

EDUCATION BILL, 2026

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EDUCATION BILL, 2026

A BILL FOR AN ACT TO MODERNIZE, AMEND AND CONSOLIDATE THE LAW RELATING TO THE EDUCATION SYSTEM IN THE BAHAMAS

Enacted by the Parliament of The Bahamas

PART I - PRELIMINARY

1. Short title.

This Act may be cited as the Education Act, 2026.

2. Interpretation.

(1) In this Act —

“**alternative education**” means education with a innovative curriculum and flexible programme of study based on an individual's interest and need;

“**The Bahamas Institute of Chartered Accountants Act**” means The Bahamas Institute of Chartered Accountants Act (*Ch. 364*);

“**child**” means a person who is not over the compulsory school age;

“**curriculum**” means the design, planning and sequencing of teaching and learning processes;

“**Department**” means the Department of Education continued under section 10;

“**Director**” means the Director of Education referred to in section 11;

“**learner**” where used without qualification, means a person of any age for whom education is required to be provided under this Act;

- “medical officer”** means a medical practitioner engaged, by the Minister or the Minister of Health;
- “medical treatment”** means the evaluation, assessment, examination and treatment by a registered medical practitioner;
- “Minister”** means the Minister responsible for education;
- “parent”** in relation to a child or young person, includes a guardian and every person who has the actual legal custody of a child or young person;
- “premises”** in relation to a school, includes a detached playing field, but, except where otherwise expressly provided, does not include dwelling housing for accommodation for teachers;
- “proprietor”** in relation to a school or institution, means the person that is responsible for the registration and management of that school or institution;
- “Public Finance Management Act”** means the Public Finance Management Act, 2021 (*No. 8 of 2021*);
- “registered learner”** means a learner registered as such in the register kept by a school in accordance with the requirements of this Act;
- “repealed Act”** means the Education Act, 1962 (*No. 15 of 1962*);
- “school”** means a entity that provides any or all stages of education, whether in person or by virtual instruction;
- “school year”** means the period from the first day of September in any calendar year to the 31st day of August of the succeeding calendar year;
- “special school or programme”** means a school or programme that provides a special educational service for a learner who is intellectually, emotionally, physically, socially, behaviourally or otherwise challenged;
- “teacher”** means a person employed to instruct, guide and direct the learning experiences of students within a public or private educational institution;
- “technical and vocational education”** means education designed to develop skills and training related to a wide range of occupational fields, productions, services and livelihood;
- “young person”** means a person who is over the compulsory school age but who has not attained the age of nineteen years.

3. Application of Act.

Unless otherwise expressly provided herein, this Act shall apply to all classifications of schools referred to in section 5.

4. Purposes of Act.

The purposes of this Act are —

- (a) to provide for the continuation and regulation of the education system in The Bahamas;
- (b) to affirm the fundamental principle of the right to education;
- (c) to ensure that access to educational opportunities are accessible to all, without distinction;
- (d) to promote educational, economic and social development within The Bahamas;
- (e) to ensure that the structure of the education system is designed to meet the needs of all.

PART II – STRUCTURE OF THE EDUCATION SYSTEM

5. Three classifications of schools.

- (1) The education system in The Bahamas shall comprise three classifications, namely —
 - (a) public schools;
 - (b) private schools; and
 - (c) home schools.
- (2) For the purposes of this Act —
 - “**home school**” means a school provided and maintained by a parent practitioner in a home environment;
 - “**private school**” means a school established by a proprietor and which is partially maintained, or not at all maintained by the Government;
 - “**public school**” means a school fully maintained by the Government (commonly referred to as a “Government school”).

6. Four stages of the education system.

- (1) The four stages of the education system are —
 - (a) pre-primary education, suitable to the requirements of a learner who has attained the age of three years but has not attained the age of five years;
 - (b) primary education, suitable to the requirements of a learner who has attained the age of five years but has not attained the age of eleven years;

- (c) secondary education, suitable to the requirements of a learner who has attained the age of eleven years but has not attained the age of seventeen years;
 - (d) post secondary and tertiary education, suitable to the requirements of a learner who has attained the age of seventeen years.
- (2) The Minister may, in addition to the four stages of the education system specified in subsection (1), provide as a part of the education system —
- (a) special education, suitable to the requirements of learners with unique or exceptional needs;
 - (b) adult education;
 - (c) education and training in cooperation or association with a penal institution or rehabilitation centre; and
 - (d) any other category of education that the Minister considers necessary.
- (3) For the purposes of this section “**suitable to the requirements of a learner**” means appropriate for a learner having regard to —
- (a) the aptitude, ability and special needs of the learner;
 - (b) the learning challenges or giftedness of the learner;
 - (c) the curriculum and method of instruction appropriate to the learner; and
 - (d) the most appropriate environment to meet the educational needs of the learner.

7. Categories of schools.

- (1) A school referred to in section 5(1)(a) - (c), may fall in one of the following categories —
- (a) a pre-school, which provides pre-primary education for learners ages 3 and 4;
 - (b) a primary school, which provides primary education comprising grades 1 - 6, for learners ages 5 – 10;
 - (c) a high school, which provides secondary education comprising grades 7 -12, for learners ages 11 - 16.
- (2) A school referred to in subsection (1)(b), may also provide education for learners specified in subsection (1)(a).
- (3) Where a school referred to in subsection (1)(c) provides only secondary education for —
- (a) grades 7 – 9, it shall be deemed a junior high school;
 - (b) grades 10 – 12, it shall be deemed a senior high school.

- (4) Where a school provides education for those learners referred to in subsection (1)(b) and (c), such school shall be deemed an all age school.
- (5) Notwithstanding the ages specified in subsection (1), a learner may be placed in a different category than his age group in exceptional cases.

PART III – ADMINISTRATION OF THE EDUCATION SYSTEM

DUTIES AND POWERS OF MINISTER

8. General duties of Minister.

- (1) For the purposes of this Act, the Minister shall —
 - (a) have the duty to ensure the availability of schools to provide for all stages of education, inclusive of special and alternative education to all learners of compulsory age;
 - (b) have responsibility for the superintendence, direction, control and maintenance of all public schools;
 - (c) have responsibility for the general oversight of all private schools and any institute of further education;
 - (d) have responsibility for the recruitment, training and professional development of teachers and staff and their conditions of service across the public education sector;
 - (e) cause adequate resources to be allocated for instructional and administrative requirements in the delivery of education in public schools;
 - (f) ensure that the system of education is designed to provide a learner with adequate expression and opportunity for development.
- (2) In discharging his duties under this section, the Minister shall have regard to —
 - (a) the need for ensuring that provision is made for all learners and particularly learners who require special education;
 - (b) the technology needed to promote learning, including software, hardware, training, security and safety protocols.

9. Powers of Minister.

For the purpose of the performance of his functions under this Act, the Minister shall have the power —

- (a) to require attendance of all children of compulsory school age at a school operating in accordance with this Act;

- (b) to establish standards for the recruitment of teachers, their training, professional development and conditions of service;
- (c) to constitute committees or other bodies to provide advice from time to time on educational and related matters;
- (d) to approve the level of financial assistance rendered to a partially maintained private school;
- (e) to establish, administer or discontinue any public school, institution class or ancillary service required by the education system;
- (f) to establish, maintain or assist in the establishment and maintenance of an educational institution or other facility for tertiary, adult and continuing education;
- (g) to establish a National Student Council and a National Parent Council;
- (h) to assist, as may be necessary, a learner or class of learners to take full advantage of the educational opportunities available;
- (i) to establish a mechanism that provides for school based violence prevention, behavioural intervention, restorative practices, crisis response, and inter-agency collaboration;
- (j) to do all such things as may be necessary or expedient from time to time for the purpose of carrying out of his duties under this Act.

DEPARTMENT OF EDUCATION

10. Department of Education.

- (1) The Department of Education established under section 5 of the repealed Act, is hereby preserved and shall continue under this Act.
- (2) The Department shall assist the Minister in the discharge of his duties and powers under this Act and shall, subject to the general direction of the Minister —
 - (a) provide technical advice on the policies governing the education system;
 - (b) have overall responsibility for the proper and efficient administration of all public schools;
 - (c) promote and advance education in public schools;
 - (d) make provision for —
 - (i) the examination and testing of students;
 - (ii) the referral of learners with learning challenges to the appropriate body for remedial treatment or assistance;

- (e) take such steps as are necessary to meet the obligation of the Government to any registered accredited institution of higher learning;
 - (f) encourage the formation, functioning and development of students councils;
 - (g) designate the grades or classes and special programmes to be offered in public schools;
 - (h) provide stakeholders with information on key issues in education;
 - (i) create opportunities for the professional development of staff;
 - (j) perform such other functions under this Act as the Minister may from time to time assign.
- (3) The Department shall consist of a Director of Education and such other public officers as may from time to time be appointed.
- (4) Taking into consideration the advice of the Director, the Department shall comprise of such number of units or divisions as the Minister thinks fit.

11. Appointment and functions of Director.

- (1) The Governor-General shall appoint on such terms and conditions a Director of the Department of Education.
- (2) The Director shall be the professional adviser and technical executive officer to the Minister and shall —
- (a) have overall responsibility for the effective organization and administration of the Department;
 - (b) perform such other functions as the Minister may from time to time assign to carry out the purposes of this Act.
- (3) In carrying out his duties and functions under this Act, the Director may —
- (a) approve forms and notices as required for the administration of this Act;
 - (b) determine and approve the educational resources utilized in all public schools so as to ensure conformity with national standards of education except that in the case of private schools, the educational resources for religious education shall be determined by the proprietor of the school;
 - (c) issue guidelines on the practices to be observed by teachers and staff in public schools.

NATIONAL ADVISORY COUNCIL FOR EDUCATION

12. National Advisory Council.

- (1) There shall be a National Advisory Council for Education which shall be responsible for providing advice to the Minister on educational matters and policy relating to education (hereinafter referred to as “NACE”).
- (2) NACE shall consist of not more than eleven members, appointed at the discretion of the Minister, one of whom shall be appointed the Chairman thereof.
- (3) The Director shall appoint an officer of the Department of Education to be the Secretary to NACE.
- (4) The term of office for a member of NACE shall be for a period not exceeding three years.
- (5) The Minister may terminate the appointment of any member of NACE if the Minister is satisfied that a member —
 - (a) has been absent for meetings of NACE for a period longer than three consecutive months without the permission of NACE;
 - (b) is incapacitated by illness; or
 - (c) is otherwise unable or unfit to discharge the functions of a member.
- (6) It shall be the duty of NACE to advise the Minister on —
 - (a) educational matters as it thinks fit; or
 - (b) any matter referred to it by the Minister.
- (7) Nothing in this section shall preclude or prevent the Minister or the Director from appointing any other committee to advise on any matter referred to it.

NATIONAL ACCREDITATION AND EQUIVALENCY COUNCIL OF THE BAHAMAS

13. Interpretation of sub-Part.

For the purposes of this sub-Part —

“**accreditation**” means evaluation and approval of an institution, provider, or programme that has met the established standards of quality relative to its mission, educational objectives, resources, programmes and services;

“**award**” means any degree, diploma, certificate or other evidence of competence;

14. Registration of schools and tertiary institutions.

- (1) NAECOB shall have responsibility for accrediting all schools operating in The Bahamas.
- (2) NAECOB shall keep a register of all schools operating in The Bahamas.
- (3) No person shall operate in The Bahamas —
 - (a) a private school;
 - (b) an independent tertiary institution; or
 - (c) any such other educational institution,unless such school or institution has been registered by NAECOB in accordance with subsections (1) and (2).
- (4) Any —
 - (a) school that is in operation at the date of the commencement of this Act and which is not currently registered by NAECOB in accordance with subsection (2), shall within six months thereof —
 - (i) make application in the prescribed form supported by such other documentation as may be required; and
 - (ii) pay the required application fee.
 - (b) proprietor who after the date of the commencement of this Act, is desirous of operating a private school or a tertiary institution shall —
 - (i) make application in the prescribed form, supported by such other documentation as may be required; and
 - (ii) pay the required application fee.
- (5) Any person who fails to comply with any of the provisions of this section, commits an offence and is liable to fine not exceeding ten thousand dollars.

15. Accreditation of schools and tertiary institutions.

Any school or institution that has been registered in accordance with section 14 and has been in operation for a period of at least one year prior to the date of the commencement of this Act, may upon payment of the prescribed fee, make application in the prescribed form, supported by such other documents as may be required for accreditation in respect of the programme and the institution.

16. Sub Part does not derogate from Ch. 47A.

For the avoidance of doubt, nothing in this sub Part shall be construed as diminishing, altering, or derogating from any of the provisions of the National Accreditation and Equivalency Council Act.

SCHOOL DISTRICTS AND SCHOOL BOARDS

17. School Districts.

- (1) The Minister may, by Order, designate any group of schools in —
 - (a) New Providence or any Family Island; or
 - (b) any group of Family Islands or a part of an island,as a School District.
- (2) A School District shall have responsibility for the management of any group of public schools in New Providence, or the respective Family Island or part of island.

18. School Boards.

- (1) The Minister may, for any public school, establish a School Board which shall consist of not less than three but not more than nine members of whom shall —
 - (a) be citizens or permanent residents of The Bahamas eighteen years of age or over, except for a member of staff of the respective school;
 - (b) be elected by parents of learners who attend the school.
- (2) A member of the Board shall be appointed in such manner as may be prescribed, for a period not exceeding three years and shall consist of —
 - (a) a Chairman; and
 - (b) a Secretary, the principal of the school, *ex officio*.
- (3) The Chairman may be removed by the Minister where —
 - (a) the Chairman is absent for three or more consecutive meetings or unable to act, without a valid excuse or notice of absence; or
 - (b) in the opinion of the Minister, he considers it necessary so to do, where a serious violation of the regulations of the School Board has occurred.
- (4) The principal of the school shall, for the purpose of electing members of the School Board, maintain a register of parents whose children attend the school.
- (5) Where no School Board is established in respect of a school on a Family Island, it shall be the responsibility of the respective local government district council to make provision for the maintenance and upkeep of public school buildings and their district.
- (6) The —
 - (a) instrument of management, providing for the constitution and procedure of the School Board; and

- (b) articles of management, providing for the general administration of the school and for relations between the Minister, the School Board and the principal,
- shall be prescribed in regulations.

19. Functions of School Boards.

The functions of the School Board are —

- (a) to provide oversight for the management of funds;
- (b) to carry out emergency and minor repairs to the physical plant;
- (c) to manage the physical plant after school hours;
- (d) to engage and manage non-teaching staff for a period not exceeding ninety days;
- (e) to monitor student discipline, in collaboration with the administration of the school;
- (f) to procure materials and supplies for the school;
- (g) to provide advice to school administrators on school based initiatives;
- (h) to monitor the delivery of non-curricular activities and services on school campuses.

20. Funds of School Board.

- (1) The funds of the School Board shall consist of —
 - (a) such money allocated to the School Board by the Minister;
 - (b) such money donated to the School Board; and
 - (c) such money as may be raised from time to time from fund raising events held by or on behalf of the School Board.
- (2) Any funds allocated pursuant to subsection (1) shall be expended, managed and accounted for in accordance with the provision of the Public Finance Management Act, and the principal shall be the principal accounting officer for the purposes of the said Act.
- (3) Any funds donated or raised pursuant to subsection (1) shall be deposited into the authorized bank account of the School Board and such funds may only be utilized to support the objectives of the School Board in respect of the school.
- (4) The principal shall, prior to expending any funds on behalf of a School Board, have the written consent of the School Board.

21. Accounts of School Boards to be audited.

- (1) The Minister may, after consultation with the Minister of Finance, appoint a public accountant licensed under the Bahamas Institute of Chartered Accountants Act to audit the accounts of a School Board on such terms and conditions as the Minister of Finance may specify.
- (2) Without prejudice to any other provision of this Act, the Minister may, either of his own accord or at the request of the Minister of Finance, by notice in writing, require the Secretary of a School Board to produce any books of accounts, records or other documents of the School Board to the public accountant and in the exercise of the duties of the auditor, the public accountant shall have access to all books, records, returns and other documents relating to the accounts of the School Board and may require any person holding or accountable for any such books or documents to appear before him at the audit.
- (3) The auditor shall submit his report not later than twelve weeks from the end of the financial year to the Minister, who shall forthwith transmit copies of those reports to the Minister of Finance and to the respective Board and the Minister of Finance shall cause a copy of each report to be laid before the House of Assembly in accordance with the provisions of the Public Finance Management Act.
- (4) The principal of a school shall give an account to the School Board of all other monies paid or received in respect of any other activity operated on the campus of the school.
- (5) For the avoidance of doubt, nothing in this section shall be read or construed as derogating from or in any way limiting any of the functions exercisable by the Auditor-General pursuant to the provisions of the Constitution or any written law.

**PART IV – COMPULSORY EDUCATION, ATTENDANCE
AND SCHOOL CURRICULUM**

COMPULSORY EDUCATION

22. Compulsory school age.

On the date of the commencement of this Act, a child shall be deemed to be of compulsory school age if he has attained the age of four years and has not attained the age of seventeen years, unless the child has met the requirements for graduation from secondary school at an earlier age and accordingly “compulsory school age” in this Act means, subject as aforesaid, any age between the age of four years and the age of sixteen years by the 30th day of September, unless the

child has met the requirements for graduation from senior school at an earlier age.

23. Right to education.

- (1) Except as otherwise provided in this Act, a child of compulsory age shall have the right to receive a free education in a public school, at the public expense.
- (2) For the avoidance of doubt, the provision of free education in a public school shall be limited to the waiver of tuition fees and does not include ancillary costs, including but not limited to fees for textbooks, workbooks, uniforms, supplies, equipment, transportation, extracurricular activities, and other incidental expenses.
- (3) No person shall be refused admission to any public school on account of the religious persuasion, race, social and immigration status or language of such person or of his parent.

24. Age requirements and restrictions for compulsory education.

- (1) A learner who has —
 - (a) attained the age of four years, by the 30th day of September, shall be eligible to be registered in a pre-school;
 - (b) surpassed the age of sixteen years but who has not attained the age of seventeen years, by the 30th day of September, shall be permitted to remain in a school.
- (2) Any individual who has surpassed the age requirement specified in paragraph (1)(b) by the 30th day of September, may, in exceptional circumstances and with the approval by the Director, be permitted to remain in a public secondary school.
- (3) For the purposes of this Act, a learner in attendance at a school who attains any age during the academic year shall be deemed not to have attained that age until the end of that academic year.

COMPULSORY SCHOOL ATTENDANCE

25. Duty of parent to secure education of child.

It shall be the duty of every parent of a child of compulsory school age to cause that child to receive full-time education suitable to that child's ability and aptitude, by ensuring regular attendance of that child in one of the classification of schools, provided that such child is of sound mind and not detained by an order of the court.

26. Order to attend school.

- (1) Where a parent fails to comply with section 25, the Minister may, where he thinks it expedient that the child attend school, make and cause to be served on the parent of that child, a school attendance order which shall —
 - (a) require the parent to register the child as a learner;
 - (b) specify the school at which the child shall be registered; and
 - (c) specify the date by which the parent —
 - (i) may apply for a variation of the order; or
 - (ii) must comply with the order.
- (2) An order made pursuant to this section shall, unless sooner revoked or expired, continue in force as long as the child is of compulsory school age.
- (3) Where a parent of a child who is the subject of an attendance order, applies in writing to the Minister to change the school specified therein, the Minister may revise that order, where he is of the view that the reasons specified therein are justifiable.
- (4) Any parent who fails to comply with a school attendance order, commits an offence.
- (5) It shall be a defence to subsection (4) where the parent proves that he is causing the child to receive efficient full-time education suitable to his age, ability and aptitude, otherwise than at school.

27. Failure to secure regular attendance of child at school.

- (1) Where a parent of a child of compulsory age knowingly fails to secure the regular attendance of that child at a school, that parent commits an offence.
- (2) It shall be a defence to an offence under subsection (1) in the case where the child has no fixed abode and —
 - (a) the parent proves that he is engaged in a trade or business which requires him to travel from place to place; and
 - (b) the child has attended a school as regularly as the nature of the trade or business permits.
- (3) For the purposes of subsection (2) —
 - (a) “regularly” in the context of attending school, means at least two hundred attendances of the child at the school during the period of twelve months ending with the date of which proceedings were initiated;

- (b) section 28(d) shall not be a defence to an offence under subsection (1).

28. When attendance is excused.

- (1) A child is excused from attendance at school —
 - (a) by reason of his absence therefrom with leave;
 - (b) where he was prevented from attending by reason of sickness or any unavoidable cause;
 - (c) on any day exclusively set apart for religious observance by the religious body to which his parent belongs;
 - (d) if the parent proves that extraordinary circumstances exist, and that no suitable arrangements have been made enabling the child to become a registered learner at a school;
 - (e) if, in the opinion of the Director, and in agreement with the Minister, he is receiving satisfactory instruction at home or elsewhere.
- (2) For the purposes of this section, “leave” means absence granted by any person authorised by the managing authority of the school.

29. Jurisdiction of school attendance officers.

There shall be officers who shall have the jurisdiction and responsibility for the enforcement of compulsory school attendance in respect of all children of compulsory school age (hereinafter referred to as “school attendance officers”).

30. Powers and functions of school attendance officers.

- (1) A school attendance officer may —
 - (a) enter the dwelling home of a child at a reasonable time, with the permission of the parent of that child, for the purpose of making such enquiries and discharging the duties as may be imposed upon a school attendance officer by this Act;
 - (b) where the parent of a child refuses to permit him to discharge his duties, refer the matter to the principal who shall request the assistance of social services;
 - (c) where he has reasonable cause to believe that a child of compulsory school age is employed during school hours, enter any premises at which the child is suspected to work or is otherwise associated with the alleged employer, for the purpose of making such enquiries as are necessary to determine whether the employment of a child is in contravention of —
 - (i) any law governing child protection;

- (ii) any law governing employment; or
 - (iii) section 62 of this Act.
- (2) Any person who wilfully —
 - (a) obstructs or resists a school attendance officer in the performance of his duties;
 - (b) makes any false representation to any such officer with respect to the age of any child; or
 - (c) refuses to furnish to such officer, any information which such officer may require in the execution of his duties,commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars.

31. Report of truancy.

- (1) Every principal of a public or private school shall —
 - (a) report to the school attendance officer, the names, ages and residences of all children enrolled in his school who is of compulsory school age who have not attended school as required;
 - (b) furnish the school attendance officer with such other information as the officer may require for the enforcement of compulsory school attendance;
 - (c) report to the school attendance officer every case of suspension or expulsion.
- (2) Where a child of compulsory school age has not attended school as required and there is no school attendance officer appointed for the school district in which the child resides, the principal or superintendent concerned shall notify the parent of the child of the requirements of section 25.

EDUCATIONAL CURRICULUM AND DELIVERY

32. School calendar year.

The Minister may determine —

- (a) the times at which the school session shall begin and end in any day;
- (b) the times at which the school terms shall begin and end; and
- (c) the school break periods.

33. Duty to develop national curriculum.

- (1) The Minister shall cause the Department to ensure that officers are selected to develop and implement a national curriculum for pre-primary, primary and secondary stages of education.
- (2) The officers selected pursuant to subsection (1) shall in developing a national curriculum, take into account —
 - (a) the objectives of education;
 - (b) the concept of life-long learning;
 - (c) the requirements of the labour market;
 - (d) the demand for national, regional and international development;
 - (e) developments in science, social sciences, technology, engineering, arts and mathematics;
 - (f) national unity, values and human rights; and
 - (g) the dynamics of global and sustainable development,and shall have responsibility for the review, revision, implementation, monitoring and evaluation of the national curriculum.

34. Compliance with and implementation of national curriculum.

- (1) Every public school shall provide to its registered learners, educational instruction which complies with the national curriculum.
- (2) A private school or parent practitioner shall not be obligated to comply with and implement the national curriculum but, at a minimum, shall ensure compliance with the standards set out in the national curriculum as developed by the Ministry.

35. National Curriculum.

- (1) The national curriculum shall include —
 - (a) core subjects, including mathematics and English language;
 - (b) such other concepts including climate resiliency and sustainability, eco-safe education, plurality of literacies, character education, and human rights education;
 - (c) technical and vocational education;
 - (d) such other subjects as the Minister may direct in writing.
- (2) The Director may order the modification of instruction provided in any public school to ensure maintenance of the standards set out in the national curriculum.
- (3) Where the Minister makes an order pursuant to subsection (2), he shall encourage the modification of instruction provided in any private school to ensure maintenance of the standards set out in the national curriculum.

36. Delivery of educational instruction.

- (1) The delivery of educational instruction may be by face-to-face in class learning or by remote learning, except that in the case of a public school, subject to subsections (2) and (3), educational instruction shall be by face-to-face in-class learning.
- (2) Notwithstanding subsection (1), the Department may authorize the delivery of instruction by other suitable methods.
- (3) The Department may implement measures or make arrangements for the delivery of virtual instruction or otherwise, where a learner who is of compulsory school age —
 - (a) cannot physically attend face-to-face learning on a frequent basis;
 - (b) is unable to access face-to-face learning due to illness, physical impairment or incarceration;
 - (c) is adversely affected by a man-made or natural disaster, or any other crisis;
 - (d) is unable to function in a regular class environment;
 - (e) is participating in an alternative education programme.
- (4) For the purposes of this section, “**virtual instruction**” means the delivery of education utilizing information and communications technology to mediate asynchronous and synchronous learning.

SPECIAL EDUCATION

37. Child incapable of receiving education at school.

- (1) The Minister shall cause, where it is suspected or alleged that any child of compulsory school age is suffering from a disability or an impairment of mind or body of such a nature or to such extent as to make him incapable of receiving education at school, a written notice to be served upon the parent of that child —
 - (a) to require the parent to submit the child for examination;
 - (b) specifying the date, time and place of the examination,and the parent shall be entitled to be present at the examination if he so desires.
- (2) An examination conducted pursuant to this section shall be conducted by a medical officer or specialist, appointed by the Minister, who shall upon completion of the examination, prepare and submit to the Minister, a report of his findings and advice regarding the child's capability to receive education at a school.

- (3) The Minister shall, in determining whether a child is incapable of receiving education at school, consider —
 - (a) the report or advice of the medical officer given pursuant to subsection (2);
 - (b) any report or information from an educational or allied education personnel in respect of the ability and aptitude of the child.
- (4) Where it is determined that a child is incapable of receiving education at school, the Minister shall cause a written notice of such determination to be issued to the parent of that child.
- (5) For the purposes of this section, a child shall be considered as being incapable of receiving education at school where he is deemed to be suffering from a disability an impairment of mind or body of such a nature and to such an extent —
 - (a) as to make him incapable of receiving education at school;
 - (b) that is is inexpedient that he should be educated in association with other children either in his own or their own interests.

38. Minister to ascertain particulars of learners who require special education.

- (1) The Minister shall cause there to be ascertained, the number and names of any learner of compulsory age who require special or alternative educational services or educational setting.
- (2) For the purpose of subsection (1), the Director may designate one or more officers of the Department, to issue to the parent of any learner of compulsory age, a notice in writing requiring the parent to submit the child for assessment to determine whether the learner suffers from any impairment or disability and the extent thereof.
- (3) A parent of a child of compulsory school age may apply in writing to the Minister for the child to be assessed to determine whether the child suffers from any impairment or disability.

39. Arrangement for provision of special or alternative education.

- (1) The Minister may cause to be provided special or alternative education for learners with impairments or disabilities.
- (2) The special or alternative education arranged pursuant to subsection (1) —
 - (a) shall provide for the education of learners with serious impairment or disability in a special school or programme; or
 - (b) may provide for the provision of such education in a public school where the disability impairment is not serious.

- (3) Where facilities for special or alternative education services do not exist, the Minister shall not be obligated to register and admit into any public school, a learner with an impairment or disability where the registration and admittance of that learner would adversely affect the education of the other learners in attendance of that school.
- (4) In carrying out his functions under this section, the Minister may make regulations to —
 - (a) define the several categories of impairments or disabilities for learners requiring special or alternative programmes;
 - (b) provide for the adaptation, modification or differentiated methodology appropriate for the education of a learner in each category;
 - (c) make provision for the special methods appropriate for the education of learners of each category.

LEARNING OUTCOMES

40. Learning outcomes for public schools.

- (1) For the purposes of determining student achievement and attainment for learners in public schools, the Ministry shall ensure that learning outcomes are measured at —
 - (a) the relevant grade levels; and
 - (b) the standards set out in the national curriculum.
- (2) The Minister may approve additional cognitive, physical, psycho-social behavioural or other support for a learner in a public school who does not meet the standards set out in the national curriculum.
- (3) Subject to subsection (4), the ultimate learning outcome in the secondary stage of education is the attainment of —
 - (a) the requisite standards for graduation as determined by the Minister from time to time; and
 - (b) such other measures of attainment as may be specified by the Minister from time to time.
- (4) The Minister may approve alternative graduation requirements for a learner in any classification of school who has special education needs and is incapable of meeting the standards for attaining a high school diploma.

41. Learning outcomes for private schools.

For the purposes of determining student achievement and attainment for learners in private schools, the proprietor of a private school may —

- (a) establish the learning outcomes for student achievement and attainment in that private school; or
- (b) adopt or adapt the learning outcomes for student achievement and attainment as established by the Ministry.

MEDICAL INSPECTIONS AND ENFORCEMENT OF HEALTH**42. Medical inspection and treatment of learners.**

- (1) The Minister may, in collaboration with the Minister responsible for Health, provide for the medical inspection, at appropriate intervals, of learners in attendance at any school.
- (2) The Minister may make regulations for the implementation of the provisions of this section.

43. Enforcement of public health.

- (1) The principal of a school may, where it is necessary in the interest of maintaining good public health, direct in writing, the examination by, a medical officer, of any person learning, or employed on the premises of any school.
- (2) Where a direction under subsection (1) cannot be immediately effected, the principal or any person with responsibility for the administration of a school may direct that the person be excluded from the school until an examination is conducted in accordance with subsection (1).
- (3) Where a medical officer conducts an examination pursuant to a direction given under subsection (1) and finds the health of the person to be a concern to the safety of the environment, the principal may cause there to be served upon the person or the parent thereof, a notice requiring the person to receive immediate necessary treatment.
- (4) No person shall be examined under the powers conferred by this section, save by a duly qualified medical practitioner or health professional.

PART V - PROVISIONS RELATING TO PUBLIC SCHOOLS

RELIGIOUS INSTRUCTION

44. Religious instruction in public schools.

- (1) No learner shall be required as a condition of admission into, or of continuing in, a public school —
 - (a) to attend or to abstain from attending any Sunday School or any place of religious worship;
 - (b) to attend any religious observance or any instruction in religious subjects in the school or elsewhere from which observance or instruction he may be withdrawn by his parent.
- (2) Religious instruction shall form part of the curriculum of every public school, and the facilities for religious observance in the school shall be provided in such manner as is prescribed, save, however, that any pupil may be withdrawn by his parent from the instruction or observance without forfeiting any of the other benefits of the school.
- (3) The time during which religious instruction may be given or during which any religious observance may be practised shall be inserted in a time-table to be approved by the Minister.
- (4) No teacher in any public school shall —
 - (a) give to a learner, any religious instruction which is prohibited by this Act;
 - (b) cause a learner to attend any religious observance for which that learner's parent has withdrawn the learner under subsection (1)(b);
 - (c) be required to give religious instruction where that teacher conscientiously and *bona fide* objects to give such instruction on religious grounds;
 - (d) convert or attempt to convert any learner from a religious practice to another;
 - (e) make any derogatory remark or behave in such a manner that will discriminate against a learner's religious belief.

PROHIBITIONS

45. Prohibition of fees for full time education in public school.

- (1) Admission into a public school for full time pre-primary, primary and secondary education shall be provided at no cost and without any condition, other than as required or authorised by this Act.

- (2) The Minister may provide essential resources to enable a learner to maximum educational opportunities.
- (3) Where —
- (a) a child of compulsory school age is unable to be registered in a public school due to limitation of space; or
 - (b) a learner of compulsory school age is unable to attend a suitable school or receive appropriate education due to extraordinary circumstances,
- the Minister may, where resources permit —
- (i) grant to that child, a voucher towards payment for tuition at a private school for such sum as may be prescribed by regulations;
 - (ii) make special arrangements for the learner or young person to receive education otherwise.
- (4) Nothing in subsection (2) shall absolve a parent from his duty to ensure that his child possesses the requisite instructional resources for learning.

PROVISION OF TRANSPORT AND OTHER FACILITIES

46. Free transport of learners to a public school.

The Minister may cause to be arranged, where he considers it necessary, the free transport of learners to and from a public school.

47. Facilities for recreation, social and physical training.

- (1) The Minister shall cause there to be to secured on or near the premises of a public school, adequate facilities for recreation, social and physical training of learners.
- (2) The Minister may, in fulfilling his duties under subsection (1), partner with any voluntary society or body whose objectives include the provision of facilities for the organization of activities of a similar character.

RECRUITMENT AND TRAINING OF PERSONNEL

48. Engagement and conditions of service of teachers, etc.

- (1) It shall be the duty of the Minister to recruit and cause to be engaged, suitably qualified persons to provide instruction and to perform other required tasks and functions in the management of all public schools.

- (2) The Minister shall facilitate the training of teachers and other education sector workers and make regulations for such.

49. Development of standards for personnel in public education.

- (1) The Minister shall cause to be developed, standards for the performance of public education personnel.
- (2) The standards developed pursuant to subsection (1) shall govern —
- (a) teaching and learning;
 - (b) professional practice and performance appraisals;
 - (c) continuing professional development and assessment;
 - (d) curriculum instruction and assessment;
 - (e) ethical and professional conduct;
 - (f) equity of educational opportunity and culturally responsive practices; and
 - (g) managing school operations.

PART VI - PROVISIONS RELATING TO PRIVATE SCHOOLS

50. Religious instruction in private schools.

The religious instruction given to a learner in attendance at a private school shall be under the control of the proprietor of such school.

51. Rights of a private school.

Subject to the provisions of this Act, a private school shall have complete control over —

- (a) the stages of education provided at the school;
- (b) the secular and religious instruction provided at the school;
- (c) the terms of appointment, conditions of service and dismissal of teachers;
- (d) the enrolment, promotion, and all other matters concerning the learners of the school; and
- (e) all matters pertaining to the discipline and the internal organisation of the school.

52. Grant of subvention to a private school.

- (1) The Minister may, upon application, grant financial assistance to a private school, by way of a subvention, where in the opinion of the Minister he is satisfied that such assistance would be beneficial to the learners of that school.
- (2) The Minister may make regulations regarding the form and method of application for such assistance, and the conditions under which such assistance is granted.

PART VII - PROVISIONS RELATING TO HOME SCHOOLING

53. Requirements for home schooling.

- (1) A parent who is desirous of assuming responsibility for the educational instruction of his child may provide at home, a home education programme for his child (hereinafter referred to as a “parent practitioner”) if —
 - (a) the parent is twenty-one years of age or above and complies with this Act; and
 - (b) the home education programme meets the standards set out in the national curriculum developed pursuant to section 35.
- (2) A parent practitioner shall prior to the commencement of the programme —
 - (a) register the child with the Department and on an annual basis thereafter for as long as the programme is in existence; and
 - (b) submit to the Department a plan outlining the programme in respect of each child who will receive home school education.
- (3) A home education programme shall be —
 - (a) for a minimum period of one school year; and
 - (b) based on the standards set out in the national curriculum.
- (4) The parent practitioner shall cause the home school learner to participate in national assessments and any other assessments administered by an approved authority, that are suitable to the requirements of the child.

54. Participation in national competitions, etc.

- (1) Nothing in this Part will preclude a home school learner from —
 - (a) attending courses or participating in national competitions;
 - (b) sitting any national assessment as set by the Ministry,

provided the home school learner is otherwise eligible.

- (2) The Ministry may offer support to a parent practitioner in the execution of home schooling.

55. Conduct of home schooling.

In the conduct of home schooling, a parent practitioner may —

- (a) engage tutors within the home to support the instruction provided by the parent practitioner;
- (b) include in the education programme, other activities outside the home including field trips, tutoring sessions and other social interaction activities;
- (c) implement flexible hours of instruction, provided that a minimum of nine hundred hours per year is delivered.

56. Prohibitions for home schooling.

A parent practitioner shall not —

- (a) during the execution of instruction, leave a home school learner at home unsupervised;
- (b) give to an unrelated individual outside his home, the primary responsibility for the educational instruction of his child.

57. Monitoring of home school learners.

- (1) A parent practitioner shall be required to monitor and report on the progress of the home school learner at such times as may be notified by the Department.
- (2) It shall be the duty of the Department in relation to a home school learner —
 - (a) to monitor from time to time the scholastic progress of the learner;
 - (b) to assess the learner's achievement in national assessments or any other assessment administered by an approved authority;
 - (c) to notify the parent practitioner of the results of the learner in national assessments; and
 - (d) to advise the parent practitioner if the learner is not making reasonable progress in the programme and make recommendations to support the learner's progress.
- (3) In order to enable the Department to fully assess a learner in accordance with this section (1), the parent practitioner shall keep and maintain —
 - (a) the dates and times of instruction to the learner;
 - (b) a portfolio of the learner's work.

58. Termination of home schooling.

- (1) The Department may, in writing, terminate or modify a home education programme if the Department is of the opinion, based on the results of the assessment of a learner, that —
 - (a) the home education programme no longer meets the requirements of section 53(1); or
 - (b) the learner failed to meet the learning outcome, as measured by achievement testing.
- (2) The Director shall, in conjunction with the notice of termination, direct that the learner attend a school registered under this Act effective on the date specified in the notice of termination.
- (3) Where a parent disagrees with the decision of the Department made under subsection (1), the parent may appeal to the Minister within fourteen days of the decision.
- (4) Where an appeal is made pursuant to subsection (3), the decision of the Minister is final.

PART VIII – PROVISIONS RELATING TO TERTIARY EDUCATION

59. General duties of Minister in respect of tertiary education.

- (1) The Minister may establish institutions and cause adequate facilities to be secured for such institutions to provide —
 - (a) full-time and part-time education for learners over compulsory school age;
 - (b) leisure-time occupation in organized cultural training and recreational activities, for learners over compulsory school age;
 - (c) career, technical and vocational education.
- (2) Nothing in subsection (1) shall preclude the Minister from providing, outside of such institutions or in association with existing schools or other educational establishments, such special classes or courses for learners over compulsory school age as he may deem necessary from time to time with the purpose of providing physical, practical, career and technical vocational or academic training as will enable such learners to develop their various aptitudes and capabilities.
- (3) The Minister may make regulations with regard to the maintenance, governance and conduct of such institutions and as to the education given therein.

60. Use of word “university”, etc.

- (1) Unless otherwise authorized, no person shall —
 - (a) use the expression “university” in the description or title under which such person is conducting any college, school or other educational institution within The Bahamas;
 - (b) make, whether directly or indirectly, any representation in any letter, letterhead, circular, paper, notice or advertisement, or by any other means whatsoever whether similar to the foregoing or not, that such person is conducting a university within The Bahamas; or
 - (c) grant to, or confer upon, any person any degree, diploma or other academic distinction expressed or purporting to be a degree, diploma or other academic distinction granted or conferred by a university conducted within The Bahamas, unless such college, school, educational institution or university, as the case may be, shall have been incorporated either by charter or by or under some enactment regulating the establishment of a university in The Bahamas.
- (2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction —
 - (a) to a term of imprisonment not exceeding six months; or
 - (b) to a fine not exceeding twenty thousand dollars.

PART IX – MISCELLANEOUS

61. Power of Minister to obtain information relating to a private school or home school.

- (1) The Minister may require —
 - (a) the proprietor of any private school; or
 - (b) the parent practitioner of any home school,to afford him any information relating to the school for the purpose of administering this Act, and may require any such information to be given in writing either by the entry of particulars in a form supplied by the Minister or otherwise.
- (2) If a proprietor or parent practitioner fails to comply with any requirements imposed on him under subsection (1), he commits an offence and is liable on summary conviction —
 - (a) in the case of a first offence, to a fine not exceeding one thousand dollars; or

- (b) in the case of a second or subsequent offence, to a fine not exceeding two thousand dollars.
- (3) A person who gives false information pursuant to subsection (1), which he knows to be false or does not believe to be true, commits an offence and is liable on summary conviction to a fine not exceeding three thousand dollars.

62. Restriction of employment of a child.

- (1) Where the principal of a school at which a child attends is of the opinion that the employment of that child is prejudicial to his development or education as to render him incapable to obtain the full benefit of his development or education, the Minister may cause a notice in writing to be served upon the employer to —
 - (a) prohibit him from employing the child; or
 - (b) impose such restrictions upon the employment of the child as appear to be expedient in the interests of the child.
- (2) It shall be an offence for a parent practitioner to seek the approval to provide home schooling for his child for the purposes of keeping the child away from school to enable the child to engage primarily in employment or the care of another person.

63. Inspection of schools and tertiary institutions.

The Minister may cause inspections to be carried out at any or all schools at such time or times as the Minister deems necessary.

64. Minister may give assistance by means of scholarships, etc.

For the purpose of enabling a learner to take advantage of any educational opportunities, without hardship to himself or his parents, the Minister may, with the approval of the Minister of Finance and in accordance with the provisions of the Public Finance Management Act, authorize —

- (a) payment of the whole or any part of the fees and expenses payable to enable the learner to attend a school or participate in school activities for which fees are payable;
- (b) the grant of a scholarship, bursary or other allowance in respect of the learner over compulsory school age, including a learner undergoing training to be a teacher.

65. Department may partner with private entities to advance development of education.

- (1) The Department may, in assisting the Minister in carrying out his functions under this Act, partner with a private entity or body generally, to

advance the development of education and may in so doing receive on behalf of the education system —

- (a) monetary donations to defray expenses referred to in section 64;
 - (b) electronic and other equipment required in schools;
 - (c) educational resources as may be necessary for instruction or supporting the delivery of education;
 - (d) such other technical, professional or other support as may be needed.
- (2) The receipt of any funds pursuant to subsection (1) shall be in accordance with the Public Finance Management Act.

66. Expenses incurred in carrying out Act.

The expenses incurred in carrying out the provisions of this Act shall be paid out of such sums —

- (a) as Parliament may from time to time appropriate for such purpose;
- (b) as may be received in the form of donations in accordance with the provisions of the Public Finance Management Act.

67. Compliance with Public Finance Management Act.

The Minister shall have responsibility to act in accordance with the Public Finance Management Act, with regard to the Ministry and every department thereunder.

68. Notices.

Any notice required or authorised by this Act to be served upon any person may be served by —

- (a) delivering it to that person via electronic means;
- (b) leaving it at his usual or last known place of residence;
- (c) sending it in a prepaid letter addressed to him at that place.

69. General penalty.

Any person who —

- (a) fails to comply with any provision or requirement under this Act; or
- (b) contravenes any provision of this Act,

commits an offence and shall, where no penalty has been expressly specified herein, be liable on summary conviction for —

- (i) a first offence, to a fine of two thousand dollars; and
- (ii) a second offence, to a fine of five thousand dollars.

70. Regulations.

The Minister may, from time to time, make regulations for all or any of the purposes of this Act and without prejudice to the generality of the foregoing power, such regulations may relate to all or any of the following matters —

- (a) educational technology and innovation;
- (b) private schools and home-schooling;
- (c) the particulars, procedures and required notifications in respect of an application for the registration of all schools;
- (d) school districts, a district education office and school boards;
- (e) special and alternative schools and programmes for at-risk students;
- (f) the inspection, examination, discipline, routine, support and management of public and private schools and the learners;
- (g) the curriculum, syllabi, programmes and courses of instruction to be followed and examined in maintained schools, and the books and materials to be used in the implementation thereof;
- (h) the conditions of admission, attendance and expulsion at any public school;
- (i) the engagement, terms and conditions, training, duties and powers of teachers employed in public schools;
- (j) the duties and powers of officers in the service of the Department;
- (k) any fees to be paid in respect of examinations and education for which fees are payable;
- (l) the conduct of examinations on behalf of external examining bodies, and the fees to be paid by candidates for such examinations.
- (m) the conditions for the award of scholarships or bursaries;
- (n) the organization and management of a teachers' training programme, and the terms of service and discipline of students in training;
- (o) the minimum standards of achievement for the graduation of learners;
- (p) the maintenance of health and safety measures at all properties maintained by the Ministry;
- (q) a mechanism to provide for school based violence prevention, behavioural intervention, restorative practices, crisis response, and inter-agency collaboration;
- (r) governing the exercise of the power of the Minister to give assistance in accordance with section 64.

71. Annual report as to public schools.

- (1) The principal of every public school shall prepare and forward to the Ministry by the 1st March in each year, a report of the previous school year detailing generally the overall activities of the school and in particular—
 - (a) learners' attainments and achievements;
 - (b) school revenue and expenditure;
 - (c) staff and student attendance;
 - (d) school assets;
 - (e) any donations received by the school for the benefit of learners or teachers.
- (2) The Minister shall cause to be compiled an annual report of the previous school year, not later than the 30th day of June in any year and cause a copy of every such report to be laid on the table of both Houses of Parliament.

72. Savings and transitional provisions.

Any —

- (a) application made under the repealed Act that has not yet been determined shall be deemed to be an application made under this Act and shall be determined in accordance with this Act;
- (b) order made or notice issued under the repealed Act shall be preserved under this Act;
- (c) school registered under the repealed Act shall continue and be deemed to be registered under this Act;
- (d) person who has been disqualified under the provisions of the repealed Act shall be deemed disqualified under the provisions of this Act;
- (e) person serving as Director on the date of the coming into force of this Act shall continue in office on the same terms and conditions of his appointment under the repealed Act;
- (f) person serving as a member of NACE on the date of the coming into force of this Act, shall continue to serve, as if they had been appointed under this Act until the expiration of their term;
- (g) member of a duly elected School Board shall remain in office and continue to exercise his powers and functions until the next scheduled elections are held and a newly elected Board has been duly constituted.

73. Repeals.

The —

- (a) Education Act (*Ch. 46*)¹; and
 - (b) Central Advisory Council for Education Rules (*Sub. Vol. Ch. 46 – p. 3*);
- are hereby revoked.

OBJECTS AND REASONS

This Bill seeks to repeal and replace the Education Act, 1962 (*No. 15 of 1962*), and to revoke the Central Advisory Council for Education Rules (*Sub. Vol. Ch. 46 – p. 3*) and to reflect the present and future trends and developments in education addressing new areas and expansions in the sector.

The Bill consists of IX Parts. Part I of the Bill provides for the purpose, interpretation and application of the Bill.

Part II of the Bill provides for the classifications of schools, the four stages of the education system and the categories of schools.

Part III of the Bill provides for *inter alia*, the duties and powers of the Minister, the Department of Education, School Districts and School Boards, and the National Advisory Council for Education.

Part IV of the Bill provides for *inter alia*, compulsory school age, school attendance, the curriculum and instruction and learning outcomes.

Part V of the Bill makes specific provisions for public schools. Part VI of the Bill makes specific provisions for private schools.

Part VII of the Bill makes specific provisions for home schooling. Part VIII of the Bill makes provisions for tertiary education.

Part IX of the Bill provides for miscellaneous matters.

¹No. 15 of 1962.