Education Regulations

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Education Regulations

made under section 22

Citation

1. These regulations may be cited as the Education Regulations.

PART I.—GRANTS

2. A grant made to a school in accordance with the provisions of Part VI of the Act shall be subject to the following conditions—
(a) that the title to the land upon which the school is situated is proved to the satisfaction of the Lands Officer;
(b) that the owner of the school has the power of appointment and dismissal of teachers in the school;
(c) that no pupil shall receive any religious instruction or be required to be present when such instruction is given or at religious worship if the parents or guardians of such pupil object thereto and state their objections either orally or in writing to the head teacher or owner of the school;
(d) that the Minister is satisfied that the school is fulfilling an educational need of the community;
(e) that the school does not yield a profit to the owner and that the income of the school is applied solely for the purposes of the school:

Provided that where a school complies with all the provisions of the Act and of these regulations applicable to assisted schools, the Minister may approve the transfer of a portion of the surplus funds standing to the credit of such school to any other school under the same ownership approved by him without the school to which the grant has been made being subjected to any disqualification regarding grants;
(f) that the provisions of the Act and of these regulations applicable to assisted schools be complied with in respect of that school;
(g) that no pupil be refused admission to the school on religious grounds, or other than on reasonable grounds;
(h) that the instruction in the school is according to a syllabus approved by the Director;
(i) that any teacher whose salary is to be met by the grant is paid at the scale of salary applicable to a teacher in a Government school with similar qualifications, and is at the proper incremental point in that scale.

3. Where a school is assisted by a grant, it shall not be struck from the list of assisted schools nor shall the amount of the grant be reduced unless the owner of the school has received notification to that effect not less than six months prior to the date upon which the next grant is due to be paid.
4. A grant, the amount of which shall be in the discretion of the Minister, may be made towards the cost of building a new school or of enlarging, improving or repairing an existing school subject to the following conditions—

(a) the plans and estimates shall have been approved by the Director and the title to the land upon which the school is to be erected or is situated, as the case may be, is proved to the satisfaction of the Lands Officer;

(b) the Director shall be satisfied that a school is required at the place proposed and that it is likely to be conducted efficiently, or that the proposed enlargements, improvements or repairs are necessary and desirable and will add to the efficiency of the school, as the case may be;

(c) the grant shall not be paid until the presentation of a certificate, with balance sheet and vouchers attached, that the building operations have been completed to the satisfaction of the Director of Technical Services or his duly authorised representative, and that the grant with the money in hand will not exceed the total cost of the building operations:

Provided that, in special circumstances, one or more instalments of the grant may be paid prior to the completion of the building operations subject to such conditions as may be imposed:

Provided further that where it is not possible to produce vouchers for all payments the amount of the grant may, with the approval of the Director be paid on a valuation made by the Director of Technical Services or his duly authorised representative;

(d) applications shall be made before the first day of July in any year in respect of grants relating to building operations which it is proposed to execute during the year next following;

(e) the buildings which are the subject of a grant shall not be used for other than educational purposes, unless the Director otherwise permits:

Provided that the Director shall not unreasonably withhold his permission for the use of such buildings outside normal school hours for purposes beneficial to the community; and

(f) the school shall be conducted in accordance with the provisions of the Act and of these regulations applicable to assisted schools.
5. The owner of a school may, if he considers that his school has been wrongly refused admission to, or removed from, the list of assisted schools, appeal in writing to the Minister within thirty days of such refusal or removal.

PART II.—ADMISSION, TRANSFER, ATTENDANCE, FEES AND DISCIPLINE IN THE CASES OF GOVERNMENT SCHOOLS, ASSISTED SCHOOLS AND LOCAL AGREEMENT SCHOOLS

6. The provisions of this Part of these regulations shall apply to all Government, assisted and local agreement schools.

7. Every pupil on being admitted to a school shall have his name entered in the Admission and Class Registers together with such particulars as may be required, and shall produce a birth certificate or equivalent document if called upon so to do by the teacher in charge of the school.

8. No child shall be refused admission to any school solely on account of his religious creed, or race or class:

Provided that in local agreement schools when and if applications for admission exceed the number of pupils who may be received, preference may be given to children of the particular denominational group for which the school caters.

9. (1) Where a pupil applies for admission to a school after he has left another school, he shall not be admitted without a Transfer Certificate, except with the express approval of the Director.

(2) The teacher in charge of a school shall give to every pupil leaving the school with a view to applying for admission to another school a Transfer Certificate in such form as may be prescribed by the Director:

Provided that the teacher in charge may withhold such certificate until such time as all fees due in respect of such pupil have been paid.

(3) Where any teacher in charge refuses to issue a Transfer Certificate, he shall immediately report his refusal and the reasons therefor to the Director.

10. (1) The Class Register for each class shall be marked and finally closed within thirty minutes after the beginning of the period constituting an attendance.
(2) The period constituting an attendance may include an interval for recreation of not more than fifteen minutes duration.

(3) If any pupil marked in the Class Register as being in attendance withdraws from the school before the expiration of the period constituting an attendance, the entry of attendance must be immediately cancelled.

(4) If any pupil has not attended school for twenty-eight consecutive days without a medical certificate his name shall be struck off the register and if he subsequently returns he shall be treated as a new applicant for admission.

(5) No attendance shall be reckoned in any school or class in respect of any child under five years of age.

11. Every school shall meet for secular instruction for at least three hundred and eighty sessions in any one year, each morning and afternoon period being reckoned as a separate session.

12. (1) School terms and vacations shall be such as are approved by the Director.

(2) One day in every week shall be observed as a school holiday such day to be appointed by the owner and notified to the Director.

(3) All public holidays shall be observed as school holidays.

13. Except in the case of local agreement schools, for which special provisions are hereinafter in these regulations made, the fees payable in respect of pupils shall be in accordance with such scale or scales as may be approved by the Director.

14. Where an epidemic of any disease occurs among the pupils of a school, the Director shall be notified as soon as possible, and in any case of serious disorganization resulting from any such epidemic, the Director may make such adjustment of the requirements of this Part of these regulations as he may deem proper having regard to all the circumstances.

15. (1) Firm discipline shall be maintained and enforced in all schools, but all degrading or injurious punishments are prohibited, and no child shall receive corporal punishment of any form whatsoever save as is hereinafter in this regulation provided.

(2) Corporal punishment may be administered by the teacher in
charge only, or by an assistant teacher in the presence of the teacher in charge and under his direction and on his responsibility.

(3) A female pupil shall not receive corporal punishment save in the most exceptional circumstances and then only at the hands of a female teacher and on her responsibility.

(4) All cases of corporal punishment shall be recorded in a book provided for that purpose.

PART III.—SPECIAL PROVISIONS RELATING TO LOCAL AGREEMENT SCHOOLS IN BANJUL

16. The provisions set out in regulation 17 of these regulations shall apply to the Primary Schools Management Board and to Management Committees established under Part VII of the Act.

17. (1) The Board (unless all the religious authorities opt for the appointment of Management Committees) and every Management Committee shall meet not less than once in every four months:

Provided that the Chairman may convene additional meetings whenever he considers it necessary so to do:

Provided further that the Chairman shall convene an additional meeting at any time when so requested in writing by not less than one half of the members of the Board of the Management Committee, as the case may be.

(2) Where in carrying out the functions of the Board or of a Management Committee there is an insoluble difference of opinion on a serious issue among the members of the Board or of the Management Committee, as the case may be, the Minister, after hearing the opinions of the members, shall give his decision, which shall be final.

(3) The general functions of the Board (unless all its powers of management are being exercised by Management Committees) and of every Management Committee, regarding the school or group of schools with which they are concerned, shall be—

(a) to propose or advise upon the appointment of teachers;

(b) to propose or advise upon the transfer, promotion or discipline of teachers;

(c) to determine, before a fixed date in every year, the estimated cost of works, repairs and furnishings which they consider necessary;
(d) to make such recommendations and suggestions as they may desire to make regarding syllabus and textbooks;
(e) to arrange that one or more of their members shall visit at least once a month the school or schools with which they are concerned for the purpose of checking and initialing Attendance Registers and fee books:
Provided that any such member may visit any school at any time, such visits being entered in the log book of the school;
(f) to fix dates for terms, vacations and holidays;
(g) to make decisions regarding the admission of pupils to schools in consultation with the Director and in accordance with the policy of Government;
(h) to be responsible for cleaning and maintenance of school premises;
(i) to be generally responsible for the management of the school or schools with which they are concerned:
Provided that no member of the Board or Management Committee, as the case may be, shall exercise any direct authority over any teacher appointed by the Government.

(4) If all religious authorities have opted for the appointment of Management Committees and the Board has therefore no managerial functions the Board itself shall, notwithstanding, meet not less than once a year for the purpose of discussing matters of common interest.

18. (1) In local agreement schools tuition fees in—
(a) classes up to Primary 6 shall be at the rate of five dalasis per annum, payable terminally in advance at the rate of two dalasis for the first term, and one dalasi and fifty bututs for each subsequent term in any year; and
(b) secondary classes, that is to say classes above Primary 6, shall be at the rate of thirty dalasis per annum, payable in advance at the rate of ten dalasis per term.

(2) Any pupil whose fees are not paid by the first day of the month following the first day of term shall be refused admission until payment is made.

(3) If the fees of any pupil are more than one month in arrears, the name of such pupil shall be struck off the School Register, and
he shall not be re-admitted without the arrears of fees having been paid.

(4) Fees shall be collected at the school by teachers and brought into account in accordance with such instructions as may from time to time be given by the Director.

19. Pupils who are the children of or under the care of necessitous parents or guardians or who are orphans may be exempted from the payment of school fees in whole or in part, and such pupils may be nominated by the teacher in charge of the school after consultation with the Board of Management Committee as the case may be:

Provided that the number of fee exempted pupils in any primary school shall not exceed four per centum and in any secondary school shall not exceed ten per centum the total nominal roll of the school, or such other special percentage as may be approved by the Minister.

PART IV.—RECORDS, RETURNS AND BOOKS

20. (1) At every Government, assisted and local agreement school, the teacher in charge shall keep—

(a) a register of admissions and withdrawals;
(b) a register of attendances and school fees:
(c) a log book, in which shall be entered such events as the introduction of new books, apparatus and courses of instruction, plans of lessons approved by the Director, any report on the school by an Education Officer, absence, illness or dereliction of duty of any member of the staff, or any other circumstance affecting the school which may be considered worthy of record, and no entry shall be made in the log book save by the owner or the teacher in charge, and the book shall be produced when so required by any inspecting officer;
(d) a cash book showing every item of receipt and expenditure, entries in which may be made either by the owner or by the teacher in charge as the former shall decide;
(e) the Education Act and all amendments thereto, and all regulations made thereunder and in force for the time being;
(f) a school time table approved by the Director;
(g) diaries of work in respect of each member of the staff;
(h) a visitor's book;
21. (1) The owner of an assisted school shall, in the months of January and July in each year, furnish to the Director in such form as the Director may specify, a return showing all changes of staff during the preceding six months.

(2) The owner of an assisted school and the teacher in charge of a Government or local agreement school shall, at such times as may be required, furnish to the Director additional returns which shall be in such form, and shall contain such particulars as the Director may from time to time specify.

(3) The owner of an assisted school shall, in January in each year, furnish to the Director a detailed account, certified as being correct, of the incoming and expenditure of the school.

22. (1) At every private school the teacher in charge shall keep records similar to those prescribed in regulation 20 of these regulations, save that a cash book need not be kept.

(2) The owner of a private school shall furnish to the Director such return or returns in such form and containing such particulars as the Director may from time to time specify.

PART V.—TEACHERS AND STAFF

23. The Register shall provide for the following categories of teacher—

(a) graduate teacher;

(b) qualified teacher;
(c) vocational teacher;
(d) unqualified teacher;
(e) pupil teacher.

24. (1) A person shall not be eligible to be enrolled on the Register—

(a) as a graduate teacher unless he holds a degree granted by a recognized University;
(b) as a qualified teacher unless he holds a teaching certificate issued by the Director or a recognized diploma or certificate issued by a recognized institution or authority;
(c) as a vocational teacher unless he possesses such technical and educational qualifications as are considered adequate by the Director in his discretion;
(d) as an unqualified teacher unless he holds the Cambridge school certificate, the West African school certificate, the school certificate of the West African Examinations Council or any other certificate recognized for the purpose:

Provided that a person who—

(i) is over sixteen years of age;
(ii) has been recommended by an owner or by a head teacher; and
(iii) is in possession of a Standard VII school leaving certificate, or has successfully completed Form IV in a recognized secondary school, and has in either case subsequently taught for not less than two years in a recognized school, shall be eligible to be so enrolled as an unqualified teacher;

(e) as a pupil teacher unless he holds a Standard VII school leaving certificate, or has successfully completed Form IV in a recognized secondary school.

(2) Notwithstanding anything contained in paragraph (1) of this regulation, an honorary teacher’s certificate may be granted by the Director after consultation with any appropriate authority to any unqualified teacher who—

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(i) has taught for not less than fifteen years in any recognised school; and

(ii) has been recommended for the award of such certificate on the grounds of ability and good character.

(3) In this regulation the word ‘recognized’ means recognized and approved by the Director in his discretion.

25. Subject to the provisions of these regulations, the Register shall be in such form as the Director may determine.

26. (1) Application for enrolment on the Register shall be made by the applicant personally in such form as may be required.

(2) Notwithstanding anything contained in these regulations the Director may refuse to enrol any person on the Register if he is satisfied that the applicant is not a fit and proper person to be a teacher.

(3) Any person aggrieved by the refusal of the Director to enrol him on the Register under the provisions of paragraph (2) of this regulation may within thirty days of such refusal appeal in writing to the Minister.

27. (1) The Director may remove from the Register the name of any teacher who—

(a) has been convicted of a criminal offence; or

(b) is guilty of grave or repeated misconduct:

Provided that in the latter case the teacher shall have been given an opportunity of exculpating himself:

Provided further that any teacher whose name has been removed from the Register under the provisions of this regulation may at any time apply to the Director for the re-instatement of his name in the Register.

(2) The Director shall give notice in the Gazette of the removal from the Register of the name of a registered teacher within one month of the date of such removal.

(3) Any person aggrieved by the removal of his name from the Register may within thirty days of such removal appeal in writing to the Minister.
28. (1) The Director may suspend a teacher from teaching in any school where—

(a) he is considering whether the name of such teacher be removed from the Register under the provisions of regulation 27 of these regulations; or

(b) he is satisfied that such teacher has committed any misconduct which in his opinion is not of sufficient gravity to justify the removal of such teacher’s name from the Register:

Provided that no period of suspension under sub-paragraph (b) of this paragraph shall exceed six months.

(2) During the period of any suspension under the provisions of this regulation a suspended teacher may be paid such portion of his salary, not being less than half, as the Director shall think fit.

(3) In this regulation the word “suspension” shall mean suspension from teaching.

29. In Government and local agreement schools teachers, shall be Government servants and shall, save in so far as special provision is otherwise made in the Act or in these regulations, be subject to The Gambia General Orders, and Financial Instructions.

30. In assisted schools where salaries are paid by the Government, the owner shall, regarding the appointment, transfer or dismissal of teachers, first obtain the approval of the Director and shall take into account any representations which he may make.

31. (1) A teacher who desires to resign his appointment shall, unless he has a written contract which provides otherwise, give not less than one month’s notice in writing, in the case of Government and local agreement schools through the teacher in charge to the Director, and in the case of assisted schools to the owner.

(2) Save in cases of dismissal where the appointment of a teacher is to be terminated, such teacher shall receive not less than one month’s notice in writing from the Director or from the owner of the school as the case may be.

32. (1) A teacher in a Government, assisted or local agreement school shall not be entitled to leave of absence on full pay save during the prescribed vacations and holidays.

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(2) Absence without leave shall render a teacher liable to forfeiture of salary for the period of absence, or to a fine or to dismissal, due regard being given to all the circumstances of the case.

33. A teacher in an assisted school shall not engage in any trade, business or other occupation which is of such a nature that it interferes with his duties as a teacher.

34. (1) By agreement with the Director, suitably qualified expatriate headmistresses may be employed in local agreement primary girls’ schools, and their salaries, which shall be according to Gambian salary scales, shall be paid by Government.

(2) The appropriate religious authority shall be responsible for the housing, passages, leave and any emoluments other than the salary of any headmistress appointed under the provisions of this regulation.

(3) Any headmistress employed under the provisions of this regulations shall be deemed to be seconded to Government while so employed in The Gambia.

35. Every teacher shall always be in school ten minutes before the time fixed for the admission of pupils.

PART VI.—CURRICULA

36. The provisions of this Part of these regulations shall apply to Government, assisted, and local agreement schools.

37. Schools and departments of schools shall be of the following categories—

(a) Primary schools, and primary departments of schools;
(b) Secondary modern schools or classes;
(c) Secondary grammar schools.

38. The minimum subjects of instruction shall be—

(a) Primary schools and primary departments of schools—
1. Speech training, dictation, conversation, oral and written composition, recitation, correct usage and reading in English.
2. Handwriting.
3. Arithmetic.
4. Religious and moral instruction.
5. Rural science, nature study and gardening where practicable.
6. Domestic subjects and needlework where practicable.
7. History and citizenship.
8. Geography.
9. Drawing and colour work.
10. Handicrafts suited to the age and sex of the pupils and to the locality.
11. Physical education, organized games and dancing.
13. Health education and practical hygiene.

(b) Secondary modern schools or classes—
1. English reading, writing and conversation including literature and speech training.
3. Geography.
4. History and civics.
5. Elementary science or nature study.
7. Rural science.
8. Arts and crafts.
9. Practical gardening or farming.
11. Domestic science.

(c) Secondary grammar schools—
1. English language and literature.
2. History.
3. Geography.
5. Classical and modern languages.
6. Natural science.
7. Handicrafts.
8. Domestic subjects.

PART VII.—MISCELLANEOUS

39. There shall be not less than—
(a) one teacher for every forty pupils or fraction of such number in any primary school or in any primary department of a school;
(b) one teacher for every thirty-six pupils or fraction of such number in any secondary modern school;
(c) one teacher for every thirty pupils or fraction of such number in any secondary grammar school.

40. No school shall be placed in the charge of an unqualified teacher or pupil teacher except with the written permission of an education officer who shall grant such permission only in exceptional circumstances and for a temporary period.