

ACT

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THE BASIC AND SENIOR SECONDARY EDUCATION ACT, 2023

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SIGNED this 2nd day of May, 2023.

DR. JULIUS MAADA BIO,
President.

LS

No. 23



2023

Sierra Leone

The Basic and Senior Secondary Education Act, 2023

Short title.

Being an Act to Repeal and Replace The Education Act, 2004 (Act No. 2 of 2004), except for the sections to be retained relating to Tertiary and Higher Education and associated Sections and Subsections. To restructure and reform the Basic and Senior Secondary Education system to make it free, accessible, compulsory, relevant, all-inclusive and right-based, to improve the governance structure of the school system and to provide for other related matters.

[

] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires-

"affirmative action" means the practice or policy of favouring individuals belonging to groups regarded as disadvantaged or subject to discrimination;

"autism spectrum disorder" means a developmental disability caused by differences in the brain and a child with autism spectrum disorder may behave, communicate, interact and learn in ways that are different from most other children;

"basic education" means formal schooling provided from pre-primary 1 to junior secondary 3;

"Basic Education Certificate Examination" means Basic Education Certificate Examination referred to in section 28;

"Chief Education Officer" means the professional and technical head of the Ministry referred to in section 5;

"citizenship education" means a form of education that teaches pupils the rights they enjoy, their responsibilities to the society, and their duties to the country;

"community education centre" means a centre for the promotion of non-formal literacy and basic education as well as skills acquisition;

"community language" means the predominant language in a locality;

"community service" means unpaid work, intended to be of social use, that an offender is required to do instead of going to prison or paying a fine;

"compulsory subject" means a subject that all pupils are required to study;

"continuous assessment" means a form of measuring learning progress regularly throughout a prescribed course or programme;

"co-ordinator or manager" means the head of an adult literacy, community education centre, or non-formal education centre;

"corporal punishment" means any punishment in which physical force is used and intended to cause some degree of pain or discomfort;

"corruption" means a form of dishonesty or a criminal offence which is undertaken by a person or an organisation which is entrusted in a position of authority, in order to acquire illicit benefits or abuse of power for one's personal gain;

"creative thinking" means devising new or alternative ways to carry out tasks, solve problems, and address challenges;

"critical thinking" means analysing available facts, evidence, observations, and arguments to form judgement;

"curriculum" means the subjects comprising a course of study in an educational setting;

"cyber bullying" means a form of intimidation or harassment using electronic means, for example, pestering phone calls;

"data-driven" means something that is determined by or dependent on the collection or analysis of information;

"delinquent" means typically a young person who commits minor offence;

"Deputy Director" means a second in command to the head of a technical directorate or head of the education office in the district referred to in section 7;

"Directorate" means a technical division in the Ministry responsible for implementing the Ministry's programmes and strategies;

"distance education learning" means a method of delivering education to pupils with limited direct contact with teachers;

"early childhood education" means catering to the educational needs of the child from 3-5 years;

"Education Committee" means a group of persons appointed by a local council to manage its education responsibilities;

"Education Secretary" means a senior person who is responsible for the overall management of a school;

"Education Youth Advisory Group" means the Education Youth Advisory Group established under section 96;

"emergency" means serious political unrests or major health issues or disastrous happenings that have the potential to disrupt the school system;

"epidemic" means a widespread occurrence of an infectious disease in a geographical area;

"equity" means being fully or truly balanced in resources, opportunity and outcomes;

"expulsion" means removing a pupil or teacher from the school permanently following a serious act of indiscipline by the pupil or grave unprofessional behaviour by the teacher;

"faith-based" means being or associated with a religion or religious group;

"foreign pupil" means a non-Sierra Leonean school-going child;

"Free Quality School Education" means a programme dedicated to the promotion of quality education for which the cost of tuition and much of the teaching and learning materials and examination fees are borne by the Government of Sierra Leone;

"gender equity" means the full and equal enjoyment of rights and freedoms and equal access to resources, opportunities and outcomes, by females and males;

"gender mainstreaming" means the process of identifying gender gaps and making women's and men's concerns and experiences integral to the design, implementation, monitoring, and evaluation of policies and programmes in all sectors in the Ministry to ensure that they benefit equally;

"general secondary school" means a senior secondary school that allows pupils to choose specialist, applied and every day subjects according to their needs, interests and aspirations;

"global languages" means international languages;

"Government school" means a school managed by or on behalf of the Ministry;

"Government-assisted school" means a basic or senior secondary school that receives financial assistance including subsidies and other regular forms of support from the Ministry and government;

"guardian" means any recognised custodian of a child;

"guidance counsellor" means a professional who works in the basic or senior secondary education system to provide academic, career, social and emotional guidance to pupils;

"inclusive education" means giving every child the right to quality education and learning regardless of their circumstances, gender, place of residence, ethnicity, etc.;

"infectious disease" means a sickness/illness that is transmitted from person to person;

"in-service training" means training provided to practising or serving teachers to improve their competencies;

"information technology" means the use of computers, storage, networking and other physical devices, infrastructure and processes to create,

process, store, secure and exchange all forms of electronic data;

"Junior secondary school" means the school category for 3 years after primary school;

"learner" means a person of any age for whom education is provided in accordance with this Act;

"lifelong education" means on-going pursuit of knowledge for either personal or professional reason;

"local council" means an elected body that administers a city or district council;

"Medical Officer" means a health practitioner in the employment of the government or authorised by the government to attend to the health needs of individuals that include school pupils;

"mental health" means a condition with regard to the psychological and emotional well-being of a pupil;

"Minister" means the political head of the Ministry responsible for Basic and Senior Secondary Education;

"Ministry" means the Ministry responsible for Basic and Senior Secondary Education;

"National Board" means the National Board of Education established under section 9;

"National Primary School Examination" means National Primary School Examination referred to in section 26;

"non-discrimination" means the fair or even-handed treatment of different categories of people;

"non-formal education" means any planned programme of education or instruction designed to improve a range of skills and competences, outside the formal educational setting;

"pandemic" means a widespread occurrence of an infectious disease over a whole country or the world at a particular time;

"para-curricular" means an activity at a school pursued in addition to the normal course of study;

"parent" means the biological or adopted mother or father of a child;

"parent learner" means an adolescent school-going girl or boy with a child;

"pre-school" means an educational facility for children 3-5 years;

"primary school" means the school category for six years after pre-school;

"private school" means an educational establishment that is not administered by government or a local council, and does not receive regular financial support from government;

"proprietor" means the owner of a school;

"public school" means government or government-assisted school;

"pupil-on-pupil violence" means the verbal abuse, threats and physical pain a pupil inflicts on another pupil;

"remedial learning" means additional assistance given to pupils to improve their academic performance;

"School Manager" in the case of a school managed by a proprietor, means the proprietor and in the case of any other school the person appointed by the proprietor to be the responsible local representative of the proprietor;

"School Management Committee" means a group of persons appointed or elected to oversee the operations of a primary school;

- "semi-autonomous" means a body with powers to act independently to some degree;
- "senior secondary school" means the school category for 3 years after junior secondary school;
- "special needs education" means the kind of education that accommodates the individual differences, disabilities, and special circumstances of certain pupils;
- "specialist secondary school" means a type of senior secondary school that offers a specialised curriculum determined by the Minister;
- "suspension" means asking the pupil or teacher to temporarily leave the school after a misconduct;
- "technical and vocational education and training" means the technical and vocational education and training set by the Ministry as a condition for enrolment into specialist schools under section 30;
- "underserved community" means a community with very limited social amenities and other facilities;
- "ward" means the smallest political unit of a local council, represented by a councillor;
- "West African Senior School Certificate Examination" means West African Senior School Certificate Examination referred to in section 31.

PART II-CONTROL OF EDUCATION

Control and supervision of education.

2. The Minister shall have control and supervision of pre- primary, primary, junior secondary and senior secondary schooling as well as the non- formal and school-level adult learning sectors throughout Sierra Leone.

Powers of Minister.

3. The Minister may, from time to time, from funds appropriated by Parliament for that purpose -

- (a) establish and maintain government and government assisted schools;
- (b) give subventions to schools;
- (c) establish or maintain boarding homes ancillary to schools established or maintained under this Act;
- (d) give subventions or loans for the establishment, maintenance or repair of boarding homes to schools established or maintained under this Act or the making of additions or alterations thereto and subject to the consent of the manager, to government-assisted schools;
- (e) give subventions to such institutions or organisations which, in his opinion, promote the education or well-being of the children in Sierra Leone;
- (f) give subventions for the provision of meals at government schools or government-assisted schools;
- (g) give subventions to museums that are constituted and administered in a manner approved by the Minister;

- (h) provide, in whole or in part, means of transportation for children to and from government schools or government assisted schools;
- (i) provide medical and dental services for children attending government and government-assisted schools;
- (j) provide for regular inspection and supervision of schools.

4. The Ministry is responsible for the performance of such ^{Responsibility} acts necessary or incidental to the control and supervision of ^{of Ministry.} education by the Minister under section 2, including -

- (a) working closely with the Ministry responsible for local government to ensure the effective planning and implementation of pre-primary, primary, junior secondary as well as the non-formal and school-level adult learning sectors;
- (b) determining need and approving the establishment of schools based on developed guidelines;
- (c) providing financial resources through budget allocations and other resources to government schools, government-assisted schools and such other categories of schools, as may be determined by the Minister;
- (d) superintending government and government-assisted schools, including special needs institutions to ensure standards and national policies are met;

- (e) development of national curricula and accompanying syllabuses for government and government-assisted schools;
- (f) ensuring that the curricula of private schools conform to the goals and objectives of the Ministry;
- (g) investigating, in collaboration with other relevant bodies, fraud and other malpractices in the education system;
- (h) prioritising improvement in literacy, numeracy and civics knowledge of Sierra Leoneans;
- (i) collecting, managing and producing accurate and reliable school level data and statistics;
- (j) coordinating government schools feeding and physical health programmes;
- (k) managing schools broadcasting programmes and the education radio;
- (l) managing school sporting and other para-curricular activities.

Chief
Education
Officer.

5. (1) The Chief Education Officer is the professional and technical head of the Ministry and key adviser to the Minister on all educational matters, with responsibility to -

- (a) provide expert services of support, guidance, monitoring, inspection, etc., to the various directorates or units in the Ministry;
- (b) serve as the major link between the Ministry and partners including consultants delivering technical work;

- (c) subject to the directions of the Minister, serve as the Chief Government Representative to the West African Examinations Council.

(2) A person shall not be appointed Chief Education Officer under subsection (1), unless he -

- (a) possesses a Master's degree in education or related discipline from an accredited university;
- (b) has, at least, 7 years' working experience as an educator or educationist with a record of excellent performance at senior management level;
- (c) has the knowledge, competencies, diplomatic skills and innovative drive to promote the Ministry's policies and objectives.

6. (1) The Deputy Chief Education Officer shall be the principal assistant to the Chief Education Officer and he - Deputy Chief Education Officer.

- (a) may deputise the Chief Education Officer in official functions;
- (b) may act as Chief Education Officer where the Chief Education Officer is unable to perform his functions for whatever reason.

(2) A person shall not be appointed Deputy Chief Education Officer under subsection (1), unless he -

- (a) possesses a Master's degree in education or related discipline from an accredited university;

- (b) has at least 5 years' working experience as an educator or educationist with a record of excellent performance at a senior management level ;
- (c) has the knowledge, competencies, diplomatic skills and innovative drive to promote the Ministry's policies and objectives.

Technical directorates education offices.

7. (1) The Minister may, in consultation with the Public Sector Reform Unit, establish such technical directorates, district education offices and district or merge existing technical directorates as he may consider necessary for the implementation of the programmes and strategies of the Ministry, including -

- (a) Partnerships and Financing Directorate;
- (b) Educational Services and Programmes Directorate;
- (c) School Quality Assurance, Monitoring and Resource Directorate;
- (d) Policy and Planning Directorate;
- (e) Curriculum and Research Directorate; and
- (f) Non-Formal and Adult Education Directorate.

(2) A technical directorate or district education office established under subsection (1) shall be headed by a Director or Deputy Director, respectively.

Ministry to collaborate with semi-autonomous bodies.

8. The Ministry shall collaborate with semi-autonomous bodies including -

- (a) the West African Examinations Council, for the purpose of conducting public examinations and other assessments;

- (b) the Sierra Leone Teaching Service Commission, in the management of the affairs of teachers in order to improve their professional status and economic wellbeing;
- (c) the National Assessment Unit, for the development, management and conduct of assessments for evaluating the status of learning in schools.

PART III-ESTABLISHMENT OF NATIONAL BOARD OF EDUCATION

9. (1) There shall be a National Board of Education consisting of a Chairman, appointed by the President, upon recommendation from the Minister and subject to the approval of Parliament and the following other members-

National Board of Education.

- (a) 4 representatives from faith-based institutions;
- (b) a representative of the National Union of Private Schools;
- (c) The Financial Secretary or his representative, not below the rank of Director;
- (d) a representative of the National Council of Paramount Chiefs;
- (e) The Head of the National Office, West African Examination Council or his representative, not below the rank of Director;
- (f) The Chairman, Teaching Service Commission or his representative, not below the rank of Director;

- (g) a representative of Conference of Principals of Secondary Schools;
- (h) a representative of the National Council of Head Teachers;
- (i) The Commissioner, Persons with Disability Commission or his representative, not below the rank of Director;
- (j) a representative from Sierra Leone Teachers Union;
- (k) the Permanent Secretary, Ministry responsible for local government or his representative, not below the rank of Director;
- (l) 5 education and technical experts of whom one shall be from each region, resident in Sierra Leone, as the Minister may appoint;
- (m) The Chairman, Education Youth Advisory Group;

(2) The Deputy Secretary shall serve as Secretary to the Board and shall not have a voting right.

(3) A person shall not be appointed Chairman under subsection (1), unless -

- (a) he has demonstrable experience of the system of education in Sierra Leone or of institutions dealing or connected with matters relating to the Sierra Leone education system; or

- (b) his contribution may be of significant advantage to the formulation and execution of national policies on education.

10. (1) The National Board of Education shall be responsible to provide such policy guidance and advice to the Minister and the Ministry, ensure the efficient implementation of the functions and enhance the overall performance of the Ministry.

Functions of
National
Board of
Education.

(2) Notwithstanding the generality of subsection (1) the National Board of Education shall -

- (a) advise or make recommendations on gaps in policies and legislation that require intervention;
- (b) act as an advisory entity on major challenges and emergencies confronting the education system;
- (c) make recommendations on fees and other levies to be charged by government and government-assisted schools on foreign pupils;
- (d) advise on any matter affecting education and any other matter in respect of which the Minister is empowered to make Regulations under this Act;
- (e) advise on any other matter referred to the National Board of Education by the Minister, but the National Board shall not advise on matters for which other bodies have been authorised by law to advise on.

Tenure of
members.

11. (1) A member of the National Board, other than an ex-officio member, shall hold office for a period of 3 years and shall be eligible for re-appointment for not more than 1 further term of 3 years.

(2) A person shall cease to be a member of the Board for any of the following reasons:-

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend 3 consecutive meetings of the Board without reasonable cause;
- (f) if he resigns his office.

Meetings of
National
Board.

12. (1) The National Board shall meet for the discharge of its business at least once every 3 months and at such time and place as deemed necessary.

(2) The Chairman shall preside at every meeting of the National Board, and in his absence, a member of the National Board elected amongst their number shall preside.

(3) A minimum of 9 members of the National Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the National Board for such purposes as may be stated in the notice.

(4) The Chairman shall summon a special meeting within 5 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the National Board shall be 9.

(6) The Chairman shall have a casting vote where there is an equality of votes.

(7) A proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the National Board and shall be incorporated in the minutes of the next meeting of the National Board: Provided that, if a member requires that such proposal be placed before a meeting of the National Board, this subsection shall not apply to such proposal.

(8) The National Board may co-opt a person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for decision by the National Board.

(9) The National Board shall cause minutes of all its meetings to be taken and signed by the Chairman and the Secretary and kept in proper hard and soft copy.

(10) Subject to this Act, the National Board shall regulate its own procedure.

13. (1) A member of the National Board who has any interest, whether direct or indirect in any matter being considered or to be considered by the National Board, shall disclose the nature of his interest to the National Board and the disclosure shall be recorded in the minutes of the National Board and such member shall not take part in any deliberation or decision of the National Board relating to that matter.

Disclosure of interest.

(2) A member of the National Board who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the National Board.

Immunity of members.

14. (1) An action or other proceedings shall not lie or be instituted against a member of the National Board or member of a committee of the National Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) A member of the National Board shall not be personally liable for any debt or obligation of the Ministry.

Committees of National Board.

15. The National Board may, for the discharge of its functions, appoint one or more committees consisting of members of the National Board or non-members or both, to perform such functions and to report to the National Board as the National Board may determine.

Remuneration of members.

16. The Chairman and other members of the National Board and any person co-opted by the National Board under subsection (8) of section 12 shall be paid such allowances as approved by the Minister and shall be reimbursed by the Ministry for expenses incurred in connection with the discharge of their functions as the National Board may, with the approval of the Minister, determine.

Filling of vacancies.

17. (1) Where the Chairman or a member of the National Board dies, resigns, is removed from office or is absent or is by reason of illness unable to perform the functions of his office for 3 consecutive meetings, in the case of -

- (a) the Chairman, the members of the National Board shall elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) a member, the Chairman shall arrange, subject to this Act, to have another person appointed to the National Board.

(2) A person appointed to fill a vacancy as Chairman or member, shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART IV - INCLUSIVE AND EARLY CHILDHOOD EDUCATION

18. (1) The system of formal education for basic and senior secondary schools shall be organised in 4 progressive levels as follows- Stages in education system.

- (a) 3 years of pre-school education;
- (b) 6 years of primary school education;
- (c) 3 years of junior secondary school education;
- (d) 3 years of senior secondary school education or 3 years of technical or vocational education in lieu thereof.

(2) Other higher and technical education services shall be offered by the Ministry responsible for Technical and Higher Education.

19. (1) Schools, including private schools, shall be inclusive and disability friendly, by making sure that all classrooms and facilities are accessible to all categories of learners. Radical inclusion.

(2) Pregnant girls, parent learners, children from the poorest homes, rural areas and underserved communities shall be allowed to access, stay in, complete school and enjoy all the facilities provided in the school.

(3) Special arrangements to access education shall be made for pupils with mental health, autism spectrum disorder and other related unseen disability and health issues.

(4) This Act and all other instruments relating to education in Sierra Leone shall be administered and interpreted in such a manner as to ensure that there is no discrimination between pupils in the matter of their admission to and treatment in educational institutions throughout Sierra Leone.

(5) Nothing in this section shall forbid or restrict -

- (a) pending clearance by the Minister, upon the advice of professional staff, establishment or maintenance of single-sex or co-educational schools with comparable facilities;
- (b) pending clearance by the Minister, upon the advice of professional staff, establishment or maintenance of faith-based institutions whose philosophies and goals are in line with the Constitution of Sierra Leone and the object of this Act;
- (c) establishment or maintenance of private educational institutions, if the purpose of such institutions is not to secure the exclusion of a group but to provide educational facilities in addition to those provided by the Ministry, if the institutions are conducted in accordance with that object and if the education provided conforms with such standards as may be laid down or approved by the Minister for educational institutions of the same level;
- (d) discrimination between citizens and non-citizens of Sierra Leone in the matter of the provision of financial assistance for the payment of school fees or the award of scholarships.

20. Nothing in this section shall prevent discrimination where a group of pupils share a characteristic and by virtue of which - Affirmative action.

- (a) that group suffers a disadvantage in accessing the same quality of education as pupils who do not share that characteristic; or
- (b) that group's participation in education is disproportionately low: Provided that such discrimination does not go beyond what is reasonably necessary to ensure that group has equality of opportunity in accessing and completing education.

21. (1) The Minister may make such provision for the education of children with special learning needs as the Ministry considers necessary or desirable. Special needs institutions.

(2) A parent, guardian, head teacher or principal of a pupil with special learning needs may request the Ministry, through the Chief Education Officer, to make special arrangements for the education of the child, stating how the proposed special arrangements would benefit the child developmentally and educationally.

(3) The Ministry shall, through the Chief Education Officer, within 30 days of receiving an application for special arrangements under subsection (2), -

- (a) approve the request;
- (b) refuse the request;
- (c) vary the request and approve the variation, or
- (d) suggest an alternative special provision.

Early
childhood
education.

22. (1) Early childhood or pre-school education is critical for optimising human capital and national development and children of pre-school age in Sierra Leone including poor children, orphaned children and children with disabilities shall have access to pre-primary education.

(2) Government shall support one year free compulsory pre-school education, when a child reaches the age of 5 years.

(3) A school offering pre-school education shall, within 2 years after the coming into operation of this Act, -

(a) have at least one teacher present at all times who has qualifications recognised by the Sierra Leone Teaching Service Commission in pre-primary education;

(b) be approved for that purpose and registered with the Ministry; and

(c) maintain pre-primary facilities separate from or on the grounds of a primary school.

(4) The Ministry shall -

(a) provide coordination guidelines for line ministries and other partners in providing quality early childhood education services;

(b) set up early childhood education coordination mechanisms at the national and sub-national levels to facilitate communication, synchronisation and collaboration in planning, financing and delivery of early childhood education services;

- (c) build and strengthen partnerships and collaboration for synergy, including referral, among early childhood education services through different platforms in different sectors;
- (d) mobilise adequate resources for improving accessibility to quality early childhood education services for young children and families, including capacity building for teachers by the Sierra Leone Teaching Service Commission.
- (e) liaise with the Ministry responsible for Technical and Higher Education and Sierra Leone Teaching Service Commission to ensure that there is within Sierra Leone facilities for training teachers in pre-primary education;
- (f) direct the development of curricula for pre-primary school institutions;
- (g) set and monitor the standards of teaching in pre-primary school institutions;
- (h) set and monitor the standards of the facilities in pre-primary school institutions;
- (i) ensure that the required national health and safety care and regular health checks are conducted on pupils in pre-primary school institutions, to guarantee early detection of disabilities.

Obligations of early childhood education providers.

23. (1) An institution established to deliver pre-primary education shall follow guidelines for school approval established by the Ministry.

(2) A pre-primary school provider shall ensure that the area in which the pre-school is located -

- (a) has sufficient spaces in it to accommodate the pupils; and
- (b) meets appropriate health and safety standards.

PART V - STRUCTURE OF BASIC AND SENIOR SECONDARY EDUCATION

Basic education.

24. (1) Basic education shall consist of 12 years of schooling composed of 3 years pre-primary, 6 years primary and 3 years junior secondary and is designed to provide all that is necessary for all Sierra Leonean children to -

- (a) be functionally literate and numerate and help them to cultivate the knowledge, skills and attitudes that will eventually enable them to earn a good living;
- (b) inculcate civic values including patriotism, respectfulness; and
- (c) enable children to begin to understand the complexities and opportunities of the modern world.

(2) The purpose of basic education shall be to bring out the acquisition of comprehension, computational thinking and technological skills, creativity, critical thinking and civics knowledge.

25. (1) Pre-primary and primary education shall consist of - Pre-primary and primary education.
- (a) full-time formal schooling which children receive for 9 years from about age 3 to 12 years; or
 - (b) a comprehensive three-year programme for 'over-age' out-of-school learners, offered by the Directorate of Non-Formal and Adult Education and partners in adult education.

(2) Pre-primary and primary schooling shall give children early structural cross cultural socialisation opportunities and an elementary introduction to those fundamentals necessary to produce individuals able, at a rudimentary level, to improve and enrich their own circumstances and to contribute meaningfully to life in the development of their community.

26. (1) At the end of class 6, children in government and government- assisted Primary School and private schools shall take the National Examination which shall be conducted by the West African Examinations Council or other appropriate examination body. National Primary School Examination.

(2) The result of the National Primary School Examination including each school's continuous assessment scores may be used for placement in junior secondary schools.

(3) The Ministry may use a different national learning assessment other than the National Primary School Examination to support transition and placement into junior secondary school; in which case, the National Primary School Examination may be used only for system-level national assessments or replaced with other appropriate school-level national assessments.

Junior
Secondary
School.

27. (1) Junior secondary schooling shall be for pupils who have completed the six years of primary school or comprehensive non-formal education course in Sierra Leone or its equivalent in other countries.

(2) The purpose of junior secondary school shall be to provide a broad based, general education in preparation for senior secondary school, technical and vocational education or for employment or self-employment.

(3) Where a pupil comes from a country whose grading system for entry into junior secondary school is different from that of the Sierra Leone system, the Chairman of the local council education committee shall scrutinise the pupil's grades or transcript and strictly follow guidelines provided by the Ministry to determine the correct placement of the pupil.

(4) Where the pupil's previous schooling was in a place where the assessment system does not provide grades that could be used as an equivalent, the Chairman shall, following discussion with the Deputy Director of Education in the district, grant approval if he is satisfied that the pupil is competent to undertake studies at the junior secondary level.

(5) A guidance counsellor may, where appropriate, be attached to a school or cluster of schools to -

- (a) support and advise on the psychological, academic and social development of individual pupils;
- (b) help resolve minor conflicts between parties and interests in the school; and

(c) help pupils to resolve any other problems or concerns;

(6) The Ministry may set certain subjects to be either compulsory or optional.

28. (1) The Basic Education Certificate Examination shall be conducted by West African Examinations Council or other appropriate examining body on behalf of the Ministry, at the end of the junior secondary school course or programme.

Basic
Education
Certificate
Examination.

(2) The Basic Education Certificate Examination shall be taken by pupils from all government, government-assisted and private junior secondary schools that have completed 3 years of junior secondary school or its equivalent.

(3) The continuous assessment score of a candidate shall form part of his final grading.

29. (1) Senior secondary schooling shall be for pupils who have completed the junior secondary school course in Sierra Leone or its equivalent in other countries.

Senior
secondary
school.

(2) The Ministry may determine conditions for entry into government or government-assisted senior secondary school provided those conditions do not discriminate against pupils other than on academic grounds.

(3) Where the Ministry has conditioned entry on pupils having attained certain grades in examinations administered in Sierra Leone, the Chief Education Officer may, on request, provide written approval for a pupil who has completed his studies outside Sierra Leone to attend senior secondary school.

(4) In giving written approval under subsection (3), the Chief Education Officer shall consider the grading system, if any, employed in the country of the pupil's previous schooling and be satisfied that the pupil has attained grades that are the equivalent of those determined by the Ministry.

(5) Where the pupil's previous schooling was in a place where the assessment system does not provide grades that could be used as an equivalent, the Chief Education Officer shall grant approval if satisfied that the pupil is competent to undertake studies at the senior secondary level.

(6) A senior secondary school may have a counselling department, responsible to -

- (a) support the psychological, academic, and social development of the pupils;
- (b) advise pupils on subject options and career pathways;
- (c) help resolve minor conflicts between parties and interests in the school;
- (d) help pupils to resolve any other problems or concerns;
- (e) help to co-ordinate continuous assessment matters.

(7) A counselling department may, where appropriate, serve a cluster of schools.

30. (1) The Ministry may designate a school to be either a general secondary school or a specialist or technical or vocational secondary schools. Types of senior secondary school.

(2) A pupil who has passed the required Basic Education Certificate Examination and continuous assessment grades or equivalent shall have the right of enrolment in a general secondary school.

(3) A pupil in a general secondary school shall offer a set of subjects from among specialist, applied and every day subjects according to his needs, interests and aspirations.

(4) The Ministry may set conditions for enrolment into specialist secondary schools, such as technical and vocational education and training schools, including Basic Education Certificate Examination grades from those required for entry into general secondary schools.

(5) A school that is designated a specialist secondary school shall offer a curriculum as may be determined by the Ministry.

(6) The Ministry may set certain subjects to be either compulsory or optional.

31. (1) At the end of the senior secondary school course, pupils in government and government-assisted schools and those wishing to do so from private schools, shall take the West African Senior School Certificate Examination conducted by the West African Examinations Council. West African Senior School Certificate Examination.

(2) A pre-specified percentage of a West African Senior School Certificate Examination final grade of a candidate shall come from his continuous assessment scores.

(3) Nothing in this section shall prevent a pupil in government, government-assisted, private or international schools from taking examinations conducted by other internationally recognised examination bodies.

(4) A pupil who did three years of technical and vocational education after Junior Secondary School shall take the National Vocational Qualification examination conducted by National Council for Technical, Vocational and other Academic Awards.

Non-formal
and lifelong
learning.

32. (1) A non-formal education is a planned programme of education or instruction designed to improve a range of skills and competences, outside education. The formal educational setting and its purpose is to make education accessible to every citizen, in the context of lifelong of the individual.

(2) Non-formal education caters for out-of-school and older children, youths and adults who may desire to enrol in the formal school system or wish to pursue alternative pathways after completing formal education.

(3) The Directorate of Non-Formal and Adult Education shall provide the regulatory mechanisms for the proper conduct of non-formal and adult education courses in Sierra Leone.

Continuing
Education
Centres.

33. (1) The Directorate of Non-Formal and Adult Education shall be responsible for overseeing adult literacy classes and continuing education centres throughout Sierra Leone.

(2) A Continuing Education Centre shall have a management committee which shall assist in the running of the Continuing Education Centre in accordance with laid down rules by the Ministry.

(3) A management committee under subsection (2), shall be gender balanced and shall consist of a Chairman, appointed by the proprietor or manager of the Continuing Education Centre, approved by the Ministry, and the following other members-

- (a) a representative of the Directorate of Non-Formal and Adult Education;
- (b) 2 representatives of the donor agency supporting the Continuing Education Centre;
- (c) a representative of the community leadership;
- (d) a representative of the ward committee;
- (e) an adult educator in the community;
- (f) 2 parents or guardians; and
- (g) a facilitator.

(4) The coordinator of the centre shall serve as secretary to the management committee.

Functions of
Continuing
Education
Centre
Management
Committee.

34. A Continuing Education Centre management committee shall -

- (a) oversee the running of the centre;
- (b) help to raise funds for the general development of the centre;
- (c) perform such other functions as it may consider necessary for the progress of the centre.

Tenure and
filling of
vacancies.

35. (1) A member of a Continuing Education Centre management committee shall serve for a term of 3 years and may be eligible for reappointment for a further term of 3 years only.

(2) A Continuing Education Centre management committee member who is unable to perform his functions for whatever reason shall be replaced.

Non-Formal
Education
Council.

36. (1) The Minister shall, not later than 90 days after the coming into operation of this Act, constitute an advisory body to be known as the Non- Formal Education Council.

(2) The Non-Formal Education Council shall consist of -

- (a) heads of the following institutions and agencies or their representatives -
 - (i) Sierra Leone National Commission of United Nations Educational, Scientific and Cultural Organisation;

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- (ii) United Nations Development Programme;
 - (iii) Sierra Leone Teaching Service Commission;
 - (iv) Partners in Adult Education Coordinating Office;
 - (v) Sierra Leone Adult Education Association;
 - (vi) Technical, Vocational Education and Training division of the Ministry responsible for Technical and Higher Education;
 - (vii) Division of Extra-Mural Studies, University of Sierra Leone;
 - (viii) United Nations Children's Fund;
 - (ix) Sierra Leone Association of Non-Governmental Organisations;
 - (x) National Council for Technical, Vocational and other Academic Awards;
 - (xi) National Council of Paramount Chiefs;
 - (xii) National Organisation of Local Councils;
- (b) 2 persons appointed by the Minister, one of whom shall be a woman; and
- (c) Chief Education Officer.

(3) The Director of Non-Formal and Adult Education shall serve as secretary and shall have no voting right.

(4) The members of the Non-Formal Education Council shall, at their first sitting, elect one of their members as Chairman.

Functions of
Non-Formal
Education
Council.

37. (1) The Non-Formal Education Council shall, in consultation with the Directorate of Non-Formal and Adult Education, advise the Minister on any matter pertinent to the development of non-formal and adult education in Sierra Leone.

(2) The Non-Formal Education Council shall in addition to its responsibility under subsection (1), -

- (a) advise the Directorate of Non-Formal and Adult Education in the development of an adult education curriculum that is responsive to the needs of society;
- (b) ensure that the adult education programmes and courses provided in Sierra Leone meet the needs and interests of the trainees; and
- (c) perform such other functions as the Minister may direct.

Tenure of
members.

38. A member of the Non-Formal Education Council shall serve for a term of 3 years and shall be eligible for reappointment for a further term of 3 years only.

Filling of
vacancies.

39. (1) A member of the Non-Formal Education Council who is unable to perform his functions for whatever reason may be replaced.

(2) Where a person is elected as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be.

40. (1) The members of the Non-Formal Education Council shall meet at least 3 times a year for the dispatch of business and at such other times as the Chairman may decide.

Meetings of Non-Formal Education Council.

(2) The Chairman shall preside at a meeting of the Council and in his absence the members shall appoint one of their members to act as Chairman.

(3) The quorum for a meeting of the Non-Formal Education Council shall be one-third of the members.

(4) All matters put to vote shall be decided by a simple majority of all members present and where the votes are equal, the Chairman shall have a casting vote.

(5) The Non-Formal Education Council shall regulate the procedure of its meetings.

41. Members of the Non-Formal Education Council may be given sitting allowances as the Minister may determine.

Remuneration of members.

PART VI - SCHOOL GOVERNANCE

42. (1) A government or government-assisted primary and secondary system of school, including community education centres, shall have two-tier governance; one to provide oversight functions and the other to handle the day-to-day running of the institution.

Two-tier system of governance.

(2) The oversight function shall be performed in conjunction with the local council, District Education Office, School Management Committee, Centre Management Committee or Board of Governors, where applicable, and shall include -

(a) monitoring and developing strategies to improve the performance of the school or the centre; and

(b) resource mobilisation for the benefit of the school or centre.

(3) A head teacher, in the case of a primary school, or centre coordinator, in the case of a community education centre or principal, in the case of a secondary school, shall have the primary responsibility for the day-to-day administration of his school or centre, supported by colleague teachers/facilitators and other staff.

Community
Teachers
Association.

43. (1) A government or government-assisted school shall have a Community Teachers Association which shall promote greater involvement of community members in the affairs of the school.

(2) A Community Teachers Association shall determine its own leadership structure and method of operation, but shall always work in the best interest of the pupils and the school.

School
Management
Committee.

44. (1) A local council shall have a School Management Committee in respect of government or government-assisted basic education schools and shall be responsible to assist in the administration of that school in accordance with Regulations made under this Act and the Local Government Act, 2022 (Act No. 26 of 2022), including -

- (a) overseeing the running of the schools;
- (b) assisting in the drawing up of development plans for the schools;
- (c) helping to raise funds for the general development of the schools; and
- (d) performing other functions as may be directed by the local council or the District Education Office.

(2) The composition of a School Management Committee under subsection (1), shall be gender balanced and comprise the following members-

- (a) 3 proprietor's nominees, one of whom shall be Chairman;
- (b) the head teacher;
- (c) a representative of the School Quality Assurance, Monitoring and Resource Division of the Ministry;
- (d) a representative of the local council;
- (e) the Chairman of the Community Teachers Association;
- (f) a traditional ruler or elder of the village or area concerned;
- (g) an educator in the community.

(3) The head teacher shall serve as secretary to the School Management Committee and shall have no voting right.

(4) The School Management Committee shall meet once every term or at such other times as may be specified by the local council.

(5) One-third of the members shall constitute a quorum for all meetings.

(6) The School Management Committee may appoint such sub-committees as it may consider necessary for the purpose of carrying out its responsibilities under this Act.

45. (1) A School Management Committee member shall serve a term of 3 years and shall be eligible to serve a further term of 3 years only. Tenure and filling of vacancies.

(2) A member unable to perform his functions for whatever reason may be replaced.

(3) Where a person is appointed as Chairman or a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member and shall be eligible for re-appointment.

Education
Centre
Management
Committee.

46. (1) A District Council shall have an Education Centre Management Committee which shall superintend the administration of the Education Centre including -

- (a) overseeing the running of the centre;
- (b) assisting in the drawing up of development plans for the centre;
- (c) helping to raise funds for the general development of the centre; and
- (d) performing other functions as may be directed by the local council or the District Education Office.

(2) An Education Centre Management Committee under subsection (1) shall be gender balanced and comprise the following members-

- (a) the Education Centre coordinator or manager;
- (b) a representative of the District Council;
- (c) a representative of the major funding agency of the Education Centre;
- (d) a traditional ruler or elder of the village or area concerned;
- (e) a representative of the ward committee.
- (f) an educator in the community;
- (g) 2 parents or guardians; and
- (h) a teacher.

(3) The Education Centre Management Committee members shall appoint one of their members as Chairman.

(4) The coordinator or manager of the Education Centre shall serve as secretary to the committee and shall have no voting right.

(5) The Education Centre Management Committee shall meet once every term or at such other times as may be specified by the District Council.

(6) One-third of the members shall constitute a quorum.

47. (1) An Education Centre Management Committee member shall serve a term of 3 years and shall be eligible to serve a further term of 3 years only. Tenure and filling of vacancies.

(2) A member unable to perform his functions for whatever reason may be replaced.

(3) Where a person is appointed as Chairman or a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member and shall be eligible for re-appointment.

48. (1) The Minister shall establish a Board of Governors in respect of a school, other than a pre-primary, primary or private school. Board of Governors.

(2) Only one Board shall be established per school, irrespective of whether the school has both junior and senior secondary divisions and multiple shifts.

(3) A Board of Governors established under subsection (1) shall be a body corporate with perpetual succession and a common seal.

Membership
of Board of
Governors.

49. (1) A Board of Governors shall consist of 13 to 15 members including the Chairman, and the following other members -

- (a) 4 persons nominated by the proprietor of the school one of whom shall be appointed Chairman by the Minister;
- (b) 4 persons nominated by the Minister;
- (c) The Chief Education Officer or his representative in the district;
- (d) The Education Secretary or his representative in the district;
- (e) the District Deputy Director, Sierra Leone Teaching Service Commission;
- (f) a local council representative from the district or city council);
- (g) a Chiefdom authority, where applicable;
- (h) a representative of the old pupils' association of the school, where applicable;
- (i) the Chairman, of the Community Teachers Association.

(2) The composition of the Board members must be gender balanced.

Functions
of the
Board.

50. (1) The Board of Governors shall be responsible to -

- (a) oversee the development and implementation of the School Improvement Plan;

- (b) help to raise funds for the general development of the school;
- (c) seek the welfare of pupils and staff;
- (d) fix charges, where appropriate, with the approval of the Minister;
- (e) review and approve the school budget prepared by the school administration;
- (f) recommend to Sierra Leone Teaching Service Commission suitable candidates for the positions of principal, vice principal and senior teachers;
- (g) mediate or arbitrate in matters brought before it by aggrieved pupils, parents or teachers;
- (h) perform such other functions as may be directed by the Minister.

(2) The Minister may, where he considers it expedient, authorise the establishment of one Board to service a cluster of schools.

51. At least 50 percent of the members of the Board of Governors shall have completed senior secondary school or its equivalent and have some management experience. Qualifications of Board members.

52. A member of the Board of Governors shall serve for a term of 3 years and shall be eligible for reappointment for a further term of 3 years only, but may serve on the Board of Governors of other schools at the expiration of his tenure. Tenure of Board of Governors.

53. (1) A member of the Board of Governors who is unable to perform his functions for whatever reason may be replaced. Filling of vacancies.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be.

Meetings of Board.

54. (1) The Board of Governors shall meet at least once a term or at such other times as may be directed by the Minister.

(2) One-third of the members, including the Deputy Director of Education in the district or his representative, shall constitute a quorum for all meetings.

(3) The principal of the school shall serve as secretary to the Board and shall have no voting right.

Committees of Board.

55. The Board of Governors may appoint such sub-committees as it may consider necessary for the purpose of carrying out its responsibilities under this Act including -

(a) Standing Committee;

(b) Finance and Development Committee;

(c) Visitation Committee.

School administration.

56. (1) A primary school in which more than one teacher is employed shall have a head teacher and a secondary school shall have a principal.

(2) A head teacher or principal shall be the administrative and professional head of the school and shall be fully accountable to his employers.

(3) A head teacher shall be assisted by a deputy head teacher and senior teachers and a principal shall be assisted by a vice principal and heads of departments or senior teachers.

57. (1) The appointment of a head teacher, deputy head teacher, principal, vice principal and senior teachers shall be in conformity with the Sierra Leone Teaching Service Commission Act. Appointments, transfers and promotions.

(2) In the case of a private school, a head teacher or principal shall be appointed by the proprietor or manager from among persons who have the requisite proven academic and professional qualifications for the job.

(3) The rotation or upward mobility of a head teacher, principal or teachers in government and government-assisted schools shall be in accordance with the Sierra Leone Teaching Service Commission Act.

58. (1) A person shall not be employed as a permanent full-time teacher in a school unless that person holds a professional certificate and licence issued by the Sierra Leone Teaching Service Commission. Certificate and licence for teachers.

(2) Transfers, promotions, professional development, suspensions and dismissal of teachers shall be in accordance with the Sierra Leone Teaching Service Commission Regulations.

59. (1) A government, government-assisted school or community education centre shall have one bank account into which shall be paid- Bank accounts.

- (a) school subsidies;
- (b) grants-in-aid;
- (c) donations and other gifts from a person or authority;
- (d) proceeds of income-generating school activity; and
- (e) other receivables.

(2) A bank account under subsection (1), shall have 3 signatories who shall be, in the case of -

- (a) a primary school, -
 - (i) the Chairman, Community Teachers Association;
 - (ii) the head teacher, and
 - (iii) the Chairman, School Management Committee.
- (b) a secondary school, -
 - (i) the Chairman, Board of Governors;
 - (ii) the principal; and
 - (iii) the Chairman, Finance and Development Committee of the Board of Governors; and
- (c) a community education centre, -
 - (i) the Chairman, Centre Management Committee;
 - (ii) the coordinator or manager, Community Education Centre;
 - (iii) a nominee of the funding partner.

PART VII - ESTABLISHING AND OPERATING PRIVATE SCHOOLS

60. (1) A person shall not establish or operate a private school unless he satisfies the requirements and policy guidelines on school approvals established by the Ministry for operation and education service delivery.

Establishment, operation and service delivery guidelines.

(2) An individual or a group of persons or an institution may establish, manage and operate a pre-primary, primary or secondary school if they meet the criteria laid down in the Policy Guidelines and related policies established by the Ministry for operation and education service delivery.

(3) A private educational institution shall be incorporated as a legal entity with well-structured administrative, fiduciary and operational bodies.

(4) An individual or a group of persons or an institution operating a school in Sierra Leone, regardless of the ownership, shall ensure that the school is safe and have a management and workforce able to ensure the safety of the children under their care.

(5) An existing school that has not applied for approval shall be required to do so within 6 months after the coming into operation of this Act.

61. A proprietor and manager of a school for which approval to establish is sought shall be a fit and proper person to be in charge of a school and shall -

Criteria for approval to establish a school.

- (a) be of good repute, as attested by 2 referees with impeccable records, for each applicant, with no criminal or tax evasion records, no record of continuing major mental health problems, no record of bankruptcy or insolvency in the preceding five (5) years;

-
- (b) show proof of access to sufficient funds to establish and run an institution; and
 - (c) especially, in the case of the manager, show evidence of work experience in education;
 - (d) make an affirmation that the establishment of the proposed school would be in the public interest and that the site selected for the school is conducive for teaching and learning.
 - (e) show proof that at least 50 percent of the teaching staff has the requisite qualifications in their subject areas;
 - (f) show evidence of sufficient financial resources to -
 - (i) embark on and complete the school construction, as well as keep the school operational for a period of at least 3 years without financial support from the Ministry, determined by the bank statements of the proprietors which should show an amount greater than the estimated cost of constructing the school;
 - (ii) indicate that the proposed school buildings will be constructed strictly in accordance with the school construction rules and standards of the Ministry;
 - (g) establish that the school premises will have -

- (i) adequate and proper hygienic facilities, inclusive of separate toilets for female teachers and girls;
- (ii) reading room facility or access to a variety of reading materials, video and audio material to augment learning; and
- (iii) adequate recreational space for the children.

62. (1) The Ministry, in consultation with the local council, may rescind or suspend an approval if it is proved that the school has differed in ways for which approval was initially granted.

Rescinding
or
suspending
approval.

(2) If a school, to which approval has been granted, does not operate fully within 2 years after approval, the approval will lapse.

63. (1) A person shall not construct a school without authorisation or operate a school which has not been registered with the Ministry or with the local council of the area.

Unauthorised
establishment
of a school.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not less than Le 5,000 and to a further fine not less than Le 500 for every day during which the school is operated.

64. (1) Where there is a change of ownership of a government- assisted or private school, the proprietor shall, within 3 months, inform the Ministry in writing of the change.

Change of
ownership.

(2) Where the new proprietor is not a fit and proper person or institution to manage a school and does not satisfy the requirements outlined in section 61 for managing a school, the earlier approval for operating that school shall be withdrawn and the manager or proprietor shall cease to operate the school immediately.

(3) A manager or proprietor who contravenes subsection (2), commits an offence and is liable on conviction to a fine of Le10,000 or to imprisonment for a term not less than 6 months or to both such fine and imprisonment.

Closure of private school.

65. (1) The Minister shall, on the advice of the local council, in the case of a basic education institution, order the closure of a private school if-

- (a) the school is not managed in the best interests of the pupils attending the school; and
- (b) the continuing existence of the school is not in the public interest.

(2) Where a school is closed permanently, arrangements shall be made for the pupils to be admitted into other schools with available space.

Petitions and appeals.

66. (1) A parent or guardian, who suspects discrimination that may affect the wellbeing of their child or ward, may appeal to the local council in the case of a basic education school or to the Minister in the case of a senior secondary school for redress.

(2) Where an appeal is made under subsection (1), the education committee of the local council or the Chief Education Officer shall direct the manager or the proprietor, in writing, to make amends within 30 days and if the manager or proprietor fails to make the amends within the stipulated period, the local council or the Chief Education Officer may, as the case may be, order the closure of the school.

(3) A manager or proprietor aggrieved by a decision of the local council or the Chief Education Officer under subsection (2) may appeal to the Minister and the Minister's decision on the matter shall be final.

67. (1) A proprietor or manager shall be deemed to have fulfilled the School Approval Criteria specified under section 61 in order to qualify to receive government financial assistance, in the case of a government-assisted school, if -

Criteria for receiving government financial assistance.

- (a) he is able to meet a minimum of 20 percent of the running cost of the school, evidence of which shall be in terms of annual income or assets;
- (b) there is existence of a properly constituted and functioning oversight body;
- (c) there is availability of an Internet Technology room or access to Internet Technology resources and equipment that would augment teaching and learning;
- (d) there are adequate number of teachers for the subjects offered with a targeted optimum pupil-to-qualified-teacher ratio of 20 for pre-primary, 40 for primary and junior secondary and 35 for senior secondary school;
- (e) there is evidence of a functional administration including a School Management Committee, or Board of Governors and Community Teachers Association that can properly manage the school and funds provided by the Ministry.

PART VIII - DECENTRALISATION OF BASIC EDUCATION

68. The Minister shall institute measures for the effective decentralisation of the management of basic education to the local councils, in accordance with the provisions of the Local Government Act, 2022.

Basic education in local councils.

Local
Council
Education
Committee.

69. (1) A local council shall establish an education committee.

(2) A local council education committee established under subsection (1) shall have no fewer than 10 and not more than 15 members and at least half of the committee members shall be members of the local council.

(3) The Deputy Director of Education, Ministry of Basic and Senior Secondary Education and the District Deputy Director, Sierra Leone Teaching Service Commission shall be members of the local council education committee.

(4) A person who is not a member of a local council may be appointed a member of the local council education committee if he possesses knowledge and experience in education and is acquainted with the educational conditions prevailing in the area for which the committee is established.

(5) A local council, acting with or through its education committee, shall be responsible for advising the Minister generally on any educational matter referred to it.

(6) A local council shall consider a report from its education committee before exercising any of its functions with respect to education in its area.

Duties of
local councils.

70. (1) A local council, acting with or through its education committee, shall-

- (a) establish, organise, develop and control education at pre-primary, primary, and junior secondary schools, or community education centres within its area of authority;
- (b) allocate subventions to pre-primary, primary and junior secondary schools from funds placed at its disposal or from its own resources;

- (c) manage school feeding programmes in its area of authority;
- (d) manage the use of the schools transport system for the benefit of the children;
- (e) ensure that teaching and learning materials distributed to the local council are judiciously utilised by the intended beneficiaries;
- (f) with cooperation from the Ministry and Sierra Leone Teaching Service Commission, ensure that effective teaching and learning takes place in its area of authority;
- (g) register and approve education providers working in its area;
- (h) advise the Minister generally upon any educational matter referred to it.

PART IX - THE SCHOOL ENVIRONMENT

71. (1) A learning environment shall be conducive; physically and psychologically safe, free from all forms of violence and abuse and facilitates learning. Child-friendly schools.

(2) A government, government-assisted or private school shall -

- (a) be child-friendly, inclusive and actively promote gender-sensitivity, tolerance, dignity and personal empowerment;
- (b) provide basic disabled-friendly and gender-friendly health and sanitation facilities;
- (c) provide spacious and well-ventilated class rooms;

(d) actively discourage discrimination in all forms and employ measures to eradicate it.

(3) A member of the staff of a school or person engaged to teach or support teaching at a school, shall not bully; harass, verbally abuse, physically abuse, sexually abuse or exploit children in his care.

(4) Cyber bullying by a teacher or school authority against a pupil is prohibited.

(5) Pupils and teachers shall dress appropriately, according to the regulations of the school.

Corporal
punishment.

72. (1) Corporal punishment and all other forms of degrading punishment designed to cause, or create fear of physical pain in a pupil, administered or threatened for the purposes of domination or control are prohibited.

(2) A member of staff of a school, or a person engaged to teach or support teaching at a school, shall not administer corporal punishment to a pupil of that school.

(3) A person, including a relative of a pupil, shall not -

(a) administer corporal punishment to a pupil on school grounds; or

(b) threaten a pupil with corporal punishment on the school grounds.

(4) Alternative forms of discipline including positive methods may be employed for child development.

Pupil-on-
pupil
violence, etc.
prohibited.

73. (1) Bullying, harassment, verbal abuse, physical abuse, sexual abuse and exploitation of a pupil by another pupil is prohibited.

(2) Cyber bullying against peers or other pupils is prohibited.

74. (1) Indiscipline in schools constitutes a violation of the rules and regulations of the school. Indiscipline by pupil or staff.

(2) Staff indiscipline shall be addressed in accordance with Sierra Leone Teaching Service Commission Act and the Code of Conduct for Teachers and other Educational Personnel in Sierra Leone.

(3) A school shall provide, as part of its School Improvement Plan, details on how it intends to address cases of pupil or staff indiscipline during the school year.

(4) Cases of pupil or staff indiscipline shall be thoroughly and fairly investigated before action is taken.

75. (1) The head of the school may, after a fair hearing by a competent body, suspend a pupil or teacher from attending the school for a period not less than a week. Suspensions and expulsions.

(2) Learning materials shall be made available to the pupil who is suspended from school under subsection (1).

(3) The head teacher shall report the suspension of a pupil or teacher, in writing, to the Chairman of the School Management Committee, or in the case of a secondary school, the principal shall report the matter, in writing, to the Standing Committee of the Board of Governors.

(4) A suspended pupil or a suspended staff member shall be informed in writing of the reasons for his suspension.

(5) A pupil shall not be expelled from a school unless, on the finding of the School Management Committee or the Board of Governors' Standing Committee, as the case may be, the pupil is culpable of serious breaches of discipline.

(6) An expelled pupil shall be informed in writing of the reasons for his expulsion and copies of the letter of expulsion shall be sent to the local council education committee and to the Deputy Director of the Ministry in the district.

(7) Where a pupil is expelled from a school, an appropriate alternative school shall be identified for the pupil to continue his education.

(8) A teacher accused of grave indiscipline or professional misconduct shall have his case referred to the Sierra Leone Teaching Service Commission for necessary action.

Right of
appeal.

76. (1) A suspended or expelled pupil has the right of appeal to the local council or the Chief Education Officer, as the case may be, within a week of receiving the letter of suspension or expulsion.

(2) The local council or Chief Education Officer may authorise a competent body to re-investigate the matter and report accordingly and communicate their findings to the relevant authority.

(3) A suspended or expelled pupil, his parents and the school authorities shall be informed of the final decision of the local council or the Chief Education Officer, as the case may be.

Aberrant
children.

77. Children with behavioural problems as determined by the school authorities may be handed over to the appropriate agency for care and guidance.

Sick
children.

78. (1) The Ministry responsible for health and sanitation in concert with other qualified health providers may authorise regular school medical inspections to promote the wellbeing of the children.

(2) The Minister shall make rules allowing children who are suffering from an infection or contagious disease which is likely, in the opinion of a Medical Officer, to be detrimental to the health of other pupils, to be excluded from the school for a specified period.

(3) First aid kits and a person trained in first aid shall be available for a school or a cluster of schools.

(4) A child who is sick or injured at school shall, with the consent of his parents or guardian, be provided with medical services.

79. The Ministry shall, in collaboration with the Ministry responsible for housing and infrastructure, the local council, proprietors and partners, ensure that government and government-assisted schools have the required infrastructure for effective teaching, learning and recreation. School infrastructure.

PART X-QUALITY CONTROL

80. (1) The Ministry shall ensure that there is regular collaboration among its various directorates and partners including local authorities for effective monitoring of service delivery in order to guarantee quality assurance and that the Ministry's operations, guidelines, standards and goals are forward-looking, realistic and achievable. Quality assurance.

(2) The Ministry shall take stringent measures to curb examination malpractices and other forms of malfeasance that are likely to erode confidence in the school system.

81. (1) School Quality Assurance, Monitoring and Resource officers and shall - Monitoring and supervision.

- (a) make periodic visits to schools, observe and take note of what is happening and offer professional advice;
- (b) ensure that the teaching and learning resources provided are being properly used;
- (c) in collaboration with the school heads, insist that teachers develop their scheme of work and lesson plans and obtain the proper teaching aids;

- (d) submit inspection data and information to Sierra Leone Teaching Service Commission for regular in-service training programmes for teachers;
- (e) work with local authorities and other monitoring bodies established by the Minister;
- (f) receive reports on the quality and quantity of the teaching and learning materials in the schools and make recommendations to the Chief Education Officer, as appropriate.

(2) Local councils, School Managers and Proprietors shall regularly visit their schools to make sure that effective teaching and learning takes place and institute corrective measures as appropriate.

Assessments.

82. (1) Regular, stress-free evaluations shall be conducted in order to provide information on whether individual pupils and the system are making progress towards achieving learning goals.

(2) School authorities shall ensure that evaluations are pupil-friendly and do not impose unnecessary anxiety on the learners.

(3) The Ministry shall develop a template for the internal assessment of pupils at various stages in all government and government-assisted schools nationwide.

(4) Continuous assessment of primary level pupils shall be carried out in primary schools along the lines given to schools by the Ministry in a continuous assessment handbook, and continuous assessment scores shall be employed in the manner stipulated in that handbook.

(5) Teachers shall be exposed to innovative ways of assessment, including the testing of the critical and creative thinking skills of pupils.

(6) Pupils, particularly those at the senior secondary level, may be given an opportunity to periodically evaluate their teachers through standardised procedures.

(7) Sierra Leone Teaching Service Commission shall conduct regular appraisal of teachers and school authorities.

(8) The Minister may, in consultation with the local councils, determine and publish minimum national standards for basic and senior secondary schools, and reserve the right to order a school that does not adhere to such standards to cease operations.

83. (1) The Ministry shall provide a national curriculum for use in all government and government-assisted schools throughout Sierra Leone. ^{Curriculum development and review.}

(2) Private schools may also use the national curriculum.

(3) The Ministry shall -

- (a) ensure that the national curriculum is available in government and government-assisted schools together with the requisite teaching and learning materials, including textbooks and readers;
- (b) authorise the periodic review of the national curriculum;
- (c) in collaboration with Sierra Leone Teaching Service Commission and teacher education entities, organise training workshops for teachers and other education providers on the proper use of the syllabuses and related teaching resources;

- (d) on the advice of relevant partners and stakeholders, introduce new subjects into the education system.

PART XI - MODE OF INSTRUCTION IN SCHOOLS

English is
Medium of
instruction.

84. (1) English is the mode of instruction in all government and government-assisted schools.
- (2) In the early years of schooling (3-8 years), the use of a local or community language as medium of instruction shall be allowed.
- (3) The Ministry is committed to the teaching of global languages which will be encouraged.
- (4) Innovation and technology application in teaching and learning, including hands-on learning and project-based instruction shall be encouraged and actively pursued.

PART XII - SCHOOL LIBRARIES

School
libraries.

85. (1) A school shall endeavour to establish and maintain a well-equipped library for the use of the pupils and teachers.
- (2) Where a separate room for a library is not available, library books can be made available in classrooms and other appropriate locations in the school.
- (3) Where possible, school libraries may be opened beyond normal school hours.
- (4) The Sierra Leone Library Board shall, through its regional and district officers, and with the cooperation of local councils and other partners, assist in sourcing relevant reading materials and other educational resources for pupils and teachers.

(5) Efforts shall be made to create digital libraries and provide internet and computer facilities in schools.

PART XIII - FRAUD AND CORRUPTION

86. (1) The Ministry shall not entertain fraud or corrupt practice in any educational institution. Fraud and corruption.

(2) Fraud and other corrupt practices in an educational institution are prohibited.

(3) The Ministry shall, in collaboration with Anti-Corruption Commission, West African Examinations Council, the police and civil society organisations, prevent or prosecute corrupt practices in educational institutions including -

- (a) misappropriation of school funds;
- (b) flouting procurement rules and guidelines with intent to defraud;
- (c) nepotism in hiring, bribery and weak financial controls;
- (d) money, goods and services for grades;
- (e) examination malpractices;
- (f) inflating school enrolment figures and candidate numbers.

87. (1) A school shall keep an accurate and up-to-date register of pupils enrolled in the school including a record of the name of the pupil, the enrolment data. Person who has primary care of the pupil and the address of the pupil.

Maintaining accurate school.

(2) A register under subsection (1), shall be supplied to the Ministry at the beginning of the school year, or when entry into the first year of a level, (Primary, Junior Secondary School and Senior Secondary School) is completed.

(3) A school shall inform the Minister of a pupil whose name is on the register but does not attend school for more than 4 weeks within a 3 month period and of any new entrants to the school.

(4) A proprietor, School Manager, head teacher, principal or staff member of a school, knowing that a pupil is not enrolled, shall not add the name of such person to the register.

(5) A proprietor, School Manager, head teacher, principal or staff who contravenes subsection (4) commits an offence and is liable on conviction, to a fine of not less than Le 1,000 for each name so falsely recorded as enrolled.

(6) A proprietor, School Manager, head teacher or principal who causes a staff member to add the name of a pupil not enrolled in the school to the register in violation of subsection (4) commits an offence and is liable on conviction, to a fine of not less than Le 3,000 for each name so falsely recorded as enrolled.

(7) A parent or guardian is obliged to immediately inform school heads that he wishes to transfer or withdraw his child from the school and obtain a transfer certificate from the school that his child was attending.

(8) The head of a school shall, on receiving a transfer case, insist that the pupil presents a transfer certificate before admitting the transferred child.

(9) A proprietor, school manager, head teacher or principal of a school who does not inform the Minister that a pupil is no longer enrolled in the school within 45 days of that pupil ceasing to be enrolled, shall be fined not less than Le 5,000.

PART XIV - EQUALITY OF OPPORTUNITY IN THE WORK PLACE

88. (1) The Ministry is fully committed to gender equity and gender mainstreaming shall be integrated into the policies, programmes and activities of the Ministry in schools and other education centres. Gender equity.

(2) Affirmative action may be taken to accelerate, through appropriate training programmes, the upward mobility of women for senior management levels in the Ministry.

89. Staff in the Ministry with special needs or physical disability constraints shall be supported and assured of their safety. Staff with special needs.

90. Bullying, harassment, verbal, emotional or physical abuse, sexual abuse or exploitation in the Ministry is prohibited. Zero tolerance to harassment, etc.

PART XV - EMERGENCIES AND INFECTIOUS DISEASE OUTBREAKS

91. (1) The Minister shall, on the advice of relevant bodies, authorise the temporary closure of schools nationwide or in areas adversely affected by political disturbances, infectious diseases, or similar disasters. Measures to be taken.

(2) In the case of epidemics and pandemics, mass vaccination of pupils and other preventive measures may be instituted by the government in schools.

(3) On the advice of a Medical Officer, certain sick children may be isolated.

(4) The Ministry shall ensure that pupils continue to access education during infectious disease outbreaks and other emergencies through distance and remedial learning via the radio, television and other accessible modern technologies.

Responsibility
of parent or
guardian.

92. A parent or guardian shall ensure that his child or ward makes reasonable use of the teaching and learning facilities provided by the Ministry during infectious disease outbreaks and other emergencies.

Emergency
Education
Task Force.

93. (1) The Ministry, together with other ministries, departments, agencies and partners, shall enhance its emergency prevention, preparedness, and response strategies by creating a permanent structure to be known as Emergency Education Task Force, with focal persons in each district.

(2) A Task Force under subsection (1) shall be charged with the following activities -

- (a) emergency prevention and response;
- (b) coordination and monitoring;
- (c) school safety, and
- (d) environmental safety.

PART XVI- EDUCATION MANAGEMENT INFORMATION SYSTEM

Data
collection
and analysis.

94. (1) The regular collection of accurate data and analysis across all levels in the education sector increases the Ministry's ability to make informed decisions and appropriate response actions on long term planning, budgeting and to respond appropriately to crisis situations.

(2) The Education Management Information System of the Ministry shall track key performance indicators including teacher and pupil attendance, the status of facilities in the schools, the functionality of the school clubs, parent-teacher committees, school feeding, enrolment, etc.

(3) The Ministry's data hub shall serve as a tool to support decision-making through an evidence-based and data-driven process for research, informed policy, planning and evaluation of interventions across schools.

(4) A private, non-governmental or charitable educational institution shall be mandated to submit reliable and regular data, including the Annual School Census, on all their educational facilities and resources to the Ministry when requested to do so and failure to do so may lead to withdrawal of licence to operate the school.

95. (1) A pupil shall have a National Identification Number provided by the National Civil Registration Authority and a Unique Learner Identification issued by the Ministry which shall be used to track pupils and provide other reliable information on them.

National
Identification
Numbers.

(2) A pupil's data may be shared only in accordance with other laws guiding on personal data and information sharing.

PART XVII - EDUCATION YOUTH ADVISORY GROUP

96. (1) The Minister shall establish an Education Youth Advisory Group composed of pupils and other young people to advise him on matters pertinent to their welfare and interests.

Formation
of
Education
Youth
Advisory
Group.

(2) The composition and other functions of the Education Youth Advisory Group may be determined by the Minister.

(3) The Education Youth Advisory Group shall have representation from every district, be gender balanced, and include children with special needs.

PART XVIII - PARTNERSHIPS

Partnerships. **97.** (1) Partnerships are essential for achieving the goals and objectives of the Ministry and the Ministry shall continue to strengthen its relations with parents and caregivers, proprietors of schools, civil society organisations, the private sector, Ministries, Departments and Agencies, national and international non-governmental organisations, external donors, semi-autonomous bodies of the Ministry, protective service delivery agencies and old pupils' associations.

(2) The coordination desk at the Ministry, whose mandate is to forge healthy relationships with and oversee the work of education partners, shall be fully capacitated to effectively carry out its functions.

PART XIX - MISCELLANEOUS

General Penalty. **98.** A person who commits an offence under this Act for which a penalty has not been prescribed is liable on summary conviction to a fine not less than Le 10,000.00 or to imprisonment for a term not less than 1 year or to both such fine and imprisonment.

Regulations. **99.** The Minister may by statutory instrument make regulations as he may consider necessary or expedient for giving effect to this Act.

Repeal and Savings. **100.** (1) Pursuant to this Act, the Education Act 2004. (Act No 2 of 2004) is hereby repealed.

(2) Notwithstanding the generality of Subsection (1), Subsection (1d) of Section 2, Sections 9, 10, 21, 55, the schedules and all orders, notifications in the Gazette, rules and regulations made under the Education Act, 2004 (Act No 2 2004), which are in force immediately before the commencement of this Act shall continue in force until expiration or expressly repealed.

Passed in Parliament this 24th day of April, in the year of our Lord two thousand and Twenty Three.

PARAN UMAR TARAWALLY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

PARAN UMAR TARAWALLY,
Clerk of Parliament.