



EDUCATION (AMENDMENT) ACT, 2017

(Act 28 of 2017)

I assent

Danny Faure
President

29th December, 2017



AN ACT to amend the Education Act, Cap 68.

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Education (Amendment) Act, 2017, and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title and commencement

Amendment of
Cap 68

2. The Education Act is hereby amended as follows —

(1) in section 2 —

(i) by repealing the definition of “adult education”;

(ii) by inserting after the definition of “class” the following definition —

“competence” has the meaning assigned to it under section 2 of the Seychelles Qualification Authority Act, (Cap 323);”;

(iii) by inserting after the definition of competence the following definition “compulsory education” means education from primary 1 to secondary 5 or its equivalent;

(iv) by repealing the definition of “compulsory school age” and replacing therefor the following definition —

““compulsory school age” means the ages during which a student is in compulsory education”;

(v) by repealing the definition of “distance education”;

(vi) by repealing the definition of “educational institution” and substituting therefor the following definition —

“ “educational institution” means a school, or an institution or centre for education and learning;”;

councils and council for coordination amongst school councils;

(w) the terms and conditions of the contractual obligations of students, parents, teachers and school leadership in education.”.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 19th December, 2017.

Tania Isaac

Mrs. Tania Isaac
Deputy Clerk to the National Assembly

(34) in section 87(2)—

- (i) by repealing paragraph (f);
- (ii) by repealing in paragraph (m) the words “pre-primary schools” and substituting therefor the words “arrangements for formal early childhood”;
- (iii) by repealing paragraph (n) and substituting therefor the following paragraph—
“(n) special financial assistance in respect of students;”;
- (iv) by inserting in paragraph (o), after the words “State schools”, the words “or other educational institutions”;
- (v) by repealing the fullstop at the end of paragraph (s) and substituting therefor a semi-colon;
- (vi) by inserting after paragraph (s), the following paragraphs—
“(t) the establishment of parent teacher associations and the oversight of their operations;
(u) the manner of conducting examinations in schools and educational institutions including examination for improvement of grades;
(v) the constitution, powers and responsibilities of the school

(vii) by repealing the definition of “headteacher” and substituting therefor the following definition—

“ “headteacher” means the head of a formal early childhood, primary or secondary school or other educational institution and includes a principal;”;

(viii) by repealing the definition of “lecturer or instructor”;

(ix) by repealing the definition of “post secondary education”;

(x) by inserting in the definition of “private educational institution”, after the word “students”, the words “, whether on a part-time or full-time basis,”;

(xi) by repealing the definition of “training centre”;

(xii) by repealing the definition of “tertiary education”;

(2) in section 3—

(i) in subsection (2), by repealing paragraph (c) and substituting therefor the following paragraphs—

“(c) the formulation, implementation and periodical review of the educational policy of the government;

(d) the planning, co-ordinating and providing of support services as deemed appropriate.”;

(ii) by inserting after subsection (2) the following subsection—

“(3) Every person involved in the implementation of this Act, shall, in pursuing the goals and objectives provided in subsection (2),—

- (a) have regard to the rights of children and young persons conferred by the Constitution;
- (b) afford to all students an equal opportunity to education and training;
- (c) promote liaison and consultation between educational institutions, learners and other stakeholders;
- (d) promote understanding of, and respect to, the Constitution and national symbols of the State;
- (e) ensure transparency and accountability in decision making in the education system;
- (f) promote the principles of gender equality;
- (g) promote awareness and appreciation of the natural environment and sustainable development.”;

suspecting that a student or any other person has committed or is about to commit an offence;

(c) where he or she has reasonable grounds to believe or has received information that a student or other person on the school premises or in the vicinity of the school premises is in possession of stolen goods, drugs, an offensive weapon, an article made or adapted for use in committing an offence, or anything which could damage or destroy property;

(d) to perform routine inspections at regular intervals.

Drug and alcohol test

83B.(1) A Headteacher may, with the consent of the parent, request the authorities concerned to conduct a drug or alcohol test on a student.

(2) Where the parent of a student refuses to give consent, the Headteacher may refer the matter to the Family Tribunal established under the Children Act (Cap 28) for determination.”

(32) by repealing in section 84(1) the words “during working hours”;

(33) by inserting in section 86(1) paragraph (c)(ii), before the word “assaults,” the word “harasses,”;

consistent with the national curriculum prescribed under section 77;

(p) be responsible for the creation of an environment supporting learning amongst students and promoting the professional skills of teachers;

(q) perform such other functions as may be prescribed.”;

(30) by inserting in section 77 after subsection (3), the following subsection —

“(4) The national curriculum shall be developed and implemented in such manner as may be prescribed.”;

(31) by renumbering section 83 as 83C and inserting before 83C so renumbered the following sections —

Entry by
Police
officer

“83A. A Police Officer may, at any time and where it is reasonably practicable, on intimation to the Headteacher of a school, enter the school premises —

(a) where a student or other person on the school premises or in the vicinity of the school premises is in the act of committing an offence;

(b) where he or she has reasonable grounds for

(3) in section 4(2) —

(i) by deleting the fullstop at the end of paragraph (e) and substituting therefor a semi-colon;

(ii) by repealing in paragraph (c)(ii), the words “technical institutions” and substituting therefor the word “institutions”;

(iii) by inserting after paragraph (e) the following paragraphs —

“(f) publishing the result of an evaluation done under paragraph (e), in such manner as the Minister considers appropriate;

(g) establishing a teacher appraisal system;

(h) reviewing the education system.”;

(4) by repealing in section 5, paragraph (1)(h) and substituting therefor the following subparagraphs —

“(h) prescribe methods and procedures for the award of qualifications and the assessment of performance of students in State schools and in other educational institutions;

(i) constitute such committees or bodies as may be considered appropriate for the governance and management of the State schools and other educational institutions;

(j) encourage the establishment, functioning and co-ordination of student bodies;

(k) take such actions as the Minister considers necessary to ensure that requirements of the education system are met;

(l) provide for any other matter necessary for carrying into effect the provisions of this Act.”;

(5) by inserting after section 5, the following section—

Education
Review
Committee

“5A.(1) The Minister shall at least every five years appoint, on such terms and conditions as he or she deems fit, an Education Review Committee consisting of not less than seven members with defined terms of reference and parameters to undertake the process of formulation of a Sector Strategic Plan to provide strategic direction and guidance to the ongoing transformation and improvement of the education system.

(2) The Education Review Committee appointed under sub-section (1) shall, *inter alia*, review—

(a) the physical conditions and maintenance of state educational institutions;

(b) the evaluation of the national curriculum;

(c) the performance of the students and their

(ii) by repealing paragraph (j) and substituting therefor the following paragraphs—

“(j) promote co-operation between parents and the community;

(k) safeguard the health and safety of the students within the precincts of the institution and outside where they are engaged in any authorised activity;

(l) report promptly to the Principal Secretary and other relevant authorities of any outbreak of contagious or infectious diseases in the educational institutions, of unsanitary conditions of the buildings or its surroundings and of any other condition or circumstance that may affect the health or safety of students, visitors or employees of the institution;

(m) report, pursuant to any written law, to the Principal Secretary and other relevant authorities where there are reasonable grounds to believe that a child is in need of care and protection;

(n) develop and implement the strategic plan of the educational institution regarding education;

(o) ensure that instructions in the educational institution are

- their instructors in the classroom for the purpose of observing and practice-teaching as and when directed by the headteacher and submit any required reports on the student teacher;
- (m) report, pursuant to any written law, to the headteacher or any other authority where there are reasonable grounds to believe that any child is in need of care and protection;
- (n) perform other duties as and when required by the headteacher;
- (o) provide guidelines and advice to students in respect of education, social matters, their further education and career, including information derived from expert advice on specific issues and questions.”;
- (28) by repealing in section 75(1), the words “deputy headteacher, assistant director, head of programmes, head of faculty, head of subject, studies coordinator” and inserting between the words “of” and “headteacher” the word “a”;
- (29) in section 76(1)—
- (i) by inserting in paragraph (i), after the word “evaluate”, the words “, in such manner as may be prescribed,”;

- achievements in the national and international examinations;
- (d) the schemes providing for educational and other related services;
- (e) the availability of teachers, and their competence and performance in imparting education;
- (f) the relevance of technical, laboratory, sports and other facilities in the educational institutions; and
- (g) any other matter which in the opinion of the Committee will enhance the quality and efficiency of the educational and other related services.”;
- (6) by repealing in section 9, subsection (2);
- (7) by repealing section 10;
- (8) in section 11—
- (i) by repealing, in subsection (1), paragraphs (d) and (e);
- (ii) by repealing in subsection (2), paragraph (a);

(9) by repealing section 12 and substituting therefor the following section—

Formal
early
childhood
educational
services

“12.(1) Subject to the provisions of section 18, a private educational institution may provide for formal early childhood educational services.

(2) An institution referred to in subsection (1)—

- (a) may charge fees for the formal early childhood educational services;
- (b) shall comply with the regulations relating to the formal early childhood educational services provided by the institution.”;

(10) by repealing section 13;

(11) in section 14(1)—

- (i) by inserting before the words “early childhood”, the word “formal”;
- (ii) by repealing paragraph (f) and substituting therefor the following paragraph—

“(f) the ratio of teaching staff to children;”;

(12) by inserting in section 15 after subsection (2), the following subsections—

performance of students in the manner approved by the educational institution and report the same to the students and their parents;”;

(ii) by repealing paragraph (g) and substituting therefor the following paragraphs—

“(g) be accountable for the course of study and the performance of students thereto;

(h) promote cooperation between the educational institution and the community;

(i) observe the standards of the educational institution;

(j) allow, with the permission of the headteacher, a parent of a student to the classroom for the purpose of observing the student;

(k) report promptly to the headteacher, any outbreak of a contagious or infectious disease in the educational institution, unsanitary condition of the buildings or surroundings and any other condition or circumstance that may affect the health or safety of students, visitors or employees of the institution;

(l) co-operate with and render assistance to student teachers and

“(iv) the reasons for the student's departure.”;

(24) by inserting in section 68, after subsection (2), the following subsection —

“(3) A teacher or headteacher or a person employed by a school, whether on a part time or full time basis, shall not administer corporal punishment as a disciplinary measure.”;

(25) by deleting the fullstop at the end of section 72(g) and substituting therefor a semi colon;

(26) by inserting in section 72 after paragraph (g), the following paragraphs —

“(h) be remunerated in accordance with the teacher's scheme of service and related guidelines;

(i) be appraised in accordance with the teacher appraisal policy and related guidelines;

(j) be permitted to participate in activities related to teachers organised under this Act or regulations made hereunder;

(k) be a member of the Teacher's Council.”;

(27) in section 74 (1) —

(i) by repealing paragraph (d) and substituting therefor the following paragraph —

“(d) regularly assess, and record the development, progress and

(3) The special educational programmes shall be developed in consultation with professionals or experts in the field, having regard to the educational needs and rights of the children.

(4) The special education programmes may, on such terms and conditions as the Principal Secretary deems appropriate, be extended to the students beyond compulsory school age.

(5) Where a student has been assessed and recommended to follow a special education programme and the parent or guardian refuses to enrol the student on the programme, the Principal Secretary shall refer the matter to the Family Tribunal established under the Children Act (Cap 28) for determination.

(6) The Family Tribunal may compel the student to follow the special education programme or refer the student to one of the establishments provided and maintained under section 99 of the Children Act, (Cap 28);”

(13) in section 17 —

(i) by inserting in paragraph (a), before the words “early childhood”, the word “formal”;

(ii) by repealing paragraphs (e), (f) and (g).

(14) by repealing section 27;

(15) by repealing in section 38(1), the words “at least the minimum qualifications required of a

similar member in a comparable State school or educational institution" and substituting therefor the words "the qualifications as may be prescribed";

(16) in section 42—

(i) by repealing subsection (2), and substituting therefor the following subsection—

"(2) Notwithstanding subsection (1), the State primary or secondary schools may impose such other charges in such manner as may be prescribed";

(ii) by repealing subsections (3) and (4);

(17) by inserting, in section 43(a), after the word "school", the words "and other educational institutions" and by inserting after paragraph (c), the following paragraph—

"(d) be partly responsible for his or her own learning;

(18) by inserting in section 46 after subsection (6), the following subsection—

"(7) Notwithstanding subsections (4), (5) and (6), an officer of the Ministry authorised by the Principal Secretary, may, while performing an inspection or inquiry, examine or take a copy of a student record.";

(19) in section 47, by inserting after subsection (3) the following subsection—

(4) A parent or legal guardian of a student of compulsory school age who without justification consistently violates the provisions of sub-sections (1), (2) or (3) commits an offence and is liable on conviction to a fine not exceeding SR50,000.";

(20) by repealing, in section 48(2), the words "Principal Secretary" and substituting therefor the word "headteacher"; and by inserting after the word "shall" the words "in such manner as may be prescribed,";

(21) by inserting in section 51(2), paragraph (b), after the words "child's teachers" the words "endorsed by the headteacher";

(22) by repealing section 52;

(23) in section 53(2)—

(i) in paragraph (a)—

(a) by repealing subparagraph (iii) and substituting therefor the following subparagraph—

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

(b) by inserting, after subparagraph (viii), the following subparagraph—

"(ix) the student's religious denomination.";

(ii) by inserting, in paragraph (b), after subparagraph (iii), the following subparagraph—