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CHAPTER 247

THE EDUCATION (PRE-PRIMARY, PRIMARY AND
POST-PRIMARY) ACT

Commencement: 29 August, 2008

An Act to provide for the development and regulation of pre-primary, primary and post-primary education and training and for related matters.

PART I—PRELIMINARY

1. Application of Act

(1) This Act shall not apply to universities and other tertiary institutions.

(2) The Minister may, by statutory instrument, with the approval of Cabinet, exempt an education institution from the application of this Act.

2. Object of Act

The object of the Act is—

- (a) to give full effect to the education policy of Government and functions and services by Government;
- (b) to give full effect to the decentralisation of education services;
- (c) to give full effect to the Universal Primary Education Policy of Government;
- (d) to give full effect to the Universal Post-Primary Education and Training Policy of Government;
- (e) to promote partnership with the various stakeholders in providing education services;
- (f) to promote quality control of education and training; and
- (g) to promote physical education and sports in schools.

3. Interpretation

In this Act, unless the context otherwise requires—

“authority” means a district council, city council, city division council, municipal council, municipal division council, town council, division council or subcounty council;

“basic education” means the minimum education package of learning made available to each individual or citizen through phases of formal primary education or through the non-formal education system, to enable him or her be a good and useful person in society;

“board” means a Board of Governors of a school;

“Chairperson” means a Chairperson of the Management Committee or Board of Governors;

“Chief Administrative Officer or Town Clerk” means a person appointed by the Public Service Commission to be the executive head of a district or municipal council;

“currency point” has the value assigned to it in Schedule 1 to this Act;

“DES” means the Directorate of Education Standards;

“Director of Education” means the head of the Directorate of Education in the ministry responsible for education, whose role is to guide, direct, coordinate and ensure the performance of education in Uganda;

“District Education Officer” means an officer appointed either by Government or a local government to assist in the administration of education services;

“Education Officer” includes an officer appointed by either the Education Service Commission or by the district service commission to assist in the administration of education services;

“financial year” means the period of twelve months commencing on the 1st day of July and ending on the 30th day of June of the following year;

“formal education” means a package of learning made available by recognised schools and institutions following approved curriculum standards and guidelines;

“formal training” means instructions given in schools, training institutions or specifically designed training areas, usually conducted within a structured programme with precise training objectives;

“foundation body” means an individual or group or organisation which founds and manages an education institution;

“functions” includes powers and duties;

- “Government founded school or institution” means a school or institution founded by Government;
- “Government grant-aided institution” means a school or institution not founded by Government but which receives statutory grants in the form of aid from Government and is jointly managed by the foundation body and Government;
- “grants” includes annual recurrent and capital grants from Government, salaries and wages capitation and instructional materials;
- “headteacher” includes a headmistress, headmaster, principal or director of a school;
- “international institution” means a private educational institution offering foreign curricula, examinations and certification;
- “inspector of schools” means a person appointed for the purposes of quality control by the Education Service Commission or a district service commission;
- “local government” means a local council established under section 3(2), (3), (4) and (5) of the Local Governments Act;
- “Management Committee” means the legal body established to manage a primary school;
- “Minister” means the Minister responsible for education;
- “non-formal education” means a complementary flexible package of learning designed in consultation with the indigenous community to suit the demands and lifestyles of the community and to enrich the indigenous knowledge, values and skills with particular emphasis to literacy, numeracy and writing skills;
- “Permanent Secretary” means the Permanent Secretary of the Ministry responsible for education;
- “private school” means a school not founded by Government and which does not receive statutory grants from Government;
- “public service” has the same meaning as in the Constitution;
- “pupil” means a person receiving instruction in any subject at a primary school and enrolled as a pupil on a register in that school;
- “school” means an institution in which not less than eighty or in special circumstances, not less than ten persons receive regular instruction or an institution which provides instruction by correspondence, but does not include—
- (a) any institution in which persons meet solely for the purpose of receiving religious instruction;
 - (b) any institution with the purpose of giving adult instruction;
- or

- (c) any institution in which persons meet solely for the purpose of receiving instruction in any subject which the Minister has declared by regulations to be outside this Act;
- “standing committee of education” includes a subcommittee of a subcounty, municipality, municipal division or parish council to which functions have been delegated by the district council standing committee responsible for education;
- “school owner” includes the foundation body or person which or who is wholly or partially responsible for the ongoing activities of the school;
- “statutory grants” means salary, capital development grants, capitation grants and instructional material grants given to the Government-aided schools at a rate determined by Government from time to time;
- “student” means a person studying in a post-primary institution;
- “teacher” means a person who has successfully completed a course of training approved by the Ministry responsible for education and has been entered in the Register of Teachers or a person who is licensed by the Ministry responsible for education to teach and has been entered on the roll of teachers;
- “tertiary education” means post secondary institutions other than universities which confer certificates, diplomas or degrees;
- “trade” means a skilled occupation;
- “training” means a process of preparing or being prepared for a job that is bringing a person to a desired standard or efficiency by instruction and practice;
- “trainee” means a person undergoing instruction to acquire competence for a job;
- “UPE” means the State-funded Universal Primary Education programme where tuition fees are paid by Government, where the principle of equitable access to conducive, quality, relevant and affordable education is emphasised for all children of all sexes, categories and in special circumstances;
- “UPPET” means Universal Post-Primary Education and Training;
- “USE” means the State-funded Universal Secondary Education programme providing obstacle free post-primary education.

PART II—ROLES AND POWERS OF MINISTER

4. Roles and powers of Minister

(1) The Minister shall ensure that the national policies and objectives enshrined in the Constitution are implemented and observed at all levels of education.

(2) Without prejudice to the general duties of the Minister under subsection (1), the Minister shall—

- (a) initiate policies and reforms of education as the need arises; and
- (b) issue statutory instruments regarding Universal Primary Education, Universal Post-Primary Education and Training, school meals, school charges, school uniforms, management and governance of education institutions in accordance with this Act.

(3) Subject to the provisions of this Act, the Minister shall appoint relevant implementing agencies for the effective implementation of the Act.

(4) For the avoidance of doubt, it shall be the responsibility of the Minister to ensure that decentralised education services are in harmony with or conform to the national policy on education.

PART III—PROVISION OF EDUCATION AND TRAINING

5. Policy on provision of education and training

(1) Provision of education and training to the child shall be a joint responsibility of the State, the parent or guardian and other stakeholders.

(2) Basic education shall be provided and shall be enjoyed as a right by all persons.

(3) Financing of education shall be through fees, grants, donations, training levies, education tax, and any other means as deemed appropriate by Government.

(4) Religious studies shall form part of the curriculum in primary and post-primary schools.

6. Responsibilities of stakeholders in education and training

(1) Government through its relevant agencies shall be responsible for—

- (a) the provision of learning and instructional materials, structural development and teachers welfare;
- (b) setting policy for all matters concerning education and training;
- (c) setting and maintaining the national goals and broad aims of education;
- (d) providing and controlling the national curriculum;
- (e) evaluating academic standards through continuous assessment and national examinations;
- (f) registering and licensing teachers;
- (g) recruiting, deployment and promotion of both teaching and non-teaching staff;
- (h) determining the language and medium of instruction;
- (i) encouraging the development of a national language;
- (j) ensuring equitable distribution of education institutions;
- (k) regulating, establishing, and registering educational institutions;
- (l) management, monitoring, supervising and disciplining staff and students;
- (m) ensuring supervision of performance in both public and private schools; and
- (n) development of management policies for all Government and Government-aided schools and private schools.

(2) The responsibilities of parents and guardians shall include—to

- (a) register their children of school-going age at school;
- (b) to provide parental guidance and psychosocial welfare to their children;
- (c) to provide food, clothing, shelter, medical care and transport; to
- (d) promote moral, spiritual and cultural growth of the children; to
- (e) participate in the promotion of discipline of their children; to
- (f) participate in community support to schools; and
- (g) to participate in the development and review of the curriculum.

(3) The responsibility of the foundation body shall, in accordance with the set policy, include—

- (a) to participate in ensuring proper management of schools of their foundation;

- (b) to ensure the promotion of religious, cultural and moral values and attitudes in schools of their foundation;
- (c) to participate in policy formulation;
- (d) to participate in education advocacy;
- (e) to mobilise of resources for education purposes;
- (f) to participate in the implementation, monitoring and evaluation of education services; and
- (g) to participate in designing, development, implementation, monitoring and reviewing of the curriculum.

(4) The responsibility of Government in private education institutions shall be to ensure that the private education institutions conform to the rules and regulations governing the provision of education services in Uganda.

(5) The responsibility of Government in the provision of non-formal education shall be—

- (a) to identify the areas or communities where non-formal education programmes are required;
- (b) to establish non-formal education centres;
- (c) to set guidelines and provide materials for non-formal education programmes; and
- (d) to pay the teachers or instructors in non-formal education programmes.

7. Categories of education institutions

Education institutions shall be categorised as—

- (a) public education institutions or Government founded institutions;
- (b) Government grant-aided education institutions;
- (c) private institutions which shall include profit and non-profit making, and international institutions; and
- (d) non-formal education centres.

8. Government grant-aided education institutions

(1) An education institution does not qualify for grant-aiding unless it has fulfilled the requirements of the regulations for licensing and registration.

(2) The Government may, on application by the foundation body of any school, determine which education institution shall be or continue to be grant-aided.

9. Responsibilities of Government towards grant-aided education institutions

The responsibility of Government in a grant-aided education institution includes the following—

- (a) ensuring that trained teachers are deployed;
- (b) paying salaries and allowances to teachers;
- (c) appointing heads for Government grant-aided education institutions and deploying such heads to institutions in consultation with foundation bodies;
- (d) paying salaries and wages to all established non-teaching staff;
- (e) paying statutory grants;
- (f) providing educational materials and other capital development inputs;
- (g) providing national selection and admission guidelines for all pupils or students to be enrolled;
- (h) monitoring the behaviour and performance of staff both teaching and non-teaching; and
- (i) ensuring the safety and security of children in schools and all education institutions.

10. Prohibition of charging for education under UPE and UPPET programmes

(1) No person or agency shall levy or order another person to levy any charge for purposes of education in any primary or post-primary institution implementing the UPE or UPPET programme.

(2) Subsection (1) shall not be construed to deter the management of any school or institution implementing the UPE or UPPET programme from collecting or receiving voluntary contributions or payments from parents and well wishers to contain a state of emergency or any urgent matter concerning the school.

(3) A pupil or student shall not be sent away from a school or an institution or denied access to education for failure to pay any contribution referred to under subsection (2).

(4) Any person who contravenes subsection (1), (2) or (3) commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points or to imprisonment for a term not exceeding one year, or both.

PART IV—STRUCTURE OF EDUCATION

II. Levels of education

(1) There shall be four levels of education as follows—

- (a) pre-primary education;
- (b) primary education;
- (c) post-primary education and training; and
- (d) tertiary and university education.

(2) The following shall apply to pre-primary education—

- (a) pre-primary education institutions are to be run by private agencies or persons and are to provide education to children aged two to five years and the financing of pre-primary education shall be the responsibility of the parents or guardians;
- (b) Government shall—
 - (i) provide the curriculum, guidelines on minimum standards for school buildings, equipment and other relevant facilities for pre-primary institutions, through its relevant agencies;
 - (ii) provide the curriculum for teachers training for pre-primary teachers and ensure that the teachers who teach in pre-primary institutions have the necessary qualifications; and
 - (iii) cause all pre-primary schools to be licensed, registered and regularly inspected by Government education inspectors;
- (c) pre-primary schools shall be day schools.

(3) The following shall apply to primary education—

- (a) primary education shall be universal and compulsory for pupils aged six years or more and shall last seven years;
- (b) all children of school-going age shall enter and complete the primary education cycle of seven years; and

- (c) Government shall ensure that a child who drops out of school before completing the primary education cycle attains basic education through alternative approaches to providing that education.
- (4) Post-primary education and training includes—
 - (a) secondary education which shall be four years and two years of ordinary secondary and advanced secondary schooling respectively;
 - (b) other post-primary education and training not provided for in paragraph (a).
- (5) Tertiary education shall include post-secondary education and technical education provided for under the Universities and Other Tertiary Institutions Act.

PART V—REGISTRATION AND LICENSING OF TEACHERS

12. Persons who may teach

No person shall teach in any public or private school of any description unless he or she is registered as a teacher or licensed to teach under this Act.

13. Register of teachers

- (1) The Director of Education shall maintain or cause to be maintained a Register of Teachers entitled to be registered under section 14(1).
- (2) Every teacher whose name is entered in the register shall pay the registration fee specified in Schedule 5 to this Act.
- (3) A registered teacher shall also pay in respect of the issue to him or her of a duplicate certificate the fee specified in Schedule 5 to this Act.
- (4) The Director of Education may, in appropriate cases, endorse on a certificate of registration issued under this section, a condition that the holder of the certificate of registration shall only teach a particular subject or only teach a particular class in a school.

(5) A certificate of registration issued under this section shall be in Form A as specified in Schedule 4 to this Act.

(6) The Register of Teachers and all copies and extracts of the register certified under the hand of the Director of Education to be correct shall be received in evidence in all courts.

14. Persons entitled to register

(1) A person who completes successfully as a teacher a course of training approved by the Ministry responsible for education shall be entitled, on application made to the Director of Education, to be registered as a teacher.

(2) An application for registration as a teacher shall be made to the Director of Education in Form B as specified in Schedule 4 to this Act.

15. Refusal to register person as teacher

(1) If the Director of Education refuses an application for registration as a teacher, the Director of Education shall serve a written notice of refusal upon the applicant stating in the notice the reasons why the Director of Education has refused to register the applicant and shall inform him or her of his or her right of appeal to the Appeals Tribunal provided for by section 54.

(2) An applicant who is aggrieved by the decision of the Director of Education made under this section may appeal to the Appeals Tribunal within forty-five days beginning with the day of the service of the notice upon him or her.

16. Removal of name of teacher from register

(1) The Director of Education shall, on the advice of the Education Service Commission, or may, on his or her own motion, where the teacher concerned is not employed in the public service, remove from the Register of Teachers the name of any teacher who—

- (a) has died;
- (b) applies for the removal of his or her name from the register;
- (c) is convicted of a criminal offence involving moral turpitude for which a fine of not less than five currency points or imprisonment for a term of not less than three months has been imposed;

- (d) has been found guilty of misconduct which, in the opinion of the Education Service Commission or the Director of Education, renders the teacher an unsuitable person for employment as a teacher;
- (e) has not been engaged in academic studies relating to teaching or in the administration of education services for a continuous period of five years; or
- (f) has contravened or failed to comply with any condition of his or her registration.

(2) For the purposes of subsection (1)(d), “misconduct” includes professional misconduct, and conduct prejudicial to the physical, mental or moral welfare of any pupil or student in any school.

(3) The Education Service Commission shall not recommend the removal of the name of any teacher from the register, nor shall the Director of Education remove the name of any teacher from the register on his or her own motion under subsection (1)(d) or (f), unless the Education Service Commission or the Director of Education has given the teacher an opportunity of answering any charge of misconduct which has been made against him or her.

(4) When the Director of Education removes the name of any teacher from the register in accordance with this section, he or she shall immediately serve or cause to be served upon the teacher and upon the Board of Governors or Management Committee of the school in which the teacher is teaching, a written notice of the removal.

(5) As soon as a teacher has been served with the notice referred to in subsection (4), that teacher shall return his or her certificate of registration to the Director of Education.

(6) A teacher whose name has been removed from the register who fails to return his or her certificate of registration to the Director of Education within thirty working days from the day of receipt of the notice, commits an offence and is liable, on conviction, to a fine not exceeding five currency points.

(7) Every teacher, other than a teacher employed in the public service, whose name is removed from the register under this section, may, if

he or she is dissatisfied with the action taken by the Director of Education, appeal within forty-five working days beginning with the day on which the decision was communicated to him or her, to the Appeals Tribunal.

17. Restoration of name of teacher on register

(1) A teacher whose name has been removed from the register may, after two years from the date of the removal of his or her name, apply to the Director of Education, in such manner as may be prescribed, for his or her name to be restored on the register.

(2) Where an application is made for the restoration of a name on the register, the Director of Education may

- (a) grant the application;
- (b) grant the application subject to conditions;
- (c) advise the applicant to apply again at a future date as the Director of Education may specify; or
- (d) refuse to grant the application.

18. Issue of statement of eligibility

(1) The Director of Education may, on payment of such fee as may be prescribed, issue to any person a statement of eligibility in Form C specified in Schedule 4 to this Act, which shall entitle the holder to have his or her name entered on the roll of licensed teachers and to be issued with a licence to teach notwithstanding that the person has not completed successfully a course of training as a teacher or has not undertaken a course of training as a teacher.

(2) The statement of eligibility shall be valid for a period not exceeding two years from the date of issue but may be renewed on payment of such fee as may be prescribed for further periods not exceeding two years at a time and not more than six years in total.

(3) An application for the issue or renewal of a statement of eligibility under this section shall be made to the Director of Education in such form as the Director of Education may approve.

(4) The Director of Education shall enter the name of a person to whom a statement of eligibility is issued on the roll of licensed teachers and

shall issue to that person a licence to teach, in Form D specified in Schedule 4 to this Act.

(5) The Director of Education may, in appropriate cases, endorse on a licence to teach issued under this section, a condition that the teacher only teaches particular subjects or teaches in a particular school.

(6) A licence to teach issued under this section shall authorise the holder to teach in any school as long as the name of the holder of the licence remains on the roll of licensed teachers.

19. Refusal to renew licence

(1) If the Director of Education refuses to renew a statement of eligibility and a licence to teach of any person licensed to teach, he or she shall serve a written notice of the refusal on that person stating in the notice the reasons why he or she has refused to renew the statement of eligibility and a licence to teach and shall inform that person of his or her right of appeal to the Appeals Tribunal.

(2) Any applicant who is aggrieved by the decision of the Director of Education made under this section may appeal to the Appeals Tribunal within forty-five working days beginning from the day of service of the notice upon him or her.

(3) The Appeals Tribunal shall deal with the appeal and notify the applicant of its decision within thirty working days from the date on which the appeal was filed with the Appeals Tribunal.

20. Roll of licensed teachers

(1) The Director of Education shall establish or cause to be established and maintained, in such a form as he or she may think suitable, a roll of all persons licensed to teach under this Act.

(2) The roll and all copies and extracts of the roll certified under the hand of the Director of Education to be correct shall be received in evidence in all courts.

21. Cancellation of licence

(1) The Director of Education may cancel any licence to teach of any person who—

- (a) has died;
- (b) applies for the cancellation of his or her licence;
- (e) is convicted of a criminal offence involving moral turpitude for which a fine of not less than five currency points or imprisonment for not less than two and a half months has been imposed;
- (d) is found guilty of misconduct as in the opinion of the Director of Education renders the teacher an unsuitable person for employment as a teacher; or
- (e) has contravened or failed to comply with any condition of his or her licence to teach.

(2) For the purpose of subsection (1)(d), “misconduct” includes professional misconduct and conduct prejudicial to the physical, mental or moral welfare of any pupil or student in any school.

(3) The Director of Education shall not cancel a licence to teach under subsection (1)(d) or (e) unless he or she has given to the teacher an opportunity of answering any charge of misconduct which has been made against the teacher.

(4) Upon the cancellation of a licence to teach, the teacher’s name shall be removed from the roll of licensed teachers.

22. Restoration of licence

(1) A person whose licence to teach has been cancelled may apply to the Director of Education in such manner as may be prescribed for his or her licence to teach to be restored.

(2) Where an application is made under subsection (1), the Director of Education may—

- (a) grant the application;
- (b) grant the application subject to conditions;
- (e) advise the applicant to apply again at a future date as he or she may specify; or
- (d) refuse to grant the application.

23. Notice of cancellation to be served on teacher

(1) When the Director of Education cancels a licence to teach of any teacher, he or she shall immediately cause a notice of the cancellation to be served on the teacher and the owner of the school where the teacher is teaching.

(2) As soon as a teacher has been served with the notice referred to in subsection (1), the teacher shall return to the Director of Education his or her licence to teach.

(3) A teacher whose licence to teach has been cancelled, who fails to return the licence to teach to the Director of Education within thirty working days beginning from the day of the receipt of the notice, commits an offence and is liable, on conviction, to a fine not exceeding five currency points.

(4) Any teacher who is aggrieved by the decision of the Director of Education made under this Act cancelling his or her licence to teach, may appeal to the Appeals Tribunal within forty-five days beginning from the day of service of the notice upon him or her.

24. Offences relating to teaching after cancellation of registration or licence

Any person who—

- (a) continues to teach in a public or private school after he or she has been notified of the cancellation of his or her registration or licence to teach;
- (b) permits any person to teach or continues to employ any teacher in his or her school after he or she has been notified of the cancellation of the registration or licence to teach;
- (c) contravenes, in any way, the conditions of his or her registration or licence to teach; or
- (d) knowingly employs any person as a teacher in contravention of any provision of this Act,

commits an offence and is liable, on conviction, to a fine not exceeding twenty currency points or to imprisonment for a term not exceeding ten months.

PART VI—CONTROL AND MANAGEMENT OF SCHOOLS

25. Appointment of Director of Education, education officers, inspectors and other officers

(1) Subject to the provisions of any written law relating to the appointment of any person to a public office and in the public service, there shall be appointed a Director of Education, education officers, inspectors of schools and other officers as are necessary for the purpose of this Act.

(2) All education officers appointed under this section by the Education Service Commission shall be under the direction of the Director of Education.

(3) A headteacher may be a proprietor or director of a private school if he or she is not its manager.

26. Powers of inspector of schools

(1) An inspector of schools may, at any time, with or without notice, enter into any school or any place at which it is reasonably suspected that activities of an education institution are being carried out and—

- (a) inspect and provide a report to the Permanent Secretary, the District Education Officer and the relevant foundation body, in a format prescribed by the Directorate of Education Standards, with respect to the school or any aspect of it, including any building, workshop, dormitory, hostel or kitchen used in connection with the education institution and any other building or property on the site of the school; and
- (b) inspect or cause to be audited the accounts of the school and may temporarily remove any books or records for the purpose of inspection or audit.

(2) Every headteacher shall, on being requested by an inspector of schools, place at the disposal of the inspector of schools all records, accounts, notebooks and any other materials belonging to the school, for inspection or audit and the inspector of schools shall acknowledge in writing receipt of those records, accounts, notebooks and any other materials belonging to the school entrusted to him or her by the headteacher for purposes of inspection or audit.

PART VI—CONTROL AND MANAGEMENT OF SCHOOLS

25. Appointment of Director of Education, education officers, inspectors and other officers

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- (b) inspect or cause to be audited the accounts of the school and may temporarily remove any books or records for the purpose of inspection or audit.

(2) Every headteacher shall, on being requested by an inspector of schools, place at the disposal of the inspector of schools all records, accounts, notebooks and any other materials belonging to the school, for inspection or audit and the inspector of schools shall acknowledge in writing receipt of those records, accounts, notebooks and any other materials belonging to the school entrusted to him or her by the headteacher for purposes of inspection or audit.

(3) Any person who wilfully obstructs an inspector of schools from lawfully entering or having entered, from making an inspection of a school or its accounts, commits an offence and is liable, on conviction, to a fine not exceeding five currency points.

27. District council standing committee responsible for education

Subject to any written law, a district or municipal council standing committee for education shall be responsible for the oversight role of all educational services decentralised to a district, municipal, town council, division or subcounty.

28. Education development plan

(1) A district council shall cause an education development plan to be prepared in respect of the educational services to be administered by the local government, which shall cover a period of three years as prescribed by the Local Governments Act, and the plan shall be part of the comprehensive and integrated development plan of the district.

(2) Every district council standing committee responsible for education shall prepare, in consultation with the District Education Officer and the municipal, division, town and subcounty council education officer for which it is established, an education development plan for promoting educational services for which it is responsible.

(3) A development plan to which subsection (2) applies shall be submitted for approval in such a manner and at such times as the district council may direct.

(4) A district council may approve with or without modifications any education plan submitted to it under this section.

(5) Every education development plan prepared under this section and approved by a district council shall constitute the education development plan during such period and in respect of such educational services to which it refers.

29. Board of Governors and Management Committees

(1) There shall be constituted by the Minister or a District Education Officer, by notice in the *Gazette*, a Board of Governors or a Management Committee for any education institution declared by the Minister or District Education Officer, as the case may be, to be an institution governed by a Board of Governors or a Management Committee and may appoint to it such number of members as provided for by this Act.

(2) The Minister, in consultation with the stakeholders, may by regulations make provision for any Board of Governors or Management Committee established under this section, in respect of all or any of the following matters—

- (a) the authentication of the seal, the signification of decisions and the execution of documents of the Board of Governors and Management Committee;
- (b) the term of office of the members;
- (c) the remuneration or allowances to be paid to the members;
- (d) the appointment of the committees of the Board of Governors or Management Committee and the delegation of powers to such committees or to officers of the school;
- (e) the procedure to be followed at the meetings of the Board of Governors or Management Committee;
- (f) the powers of the Board of Governors or Management Committee in relation to the staff of the school or group of schools;
- (g) the duties of the headteachers to Board of Governors or Management Committee; and
- (h) the funds of the school, including estimates, keeping of accounts and audit of such accounts.

30. Default by Board of Governors or Management Committee

(1) Where in the opinion of the Minister or District Education Officer as the case may be, in consultation with the foundation body of the school concerned, it is established that the Board of Governors or Management Committee has behaved irresponsibly or has failed to exercise properly the functions conferred upon it under this Act or any regulations made under this Act, the Minister or District Education Officer, as the case may be, may in writing—

- (a) suspend the Board of Governors or Management Committee from the exercise and performance of its functions, and appoint a person or persons to exercise and perform the functions of the Board of Governors or Management Committee for a period not exceeding six months; or
- (b) dismiss all or any of the members of the Board of Governors or Management Committee, and appoint in their place new members.

(2) The Minister or District Education Officer, as the case may be, may provide for the manner in which such person or persons appointed under subsection (1)(a), shall exercise and perform the functions of the Board of Governors or Management Committee suspended by the Minister or the District Education Officer, as the case may be.

31. Establishment of students councils in post-primary institutions

There shall be established students councils in all post-primary institutions in Uganda which shall be organised and managed in accordance with the constitution of the Uganda National Students' Association.

PART VII—SPECIAL PROVISIONS RELATING TO PRIVATE SCHOOLS

32. Requirements for establishing private school

(1) A person, community or organisation desirous of establishing a private education institution shall apply to the Permanent Secretary, Chief Administrative Officer or Town Clerk, to be approved as a suitable person, community or organisation to establish a private education institution and the applicant shall be of good repute with the necessary funds to manage the type of institution proposed to be established and shall in that application seek advice and approval of the Ministry responsible for education, district or urban council, as the case may be, in respect of the following matters—

- (a) whether the proposed school forms or will form part of the education development plan prepared or approved by the committee responsible for education for a given area; and
- (b) whether the proposed school meets or will meet the educational needs of the country or area, as the case may be.

An application for establishing a private school by the prospective school owner shall be supported by at least three persons of high integrity and good standing in the area of the applicant where the education institution is to be established.

(3) Before the application is approved, the prospective school owner shall be required to fulfil the following---

- (a) have the building plans, lease offers, agreements and land titles for the proposed new school or for extension or alterations to some existing building, as the case may be, approved by the district education committees;
- (b) have the completed buildings inspected and approved by the appropriate authorities;
- (e) undertake to engage a headteacher who, in the opinion of the Permanent Secretary, Chief Administrative Officer or Town Clerk, is suitable for the type of school he or she intends to establish;
- (d) satisfy the Permanent Secretary, Chief Administrative Officer or Town Clerk, that the teachers to be engaged in the education institution are eligible to teach in the type of school he or she intends to establish and the facilities for it are adequate for the school it purports to be;
- (e) ensure that the physical, health and moral welfare of the pupils or students are or will be adequately provided for;
- (f) undertake that the school will not refuse admission to any pupil or students on any discriminatory grounds;
- (g) ensure that the school environment is conducive for pupils or students with special needs;
- (h) in case of registering a school, show evidence of land ownership; and
- (i) satisfy the Permanent Secretary, Chief Administrative Officer or Town Clerk, that the terms and conditions of service of employment for teaching and non-teaching staff are adequate.

(4) For the purpose of this section, buildings in semi-permanent material shall be acceptable as suitable if they are approved by the appropriate authorities.

33. Permission to operate new school

(1) The permission to operate a new school shall be given in the first instance, in the form of a licence to operate a provisionally classified school for two school years.

(2) A school shall be licensed and registered under a specific location and name.

(3) Where a school has more than one site under one name, each site shall have at all times a responsible person in charge of it.

34. Classification of private schools

(1) After a period of two school years, an application for the classification of the provisionally licensed school shall be made in writing to the Permanent Secretary, Chief Administrative Officer or Town Clerk, and shall contain the following particulars—

- (a) the name of the school owner;
- (b) the type and range of education proposed to be provided;
- (c) the classes, standards or forms to be provided;
- (d) the staff list and their qualifications;
- (e) the permanent location of the school which shall include a copy of the land title or evidence of tenancy on which the school is established;
- (f) the capital available for the established school; and
- (g) the name of the headteacher having qualifications of not less than a graduate registered teacher in the case of a post-primary school and a diploma holder registered teacher in case of a primary school.

(2) The Permanent Secretary, Chief Administrative Officer or Town Clerk shall adopt a system of classification which shall distinguish pre-primary and primary schools from other schools and which may further distinguish, with appropriate nomenclatures—

- (a) different types of schools according to the education to be provided in those schools; and
- (b) different classes, standards or forms within the school according to the stage, nature or method of education to be provided in those schools.

(3) The system of classification and nomenclature under subsection (2) and the classification and nomenclature adopted in respect of any school already registered under section 35 may be amended by the Permanent Secretary, Chief Administrative Officer or Town Clerk, who shall cause such amendment—

- (a) to be entered in the appropriate register of schools kept under section 36; and
- (b) to be notified to the school owner concerned.

(3) Registration of private schools

If, after a period of two school years, the Permanent Secretary, Chief Administrative Officer or Town Clerk is satisfied—

- (a) that the school provisionally licensed is properly run and organised, he or she shall issue a certificate of registration and classification;
- (b) that all or any of the conditions set under this Act have not been fulfilled, he or she may—
 - (i) extend the provisional licence for a further period not exceeding one school year; or
 - (ii) order the school to be closed.

36. Register of private schools

The Permanent Secretary, Chief Administrative Officer or Town Clerk, shall maintain a register of private schools classified by him or her under section 34 in which he or she shall enter the particulars of every private education institution classified by him or her.

37. Cancellation of registration

(1) The Permanent Secretary, Chief Administrative Officer or Town Clerk may cancel the classification and registration of any private school already registered by him or her and order such school to be closed, if he or she is satisfied that—

- (a) the institution no longer fulfils the requirements of section 32(3);
- (b) the school is being conducted or managed in contravention of this Act;
- (c) the school has ceased to function as a school; or

- (d) the school owner has failed without reasonable cause to comply with the requirements of the notice served upon him or her under section 46.

(2) Before closing a private education institution under subsection (1), the Permanent Secretary, Chief Administrative Officer or Town Clerk shall make or cause to be made all necessary inquiries and shall give the school owner an opportunity to be heard.

(3) The Permanent Secretary, Chief Administrative Officer or Town Clerk shall notify the school owner in writing of any action taken.

(4) Notwithstanding anything in this section, the Permanent Secretary, Chief Administrative Officer or Town Clerk, as the case may be, may, in the interest of the health or security of the pupils order the immediate closure of any school for a period he or she may deem expedient and the school owner shall immediately comply with the order and shall not re-open the education institution without the express permission in writing from the Permanent Secretary, Chief Administrative Officer or Town Clerk, as the case may be.

38. Change of ownership of school

(1) No school owner shall change the ownership of the school without the prior approval in writing of the Permanent Secretary, Chief Administrative Officer or Town Clerk.

(2) If the ownership of a school is changed without the prior approval of the Permanent Secretary, Chief Administrative Officer or Town Clerk, he or she may order such school to be closed and shall immediately cancel its registration.

(3) Every school owner who changes the ownership of a school without the prior approval, in writing, of the Permanent Secretary, Chief Administrative Officer or Town Clerk commits an offence and is liable, on conviction, to a fine not exceeding four currency points.

39. Extension to existing school

If the Permanent Secretary, Chief Administrative Officer or Town Clerk is satisfied that a proposed extension to an existing registered school cannot properly be administered as part of the existing registered education institution, he or she may require the school owner to apply for classification of the proposed extension as a new school.

40. Appeals

A school owner who is aggrieved by a decision of the Permanent Secretary, Chief Administrative Officer or Town Clerk—

- (a) for refusing to classify the school;
- (b) for requiring an extension to an existing registered school to be classified as a new school; or
- (c) for closing the school or cancelling the classification or registration and ordering the closure of the school,

may, within thirty working days beginning with the day on which the decision of the Permanent Secretary, Chief Administrative Officer or Town Clerk was communicated to him or her, appeal to the Appeals Tribunal.

41. Offences relating to private schools

Any person who—

- (a) establishes or maintains a school which is not classified and registered in accordance with the provisions of this Act;
- (b) conducts or permits to be conducted a school, the classification and registration of which are cancelled; or
- (c) administers or permits to be administered an extension as part of an existing registered school in contravention of section 39,

commits an offence and is liable, on first conviction, to a fine not exceeding twenty currency points and on a second or a subsequent conviction, to imprisonment for a term not exceeding one year.

42. Re-opening of school closed by Permanent Secretary, Chief Administrative Officer or Town Clerk

An owner of a school which has been closed by order of the Permanent Secretary, Chief Administrative Officer or Town Clerk made under section 37, and which has remained closed for a period of six months or more, may be

permitted by the Permanent Secretary, Chief Administrative Officer or Town Clerk to re-open and to be entered again in the register of private schools with such classification as the Permanent Secretary, Chief Administrative Officer or Town Clerk thinks fit, without any application being made for the purpose by the school owner.

43. Appointment of statutory manager

(1) Notwithstanding any other provision of this Act, where the Permanent Secretary, Chief Administrative Officer or Town Clerk orders that a private school be closed, the Minister or District Education Officer may, in national interest, after giving the school owner an opportunity to be heard, direct that the school be re-opened under the management and control of a fit person, in this Act referred to as the “statutory manager.”

(2) A statutory manager shall be appointed by the Minister or District Education Officer for a period not exceeding one year and upon such terms and conditions as the Minister thinks fit.

(3) A statutory manager shall, during his or her term of appointment, keep the Permanent Secretary, Chief Administrative Officer or Town Clerk, informed on all matters relating to the school under his or her management and control.

(4) All expenses connected with the appointment or the management of a school by the statutory manager shall be a charge on the revenues of the school to which the statutory manager is appointed.

44. Re-opening of school closed by owner

(1) If any school which has been classified and registered under section 35 as a private school remains closed at the instance of the school owner for a period exceeding thirty working days, other than during normal school holidays, the school owner shall immediately notify the Permanent Secretary, Chief Administrative Officer or Town Clerk in writing—

- (a) of the reasons for the closing of the school; and
- (b) of the period during which the school is likely to remain closed.

(2) If the Permanent Secretary, Chief Administrative Officer or Town Clerk is satisfied that the reason given by the school owner and the period

during which the school is likely to remain closed are contrary to national interest, he or she may, after giving the school owner an opportunity of being heard, direct that the school be re-opened under the management and control of a statutory manager appointed by the Minister or District Education Officer, and thereupon section 43 shall apply to the school.

(3) Every school owner who fails to furnish the information required under subsection (1) to the Permanent Secretary, Chief Administrative Officer or Town Clerk, commits an offence and is liable, on conviction, to a fine not exceeding ten currency points or to imprisonment for a term not exceeding five months, or both.

45. Management of private school

(1) Every school owner shall manage the school in such a way that the object of this Act is observed.

(2) The school owner may charge such school dues as the Management Committee or Board of Governors may prescribe.

(3) The Minister or District Education Officer may issue instructions to school owners on aspects of management of schools with a view to safeguarding the interests of the pupils or students and every school owner shall comply with such instructions.

(4) Every school owner shall establish for the school, a Board of Governors or a Management Committee, in accordance with the regulations made under this Act by the Minister.

(5) Every school owner shall prepare annual budget estimates for the school and shall, on request made by an inspector of schools or an officer of the Ministry responsible for education, make the estimates available for inspection.

46. Notice of unsatisfactory management of school to school owner

(1) If, after inspecting a private education institution, an inspector of schools is of the opinion that the school is being conducted or managed in an unsatisfactory manner, he or she may require the school owner to take measures, as may be specified in the notice, to conduct or manage the school in a satisfactory manner.

(2) A notice given under this section may specify the date before which any measures specified in the notice shall be commenced or completed.

PART VIII—QUALITY CONTROL OF EDUCATION

47. Establishment of Directorate of Education Standards

There shall be established the Directorate of Education Standards which shall be responsible for standards in all education institutions in Uganda and whose functions shall be—

- (a) to set, define and review standards in educational practice and provision through planned series of inspections;
- (b) to assess the achievement of standards and to evaluate the effectiveness of education programmes of institutions and agencies throughout Uganda;
- (c) to develop systematic approaches to inspection and evaluation, and to encourage evaluation and self-evaluation systems, using appropriate quality indicators, within the education service;
- (d) to provide and disseminate regular reports on the quality of education at all levels;
- (e) to develop the use of the reports as a mechanism to provide support for and the dissemination of good practice, and thus to improve the quality of practice in the education service as a whole, and in particular aspects;
- (f) to provide independent expert comment and advice on educational provision and practice at all levels of education; and
- (g) to give advice to the Minister on matters related to quality control in education.

48. Appointment and role of Director of Education Standards

(1) There shall be appointed the Director of the Directorate of Education Standards and inspectors of education to give full effect to the operations of the directorate.

- (2) The Director shall be responsible—
 - (a) for the day-to-day management of the Directorate's business;
 - (b) for proposing and implementing strategic and business plans;
 - (c) for ensuring the implementation of policies, objectives and ensuring that targets and service standards are achieved; and

- (d) for ensuring that effective systems of quality control operate to monitor the effectiveness of the Directorate's inspection procedures and practices.

49. Directorate's relationship with local governments

To ensure the effective implementation of national policies and adherence to performance standards on the part of local governments, and consistency with sections 106, 107 and 108 of the Local Governments Act, the directorate shall incorporate the municipal and district inspectors as associate assessors in all its regional or national inspection programmes, as the need may arise.

PART IX--MISCELLANEOUS

50. Non-formal education centres

(1) There shall be non-formal education centres as the Permanent Secretary, Chief Administrative Officer or Town Clerk may identify for purposes of non-formal education.

(2) The centres specified in Schedule 6 to this Act are formally recognised under this Act as non-formal education centres.

51. Business not sanctioned by Board of Governors

(1) No person, organisation or agency shall transact or allow the transaction of any business with or in any school without the prior sanction of the Board.

(2) A person who transacts or allows the transaction of business contrary to subsection (1) shall meet all the expenses and costs of the business transacted.

52. Offences and penalties

(i) Any person, organisation or agency who or which refuses to enrol or deters a child from enrolling for UPE in accordance with section 11(3)(a) commits an offence and is liable, on conviction—

- (a) to a fine not exceeding fifty currency points or a warning, or both, in case of a first offence;

- (b) to a fine not exceeding fifty currency points or community service for a period not exceeding six months, or both, in case of a second offence; and
- (c) to a fine not exceeding fifty currency points or to imprisonment for a term not exceeding one year, or both, for subsequent offences.

(2) Any person or agency who or which levies fees beyond the maximum fees prescribed by the Minister under section 58(g) or who or which wrongfully denies access to education to a pupil or student who is a beneficiary of the UPE or UPPET programme for failure to pay extra charges, commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points or to imprisonment for a term not exceeding one year, or both.

53. Delegation of functions

(1) Subject to subsection (2), the Permanent Secretary, Chief Administrative Officer or Town Clerk may delegate to any public officer any functions conferred or imposed on him or her by this Act, subject to such conditions, exceptions or qualifications as he or she may specify.

(2) The delegation shall be in Form E specified in Schedule 4 to this Act.

(3) The Permanent Secretary, Chief Administrative Officer or Town Clerk shall not delegate any of the following functions—

- (a) classifying education institutions;
- (b) closing of education institutions and cancellation of classifications of education institutions; and
- (c) ordering the closure and removal of an education institution from the register of private education institutions.

54. Appeals Tribunal

(1) For the purpose of hearing any appeal arising under this Act, the Minister shall establish an Appeals Tribunal, by statutory instrument, and shall direct what appeals may be entertained by the Appeals Tribunal.

(2) An Appeals Tribunal shall consist of a chairperson and not less than three other members appointed by the Minister or District Education

Officer, one of whom shall be a member of a foundation body and two of whom shall be registered teachers with not less than ten years practical teaching experience.

(3) The chairperson of an Appeals Tribunal shall be a chief magistrate or a person who, in the opinion of the Minister or District Education Officer, has had adequate judicial or magisterial experience or has practiced law for a period of not less than five years.

(4) The District Education Officer in consultation with the Chief Administrative Officer may establish and appoint a district tribunal to handle appeals in regard to all education services in the district.

(5) The Minister may in writing delegate to the Permanent Secretary, Chief Administrative Officer or Town Clerk the power to form an Appeals Tribunal under this section.

(6) For the avoidance of doubt, an Appeals Tribunal under this section shall also handle appeals of teachers in private education institutions.

55. Procedure of Appeals Tribunal

(1) A decision of an Appeals Tribunal shall be a decision of the majority of the members present at the meetings.

(2) The decision of an Appeals Tribunal shall be final.

(3) An Appeals Tribunal shall regulate its own procedure.

56. Notice of appeal

(1) A person entitled to appeal to an Appeals Tribunal shall send a notice of his or her appeal in writing to the Permanent Secretary, Chief Administrative Officer or Town Clerk setting out the grounds of the appeal.

(2) On receipt of the notice of appeal, the Permanent Secretary, Chief Administrative Officer or Town Clerk shall inform the Minister or the district secretary for education; and the Permanent Secretary, Chief Administrative Officer or Town Clerk shall forward the notice of the appeal to the Appeals Tribunal within thirty working days.

57. Hearing of appeals

(1) The appellant and the Permanent Secretary, Chief Administrative Officer or Town Clerk shall be entitled to be heard before an Appeals Tribunal within thirty working days.

(2) An Appeals Tribunal may, in its discretion, hear fresh evidence.

(3) The appellant may appear in person or be represented by an advocate.

(4) The Permanent Secretary, the Chief Administrative Officer or Town Clerk may appear in person or may be represented by an education officer, or in any case where the appellant is represented by an advocate, he or she may also be legally represented.

58. Regulations

The Minister may, by statutory instrument, make regulations for all or any of the following matters—

- (a) prescribing and defining various categories and grading of schools;
- (b) defining the functions for any class of schools established under the Act;
- (c) prescribing the conditions governing the award of grants;
- (d) providing for the management and control of schools of any description of category including the composition, procedures and functions of Boards of Governors and Management Committees, the establishment of Boards of Governors and Management Committees and appointments to such boards and committees;
- (e) prescribing courses of instruction and examinations to be taken after such courses;
- (f) prescribing examinations for teachers and the conditions governing any examination held under the authority of the Permanent Secretary, Chief Administrative Officer or Town Clerk;
- (g) regulating the fees payable at any school;
- (h) regulating gender aspects and special needs education; and
- (i) providing for any matter necessary for giving effect to the provisions of this Act.

59. Management Committees and Board of Governors regulations

(1) The regulations set out in Schedule 2 to this Act shall apply to the management of primary schools whether Government or privately owned.

(2) The regulations set out in Schedule 3 to this Act shall apply to the management of all post-primary educational institutions other than universities or other tertiary institutions not provided for in this Act, whether Government or privately owned.

60. Power to amend Schedules

(1) The Minister may, by statutory instrument, with the approval of Cabinet, amend Schedule 1 to this Act.

(2) The Minister may, by statutory instrument, on the recommendation of the Director of Education, amend Schedules 2 and 3 to this Act.

SCHEDULE

S Schedule 1

Sections 3, 60(1)

Currency Point

A currency point is equivalent to twenty thousand shillings.

The Education (Management Committee) Regulations

PART I—PRELIMINARY

I. Citation

These Regulations may be cited as the Education (Management Committee) Regulations.

2. Application

These Regulations shall apply to the management of primary schools whether Government or privately owned.

PART II—MANAGEMENT COMMITTEE

3. Management Committees

(1) There shall be established a Management Committee for each school.

(2) A person shall not hold office as chairperson or vice chairperson or be a member of more than three committees at the same time.

(3) A Management Committee shall, subject to regulation 7, consist of—

- (a) six members, including the chairperson, nominated by the foundation body, at least two of whom shall be women;
- (b) one local government representative nominated by the district council standing committee responsible for education;
- (c) one representative of the local council executive committee who shall be the secretary in charge of education at a parish council, or the subcounty chief or his or her representative;
- (d) one person elected by the subcounty or city division or municipal whichever is the case;
- (e) one representative of the parents of the students elected at the annual general meeting;

- (f) one representative of the staff (both non-teaching and teaching) elected by the staff at a staff meeting; and
- (g) one representative of the old boys or girls (former students) elected at a meeting of the association of former students, if any, of the respective institution.

4. Appointment of members

The appointment of any member of a Management Committee shall be approved by the District Education Officer in consultation with the district council standing committee responsible for education, on behalf of the district council.

5. Secretary of Management Committee

A Management Committee shall have a secretary who shall be the headteacher of the school.

6. Nature of membership

Membership of the Management Committee shall be by oath and deemed to be primarily voluntary service to the community.

PART III—TENURE OF OFFICE

7. Tenure of office

(1) The chairperson and members of the Management Committee shall hold office for a period of three years and are eligible for re-appointment.

(2) A member of a Management Committee may, in writing addressed to the District Education Officer, resign his or her office and the resignation shall take effect when the resignation letter is received by the District Education Officer.

(3) The District Education Officer, in consultation with the district council standing committee responsible for education, may at any time, remove a person from the membership of the Management Committee on the following grounds—

- (a) abuse of office;

- (b) incompetence;
- (c) misbehaviour or misconduct;
- (d) the member is incapacitated by physical or mental illness;
- (e) the member has been absent without the approval of the Management Committee for more than three consecutive meetings of the Management Committee;
- (f) the member is an employee of the Ministry responsible for education other than as a teacher;
- (g) the member is a Minister of the Uganda Government or is a member of the executive of a local government other than as secretary responsible for education: and
- (h) the member is a member of the district council.

(4) Where a vacancy occurs on the Management Committee, a new member shall be appointed to fill the vacancy in the same manner as the member for whose vacancy he or she is filling, was appointed.

(5) A member appointed to fill a vacancy shall hold office for the unexpired term of office of the member in respect of whom the vacancy existed, and shall be eligible for re-appointment.

(6) A chairperson and other members shall serve on the Management Committee as chairperson and members respectively for a period not exceeding three years as specified by the Minister responsible for education but may be eligible for re-appointment.

8. Meetings

(1) A Management Committee shall meet at least once a term and in times of an emergency, such as the immediate transfer of a headteacher, disciplinary cases, a storm hitting the school or abrupt closure of the school, the chairperson may convene an emergency Management Committee meeting.

(2) All meetings of the Management Committee as much as practicable shall be held at the school.

(3) The chairperson shall preside at any meeting of the Management Committee and in his or her absence, the vice chairperson presides.

(4) In the absence of both the chairperson and the vice chairperson, the members present shall elect one of their members who shall preside, provided they make a quorum.

(5) A vice chairperson shall be elected by the members of the Management Committee from among the members of the foundation body.

(6) A meeting of the Management Committee may be convened by the chairperson at any time, or at the request in writing of not less than five members addressed to the chairperson giving a notice of seven days.

(7) The headteacher of the school shall attend a meeting of the Management Committee unless specifically excluded from the meeting by the chairperson, where a disciplinary action is likely to be taken against the headteacher; but shall not be entitled to vote on any question for a decision by the Management Committee.

(8) Where the headteacher is excluded from the meeting of the Management Committee, a temporary secretary shall be appointed by the chairperson from the members who shall act only when the headteacher is excluded.

(9) Where the headteacher or any other teacher is excluded from the meeting of the Management Committee, the headteacher or teacher shall be accorded a hearing to give fairness to the outcome of the case.

(10) Other members of the staff of a school may attend a meeting of the Management Committee at the invitation of the chairperson, but shall not be entitled to vote.

(11) An education officer or inspector of schools may attend a meeting of the Management Committee, and where necessary offer technical advice, but shall not be entitled to vote.

(12) Except as otherwise provided in these Regulations, any matter before a Management Committee shall be decided by a simple majority of the members present and voting.

(13) The person presiding at any meeting of a Management Committee shall have a vote, and in the event of equality of votes, may exercise a second or casting vote.

9. Quorum

The quorum at any meeting of a Management Committee shall be one-third of the membership including the representative of the parents and two representatives of the foundation body.

10. Member to declare interest

Whenever there is any matter before a Management Committee in which a member is interested in whatever manner, he or she shall declare his or her interest and shall withdraw from the meeting for the duration of the discussion in relation to the subject matter in which he or she has interest.

11. Co-opted members

A Management Committee may co-opt any person as it may consider desirable for the transaction of its business at any meeting of the Management Committee, but any person so co-opted shall have no power to vote.

PART IV—MINUTES

12. Minutes

(1) The proceedings of the Management Committee and the primary record of reference for the Management Committee shall be conducted in the local language or a language generally understood in that area.

(2) The secretary shall be required to translate the minutes into English for official reference by officials at subcounty or division, municipality, district and national levels and the minutes kept by the secretary.

- (3) Copies of the minutes shall be distributed to--
- (a) the members of the Management Committee;
 - (b) the members of the committee responsible for education at the subcounty, town council, municipality or division councils;

- (c) the education officers in charge of education in the local government; and
- (d) the foundation body.

PART V—FUNCTIONS OF MANAGEMENT COMMITTEE

13. Functions of Management Committee

(1) A Management Committee shall manage the school for which it has been established in accordance with the Act and these Regulations, subject to any directions which may be given under the Act by the Minister on matters of general policy.

(2) The functions of a Management Committee shall, insofar as they relate to the day-to-day administration, proper and efficient conduct of the school, be performed by the headteacher of the school on behalf of the Management Committee.

(3) A member of a Management Committee shall not be subject to any personal liability in respect of any matter or thing done or omitted to be done, or any contract entered into by or on behalf of the Management Committee, insofar as he or she acted or omitted to act in good faith.

(4) There shall be consultation with the foundation body before transfer or posting of a headteacher or a deputy headteacher to a school.

(5) A Management Committee shall have a right to appeal to the district council executive committee against the posting or transfer of a teacher to or from a school within twenty-one days from the day it is notified of the posting or transfer.

(6) Where there is an appeal by the Management Committee under subregulation (5), the teacher affected shall be informed of the reasons giving rise to the appeal to enable him or her to respond as and when necessary.

(7) At the hearing of the appeal referred to in subregulation (6), the teacher affected shall have the right to appear and defend himself or herself at the hearing of the appeal and may be assisted by a representative of his or her choice.

(8) A Management Committee may, after consultation with the education officer in charge of education in the local government and the headteacher, declare vacancies of non-teaching staff for the school to the District Service Commission through the Chief Administrative Officer to recruit the required staff.

(9) A Management Committee shall make such arrangements as it deems necessary to enable the members of staff of the school to submit their views, proposals or representation to the Management Committee.

PART VI--SUBCOMMITTEES

14. Subcommittees

(1) A Management Committee shall appoint the following subcommittees for the proper carrying out of its functions—

- (a) the finance and development subcommittee; and
- (b) the general purpose subcommittee.

(2) A subcommittee appointed under subregulation (1) shall consist of not more than six members.

(3) A subcommittee shall have such functions as the Management Committee may delegate to it.

(4) A subcommittee shall—

- (a) elect one of their members who is a member of the Management Committee to be chairperson of the subcommittee;
- (b) elect the teachers' representative to be secretary;
- (c) regulate its own procedure subject to these Regulations and the directions of the Management Committee; and
- (d) meet as often as the chairperson of the subcommittee thinks necessary to conduct any business delegated to it by the Management Committee and the meeting shall be convened by the chairperson.

(5) In the absence of the chairperson of the subcommittee at any of its meeting, the members present at the meeting may elect one of their members to preside at that meeting if they make quorum.

(6) The matters before a subcommittee shall be decided by a simple majority of the votes of the members of the subcommittee present and voting and in the case of an equality of votes, the chairperson of the subcommittee or other person presiding shall have a second or casting vote.

(7) The quorum at any meeting of a subcommittee shall be three members including the chairperson or the vice chairperson.

(8) A decision of a subcommittee shall be subject to confirmation by the Management Committee.

(9) Each subcommittee shall ensure that proper minutes are taken and recorded at each of its meetings and a copy of the minutes so recorded shall be forwarded to the Management Committee.

PART VII—FUNCTIONS OF HEADTEACHER

15. Functions of headteacher

(1) The headteacher shall be personally answerable to the Management Committee for the academic, financial, ethical, moral, social, domestic organisation and conduct of the school.

- (2) It shall be the duty of the headteacher to—
- (a) implement the national curriculum and national syllabus as laid down by the Ministry responsible for education;
 - (b) ensure that there shall be no payment of tuition fees at any Government and grant-aided primary school;
 - (c) arrange the admission of pupils to the school and the responsibility for the collection of school fees, where applicable, for example, to non-UPE pupils and mid-day meals in the case of city and municipality councils;
 - (d) exclude any pupil from the school, after consultation with the school disciplinary committee, which committee shall comprise all the members of the teaching staff of the school to deal with cases of suspensions or to consider cases of expulsion of pupils from school;
 - (e) in the case of expulsion of a pupil from the school, submit a full report of the school disciplinary committee to the Management Committee which shall, after considering the report, decide

- whether or not the pupil shall be expelled from the school, and in the case of expulsion, if the pupil is aggrieved by the decision of the Management Committee, such pupil may appeal to the education officer in charge of education in the local government in a proper manner the funds of the school in accordance with the Local Governments (Financial and Accounting) Regulations and instructions from the Chief Administrative Officer in whose jurisdiction the school is located:
- (f) ensure non-payment of parents-teachers' association charges;
 - (g) inspect and supervise all the activities in the school;
 - (h) promote harmonious existence between the school and the community and other stakeholders;
 - (i) draw up plans for the school and make an annual budget for approval by the Management Committee; the budget shall include the capital development to be undertaken during that particular period;
 - (j) make the school pupil friendly and especially to the girl-child and pupils with disabilities;
 - (k) report or recommend to the officer in charge of education in the local government any disciplinary measures taken against any member of the staff of the school;
 - (l) establish a school disciplinary committee, composed of all teachers;
 - (m) seek permission from the Management Committee in case of access and use of the school facilities by the local community;
 - (n) give information and advice to the Management Committee as it may need when required to do so; and
 - (o) furnish a termly report and an annual report to the Management Committee, local council III executive, municipality or division, to the officer in charge of education in the local government and the foundation body on his or her conduct of the affairs of the school, which shall include such information as the officer in charge of education in the local government may request.

(3) The fees payable by the pupils to whom subregulation (2)(b) does not apply shall be prescribed by the Minister under the Act.

(4) Where the school has boarding arrangements, the charges shall be determined by the Management Committee in consultation with the district council and the school shall also operate a day section.

(5) There shall be no fees collection for building classrooms, teachers' houses, latrines or for buying uniforms, text books, or furniture, or for tests or examinations, but a school in the area of jurisdiction of an urban council may levy a charge for administrative and utility expenses not exceeding ten thousand four hundred shillings per school year or as may be prescribed from time to time and subject to these Regulations, any school may levy a charge for midday meals as determined by the Management Committee in consultation with the district council.

(6) The taking of midday meals at school and the payment for such meals shall be voluntary and no pupil who has opted not to pay for or take midday meals at school shall be excluded from school for non-payment for such meals.

(7) Any headteacher or teacher who wilfully or knowingly contravenes this regulation shall be punished and the punishments include suspension, interdiction, dismissal, refund or prosecution in courts of law.

16. Rejection of headteacher's advice

Where a Management Committee rejects the advice of the headteacher on a major issue, he or she may require that his or her advice and its rejection be brought to the notice of the officer in charge of education in the local government.

PART VIII—INSPECTION REPORT

17. Inspection report

Any inspection report in respect of the school shall be submitted by the headteacher to the Management Committee, subcounty, municipality or division and the foundation body together with his or her comments in the report.

18. Quarterly reports by officer in charge of education

The officer in charge of education in the local government shall provide a quarterly report to the chief executive and to the District Education Officer in the local government and the foundation body giving an overview of the education activities in the district.

PART IX--FUNDS OF MANAGEMENT COMMITTEE

19. Funds of Management Committee

- (1) The funds of a Management Committee shall consist of—
 - (a) UPE grants, bursaries and fees;
 - (b) money accruing from the sale of products;
 - (c) gifts, donations or endowments from any sources;
 - (d) money paid for midday meals and any charges collected in respect of pupils, where applicable; and
 - (e) any other funds raised in the name of or on behalf of the school except that no exclusion of pupil from school arising from his or her failure to pay any charge under paragraph (d), shall be effected without reference to the Management Committee.

(2) A Management Committee shall deposit all its funds on the Management Committee account and shall requisition funds as required for the management of the school.

(3) The funds of a school shall not be misapplied to any purpose.

(4) Subject to the availability of funds, a Management Committee shall meet all recurrent expenses, other than the payment of salaries and allowances to teachers, from the public funds arising out of the conduct and management of the school for which it is responsible.

(5) Funds for capital works at schools shall be arranged by the education committee of the subcounty, town council or division council within the funds made available by the subcounty, town council or division council.

PART X—ACCOUNTS AND AUDIT

20. Accounts and audit

(1) The accounts of a Management Committee shall be audited by the Auditor General under Article 163 of the Constitution or by an auditor appointed by the Auditor General.

(2) The books of accounts of a Management Committee shall be open for inspection by the Chief Administrative Officer or his or her authorised representative.

21. School equipment

A Management Committee shall—

- (a) cause stock books to be kept, showing the receipt and issue of all school equipment and which shall be open to inspection by the Management Committee and by the officer in charge of education in the local government or his or her authorised representative; and
- (b) cause the school store and stock of equipment to be checked at least once in a year.

22. Powers to write off obsolete equipment

A Management Committee shall have powers to write off worn out or obsolete equipment subject to the approval of the officer in charge of education in the local government, or to direct such equipment to be sold, given away or destroyed.

23. Audited accounts to be sent to Chief Administrative Officer, etc.

When the accounts have been audited, the auditor shall forward one copy to the Chief Administrative Officer to be forwarded to the district council, and a copy to the district public accounts committee, a copy to the subcounty executive committee, city or municipal division, a copy to the chairperson of the Management Committee, and a copy to the foundation body.

24. Management Committee to discuss with officer in charge of education

A Management Committee shall meet and discuss with the officer in charge of education in the local government any matters arising from their audited accounts and shall pass records of such discussion to the Chief Administrative Officer for his or her comments.

25. Estimates

(1) A Management Committee shall prepare and lodge with the sub county, municipal or division or district executive committee, the officer in charge of education in the local government, the Chief Administrative Officer and the foundation body, annual estimates of income and expenditure.

(2) The estimates shall be in a form approved by the Chief Administrative Officer and shall be subject to the approval of the district council standing committee responsible for education.

(3) Expenditure shall be in accordance with the estimates either as originally approved by the district council standing committee responsible for education, or as varied by re-allocation or supplementary estimates approved by the subcounty, municipal or division council.

PART XII—MISCELLANEOUS

26. Miscellaneous

Suits by or against the Management Committee or the school shall not be filed against the names of the members of the Management Committee.

Schedule 3

Sections 59(2), 60(2)

The Education (Board of Governors) Regulations

PART I—PRELIMINARY

1. Citation

These Regulations may be cited as the Education (Board of Governors) Regulations.

2. Application

These Regulations shall apply to the management of all post-primary educational institutions other than universities and other tertiary institutions.

PART II—BOARD OF GOVERNORS

3. Composition of Board

There shall be a Board of Governors for every post-primary school governed by these Regulations consisting of

- (a) a chairperson, nominated by the foundation body at least one of whom shall be a woman;
- (b) one local government representative nominated by the district council standing committee responsible for education;
- (c) one nominee of the local council;
- (d) two representatives of the parents of the students elected at the annual general meeting, one of whom shall be the treasurer of the parents-teachers' association;
- (e) two representatives of the staff elected by the staff at one of their meetings;
- (f) one representative of the former students elected at a meeting of the association of former students, if any, of the respective institution.

4. Restriction of membership

A person shall not hold office as chairperson or vice chairperson or be a member of more than three boards at the same time.

5. Disqualification for membership of board

The Minister or district secretary for education may at any time remove a person from membership of the board if he or she is satisfied that the member —

- (a) has become bankrupt or has made an arrangement with his or her creditors;
- (b) is incapacitated by physical or mental illness;
- (c) has been absent without the approval of the board for more than three consecutive meetings of the board;
- (d) has been convicted of an offence involving fraud, dishonesty or moral turpitude;
- (e) is in the opinion of the Minister or district secretary for education unable or unfit to discharge the functions of a member or is
- (f) unsuitable to continue as a member of the board;
is an employee of the Ministry responsible for education
- (g) other
- (h) than as a teacher;
is a Minister; or

6. Filling of vacancies in Parliament.

(1) Where a vacancy occurs among the members of the board, whether by resignation, death or otherwise, the vacancy shall be filled in the same manner in which the predecessor was elected or appointed, to the vacant office.

(2) A person elected to fill a vacant office shall only hold office for the unexpired term of office of his or her predecessor and shall, at the expiry of the term, be eligible for re-election or re-appointment.

(3) In each year, after the first year, at an annual general meeting of the board, one-third of the members of the board shall retire as follows—

- (a) two representatives of the foundation body;
- (b) one representative of the local government;
- (c) one representative of the local council; and
- (d) one representative of the former students.

(4) The staff representatives shall retire after every three years; except that they shall be eligible for re-appointment.

7. Term of office of members

A chairperson and the other members shall serve on a board as chairperson and member, respectively, for a period not exceeding three years as specified by the Minister or district secretary for education, and each of them is eligible for re-appointment for one further term.

8. Reimbursement of allowances to members

A board may—

- (a) reimburse any member or a member of any of its committees in respect of any expenses incurred by that member in attending to the business of the board; and
- (b) pay to any member or any member of any of its committees such allowances as the Minister or the district secretary for education, may approve.

PART III—FUNCTIONS OF BOARD**9. Functions of board**

For the avoidance of doubt, a board shall have the functions conferred on it by the Minister or the district secretary for education.

10. Additional functions of board

A board shall also—

- (a) govern the school for which it has been constituted under these Regulations subject to any directions which may be given to it by the Minister or the district secretary for education, in writing on matters of general policy;
- (b) administer the property of the school, whether movable or immovable;
- (c) administer any funds, chattels or things of the school derived by way of fundraising or auction, on behalf of the school;
- (d) provide for the welfare and discipline of students and staff, and fix fees and other charges, with the approval of the Minister; and
- (e) perform such other functions as are prescribed by these Regulations.

PART IV – MEETINGS OF BOARD

11. Convening of meetings of board

(1) The first meeting of a board shall be convened by the headteacher of the school at such a time and place as may be specified by him or her by giving a seven days' notice to each member of the board and not later than thirty days from the date of approval and appointment of the board.

(2) A board shall ordinarily meet at least three times in a year at intervals not exceeding four months.

(3) One of the ordinary meetings of the board in each year shall be designated by the board as its annual general meeting.

(4) A meeting of the board shall be held at such place and time as the chairperson may determine, but at least one meeting of the board in each year shall be held at the premises of the school.

(5) The chairperson may, at any time, convene a special meeting of the board to consider any special subject.

(6) The chairperson shall, if requested in writing signed by not less than half the members of the board, convene a special meeting of the board to consider specific subjects stated in the request and the meeting shall be convened by him or her within fourteen days after the date when he or she receives the request.

(7) Notice of the time, place and the agenda of every meeting of the board shall be served in accordance with regulation 36 and shall—

- (a) in the case of an ordinary meeting, give not less than seven days' notice; and
- (b) in the case of a special meeting, give not less than twenty-four hours' notice.

(8) Subject to these Regulations, a board may regulate its own procedure including the manner in which matters may be determined on behalf of the board.

12. Procedure at meetings of board

(1) The chairperson shall preside at all meetings of the board and in his or her absence, the vice chairperson shall preside, and in the absence of both of them, the members present shall elect one of their number to preside at the meeting.

(2) For the purpose of this regulation, at the first meeting of the board, there shall be elected from the nominees of the foundation body a vice chairperson.

(3) Any matter coming before the board at any meeting shall be decided by the votes of the majority of the members present and voting and in the case of an equality of votes, the person presiding shall have a second or casting vote.

(4) The person presiding at any meeting of the board may exclude from any part of the proceedings at that meeting, any member representative if in his or her opinion, the presence of that member is likely to prejudice discussion of any particular matter.

13. Quorum

(1) At any meeting of a board—

- (a) in the case of the issue other than a major issue, half of the membership of the board shall constitute a quorum; and
- (b) in the case of a major issue, three quarters of the membership including at least one representative each, if any, of parents and of the foundation body shall constitute a quorum.

(2) In this regulation “major issues” means the expulsion or discipline of a student or a member of staff, revision of fees, dues and levies, the closure of the school or any financial matter.

14. Secretary and assistant secretary of board

(1) The headteacher of a school which has a board shall be the secretary to the board at any meeting of the board and the deputy headteacher of a school shall act as assistant secretary but neither of them shall be entitled to vote on any matter coming for decision before the board.

- (2) The assistant secretary shall be entitled to participate without a right to vote in the deliberations of the finance committee of the board.

15. Attendance of board meetings by staff

(1) The headteacher shall attend all the meetings of the board but may be excluded from any part of the proceedings by the chairperson, where any matter concerning him or her is to be discussed and in the opinion of the board his or her presence may prejudice the discussion.

(2) A member of staff other than the headteacher and the representative of the staff on the board, may, when invited by the chairperson, attend a particular meeting or part of a meeting of the board but shall not vote on any matter discussed at the meeting.

16. Minutes of board

(1) A board shall ensure that minutes of the proceedings of the board at its meetings are recorded and entered in a book kept for that purpose by the secretary.

(2) The minutes of each meeting shall be confirmed at the next meeting and when confirmed, copies of the minutes shall be forwarded by the secretary, within fourteen days after confirmation, to the following—

- (a) all members of the board;
- (b) the foundation body;
- (c) the Permanent Secretary, Chief Administrative Officer or Town Clerk; and
- (d) the District Education Officer of the area.

PART V—COMMITTEES OF BOARD

17. Committees of board

(1) A board shall appoint the following committees for the proper carrying out of its functions—

- (a) an academic, sports, games and recreation committee;
- (b) a discipline and public relations committee; and
- (c) a finance, development, production and self-help and staff and students welfare committee.

(2) The board may appoint any other committee in addition to those mentioned in subregulation (1) which shall consist of not less than four and not more than six members including at least three board members, one staff member and one student.

18. Functions of committee

A committee of a board shall have such functions as the board may delegate to it.

19. Proceedings of committees

- (1) A committee shall—
 - (a) elect one of their number who is a member of the board to be the chairperson of the committee;
 - (b) regulate its own procedure subject to these Regulations and the directions of the board; and
 - (c) meet as often as the chairperson of the committee thinks necessary, to conduct any business delegated to it by the board and the meeting shall be convened by the chairperson.
- (2) In the absence of the chairperson of the committee at any meeting of the committee, the members of the committee may elect one of their number to preside at that meeting.
- (3) Matters before a committee shall be decided by a simple majority of votes of the members of the committee present and voting, and in the case of any equality of votes, the chairperson of the committee or other person presiding shall have a second or casting vote.
- (4) The quorum at any meeting of a committee shall be three.
- (5) A decision of a committee shall be subject to confirmation by the board.

20. Minutes of committees

Each committee shall ensure that proper minutes are taken and recorded at each of its meetings and a copy of the minutes recorded shall be forwarded to the board within seven days.

PART VI—HEADTEACHER AND OTHER STAFF

21, Functions of headteacher

The headteacher of a school shall -

- (a) be the academic and administrative head of the school and have charge and custody of and be responsible for, all books, deeds, documents and all other property of the school, both movable and immovable;
- (b) exercise such functions of the board as the board may delegate to him or her subject to the general directions of the board and any act done or omitted to be done by him or her in the exercise of those functions shall be deemed to have been done or omitted to be done by the board;
- (c) be personally responsible to the board for the academic, social and domestic organisation and conduct of the school;
- (d) arrange the academic curriculum and syllabus of the school subject to the direction of the permanent secretary;
- (e) arrange the admission of students to the school in accordance with the directions issued by the Ministry responsible for education;
- (f) when considered expedient in the interest of the school, exclude, or suspend a student from attendance at school and shall immediately report the exclusion or suspension to the board, the Permanent Secretary, Chief Administrative Officer or Town Clerk for consideration and recommendation to the Minister or district secretary for education, as the case may be, whose decision on the matter shall be final;
- (g) be responsible for the day-to-day expenditure of the school and present an account of such expenditure to the board as from time to time, may be required by the board;
- (h) present a financial statement at every ordinary meeting of the board and a final balance sheet and the auditor's report for the annual accounts at every annual general meeting;
- (i) report and recommend to the board any disciplinary measures to be taken against a member of staff who is a public officer and the board shall recommend to the Permanent Secretary, Chief Administrative Officer or Town Clerk for appropriate action to be taken;
- (j) advise the board when required to do so, but if the board rejects his or her advice, the headteacher may then require the board to

- notify the Permanent Secretary, Chief Administrative Officer or Town Clerk of his or her advice and the board's rejection of it and the board shall comply with the request;
- (k) at least once a year, furnish a report on his or her conduct of the affairs of the school and such other information as the Permanent Secretary, Chief Administrative Officer or Town Clerk may require to be furnished to the board, and to the Permanent Secretary, Chief Administrative Officer or Town Clerk;
 - (l) through school religious activities or any other means, ensure that moral values are taught and upheld in the school; in so doing, regard shall be accorded to the religious traditions of the foundation body, except that the headteacher shall not require any student to receive denominational or instruction or attend denominational or religious observances against the wish of such student or the parents or guardians of the student if they are of a different denomination or religion; and
 - (m) ensure that—
 - (i) the school possesses the National Flag which shall be hoisted on every school day accompanied by the singing of the three verses of the National Anthem;
 - (ii) the school conducts a general assembly once a week during which the members of staff shall brief the students on major national and international events;
 - (iii) the students participate in cleaning the school premises;
 - (iv) the school community participates in the general maintenance and upkeep of the school;
 - (v) once a month, the students participate in community help work outside the school premises; and
 - (vi) the school holds an open day once each year during which the school community may conduct cultural performances, exhibitions, sports activities and any other activity to entertain guests.

22. Discipline, terms and conditions of service of staff

- (1) A board shall monitor the behaviour and performance of both the teaching and non-teaching staff of the school.
- (2) The board shall report and recommend to the Permanent Secretary, Chief Administrative Officer or Town Clerk any matter concerning

the staff of the school, including the staff's expression of dissatisfaction with the headteacher or another staff member, which the board considers necessary for disciplinary action.

(3) The board may make such arrangements as it thinks necessary to enable members of staff of the school for which it is responsible to submit their views and put proposals or make representations to the board on any matter.

23. Funds of board

A board may receive funds on behalf of a school—

- (a) by way of Government grants;
- (b) by way of tuition and other fees including all money contributed by parents for the welfare of the students;
- (c) from interest on investment and deposits;
- (d) by way of sales of surplus equipment or produce; or
- (e) by way of gifts, grants or endowments from any source.

24. Expenditure

(1) A board shall apply the funds mentioned in regulation 23 for the conduct and management of the school and shall meet all the expenses of the school for which it is responsible.

(2) The expenditure in any financial year shall be in accordance with the estimates either as originally approved by the Minister or district secretary for education or as varied by re-allocation or supplementary estimates.

(3) The board may, without obtaining the prior approval of the Minister or district secretary for education increase the provision under any item of recurrent expenditure by re-allocation up to a maximum of 10 percent of the original estimate for the item.

25. Reserve account and accumulate fund

(1) Any excess of income over expenditure at the end of any financial year shall be appropriated to a general reserve accumulated account, where it shall remain until the end of the subsequent financial year.

(2) At the end of the subsequent financial year, the amount of the general reserve account less the sum required to make good any excess of expenditure over income in that year may—

- (a) be carried forward as accumulated funds; or
- (b) be appropriated in whole or in part to a special reserve fund by a duly recorded resolution of the board at its meeting.

(3) The special reserve fund shall be applied to meet any extraordinary claim or demand arising at any time against the school or in payment of the cost of extending or improving any part of the property or equipment of the school or otherwise for the benefit of the school.

(4) Where any expenditure commits the Government to the expenditure of public funds, the prior approval of the Permanent Secretary, Chief Administrative Officer or Town Clerk shall be obtained.

(5) A sum equivalent to the amount set aside in any general reserve fund may be invested in readily realisable assets.

26. Depreciation

The cost of renewing any property or equipment or any part of the fund account, property or equipment of the board shall be charged to a depreciation fund account established for the purpose in accordance with accounting instructions issued by the appropriate officer of the Ministry responsible for education.

27. Application of Government grants

(1) Where Government grants paid to a board are in respect of salaries, those grants shall be paid directly to the beneficiaries; and where this is not possible, the grants shall be paid into a salary grant reserve account.

(2) Where the relevant expenditure is less than the estimate on which the grants were based, only an amount equivalent to the actual expenditure shall be treated as income of the school.

(3) At the end of the financial year, an amount equivalent to the expenditure incurred on capital projects and the purchase of equipment shall, on approval by the Ministry responsible for education, the Permanent

Secretary, the Chief Administrative Officer or the Town Clerk, be appropriated to accumulated funds.

(4) Where the relevant expenditure is less than the estimate on which the grants were based, unless otherwise provided for in terms on which the grant was made, the excess of the grants actually paid over the sums to which, according to actual expenditure, the board is entitled, shall remain in the reserve account to be offset against subsequent Government grants for those purposes or to be repaid to the Ministry responsible for education.

28. Borrowing powers of board

Where the board has lawfully incurred expenditure which has been approved in the estimates of the board, it may--

- (a) pending the receipt of money in respect of reserve; or
- (b) pending the raising of a loan to which the Ministry responsible for education, the Permanent Secretary, the Chief Administrative Officer or the Town Clerk has consented,

obtain an advance of money by way of a temporary loan or overdraft from a bank or any other financial institution for the purpose of defraying that expenditure; and any other such advance and interest on it shall constitute a debt due by the board to be charged upon the assets and revenues of the school until repaid.

29. Accounts

(1) A board shall keep or cause to be kept at the school proper books of accounts with respect to—

- (a) all sums of money received and expended by it on the school and the matters in respect of which receipt and expenditure take place; and
- (b) all assets and liabilities of the school.

(2) The board shall cause to be prepared within three months after the commencement of each financial year, in respect of the preceding financial year—

- (a) an income and expenditure account;
- (b) a balance sheet in the form approved by the Minister or district secretary for education; and
- (c) the auditor's report.

30. Audit

(1) The accounts of a board shall be audited annually by the Auditor General or an auditor appointed by the Auditor General.

(2) The auditor shall have access to all books of accounts, vouchers and other financial records of the school and may require any explanation, he or she thinks fit, from any person.

(3) The auditor shall, on completion of the audit mentioned in subregulation (1) make and submit to the Permanent Secretary, the Chief Administrative Officer or the Town Clerk a report copied to the board, which shall state whether in his or her opinion—

- (a) proper books of accounts have been kept by the board; and
- (b) the financial statement of the board—
 - (i) has been prepared on a basis consistent with that of the preceding year and is in agreement with the books of accounts; and
 - (ii) gives a true and fair view of the income and expenditure account of the school for the financial year.

31. Collection of money by or on behalf of board

(1) A person or organisation shall not collect any money or funds or any other form of contribution for any purpose on behalf of a board without the written permission of the board.

(2) All money collected on behalf of the board shall be paid immediately into the account of the board.

(3) All money or funds collected and received by the board on behalf of a school under regulations 23 and 25 shall be paid by the board into the bank account of the board.

(4) Any person who contravenes any provision of this regulation commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points.

PART VII — MISCELLANEOUS

32. Declaration by member of board or committee

(1) A member of a board or of a committee of the board shall not take or hold interest directly or indirectly in any property vested in the board other than as a member.

(2) A person referred to in subregulation (1) who has any pecuniary interest or special interest directly or indirectly in any matter before the board or a committee or in any contract and is present at the meeting of the board or committee at which the matter or contract is the subject of discussion shall disclose the fact and declare his or her interest at that meeting and shall not take part in the discussion or vote on the matter or contract and shall if the chairperson so directs, withdraw from the meeting during the discussion.

(3) A person who contravenes any of the provision of subregulation (1) or (2) shall be liable to be removed from the membership of the board by the Minister or the district secretary for education, or from the membership of the committee by the board.

33. Co-option of person to meetings of board or of committee

(1) The board may co-opt any person with special skills or knowledge to assist in the transaction of its business at any of its meetings or at any meeting of its committees.

(2) A person co-opted under subregulation (1) may attend and take part in the proceedings of the meeting to which he or she is co-opted but is not entitled to vote on any matter at the meeting.

34. Common seal of board

(1) The common seal of a board shall be of a design approved by the board.

(2) A specimen of the common seal authenticated by the signature of the chairperson shall be forwarded by the headteacher to the Permanent Secretary, the Chief Administrative Officer or the Town Clerk through the District Education Officer or municipal education officer.

(3) A common seal shall not be altered without the approval of the Permanent Secretary, the Chief Administrative Officer or the Town Clerk.

(4) A common seal shall be kept in the custody of a headteacher and shall not be used or affixed to any document except under a resolution adopted by the board.

35. Application of common seal

(1) The application of the common seal of a board shall be authenticated by the signatures of—

- (a) the chairperson or vice chairperson of the board or any other member authorised by the board to authenticate the seal; and
- (b) the secretary of the board or any other officer of the board authorised to act in that behalf.

(2) The signatures prescribed by subregulation (1) for authentication of the seal shall be independent of the signing by any other person as a witness.

(3) An instrument which if entered into or executed by a person who is not a body corporate would not be required to be under seal may be entered into or executed without seal on behalf of the board by the headteacher or any other person authorised to do so by resolution of the board.

(4) Any document purporting to be an instrument issued by the board and sealed and authenticated in the manner prescribed by subregulation (2) or otherwise entered into or executed in the manner prescribed by subregulation (3) shall be received in evidence and deemed to be such an instrument without further proof unless the contrary is shown.

36. Service of notices

Where under these Regulations, a notice is required or permitted to be served on any person, the notice may be served by a board—

- (a) by delivering it personally to the person to be served;
- (b) by leaving it at the usual or last known place of residence or business of the person to be served with a person apparently over the age of sixteen years and apparently residing at that place

- or in the case of a place of business, apparently in charge of or employed at that place;
- (c) by sending it by post addressed to the person to be served at the usual or last known place of residence or business of that person; or
 - (d) by serving it in such other manner as a court of competent jurisdiction may, on application made to it in that behalf, direct.

37. Inspection report

(1) An inspector of schools who carries out an inspection of a school shall provide to the headteacher of the school, a copy of the report prepared by him or her on the inspection.

(2) The headteacher of a school shall, as soon as practicable, submit to the chairperson a report received by him or her under subregulation (1) together with the headteacher's comments on the report.

38. Indemnity for acts done in good faith

(1) A member of a board shall be indemnified by the board in respect of any liability incurred by him or her as a result of any act, matter or thing done or contract entered into by or on behalf of the board insofar as he or she acted or omitted to act in good faith in the exercise of his or her duties as a member.

(2) A member of staff of a school acting in good faith on the direction of the board in the execution of his or her duties shall be indemnified by the board in respect of any liability arising out of any act or matter or thing done or omitted to be done in the execution of his or her duties.

Schedule 4

Forms

Section 13(5)

Form A

Ministry of (State name of Ministry)

Certificate of Registration

(Issued under section 13(5) of the Education (Pre-Primary, Primary and Post-Primary) Act, Cap. 247)

This is to certify that

having completed satisfactorily a teacher training course approved by the Ministry has been registered as a grade ___ graduate trained teacher with effect from

His or her Registration No is _____

Date _____ Director of Education

Endorsement _____

Date _____ Director of Education

Form B

Ministry of (State name of Ministry)
Application for Registration as Teacher
(Under section 14(2) of the Education (Pre-Primary, Primary
and Post-Primary) Act, Cap. 247)

To: The Director of Education Ministry
of (State name of Ministry) P. O.
Box 7063
Kampala

Through: The Head of Institution or D.E.O.

Surname in block letters: _____

Other names: _____

Sex: _____

Address: _____

Date and place of birth: _____

Citizenship: _____

Teaching or proposing to teach at (institution) _____

Give details of schools or colleges attended:

From	To	Month	Year	Month	Year
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Training and qualifications obtained; Certificates,
Diplomas, Degrees (Pass or Honours)
(delete where not applicable)

From: Month _____ Year _____

To: Month _____ Year _____

FOR OFFICIAL USE ONLY

Applicant qualifies or does not qualify

Reg. No. _____

- Reasons: _____

Signature

Designation

Section 18(1)

Form C

The Ministry of *(State name of Ministry)*

Statement of Eligibility

(Issued under section 18(1) of the Education (Pre-Primary, Primary and Post-Primary) Act, Cap. 247)

WHEREAS

Mr./Mrs./Ms.

_____ has applied for the issue of a statement of eligibility under section 18(1) of the Education (Pre-Primary, Primary and Post-Primary) Act, to enable him or her to be entered on the roll of licensed teachers and to be issued with a licence to teach:

AND WHEREAS having considered his or her qualifications or educational standard, I am satisfied that the applicant is a fit person to be issued with a statement of eligibility:

NOW THEREFORE this is to certify that I _____ have issued a statement of eligibility to _____ under section 18(1) of the Act and I have accordingly entered his or her name on the roll of licensed teachers under section 18(1) of the Act.

Fee payable: _____

Signed: _____ Director of Education

Date: _____

Form D

Ministry of *(State name of Ministry)*

Licence to Teach

*(Issued under section 18(4) of the Education (Pre-Primary, Primary
and Post-Primary) Act, Cap. 247)*

The person named below, the holder of a statement of eligibility dated _____ whose name is on the roll of licensed teachers, is hereby licensed to teach notwithstanding that he or she has not completed successfully a course of training as a teacher.

Full Name: _____

Subject: _____

Type of school: _____

Class/classes: _____

Name of school: _____

Licence No.: _____ Date of expiry _____

Fee payable: shs. _____

Date _____, 20 ____.

Section 53(2)

Form E

Delegation of Functions by Permanent Secretary/Chief Administrative Officer/Town Clerk

I _____ (name) Permanent Secretary/Chief Administrative Officer/Town Clerk hereby delegate to _____ (public officer) the following of my functions—

- 1. _____
2. _____
3. _____
4. _____

This delegation shall be effective until _____ (date) and shall be subject to the following conditions, exceptions or qualifications

Dated this _____ day of _____, 20 _____

Signed
(Permanent Secretary/Chief Administrative Officer/Town Clerk)

Section 13(2), (3)

Fees for Registration

One currency point.

Schedule 6

Section 50(2)

Non-formal Education Centres

1. **Alternative Basic Education for Karamoja (ABEK)**
2. **Basic Education for Urban Poverty Area (BEUPA)**
3. **Complementary Opportunity for Primary Education (COPE)**
4. **Child-centred Alternation, Non-formal Community Based Education (CHANCE)**
5. **Accelerated programmes for conflict areas**

History: Act 13/2008

Cross References

Constitution

Local Governments Act, Cap. 138

Local Government (Financial and Accounting) Regulations, S.I. 138-15

Universities and Other Tertiary Institutions Act, Cap. 262
