

CAYMAN ISLANDS



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**A BILL FOR A LAW TO MAKE PROVISION WITH RESPECT TO
EDUCATION IN PRIMARY AND SECONDARY SCHOOLS, IN
CAREER AND TECHNICAL INSTITUTIONS, IN TERTIARY
INSTITUTIONS, IN EARLY CHILDHOOD INSTITUTIONS AND FOR
LIFELONG LEARNING; TO PROMOTE HIGH STANDARDS IN
EDUCATION AND THE TEACHING PROFESSION; AND TO MAKE
PROVISION FOR RELATED MATTERS**

THE EDUCATION MODERNISATION BILL, 2009

MEMORANDUM OF OBJECTS AND REASONS

Clause 1 provides the short title and commencement.

Clause 2 defines some terms used in the Bill.

Part II sets out, in clauses 3, 4 and 5 the duties of various Governmental authorities. These are the Minister, the Chief Officer and the office of Director of Education Services, which is currently known as Chief Education Officer. Clause 6 establishes the Education Advisory Council.

Part III, comprising clauses 7 to 9, provides for the registration of educational institutions. These provisions will apply to both Governmental and non-Governmental institutions.

Part IV provides for compulsory attendance of children in school and related matters. Clause 10 as read with the definition of “compulsory school age” in clause 2 effectively provides that children of ages 5 to 17 years must attend school. Clause 12 creates an exception from the obligation to attend school.

Part V sets out the power of the Minister to establish a national curriculum for the Islands. Clause 15 provides not just for the national curriculum but also the keys stages that will be taken into account in delivering education.

Part VI provides for the evaluation of schools. Under clause 16 the Director of Education Standards and Assessment shall carry out evaluations of schools in accordance with standards set by the Chief Officer.

Part VII establishes a new body to be known as the Council on Professional Standards in Education. Its duty as set out in clauses 17 to 19 is to act as a registering and disciplinary body for teachers.

Part VIII deals with the funding of assisted schools. The Minister will have the power under clause 20(1) to make grants to such schools and under subclause (2) the Governor in Cabinet will have the power to make regulations prescribing the terms and conditions under which the grants will be made.

Part IX provides for career and technical education (formerly referred to as vocational education and training). Clause 21 imposes on the Minister the

duty to ensure that the education provided in secondary schools provides opportunities for students to have access to career and technical education.

Part X provides for tertiary education. The University College of the Cayman Islands will continue to exist under its own Law but regulations made under the Education Modernisation Law may be extended to the college.

Part XI deals with early childhood education. It provides in clause 23 for the Minister to promote and regulate early childhood education. Clause 25 also provides that the Governor in Cabinet may make regulations relating to early childhood education.

Part XII deals with corporal punishment and discipline in general. Under clause 26, corporal punishment is prohibited. However, there are provisions to allow for restraint in certain limited circumstances. Also, in clause 27, every school is required to have a written Student Behaviour and Discipline Policy.

Part XIII provides for additional educational needs. There are provisions on the assessment of children, the notification of parents or guardians, as well the ability of parents or guardians to appeal any findings.

Part XIV regulates the use of school premises. School premises, together with its equipment and facilities, may be used for purposes other than for school. They all can be used for things such as functions and elections held under the Elections Law.

Part XV provides for special provision to be made for Cayman Brac and Little Cayman.

Part XVI makes various miscellaneous provisions. Clause 40 creates the offence of causing or creating a nuisance or disturbance at a school. Clause 41 provides for regulations to be made for the better carrying out the provision of the whole Law. Clause 42 repeals the Education Law (1999 Revision).

THE EDUCATION MODERNISATION BILL, 2009

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INSTITUTIONS, IN EARLY CHILDHOOD INSTITUTIONS AND FOR
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EDUCATION AND THE TEACHING PROFESSION; AND TO MAKE
PROVISION FOR RELATED MATTERS**

ENACTED by the Legislature of the Cayman Islands.

PART I - PRELIMINARY

1. (1) This Law may be cited as the Education Modernisation Law, 2009. Short title and commencement
- (2) This Law shall come into force on such date as the Governor in Cabinet may by Order appoint and different dates may be appointed for different provisions of this Law and in relation to different cases.
2. In this Law- Interpretation
- “assisted school” means a school that is partly funded by the Government;
- “career and technical education” means education that-
- (a) prepares students for specific careers, trades or occupations; or

- (b) allows students to develop expertise in a particular group of techniques or technology relevant to specific careers, trades or occupations;

“Chief Officer” means the Chief Officer in the Ministry responsible for education;

“compulsory school age” means age commencing at the date next following that upon which a child attains the age of five years and ends upon attaining the age of seventeen years, or such other age bracket as may be specified in regulations made under section 10;

“early childhood education” means education provided to children under the compulsory school age in early childhood institutions, and includes the care, stimulation and socialization necessary to support development and learning;

“early childhood institution” means an institution that provides early childhood education to children under compulsory school age for at least four hours per day but does not include a private residence in which care is provided to up to four children;

“education years” means the successive years following the time spent in reception class;

“educational institution” means-

- (a) a school; or
- (b) an institution that provides-
 - (i) tertiary education;
 - (ii) career and technical education; or
 - (iii) education to prepare for the award of a degree, qualification or certification;

“employed to work as a teacher” means being employed in circumstances where the satisfactory performance of the duties of employment depends on the application of skills derived from specialist training of the kind leading to a teaching qualification approved under regulations made under Part VII;

“governing body” means the trustees or group of persons responsible for executive decision making authority in relation to the conduct of an assisted or independent school;

“Government school” means a school wholly funded by the Government;

“independent school” means a school wholly funded from resources other than those of the Government;

“key stage” means a stage referred to in section 15 (2);

“Minister” means the Minister to whom responsibility for education is assigned;

“person” includes any corporation, either aggregate or sole, and any club, society, association or other body, of one or more persons;

“primary education” means education provided for children in a reception class and in education years one to six;

“reception class” means-

- (a) in assisted and independent schools, a school class into which a child is received prior to attaining the age of five or such other age as may be determined by the school; or
- (b) in Government schools, a school class into which a child is received prior to attaining the age of five or such other age as may be prescribed in regulations made under section 13;

“school” means an institution for providing primary or secondary education or both and includes-

- (a) a unit for that purpose but established in an institution that caters to other categories of education; and
- (b) a Government, assisted and independent school;

“school leader” means a person, by whatever name called, responsible for the day-to-day management of the school and for persons deployed to work at the school;

“secondary education” means education provided for students in education years seven to thirteen and for other students for whom it is expedient to provide education in secondary schools; and

“tertiary education” means non-compulsory education that follows secondary education.

PART II - EDUCATION FUNCTIONS OF GOVERNMENTAL AUTHORITIES

3. (1) The Minister shall, in the exercise of the powers conferred upon him by this Law, promote the education of the people of the Cayman Islands and, for

Duties of Minister responsible for education

that purpose, make his best efforts to ensure that sufficient educational institutions are provided.

(2) The educational institutions made available shall not be regarded as sufficient unless they are sufficient in number, character and equipment so as to afford for all eligible persons such opportunities for education and training as is desirable in view of their different ages, abilities, aptitudes and needs, and the periods for which they are eligible for such education or training.

(3) In the exercise of powers conferred upon him under this Law, the Minister shall act in conformity with relevant international obligations pertaining to the Islands to the extent that this is possible within the words and spirit of this Law.

Duties of Chief Officer

4. (1) The Chief Officer shall, under the specific or general direction of the Minister, supervise the administration of the education service and the implementation of the national policy for education services.

(2) The Chief Officer shall, at least once in each year, prepare and submit to the Minister a report containing such information as the Minister may specifically or generally, from time to time, require and at least the following-

- (a) information describing the standards of achievement of students receiving education in Government schools, assisted schools and independent schools, together with such information as may be available about the achievements of home schooled students and other students educated otherwise than at schools;
- (b) information as to the work of the department responsible for education services during the preceding twelve-month period and the measures taken to secure the implementation of any national strategy for education as may apply to that period; and
- (c) information as to the measures to be taken and the targets to be achieved in the implementation of any such national strategy in the ensuing twelve-month period.

(3) The Chief Officer shall append to each annual report-

- (a) a report of the Director of Education Standards and Assessment as to the outcome of evaluations conducted during the preceding twelve-month period; and
- (b) a report on tertiary education in the Islands for the preceding twelve-month period.

(4) The Minister shall-

- (a) by the 31st December following the end of the academic year lay the report before the Legislative Assembly; and
- (b) as soon as reasonably practicable thereafter cause it to be published.

(5) The Governor in Cabinet may make regulations making additional provisions relating to the form and content of reports.

5. There shall be appointed under the general powers provided under the Public Service Management Law (2007 Revision) a Director of Education Services who shall be responsible for executive decision making authority in relation to the conduct of Government schools and perform such other functions as are provided for in this or any other Law.

Director of Education
Services
(2007 Revision)

6. (1) There shall be a body to be known as the Education Advisory Council which shall-

Establishment and duties
of Education Advisory
Council

- (a) advise the Minister on such matters pertaining to education as he may require; and
- (b) perform such other functions as may be prescribed under this or any other Law.

(2) The Governor in Cabinet shall make regulations with respect to-

- (a) the membership and proceedings of the Education Advisory Council;
- (b) the frequency, content and form of the Council's reports;
- (c) further content of the reports, in addition to what this Law provides and as the Minister may require; and
- (d) such other matters relating to the Education Advisory Council as the Governor in Cabinet may think fit.

(3) The Minister shall, before making recommendations to the Governor in Cabinet to make the initial regulations, consult such persons as he considers appropriate and thereafter may make recommendations to amend such regulations only after consultation with the Education Advisory Council and such other persons as he considers appropriate.

PART III - REGISTRATION OF EDUCATIONAL INSTITUTIONS

7. (1) No person may own, manage or participate in the management of, a non-Governmental educational institution, unless that institution is registered upon the direction of the Minister.

Registration of non-
Governmental
educational institutions

(2) Registrations shall be valid for three years.

(3) The Governor in Cabinet may make regulations relating to the granting, suspension and revocation of registrations and otherwise in relation to registrations.

(1999 Revision)

(4) A non-Governmental educational institution that was authorised under the Education Law (1999 Revision) may continue to operate as if registered under this Law but only for one year from the date that this section enters into force, during which period the institution shall apply for registration under this Law.

(5) Where within the period of one year referred to in subsection (4) a non-Governmental educational institution makes a valid application for registration under this Part and the application is acknowledged, it may continue operating until a decision on the application is conveyed to it.

Register of non-Governmental educational institutions

8. (1) The Chief Officer shall establish and maintain a register of non-Governmental educational institutions into which shall be recorded registrations directed under section 7 and such other details relating to such educational institutions as the Chief Officer may determine.

(2) The register referred to in subsection (1) shall be available for inspection by the public during regular working hours.

Register of Governmental educational institutions

9. (1) The Chief Officer shall establish and maintain a register of Governmental educational institutions in which there shall be recorded such other details as the Chief Officer may determine.

(2) The register referred to in subsection (1) shall be available for inspection by the public during regular working hours.

PART IV - SCHOOL ATTENDANCE, ADMISSIONS AND ACCESS TO EDUCATION

Compulsory school age

10. The Governor in Cabinet may by Order alter the definition of “compulsory school age” contained in section 2.

Duty to secure attendance at school

11. (1) Subject to subsection (3), a parent or legal guardian of any child of compulsory school age shall ensure that such child receives full-time education suitable to his requirements either by attendance at school or otherwise as provided in section 12.

(2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of two thousand dollars.

(3) It is a defence to any charge under this section if the failure of a student to attend school on any day on which the school is open if-

- (a) the absence is caused by illness or other unavoidable cause making his attendance at school not reasonably practicable;
- (b) the day is recognized as a religious holiday by the religious denomination to which the student belongs;
- (c) the student is suspended from school and the suspension is still in effect; or
- (d) the student has been expelled and has not been given permission to enrol in another school.

12. (1) The Minister may, upon the application of a parent or legal guardian of a child, authorise a child to be schooled at the place where the child is normally resident or at the home of another person approved by the parent or legal guardian.

Exemption from duty to secure school attendance

(2) The Governor in Cabinet may make regulations with respect to-

- (a) the manner in which applications for exemption under this section may be made;
- (b) the information to be provided in relation to applications;
- (c) the matters which may be taken into account in considering applications;
- (d) the duration and renewal of authorisation;
- (e) the offences which may be committed by failing to comply with the terms and conditions of authorisation and the penalties for such offences; and
- (f) other matters relating to authorisations.

13. The Governor in Cabinet may make regulations requiring the admission of children into reception classes in Government schools prior to their attaining compulsory school age.

Age of admission into reception classes

14. (1) No charge may be made for admission to, nor for the education provided at, any Government school but there may be charged or reimbursement may be obtained with respect to expenses to be incurred or incurred in relation to the costs of such matters as may be defined by regulations made under subsection (2)(a).

Ancillary charges and reimbursements

(2) The Governor in Cabinet may by regulations-

- (a) prescribe the matters falling into the category of chargeable or reimbursable expenses under subsection (1); and

- (b) specify ways in which any hardship or disadvantage that any child attending school may suffer as a result of a lawful requirement to pay may be alleviated.

Power to prescribe national curriculum

PART V - NATIONAL CURRICULUM AND KEY STAGE ASSESSMENT

15. (1) The Minister shall establish a national curriculum, which shall be mandatory for the Government schools, and which shall comprise the core and other foundation subjects and specify in relation to each of the subjects-

- (a) the knowledge, skills and understanding which students of different abilities and maturities are expected to have by the end of each key stage; and
- (b) the matters, skills and processes which are required to be taught to students of different abilities and maturities during each key stage.

(2) The key stages in relation to a student are-

- (a) the first key stage, that is, primary school education in years one to three;
- (b) the second key stage, that is, primary school education in years four to six;
- (c) the third key stage, that is, secondary school education in years seven to nine; and
- (d) the fourth key stage, that is, secondary school education in years ten to eleven.

(3) The core and other foundation subjects shall include studies relating to the history and culture of the Islands and shall otherwise be as prescribed by regulations made under subsection (5).

(4) In all schools the standard and level of achievement of each student shall be assessed at the end of each key stage and the outcome of that assessment shall be made available to the parents or legal guardians of a child to whom the assessment relates in such manner and together with such further information as may be prescribed in regulations made under subsection (5).

(5) The Governor in Cabinet may make regulations as to the matters mentioned in subsections (3) and (4).

PART VI - EVALUATION OF SCHOOLS

Education Standards and Assessment

(2007 Revision)

16. (1) There shall be appointed under the general powers provided under the Public Service Management Law (2007 Revision) a Director of Education Standards and Assessment.

- (2) The Director of Education Standards and Assessment shall-
- (a) in accordance with standards set by the Chief Officer cause evaluations of schools to be carried out at intervals of no more than four years and at such other times as he, in his discretion, may consider necessary or expedient and he may include in such report a statement of-
 - (i) any deficiencies in the provision of education at any school identified during the course of the evaluation;
 - (ii) the remedial measures required to be taken to remedy such deficiencies; and
 - (iii) the timescale in which any such measures are to be taken;
 - (b) report on the outcomes of such evaluations-
 - (i) to the Chief Officer and the Director of Education Services, for Government schools; and
 - (ii) to the Chief Officer and the governing body, for assisted and independent schools;
 - (c) report annually to the Chief Officer on standards of education in schools generally and in such manner as may be prescribed by regulations; and
 - (d) carry out and report on research on matters relating to education in the Islands as may from time to time be required.

(3) Where remedial measures are specified in an evaluation report, the Director of Education Standards and Assessment shall, if the Chief Officer so requires, cause a further evaluation to take place at the end of the period in which such measures are required to be taken so as to ascertain-

- (a) whether measures have been taken as required; and
- (b) the effectiveness of such measures.

(4) Where upon re-evaluation it is determined that the required measures have not been taken or, if taken, have not been effective and the Chief Officer, after seeking the advice of the Director of Education Services, is satisfied that it is necessary or expedient to do so, the Chief Officer may appoint a suitable person to attend at the school for such period as may be considered appropriate with authority to give directions for the implementation of such remedial measures as may then be considered necessary.

(5) The Director of Education Standards and Assessment may at any time and in such manner as he may consider appropriate, offer advice, guidance and support to school leaders, governing bodies of schools, and the Department of Education Services as may be appropriate as to measures for the improvement of educational standards in schools generally or in any one school.

(6) A school leader in receipt of advice referred to in subsection (5) shall have regard to any such advice and guidance in carrying out the responsibilities of his employment.

(7) The Director of Education Standards and Assessment or any person acting under his authority as a member of the Education Standards and Assessment Unit may enter school premises, and examine and require the production of documents for the purposes of an evaluation.

(8) Any person who obstructs the Director of Education Standards and Assessment or any person referred to in subsection (7) in the execution of his duties under this section commits an offence and is liable on summary conviction to a fine of two thousand dollars.

PART VII - PROFESSIONAL STANDARDS IN EDUCATION

Establishment of
Council on Professional
Standards in Education

17. (1) There shall be a body known as the Council on Professional Standards in Education whose functions shall be to-

- (a) register teachers in schools and otherwise regulate the teaching profession in accordance with standards set by the Minister; and
- (b) perform such other functions relating to the upholding of professional standards as may be prescribed under this or any other Law.

(2) The Governor in Cabinet may make regulations with respect to-

- (a) the membership and proceedings of the Council;
- (b) the frequency, content and form of the Council's reports;
- (c) further content of the reports, in addition to what this Law provides and as the Minister may require; and
- (d) such other matters relating to the Council as the Governor in Cabinet may think fit.

(3) The Minister shall, before making recommendations to the Governor in Cabinet to make the initial regulations, consult such persons as he considers desirable and thereafter may make recommendations to amend such regulations only after consultation with the Council and such other persons as he considers appropriate.

Restriction on the
employment of teachers

18. (1) The Governor in Cabinet may make regulations as to the qualifications of teachers in schools.

(2) No person may be employed to work as a teacher in any school unless he is registered in accordance with the regulations made under this Law.

19. (1) The Council on Professional Standards in Education shall establish and maintain a register of teachers authorised to teach in schools. Registration of teachers

(2) The Council on Professional Standards in Education may, subject to the procedures specified in subsection (3), require the removal from the register of the name of any person whose conduct or lack of suitability in any other respect renders him unfit to continue to be registered as a teacher.

(3) The Council on Professional Standards in Education shall not exercise the power conferred on it under subsection (2) before affording the person concerned an opportunity to be heard, at a hearing conducted by a committee of the Council constituted for the purpose, in defence of any complaints or allegations which may be made against him.

(4) The power to make regulations in relation to the proceedings of the Council on Professional Standards in Education under section 17 extends to the making of regulations governing the constitution and proceedings of a committee under this section, submission of a report to the Council, its acceptance, rejection, partial acceptance or otherwise and may authorise the Council to issue warnings, reprimands and other sanctions short of de-registration as may be prescribed; and the Council may order a matter to be heard again from the beginning or only on certain aspects and then make a decision after such further report.

(5) This section shall not operate to limit the powers of any employer, public or private, under such contract as may exist between that employer and the teacher concerned.

PART VIII - FUNDING OF ASSISTED SCHOOLS

20. (1) The Minister may make grants to assisted schools or those that are to become assisted schools. Power to make grants to assisted schools

(2) The Governor in Cabinet may make regulations governing the terms and conditions applicable to any grant under this section and may provide for the making of different provisions for-

- (a) different categories of schools; and
- (b) different levels of grant to schools in a category, depending on need.

PART IX - CAREER AND TECHNICAL EDUCATION

21. (1) In exercising his powers under this Law, the Minister shall have regard to the desirability of ensuring that the education provided in secondary schools provides opportunities for students to have access to career and technical education. Duties in respect of career and technical education

(2) Without limiting the power in subsection (1), in discharging his duty under this section, the Minister may-

- (a) direct that there be provided in any secondary school such career and technical education as he may consider appropriate; and
- (b) subsidise from monies available to him for the provision of secondary schools, and by way of grant or by any other means, schemes whereby such education for students in attendance at such schools may be provided at such places, including workplaces, as he may consider appropriate for the purpose.

(3) The Governor in Cabinet may make regulations with respect to matters referred to in subsection (2) and, without limiting the generality of this subsection, with respect to-

- (a) the manner in which grants, subsidies and any other form of assistance may be provided; and
- (b) the terms and conditions upon which such grants, subsidies or other forms of assistance shall be made available.

PART X - TERTIARY EDUCATION

Tertiary institutions

22. (1) The Minister responsible for education may cause to be established and maintained Government tertiary institutions.

(2) The Minister may make such arrangements as he considers necessary for the operation and management of Government tertiary institutions and may, in particular but without limiting the generality of this power, provide for the governing body to report to the Minister in such manner, on such subjects and at such intervals as he may determine.

(2005 Revision)

(3) The University College of the Cayman Islands established by the University College Law (2005 Revision) shall continue to be governed by that Law.

(4) Regulations made under this Law may be made to apply to the University College Law of the Cayman Islands.

(5) The Minister may enter into agreements with third parties for-

- (a) the establishment and maintenance of tertiary institutions; or
- (b) the maintenance of such institutions as may already have been established;

and may make grants to such institutions.

(6) The Minister may make grants under this section and the Governor in Cabinet may make regulations with respect to the conduct and management of institutions providing tertiary education and, without limiting the generality of this power, may make regulations with respect to-

- (a) the manner in which grants under subsection (1) may be made; and
- (b) the conditions which may be imposed on the making of such grants, including conditions requiring the registration or renewal of registration to be subject to certain standards relating to the conduct and management of the institution and the quality of the courses of study provided.

(7) Regulations under this section may make different provisions for different institutions and for different courses of study to be provided at institutions and may, in particular but without limiting the generality of this power, provide for the governing body to report to the Minister in such manner, on such subjects and at such intervals as may be prescribed.

PART XI - EARLY CHILDHOOD EDUCATION

23. The Minister shall make provision for-

- (a) the promotion of early childhood education; and
- (b) the regulation of early childhood institutions;

Promotion and regulation of early childhood institutions

and subsidise from monies available to him, and by way of grant or by any other means, schemes that facilitate attendance at early childhood institutions.

24. (1) Corporal punishment shall not be administered in any early childhood institution.

Corporal punishment and restraint in early childhood institutions

(2) Subsection (1) does not prohibit action taken for reasons that include averting an immediate danger of personal injury to, or death of, any person, including the child himself.

25. The Governor in Cabinet may make regulations for the better carrying out of the provisions of this Part and without limiting the generality of this power may make provisions relating to-

Regulations for early childhood education

- (a) the registration of early childhood institutions;
- (b) the prescription of academic and professional qualifications of teachers or other persons employed in early childhood institutions;
- (c) the prescription of standards with regard to safety, security, sanitation and such other matters as the Governor in Cabinet

- considers necessary for the efficient operation of an early childhood institution and the provision of education therein;
- (d) the manner and frequency of inspection of early childhood institutions for the purpose of investigating complaints and otherwise securing the proper observance of the provisions of this Part;
 - (e) the development of a curriculum framework for use in educational institutions; and
 - (f) the regulation of any funding provided to early childhood institutions and for the attendance at such institutions.

PART XII - DISCIPLINE AND PROHIBITION OF CORPORAL PUNISHMENT IN SCHOOLS

Corporal punishment and restraint

26. (1) Corporal punishment shall not be administered in any school.

(2) Subsection (1) does not prohibit action taken for reasons that include averting an immediate danger of personal injury to, or death of, any person, including the student himself.

(3) A teacher or any other employee authorized under this Law may physically restrain a student where restraint is necessary for the physical protection of the student or any other child in the school and not as punishment.

Student discipline

27. (1) Every school shall have a written Student Behaviour and Discipline Policy.

(2) It is deemed to be a condition of a grant of Government funding to an assisted school that there shall be for that school a written Student Behaviour and Discipline Policy.

(3) The Student Behaviour and Discipline Policy for a school shall apply to the conduct of a student-

- (a) at school; and
- (b) while a student is engaged in activities away from school premises, arranged as school activities;

and each school may decide that it shall apply at other times and in other places when the school considers it appropriate in the interests of the education of the student or the protection of the reputation of the school.

(4) In the preparation and revision of a Student Behaviour and Discipline Policy for a school, regard shall be had to-

- (a) the wishes of parents of students in attendance at the school; and

- (b) guidance which may from time to time be given by the Minister on matters relating to student discipline and behaviour.

28. (1) A person employed to work as a teacher at a Government school shall, unless the school leader for good reason otherwise decides, have the authority to effect discipline in accordance with the school's Student Behaviour and Discipline Policy and, for that purpose, to give directions to secure compliance with any rules for which the policy provides and to impose penalties for non-compliance with such rules and directions.

Disciplinary authority of teachers

(2) The Director of Education Services may, after consultation with the school leader, authorise any person on the staff of a Government school, other than a teacher, to effect discipline with the same authority as is conferred on a teacher by subsection (1) if, in the opinion of the Director-

- (a) that person is a suitable person to exercise such authority;
- (b) that person has undergone training in matters relating to student behaviour and discipline; and
- (c) the exercise by such a person of disciplinary authority in relation to students remains at all times under the supervision of a person employed to work as a teacher to ensure that education considerations receive due regard.

(3) A person employed to work as a teacher in an assisted school or independent school shall have such authority to effect discipline in accordance with the Student Behaviour and Discipline Policy as may be conferred upon him by that Policy or with the approval of the governing body.

(4) The Minister may direct that a power granted under this section shall not be exercised so as to give disciplinary authority to any person or class of persons who, in the opinion of the Minister, is unsuitable to hold such authority.

PART XIII - ADDITIONAL EDUCATIONAL NEEDS

29. In this section "responsible authority" in relation to a Government school is the Director of Education Services and in relation to an assisted school or independent school, the governing body.

Meaning of "responsible authority"

30. (1) A student has additional educational needs if, by reason of characteristics of body or mind personal to him, his educational needs cannot be satisfied otherwise than by making exceptional provision in relation to him.

Meaning of additional educational needs

(2) Provision is exceptional in relation to a student if it is additional to or different from that which is made for the education of the generality of persons of equivalent age and description.

(3) In the exercise of any power under this Part regard shall be had to the assumption that all persons have a unique combination of talents, aptitudes and abilities which necessarily impact their learning.

Additional Educational
Needs Code of Practice

31. (1) The Minister shall cause to be published, in the form of one or more documents as the Minister may consider appropriate, a Code of Practice on Additional Educational Needs.

(2) The Code of Practice on Additional Educational Needs may be revised as the Minister may, in his discretion, decide and shall thereupon be republished as revised.

(3) Any person who is involved in identifying or assessing persons who have or may be considered to have additional educational needs or who are involved in any way in making provision for those needs shall undertake their relevant roles and responsibilities and exercise their powers having regard to the Code of Practice on Additional Educational Needs.

Duties in respect of
assessment of additional
educational needs

32. (1) It is the duty of the responsible authority in relation to a school to ensure that there is maintained and implemented for that establishment a procedure for identifying students who have additional educational needs.

(2) Upon the identification of a student who may be considered to have additional educational needs, a report naming that student and giving reasons for his identification shall be sent by or on behalf of the responsible authority to the parents or legal guardians, as the case may be, of the identified student and in all cases to the Director of Education Services.

(3) Upon receiving a report under subsection (2) and from time to time thereafter as may be appropriate, having regard to the Code of Practice on Additional Educational Needs, the responsible authority in relation to the school at which the identified student is registered shall ensure that an assessment of the educational needs of the student identified in the report is carried out.

(4) The Governor in Cabinet may make regulations for the assessment of any additional needs of students educated otherwise than at a school.

Statements on additional
educational needs

33. (1) The outcomes of an assessment carried out under this Part shall, if the student is found to have additional educational needs, be set out in a statement specifying those needs and the provision to be made in relation to them.

(2) Upon completion of a statement under subsection (1) and upon completion of any revision of such a statement, a copy of the statement shall be

sent, prior to its implementation, to the parents or guardians of the student to whom it relates and to the responsible authority for the school at which that student is registered.

(3) Regulations shall provide for a parent or legal guardian of a student to appeal against the content of a statement sent under this Part and shall make further provision in relation to the consideration and determination of such appeals.

34. (1) It is the duty of the responsible authority in relation to a school to ensure, so far as is reasonably practicable, that provision is made so that every student at the school to whom a statement of additional educational needs applies receives education in accordance with that statement.

Duties in respect of additional educational needs

(2) The duty of the parents or legal guardians to secure that a student of compulsory school age attends school or otherwise receives suitable education shall include, in respect of a student to whom a statement of additional educational needs applies, a duty to ensure that the student receives education in accordance with that statement.

35. (1) Every evaluation of a school under section 16 shall have appended to it a report on the extent of provision made in the school for additional educational needs.

Evaluation of additional educational needs in schools

(2) The Minister shall cause every report made under subsection (1) to be published.

36. (1) The Minister may make resources available to enable provision to be made in respect of the additional educational needs of persons not of compulsory school age in institutions established by him.

Additional educational needs of persons not of compulsory school age

(2) The Minister may make grants to persons providing education so that provision may be made for them in respect of the additional needs of persons not of compulsory school age.

(3) The Minister may enter into agreements with such persons as he may consider appropriate for provision by them of education suitable to the additional needs of persons not of compulsory school age.

(4) The Governor in Cabinet may make regulations as to the form of provision which may be made under this section, the purposes for which grants may be made, the form and content of agreements and related matters.

PART XIV - USE OF SCHOOL PREMISES

Use of premises,
equipment, etc:
Government schools

37. (1) The Governor in Cabinet may make regulations as to the use of the premises, equipment and facilities of a Government school other than for the purposes of the school.

(2) Without limiting the generality of the powers contained in subsection (1), regulations under this section may provide for-

(2004 Revision)

- (a) the premises to be available outside normal school hours to be used for meetings, social functions and other activities beneficial to the community in which the school is situated;
- (b) the premises to be available for use in connection with elections conducted under the Elections Law (2004 Revision);
- (c) the fees which may be charged in connection with use and for the recovery of expenses; and
- (d) the health and safety of persons using the premises and for the protection of the equipment and facilities on the premises.

Use of premises,
equipment, etc: assisted
and independent schools

38. (1) The Minister may enter into an agreement with the governing body of an assisted school or independent school for the use of the premises, equipment and facilities of those schools other than for the purposes of education.

(2) Without limiting the generality of the powers contained in subsection (1), the Minister may provide for-

(2004 Revision)

- (a) the premises to be available outside normal school hours to be used for meetings, social functions and other activities beneficial to the community in which the school is situated;
- (b) the premises to be available for use in connection with elections conducted under the Election Law (2004 Revision);
- (c) the fees which may be charged in connection with use and for the recovery of expenses; and
- (d) the health and safety of persons using the premises and for the protection of the equipment and facilities on the premises.

PART XV - CAYMAN BRAC AND LITTLE CAYMAN

Duties in relation to
Cayman Brac and Little
Cayman

39. (1) The Minister, in the exercise of the powers conferred on him by or under this Law, shall have regard and cause regard to be had to the educational needs of the people of Cayman Brac and Little Cayman to the extent that those needs may be peculiar to each of those islands or in any way different from the educational needs of the people of Grand Cayman.

(2) The Governor in Cabinet may make regulations whereby any provision of this Law may be added to, varied or disapplied in relation to

Cayman Brac and Little Cayman or either of them in any case in which he may consider it beneficial to education in those islands to do so.

(3) Regulations under this section may further provide for the establishment of such institutions, advisory councils and other councils, and other bodies having functions relating only to education in Cayman Brac and Little Cayman or either of them as may be desirable.

PART XVI - MISCELLANEOUS

40. (1) Subject to subsection (2), any person who causes or creates a nuisance or disturbance on the premises of any school or otherwise acts on school premises in a manner disruptive of the education provided in a school or injurious to students or persons employed to work at the school commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Nuisance and disturbance on school premises

(2) The Governor in Cabinet may make regulations as to the administrative procedures that need to be taken and exhausted before a person employed at the school is handed over for prosecution.

41. The Governor in Cabinet may make regulations prescribing all matters that are required or permitted by this Law to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Law.

Regulations

42. The Education Law (1999 Revision) is repealed.

Repeal (1999 Revision)

Passed by the Legislative Assembly the day of , 2009.

Speaker.

Clerk of the Legislative Assembly.