

CAYMAN ISLANDS



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**A BILL FOR A LAW TO REPEAL AND REPLACE THE EDUCATION  
LAW (2010 REVISION); TO REPEAL THE EDUCATION  
MODERNISATION LAW, 2009, LAW 7 OF 2009; TO MAKE PROVISION  
WITH RESPECT TO EDUCATION IN EARLY CHILDHOOD CARE  
AND EDUCATION CENTRES, IN PRIMARY AND SECONDARY  
SCHOOLS, IN TECHNICAL AND VOCATIONAL EDUCATION AND  
TRAINING INSTITUTIONS, AND IN POST-COMPULSORY  
EDUCATION AND TRAINING INSTITUTIONS; TO PROMOTE HIGH  
STANDARDS IN EDUCATION AND THE TEACHING PROFESSION;  
AND TO MAKE PROVISION FOR INCIDENTAL AND CONNECTED  
MATTERS**

**THE EDUCATION BILL, 2015**

**MEMORANDUM OF OBJECTS AND REASONS**

This Bill repeals and replaces the Education Law (2010 Revision) and the Education Modernisation Law, 2009, Law 7 of 2009. The proposed legislation makes provision with respect to education in -

- (a) early childhood care and education centres;
- (b) primary and secondary schools;
- (c) technical and vocational education and training institutions; and
- (d) post-compulsory education and training institutions.

The Bill has 16 Parts. Part 1 contains clauses 1 and 2 which are preliminary provisions. Clause 1 sets out the short title and commencement provisions of the proposed legislation.

Clause 2 defines various expressions (for example, “child” and “compulsory school age”).

Part 2 of the Bill contains clauses 3 to 5 and sets out the duties of the Minister responsible for education. By virtue of clause 3, the Minister is required, among other things -

- (a) to determine national policy and the strategic direction of education, with a view to promoting the education of the people of the Cayman Islands (clause 3(1)(a)); and
- (b) to endeavour within available resources to ensure that sufficient educational institutions are provided in such manner as the Minister shall decide, including partnership, or other collaborative arrangements, with the private sector (clause 3(1)(b)).

Clause 3 also makes provision for the establishment of bodies to advise the Minister.

Clause 4 requires the Chief Officer, under the direction of the Minister, to supervise the administration of the education service and the implementation of the national policy for education services. The clause also requires the Chief Officer to submit to the Minister an annual report containing specified information (for example, information describing the standards of achievement and progress of students receiving education in Government schools, assisted schools and independent schools, together with such information as may be

available about the achievements of home schooled students and other students educated otherwise than at schools).

Clause 5 of the Bill makes provision for the appointment of a Director of Education Services who shall be responsible for executive decision making authority in relation to the conduct of Government schools.

Clause 6 makes provision for the establishment of the Education Council and prescribes its duties.

Part 3 of the Bill contains clauses 7 and 8 and deals with the registration of educational institutions. Clause 7 prohibits persons from owning, managing or participating in the management of, a non-Government educational institution, unless the institution is registered.

Clause 8 requires the maintenance of a register in respect of Government educational institutions.

Part 4 of the Bill contains clauses 9 to 13 and makes provision in relation to school attendance, admissions and access to education. Clause 9 empowers the Cabinet to alter the definition of the expression “compulsory school age” as defined in clause 2.

Clause 10 sets out the duty of a parent or legal guardian of a child of compulsory school age to ensure that the child receives full-time education suitable to the child’s requirements either by attendance at school or otherwise as provided in clause 11. Clause 11 makes provision for home-schooling.

Part 5 of the Bill is comprised of clause 14 which empowers the Minister to establish a national curriculum.

Part 6 of the Bill is comprised of clause 15 which establishes the Office of Education Quality Assurance, staffed by a Director and other officers. The Director or a person acting under the Director’s authority is empowered to enter premises in which the care and education of children is being undertaken, for the pursuance of the Director’s functions, and to examine and require the production of documents, for the purpose of a quality assurance. The clause further empowers the Minister to recommend to the Cabinet the closure of a school where there are immediate health or safety issues.

In addition, the clause requires an annual report on the overall outcomes of quality assurances to be laid in the Legislative Assembly in order to demonstrate that minimum standards are being met and that value for money is being provided.

Part 7 contains clauses 16 to 18 and deals with professional standards in education. Clause 16 makes provision for the establishment of the Council on Professional Standards in Education whose functions include regulating the teaching profession in accordance with standards set by the Minister.

Clause 17 prohibits a person from being employed as a teacher unless that person is registered, and clause 18 deals with the register that is to be established and maintained for that purpose.

Part 8 of the Bill is comprised of clause 19 which empowers the Minister to make grants to “assisted schools” as defined in clause 2.

Part 9 of the Bill is comprised of clause 20 and empowers the Minister to direct that there be provided in any school such technical and vocational education and training as the Minister may consider appropriate.

Part 10 of the Bill is comprised of clause 21 and empowers the Minister to enter into agreements with third parties for -

- (a) the establishment, regulation, registration and maintenance of post-compulsory education and training institutions; or
- (b) the maintenance of such institutions as may already have been established.

Clause 21 also empowers the Minister to make grants to those institutions.

Part 11 of the Bill contains clauses 22 to 24 and deals with early childhood care and education.

By virtue of clause 22, persons are prohibited from operating an early childhood care and education centre, unless the centre is registered.

Clause 23 prohibits corporal punishment (as defined in clause 2) in any early childhood care and education centre.

Clause 24 empowers the Cabinet to make regulations, among other things, prescribing standards with regard to safety, security, and sanitation for the efficient operation of an early childhood care and education centre

Part 12 of the Bill contains clauses 25 to 28 and deals with discipline and prohibition of corporal punishment in schools (as defined in clause 2).

Clause 25 prohibits corporal punishment from being administered in a school.

Clause 26 requires schools to have a written Student Behaviour and Discipline Policy that includes the disciplinary penalties to be applied and the procedures for the enforcement of the penalties.

Clause 27 sets out the disciplinary authority of teachers.

Clause 28 sets out the circumstances in which reasonable force may be used, by specified persons, for the purpose of preventing a student from doing certain things (for example, committing an offence).

Part 13 of the Bill contains clauses 29 to 36 and deals with special educational needs. Clause 30 provides that a student has special educational needs if, by reason of characteristics of body or mind personal to the student, the student's educational needs cannot be satisfied otherwise than by making exceptional provision in relation to the student. The definition does not include a student for whom English is an additional language or a student who is gifted or talented.

Clause 31 empowers the Minister to cause to be published a Code of Practice on Special Educational Needs.

Clause 32 contains provisions governing the referral for assessment and the assessment of a student who is identified as having special educational needs.

Clause 33 makes provision for the outcome of the assessment to be set out in a statement of eligibility specifying the relevant needs and the provision to be made in relation to them, and clause 34 enables the relevant student to receive education in accordance with the statement of eligibility.

Clause 35 requires a school to report on the extent of provision made in the school, for special educational needs.

Clause 36 contains provisions relating to the special educational needs of persons who are not of compulsory school age; for example, the clause empowers the Minister to make resources available to enable provision to be made in respect of those persons, in institutions established by the Minister.

Part 14 of the Bill contains clauses 37 and 38 and deals with the use of school premises. Clause 37 empowers the Cabinet to make regulations as to the use of Government school premises and equipment.

Clause 38 empowers the Minister to enter into an agreement with the governing body of an assisted school or independent school for the use of the premises, equipment and facilities of those schools other than for the purposes of education.

Part 15 of the Bill is comprised of clause 39 and makes provision in respect of Cayman Brac and Little Cayman. The Minister is required to have regard to the educational needs of the people of Cayman Brac and Little Cayman to the extent that those needs may be peculiar to each of those islands or in any way different from the educational needs of the people of Grand Cayman.

Part 16 of the Bill contains clauses 40 to 43. Clause 40 makes it an offence to create a disturbance on school premises.

Clause 41 requires every school or early childhood care and education centre to have a written Child Protection Policy that complies with the Children Law (2012 Revision).

Clause 42 effects the repeal of the Education Law (2010 Revision) and the Education Modernisation Law, 2009, Law 7 of 2009.

Clause 43 confers on the Cabinet power to make regulations giving effect to the proposed legislation.

**THE EDUCATION BILL, 2015**

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CAYMAN ISLANDS

**A BILL FOR A LAW TO REPEAL AND REPLACE THE EDUCATION LAW (2010 REVISION); TO REPEAL THE EDUCATION MODERNISATION LAW, 2009, LAW 7 OF 2009; TO MAKE PROVISION WITH RESPECT TO EDUCATION IN EARLY CHILDHOOD CARE AND EDUCATION CENTRES, IN PRIMARY AND SECONDARY SCHOOLS, IN TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING INSTITUTIONS, AND IN POST-COMPULSORY EDUCATION AND TRAINING INSTITUTIONS; TO PROMOTE HIGH STANDARDS IN EDUCATION AND THE TEACHING PROFESSION; AND TO MAKE PROVISION FOR INCIDENTAL AND CONNECTED MATTERS**

ENACTED by the Legislature of the Cayman Islands.

**PART 1 - PRELIMINARY**

1. (1) This Law may be cited as the Education Law, 2015.

Short title and commencement

(2) This Law shall come into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions of this Law and in relation to different matters.

2. In this Law -

Interpretation

“assisted school” means a school that is partly funded, but not managed, by the Government;

“Chief Officer” means the Chief Officer in the Ministry responsible for education;

“child” means a person under the age of eighteen years;

“compulsory school age” means age commencing on the date next following that upon which a child attains the age of five years before 1<sup>st</sup> September in the year of entry into education year one and ending on the date on which the child attains the age of sixteen years, or such other age bracket as may be specified by an Order made under section 9;

“corporal punishment” means the application of physical force in order to punish or correct a student, but does not include the application of force only to prevent personal injury to, or damage to or the destruction of property of, any person (including the student);

“disciplinary penalty” means a penalty imposed on a student, by a school at which education is provided for the student, where, for any reason, the student’s conduct falls below the standard which could reasonably be expected of the student;

“early childhood care and education centre” means an institution that provides early childhood care and education to children under compulsory school age for at least four hours per day but does not include a private residence in which care is provided to up to four children;

“early childhood care and education” means education provided to children under the compulsory school age in early childhood care and education centres, and includes the care, stimulation and socialization necessary to support development and learning;

“educational institution” means -

- (a) a school; or
- (b) an institution that provides -
  - (i) post-compulsory education and training;
  - (ii) technical and vocational education and training; or
  - (iii) education to prepare for the award of any degree, qualification or certification;

“educational stage” means a stage prescribed by regulations made under section 14(8);

“education years” means the successive years following the time spent in reception class;

“employed to work as a teacher” means being employed in circumstances where the satisfactory performance of the duties of employment depends on the application of skills derived from specialist training of the kind leading to a teaching qualification approved under regulations made under Part 7;

“full-time education” means a minimum of five hours of curriculum instruction per day, excluding lunch and break times, for a total of one hundred and eighty five days per year, or the equivalent hours per year, or any other duration as may be specified in regulations made under section 11(2);

“governing body” means the trustees or group of persons responsible for executive decision making authority in relation to the conduct of schools;

“Government school” means a school principally funded, and managed, by the Government;

“independent school” means a school wholly funded from resources other than those of the Government;

“Minister” means the member of the Cabinet for the time being charged with responsibility for education in accordance with section 54 of the Constitution set out in Schedule 2 to the Cayman Islands Constitution Order 2009;

S.I. 2009/1379

“Ministry” means the ministry responsible for education;

“post-compulsory education and training education” means non-compulsory education that follows secondary education;

“primary education” means education provided for children in a reception class and in education years one to six;

“Quality Assurance Office” means the Office of Education Quality Assurance established under section 15(1);

“reception class” means -

- (a) in assisted schools and independent schools, a school class into which a child is received prior to attaining the age of five or such other age as may be determined by the school; or

- (b) in Government schools, a school class into which a child is received prior to attaining the age of five or such other age as may be prescribed in regulations made under section 12;

“school” means an institution for providing primary education or secondary education or both and includes -

- (a) a unit for that purpose but established in an institution that caters to other categories of education; and
- (b) a Government school, an assisted school and an independent school;

“school leader” means a person, by whatever name called, responsible for the day-to-day management of the school and for persons deployed to work at the school;

“secondary education” means education provided for students in education years seven to thirteen and for other students for whom it is expedient to provide education in secondary schools;

“special educational needs”, in relation to a student, means that, by reason of characteristics of body or mind personal to the student, the student’s educational needs cannot be satisfied otherwise than by making exceptional provision in relation to the student; and, for the purposes of this definition -

- (a) provision is exceptional in relation to a student if it is substantially different from that which is made for the education of the generality of persons of equivalent age and description; and
- (b) students for whom English is an additional language or who are gifted or talented are not to be treated as having special educational needs; and

“technical and vocational education and training” means education that -

- (a) prepares students for specific careers, trades or occupations; or
- (b) allows students to develop expertise in a particular group of techniques or technology relevant to specific careers, trades or occupations.

## **PART 2 - DUTIES OF MINISTER RESPONSIBLE FOR EDUCATION, AND DUTIES OF OTHER GOVERNMENTAL AUTHORITIES**

Duties and powers of  
Minister responsible for  
education

3. (1) The Minister shall, in the exercise of the powers conferred upon the Minister by this Law -

- (a) determine national policy and the strategic direction of education, with a view to promoting the education of the people of the Islands;
- (b) endeavour within available resources to ensure that sufficient educational institutions are provided in such manner as the Minister shall decide, including partnership, or other collaborative arrangements, with the private sector;
- (c) make reasonable efforts to consult with such persons or groups of persons who are stakeholders in the education system and other persons who have a special interest in or knowledge of matters relating to education, as the Minister considers appropriate;
- (d) direct the expenditure of all sums appropriated by the Legislature for educational purposes;
- (e) monitor and assess the quality, economy, efficiency and effectiveness of the education system and require to be published, in such manner as the Minister considers appropriate, information relating to such monitoring and assessment;
- (f) act in conformity with relevant international obligations pertaining to the Islands; and
- (g) undertake such other duties, as the Minister considers appropriate, in order to further the objectives of this Law.

(2) The educational institutions made available in partnership with the private sector and within available resources shall not be regarded as sufficient unless they are sufficient in number, character and equipment so as to afford for all eligible persons such opportunities for education and training as is desirable in view of their different ages, abilities, aptitudes and needs, and the periods for which they are eligible for such education or training.

(3) The Cabinet shall establish bodies which shall advise the Minister on such matters as the Minister may require, and shall perform such other functions as may be prescribed under this or any other Law.

(4) The Minister may, by written instrument, delegate any of the Minister's functions under this Law (other than this power of delegation) to any person or body.

(5) A delegation under subsection (4) is revocable at will and does not prevent the exercise by the Minister of any function so delegated.

(6) The Cabinet may by regulations make additional provisions in relation to the form and purpose bodies established under subsection (3).

Annual progress report

4. (1) The Chief Officer shall, under the specific or general direction of the Minister, supervise the administration of the education service and the implementation of the national policy for education services.

(2) The Chief Officer shall, at least once in each year, prepare and submit to the Minister a report containing such information as the Minister may specifically or generally require and at least the following -

- (a) information describing the standards of achievement and progress of students receiving education in Government schools, assisted schools and independent schools, together with such information as may be available about the achievements of home schooled students and other students educated otherwise than at schools;
- (b) information as to the work of the Ministry and department responsible for education services during the preceding twelve-month period, including the measures taken to secure the implementation of any national strategy for education as may apply to that period; and
- (c) information as to the measures to be taken and the targets to be achieved in the implementation of any national strategy in the ensuing twelve-month period.

(3) There shall be appended to each annual report -

- (a) a report as to the outcome of quality assurances conducted during the preceding twelve-month period; and
- (b) a report on post-compulsory education and training education in the Islands for the preceding twelve-month period.

(4) The Minister shall -

- (a) within twelve months following the end of the academic year lay the report before the Legislative Assembly; and
- (b) as soon as reasonably practicable thereafter cause it to be published.

(5) The Cabinet may make regulations making additional provisions relating to the form and content of national policy advice and the annual report on the state of education.

Director of Education  
Services  
(2013 Revision)

5. (1) There shall be appointed under the general powers provided under the Public Service Management Law (2013 Revision) a Director of Education Services who shall be responsible for executive decision making authority in relation to the conduct of Government schools and perform such other functions as are provided for in this or any other Law.

- (2) The Cabinet may make regulations -
- (a) making any additional provisions in relation to the form and purpose of the executive decision making authority of the Director of Education Services; and
  - (b) establishing the form and purpose of any executive decision making authorities relating to the governance of Government schools and associated facilities.
6. (1) There shall be a body to be known as the Education Council which shall - Establishment and duties of Education Council
- (a) advise the Minister on such matters pertaining to education as the Minister may require; and
  - (b) perform such other functions as may be prescribed under this or any other Law.
- (2) The Cabinet shall make regulations with respect to -
- (a) the membership and proceedings of the Education Council;
  - (b) the frequency, content and form of the Council's reports;
  - (c) further content of the reports, in addition to what this Law provides and as the Minister may require; and
  - (d) such other matters relating to the Education Council as the Cabinet may think fit.
- (3) The Minister shall, before making recommendations to the Cabinet to make the initial regulations, consult such persons as the Minister considers appropriate and thereafter may make recommendations to amend such regulations only after consultation with the Education Council and such other persons as the Minister considers appropriate.

### **PART 3 - REGISTRATION OF EDUCATIONAL INSTITUTIONS**

7. (1) No person may own, manage or participate in the management of, a non-Government educational institution, unless that institution is registered upon the direction of the Minister. Registration of non-Government educational institutions
- (2) Registrations shall be valid for three years and the Minister shall require an annual report from each registered non-Government educational institution.
- (3) The Cabinet may make regulations -
- (a) relating to the granting, suspension and revocation of registrations, and otherwise in relation to registrations, of non-Government educational institutions; and

- (b) prescribing the form and nature of annual reports for registered non-Government educational institutions.

(2010 Revision)

(4) A non-Government educational institution that was authorized under the Education Law (2010 Revision) may continue to operate as if registered under this Law but only for one year from the date that this section enters into force, during which period the institution shall apply for registration under this Law.

(5) Where within the period of one year referred to in subsection (4) a non-Government educational institution makes a valid application for registration under this Part and the application is acknowledged, it may continue operating until a decision on the application is conveyed to it.

(6) The Chief Officer shall establish and maintain a register of non-Government educational institutions into which shall be recorded registrations directed under this section and such other details relating to such educational institutions as the Minister may determine.

(7) The register referred to in subsection (6) shall be available for inspection by the public during regular working hours.

Register of Government educational institutions

8. (1) The Chief Officer shall establish and maintain a register of Government educational institutions in which there shall be recorded such details as the Minister may determine.

(2) The register referred to in subsection (1) shall be available for inspection by the public during regular working hours.

(3) The Cabinet may make regulations -

- (a) relating to the granting, suspension and revocation of registrations, and otherwise in relation to registrations, of Government educational institutions; and
- (b) prescribing the form and nature of annual reports for registered Government educational institutions.

#### **PART 4 - SCHOOL ATTENDANCE, ADMISSIONS AND ACCESS TO EDUCATION**

Compulsory school age

9. The Cabinet may by Order alter the definition of “compulsory school age” contained in section 2.

Duty to secure attendance at school

10. (1) Subject to subsection (3), a parent or legal guardian of any child of compulsory school age shall ensure that the child receives full-time education



suitable to the child's requirements either by attendance at school or otherwise as provided in section 11.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of two thousand dollars.

(3) It is a defence to any charge under this section of the failure of a student to attend school on any day on which the school is open if -

- (a) the absence is caused by illness or other unavoidable cause making the student's attendance at school not reasonably practicable;
- (b) the day is recognized as a religious holiday by the religious denomination to which the student belongs;
- (c) the student is excluded from school and the exclusion is still in effect; or
- (d) the student has been expelled and has not been given permission to enrol in another school.

(4) The Chief Officer shall take all reasonable steps to ensure that the permission referred to in subsection (3)(d) is granted expeditiously.

11. (1) The Minister may, upon the application of a parent or legal guardian of a child, authorize the child to be schooled at the place where the child is normally resident or at the home of another person approved by the parent or legal guardian.

Exemption from duty to secure school attendance

(2) The Cabinet may make regulations with respect to -

- (a) the manner in which applications for exemption under this section may be made;
- (b) the information to be provided in relation to applications;
- (c) the matters which may be taken into account in considering applications;
- (d) the duration and renewal of authorization;
- (e) the offences which may be committed by failing to comply with the terms and conditions of authorization and the penalties for such offences; and
- (f) other matters relating to authorizations.

12. The Cabinet may make regulations enabling the admission of children into reception classes in Government schools prior to their attaining compulsory school age.

Age of admission into reception classes

Ancillary charges and reimbursements

13. (1) In accordance with regulations made under subsection (3), the Minister shall seek reasonably to achieve the progressive realization, within available resources, of providing every child in a Government school with free primary and secondary education.

(2) There may be charged, or reimbursement may be obtained with respect to, expenses to be incurred or incurred with relation to the costs of such matters as may be defined by regulations made under subsection (3)(a).

(3) The Cabinet may by regulations -

- (a) prescribe the matters falling into the category of chargeable or reimbursable expenses under subsection (2); and
- (b) specify ways in which any hardship or disadvantage that any child attending school may suffer as a result of a lawful requirement to pay may be alleviated.

#### **PART 5 - NATIONAL CURRICULUM AND EDUCATIONAL STAGE ASSESSMENT**

Power to prescribe national curriculum

14. (1) The Minister may require studies relating to the history and culture of the Islands to be taught in all schools registered in the Islands.

(2) The Minister shall establish a national curriculum, which shall be required for the Government schools, and which shall comprise mandatory and optional subjects.

(3) The national curriculum shall specify in relation to each of the subjects -

- (a) the knowledge, skills and understanding which students of different abilities and maturities are expected to have by the end of each educational stage; and
- (b) the matters, skills and processes which are required to be taught to students of different abilities and maturities during each educational stage.

(4) The educational stages shall be prescribed by regulations made under subsection (8).

(5) The mandatory subjects shall include studies relating to religion, the history of the Islands and the culture of the Islands and shall otherwise be as prescribed by regulations made under subsection (7).

(6) In all schools the standard and level of achievement of each student shall be assessed at the end of each educational stage and the outcome of that assessment shall be made available to the parents or legal guardians of the child to whom the assessment relates, in such manner and together with such further information as may be prescribed by regulations made under subsection (7).

(7) All programmes of study undertaken at the final stage of compulsory education shall be accredited and recognized within the document entitled "The Cayman Islands National Qualifications Framework", which shall be published and approved annually by the Minister.

(8) The Cabinet may make regulations as to the matters mentioned in subsections (4), (5) and (6).

#### **PART 6 - QUALITY ASSURANCE OF SCHOOLS**

15. (1) There is established a department of Government called the Office of Education Quality Assurance.

Education Standards and Assessment

(2) There shall be appointed in accordance with the Public Service Management Law (2013 Revision) a Director of the Office of Education Quality Assurance and such other officers as appear necessary for the proper exercise of the functions of the Office; and the Director of the Office of Education Quality Assurance and officers shall be employed in the Office of Education Quality Assurance and shall be responsible for the administration of the Office.

(2013 Revision)

(3) In accordance with standards and criteria for quality assurance and reporting approved by the Minister, the Minister shall require the Director of the Office of Education Quality Assurance to carry out independent quality assurance at intervals of not more than four years, and at such other times as the Minister may consider necessary and expedient.

(4) The Minister shall require -

- (a) the report of each school quality assurance to include a statement of -
  - (i) key strengths and weaknesses in the quality of education being provided, as identified during the course of the quality assurance;
  - (ii) specific recommendations for improvement;
  - (iii) the timescale in which any such measures are to be taken; and
  - (iv) progress made relative to the outcomes of the previous quality assurance report for the school, where such exists;

- (b) the final report on the outcomes of each quality assurance to be -
  - (i) undertaken in such manner as may be prescribed by regulations, to promote independence and transparency of reporting;
  - (ii) distributed to the Chief Officer, the Director of Education Services, the school inspected and any governing body or oversight agency of that school; and
  - (iii) submitted to the Cabinet for information;
- (c) an annual report to the Minister on the overall outcomes of quality assurances to be -
  - (i) undertaken in such manner as may be prescribed by regulations, to account for any improvements in individual schools and the education system as a whole; and
  - (ii) laid in the Legislative Assembly to demonstrate that minimum standards are being met and that value for money is being provided; and
- (d) such other reports on matters relating to the standards of education provided in schools in the Islands as the Minister considers necessary.

(5) Where remedial actions, with respective timeframes, are specified in a quality assurance report, the Minister, after consultation with the Director of the Office of Education Quality Assurance, may cause a further quality assurance to take place at the end of the period specified for remedial actions to be taken, to ascertain:

- (a) whether actions have been taken as required; and
- (b) the effectiveness of such actions.

(6) Where upon subsequent quality assurance, it is determined that the required actions have not been taken or have been ineffective, the Chief Officer may, upon specific or general direction of the Minister, appoint a suitable person to give direction for the implementation of such remedial actions as may be considered necessary; and -

- (a) in the case of a Government school, a suitably qualified person shall be employed by the Ministry for such purpose; and
- (b) in the case of a private school, a suitably qualified person shall be appointed at the cost of the school.

(7) The Minister may recommend to Cabinet the closure of a school where there are immediate health or safety issues or where serious issues identified through quality assurances have not been remedied within the set time frame.

(8) The Director of the Office of Education Quality Assurance or any other person acting under the Director's authority may enter premises in which the care and education of children is being undertaken, for the pursuance of the Director's functions under this Law or regulations made under this Law, and may examine and require the production of documents, for the purpose of a quality assurance.

(9) The Director of the Office of Education Quality Assurance shall present a report at least annually to the Minister and the Chief Officer on the overall outcome of the quality assurances of schools.

(10) A person who obstructs the Director of the Office of Education Quality Assurance or any person referred to in subsection (8) in the execution of the duties under this section, commits an offence and is liable on summary conviction to a fine of two thousand dollars

#### **PART 7 - PROFESSIONAL STANDARDS IN EDUCATION**

16. (1) There shall be a body known as the Council on Professional Standards in Education whose functions shall be to -

Establishment of  
Council on Professional  
Standards in Education

- (a) register teachers in schools and otherwise regulate the teaching profession in accordance with standards set by the Minister; and
- (b) perform such other functions relating to the upholding of professional standards as may be prescribed under this or any other Law.

(2) The Cabinet may make regulations with respect to -

- (a) the membership and proceedings of the Council;
- (b) the frequency, content and form of the Council's reports;
- (c) further content of the reports, in addition to what this Law provides and as the Minister may require; and
- (d) such other matters relating to the Council as the Cabinet may think fit.

(3) The Minister shall, before making recommendations to the Cabinet to make the initial regulations, consult such persons as the Minister considers desirable and thereafter may make recommendations to amend such regulations only after consultation with the Council and such other persons as the Minister considers appropriate.

17. (1) The Cabinet may make regulations as to the qualifications of teachers in schools.

Restriction on the  
employment of teachers

(2) No person may be employed to work as a teacher in any school unless the person is registered in accordance with the regulations made under this Law.

Registration of teachers

18. (1) The Council on Professional Standards in Education shall establish and maintain a register of teachers authorized to teach in schools.

(2) The Council on Professional Standards in Education may, subject to the procedures specified in subsection (3), require the removal from the register of the name of any person whose conduct or lack of suitability in any other respect renders the person unfit to continue to be registered as a teacher.

(3) The Council on Professional Standards in Education shall not exercise the power conferred on it under subsection (2) before affording the person concerned an opportunity to be heard, at a hearing conducted by a committee of the Council constituted for the purpose, in defence of any complaints or allegations which may be made against the person.

(4) The power to make regulations in relation to the proceedings of the Council on Professional Standards in Education under section 16 extends to the making of regulations governing the constitution and proceedings of a committee under this section, submission of a report to the Council, its acceptance, rejection, partial acceptance or otherwise and may authorize the Council to issue warnings, reprimands and other sanctions short of de-registration as may be prescribed; and the Council may order a matter to be heard again from the beginning or only on certain aspects and then make a decision after such further report.

(5) This section shall not operate to limit the powers of any employer, public or private, under such contract as may exist between that employer and the teacher concerned.

#### **PART 8 - FUNDING OF ASSISTED SCHOOLS**

Power to make grants to assisted schools

19. (1) The Minister may make grants to assisted schools or those that are to become assisted schools.

(2) The Cabinet may make regulations governing the terms and conditions applicable to any grant under this section and may provide for the making of different provisions for -

- (a) different categories of schools; and
- (b) different levels of grant to schools in a category, depending on need.

**PART 9 - TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING**

20. (1) In exercising the Minister's powers under this Law, the Minister shall have regard to the desirability of ensuring that the education provided in schools provides opportunities for students to have access to technical and vocational education and training.

Duties in respect of technical and vocational education and training

(2) Without limiting the power in subsection (1), in discharging the Minister's duty under this section, the Minister may -

- (a) direct that there be provided in any school such technical and vocational education and training as the Minister may consider appropriate; and
- (b) subsidize from monies available to the Minister for the provision of schools, and by way of grant or by any other means, schemes whereby such education for students in attendance at such schools may be provided at such places, including workplaces, as the Minister may consider appropriate for the purpose.

(3) The Cabinet may make regulations with respect to matters referred to in subsection (2) and, without limiting the generality of this subsection, with respect to -

- (a) the manner in which grants, subsidies and any other form of assistance may be provided; and
- (b) the terms and conditions upon which such grants, subsidies or other forms of assistance shall be made available.

**PART 10 - POST-COMPULSORY EDUCATION AND TRAINING**

21. (1) The Minister may cause to be established and maintained Government post-compulsory education and training institutions.

Post-compulsory education and training institutions

(2) The Minister may make such arrangements as the Minister considers necessary for the operation and management of Government post-compulsory education and training institutions and may, in particular but without limiting the generality of this power, provide for the governing body to report to the Minister in such manner, on such subjects and at such intervals as the Minister may determine.

(3) The University College of the Cayman Islands established by the University College Law (2012 Revision) shall continue to be governed by that Law.

(2012 Revision)

- (4) The Minister may enter into agreements with third parties for -
- (a) the establishment, regulation, registration and maintenance of post-compulsory education and training institutions; or
  - (b) the maintenance of such institutions as may already have been established;

and may make grants to such institutions.

(5) The Minister may make grants under this section and the Cabinet may make regulations with respect to the conduct and management of institutions providing post-compulsory education and training and, without limiting the generality of this power, may make regulations with respect to -

- (a) the manner in which grants under subsection (1) may be made; and
- (b) the conditions which may be imposed on the making of such grants, including conditions requiring the registration or renewal of registration to be subject to certain standards relating to the conduct and management of the institution and the quality of the courses of study provided.

(6) Regulations under this section may make different provisions for different institutions and for different courses of study to be provided at institutions and may, in particular but without limiting the generality of this power, provide for the governing body to report to the Minister in such manner, on such subjects and at such intervals as may be prescribed.

#### **PART 11 - EARLY CHILDHOOD CARE AND EDUCATION**

Promotion and regulation of early childhood care and education centres

22. (1) The Minister shall make provision, within available resources, for -
- (a) the promotion of early childhood care and education; and
  - (b) the regulation of early childhood care and education centres;

and may subsidize by way of grant or by any other means, schemes that facilitate attendance at early childhood care and education centres.

(2) No person shall operate an early childhood care and education centre, unless that centre is registered upon the direction of the Minister; and, where a non-Government primary school or other non-Government institution, intends to also provide early childhood care and education, it shall not provide early childhood care and education unless it is registered upon the direction of the Minister.

- (3) Registrations shall be valid for three years.



(4) The Cabinet may make regulations relating to the granting, suspension and revocation of registrations and otherwise in relation to registrations.

(5) A non-Government early childhood centre that was authorized under the Education Law (2010 Revision) may continue to operate as if registered under this Law but only for one year from the date that this section enters into force, during which period the centre shall apply for registration under this Law. (2010 Revision)

(6) Where, within the period of one year referred to in subsection (5), a non-Government early childhood care and education centre makes a valid application for registration under this Part and the application is acknowledged, the centre may continue operating until a decision on the application is conveyed to it.

23. Corporal punishment shall not be administered in any early childhood care and education centre.

Corporal punishment and restraint in early childhood care and education centres

24. The Cabinet may make regulations for the better carrying out of the provisions of this Part and without limiting the generality of this power may make provisions relating to -

Regulations for early childhood care and education

- (a) the registration of early childhood care and education centres;
- (b) the prescription of academic and professional qualifications of teachers or other persons employed in early childhood care and education centres;
- (c) the prescription of standards with regard to safety, security, sanitation and such other matters as the Cabinet considers necessary for the efficient operation of an early childhood care and education centre and the provision of education therein;
- (d) the manner and frequency of inspection of early childhood care and education centres for the purpose of investigating complaints and otherwise securing the proper observance of the provisions of this Part;
- (e) the development of a curriculum framework for use in early childhood care and education centres; and
- (f) the regulation of any funding provided to early childhood care and education centres and for the attendance at such centres.

#### **PART 12 - DISCIPLINE AND PROHIBITION OF CORPORAL PUNISHMENT IN SCHOOLS**

25. Corporal punishment shall not be administered in any school.

Corporal punishment

Student discipline

26. (1) Every school shall have a written Student Behaviour and Discipline Policy that includes the disciplinary penalties to be applied and the procedures for the enforcement of the penalties.

(2) It is deemed to be a condition of a grant of Government funding to an assisted school that there shall be for that school a written Student Behaviour and Discipline Policy.

(3) The Student Behaviour and Discipline Policy for a school shall apply to the conduct of a student -

- (a) at school; and
- (b) while a student is engaged in activities away from school premises, arranged as school activities;

and each school may decide that it shall apply at other times and in other places when the school considers it appropriate in the interests of the education of the student or the protection of the reputation of the school.

(4) In the preparation and revision of a Student Behaviour and Discipline Policy for a school, regard shall be had to -

- (a) the wishes of parents of students in attendance at the school; and
- (b) guidance which may from time to time be given by the Minister on matters relating to student discipline and behaviour.

(5) The Cabinet may make regulations regarding the form of the disciplinary penalties to be applied and the procedures for the enforcement of the penalties.

Disciplinary authority of teachers

27. (1) A person employed to work as a teacher at a Government school shall, unless the school leader for good reason otherwise decides, have the authority to effect discipline in accordance with the school's Student Behaviour and Discipline Policy and, for that purpose, to give directions to secure compliance with any rules for which the policy provides and to impose penalties for non-compliance with such rules and directions.

(2) The Director of Education Services may, after consultation with the school leader, authorize any person on the staff of a Government school, other than a teacher, to effect discipline with the same authority as is conferred on a teacher by subsection (1) if, in the opinion of the Director -

- (a) that person is a suitable person to exercise such authority;
- (b) that person has undergone training in matters relating to student behaviour and discipline; and

- (c) the exercise by such a person of disciplinary authority in relation to students remains at all times under the supervision of a person employed to work as a teacher to ensure that education considerations receive due regard.

(3) A person employed to work as a teacher in an assisted school or independent school shall have such authority to effect discipline in accordance with the Student Behaviour and Discipline Policy as may be conferred upon that person by that Policy or with the approval of the governing body.

(4) The Minister may direct that a power granted under this section shall not be exercised so as to give disciplinary authority to any person or class of persons who, in the opinion of the Minister, is unsuitable to hold such authority.

28. (1) A person to whom this section applies may use such force as is reasonable in the circumstances for the purpose of preventing a student from doing, or continuing to do, any of the following -

Use of reasonable force

- (a) committing an offence, or, if the student is not capable of committing an offence by reason of age or diminished capacity, doing or continuing to do something which, had the student been old enough to commit an offence or had legal capacity to do so, would be an offence;
- (b) causing danger, personal injury or death to, or damage to the property of, any person, including the relevant student; or
- (c) prejudicing the maintenance of good order and discipline at the school or any educational activities or provision associated with the school;

and a person to whom this section applies may use such force as is reasonable in the circumstances for the purpose of physically restraining a student where restraint is necessary for the physical protection of the relevant student or any other student and not as punishment.

(2) This section applies to -

- (a) a person who is a teacher and any other person who forms part of school management and is directly employed by the Ministry, except in circumstances where the school leader has determined that the member of staff is not permitted to use force; and
- (b) a person who is employed to work in another capacity at a school or school setting but whom the Director of Education Services, upon the recommendation of the school leader, has authorized to use force with the same authority as is conferred on a teacher by paragraph (a).

(3) The Director of Education Services shall not issue the authorization referred to in subsection (2)(b) unless the Director of Education Services is satisfied that the person -

- (a) has successfully completed training in matters relating to the use of force on students; and
- (b) is otherwise a suitable person to exercise the authority.

(4) The power conferred by subsection (1) may be exercised only where -

- (a) the teacher or other authorized person and the student are on the premises of the relevant school or school setting; or
- (b) they are elsewhere and the member of the staff has lawful control or charge of the relevant student.

(5) Subsection (1) does not authorize anything to be done in relation to a student which constitutes the giving of corporal punishment within the meaning of section 25.

(6) The Cabinet may make regulations -

- (a) on reporting of incidents where force has been used; and
- (b) for issues relating to the use of force.

(7) Nothing in this section shall be interpreted as taking away any right to self-defence.

(8) In this section, "offence" includes anything that would be an offence but for the operation of any presumption that a person under a particular age is incapable of committing an offence.

### **PART 13 - SPECIAL EDUCATIONAL NEEDS**

Meaning of "responsible authority"

29. In this Part, "responsible authority" in relation to a Government school is the Director of Education Services and in relation to an assisted school or independent school, the governing body of that school.

Meaning of special educational needs

30. (1) A student has special educational needs if, by reason of characteristics of body or mind personal to the student, the student's educational needs cannot be satisfied otherwise than by making exceptional provision in relation to the student; but this definition does not include a student for whom English is an additional language or a student who is gifted or talented.

(2) Provision is exceptional in relation to a student if it is additional to or different from that which is made for the education of the generality of persons of equivalent age and description.

(3) In the exercise of any power under this Part regard shall be had to the assumption that all persons have a unique combination of talents, aptitudes and abilities which necessarily impact their learning.

31. (1) The Minister shall cause to be published, in the form of one or more documents as the Minister may consider appropriate, a Code of Practice on Special Educational Needs. Special Educational  
Needs Code of Practice

(2) The Code of Practice on Special Educational Needs may be revised as the Minister may, in the Minister's discretion, decide and shall thereupon be republished as revised.

(3) Persons who are involved in identifying or assessing persons who have or may be considered to have special educational needs or who are involved in any way in making provision for those needs shall undertake their relevant roles and responsibilities and exercise their powers having regard to the Code of Practice on Special Educational Needs.

32. (1) It is the duty of the responsible authority in relation to a school to ensure that there is maintained and implemented for that establishment a procedure for identifying students who have special educational needs. Duties in respect of  
assessment of special  
educational needs

(2) Upon the identification of a student who may be considered to have special educational needs, a referral for assessment giving reasons for the student's identification shall be sent by or on behalf of the responsible authority to the parents or legal guardians of the identified student and in all cases to the Director of Education Services.

(3) Upon receiving a referral for assessment under subsection (2) and from time to time thereafter as may be appropriate, having regard to the Code of Practice on Special Educational Needs, the responsible authority in relation to the school at which the identified student is registered shall, with the consent of the parent or legal guardian of the identified student, ensure that an assessment of the educational needs of the student identified in the referral for assessment is carried out.

(4) The Cabinet may make regulations for the assessment of any special needs of students educated otherwise than at a school.

33. (1) The outcomes of an assessment carried out under this Part shall, if the student is found to have special educational needs, be set out in a statement of eligibility specifying those needs and the provision to be made in relation to them. Statements of eligibility  
on special educational  
needs

(2) Upon completion of a statement of eligibility under subsection (1) and upon completion of any revision of such a statement of eligibility, written consent to initiate provision will be requested from the parent or legal guardian of the student to whom the statement of eligibility relates and a copy of the statement of eligibility shall be sent, prior to its implementation, to the parents or legal guardians of that student and to the responsible authority for the school at which that student is registered.

Duties in respect of special educational needs

34. (1) It is the duty of the responsible authority in relation to a school to ensure, so far as is reasonably practicable, that provision is made so that every student at the school to whom a statement of eligibility in respect of special educational needs applies receives education in accordance with that statement of eligibility.

(2) The duty of the parents or legal guardians to secure that a student of compulsory school age attends school or otherwise receives suitable education shall include, in respect of a student to whom a statement of eligibility in respect of special educational needs applies, a duty to ensure that the student receives education in accordance with that statement of eligibility.

(3) The Cabinet may make regulations providing for a parent or legal guardian of a student to appeal in respect of the education provided in accordance with the statement of eligibility.

Quality assurance of special educational needs in schools

35. (1) Every quality assurance of a school under section 15 shall have appended to it a report on the extent of provision made in the school for special educational needs.

(2) The Minister shall cause every report made under subsection (1) to be published.

Special educational needs of persons not of compulsory school age

36. (1) The Minister may make resources available to enable provision to be made in respect of the special educational needs of persons not of compulsory school age in institutions established by the Minister.

(2) The Minister may make grants to persons providing education so that provision may be made for them in respect of the special needs of persons not of compulsory school age.

(3) The Minister may enter into agreements with such persons as the Minister may consider appropriate for provision by them of education suitable to the special needs of persons not of compulsory school age.

(4) The Cabinet may make regulations as to the form of provision which may be made under this section, the purposes for which grants may be made, the form and content of agreements and related matters.

#### PART 14 - USE OF SCHOOL PREMISES

37. (1) The Cabinet may make regulations as to the use of the premises, equipment and facilities of a Government school other than for the purposes of the school. Use of premises, equipment, etc.: Government schools

(2) Without limiting the generality of the powers contained in subsection (1), regulations under this section may provide for -

- (a) the premises to be available outside normal school hours to be used for meetings, social functions and other activities beneficial to the community in which the school is situated;
- (b) the premises to be available for use in connection with elections conducted under the Elections Law (2013 Revision); (2013 Revision)
- (c) the fees which may be charged in connection with use and for the recovery of expenses; and
- (d) the health and safety of persons using the premises and for the protection of the equipment and facilities on the premises.

38. (1) The Minister may enter into an agreement with the governing body of an assisted school or independent school for the use of the premises, equipment and facilities of those schools other than for the purposes of education. Use of premises, equipment, etc.: assisted and independent schools

(2) Without limiting the generality of the powers contained in subsection (1), the Minister may provide for -

- (a) the premises to be available outside normal school hours to be used for meetings, social functions and other activities beneficial to the community in which the school is situated;
- (b) the premises to be available for use in connection with elections conducted under the Elections Law (2013 Revision); (2013 Revision)
- (c) the fees which may be charged in connection with use and for the recovery of expenses; and
- (d) the health and safety of persons using the premises and for the protection of the equipment and facilities on the premises.

#### PART 15 - CAYMAN BRAC AND LITTLE CAYMAN

39. (1) The Minister, in the exercise of the powers conferred on the Minister by or under this Law, shall have regard and cause regard to be had to the educational needs of the people of Cayman Brac and Little Cayman to the extent Duties in relation to Cayman Brac and Little Cayman

that those needs may be peculiar to each of those islands or in any way different from the educational needs of the people of Grand Cayman.

(2) The Cabinet may make regulations whereby any provision of this Law may be added to, varied or disappplied in relation to Cayman Brac and Little Cayman or either of them in any case in which the Minister may consider it beneficial to education in those islands to do so.

#### **PART 16 - MISCELLANEOUS**

Nuisance and  
disturbance on school  
premises

40. (1) Subject to subsection (2), any person who causes or creates a nuisance or disturbance on the premises of any school or otherwise acts on school premises in a manner disruptive of the education provided in a school or injurious to students or persons employed to work at the school commits an offence and is liable on summary conviction to a fine of five thousand dollars; and the court before which the person is convicted may order that the convicted person shall refrain from entering the school premises for such period as shall be specified in the order.

(2) The Cabinet may make regulations as to the administrative procedures that need to be taken and exhausted before a person employed at the school is handed over for prosecution.

Child Protection Policy  
(2012 Revision)

41. (1) Every school or early childhood care and education centre shall have a written Child Protection Policy which shall comply with the Children Law (2012 Revision).

(2) It is deemed to be a condition of a grant of Government funding to an assisted school or early childhood care and education centre that there shall be for that school or centre a Child Protection Policy.

(3) The Child Protection Policy for a school or early childhood care and education centre shall apply in relation to anything that happens -

- (a) at the school or centre; and
- (b) while a student or child is engaged in activities away from the premises of the school or centre, arranged as activities of that school or centre;

and each school or centre may decide that it shall apply at other times and in other places when the school or centre considers it appropriate for the protection of students and children.



(4) In the preparation and revision of a Child Protection Policy for a school or early childhood care and education centre, regard shall be had to guidance which may from time to time be given by the Minister on matters relating to the reporting of child abuse.

42. (1) The Education Law (2010 Revision) is repealed.

Repeal of Education  
Law (2010 Revision)  
and Education  
Modernisation Law,  
2009, Law 7 of 2009

(2) The Education Modernisation Law, 2009 is repealed.

43. The Cabinet may make regulations prescribing all matters that are required or permitted by this Law to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Law including savings and transitional matters relating to the Education Council and the Education Board established under the Education Law (2010 Revision) and any other matters relating to the operation of that Law.

Regulations

Passed by the Legislative Assembly the            day of            , 2015.

Speaker.

Clerk of the Legislative Assembly.