

Statutory Instrument No. 127 of 1980

EDUCATION ACT
(Cap. 58:01)

EDUCATION (PRIMARY SCHOOLS) REGULATIONS, 1980

(Published on 14th November, 1980)

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IN EXERCISE of the powers conferred on the Minister of Education by section 30 of the Education Act, the following Regulations are hereby made –

PART I *Preliminary*

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| Citation | 1. These Regulations may be cited as the Education (Primary Schools) Regulations, 1980. |
| Inter-pretation | 2. (1) In these Regulations "the supervisory officer" means the public officer subordinate to the Permanent Secretary responsible for supervising the primary school in question.
(2) For removing doubts, it is hereby declared that in these Regulations "guardian", where a parent is the guardian of his child, means that parent. |
| Application | 3. These Regulations shall apply to every primary school which is –
(a) a Government school;
(b) a local government school; or
(c) an aided school. |

PART II *Admissions and enrolment*

- | | |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Admission to Standard I | 4. (1) Subject to regulation 5 (1), every child admitted to Standard I shall be admitted at the beginning of the first term.
(2) No child shall be admitted to Standard I unless –
(a) on 30th June of the academic year he is so admitted he will be at least 7 years of age; and
(b) on 31st January of the academic year he is so admitted he will be under the age of 10 years. |
| Admission to primary schools generally | 5. (1) No child shall be admitted to a primary school in any term unless he is so admitted on the day the term begins or within 9 school days immediately after that day:
Provided that a headteacher may otherwise admit a child if he is satisfied that there were good and sufficient reasons which prevented the child from attending the school for admission in accordance with this subregulation; but the headteacher shall forthwith report every such |

admission, together with the reasons therefor, in writing to the supervisory officer who shall either confirm the admission or direct that the child be forthwith excluded from the school.

(2) Every child admitted to a primary school shall, on the day he is so admitted, produce to the headteacher his birth certificate or other proof of his date of birth and the headteacher shall ensure that the date of birth, as so evidenced, is entered in the School Admissions Register.

(3) For the purposes of subregulation (2), the date of a child's birth may be proved by the written declaration of the child's father or mother or of any person present at the birth or of the occupier of the dwelling or other premises where the child was born.

(4) Where a child is admitted to a primary school, the headteacher shall ensure that all relevant particulars of the child are entered –

(a) in a register, which shall be called the School Admissions Register, on the day of the child's admission; and

(b) on a separate card, which shall be called the Pupil's Card, on the day of or as soon as is reasonably practicable after the child's admission.

(5) No child shall be admitted to a primary school unless the child is a citizen of Botswana or the child's guardian is lawfully resident in Botswana.

(6) Where there is a shortage of places in an English medium primary school, preference shall, in respect of admission thereto, be given to those children whose guardians are expatriates lawfully resident in Botswana.

6. (1) The number of pupils enrolled at a primary school shall not exceed 1 000 unless the Permanent Secretary has consented in writing to a greater number of pupils being enrolled at the school.

Enrolment
at primary
schools

(2) Where the Permanent Secretary gives his written consent under this regulation, he shall specify therein the number of pupils which may be enrolled at the school and the number of pupils enrolled at the school shall not exceed that number.

(3) Before the Permanent Secretary gives his written consent under this regulation, he shall consult the local education authority.

7. (1) The Permanent Secretary may give directions in writing, either generally or with reference to a particular case, to any headteacher of a primary school or to all or any headteachers of primary schools in respect of the admission and enrolment of children.

Power of
Permanent
Secretary
to give
directions
in relation
to admissions
and
enrolment

(2) Every headteacher to whom directions have been given by the Permanent Secretary under this regulation shall comply with those directions.

PART III *Academic year, Annual Schools Calendar and curriculum*

8. In respect of primary schools, the academic year shall begin in January of every year and shall be divided into 3 school terms, which shall be called the first term, second term and third term respectively.

Academic
year

9. (1) Before the beginning of every academic year, the Permanent Secretary shall prepare for all primary schools a schools calendar for that year, which shall be called the Annual Schools Calendar, and the Annual Schools Calendar shall indicate the period of each school term and the days during each school term on which pupils shall be required to attend school or instruction.

Annual
Schools
Calendar

(2) The Annual Schools Calendar shall make provision for not less than 180 and not more than 200 school days in the academic year to which it relates.

(3) The Annual Schools Calendar shall be observed in all primary schools:

Provided that the Permanent Secretary may, either generally or in a particular case, authorize a departure from the Annual Schools Calendar to such extent as he shall specify.

Curriculum

10. (1) Every primary school shall provide instruction in such subjects as the Permanent Secretary may specify for the purposes of this regulation.

(2) Where the Permanent Secretary specifies a subject for the purposes of this regulation, he shall, at the same time, specify the syllabus to be followed in respect of that subject.

(3) Where the Permanent Secretary considers it would be in the interests of the pupils at a particular primary school to modify the syllabus to be followed in respect of any subject, he may, from time to time, modify that syllabus for that school and thereupon the school shall follow that syllabus as so modified.

PART IV *Expulsion and withdrawal of pupils*

Restriction
on expulsion
of pupils
Procedure
to be
followed
for expulsion

11. No pupil shall be expelled from a primary school except in accordance with this Part.

12. (1) Where a headteacher decides to expel a pupil, he shall not give effect to that decision unless it is confirmed by the supervisory officer or by the Permanent Secretary in accordance with this regulation but shall forthwith notify his decision, together with the reasons therefor, in writing to the pupil's guardian and to the supervisory officer and every such notification to the pupil's guardian shall contain a statement to the effect that the pupil will not be expelled unless the headteacher's decision so to do is confirmed by the supervisory officer or by the Permanent Secretary.

(2) On being notified of the headteacher's decision in accordance with subregulation (1), the supervisory officer shall forthwith consider that decision and shall —

- (a) confirm the headteacher's decision;
- (b) set aside the headteacher's decision and direct the headteacher to impose a less severe form of punishment or no punishment; or
- (c) refer the headteacher's decision to the Permanent Secretary.

(3) The supervisory officer shall forthwith notify in writing to the pupil's guardian any confirmation by him under subregulation (2) (a) of the headteacher's decision to expel the pupil and every such notification shall contain a statement advising the pupil's guardian of his right of appeal under regulation 13.

(4) Where the supervisory officer refers the headteacher's decision to the Permanent Secretary under subregulation (2) (c), the Permanent Secretary shall forthwith consider that decision and shall either —

- (a) confirm the headteacher's decision; or
- (b) set aside the headteacher's decision and direct the headteacher to impose a less severe form of punishment or no punishment.

(5) The Permanent Secretary shall forthwith notify in writing to the pupil's guardian any confirmation by him under subregulation (4) (a) of the headteacher's decision to expel the pupil and every such notification shall contain a statement advising the pupil's guardian of his right of appeal under regulation 13.

(6) Where the headteacher's decision to expel a pupil is confirmed by the supervisory officer under subregulation (2) (a) or by the Permanent Secretary under subregulation (4) (a), the headteacher shall forthwith give effect to his decision and expel the pupil from the school.

(7) Where a headteacher decides to expel a pupil he may, if he is satisfied that it is in the interest of the school so to do, at any time thereafter suspend the pupil pending the decision of the supervisory officer or of the Permanent Secretary under this regulation.

13. (1) Any guardian of a pupil who has been expelled under regulation 12 may, within 14 days immediately after the date of the receipt by him of notification of the decision of the supervisory officer or of the Permanent Secretary, as the case may be, appeal in writing against the expulsion –

(a) to the Permanent Secretary, if the headteacher's decision to expel the pupil was confirmed by the supervisory officer under regulation 12 (2) (a); or

(b) to the Minister, if the headteacher's decision to expel the pupil was confirmed by the Permanent Secretary under regulation 12 (4) (a).

(2) The Permanent Secretary or the Minister, as the case may be, shall consider every appeal made to him under this regulation and shall either –

(a) dismiss the appeal; or

(b) allow it, set aside the expulsion and direct the headteacher to impose a less severe form of punishment or no punishment.

14. (1) If a pupil is found to be pregnant, her guardian shall forthwith withdraw her from the school at which she is enrolled and she shall not be readmitted to the school or admitted to another primary school:

Provided that such a pupil may, at the expiry of the period of 12 months immediately following the cessation of her pregnancy or at any time thereafter, be admitted to another primary school, if the Permanent Secretary consents in writing thereto.

(2) Where a pupil is found to be responsible for the pregnancy of another pupil, his guardian shall forthwith withdraw him from the school at which he is enrolled and he shall not be readmitted to the school or admitted to another primary school unless the Permanent Secretary consents in writing thereto.

(3) No child shall be permitted to write an examination at a primary school while she is pregnant.

15. (1) Any pupil who is absent from school for 20 continuous school days shall be deemed to have been withdrawn from the school and his name shall be deleted in the School Admissions Register:

Provided that this subregulation shall not apply where the headteacher is satisfied that there are good and sufficient reasons beyond the control of the pupil's guardian for the pupil's absence and that the pupil is likely, in due course, to resume attendance at the school.

(2) A pupil deemed to have been withdrawn from school by virtue of subregulation (1) may be readmitted to the school at any time unless, in the opinion of the headteacher, there are good reasons why the pupil should not be so readmitted.

(3) A pupil who is absent from school for a prolonged period shall, on his resumption of attendance at or readmission to the school, resume his education in such Standard as the headteacher shall, in the interests of the pupil, determine.

Reimbursement of school fees on withdrawal from English language primary school

16. (1) Where a pupil is withdrawn from an English medium primary school, no school fees paid for that pupil shall be refunded unless –

- (a) the pupil is withdrawn at any time during the first 20 school days of a school term, in which case any school fees paid for the pupil in respect of that term alone shall be refunded in proportion to the length of the remaining part of the term; or
- (b) the pupil is withdrawn at any time during the academic year and school fees have been paid for the pupil in respect of the whole of that year in one lump sum, in which case such fees shall be refunded in proportion to the length of the remaining part of the year.

PART V *Transfers*

Transfers

17. (1) Subject to subregulation (2), a pupil may be transferred from one primary school to another primary school.

(2) A pupil shall not be transferred from one primary school to another primary school –

- (a) where the headteacher of the school from which it is proposed to transfer the pupil believes, on reasonable grounds, that the transfer is not justified, in which case he shall decline to take the steps required by regulation 18 (a) to effect the transfer;
- (b) at any time other than at the end of term unless the headteachers of the schools concerned are agreed that exceptional circumstances exist; or
- (c) where the pupil is already repeating Standard 7 or the purpose of the transfer is to enable him to commence repeating Standard 7 at the other primary school, unless the supervisory officer has consented in writing to the transfer.

(3) Where the consent of the supervisory officer to a transfer is required by subregulation (2) (c), an application for that consent shall be submitted in writing by the headteacher of the school from which it is proposed to transfer the pupil and the application shall contain all the relevant particulars of the pupil and clearly set out the reasons for the proposed transfer.

Procedure to effect transfer

18. To effect the transfer of a pupil from one primary school to another primary school –

- (a) the headteacher of the school from which the pupil is being transferred shall sign the relevant Pupil's Card, after assuring himself that it contains all the relevant particulars, and deliver it or cause it to be delivered to the pupil; and
- (b) the headteacher of the school to which the pupil is being transferred shall require the pupil to produce, and shall not admit him to the school unless he does produce, –

- (i) his Pupil's Card containing all the relevant particulars and signed as required by paragraph (a); and
- (ii) where the pupil is already repeating Standard 7 or the purpose of the transfer is to enable him to commence repeating Standard 7 at the new school, the supervisory officer's written consent to the transfer required by regulation 17 (2) (c).

19. (1) A child may be admitted to a primary school on transfer from a primary school to which these Regulations do not apply —

- (a) if the child is the correct age for the Standard he wishes to enter; and
- (b) if the headteacher is satisfied with the level of the child's educational attainment.

(2) Every child admitted to a primary school under this regulation shall be admitted on a first-come first-served basis.

Transfer from non-aided private school

PART VI *Repetitions*

20. (1) No pupil shall repeat a Standard without the consent in writing of the supervisory officer who may give his consent only on the ground of —

Restriction on repetition

- (a) the pupil's prolonged absence from school because of illness; or
- (b) lack of educational attainment on the part of the pupil.

(2) The supervisory officer shall not give his consent under this regulation unless the headteacher submits evidence to him in respect of the particular case and, where the case is one in which lack of educational attainment is alleged, that evidence shall consist of a continuous record of the pupil's educational attainment kept in such form as the Permanent Secretary may require.

21. Notwithstanding regulation 20, where a pupil does not meet the minimum educational attainment prescribed by the Minister, as determined by the pupil's score in a diagnostic test set by the Permanent Secretary, the headteacher may permit the pupil to repeat Standard 4 without the consent of the supervisory officer.

Head-teacher's power to permit repetition of Standard 4

22. (1) Notwithstanding regulation 20, where a pupil is under the age of 17 years on the first school day of the first term and he will not, by repeating Standard 7, displace any pupil entitled to a place therein, the headteacher may permit the pupil to repeat Standard 7 without the consent of the supervisory officer.

Head-teacher's power to permit repetition of Standard 7

(2) For removing doubts, it is hereby declared that this regulation is without prejudice to regulation 17 (2) (c) (which requires the consent of the supervisory officer to the transfer of a pupil from one primary school to another, there to repeat Standard 7).

23. Where a headteacher may permit a pupil to repeat Standard 4 or 7 without the consent of the supervisory officer but is in doubt whether to give or to withhold that permission, he shall refer the matter to the supervisory officer who shall make the decision in place of the headteacher.

Head-teacher's duty to refer certain proposed repetitions to supervisory officer

Head-teacher's duty to submit annual list of repeaters to supervisory officer

24. Every headteacher shall, at the beginning of the third week of each first term, submit to the supervisory officer a list of all pupils then repeating Standards in his school and the list shall contain the following particulars in respect of each such pupil –

- (a) his full name and date of birth;
- (b) the number of the Standard he is repeating; and
- (c) the authority for the repetition.

PART VII Corporal punishment

General restriction of corporal punishment

25. No headteacher or other teacher shall administer corporal punishment to a pupil except in accordance with this Part.

General power of headteacher or other teacher to administer corporal punishment

26. (1) Subject to regulation 27, a headteacher or other teacher may administer corporal punishment to a pupil for a breach of good order or discipline by the pupil.

(2) For the purposes of this Part, backwardness, lack of understanding or inability to do school work or to do it properly shall in no circumstances constitute a breach of good order or discipline by a pupil.

Particular restrictions on corporal punishment

27. No headteacher or other teacher shall administer corporal punishment to a pupil unless each of the following conditions is observed –

- (a) the punishment will, in the opinion of the person administering it, tend to reform the pupil;
- (b) the person administering the punishment shall be satisfied that it will not worsen any mental or physical disability from which he has reason to believe the pupil suffers;
- (c) the punishment shall not be administered with any instrument other than a light thupa;
- (d) the punishment shall not be administered with such severity as to break the skin of the pupil;
- (e) the punishment shall not be administered to any part of the pupil's body other than, in the case of a boy, his palms or buttocks or the back of his legs or, in the case of a girl, her palms or calves;
- (f) the punishment shall not exceed 3 strokes.

Special power of headteacher in respect of corporal punishment

28. (1) Notwithstanding regulation 27 (f), where, in the opinion of the headteacher, a pupil is guilty of a serious breach of good order or discipline, the headteacher may administer corporal punishment to the pupil not exceeding 5 strokes or cause such punishment to be administered to the pupil in his presence by some other teacher.

(2) Where a headteacher causes corporal punishment to be administered by some other teacher under this regulation, the headteacher shall be deemed, for the purposes of this Part, to administer that punishment together with the other teacher.

Punishments Register

29. (1) Every headteacher shall keep a register, which shall be called the Punishments Register.

(2) Where a headteacher administers corporal punishment to a pupil in excess of 3 strokes, he shall forthwith enter in the Punishments Register –

- (a) the full name of the pupil;

- (b) the nature of the offence;
- (c) the date on which corporal punishment was administered;
- (d) the number of strokes administered; and
- (e) the name of the person by whom the punishment was physically administered.

(3) On being required so to do at any reasonable time by the supervisory officer, a headteacher shall forthwith produce for the supervisory officer's inspection the school's Punishments Register.

30. Any headteacher or other teacher who administers corporal punishment to a pupil otherwise than in accordance with this Part shall be guilty of an offence and liable to a fine of P50 and to imprisonment for 3 months.

Penalties

PART VIII *Transport and visits abroad*

31. Before any party of pupils from a primary school, organized by or under the authority of the headteacher, makes any journey within or outside Botswana by motor vehicle, it shall be the duty of the headteacher to ensure that the motor vehicle is and will remain throughout the journey so insured that every pupil travelling therein will be safeguarded in respect of any bodily injury to himself which may be caused in the course of the journey.

Head-teacher's duty to take precautions in respect of motor transport

32. (1) No party of pupils from a primary school, organized by or under the authority of the headteacher, shall visit another country, either alone or together with other such parties, without the permission in writing of the Permanent Secretary.

Restriction on primary school party visiting other country

(2) The Permanent Secretary shall not give his permission under this regulation unless he is satisfied that adequate arrangements have been made with the country to be visited for the safe conduct in that country of the pupils in question.

(3) No party such as is referred to in subregulation (1) shall visit another country, if the period of the visit or any part thereof coincides with a school term or any part thereof, without the permission of –

- (a) the manager of the school;
- (b) the local education authority; and
- (c) the supervisory officer.

(4) Where the supervisory officer is in doubt whether to give or to withhold his permission for the purposes of subregulation (3), he may refer the matter to the Permanent Secretary, in which case the permission of the supervisory officer shall not be required.

(5) No pupil shall be permitted to leave Botswana as a member of such a party as is referred to in subregulation (1) without the consent of his guardian.

33. Any headteacher who wishes a party of his pupils to have the permission of the Permanent Secretary under regulation 32 to visit another country shall apply in writing to the Permanent Secretary for that permission, giving the following particulars –

- (a) the name of the country the party proposes to visit;
- (b) the dates of the proposed visit;
- (c) the places of interest the party proposes to see;
- (d) where and how it is proposed that the party will be accommodated;

Application for Permanent Secretary's permission for primary school party to visit other country

- (e) the party's proposed means of transport and, where the proposed means of transport is by motor vehicle, the type of the vehicle it is proposed to use and its registration number;
- (f) the full name of every pupil it is proposed to include in the party together with the nationality and number of his passport; and
- (g) the full name of every teacher or other person it is proposed will accompany the party together with the nationality and number of his passport;

and, where the party's proposed means of transport is by motor vehicle, the application shall be accompanied by evidence that the vehicle it is proposed to use will be so insured throughout the period of its use to convey the party that every pupil travelling therein will be safeguarded in respect of any bodily injury to himself which may be caused in the course of that use.

PART IX *Health*

Procedure where pupil falls ill or suffers serious injury while at school

34.(1) If a pupil falls ill or suffers serious injury while at school or while involved in a school activity —

- (a) the headteacher shall forthwith take steps to inform the pupil's guardian; and
- (b) where the illness or injury is sufficiently serious to warrant the pupil's transportation to a hospital or clinic and the pupil's guardian is not readily available, the headteacher shall forthwith make the necessary arrangements for the pupil to be so transported and shall take all reasonable steps to ensure that he is there seen by a medical practitioner or registered nurse.

(2) Where a headteacher makes arrangements for a pupil to be transported to a hospital or clinic in accordance with subregulation (1) (b), the pupil's guardian shall be liable for the cost of those arrangements.

(3) Where a medical fee is required to be paid in respect of the medical examination or treatment of a pupil, the pupil's guardian shall be liable for the payment of that fee.

Procedure where pupil has contagious or infectious disease

35. (1) Where a headteacher becomes aware that a pupil has a contagious or infectious disease, he shall forthwith take all reasonable steps —

- (a) to inform the pupil's guardian;
- (b) to exclude the pupil from the school and to ensure that the pupil does not attend school or any class until such time as there is produced to the headteacher a certificate in writing, signed by a medical practitioner or registered nurse, certifying that the pupil is now free from the disease;
- (c) to advise the pupil's guardian to make the necessary arrangements for the pupil to be medically examined and treated; and
- (d) if the pupil remains at the school, to isolate him from other pupils and thereafter to keep him so isolated until he leaves the school.

(2) Where a pupil isolated from other pupils by virtue of subregulation (1) (d) is likely, in the opinion of the headteacher, to remain at the school for longer than an insignificant period, the headteacher shall immediately make the necessary arrangements for the pupil to be examined by a medical practitioner or registered nurse.

36. (1) Where any infectious disease is identified among the pupils of a school and, in the opinion of the headteacher, an epidemic is present or imminent, he shall forthwith report the circumstances to the local health authority, to the local education authority and to the supervisory officer.

Procedure where epidemic occurs or is threatened

(2) The headteacher shall take all reasonable steps to ensure that any medical advice given by a health authority, following a report under subregulation (1), is strictly adhered to by all concerned.

(3) Where, following a report under subregulation (1), a health authority undertakes the inoculation or vaccination of all pupils in the school against a certain disease, the headteacher shall take all reasonable steps to exclude from the school any pupil who is not so inoculated or vaccinated and to ensure that the pupil does not attend school or any class or otherwise mix with other pupils:

Provided that this subregulation shall not apply in the case of a pupil who produces to the headteacher a certificate in writing, signed by a medical practitioner or registered nurse, certifying that the pupil, notwithstanding that he has not been so inoculated or vaccinated, is in no danger of contracting the disease and poses no threat of infecting another person with the disease.

37. Where a pupil accommodated in a school hostel has remained in bed for 48 hours, the headteacher shall ensure that he is examined as soon as is reasonably practicable by a medical practitioner or registered nurse.

Pupil remaining in bed for 48 hours to be medically examined

38. It shall be the duty of every headteacher to take all reasonable steps to ensure that conditions at his school are at all times such as not to pose a threat to the health of the pupils and in discharge of this duty the headteacher shall pay particular attention to the conditions under which school meals are prepared.

Duty of headteacher to maintain healthy school environment

39. For removing doubts, it is hereby declared that in this Part "infectious disease" includes chicken-pox, diphtheria, infectious hepatitis, measles, smallpox and tuberculosis.

Interpretation of "infectious disease" in this Part

PART X *Statistical returns*

40. (1) Every headteacher of a primary school shall —

(a) not later than 1st March in every year, complete form 5A approved by the Permanent Secretary;

(b) on the last day of the second term and on the last day of the third term in every year, complete form 5B approved by the Permanent Secretary; and

(c) on the first school day of April in every year, complete form 5C approved by the Permanent Secretary.

Duty of headteacher to complete and submit statistical returns

(2) The headteacher shall complete each of the forms referred to in subregulation (1) in quadruplicate, retain one copy for the school's records and transmit the original and the other 2 copies to the supervisory officer who shall, on receipt of the same, retain one copy for his records and forthwith transmit the original to the Permanent Secretary and the other copy to the owner of the school.

(3) The headteacher shall complete each of the forms referred to in subregulation (1) in full, ensure that the information entered therein is as

accurate as possible and date and sign the form before any further steps are taken.

(4) The headteacher shall ensure that the original and the copies to be transmitted to the supervisory officer in accordance with subregulation (2) are transmitted in time to reach the supervisory officer within the period specified for that purpose in the respective form.

(5) The headteacher shall take all reasonable steps to ensure that he receives the forms necessary to comply with this regulation in good time.

PART XI *Miscellaneous*

Payment of school fees at English medium primary school

41. School fees in respect of each term for a pupil at an English medium primary school shall be paid on or before the beginning of the term.

Restriction on class numbers

42. The number of pupils receiving instruction in any one class at any one time in a primary school shall not exceed 45.

Power of Permanent Secretary to give directions in relation to combination of classes

43. (1) The Permanent Secretary may give directions in writing, either generally or with reference to a particular case, to any headteacher of a primary school or to all or any headteachers of primary schools in connexion with the combination of classes.

(2) Every headteacher to whom directions have been given by the Permanent Secretary under this regulation shall comply with those directions.

MADE this 3rd day of November, 1980.

K.P. MORAKE,
Minister of Education.

L2/7/87