ACTS
SUPPLEMENT No. 8 **29th August, 2008.**

ACTS SUPPLEMENT

to The Uganda Gazette No. 44 Volume CI dated 29th August, 2008.

Printed by UPPC, Entebbe, by Order of the Government.

THE EDUCATION (PRE-PRIMARY, PRIMARY AND POST-PRIMARY) ACT, 2008

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THE EDUCATION (PRE-PRIMARY, PRIMARY AND POST-PRIMARY) ACT, 2008.

An Act to amend, consolidate and stream line the existing law relating to the development and regulation of education and training, to repeal the Education Act and to provide for other related matters.

DATE OF ASSENT: 26th August, 2008.

Date of Commencement: 29th August, 2008.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Objectives of Act.

The objectives of the Act are—

(a) to give full effect to education policy of Government and functions and services by Government;

(b) to give full effect to the decentralization of education services;

(c) to give full effect to the Universal Primary Education Policy of Government;

(d) to give full effect to the Universal Post Primary Education and Training Policy of Government;

(e) to promote partnership with the various stakeholders in providing education services;

(f) to promote quality control of education and training;

(g) to promote physical education and sports in schools.

2. Interpretation.

(1) In this Act, unless the context otherwise requires—

"annual general meeting" means an annual general meeting referred to in the Second Schedule to the Act;

"authority" means a district council, city council, city division, council, municipal council, division council, town council, municipal division douncil or sub-county council;

"basic education" means the minimum education package of learning made available to each individual or citzen through phases of formal primary education and non-formal education system to enable him or her be a good and useful person in society;

"board" means a board of governors of a school;

"chairperson" means a Chairperson of the Management Committee or Board of Governors;

"Chief Administrative Officer or Town Clerk" means a person appointed by the Public Service Commission to be the executive head of the district or municipal council;

"currency point" has a value assigned to it in the First Schedule to this Act;

"DES" acronym for Directorate of Education Standards;

"Director of Education" means the head of the Directorate of Education in the Ministry responsible for education, whose role is to guide, direct, co-ordinate and ensure the performance of education in the whole of Uganda;

"District Education Officer" means an officer appointed either by Government or a local government to assist in the administration of education services;

"Education Officer" includes an officer appointed by either the Education Service Commission or by the district service commission to assist in the administration of education services;

"financial year" means the financial year of the Government;

"formal education" means a package of learning made available by recognised schools and institutions following approved curriclum standards and guidelines;

"formal training" means instructions given in schools, training institutions or specifically designed training areas, usually conducted within a structured program with precise training objectives;

"foundation body" means an individual or group or organization which founds and manages an education institution;

"functions" includes powers and duties;

"Government" means the Government of Uganda;

"Government founded school or institution" means a school or institution founded by government;

"Government grant aided school" means a school not founded by the Government but which receives statutory grants in the form of aid from Government and is jointly managed by the foundation body and Government;

"Grants' includes annual recurrent and capital grants from Government, salaries and wages capitation and instructional materials;

"Head teacher" includes a headmistress, headmaster, principal or director of a school;

"International institution" means a private educational institution offering foreign curricula and examinations and certification;

"Inspector of schools" means a person appointed for the purposes of quality control by the Education Service Commission or district service commission;

"local government" means a local council established under subsection (2) to (5) of section 3 of the Local Government Act;

"Management committee" means a legal body established to manage a primary school;

"Minister" means the Minister responsible for education;

"a non-formal education" means a complementary flexible package of learning designed in consultation with the indigenous community to suit the demands and lifestyles of the community and to enrich the indigenous knowledge, values and skills with particular emphasis to literacy, numeracy and writing skills;

"Permanent Secretary" means the Permanent Secretary of the ministry responsible for education;

"private school' means a school not founded by government and which does not receive statutory grants from Government;

"public service" has the same meaning as in the Constitution;

"pupil" means a person receiving instruction in any subject at a primary school and enrolled as a pupil on a register in that school;

"school" means an institution in which not less than eighty or in special circumstances, not less than ten persons receive regular instruction or an institution which provides instruction by correspondence, but does not include—

(a) any institution in which persons meet solely for the purpose of receiving religious instruction;

(b) any institution for the purpose of giving adult instruction; or

(c) any institution in which persons meet solely for the purpose of receiving instruction in any subject which the Minister has declared by regulations to be outside this Act.

"standing committee of education" includes a sub-committee of a sub-county, municipality, municipal division or parish council to which functions have been delegated by the district council's standing committee responsible for education;

"school owner" includes the foundation body or person which or who is wholly or partially responsible for the ongoing activities of the school;

"statutory grants" means salary, capital development grants, capitation grants and instructional material grants given to the Government-aided schools at a rate determined by Government from time to time;

"student" means a person studying in a post primary institution;

"teacher" means a person who has successfully completed a course of training approved by the Ministry responsible for education and has been entered in the Register of Teachers or a person licensed by the Ministry responsible for education to teach and has been entered on the roll of teachers;

"tertiary education" means post-secondary institutions other than universities which confer certificates, diplomas or degrees;

"trade" means a skilled occupation;

"training" means a process of preparing or being prepared for a job that is bringing a person to a desired standard or efficiency by instruction and practice;

"trainee" means a person undergoing instruction to acquire competence for a job;

"UPE" means the State funded universal primary education programme where tuition fees are paid by Government where the principle of equitable access to conducive, quality, relevant and affordable education is emphasised for all children of all sexes, categories and in special circumstances;

"UPPET" means universal post primary education and training;

"USE" means the state funded universal secondary education programme providing obstacle free post primary education.

Part II—Roles And Powers of the Minister

3. Roles and Powers of the Minister.

(1) The Minister responsible for Education and Sports, shall ensure that national policies and objectives as enshrined in the Constitution are implemented and observed at all levels of Education.

(2) Without prejudice to the general duties of the Minister under subsection (1)—

(a) the Minister shall, from time to time, initiate policies and reforms of education as the need arises; and

(b) the Minister shall, from time to time, issue statutory instruments regarding Universal Primary Education, Universal Post Primary Education and Training, school meals, school charges, school uniforms, management and governance of education institutions in accordance with this Act.

(3) Subject to the provisions of this Act, the Minister shall appoint relevant implementing agencies for effective implementation of the Act.

(4) For the avoidance of doubt, it shall be the responsibility of the Minister to ensure that decentralized education services are in harmony with or conform to the national policy on education.

Part III—Provision of Education and Training

4. Policy on the provision of education and training.

(1) Provision of education and training to the child shall be a joint responsibility of the State, the parent or guardian and other stakeholders.

(2) Basic education shall be provided and enjoyed as a right by all persons.

(3) Financing of education shall be through fees, grants, donations, training levies, education tax, and any other means as deemed appropriate by Government.

(4) Religious studies shall form part of the cirriculum in primary and post primary schools.

5. Responsibilities of stakeholders in education and training.

(1) Government through its relevant agencies shall be responsible for—

(a) the provision of learning and instructional materials structural development and teachers welfare;

(b) setting policy for all matters concerning education and training;

(c) setting and maintaining the national goals and broad aims of education;

(d) providing and controlling the national curriculum;

(e) evaluating academic standards through continuous assessment and national examinations;

(f) registering and licensing of teachers;

(g) recruiting, deployment and promotion of both teaching and non teaching staff;

(h) determining the language and medium of instruction;

(i) encouraging the development for a national language;

(j) ensuring equitable distribution of education institutions;

(k) regulating, establishing, and registering of Educational institutions;

(l) management, monitoring, supervising and disciplining of staff and students;

(m) ensuring supervision of performance in both public and schools; and

(n) development of management policies for all Government and Government aided schools and private schools.

(2) The responsibilities of the parents and guardians shall include—

(a) registering their children of school going age at school;

(b) providing parental guidance and psychosocial welfare to their children;

(c) providing food, clothing, shelter, medical care and transport;

(d) promoting moral, spiritual and cultural growth of the children;

(e) participating in the promotion of discipline of their children;

(f) participating in community support to the school; and

(g) participating in the development and review of the curriculum.

(3) The responsibility of the foundation body shall, in accordance with the set policy, include—

(a) participating in ensuring proper management of schools of their foundation;

(b) ensuring the promotion of religious, cultural and moral values and attitudes in schools of their foundation;

(c) participating in policy formulation;

(d) participating in education advocacy;

(e) mobilization of resources for education purposes;

(f) participating in implementation, monitoring and evaluation of education and services; and

(g) participating in the designing, development, and implementation, monitoring and reviewing of the curriculum.

(4) The responsibility of Government in private education institutions shall be to ensure that private education institutions conform to the rules and regulations governing the provision of education services in Uganda.

(5) The responsibilty of Government in the provision of non-formal education shall be—

(a) to identify areas or communities where non-formal education programmes are required;

(b) to establish non-formal education centres;

(c) to set guidelines and provide materials for non-formal education programmes; and

(d) to pay the teachers or instructors in non formal education programmes.

6. Categories of education institutions.

Education institutions shall be categorized as—

(a) public education institutions or Government founded institutions;

(b) Government grant-aided education institutions;

(c) private institutions which shall include profit and non profit making, and international institutions; and

(d) non-formal education centers.

7. Government grant-aided education institutions.

(1) An education institution does not qualify for grant-aiding unless it has fulfilled the requirements of the regulations for licensing and registration.

(2) Government may, on application by the foundation body of the school, determine which education institutions shall be or continue to be grant-aided.

8. Responsibilities of Government towards grant aided education institutions.

Responsibility of Government in a Government and a grant-aided education institution includes the following—

(a) ensuring that trained teachers are deployed;

(b) paying salaries and allowances to teachers;

(c) appointing heads for Government and grant-aided education institutions and deploying such heads to institutions in consultation with foundation bodies;

(d) paying salaries and wages to all established non-teaching staff;

(e) paying statutory grants;

(f) providing educational materials and other capital development inputs;

(g) providing national selection and admission guidelines for all pupils or students to be enrolled;

(h) monitoring behavior and performance of staff both teaching and non teaching; and

(i) ensuring safety and security of children in schools and all education institutions.

9. Prohibition of charging for education in UPE or UPPET.

(1) No person or ageny shall levy or order another person to levy any charge for purposes of education in any primary or post primary institution implementing UPE or UPPET programme.

(2) The provisions of subsection (1) shall not be construed to deter the management of any school or institution implementing UPE or UPPET programme from collecting or receiving voluntary contributions or payments from parents and well wishers to contain a state of emergency or any urgent matter concerning the school.

(3) No pupil or student shall be sent away from a school or an institution or denied access to education for failure to pay any contribution referred to under subsection (2).

(4) A person who contravenes subsections (1), (2) and (3) commits an offence and is liable on conviction to a fine not exceeding fifty currency points or imprisonment not exceeding twelve months or both.

PART IV—STRUCTURE OF EDUCATION

10. Levels of education.

(1) There shall be four levels of education as follows—

(a) pre-primary education;

(b) primary education;

(c) post primary education and training; and

(d) tertiary and university education.

(2) The following shall apply to pre-primary education—

(a) pre-primary education to be run by private agencies or persons to provide education to children aged from two years to five years and the financing of that type of education shall be a responsibility of the parents or guardians.

(b) government shall—

(i) provide the curriculum, guidelines on minimum standards for school buildings, equipment and other relevant facilities for pre-primary institutions through its relevant agencies;

(ii) provide the curriculum for teachers training for pre-primary teachers and ensure that the teachers who teach in pre-primary institutions have the necessary qualifications; and

(iii) cause all pre-primary schools to be licensed, registered and regularly inspected by government education inspectors.

(c) pre-primary schools shall be day schools.

(3) The following shall apply to primary education—

(a) primary education shall be universal and compulsory for pupils aged 6 (six) years and above which shall last seven years;

(b) all children of school going age shall enter and complete the primary education cycle of seven years; and

(c) Government shall ensure that a child who drops out of school before completing primary education cycle attains basic education through alternative approaches to providing that education.

(4) Post primary education and training includes—

(a) secondary education; which shall be four years and two years of ordinary secondary and advanced secondary schooling respectively;

(b) other education institutions not provided for in paragraph (a); and

(c) tertiary education shall include all education institutions providing post–secondary education or technical education and provided for by the Universities and Other Tertiary Institutions Act, 2001.

Part V—Registration And Licensing Of Teachers

11. Persons who may teach.

No person shall teach in any public or private school of any description unless he or she is registered as a teacher or licensed to teach under this Act.

12. Register of teachers.

(1) The Director of Education shall maintain or cause to be maintained, a register of teachers entitled to be registered under section 13(1).

(2) Every teacher whose name is entered in the register shall pay the registration fee specified in the Fifth Schedule to this Act.

(3) A registered teacher shall also pay in respect of the issue to him or her of a duplicate certificate the fee specified in Fifth Schedule to this Act.

(4) The Director of Education may, in appropriate cases, endorse on a certificate of registration issued under this section a condition that the holder of the certificate of registration shall only teach a particular subject or only teach a particular class in a school.

(5) A certificate of registration under this section shall be in Form A as specified in the Fourth Schedule to this Act.

(6) The register and all copies and extracts of the register certified under the hand of the Director of Education to be correct shall be received in evidence in all courts.

13. Persons entitled to register.

(1) A person who completes successfully as a teacher a course of training approved by the Ministry responsible for education shall be entitled, on application made to the Director of Education, to be registered as a teacher.

(2) An application for registration as a teacher shall be made to the Director of Education in Form B as specified in the Fourth Schedule to this Act.

14. Refusal to register a person as a teacher.

(1) If the Director of Education refuses an application for registration as a teacher, the Director of Education shall serve a written notice of refusal upon the applicant stating in the notice the reasons why the Director of Education has refused to register the applicant and shall inform him or her of his or her right of appeal to the appeals tribunal provided for by section 53.

(2) An applicant who is aggrieved by the decision of the Director of Education made under this section may appeal to the Appeals Tribunal within forty five days beginning with the day of the service of the notice upon him or her.

15. Removal of a teacher's name from the register.

(1) The Director of Education shall, on the advice of the Education Service Commission, or may, on his or her own motion, where the teacher concerned is not employed in the public service, remove from the register of teachers the name of any teacher who,

(a) has died;

(b) applies for the removal of his or her name from the register;

(c) is convicted of a criminal offence involving moral turpitude for which a fine of not less than five currency points or term of imprisonment of not less than three months has been imposed;

(d) has been found guilty of misconduct which, in the opinion of the Education Service Commission or the Director of Education, render the teacher an unsuitable person for employment as a teacher;

(e) has not been engaged in academic studies relating to teaching or in the administration of education services for a continuous period of five years; or

(f) has contravened or failed to comply with any condition of his or her registration.

(2) For the purposes of subsection (1) (d) of this section, "misconduct" includes professional misconduct, and conduct prejudicial to the physical, mental or moral welfare of any pupil in any school.

(3) The Education Service Commission shall not recommend the removal of the name of any teacher from the register, nor shall the Director of Education remove the name of any teacher from the register on his or her own motion under sub-section (1) (d) or (f) of this section, unless the Education Service Commission or the Director of Education has given to such a teacher an opportunity of answering any charge of misconduct which has been made against him or her.

(4) When the Director of Education removes the name of any teacher from the register in accordance with the provisions of this section, he or she shall forthwith serve or cause to be served upon such a teacher and upon the board of governors or committee of management of the school in which such teacher is teaching a written notice of such removal.

(5) As soon as a teacher has been served with the notice referred to in subsection (4), that teacher shall return to the Director of Education his or her certificate of registration.

(6) Any teacher whose name has been removed from the register who fails to return his or her certificate of registration to the Director of Education within thirty working days from the day of receipt of the notice, commits an offence and is liable on conviction to a fine not exceeding five currency points.

(7) Every teacher, other than a teacher employed in the public service, whose name is removed from the register under this section, may, if he or she is dissatisfied with the action taken by the Director of Education, appeal within forty five working days beginning with the day on which such decision was communicated to him or her, to the Appeals Tribunal.

16. Restoration of teacher's name to the register.

(1) Any teacher whose name has been removed from the register may, after two years from the date of the removal of his or her name, apply to the Director of Education, in such manner as may be prescribed, for his or her name to be restored to the register.

(2) Where an application is made for the restoration of a name to the register, the Director of Education, may—

(a) grant the application;

(b) grant the application subject to conditions;

(c) advise the applicant to apply again on such future date as the Director of Education may specify; or

(d) refuse the application.

17. Issue of statement of eligibility.

(1) The Director of Education may, on payment of such fee as may be prescribed, issue to any person a statement of eligibility in Form C specified in Fourth Schedule to this Act, which shall entitle the holder to have his or her name entered on the roll of licensed teachers and to be issued with a licence to teach notwithstanding that such person has not completed successfully a course of training as a teacher or has not attended such a course.

(2) The statement of eligibility shall be valid for a period not exceeding two years from the date of issue but may be renewed on payment of such fee as may be prescribed for further periods not exceeding two years at a time and not more than six years in total.

(3) An application for the issue or renewal of a statement of eligibility under this section shall be made to the Director of Education in such form as the Director of Education may from time to time approve.

(4) The Director of Education shall enter the name of a person to whom a statement of eligibility is issued on the roll of licensed teachers and shall issue to that person a licence to teach in Form D specified in Fourth Schedule to this Act.

(5) The Director of Education may, in appropriate cases, endorse on a licence to teach issued under this section, a condition that the teacher only teaches particular subjects or teaches in a particular school.

(6) A license to teach issued under this section shall authorize the holder to teach in any school as long as the name of the holder of the licence remains on the roll of licensed teachers.

18. Refusal to renew a licence.

(1) If the Director of Education refuses to renew a statement of eligibility and a licence to teach of any person licensed to teach, he or she shall serve a written notice of the refusal on that person stating in the notice the reasons why he or she has refused to renew the statement of eligibility and a license to teach and shall inform him or her of his or her right of appeal to the appeals tribunal.

(2) Any applicant who is aggrieved by the decision of the Director of Education made under this section may appeal to the Appeals Tribunal within fortyfive working days beginning from the day of service of the notice upon him or her.

(3) The Appeals Tribunal shall deal with the appeal and notify the applicant of its decision within thirty working days from the date on which the appeal was filed with the tribunal.

19. Roll of licensed teachers.

(1) The Director of Education shall establish or cause to be established and maintained, in such a form as he or she may think suitable, a roll of all persons licensed to teach under this Act.

(2) The roll and all copies and extracts of the roll certified under the hand of the Director of Education to be correct shall be received in evidence in all courts.

20. Cancellation of licence.

(1) The Director of Education may cancel any license to teach of any person who—

(a) has died;

(b) applies for the cancellation of his or her license;

(c) is convicted of a criminal offence involving moral turpitude for which a fine of not less than five currency points or imprisonment for not less than two and a half months has been imposed;

(d) is found guilty of misconduct as, in the opinion of the Director of Education renders the teacher an unsuitable person for employment as a teacher; or

(e) has contravened or failed to comply with any condition of his or her license to teach.

(2) For the purpose of subsection (1) (d), "misconduct" includes professional misconduct and conduct prejudicial to the physical, mental or moral welfare of any pupil in any school.

(3) The Director of Education shall not cancel a licence to teach under subsection (1) (d) or (e) unless he or she has given to the teacher an opportunity of answering any charge of misconduct which has been made against him or her.

(4) Upon the cancellation of a licence to teach, the teacher's name shall be removed from the roll of licensed teachers.

21. Restoration of licence.

(1) Any person whose licence to teach has been cancelled may, apply to the Director of Education in such manner as may be prescribed, for his or her licence to teach to be restored.

(2) Where an application is made under subsection (1) of this section, the Director of Education may—

(a) grant the application;

(b) grant the application subject to conditions;

(c) advise the applicant to apply again on such future date as he or she may specify; or

(d) refuse the application.

22. Notice of cancellation to be served on the teacher.

(1) When the Director of Education cancels a licence to teach of any teacher, he or she shall forthwith cause to be served upon such teacher and upon the owner of the school in which the teacher is teaching, a notice of the cancellation.

(2) As soon as a teacher has been served with the notice referred to in subsection (1), the teacher shall return to the Director of Education his or her licence to teach.

(3) Any teacher whose licence to teach has been cancelled, who fails to return the licence to teach to the Director of Education within thirty working days beginning from the day of the receipt of the notice commits an offence and shall be liable on conviction to a fine not exceeding five currency points.

(4) Any teacher who is aggrieved by the decision of the Director of Education made under this Act canceling his or her licence to teach, may appeal to the Appeals Tribunal within fortyfive days beginning from the day of the service of the notice upon him or her.

23. Offences relating to teaching after cancellation of registration or licence.

Any person who—

(a) continues to teach in a public or private school after he or she has been notified of the cancellation of his or her registration or licence to teach;

(b) permits any person to teach or continues to employ any teacher in his or her school after he or she has been notified of the cancellation of the registration or to teach;

(c) contravenes in any way the conditions of his or her registration or licence to teach;

(d) knowingly employs any person as a teacher in contravention of any provision of this Act,

commits an offence and shall be liable on conviction to a fine not exceeding twenty currency points or to a trem of imprisonment not exceeding ten months.

PART VI—CONTROL AND MANAGEMENT OF SCHOOLS

24. Appointment of Director of Education, education officers, inspectors and other officers.

(1) Subject to the provisions of any written law relating to the appointment of any person to a public office and in the public service, there shall be appointed a Director of Education, education officers, inspectors of schools and other officers as are necessary for the purpose of this Act.

(2) All education officers appointed under this section by the Education Service Commission shall be under the direction of the Director of Education.

(3) The person who immediately before coming into force of this Act, was holding or acting in the office of the Director of Education and all education officers under the direction of the Director of Education shall be deemed to have been appointed under sub-section (1).

(4) A headteacher may be a proprietor or director of a private school if he or she is not its manager.

25. Powers of an inspector of schools.

(1) An inspector of schools may at any time, with or without notice, enter into any school or any place at which it is reasonably suspected that activities of an education institution are being carried out and—

(a) inspect and provide a report to the Permanent Secretary, the district education officer and the relevant foundation body, in a format prescribed by the Director of Education standards with respect to the school or any aspect of it, including any building, workshop, dormitory, hostel or kitchen used in connection with the education institution and any other building or property on the site of the school;

(b) inspect or cause to audit the accounts of the school and may temporarily remove any books or records for the purpose of inspection or audit.

(2) Every head teacher shall, on being requested by an inspector of schools, place at the disposal of the inspector of schools all records, accounts, notebooks and any other materials belonging to the school for inspection or audit and the inspector of schools shall acknowledge in writing receipt of those records, accounts, notebooks and any other materials belonging to the school entrusted to him by the headteacher for purposes of inspection or audit.

(3) Any person who willfully obstructs an inspector of schools from lawfully entering or having entered, from making an inspection of a school or its accounts, commits an offence and is liable on conviction to a fine not exceeding five currency points.

26. District Councils' Standing Committee responsible for education.

Subject to any written law, District or Municipal Councils' Standing Committees for Education shall be responsible for the over sight role of all educational services decentralized to a district, municipal, town council, division and subcounty.

27. Education development plan.

(1) The district council shall cause an education development plan to be prepared in respect of such educational services to be administered by the local government, which shall cover a period of three years as prescribed by the Local Governments Act, and the plan shall be part of the comprehensive and integrated development plan of the district.

(2) Every district standing committee responsible for education shall prepare, in consultation with the District Education Officer and municipal, division, town and subcounty Council Education Officer for which it is established, an education development plan for promoting educational services for which it is responsible.

(3) A development plan to which sub-section (2) applies shall be submitted for approval in such a manner and at such times as the district council may from time to time direct.

(4) The district council may approve with or without modifications any education plan submitted to it under this section.

(5) Every education development plan prepared under this section and approved by the council shall constitute the education development plan during such period and in respect of such educational services to which it refers.

28. Board of Governors and School Management Committees.

(1) There shall be constituted by the Minister or district education officer, by notice published in the *Gazette,* a board of governors or a school management committee for any education institution declared by the Minister or district education officer, as the case may be, to be an institution governed by such board of governors or school management committee and may appoint to it such number of members as provided for by this Act.

(2) The Minister, in consultation with the stakeholders, may by regulations make provision for any board of governors or school management committee established under this section, in respect of all or any of the following matters—

(a) the authentication of the seal, the signification of decisions and the execution of documents of the board of governors and school management committee;

(b) the term of office of the members;

(c) the remuneration or allowances to be paid to the members;

(d) the appointment of the committees of the board of governors or management committee and the delegation of powers to such committees or to officers of the school;

(e) the procedure to be followed at the meetings of the board of governors or school management committee;

(f) the powers of the board of governors or school management committee in relation to the staff of the school or group of schools;

(g) the duties of the headteachers to board of governors or school management committee;

(h) the funds of the school, including estimates, keeping of accounts and audit of such accounts.

29. Default by Board of Governors or School Management Committee.

(1) Where in the opinion of the Minister or district education officer as the case may be, in consultation with the foundation body of the school concerned, it is established that the board of governors or school management committee has behaved irresponsibly or has failed to exercise properly the functions conferred upon it under this Act or any regulations made under this Act, the Minister or district education officer, as the case may be, may in writing—

(a) suspend the board of governors or school management committee from the exercise and performance of its functions, and appoint a person or persons to exercise and perform the functions of the board of governors or school management committee for a period not exceeding six months; or

(b) dismiss all or any of the members of the board of governors or school management committee, and appoint in their place new members.

(2) The Minister or district education officer, as the case may be, may provide for the manner in which such person or persons appointed under subsection (1) (a), shall exercise and perform the functions of the board of governors or school management committee suspended by the Minister or district education officer, as the case may be.

30. Establishment of students councils in post primary institutions.

There shall be established students councils in all post primary institutions in Uganda which shall be organised and managed in accordance with the Constitution of the Uganda National Students' Association.

PART VII—SPECIAL PROVISIONS RELATING TO PRIVATE SCHOOLS

31. Requirements for establishing a private school.

(1) Any person, community or organisation desirous of establishing a private education institution shall apply to the Permanent Secretary, chief administrative officer or town clerk, to be approved as a suitable person, community or organisation to establish a private education institution and the applicant shall be of good repute with the necessary funds to manage the type of institution proposed to be established and shall in that application seek advice and approval of the Ministry responsible for education, district or urban council, as the case may be, in respect of the following matters—

(a) whether the proposed school forms or will form part of the education development plan prepared or approved by the committee responsible for education for a given area; and

(b) whether the proposed school meets or will meet the educational needs of the country or area, as the case may be.

(2) An application for establishing a private school by the prospective school owner shall be supported by at least three persons of high integrity and good standing in the area of the applicant where the education institution is to be established.

(3) Before the application is approved, the prospective school owner shall be required to fulfill the following—

(a) have the building plans, lease offers, agreements and land titles for the proposed new school or for extension or alterations to some existing building, as the case may be, approved by the district education committees;

(b) have the completed buildings inspected and approved by the appropriate authorities;

(c) undertake to engage a headteacher who, in the opinion of the Permanent Secretary, chief administrative officer or town clerk, is suitable for the type of School he intends to establish;

(d) satisfy the Permanent Secretary, chief administrative officer or town clerk, that the teachers to be engaged in the education institution are eligible to teach in the type of school he or she intends to establish and the facilities for it are adequate for the school it purports to be;

(e) ensure that the physical, health and moral welfare of the pupils are or will be adequately provided for;

(f) undertake that the school will not refuse admission to any pupil on any discriminatory grounds;

(g) ensure that school environment is conducive for pupils with special needs;

(h) in case of registering a school, show evidence of land ownership; and

(i) satisfy the Permanent Secretary, chief administrative officer or town clerk, that the terms and conditions of service of employment for teaching and non-teaching staff are adequate.

(4) For the purpose of this section, buildings in semi- permanent material shall be acceptable as suitable if they are approved by the appropriate authorities.

32. Permission to operate a new school.

(1) Permission to operate a new school shall be given in the first instance, in the form of a licence to operate a provisionally classified school for two school years.

(2) A school shall be licensed and registered under a specific location and name.

(3) Where a school has more than one site under one name, each site shall have at all times a responsible person in charge of it.

33. Classification of private schools.

(1) After a period of two school years, an application for the classification of the provisionally licensed school shall be made in writing to the Permanent Secretary, chief administrative officer or town clerk, and shall contain the following particulars—

(a) the name of the school owner;

(b) the type and range of education proposed to be provided;

(c) the classes, standards or forms to be provided;

(d) the staff list and their qualifications;

(e) permanent location of the school which shall include a copy of the land title or evidence of tenancy on which the school is established;

(f) capital available for the established school; and

(g) the name of the head teacher having qualifications of not less than a graduate registered teacher in the case of a post primary school and a diploma holder registered teacher in case of a primary school.

(2) The Permanent Secretary, chief administrative officer or town clerk, shall adopt a system of classification which shall distinguish pre-primary and primary schools from other schools and which may further distinguish, with appropriate nomenclatures—

(a) different types of schools according to the education to be provided therein; and

(b) different classes, standards or forms within the school according to the stage, nature or method of education to be provided therein.

(3) The system of classification and nomenclature under subsection (2) and the classification and nomenclature adopted in respect of any school already registered under section 34 may be amended from time to time by the Permanent Secretary, chief administrative officer or town clerk, who shall cause such amendment—

(a) to be entered in the appropriate register of schools kept under section 35; and

(b) to be notified to the school owner concerned.

34. Registration of private schools.

If, after a period of two school years, the Permanent Secretary, chief administrative officer or town clerk, is satisfied—

(a) that the school provisionally licensed is properly run and organized, then, he or she shall issue a certificate of registration and classification;

(b) that all or any of the conditions set under this Act have not been fulfilled, he or she may—

(i) extend the provisional licence for a further period not exceeding one school year; or

(ii) order the school to be closed.

35. Register of private schools.

The Permanent Secretary, chief administrative officer or town clerk, shall maintain a register of private schools classified by him or her under section 33 in which he or she shall enter the particulars of every private education institution classified by him or her.

36. Cancellation of registration.

(1) The Permanent Secretary, chief administrative officer or town clerk, may cancel the classification and registration of any private school already registered by him or her and order such school to be closed, if he or she is satisfied that—

(a) the institution no longer fulfills the requirements of section 31(3);

(b) the school is being conducted or managed in contravention of this Act;

(c) the school has ceased to function as a school; or

(d) the school owner has failed without reasonable cause to comply with the requirements of the notice served upon him or her under section 45.

(2) Before closing a private education institution under the provisions of sub-section (1), the Permanent Secretary, chief administrative officer or town clerk, shall make or cause to be made all necessary inquiries and shall give the school owner an opportunity to be heard.

(3) The Permanent Secretary, chief administrative officer or town clerk, shall notify the school owner in writing of any action taken.

(4) Notwithstanding anything in this section, the Permanent Secretary, chief administrative officer or town clerk, as the case may be, may, in the interest of health and security of the pupils order the immediate closure of any school for a period he or she may deem expedient and the school owner shall immediately comply with the order and shall not reopen the education institution without the express permission in writing from the Permanent Secretary, chief administrative officer or town clerk.

37. Change of ownership of school.

(1) No school owner shall change the ownership of his or her school without the prior approval in writing of the Permanent Secretary, chief administrative officer or town clerk.

(2) If the ownership of a School is changed without the prior approval of the Permanent Secretary, chief administrative officer or town clerk, he or she may order such school to be closed and shall immediately cancel its registration.

(3) Every school owner who changes the ownership of a school without the prior approval in writing of the Permanent Secretary, chief administrative officer or town clerk, commits an offence and shall be liable on conviction to a fine not exceeding four currency points.

38. Extension to an existing school.

If the Permanent Secretary, chief administrative officer or town clerk, is satisfied that a proposed extension to an existing registered school cannot properly be administered as part of the existing registered education institution, he or she may require the school owner to apply for classification of the proposed extension as a new school.

39. Appeals.

A school owner who is aggrieved by a decision of the Permanent Secretary, chief administrative officer or town clerk—

(a) by refusing to classify his or her school;

(b) by requiring an extension to an existing registered school to be classified as a new school; or

(c) by closing his or her school or cancelling the classification or registration and ordering the closure of his or her school, may, within thirty working days beginning with the day on which the decision of the Permanent Secretary, chief administrative officer or town clerk, was communicated to him or her, appeal to an appeals tribunal.

40. Offences relating to private schools.

A person who—

(a) establishes or maintains a school which is not classified and registered in accordance with the provisions of this Act;

(b) conducts or permits to be conducted a school, the classification and registration of which are cancelled; or

(c) administers or permits to be administered an extension as part of an existing registered school in contravention of section 38, commits an offence and shall be liable on first conviction to a fine not exceeding twenty currency points and on second or subsequent conviction, to a term of imprisonment not exceeding twelve months.

41. Reopening of schools closed by the Permanent Secretary, Chief Administrative Officer or Town Clerk.

An owner of a school which has been closed by order of the Permanent Secretary, chief administrative officer or town clerk, made under section 36, and which has remained closed for a period of not less than six months, may be permitted by the Permanent Secretary, chief administrative officer or town clerk, to reopen and to be entered again in the register of private schools with such classification as the Permanent Secretary, chief administrative officer or town clerk, thinks fit, without any application being made for the purpose by the school owner.

42. Appointment of statutory manager.

(1) Notwithstanding any other provision of this Act, where a private school is ordered by the Permanent Secretary, chief administrative officer or town clerk, to be closed, the Minister or district education officer, in the national interest after giving the school owner an opportunity of being heard, direct the school to be reopened under the management and control of a fit person, in this Act referred to as the "statutory manager."

(2) A statutory manager shall be appointed by the Minister or district education officer for a period not exceeding one year and upon such terms and conditions as the Minister thinks fit.

(3) A statutory manager shall, during his or her term of appointment, keep the Permanent Secretary, chief administrative officer or town clerk, informed on all matters relating to the school under his or her management and control.

(4) All expenses connected with the appointment or the management of a school by the statutory manager shall be a charge on the revenues of the school to which the statutory manager is appointed.

43. Reopening of school closed by owner.

(1) If any school which has been classified and registered under section 34 as a private school remains closed at the instance of the school owner for a period exceeding thirty working days, other than during normal school holidays, the school owner shall immediately notify the Permanent Secretary, chief administrative officer or town clerk, in writing—

(a) the reasons for the closing of the school; and

(b) the period during which the school is likely to remain closed.

(2) If the Permanent Secretary, chief administrative officer or town clerk, is satisfied that the reason given by the school owner and the period during which the school is likely to remain closed are contrary to the national interest, he or she may, after giving the school owner an opportunity of being heard, direct that the school be reopened under the management and control of a statutory manager appointed by the Minister or district education officer, and thereupon section 42 shall apply to such school.

(3) Every school owner who fails to furnish the information required by sub-section (1) of this section to the Permanent Secretary, chief administrative officer or town clerk, commits an offence and shall be liable on conviction to a fine not exceeding ten currency points or to imprisonment for a term not exceeding five months or both.

44. Management of private school.

(1) Every school owner shall manage his or her school in such way that the objectives of education as specified in this Act are observed.

(2) The school owner may charge such school dues as the management committee or board of governors, may prescribe from time to time.

(3) The Minister or district education officer, may from time to time issue instructions to school owners on aspects of management of schools with a view to safeguarding the interests of the pupils and every school owner shall comply with such instructions.

(4) Every school owner shall establish for his or her school, a board of governors or a management committee, in accordance with the regulations made under this Act by the Minister.

(5) Every school owner shall prepare an annual budget estimate of his or her school and shall, on request made by an inspector of schools or an officer of the Ministry responsible for education make it available for inspection.

45. Notice of unsatisfactory management of school to the school owner.

(1) If, after inspecting a private education institution, an inspector of schools is of the opinion that the school is being conducted or managed in an unsatisfactory manner, he or she may require the school owner to take measures as may be specified in the notice to conduct or manage his or her school in a satisfactory manner.

(2) A notice given under this section may specify the date before which any measures specified in the notice shall be commenced or completed.

PART VIII—QUALITY CONTROL OF EDUCATION.

46. Establishment of the directorate responsible for standards.

There shall be established a Directorate responsible for standards in all education institutions in Uganda whose function shall be—

(a) to set, define and review standards in educational practice and provision through planned series of inspections;

(b) to assess the achievement of standards and to evaluate the effectiveness of education programmes of institutions and agencies throughout Uganda;

(c) to develop systematic approaches to inspection and evaluation, and to encourage evaluation and self-evaluation systems, using appropriate quality indicators, within the education service;

(d) to provide and disseminate regular reports on the quality of education at all levels;

(e) to develop the use of the reports as a mechanism to provide support for and the dissemination of good practice, and thus to improve the quality of practice in the education service as a whole, and in particular aspects;

(f) to provide independent expert comment and advice on educational provision and practice at all levels of education; and

(g) to give advice to the Minister on such matters related to quality control in education.

47. Appointment and role of the Director of Education Standards.

(1) There shall be appointed a Director, of the Directorate of Education standards and Inspectors of Education to give full effect to the operations of the directorate.

(2) The Director shall be responsible—

(a) for the day to-day management of the Directorate's business;

(b) for proposing and implementing strategic and business plans;

(c) for ensuring the implementation of policies, objectives and ensuring that targets and service standards are achieved; and

(d) for ensuring that effective systems of quality control operate to monitor the effectiveness of the Directorate's inspection procedures and practices.

48. Directorate's relationship with local government.

To ensure effective implementation of national policies and adherence to performance standards on the part of local governments, and consistency with sections 96, 97 and 98 of the Local Governments Act, the Directorate shall incorporate the municipal and district inspectors as associate assessors in all its regional or national inspection programs as the need may arise.

PART IX—MISCELLANEOUS PROVISIONS

49. Non-formal education centres.

(1) There shall be non-formal education centres as the Permanent Secretary, chief administrative officer or town clerk may identify for purposes of non-formal education.

(2) The existing centres specified in the Sixth Schedule are formally recognised under this Act as non-formal education centres.

50. Business not sanctioned by the Board.

(1) No person, organisation or agency shall transact or allow the transaction of any business with or in any school without the prior sanction of the relevant school board.

(2) Any person who transacts or allows the transaction of business contrary to subsection (1) shall meet all the expenses and costs of the business transacted.

51. Offence and penalties.

(1) A person, organisation or agency who refuses to enrol or deters a child from enrolling for UPE in accordance with section 10(3)(a) commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points or to—

(a) a warning, in case of a first offence;

(b) community service for a period not exceeding six months in case of a second offence;

(c) imprisonment for a period not exceeding one year for subsequent offences; or

(d) both the fine and warning, community service or imprisonment as the case may be.

(2) Any person or agency who levies charges beyond the maximum charges provided by the Minister under section 57(g) or who wrongfully denies access to education to a pupil or student who is a beneficiary of UPE or UPPET for failure to pay extra charges commits an offence and is liable on conviction to a fine not exceeding fifty currency points or imprisonment not exceeding twelve months or both.

52. Delegation of functions.

(1) Subject to subsection (2) of this section, the Permanent Secretary, chief administrative officer or town clerk, may delegate to any public officer any functions conferred or imposed on him or her by this Act, subject to such conditions, exceptions or qualifications as he or she may specify.

(2) The delegation shall be in Form E specified in the Fourth Schedule.

(3) The Permanent Secretary, chief administrative officer or town clerk, shall not delegate any of the following functions—

(a) refusal to classify an education institution; or

(b) closing or cancellation of the classification of an education institution; and

(c) ordering the closure and removal of an education institution from the register of private education institutions.

53. Appeals Tribunal.

(1) For the purpose of hearing any appeal arising under this Act, the Minister shall establish an appeals tribunal by statutory instrument and shall direct what appeals may be entertained by the appeals tribunal.

(2) An appeals tribunal shall consist of a chairperson and not less than three other members appointed by the Minister or district education officer, one of whom shall be a member of a foundation body and two of whom shall be registered teachers with not less than ten years practical teaching experience.

(3) The chairperson of an appeals tribunal shall be a Chief Magistrate or a person who, in the opinion of the Minister or district education officer, has had adequate judicial or magisterial experience or has practiced law for a period of not less than five years.

(4) The district education officer in consultation with the chief administrative officer may establish and appoint district tribunals to handle appeals in regard to all education services at the district.

(5) The Minister may in writing delegate to the Permanent Secretary, chief administrative officer or town clerk, the power to form an appeals tribunal under this section.

(6) For the avoidance of doubt, an appeals tribunal under this section shall also handle appeals of teachers in private education institutions.

54. Procedure of Appeals Tribunal.

(1) A decision of an appeals tribunal shall be a decision of the majority of the members present at the meetings.

(2) The decision of an appeals tribunal shall be final.

(3) An appeals tribunal shall regulate its own procedure.

55. Notice of Appeal.

(1) Any person entitled to appeal to an appeals tribunal shall send a notice of his or her appeal in writing to the Permanent Secretary, chief administrative officer or town clerk, setting out the grounds of the appeal.

(2) On receipt of the notice of appeal, the Permanent Secretary, chief administrative officer or town clerk, shall inform the Minister or district secretary for education, who shall refer the appeal to an appeals tribunal and the Permanent Secretary, chief administrative officer or town clerk, shall forward the notice of the appeal to the appeals tribunal, within thirty working days.

56. Hearing of appeals.

(1) The appellant and the Permanent Secretary, chief administrative officer or town clerk, shall be entitled to be heard before an appeals tribunal, within thirty working days.

(2) An appeals tribunal may, in its discretion, hear fresh evidence.

(3) The appellant may appear in person or be represented by an advocate.

(4) The Permanent Secretary, the chief administrative officer or town clerk, may appear in person or may be represented by an education officer, or in any case where the appellant is represented by an advocate, he or she may also be legally represented.

57. Regulations.

The Minister may, by statutory instrument, make regulations for all or any of the following matters—

(a) prescribing and defining various categories and grading of schools;

(b) defining the functions for any class of schools established under the Act;

(c) prescribing the conditions governing the award of grants;

(d) providing for the management and control of schools of any description of category including the composition, procedures and functions of boards of governors and management committees, the establishment of boards and committees and appointments to such boards and committees;

(e) prescribing courses of instruction and examinations to be taken after such courses;

(f) prescribing examinations for teachers and the conditions governing any examination held under the authority of the Permanent Secretary, chief administrative officer or town clerk;

(g) regulating the fees payable at any school;

(h) regulating gender aspects and special needs education;

(i) subject to section 59, amending, replacing, altering or revoking any of the Schedules to this Act and the Minister shall not have the power to delegate this function; and

(j) providing for any matter necessary for giving full effect to the provisions of this Act.

58. Management Committees and Boards of Governors Regulations.

(1) The regulations set out in the Second Schedule to this Act shall apply to the management of primary schools whether Government or privately owned.

(2) The regulations set out in the Third Schedule to this Act shall apply to the management of all post-primary educational institutions other than universities or other tertiary institutions not provided for in this Act, whether Government or privately owned.

59. Amendment of Schedules.

(1) The Minister may, with the approval of Cabinet by statutory instrument, amend the First Schedule.

(2) The Minister may, by statutory instrument on the recommendation of the Director of Education, amend the Second or Third Schedule.

60. Disapplication to universities and other tertiary institutions.

This Act shall not apply to universities or any other tertiary institutions.

61. Exemptions.

The Minister may, with the approval of Cabinet, by statutory instrument exempt an education institution from the application of this Act.

62. Repeal and revocation.

(1) The Education Act is repealed.

(2) Notwithstanding the repeal under subsection (1)—

(a) any statutory instrument made under the repealed Act and in force at the commencement of this Act shall continue in force as if made under this Act until it is revoked by another statutory instrument made under this Act;

(b) all appointments made under the repealed Act shall be deemed to have been made under this Act;

(c) any document referring to any provision of the repealed Act shall be construed as referring to the corresponding provision of the Act;

(d) any classification or registration of an education institution, any license, any orders, directions or other acts lawfully done under any provision of the repealed Act and in force immediately before the coming into force of this Act shall be deemed to have been made, or done under the corresponding provision under this Act and shall continue in force until it expires, or until it is revoked or cancelled; and

(e) any register kept under any provision of the repealed Act and subsisting at the commencement of this Act shall be deemed to have been made and done under the corresponding provision of this Act.

(3) The following statutory instruments are revoked—

(a) the Education (Boards of Governors) Regulations, (S.I No 127–1);

(b) the Education (Management Committee) Regulations (SI 127 – 3); and

(c) the Education (Primary School Fees) Regulations (SI I27 – 5);

(4) Notwithstanding subsection (3), any board, appointment, nomination, election, direction or instruction made under the statutory instruments revoked by the subsection and subsisting at the date of the coming into force of this Act shall continue in force until they are specifically revoked under this Act.

SCHEDULES.

FIRST SCHEDULE

SECTION 2, 59

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE

SECTION 58, 59

THE EDUCATION (MANAGEMENT COMMITTEE) REGULATIONS.

PART I—PRELIMINARY

1. Citation.

These regulations may be cited as the Education (Management Committee) Regulations.

2. Application.

These Regulations shall apply to the management of primary schools whether Government or privately owned.

PART II—MANAGEMENT COMMITTEE

3. Management Committees.

(1) There shall be established a management committee for each School.

(2) A person shall not hold office as chairperson, vice chairperson or be a member of more than three committees at the same time.

(3) A school management committee shall subject to regulation 7, consist of—

(a) six members, including the chairperson, nominated by the foundation body, at least two of whom shall be women;

(b) one local government representative nominated by the district councils standing committee responsible for education;

(c) one representative of local council executive committee who shall be the Secretary in-charge of education at a parish council, or the subcounty chief or his or her representative;

(d) one person elected by the sub-county or city division or municipal whichever is the case;

(e) one representative of parents of the school elected at the annual general meeting;

(f) one representative of the staff (both non-teaching and teaching) elected by the staff at a staff meeting;

(g) one representative of old boys' or girls' (former students) elected at a meeting of the association of former students, if any, of the respective institution.

4. Appointment of members.

The appointment of any member of a management committee shall be approved by the district education officer in consultation with district councils' standing committee responsible for education on behalf of the district council.

5. Secretary of management committee.

A management committee shall have a secretary who shall be the headteacher of the School.

6. Nature of membership.

Membership of the School Management Committee shall be by oath and deemed to be primarily voluntary service to the community.

PART III—TENURE OF OFFICE

7. Tenure of office.

(1) The chairperson and members of the management committee shall hold office for three years and are eligible for reappointment.

(2) A member of a management committee may, writing in addressed to the district education officer resign his or her office and the resignation shall take effect when the resignation letter is received by the district education officer.

(3) The district education officer, in consultation with the district councils' standing committee responsible for education, may at any time, remove a person from membership of the school management committee on the following grounds—

(a) abuse of office;

(b) incompetence;

(c) misbehavior or misconduct;

(d) is incapacitated by physical or mental illness;

(e) has been absent without approval of the school management committee for more than three consecutive meetings of the school management committee;

(f) is an employee of the Ministry responsible for education other than as a teacher;

(g) is a Minister of Uganda Government or is a member of the Executive of a local government other than secretary responsible for education; or

(h) is a member of the district council.

(4) Where a vacancy occurs on the management committee, a new member shall be appointed to fill such vacancy in the same manner as the member for whose vacancy he or she is filling, was appointed.

(5) A member appointed to fill a vacancy shall hold office for the unexpired term of office of the member in respect of whom the vacancy existed, and shall be eligible for re-appointment.

(6) A Chairperson and other members shall serve on a board as chairperson and members respectively for a period not exceeding three years as specified by the Minister responsible for education but may be eligible for reappointment.

8. Meetings.

(1) A management committee shall meet at least once a term and in times of an emergency, such as immediate transfer of a headteacher, disciplinary cases, a storm hitting the school or abrupt closure of the school, the Chairperson may convene an emergency school management committee meeting.

(2) All meetings of the management committee as much as practicable shall be held at the school.

(3) The Chairperson shall preside at any meeting of the management committee and in his or her absence, the vice-chairperson presides.

(4) In the absence of both the Chairperson and the vice-chairperson, the members present shall elect one of their members who shall preside, provided they make a quorum.

(5) A vice-chairperson shall be elected by members of the management committee from among the members of the foundation body.

(6) A meeting of the management committee may be convened by the chairperson at any time, or at the request in writing of not less than five members addressed to the chairperson giving a notice of seven days.

(7) The headteacher of the school shall attend meetings of the management committee unless specifically excluded from the meeting by the chairperson, where a disciplinary action is likely to be taken against the headteacher; but shall not be entitled to vote on any question for a decision by the management committee.

(8) Where the headteacher is excluded from the meeting of the school management committee, a temporary secretary shall be appointed by the chairperson from the members who shall act only when the headteacher is excluded.

(9) Where the headteacher or any other teacher is excluded from the meeting of the school management committee, the headteacher or teacher shall be accorded a hearing to give fairness to the outcome of the case.

(10) Other members of the staff of a school may attend the meetings of the management committee at the invitation of the chairperson, but shall not be entitled to vote.

(11) An education officer or inspector of schools may attend the meetings of the management committee, and where necessary offer technical advice, but shall not be entitled to vote.

(12) Except as otherwise provided in these Regulations, any matter before a management committee shall be decided by a simple majority of members present and voting.

(13) The person presiding at any meeting of a management committee shall have a vote, and in the event of equality of votes, may exercise a second or casting vote.

9. Quorum.

The quorum at any meeting of a management committee shall be a third of the membership including the representative of the parents and two of the foundation body.

10. Member to declare interest.

Whenever there is any matter before a management committee in which a member is interested in whatever manner, he or she shall declare his or her interest and shall withdraw from the meeting for the duration of the discussion in relation to the subject matter in which he or she has interest.

11. Co-opted members.

A management committee may co-opt any person as it may consider desirable for the transaction of its business at any meeting of the committee, but any person so co-opted shall have no power to vote.

PART IV—MINUTES

12. Minutes.

(1) The proceedings of the school management committee shall be conducted in the local language and the primary record of reference for the school management committee or a language generally understood in that area.

(2) The Secretary shall be required to translate the minutes into English for official reference by officials at subcounty or division, municipality, district and national levels and the minutes kept by the secretary.

(3) Copies of the minutes shall be distributed to—

(a) members of the management committee;

(b) members of the committee responsible for education at the sub-county, town council, municipality or divisions council;

(c) education officers in-charge of education in the local government; and

(d) foundation body.

PART V—FUNCTIONS OF A MANAGEMENT COMMITTEE

13. Functions of a management committee.

(1) A management committee shall manage the school for which it has been established in accordance with the Act and these Regulations, subject to any directions which may be given under the Act by the Minister on matters of general policy.

(2) The functions of a management committee shall, in so far as they relate to the day-to-day administration, proper and efficient conduct of the school, be performed by the headteacher of the school on behalf of the management committee.

(3) A member of a management committee shall not be subject to any personal liability in respect of any matter or thing done or omitted to be done, or any contract entered into by or on behalf of the management committee, in so far as he or she acted or omitted to act in good faith.

(4) There shall be consultation with the foundation body before transfer or posting of a headteacher and deputy headteacher to a school.

(5) A management committee shall have right to appeal to the district council executive committee against the posting or transfer of a teacher to or from a school within twenty-one days from the day it is notified of the posting or transfer.

(6) Where there is an appeal by the management committee under sub-regulation (5), the teacher affected shall be informed of the reasons giving rise to the appeal to enable him or her to respond as and when necessary.

(7) At the hearing of the appeal referred to in subregulation (6), the teacher affected shall have the right to appear and defend himself or herself at the hearing of the appeal and may be assisted by a representative of his or her choice.

(8) A management committee may, after consultation with the education officer in-charge of education in the local government and the headteacher, declare vacancies of non-teaching staff for the school to the district service commission through the chief administrative officer to recruit the required staff.

(9) A management committee shall make such arrangements as it deems necessary to enable the members of staff of the school to submit their views, proposals or representation to the management committee.

PART VI—SUB COMMITTEES

14. Sub – committees.

(1) A school management committee shall appoint the following sub-committees for the proper carrying out of its functions—

(a) finance and development sub-committee; and

(b) general purpose sub-committee.

(2) A sub-management committee appointed under sub-regulation (1) of this regulation shall consist of not more than six members.

(3) A sub-committee of the school management committee shall have such functions as the school management committee may delegate to it.

(4) A sub-committee of the school management committee shall—

(a) elect one of their members who is a member of the school management committee to be chairperson of the sub-committee;

(b) elect one of the teachers' representative to be secretary;

(c) regulate its own procedure subject to these regulations and the directions of the school management committee; and

(d) meet as often as the chairperson of the sub-committee thinks necessary to conduct any business delegated to it by the School management committee and the meeting shall be convened by the chairperson.

(5) In the absence of the chairperson of the sub-committee at any meeting of the committee, the members present at any meeting, may elect one of their members to preside at that meeting if they make a quorum.

(6) Matters before a sub-committee shall be decided by a simple majority of votes of members of the sub-committee present and voting and in the case of an equality of votes, the chairperson of the sub-committee or other person presiding shall have a second or casting vote.

(7) The quorum at any meeting of a sub-committee shall be three members including the chairperson or the vice-chairperson.

(8) A decision of a sub-committee shall be subject to confirmation by the school management committee.

(9) Each sub-committee shall ensure that proper minutes are taken and recorded at each of its meetings and copy of the minutes so recorded shall be forwarded to the school management committee.

PART VII—FUNCTIONS OF A HEADTEACHER AND COLLECTION OF FEES

15. Headteacher.

(1) The headteacher shall be personally answerable to the Management Committee for the academic, financial, ethical, moral, social, domestic organization and conduct of the school.

(2) It shall be the duty of the headteacher to—

(a) implement the national curriculum and national syllabus as laid down by the Ministry responsible for education;

(b) ensure that there shall be no payment of tuition fee at any Government and grant aided primary school;

(c) arrange the admission of pupils to the school and the responsibility for the collection of school fees, where applicable, for example, to non-UPE pupils and mid-day meals in the case of City and municipality Councils;

(d) exclude any pupil from the school, after consultation with the school disciplinary committee, which committee shall comprise all the members of the teaching staff of the school to deal with cases of suspensions or to consider cases of expulsion of pupils from school; and

(e) in the case of expulsion of a pupil from the school, submit a full report of the school disciplinary committee to the management committee which shall, after considering the report, decide whether or not the pupil shall be expelled from the school, and in the case of expulsion, if the pupil is aggrieved by the decision of the management committee, such pupil may appeal to the education officer in-charge of education in the local government;

(f) administer in a proper manner the funds of the school in accordance with regulation 193 of the Local Government Financial and Accounting Regulations (SI 243–15) and instructions from the chief administrative officer in whose jurisdiction the school is located;

(g) ensure non payment of parents-teachers association charges;

(h) inspect and supervise all the activities in the school;

(i) promote harmonious existence between the school and the community and other stakeholders;

(j) draw up plans for the school and make an annual budget for approval by the school management committee; the budget shall include capital development to be undertaken during that particular period;

(k) make the school pupil friendly and especially to the girl-child and pupils with disabilities;

(l) report or recommend to the education officer in-charge of education in the local government any disciplinary measures taken against any member of the staff of the school;

(m) establish a school disciplinary committee, composed of all teachers;

(n) seek permission from the school management committee in case of access and use of the school facilities by the local community;

(o) give information and advise to the management committee as it may need when required to do so; and

(p) furnish a termly report and an annual committee report to the management committee, L.C.3 executive, municipality or division, to the education officer in-charge of education in the local government and the foundation body on his or her conduct of the affairs of the school, which shall include such information as the education officer in-charge of education in the local government may request.

(3) The fees payable by pupils to whom sub regulation (2) (b) does not apply shall be a prescribed by the Minister under the Act.

(4) Where the school has boarding arrangements, the charges shall be determined by the management committee in consultation with the District Council and the school shall also operate a day section.

(5) There shall be no fees collection for building classrooms, teachers' houses, latrines, uniforms, buying text books, furniture, test or examinations but a school in the area of jurisdiction of an urban council may levy a charge for administrative and utility expenses not exceeding 10,400/= per school year or as may be prescribed from time to time and subject to this regulations, any school may levy a charge for mid-day meals as determined by the management committee in consultation with the district council.

(6) The taking of mid-day meals at school and the payment for such meals shall be voluntary and no pupil who has opted not to pay for or take mid-day meals at school shall be excluded from school for non-payment for such meals.

(7) Penalties shall be imposed on any school headteacher flouting the sub-regulation.

(8) Any headteacher or teacher who willfully or knowingly contravenes this regulation shall be punished and the punishments include suspension, interdiction, dismissal, refund or prosecution in courts of law.

16. Rejection of head teacher's advice.

Where a management committee rejects the advice of the headteacher on a major issue, he or she may require that his or her advice and its rejection be brought to the notice of the education officer in-charge of education in the local government.

PART VIII—INSPECTION REPORT

17. Inspection report.

Any inspection report in respect of the school shall be submitted by the headteacher to the management committee, sub-county, municipality or division and the foundation body together with his or her comments in the report.

18. Quarterly reports by Education Officer.

The education officer in-charge of education in the local government shall provide a quarterly report to the Chief Executive and to the district education officer in the local government and the foundation body giving an overview of the education activities in the District.

PART IX—FUNDS OF A MANAGEMENT COMMITTEE

19. Funds of a management committee.

(1) The funds of a management committee shall consist of—

(a) UPE grants, bursaries, fees and teachers' salaries;

(b) moneys accruing from the sale of products;

(c) gifts, donations or endowments from any sources;

(d) moneys paid for mid-day meals and any charges collected in respect of pupils, where applicable; and

(e) any other funds raised in the name of or on behalf of the school except that no exclusion of pupil from school arising from his or her failure to pay any charge under paragraph (d) of this regulation, shall be effected without reference to the management committee.

(2) A management committee shall deposit all its funds on the school management committee account and shall requisition funds as required for management of the school.

(3) The funds of a school shall not be misapplied to any purpose.

(4) Subject to availability of funds, a management committee shall meet all recurrent expenses, other than the payment of salaries and allowances to teachers from public funds, arising out of the conduct and management of the school for which it is responsible.

(5) Funds for capital works at schools shall be arranged by the education committee of the sub-county, town council or division council within the funds made available by the sub-county, town council or division council.

PART X—ACCOUNTS AND AUDIT

20. Accounts and audit.

(1) The accounts of a management committee shall be audited by the Auditor General under article 163 of the Constitution or by an auditor appointed by the Auditor General.

(2) The books of accounts of a management committee shall be open for inspection by the chief administrative officer or his or her authorized representative.

21. School equipment.

A management committee shall—

(a) cause stock books to be kept, showing the receipt and issue of all school equipment and which shall be open to inspection by the management committee and by the education officer in-charge of education in the local government or his or her authorized representative; and

(b) cause the school store and stock of equipment to be checked at least once in a year.

22. Powers to write off obsolete equipment.

A management committee shall have powers to write-off worn-out or obsolute equipment subject to the approval of the Education officer in-charge of education in the local government, or to direct such equipment to be sold, given away or destroyed.

23. Audited accounts to be sent to Chief Administrative Officer, etc.

When the accounts have been audited, the auditor shall forward one copy to the chief administrative officer to be forwarded to the district council, and a copy to the district public accounts committee, a copy to sub-county executive committee, city or municipal division, a copy to the chairperson of the school management committee, and a copy to the foundation body.

24. Management committee to discuss with education officer.

A management committee shall meet and discuss with the education officer in-charge of education in the local government any matters arising from their audited accounts and shall pass records of such discussion to the chief administrative officer for his or her comments.

PART XI—ESTIMATES

25. Estimates.

(1) A management committee shall prepare and lodge with the sub-county, municipal or division, district executive committee, education officer in-charge of education in the local government, the chief administrative officer and the foundation body, annual estimates of income and expenditure.

(2) The estimates shall be in a form approved by the chief administrative officer and shall be subject to the approval of the district councils' standing committee responsible for education.

(3) Expenditure shall be in accordance with the estimates either as originally approved by the district councils' standing committee responsible for education, or as varied by re-allocation or supplementary estimates approved by the sub-county, municipal or division councils.

PART XII—MISCELLANEOUS

26. Miscellaneous.

Suits by or against management committee, or school, shall not be filed against the names of the members of the school management committee.

THIRD SCHEDULE

SECTION 58, 59

THE EDUCATION (BOARD OF GOVERNORS) REGULATIONS.

PART I—PRELIMINARY

1. Citation.

These Regulations may be cited as the Education (Board of Governors) Regulations

2. Application.

These Regulations shall apply to the management of all post primary educational institutions other than universities and other tertiary institutions not provided for by the Act.

PART II—BOARD OF GOVERNORS.

3. Composition of board of governors.

There shall be a board of governors for every post-primary school governed by these regulations consisting of—

(a) five members including a chairperson, nominated by the foundation body at least one of whom shall be women;

(b) one local government representative nominated by the district councils' standing committee responsible for education;

(c) one nominee of the local council;

(d) two representatives of parents of the school elected at the annual general meeting one of whom shall be the treasurer of the parents teachers' association;

(e) two representatives of the staff elected by the staff at one of their meetings;

(f) one representative of old students elected at a meeting of the association of former students, if any, of the respective institutions.

4. Restriction of membership.

A person shall not hold office as chairperson, vice-chairman or be member of more than three boards at the same time.

5. Disqualification for membership of the board.

The Minister or District Secretary for education may at any time remove a person from membership of the board if he or she is satisfied that the member—

(a) has become bankrupt or has made an arrangement with his or her creditors;

(b) is incapacitated by physical or mental illness;

(c) has been absent without approval of the board for more than three consecutive meetings of the Board;

(d) has been convicted of an offence involving fraud, dishonesty or moral turpitude;

(e) is in the opinion of the Minister or district secretary for education unable or unfit to discharge the functions of a member or is unsuitable to continue as a member of the Board;

(f) is an employee of the Ministry responsible for education other than as a teacher;

(g) is a Minister of Government; or

(h) is a member of Parliament.

6. Filling of vacancies.

(1) Where a vacancy occurs among members of the board, whether by resignation, death or otherwise, the vacancy shall be filled in the same manner in which the predecessor was elected or appointed, to the vacant office.

(2) A person elected to fill a vacant office shall only hold office for the unexpired term of office of his or her predecessor and shall, at the expiry of the term, be eligible for re-election or re-appointment.

(3) In each year, after the first year, at an annual general meeting of the board, one third of the members of the board shall retire as follows:

(a) two members of the foundation body representatives;

(b) one member of the local government representative;

(c) one member of the local council representative; and

(d) one member of the old students representative.

(4) The staff representatives shall retire every after three years; except that, they shall be eligible for re-appointment.

7. Terms of office of members.

(1) A chairperson and other members shall serve on a board as chairperson and members respectively for a period not exceeding three years as specified by the Minister or district secretary for education, and each of them is eligible for re-appointment of one more term only.

(2) For the purpose of these Regulations, the period of three years referred to in this regulation shall, in the case of a member of a board existing immediately before the commencement of these Regulations, be deemed to have commenced at the commencement of these Regulations.

8. Reimbursement of allowances to members.

The Board may—

(a) reimburse any member or a member of any of its committees in respect of any expenses incurred by that member in attending to the business of the board; and

(b) pay to any member or any member of any of its committees such allowances as the Minister or the district secretary for education, may approve.

PART III—FUNCTIONS OF BOARDS OF GOVERNORS.

9. Functions of a Board.

For the avoidance of doubt, a board shall have the functions conferred on it by Minister or district secretary for education.

10. Additional functions of a board.

A board shall also—

(a) govern the school for which it has been constituted under these Regulations subject to any directions which may be given to it by the Minister or district secretary for education, in writing on matters of general policy;

(b) administer the property of the school, whether movable or immovable;

(c) administer any funds, chattels or things of the school derived by way of fund-raising or auction, on behalf of the school;

(d) provide for the welfare and discipline of students and staff, and fix fees and other charges with the approval of the Minister; and

(e) perform such other functions as are prescribed by these Regulations.

PART IV—MEETINGS OF A BOARD.

11. Convening of meetings of a board.

(1) The first meeting of a board shall be convened by the headteacher of the school at such a time and place as may be specified by him or her by giving a seven days' notice to each member of the board and not later than thirty days from the date of approval and appointment of the board.

(2) A board shall ordinarily meet at least three times in a year at intervals not exceeding four months.

(3) One of the ordinary meetings of the board in each year shall be designated by the board as its annual general meeting.

(4) A meeting of the board shall be held at such place and time as the chairperson may determine, that at least one meeting of the board in each year shall be held at the premises of the school.

(5) The chairperson may, at any time, convene a special meeting of the board to consider any special subject.

(6) The chairperson shall, if requested in writing signed by not less than half the members of the board, convene a special meeting of the board to consider specific subjects stated in the request and the meeting shall be convened by him or her within fourteen days after the date when he or she receives the request.

(7) Notice of the time, place and the agenda of every meeting of the board shall be served in accordance with Regulation 36 of the Regulations and shall—

(a) in the case of an ordinary meeting, give not less than seven days' notice; and

(b) in the case of a special meeting, give not less than twenty-four hours' notice.

(8) Subject to these Regulations, a board may regulate its own procedure including the manner in which matters may be determined on behalf of the board.

12. Procedure at meetings of the board.

(1) The chairperson shall preside at all meetings of the board and in his or her absence, the vice-chairperson shall preside, and in the absence of both of them, the members present shall elect one of their number to preside at the meeting.

(2) For the purpose of this Regulation, at the first meeting of the Board, there shall be elected from the nominees of the foundation body a vice chairperson.

(3) Any matter coming before the board at any meeting shall be decided by the votes of the majority of the members present and voting and in the case of an equality of votes, the person presiding shall have a second or casting vote.

(4) The person presiding at any meeting of the Board may exclude from any part of the proceedings at that meeting, any member representative if in his or her opinion, the presence of that member is likely to prejudice discussion of any particular matter.

13. Quorum.

(1) At any meeting of a board—

(a) in the case of the issue other than a major issue, half the membership of the board shall constitute a quorum; and

(b) in the case of a major issue, three quarters of the membership including at least one representative each (if any) of parents and of foundation body shall constitute a quorum.

(2) In this Regulations "major issues" means the expulsion or discipline of a student or a member of staff, revision of fees, dues and levies, the closure of the school or any financial matter.

14. Secretary and assistant secretary of the board.

(1) The headteacher of a school which has a board shall be the secretary to the board at any meeting of the board and the deputy headteacher of a school shall act as assistant secretary but neither of them shall be entitled to vote on any matter coming for decision before the board.

(2) The assistant secretary shall be entitled to participate without a right to vote in the deliberations of the finance committee of the board.

15. Attendance of board meeting by staff.

(1) The headteacher shall attend all the meetings of the board but may be excluded from any part of the proceedings by the chairperson where any matter concerning him or her is to be discussed and in the opinion of the Board his or her presence may prejudice the discussion.

(2) A member of the staff other than the headteacher and the representative of the staff of the board, may, when invited by the Chairperson, attend a particular meeting or part of a meeting of the board but shall not vote on any matter discussed at the meeting.

16. Minutes of a board.

(1) The board shall ensure that minutes of the proceedings of the board at its meetings are recorded and entered in a book kept for that purpose by the secretary.

(2) The minutes of each meeting shall be confirmed at the next subsequent meeting and when confirmed, copies of them shall be forwarded by the secretary within fourteen days after confirmation to the following—

(a) all members of the board;

(b) the foundation body;

(c) the Permanent Secretary, chief administrative officer or town clerk; and

(d) the District Education officer of the area.

PART V—COMMITTEES OF BOARDS.

17. Committees of a board.

(1) A board shall appoint the following committees for the proper carrying out of its functions—

(a) an academic, sports, games and recreation committee;

(b) a discipline and public relations committee; and

(c) a finance, development, production and self help and staff and students welfare committee.

(2) The board may appoint any other committee in addition to those mentioned in sub-regulation (1) which shall consist of not less than four and not more than six members including at least three board members, one staff member and one student.

18. Functions of the committee.

A committee of the board shall have such functions as the board may delegate to it.

19. Proceedings of committees.

(1) A committee of the board shall—

(a) elect one of their number who is a member of the board to be the chairperson of the committee;

(b) regulate its own procedure subject to these regulations and the directions of the board; and

(c) meet as often as the chairperson of the committee thinks necessary, to conduct any business delegated to it by the board and the meeting shall be convened by the chairperson.

(2) In the absence of the chairperson of the committee at any meeting of the committee, the members of the committee may elect one of their number to preside at that meeting.

(3) Matters before a committee shall be decided by a simple majority of votes of members of the committee present and voting, and in the case of any equality of votes, the chairperson of the committee or other persons presiding shall have a second or casting vote.

(4) The quorum at any meeting of a committee shall be three.

(5) A decision of a committee shall be subject to confirmation by the board.

20. Minutes of Committees.

Each committee shall ensure that proper minutes are taken and recorded at each of its meetings and a copy of the minutes recorded shall be forwarded to the board within seven days.

PART VI—HEADTEACHER AND OTHER STAFF.

21. Functions of the headteacher.

The headteacher of a school shall—

(a) be the academic and administrative head of the school and have the charge and custody of and be responsible for, all books, deeds, documents and all other property of the school, both movable and immovable.

(b) exercise such functions of the Board as the Board may delegate to him or her subject to the general directions of the Board and any act done or omitted to be done by him or her in the exercise of those functions shall be deemed to have been or omitted to be done by the board;

(c) be personally responsible to the board for the academic, social and domestic organization and conduct of the school;

(d) arrange the academic curriculum and syllabus of the school subject to the direction of the Permanent Secretary.

(e) arrange the admission of students to the school in accordance with the directions issued by the Ministry responsible for education.

(f) when considered expedient in the interest of the school, exclude, or suspend a student from attendance at school and shall immediately report any such exclusion, suspension, to the board and the Permanent Secretary, chief administrative officer or town clerk for consideration and recommendation to the Minister or district secretary for education as the case may be, whose decision on the matter shall be final;

(g) be responsible for the day-to-day expenditure of the school and present an account of such expenditure to the board as from time to time required by the board.

(h) present a financial statement at every ordinary meeting of the board and a final balance sheet and the auditor's report for the annual accounts at every annual general meeting;

(i) report and recommend to the board any disciplinary measures to be taken against a member of staff who is a public officer and the board shall recommend to the Permanent Secretary, chief administrative officer or town clerk for appropriate action to be taken;

(j) advise the board when required to do so, but if the board rejects his or her advice, the headteacher may then require the board to notify the Permanent Secretary, chief administrative officer or town clerk of his or her advice and the board's rejection of it and the board shall comply with the request;

(k) at least once a year, furnish a report on his or her conduct of the affairs of the school and such other information as the Permanent Secretary, chief administrative officer or town clerk may require to be furnished to the board, and the Permanent Secretary, chief administrative officer or town clerk;

(l) through school religious activities or any other means ensure that moral values are taught and upheld in the school; In so doing, regard shall be accorded to the religious traditions of the foundation body, except that the headteacher shall not require any student to receive denominational or instruction or attend denominational or religious observances against the wish of such student's, parents or guardians if they are of a different denomination or religion; and

(m) ensure that;

(i) the school possesses the National Flag which shall be hosted on every school day accompanied by the singing of the three verses of the National Anthem;

(ii) the school conducts a general assembly once a week during which the members of staff shall brief the students on major national and international events;

(iii) the students participate in cleaning the school premises;

(iv) the school community participates in the general maintenance and up-keep of the school;

(v) once a month, the students participate in community help work outside the school premises; and

(vi) the school holds an open day once each year during which the school community may conduct cultural performance, exhibitions, sports activities and any other activity to entertain guests.

22. Discipline, terms and conditions of service of staff.

(1) The board shall monitor the behaviour and performance of both the teaching and non-teaching staff of the school.

(2) The board shall report and recommend to the Permanent Secretary, chief administrative officer or town clerk any matter concerning the staff of a school, including the staff's expression of dissatisfaction with the headteacher or another staff member, which the board considers necessary for disciplinary action.

(3) The board may make such arrangements as it thinks necessary to enable members of staff of the school for which it is responsible to submit their views and put proposals or make representations to the board on any matter.

23. Funds of board.

A board may receive funds on behalf of a school—

(a) by way of government grants;

(b) by way of tuition and other fees including all moneys contributed by parents for the welfare of the students;

(c) from interest on investment and deposits;

(d) by way of sales of surplus equipment or produce; or

(e) by way of gifts and grants or endowments from any other sources.

24. Expenditure.

(1) A board shall apply the funds mentioned in regulation 23 for the conduct and management of the school and shall meet all the expenses of the school for which it is responsible.

(2) Expenditure in any financial year shall be in accordance with the estimates either as originally approved by the Minister or district secretary for education or as varied by re-allocation or supplementary estimates.

(3) The board may, without obtaining the prior approval of the Minister or district secretary for education increase the provision under any item of recurrent expenditure by re-allocation up to a maximum of ten percent of the original estimate for the item.

25. Reserve account and accumulate fund.

(1) Any excess of income over expenditure at the end of any financial year shall be appropriated to a general reserve accumulated account, where it shall remain until the end of the subsequent financial year.

(2) At the end of the subsequent financial year, the amount of the general reserve account less the sum required to make good any excess of expenditure over income in that year may:

(a) be carried forward as accumulated funds; or

(b) be appropriated in whole or in part to a special reserve fund by a duly recorded resolution of the board at its meeting.

(3) The special reserve fund shall be applied to meet any extraordinary claim or demand arising at any time against the school or in payment of the cost of extending or improving any part of the property or equipment of the school or otherwise for the benefit of the school.

(4) Where any expenditure commits the Government to the expenditure of public funds, the prior approval of the Permanent Secretary, chief administrative officer or town clerk shall be obtained.

(5) A sum equivalent to the amount set aside in any general reserve fund may be invested in readily realizable assets.

26. Depreciation.

The cost of renewing any property or equipment or any part of the fund account property or equipment or of the board shall be charged to a depreciation fund account established for the purpose in accordance with accounting instructions issued from time to time, by the appropriate officer of the Ministry responsible for education.

27. Application of Government grants.

(1) Where Government grants paid to the board are in respect of salaries, those grants shall be paid directly to the beneficiaries; and where this is not possible, the grants shall be paid into salary grant reserve account.

(2) Where the relevant expenditure is less than the estimate on which the grants were based, only an account equivalent to the actual expenditure shall be treated as income of the school.

(3) At the end of the financial year, an amount equivalent to the expenditure incurred on capital projects and the purchase of equipment shall, on approval by the Permanent Secretary, chief administrative officer or town clerk of the Ministry responsible for education, be appropriated to accumulated funds.

(4) Where the relevant expenditure is less than the estimate on which the grants were based, unless otherwise provided for in terms on which the grant was made, the excess of the grants actually paid over the sums to which, according to actual expenditure, the board is entitled, shall remain in the reserve account to be offset against subsequent Government grants for those purposes or to be repaid to the Ministry responsible for education.

28. Borrowing powers of the board.

Where the board has lawfully incurred expenditure which has been approved in the estimates of the board it may—

(a) pending the receipt of monies in respect of reserve; or

(b) pending the raising of a loan to which the Permanent Secretary, chief administrative officer or town clerk of the Ministry responsible for education has consented,

obtain an advance of money by way of a temporary loan or overdraft from a bank or any other financial institution for the purpose of defraying that expenditure; and any other such advance and interest on it shall constitute a debt due by the board to be charged upon the assets and revenues of the board until repaid.

29. Accounts.

(1) The board shall keep or cause to be kept at the school proper books of accounts with respect to—

(a) all sums of money received and expended by it on the school and the matters in respect of which receipt and expenditure take place; and

(b) all assets and liabilities of the school.

(2) The Board shall cause to be prepared within three months after the commencement of each financial year, in respect of the proceeding financial year—

(a) an income and expenditure account;

(b) a balance sheet in the form approved by the Minister or district secretary for education; and

(c) the auditor's report.

(3) The first account and balance sheet made under these rules shall cover such period as the board may approve.

30. Audit.

(1) The accounts of the board shall be audited annually by the Auditor General or an auditor appointed by the Auditor General.

(2) The auditor shall have access to all books of accounts, vouchers and other financial records of the school and may require any explanation he or she thinks fit from any person.

(3) The auditor shall, on completion of the audit mentioned in sub-regulation (1) make and submit to the Permanent Secretary, chief administrative officer or town clerk a report copied to board, which shall state whether in his or her opinion;

(a) proper books of accounts have been kept by board; and

(b) the financial statement of the board;

(i) has been prepared on a basis consistent with that of the proceeding year and is in agreement with the books of accounts; and

(ii) gives a true and fair view of the income and expenditure account of the school for the financial year.

31. Collection of moneys by or on behalf of the board.

(1) No person or organization shall collect any money or funds or any other form of contribution for any purpose of behalf of the board without the written permission of the board.

(2) All moneys collected on behalf of the board shall be paid immediately into the accounts of the board.

(3) All moneys or funds collected and received by a board on behalf of a school under regulations 23 and 24 shall be paid by the board into the bank account of the board.

(4) Any person who contravenes any provision of this regulation commits an offence and is liable to a fine not exceeding one hundred currency points.

PART VII—MISCELLANEOUS.

32. Declaration by committee members.

(1) A member of the board or of a committee of a board shall of interest not take or hold interest directly or indirectly in any board and property vested in the board other than as a member.

(2) A person referred to in sub-regulation (1) of this regulation who has any pecuniary interest or special interest directly or indirectly in any matter before the board or a committee or in any contract and is present at the meeting of the board or committee at which the matter or contract is the subject of discussion shall disclose the fact and declare his or her interest at that meeting and shall not take part in the discussion or vote on the matter or contract and shall if the chairperson so directs, withdraw from the meeting during the discussion.

(3) A person who contravenes any of the provision of sub-regulations (1) and (2) shall be liable to be removed from membership of the board by the Minister or district secretary for education from the membership of the committee by the board.

33. Co-option of person to meetings of the board of committees.

(1) A board may co-opt any person with special skills or knowledge to assist in the transaction of its business at any of its meetings or at any meeting of its committees.

(2) A person co-opted under sub-rule (1) of this regulation may attend and take part in the proceedings of the meeting to which he or she is co-opted but is not entitled to vote on any matter at the meeting.

34. Common seal of the board.

(1) The common seal of a board shall be of a design approved by the board.

(2) A specimen of the common seal authenticated by the signature of the chairperson shall be forwarded by the headteacher to the Permanent Secretary, chief administrative officer or town clerk through the district education officer or municipal education officer.

(3) A common seal shall not be altered without the approval of the Permanent Secretary, chief administrative officer or town clerk.

(4) A common seal shall be kept in the custody of a headteacher and shall not be used or affixed for any document except under a resolution adopted by the board.

35. Application of common seal.

(1) The application of the common seal of the board shall be authenticated by the signatures of—

(a) the chairperson or vice-chairperson of the board or any other member authorized by the board to authenticate the seal; and

(b) the secretary of the board or any other officer of the board authorized to act in that behalf.

(2) The signatures prescribed by sub-regulation (1) for authentication of the seal shall be independent out of the signing by any other person as a witness.

(3) An instrument which if entered into or executed by a person who is not a body corporate would not be required to be under seal may be entered into or executed without seal on behalf of the board by the headteacher or any other person authorized to do so by resolution of the board.

(4) Any document purporting to be an instrument issued by the board and sealed and authenticated in the manner prescribed by sub-regulation (2) or otherwise entered into or executed in the manner prescribed by sub-regulation (3) shall be received in evidence and deemed to be such an instrument without further proof unless the contrary is shown.

36. Service of notices.

Where under these regulations, a notice is required or permitted to be served on any person, the notice may be served by the board—

(a) by delivering it personally to the person to be served;

(b) by leaving it at the usual or last known place of residence or business of the person to be served with a person apparently over the age of sixteen years and apparently residing at that place or in the case of a place of business, apparently in-charge of or employed at that place;

(c) by sending it by post addressed to the person to be served at the usual or last known place of residence or business of that person; or

(d) by serving it in such other manner as a court of competent jurisdiction may, on application made to it in that behalf, direct.

37. Inspection report.

(1) An inspector of schools who carries out an inspection of any school shall provide to the headteacher of the school, a copy of the report prepared by him or her on the inspection.

(2) The headteacher of a school shall, as soon as practicable, submit to the Chairperson a report received by him or her under sub-regulation (1) together with the headteacher's comments on the report.

38. Indemnity for acts done in good faith.

(1) A member of a board shall be indemnified by the board in respect of any liability incurred by him or her as a result of any act, matter or thing done or contract entered into by or on behalf of the board in so far as he or she acted or omitted to act in good faith in the exercise of his or her duties as a member.

(2) A member of staff of a school acting in good faith on the direction of the board in the execution of his or her duties shall be indemnified by the board in respect of any liability arising out of any act or matter or thing done or omitted to be done in the execution of his or her duties.

FOURTH SCHEDULE

Section 12 (5), 57

FORM A

MINISTRY OF (State name of Ministry)

CERTIFICATE OF REGISTRATION

(Issued under section 12(5) of the Education Act 2007)

This is to Certify that

……

having completed satisfactorily a teacher training course approved by the Ministry has been registered as a Grade …… Graduate Trained Teacher with effect from …… His or Her Registration No is …….

……

Date …… *Director of Education*

Endorsement ……

……

……

……

……

Date …… *Director of Education*

FORM B

(Section 13(2), 57

MINISTRY OF (State name of Ministry)

APPLICATION FOR REGISTRATION AS A TEACHER

(Under Section 13(2) of the Education Act, 2007)

To: The Director of Education
Ministry of (State name of Ministry)
P O Box 7063
Kampala

Thru: The head of Institution or D.E.O.

Surname in block letters: ----------
Other names: ----------
Sex: ----------
Address: ----------
Date and place of birth: ----------
Citizenship: ----------

Teaching or proposing to teach at (institution) _____

Give details of School or Colleges attended

From	To	Month	Year	Month	Year
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

MINISTRY OF EDUCATION AND SPORTS

APPLICATION FOR REGISTRATION AS A TEACHER

(Under Section 13(2) of the Education Act, 2007)

Training and qualifications obtained;
Certificates, Diplomas, Degrees (Pass or Honours)
(delete where not applicable)

From: Month_____ Year_____

To: Month_____ Year_____

FOR OFFICIAL USE ONLY

Applicant qualifies or does not qualify

Reg. No. _____

Reasons: _____

_____

_____ _____

Signed Designation

FORM C

(Section 17(1))

THE MINISTRY OF (State name of Ministry)
P. O. Box 7063
KAMPALA

STATEMENT OF ELIGIBILITY.

(Issued under section 17 of the Education Act, 2007)

WHEREAS Mr./Mrs./Ms. …… has applied for the issue of a statement of eligibility under section 17(1) of the Education Act 2007, to enable him or her to be entered on the roll licensed with a licence to teach:

AND WHEREAS having considered his or qualifications or educational standard, I am satisfied that the applicant is a fit person to be issued with a statement of eligibility.

NOW THEREFORE this is to certify that I ……. Have issued a statement of eligibility to ……under section 17(1) of the Act and I have accordingly entered his or her name on the roll of licensed teachers – under section 17(1).

Fee Payable:……

Signed: ……
Director of Education

Date : ……..

FORM D

(Section 17(4)

MINISTRY OF (State name of Ministry)

LICENCE TO TEACH

(Issued under section 17(4) of the Education Act, 2007)

The person named below, the holder of a statement of eligibility No …… whose name is on the roll of licensed teachers, is hereby licensed to teach notwithstanding that he or she has not completed successfully a course of training as a teacher.

Full Name: _____

Subject: _____

Type of School: _____

Class/Classes: _____

Name of School: _____

Licence No.: _____ Date of Expiry _____

Fee Payable: Shs. _____

Date _____, 200 _____

FORM E

Section 52(2)

DELEGATION OF FUNCTIONS BY PERMANENT SECRETARY, CHIEF ADMINISTRATIVE OFFICER OR TOWN CLERK

I…….*(name)* Permanent Secretary, chief administrative officer or town clerk hereby delegate to …… *(public officer)* the following of my functions –

1. _____

2. _____

3. _____

4. _____

This delegation shall be effective until …….(date) and shall be subject to the following conditions, exceptions or qualifications

_____

_____

_____

_____

Dated this ……day of ……., 200……

……

Signed

Permanent Secretary, chief administrative officer or town clerk

FIFTH SCHEDULE

Section 12(2), (3), 57

REGISTRATION CERTIFICATE FEES

One currency point.

SIXTH SCHEDULE

Section 49(2), 57

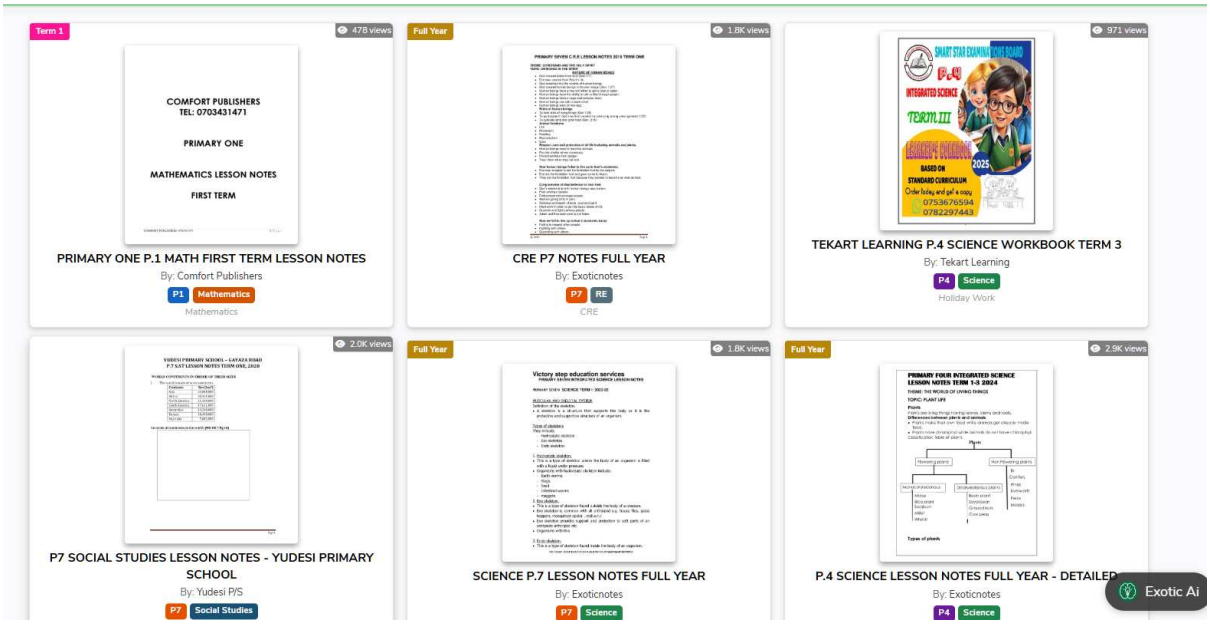
EXISTING CENTRES

1. Alternative Basic Education for Karamoja (ABEK);
2. Basic Education for Urban Poverty Area (BEUPA);
3. Complementary Opportunity for Primary Education (COPE);
4. Child-centred Alternation, Non-formal Community Based Education (CHANCE); and
5. Accelerated programmes for the conflict areas.

Cross reference

The Constitution
The Education Act, Cap. 127
The Local Governments Act, Cap. 243

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