

EDUCATION BILL

No. of 2024

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EDUCATION ACT

No. of 2024

AN ACT to enhance the delivery of quality education, services and supports to enable students in Saint Lucia to reach their full potential as learners, to nurture holistic student achievement, to provide for equity, inclusion and diversity among students, to provide for positive behaviour and discipline of students, to establish the rights and duties of students, parents and educators, and to facilitate the development and implementation of an inclusive, modern National Curriculum that is responsive to societal needs and equips students for success in school and life as responsible citizens, innovative leaders and skilled members of the workforce, and for related matters.

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

PRELIMINARY

Short title and commencement

- (1) This Act may be cited as the Education Act, 2024.
- (2) This Act shall come into force on a date to be fixed by the Minister by Order published in the *Gazette*.
- (3) Notwithstanding subsection (2), the Minister may fix different dates for the commencement of the different Parts or sections of this Act.

Interpretation

- (1) In this Act—

“**adult education**” means education undertaken by adults to complete a formal level of education, increase their educational or professional qualifications, expand their occupational knowledge, skills, competencies and expertise and to pursue a new field or area of interest;

“**alcoholic beverage**” has the meaning as intoxicating liquor assigned under section 2 of the Liquor Licence Act, Cap. 13:17;

“**alternative education**” means non traditional educational programmes and services that provide secondary school students who require them with different pathways for successfully completing school and preparing for the workplace;

“**appeal**” means an application to the Education Appeals Tribunal for review of a decision made under this Act;

“**assisted school**” means a school established in accordance with section 45;

“**behavioural support**” means a plan, supportive action, professional intervention provided to a student who requires it for learning, tracking, monitoring and reinforcing positive student behaviour;

“blended education” means instruction that is provided to students via a combination of in-person teaching and distance education;

“Board of Management” means a Board of Management appointed -

- (a) in the case of public school, under section 109;
- (b) in the case of an assisted school, under section 110

“capacity” means the ability of a school to accommodate a student, including –

- (a) available space for a student in a class;
- (b) appropriate class composition; and
- (c) an appropriate programme and service to accommodate a student;

“Caribbean Advanced Proficiency Examination” means the examination offered by the Caribbean Examinations Council for certification of the academic, vocational and technical achievement of a student;

“Caribbean Examinations Council” means to the institution of the Caribbean Community that is an examining body providing the educational certification;

“Caribbean Primary Exit Assessment” means the assessment administered at the conclusion of the primary stage of education;

“Caribbean Secondary Examination Certificate” means the assessment offered to a student engaged in education at the secondary stage in a range of subjects for general and technical proficiencies by the Caribbean Examinations Council;

“Chief Education Officer” means the person appointed to that position by the Public Service Commission;

“Chief Medical Officer” means the person appointed to that position by the Public Service Commission;

“child” means a person under eighteen years of age;

“class” in relation to a particular student and a particular subject, means the teaching group in which a student is regularly taught that subject;

“compulsory school age” means the age span from three and sixteen years or up to the age of sooner completion of education up to the secondary stage;

“continuing education” means tertiary education of varied learning activities and programmes and ongoing professional development for educators;

“corporal punishment” means the use of physical force as a disciplinary response a student, but does not include the use of reasonable force to prevent personal injury to, damage to or destruction of property of a person;

“curriculum officer” means a person appointed to that position by the Teaching Service Commission;

“denominational school” means a school established, managed and maintained by a denominational body at its own expense;

“Department” means the department of government responsible for education;

“Deputy Chief Education Officer” means the person appointed to that position by the Public Service Commission;

“distance education” means a medium by which teaching is conducted by a person removed in space or time from the learner;

“district education officer” means an education officer assigned to an education district;

“early childhood education” means education provided in a school for a child of three years to five years;

means a child of compulsory school age who is enrolled in an early childhood education programme;

“Education Advisory Board” means the board constituted under section 13;

“Education Appeals Tribunal” means the body constituted under section 171 for the hearing of an appeal against a decision made under this Act;

“education officer” means a public officer appointed to that position by the Public Service Commission and employed at the Department;

“education system” means the integrated framework of personnel, institutions, policies, facilities, programmes, funding mechanisms, administrative hierarchies and governance structures for the delivery of education to a student;

“educational leader” means an educator in a formal leadership position at the Department or at a school.

“educational psycho-social support” means a programme or a service that promotes the holistic growth, development and well-being of a student;

“educator” includes a public officer appointed by the Teaching Service Commission as a principal, a vice-principal, a teacher and a school guidance counsellor;

“Employment and Training Fund” means the fund established under section 154;

“extended school age” means an age over the compulsory school age;

“gender equality” means the availability of the same opportunity, responsibility and rights to both sexes;

“homeschooled student” means a child of compulsory school age who is enrolled in a homeschooling programme that is approved by the Chief Education Officer;

“homeschooling” means the education of a child of compulsory school age at a site other than a school with the approval of the Chief Education Officer, under the supervision of a parent, with instruction provided by a parent or a teacher using an educational plan approved by the Chief Education Officer;

“inclusive education” means education that values and upholds students of diverse backgrounds, abilities and cultures together in the least restrictive environment and supports the participation of all students in school life;

“in-person education” means teaching and learning that takes place in real time in a school building and a classroom in which a teacher and a student are physically present and interacting face to face;

“in-school suspension” means a removal of a student from his or her class, the educating of that student in another part of the school and the loss of school privileges by the student as prescribed..

“Member State” has the meaning assigned under the Treaty of Basseterre 1981 and set out in the Organisation of Eastern Caribbean States Act, Cap. 19.12;

“Minimum Standards Test” means the assessment under section 104(1)(a) and (b) ;

“Minister” means the Minister responsible for education;

“National Code of Conduct” means the prescribed set of standards of positive behaviour and disciplinary responses for students and other members of a school community;

“National Council of Parent-Teacher-Community Associations” means the non-governmental body that may be established under section 158;

“National Curriculum” means the National Curriculum under Part V;

“National Students’ Council” means the non-governmental body that provides representation for a student in Saint Lucia, enabling him or her to be a leader in his or her school and community;

“National Qualifications Framework” means the system which classifies various forms of education based on the knowledge and skills obtained;

“online education” means a form of distance education in which a teacher and a student are separated by space and time and instruction is conducted via the use of technology;

“out-of-school suspension” means the temporary prohibition of a student from attending school, utilising school transportation or entering school premises.

“parent” includes a guardian and a person who is liable to maintain a child or a youth or who has the custody of a child and a person cohabiting with the mother or the father of a child or a youth;

“parent-teacher-community association” means an organisation of parents, teachers and community members intended to facilitate participation of parent and the community in a school and to improve the educational experience of a student at a school;

“Permanent Secretary” means the person appointed to that position by the Public Service Commission and who is responsible for education;

“person” includes a body corporate;

“primary school” means a school providing full-time education suited to the requirements of a primary school student;

“primary school student” means a child of compulsory school age who is enrolled in a primary school;

“principal” means an educational leader who is the head of a school;

“private school” means a school other than a public school or an assisted school which is owned, managed and financed by a trust, a person or a body and has obtained a permit to operate under this Act;

“proprietor” means a person who owns a private school;

“public school” means a school which is maintained at the public expense and to which the public has access without any conditions other than those authorised under this Act;

“qualifying examination” means the Caribbean Primary Exit Assessment or another examination set by the Department or a school for admission to a secondary school;

“Regulations” means Regulations prescribed by the Minister under this Act;

“repealed Act” means the former Education Act, Cap. 18.01 repealed under this Act;

“restorative justice” has the meaning assigned under the Child Justice Act, Cap. 3.09;

“Saint Lucia Island Scholarship” means the scholarship awarded to a student under Part IX;

“school” means an institution that provides education which includes early childhood education to tertiary education as the context allows;

“School Attendance Officer” means a public officer appointed to that position by the Public Service Commission who is responsible for the enforcement of school attendance by a student of compulsory school age;

“school guidance counsellor” means an educator who provides academic, career, social-emotional and behavioural guidance and supports to a student at a school;

“school record” means an official document which records the progress of a student through school and includes demographic information, grades, a transcript, an attendance record, an achievement, an award, a disciplinary history, an individualised programme, an examination result and an assessment or an academic or termly report of a student.

“school register” means the register of students under section 100;

“school year” means the academic year prescribed by the Minister;

“secondary school” means a post-primary institution providing a full-time curriculum to a student of compulsory school age or extended school age consisting of an academic or technical and vocational curriculum, or both and suited to the requirements of a secondary school student;

“secondary school student” means a child of compulsory school or a youth of extended school age who is enrolled in a secondary school;

“Sir Arthur Lewis Community College” means the school established under the Sir Arthur Lewis Community College Act, Cap.18.08;

“special needs” means student challenges, abilities and disabilities that necessitate the provision of specialised educational programmes and services section ;

“special needs assessment” means the evaluation under section 73;

“special needs education” means an education, service and facility suitable to a student of compulsory school age or extended school age having special needs;

“special needs school” means a school that provides special needs education to a student who is unable to benefit from an inclusive education due to the nature or degree of his or her special needs;

“special needs student” means a child of compulsory school age or a youth who has special education needs and is enrolled in a school;

“student” means a child or a youth enrolled in a school, including—

- (a) an early childhood education student;
- (b) a homeschooled student;
- (c) a primary school student;
- (d) secondary school student; and
- (e) a special needs student;

“teacher” means a person who is appointed by the Teaching Service Commission in a formal teaching position;

“teacher in charge” means a teacher who has temporarily been assigned administrative responsibilities as the head of a school in the absence of the principal and vice-principal, and who has assumed these administrative responsibilities voluntarily;

“Technical and Vocational Education and Training” means education that facilitates the acquisition and application of occupational knowledge, competencies, and skills;

“tertiary education” means advanced academic, vocational, and professional education that builds on secondary education, supports student learning in varied fields and disciplines, and promotes in-depth learning at high levels of complexity and specialisation;

“TVET Council” means the Technical and Vocational Education and Training Council continued under section 133;

“universal access to education” means the availability of free, inclusive and equitable education at a public school or an assisted school for a child or a youth;

“University of the West Indies” means the Caribbean public research university offering undergraduate and postgraduate degrees, certificates;

“Vice-principal” means a person appointed to that position by the Teaching Service Commission;

“work-integrated learning” means the experiential, hands-on learning in a workplace or a community setting that enables a student to transfer and apply what he or she has learnt in a school to an actual situation or problem and includes an apprenticeship, a co-op placement, an internship, service learning and work experience;

“youth” means a secondary school student of extended school age.

Purpose

3. The purpose of this Act is to –

- (a) provide Saint Lucian students with high quality education that supports their learning, development and well-being and enables them to reach their full potential as learners and citizens;
- (b) facilitate the development of educated, well-rounded, responsible and competent citizens and skilled member of the workforce;
- (c) provide for universal access to education in Saint Lucia from the early childhood stage to the secondary stage;
- (d) establish a modern system and structure with respect to the delivery of compulsory education;
- (e) provide an inclusive National Curriculum that is responsive to student needs and societal requirements and incorporates subject areas as prescribed;
- (f) provide for quality curriculum, assessment, teaching, learning and leadership;
- (g) provide for appropriate educational facilities, programmes, services and supports that address the diverse learning needs of a student to the extent that resources permit;
- (h) provide educational psycho-social supports;

- (i) regulate a school and a student being homeschooled;
- (j) support and promote lifelong learning;
- (k) provide for a right and a duty of a participant in the education system;
- (l) provide for preparation, continuing education and oversight of educators, school support staff and other education personnel;
- (m) regulate schools and homeschooling in Saint Lucia; and
- (n) support the implementation, monitoring and evaluation of the strategic plans of the Government into the education system to facilitate continuous school and system improvement.

Act to bind Crown

4. This Act binds the Crown.

PART I ADMINISTRATION OF THE EDUCATION SYSTEM

Division 1 Duties and Powers of Administrators

Duties of Minister

5. The duties of the Minister are to —

- (a) be responsible for the overall administration of this Act;
- (b) establish a public school and determine its location;
- (c) classify a school as an assisted school;
- (d) establish and regulate adult education, continuing education, distance education, homeschooling and special needs education and any other method of instruction as the Minister considers necessary;
- (e) establish and maintain or assist in the establishment and maintenance of school;
- (f) prescribe the National Curriculum;
- (g) determine the duration of the school year and the school term in a public school and an assisted school, and manage and assist a school in accordance with this Act;
- (h) provide an educational opportunity for meeting the demand for higher education and take any step necessary for the carrying out of an obligation of the Government to the Caribbean Examinations Council, the University of the West Indies, or another institution of higher learning; and
- (i) provide effective and efficient leadership of the education system.

Powers of Minister

6. (1) In carrying out his or her duties, the Minister may—

- (a) regulate the operation of a public school;

- (b) provide for the professional training of a teacher, and set a standard which is applicable to the recruitment, training, professional development and condition of service of a teacher;
- (c) prescribe a form and a notice as required for the administration of this Act;
- (d) constitute a board, committee or other body to offer advice on an educational issue and any other related matter;
- (e) set a list of textbooks, learning resources and practices in a public school and an assisted school except that in the case of an assisted school that is owned by a denominational body, a textbook for religious education shall be determined by the denominational body;
- (f) determine and regulate the level of assistance to an assisted school;
- (g) establish, decommission or merge a public school;
- (h) approve or revoke a permit of a private school;
- (i) authorise and implement the provision of an educational psycho-social support at different stages of education, as a part of different types of education and in different schools; and
- (j) make regulations generally for the proper carrying out of this Act; and
- (k) do anything necessary or convenient for the carrying out of a responsibility of the Minister.

(2) An educational psycho-social support under subsection (1)(i) includes-

- (a) a school feeding programme;
- (b) a uniform support bursary;
- (c) a bus transportation subsidy;
- (d) a textbook bursary;
- (e) a school and district counselling service;
- (f) a social work service;
- (g) an initiative that promotes equal opportunity for students of both sexes;
- (h) a positive behaviour intervention and support;
- (i) a drug and alcohol abuse prevention programme; and
- (j) a multi-tiered system of support.

Delegation by Minister

7. (1) The Minister may delegate in writing to the Permanent Secretary or the Chief Education Officer a duty conferred on the Minister by this Act but this does not preclude the Minister from exercising the duty delegated if the Minister considers it expedient.

(2) After consultation with the Permanent Secretary and the Chief Education Officer, the Minister may give a direction in writing to a public officer in the Department with respect to a duty of the Minister under this Act and the public officer shall carry out the direction of the Minister.

Duties of Permanent Secretary

8. (1) The Permanent Secretary shall –

- (a) supervise the Department including the Chief Education Officer;
- (b) implement a policy decision at the direction of the Minister; and
- (c) carry out other duties as assigned by the Minister.

(2) In carrying out the duties under subsection (1), the Permanent Secretary must have regard to the technical expertise of the Chief Education Officer.

Powers of Permanent Secretary

9. (1) The Permanent Secretary may delegate a duty conferred by this Act or another enactment to the Chief Education Officer but this does not preclude the Permanent Secretary from exercising the duty delegated if the Permanent Secretary considers it expedient.

(2) The Permanent Secretary may give a direction to a public officer in the Department with respect to a duty of the Permanent Secretary under this Act or another enactment and the public officer shall carry out the direction of the Permanent Secretary.

Duties of Chief Education Officer

10. Subject to section 8(1)(a) and the duties of the Permanent Secretary under the Constitution, the duties of the Chief Education Officer are to—

- (a) provide technical expertise and advice to the Department;
- (b) ensure that education is administered in a proper and efficient manner;
- (c) develop administrative principles, procedures and guidelines for general policies and administering the school system;
- (d) liaise with an education officer, a principal and a teacher and a regional or international organisation as directed by the Permanent Secretary;
- (e) devise a system of education designed, as far as possible, to ensure that the intellectual and vocational ability, aptitude and interest of a student finds adequate expression and opportunity for development;
- (f) provide for the admission, enrolment and transfer of a student in a public school and an assisted school;
- (g) designate or decommission a grade, class or special programme offered in a public school and an assisted school;
- (h) develop and direct professional development and training for a teacher and professional staff of the Department
- (i) initiate, subject to the provisions of this Act, curriculum innovation and reform in order to maintain a high quality of instruction;
- (j) establish appropriate procedures for evaluating the instructional programme of a school
- (k) render to a student assistance as may be necessary to enable the student to take advantage of an educational facility;
- (l) evaluate a homeschool plan and the work of a public school, and an assisted school with reference to the National Curriculum and make provision for an assessment of a student and the award of a certificate;
- (m) refer a student who has been identified as having special needs to an appropriate medical, educational or social service or other agency for remedial treatment or assistance;
- (n) actively encourage the formation, functioning and development of a students' council in a school and the National Students' Council.
- (o) advise the Minister on any matter affecting education;
- (p) ensure that school premises, property and resources are protected against improper use;
- (q) supervise and support the work of the Deputy Chief Education Officer, an education officer, a curriculum officer, a district education office and its staff;

- (r) ensure that a school complies with this Act;
- (s) develop and implement a procedure and guideline for continuous school and system improvement aimed at increased student success;
- (t) build system capability for quality teaching, learning and leadership aimed at increased student success; and
- (u) perform any other function under this Act as the Minister or Permanent Secretary may assign.

Powers of Chief Education Officer

11.(1)The Chief Education Officer, in consultation with the Permanent Secretary, may delegate, a duty conferred on the Chief Education Officer by this Act to an education officer, a curriculum officer and professional staff of a district education office and the Department, but this does not preclude the Chief Education Officer from exercising the duty delegated if he or she considers it expedient.

(2) Notwithstanding subsection (1), the Chief Education Officer may delegate any of his or her powers to a Deputy Chief Education Officer.

(3) The Chief Education Officer may assist a student as may be necessary to enable the student to take advantage of an educational facility;

(4) The Chief Education Officer may do anything necessary or convenient in the carrying out of his or her duties under this Act.

Duties of education officer

12. An Education Officer shall—

- (a) conduct a visit and inspection of a school and homeschooling programme and maintain a log of a visit and inspection;
- (b) monitor the delivery of an educational programme and service in a school and a homeschooling programme, including the implementation of the National Curriculum;
- (c) assist with an emergency response, crisis leadership and the handling of an urgent matter;
- (d) assist an educational leader with the leadership of quality teaching, learning and leadership;
- (e) assist an educational leader with the management of school personnel, a policy, a procedure, a programme, a service, finances, a facility and professional development;
- (f) oversee and coordinate continuous school improvement planning in collaboration with an educational leader;
- (g) assist with the preparation and submission of a project, proposal, annual budget, quarterly report, and communication;
- (h) organise and facilitate a professional development activity;
- (i) attend a school event and ceremony on behalf of the Department; and
- (j) perform any other duty as assigned by the Permanent Secretary or Chief Education Officer.

Division 2 Education Advisory Board

Establishment of Education Advisory Board

13. (1) The Education Advisory Board established under section 9 of the repealed Act is continued.
- (2) The Minister may appoint the members of the Education Advisory Board in writing, after approval from Cabinet..
- (3) The Education Advisory Board comprises ten members as follows —
- (a) the principal of the Sir Arthur Lewis Community College;
 - (b) four members nominated by the Minister representing —
 - (i) expert educational opinion,
 - (ii) a parent-teacher community association, and
 - (iii) technical, vocational or business education;
 - (c) one representative nominated by the association of school principals;
 - (d) one representative nominated by a recognised organisation representing teachers;
 - (e) one representative nominated by the National Students' Council or other representative body of students;
 - (f) one representative nominated by a religious organisation; and
 - (g) one representative nominated by the business or professional community.
- (4) The Education Advisory Board shall select a chairperson and a deputy chairperson from among its members at its first meeting.

Publication of membership

14. The Minister shall cause the names of the members of the Education Advisory Board and every change in the membership to be published in the *Gazette*.

Functions of Education Advisory Board

15. (1) The Education Advisory Board shall —
- (a) advise the Minister on a matter—
 - (i) connected with education as it thinks fit,
 - (ii) in respect of a duty of the Minister or the exercise of a power by the Minister under this Act, and
 - (iii) relating to the promotion of education; and
 - (b) review and report annually on—
 - (i) the physical condition and the maintenance of a public school or an assisted school,
 - (ii) the continued relevance of the National Curriculum,
 - (iii) the performance of students at examinations, and

- (iv) the organisation of the Department and its delivery of education and the school personnel, including the number, qualification and assignment of educators, support staff and other persons employed in the school.

(2) The Education Advisory Board shall submit its report to the Minister who shall lay it in Parliament and may publish it.

(3) A member of the Education Advisory Board shall not disclose to any person the business of the Education Advisory Board including the advice given to the Minister except as necessary under subsection (4).

(4) Prior to advising the Minister on a matter concerning the promotion of education under subsection (1)(a)(iii), the Education Advisory Board may, with the approval of the Minister —

- (a) hold a public hearing into the matter;
- (b) appoint a member to hold a public hearing into the matter; or
- (c) solicit a written submission from the public on the matter.

(5) The Minister may require the Education Advisory Board to hold a public hearing with respect to a matter affecting the promotion of education and when so required, the Education Advisory Board may adopt a procedure outlined in subsection (4) that it considers appropriate.

Tenure

16. (1) The appointment of a member of the Education Advisory Board is for a period not exceeding two years, but the member is eligible for reappointment.

(2) In the absence or in the case of an inability of a member to act, the Minister may appoint a person from the category that the member represents to act temporarily in his or her place.

Resignation of member

17. (1) The chairperson may resign from the Education Advisory Board by notice in writing addressed to the Minister and the resignation shall take effect from the date of the receipt of the notice by the Minister.

(2) A member, other than the chairperson, may resign from the Education Advisory Board by notice in writing addressed to the Minister and sent through the chairperson and the resignation shall take effect from the date of the receipt of the notice by the chairperson.

Revocation

18. The Minister may revoke the appointment of a member if he or she thinks fit.

Filling of vacancy

19. If a vacancy occurs in the membership of the Education Advisory Board by death, resignation or prolonged absence of a member, the vacancy shall be filled by the appointment of another person who may hold office for the remainder of the period for which the member was appointed and the appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the member.

Effect of vacancy or defect

20. Subject to section 24, the Education Advisory Board is properly constituted despite a vacancy among its members or a defect in the appointment of a member.

Meeting

21. (1) The Education Advisory Board shall meet at least three times a year and at any other time as may be expedient for the transaction of business at a place determined by the chairperson.

(2) Subject to this Act, the Education Advisory Board may regulate its own procedure.

Special meeting

22. The chairperson may call a special meeting of the Education Advisory Board within fourteen days of a request in writing addressed to him or her by five members.

Person to preside at meeting

23. The chairperson or, in his or her absence, the deputy chairperson shall preside at a meeting of the Education Advisory 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

24. A recommendation of the Education Advisory Board shall be by a majority of votes of the members present and, in addition to an original vote, the chairperson or other person presiding at the meeting shall have a casting vote if the voting is equal.

Quorum

25. The quorum of the Education Advisory Board at any meeting is six members.

Recording secretary of Education Advisory Board

26. (1) The Minister shall designate a recording secretary for the purpose of taking the minutes in proper form.

(2) The minutes of the proceedings of the Education Advisory Board shall be kept by the chairperson of the Education Advisory Board..

Minister not bound by advice

27. The Minister is not bound by the advice of the Education Advisory Board.

Special advisory council or committee

28. (1) Notwithstanding section 15, the Minister may appoint a special advisory council or committee to advise him or her with respect to any matter.

(2) The Education Advisory Board may appoint a committee for any purpose.

(3) An appointment under subsection (2) may be subject to any restriction or condition.

(4) The number of persons in a committee appointed under subsections (1) and (2) and the terms of office shall be fixed by the Minister or the Education Advisory Board, as the case may be.

(5) The Education Advisory Board may co-opt a person to a committee appointed under this section.

PART II
STAGES OF AND TYPES OF EDUCATION AND SCHOOLS

Division 1
Education and Schools

Stages of public education

29. Public education consists of the following stages—

- (a) early childhood;
- (b) primary;
- (c) secondary; and
- (d) tertiary.

Types of education

30. (1) For the purpose of this Act, the Minister may facilitate a course of study and authorise the provision of—

- (a) adult education;
- (b) alternative education;
- (c) blended education; and
- (d) continuing education;
- (e) distance education;
- (f) homeschooling;
- (g) inclusive education;
- (h) in-person education;
- (i) online education;
- (j) special needs education; and
- (k) technical and vocational education and training.

(2) Notwithstanding subsection (1), the main type of education to be provided is in-person education.

(3) Notwithstanding subsections (1) and (2), the Minister may authorise the alteration or cessation of existing types of education, or authorise the provision of new types of education.

Status of school

31. A public school or an assisted school existing at the commencement of this Act is deemed to have been established by this Act and shall continue as a school under this Act.

Public school

32. (1) There may be established a public school.

(2) The Minister shall maintain a public school at the public expense.

(3) The Minister shall have control of a public school and he or she may be assisted in the overall administration and management of a school by the Department, a Board of

Management, the Education Advisory Board or a council or committee established under this Act.

(4) A secondary school that is a public school may offer a tertiary course of study.

Private school

33. There may be established a private school.

Denominational school

34.(1) There may be established a private school which is a denominational school managed and maintained by a denominational body at its own expense.

(2) The proprietor of a denominational school may agree in writing with the Minister to become an assisted school.

(3) Notwithstanding that the denominational school receives a Government grant, a subsidy or another form of financial assistance for its management and maintenance, the denominational school is deemed to retain its status as a denominational school.

Permit to operate private school

35. (1) A person shall not operate a private school unless the person is the holder of a permit issued by the Minister.

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

Application for permit to operate private school

36 (1) A person may apply to the Minister for a permit to operate a private school.

(2) An application for a permit to operate shall be in the prescribed form.

(3) In determining the application, the Minister shall consider if –

- (a) the criteria for admission and access by a student is equal, equitable and inclusive;
- (b) the premises are suitable, safe and secure;
- (c) the furniture and facilities are adequate and suitable having regard to the number and ages of the students expected to attend;
- (d) the accommodation provided is adequate and suitable having regard to the number, age and sex of the students expected to attend;
- (e) the qualification and number of teachers and administrators are equal to that provided in an equivalent public school having regard to the age of the students expected to attend;
- (f) the terms and conditions of employment of the teachers are fair;
- (g) there is adequate land for the recreation of a student;

- (h) the National Curriculum or another curriculum is satisfactory having regard to the age of the students expected to attend;
- (i) the teaching practices and assessment methods are satisfactory having regard to the age of the students expected to attend;
- (j) the proprietor or the principal is a qualified and fit and proper person; and
- (k) the school will have at its disposal adequate human, learning and financial resources for dispensing the service for which the permit is issued.

(4) In order to determine the suitability of the premises of the school, the Minister shall cause an inspection to be carried out.

Grant, refusal and transfer of permit to operate private school

37. (1) If the Minister is satisfied that the applicant meets the requirements for the grant of a permit, the Minister shall grant a permit.

(2) If the Minister is not satisfied that the applicant meets the requirements for the grant of a permit, the Minister may request further information or he or she shall refuse the application.

(3) If the Minister refuses an application for a permit, the Minister shall notify the applicant in writing, giving reasons for the refusal.

(4) A holder of a permit may apply to amend or renew a permit granted under this section in the prescribed manner.

(5) An applicant aggrieved by a decision of the Minister under this section may appeal to the Education Appeals Tribunal.

(6) A permit shall not be transferred except with the written authorisation of the Minister.

Existing private school

38. (1) A person who, at the commencement of this Act, operates a private school shall comply with section 36(1) within six months of commencement of this Act or a further period as the Minister may, by Notice in the *Gazette*, allow.

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

Register of private school

39. (1) The Chief Education Officer shall keep a register of a private school in the prescribed form. be

(2) The register shall contain the particulars of every private school for which a permit has been issued.

(3) When a permit is granted, a private school is deemed registered.

(4) The Chief Education Officer shall issue a certificate annually to a registered school and publish a list of the registered schools in the *Gazette*.

(5) The Chief Education Officer may amend the register and issue a new certificate.

Information

40. A proprietor shall inform the Minister—

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

(b) if the private school cannot provide a service for which the permit is issued; and

(c) of an amalgamation, sale or transfer affecting the private school.

Notice to comply

41. (1) If the Minister believes that a private school registered under this Act is operating contrary to this Act, the Minister shall serve on the proprietor notice, in writing, to comply, -

(a) requiring him or her within the time specified in the notice to conduct the school in accordance with this Act;

(b) informing him or her of the intention of the Minister to revoke the permit unless the breach is rectified.

(2) The Minister may extend the period of time specified in the notice to comply as he or she considers necessary.

Revocation of permit

42. (1) The Minister shall give a proprietor an opportunity to be heard prior to revoking a permit.

(2) Unless the proprietor satisfies the Minister of a reason why the permit should not be revoked, the Minister shall —

(a) revoke the permit to operate and cancel the registration;

(b) give reasons for the revocation in writing; and

(c) inform the proprietor of his or her right to appeal.

(3) The Minister shall ensure that satisfactory arrangements are made for the accommodation of the students on revocation of a permit.

Appeal

43. (1) A person whose application under section 36(1), is refused or whose permit to operate is revoked, may appeal to the Education Appeals Tribunal.

(2) In the case of a refusal, the person may appeal on the ground that —

(a) the reason given for the refusal is not a valid reason for refusal under the Act;

- (b) the inspection of the school carried out under section 36(4) was not adequate; or
- (c) that there is no evidence available to support the refusal.

(3) In the case of a revocation, the proprietor may appeal on the ground that —

- (a) a notice to comply was not served on the proprietor;
- (b) the time specified in the notice to comply served under section 41 is unreasonable;
- (c) the proprietor has complied with the notice to comply served under section 41; or
- (d) that there is no evidence available to support the revocation.

(4) If an appeal is against the revocation of a permit the Minister may not enforce the revocation until the appeal is determined.

(5) If an appeal against a revocation is dismissed, the registration of the school is cancelled from the date of the order.

Closure of private school and re-application

44.(1) A private school shall be closed from the date on which the permit to operate is revoked.

(2) If the permit to operate of a private school is revoked, the proprietor may re-apply to the Minister for a permit to operate.

Assisted school

45. (1) An assisted school is established by an agreement in writing between the Minister and a proprietor.

(2) The Minister or the proprietor may terminate the agreement by giving the other party at least three years' notice.

(3) In an agreement under this section, a private school agrees, in writing, -

- (a) to receive public funds for –
 - (i) the maintenance of the school,
 - (ii) the provision of school furniture or equipment,
 - (iii) the building or rebuilding of a school or the building or rebuilding to an extension to the school,
 - (iv) the payment of the salaries of the staff, and
 - (v) another purpose approved by the Minister; or
- (b) for the premises to be jointly owned by the Government and the proprietor;
- (c) for the management to be shared between the Minister and the proprietor;
- (d) to purpose specified under paragraph (a); or
- (e) that a school owned by the Government is an assisted school.

Publication of list of assisted schools

46. The Minister shall publish a list of assisted schools in the *Gazette* by July 31 of each year and shall cause the list to be circulated to a public school and an assisted school.

Religious education in assisted school

47. (1) If an assisted school is owned or managed by a denominational body, the denominational body shall be responsible for organising and providing religious instruction to a student in accordance with a curriculum set by the denominational body.

(2) Notwithstanding subsection (1), a student shall not be compelled to receive religious education or take part in a religious ceremony.

Loan guarantee to assisted school

48. (1) The proprietor or the Board of Management of an assisted school may apply to the Minister to guarantee a loan from a commercial bank for the purpose of improving or extending the buildings of the assisted school or build a new school to replace an assisted school that has been decommissioned.

(2) If on consideration of an application for a loan under this section, the Minister is satisfied that the purpose for which the loan is required ought to be carried out and that the amount required may properly be obtained by borrowing, the Minister may arrange with the proprietor and the Board of Management to guarantee a loan on terms and conditions as may be agreed by the parties and in accordance with the Public Finance Management Act, No. 14 of 2020.

Visit and inspection of school

49 (1) The principal of a school shall keep the school open during school hours to facilitate a visit and an inspection by—

- (a) the Minister;
- (b) the Chief Education Officer;
- (c) a Board of Management; or
- (d) another person authorised in writing by the Minister or the Chief Education Officer.

(2) A person authorised under subsection (1)(a) - (d), shall visit and inspect a school at a time and in the manner prescribed.

(3) A person who visits and inspects a school under subsection (1) (a) - (d) –

- (a) shall present official identification to the principal, proprietor or person in charge;
- (b) may question a student on a subject taught at the school;
- (c) may assist and guide a teacher employed at the school on the conduct and efficient practices at the school;
- (d) may advise the principal of the school on a matter relating to the welfare and development of the school; and
- (e) shall provide the Minister, a Board of Management or a proprietor, with a report on the school.

(4) A person shall not obstruct a person authorised under this section to visit and inspect a school during a visit and inspection of the school.

(5) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine of one thousand dollars and in the case of a second or subsequent conviction to a term of imprisonment of six months.

Division 2

Homeschooling

Application for homeschooling

50. (1) A parent who wishes to homeschool his or her child shall apply in writing to the Chief Education Officer for approval.

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

- (a) be made at least three months prior to the commencement of homeschooling or at any other time permitted by the Chief Education Officer; and
- (b) be accompanied by an educational plan that -
 - (i) complies with the goals and objectives of the National Curriculum,
 - (ii) provides details of the educational level of the proposed teacher; and
 - (iii) contains a description of the learning activities for the child.

(3) The Chief Education Officer shall, in writing, approve or deny the application for homeschooling.

(4) An approval for homeschooling is valid for a period of one year and may be renewed annually.

(5) The Chief Education Officer shall maintain a register of homeschooled children.

(6) The Chief Education Officer may grant a homeschooled child access to educational resource materials and use of school facilities and equipment of a public school.

(7) The parent of a homeschooled child shall prepare and submit an annual report on the progress of his or her child no later than June 30 of each school year.

(8) The Chief Education Officer may request an academic assessment of a child approved for homeschooling subject to the payment of a prescribed fee and shall —

- (a) communicate the results to his or her parent;
- (b) advise the parent if, in the opinion of the Chief Education Officer, the child is not making reasonable progress; and
- (c) make recommendations to assist the child in improving.

Visit and inspection of homeschooled child

51. (1) Section 49 applies, with the necessary adjustments, to a child being homeschooled.

(2) A person conducting a visit and inspection of a homeschooled child shall give the parent of the homeschooled child reasonable notice of the intended visit and inspection.

(3) A visit or inspection to a homeschooled child shall be done at least once a year.

Termination of homeschooling

52. (1) The Chief Education Officer shall terminate homeschooling for a child by notice in writing if he or she is of the opinion, after considering the abilities of the child, or the findings of a visit and inspection concludes that—

- (a) the homeschooling no longer meets the requirements of the National Curriculum;
- (b) the student has failed to meet a satisfactory standard of achievement, as determined by an academic assessment; or
- (c) termination is necessary for the welfare of the child.

(2) If the Chief Education Officer terminates homeschooling of a child under subsection (1), the Chief Education Officer shall direct the parent, in writing, that the child attend a school.

(3) If the parent disagrees with the decision of the Chief Education Officer made under subsection (1), the parent may appeal to the Education Appeals Tribunal.

Division 3
Special Needs Education and Inclusive Education

Establishment of Special Needs Education and Inclusive Education Council

53. (1) The Minister shall establish an advisory Council on Special Needs Education and Inclusive Education.

(2) The Special Needs Education and Inclusive Education Council shall comprise ten persons appointed by the Minister in writing, namely –

- (a) the Permanent Secretary of the Department who shall be an *ex officio* member;
- (b) the Chief Education Officer who shall be an *ex officio* member;
- (c) the Education Officer responsible for special education and inclusive education who shall be an *ex officio* member;
- (d) the principal or proprietor of a special needs school who shall be an *ex officio* member;
- (e) one person appointed on the recommendation of a national advocacy group for persons with disabilities;
- (f) one teacher with expertise in special needs education and inclusive education;
- (g) one representative of the Saint Lucia Teachers' Union;
- (h) one representative of the Saint Lucia Principals' Association;
- (i) one parent of a student with special needs; and
- (j) one secondary school student with special needs.

(3) The Minister shall appoint in writing one member as the chairperson and one member as the deputy chairperson.

(4) In the case of an inability of a member to act, the Minister may appoint a person to act temporarily.

(5) The Minister shall designate a person to serve as the secretary of the Special Needs Education and Inclusive Education Council.

(6) The Special Needs Education and Inclusive Education Council shall select a member to serve temporarily as secretary in the absence of the secretary from a meeting.

(7) The *ex officio* members of the Council shall have the right to vote.

Functions of Special Needs Education and Inclusive Education Council

54. The functions of the Special Needs Education and Inclusive Education Council are to —

- (a) provide evidence-based policy advice to the Minister on matters pertaining to special education and inclusive education;
- (b) support the efforts of the Department to deliver special needs education programmes and services;
- (c) support the efforts of the Department to provide inclusive education;
- (d) assist with the identification of requirements for teacher training and professional development for the provision of education to students with special needs;
- (e) make a recommendation concerning teacher training and professional development for special needs education and inclusive education;
- (f) review current research on special needs, special needs education and inclusive education and to report to the Minister on research findings and emerging trends;

- (g) contribute information and advice in the development of a policy of the Department, a programme and a service for students with special needs;
- (h) collaborate with Department personnel in the development of a strategy for early identification and intervention for a child with special needs;
- (i) create a sub-committee of the council to research specific aspects of special needs education and inclusive education; and
- (j) complete another function as assigned by the Minister.

Direction to Special Needs Education and Inclusive Education Council

55. The Minister may give a direction to the Special Needs Education and Inclusive Education Council and the Special Needs Education and Inclusive Education Council shall comply with the direction.

Tenure of Special Needs Education and Inclusive Education Council

56. A member of the Special Needs Education and Inclusive Education Council shall hold office for a term of three years and is eligible for reappointment.

Resignation of member of Special Needs Education and Inclusive Education Council

57. (1) The chairperson may resign his or her office by notice in writing addressed to the Minister and the resignation shall take effect from the date of the receipt of the notice by the Minister.

(2) A member of the Special Needs Education and Inclusive Education Council may resign his or her office by notice in writing addressed to the Minister and transmitted through the chairperson of the Special Needs Education and Inclusive Education Council and the resignation is effective from the date of receipt of the resignation by the Minister.

Revocation of member of Special Needs Education and Inclusive Education Council

58. The Minister may revoke the appointment of a member of the Council of Special Needs Education and Inclusive Education if he or she thinks fit.

Filling of vacancy on Special Needs Education and Inclusive Education Council

59. If a vacancy occurs in the membership of the Special Needs Education and Inclusive Education Council, the vacancy shall be filled by the appointment of a person in accordance with section 53(2) and the person shall hold office for the remainder of the period for which the member was appointed.

Leave of absence

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

Quorum of Special Needs Education and Inclusive Education Council

61. At a meeting of the Special Needs Education and Inclusive Education Council the quorum is six members.

Decision of Special Needs Education and Inclusive Education Council

62. (1) A decision of the Special Needs Education and Inclusive Education Council shall be by a majority of the votes of the members present and constituting a quorum.

(2) If the vote is tied, the chairperson, deputy chairperson or other member presiding at the meeting shall have a casting vote in addition to an original vote.

Frequency of meeting of Special Needs Education and Inclusive Education Council

63. The Special Needs Education and Inclusive Education Council shall meet a minimum of four times in a school year, with additional meetings scheduled by mutual agreement of the chairperson and the Chief Education Officer.

Minutes of meeting of Special Needs Education and Inclusive Education Council

64. (1) The secretary of the Special Needs Education and Inclusive Education Council shall keep the minutes of the Special Needs Education and Inclusive Education Council and the minutes shall be confirmed at the next meeting and signed by the chairperson or other person presiding at that meeting and by the secretary.

(2) The chairperson shall submit a copy of the minutes of a meeting to the Chief Education Officer within one month of confirmation.

Procedure by Special Needs Education and Inclusive Education Council

65. Subject to this Part, the Special Needs Education and Inclusive Education Council shall regulate its own procedure.

Document and decision of Special Needs Education and Inclusive Education Council

66. A document and a decision of the Special Needs Education and Inclusive Education Council shall be signified by the chairperson or a member authorised to act or by the secretary.

Regulations for Special Needs Education and Inclusive Education Council

67. The Minister may make Regulations for the Special Needs Education and Inclusive Education Council.

Annual report of Special Needs Education and Inclusive Education Council

68. The Special Needs Education and Inclusive Education Council shall submit an annual report to the Minister no later than July 15 every year that summarises the deliberations, findings and recommendations of the Special Needs Education and Inclusive Education Council during the preceding school year.

Special needs education

69. (1) The Chief Education Officer shall provide the best quality special needs education programme for a student with special needs, that resources permit.

(2) A student under subsection (1) shall have a special needs education delivered in the least restrictive and most appropriate, equitable, enabling, inclusive and practical environment that best meets the individual learning needs of the student as determined by the Chief Education Officer.

(3) A student with special needs shall be educated together with other students unless, as determined in accordance with a special needs assessment carried out under this Act, the nature or degree of the exceptionality of the student is such that to do so is inconsistent with—

- (a) the best interests of the student; and
- (b) the effective provision of education for other students in the class.

(4) Notwithstanding subsection (1), the Chief Education Officer may assign a student who is unable to be educated in accordance with subsection (3) to a special needs school.

(5) A special needs education programme may take the form of an individual education plan, accommodation or enrichment that is tailored to the needs of a student.

(6) An individual education plan for a gifted student may include accelerated student placement and programming, including early admission to primary school and secondary school and rapid promotion from one grade to the next.

Exceptionalities

70. Special needs shall include the following exceptionalities —

- (a) behavioural;
- (b) cognitive;
- (c) communication;
- (d) complex needs;
- (e) developmental;
- (f) giftedness
- (g) intellectual;
- (h) learning;
- (i) medical;
- (j) mental;
- (k) motor;
- (l) neurological;
- (m) physical;
- (n) sensory;
- (o) social-emotional; and
- (p) any exceptionality that is determined by the Chief Education Officer.

Referral prior to enrolment

71. If, prior to enrolment in a public school or an assisted school, the Chief Education Officer becomes aware that a parent wishes to enrol a student with special needs in a public school or

an assisted school, the Chief Education Officer shall undertake the procedure for the determination of special needs of the child under section 73.

Referral of enrolled student

72. (1) If a student is enrolled at a public school or an assisted school, the principal—
- (a) may determine, after consultation with a parent and the educators, that the student may be suited for a special needs education programme; and
 - (b) shall refer the student, in writing, to the Chief Education Officer for a determination of special needs.
- (2) A parent may request the principal to refer his or her child to the Chief Education Officer for a determination of special needs of the student in accordance with this section;
- (3) If a principal does not refer the student to the Chief Education Officer under subsection (1) or (2), the parent may apply directly to the Chief Education Officer for a determination of special needs of the student.

Procedure for determination of special needs

- 73.(1) If a student is referred to the Chief Education Officer for a determination of special needs under sections 71 or 72, the Chief Education Officer shall—
- (a) consult with the parent and, if appropriate, the student;
 - (b) provide the parent with written information concerning the rights of the student to an inclusive education or to an education at a special needs school;
 - (c) cause a multidisciplinary assessment of the student to be made;
 - (d) seek professional advice from an expert including an educator, a health care practitioner, clinical psychologist, paediatric therapist and a social worker as may be appropriate;
 - (e) determine whether a special needs education programme must be provided for the student or if the student must be assigned to a special needs school; and
 - (f) provide the parent, in writing, with the results of the special needs assessment, an explanation of the special needs education plan designed for the student and information about the right of appeal to the Education Appeals Tribunal.
- (2) A parent shall consent in writing to a special needs assessment.

Appeal against determination of special needs

74. (1) A parent or a student may appeal to the Education Appeals Tribunal established under section 190 if the parent or the student disagrees with —
- (a) the special needs assessment;
 - (b) the determination of special needs; or
 - (c) the special needs education plan established for the student.
- (2) When a person appeals to the Education Appeals Tribunal from a decision made under section 73, the child shall not be enrolled in the special needs education programme until the Education Appeals Tribunal makes its decision.

Committee on special needs education

75. The Minister may —

- (a) convene a committee on special needs education to advise him or her on special needs education and inclusive education; and
- (b) prescribe its membership, powers, functions and procedures.

PART III RIGHTS AND DUTIES OF STUDENTS AND PARENTS

Division 1 Rights and Duties of Students

Universal access to education

76. (1) A person of compulsory school age has universal access to education .

(2) Notwithstanding subsection (1), universal access to education for early childhood education at a public school and an assisted school shall come into force on a date to be set by the Minister by Order published in the *Gazette*.

Prohibition of discrimination

77. (1) Subject to the provisions of this Act, an employee of the Department, an educator or any person authorised to interact with a student at a school or at a school activity shall not, on the ground of colour, language, place of origin, political association, race, religion, sex or special needs, discriminate against –

- (a) a student; or
- (b) a person who is eligible for admission to a school.

(2) Notwithstanding subsection (1), it is not discriminatory if—

- (a) a special needs student is assigned to a special needs school; or
- (b) a school provides for single-sex education.

Free tuition

78. (1) A citizen of compulsory school age is entitled to free tuition at a public school or an assisted school.

(2) The Minister may prescribe tuition fees to be payable in an amount by a person who is not a citizen.

(3) For the purpose of this section, “citizen” includes a citizen of a Member State.

Duties of Students

79. It is the duty of a student to—

- (a) attend school and classes regularly and punctually;
- (b) participate fully and diligently in prescribed educational programmes and
- (c) Adhere to the Code of Conduct.

Student Accountability

80. (1) A student is accountable on school premises and during school-sponsored events —

- (a) to a teacher for his or her conduct on the school premises during the school day and during extracurricular activities; and
- (b) to the principal for his or her general department at any time during the school day and during extracurricular activities, including the time the student spends travelling between the school and his or her place of residence.

(2) While on a bus or another form of student transportation, a student is under the general direction and control of –

- (a) the driver, if the driver is an employee of the Department; and
- (b) any person under whose supervision the student is placed on the authority of the Chief Education Officer.

Youth deemed to have consented

81. A youth is deemed to have consented to his or her parent receiving his or her periodic or termly report, school record, special needs assessment, medical report, report on discipline or any other record or report under this Act..

Right of student to appropriate education

82 (1) The Chief Education Officer shall provide an appropriate education consistent with the requirements of this Act to a student who is enrolled at the early childhood, primary or secondary stage at a public school or an assisted school.

(2) For the purpose of providing an appropriate education to a student, the Chief Education Officer may cause a student to be enrolled at a public school or an assisted school.

Division 2 Rights and Duties of Parents

Rights and duties of parent

83.(1) Subject to section 50, a parent of a child of compulsory school age shall cause the child to attend school regularly and punctually.

(2) A parent of a student attending a public school or an assisted school, —

- (a) shall inform the principal, in writing, of any medical or other condition peculiar to the student on admission of the student to the school or as soon as the parent becomes aware of the medical or other condition, if the information is necessary for the care, protection and well-being of the student while at school or engaged in a school activity;
- (b) shall provide and keep current all information provided to the principal; and
- (c) shall communicate and collaborate with school personnel in the delivery of the education of his or her child;
- (d) encourage and reinforce positive, respectful behaviour; and
- (e) is entitled —
 - (i) to be informed of the progress, behaviour and attendance of the student and receive an official copy of the periodic or termly report on the academic performance and conduct of the student in a school and the school record,

- (ii) on reasonable notice to the principal to observe the instruction of a student if the visit does not impede the instruction of another student,
- (iii) to appeal a decision that affects the education, discipline, health or safety of the student,
- (iv) to be consulted in the development of a special needs education programme prepared for the student, and
- (v) to consult with a teacher or the principal with respect to the education of the student.

(3) The information provided under subsection (2)(a) and (b) shall constitute part of the student record.

(4) The Chief Education Officer may claim from the parent of a student, the value of damage caused to school property by the student.

(5) Consultation with or reference to one parent is deemed compliant with the requirements of this section.

Wishes of parent

84. An educational leader shall respond, in writing, to a written request from a parent with respect to the wishes of the parent for the education of a student.

Choice of education

85. Subject to the provisions of this Act, a parent has a right to choose if his or her child of compulsory school age is educated at home, at a school established for special needs or at a school established for technical and vocational education and training.

PART IV ADMISSION, ATTENDANCE AND RECORDS

Division 1 Admission, Zoning and Transfer

Age for admission

86. (1) A child shall not be admitted to a public school or an assisted school unless at the time of admission,-

- (a) in the case of -
 - (i) a school offering early childhood education, the child has attained the age of 3 years or will attain that age by December 31 of that year,
 - (ii) a primary school, the child has attained the age of five years or will attain that age by December 31 of that year and has not attained the age of twelve, or
 - (iii) a secondary school, the child has attained the age of eleven years or will attain that age by December 31 of that year and has not attained the age of sixteen and has passed the qualifying examination.

(2) Subject to subsection (3), unless the Chief Education Officer permits in writing, a child shall not be admitted to a secondary school that is a public school or a secondary school that is an assisted school before the child has reached the age set out at subsection(1)(a)(iii).

(3) Notwithstanding subsection (2), a child below age of eleven years may be admitted to a secondary school on the written approval of the Chief Education Officer on the grounds of exceptional ability and consistently high academic performance as evidenced by—

- (a) outstanding performance in termly and annual class examinations with a grade A average or its equivalent in each examination;
- (b) the result of key assessments set out under section 104; and
- (c) the written recommendations of a teacher who has taught the child.

(4) A student shall not be retained in a primary school that is a public school or an assisted school after the end of the year in which he or she attains the age of fifteen years.

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

Mode of admission

87. (1) A parent, or an adult who has been authorised by a parent to represent him or her, shall accompany a child of compulsory school age to apply, in the prescribed form, for admission to a public school or an assisted school.

(2) The parent or the adult under subsection (1) shall-

- (a) produce a birth certificate or other legal proof of name for the child;
- (b) provide proof of address of the child or of the workplace of the parent; and
- (c) submit an immunisation record issued by a registered medical practitioner or a public health authority.

(3) An immunisation record under subsection 2(c) shall indicate that a student has been immunised in accordance with any mandatory scheme or school health programme in operation in Saint Lucia.

(4) A child shall be admitted to a public school or an assisted school if he or she meets the criteria under this Part and the school has the capacity.

Immunisation

88. (1) A student seeking admission to a public school or an assisted school shall be immunised in accordance with any mandatory health scheme or school health programme in operation in Saint Lucia.

(2) Notwithstanding section 87(2)(c) and subsection (1), a student seeking admission to any school without an immunisation record may be considered for admission if the parent or the student presents a medical certificate from a medical practitioner registered under the Health Practitioners Act, Cap. 11.06 indicating that the student has suffered or is suffering from a disease or ailment which causes immunisation to be inadvisable or detrimental, and the Chief Medical Officer agrees.

(3) With the consent of his or her parent, a school may facilitate the immunisation of a student by a medical practitioner registered under the Health Practitioners Act, Cap. 11.06 or a nurse

registered under the Registration of Nurses and Midwives Act, Cap. 11.08 acting in accordance with any mandatory scheme or school health programme in operation in Saint Lucia.

Zoning of schools

89. (1) The Minister may prescribe a scheme of zoning for the admission of a student to a public school and an assisted school.

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

(3) Residence of a student shall be determined by the residence or workplace of the parent of the student.

Transfer of student

90. (1) A parent who wishes his or her child to be transferred to a public school or an assisted school shall apply, in writing, to the principal of the receiving school.

(2) On receipt of a request under subsection (1), the principal of the receiving school shall request, in writing, information relevant to the transfer that may be prescribed, from the principal of the current school.

(3) On receipt of the information from the principal of the current school, the principal of the receiving school shall determine if –

- (a) the receiving school has the capacity to accommodate the student; and
- (b) the student meets the eligibility criteria to attend the receiving school.

(4) The principal of the current school shall respond to a request made under subsection (2) immediately, in writing.

(5) The principal of the receiving school shall submit to the Chief Education Officer, for his or her approval, a letter indicating his or her willingness to accept the student at the receiving school;

(6) The Chief Education Officer shall notify the parent in writing of his or her approval..

(7) If the principal of the receiving school denies the request of a parent under subsection (1), the principal shall notify the parent in writing, stating reasons for the denial.

(8) A principal, a parent or a student, may request the Chief Education Officer to make a determination if —

- (a) a dispute arises between the principals when a transfer is requested;
- (b) the principal of the current school fails or refuses to provide the information referred to under subsection (2); or
- (c) if the receiving principal denies the request.

Chief Education Officer to transfer

91. Notwithstanding section 90, the Chief Education Officer may transfer a student to a public school or an assisted school.

Division 2 Attendance

Compulsory school attendance

92. Subject to section 93, a child shall attend school from the beginning of the school year unless the Chief Education Officer gives permission in writing.

Valid excuse for absence

93. A student shall be excused from attending school if—

- (a) in the opinion of the Chief Education Officer, the student is receiving satisfactory homeschool instruction;
- (b) the student is unable to attend school because of sickness, danger of infection, sudden or serious illness of a parent or other similar cause;
- (c) the student is a participant in an educational, sporting or cultural activity or is nominated to represent Saint Lucia in an activity;
- (d) the student is a participant in an observance, celebration or activity recognised by a denominational body;
- (e) the student has been suspended in accordance with this Act;
- (f) the student is granted permission by the principal to be temporarily absent from school for good reason;
- (g) the student is engaged in work-integrated learning or an educational training programme authorised by the principal; or
- (h) the student is excluded from attendance at school under any provision of this Act.

Failure of parent to enforce attendance

94. Subject to section 93, a parent who fails to cause his or her child of compulsory school age to attend school commits an offence and is liable on summary conviction to a fine of one thousand five hundred dollars.

School Attendance Officer

95. A School Attendance Officer is responsible for the enforcement of attendance in respect of a child of compulsory school age attending a school.

Duties and powers of School Attendance Officer

96. (1) A School Attendance Officer shall peruse a school register periodically to ascertain school attendance.

(2) A School Attendance Officer who has reasonable cause to believe that a parent may have contravened section 83(1) of this Act may serve a notice on a parent requiring the parent to satisfy the School Attendance Officer that the parent has caused the child to attend school.

(3) If a School Attendance Officer is not satisfied that the parent has caused the child to attend school, the School Attendance Officer may warn the parent in writing of the consequence of a failure to do so.

(4) If a parent fails to heed a warning under subsection (3), the School Attendance Officer shall report the matter to a principal and refer it to the district education officer.

(5) A School Attendance Officer may, —

- (a) at any place, question a child who appears to be of compulsory school age but is not at school about—
 - (i) his or her parent;
 - (ii) his or her age,
 - (iii) his or her name and address,
 - (iv) the school at which he or she is enrolled,
 - (v) the reason for his or her absence from school, and
 - (vi) any matter relevant to the questions he or she is authorised to ask under this section; and
- (b) make inquiries to determine whether a child frequents, visits, resides or is employed on particular premises;
- (c) inquire into each suspected case of failure of a parent to cause his or her child to attend school;
- (d) provide guidance and counselling to a child to encourage his or her attendance at school; and
- (e) at the request of a parent, or if the School Attendance Officer thinks it fit to do so, apprehend and deliver to the school from which the child is absent, or to his or her child, a child found absent from school without having been excused under section 93.

(6) A School Attendance Officer shall —

- (a) present official identification to a person in carrying out his or her duties;
- (b) seek permission to enter private premises, and not enter unless an adult in control of the premises first gives permission; and
- (c) report to the Chief Education Officer.

Offences against person enforcing attendance

97. (1) A person commits an offence if he or she —

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

(2) A person who is convicted of an offence under subsection (1) is liable on summary conviction to a fine of one thousand five hundred dollars.

Prohibition against employment of child

98. (1) A person shall not employ a child of compulsory school age.

(2) Notwithstanding subsection (1), a child who has attained the age of 14 years, may be employed —

(a) during a prescribed vacation period; or

(b) in work-integrated learning authorised by the principal.

(3) A person who employs a child contrary to this section commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for twelve months.

(4) Section 20(2) of the Interpretation Act, Cap. 1.06 applies to an offence under this section.

Prohibition against entertainment, gaming or sporting facility

99. (1) A person shall not permit a child to be admitted to a cinema, a show, an entertainment, gaming or sporting facility or other similar place at a time at which attendance at school is required unless authorised by the principal and supervised by a teacher.

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

Prohibition against loitering at bar

100. (1) A proprietor or employee shall not allow a child to loiter at a bar or place where the business of the sale of an alcoholic beverage for consumption is conducted.

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

Division 3 Records

School register

101. (1) The principal of a school shall maintain a register of students at the school known as the school register.

(2) The Minister may make Regulations prescribing the form of the school register.

School record

102. (1) A principal shall establish, maintain, secure and manage a school record for each student enrolled in a school.

(2) The record referred to in subsection (1) shall be in the form and contain the information that the Chief Education Officer determines.

(3) A school record is privileged for the information and use of a school and the Department as required for the performance a function under this Act and is not available to another person or institution without the written permission of a parent of a student, or an individual to whom the school record relates.

(4) A person who contributes information to a school record is exempt from liability with respect to the dissemination of that information if that person, in providing the information, acted—

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

(5) If, on examining a school record, a person authorised under this section to examine a school record is of the opinion that the school record contains inaccurate or incomplete information, that person may request the principal to rectify the school record.

(6) If the principal fails or refuses to rectify the school record the person who has requested the rectification may, within fourteen days of the failure or refusal, refer the matter to the Chief Education Officer who shall review the request and provide direction to the principal within fourteen days.

(7) If the person who has referred a matter to the Chief Education Officer under subsection (6), is dissatisfied with the disposition by the Chief Education Officer, that person may appeal to the Education Appeals Tribunal.

(8) A person who discloses information from a school record in contravention of subsection (3), commits an offence and is liable on summary conviction to a fine of one thousand dollars.

PART V

NATIONAL CURRICULUM, INSTRUCTION AND ASSESSMENT OF STUDENTS

National Curriculum

103. (1) The Minister shall prescribe an inclusive National Curriculum to guide all aspects of education at the early childhood education, primary and secondary stages for a public school or an assisted school.

(2) The curriculum established under subsection (1) shall be balanced and broadly based and shall —

- (a) identify the core subjects and the attainment targets;
- (b) identify the programmes of study;
- (c) promote the holistic spiritual, moral, cultural, intellectual and physical development of a student and of the society;
- (d) incorporate prescribed subject areas;
- (e) prepare a student for adult life and employment;
- (f) uphold and promote the diverse cultures, languages, and histories of Saint Lucians; and
- (g) promote evidence-based practices for high-quality teaching and learning.

(3) The Minister may revise the National Curriculum if he or she considers it necessary and expedient to do so.

(4) The National Curriculum shall contain information concerning the assessment of a student, evaluation and reporting in the alignment with the National Qualifications Framework.

(5) Notwithstanding subsection (1) the curriculum of a special needs student shall be provided under the special needs education programme under section 69.

Core subjects

104. The National Curriculum shall specify in relation to each of the core subjects —

- (a) the attainment target that includes the knowledge, skill and understanding that a student is expected to achieve by the end of each key stage of assessment;
- (b) the programme of study that includes the knowledge, concept, skill, values and competencies to be taught to a student during each stage of education; and
- (c) the arrangement for balanced assessment in each core subject, including-
 - (i) the arrangement for diagnostic assessment of a student at the start of a unit of study to determine his or her level of performance,
 - (ii) formative assessment of a student throughout a unit of study to determine his or her progress, and
 - (iii) summative assessment of a student at or near the end of each stage of education for the purpose of ascertaining his or her progress in relation to the attainment target.

Key stages of assessment

105. (1) The Chief Education Officer shall ensure that the key stages of assessment are carried out equitably in relation to a student at successive stages of education as follows—

- (a) the period beginning with his or her attainment of the age of five years ending at the time of the school year in which the majority of students in his or her class attain the age of eight years;
- (b) the period beginning at the time of the school year in which the majority of students in his or her class attain the age of eight years and ending at the time of the school year in which the majority of students in his or her class attain the age of ten years;
- (c) the period beginning at the time of the school year in which the majority of students in his or her class attain the age of ten years and ending at the time of the school year in which the majority of students in his or her class attain the age of twelve years; and
- (d) the period beginning at the time of the school year in which the majority of students in his or her class attain the age of twelve years and ending at the time of the school year in which the majority of students in his or her class attain the age of seventeen years.

(2) The assessments referred to at subsections (1)(a) and (b) are the Minimum Standards Tests.

(3) The assessment referred to at subsection (1)(c) is the Caribbean Primary Exit Assessment.

(4) The assessment referred to at subsection (1)(d) is the Caribbean Secondary Examination Certificate.

(5) An assessment may be conducted by the Department or by a body designated or contracted to do so by the Minister.

(6) The Minister shall determine the frequency of an assessment and may revise, remove and add an assessment at any stage of education as he or she sees fit.

(7) The Minister may publish the results of an assessment together with a commentary by the Chief Education Officer on the results of the assessment.

Subject panel

106. (1) For the purpose of creating and revising the National Curriculum, the Minister may constitute a subject panel to develop a syllabus for a core subject.

(2) A subject panel shall comprise the following —

- (a) a member of the teaching profession with expertise in the subject;
- (b) a curriculum officer or other official of the Department; and
- (c) any other person, including a parent, having relevant knowledge or experience in the subject.

(3) A subject panel shall consist of not less than five persons or more than nine persons appointed by the Minister, after consultation with the Chief Education Officer, of whom—

- (a) one member shall be appointed as chairperson; and
- (b) one member shall be appointed as deputy chairperson.

(4) It is the duty of the Chief Education Officer or a curriculum officer designated by the Chief Education Officer to coordinate the work of a subject panel and to ensure the testing and implementation of a recommended curriculum into the school system.

Collective worship and religious education

107. (1) Subject to subsection (2), the school day in a public school or an assisted school shall begin with collective worship by all students unless the school premises are so constructed as to make it impracticable to assemble for that purpose.

(2) If the parent of a student attending a public school or an assisted school requests that the student be excused from attendance at collective worship, a religious observance or an instruction in a religious subject, then, until the request is withdrawn, the student shall be excused.

PART VI MANAGEMENT OF SCHOOLS

Division 1 Board of Management

Appointment of Board of Management

108. The Minister may, by Notice in the *Gazette*, appoint a Board of Management for a public school or an assisted school if, in the opinion of the Minister, —

- (a) the parent-teacher-community association or a committee established under section 157 cannot adequately serve the needs of the school; and
- (b) it is desirable to do so in the interest of economy, efficiency and for the participation of the community in the management of education.

Board of Management of public school

109. (1) A Board of Management appointed under section 108 shall comprise not less than seven members and not more than ten members and shall include the following persons—

- (a) the principal who is an *ex-officio* member;
- (b) a representative nominated by the parent-teacher-community association of the school or, if no such association exists, the Minister may appoint a parent after consultation with the principal of the school;

- (c) a representative nominated by the academic staff of the school at an authorised staff meeting; and
- (d) not less than four members appointed by the Minister from among persons representing—
 - (i) expert educational opinion,
 - (ii) a denominational body,
 - (iii) an organisation concerned with business,
 - (iv) an organisation concerned with community development, or
 - (v) another area of national interest as the Minister considers appropriate.

(2) The Minister shall appoint the persons named in subsection (1)(b), (1)(c) and 1(d) by notice in writing.

(3) A principal appointed to a Board of Management shall have a right to vote.

Board of Management of assisted school

110. An assisted school shall be administered by a Board of Management appointed by the Minister which shall consist of not less than nine persons appointed as follows—

- (a) three persons including the chairperson nominated by the denominational body or proprietor;
- (b) the principal;
- (c) one person nominated by the academic staff;
- (d) three persons with knowledge of the educational sector; and
- (e) one person nominated by the parent-teacher-community association, if such an association exists.

Functions of Board of Management

111. (1) Subject to subsection (2), a Board of Management shall—

- (a) establish policies for the administration, management and operation of the school including a student attendance policy;
- (b) control and manage the expenditure for the repair and maintenance of a public school or an assisted school;
- (c) be responsible for the efficient maintenance, rebuilding or extension of a school under the control and management of the Board of Management and for the keeping of the buildings in a good state of repair and sanitation;
- (d) review, modify, if necessary, and approve the school plan prepared by the school administration for a school operated by the Board of Management;
- (e) establish a procedure for resolving a dispute involving a school, a parent and a teacher;
- (f) approve a school uniform;
- (g) prepare a report and perform a duty required under this Act or by the Minister;
- (h) raise funds for the work of the Board of Management;
- (i) have the accounts of the Board of Management audited annually by an independent auditor in accordance with generally accepted international auditing standards;
- (j) deal with a matter relating to the organisation of the school as may be referred to the Board of Management by the Minister;
- (k) consult the student body; and
- (l) generally exercise any other function conferred on the Board of Management by this Act.

(2) In the performance of the functions of the Board of Management under subsections (1)(a)-(f), a Board of Management shall consult the Chief Education Officer.

Powers of Board of Management

112. (1) A Board of Management shall have the power to do all things convenient or necessary to the exercise of its functions.

(2) Subject to section 111, a Board of Management may set rules, guidelines and procedures for a school.

Chairperson and deputy chairperson

113. A Board of Management shall select a chairperson and a deputy chairperson from among its members.

Filling of vacancy on Board of Management

114. If a vacancy occurs in the membership of a Board of Management the vacancy shall be filled by the appointment of a person in accordance with sections 109 and 110, and the person shall hold office for the remainder of the period for which the member was appointed.

Employment of member

115. A person who was previously a member of a Board of Management shall not be employed by a Board of Management for a period of one year from the date on which he or she was last a member of the Board of Management.

Conflict of Interest

116. (1) A member of a Board of Management who is interested in a matter before the Board of Management shall declare the nature of his or her interest at the first meeting of the Board of Management at which it is practicable to do so.

(2) If a member of a Board of Management declares an interest under subsection (1), the Board of Management shall determine if the interest of the member is material and if the Board of Management so determines, the member shall leave the meeting on the matter coming up for discussion.

(3) A declaration of interest and the departure of a member from the meeting in accordance with subsections (1) and (2) and his or her return to the meeting shall be noted in the minutes of the meeting.

(4) A member of a Board of Management shall not -

- (a) vote in respect of a matter before the Board of Management in which he or she is materially interested; and
- (b) seek to influence the vote of another member in relation to a matter before the Board of Management in which he or she is materially interested.

(5) A member of a Board of Management who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine of two thousand dollars or imprisonment for twelve months.

(6) A contravention of subsection (4) constitutes serious misconduct in relation to the duties of a member of a Board of Management. .

Tenure of a Board of Management

117. (1) A member of a Board of Management shall hold office for a term of three years and is eligible for reappointment.

(2) The Minister may revoke the appointment of a member of a Board of Management if he or she thinks fit.

Resignation

118.(1) The chairperson may resign his or her office by notice in writing addressed to the Minister and the resignation is effective from the date of receipt of the notice by the Minister.

(2) A member of a Board of Management may resign his or her office by notice in writing addressed to the Minister and transmitted through the chairperson and the resignation is effective from the date of receipt of the resignation by the chairperson.

Meetings of Board of Management

119. (1) A Board of Management shall meet at least once in every school term and at other times as may be necessary or expedient for the transaction of its business at a time and place as the chairperson determines.

(2) The chairperson—

(a) may summon a meeting of a Board of Management; and

(b) shall summon a meeting within seven days—

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

(ii) on a direction of the Minister.

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

(4) In case of the absence or inability to act of both the chairperson and the deputy chairperson, the members of a Board of Management shall elect one of its members to preside at the meeting.

Decisions of Board of Management

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

Quorum of Board of Management

121. At a meeting of a Board of Management a quorum is a majority of the total members of the Board of Management.

Secretary

122. (1) The Minister shall designate a person to serve as the recording secretary of a Board of Management.

(2) A Board of Management shall select a member to serve temporarily as secretary in the absence of the secretary from a meeting.

Minutes of Board of Management

123. (1) Minutes of a meeting of a Board of Management shall be kept by the secretary or a person appointed by the Board of Management for the purpose and shall be confirmed by the Board of Management at its next meeting and signed by the chairperson or another person presiding at that meeting and the secretary of the Board of Management.

(2) The chairperson shall submit a copy of the minutes of a meeting to the Chief Education Officer within one month of confirmation.

Appointment of committee by Board of Management

124. (1) A Board of Management may appoint a committee for any purpose.

(2) An appointment under subsection (1), may be subject to a restriction or condition.

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

(3) The Board of Management may co-opt a person to a committee appointed under this section.

(4) Subject to any restriction or a condition imposed by the Board of Management, a committee appointed under subsection (1) may appoint a sub-committee of its members.

Attendance by Chief Education Officer

125. (1) The Chief Education Officer may attend a meeting of a Board of Management or a committee of a Board of Management or may be represented at a meeting by a public officer authorised by him or her.

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

Power to delegate

126. The Board of Management may delegate a function to a committee.

Submission of report, statement and estimate

127. On or before July 31 of each year, a Board of Management shall submit to the Chief Education Officer a report containing information on—

- (a) the discipline of students;
- (b) the attainment levels of the students;
- (c) the application of the National Curriculum;
- (d) the condition of the school and the maintenance of its property;
- (e) student attendance;
- (f) the expenditure authorised by the Board of Management;
- (g) the estimate of revenue and expenditure for the school in respect of the next financial year for the approval of the Minister; and

(h) generally, any matter which affects the school and its development.

Special or general direction

128. Subject to this Act, a Board of Management shall act in accordance with a direction of the Minister concerning the exercise and performance of its functions under this Act.

Funds and resources of Board of Management

129. The funds and resources of a Board of Management are—

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

Accounts

130. A Board of Management shall keep a proper account of a transaction.

Annual report and estimate

131.(1) A Board of Management shall submit to the Minister—

- (a) the report under section 127;
- (b) not later than August 31 in each year, a statement of the accounts of the Board of Management, audited under section 111(1)(i), for the financial year ending December 31 of the previous year; and
- (c) on or before July 31 in each year, a copy of the estimate of revenue and expenditure delivered to the Chief Education Officer under section 127(g) for the approval of the Minister.

(2) The Minister shall lay a copy of the report in Parliament.

Application

132. This Part does not apply to a Board of Management of a private school.

Division 2 Technical And Vocational Education and Training Council

Continuation of TVET Council

133. (1) The Technical and Vocational Education and Training Council constituted under the repealed Act is preserved and continues in existence for the purposes of this Act and is known as the TVET Council.

(2) The TVET Council shall comprise 10 persons appointed by the Minister in writing, namely –

- (a) the Permanent Secretary of the Department of Labour who shall be an *ex officio* member;
- (b) the Chief Education Officer who shall be an *ex officio* member;
- (c) the principal of the Sir Arthur Lewis Community College or his or her nominee who shall be an *ex officio* member;
- (d) two persons appointed on the recommendation of associations which represent employers;
- (e) three persons with expertise in technical and vocational education and training; and
- (f) two persons appointed on recommendations of the trade unions.

(3) The Minister shall appoint one member as the chairperson and one member as the deputy chairperson, in writing.

(4) In the case of the inability of a member to act, the Minister may appoint a person to act temporarily.

(5) The Minister shall designate a person to serve as the secretary of the TVET Council.

(6) The TVET Council shall select a member to serve temporarily as secretary in the absence of the secretary from a meeting.

(7) The *ex officio* members of the TVET Council shall have the right to vote.

Functions of TVET Council

134.(1) The functions of the TVET Council are to —

- (a) prepare a national policy for technical and vocational education and training to meet the needs of society and the economy;
- (b) advise the Minister on policy relating to technical and vocational education and training;
- (c) establish training priorities, qualifications and certification;
- (d) prepare and update a strategy and plan for technical and vocational education and training in accordance with national policies and economic needs;
- (e) ensure that an agreed plan for technical and vocational education and training is implemented;
- (f) establish a standard for technical and vocational education and training;
- (g) coordinate technical and vocational education and training at all stages of education;
- (h) advise the Minister on the scheme of an examination which may be adopted to test a student;
- (i) determine the facilities and resources required to ensure a satisfactory standard of technical and vocational education and training and the welfare of a student, a trainee and staff of a school;
- (j) advise the Minister on the allocation of resources for technical and vocational education and training;
- (k) establish a secretariat for the operations of the TVET Council;
- (l) hire an executive director and staff for the TVET Council;
- (m) secure a grant for the provision and support of technical and vocational education and training;
- (n) consult the student body; and
- (o) carry out any other function relating to technical and vocational education and training as the Minister requires.

(2) The strategy and plan under subsection (1)(d) -

- (a) shall identify an output and priority, and recommend an allocation of resources to implement the strategy and plan in the most cost effective manner; and
- (b) may be implemented in a public school and an assisted school by the Chief Education Officer on the direction of the Minister, in writing.

Powers of TVET Council

135. The TVET Council may-

- (a) do all things convenient or necessary to exercise its function;
- (b) co-opt a person to assist or advise it with respect to a matter.
- (c) appoint a committee to advise it on a matter related to technical and vocational education and training.

Functions of committee of TVET Council

136. The functions of a committee appointed by the TVET Council are to —

- (a) research or assist a person in researching into a matter relating to technical and vocational education and training;
- (b) advise the TVET Council on-
 - (i) a specific aspect of technical and vocational education and training,
 - (ii) the training facilities to be provided at an institution for a person employed or seeking training in technical and vocational education and training, or
 - (iii) establishing a selection criterion in respect of a person wishing to obtain technical and vocational education and training;
- (c) arrange or recommend a test for ascertaining the standard of efficiency to be recommended by the committee for a person seeking technical and vocational education and training; and
- (d) recommend the terms applicable to a person wishing technical and vocational education and training.

Co-opting of person

137. A co-opted person does not have a right to vote.

Direction to TVET Council

138. The Minister may give a direction to the TVET Council and the TVET Council shall comply with the direction.

Tenure of TVET Council

139. (1) A member of the TVET Council shall hold office for a term of three years and is eligible for reappointment.

(2) The Minister may revoke the appointment of the TVET Council if he or she thinks fit.

Resignation from TVET Council

140.(1) The chairperson may resign his or her office by notice in writing addressed to the Minister and the resignation is effective from the date of receipt of the notice by the Minister.

(2) A member of the TVET Council may resign his or her office by notice in writing addressed to the Minister and transmitted through the chairperson of the TVET Council and the resignation is effective from the date of receipt of the resignation by the Minister.

(3) The office of a member of the TVET Council is vacated if the member resigns or dies.

Filling of vacancy on TVET Council

141. If a vacancy occurs in the membership of the TVET Council, the vacancy shall be filled by the appointment of a person in accordance with section 133(2) and the person shall hold office for the remainder of the period for which the member was appointed.

Leave of absence from TVET Council

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

Quorum of TVET Council

143. At a meeting of the TVET Council the quorum is six members.

Decision of TVET Council

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

Frequency of meeting of TVET Council

145. The TVET Council shall meet as often as may be necessary or expedient for the transaction of its business at a time and place as the chairperson determines.

Special meeting of TVET Council

146. (1) The chairperson—

- (a) may summon a meeting of the TVET Council; and
- (b) shall summon a meeting within seven days of a request for that purpose addressed to the chairperson by four members.

(2) The chairperson, or in his or her absence, the deputy chairperson, shall preside at a meeting of the TVET Council.

(3) In case of the absence or inability to act of both the chairperson and the deputy chairperson, the members of the TVET Council shall elect one from among them to preside at the meeting.

Minutes of meeting of TVET Council

147. (1) The secretary of the TVET Council shall keep the minutes of the TVET Council and the minutes shall be confirmed by the TVET Council at its next meeting and signed by the chairperson or other person presiding at that meeting and by the secretary of the TVET Council.

(2) The chairperson shall submit a copy of the minutes of a meeting to the Chief Education Officer within one month of confirmation.

Procedure by TVET Council

148. Subject to this Part, the TVET Council shall regulate its own procedure.

Document and decision of TVET Council

149. A document and a decision of the TVET Council shall be signified under the hand of the chairperson or a member authorised to act or by the Secretary.

Training scheme

150. (1) The TVET Council may, with the approval of the Minister and subject to section 134, formulate a training scheme for regulating training in an occupation of a technical or vocational nature.

(2) A term of a contract for training existing before the date of the coming into force of the training scheme is deemed to have been made pursuant to the training scheme.

(3) A training scheme may contain —

- (a) the qualification, the age and educational standard required for a trainee;
- (b) the practical training that an employer is required to provide for a trainee;
- (c) the theoretical training that is required to be provided by, or at the expense of, an employer for a trainee, or that a trainee is required to undergo and the manner in which the training is to be provided;
- (d) a proficiency test or examination that a trainee is required to take;
- (e) the number of hours a trainee is required or permitted to work;
- (f) the times at which, a trainee is required or permitted to work or prohibited from working;
- (g) the minimum wage applicable to a trainee; and
- (h) any other matter or condition that, in the opinion of the TVET Council, with the approval of the Minister, is necessary for the effective operation of the training scheme.

(4) A training scheme may be amended by a subsequent scheme or by an order made by the Minister after consultation with the TVET Council.

System for monitoring

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

Regulations for TVET Council

152. The Minister may, after consultation with the Council, make Regulations—

- (a) prescribing the form and terms of a contract of training;
- (b) relating to the manner of proof of an educational qualification;
- (c) prescribing the nature of a return that an employer is required to furnish to the Council, and the period during which the return is to be furnished;
- (d) prescribing the procedure for the registration and transfer of a contract for training, and for the notification of the expiration or termination of the contract;
- (e) for monitoring the performance and outcome of training required, including the holding of a test in respect of a specified occupation, and for the granting of a certificate of proficiency to a person who takes and passes a test, although that person is not a trainee;

- (f) establishing a procedure for regulating the accounting and auditing of funds received by the Council;
- (g) with respect to a procedure for the evaluation of a proposal for a grant;
- (h) establishing a procedure for a training scheme including the supervision of a trainee by an employer; and
- (i) to give effect to this Part.

Annual report of TVET Council

153. (1) The TVET Council shall, not later than six months after the end of a financial year, submit to the Minister a report containing—

- (a) an account of the activities of the TVET Council in the preceding year; and
- (b) a statement of the accounts of the TVET Council for that financial year audited in accordance with regulations enacted for that purpose.

(2) The Minister shall lay a copy of the report of the TVET Council referred to in subsection (1) in Parliament.

Establishment of Employment and Training Fund

154. (1) There is established a special fund, in accordance with the Public Finance Management Act, No. 14 of 2020, known as the Employment and Training Fund for the purposes of promoting and supporting training and the upgrading of technical and vocational skills for the labour force.

(2) The funds of the Employment and Training Fund shall consist of—

- (a) a sum appropriated by Parliament for that purpose;
- (b) a donation, a legacy, a gift or a grant;
- (c) money raised by a school for that purpose; and
- (d) funds from another source approved by the Minister.

Division 3

STUDENTS' COUNCIL, NATIONAL STUDENTS' COUNCIL, PARENT-TEACHER-COMMUNITY ASSOCIATION AND NATIONAL COUNCIL OF PARENT-TEACHER-COMMUNITY ASSOCIATIONS

Students' Council

155. A secondary school that is a public school or a secondary school that is an assisted school shall have an elected Students' Council comprised of student representatives who shall –

- (a) present the views of the student body to the principal of the school for his or her consideration;
- (b) contribute to the evaluation of a school programme and service at the invitation of the principal;
- (c) participate in school improvement planning and an activity at the invitation of the principal;
- (d) model, promote and reinforce student leadership and responsible citizenship;

- (e) assist an educator with a school-based activity and project aimed at enhancement of a school programme, services and facility, at the invitation of the principal; and
- (f) fulfil any other responsibility as assigned by the school principal.

National Students' Council

156. There shall be established a National Students' Council comprised of a maximum of two delegates from each Students' Council which shall -

- (a) present the views of individual Students' Councils to the Chief Education Officer;
- (b) model, promote and reinforce student leadership and responsible citizenship;
- (c) contribute to selected educational projects at the invitation of the Minister; and
- (d) fulfil other responsibility as assigned by the Minister or Chief Education Officer.

Parent-teacher-community association

157. (1) There may be established a parent-teacher-community association with respect to a public school or an assisted school.

(2) A parent-teacher-community association shall comprise parents of students currently registered at the school, the principal and teachers of the school and members of the community.

(3) The duties and responsibilities of the parent-teacher-community association shall be aligned with the specific requirements of the school.

(4) Where a parent-teacher-community association does not exist, the principal, in consultation with or her staff, may establish a school committee comprising the number of parents, teachers and members of the community as the principal determines.

National Council of Parent-Teacher-Community Associations

158. (1) The Minister shall encourage the formation of a National Council of Parent-Teacher-Community Associations.

(2) There may be established a National Council of Parent-Teacher-Community Associations which shall –

- (a) provide a forum for parent discussion of education matters of national interest;
- (b) present the collective views of Parent-Teacher-Community Associations to the Chief Education Officer for his or her consideration;
- (c) contribute to the development and review of an education policy and standard, at the invitation of the Chief Education Officer;
- (d) encourage and promote active parent participation in the education of their children; and
- (e) monitor the preservation of a standard in the public education system.

PART VII
NATIONAL CODE OF CONDUCT, SCHOOL RULES AND DISCIPLINE

Applicability

159.(1) This Part applies to a student of a public school or an assisted school, up to the secondary stage.

(2) Notwithstanding subsection (1), section 162 applies to a student of any school.

National Code of Conduct and school rules

160. (1) The Minister shall prescribe a National Code of Conduct to govern behaviour, deportment and discipline of a student and a member of a school community.

(2) A disciplinary response to a student shall be administered in accordance with this Act, the National Code of Conduct, as prescribed, the school rules, guidelines and procedures established by a Board of Management or the Chief Education Officer.

(3) A rule established by a Board of Management under subsection (2) shall—

- (a) uphold, conform and comply with the National Code of Conduct;
- (b) not come into effect unless approved, in writing, by the Chief Education Officer;
- (c) at the commencement of the school year and on a change being made subsequently, be—
 - (i) circulated to the parent of a student by the principal,
 - (ii) posted in a conspicuous place within the school,
 - (iii) explained to a student, and
 - (iv) applied without discrimination to a student.

(4) Subject to this Part, the principal, the vice-principal and a teacher of a school may administer a disciplinary response to a student.

Disciplinary response to student misbehaviour

161. (1) A teacher, a vice-principal, a principal or the Chief Education Officer may administer a disciplinary response to a student for a breach of the National Code of Conduct or a school rule occurring on or off the school premises.

(2) If a student is accused of a breach under subsection (1), the student shall be given an opportunity to respond to the allegation.

(3) A disciplinary response may be administered to a student in accordance with the National Code of Conduct.

(4) In deciding if to administer a disciplinary response to a student, a principal, a vice-principal, a teacher or the Chief Education Officer shall consider -

- (a) the age of the student;
- (b) if the student has special needs;
- (c) the religious belief of the student, if relevant;
- (d) the educational interests of the student;
- (e) the impact of a decision on the class or total school population; and
- (f) any other factor that appears to be relevant to the matter in dispute.

(5) A disciplinary response shall be proportionate, reasonable and fair.

Corporal punishment prohibited

162. (1) A student shall not be subjected to corporal punishment by a person employed at a school, the Department or any other person in a school.

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

Behavioural support

163. (1) If a student has breached the National Code of Conduct or a school rule the teacher, the vice-principal, the principal and the Chief Education Officer must consider the application of a prescribed behavioural support appropriate to the severity of the breach prior to the administration of a disciplinary response.

(2) Notwithstanding subsection (1), a principal may arrange a behavioural support for a student if it appears to the principal that the student is in need of such support.

Suspension

164. (1) A student may be suspended for –

- (a) misbehaviour that endangers a student, another person, school property, student transportation and school safety and security;
- (b) misbehaviour that disrupts teaching and learning;
- (c) misbehaviour that includes illegal activity;
- (d) repeated misbehaviour; and
- (e) a refusal by the student to be medically examined, immunised or treated under this Act by a medical practitioner registered under the Health Practitioners Act, Cap. 11.06 or a nurse registered under the Registration of Nurses and Midwives Act, Cap. 11.08 acting in accordance with any mandatory scheme or school health programme in operation in Saint Lucia.

(2) A principal or the Chief Education Officer may impose an in-school suspension or an out-of-school suspension, as prescribed.

Condition and variation of suspension

165. A principal or the Chief Education Officer may impose a condition of a suspension and may vary a disciplinary response.

Right to expedited disposition

166. A student is entitled to have a disciplinary hearing determined expeditiously.

Expulsion

167. (1) The Chief Education Officer may expel a student from a school.

(2) If a student is expelled under subsection (1), the Chief Education Officer must arrange for a transfer of the student or otherwise provide education to the student.

Referral to Chief Education Officer

168. A principal shall refer a student to the Chief Education Officer if the principal thinks that the disciplinary response suited to the student misbehaviour is expulsion or a suspension for longer than ten days.

Power of Chief Education Officer to administer disciplinary response

169. On receipt of a referral by a principal under sections 168, the Chief Education Officer may order that—

- (a) the term of suspension be extended;
- (b) the student be placed on a suspension that exceeds ten days;
- (c) the student be reinstated;
- (d) the student be transferred to another school;
- (e) the student be expelled; or
- (f) another disciplinary response be administered.

Power of search and seizure

170. (1) A principal, a vice-principal or a teacher of a school may search the person or the property of a student under his or her control –

- (a) on reasonable suspicion that the student has in his or her possession an item prohibited by the National Code of Conduct or the school rules;
- (b) in the case of an imminent threat to the safety of the student or another person on the school premises, at a school activity or on the way to or from a school activity.

(2) Notwithstanding subsection (1), a principal, a vice-principal or a teacher may randomly search a student in the interest of maintaining the safety of the staff and students of the school.

(3) A principal, a vice-principal or a teacher shall seize -

- (a) an illegal weapon; or
- (b) an item that is prohibited by the National Code of Code or school rules.

(4) A principal, a vice-principal or a teacher who seizes –

- (a) an illegal item from a student under subsection (3)(a), shall hand over the illegal weapon to the police, immediately; and
- (b) a prohibited item under subsection (3)(b) shall give the item to a parent of the student.

(7) A search shall be witnessed by another adult.

(8) A principal, a vice-principal or a teacher who searches a student shall be of the same gender as the student.

Use of force

171. (1) A principal, a vice-principal or a teacher may use reasonable force to -

- (a) prevent a student from committing an offence, damaging property or injuring himself, herself or others; or
- (b) conduct a search of the person or the property of the student.

(2) A principal, vice-principal or a teacher shall not use greater force than is required by the circumstances.

Obligation to report to police

172. A principal, vice-principal or a teacher shall report to the police a student who commits a criminal offence on school premises or while the student is under the control of a teacher or an employee at the school.

Right to appeal disciplinary response

173. A youth or a parent on behalf of his or her child, may appeal a disciplinary response under this Part to the Educational Appeals Tribunal.

Regulations by Minister for disciplinary response

174. The Minister may prescribe regulations for administering a disciplinary response in a school.

PART VIII RIGHTS AND DUTIES OF EDUCATORS

Division 1 Rights of educators

Rights of educator

175. An educator has a right to —

- (a) be provided by his or her employer with sufficient and appropriate equipment to carry out an assigned duty;
- (b) be provided by his or her employer with an adequate physical facility to enable the performance of the assigned duty;
- (c) access to continuing education, as may be prescribed;
- (d) be a member of a representative body or association; and
- (e) participate in a school improvement plan.

Division 2 Duties of Educators

Duties of principal

176. (1) Subject to the provisions of this Act, the principal of a public school or an assisted school, up to the secondary stage shall —

- (a) ensure the observance of the provisions of this Act;

- (b) maintain a civil relationship with the staff, a parent and the community served by the school;
- (c) develop and implement a procedure for parental and community involvement in the school and promote cooperation between the school and the community it serves;
- (d) maintain order and discipline in a school or during an activity sponsored or approved for the school;
- (e) administer and enforce the National Code of Conduct;
- (f) administer an educational psycho-social support and a behavioural support;
- (g) supervise and direct a teacher and other staff assigned or rendering a service to the school, including a volunteer;
- (h) establish, maintain, secure, manage and if necessary, rectify a record, including a school record, and complete a return and a form required under this Act;
- (i) ensure the proper maintenance and care of school property;
- (j) requisition necessary materials, supplies and equipment for the school and arrange for their distribution;
- (k) attend a meeting of a Board of Management or any other school council or committee as required;
- (l) report promptly to the Chief Education Officer, the Chief Medical Officer and any other appropriate health personnel, an apparent outbreak of a contagious or infectious disease in the school, an unsanitary condition in a school building or surrounding and any other dangerous or unsafe condition in the school;
- (m) report -
 - (i) to the Chief Education Officer and the School Attendance Officer that a student is frequently absent; and
 - (ii) to the Chief Education Officer and the proper government official responsible for student welfare that a student is in need of care and protection when there is reasonable ground to believe that the student is in need of care and protection as defined under any legislation enacted by Parliament;
- (n) prepare the operations and maintenance budget of a school for review and approval by the Board of Management;
- (o) be responsible for the preparation and implementation of the school plan;
- (p) keep a parent informed of the progress and development of a student;
- (q) provide to the School Attendance Officer all relevant information to enable him or her to perform his or her duties under this Part;
- (r) provide the Chief Education Officer with information that the Chief Education Officer requires for the enforcement of compulsory student attendance;
- (s) ensure that instruction in the school is consistent with the National Curriculum;
- (t) implement the National Curriculum, having regard to—
 - (i) the need, experience, interest, aptitude and stage of development of a student,
 - (ii) the resources available to the school, and
 - (iii) his or her duties under this Act;
- (u) include in the activities of the school, cultural heritage traditions and practices;
- (v) deploy and manage staff of the school and allocate a particular duty to the staff in a manner consistent with a condition of employment of the staff;
- (w) ensure that the assumption of the duty of an absent teacher is shared equitably among the teachers in the school having regard to their other duties;
- (x) maintain a relationship with an organisation representing a teacher and the staff of the school;
- (y) keep under review the work and organisation of the school;
- (z) evaluate the standard of teaching and learning in school and ensure that a proper standard of professional performance is established and maintained;

- (aa) maintain good order and administer a disciplinary response to a student in a school and during an activity sponsored or approved by the school and safeguard their health and safety on the school premises and in an authorised school activity elsewhere; and
- (bb) perform any other duty under this Act.

(2) A principal who fails to perform a duty specified in subsection (1) is liable to disciplinary action by the Teaching Service Commission.

Duties of vice-principal

177. (1) A person appointed vice-principal in a public school or an assisted school, up to the secondary stage, may carry out the duties of a teacher and shall—

- (a) assist the principal in managing the school; and
- (b) undertake a duty of the principal delegated to him or her by the principal or authorised by the Chief Education Officer.

2) A vice-principal who fails to perform a duty specified in subsection (1) is liable to disciplinary action by the Teaching Service Commission.

Duties of teacher in charge

178. A teacher who is designated teacher in charge by the principal of a public school or an assisted school and who voluntarily accepts the responsibility shall —

- (a) undertake a duty of the principal delegated to the teacher by the principal or authorised by the Chief Education Officer; and
- (b) perform the assigned duty when the principal and vice-principal are absent from the school.

Duties of teacher

179.(1) A teacher in a public school or an assisted school, up to the secondary stage, shall—

- (a) carry out his or her duty as directed by the principal;
- (b) encourage a student in the pursuit of learning;
- (c) teach a course of study that is prescribed, approved or authorised under this Act, including the National Curriculum;
- (d) report on the progress, behaviour and attendance of a student to a parent in accordance with this Act;
- (e) under the direction of the principal, maintain order and discipline in a school or during an activity sponsored or approved for the school and administer and enforce the National Code of Conduct;
- (f) review with a student an assessment and his or her performance;
- (g) maintain a register, record or other form as required by the principal, Chief Education Officer or this Act and make the register, record or other form available for inspection by the principal or the Chief Education Officer or by a person authorised by the Chief Education Officer;
- (h) inform the principal of frequent absence of a student;
- (i) observe the standards of the school as established by the staff and principal;
- (j) on reasonable notice from the principal, admit a parent of a student to a classroom for the purpose of observing;
- (k) report promptly to the principal an apparent outbreak of a contagious or infectious disease in the school, an unsanitary condition of the school building or surroundings and

any other condition or circumstance that may reasonably threaten the health or safety of a student or employee at the school;

- (l) notify the principal if he or she is absent from school and the reason for the absence;
- (m) on the direction of the principal, cooperate with a student-teacher and his or her instructor in a classroom for the purpose of observing and practice-teaching and render assistance to the student-teacher and submit a report on the teaching ability of the student-teacher;
- (n) perform his or her assigned duty as outlined in the school emergency plan;
- (o) report to the principal and to the proper government official responsible for child welfare that a student is in need of care and protection if there is a reasonable ground to believe that the students in need of care and protection as defined under any legislation enacted by Parliament;
- (p) attend a staff meeting;
- (q) plan and prepare a course and a lesson;
- (r) teach a student assigned to him or her according to the educational needs of the student, set work to be carried out by the student and grade the work;
- (s) assess a student, in accordance with the National Curriculum, and record and report in a manner approved by the principal on the development, progress and attainment of a student;
- (t) provide guidance and advice to a student on an academic and social matter and his or her career;
- (u) participate in the implementation of an educational programme or a policy that supports the spiritual development of a student;
- (v) make an arrangement under the direction of the principal for a parent to be given regular information about the curriculum, the progress of a student and any other matter concerning the school;
- (w) attend a meeting, make a report, advise and assist a Board of Management in connection with the discharge of its functions;
- (x) make and participate in implementing an arrangement for the security of the school premises and for the effective supervision of a student during the school day;
- (y) assume the duty of an absent teacher as assigned by the principal; and
- (z) perform any other duty under this Act.

(2) A teacher who fails to perform a duty specified in subsection (1) is liable to disciplinary action by the Teaching Service Commission.

Duties of school guidance counsellor

180(1) A school guidance counsellor of a public school or an assisted school, up to the secondary stage shall -

- (a) develop and manage a school guidance and counselling plan;
- (b) provide individual and group counselling services that address the diverse social, emotional, behavioural, educational, and career planning needs of a student;
- (c) assist with crisis intervention and response;
- (d) promptly report a suspected case of child abuse, neglect or abandonment to the appropriate authority;
- (e) facilitate a classroom-based guidance counselling programme;
- (f) liaise with a student, a parent, school personnel, and a representative from a government department and a community agency in the delivery of a school guidance

and counselling service, including a referral for an internal and external programme and service;

- (g) provide career guidance and support to a student, including the organisation and facilitation of a career exploration activity, and assistance with an application to a tertiary school;
- (h) support transition planning for a student through the stages of education and to the workplace;
- (i) maintain, store, and secure accurate records and protect the confidentiality of a student in accordance with this Act; and
- (j) other duties as assigned by the principal, vice-principal, district guidance counsellor or a coordinator of guidance counselling.

(2) A school guidance counsellor who fails to perform a duty specified in subsection (1) is liable to disciplinary action by the Teaching Service Commission.

PART IX SAINT LUCIA ISLAND SCHOLARSHIP

Saint Lucia Island Scholarship

181. (1) There is established a scholarship to be called the Saint Lucia Island Scholarship.

(2) The scholarship is open to the public each year and is based on academic merit.

(3) The scholarship is tenable at the University of the West Indies or at a university, college or school approved by the Cabinet.

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

(5) The Minister may prescribe Regulations, in consultation with the Cabinet, for the procedure to apply for a Saint Lucia Island Scholarship.

Value of scholarship

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

(2) A notice under subsection (1) may specify differential rates of allowances varying according to the country or the university, college or school at which the scholarship is tenable.

(3) The rates fixed under subsection (2) shall apply equally to every recipient of a scholarship who falls within a particular category.

Qualification for scholarship

183. (1) Subject to section 184, a student is eligible to compete for a Saint Lucia Island Scholarship if the student—

- (a) has for three years immediately preceding the examination referred to in section 184 received his or her education at a school in Saint Lucia;

- (b) has passed five or more subjects including English Language at the Caribbean Secondary Examination Certificate proficiency examination or an equivalent examination prescribed by the Cabinet;
- (c) has satisfied the standard of conduct established by the school which the student last attended or by the Department; and
- (d) is a citizen of Saint Lucia.

Examination for scholarship

184. Subject to section 181(4), a Saint Lucia Island Scholarship shall be awarded by the Cabinet on the basis of the results of the Caribbean Advanced Proficiency Examination or an equivalent examination, as may be prescribed by the Cabinet, to the student who attains the highest score.

Attendance at approved university, college or school

185. (1) A scholarship recipient shall attend the university, college or school for which the scholarship is granted within a reasonable period after the award of the scholarship and shall attend continuously for the duration of the scholarship.

(2) A change shall not be made by a scholarship recipient in the university, college or school attended or the approved course of study except with the approval of the Cabinet.

Forfeiture of scholarship

186. (1) Subject to subsection (2), a Saint Lucia Island Scholarship shall be forfeited—

- (a) by expulsion of the scholarship recipient from the university, college or school;
- (b) by failure of the scholarship recipient to pass an examination within the period fixed by the university, college or school unless the Cabinet is satisfied, on the recommendation of the university, college or school, that the scholarship recipient has been prevented from passing the examination in circumstances which would not in its judgement justify a forfeiture;
- (c) if the scholarship recipient pursues a course of study or accepts an appointment which is not approved by the Cabinet;
- (d) if the scholarship recipient fails to comply with the requirements of this Act and does not furnish satisfactory evidence that a failure under paragraph (b) was beyond his or her control;
- (e) by reason of an event which in the opinion of the Cabinet is likely to be prejudicial to the object for which the scholarship was granted; or
- (f) on proof to the satisfaction of the Cabinet of grave misconduct by the scholarship recipient.

(2) The Cabinet may forfeit the whole or a portion of the scholarship accruing in respect of a specified period.

Bonding of Scholarship Recipient

187. (1) A scholarship recipient shall sign a bond in a sum and in a manner as may be prescribed.

(2) A bond at subsection (1) shall require a scholarship recipient—

- (a) to return to Saint Lucia on obtaining his or her qualification; and
- (b) to serve the Government of Saint Lucia or a statutory authority in Saint Lucia for a period of not less than the number of years of the scholarship.

(3) A scholarship recipient shall be offered an appointment appropriate to his or her qualification at an initial remuneration as is paid to a holder of like office in Saint Lucia.

(4) A bond is deemed to be satisfied if the Government of Saint Lucia does not provide an appointment appropriate to the qualification of the scholarship recipient within six months of his or her return.

Travel grant

188. A scholarship recipient is entitled to receive the cost of travelling expenses for one round-trip between Saint Lucia and the university, college or school during the course of his or her study..

Award of bursary, grant or scholarship

189. (1)The Cabinet may, on terms and conditions that may be prescribed, award a bursary, a grant, or a scholarship to —

- (a) a student of a public school or an assisted school;
- (b) a person admitted to a school at the tertiary stage as it thinks fit.

(2) A bursary, a grant or a scholarship awarded prior to the commencement of this Act is deemed to have been awarded under this Act and shall be subject to the provisions of this Act.

PART X APPEALS

Establishment of Education Appeals Tribunal

190. (1) There is established an Education Appeals Tribunal.

(2) The Minister shall appoint a panel of six persons to constitute the Education Appeals Tribunal comprising—

- (a) two attorneys-at-law of at least seven years' standing who shall be the chairperson and the deputy chairperson; and
- (b) four persons having a background in education, social work, psychology, religious leadership or a member of a parent-teacher-community association.

(3) For the purpose of hearing and deciding an appeal, the Education Appeals Tribunal shall consist of—

- (a) the chairperson or the deputy chairperson; and
- (b) two other persons on the panel.

(4) The chairperson shall constitute a panel of three persons to hear and decide an appeal and may constitute an alternative panel.

(5) The Education Appeals Tribunal shall have a secretary who shall be a public officer designated by the Minister.

(6) A member of the Education Appeals Tribunal shall be appointed on terms specified by the Minister.

(7) A member of the Education Appeals Tribunal shall swear an oath of secrecy prescribed by the Minister.

Function of Education Appeals Tribunal

191. (1) A person aggrieved by a decision under this Act may appeal to the Education Appeals Tribunal.

(2) The Education Appeals Tribunal shall hear and decide an appeal.

Powers of Education Appeals Tribunal

192. The Education Appeals Tribunal may —

- (a) to require any person to produce any document which the Education Appeals Tribunal considers necessary for the purpose of the appeal;
- (b) to adjourn, strike out, dismiss or proceed with the hearing of an appeal where the Appellant or the decision-maker fails to appeal;
- (c) affirm or vary a decision;
- (d) dismiss the appeal.

Right to appeal

193. A parent, on behalf of his or her child, or a youth, who is aggrieved by a decision made under this Act, may appeal to the Education Appeals Tribunal in the prescribed manner.

Regulations and procedure for hearing of appeal

194. (1) The Minister may make Regulations for the Education Appeals Tribunal.

(2) Subject to subsection (1), the Education Appeals Tribunal shall regulate the procedure for the hearing of an appeal.

Final decision

195. The decision of the Education Appeals Tribunal is final and binding on the parties to the appeal.

Enforcement of order

196. The chairperson shall file a copy of an order made by the Education Appeals Tribunal in the High Court and the order has the same effect as an order of the Court.

PART XI MISCELLANEOUS

Annual report on state of education

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

Effect of contagious disease

198.(1) A student suffering from or exposed to a contagious disease shall not be enter the premises of the school or be permitted to remain in a school.

(2) If the principal discovers or has reason to suspect the presence of a contagious disease, the principal shall immediately report it to a parent of the student concerned, the Chief Education Officer, and the Chief Medical Officer.

(3) A student who has been refused entry to a school on the ground that the student is suffering from or has been exposed to a contagious disease shall not be readmitted except on the submission of a medical certificate from a medical practitioner registered under the Health Practitioners Act, Cap. 11.06 to the effect that the student is free from the disease and is unlikely to be a source of infection to another person in the school.

(4) The medical certificate required under subsection (3) shall be issued free of charge by a registered medical practitioner employed at a public hospital or health facility.

Closure of school

199.(1) Notwithstanding a provision in this Act or another enactment, the Minister may direct the closure of a school, if the school —

- (a) is damaged by a hurricane, earthquake, fire or flood;
- (b) has an outbreak of an infectious or contagious disease;
- (c) has a decline in attendance to the extent that the Minister considers it necessary; or
- (d) needs to be closed for any other reason as the Minister thinks fit.

(2) The closure of a school under subsection (1) takes effect from the date of the direction by the Minister.

(3) If a school is closed under subsection (1), the Minister may provide education in another school.

(4) Notwithstanding subsection (1), the principal of a school or a District Education Officer may close a school temporarily in an emergency if it is impracticable to obtain the prior approval of the Minister or the Chief Education Officer.

(5) If a principal closes a school temporarily, he or she shall inform the Minister and the Chief Education Officer as soon as practicable.

(6) Notwithstanding subsection (1), a principal of a school may, in consultation with the Minister, declare a school to be closed in observation of a holiday.

Vendor on school premises

200. (1) A person shall not sell or offer for sale goods, a service, food, a drink or other item on the premises or within an entrance or exit of a public school or an assisted school without the written permission of the Chief Education Officer.

(2) An application for permission under subsection (1) shall be made in writing to the Chief Education Officer through the principal of the school.

(3) An application under subsection (2), shall be accompanied by –

(a) a certificate from a medical practitioner registered under the Health Practitioners Act, Cap. 11.06 showing that the applicant is free from disease and is unlikely to be a source of infection; and

(b) a police certificate of character certifying that the applicant has no criminal conviction.

(4) The Chief Education Officer shall interview the applicant, consult the principal and consider the suitability of the proposed goods, service, food, drink or other item to be sold, and may grant permission to the applicant on terms and conditions as the Chief Education Officer thinks fit.

(5) A person who sells or offers for sale food or drink on school premises shall ensure that the area used by him or her is clean and that waste is collected and disposed of.

(6) The sale of food and drink is prohibited during an instruction period.

(7) The Chief Education Officer may revoke the permission given to a vendor who contravenes a condition of the permit.

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

Prohibition of sale of alcohol, tobacco, cigarettes, drugs and drug paraphernalia

201. A person who sells, offers or exposes for sale alcohol, tobacco, cigarettes, drugs or drug paraphernalia on the premises of a school commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of two years or both.

Loitering etc. on school premises

202. (1) A person shall not –

(a) loiter, wander or trespass on the premises of a school;

(b) create a disturbance on the premises of a school;

(c) while on the premises of a school—

(i) threaten, insult, abuse or in any manner interfere with a student or a member of the staff of the school, or

(ii) disrupt a lawful activity conducted on the premises of the school;

(d) in a public place, cause or make a noise that disturbs or is likely to disturb a lawful activity carried out on the premises of a school; or

(e) damage a school or other property on the premises of or forming part of the compound of the school.

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

Insurance

203. (1) A private school shall keep in force a general liability insurance policy or another form of indemnification for loss or damage to property, regardless of the number of claims arising

from any one occurrence, in the minimum amount prescribed by order of the Minister, for each occurrence of loss or damage resulting from bodily injury or death of -

- (a) a student, a parent, an employee, a board member, an agent or other person acting within the scope of his or her duties for the named insured; or
- (b) any other person lawfully on the school premises.

(2) The policy or other indemnification under subsection (1) shall provide coverage for a claim arising out of liability imposed by law on a private school.

Medical examination and treatment

204. With the consent of his or her parent, a school may facilitate a medical examination or treatment of a student by a medical practitioner registered under the Health Practitioners Act, Cap. 11.06 or a nurse registered under the Registration of Nurses and Midwives Act, Cap. 11.08 acting in accordance with any mandatory scheme or school health programme in operation in Saint Lucia.

Prosecution

205. A prosecution under this Act may be instituted by the Chief Education Officer.

Regulations

206. (1) Subject to the provisions of this Act, the Minister may make Regulations generally for the proper carrying out of this Act.

(2) Notwithstanding subsection (1), the Minister may make regulations—

- (a) concerning the management and conduct of a public school or an assisted school;
- (b) concerning the control, management, conduct and registration of a private school in respect of—
 - (i) the size of a classroom, its furnishings and equipment, the number of students that may occupy a classroom and the sanitary facilities to be provided,
 - (ii) the register and other record to be kept by a proprietor and the particulars to be furnished to the Department by a proprietor,
 - (iii) the safety standards and suitability of premises,
 - (iv) the suitability of the curriculum and a course and a method of instruction,
 - (v) the conduct and discipline of a student and a trainee; and
 - (vi) the effective carrying out of the provisions of this Act;
- (c) prescribing the standard to which the premises of a school is to conform;
- (d) concerning the purposes for which the premises of a public school may be used;
- (e) prescribing the financial or other assistance and the conditions subject to which assistance is given to a school or class;
- (f) concerning the admission of a student to a public school or an assisted school, the discipline of a student, the keeping of a public school or an assisted school, a school record of a student, the particulars to be included in a record and the disposal of the record;
- (g) In the case of a public school or an assisted school, respecting—
 - (i) the admission or transfer of a student,
 - (ii) a qualifying examination for admission; and
 - (iii) a method of instruction;

- (h) concerning the management and accounting by a principal, vice-principal and a teacher of a public school or an assisted school of—
 - (i) moneys or property payable to or vested in the school,
 - (ii) moneys derived from a fundraising activity,
 - (iii) moneys and other property derived by way of gift, bequest, trust or donation, or in any other manner whatsoever;
- (i) prescribing the admission and removal criteria, the course of study and the curriculum for a programme of teacher education;
- (j) providing for the certification and registration of a teacher completing a course of training;
- (k) concerning the establishment, administration, organisation, classification and decommissioning of a school;
- (l) concerning the award of a bursary, and other financial assistance for tertiary education and specifying the value and other condition subject to which a bursary may be held or other financial assistance given;
- (m) prescribing the school year, hours of school, term and vacation of a school up to the secondary stage;
- (n) prescribing a case in which, and the matter for which fees may be charged in a public school;
- (o) concerning the visits to or inspection of a school;
- (p) concerning the composition, a right, power and responsibility of a Students' Council and of the National Students' Council;
- (q) concerning the composition, a right, power and responsibility of a parent-teacher-community association and of the National Council of Parent-Teacher-Community Associations;
- (r) embodying a collective agreement arrived at between the Department and the Saint Lucia Teachers' Union concerning a condition of service of a teacher represented by that union, or between the Department and another body representing members of the teaching profession in respect of a member;
- (s) the payment of fees;
- (t) the statistics to be furnished by the denominational school;
- (u) the standard of professional behaviour of a principal, vice-principal, a teacher, an instructor, a lecturer and a tutor including teacher attendance and dress code;
- (v) amend a schedule to this Act by Order; and
- (w) prescribing anything which by this Act is to be prescribed.

Repeal

207. The Education Act, Cap. 18.01 is repealed.

Savings

208. From the commencement of this Act—

- (a) a student admitted in a programme or course of study immediately before the commencement of this Act, is deemed to have been transferred to the same programme or course under the same terms and conditions as he or she held immediately before the commencement; and
- (b) any Regulation or Order made under the repealed act shall continue to be applicable with the necessary changes to give effect to it under this Act until Regulations are made under this Act.

