

Statutory Instrument No. 116 of 1991.

EDUCATION ACT
(Cap. 58:01)

EDUCATION (PRIVATE PRIMARY SCHOOLS) REGULATIONS, 1991
(Published on 18th October, 1991)

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IN EXERCISE of the powers conferred on the Minister of Education by section 29 of the Education Act, the following Regulations are hereby made —

PART 1 — Preliminary

- Citation** 1. These Regulations may be cited as the Education (Private Primary Schools) Regulations, 1991.
- Interpretation and application** 2. (1) In these Regulations, unless the context otherwise requires —
“guardian”, where a parent is the guardian of the child in question, means that parent;
“private primary school” means a primary school to which these Regulations apply.
(2) These Regulations shall apply to every primary school other than —
(a) a Government school;
(b) a local government school;
(c) an aided school.

PART 2 — Admission and Academic Year etc.

- Admission to Standard I** 3. No child shall be admitted to Standard I in a private primary school unless, on the first day of the school year in which the child is to be admitted, the child has attained the age of five years.
- Academic year** 4. The academic year for private primary schools shall begin in January of each year and shall be divided into three terms, to be called the first term, the second term and the third term respectively.
- Annual school calendars** 5. (1) Every private primary school shall prepare its own annual school calendar for each academic year and that calendar shall indicate the dates on which each term shall begin and end, and the number of school days in each term:
Provided that no school calendar shall make provision for less than 180 or more than 200 school days in the academic year to which that calendar relates.
(2) Every private primary school shall, each year, not later than the 31st December immediately preceding the commencement of the academic year, lodge with the Permanent Secretary a copy of its proposed annual school calendar for that year.
- Curricula** 6. (1) Every private primary school shall provide instruction in such subjects as the Permanent Secretary may specify.
(2) Where the Permanent Secretary requires that instruction be given in a particular subject, he may also specify the minimum content of the syllabus to be followed in respect of that subject:
Provided that, where the Permanent Secretary considers it would be in the interests of the pupils at a particular primary school to modify the minimum content of the syllabus to be followed in respect of that subject, he may modify that syllabus for that school, and thereafter that school shall follow that syllabus as so modified.
- School fees** 7. (1) Private primary schools shall determine their own school fees:
Provided that in the event of public dissatisfaction or complaint over the fees charged at any particular school, the Permanent Secretary may intervene to try to settle the matter, and if this cannot be done by agreement between the parties concerned, the Permanent Secretary may himself determine the fees to be charged.
(2) Any party dissatisfied with any decision of the Permanent Secretary under this regulation may appeal therefrom to the Minister, who, after due consideration of all the circumstances relating to the imposition of the fee or the increase in fees, may order cancellation of the fee or a reduction thereof, and the Minister’s decision shall be final.

PART 3 — *Expulsion*

8. (1) Where a headmaster is of the opinion that a pupil, whose conduct and behaviour are habitually or continually such as to endanger the maintainance of a proper standard of discipline or conduct at the school, should be expelled from a private primary school, he shall refer the matter together with his report to the school council, or if there is no school council, to the manager of the school, for its or his decision as to whether the pupil is to be expelled. Expulsion

(2) Where the headmaster is of the opinion that the behaviour of the pupil concerned so warrants, and the delay involved in following the procedure set out in subregulation (1) would seriously prejudice the interests of the school, he may suspend the pupil forthwith pending the decision of the school council or the manager, as the case may be, and shall immediately so notify the council or manager.

(3) Upon receipt of the headmaster's report or reference the council, or the manager, as the case may be, after conducting such enquiry as it or he considers necessary, may make an expulsion order against the pupil concerned, or may order his suspension for such period as is considered appropriate, or may make no order.

(4) Where a pupil is expelled or suspended in accordance with subregulation (3), all reasonable steps shall be taken to notify the pupil's guardian, in writing, of the expulsion or of the suspension, as the case may be, of the reasons therefor and the guardian's right of appeal to the Minister against such expulsion or suspension.

9. Where a pupil of a private primary school is excluded from such school for failing to comply with any school rule or regulation, the guardian of that pupil may appeal to the Minister as provided under regulation 10. Non-compliance with school regulations

10. (1) A guardian wishing to appeal against an order of expulsion, exclusion or suspension, shall lodge with the Minister, with a copy to the headmaster, a written notice setting out the grounds of the appeal, within 21 days after the receipt by him of the order. Appeal against expulsion

(2) Within 14 days after receiving a copy of the notice of appeal, the headmaster shall deliver to the Minister written particulars of all the material circumstances giving rise to the expulsion, exclusion or suspension, and the Minister shall not proceed to consider the appeal until he has received such particulars.

(3) Before determining an appeal under this regulation, the Minister shall give the appellant and the headmaster, or some duly authorized representative of the school reasonable opportunity to make oral or written submissions to him, as the Minister may decide.

(4) After considering all the submissions made to him the Minister may dismiss the appeal, or may set aside the expulsion, exclusion or the suspension, as the case may be, or may impose some other punishment.

(5) The appellant and the headmaster shall be notified, in writing, of the result of the appeal as soon as possible after the Minister's decision.

PART 4 — *Corporal Punishment*

11. (1) Corporal punishment shall not be administered to a pupil of a private primary school otherwise than in accordance with the provisions of this Part. Corporal punishment

(2) Corporal punishment shall only be administered to a pupil for a breach of good order or discipline, which expression shall in no circumstances include lack of understanding, or inability to do school work or to do it properly, where such lack of understanding or inability is due to some mental incapacity of the pupil over which he has no control, and shall not be administered unless each of the following conditions is met or observed —

- (a) in the opinion of the person administering the punishment it will tend to reform the pupil, and he is satisfied that it will not worsen any mental or physical disability from which he knows or has reason to believe that the pupil suffers;
- (b) the punishment shall not be administered with any instrument other than a light cane, not exceeding 75cm in length and 1cm in diameter;
- (c) the punishment shall not be administered with such severity as to break the skin of the pupil;
- (d) the punishment shall not be administered to any part of the pupil's body other than, in the case of a boy, his palms, buttocks or the back of his legs, or, in the case of a girl, her palms or calves.

(3) Corporal punishment shall not exceed 3 strokes:

Provided that where, in the opinion of the headmaster, a pupil is guilty of a serious breach of good order or discipline, the headmaster may administer corporal punishment to the pupil not exceeding 5 strokes, or may cause such punishment to be administered in his presence by another teacher.

Punishment
register

12. (1) Every headmaster shall maintain a punishment register, which shall be produced by him for inspection on request by the Permanent Secretary or a public officer authorized by him in writing in that behalf.

(2) Where a headmaster administers, or causes to be administered, corporal punishment in excess of 3 strokes, he shall forthwith enter in the register the following details —

- (a) the full name of the pupil concerned;
- (b) the nature of the offence;
- (c) the date on which the punishment was administered;
- (d) the time at which the punishment was administered;
- (e) the place at which the punishment was administered;
- (f) the number of strokes administered; and
- (g) the name of the person by whom the punishment was administered.

PART 5 — *Transport and Visits Abroad*

Transport
of pupils
on visits

13. Before any party of pupils from a private primary school makes any journey within or outside Botswana by motor vehicle, organized by or under the authority of the headmaster, he shall ensure that the vehicle is, and will remain throughout the journey, so insured that every pupil making the journey will be covered in respect of any bodily injury to him which may be occasioned in the course of such journey.

Visits
abroad by
pupils

14. (1) Visits to other countries by pupils from a private primary school, organized by or under the authority of the headmaster, and either alone or together with other such parties, shall not be undertaken unless the headmaster of that school has obtained the approval of the school council or manager, as the case may be, and the school council or manager has obtained the approval, in writing, of the Permanent Secretary, or his representative not below the rank of Senior Education Officer.

(2) Permission shall not be given in terms of this regulation unless the Permanent Secretary or his representative, as the case may be, is satisfied that adequate arrangements have been made with the country or countries to be visited for the safe conduct therein of the pupils concerned.

(3) If the period of the visit or any part thereof coincides with a school term or any part of such term, such visit shall not be undertaken without the permission of the manager of the school.

(4) A pupil shall not be permitted to leave Botswana on such a visit without the written consent of his guardian.

15. (1) A headmaster wishing to have permission for a party of his pupils to make a visit abroad, shall apply in writing to the Permanent Secretary or his representative giving the following particulars —

Applications
for permission
for visits
abroad

- (a) the name of the country or countries to be visited;
- (b) the dates of the proposed visit;
- (c) the places of interest the party proposes to visit;
- (d) where and how it is proposed that the party will be accommodated;
- (e) the party's proposed means of transport and, where such transport is by motor vehicle, the type of vehicle it is proposed to use, and its registration number if known;
- (f) the full name of every pupil to be included in the party, together with the nationality and number of his passport;
- (g) the full name of every teacher or other person accompanying the party, together with the nationality and number of his passport.

(2) Where the party's proposed means of transport is by motor vehicle, the application should be accompanied by evidence that the vehicle to be used will conform with the requirements set out in regulation 11.

PART 6 — *Health*

16. (1) If a pupil falls ill or suffers serious injury while at school or while involved in a school activity, the headmaster shall forthwith —

Ill-health
and serious
injury to
pupils

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

(2) Where a pupil accommodated in a school hostel has remained in bed for 48 hours, the headmaster shall ensure that he is examined by a medical practitioner or a registered nurse as soon as reasonably possible.

(3) The pupil's guardian shall be liable for any expenses incurred in respect of the transport of the pupil to the hospital or clinic, or in respect of any medical fees for examination or treatment received.

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

Contagious
or infectious
diseases

- (a) to inform the pupil's guardian and advise the guardian to make all necessary arrangements for the pupil to be medically examined and treated;
- (b) to exclude the pupil from the school and ensure that he does not attend school or any class until such time as there is produced a certificate, signed by a medical practitioner or a registered nurse, certifying that the pupil is now free from the disease;

(c) if and while the pupil remains at the school, to isolate him from the 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) (c), is likely, in the opinion of the headmaster, to remain at the school for a period longer than the headmaster considers desirable, the headmaster shall himself make the necessary arrangements to have the pupil examined by a medical practitioner or registered nurse.

(3) For the purposes of this Part, and for the removal of any doubt, the expression "contagious or infectious disease" shall include chicken-pox, diphtheria, infectious hepatitis, measles, small-pox and tuberculosis.

Threat of epidemic

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

(2) The headmaster 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 headmaster 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, unless such pupil produces to the headmaster a certificate in writing, signed by a medical practitioner or a 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 any other person with the disease.

Maintaining healthy school environment

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

PART 7 — *Statistical Returns*

Submission of statistical returns

20. (1) It shall be the duty of a headmaster of a private primary school to complete in full such statistical returns as the Permanent Secretary may approve, on approved forms and before such dates as the Permanent Secretary directs.

(2) The headmaster shall send one copy of such returns to the Government Statistician, one to the manager of the school, one to the local education authority and retain one copy for the school's own records.

MADE this day of 1991

R.M. MOLOMO,
Minister of Education.