be maintained by the denominational body in respect of its schools; and

(g) the buildings, premises, equipment and furnishings to be used by the denominational body for the purposes of its schools.

Division 7

Management of Institutions for Tertiary Education

Teachers' and technical colleges

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

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

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(3) Where an institution for tertiary education is independently established the Minister may by regulation provide for any matter respecting—

(a) its curriculum;

(b) the criteria for admission of students;

(c) the payment of fees;

(d) the appointment of the staff, including their terms and conditions of employment;

(e) its management; or

(f) the regulation of the—

(i) professional behaviour of instructors, lecturers and tutors, and

(ii) conduct and discipline of students and trainees.

Establishment and management of institutions for tertiary education

86. (1) Subject to subsection (5) but without prejudice to the provisions of this Division, the Minister may, by regulations, provide for the establishment of a Board of Governors of any institution for tertiary education, and may specify in the regulations the constitution, functions, powers and procedures of the Board of Governors.

(2) Without prejudice to section 85, the Minister may appoint such number of advisory boards as the Minister thinks fit to advise on, and assist with, the management of the institutions for tertiary education to which this Division applies.

(3) An advisory board may be appointed under subsection (2) to advise on, and assist with, the management of more than one institution for tertiary education.

(4) Every advisory board appointed under subsection (2) shall consist of a chairperson and such other members as the Minister may determine.

(5) This Division does not apply to any institution for tertiary education which is established, registered or licensed under any other Act.

PART 5

TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING

Establishment of Technical and Vocational Education Training Council

87. (1) The Minister may, by written notice published in the *Gazette*, establish a Technical and Vocational Education and Training Council whose membership shall be as follows—

(a) the following *ex-officio* members—

(i) the Permanent Secretary responsible for Labour,

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(ii) the Chief Education Officer,

(iii) the President of the Anguilla Community College,

(iv) the Technical and Vocational Education and Training Coordinator (Secondary Schools), who shall perform the functions of secretary to the Council;

(b) two members appointed by the Minister by instrument in writing on the recommendations of the associations which represent the interests of employers;

(c) three members, with expertise in technical and vocational education and training, appointed by the Minister by instrument in writing; and

(d) two members appointed by the Minister by instrument in writing on the recommendations of trade unions or representative bodies representing the interests of employees.

(2) The Minister shall, by instrument in writing, appoint one member referred to in paragraph (1)(b), (c) or (d) as chairperson, and another member referred to in paragraph (1)(b), (c) or (d) as deputy chairperson.

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

(4) The Minister may, at any time, revoke the appointment of a member of the Technical and Vocational Education and Training Council referred to in paragraph (1)(b), (c) or (d) who—

(a) is absent from 3 or more consecutive meetings of the Council without leave of the Minister;

(b) is absent from Anguilla for 3 months or more without notifying the Minister; or

(c) is unable to perform his or her duties as a member of the Council.

(5) The names of the members of the Technical and Vocational Education and Training Council shall be published in the *Gazette* and at least one newspaper of general circulation in Anguilla.

(6) The provisions of Schedule 3 apply with respect to the procedures of the Technical and Vocational Education and Training Council and otherwise in relation to that Council.

Functions of Council

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

(a) to advise the Minister on policy relating to technical and vocational education and training;

(b) to prepare plans for technical and vocational education and training in accordance with national policies and economic needs;

(c) to ensure that any agreed plan for technical and vocational education and training is implemented;

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(d) to co-ordinate technical and vocational education and training at all levels of the education system;

(e) to establish standards for technical and vocational education and training;

(f) to establish training priorities, qualifications and accreditation;

(g) to advise the Minister on the scheme of examinations which may be adopted to test students;

(h) to determine the facilities and resources required to ensure satisfactory standards of technical and vocational education and training and the welfare of students, trainees and staff of training institutions;

(i) to advise the Minister on the allocation of resources for technical and vocational education and training;

(j) to make grants and loans, other than those referred to in Part 9, for the support and provision of technical and vocational education and training;

(k) to arrange for scholarships, other than those referred to in Part 9, for technical and vocational education and training; and

(l) to carry out such other functions relating to technical and vocational education and training set out in this Act or as the Minister may require.

Funds of Council

89. The funds of the Technical and Vocational Education and Training Council shall comprise—

(a) such sums as may be voted for the purposes of the Technical and Vocational Education and Training Council by the House of Assembly;

(b) such sums derived by way of gift, bequest, trust, grant or donation;

(c) such sums received by way of fees and charges; and

(d) all other sums or property which may, in any manner, become payable to or vested in the Technical and Vocational Education and Training Council in respect of any matter incidental to its functions.

Directions

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

Appointment of committees and functions thereof

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

(a) such of its functions as it delegates in writing; and

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(b) such other functions as are specified in section 92.

(2) The provisions of Schedule 4 apply with respect to the procedures and functions of the committees and otherwise in relation to such committees.

Additional functions of committee

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

(a) to undertake research or assist persons in undertaking research into matters relating to technical and vocational education and training;

(b) to advise the Technical and Vocational Education and Training Council on specified aspects of technical and vocational education and training;

(c) to advise the Technical and Vocational Education and Training Council on the training facilities to be provided at institutions for persons employed or seeking training in technical and vocational education and training;

(d) to advise on or make arrangements for giving selection criteria in respect of persons wishing to obtain technical and vocational education and training;

(e) to apply or make arrangements for the conduct of tests and other methods of ascertaining the standards of competence to be recommended by the committee for persons seeking technical and vocational education and training; and

(f) to recommend the terms applicable to persons wishing to obtain technical and vocational education and training.

Training schemes

93. (1) The Technical and Vocational Education and Training Council may, with the approval of the Minister and subject to section 88, formulate schemes for regulating training in any relevant occupation.

(2) Where, before the date of the coming into force of a training scheme, any contract for training is registered in accordance with rules made under section 95, any stipulation of such a contract may not be revoked or varied by means of the training scheme.

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

(a) the qualifications, including the age and educational standards required for trainees;

(b) the practical training that employers are required to provide for their trainees;

(c) the theoretical training which is required to be provided by, or at the expense of, employers for their trainees, or that trainees are required to undergo, and the manner in which the training is to be provided or undergone;

(d) the proficiency tests or examinations that trainees are required to take;

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(e) the maximum number of ordinary working hours including overtime, trainees may be required or permitted to work during any day, week or other specified period;

(f) the days on which, the hours in any day before or after which, and the intervals during which, no trainee is required or permitted to work;

(g) the minimum wages and other conditions that apply to trainees;

(h) the minimum remuneration and other conditions that apply in respect of any period during which a trainee is unable, by reason of any condition of training or other circumstances to render service to his or her employer during working hours; and

(i) any other matter that, in the opinion of the Technical and Vocational Education and Training Council, with the approval of the Minister, is necessary for the effective operation of the scheme.

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

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

System for monitoring

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

Rules by Council

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

(a) prescribing the form and stipulations of any contract of training;

(b) prescribing the procedure for—

(i) the registration and transfer of contracts for training, and

(ii) the notification of the expiration or termination of such contracts;

(c) respecting—

(i) the holding of tests in relation to any specified occupation, and

(ii) the granting of a certificate of proficiency to any person who takes and passes any such test, notwithstanding that the person is not a trainee.

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Annual report

96. (1) The Technical and Vocational Education and Training Council shall, not later than 6 months after the end of the academic year, submit to the Minister a report containing—

(a) an account of the activities of the Technical and Vocational Education and Training Council throughout the preceding academic year in such detail as the Minister directs; and

(b) a statement of the accounts of the Technical and Vocational Education and Training Council for that academic year audited in accordance with regulations enacted for that purpose.

(2) The Minister shall cause a copy of the report of the Technical and Vocational Education and Training Council referred to in subsection (1) to be laid before the House of Assembly and published in the *Gazette*.

National policy

97. Subject to the approval of the Minister, the Technical and Vocational Education and Training Council shall prepare a national policy for technical and vocational education and training to meet the needs of the Anguillian society and the economy.

Strategy and plan for technical and vocational education

98. (1) Subject to the approval of the Minister, the Technical and Vocational Education and Training Council shall prepare a strategy and plan for technical and vocational education and shall update such strategy and plan each year.

(2) The strategy and plan shall—

(a) identify outputs and priorities and recommend allocation of resources to implement the strategy and plan in the most cost effective manner; and

(b) only be implemented in public and assisted private schools on the written direction of the Minister to the Chief Education Officer.

Regulations by Minister

99. The Minister may make regulations—

(a) enabling the Technical and Vocational Education and Training Council to appoint an Executive Director and other members of staff to manage its affairs;

(b) respecting the establishment and management of an Employment and Training Fund for the purposes of promoting and supporting training and the upgrading of skills for the labour force;

(c) establishing and regulating the accounting and auditing of any funds received by the Technical and Vocational Education and Training Council;

(d) respecting the criteria and eligibility for awarding grants or making loans;

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(e) respecting the procedures for the evaluation of proposals for grants or loans;

(f) establishing procedures for monitoring the performance and outcome of training required to satisfy the conditions for award of grants or loans;

(g) respecting the procedures regarding training schemes; and

(h) respecting the supervision of trainees by employers.

PART 6

PROFESSIONAL DUTIES OF PRINCIPALS, DEPUTY PRINCIPALS AND TEACHERS

Qualification of principals, deputy principals and teachers

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

Rights of principals, deputy principals and teachers

101. Every principal, deputy principal and teacher has the right to—

(a) be treated with respect and dignity and in a fair and reasonable manner;

(b) be provided with an adequate working environment;

(c) be provided with sufficient and appropriate equipment to carry out assigned professional duties;

(d) be provided with adequate physical facilities to enable the performance of assigned professional duties;

(e) be protected, as far as reasonably possible, from molestation, abuse, assault and battery in the process of carrying out assigned professional duties or when the teacher is engaged in authorised activities, whether within or outside the school premises and whether during school hours or out-of-school hours;

(f) be afforded, if necessary, legal or psychological support in the event of injury while in the execution of assigned duties;

(g) compensation in respect of damage to or loss of material possessions or injury while in the execution or as a consequence of the execution of assigned duties if such injury, damage or loss was not caused by the negligence of that teacher;

(h) reasonable access to professional training and development, whether basic or otherwise;

(i) be provided with adequate clothing, tools and equipment when engaged in hazardous activities;

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(j) be a member of the Anguilla Teachers Union or a representative body representing the interests of teachers and to participate in the lawful activities of such Union or representative body; and

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

Duties of principals, deputy principals and teachers

102. (1) The professional duties of principals, deputy principals and teachers in public schools are set out in Schedule 5.

(2) Without prejudice to the provisions of any written law, where a member of staff of any educational institution has reasonable grounds to suspect that a student enrolled at the educational institution is a victim of any criminal offence, the member of staff shall make a report in that regard to the principal of that educational institution in accordance with the regulations.

Amendment of Schedule 5

103. (1) The Minister may by regulation, after consultation with the Anguilla Teachers Union or a representative body representing the interests of teachers, amend Schedule 5.

(2) A regulation made under subsection (1) shall—

(a) be laid before the House of Assembly; and

(b) come into force on being so laid,

but such regulation shall, without prejudice to the making of a further regulation, cease to have effect on its annulment by a resolution of the House of Assembly.

PART 7

RIGHTS AND RESPONSIBILITIES OF STUDENTS AND PARENTS

Division 1

Students Rights and Responsibilities

Right to education

104. Subject to available resources, every person of compulsory school age is entitled to receive an educational programme appropriate to their needs in accordance with the provisions of this Act and regulations.

Responsibility to students

105. (1) It shall be the responsibility of the Minister to ensure that there shall be available in Anguilla sufficient educational institutions for providing primary and secondary education.

(2) The educational institutions provided under this section shall afford, in so far as available resources permit, opportunities to all students to participate in educational programmes offering the variety of instruction and training desirable in view of their different ages, abilities and aptitudes,

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including practical, technical and vocational instruction and training appropriate to their respective needs and consistent with the requirements of this Act and regulations.

Free tuition

106. (1) No tuition fee consequent to the attendance in an educational programme at a public school by a student of compulsory school age shall be charged.

(2) Notwithstanding subsection (1)—

(a) tuition fees may be payable in such amounts, for such purposes and by such persons or classes of persons who are not Anguillians as the Minister may prescribe by regulations published in the *Gazette*; and

(U.K. S.I. 2019 No. 852, s.13(c))

(b) other charges may be imposed at a public school or assisted private school with the approval of the Minister.

Student responsibilities

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

(a) to observe the code of conduct and any other policies or rules made by the Ministry or the school, as the case may be;

(b) to attend classes regularly and punctually;

(c) to participate in the educational programmes and prescribed community service programmes in which that student is enrolled;

(d) to be diligent in pursuing the prescribed curriculum;

(e) to observe any standards made by the school regarding—

(i) cleanliness and tidiness of the student,

(ii) general deportment of the student,

(iii) attire and school uniform,

(iv) courtesy, and

(v) respect for the rights of other persons;

(f) such other responsibilities as may be prescribed.

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Student accountable to teacher, principal and Ministry

108. (1) Every student enrolled at an educational institution is accountable—

(a) to every teacher employed at the educational institution for the conduct of that student on the school premises during school hours and during such hours as that teacher is in charge of the student in class or while engaged in authorised school activities conducted during out-of-school hours; and

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

(2) Where a student—

(a) is on a school bus driven by an employee of the Ministry, the student shall, in respect of his or her general behaviour and deportment while on the school bus, be under the general direction and control of the employee; or

(b) is placed, on the authority of the Chief Education Officer, under the supervision of any person, the student shall, in respect of his or her general behaviour and deportment while under such supervision, be under the general direction and control of the person under whose supervision he or she has been placed.

Exercise of rights

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

(2) Every student who has attained the age of 18 years is entitled—

(a) to exercise the rights and powers;

(b) to assume the obligations; and

(c) to receive the benefits,

under this Act with respect to that student which his or her parents are otherwise entitled to exercise, assume or receive on behalf of that student.

(3) Every student has a right to be treated with respect, dignity and in a fair and reasonable manner.

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Division 2

Parents' Rights and Responsibilities

Rights and responsibilities of parents

110. (1) Subject to sections 109(2) and 112(5)(b), every parent of a student attending a public school or an assisted private school has the following rights and responsibilities—

(a) to be informed of the progress, behaviour and attendance of such student;

(b) to be provided with or, where a parent fails or refuses to meet any of the responsibilities imposed on him or her under this Act, to be referred to parenting support in accordance with regulations;

(c) upon reasonable notice to the principal and teacher, to observe the instruction of such student at the school if the observation does not impede the instruction of other students;

(d) to ensure that the student is provided with writing materials and such other basic school materials as may be prescribed;

(e) to participate in the Parent-Teacher Association of the relevant school, if one exists;

(f) to consult with the principal and teachers of the relevant school with respect to the progress, behaviour, attendance and education programme of the student;

(g) where the student is serving a period of suspension from school, to collect in a timely manner school work required to be completed by that student during such period of suspension;

(h) to ensure that the student complies with the school rules, procedures and discipline policy;

(i) to ensure that the student arrives on and departs from the school premises at such times as the principal may direct;

(j) to appeal decisions which significantly affect the education, health or safety of such student;

(k) to be consulted with respect to the development of any specialised education programmes prepared for such student;

(l) such other rights and responsibilities as may be prescribed.

(2) The parent of a student attending an educational institution—

(a) may, on his or her own initiative; and

(b) shall, at the request of a teacher or the principal of the educational institution,

consult with the teacher or principal with respect to the student's educational programme.

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(3) When a parent of a student is required to leave his or her place of employment during a time in which the parent would otherwise be working to meet his or her responsibilities referred to in subsection (1) or (2), the parent shall give oral or written notice to the principal of such fact.

(4) When a principal receives notice referred to in subsection (3), the principal shall without delay cause written notice to be given to the parent setting out—

(a) the day and time at which the parent is required to attend; and

(b) an estimate of the amount of time the parent's presence will be required.

(5) A parent of a student enrolled at an educational institution shall, in writing, inform the principal of the school of any medical or other condition peculiar to such student—

(a) on admission of the student to the educational institution; or

(b) as soon as the parent becomes aware of such medical or other condition.

(6) The information provided under subsection (5) shall constitute part of the student's record under section 112.

(7) For the purposes of this section, "parenting support" may include the following—

(a) mandatory counselling;

(b) mandatory attendance at an educational programme or seminar;

(c) when necessary, as determined by the Chief Education Officer, assistance in obtaining basic school materials;

(d) any such other activity or action as may be prescribed.

(8) A parent of a student attending a public school or an assisted private school who fails, neglects or refuses to participate in parenting support as required under this Act commits an offence and is liable on summary conviction to a fine of $1,000.

(9) The Magistrate's Court may, instead of imposing a fine, require a person convicted of an offence under subsection (8) to enter into a bond in the sum of $500, with one or more sureties to be approved by the Magistrate's Court, on condition that the person shall, within the period specified in the bond, participate in the parenting support as specified in the bond.

Choice of education

111. Subject to the provisions of this Act, a parent may choose for his or her child—

(a) a home education programme in accordance with section 25; or

(b) any other educational programme provided by an assisted private school, a private educational institution or a public school.

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Student records and reports

112. (1) The principal of every educational institution shall—

(a) establish and maintain a student record for each student enrolled at that educational institution; and

(b) manage such record in accordance with the guidelines established by the Chief Education Officer.

(2) Every student enrolled at an educational institution shall be given a certified copy of his or her termly or other periodic report of his or her academic performance and conduct.

(3) Every educational institution shall provide a termly or other periodic report of the student's academic performance and conduct—

(a) subject to paragraph (b), to the parents of the student; or

(b) where the student has attained the age of 18 years, to the student.

(4) The reports referred to in subsections (2) and (3) shall be in such a form and contain such information as the Chief Education Officer may determine.

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

(a) subject to paragraph (b), a parent of the student; and

(b) where the student has attained the age of 18 years—

(i) subject to subparagraph (ii), the student, or

(ii) the parent of the student if that parent obtained the student's consent.

(6) Subject to subsection (3), a student's record—

(a) is privileged for the information and use of the officials of the relevant educational institution and the officials of the Ministry as may be required for the performance of their functions; and

(b) is not available to any person or institution other than the persons referred to in paragraph (a) without the written permission of—

(i) subject to subparagraph (ii), the parent, or

(ii) where the student has attained the age of 18 years, the student.

(7) Every person who contributes information to a student's record is exempt from any liability with respect to the contribution of that information if that person, in contributing the information, acted—

(a) in good faith;

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

(c) with reasonable care.

(8) If, on examining a student's record, a person referred to in subsection (5) is of the opinion that the student's record contains inaccurate or incomplete information, the person referred to in subsection (5) may request the principal to rectify the record.

(9) Where the principal refuses to rectify the record when so requested under subsection (8), the person referred to in subsection (5) may, within 14 days of the refusal, refer the matter to the Chief Education Officer who shall review the request and provide direction to the principal.

(10) Where the person referred to in subsection (5) or the principal is dissatisfied with disposition of the matter by the Chief Education Officer under subsection (9), the person referred to in subsection (5) or the principal may, within 14 days of the disposition, appeal the matter to the Education Appeal Tribunal.

(11) Without prejudice to the provisions of any other law, any person who discloses information from a student's record in contravention of subsection (6) commits an offence and is liable on summary conviction to a fine of $1,000.

(12) Nothing in this section shall be construed as prohibiting a person from disclosing information contained in a student's record on the authority of an order of a court to make such a disclosure.

Damage to school property, etc.

113. (1) Every student in a public school or assisted private school shall be responsible for the safekeeping of school property placed at the student's disposal and where such property is to be returned, the property shall be returned in good condition on a day and time determined by the principal.

(2) Subject to subsections (3) and (4), where a student fails to comply with subsection (1), the Chief Education Officer may claim the value of the property to the extent of the damage caused—

(a) subject to paragraph (b), from the parents of that student; or

(b) where the student has attained the age of 18 years, from the student.

(3) Where the property of—

(a) a public school or an assisted private school;

(b) an education officer; or

(c) a student or a member of staff of an educational institution,

is destroyed, damaged, lost or converted by the intentional or negligent act of a student who has not attained the age of 18 years—

(d) the student and the student's parents are liable in respect of the act of the student; or

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(e) in any case where 2 or more students acted together, the students and their parents are jointly and severally liable in respect of the act of the students.

(4) Where the property of—

(a) a public school or an assisted private school;

(b) an education officer; or

(c) a student or a member of staff of an educational institution,

is destroyed, damaged, lost or converted by the intentional or negligent act of a student who has attained the age of 18 years—

(d) the student is liable in respect of his or her act; and

(e) in any case where 2 or more students acted together, the students are jointly and severally liable in respect of their act.

Parent-Teacher Associations

114. (1) Parents and teachers of any educational institution may, in accordance with regulations, form an association to be known as a Parent-Teacher Association.

(2) The Minister shall endeavour to encourage the formation of—

(a) Parent-Teacher Associations; and

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

(3) A Parent-Teacher Association may be established in a public school or an assisted private school.

(4) The objectives of the Parent-Teacher Association of an educational institution shall include the promotion of the interests of the educational institution by bringing parents, members of the community, students and teachers in close co-operation.

(5) Every Parent-Teacher Association may, subject to this Act and regulations make rules of procedure for the regulation and control of its business.

(6) Where persons are elected or nominated to the executive body of a Parent-Teacher Association of an educational institution, the principal of the educational institution shall without delay after such election or nomination forward to the Chief Education Officer the names of the persons elected or nominated to the executive body.

School committees

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

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

(3) A school committee shall—

(a) where requested by the principal, advise the school administration on any matter relating to the educational institution;

(b) perform any duty or function referred to it by the Chief Education Officer; and

(c) actively pursue the formation of a Parent-Teacher Association at the educational institution.

(4) Where a school committee pursues the formation of a Parent-Teacher Association, the school committee ceases to exist at the time of the formation of the Parent-Teacher Association.

Wishes of parents to be considered in education of students

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

Division 3

Admission and Attendance of Students

Compulsory school attendance

117. (1) Every child—

(a) begins to be of compulsory school age on the first day of the academic year if that child has attained the age of 5 years or will attain the age of 5 years on or before 31 December of that academic year; and

(b) shall continue to be of compulsory school age until the first of the following occurs—

(i) the last day of the academic year in which he or she attains the age of 17 years, or

(ii) the end of the academic year in which he or she obtains a certificate or diploma awarded by the Minister in accordance with regulations .

(2) Notwithstanding subsection (1), where the Minister is satisfied that it has become necessary or expedient to raise or lower the upper limit of the compulsory school age, the Minister may, by regulation subject to subsection (3), specify that subsection (1) has effect as if, for any reference in that subsection to the age of 17 years, there were substituted a reference to any age prescribed in that regulation.

(3) No regulation shall be made under subsection (2) unless a draft of it has been laid before and approved by a resolution of the House of Assembly.

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Mode of admission for primary schools

118. (1) No child shall be admitted to a public primary school or an assisted private primary school unless at the time of such admission—

(a) the child is accompanied by a parent or a responsible person over the age of 18 years who has been authorised by a parent to represent that parent;

(b) the person accompanying the child brings a birth or baptismal certificate giving the information required for the child to be registered as a student;

(c) the child has attained the age of 5 years or will attain that age by 31 December of the academic year for which admission is sought; and

(d) a certificate issued by a duly qualified medical practitioner or the public health authorities is produced indicating that the child—

(i) has been immunised against tetanus, pertussis, polio and diphtheria, or

(ii) has received such other immunisation treatments as may be prescribed.

(2) No child shall, without the written consent of the Chief Education Officer, be admitted to a public primary school or an assisted private primary school after the expiry of one week following the first day on which classes are held.

Mode of admission for secondary schools

119. (1) Subject to subsections (2) and (3), no child shall, without the written permission of the Chief Education Officer, be admitted as a student to a public secondary school or an assisted private school which is a secondary school—

(a) unless the child has attained the age of 12 years or will attain that age by 31 December of the academic year for which admission is sought; or

(b) after the expiry of one week following the first day on which classes are held.

(2) A child who does not meet the requirement of paragraph (1)(a) who has completed Grade 5 may, on the written approval of the Chief Education Officer, be admitted to a public secondary school or an assisted private school which is a secondary school on the grounds of exceptional ability and consistently high academic performance as evidenced by—

(a) outstanding performance in termly and annual class examinations with a grade A average;

(b) the child's assessment result at the key stages as provided for in section 162; and

(c) the written recommendations of teachers who have taught the child in Grade 5.

(3) A child who does not meet the requirement of paragraph (1)(a) who, prior to his or her residence in Anguilla, attended or gained admission to a secondary school or the equivalent of a secondary school may, on the written approval of the Chief Education Officer, be admitted to a public secondary school or an assisted private school which is a secondary school.

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(4) No student shall, without the written permission of the Chief Education Officer, be retained—

(a) in a primary school after the end of the academic year in which the student attains the age of 12 years; or

(b) in a public secondary school after the end of the academic year in which the student attains the age of 18 years.

Prohibition of discrimination

120. No child who is eligible for admission to a public school or an assisted private school as a student shall be refused admission on account of—

(a) race, religion, place of origin, political opinions, colour, creed or sex; or

(b) subject to the provisions of this Act, any mental or physical handicap.

Students register

121. (1) The principal of every educational institution shall maintain a register of students which shall be known as the Students Register.

(2) The particulars in respect of each student which are entered in the Student's Register shall include—

(a) upon admission of the student to the educational institution—

(i) the name and date of birth of the student,

(ii) the date of admission,

(iii) the name and residence of the student's parents,

(iv) the name of the last educational institution, if any, which the student attended,

(v) where appropriate, the date on which the student left the educational institution from which he or she was transferred as far as it can be ascertained,

(vi) the grade, class or form of the student at the date of leaving the educational institution from which he or she was transferred,

(vii) the grade, class or form to which the student is admitted; and

(b) upon the departure of the student from an educational institution—

(i) the date of the student's departure,

(ii) the grade, class or form of the student on the date of departure, and

(iii) where appropriate, the educational institution or other location to which the student is being transferred.

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(3) Notwithstanding subsection (2), the Student's Register shall include such other information as the Chief Education Officer may, from time to time, specify in writing.

Transfer of students

122. (1) Subject to the approval of the Chief Education Officer, a student who seeks a transfer from one educational institution ("the current school") to another educational institution ("the receiving school") shall not be admitted to the receiving school—

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

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

(2) A principal of an educational institution shall, on request, furnish to every student who has left the educational institution a letter of transfer signed by the principal.

(3) The principal of the receiving school shall retain every letter of transfer submitted to that school and shall furnish the Chief Education Officer with a copy of that letter.

(4) In the event that a dispute arises between 2 or more principals when a student seeks to transfer from one educational institution to another educational institution, the decision of the Chief Education Officer in respect of the dispute shall be final.

Effect of contagious disease

123. (1) Subject to section 124, no student suffering from or exposed to a contagious disease shall be admitted to or permitted to remain in any educational institution.

(2) Where the principal of an educational institution discovers or has reason to suspect the presence of a contagious disease, the principal shall immediately report the same to the parents of the students concerned, the Chief Education Officer and the Permanent Secretary responsible for health.

(3) For the purposes of this section, "contagious disease" includes the following—

(a) cholera;

(b) plague;

(c) relapsing fever;

(d) smallpox;

(e) typhus;

(f) enteric fever (including typhoid and paratyphoid fevers);

(g) dysentery;

(h) diphtheria;

(i) scarlet fever;

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(j) tuberculosis;

(k) acute inflammation of the throat;

(l) gastro–enteritis;

(m) undulant fever;

(n) any other disease specified by the Minister by written notice published in the *Gazette* and in any other manner the Minister considers appropriate.

Re-admission of student on production of medical certificate

124. (1) A student who has been refused admission to an educational institution on the ground that the student is suffering from or is exposed to a contagious disease shall not be re-admitted except upon production of a medical certificate from a duly qualified medical practitioner to the effect that such student is free from such disease or is unlikely to be a source of infection to other persons in the educational institution.

(2) Notwithstanding anything to the contrary in any law, the medical certificate required under subsection (1) shall be issued free of charge by any Government medical officer issuing it.

(3) For the purposes of subsection (2), "Government medical officer" means a medical officer employed by the Health Authority of Anguilla.

Temporary or permanent closing of schools

125. (1) Notwithstanding anything contained in this Act or any other enactment, the Minister may direct by written notice published in the *Gazette* that a school be temporarily or permanently closed, and the school shall be closed with effect from the date specified in the direction, in any circumstance that may be prescribed, including the following—

(a) any or all of the buildings used in connection with the school are totally or partially destroyed by hurricane, earthquake, fire or flood or otherwise rendered unsafe as determined by an engineer who is qualified to make such a determination;

(b) there is an outbreak of any contagious disease referred to in section 123;

(c) attendance at the public school or assisted private school has fallen to such an extent that, in the opinion of the Minister, temporary or permanent closing of the school is justified; or

(d) any other circumstance arises which, in the opinion of the Minister, justifies the temporary or permanent closing of a school.

(2) Where a public school or an assisted private school is—

(a) permanently closed, the Minister shall provide alternative accommodation to the students affected by the closure; or

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(b) temporarily closed, the Minister shall make such alternative arrangements for the instruction of students affected by the closure as he or she considers reasonably necessary.

(3) The powers conferred on the Minister by this section are in addition to, and not in substitution for, any powers in any other enactment.

(4) Without prejudice to subsection (1), the Minister may delegate to the Chief Education Officer the power conferred on the Minister by that subsection to temporarily close a school referred to in subsection (1).

(5) Notwithstanding subsections (1) and (4), the principal of a public school or an assisted private school may, in an emergency, where it is impractical to obtain the prior approval of the Minister or Chief Education Officer, close the school temporarily and shall, as soon as practicable, inform the Minister or Chief Education Officer of the closure.

Zoning of schools

126. (1) The Minister may, by regulation, introduce a scheme of zoning for the admission and transfer of students to public schools.

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

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

Division 4

Enforcement of Compulsory School Attendance

Duty of parent to enforce attendance

127. Subject to section 128, it shall be the duty of every parent of a child of compulsory school age to ensure that that child receives education suitable to the age and aptitude of the child by regular attendance at school.

Valid excuses from attendance

128. A child of compulsory school age shall be excused from attendance at school—

(a) if in the opinion of the Minister, after consultation with the Chief Education Officer, the child is receiving satisfactory instruction at home or elsewhere;

(b) if the child is excluded from attendance at school under any provision of this Act or the regulations;

(c) if the child is unable to attend school as a result of sickness, danger of infection, infirmity, sudden or serious illness of a parent or other related cause;

(d) for religious observance;

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(e) if the child is suffering from a physical or mental disability that, in the opinion of a duly qualified medical practitioner, makes the child incapable of being educated by ordinary methods or instruction;

(f) if permission is granted by the principal of the educational institution for the child to be temporarily absent from school for good and sufficient reason;

(g) if the child has been suspended by an educational institution in accordance with the provisions of this Act and has not been given permission to enrol in another educational institution;

(h) if the child is representing Anguilla in an educational, cultural or sporting event or in any other official capacity;

(i) if the child is engaged in work experience or other educational programmes authorised or approved by the principal; or

(j) for such other purpose as the Minister may, on the recommendation of the Chief Education Officer, prescribe.

Appointment of education welfare officers

129. (1) Subject to the provisions of this Act, the Governor may, from time to time, appoint fit and proper persons to be education welfare officers.

(2) The education welfare officers referred to in subsection (1) shall be public officers and every appointment to the office of Education Welfare Officer shall be made in accordance with section 66 of the Constitution.

(3) A person shall not be appointed to the office of Education Welfare Officer unless—

(a) the person has attained the age of 18 years;

(b) the personal record and character of the person are satisfactory and the person produces evidence in writing in that behalf; and

(c) the person satisfies such conditions respecting recruitment and appointment of persons as education welfare officers as may be prescribed.

(4) For the purposes of paragraph (3)(b), a certificate to the effect that a person is of good character issued by the Commissioner of Police shall be *prima facie* evidence of that fact.

(5) Without delay after appointment, an education welfare officer shall be provided with an identification card in a form approved by the Minister and, on entering any place in the performance of his or her functions under this Act, the education welfare officer shall, if so requested, show the identification card to the person in possession or occupation of the place.

(6) The identification card remains the property of the Government of Anguilla and a person to whom an identification card is issued shall return it to the Minister without delay upon request.

(7) The Chief Education Officer has all the powers of an education welfare officer for the purposes of this Act.

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Responsibility of education welfare officers

130. (1) An education welfare officer shall be assigned to such areas or districts as may be determined by the Minister.

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

Power to enter premises and to question children

131. For the purposes of section 130, if an education welfare officer has reasonable cause to suspect that a person is in contravention of this Act, such Officer may, at any reasonable time, whether during school hours or not—

(a) enter the premises and make such inquiries as are necessary to determine whether—

(i) any child of compulsory school age who is failing or has failed to comply with the provisions of this Act respecting compulsory school attendance is on the premises, or

(ii) any other person is in contravention of section 127 in relation to a child of compulsory school age whom the education welfare officer has reasonable cause to believe to be frequenting, visiting, residing or employed on the premises;

(b) stop any child who is absent from school and who, in the opinion of the education welfare officer, appears to be of compulsory school age; and

(c) question such child concerning—

(i) his or her age,

(ii) his or her name and address,

(iii) the educational institution at which he or she is registered and enrolled,

(iv) the reason for his or her absence from school, and

(v) any other matter relevant to the inquiries referred to in paragraph (a).

Offences against education welfare officers

132. (1) A person who—

(a) assaults or obstructs—

(i) an education welfare officer in the execution of his or her duties; or

(ii) any other person executing a duty imposed on that other person by this Act or regulations in relation to the enforcement of compulsory school attendance;

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(b) uses insulting, abusive or indecent language to—

(i) an education welfare officer in the execution of his or her duties; or

(ii) any other person executing a duty imposed on that other person by this Act or regulations in relation to the enforcement of compulsory school attendance;

(c) being a parent, fails, without reasonable cause, having been requested by an education welfare officer, to give that Officer any information which the parent has concerning—

(i) the name, age, residence, parent, enrolment or attendance at school of any child; or

(ii) any other matter relevant to the attendance at school of any child; or

(d) gives to any education welfare officer any information concerning any matter mentioned in paragraph (c), knowing such information to be false or misleading,

commits an offence and is liable on summary conviction to a fine of $1,500 or to imprisonment for 6 months or to both.

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

Power to deliver absent student

133. An education welfare officer may—

(a) apprehend the student if that student is absent from school without having been excused under section 128; and

(b) deliver such student—

(i) to the educational institution from which the student is absent, or

(ii) to a parent of the student.

Duties of education welfare officers

134. (1) Every education welfare officer shall—

(a) without delay after the end of each month, report to the Chief Education Officer in respect of the execution of his or her responsibilities, duties and functions and the exercise of his or her powers for each month; and

(b) execute his or her responsibilities, duties and functions and exercise his or her powers under the direction and supervision of the Chief Education Officer.

(2) An education welfare officer shall—

(a) inquire into every case of absence from or failure to attend school without a legal excuse referred to in section 128, whether within his or her knowledge or when requested so to do by the Chief Education Officer or the principal of a school within the area or district to which the education welfare officer is assigned;

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(b) give written warning of the consequences of such absence or failure to the parents of the child who is not attending school as required; and

(c) give written notice to the parents to cause the child to attend school immediately.

Reports by principals

135. The principal of every educational institution shall—

(a) in such manner as the Minister may direct, report to the Chief Education Officer and the education welfare officer, the names, ages and residences of every child of compulsory school age who is enrolled at that educational institution and has not attended school as required;

(b) furnish the Chief Education Officer with such other information as the Chief Education Officer requires for the enforcement of compulsory school attendance; and

(c) in accordance with section 146, report to the Chief Education Officer every case of suspension from that educational institution.

Liability of parent

136. (1) Save and except where a child of compulsory school age is legally excused under section 128, a parent of such a child who fails, neglects or refuses to cause that child to attend school commits an offence and is liable on summary conviction to a fine of $1,000.

(2) The Magistrate's Court may, instead of imposing a fine, require a person convicted of an offence under subsection (1) to enter into a bond in the sum of $500, with one or more sureties to be approved by the Magistrate's Court, on condition that the person shall, after the expiration of 5 days, cause the child to attend school as required.

Offences relating to compulsory school age

137. (1) Subject to subsection (3), a person who employs a child of compulsory school age during an academic year commits an offence and is liable on summary conviction to a fine of $2,000.

(2) Where a body corporate commits an offence under subsection (1), any director of the body corporate as well as any officer of that body corporate who authorises, permits or acquiesces in the commission of the offence, in addition to the body corporate, commits an offence and is liable on summary conviction to a fine of $2,000.

(3) Subject to any other restrictions imposed by any enactment or rule of law, a person may, during an academic year, employ a student who has attained the age of 14 years—

(a) during the prescribed vacation periods;

(b) on Saturday or Sunday or other day on which the student is not required to attend school; or

(c) at any time, other than during school hours, if—

(i) the employment of the student is part of a school programme to prepare students for future employment, or

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(ii) the student is employed by his or her parent—

(A) at home in domestic work or light agricultural or horticultural work, or

(B) in an undertaking in which only members of the student's family are employed.

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

(5) No child of compulsory school age shall be allowed to loiter on the licensed premises of any person who carries on any business in connection with the sale, storage or conveyance of intoxicating liquor within the meaning of the Liquor Licences Act.

(6) A person who contravenes the provisions of subsections (4) or (5) commits an offence and is liable on summary conviction to a fine of $1,500 or to imprisonment for 6 months.

Legal proceedings

138. (1) A prosecution under section 136 or 137 may be brought in the name of the Chief Education Officer.

(2) In prosecutions under sections 136 and 137, a statement as to the attendance or non-attendance at school of any child signed, or purporting to be signed, by the principal of the school shall be *prima facie* evidence of the facts stated in the statement.

(3) In any prosecution referred to in this section, a birth certificate or copy of any such certificate purporting to be certified under the hand of the person in whose custody such records are held is evidence of the age of the person named in the certificate or copy.

(4) In the absence of the birth certificate or copy of the certificate, the court may receive and act upon any other document or information relating to age that it considers reliable.

(5) In any prosecution under sections 136 and 137, the court may draw inferences as to the age of a person from statements made by the person in direct examination or cross-examination.

Division 5

Discipline, Search, Suspension and Expulsion of Students

Interpretation

139. (1) In this Division—

"authorised person", in relation to a school, means the deputy principal and any teacher designated as such under section 141(13);

"controlled drug" has the meaning assigned in the Drugs (Prevention of Misuse) Act;

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"offensive weapon" includes any article—

(a) made or adapted for use for causing injury to or incapacitating a person; and

(b) carried for the purpose of causing injury to a person;

"outer clothing", in relation to a student, includes a jacket, gloves, headgear, shoes, socks, a belt and any article of clothing worn over a like article of clothing;

"possessions", in relation to a student, means the things which the student has in his or her possession, including anything in any locker assigned to or used by the student;

"prohibited item" means—

(a) a controlled drug;

(b) alcohol or any alcoholic beverage;

(c) any offensive weapon; or

(d) any other article, item or substance which the student is prohibited from having in his or her possession by—

(i) any law, or

(ii) school rules, procedures, student disciplinary policy or any rules made in relation to examinations.

(2) For the purposes of this Division—

(a) the things which a person has in his or her possession shall be taken to include anything subject to his or her control which is in the custody of another; and

(b) a controlled drug does not include a controlled drug which has been lawfully supplied to a student and is administered in the manner prescribed.

School rules to govern discipline

140. (1) Discipline of students enrolled at an educational institution shall be administered in accordance with—

(a) this Act and regulations; and

(b) the school rules, procedures and student disciplinary policy established by—

(i) the Board of Management of the educational institution,

(ii) the Governing Board of the educational institution, or

(iii) the Chief Education Officer.

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(2) Subject to subsection (3), a public school or an assisted private school may introduce school rules to govern the conduct and discipline of the students enrolled at that school but if a Board of Management or a Governing Board is appointed in respect of such a school, the public school or the assisted private school shall, before the introduction of the school rules, consult with its Board.

(3) The school rules, procedures and student disciplinary policy shall—

(a) be consistent with this Act and regulations and any national policy;

(b) be circulated to the parents of the students of the public school or the assisted private school; and

(c) come into effect on approval, in writing, by the Chief Education Officer.

(4) The principal shall ensure that the school rules, procedures and student disciplinary policy are—

(a) posted in no less than 2 conspicuous places that are readily accessible to students within the public school or the assisted private school; and

(b) reviewed, at the commencement of each academic year, with the staff and students of the public school or the assisted private school.

Power to search students for prohibited items

141. (1) Where the principal of an educational institution or an authorised person has reasonable grounds for suspecting that a student enrolled at the educational institution is in possession of any prohibited item, the principal or authorised person may, subject to subsections (2), (3), (4) and (5), search the student or the possessions of the student for such item.

(2) A search under this section may be carried out only where the student and the principal or the authorised person are—

(a) on the premises of the educational institution; or

(b) if the principal or authorised person has lawful control or charge of the student, outside the premises of the educational institution.

(3) Except as provided by any other enactment, no person shall search the possessions of a student unless the search is conducted in the presence of—

(a) the student and the principal; or

(b) the student and an authorised person.

(4) The person who carries out a search of a student under this section—

(a) shall carry out the search only in the presence of the principal, an authorised person, or another authorised person, as the case may be; and

(b) shall not require the student to remove any clothing other than outer clothing.

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(5) Where a search of a student who has not attained the age of 12 years is carried out under this section, the search may not commence until a parent of the student has been—

(a) notified that the student is going to be searched; and

(b) given a reasonable opportunity to be present while the search is carried out.

(6) Where, in the course of a search conducted under this section, the person carrying out the search finds any article, item or substance which such person has reasonable grounds for suspecting—

(a) is a prohibited item; or

(b) is evidence in relation to a contravention of any law, including the school rules, procedures, student disciplinary policy and any rules made in relation to examinations,

that person may seize and retain that article, item or substance and, if that person is not the principal, must, as soon as practicable after such seizure and retention, deliver the article, item or substance to the principal.

(7) A student who refuses to submit to a search required under this section is liable to disciplinary action in accordance with—

(a) this Division;

(b) the student disciplinary policy of the educational institution;

(c) regulations in respect of discipline made under this Act; or

(d) the school rules of the educational institution.

(8) Subject to subsection (9), where a student enrolled at an educational institution is found, in the circumstances referred to in paragraph (2)(a) or (b), to be in possession of a prohibited item, the student is liable to disciplinary action in accordance with—

(a) this Division;

(b) the student disciplinary policy of the educational institution;

(c) regulations in respect of discipline made under this Act; or

(d) the school rules of the educational institution.

(9) Where the principal has reasonable grounds to believe that the student who possessed the prohibited item did not have the intention to use the prohibited item as a weapon or otherwise, the principal shall confiscate the prohibited item and make a report respecting the belief and the reasons therefor, possession and confiscation in a log book kept by the educational institution for that purpose.

(10) A person who exercises a power under this section may use such force as is reasonable in the circumstances for exercising that power.

(11) Any prohibited item seized and retained or confiscated under this section shall be dealt with in accordance with school rules, procedures and student disciplinary policy.

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(12) Nothing in this section shall be construed as prohibiting the principal of the educational institution from reporting to the police the possession of any prohibited item by a student if the principal is of the opinion that such reporting is required in the interest of the student or to enhance learning and teaching at the educational institution.

(13) The principal of an educational institution shall designate not more than 2 teachers to act as authorised persons for the purposes of this section.

(14) Notwithstanding anything in this section, a person designated by the principal may, in such manner as may be prescribed, inspect the possessions of any student entering the premises of the educational institution.

Testing students for alcohol and drug use

142. (1) The Minister may, in consultation with the Executive Council, develop a comprehensive policy respecting the testing of students for use of alcohol or a controlled drug.

(2) Subject to subsection (4), the Minister may make such regulations as may be necessary to implement the policy referred to in subsection (1), including—

(a) the scope and administration of such a policy;

(b) procedures for testing for the use of alcohol or a controlled drug, including—

(i) persons authorised to carry out the testing,

(ii) the type of test to be used and specimen required,

(iii) procedures for the collection and handling of specimens,

(iv) procedures for preservation of specimens, test results and related information;

(c) use of any information regarding drug or alcohol test results;

(d) consequences, including mandatory counselling or disciplinary action up to and including suspension, of testing positive for use of alcohol or a controlled drug;

(e) fees for drug or alcohol tests;

(f) forms to be used;

(g) generally, for the proper carrying out of the goals and objectives of the policy.

(3) Regulations under subsection (2) may be made to apply generally or to a class or classes of educational institution, or to students of a particular age.

(4) No regulation shall be made under subsection (2) unless a draft of it has been laid before and approved by a resolution of the House of Assembly.

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Abolition of corporal punishment

143. (1) No person who—

(a) is employed at or in respect of a school; or

(b) owns, manages or controls an assisted private school, a private educational institution or an early childhood education facility,

shall administer corporal punishment to any student or child enrolled at or attending the school, institution or facility.

(2) No person who, on behalf of a school, is supervising or controlling any student or child enrolled at or attending such school shall administer corporal punishment to the student or child.

(3) Any person referred to in subsection (1) or (2) who administers corporal punishment to any student or child in contravention of this section commits an offence and is liable on summary conviction to a fine of $5,000.

Interpretation of section 143

144. (1) Subject to subsection (2), references in section 143 to administering corporal punishment to a student or child are to doing anything that involves the application of physical force to punish or correct the student or child, whether or not there are also other reasons for so doing.

(2) For the purposes of section 143, a person shall not be considered as administering corporal punishment by virtue of anything done for reasons that include averting an immediate danger of personal injury to, or an immediate danger to the property of, any person, including the student or child concerned.

Suspension for minor offences

145. (1) The principal of a public school or an assisted private school may suspend a student for a period not exceeding 2 school days for any breach by the student of the responsibilities specified in section 107.

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

(a) make every effort possible to inform the parents of the student of the suspension and the reason for it; and

(b) meet, as soon as possible, with the student and the parents of that student—

(i) to review the circumstances surrounding the suspension, and

(ii) to determine appropriate corrective action, which may include counselling for the student and the parents.

(3) If there is no resolution within 2 school days, the principal must decide either to reinstate the student or to suspend the student in accordance with section 146.

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Suspension for major offences

146. (1) The principal of a public school or an assisted private school may suspend a student for a period of more than 2 school days but not exceeding 10 school days—

(a) for gross misconduct which may be considered a risk or danger to members of staff or other students of the public school or the assisted private school;

(b) for breach of school rules for which a penalty of suspension is imposed;

(c) for persistent breach of school rules other than the school rules specified in paragraph (b);

(d) for a refusal by the student to be inspected, examined, immunised or treated by a duly qualified medical practitioner or nurse acting in accordance with any scheme or school health programme in operation in Anguilla;

(e) for destroying or damaging, without lawful excuse, the property of the school;

(f) for assaulting the principal, a member of staff or other employee of the school, a student or any other person lawfully present in the school;

(g) for possession of any article made or adapted for the purpose of causing injury or intended to be used by the student or another person for such purpose;

(h) for possession or use of alcohol or illegal drugs and substances; or

(i) if the attendance of the student at school is likely to have an adverse effect upon the good order and proper discipline of the school.

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

(3) When a principal suspends a student under this section, the principal shall report in writing to the student's parents, any Board of Management or Governing Board with responsibility for the school, and the Chief Education Officer the reason or reasons for the suspension.

(4) Where a student is suspended by the principal—

(a) subject to paragraph (b), the parents of the student may; or

(b) the representative of the student may, if that student has attained the age of 18 years,

within 7 days of the suspension, make representations to the Chief Education Officer with respect to the suspension.

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Action by Chief Education Officer

147. (1) Upon the receipt of the report under section 146(3), the Chief Education Officer may, after consultation with any Board of Management or Governing Board with responsibility for the school, direct that—

(a) subject to subsection (2), the student be placed on a suspension for a period which exceeds 10 school days;

(b) such period of suspension be extended for a specified number of days to enable proper enquiries to be made;

(c) the student be reinstated after due investigation and, if the circumstances warrant, on a date to be fixed by the Chief Education Officer;

(d) the student be transferred to another educational institution, including a special school; or

(e) subject to such guidelines as may be prescribed, the student be expelled.

(2) Where a student is suspended under subsection (1), the period of suspension shall not continue into a term subsequent to the term in which the suspension is made.

(3) The Chief Education Officer shall—

(a) make a decision within 10 days of any representations being made to him or her under subsection 146(4), but the student shall remain suspended during that period;

(b) notify the student and the parents or the representative of the student of the decision; and

(c) at the time of notifying the student and the parents or the representative of the student of the decision, inform them of the right of appeal under subsection (4).

(4) A student, a parent of a student or the relevant principal aggrieved by a decision by the Chief Education Officer under this section may, within 14 days of receipt of the decision, appeal against that decision to the Education Appeal Tribunal.

(5) A student who is expelled under paragraph (1)(e) is deemed to be no longer of compulsory school age.

(6) For the purposes of this section, "term" means a division of the academic year.

Division 6

School Guidance Counsellors, School Health Nurses, School Security Officers and Staff

School guidance counsellors

148. A school guidance counsellor appointed in a public school is responsible for—

(a) supporting students in enhancing their efforts and ability to learn;

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(b) guiding students in developing a realistic concept of self and society;

(c) counselling students in order to help them resolve or cope constructively with their problems and developmental concerns;

(d) consulting students, in collaboration with parents, teachers, administrators, school psychologist, social workers, medical professionals or community health personnel, in relation to planning and implementing strategies in order to help the students to be successful in the education system;

(e) assisting in coordinating all efforts for helping students and their parents in obtaining required services through referrals between the public school and community agencies; and

(f) assisting students generally in their personal, social, academic and career development.

Referral to counselling

149. (1) A principal of an educational institution may, in consultation with or on the recommendation of any competent teacher, refer a student for counselling to a school guidance counsellor, if in the opinion of the principal or competent teacher, the student is in need of counselling by reason of—

(a) the behaviour, attitude or demeanour of the student; or

(b) the failure of the student to diligently pursue the prescribed curriculum.

(2) For the purposes of this section, "competent teacher" means any teacher who, in the opinion of the principal, has relevant knowledge of the student.

Where counselling may be offered

150. For the purposes of sections 148 and 149, a school guidance counsellor may offer counselling services to students and parents either on school premises or any other premises which the school guidance counsellor considers suitable, including the home of the student or parent.

Offences against school guidance counsellors

151. A person who—

(a) assaults or obstructs a school guidance counsellor; or

(b) uses insulting, abusive or indecent language to a school guidance counsellor,

in the execution of the counsellor's duties commits an offence and is liable on summary conviction to a fine of $1,500 or to imprisonment for 6 months or to both.

School health nurses

152. (1) A school health nurse appointed to the Department of Education is responsible for the following—

(a) development and implementation, in accordance with this Act and the regulations, of comprehensive school health programmes and procedures;

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(b) provision of health education and counselling to students and their parents;

(c) provision of health care services to students and staff, including referral for further medical attention;

(d) reporting to the principal the presence of, or suspicion of the presence of, a contagious disease referred to in section 123.

(2) For the purposes of this section, "health services" includes anything that may be done by virtue of being registered as a nurse under the laws of Anguilla.

Referral to school health nurse

153. (1) A principal of an educational institution may, in consultation with or on the recommendation of any teacher, refer a student to a school health nurse, if in the opinion of the principal or teacher, the student is in need of attention by reason of his or her health.

(2) For the purposes of section 152 and this section, a school health nurse may offer—

(a) health education and counselling to students and their parents; and

(b) health care services to students,

either on school premises or any other premises which the school health nurse considers suitable, including the home of the student or parent.

Offences against school health nurses

154. A person who—

(a) assaults or obstructs a school health nurse; or

(b) uses insulting, abusive or indecent language to a school health nurse,

in the execution of the nurse's duties commits an offence and is liable on summary conviction to a fine of $1,500 or to imprisonment for 6 months or to both.

School security officers

155. The Minister may, by written notice published in the *Gazette*, designate any fit and proper person as a school security officer to assist the principal and teachers of any public school, whenever the Minister considers it necessary, in ensuring that students uphold the rules, policies and procedures of the public school.

Responsibilities and duties of school security officers

156. (1) A school security officer designated under section 155 is responsible for—

(a) checking the identification cards of students upon arrival at a public school;

(b) ensuring that students who are out of class after 5 minutes of the bell having been rung for the completion of one period and the commencement of another have valid reasons or a pass from the principal, deputy principal of a public school or from a relevant teacher for being out of class;

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(c) referring and escorting students without a valid reason for being out of class to the principal of a public school, and recording such incidents in a log book provided by the school for that purpose;

(d) discouraging students from entering or leaving the premises of a public school without permission;

(e) ensuring that the incidents referred to in paragraph (d) are reported to the principal of a public school immediately after the occurrence of such incidents;

(f) patrolling the premises of a public school so as to deter students from engaging in gambling, drug use, alcohol use, loitering, sexual misconduct, vandalism, pranks of a potentially dangerous nature, or any other illegal and immoral conduct or act;

(g) referring students enrolled at a public school who are not in proper uniform to the principal or deputy principal of the public school or any other teacher designated by the principal for that purpose;

(h) providing assistance necessary to control or restrain students or other persons involved in fights and any other disturbances on the premises of the public school;

(i) finding the relevant facts relating to any incidents referred to in paragraph (h), which cause disruption at the public school or which violate the rules, policies and procedures of the public school and referring such findings to the principal;

(j) recording the findings referred to in paragraph (i) in a log book provided by the public school for that purpose;

(k) reporting to the principal or deputy principal of a public school any student who is in violation of any rules, policies and procedures of the public school and recording such violations in the log book provided by the public school for that purpose;

(l) assisting with all emergency evacuation exercises at a public school;

(m) performing any other duties assigned by the Chief Education Officer, the principal or deputy principal of the public school or a teacher designated by the principal for that purpose; and

(n) carrying out such other function as specified under this Act.

(2) For the purposes of subsection (1), a school security officer shall, in the performance of his or her duties and functions, be directly supervised by and report to the principal of the public school or a teacher designated by the principal for that purpose.

(3) A school security officer shall not be assigned to duties under this section unless the school security officer has successfully completed such programme of training as may be approved by the Minister.

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Offences against school security officers

157. A person who—

(a) assaults or obstructs a school security officer; or

(b) uses insulting, abusive or indecent language to a school security officer,

in the execution of the officer's duties commits an offence and is liable on summary conviction to a fine of $1,500 or to imprisonment for 6 months or to both.

Power of staff to restrain student

158. (1) A member of the staff of a public school or an assisted private school may use, in relation to any student at the school, such force as is reasonable in the circumstances for the purpose of preventing the student from doing or continuing to do any or all of the following—

(a) committing any offence;

(b) causing personal injury to any person including the student;

(c) causing damage to the property of any person including the student;

(d) engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of the students at the school, whether that behaviour occurs during a teaching session or otherwise.

(2) Subsection (1) applies where the member of the staff of a public school or an assisted private school is—

(a) on the premises of the school; or

(b) elsewhere if at a time of committing the offence or the act the member of staff has lawful control or charge of the student concerned,

but, nothing contained in this section shall be construed as authorising anything to be done, in relation to a student, which constitutes the administering of corporal punishment within the meaning of section 143.

(3) Subsection (1) shall not be construed to prevent any person from relying on any defence available to that person otherwise than by virtue of this section.

(4) In this section—

"member of staff", in relation to a school, means—

(a) any teacher who works at the school;

(b) a school guidance counsellor;

(c) a school health nurse;

(d) a school security officer; or

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(e) any person other than a teacher who, with the authority of the principal, has lawful control or charge of students at the school;

"offence" includes anything that would be an offence, but for the operation of any presumption that a person under a particular age is incapable of committing an offence.

Offences against staff of school

159. (1) A person who—

(a) assaults or obstructs a member of the staff of a school; or

(b) uses insulting, abusive or indecent language to a member of the staff of a school,

in the execution of the member's duties commits an offence and is liable on summary conviction to a fine of $1,500 or to imprisonment for 6 months or to both.

(2) In this section, "member of staff", in relation to a school, means—

(a) any teacher who works at the school; or

(b) any person other than a teacher who, with the authority of the principal, has lawful control or charge of students at the school.

PART 8

CURRICULUM AND ASSESSMENT OF STUDENTS

National curriculum

160. (1) It shall be the duty of the Minister to establish a national curriculum for public schools and assisted private schools.

(2) The curriculum shall be balanced and broadly based and shall, in addition to the goals and objectives specified in section 3(3)—

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

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

(3) The Minister may revise the national curriculum whenever the Minister considers it necessary and expedient to do so.

Core subjects and foundation subjects

161. (1) Subject to subsection (2), the curriculum for every public school and every assisted private school shall comprise core and foundation subjects and specify in relation to each such subject—

(a) attainment targets which include the knowledge, skills and understanding which students of different abilities and maturities are expected to have by the end of each key stage of assessment;

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(b) programmes of study which include the matters, skills and processes which are required to be taught to students of different abilities and maturities during each key stage of assessment; and

(c) assessment arrangements which include the arrangements for assessing students at or near the end of each key stage of assessment for the purpose of ascertaining what they have achieved in relation to the attainment targets.

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

Key stages of assessment

162. (1) The key stages of assessment, in relation to a student, are as follows—

(a) the period beginning with the student's attainment of compulsory school age and ending at the same time as the academic year in which the majority of students in his or her class attains the age of 8 years;

(b) the period beginning at the same time as the academic year in which the majority of students in his or her class attains the age of 8 years and ending at the same time as the academic year in which the majority of students in his or her class attains the age of 10 years;

(c) the period beginning at the same time as the academic year in which the majority of students in his or her class attains the age of 10 years and ending at the same time as the academic year in which the majority of students in his or her class attains the age of 12 years; and

(d) the period beginning at the same time as the academic year in which the majority of students in his or her class attains the age of 12 years and ending at the same time as the academic year in which the majority of students in his or her class attains the age of 15 years.

(2) For each key stage of assessment referred to in subsection (1), the Chief Education Officer shall ensure that arrangements are made for the annual assessment of students to ascertain the achievement levels reached by the students in relation to the attainment targets.

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

(4) The Minister—

(a) shall determine the frequency of the assessments; and

(b) may publish the results of the assessments together with a commentary on the results by the Chief Education Officer.

Determination of attainment targets

163. (1) The Minister shall, by notice published in the *Gazette*, establish—

(a) the core subjects and foundation subjects;

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(b) the attainment targets;

(c) the programmes of study; and

(d) the assessment arrangements which the Minister considers appropriate.

(2) A notice issued under subsection (1) may not require, during any key stage of assessment—

(a) the allocation of any particular period or periods of time to the teaching of any programme of study or any matter, skill or process forming part of any programme of study; or

(b) the provision of any particular time in school timetables for the periods to be allocated to such teaching.

Subject panels

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

(2) Every subject panel must comprise individuals from the following categories—

(a) members of the teaching profession with expertise in the subject;

(b) officials of the Department of Education; and

(c) such other individuals, including parents, having relevant knowledge or experience in the subject.

(3) A subject panel shall comprise not less than 5 but not more than 9 members appointed by the Minister, after consultation with the Chief Education Officer, of whom—

(a) one member shall be appointed as chairperson; and

(b) another member may be appointed as deputy chairperson.

(4) It shall be the duty of the Chief Education Officer or such other official designated by the Chief Education Officer for that purpose—

(a) to co-ordinate the work of the subject panels; and

(b) to ensure the testing and implementation of the recommended syllabuses in the school system.

Collective worship and religious education

165. (1) Subject to subsections (4) and (5), the school day in every public school and every assisted private school shall begin with collective worship by all students in attendance at the school.

(2) Subject to subsection (3), the arrangements made in any public school or assisted private school shall provide for a single act of worship attended by all students unless the school premises are so constructed so as to make it impracticable to assemble for that purpose.

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(3) A parent of a student enrolled at a school may—

(a) withdraw the student from the act of collective worship; or

(b) request that the student be excused from attendance at collective worship,

without forfeiting any of the other benefits of the school.

(4) Notwithstanding section 75, the collective worship required by subsection (1) shall not be distinctive of any particular religious denomination.

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

(6) Subject to sections 75 and 166, religious education shall be part of the curriculum of every public school and every assisted private school.

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

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

(b) attends any religious observances or receives any education in religious subjects at an institution or elsewhere if the parent of the student objects; or

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

Religious education in public schools

166. (1) The religious education given to any student in attendance at a public school under section 165 shall—

(a) be given in accordance with an agreed syllabus adopted for the public school; and

(b) not include any catechism or formulary which is distinctive of any particular religious denomination.

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

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PART 9

SCHOLARSHIPS, GRANTS AND BURSARIES

Anguilla Island Scholarships

167. (1) There shall be established scholarships to be called the Anguilla Island Scholarships.

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

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

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

(5) Any scholarship awarded before 1 January, 1994 shall be deemed to have been awarded under this Part and the provisions of this Part apply to every such scholarship.

Value of scholarships

168. (1) A scholarship for any approved programme of instruction shall be—

(a) of such annual value as the Executive Council may, by notice from time to time, determine; and

(b) tenable for a period of not less than 3 nor more than 7 years, having regard to the stipulated time for the completion of the approved programme of instruction.

(2) A notice under subsection (1) may specify differential rates of allowances varying according to the country or the university, college or institution at which the scholarship is tenable but the rates so specified for any particular category shall apply equally to every scholarship holder who for the time being falls within that particular category.

Qualifications for scholarships

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

(a) has been, for the 3 years immediately preceding the examination referred to in section 170, receiving his or her education, at an educational institution or in a home education programme, in Anguilla;

(b) has passed the examination, in English Language and 4 or more subjects, leading to the issue of Caribbean Secondary Examination Certificate or any other examination as may be approved as equivalent by the Executive Council;

(c) has satisfied the standards of conduct and deportment established by the school which the student attends or by the Ministry, as the case may be;

(d) is an Anguillian or is the child of an Anguillian.

(U.K. S.I. 2019 No. 852, s. 13(c))

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(2) In this section, "Anguillian" means a person who is regarded as an Anguillian under section 80(2) of the Constitution of Anguilla.

(U.K. S.I. 2019 No. 852, s. 13(c))

Examination for scholarships

170. (1) The scholarships shall be awarded by the Executive Council, on the basis of results of the Caribbean Advanced Proficiency Examinations (CAPE) or such other examination as may be approved as equivalent by the Executive Council, to the students who are reported by the examiners to have the best claim to be awarded the scholarships.

(2) In the event of the examiners reporting that 2 or more students have equal claims for the award of any scholarship, the Executive Council may award the scholarship to such student as it considers fit.

Entry at approved institution

171. (1) A scholarship holder shall enter the approved programme of instruction at the approved university, college or institution within a reasonable period after the award of the scholarship and shall attend the programme continuously until the scholarship expires.

(2) Save and except with the approval of the Executive Council in writing, no change shall be made by a scholarship holder in—

(a) the approved university, college or institution attended; or

(b) the approved programme of instruction.

Forfeiture of scholarship

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

(a) if the scholarship holder is expelled from the approved university, college or institution;

(b) if the scholarship holder fails to pass any examination within the period fixed, from time to time, by the competent authorities of the approved university, college or institution unless the Executive Council is satisfied on the recommendation of the authorities of the university, college or institution that the scholarship holder has been prevented from passing the examination in circumstances which would not, in the judgment of such competent authorities, justify forfeiture;

(c) if the scholarship holder enters on any programme of instruction or accepts any appointment or employment which is not approved by the Executive Council;

(d) if the scholarship holder fails to comply with the requirements of this Part or of regulations made in respect of the award of the scholarship without furnishing satisfactory evidence that the cause of such failure was beyond his or her control;

(e) by reason of the occurrence of any event, either before or after the scholarship holder has entered on any programme of instruction, which in the opinion of the Executive Council is likely to be prejudicial to the object for which the scholarship is awarded; or

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(f) on proof, to the satisfaction of the Executive Council, of grave misconduct by the scholarship holder at any time after the award.

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

Scholars to sign undertaking

173. Every scholarship holder shall sign a bond, in such sum and in such manner as may be approved by Executive Council, to return to Anguilla, on the scholarship holder obtaining his or her qualifications, and to serve in Anguilla for a period of not less than 4 years if the scholarship holder is offered an appointment appropriate to his or her qualifications in the Public Service of Anguilla, at such initial remuneration as is paid to persons holding or acting in like offices in the Public Service of Anguilla.

Travel grants

174. A scholarship holder may be awarded a grant in respect of travel to and from the approved university, college or institution in accordance with regulations.

Award of grants and bursaries

175. The Governor in Council may, on such terms and conditions as may be prescribed, award grants or bursaries to—

(a) selected students of secondary schools as it thinks advisable; and

(b) students and teachers admitted to institutions for tertiary education as the Governor in Council thinks advisable.

PART 10

INSPECTION AND REVIEW OF EDUCATION SYSTEM

Division 1

Inspection of Educational Institutions

Inspection of educational institutions

176. (1) The Chief Education Officer, an Education Officer, or a public officer authorised in writing by the Chief Education Officer, or any other person authorised by the Minister, in writing, shall, at such times and in such manner as may be prescribed, inspect any educational institution.

(2) Any person who under subsection (1) inspects an educational institution—

(a) shall, for the purpose of promoting the good conduct and efficiency of the educational institution, give such assistance and guidance to the teachers employed at the institution as the person considers necessary;

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(b) shall advise the principal of the educational institution on matters relating to its welfare and development;

(c) may, at the request of the Chief Education Officer, examine the students enrolled at the educational institution in the subjects of instruction taught at that institution;

(d) shall give a report in respect of the inspection of the educational institution to the Minister and—

(i) in the case of a public school or an assisted private school, the Board of Management or the Governing Board, or

(ii) in the case of a private educational institution or an assisted private school for which no Board of Management or Governing Board has been appointed, the proprietor; and

(e) shall submit a copy of such report to the Chief Education Officer.

Educational institutions to be kept open for inspections and visits

177. The principal of every public school and every assisted private school and the proprietor or principal of every private educational institution shall keep that school or institution open at all times during school hours to visits and inspections—

(a) by the Minister;

(b) by the Chief Education Officer; or

(c) by any other person authorised for that purpose in writing by the Minister or the Chief Education Officer.

Offences

178. A person who—

(a) prevents any person empowered or authorised under this Act to visit or inspect any public school, assisted private school or private educational institution from conducting such visit or inspection; or

(b) assaults or obstructs a person empowered or authorised under this Act to visit or inspect a public school, an assisted private school or a private educational institution during a visit or inspection of any such institution,

commits an offence and is liable on summary conviction to a fine of $1,000 and, in the case of a second or subsequent conviction, to imprisonment for 6 months.

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Division 2

Review of the Education System

Appointment of Education Review Committee

179. (1) Every 5 years or as soon as practicable thereafter the Executive Council, on the recommendation of the Minister, shall appoint an Education Review Committee to review and report on the education system of Anguilla in accordance with section 180.

(2) The Education Review Committee shall comprise not more than 5 members appointed as follows—

(a) a member having relevant knowledge or expertise in education and who shall be chairperson;

(b) one member from either—

(i) a Parent-Teacher Association,

(ii) a Governing Board, or

(iii) a Board of Management;

(c) one member from organisations concerned with either—

(i) community development,

(ii) industry and commerce, or

(iii) professional services;

(d) one member representing the teaching profession; and

(e) such other member as the Executive Council in its discretion thinks fit.

Review and Report of Education Review Committee

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

(a) the physical condition and the maintenance of public schools and assisted private schools;

(b) the suitability of the curriculum in public schools and assisted private schools;

(c) the performance of students at—

(i) the annual assessments held in accordance with sections 162(1) and (2),

(ii) annual examinations set and marked by individual schools, and

(iii) examinations set by the Caribbean Examinations Council;

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(d) the organisation of the Ministry and its delivery of education services;

(e) the teaching service, and the number, quality and performance of teachers; and

(f) any other matter which in the opinion of the Education Review Committee would enhance the quality and delivery of education in Anguilla.

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

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

PART 11

EDUCATION APPEAL TRIBUNAL

Establishment of Education Appeal Tribunal

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

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

(a) a chairperson who appears to be suitably qualified by having held high office in the judicial or legal field;

(b) a maximum of 5 other persons; and

(c) a secretary who shall be a public officer.

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

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

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

Composition of Education Appeal Tribunal

182. (1) An appeal referred to the Education Appeal Tribunal shall be heard by the chairperson and 2 or more members chosen by the chairperson.

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

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

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Mediation

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

Procedure of Education Appeal Tribunal

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

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

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

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

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

Powers of the Education Appeal Tribunal

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

(a) confirm or vary the decision that is under appeal;

(b) identify a student as a student with special educational needs;

(c) determine that an individual education plan be prepared for a student;

(d) direct the Chief Education Officer—

(i) to implement an individual education plan in a particular environment including, but not limited to, a regular class, or

(ii) to enrol a student in a school named by the Education Appeal Tribunal;

(e) direct a determination to be made in accordance with section 22;

(f) define the contents of a student record when the appeal under consideration is made pursuant to section 112(10); and

(g) reinstate to school a student who has been expelled or placed on an indefinite suspension.

Matters to be considered

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

(a) the educational interests of the student who is the subject of the appeal;

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(b) the impact of a decision on the educational institution or class population of the educational institution; and

(c) any other factor that appears to be relevant to the matter which is the subject of the appeal.

Final decision

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

Enforcement of order

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

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

Copy to the Minister and parties

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

PART 12

MISCELLANEOUS

Vendors on school premises

190. (1) No person shall, during school hours, sell or offer for sale any services, goods, food, beverages or any other item on the premises of any public school or assisted private school without the written permission of the Chief Education Officer.

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

(a) in the case of the sale of items on the premises of a public school, to the Chief Education Officer through the principal of the public school; and

(b) in the case of the sale of items on the premises of an assisted private school, to the Chief Education Officer through the principal and Board of Management of the assisted private school.

(3) Where an application is made under subsection (2)—

(a) the applicant shall submit, together with his or her application, a medical certificate from a duly qualified medical practitioner to the effect that the applicant is free from diseases and is unlikely to be a source of infection to another person at the relevant school; and

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(b) the Chief Education Officer may—

(i) after interviewing the applicant,

(ii) after consulting the principal of the relevant school, and

(iii) having considered the suitability of the proposed services, goods, food, beverages, or any other item to be sold,

grant permission to the applicant on such terms and conditions as the Chief Education Officer thinks fit.

(4) Every person who sells or offers for sale food or drink on the premises of any public school or assisted private school shall ensure that the area used by that person is maintained in a clean state and that all wrappings or other kinds of litter are collected for disposal.

(5) Where a person is given permission to sell food or drink on the premises of a public school or an assisted private school, the person—

(a) must conduct the sale of the food and drink only during the times and at the area specified in the permit; and

(b) shall not be permitted to conduct the sale of the food or drink during any lesson period.

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

(7) A person who contravenes subsection (1) or (5) commits an offence and is liable on summary conviction to a fine of $1,000 or to imprisonment for one year.

Prohibition of sale of alcoholic beverages and tobacco

191. Any person who sells or offers or exposes for sale any alcoholic beverage or tobacco on the premises of any educational institution commits an offence and is liable on summary conviction to a fine of $1,000 or to imprisonment for one year or to both.

Loitering etc., on school premises

192. (1) Any person who—

(a) is found loitering, wandering or otherwise trespassing on the premises of any educational institution or within 100 feet of the premises of any educational institution;

(b) creates a disturbance on the premises of any educational institution or within 100 feet of the premises of any educational institution;

(c) while on the premises of any educational institution or within 100 feet of the premises of any educational institution—

(i) uses threatening or insulting language to, or in any manner interferes with, any student or member of the staff of the educational institution,

(ii) assaults, insults or abuses a teacher or student, or

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

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

(e) causes any damage to any building or other property—

(i) found on the premises of any educational institution, or

(ii) forming part of the premises of any educational institution,

commits an offence and is liable on summary conviction to a fine of $1,500 or to imprisonment for 6 months or to both.

(2) Any police officer may, without a warrant, arrest a person who commits an offence under subsection (1).

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

Regulations

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

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

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

(b) respecting the control, management, conduct and registration of private educational institutions and, in particular, in respect of—

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

(ii) the registers and other records to be kept by proprietors of private educational institutions and the particulars to be furnished to the Ministry by the proprietors,

(iii) the suitability of premises used or intended to be used by such institutions,

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

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

(c) prescribing the standard to which the premises of educational institutions are to conform;

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

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(e) prescribing the financial or other assistance and the conditions subject to which such assistance is given to any educational institution, or class of educational institutions specified in such regulations;

(f) respecting the admission of students to public schools and assisted private schools, the discipline of such students, the keeping by public schools and assisted private schools of a school record of each student, the particulars to be kept and maintained in the school record of each student and the disposal of such record;

(g) respecting the admission of persons to teachers' colleges and the conditions of admission;

(h) respecting the admission or transfer of students to public secondary schools and assisted private secondary schools;

(i) respecting the qualifying examinations for the admission referred to in paragraph (h);

(j) concerning the management and accounting by principals and teachers of public schools and assisted private schools of—

(i) money or property payable to or vested in such schools,

(ii) money derived from fund-raising activities, and

(iii) money and other property derived by way of gift, bequest, trust, or donations, or in any other manner whatsoever;

(k) prescribing the division into which students of teachers' colleges are to be classified and the conditions for the selection of students for those divisions and for their admission to, or continuation in or removal from, teachers' colleges in those divisions;

(l) prescribing the courses and curricula for students of the various divisions in teachers' colleges;

(m) providing for the certification and registration of teachers completing courses of training;

(n) concerning the establishment, administration, organisation, inspection and classification and discontinuance of schools, including institutions engaged in early childhood education and schools for children with special needs;

(o) concerning the award of bursaries, grants and other financial assistance for tertiary education and specifying the value and other conditions subject to which grants, bursaries or other financial assistance may be held or given;

(p) prescribing the academic year, hours of school, terms and vacations of public schools and assisted private schools;

(q) prescribing the cases in which, and the matters for which, fees may be charged in public schools;

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(r) concerning the inspection of public schools, assisted private schools and private educational institutions;

(s) concerning the constitution, rights, powers and responsibilities of Student Councils and of the National Students Council;

(t) embodying any collective agreement arrived at—

(i) between the Anguilla Union of Teachers and the Ministry concerning the conditions of service of teachers represented by that Union, or

(ii) between the Ministry and any other representative body representing the interests of teachers concerning the conditions of service in respect of such teachers;

(u) prescribing anything which by this Act may be prescribed.

(3) A regulation under this section may be made retroactive to the coming into force of this Act.

Citation

194. This Act may be cited as the Education Act, Revised Statutes of Anguilla, Chapter E26.

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SCHEDULE 1

(Section 9(4))

BOARD

Definition

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

Tenure

2. The appointment of a member of the Board is, subject to this Schedule, for a period not exceeding 2 years, but the member shall be eligible for re-appointment.

Chairperson and Deputy Chairperson

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

Temporary appointment

4. The Minister may, in the case of the absence or inability of a member to act, appoint any person, from the same category of persons which that member represents, to act temporarily in place of the member.

Resignation of members

5. (1) Any member of the Board, other than the chairperson, may at any time resign his or her office by instrument in writing addressed to the Minister and transmitted through the chairperson and from the date of the receipt by the Minister of such instrument such person shall cease to be a member of the Board if a date is not specified in that instrument.

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

Forfeiture of membership

6. Any member of the Board who fails to attend 3 consecutive meetings without an excuse acceptable to the Board shall cease to be a member.

Filling of vacancies

7. If any vacancy occurs in the membership of the Board, such vacancy shall be filled by the appointment of another member who may, subject to this Schedule, hold office for the remainder of the period for which the member being replaced was appointed, but such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

Publication of membership

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

Constitution not affected by vacancy

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

Meetings

10. (1) The Board shall meet at least 3 times a year and at such other times as may be convenient or expedient for the transaction of its business and at such places as the chairperson may reasonably determine.

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

Special meetings

11. The chairperson may at any time call a special meeting of the Board and shall call a special meeting within 14 days of a requisition for that purpose addressed to him or her by any 5 members.

Person to preside at meetings

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

Voting

13. The decisions of the Board shall be by a majority of the members present and voting and, where the voting is equal, the chairperson or other member presiding at the meeting of the Board has, in addition to an original vote, a second or casting vote.

Quorum

14. The quorum for any meeting of the Board shall be a majority of its members.

Minutes

15. Minutes of the proceedings of the Board shall be kept in proper form.

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SCHEDULE 2

(Sections 30(2), 37(4) and 76)

PROCEDURE AND FUNCTIONS OF BOARDS OF MANAGEMENT AND GOVERNING BOARDS

Interpretation

1. In this Schedule, "Board" means a Board of Management appointed under section 30, 77, 78 or 80 of this Act or a Governing Board appointed under section 37 of this Act.

Chairperson and Deputy Chairperson

2. Subject to sections 77(5) and 78(5), a Board shall appoint a chairperson and a deputy chairperson from among its members.

Filling of vacancies

3. (1) If any vacancy occurs in the membership of a Board, such vacancy shall be filled by the appointment of another member who may, subject to this Schedule, hold office for the remainder of the period for which the member being replaced was appointed, but such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

(2) Any changes, other than temporary changes, in the membership of a Board as first constituted shall be notified in the *Gazette*.

Employment of member

4. (1) No member of a Board may be appointed to any office of employment for which a Board has the power to make appointments.

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

Duration of membership

5. (1) Every member of a Board shall hold office for a period of 3 years unless before the end of the period the member dies, resigns or is removed from office by the Minister for any cause or ceases to be a member in accordance with subsection (4).

(2) A previous appointment as a member of a Board does not affect a person's eligibility to be re-appointed as a member of a Board.

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

(4) A member of a Board other than the chairperson may at any time resign his or her office by instrument in writing addressed to the Minister and transmitted through the chairperson and, from the date of receipt by the Minister of such instrument, such member shall cease to be a member of the Board if a date is not specified in that instrument.

(5) The chairperson may at any time resign from office by instrument in writing addressed to the Minister and the chairperson shall, from the date of receipt by the Minister of such instrument, cease to be the chairperson or member of the Board if a date is not specified in that instrument.

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Meetings

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

(2) The chairperson of a Board may at any time summon a special meeting of the Board and shall summon such a meeting within 7 days—

(a) if a request for that purpose is addressed to him or her by any 3 members of the Board; or

(b) on a direction to that effect addressed to him or her by the Minister.

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

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

Quorum

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

Decisions

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

Minutes

9. (1) Minutes in proper form of each meeting of a Board shall be—

(a) kept by the secretary or such person as the Board may appoint for that purpose; and

(b) confirmed by the chairperson or deputy chairperson, as the case may be, as soon as practicable thereafter at a subsequent meeting.

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

Chief Education Officer may attend meeting

10. (1) The Chief Education Officer may—

(a) attend any meeting of a Board or a committee or subcommittee of a Board; or

(b) be represented at any such meeting by a public officer authorised by him or her in that behalf.

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

Appointment of committees and subcommittees

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

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

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

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

(5) Subject to any restrictions imposed by the Board, a subcommittee appointed under this section shall be constituted in such manner as may be determined by the appointing committee, but the chairperson and at least two-thirds of the members of every subcommittee shall be members of the Board.

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

Power to delegate

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

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SCHEDULE 3

(Section 87(6))

PROCEDURE OF TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING COUNCIL

Definition

1. In this Schedule—

"alternate" means an alternate designated under section 4;

"appointed member" means a member referred to in section 87(1)(b), (c) or (d) of this Act and includes any person appointed temporarily in place of an appointed member under section 87(3) of this Act or section 3 of this Schedule;

"Council" means the Technical and Vocational Education and Training Council appointed under section 87 of this Act;

"*ex officio* member" means a member of Council referred to in section 87(1)(a) of this Act.

Duration of membership

2. (1) An appointed member of the Council holds office for a period of 3 years unless the appointed member dies, resigns or has his or her appointment revoked before the end of that period, but—

(a) a person who is appointed to fill a vacancy created by the death, resignation or removal from office of a former appointed member shall hold office only for the unexpired portion of the period of that former member's appointment; and

(b) a previous appointment as a member of the Council does not affect a person's eligibility to be re-appointed as a member of the Council.

(2) An appointed member of the Council other than the chairperson may resign his or her office by instrument in writing addressed to the Minister transmitted through the chairperson and that member ceases to be an appointed member of the Council from the date of the receipt of the instrument by the Minister if no date is specified in that instrument.

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

Leave of absence

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

Designation of alternates by *ex officio* members

4. (1) An *ex officio* member of the Council may in writing designate an alternate, who shall be a public officer who has attained the age of 18 years who is in a reporting relationship to the *ex officio* member.

(2) Subject to this Schedule, an alternate has, in relation to the Council, the powers, duties and rights of the *ex officio* member who designated him or her.

(3) No member of the Council may be the alternate of another member of the Council.

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(4) No person may be the alternate of more than one member of the Council.

(5) An alternate may not designate an alternate.

Quorum

5. The quorum for the meetings of the Council shall be 4 members of the Council.

Decisions

6. The decisions of the Council shall be by a majority of the members present and voting and, where the voting is equal, the chairperson or, if the chairperson is absent, the deputy chairperson has, in addition to his or her original vote, a second or casting vote.

Frequency of meetings

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

Special meeting

8. The chairperson or, in the event of his or her absence from Anguilla or inability to act for any reason, the deputy chairperson is required to call a special meeting within 7 days after receiving a request to do so by any 4 members of the Council.

Minutes

9. Minutes of each meeting are to be—

(a) duly kept by the Secretary or other person appointed by the Council for that purpose; and

(b) confirmed by the Council at its next meeting and signed by the chairperson or other person presiding at that meeting and the Secretary.

Co-opting of other persons

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

Procedure

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

Documents

12. All documents made by, and all decisions of, the Council are to be signified under the hand of the chairperson, or, if the chairperson is absent, the deputy chairperson and by the Secretary.

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SCHEDULE 4

(Section 91(2))

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

Definition

1. In this Schedule—

"Council" means the Technical and Vocational Education and Training Council appointed under section 87 of this Act;

"committee" means a committee appointed by the Technical and Vocational Education and Training Council under section 91 of this Act.

Composition

2. (1) A committee comprises not more than 5 persons.

(2) The Council shall, in respect of a committee, appoint one member of that committee to be the chairperson.

Acting member

3. (1) A member of a committee may, with the permission of the chairperson of that committee, designate a person to act for him or her in case of his or her absence from a particular meeting.

(2) A person designated to act as a member of a committee under subsection (1)—

(a) may not be designated to act for more than one member;

(b) subject to paragraph (c), shall perform all the functions of a member of the committee; and

(c) not designate a person to act for himself or herself.

Duration of membership

4. (1) A member of a committee shall hold office for a period not exceeding 3 years.

(2) A previous appointment as a member of a committee does not affect a person's eligibility to be re-appointed as a member of a committee.

Vacancy

5. If any vacancy occurs in respect of a committee, the Council may appoint a person to fill that vacancy for the unexpired portion of the period for which the member being replaced was appointed.

Revocation of membership

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

(a) is absent from 3 or more consecutive meetings of the committee without leave of the Council;

(b) is absent from Anguilla for 3 months or more without notifying the Council;

(c) is unable to perform his or her duties as a member of the committee; or

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(d) fails to comply with a direction given by the Council.

Secretary

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

Frequency of meetings

8. A committee shall meet as often as the chairperson decides, but at intervals not exceeding 3 months.

Quorum

9. A quorum of a committee consists of a majority of its members, one of whom must be the chairperson.

Decisions

10. The decisions of a committee are to be by a majority of votes, and where the voting is equal, the chairperson has, in addition to his or her original vote, a casting vote.

Co-opting

11. A committee may co-opt persons to attend any of its meetings for the purpose of assisting or advising the committee with respect to any matter with which it is dealing, but a co-opted person is not entitled to vote and shall not be counted for the purpose of constituting a quorum.

Establishment of sub-committees

12. A committee may—

(a) establish a sub-committee to assist in the performance of its functions; and

(b) co-opt any person to serve on any such sub-committee if the committee considers the assistance or advice of the person is necessary for the purpose for which the sub-committee is established.

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SCHEDULE 5

(Section 102)

PROFESSIONAL DUTIES OF PRINCIPALS, DEPUTY PRINCIPALS AND TEACHERS

Applicability

1. For the avoidance of doubt, it is hereby declared that this Schedule applies to principals, deputy principals and teachers of all public schools.

Duties subject to this Schedule

2. Principals, deputy principals and teachers shall carry out their professional duties and functions in accordance with and subject to this Schedule.

General responsibilities of principals

3. Subject to this Act, the principal of each school shall be responsible for the day-to-day management of his or her school including—

(a) the supervision of the physical safety of students;

(b) the internal organisation, management and control of the school;

(c) the suitable application of the syllabus in conformity with the needs of the students of the school and the administration of the programme of the school;

(d) the allocation and supervision of the duties and responsibilities of members of the staff of the school;

(e) order and discipline in the school, on the school grounds and during activities sponsored or approved by the school;

(f) teaching;

(g) the proper use of school equipment and stock;

(h) the keeping of proper records;

(i) the furnishing of such returns as may be prescribed by regulation made under section 103 of this Act; and

(j) ensuring the observance of the provisions of this Act and any regulations;

(k) perform any related duties which may be prescribed.

Professional duties of principals

4. (1) The professional duties of a principal include—

(a) formulating the overall aims and objectives of the school and policies for their implementation;

(b) deploying and managing all teaching and non-teaching staff of the school and allocating particular duties to them, including such duties of the principal as may properly be delegated to the deputy principal or other members of the staff, in a manner consistent with their conditions of employment;

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(c) ensuring that the duty of providing cover for absent teachers is shared equitably among all teachers in the school, including the principal, taking into account their teaching and other duties;

(d) maintaining relationships with organisations representing the interests of teachers and other persons on the staff of the school;

(e) determining, organising and implementing the prescribed curriculum for the school, having regard to—

(i) the needs, experience, interests, aptitudes and stage of development of the students,

(ii) the resources available to the school, and

(iii) his or her duties under this Act and regulations;

(f) keeping under review the work and organisation of the school;

(g) evaluating the standards of teaching and learning in the school, and ensuring that proper standards of professional performance are established and maintained;

(h) supervising and participating in any arrangements within an agreed national framework for the appraisal of the performance of teachers who teach at the school;

(i) ensuring that the members of staff of the school have access to advice and training appropriate to their needs, in accordance with the policies established by the Minister for the development of teachers in Anguilla;

(j) ensuring that the progress of the students of the school is monitored and recorded;

(k) determining and ensuring the implementation of a policy for the pastoral care of the students;

(l) in accordance with this Act, determining measures to be taken with a view to—

(i) promoting self-discipline and proper regard for authority among the students,

(ii) encouraging good behaviour on the part of students,

(iii) ensuring that the standard of behaviour of the students is acceptable and otherwise regulating the conduct of students, and

(iv) making the measures mentioned in subparagraphs (i), (ii) and (iii) generally known within the school and ensuring that such measures are implemented;

(m) ensuring the maintenance of good order and discipline at all times during the school day, including any break, when students are present on the school premises and whenever the students are engaged in authorised school activities, whether on the school premises or elsewhere;

(n) making arrangements for parents to be given regular information about the school curriculum, the progress of their children and other matters affecting the school;

(o) promoting effective relationships with persons and bodies outside the school;

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(p) advising and assisting the Board of Management or Governing Board, as the case may be, in the exercise of its functions, including attending meetings and making such reports to the Board of Management or Governing Board in connection with the discharge of his or her functions as may be required;

(q) providing for liaison and co-operation with the officers of the Ministry and making such reports to the Ministry in connection with the discharge of his or her functions as may be required;

(r) maintaining liaison with other schools and educational institutions with which the school has a relationship;

(s) allocating, controlling and accounting for those financial and material resources of the school which are under the control of the principal;

(t) making arrangements for the security and effective supervision of the school buildings and their contents and of the school grounds;

(u) participating in any arrangements within an agreed national framework for the appraisal of performance of principals;

(v) participating in the identification of areas in which principals or other teachers would benefit from further training and the undergoing of such training;

(w) participating, to such extent as may be appropriate having regard to his or her other duties, in the teaching of students at the school, including provision of cover for absent teachers;

(x) reporting promptly to the Chief Education Officer, the permanent secretary responsible for health and other appropriate health personnel any apparent outbreak of any contagious or infectious disease in the school, any unsanitary condition in the school building or surroundings and any other dangerous or unsafe condition in the school;

(y) reporting to the Chief Education Officer and to the proper Government official responsible for student welfare that a student is in need of protection when there are reasonable grounds to believe that the student is in need of protection as defined pursuant to any legislation enacted by the House of Assembly;

(z) preparing and implementing the school development plan.

(2) When there is no Board of Management or Governing Board appointed in respect of a school, the principal shall establish the policies for the administration, management and operation of the school pursuant to section 32(1)(d) or 38(1)(e), as the case may be.

(3) A principal who fails to perform any or a combination of the professional duties specified in subsection (1) is in breach of his or her professional duties and is liable to disciplinary action in accordance with the regulations made for that purpose under the Public Service Commission Act.

Duties of deputy Principals

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

(a) assist the principal in managing the school or such part of the school as may be determined by the principal;

(b) undertake any professional duty of the principal which may be delegated to him or her by the principal; and

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(c) in the absence of the principal, undertake the professional duties of the principal to the extent required by the principal or the relevant body.

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

Exercise of general professional duties of teachers

6. A teacher who is not a principal must—

(a) carry out his or her professional duties as circumstances may require under the reasonable direction of the principal; and

(b) in accordance with any directions which may reasonably be given to such a teacher by the principal from time to time, perform such particular duties as may reasonably be assigned to him or her.

Professional duties of teachers

7. (1) Without prejudice to the provisions of this Act and regulations the following duties constitute professional duties of a teacher—

(a) planning and preparing courses and lessons;

(b) having regard to the educational needs of students assigned to him or her, teaching such students as well as setting and marking the work to be carried out by such students in school and elsewhere;

(c) assessing, recording and reporting in a manner approved by the principal on the development, progress and attainment of students;

(d) promoting the general progress and well-being of individual students and of any class or group of students assigned to him or her;

(e) providing guidance and advice to students on education and social matters and on their further education and future careers, including information about sources of more expert advice on specific questions;

(f) making records of and reports on the personal and social needs of students;

(g) communicating and consulting with the parents about the progress of their children and other matters affecting the school;

(h) participating in meetings arranged for any purpose described in paragraphs (a) to (g) and, when requested to do so, in meetings of any committee or other body established by the Ministry or Department of Education;

(i) making relevant records and reports of students' progress;

(j) reviewing with students their assessments and progress and advising the students of the expectations for them;

(k) providing or contributing to oral and written assessments, reports and references relating to individual students and groups of students;

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(l) participating in any arrangements within an agreed national framework of the appraisal of his or her performance and that of other teachers;

(m) reviewing, from time to time, his or her methods of teaching and programmes of work;

(n) participating in arrangements for his or her further training and professional development as a teacher;

(o) advising and co-operating with the principal or any other teacher on the preparation and development of courses of study, teaching materials, teaching programmes, methods of teaching and assessment and pastoral arrangements;

(p) maintaining good order and discipline among the students and safeguarding their health and safety both when they are authorised to be on the school premises and when they are engaged in authorised school activities elsewhere;

(q) participating in meetings at the school which relate to the curriculum for the school or the administration or organisation of the school, including pastoral arrangements;

(r) supervising and, so far as practicable, teaching any students whose teacher is not available, but a teacher shall not be required to provide such cover for another teacher who is absent or otherwise not available for 5 or more consecutive working days;

(s) participating in arrangements for preparing students for assessments, recording and reporting such assessments and participation in arrangements for students' presentation for and supervision during such assessments;

(t) making arrangements, under the direction of the principal, for parents to be given regular information about school curriculum, the progress of their children and other matters affecting the school;

(u) promoting effective relationships with persons and bodies outside the school;

(v) advising and assisting the Board of Management in the exercise of its functions, including attending meetings and making such reports to it in connection with the discharge of his or her functions as may be required;

(w) making and participating in arrangements for the effective supervision of students during the school day, and the security of school buildings and their contents and of the school grounds;

(x) participating to such extent as may be appropriate having regard to other duties, in the teaching of students at the school, including provision of cover for absent teachers; and

(y) performing any other duties which may be prescribed.

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

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