

**CHAPTER 58:01 - EDUCATION: SUBSIDIARY LEGISLATION**  
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**TUTUME COMMUNITY COLLEGE BOARD OF GOVERNORS ORDER**

*(under section 7)*  
*(19th November, 1971)*

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S.I. 122, 1971,  
S.I. 14, 1972.

**1. Citation**

This Order may be cited as the Tutume Community College Board of Governors Order.

**2. Interpretation**

In this Order, unless the context otherwise requires-

**"Board"** means the Tutume Community College Board of Governors established by this Order;

**"College"** and **"Tutume Community College"** mean the Tutume Secondary School together with any of its associated brigades and related educational activities;

**"School"** means the Tutume Secondary School;

**"student"** means any person attending at the Tutume Secondary School.

**3. Establishment of Board of Governors**

A Board of Governors, named the Tutume Community College Board of Governors, is

hereby established in which shall be vested the management and control of the Tutume Secondary School, and the Tutume Construction Brigade and other brigades which may, with the approval of the Minister, be established at Tutume.

#### **4. Membership of the Board**

(1) The Board shall consist of the following members-

- (a) two members to represent the Ministry of Education appointed by the Minister;
- (b) two representatives of McConnell Foundation to be appointed by the Foundation;
- (c) one member to be appointed by the Minister of Agriculture;
- (d) one member to be appointed by the Minister of Finance and Development Planning;
- (e) one member of Parliament to be appointed by the Minister;
- (f) one member to be appointed by the Minister of Local Government and Lands;
- (g) a member of the academic staff of the University of Botswana to be appointed by the Minister.

(2) The Board may at its discretion co-opt one person to full membership of the Board, who shall hold office for the same length of time as other members of the Board appointed in accordance with paragraph 18.

#### **5. Chairman and Vice-Chairman**

(1) The Chairman of the Board shall be appointed by the Minister from among the members of the Board.

(2) There shall be a Vice-Chairman of the Board, who shall be a member of the Board elected by the Board.

#### **6. Secretary to the Board**

(1) The Principal of the College shall be Secretary to the Board but shall not be a member of the Board.

(2) The Secretary to the Board shall be responsible, in accordance with such instructions as may be given him by the Board, for arranging the business for, and keeping the minutes of the Board and shall carry out such other functions as the Board may direct.

#### **7. Attendance of Principal and Vice-Principals at meetings of the Board**

(1) The Principal and the Vice-Principal shall attend all the meetings of the Board and its Committees unless expressly excluded therefrom by the Chairman of the Board or Committee, as the case may be, but they shall not be entitled to vote at meetings of the Board.

(2) In the absence of the Secretary from the whole or part of a meeting of the Board or a Committee, the Board or Committee, as the case may be, shall appoint one of its members to carry out the duties of the Secretary for the meeting or such part thereof as the Secretary is absent.

#### **8. Vice-Principals for the College**

There shall be two Vice-Principals for the College as follows-

- (a) a Vice-Principal (School) who shall assist the Principal in all matters relating to the School; and
- (b) a Vice-Principal (Extension Programme) who shall assist the Principal in matters relating to Brigades and the Community Programmes of the College.

#### **9. Executive Committee**

(1) There shall be established a Committee of the Board to be known as the Executive Committee to which shall be delegated by the Board such of the Board's functions as are assigned to the Executive Committee in this Order.

(2) The Board may establish such other Committees of the Board as it deems fit.

#### **10. Membership of the Executive Committee**

(1) The Executive Committee shall consist of the following members of the Board-

- (a) the Chairman who shall be Chairman of the Executive Committee;
- (b) the Vice-Chairman;
- (c) one of the members, to be appointed by the Minister to represent the Ministry of

- Education; and
- (d) one of the members, to be appointed by the McConnell Foundation, to represent the McConnell Foundation.

(2) The Secretary of the Board shall be the Secretary of the Executive Committee.

#### **11. Proceedings of the Board**

(1) Everything authorized or required to be done by the Board may be decided by a majority vote of those present and voting.

(2) Six members shall form a quorum at a meeting of the Board.

(3) At all meetings of the Board, each member shall have one vote on a question before the Board, and in the event of an equality of votes, the Chairman, whether the substantive Chairman or the Chairman for the purposes of that meeting by virtue of the provisions of subparagraph (4) or (5) shall have a casting vote.

(4) At any meeting of the Board from which the Chairman is absent, the Vice-Chairman shall act as the chairman, for the meeting.

(5) In the absence of both the Chairman and the Vice-Chairman for the meeting the Board shall elect a chairman from among its own members.

(6) Subject to the provisions of this Order, the Board may make its own rules governing the conduct of its meetings.

#### **12. Functions of the Board**

(1) The Board shall, subject to the approval of the Minister, determine the educational and general policies of the College.

(2) The Board shall cause to have prepared agreed estimates which shall be submitted to the Permanent Secretary for final approval.

(3) The Board shall meet in February and July of each year and at such other times as the Chairman may decide to be necessary or as the Minister may direct.

#### **13. Functions of the Principal**

Subject to the provisions of the Act, the Principal shall-

- (a) be responsible for the overall control and administration of the College, the furtherance and good management of the School as an educational institution, and for all aspects of the organization of the College;
- (b) be responsible for the admission of students;
- (c) be responsible for the collection of all fees and shall report all cases of non-payment to the Executive Committee;
- (d) suspend pupils after such period as may be laid down by the Executive Committee whose fees have not been paid, and report all such suspensions to the Executive Committee and to the Permanent Secretary; and
- (e) be directly responsible for the day to day expenditure of account to be kept, as may from time to time be prescribed by Financial Instructions.

#### **14. Functions of the Vice-Principal (School)**

Subject to the supervision and authority of the Principal, one of the Vice-Principals shall be responsible for the academic aspects and the day to day organization and administration of the School, and any other duties that may be allocated to him from time to time.

#### **15. Functions of the Vice-Principal (Extension Programme)**

(1) Subject to the supervision and authority of the Principal, the Vice-Principal (Extension Programme), shall be responsible for-

- (a) the control and management of the brigades;
- (b) the supervision of the non-academic agricultural activities of the College;
- (c) the community programmes of the colleges; and
- (d) the keeping of the financial records of the brigades.

(2) Notwithstanding anything contained in subparagraph (1), in all matters that relate to the School, the Vice-Principal (Extension Programme) shall liaise and consult with the

Vice-Principal (School), and subject to the final decision of the Principal, the Vice-Principal (School) shall have the final word.

#### **16. Functions of the Executive Committee**

(1) The Executive Committee may discuss and consider any or all matters of policy and staffing relating to the College, and may make recommendations to the Board.

(2) The Executive Committee shall be responsible for supervising the finances of Brigades and of the other educational practical activities of the College.

(3) The Executive Committee shall supervise the Principal in his implementation of the policies decided upon by the Board and approved by the Minister.

(4) The Executive Committee shall meet at least once in every period of three months and at such other times as the Committee or the Chairman shall direct.

(5) Subject to the provisions of this Order, the Executive Committee may make its own rules governing its proceedings, voting and quorum:

Provided that all such rules shall be ratified by the Board.

#### **17. Finances**

(1) The Principal shall, subject to the direction of the Board, and the provisions of Financial Instructions, control the day to day expenditure relative to the administration of the College.

(2) The Board shall cause to be kept proper accounts and records of all the equipment and materials in the College, and such accounts and records shall be kept in the manner laid down in Financial Instructions.

(3) As soon as possible after the end of each financial year, the Executive Committee shall cause the accounts for the year of the College to be balanced and an abstract of receipt and payment and a statement of assets and liabilities to be prepared and submitted to the Board.

(4) By the 31st August in each year, the Executive Committee shall cause estimates for the following financial year of income and expenditure for the College to be prepared and submitted to it.

(5) The Principal of the College shall prepare internal financial regulations not inconsistent with Financial Instructions which shall provide for-

- (a) the collection, receipt, custody, issue, expenditure, due accounting for, care and management of all funds;
- (b) internal financial and accounting procedures, relating in particular to internal control;
- (c) the books of account to be kept;
- (d) commitment control;
- (e) the purchase, safe custody, issue and the proper accounting for and stock-taking of such stores and property; and
- (f) the preparation of estimates for revenue and expenditure.

(6) The accounts of the College shall be subject to audit at any time by the Auditor-General.

(7) The financial year of the College shall be from 1st April to the 31st March.

#### **18. Appointment to the Board**

(1) The persons appointed as members of the Board in accordance with paragraph 4, shall be appointed within one month of the publication of this Order and shall hold office until 31st March, 1973, but shall be eligible for re-appointment.

(2) Subsequent appointments in accordance with paragraph 4 shall be for a period of two years from 1st April in the year in which they are made but members shall be eligible for re-appointment.

#### **19. Revocation of appointment or removal of member**

(1) The appointment of any person appointed as a member or Chairman of the Board in accordance with paragraph 4 or 5(1) may, at any time and for any reason, be revoked by the

person or body making the appointment who or which shall, however, at the same time appoint a new member or Chairman in place of the member or Chairman whose appointment is revoked.

(2) Any revocation and new appointment made in terms of subparagraph (1) shall forthwith be notified to the Chairman of the Board and shall take effect when so notified.

(3) If any member of the Board appointed in accordance with the provisions of this Order, fails, without the permission of the Chairman, to attend three consecutive meetings of the Board of which he has had notice, his appointment shall be terminated and the Chairman shall thereupon notify the appointing authority by whom such member was appointed.

(4) Upon such notification the appointing authority shall appoint a new member in place of the member whose appointment is terminated, and the appointment of such member shall take effect when notified to the Chairman.

(5) A member appointed under the provisions of subparagraph (1) or (4) shall vacate his office, unless his appointment has been revoked or terminated, on the same date as the person in whose place he has been appointed would have vacated his office if his appointment had not been vacated or terminated.

## **20. Vacation of office or incapacity of appointed member**

If a member of the Board is temporarily unable to exercise his functions as a member of the Board or of a Committee thereof whether by reason of illness, absence or other cause, the appointing authority may appoint a temporary member of the Board to act in such member's place.

## **EDUCATION (BOARD OF GOVERNORS OF MOEDING COLLEGE) ORDER**

*(under section 9)*

*(25th September, 1981)*

### **ARRANGEMENT OF PARAGRAPHS**

#### **PARAGRAPH**

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7. Meetings of Board
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9. General responsibilities of Board
10. Functions of Board in relation to financial affairs of College
11. Annual audit of College's books and other records of account
12. Powers and duties of Board in relation to movable and immovable property of College
13. Miscellaneous powers and duties of Board
14. Appointment of Principal of College
15. Provisions relating to Teaching Service
16. Saving of residual powers
17. Official Trustees

S.I. 96, 1981.

#### **1. Citation**

This Order may be cited as the Education (Board of Governors of Moeding College) Order.

#### **2. Interpretation**

In this Order-

**"appointed member of the Board"** means a member of the Board of Governors of

Moeding College appointed under paragraph 5(1)(a), (b), (c) or (d);

**"Assembly Education Committee"** means the Assembly Education Committee of the Assembly of the Church;

**"Church"** means the United Congregational Church of Southern Africa;

**"Constitution"** means the Constitution of the Board of Governors of Moeding College;

**"Executive Committee"** means the Executive Committee of the Board of Governors of Moeding College established by paragraph 8(1);

**"Official Trustees"** means the Chairman, the Treasurer and the Secretary for the time being of the Church;

**"Staff Meeting"** means the meeting of Moeding College which every member of the College's teaching staff, every member of the College's boarding staff and the Bursar and Librarian of the College are entitled to attend, take part in the proceedings of and vote at;

**"Synod"** means the Botswana Synod of the Church.

### **3. Establishment of Board**

(1) A Board of governors (hereinafter referred to as "the Board") is hereby established for Moeding College (hereinafter referred to as "the College").

(2) The name of the Board shall be the Board of Governors of Moeding College.

### **4. Functions of the Board**

Subject to this Order and to the Constitution, the Board is hereby charged with the immediate duty of management of the College.

### **5. Membership of Board**

(1) The Board shall consist of the following members-

- (a) eight members appointed by the Synod;
- (b) one member appointed by the Minister;
- (c) one member appointed by the Botswana Christian Council;
- (d) one member appointed by the Staff Meeting;
- (e) the Principal for the time being of the College; and
- (f) the Bursar for the time being of the College.

(2) Every appointed member of the Board shall hold office as such for one year but shall be eligible for re-appointment as a member of the Board at the expiry of his term of office:

Provided that an appointed member of the Board shall immediately cease to be a member thereof on-

- (i) the submission to the Board of his written resignation therefrom; or
- (ii) the revocation of his appointment as a member of the Board by the appointing authority.

(3) If any person is appointed a member of the Board to fill a vacancy in the membership thereof caused by an appointed member ceasing, by reason of death or otherwise, to be a member thereof before the expiry of his term of office as such, that person shall assume the term of the member he replaces.

(4) The Board may, from time to time and for such period as it shall in each case determine, co-opt any person whose advice or other assistance it requires; but no such person shall vote on any question before the Board nor shall such a person count for the purpose of constituting a quorum of the Board.

(5) An appointing authority under this paragraph may appoint a person to be a temporary member of the Board in the place of any substantive member he or it has appointed who is precluded by illness, absence from Botswana or other cause from exercising his functions as such and, when attending any meeting of the Board, such a temporary member shall be deemed, for all purposes, to have all the powers of the member whose place he is taking.

### **6. Chairman and Secretary of Board**

(1) At each annual meeting of the Board, the members of the Board present shall elect-

- (a) an appointed member of the Board to be the Chairman of the Board; and

(b) any other member of the Board to be the Secretary of the Board.

(2) The Chairman and the Secretary of the Board shall each hold office as such until the election of a new Chairman or Secretary, as the case may be, at a subsequent annual meeting of the Board:

Provided that the office of the Chairman or Secretary of the Board shall immediately become vacant on-

- (i) his ceasing, for any reason, to be a member of the Board;
- (ii) the submission to the Board of his written resignation from the office; or
- (iii) the passing at a special meeting of the Board, by the members of the Board present, of a resolution of no confidence in him.

(3) If the office of the Chairman or Secretary of the Board becomes vacant between annual meetings of the Board, the Executive Committee may, after consulting each member of the Board, appoint-

(a) an appointed member of the Board to be the Chairman of the Board; or

(b) any member of the Board to be the Secretary of the Board, as the circumstances require.

(4) Notwithstanding subparagraph (3), where the office of the Chairman or Secretary of the Board becomes vacant in consequence of a resolution of no confidence passed at a special meeting of the Board, by the members of the Board present, those members shall immediately proceed to elect-

(a) an appointed member of the Board to be the Chairman of the Board; or

(b) any member of the Board to be the Secretary of the Board, as the circumstances require.

(5) The functions of the Secretary of the Board shall include-

(a) issuing to members of the Board notices of meetings of the Board; and

(b) keeping minutes of meetings of the Board and distributing copies of such minutes to members of the Board.

## **7. Meetings of Board**

(1) The Board shall hold an annual meeting, which shall normally be held during the second term of the academic year, following the annual meeting of the Synod.

(2) Not later than 20 days immediately before the date on which the annual meeting of the Board is to commence, the Secretary of the Board shall issue to every member of the Board written notice of the meeting.

(3) Where the Secretary of the Church, the Executive Committee or the Chairman of the Board so directs in writing, a special meeting of the Board shall be held for the purpose of transacting such business as the Secretary of the Church, the Executive Committee or the Chairman of the Board, as the case may be, shall specify:

Provided that the Chairman of the Board shall not direct the holding of a special meeting of the Board unless he has received a written request for such a meeting signed by at least five members of the Board setting out clearly the business which they wish the meeting to transact.

(4) Not later than 14 days immediately before the date on which a special meeting of the Board is to commence, the Secretary of the Board shall issue to every member of the Board written notice of the meeting.

(5) The presence of nine members of the Board shall constitute a quorum of the Board.

(6) The Chairman of the Board shall preside at every meeting of the Board:

Provided that, in the absence of the Chairman from a meeting of the Board, such other appointed member of the Board as is elected by the members of the Board present shall preside.

(7) At a meeting of the Board, each member of the Board present shall have one vote:

Provided that the Chairman of the Board, or the other appointed member of the Board presiding in the Chairman's absence, shall have both an original and a casting vote.

(8) At a meeting of the Board, voting shall be by show of hands:

Provided that the Chairman of the Board, or the other appointed member of the Board presiding in the Chairman's absence, may require voting on a particular question to be by secret ballot conducted by him.

(9) The Secretary of the Board shall distribute copies of the minutes of every meeting of the Board to the members of the Board, the Secretariat of the Church, the Permanent Secretary and the Botswana Christian Council.

(10) No meeting of the Board shall be held otherwise than in accordance with this paragraph.

## **8. Executive Committee of Board**

(1) There is hereby established a committee of the Board to be called the Executive Committee of the Board.

(2) The Executive Committee shall consist of the following members-

- (a) the Chairman for the time being of the Board, who shall be the Chairman of the Executive Committee;
- (b) the Secretary for the time being of the Board, who shall be the Secretary of the Executive Committee;
- (c) the Principal for the time being of the College;
- (d) the Bursar for the time being of the College; and
- (e) three others members of the Board appointed by the Board.

(3) Of the members of the Executive Committee, not more than two shall be appointed to the Board by the Minister, the Botswana Christian Council or the Staff Meeting.

(4) A member of the Executive Committee appointed by the Board under paragraph (2)(e), shall immediately cease to be a member thereof on his ceasing to be a member of the Board.

(5) The function of the Executive Committee shall be to carry out, on behalf of the Board, the functions of the Board between meetings of the Board.

(6) The Executive Committee may hold such number of meetings as it considers necessary or expedient for the proper discharge of its functions:

Provided that it shall hold at least three meetings in every year and shall endeavour to hold at least one meeting in every term.

(7) The Secretary of the Executive Committee shall give to every member of the Executive Committee such written or oral notice of a meeting of the Committee as he considers reasonable in all the circumstances.

(8) The presence of five members of the Executive Committee shall constitute a quorum of the Committee.

(9) The Chairman of the Executive Committee shall preside at every meeting of the Executive Committee:

Provided that, in the absence of the Chairman from a meeting of the Executive Committee, such other member of the Executive Committee as is elected by the members of the Executive Committee present shall preside.

(10) At a meeting of the Executive Committee, each member of the Executive Committee present shall have one vote:

Provided that the Chairman of the Executive Committee, or the other member of the Committee presiding in the Chairman's absence, shall have both an original and a casting vote.

(11) At a meeting of the Executive Committee, voting shall be by show of hands:

Provided that the Chairman of the Executive Committee, or the other member of the Committee presiding in the Chairman's absence, may require voting on a particular question to be by secret ballot conducted by him.

(12) The Secretary of the Executive Committee shall distribute copies of the minutes of every meeting of the Executive Committee to the members of the Committee, the other



members of the Board, the Secretariat of the Church, the Permanent Secretary and the Botswana Christian Council.

(13) Any decision of the Executive Committee may be reviewed by the Board, which shall thereupon confirm, rescind or vary the decision.

#### **9. General responsibilities of Board**

The Board shall be responsible for-

- (a) making such provision as will enable the pupils of the College to develop strong, stable characters and to maintain high moral standards based on sound Christian principles;
- (b) providing at the College a broad academic and practical education of the highest possible standard;
- (c) where such provision does not conflict with the responsibilities imposed by subparagraphs (a) and (b), providing facilities at the College for church, educational and community conferences and other meetings;
- (d) ensuring that the College is run on sound financial lines; and
- (e) making such other provision as it considers proper and desirable for an educational institution such as the College and reasonably practicable.

#### **10. Functions of Board in relation to financial affairs of College**

(1) The Board may open and close bank accounts in the name of the College, invest the funds of the College and raise and disburse funds as necessary or expedient for the proper running of the College.

(2) The Board shall-

- (a) prepare annually a budget for the College in respect of the immediately following financial year of the College and cause it to be submitted to the appropriate committee of the Church;
- (b) subject to any written law applicable thereto, fix the rate of any tuition, maintenance or boarding fees payable in respect of pupils of the College;
- (c) subject to any written law applicable thereto, fix the salaries of employees of the College;
- (d) appoint a duly qualified and independent person to be the College's auditor; and
- (e) consider the audited books and other records of account of the College together with the auditor's report thereon and, after approving the same, cause them to be submitted to the appropriate committee of the Church.

#### **11. Annual audit of College's books and other records of account**

(1) Within six months immediately after the end of each financial year of the College, the College's auditor shall audit the books and other records of account of the College in respect of that financial year and submit to the Secretary of the Board his report thereon.

(2) The auditor's report on the audited books and other records of account of the College shall state whether-

- (a) in the opinion of the College's auditor, proper books and other records of account have or have not been kept by the College;
- (b) all information and explanations required for the due performance of the auditor's duties were or were not given to him and all supporting vouchers and other documents so required were or were not seen by him; and
- (c) in the opinion of the College's auditor, the books and other records of account of the College give or do not give a true and fair view of the financial affairs of the College in respect of the financial year of the College to which they relate.

#### **12. Powers and duties of Board in relation to movable and immovable property of College**

(1) The Board may-

- (a) recommend to the Assembly of the Church the erection or construction of new buildings for the College; and

(b) lease any part of the College for such period of time, at such rent and subject to such conditions as the Board shall in each case determine.

(2) The Board shall not undertake the erection or construction of new buildings for the College except in compliance with a resolution of the Assembly of the Church.

(3) The Board shall be responsible for-

- (a) the maintenance and for the improvement or other alteration and for the management of the buildings and equipment of the College;
- (b) supervising the erection or construction of new buildings for the College; and
- (c) collecting, receiving or recovering all rents and other moneys due and payable in respect of leases of any part of the College.

### **13. Miscellaneous powers and duties of Board**

(1) The Board may-

- (a) in accordance with the law, terminate the appointment of the Bursar, Boarding Master or Matron of the College;
- (b) give directions to the Principal of the College in connection with the day to day running of the College; and
- (c) appoint persons to constitute committees or working parties for particular purposes, which persons shall not be required to be members of the Board.

(2) The Board shall-

- (a) appoint the Bursar, Boarding Master and Matron of the College;
- (b) from time to time, make recommendations to the Minister in relation to the number of classes and forms the Board considers the College ought to have and to the type of education the Board considers the College ought to provide; and
- (c) cause to be prepared and submitted to the Assembly Education Committee and to the Synod an annual report on the affairs of the College.

### **14. Appointment of Principal of College**

(1) In the event of agreement by the Minister and the Board that the Principal of the College is to be employed by the Church-

- (a) the Board may make recommendations to the Assembly Education Committee in respect of the appointment of a suitable person to the post; and
- (b) the terms of service of every such Principal shall be set out in a written contract between the Principal and the Church.

(2) In the event of agreement by the Minister and the Board that the Principal of the College is to be in the Teaching Service, the Board may make recommendations to the Director of the Teaching Service in respect of the appointment of a suitable person to the post.

### **15. Provisions relating to Teaching Service**

(1) Before exercising any power conferred on him by the Teaching Service Act to appoint to a vacant teaching post at the College any person who is or is to be in the Teaching Service or affecting a teacher in the Teaching Service at the College, the Director of the Teaching Service shall consult the Board and the Principal of the College and give full consideration to any recommendations or representations in respect thereof which the Board or the Principal of the College may make.

(2) The Principal of the College may, at any time, make recommendations or representations to the Director of the Teaching Service in respect of the transfer of any teacher in the Teaching Service at the College or in respect of any other matter in relation to such a teacher for which the Director is responsible.

### **16. Saving of residual powers**

The provisions of this Order shall be without prejudice to the exercise of any power, the discharge of any responsibility or the performance of any duty conferred or imposed on the Board by the Constitution, the Assembly of the Church or its Executive Committee, the Assembly Education Committee or the Synod.

## 17. Official Trustees

In respect of any property vested in the Official Trustees in trust for or for the benefit of the College, nothing affecting the title to or the use or occupation of such property shall be done by the Official Trustees in their capacity as trustees except on the instructions of the Assembly of the Church or its Executive Committee given after consultation with the Board.

### **EDUCATION (REGISTRATION OF SCHOOLS) REGULATIONS**

*(under section 29)*

*(29th August, 1967)*

#### ARRANGEMENT OF REGULATIONS

#### REGULATION

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4. Certificate of registration
5. Change in establishment
6. Classification of schools
7. Classes
8. Register of schools
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#### Schedule

S.I. 45, 1967,  
S.I. 9, 1981.

## 1. Citation

These Regulations may be cited as the Education (Registration of Schools) Regulations.

## 2. Interpretation

In these Regulations, unless the context otherwise requires, "**form**" means a form prescribed in the Schedule.

## 3. Application for registration

(1) An application for registration by a local education authority in terms of section 16(1) of the Act shall be submitted in duplicate in Form 1.

(2) An application for registration by a person other than a local education authority in terms of section 16(2) of the Act shall be submitted in duplicate in Form 2.

(3) An application from which is omitted any information required to complete the form or which is incomplete in any other material respect shall not be an application for the purposes of the Act or these Regulations.

(4) Except in the case of applications for the registration of a primary or secondary school an applicant for registration shall state the courses of instruction to be offered by the school.

(5) Every application for the registration of a school shall be accompanied by-

- (a) a list showing the full names and qualifications of staff employed at, or to be employed at, the school;
- (b) a sketch map showing the location of the school;
- (c) a plan of the school buildings.

(6) An application for registration may be made by lodging the appropriate form with an education officer or assistant education officer for the district, city or township in which the school is situated.

(7) It shall be the duty of the education officer or assistant education officer with whom an application form is lodged under subregulation (6) forthwith to transmit the form to the

appropriate authority in terms of section 16 of the Act.

#### **4. Certificate of registration**

(1) Where the Permanent Secretary registers a school under the provisions of section 17 of the Act he shall issue a certificate of registration to the owner or manager of that school.

(2) The certificate of registration shall be kept with, and shall form part of the records of the school which may be inspected in accordance with the provisions of section 26 of the Act.

#### **5. Change in establishment**

(1) An application for the change in the establishment of a school in terms of section 18 of the Act shall be made-

- (a) by a local education authority in Form 3;
- (b) by any other person in Form 4,

and shall be accompanied by the certificate of registration of the school.

(2) An application from which is omitted any information required to complete the form or which is incomplete in any other material respect shall not be an application for the purposes of the Act or these Regulations.

#### **6. Classification of schools**

(1) For the purpose of registration, the schools shall be classified in the manner prescribed in the first column hereunder and, in respect thereof, the abbreviations listed in the corresponding entry in the second column may be used in the register established under section 13 of the Act, in any form, and in any other document required by or under the Act-

<i>First Column</i>	<i>Second Column</i>
primary: to denote primary schools:	P
secondary: to denote a school providing education subsequent to primary education by a course leading to an approved secondary leaving certificate:	S
other: to denote a school other than a primary or secondary school:	O

(2) The abbreviations "P" and "S" may be followed by a number which shall designate the number of the highest class in the school.

#### **7. Classes**

Primary and secondary schools may be divided into classes on the following basis-

- (a) primary schools may be divided into classes which shall be styled Standards 1, 2, 3, 4, 5, 6 and 7, Standard 1 being the lowest class and Standard 7 the highest;
- (b) secondary schools may be divided into classes which shall be styled Forms I, II, III, IV, V and VI, Form I being the lowest class and Form VI the highest.

#### **8. Register of schools**

The register established in terms of section 13(1) of the Act shall be in Form 5.

#### **9. Record of teachers**

The record of teachers kept for the purposes of section 20(1)(a) of the Act shall be in Form 6.

### **SCHEDULE**

#### **Form 1**

### **APPLICATION BY A LOCAL EDUCATION AUTHORITY FOR REGISTRATION OF A SCHOOL**

BOTSWANA-MINISTRY OF EDUCATION

*Regulation 3(1)*

EDUCATION (REGISTRATION OF SCHOOLS) REGULATIONS

(This may be lodged with the Education Officer or Assistant Education Officer who will forward it to the Permanent Secretary, Ministry of Education.)

1. Name of School: .....
2. If a school has been previously registered on this site, state the registration number: .....

- .....
3. (a) Name and address of owner or owners: .....
- (b) Name and address of Manager or Managers, if different from (a): .....
4. Location of school-
- (a) District, City or Town: .....
- (b) Village: .....
- (One copy of a sketch map should be attached to the top copy.)
5. Details of buildings: (Attach a plan to top copy.) .....
6. Distance from nearest school of similar classification giving name of school and owner or manager: .....
7. Classification sought: .....
8. Number of streams in each class and highest class sought for each stream: .....
9. Boys', girls' or co-educational school: .....
10. Details of proposed staffing. Give number of teachers: .....
- (List of teachers to be attached to top copy, showing names and qualifications.)
11. Courses of study to be followed, giving details of subjects. (This does not apply to primary or secondary schools): .....
12. Maximum number of students: .....
13. Fees payable for-
- (a) the instruction, including instruction in special subjects, of pupils: .....
- (b) special courses of instruction provided for pupils: .....
- (c) the accommodation, including boarding, provided for pupils: .....
- (d) books and materials supplied to pupils: .....
- Date: .....
- .....  
for Local Education Authority  
.....  
District, City or Town Council

**Form 2**  
**APPLICATION BY A PERSON OTHER THAN A LOCAL EDUCATION AUTHORITY**  
**FOR REGISTRATION OF A SCHOOL**

*Regulation 3(2)*  
EDUCATION (REGISTRATION OF SCHOOLS) REGULATIONS  
**IMPORTANT**

No school may open until the Local Education Authority has been informed by the Ministry of Education that the school has been registered.

The following sections of the Education Act (Cap. 58:01) should be noted:

**EDUCATION ACT** (Cap. 58:01)  
PART III

*Registration and Control of Schools*

14. *Registration compulsory*

(1) No person shall own or manage or give regular instruction at a school unless that school is registered under section 13.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding P500.

15. *Misleading advertisements, etc.*

Any owner or manager of a school who with intent to mislead refers to such school in, or in the

course of, any correspondence or any advertisement, in such a manner as to suggest that the school is of a type or classification other than that in which it is for the time being registered under section 13, shall be guilty of an offence and liable to a fine not exceeding P200.

**Instructions for completing this form. Please read carefully.**

**Notes**

- (a) Please attach a copy of a sketch map showing the location of the school in relation to main routes, or centre of town, city or village.
- (b) Attach a detailed plan of proposed school buildings.
- (c) Four copies of this form with attachments should be completed, three copies should be sent to the Local Education Authority. One copy should be retained by the owner or manager. The Local Education Authority should complete the relevant section of the form and send two copies of the form to the Permanent Secretary, Ministry of Education, Private Bag 005, Gaborone.

**SECTION ONE**

Type of School to be Registered  
(Cross out that which is not applicable)

- (i) Primary
- (ii) Vocation (i.e. Typing, Bookkeeping, Home Economics, Mechanical, etc.)
- (iii) Secondary

**NOW COMPLETE THE RELEVANT SECTION**

**SECTION TWO**

(i) and (ii) Primary and Vocational only

**A.** Name of proposed owner .....

Address of proposed owner .....

Nationality of proposed owner .....

Place and date of birth of proposed owner .....

Present occupation of proposed owner .....

Names, addresses and occupations of three persons of good standing who can testify to the good character of proposed owner:

1. ....

2. ....

3. ....

**B.** Name of proposed Manager .....

Address of proposed Manager .....

Nationality of proposed Manager .....

Present occupation of proposed Manager .....

Place and date of birth of proposed Manager .....

Names, addresses and occupations of three persons of good standing who can testify to the good character of proposed manager:

1. ....

2. ....

3. ....

**SECTION THREE**

(iii) Secondary Applications only  
EDUCATION (PRIVATE SECONDARY SCHOOL) REGULATIONS  
PART II

Control and Management of Private Secondary Schools by Board of Governors

5. *Board of Governors: Membership*

(1) A private secondary school shall be under the control and management of a Board of Governors.

(2) The Board shall consist of the following members-

- (a) the owner, who shall be the manager, or in the absence of the owner, a manager nominated by a meeting of the local community including parents for a period of five years, and accepted by the local education authority and approved by the Minister;
- (b) the District Commissioner or his representative;
- (c) the local Member of Parliament or his nominee;
- (d) one representative of the local authority nominated annually by that authority;
- (e) one member nominated by the Permanent Secretary; and
- (f) four to seven members nominated by a meeting of the local community including parents, accepted by the local education authority and approved by the Minister.

(3) All members of the Board, excluding the manager, who are nominated shall hold office for two years and shall be eligible for renomination.

A. Give the date and place where local community members were nominated to be the Board of Governors .....

B. Give the date on which the Minister of Education approved the Board of Governors .....

C. Give the names and addresses of the Board of Governors:

- 1. ....
- 2. ....
- 3. ....
- 4. ....
- 5. ....
- 6. ....
- 7. ....
- 8. ....

**SECTION FOUR**

This section to be completed by all applicants.

1. (a) Name and address of school: .....

(b) If application has been made previously, state the date of application: .....

(c) Location of school: .....

(i) District, City or Town .....

(ii) Village .....

(iii) Name and address of nearest school of the same classification .....

- .....
- (iv) Distance in kms from this school .....
- (d) Name and address of proposed Headteacher: .....
- .....
- .....
- Nationality: .....
- Date and Place of Birth: .....
- .....
- Qualifications: .....
- .....
- Previous experience: .....
- .....
- If a former member of T.S. give T.S. No: .....
- Present occupation post: .....
- Names and addresses of two referees who can testify to the professional standing and good character of the proposed headteacher:
- (i) .....
- .....
- (ii) .....

2. *The School:*

Give details as follows (Schools that intend erecting buildings should give details of proposed buildings.):

Area of School Plot: .....

Number of classrooms: .....

Size of classrooms: .....

.....

.....

.....

.....

.....

.....

Size and number of other specialised buildings:

Administration Block .....

Laboratories .....

Library .....

Hall .....

Other .....

State whether the walls are of brick, clay or wood, and whether the roof is of slate, iron, asbestos or thatch .....

If there are taps inside the buildings state "piped". If there is only one tap situated in the grounds, state "stand pipe". If there is a supply by other means, describe the supply, and if there is no supply, state "none".

.....

*State type and number of toilets*

State the type and number of toilets for men and number for women: .....

.....

*Pupils' toilets*

State the type and number of toilets for boys and number for girls: .....

State the number and type of staff quarters: .....

.....

To whom do the buildings of the proposed school belong:

.....

.....

Indicate the estimated number of pupils to be in the school at the time of opening:



Stream	Form Std I		Form Std II		Form Std III		Std IV		Std V		Std VI		Std VII		TOTAL
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
1st															
2nd															
3rd															

Indicate the estimated of pupils over the next two years:

	Form Std I		Form Std II		Form Std III		Std IV		Std V		Std VI		Std VII		TOTAL
20.....															
20.....															

A set of pupil's furniture consists of a single desk and a chair or other kind of seat. Give number of sets:

.....  
 State the subjects to be taught to each class and the number of weekly periods per subject.

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....
9. ....
10. ....
11. ....
12. ....

How many teachers do you (a) need and (b) plan to have employed over the next two years:

- (a) .....
- (b) .....

Give the number of non-teaching staff likely to be in post when the school opens i.e. Typists, Bursar, Cleaners, etc.:

.....

### 3. Finance

This section *must be answered fully*.

Name and address of bank or building society with whom the school has its account.

.....

If you have capital at present state the amount .....

Give details of expected recurrent income as from the date of proposed opening.

Indicate the amount for each term and the total for the coming year.

(a) Proposed School fees per pupil (specify if the fee consists of tuition, books, sports fee, etc.)

1st TERM	2nd TERM	3rd TERM	TOTALS
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

(b) Contributions from the local community, state the expected amount available during the next year.

.....

(c) Donations from other sources, specify the source, the amount and the purpose for which the money will be used.

.....

.....  
From the date of opening, how much do you expect to spend on recurrent annual expenditure? (Indicate the amount to be spent on each item) .....

- (a) Teachers' salaries .....
  - (b) Wages .....
  - (c) Books .....
  - (d) Food .....
  - (e) Uniforms .....
  - (f) Stationery .....
  - (g) Other things (Specify) .....
- TOTAL .....

How much do you expect to spend on capital developments? Specify the amount for each item.

- (a) Buildings .....
- (b) Furniture .....
- (c) Equipment (typewriters, tools, etc.) .....
- (d) Other things (Specify) .....

What is the total value of existing buildings and equipment of the school? (Include the value of buildings being erected during the year and or equipment purchased).

.....  
.....

#### SECTION FIVE

On a separate sheet of paper give any further details you consider relevant to the progress of your school.

We the undersigned state that the information given in this application is, to the best of our knowledge, true and accurate.

Manager .....

Board Member .....

Date .....

#### FOR OFFICIAL USE ONLY

The Education Committee of .....

City/Town/District Council, meeting at .....

on ..... have studied the foregoing application.

A. The Education Committee is of the opinion that the proposed .....

School is a viable proposition and will be of benefit to the local community. The credentials of the applicant have been checked and found to be in order. The Education Committee therefore recommends registration.

B. The Education Committee does not recommend registration for the following reasons:

.....  
.....  
.....

(Delete that which is not applicable.)

Date .....

Signed:

Chairman: ..... Secretary: .....

Ministry of Education Representative: .....

For Local Education Committee:

City/Town/District .....

### Form 3 APPLICATION BY A LOCAL EDUCATION AUTHORITY FOR

**A CHANGE IN THE ESTABLISHMENT OF A SCHOOL**

(r. 5)

BOTSWANA-MINISTRY OF EDUCATION

(To be completed in duplicate, accompanied by the Registration Certificate and be lodged with the Education Officer or Assistant Education Officer who will forward it to the Permanent Secretary.)

- 1. Name of school: .....
- 2. Registration number: .....
- 3. Change requested (if the change in any way affects the layout of buildings, a new sketch map should accompany this application): .....

Date .....

*for Local Education Authority*

..... *District/City or Town Council*

**Form 4**

**APPLICATION BY A PERSON OTHER THAN A LOCAL EDUCATION AUTHORITY FOR A CHANGE IN THE ESTABLISHMENT OF A SCHOOL**

(r. 5)

BOTSWANA-MINISTRY OF EDUCATION

(To be completed in duplicate, accompanied by the Registration Certificate and lodged with the Local Education Authority which will forward the application with its report to the Permanent Secretary).

- 1. Name of school: .....
- 2. Registration number: .....
- 3. Change requested (if the change in any way affects the layout of buildings, a new sketch map should accompany this application): .....

Date ..... *Signature of Owner(s)* .....

or

*Managers(s)* .....

To the Permanent Secretary:

Change of existing registration is recommended/not recommended: <sup>1</sup>

(state reasons).

Date .....

*for Local Education Authority*

*District/City or Town Council*

**Form 5**

**SCHOOL REGISTER**

- 1. Name and Postal Address of School

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

- 2. Name and Address of Owner or Owners



8. Number of streams in each class and highest class for each stream

.....  
 ....  
 .....  
 .....  
 .....  
 .....

9. Boys', girls' or co-educational school

.....  
 .....

10. Details of staffing

.....  
 .....  
 .....

11. Courses of study

.....  
 .....  
 .....

12. Maximum number of students

.....  
 .....  
 .....

13. Fees charged

.....  
 .....  
 .....

**Form 6**  
**RECORD OF TEACHERS AT ..... SCHOOL**

<i>T.S. No.</i>	<i>Surname</i>	<i>Other Names</i>	<i>Nationality</i>	<i>M/F</i>	<i>Qual.</i>	<i>Where Obtained</i>	<i>Date of First Employed</i>	<i>Date of Termination of Service</i>	<i>Ma Ter</i>

## **EDUCATION (CORPORAL PUNISHMENT) REGULATIONS**

*(under section 29)*

*(5th January, 1968)*

### ARRANGEMENT OF REGULATIONS

#### REGULATION

1. Citation
2. Conditions for administering corporal punishment
3. Record to be kept
4. Penalties

S.I. 1, 1968

#### **1. Citation**

These Regulations may be cited as the Education (Corporal Punishment) Regulations.

#### **2. Conditions for administering corporal punishment**

No corporal punishment shall be administered to any pupil-

- (a) at any school; or
- (b) by any school teacher for anything done by the pupil at school or in respect of his schooling,

unless the following conditions are complied with-

- (i) the punishment shall be administered either by the headmaster or by some other teacher in the presence of the headmaster;
- (ii) no instrument of punishment other than a light cane shall be used and no punishment shall exceed 10 strokes with the cane;
- (iii) no male teacher may inflict corporal punishment upon any girl whom he has grounds for believing is over the age of 10 years;
- (iv) no punishment shall be administered except for offences of a serious or repeated nature.

#### **3. Records to be kept**

In the event of corporal punishment being administered the headmaster of the school shall make and retain a record of the nature of the offence committed by the pupil, the number of strokes administered, the date of the punishment and the name of the person administering the punishment.

#### **4. Penalties**

Any person who contravenes the provisions of these Regulations shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding P50 or to imprisonment for a term not exceeding three months, or to both.

## **EDUCATION (PRIVATE SECONDARY SCHOOLS) REGULATIONS**

*(under section 29)*

*(1st December, 1978)*

### ARRANGEMENT OF REGULATIONS

#### REGULATION

1. Citation
2. Interpretation
3. Application
4. Extent of course of secondary education

#### PART I *Preliminary*

## PART II

### *Control and Management of Private Secondary Schools by Board of Governors*

5. Board of Governors: membership
6. Chairman and secretary of Board
7. Committees of Board
8. Meetings of Board and of its committees
9. Attendance by non-members of Board
10. Resignation, revocation of appointment, or removal of member and filling of vacancies

## PART III

### *Powers and Duties of Board of Governors*

11. Powers and duties of Board

## PART IV

### *Funds of a Board of Governors*

12. Funds of Board of Governors

## PART V

### *Erection of Buildings for Private Secondary School*

13. Buildings

## PART VI

### *Enrolment and Size of Private Secondary School*

14. Classes to be offered
15. Class sizes
16. Number of streams

## PART VII

### *School Fees*

17. School fees

## PART VIII

### *Closure and Dissolution of Private Secondary School*

18. Closure and dissolution

S.I. 144, 1978.

## **PART I** ***Preliminary***

### **1. Citation**

These Regulations may be cited as the Education (Private Secondary Schools) Regulations.

### **2. Interpretation**

In these Regulations, unless the context otherwise requires-

**"admission"** means admission for the purpose of being accommodated;

**"bursar"** means the treasurer of the school;

**"committee"** means a committee established under regulation 7;

**"course of secondary education"** means a course of formal education, other than technical education or training for teachers, suitable for following immediately upon a course of primary education;

**"enrolment"** means enrolment as a pupil;

**"local community"** means adult inhabitants of the town or village in which the school is situated;

**"manager"**, for the purpose of these Regulations, means the person responsible for the management of the school;

**"private secondary school"** means an unaided private secondary day or night school including, continuation classes centres, at which the whole or part of a course of secondary education is provided;

**"pupil"**, for the purposes of these Regulations, means a child enrolled at a private secondary school;

**"unaided"** means not entirely dependent on Government for financial assistance.

### **3. Application**

(1) These Regulations shall apply to private unaided secondary day and night schools and continuation classes centres:

Provided that the Minister may in writing exempt any such school from all or any of the provisions of these Regulations.

(2) The Permanent Secretary shall from time to time cause to be published in the *Gazette* a list of all private secondary schools registered in terms of these Regulations.

(3) A school named in a list published in accordance with subregulation (2) shall be deemed, until the contrary is proved, to be a private secondary school.

### **4. Extent of course of secondary education**

(1) For the purposes of these Regulations, a course of secondary education shall be a course designed to extend over three years, with three successive forms established to correspond respectively with the three successive years of the course.

(2) The Minister may, in special circumstances, permit a private secondary school to offer a course designed to extend over five years, with five successive forms established to correspond respectively with the five successive years of the course.

## **PART II**

### ***Control and Management of Private Secondary Schools by Board of Governors***

#### **5. Board of Governors: membership**

(1) A private secondary school shall be under the control and management of a Board of Governors.

(2) The Board shall consist of the following members-

- (a) the owner, who shall be the manager, or in the absence of the owner, a manager nominated by a meeting of the local community including parents for a period of five years, and accepted by the local education authority and approved by the Minister;
- (b) the District Commissioner or his representative;
- (c) the local Member of Parliament or his nominee;
- (d) one representative of the local authority nominated annually by that authority;
- (e) one member nominated by the Permanent Secretary; and
- (f) four to seven members nominated by a meeting of the local community including parents, accepted by the local education authority and approved by the Minister.

(3) All members of the Board, excluding the manager, who are nominated shall hold office for two years and shall be eligible for renomination.

#### **6. Chairman and secretary of Board**

(1) The manager of the school shall be the Chairman of the Board and shall see to the efficient running of the school and ensure compliance with the requirements of the Act and these Regulations.

(2) The Board shall elect a Vice-Chairman from the members of the Board.

(3) The principal shall be secretary to the Board, but shall not be a member thereof.

(4) The secretary shall be responsible, in accordance with such instructions as may be given to him by the Board, for arranging the agenda, recording and keeping minutes of the proceedings and all decisions taken at meetings of the Board or its committees, and shall



undertake such other functions as the Board may direct.

(5) He shall record the names of every member present at each meeting and shall forward copies of the minutes to the Minister, to every member of the Board or committee, as the case may be, and to such other persons as the Board or committee may direct.

## **7. Committees of Board**

(1) The Board of Governors may establish such standing and *ad hoc* committees as it considers necessary or desirable for the discharge of its functions.

(2) A committee shall consist of such persons, whether members of the Board or not, as the Board may appoint thereto, and the Board shall appoint one of the members of the committee to be the Chairman thereof.

(3) The members of a committee shall hold office for such time as the Board may direct.

(4) The Board shall determine the functions of a committee and may delegate to such committee, either absolutely or conditionally, the power to discharge any function of the Board on its behalf.

## **8. Meetings of Board and of its committees**

(1) Meetings of the Board shall be held, on 21 days' written notice to each member, once during each school term and at other times as and when necessary, and shall be convened at the direction of the Chairman or on a written request from at least four members of the Board.

(2) Special meetings may be called on three days' notice, if, in the opinion of the Chairman and the secretary, the business to be transacted is sufficiently urgent.

(3) Meetings of a committee shall be held as and when necessary and shall be convened in accordance with the directions of the Chairman of that committee.

(4) At a meeting of the Board, six members shall form a quorum, and at a meeting of a committee a quorum shall be formed if at least half the members of the committee are present.

(5) There shall preside-

(a) at a meeting of the Board, the Chairman, or in his absence the Vice-Chairman, or in the absence of the Chairman and the Vice-Chairman such member of the Board as the Board may elect to preside over that meeting;

(b) at a meeting of a committee, the Chairman of the committee, or in his absence such member of the committee as the committee may elect for that meeting.

(6) A motion proposed for decision by the Board or by a committee at a meeting at which a quorum is present shall be determined by a majority of votes of the members thereof present and voting.

(7) At all meetings of the Board or a committee each member present, including the Chairman, shall have one vote on a question proposed for decision by the Board or committee, and, in the event of a tie, the person presiding at the meeting shall have, in addition to an original vote, a casting vote.

## **9. Attendance by non-members of Board**

(1) The principal of a private secondary school shall normally attend meetings of the Board and its committees.

(2) A Board or a committee may, after consultation with the principal, invite any member of the staff of the private secondary school for which the Board is responsible, or any other person whose presence is desirable, to attend a meeting of the Board or of a committee.

(3) A person who has been invited to attend a meeting of the Board or of a committee under subregulations (1) and (2) shall be entitled to take part in discussions on any item on the agenda but shall not be entitled to vote.

## **10. Resignation, revocation of appointment, or removal of member and filling of vacancies**

(1) A member of the Board may resign upon giving the Board 30 days' notice of his intention to do so.

(2) The appointment of any person as a Chairman or as a member of the Board may, at

any time and for reasonable cause, be revoked by the person or body by whom or by which such Chairman or member was appointed; such person or body shall, however, at the same time appoint a Chairman or member in the place of the Chairman or member whose appointment is revoked.

(3) A revocation and new appointment made under subregulation (2) shall be notified, in writing, to the Minister and to the Chairman of the Board, and shall take effect upon written approval by the Minister.

(4) A member of the Board shall automatically lose his membership-

- (a) upon failure to attend three consecutive meetings of the Board without reasonable cause for such absence having been given to, and accepted by, the Board;
- (b) upon advice from a body entitled to nominate the member that such member no longer represents such body on the Board; or
- (c) upon a finding by two-thirds of the members of the Board present at a duly convened meeting of the Board that there has been gross impropriety in the conduct of such member, which shall include but not be limited to mismanagement of the assets of the Board, or conduct against the general policies, purposes and interests of the Board.

(5) The Minister may, at his discretion, direct the removal of a member from a Board.

(6) A vacancy on a Board shall be filled in the manner in which the original appointment was made under regulation 5(2).

### **PART III**

#### ***Powers and Duties of Board of Governors***

##### **11. Powers and duties of Board**

(1) Subject to these Regulations, it shall be the duty of a Board to-

- (a) register a private secondary school in terms of the Act before such school can operate;
- (b) provide facilities for the private secondary school; and
- (c) administer, maintain and control the private secondary school for which it is established.

(2) Subject to these Regulations, a Board shall discharge the following functions-

- (a) subject to legislation relating to immigration or employment, appoint teachers who have been granted permission to teach by the Permanent Secretary in terms of the Act, and terminate their services;
- (b) subject to approval by the Minister, appoint and terminate the services of a principal;
- (c) appoint a bursar, and such non-teaching staff as may be required for the efficient running of the private secondary school, and to terminate such appointments;
- (d) enter into contractual agreements with its employees;
- (e) subject to the approval of the Minister, determine the fees payable in respect of each pupil and prescribe such other charges, if any, to be paid to the Board;
- (f) define the conditions for enrolment of pupils;
- (g) subject to the approval of the Permanent Secretary, decide on the subjects of instruction to be included in the curriculum, the conduct of examinations, and the fees payable to the Board in respect of such examinations;
- (h) compile a code of school rules on the subject of hygiene, deportment, discipline and dress, and regulate the conditions for the suspension, expulsion or exclusion of pupils;
- (i) convene a meeting of the local community including parents every year for the purpose of submitting a report on, *inter alia*, the year's activities, the financial position, and the future plans of the school and the meeting shall elect parents' representatives on the Board as and when required; and
- (j) generally do all such things as are necessary or desirable for the aforesaid purposes.

(3) The Minister may, at his discretion, give the Board such general or specific directions regarding the exercise of its functions as he may consider necessary, and the Board shall comply with such directives.

## **PART IV**

### ***Funds of a Board of Governors***

#### **12. Funds of Board of Governors**

(1) The funds of a Board of Governors shall consist of-

- (a) fees and charges imposed by the Board and payable to the Board;
- (b) such moneys as may be paid to the Board by way of grants and loans;
- (c) interest on moneys invested by the Board;
- (d) moneys accruing from the sale of articles or products made at the school; and
- (e) such other moneys as may be vested in or accrue to the Board for the purposes of the Board, whether by way of donations or endowments or otherwise.

(2) A Board shall, for the purpose of the day-to-day administration of the school, maintain a current account at a bank; and cheques drawn upon that account shall be signed by the bursar and any two of the following three persons-

- (a) the manager;
- (b) two persons authorized by the Board.

(3) The current account shall not be overdrawn without a written resolution of the Board.

(4) All payments from the funds of the Board shall be made by cheques as prescribed under subregulation (2).

(5) There shall be paid from the funds of the Board-

- (a) any allowances which may be payable to the members of the Board; and
- (b) the expenses incurred by the Board in the discharge of its functions, including any salaries, allowances and gratuities payable by the Board to persons employed in the service of the Board.

(6) All moneys and fees collected for a special purpose must be used for the purpose for which they have been collected.

(7) The financial year of a Board shall be from 1st January to 31st December.

(8) Within six months of the end of the financial year a balance sheet and receipts and payments account shall be audited by auditors appointed by the Board and approved by the Permanent Secretary.

(9) The Board shall, within 60 days of receiving the auditors' report, submit a copy thereof to the Minister, and shall take every step to ensure that the copy reaches the Minister not later than 1st September.

(10) A financial report shall form part of the School Report submitted to the annual meeting of the local community including the parents.

(11) The funds of a private secondary school shall be held by the Board of Governors for that school and shall be handled in the manner prescribed in this regulation.

## **PART V**

### ***Erection of Buildings for Private Secondary School***

#### **13. Buildings**

(1) A private secondary school shall normally operate in approved existing buildings in the area in which it is situated.

(2) If a Board of Governors desires to erect special buildings for the operation of the private secondary school for which the Board is established, approval to erect such buildings shall be sought, in writing, from the Minister.

(3) An application to erect buildings shall include evidence of the availability of funds for the purpose.

(4) A Board of Governors shall not erect buildings without first obtaining the Permanent Secretary's written approval of the site, the site plan and the architectural plans and designs of the proposed buildings.

(5) Changes in the establishment, including extensions of buildings, shall only be made with the prior written approval of the Permanent Secretary.

## **PART VI**

### ***Enrolment and Size of Private Secondary School***

#### **14. Classes to be offered**

- (1) A private secondary school shall provide instruction for the Junior Certificate course.
- (2) In special circumstances, instruction for classes above the Junior Certificate course may be provided with the prior written approval of the Minister.
- (3) An application to provide instruction for classes above the Junior Certificate level shall include details of the additional facilities available or required, the proposed subjects of instruction, the names, qualifications and experience of the additional teaching staff, whether full or part-time, and the special reasons for the application.

#### **15. Class sizes**

- (1) The number of pupils receiving instruction in any class in any of the first three forms of a private secondary school shall normally be 40, but in no case shall the number be less than 30 or more than 45.
- (2) The number of pupils receiving instruction in any class in the fourth and fifth forms shall normally be 30, but in no case shall the number be less than 20 or more than 35.
- (3) Notwithstanding anything contained in subregulations (1) and (2), the Permanent Secretary may, at his discretion, permit a variation in the number of pupils in any class.

#### **16. Number of streams**

- (1) The number of Junior Certificate streams shall not exceed three.
- (2) In a private secondary school where instruction is provided for School Certificate, the number of streams shall not exceed one in each form.
- (3) Notwithstanding anything contained in subregulations (1) and (2), the Permanent Secretary may, at his discretion, permit a variation in the number of streams in each form.
- (4) A private secondary school which, at the date of the publication of these Regulations, has more classes and streams than the number prescribed in these Regulations, shall be required to apply, in writing, to the Permanent Secretary for approval to have classes and streams in excess of the number so prescribed, and if, in his opinion, he considers that it would be in the best interest of the school to provide instruction for the number of classes applied for, he may grant such approval, and may give such directions as he deems necessary and the Board of Governors shall carry out such directions.

## **PART VII**

### ***School Fees***

#### **17. School fees**

- (1) Subject to this regulation, school fees shall be payable in respect of each pupil enrolled at a private secondary school at the approved rates.
- (2) Fees paid for a special purpose, such as book fees, school uniforms fees, or sports fees, shall be used for the purpose for which they have been collected.
- (3) An application to the Minister to approve the rate of fees chargeable under regulation 11(2)(e) shall provide the following information-
  - (a) the number of full-time and part-time members of the teaching staff;
  - (b) the number of non-teaching staff;
  - (c) the number of teaching periods per day for each class;
  - (d) the length of each teaching period;
  - (e) the projected programme of development over a period of five years;
  - (f) the estimated annual salary bill of the teaching staff for the next three years;
  - (g) the estimated annual salary bill of the non-teaching staff for the next three years; and
  - (h) a breakdown of the proposed fee according to the purpose for which the fee is being charged, such as boarding, tuition, sports, books and school uniforms.
- (4) A Board of Governors of a private secondary school shall prescribe the circumstances in which fees may be refunded or remitted in whole or in part.

## **PART VIII**

### ***Closure and Dissolution of Private Secondary School***

#### **18. Closure and dissolution**

(1) The Minister may, in terms of the Act, order the closure of a private secondary school.

(2) A motion of dissolution of a private secondary school may be put forward at a properly constituted meeting of the Board of Governors:

Provided that at least 28 days' written notice of such a meeting is given and the motion is stated in the notice.

(3) The quorum for such a meeting shall be three-quarters of the members and the motion shall not be carried unless it receives the affirmative votes of two-thirds of the members present and voting:

Provided that the motion shall not have effect unless it receives the written approval of the Minister.

(4) Following the liquidation of liabilities, the assets and funds of the private secondary school shall, with the written approval of the Minister, be distributed among such organizations, agencies and bodies involved in education in Botswana as the Board may deem suitable.

### **EDUCATION (GOVERNMENT AND AIDED SECONDARY SCHOOLS) REGULATIONS**

*(under section 29)*

*(1st December, 1978)*

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## **PART I** ***Preliminary***

### **1. Citation**

These Regulations may be cited as the Education (Government and Aided Secondary Schools) Regulations.

### **2. Interpretation**

In these Regulations, unless the context otherwise requires-

**"admission"** means admission for the purpose of being accommodated;

**"boarding master"** means a member of the staff of a secondary school of the category referred to in regulation 3(1) who is entitled to exercise authority in a school hostel attached to such school;

**"child"** means a person under the age of maturity;

**"course of secondary education"** means a course of formal education, other than technical education or training for teachers, suitable to follow immediately upon a course of primary education;

**"enrolment"** means enrolment as a pupil;

**"Form I Selection Examination"** means the examination conducted annually by the Ministry of Education and the Regional Testing Centre for the purpose of selecting pupils for Form I in secondary schools;

**"headmaster"** includes headmistress;

**"master"** includes mistress;

**"pupil"**, for the purposes of these Regulations, means a child enrolled at a secondary school of the category referred to in regulation 3(1);

**"school hostel"** means a boarding establishment attached to a secondary school of the category referred to in regulation 3(1) for the accommodation of pupils enrolled at such school;

**"secondary school"** means a school at which the whole or part of a course of secondary education is provided.

### **3. Application**

(1) These Regulations shall apply to secondary schools which are Government schools or aided schools.

(2) The Permanent Secretary may from time to time frame or amend, and may cause to be published in the *Gazette*, a list of all secondary schools to which these Regulations apply.

(3) Any school named in a list published in accordance with subregulation (2) shall be deemed, until the contrary is proved, to be a secondary school, as referred to in subregulation (1).

### **4. Extent of course of secondary education**

For the purposes of these Regulations a complete course of secondary education shall be a course designed to extend over five years, with five successive forms established to correspond respectively with the five successive years of the course.

## **PART II**

### ***Enrolment at Secondary Schools and Admission to School Hostels***

### **5. Application for enrolment at secondary schools and admission to school hostels**

(1) An application for the enrolment of a child at a secondary school or for the admission of a child to a school hostel shall be made by the parent or guardian of the child to the Permanent Secretary and shall be made through the principal of the school, if any, which the child is then attending or has last attended, or, if the child has attended no school, then direct.

(2) The person making application shall furnish the Permanent Secretary with such information and evidence as may be required for the proper consideration of the application.

(3) Any person who, for the purpose of procuring the enrolment of a child at a secondary school, or the admission of a child to a school hostel, knowingly makes a false statement, oral or in writing, which is material to an application for such enrolment or admission, shall be guilty of an offence and liable to a fine not exceeding P50.

(4) No child shall be entitled to attend a secondary school or to be accommodated at a school hostel if the application for his enrolment to such school or his admission to such hostel contains a false statement knowingly made and material to the application.

#### **6. Determination of applications**

(1) The Permanent Secretary shall consider every application for the enrolment of a child at a secondary school or the admission of a child to a school hostel and shall, subject to these Regulations, determine whether the child concerned shall be enrolled or admitted, as the case may be.

(2) The Permanent Secretary shall cause the person making application to be informed of his decision regarding the application.

(3) The Permanent Secretary may defer his decision on any application for such period as he deems necessary to enable him to give proper consideration to it.

#### **7. Age for enrolment or admission**

(1) No child shall be enrolled at a secondary school or admitted to a school hostel attached to such secondary school unless he is of an appropriate age to be enrolled at such secondary school.

(2) A child shall not be of an appropriate age to be enrolled at a secondary school as a pupil in Form I if, on or before 1st January of the year during which his enrolment is applied for, he has attained the age of 20 years.

#### **8. Standard of education for enrolment**

(1) A child who has previously attended a primary school in Botswana shall not be regarded as having attained a satisfactory standard of education for the purpose of being enrolled, and he shall not be enrolled at a secondary school as a pupil in Form I unless he has been successful in the Form I Selection.

(2) A child who has attended school outside Botswana for not less than one year immediately before it is desired he be enrolled at a secondary school shall not be enrolled unless the Permanent Secretary is satisfied, by examination or otherwise, that he has attained an adequate standard of education.

#### **9. Further restrictions on enrolment or admission**

(1) No child shall be enrolled at a secondary school unless a vacancy exists in the class in which he would be placed if he were enrolled, and no child shall be admitted to a school hostel unless a suitable vacancy exists in such hostel.

(2) The number of pupils admitted into each Form I class of a secondary school shall in no case be less than 35 or more than 40.

(3) The number of pupils admitted into each Form IV class of a secondary school shall in no case be less than 25 or more than 30.

(4) Notwithstanding anything contained in subregulations (2) and (3), the Permanent Secretary may, in his discretion, in suitable cases, permit a lower or higher number of pupils in any class.

(5) No child shall be enrolled at a secondary school or admitted to a school hostel unless his parent is a citizen of Botswana or resides in Botswana.

(6) No child shall be enrolled at a secondary school unless the parent or guardian of the child is willing and able to make provision for the payment of the prescribed tuition and boarding fees payable in respect of the child.

#### **10. Restrictions on admission to school hostels**

(1) No child shall be admitted to a school hostel unless he attends or is to attend the secondary school to which such hostel is attached.



(2) No child whose parent or guardian lives in a town or village where a secondary school is situated shall be considered for admission to any school hostel without the prior written approval of the Permanent Secretary.

#### **11. Presentation of child**

(1) The parent or guardian, if any, of a child to be enrolled at a secondary school or admitted to a school hostel shall ensure that the child presents himself at the school or hostel on the first day of the school term or, in the case of enrolment or admission during the course of the school term, on such day as the headmaster of the school may specify.

(2) Any child who does not report to the secondary school at which he is to be enrolled within the first five days of the school term may be removed from the list of children to be enrolled at the school or admitted to the school hostel.

#### **12. Enrolment of pupils from continuation classes**

Subject to the other provisions of these Regulations, if a place is available in a class in a form other than Form I, any suitably qualified candidate who has been attending any day or evening continuation classes may be enrolled in a secondary school on the recommendation of the headmaster of the school in which he is to be enrolled and with the written approval of the Permanent Secretary.

#### **13. Continuance in forms**

A pupil at a secondary school shall not be permitted to spend more than one year in Form III or Form V except with the approval in writing of the Permanent Secretary, which approval shall be granted only if all of the following conditions are met-

- (a) the pupil has failed to pass an examination for pupils in that form;
- (b) such failure was due to the pupil's ill-health or unavoidable absence from the examination;
- (c) the pupil is in the opinion of the Permanent Secretary of an appropriate age;
- (d) the headmaster of the school is satisfied that if that pupil spends an additional year in the form in question no pupil in a lower form will be prevented from progressing to the form in question; and
- (e) the headmaster is satisfied that the pupil, if permitted to spend an additional year in the form in question, is likely to succeed in passing the examination for pupils in that form.

#### **14. Transfer from one secondary school to another**

(1) A pupil shall not be permitted to transfer from a secondary school at which he is enrolled to another secondary school unless the headmasters of both schools are satisfied that grounds for the transfer are not in conflict with the Ministry's regulations, and the approval of the Permanent Secretary has been obtained for that transfer.

(2) Where a pupil is permitted to transfer from the school at which he is enrolled the headmaster shall issue to the pupil's parent or guardian a certificate of transfer stating the grounds of the transfer and the standard attained by the pupil, and the parent or guardian shall furnish such certificate, together with an application for enrolment, to the headmaster of the secondary school to which it is desired that the pupil should be transferred.

(3) The headmaster of the school to which the pupil is to be transferred shall immediately inform the Permanent Secretary of the transfer with all relevant details.

#### **15. Power of Permanent Secretary to give special directions**

Notwithstanding anything contained in this Part, the Permanent Secretary may, subject to the approval of the Minister, give to the headmaster of a secondary school such special directions as he may consider necessary with regard to-

- (a) the enrolment at a secondary school or the admission to a school hostel of a particular child; or
- (b) the transfer between secondary schools or school hostels of a particular child, and the headmaster shall comply with those directions.

### **PART III**

### ***Payment of School Fees***

#### **16. Rates of, and time for, payment**

(1) School fees shall be payable in respect of each pupil enrolled at a secondary school at the appropriate rates prescribed by regulations.

(2) The school fees payable in accordance with this regulation shall be paid on or before the first day of the school term in respect of which they are payable, or, when the pupil first attends the school during any term on a day later than the first day, on such later day.

(3) The annual fees payable in respect of a pupil at a secondary school may be paid in three prescribed instalments, each of which shall be paid on or before the date prescribed in subregulation (2).

#### **17. Exclusion for non-payment**

A pupil whose school fees in respect of a secondary school or boarding fees in respect of a school hostel have not been paid on or before the tenth day of the school term in respect of which they are payable shall be excluded from such school or school hostel.

#### **18. Reduction of fees where school not attended or pupil not accommodated**

(1) Subject to this regulation, where a pupil does not attend a secondary school or is not accommodated at a school hostel for the whole or any part of a school term, the school fees payable in respect of the pupil for that term shall be reduced by one-quarter for each complete quarter of the school term during which the pupil does not attend the school or is not accommodated at the hostel, as the case may be; and any overpayment shall be refunded to the person who made it, in the case of a Government school by the Permanent Secretary, and in the case of an aided school by the manager.

(2) The provisions of subregulation (1) shall not apply in relation to a pupil if-

- (a) he is being admitted into Form I or Form IV during the first term;
- (b) he has been suspended or expelled from the secondary school or excluded from the school hostel, as the case may be, on disciplinary grounds; or
- (c) the headmaster of the school is not satisfied that good reasons exist for the pupil's absence from the school or school hostel, as the case may be.

(3) In the calculation of a complete quarter of a school term for the purposes of subregulation (1)-

- (a) the aggregate number of days in the school term (including non-school days) shall be divided by four; and
- (b) any fraction of a day resulting from such division shall be disregarded.

### **PART IV**

### ***Calendar and Curriculum***

#### **19. School calendar**

(1) The academic year in every secondary school shall coincide with the calendar year and shall comprise three school terms.

(2) The Permanent Secretary shall prepare an annual school calendar to determine the period of school terms and the days during each school term on which pupils shall be required to attend school or instruction; and such days are referred to in these Regulations as "school days".

(3) The school calendar prepared by the Permanent Secretary shall be so arranged as to ensure that the number of school days in the academic year to which it relates is not less than 185 or more than 200.

(4) The school calendar shall be observed at all secondary schools except to such extent as the Permanent Secretary may, either generally or in a particular case, authorize; and any departure from the calendar shall be made only with the prior written approval of the Permanent Secretary.

(5) There shall be no formal class-teaching on any public holiday appointed by or under the Public Holidays Act except to such extent as the Permanent Secretary, in his discretion,

may authorize.

## **20. Subjects and syllabus**

(1) Instruction shall be provided at all secondary schools in the subjects of English, Mathematics and a science, and, subject to the approval of the Minister, in such of the following subjects as the headmaster of the school may determine-

Agricultural Science; Arts and Crafts; Home Economics; French; Geography; History; Latin; Wood or Metal Work; Technical Drawing; Building Science; Engineering Science; Development Studies; Vernacular Language; Religious Knowledge; Physical Education; Social Studies; Drama; Music; Commercial Studies.

(2) The Minister may require or authorize the provision of instruction in any subject not mentioned in subregulation (1) at any particular secondary school or group of secondary schools.

(3) The syllabus to be followed in respect of each subject in which instruction is provided at a secondary school shall be a syllabus accepted by an approved examining body.

## **PART V**

### ***Corporal Punishment***

## **21. Grounds for administering corporal punishment**

Corporal punishment shall be administered to a pupil only on reasonable grounds and only where it appears that other disciplinary measures would be inadequate or ineffective in the circumstances of the case.

## **22. Persons who may administer corporal punishment**

(1) Corporal punishment shall be administered to a pupil only by-

- (a) the headmaster;
- (b) a teacher or boarding master or matron or parent to whom authority to administer corporal punishment has been delegated by the headmaster; or
- (c) such other person as the Permanent Secretary may, in writing, in special circumstances, authorize.

(2) Wherever practicable, corporal punishment shall be administered in the presence of another member of the staff of the secondary school at which the pupil is enrolled or of the school hostel to which the pupil has been admitted.

## **23. Manner of administering corporal punishment**

(1) Corporal punishment shall be moderate and reasonable in nature and shall be administered only on the palms of the hands or across the buttocks with a light cane not more than 1 m long and at the thickest end not more than 1 cm in diameter or with a suitable strap, and no punishment shall exceed five strokes with the cane or strap.

(2) No male teacher, except the headmaster, shall inflict corporal punishment upon a female pupil.

## **24. Registers of corporal punishment**

(1) There shall be kept at every secondary school one or more registers of corporal punishment in which shall be recorded the following particulars of every case in which corporal punishment is administered to a pupil-

- (a) name of the pupil;
- (b) date of the punishment;
- (c) grounds for the punishment;
- (d) nature of the punishment; and
- (e) name of the person who administered the punishment.

(2) Every entry in a register of corporal punishment shall be signed by the person who administered the punishment and, if the punishment was administered in the presence of another person, by that person also.

(3) A register of corporal punishment shall be produced on request to any officer of the Ministry authorized by the Permanent Secretary to make an inspection of the school.

## **25. Penalty**

Any person who contravenes any provision of this Part shall be guilty of an offence and liable to a fine not exceeding P50 or to imprisonment for a term not exceeding three months, or to both.

## **26. Non-application of S.I. 1 of 1968 (Sub. Leg.)**

The Education (Corporal Punishment) Regulations, shall not apply to secondary schools referred to in regulation 3(1).

## **PART VI**

### ***Suspension, Expulsion, Exclusion and Withdrawal of Pupils***

## **27. Application of this Part**

A pupil shall not be suspended, expelled, excluded or required to be withdrawn from any secondary school or school hostel except in accordance with this Part.

## **28. Conditions of suspension or exclusion**

(1) Subject to this regulation, the headmaster of a secondary school may suspend from attendance at the school a pupil-

- (a) whose conduct and behaviour is habitually or continually such as to endanger the maintenance of a proper standard of discipline or conduct in the school;
- (b) who has committed an act of a gravely reprehensible nature; or
- (c) who fails to attend school regularly without reasonable excuse.

(2) Subject to this regulation, the headmaster of a secondary school may exclude from any school hostel attached thereto any pupil whose presence at the hostel is prejudicial to the maintenance of discipline in the hostel.

(3) Before a pupil is suspended from attendance at a secondary school or excluded from a school hostel under this regulation the headmaster shall-

- (a) warn the pupil and inform his parent or guardian of the complaint against him and of the action which the headmaster proposes to take; and
- (b) send a copy of all the correspondence relating to the complaint against the pupil to the Permanent Secretary:

Provided that a headmaster may suspend a pupil from attendance at school without complying with paragraph (a) where substantial delay would be involved thereby and it appears to the headmaster that such delay would seriously prejudice the interests of the school, and in such event shall immediately inform his parent or guardian of the action he has taken and the grounds therefor.

## **29. Report to Permanent Secretary**

The headmaster of a secondary school shall immediately report, in writing, the full facts of a case of suspension or exclusion by him to the Permanent Secretary who shall report to the Minister.

## **30. Approval required for suspension for more than 20 days and for expulsion**

(1) The headmaster of a secondary school may suspend a pupil in accordance with these Regulations for a period not exceeding 20 school days.

(2) A suspension shall not extend beyond 20 school days unless a recommendation for expulsion, in writing, has been submitted to the Minister.

(3) A pupil may only be expelled from a secondary school with the written approval of the Minister.

## **31. Right to make representations**

Where a pupil has been suspended from attendance at a secondary school or excluded from a school hostel under this Part, the pupil and his parent or guardian shall be entitled, within 20 days after the date when the suspension or exclusion takes effect, to make representations, in writing, to the Minister regarding the suspension or exclusion and any further action which the Minister may take or have taken.

## **32. Powers of Minister**

- (1) After considering any representations made to him under regulation 31, the Minister may-
- (a) in any case where a pupil has been suspended from attendance at a secondary school-
    - (i) direct the withdrawal of the suspension in force against the pupil;
    - (ii) direct the expulsion of the pupil from the school or the suspension of the pupil from attendance thereat for a period determined by the Minister; or
    - (iii) give such other directions as may appear to be just in the circumstances; and
  - (b) in any case where a pupil has been excluded from a school hostel, the Minister may-
    - (i) confirm the exclusion of the pupil from the hostel;
    - (ii) direct the readmission of the pupil to the hostel; or
    - (iii) give such other directions as may appear to be just in the circumstances,
- and the headmaster shall give effect to such directions or confirmations.

(2) Any directions given by the Minister under this regulation may be made subject to such conditions as the Minister may determine; and if he thinks fit, exercise further powers conferred by subregulation (1) in relation to the case.

### **33. Restriction on withdrawal**

The withdrawal of a pupil from a secondary school by the parent or guardian of such pupil shall not be required by a headmaster on the grounds of academic inability alone without the prior written approval of the Minister.

### **34. Consequences of pregnancy of pupil**

(1) If a pupil becomes pregnant the parent or guardian of such pupil shall be required to withdraw her from the school at which she is enrolled; and her admission to a school, which shall be other than that from which she was withdrawn, shall be at least one calendar year after cessation of pregnancy and subject to the approval of the Minister.

(2) The parent or guardian of a pupil who is responsible for the pregnancy of another pupil shall be required to withdraw him from the school and his return shall be subject to the written approval of the Minister.

(3) A pupil shall not be allowed to write an examination at a school while she is pregnant.

(4) A pupil who was withdrawn from a school on account of her pregnancy shall not be allowed to write an examination at a school until at least six months after such pregnancy has ceased.

### **35. Expelled pupils may write examinations**

A pupil who has been expelled from a school, or who has been withdrawn from a school under regulation 34(2), at which he was enrolled shall not, during the academic year during which he was expelled or withdrawn, be allowed to write an examination for which he had been registered at such school unless the Minister authorizes otherwise.

### **36. Cessation of enrolment for non-attendance**

(1) A pupil who has not attended classes at the school at which he is enrolled for as many as 40 school days in any one academic year shall not be permitted to write any examination during such year at such school unless the Minister directs otherwise.

(2) A pupil who has not attended classes at the school at which he is enrolled for as many as 20 consecutive school days or 40 school days in any one academic year shall cease to be enrolled at such school unless the headmaster is satisfied that reasonable cause for non-attendance exists or unless the Minister directs otherwise.

## **PART VII**

### ***Payment of Grants and Advances on Loan***

#### **37. Income of aided secondary school**

The income of an aided secondary school shall consist of-

- (a) all fees charged in such school in accordance with these Regulations and section 25 of the Act;

- (b) such moneys as may from time to time be payable to the owner or manager of such school by way of grants or advances on loan paid in accordance with regulation 39 for the purpose of meeting recurrent expenditure in connection with such school;
- (c) interest on such moneys appertaining to such school as are from time to time invested; and
- (d) such other moneys, not constituting capital, as may from time to time vest in or accrue to the owner or manager of such school for the purposes of the school.

### **38. Financial year**

The financial year of an aided secondary school shall be the period of 12 months ending on 31st December in each year.

### **39. Conditions for payment of grants and advances on loan: accounts and audit**

(1) An aided secondary school may receive grants and advances on loan from the Government, and may continue to do so provided that-

- (a) the manager of such school shall keep proper accounts of its income and expenditure and of its assets and liabilities and shall comply with the requirements of section 20(2) of the Act;
- (b) the accounts of the school for each financial year shall, within nine months after the end thereof, be audited by an auditor appointed by the manager with the written approval of the Permanent Secretary; and
- (c) the auditor so appointed shall be given access to all books and records relating to the school accounts.

(2) The auditor appointed under subregulation (1) shall, not later than nine months after the end of the financial year of the aided school in respect of which he was appointed, submit to the manager of the school a report on the accounts and his audit thereof in which, in addition to any other matters on which he deems it pertinent to comment, he shall state whether or not-

- (a) he has received all the information and explanations which, to the best of his knowledge and belief, were necessary for the performance of his duties as auditor; and
- (b) the accounts and related records of the school have been properly kept.

(3) The manager shall, within 30 days of receiving the auditor's report, cause such report and a copy of the audited accounts to be furnished to the Permanent Secretary.

(4) Where no such report and accounts are furnished as required by subregulation (3) the Minister may discontinue any Government assistance to the school and may seek from any court of competent jurisdiction a mandatory order compelling the manager to furnish the said report and accounts.

(5) The services of the auditor shall be paid for out of the school funds.

(6) A grant to an aided secondary school for the purpose of meeting recurrent expenditure shall only be made when detailed estimates of the income and expenditure of the school for the year in which the grant is to be paid have been submitted to the Minister not later than a prescribed date in the year preceding the year in which the grant is to be paid.

(7) Grants from Government shall be paid to aided secondary schools only in accordance with estimates approved by the National Assembly, and any such grant shall be subject to the availability of funds to be utilized for the purpose of the grant.

## **PART VIII**

### ***Employment of Teachers and Inspection of Secondary Schools***

#### **40. Qualifications of teachers**

A person, other than an employee of the Teaching Service, may be employed as a teacher in a secondary school if he has obtained-

- (a) a university degree in school subjects approved by the Permanent Secretary;
- (b) a university degree together with a teaching qualification approved by the Permanent Secretary;
- (c) a post-school certificate teacher's certificate or diploma; or

(d) other qualifications approved by the Permanent Secretary.

#### **41. Authority to employ teachers**

(1) A manager of an aided secondary school shall not employ a teacher without first making written application to, and obtaining the written authority to do so of, the Permanent Secretary.

(2) In a case in which permission under legislation relating to immigration or employment is required to enable a teacher whom it is proposed to employ at an aided secondary school to enter and reside in Botswana, the manager who proposes to employ him shall, in ample time before his arrival in Botswana-

- (a) ensure that such teacher obtains the requisite immigration and employment forms and completes them; and
- (b) obtain the completed forms from such teacher and submit them on his behalf to the Immigration Control Officer and to the Commissioner of Labour accompanied by the requisite statement of intention to employ the teacher.

#### **42. Number of teachers to be employed**

The number of teachers which should normally be employed in a secondary school shall be determined from time to time by the Permanent Secretary.

#### **43. Inspection of secondary schools**

(1) All secondary schools shall be subject to supervision and inspection by the Ministry.

(2) Secondary schools shall be subject to a full-scale inspection once in every two years or as more frequently as may be determined in relation to any particular school by the Permanent Secretary.

(3) Such a full-scale inspection shall comprehend-

- (a) the general and detailed organization and administration of the school by the headmaster or whoever may be acting in his place;
- (b) the organization and teaching of each subject throughout the school;
- (c) the competence of each teacher in the school; and
- (d) the curriculum of the school.

(4) The officers appointed by the Minister to inspect a secondary school shall carry out their inspection and prepare a detailed report thereon which they shall submit to the Permanent Secretary for his consideration and with a view to his taking such action as a result thereof as may be necessary.

(5) The headmaster of the school inspected shall be furnished with a full copy of the inspector's report or a copy of those parts of the inspector's report which the Permanent Secretary deems to require the headmaster's attention.

### **PART IX**

#### ***Safeguards for Health of Pupils***

#### **44. Duties and responsibilities in regard to health of pupils**

(1) If a pupil while present at a secondary school contracts an illness, or sustains an injury, which in the opinion of the headmaster is serious, the headmaster shall forthwith inform the pupil's parent or guardian thereof.

(2) If on admission a pupil appears to be medically unfit, the headmaster shall have the right to demand that the parent or guardian of the pupil produce a certificate of medical fitness of the pupil, or, failing such production, remove the pupil from the school.

(3) A certificate of medical fitness shall be issued and signed by a medical practitioner.

(4) If a pupil is discovered to be suffering from an infectious or contagious disease, the headmaster may demand that the parent or guardian of such pupil withdraw such pupil from the school.

(5) A pupil who is withdrawn from a school under subregulation (4) shall be allowed to return to school only on production of a certificate by a medical practitioner that the pupil is no longer suffering from an infectious or contagious disease.

(6) If three or more cases of an infectious or contagious disease are found in a secondary school at any one time, the headmaster shall report the fact, in writing, to the Permanent Secretary and to a Government medical officer who shall take such action as the case requires.

(7) At his discretion, the headmaster may arrange for a pupil accommodated in a school hostel who becomes ill to be isolated during the period of the illness.

(8) A pupil accommodated in a school hostel shall not be allowed to remain while ill in bed for more than four days without medical attention from a medical practitioner or registered nurse.

(9) If for any cause a pupil accommodated in a school hostel repeatedly refuses or avoids medical treatment the headmaster shall immediately report the case, in writing, to the parent or guardian and the Permanent Secretary.

(10) It shall be the responsibility of the headmaster of a secondary school to ensure that any pupil accommodated at the school hostel who needs medical treatment receives it so long as that pupil remains under his control; and such medical treatment shall be provided at the expense of the pupil's parent or guardian.

(11) If a pupil is not accommodated at a school hostel, it shall be the responsibility of the parent or guardian to ensure that the pupil, when ill, receives appropriate medical attention.

(12) If it is not possible to provide medical treatment under subregulation (8) or (10), the headmaster shall report, in writing, the illness to the parent or guardian of the pupil, who shall take appropriate action.

(13) At his discretion, the headmaster may arrange for a pupil to be medically examined by a Government medical officer who shall submit a report in confidence to the headmaster.

(14) Where a pupil is resident in a school hostel and where the parent or guardian cannot be contacted, the headmaster shall be empowered to sign an authorization for a medical operation on such pupil and shall be indemnified.

## **PART X**

### ***Statistical Returns***

#### **45. Statistical returns to be submitted by headmaster**

(1) The headmaster of a secondary school shall submit statistical returns and records to the Permanent Secretary in accordance with this regulation.

(2) On or before the fifteenth day of the first school term in each year, the headmaster shall send by registered post to the Permanent Secretary the school enrolment form, giving the number of pupils of each sex in each class and the total number of pupils, and a list of the teaching staff.

(3) On or before the first school day in April of each year the headmaster shall send by registered post to the Permanent Secretary the Secondary School Annual Return.

(4) On or before the fifteenth day after the end of the second and third terms in each year the headmaster shall send by registered post to the Permanent Secretary a Terminal Return.

(5) All records and returns required in terms of this regulation shall be submitted on official forms which shall be drawn up and supplied to headmasters by the Permanent Secretary.

(6) The headmaster shall submit to the Permanent Secretary such other statistical information as he may require from time to time.

## **PART XI**

### ***Duties of Headmasters***

#### **46. Miscellaneous responsibilities and duties of headmasters**

Subject to these Regulations, the headmaster of a secondary school shall-

- (a) be generally responsible for the development and good management of the school as an educational institution, and for all aspects of its organization, and, for the better



discharge of those responsibilities, he shall have power to enforce the school rules by all reasonable means, and to exercise control and supervision over other members of the staff;

- (b) be responsible for the day-to-day administration of the school;
- (c) prepare a prospectus relating to the practical arrangements of the school for each academic year, setting out *inter alia* the dates on which the terms begin and end, the requirements of pupils in respect of clothing, equipment and money, the fees payable, and any other information which he considers necessary or useful, and despatch it to the parent or guardian of pupils before the beginning of the first term in each year;
- (d) be responsible for the collection of school fees and the issue of receipts therefor;
- (e) compile and maintain a code of school rules on the subjects of hygiene, deportment, discipline and dress;
- (f) furnish the parent or guardian of each pupil with a copy of such school rules before the pupil enters the school;
- (g) furnish the parent or guardian of each pupil with a report on the pupil's progress at least twice a year.
- (h) compile an annual report on the progress of the school at the end of each academic year and submit it to the Permanent Secretary;
- (i) call regular meetings of members of the school staff in order to discuss with them internal school affairs, and keep minutes of such meetings; and
- (j) be responsible for the day-to-day expenditure of the school, cause proper books of account to be kept of all moneys received by him, whether public moneys or not, by reason of being headmaster, and furnish such financial information relating to the school as may be required by the Permanent Secretary.

## **PART XII**

### ***Transport and Travel of Pupils***

#### **47. Precaution to be taken in regard to transport and travel**

(1) Before pupils travel, for the purpose of school sports or other extramural activity, by bus or other form of road transport, the headmaster shall be responsible for ensuring that such transport is so insured that the pupils will be safeguarded in respect of any injuries which may be caused to them in the course of transportation.

(2) Before pupils travel in an organized group to places outside Botswana, the headmaster shall obtain the permission of the parents or guardians of such pupils and inform the Permanent Secretary, in writing, at least 30 days before the expected date of departure of the proposed journey or tour, and when so doing shall-

- (a) state the purpose of the journey or tour;
- (b) submit an itinerary for the journey or tour;
- (c) indicate the mode of travel and the places where the pupils will be accommodated;
- (d) provide a list of names of all the pupils who will be travelling;
- (e) give the name of the teacher or teachers who will be accompanying the pupils; and
- (f) state the citizenship and give the passport number of each of the persons who will be travelling.

#### **48. Aided schools to be insured**

The headmaster of every aided secondary school shall take out a policy of insurance with a company, in a form and for an amount approved by the Permanent Secretary, insuring such school against liability for any injury to or death of any pupil of the school.

## **EDUCATION (PRIMARY SCHOOLS) REGULATIONS**

*(under section 29)*

*(14th November, 1980)*

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S.I. 127, 1980,

S.I. 24, 1988,

S.I. 133, 1988.

### PART I

#### ***Preliminary (regs 1-3)***

#### **1. Citation**

These Regulations may be cited as the Education (Primary Schools) Regulations.

#### **2. Interpretation**

(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 the removal of doubt, it is hereby declared that in these Regulations "**guardian**", where a parent is the guardian of his child, means that parent.

#### **3. Application**

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 (regs 4-7)***

**4. Admission to Standard 1** (1) Subject to regulation 5(1), every child admitted to Standard 1 shall be admitted at the beginning of the first term.

(2) No child shall be admitted to Standard 1 unless-

- (a) on 30th June of the academic year he is so admitted he will be at least 6 1/2 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.

#### **5. Admission to primary schools generally**

(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 nine 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 therefore, 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. Enrolment at primary schools**

(1) The number of pupils enrolled at a primary school shall not exceed 1000 unless the Permanent Secretary has consented in writing to a greater number of pupils being enrolled at the school.

(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. Directions of Permanent Secretary in relation to admissions and enrolment**

(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.

(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 (regs 8-10)***

## **8. Academic year**

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

## **9. Annual Schools Calendar**

(1) Before the beginning of every academic year, the Permanent Secretary shall prepare for all primary schools a school 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 for

instruction.

(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.

## **10. Curriculum**

(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 (regs 11-16)***

#### **11. Restrictions on expulsion**

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

#### **12. Procedure to be followed for expulsion**

(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 therefore, 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 to do so 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 to do so, at any time thereafter suspend the pupil pending the decision of the supervisory officer or of the Permanent Secretary under this regulation.

### **13. Appeal**

(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. Withdrawal where pupil pregnant**

(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. Withdrawal on absence from school**

(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 from 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.

### **16. When school fees reimbursable on withdrawal from English language primary school**

(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 (regs 17-19)***

##### **17. Transfers**

(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.

##### **18. Procedure to effect transfer**

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. Transfer from non-aided private school**

(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 of 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.

#### **PART VI**

#### ***Repetitions (regs 20-24)***

##### **20. Restriction on repetition**

(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-

- (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. Power to permit repetition of Standard 4**

Notwithstanding regulation 20, where a pupil does not meet the minimum educational requirement 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.

#### **22. Power to permit repetition of Standard 7**

(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.

(2) For removal of doubt, 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. Reference of proposed repetitions to supervisory officer**

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.

#### **24. Submission of annual list of repeaters to supervisory officer**

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 (regs 25-30)***

#### **25. Administering of corporal punishment**

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

#### **26. Person to administer corporal punishment**

(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.

#### **27. Particular restrictions on corporal punishment**

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 three strokes.

#### **28. Special power of headteacher in respect of corporal punishment**



(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 five 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.

### **29. Punishments Register**

(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 three 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 to do so 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. Penalties**

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 not exceeding P50 or to imprisonment for a term not exceeding three months, or to both.

## **PART VIII**

### ***Transport and Visits Abroad (regs 31-33)***

#### **31. Precautions in respect of motor transport**

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.

#### **32. Restriction on primary school party visiting other country**

(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.

(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. Application for Permanent Secretary's permission for primary school party to visit**

### **other country**

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;
- (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 (regs 34-39)**

#### **34. Procedure where pupil falls ill or suffers serious injury while at school**

(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, 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 Government 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 Government shall be liable for the payment of that fee.

#### **35. Procedure where pupil has contagious or infectious disease**

(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. Procedure where epidemic occurs or is threatened**

(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.

(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. When pupil to be medically examined**

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.

### **38. Maintenance of healthy school environment**

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.

### **39. Definition of "infectious disease"**

For the removal of doubt, it is hereby declared that in this Part "infectious disease" includes chicken-pox, diphtheria, infectious hepatitis, measles, smallpox and tuberculosis.

## **PART X**

### ***Statistical Returns (reg 40)***

#### **40. Statistical returns**

(1) Every headteacher of a primary school shall-

- (a) not later than 1st March in every year, complete such form as may be specified 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 such form as may be specified by the Permanent Secretary; and
- (c) on the first school day of April in every year, complete such form as may be specified by the Permanent Secretary.

(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 two 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 (regs 41-43)**

#### **41. Payment of school fees**

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.

#### **42. Restriction on class numbers**

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

#### **43. Directions in relation to combination of classes**

(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 connection 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.

## **EDUCATION (PRIVATE PRIMARY SCHOOLS) REGULATIONS**

*(under section 29)*

*(18th October, 1991)*

### **ARRANGEMENT OF REGULATIONS**

#### **REGULATION**

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##### *Preliminary*

1. Citation
2. Interpretation and application

#### **PART II**

##### *Admission and Academic Year, etc.*

3. Admission to Standard 1
4. Academic year
5. Annual school calendars
6. Curricula
7. School fees

#### **PART III**

##### *Expulsion*

8. Expulsion
9. Non-compliance with school regulations
10. Appeal against expulsion

#### **PART IV**

##### *Corporal Punishment*

11. Corporal punishment
12. Punishment register

#### **PART V**

##### *Transport and Visits Abroad*

13. Transport of pupils on visits
14. Visits abroad by pupils
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16. Ill-health and serious injury to pupils
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PART VII  
*Statistical Returns*

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S.I. 116, 1991.

**PART I**  
***Preliminary (regs 1-2)***

**1. Citation**

These Regulations may be cited as the Education (Private Primary Schools) Regulations.

**2. Interpretation and application**

(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 II**  
***Admission and Academic Years, etc. (regs 3-7)***

**3. Admission to Standard 1**

No child shall be admitted to Standard 1 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.

**4. Academic year**

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.

**5. Annual school calendars**

(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.

**6. Curricula**

(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.

#### **7. School fees**

(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 III**

#### ***Expulsion (regs 8-10)***

#### **8. Expulsion**

(1) Where a headmaster is of the opinion that a pupil, whose conduct and behaviour are habitually or continually such as to endanger the maintenance 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.

(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. Non-compliance with school regulations**

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.

#### **10. Appeal against expulsion**

(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.

(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 IV**

#### ***Corporal Punishment (regs 11-12)***

#### **11. Corporal punishment**

(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.

(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.

#### **12. Punishment register**

(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 V**

#### ***Transport and Visits Abroad (regs 13-15)***

#### **13. Transport of pupils on visits**

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.

#### **14. Visits abroad by pupils**

(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. Applications for permission for visits abroad**

(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-

- (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 VI**

#### **Health (regs 16-19)**

#### **16. Ill-health and serious injury to pupils**

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

- (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. Contagious or infectious diseases**

(1) Where a headmaster 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 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.

#### **18. Threat of epidemic**

(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.

#### **19. Maintaining healthy school environment**

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 VII**

#### **Statistical Returns (reg 20)**

#### **20. Submission of statistical returns**

(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.

### **COLLEGES OF EDUCATION REGULATIONS**

*(under section 30)*

*(26th November, 1993)*

#### **ARRANGEMENT OF REGULATIONS**

#### **REGULATION**

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- 1. Citation and application
- 2. Interpretation

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*Enrolment at Colleges and Admission to Hostels*

3. Applications for enrolment at colleges
4. Determination of application
5. Standard of education for enrolment
6. Restriction on enrolment or admission
7. Presentation at college, etc.
8. Continuation in classes
9. Transfers between colleges
10. Special directions by Permanent Secretary
11. Fees

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*College Calendar and Syllabuses*

12. Academic year
13. Curricula and syllabuses

PART IV

*Suspension, Expulsion and Withdrawal of Students*

14. Restriction on expulsion etc
15. Conditions of suspension or exclusion
16. Right to make representations
17. Powers of the Permanent Secretary
18. Withdrawal from college
19. Pregnancy of student
20. Taking of examinations
21. Breaking of bond

PART V

*Safeguards for Health of Students*

22. Health of students

PART VI

*General*

23. Number of teachers
24. Inspection of colleges
25. Statistical returns
26. Responsibilities and duties of principals
27. Transport and travel

S.I. 115, 1993.

**PART I**

***Preliminary (regs 1-2)***

**1. Citation and application**

These Regulations may be cited as the Colleges of Education Regulations, and shall apply to both teacher training colleges and colleges of education, except as may be otherwise provided.

**2. Interpretation**

In these Regulations, unless the context otherwise requires-

**"admitted"** means allocated to a class or a boarding and lodging area;

**"Board of Affiliation"** means the Primary Teacher Training Board of Affiliated Institutions of the University of Botswana or the Colleges of Education Board of Affiliated

Institutions of the University of Botswana, as appropriate;

**"college"** means a teacher training college or a college of education, unless otherwise specified;

**"college days"** means the days during each college term on which students are required to attend instruction;

**"enrolled"** means being permitted to take up studies at a college;

**"exclude"** means being denied the right to stay in a boarding area, or being denied the right to attend instruction in any particular area;

**"expel"** means being required to terminate studies at a college and being excluded from the course in which the student is enrolled;

**"guardian"** means any parent or close relative, not being a minor, or any other similar person, who is willing to support the student both morally and financially during his studies, or where the student is a minor, means the student's legal guardian;

**"hostel"** means any part of a college used as lodgings by the students of that college;

**"leave"** means a period of time when a student is permitted temporarily to be absent from his studies or accommodation in a hostel;

**"passed"** means awarded a pass grade or better by an examining body recognized by the Ministry of Education;

**"principal"** means the principal of a college;

**"suspend"** means to be denied for a limited period the right to attend classes, to take exams or to stay in a boarding area;

**"withdraw"** means to terminate studies at a college.

## **PART II**

### ***Enrolment at Colleges and Admission to Hostels (regs 3-11)***

#### **3. Applications for enrolment at colleges**

(1) Any application for the enrolment of a student at a college, or for the admission of a student to a hostel, shall be made by the applicant in writing to the principal of the college.

(2) The applicant shall furnish the principal with such information and evidence as may be required for the consideration of the application.

(3) Any application for re-enrolment at a college, or for re-admission to a hostel, by a student who has ceased to be so enrolled or admitted, as the case may be, shall be made by the student in writing to the principal, and if granted such re-enrolment or re-admission shall be subject to such conditions as the Permanent Secretary may generally, or in any specific case, direct.

(4) Any person who, in his application, or for the purpose of procuring his enrolment at a college or his admission to a hostel, knowingly makes a false statement, oral or in writing, which is material to such application, shall be refused such enrolment or admission, or shall have such enrolment or admission cancelled, and shall be guilty of an offence and liable to a fine of P200.

#### **4. Determination of application**

(1) The principal shall consider every application for the enrolment or re-enrolment of a person at a college or for the admission or re-admission of a person to a hostel, as the case may be, and shall, subject to the provisions of these Regulations and of any other written law, and to any conditions which may be imposed by the Permanent Secretary, determine whether or not the person concerned shall be enrolled or re-enrolled, or admitted or re-admitted, as the case may be, and shall inform the applicant of his decision, in writing, as soon as is reasonably possible.

(2) No student may be enrolled, re-enrolled, admitted or re-admitted into a college or hostel unless or until he has been medically examined and certified fit by an approved medical practitioner.

(3) No applicant shall be enrolled as a student of a college unless the principal of the college is satisfied that the applicant, is, or will be on the 1st January of his first anticipated

academic year at the college, at least 18 years but not more than 35 years of age.

#### **5. Standard of education for enrolment**

(1) An applicant shall not be enrolled at a college as student in the first year unless he satisfies the entrance qualifications as laid down by the Ministry of Education, and such further entry requirements as the Permanent Secretary may, generally or in any specific case, impose.

(2) Every applicant may be required to pass a common entrance examination and attend a personal interview before being enrolled.

#### **6. Restriction on enrolment or admission**

(1) A person shall not be enrolled at a college unless a vacancy exists in the class he should enter if he were so enrolled, and a student shall not be admitted to a hostel unless a suitable vacancy for him exists in such hostel.

(2) A person shall not be enrolled at a college or admitted to a hostel unless he is a citizen of Botswana, or has obtained special permission from the Permanent Secretary.

(3) A student shall not be admitted to a hostel unless he attends or is enrolled to attend the college to which such hostel is attached, and every student enrolled in a college may be required to stay in such a hostel, unless the Permanent Secretary, at his discretion, permits him to attend classes as a day student.

(4) A student shall not be deemed to be enrolled in a college before he has signed a bonding certificate, subject to such conditions as the Permanent Secretary may determine, and his guardian has agreed.

(5) A person who has at any time been expelled from any college shall not be allowed to seek re-admission or admission to any other college without the prior permission of the Permanent Secretary.

#### **7. Presentation at college, etc.**

(1) Any student who has been enrolled at a college or admitted to a hostel shall ensure that he presents himself at the college or hostel on the first day of the college term, or in the case of enrolment or admission during the course of the college term, on such day as the principal may specify.

(2) Any student who does not report to the college at which he has been enrolled within the first ten college days of the term may be removed by the principal from the list of students to be enrolled in the college.

#### **8. Continuation in classes**

No student at a college shall be permitted to spend more than one year in the same class except with the approval of the Permanent Secretary, which approval shall only be granted for the following reasons-

- (a) the student has failed to pass an examination for students in that class, and such failure was due to the student's ill-health, unavoidable absence from the examination, or such other cause as the Permanent Secretary considers justifiable;
- (b) the principal of the college is satisfied that if that student spends an additional year in the class no student in a lower class will be prevented from progressing to the class in question;
- (c) the principal is satisfied that if the student is permitted to spend an additional period in the class in question he is likely to succeed in passing the examination for students in that class.

#### **9. Transfers between colleges**

(1) No student shall transfer from a college at which he enrolled to another college unless the principal of the colleges at which the student is enrolled is satisfied that there are reasonable grounds for the transfer and gives permission therefor.

(2) Where a student is permitted to transfer from the colleges at which he is enrolled the principal thereof shall give to the student a letter of transfer, stating the grounds of the transfer and giving evidence of the progress and ability of the student, which letter shall be presented by

the student to the principal of the college to which he is transferring, together with his application for enrolment.

(3) A student who transfers from a college at which he is enrolled to another college without permission shall be liable to forfeit his place at both colleges unless the Permanent Secretary directs otherwise.

#### **10. Special directions by Permanent Secretary**

Notwithstanding anything contained in this Part, the Permanent Secretary may, subject to the approval of the Minister, give to the principal of a college such directions as he may consider necessary in respect of-

- (a) the enrolment at the college, or the admission to a class or hostel of particular students or a particular student; or
- (b) the transfer between colleges or hostels of particular students or a particular student.

#### **11. Fees**

Fees may be charged for education at a college at such rate as may be prescribed by the Minister.

### **PART III**

#### ***College Calendar and Syllabuses (regs 12-13)***

#### **12. Academic year**

(1) The academic year in every college shall consist of year three college terms.

(2) The Permanent Secretary shall prepare an annual college calendar to determine the period of college terms and the days during each college term on which students shall be required to attend college or instruction.

(3) The college calendar prepared by the Permanent Secretary shall be so arranged as to ensure that the number of college days in the academic year to which it relates is at least 185 days.

(4) The college calendar prepared in accordance with this regulation shall be observed at all colleges except to such extent as the Permanent Secretary, may, either generally or in any particular case, authorize, and no departure from the calendar shall be made except with the prior approval of the Permanent Secretary.

(5) There shall be no formal class teaching on any public holiday appointed by or under the Public Holiday Act, except to such extent as the Permanent Secretary may authorize.

#### **13. Curricula and syllabuses**

(1) Every college shall provide instruction in such subjects as the Permanent Secretary shall, in consultation with the Board of Affiliation and the National Council for Teacher Education, specify for the purpose of this regulation, either generally or in respect of a particular college or group of colleges.

(2) A college shall not provide instruction in a subject that has not been specified by the Permanent Secretary under subregulation (1) unless the Permanent Secretary has, in consultation with the Board of Affiliation and the National Council for Teacher Education, authorized the college to do so.

(3) The syllabus to be followed in respect of each subject in which instruction is provided by a college shall be a syllabus approved by the Permanent Secretary in consultation with the Board of Affiliation and the National Council for Teacher Education.

(4) The granting of the qualification as a teacher shall be by the Board of Affiliation.

### **PART IV**

#### ***Suspension, Expulsion and Withdrawal of Students (regs 14-21)***

#### **14. Restriction on expulsion etc.**

A student shall not be suspended, expelled, excluded or required to withdraw from any college or hostel except in accordance with the provisions of this Part.

#### **15. Conditions of suspension or exclusion**

(1) Subject to the provisions of subregulation (3), the principal may suspend from

attendance at a college-

- (a) any student whose conduct and behaviour is habitually or continually such as is likely, in the opinion of the principal, to endanger the maintenance of a proper standard of discipline or conduct in the college;
- (b) any student who has committed an act of a gravely reprehensible nature;
- (c) any student who fails to attend classes regularly without reasonable excuse; or
- (d) any student who incites, promotes or participates in any strike, boycott or other act of serious indiscipline which, in the opinion of the principal, is prejudicial to the maintenance of a proper standard of conduct in the college.

(2) Subject to the provisions of subregulation (3), the principal may exclude from any hostel attached to the college any student whose presence thereat is, in his opinion, prejudicial to the maintenance of discipline in the hostel.

(3) Where any student is suspended from attendance at a college or excluded from a hostel under this regulation, the principal shall-

- (a) inform the student, and if he is a minor his guardian, in writing of the complaint against him and of the action the principal has taken; and
- (b) send a full report of the facts of the case and the action taken, and a copy of all the correspondence relating thereto, to the Permanent Secretary.

(4) A student may be suspended in accordance with this regulation for a period of up to 30 college days without the prior consent of the Permanent Secretary, but a suspension shall not exceed 30 college days unless the approval of the Permanent Secretary has been received.

(5) A student may be suspended under this regulation with a recommendation by the principal that he be expelled, but a student may only be expelled from a college when such expulsion is approved by the Permanent Secretary.

#### **16. Right to make representations**

(1) A student, or if he is a minor his guardian, shall be entitled to make representations to the Permanent Secretary if the student-

- (a) has been excluded from a hostel;
- (b) has been withdrawn from the college due to lack of academic ability, ill health or continued or frequent absence;
- (c) has been suspended; or
- (d) has been expelled.

(2) Representations to the Permanent Secretary under subregulation (1) must be made, in writing, within 21 calendar days after the date when the decision taken against him, or when any further action taken by the Permanent Secretary, was communicated to the student, or, if the student is a minor, to his guardian.

#### **17. Powers of the Permanent Secretary**

(1) After considering any representations made to him in accordance with the provisions of regulation 16, the Permanent Secretary may, subject to the approval of, and such directions as may be given by, the Minister-

- (a) confirm the decision giving rise to the representations;
- (b) cancel the decision, in whole or in part; or
- (c) amend the decision, or give such other directions as may appear just in the circumstances.

(2) Any decision made or directions given by the Permanent Secretary in accordance with the provisions of subregulation (1), may be made or given subject to such conditions as the Permanent Secretary may determine, and if any such condition is not complied with to the satisfaction of the Permanent Secretary he may exercise any of the other powers conferred on him by subregulation (1) in relation to the matter in issue, as in his opinion appears just in the circumstances.

(3) The exercise by the Permanent Secretary of the powers conferred on him by this

section shall, subject to the Minister's approval or directions, be final.

### **18. Withdrawal from college**

(1)(a) Where a principal is satisfied that there are good grounds for requiring a student to withdraw from a college on account of his lack of academic ability, ill health or continued or frequent absence, he may make a recommendation to this effect to the Permanent Secretary.

(b) The principal shall not require the student to withdraw from the college under this subregulation unless or until he is authorized by the Permanent Secretary to do so.

(2) A student who has not attended classes at the college at which he is enrolled for as many as thirty consecutive college days, or a total of sixty days in any one academic year, shall be required to withdraw from such college unless the principal is satisfied that there are reasonable grounds for such non-attendance, or unless the Permanent Secretary otherwise directs.

(3) Any student who has not attended classes at the college at which he is enrolled for two consecutive college days, by reason of any strike, boycott or any act of serious indiscipline, shall be deemed to be withdrawn forthwith from such college, unless the Permanent Secretary otherwise directs.

### **19. Pregnancy of student**

(1) If a student at a college discovers herself to be pregnant, she shall immediately inform the principal of the college of such pregnancy and as soon thereafter as possible produce to him a medical certificate from a registered medical practitioner giving his opinion as to the approximate date of delivery.

(2) If at any time a principal has reason to believe that a student at the college may be pregnant, he may require the student to produce a medical certificate from a registered medical practitioner certifying whether or not, in his opinion the student is pregnant, and if so the approximate date of delivery, and failing production of such medical certificate within seven days immediately after the requirement is made, the principal may presume that the student is pregnant and act accordingly.

(3) The principal shall, after consultation with the pregnant student or, if the student is a minor, her guardian, plan a pregnancy leave of not less than one year, taking into account the following factors in determining the starting date of the leave and the return date of the student back into college-

- (a) the information obtained from any medical certificate produced;
- (b) the general health of the student;
- (c) the academic ability of the student;
- (d) any requirements for certification prescribed in regulations of the Board of Affiliation;
- (e) that pregnancy leave may not start less than 6 weeks before the expected date of delivery;
- (f) any reasonable request by the student or, if the student is a minor, by her guardian; and
- (g) any other factor deemed likely to have a substantial impact on the medical fitness or welfare of the student or expected child.

(5) Notwithstanding anything contained in subregulations (1) to (4), the principal may at any time-

- (a) require the student to produce a certificate of medical fitness from a registered medical practitioner;
- (b) reconsider the plan for pregnancy leave and, if necessary, take steps to amend it; or
- (c) suspend the student from college, if the student or her guardian omits or fails to fulfil any of the requirements of this regulation.

(6) The principal shall obtain approval of the plan from the student and her guardian, and the student shall be required to abide by the plan, and the student or, if the student is a minor, the guardian shall indemnify the Government against any liability arising out of the student's

continued stay at the college during her pregnancy.

(7) Notwithstanding anything contained in this regulation, the principal shall not readmit a student to the college after completion of her pregnancy leave unless a vacancy exists in the class in which she would be re-admitted.

(8) Any student who becomes pregnant for a second time and requires a second pregnancy leave whilst still enrolled at a college, may be granted such leave provided that it is taken or occurs not less than two years after the end of her first pregnancy leave, and that she has been able to progress to the next grade or year, but in any other case such student shall be withdrawn permanently from the college.

(9) Any student whose pregnancy ceases whilst she is still enrolled at a college shall not be allowed to re-attend studies at the college or resume her stay in a hostel unless or until she has been certified fit by a registered medical practitioner.

## **20. Taking of examinations**

(1) A student shall not be permitted to sit for any examination at a college during any period when he or she is suspended or expelled from the college, or is on pregnancy leave in accordance with the provisions of regulation 19, unless the Permanent Secretary has authorized the taking of such examination.

(2) A student who has not attended classes at the college at which he is enrolled for as many as thirty consecutive college days, or a total of sixty college days in any one academic year, shall not be permitted to sit for any examination during such year unless the Permanent Secretary directs otherwise.

## **21. Breaking of bond**

A student who breaks his course of study without such cause as is, in the opinion of the Permanent Secretary, reasonable and acceptable, shall be required to refund to the Government, in terms of the conditions of his bond, such sum as may be determined by the Permanent Secretary, subject to the approval of the Minister.

## **PART V**

### ***Safeguards for Health of Students (reg 22)***

## **22. Health of students**

(1) If a student, while present at a college, becomes ill or sustains an injury, and in the opinion of the principal such illness or injury is serious, the principal shall take every reasonable step to inform the student's guardian thereof as soon as possible.

(2) If on admission to a college a student appears to be medically unfit, the principal may require that the student should produce a medical certificate of fitness issued by a registered medical practitioner within 7 days, failing which he may suspend the student from the college for such period as he may stipulate, or until the student produces such a certificate of fitness.

(3) If a student is discovered to be suffering from an infectious or contagious disease, the principal may require that he withdraws from the college forthwith, and may be allowed to return only on production of a certificate issued by a registered medical practitioner certifying that the student is no longer suffering from an infectious or contagious disease.

(4) If three or more cases of an infectious or contagious disease are found in a college at any one time, the principal shall report the fact as soon as possible to the Permanent Secretary and to a Government medical officer, who may take such action as the situation requires.

(5) The principal may arrange for a student accommodated in a hostel who becomes ill, to be isolated during the period of his illness.

(6) A student accommodated in a hostel shall not be permitted to remain ill in bed for more than 2 days without medical attention from a registered medical practitioner or nurse.

(7) If a student accommodated in a hostel repeatedly refuses or avoids medical treatment, the principal shall as soon as possible report the matter to his guardian and the Permanent Secretary.

(8) It shall be the responsibility of the principal of a college to ensure that any student



accommodated at the college hostel who needs medical treatment receives it, at his own expense or that of his guardian, so long as that student remains under the control of the college.

(9) If a student is not accommodated at a hostel, it shall be the responsibility of the student or his guardian to ensure that the student, when ill, receives appropriate medical attention.

(10) If a principal has reason to believe that a student is ill, and the college is not able, in the opinion of the principal, to provide reasonable or adequate care for him, the principal may require the guardian to withdraw the student from the hostel on leave, and the student's return to the hostel may be made conditional on his producing a medical certificate of fitness from a registered medical practitioner.

## **PART VI** **General (regs 23-27)**

### **23. Number of teachers**

The number of teachers which should normally be employed in a college shall be determined by multiplying the number of classes in the college by a factor of 2,25.

### **24. Inspection of colleges**

(1) All colleges shall be subject to supervision and inspection by inspectors from the Ministry of Education.

(2) A college shall be subject to a full scale self-study and related visit by an inspector at least once every three years, or as may more frequently be determined, in respect of any particular college, by the Permanent Secretary.

(3) Such a full scale self-study by inspectors shall comprise or be in respect of-

- (a) the general and detailed organization and administration of the college by the principal, or whoever may be acting in his place;
- (b) the organization and teaching of each subject throughout the college;
- (c) the competence of each teacher in the college; and
- (d) the arrangement and composition of the curriculum.

(4) The inspectors appointed by the Ministry of Education to inspect a college shall, after carrying out their inspection, prepare a detailed report thereon and shall submit it to the Permanent Secretary for his consideration, and such further action as he may deem necessary or desirable.

(5) The principal of the college inspected shall be given a copy of those parts of the inspector's report which, in the opinion of the Permanent Secretary, require the principal's attention.

### **25. Statistical returns**

(1) The principal of every college shall submit to the Permanent Secretary statistical returns and records in accordance with the provisions of this regulation.

(2) On or before the fifteenth college day of the first term in each year, the principal shall send by registered post to the Permanent Secretary the college enrolment form, giving the number of students, and a list of the teaching staff.

(3) On or before the first college day in April of each year, the principal shall send by registered post to the Permanent Secretary the college annual return.

(4) On or before the fifteenth day after the end of the second and third terms in each year, the principal shall send by registered post to the Permanent Secretary a terminal return.

(5) All records and returns required in terms of this regulation shall be submitted on official forms which shall be drawn up and supplied to principals by the Permanent Secretary.

(6) Every principal shall submit to the Permanent Secretary such other statistical information as he may, from time to time, require.

### **26. Responsibilities and duties of principals**

Subject to the provisions of these Regulations, the principal of a college shall-

- (a) be generally responsible for the development and good management of the college as

an educational institution, and for all aspects of its organization, and, for the better discharge of such responsibilities, he shall have power to enforce the college rules by all reasonable means and to exercise control and supervision over other staff members;

- (b) be responsible for the day to day administration of the college;
- (c) prepare a prospectus relating to the practical arrangements of the college for each academic year, setting out, *inter alia*, the dates on which the terms shall begin and end, the requirements from students in respect of any fees payable, and any other information which he considers necessary or desirable, which prospectus shall, after approval by the Permanent Secretary, be despatched to the persons or candidates selected for enrolment in the college;
- (d) compile and maintain a code of college rules on the subjects of hygiene, deportment, discipline and dress;
- (e) furnish each student or, if the student is a minor, his guardian with a copy of college rules before the student enters the college;
- (f) furnish each student or, if the student is a minor, his guardian, with a report on the progress of the student at least twice a year;
- (g) compile an annual report on the progress of the college at the end of each academic year and submit it to the Permanent Secretary;
- (h) call regular meetings of members of the college staff in order to discuss with them internal college affairs, and keep minutes of such meetings; and
- (i) be responsible for the day-to-day expenditure of the college, cause proper books of account to be kept of all monies received by him for the college, whether public monies or not, and furnish such financial information relating to the college as may be required by the Permanent Secretary; and
- (j) from time to time furnish the Permanent Secretary with information with regard to, and recommendations for the efficient running and development of, the college administration and programmes.

## **27. Transport and travel**

(1) Before students travel for the purpose of school sports, teaching practice or other extramural activity of students, by any form of road transport within Botswana, the principal shall ensure that the Government of Botswana is indemnified in respect of any loss and injury to such students or their luggage, and the principal shall take all reasonable precautions to ensure that the trip and transport is organized in a safe and satisfactory manner.

(2) Before students travel in an organized group to a place outside Botswana, the principal shall obtain, where it is practicable to do so, the permission of the parents or of the guardians of such students and of the Permanent Secretary, at least thirty days before the expected date of departure of the group on the proposed journey or tour, and in so doing shall-

- (a) state the purpose of the journey or tour;
- (b) indicate the mode of travel and places where the students will be accommodated;
- (c) provide the Permanent Secretary with a list of names of all the students who will be travelling;
- (d) submit the itinerary for the journey or tour;
- (e) give the names of the teachers who will be accompanying the students on the journey or tour; and
- (f) state the citizenship and passport number of each of the persons who will be travelling.

(3) The principal shall ensure that before any journey outside Botswana is commenced, the students and any Government vehicle concerned are sufficiently insured against death, injury and material damage.

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<sup>i</sup>Delete whichever is not applicable