

VIRGIN ISLANDS

EDUCATION (AMENDMENT) ACT, 2014

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. General amendments.
3. Section 2 amended.
4. Section 7 amended.
5. Section 10 amended.
6. Section 17 amended.
7. Section 22 amended.
8. Section 23 amended.
9. Section 26 repealed.
10. Section 28 amended.
11. Section 31 amended.
12. Section 32 amended.
13. Heading amended.
14. Heading inserted.
15. Section 50 amended.
16. Heading amended.
17. Section 55 repealed and replaced.
18. Section 60 amended.
19. Section 62 amended.
20. Heading amended.
21. Section 64 repealed.
22. Section 65 repealed and replaced.
23. Section 66 amended.
24. Section 67 amended.
25. Section 68 amended.
26. Section 69 repealed and replaced.
27. Division of 2 of Part 3 repealed.
28. Section 78 amended.
29. Heading amended.
30. Heading amended.
31. Section 84 amended.
32. Section 85 amended.
33. Section 89 amended.

34. Section 92 amended.
35. Section 121 amended.
36. Section 122 amended.
37. Section 131 amended.
38. Section 132 amended.
39. Section 143 amended.
40. Section 147 amended.
41. Section 148 amended.
42. Section 151 amended.
43. Section 153 repealed and replaced.
44. Section 170 amended.
45. Second Schedule amended.

I Assent

**(Sgd.) Boyd McCleary, CMG, CVO,
Governor**

26th June, 2014

VIRGIN ISLANDS

No. 8 of 2014

An Act to amend the Education Act, (No. 10 of 2004).

[Gazetted 17th July, 2014]

ENACTED by the Legislature of the Virgin Islands as follows:

- Short title. **1.** This Act may be cited as the Education (Amendment) Act, 2014.
- General
amendments.
No. 10 of 2004 **2.** The Education Act, 2004 (referred to in this Act as “the principal Act”) is amended
- (a) by replacing the words “Executive Council” wherever they occur with the word “Cabinet”;
 - (b) by replacing the words “Legislative Council” wherever they occur with the words “House of Assembly”;
 - (c) by replacing the words “school attendance officer” wherever they occur with the words “truancy officer”;
 - (d) by replacing the word “Technological” wherever it occurs with the word “Technical”;
 - (e) by replacing the words “Juvenile Act” wherever they occur with the words “Children and Young Persons Act, 2005” and the marginal note with the words “No.8 of 2005”;
 - (f) in sections 34, 122 and 148(1)(k) by replacing the words “Director of Health Services” with the words “Chief Medical Officer”; and
 - (g) in sections 57(4), 58(1), 66, 67, 68(2), 70, 78, 93, 146(1)(v), 156(2), 159(2)(b) by replacing the words “Board of Management” wherever they occur with the words “School Management Committee”.

3. Section 2 of the principal Act is amended by

- (a) inserting alphabetically, the following definitions:

““Assisted Private School” means a private school established in accordance with PART 5, DIVISION 3;

“Deputy Chief Education Officer” means a public officer holding such post in the Public Service of the Territory;

“early childhood education” means education and care suited to the requirements of a child under eight years of age provided either within a primary school or in an early childhood education facility specially designed for that purpose;

“Education Officer” means a public officer holding such post in the public service of the Territory;

“member of the staff”, in relation to a school, means a teacher who works at the school and any other person who, with the authority of the principal, has lawful control or charge of students at the school;”.

- (b) in the definition of “compulsory school age” by replacing the words “sixteen years” with the words “seventeen years”; and
- (c) in the definition of “early childhood education” by replacing the words “five years” with the words “eight years”.

4. Section 7 of the principal Act is amended

- (a) by replacing subsection (1) with the following new subsections:

“(1) The Governor, acting in accordance with the provisions of section 92 of the Constitution, shall appoint

- (a) a suitably qualified person to be the Chief Education Officer who shall be the chief technical and professional adviser to the Minister; and
- (b) such Deputy Chief Education Officers and such other Education Officers to assist the Chief Education Officer as are necessary for the needs of the Education System.

(2) The Chief Education Officer is, subject to section 4 and the directions of the Minister, responsible for the general administration of this Act.”.

- (b) in the marginal note, by replacing the words “Duties of Chief Education Officer” with the words “Appointment of Chief Education Officer, Deputy Chief Education Officers and Education Officers”.

(c) by renumbering subsection (2) as subsection (3).

Section 10 amended. **5.** Section 10 of the principal Act is amended

(a) by replacing subsection (2) with the following:

“(2) The Education Advisory Board shall comprise the following:

- (a) the President of the H. Lavity Stoutt Community College or in the absence of the President the Vice President;
- (b) six persons from among persons representing
 - (i) expert educational opinion;
 - (ii) parent teacher associations;
 - (iii) technical, vocational or business education;
 - (iv) organisations concerned with community development;
 - (v) the religious community;
 - (vi) the business community;
 - (vii) the legal community.
- (c) two Principals from either the primary or secondary level;
- (d) a representative of the sister islands;
- (e) one representative from a duly recognised organisation representing teachers.”.

(b) by replacing subsection (3) with the following:

“(3) The Education Advisory Board shall be appointed by the Minister, by instrument in writing, with the approval of Cabinet.”.

(c) by deleting subsections (4) and (5), and renumbering subsection (6) as subsection (4).

Section 17 amended. **6.** Section 17 of the principal Act is amended by replacing subsection (2) with the following:

“(2) Notwithstanding subsection (1),

- (a) tuition fees may be payable in such amounts, for such purposes and by such persons as the Minister may prescribe by Order published in the *Gazette*;
- (b) other charges, such as book loan fees and lab fees may be imposed at a public school or assisted private school, with the approval of the Minister.”.

7. Section 22 of the principal Act is amended by replacing the words “any other educational programme” with the words “any other approved educational programme”. Section 22 amended.

8. Section 23 of the principal Act is amended Section 23 amended.

- (a) by replacing subsection (1) with the following:

“(1) Every principal shall establish and maintain a student record, in print, electronic or any other form approved by the Minister, for each student enrolled in the school managed by the principal.”;

- (b) in subsection (2), by inserting after the words “termly report” the words “ which may be by print, electronic or any other form approved by the Minister”;
- (c) by deleting subsection (3);
- (d) by renumbering subsections (4) to (10) as subsections (3) to (9), respectively;
- (e) in subsection (7) so renumbered, by replacing the words “ subsection (7)” with the words “subsection (6);
- (f) in subsection (8) so renumbered, by replacing the words “ subsection (8)” with the words “subsection (7)”; and
- (g) in subsection (9) so renumbered, by replacing the words “ subsection (5)” with the words “subsection (4)”.

9. Section 26 of the principal Act is repealed. Section 26 repealed.

10. Section 28 of the principal Act is amended in subsection (1), by replacing the words “sixteen years” with the words “seventeen years”. Section 28 amended.

11. Section 31 of the principal Act is amended by deleting subsection (4). Section 31 amended.

12. Section 32 of the principal Act is amended Section 32 amended.

- (a) in subsection (2)(a) by,

- (i) replacing subparagraph (iii) with the following:

“(iii) the name, telephone number (if any), email address (if any) and residence of the student's parent;”; and

(ii) replacing the words “standard, class or form” wherever they occur with the word “grade”;

(b) in subsection (2)(b)(iii), by replacing the words “standard, class or form” with the word “grade”.

Heading amended.

13. The heading “COMPULSORY SCHOOL ATTENDANCE AND SCHOOL GUIDANCE COUNSELLING” appearing after section 37 of the principal Act is amended by deleting the words “AND SCHOOL GUIDANCE COUNSELLING”.

Heading inserted.

14. The principal Act is amended by inserting the following heading immediately after section 49:

“Division 5
SCHOOL GUIDANCE COUNSELLING”.

Section 50 amended.

15. Section 50 of the principal Act is amended by

(a) deleting the word “and” after paragraph (e);

(b) deleting the full stop after paragraph (f) and inserting the following words “;and”;

(c) inserting the following new paragraph immediately after paragraph (f) :

“(g) assisting in the development of individual education plans (IEPs) for students with special needs .”.

Heading amended.

16. The heading appearing immediately after section 53 of the principal Act is amended by replacing the words “Division 5” with the words “Division 6”.

Section 55 repealed and replaced.

17. Section 55 of the principal Act is repealed and replaced with the following:

“ Students not to be subjected to degrading punishment.

“**55.** In the enforcement of discipline in public schools, assisted private schools and private schools degrading or injurious punishment shall not be administered.”.

Section 60 amended.

18. Section 60(1) of the principal Act is amended in paragraph (g) by inserting the words “, deputy principal” after the words “the principal”.

Section 62 amended.

19. Section 62 of the principal Act is amended by deleting subsection (4).

Heading amended.

20. The heading:

**“PART 3
ADMINISTRATION OF SCHOOLS
DIVISION 1
MANAGEMENT OF PUBLIC PRIMARY SCHOOLS”**

appearing after section 63 of the principal Act is amended by deleting the word “PRIMARY”.

21. Section 64 of the principal Act is repealed.

Section 64
repealed.

22. Section 65 of the principal Act is repealed and replaced with the following:

Section 65
repealed
and
replaced.

“Management of public schools. **65.** All schools that are public schools shall be under the control of the Minister.”.

23. Section 66 of the principal Act is amended

Section 66
amended.

(a) in subsection (1) by deleting the words “primary school that is a”;

(b) in subsection (2) by

(i) replacing the words “primary school” with the words “public school”;

(ii) replacing the words “single Board” with the words “single Committee”.

24. Section 67 of the principal Act is amended in subsection (1), by replacing the opening paragraph with the following:

Section 67
amended.

“(1) A School Management Committee appointed under section 66 shall consist of not less than seven and no more than nine members as follows: ”.

25. Section 68 of the principal Act is amended

Section 68
amended.

(a) by replacing subsection (1) with the following:

“(1) Subject to subsection (2), a School Management Committee appointed under section 66 shall

(a) advise the school's principal when requested or whenever it considers it necessary on any matter for the benefit of the students and their parents and to provide or cause to be provided an appropriate education for each student at the school for which that Committee has responsibility;

(b) uphold, and be accountable for so upholding the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school, and at all times act in accordance with this Act or Regulations made under this Act or other such instrument relating to the establishment or operation of the school;

- (c) prepare reports, information, and perform any duties as may be required under this Act, its Regulations and guidelines, or by the Minister;
- (d) review, modify if necessary, and approve the school plan prepared by the school administration for each school operated by it after consultation with the Minister or the Chief Education Officer;
- (e) establish policies for the administration, management and operation of the school in collaboration with the principal which it considers appropriate, including policies concerning
 - (i) participation in the school;
 - (ii) dress code;
 - (iii) expulsion and suspension of students and other punishments;
 - (iv) admission of and participation by students with disabilities or who have other special education needs, and ensure that as regards that policy principles of equality and the right of parents are respected; and
 - (v) such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerned, are complied with;
- (f) analyse the progress of the school through investigation of
 - (i) student progress;
 - (ii) order among and discipline of students;
 - (iii) the system of instruction;
 - (iv) mode of keeping school records; and
 - (v) conditions of buildings and premises;
- (g) in consultation with the Chief Education Officer, the principal and staff, establish a procedure for resolving disputes between schools, parents and teachers;
- (h) have regard to

- (i) the efficient use of resources and in particular, the efficient use of grants provided;
- (ii) the public interest in the affairs of the school; and
- (iii) accountability to students, parents, staff and the community served by the school; and

(i) generally exercise any other function conferred on it by this Act or the regulations.”.

(b) in the marginal note, by replacing the words “primary school” with the words “public schools.”

26. Section 69 of the principal Act repealed and replaced with the following:

“Submission of reports.

69. Every School Management Committee shall, after consultation with the principal, submit to the Chief Education Officer, within one month after the end of the school year, a report containing information on the following:

- (i) the discipline of students;
- (ii) the attainment levels of the students;
- (iii) the application of the curriculum;
- (iv) the condition of the school and the maintenance of its property;
- (v) student attendance; and
- (vi) generally, any matter which directly or indirectly affects the school and its development.”.

Section 69 repealed and replaced.

27. The principal Act is amended by repealing in Part 3, Division 2 consisting of sections 71 to 77, not inclusive of section 78.

Division 2 of Part 3 repealed.

28. Section 78 of the principal Act is amended

Section 78 amended.

(a) by replacing the words “sections 66 and 73 are,” with the words “section 66 is,”;

(b) in the marginal note, by replacing the word “Board” with the word “Committee”.

29. The heading appearing immediately after section 78 of the principal Act is amended by replacing the words “Division 3” with the words “Division 2”.

Heading amended.

30. The heading appearing immediately after section 82 of the principal Act is amended by replacing the words “Division 4” with the words “Division 3”.

Heading amended.

- Section 84 amended. **31.** Section 84 of the principal Act is amended by replacing subsection (1) with the following:
- “(1) Subject to subsection (2), the system of public education shall be in the following stages:
- (a) pre-primary education;
 - (b) primary education;
 - (c) secondary education; and
 - (d) tertiary education.”.
- Section 85 amended. **32.** Section 85(1) of the principal Act is amended by replacing the words “five years” with the words “eight years”.
- Section 89 amended. **33.** Section 89(3) of the principal Act is amended in paragraph (d) by inserting the words “, or any appropriate curriculum from an approved institution” after the words “under part 8”.
- Section 92 amended. **34.** Section 92(6) of the principal Act is amended by inserting the word “in” before the word “compliance”.
- Section 121 amended. **35.** Section 121 of the principal Act is amended by inserting after the word “regulations” the words “and any other information required by the Minister”.
- Section 122 amended. **36.** Section 122 of the principal Act is amended by replacing the words “Public Health Department” with the words “Ministry of Health”.
- Section 131 amended. **37.** Section 131 of the principal Act is amended in paragraph (e) by replacing the word “Minister” with the words “Chief Education Officer”.
- Section 132 amended. **38.** Section 132 (1) of the principal Act is amended in paragraph (d) by inserting the words “or his designate” after the words “Chief Education Officer”.
- Section 143 amended. **39.** Section 143 (1) of the principal Act is amended by replacing the words “or deputy principal” with the words “, deputy principal or assistant principal”.
- Section 147 amended. **40.** Section 147 of the principal Act is amended
- (a) in subsection (1), by inserting
 - (i) the words “or assistant principal” after the words “deputy principal”;
 - (ii) the words “where applicable,” immediately after the word “teacher,”;
 - (b) in subsection (2) by inserting the words “or assistant principal” after the words “deputy principal”;
 - (c) in the marginal note, by inserting the words “Assistant Principal” after the words “Deputy Principal”.

- 41.** Section 148 of the principal Act is amended in subsection (1), Section 148 amended.
- (a) by replacing paragraph (j) with the following:
- “(j) attend meetings of the School Management Committee or the Parent Teacher Association for the school when requested by the relevant body to do so;
- (b) by replacing paragraph (m) with the following:
- “(m) prepare the school's operations and maintenance budget, where applicable;”.
- 42.** Section 151 of the principal Act is amended in subsection (1) (d), by replacing the words “sixteen years” with the words “seventeen years”. Section 151 amended.
- 43.** Section 153 of the principal Act is repealed and replaced with the following: Section 153 repealed and replaced.
- “Curriculum unit. **153.** (1) For the purpose of creating and revising the national curriculum from time to time, the Minister shall constitute a Curriculum Unit to develop curricula and syllabi for the core and foundation subjects of all public schools.
- (2) The curriculum unit shall comprise the following:
- (a) a Director;
- (b) Education Officers of the Ministry with subject specialisation;
- (c) members of the teaching profession with expertise in the subject when necessary and to be determined by the Director; and
- (d) other persons, including parents, having relevant knowledge or experience in the subject as required.
- (3) The Director shall coordinate the work of the Unit and ensure the testing and implementation of the recommended curricula or syllabi in the school system.”.
- 44.** Section 170 (3) of the principal Act is amended in paragraph (a) by replacing the words “Director of Health” with the words “Ministry of Health”. Section 170 amended.
- 45.** The Second Schedule to the principal Act is amended by replacing paragraph 1 with the following: Second Schedule amended.
- “1. In this Schedule a reference to “Board” shall be construed as a reference to
- (a) a School Management Committee, in the case of Public Schools; and

- (b) the Board of Management, in the case of Assisted Private Schools.”.

Passed by the House of Assembly this 13th day of June, 2014.

(Sgd.) Ingrid Moses-Scatliffe
Speaker.

(Sgd.) Joann Vanterpool,
Acting Clerk of the House of Assembly.