

## EDUCATION BILL 2015

### EXPLANATORY MEMORANDUM

The object of this Bill is to provide for a decentralised pre-tertiary education system. It is to revise and update the legal framework for the pre-tertiary regulatory bodies for education in the Education Act 2008, (Act 778). It also reconciles the conflicting provisions of the Ghana Education Service Act 1995, (Act 506) and the Education Act, 2008 (Act 778) in order to comply with section 31 (3) of Act 778 that requires that *“within twelve months of the coming into force of this Act, the Ghana Education Service Act, 1995 (Act 506) shall be amended to conform with the provisions of this Act”*.

The attempt to decentralise the education sector by devolution in this country has had a very chequered history. The first major attempt to decentralise education by devolution to the regional level under the proposed five Regional Assemblies; Eastern Region, Western Region, Ashanti Region, Northern Territories and Trans-Volta Togoland under the 1957 Independence Constitution fizzled out after the abolition of the Regional Assemblies in 1958.

The second major attempt was made by the government of the National Redemption Council under the Local Administration (Amendment) Decree, 1974 ( NRCD 258) when education was listed as one of the sectors to be decentralised by devolution. The Ghana Education Service (Amendment) Decree, 1976 ( SMCD 63) however reversed this by recentralising education in 1976. This was when the NRC had metamorphosed into the Supreme Military Council. Education was removed from the list of the decentralised Departments of the District Councils and responsibility for the provision of primary and middle school education was vested in the centralised Ghana Education Service.

Under section 29 of the Local Government Law, 1988, (PNDCL 207) education was reinstated as a decentralised sector and the Ghana Education Service was listed as the first devolved Department of the twenty two decentralised Departments of the newly-created Metropolitan, Municipal and District Assemblies in the First Schedule to that Law. The entire First Schedule to PNDCL 207 was however not implemented until after the promulgation of the 1992 Constitution. After that, PNDCL 207 itself was repealed and replaced with the Local Government Act 1993, (Act 462).

When the Local Government Bill 1993 was presented to Parliament, the Ghana Education Service was on the list of the twenty two decentralised Departments but by the time the Local Government Act, 1993 (Act 462) was enacted, the Ghana Education

Service had been left out even though the decentralisation of education had been touted as one of the major reasons for the introduction of the decentralisation programme.

The Ghana Education Service Act, 1995 (Act 506) confirmed the Ghana Education Service as the centralised apex body for pre-tertiary education but had provisions that decentralised some functions and powers to the regional and district levels by way of de-concentration.

Under the Local Government Service Act, 2003 (Act 656) the number of devolved Departments was reduced from twenty two to seventeen, without the Ghana Education Service on the list of devolved Departments. Instead, section 15 (6) (c) of that Act, provided that the Head of the Local Government Service shall *“establish, with the approval of the Local Government Service Council, systems for effective inter-service and sectoral collaboration and co-operation between the Local Government Service, the Education Service, the Health Service, the Forestry Service and other Services, to harmonise local government programmes and avoid duplication”*.

The next development was that on the 6<sup>th</sup> January 2009, a day before the Fourth Government of the Fourth Republic left office, the President assented to the Education Act, 2008 (Act 778). The Act transferred more extensive functions and powers to the regional and district offices of the Ghana Education Service, but these were still by way of de-concentration rather than devolution, meaning that power was not given to the decentralised bodies. The Act conceded that certain provisions of Act 778 conflicted with some provisions of the Ghana Education Service Act, 1995 (Act 506) by providing in section 31(3) that *“within twelve months of the coming into force of this Act, the Ghana Education Service Act, 1995 (Act 506) shall be amended to conform with the provisions of this Act”*.

The genesis of the education sector decentralisation under the Fifth and Sixth Governments of the Fourth Republic is that the Ministry of Education, with funding from the USAID, established an Education Sector Decentralisation Committee to make proposals for the implementation of Act 778 and for the decentralisation of education. The Committee engaged consultants whose recommendations, flowing from Act 778, were still in the direction of a de-concentrated rather than a devolved Ghana Education Service.

The Local Government (Departments of District Assemblies) (Commencement) Instrument, 2009 (L.I. 1961) was laid before Parliament in December 2009 but matured and came into force in February 2010. Even though education as a sector was not in the

Decentralisation Schedule in Act 462 and was also not in the Schedule to Act 656, the Department of Education, Youth and Sports of the Metropolitan, Municipal and District Assembly made up of the Ghana Education Service, the Ghana Library Board, the National Youth Council and the National Sports Council had remained on the Schedule of Departments of the Metropolitan, Municipal and District Assembly under section 38 of the First Schedule of Act 462. The Schedule to L.I. 1961 in implementing section 164 of Act 462, established the Department of Education, Youth and Sports to commence operating as a Department of the Metropolitan, Municipal and District Assembly. However, since education was no longer a devolved sector, it required a policy decision to restore education to the decentralisation Schedule to enable the Department of Education, Youth and Sports to properly function as a Department of the Metropolitan, Municipal and District Assemblies.

In April 2012, the Inter-Ministerial Co-ordinating Committee on Decentralisation and subsequently the Cabinet, took the policy decision to decentralise education by devolution and restored the education and health sectors to the Decentralisation Schedule. The Education Sector Decentralisation Committee was subsequently reconstituted and converted into an Education Decentralisation Task Force under the auspices of the Inter-Ministerial Co-ordinating Committee on Decentralisation with a mandate to prepare a roadmap for the decentralisation of education by devolution but more specifically to devolve the Ghana Education Service to the district level to function as part of the Department of Education, Youth and Sports of the Metropolitan, Municipal and District Assembly.

After the Education Sector Decentralisation Committee prepared a roadmap for the zero draft of the decentralised Education Bill, it was then directed by the Inter-Ministerial Co-ordinating Committee on Decentralisation to team up with the Legislative Review Task Force of the Inter-Ministerial Co-ordinating Committee on Decentralisation to review and finalise the roadmap and the Education Bill.

The current Education Bill is therefore the joint effort of the Education Sector Decentralisation Committee and the Legislative Review Task Force of the Inter-Ministerial Co-ordinating Committee on Decentralisation .

Part One of the Bill deals with general provisions and the Education Service. Part Two is on the National Inspectorate Council. Part Three deals with the National Teaching Authority. Part Four is on the National Curriculum, Assessment and Reporting Council. Part Five provides for the decentralised education system and Part Six is on administrative, financial and miscellaneous provisions.

*Clause 1* of the Bill specifies that the system of education comprises three levels; basic, second-cycle and tertiary education. *Clause 2* gives effect to the constitutional injunction for Free, Compulsory, Universal Basic Education and for the first time seeks to operationalise the “compulsory” element of that injunction.

*Clause 3* emphasises that education at the basic and second-cycle levels is to be decentralised to the Metropolitan, Municipal and District Assemblies and Regional Co-ordinating Councils respectively; the former by devolution and the latter by de-concentration.

*Clause 4* on “inclusive education” provides for the education of children with special education requirements.

*Clause 5* establishes the Education Service and *clause 6-17* deals with its membership, functions, governing body and administration. In anticipation of the decentralised nature of the Service, *clause 6* defines the membership of the Service to consist of the personnel of the Service at the headquarters, the personnel of educational management units and their supporting staff and other persons who may be employed for the Service.

The object of the National Inspectorate Council, currently known as the National Inspectorate Board, in *clause 19* of Part Two, is to be responsible for the standards in public and private schools to ensure their improvement and to enforce standards in these schools to ensure quality education. The governing body of the Inspectorate Council is to establish inspection panels to provide an independent external evaluation of the quality and standards in pre-tertiary educational institutions, *clause 22*.

Parts Three and Four of the Bill deal with the other regulatory bodies in the education sector that were also first established in the Education Act, 2008 (Act 778). These are the National Teaching Authority, currently known as the National Teaching Council and the National Curriculum, Assessment and Reporting Council, currently known as the National Council for Curriculum and Assessment.

The National Teaching Authority is the body responsible for matters related to the licensing and registration of teachers, *clause 28*. The object of the Teaching Authority in *clause 29* is to uphold the standards of the teaching profession by the provision of a quality assurance process to support the delivery of education in a school in a professional and competent manner by licensed teachers. Certified teachers are to be registered and issued with the Teaching Authority’s licence to teach, *clause 35*. This clause enables the Teaching Authority to refuse to certify and register a person as a

teacher. A grievance procedure is provided for a person who is refused registration. A person cannot be employed in a pre-tertiary educational institution unless that person has been certified and registered as a teacher, *clause 36*. Under *clause 37*, the Teaching Authority Council may authorise the employment of an unregistered teacher to teach in a pre-tertiary educational institution and in that case, the qualifications and conditions for the teacher will be waived.

The National Curriculum, Assessment and Reporting Council is the governing authority responsible for matters related to curriculum and assessment for pre-tertiary education, *clause 38*. The object of the Curriculum, Assessment and Reporting Council is to provide quality human resource training at the pre-tertiary education level through the use of a structured curriculum in a specified learning area provided by the Minister, *clause 39*.

Part Five of the Bill *clause 45-75* deals with the decentralised education system at the regional and district levels. Under *clause 45*, a Regional Education Department is established at the regional level with oversight responsibility by the Regional Co-ordinating Council.

*Clause 47* provides that the Ministry is to construct, equip and maintain public second cycle schools in the region. It is the responsibility of the Minister to ensure that designs for second cycle schools are user friendly for students with special educational requirements and that a second cycle school that delivers education to students with special needs improves upon the existing infrastructure and provides additional requirements where necessary for these students. This clause clearly excludes a District Assembly from the responsibility for second cycle schools.

*Clause 52* provides that in consultation with the Regional Co-ordinating Council, the Regional Education Department is responsible for the establishment of Boards of Governors of public second-cycle schools in the region. The other functions of the Regional Education Department are set out in *clause 46*. *Clause 48-56* deals generally with the administration of the decentralised education system at the regional level.

*Clause 57-68* is on the administration of the decentralised education system at the district level. *Clause 57* makes the Metropolitan, Municipal and District Assemblies responsible for basic and functional literacy education in the district with the specific mandate to oversee the implementation of the decentralised basic education system. This includes the construction, equipment and maintenance of public basic schools and the establishment of public basic schools on the recommendation of the Director of the

Department of Education, Youth and Sports of the Metropolitan, Municipal and District Assembly.

*Clause 58* establishes a District Education Section of the Department of Education, Youth and Sports of a Metropolitan, Municipal and District Assembly. Its functions include the efficient delivery of educational services to meet the needs of the district and the provision of school library services. Others are the provision and management of education management information systems, the preparation, administration and control of budgetary allocations and the facilitation of the work of the School Management Committees.

Human resource management of the Head and staff of the Education Section is provided for in *clause 59*.

Under *clause 60*, the Director of the Department of Education, Youth and Sports on behalf of the Head of the Local Government Service and acting on the recommendation of the Head of the Education Section is responsible for the appointment, promotion, discipline and dismissal of the head teachers and staff of basic education schools in the district.

*Clause 62-63* establishes the District Education Oversight Team that reports to the Social Services Sub-Committee of the Executive Committee of the Metropolitan, Municipal and District Assembly and spells out its membership and functions.

*Clause 64* provides that each Municipal, Metropolitan and District Assembly is to establish a School Management Committee for every public basic education school in the district. *Clause 65-68* provides for the membership, tenure of office, meetings and functions of the School Management Committee.

*Clause 69-75* is on private pre-tertiary educational institutions. These may be established, managed and operated in accordance with guidelines issued and regulations made by the Minister for Education through the Education Service Council. The clauses also deal with change of ownership, closure and the withdrawal of approval for a private educational institution. A grievance procedure is provided for in *clause 75*. This enables a person to petition a District Assembly or a Regional Co-ordinating Council for review and action if dissatisfied with the standard of teaching or learning in a private educational institution, if the person suspects discrimination or for any sufficient cause.

Part Six, *clause 76-89* deals with administrative, financial and miscellaneous provisions that are standard provisions for statutory bodies. The clauses provide for the

tenure of office of members of the Councils and Board, *clause 76*, meetings of the Council or Board, *clause 77* and disclosure of interest, *clause 78*. Others are on allowances, *clause 79*, ministerial directives, *clause 80* and funds, *clause 83*. The rest are on annual estimates, *clause 84*, accounts and audit, *clause 85* and annual and other reports, *clause 86*.

Under *clause 87*, the Minister for Education may, by Legislative Instrument and in consultation with the relevant Council or Board, make regulations in respect of the wide range of matters required under the Bill.

*Clause 88* is the interpretation clause and *clause 89* provides for repeals, savings and transitional provisions. Under *clause 89 (1)*, the conflicting Ghana Education Service Act, 1995 (Act 506) and the Education Act, 2008 (Act 778) are repealed.

Date

MINISTER FOR EDUCATION

## **EDUCATION BILL, 2015**

### **ARRANGEMENT OF SECTIONS**

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###### Section

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3. Decentralised education system
4. Inclusive education

##### *The Education Service*

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6. Membership of the Service
7. Objects and functions of the Service
8. Organisation of the Service
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10. Functions of the Service Council
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12. Units and divisions of the Service
13. Director-General
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**A  
BILL  
ENTITLED**

**THE EDUCATION ACT, 2015**

**AN ACT** to provide the regulatory bodies for education, a decentralised pre-tertiary education system and an educational system to produce individuals with the requisite knowledge, skills and values to become functional and productive citizens for national development and for related matters.

**PASSED** by Parliament and assented to by the President

**PART ONE - GENERAL PROVISIONS AND THE EDUCATION SERVICE**

*General provisions*

**System of education**

1. (1) The system of education shall be organised at three progressive levels to be known as

- (a) basic education,
- (b) second cycle education, and
- (c) tertiary education.

(2) The basic level of education consists of

- (a) two years of kindergarten,
- (b) six years of primary, and
- (c) three years of junior high school.

(3) The second cycle level of education consists of three years of senior high school, technical, vocational, business and agricultural education or apprenticeship training of not less than one year.

(4) Tertiary education consists of education provided in a university, polytechnic or College of Education established by an Act of Parliament, an individual or an institution accredited by the National Accreditation Board.

(5) Each level of education shall include provision for distance learning programmes where appropriate.

(6) In addition to subsections (1) to (5), there shall be a system of non-formal functional and life long educational programmes.

(7) The Ministry and the District Assemblies may establish open colleges at the district level.

(8) The open colleges and life long educational colleges shall also provide avenues for skills training and formal education as determined by the Ministry.

### **Free, compulsory and universal basic education**

2. (1) A child who has attained school going age shall attend a course of instruction as laid down by the Minister in a school at the basic level recognised for that purpose by the Minister.

(2) Education at the basic level is free, compulsory and shall be universal.

(3) The social, economic and geographic barrier to schooling shall be removed to ensure that school age children have access to formal schooling within their immediate environment.

(4) A District Assembly shall provide the necessary infrastructural requirements and any other facilities for the provision of basic education for the population in its area of authority.

(5) Where a child does not attend a course of basic level instruction, the parent or guardian shall in the first instance, appear before the Social Services Sub-Committee of the Executive Committee of the District Assembly for appropriate action.

(6) A parent or guardian who fails to comply with the appropriate action agreed on with the Social Services Sub-Committee, commits an offence and is liable on summary conviction:

- (a) to a fine not exceeding five penalty units and one penalty unit for each day that the offence continues; or
- (b) instead of the fine, to community service as determined by the court .

(7) Where parents cannot genuinely afford to educate their children, the District Assembly shall provide the support necessary for the education of the child.

### **Decentralised education system**

3. The Minister shall take measures

- (a) to cede effective responsibility for the provision and management of basic schools to District Assemblies; and
- (b) to ensure that Regional Co-ordinating Councils provide effective oversight for second cycle schools.

### **Inclusive education**

4. (1) A District Assembly shall ensure that designs for basic education schools are user-friendly for children with special education requirements.

(2) Schools that deliver education to children with special needs shall improve upon the existing infrastructure and provide additional facilities where necessary.

(3) A parent or guardian shall take advantage of inclusive education facilities to send a child with special needs to the appropriate education facility or make a request for the provision of an appropriate education facility which shall be provided subject to the availability of resources.

(4) For the purpose of this section, "inclusive education" means the value system that holds that each person who attends an educational institution is entitled to equal access to learning, achievement and the pursuit of excellence in every aspect of education that transcends the idea of physical location but incorporates the basic values that promote participation, friendship and interaction.

## *The Education Service*

### **Establishment of the Service**

5. (1) There is established by this Act, a body corporate with perpetual succession to be known as the Education Service.
- (2) For the performance of its functions, the Service may acquire and hold movable and immovable property, dispose of property and enter into a contract or any other transaction.
- (3) Where there is a hindrance to the acquisition of property, the property may be acquired for the Service under the State Lands Act, 1962 (Act 125) and the costs shall be borne by the Service.

### **Membership of the Service**

6. The Service consists of
- (a) the personnel of the Service at the headquarters existing before the commencement of this Act;
  - (b) the personnel of educational management units existing before the commencement of this Act, and
  - (c) any other person who may be employed for the Service.

### **Objects and functions of the Service**

7. (1) The object of the Service is to provide a framework for the effective delivery of basic and second cycle education.
- (2) The Service is responsible for the co-ordination of technical standards and direction for the effective and efficient implementation of approved national policies and programmes related to pre-tertiary education delivery.
- (3) The Service is responsible to monitor the financial appropriateness for rational pre-tertiary education

## **Organisation of the Service**

8. There is established by this Act a governing body for the Service to be known as the Service Council.

## **Governing body of the Service**

9. (1) The governing body of the Service is a Service Council consisting of
- (a) a chairperson who has extensive academic and administrative experience,
  - (b) one representative of the Public Services Commission not below the rank of Director,
  - (c) one distinguished female educationist ,
  - (d) one representative of the Christian group made up of the Christian Council, National Catholic Secretariat, and the Ghana Pentecostal Council on a rotational basis,
  - (e) one representative of the Federation of Muslim Councils and Ahmadiyya Mission on a rotational basis,
  - (f) one representative of the Conference of Heads of Assisted Secondary Schools,
  - (g) one representative of the Inspectorate Council,
  - (h) one representative of the Teaching Authority,
  - (i) one representative of the Curriculum, Assessment and Reporting Council,
  - (j) one representative of the national house of chiefs,
  - (k) one representative of the teacher associations on rotational basis,
  - (l) the Chief Director of the Ministry of Education or a representative not below the rank of Director,

- (m) the Director-General of the Service, and
- (n) one representative of the Local Government Service Council.

(2) The members of the Council shall be appointed by the President in accordance with article 70 of the Constitution.

### **Functions of the Service Council**

10. (1) The Service Council shall advise the Minister on policy formulation and the co-ordination of approved national policies, programmes and standards related to pre-tertiary education and shall

- (a) ensure the effective implementation of the decentralised education system;
- (b) submit to the Minister policy recommendations for pre-tertiary educational programmes and standards;
- (c) promote collaboration between the Ministry, the Service and the Local Government Service, and
- (d) advise the Minister on matters that the Minister may request.

(2) The Service Council shall ensure the proper and effective performance of the functions of the Service.

### **Establishment of Committees**

11. (1) The Service Council may establish committees consisting of members of the Service Council or non-members or both to perform a function determined by the Service Council.

(2) Without limiting subsection (1) the Service Council shall appoint the following committees:

- (a) a Finance and Administration Committee;
- (b) a Monitoring and Evaluation Committee;
- (c) an Academic Oversight Committee; and

(d) any other committees the Council may consider necessary for the effective performance of its functions.

(3) The Service Council shall determine the membership and functions of a committee.

### *Administration of the Service*

#### **Units and divisions of the Service**

12. The Service Council may create units and divisions in the Service with the approval of the Minister for the efficient performance of the functions of the Service.

#### **Director-General**

13. (1). The President shall, in accordance with article 195 of the Constitution, appoint a Director-General for the Service.

(2) The Director-General shall hold office on the terms and conditions specified in the letter of appointment.

#### **Functions of the Director -General**

14. (1) The Director-General

- (a) is responsible for the day-to-day administration of the headquarters structures of the Service;
- (b) is responsible for the co-ordination of the education policies and activities at the regional and district level subject to the general directives of the Service Council;
- (c) shall ensure the implementation of the decisions of the Service Council; and
- (d) shall perform any other function determined by the Service Council.

(2) The Director-General may delegate a function to an officer of the Service but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

## **Deputy Director-General.**

15. (1) There shall be appointed by the President in accordance with the advice of the Service Council given in consultation with the Public Services Commission, a Deputy Director-General for the Service.

(2) The Deputy Director-General shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Deputy Director-General is responsible to the Director-General in the performance of functions.

(4) The Deputy Director-General shall

(a) assist the Director-General in the performance of functions and perform other functions that the Director-General may delegate; and

(b) act as Director-General when the Director-General is absent from the country or is otherwise unable to perform the functions of office.

## **Secretary to the Service Council**

16. (1) The Service Council shall designate an officer of the Service not below the level of Director II as Secretary to the Service Council in consultation with the Director-General.

(2) The Secretary shall arrange the business for and cause to be recorded and kept the minutes of the meetings of the Service Council.

(3) The Secretary shall also perform the functions that the Service Council or the Director-General in consultation with the Service Council may assign and shall be assisted in the performance of functions by the staff of the Service that the Service Council may on the recommendation of the Director-General direct.

(4) The Secretary shall in the performance of functions be under the administrative control of the Director-General.

## **Appointment of other staff**

17. (1) The President shall in accordance with article 195 of the Constitution, appoint staff that are necessary for the proper and effective performance of the functions of the Service.

(2) Other public officers may be transferred or seconded to the Service or may otherwise give assistance to it

(3) The Service may engage the services of consultants as determined by the Service Council on the recommendation of the Director-General.

## **PART TWO-THE NATIONAL INSPECTORATE COUNCIL**

### *Inspection and supervision*

#### **Establishment of the National Inspectorate Council**

18. There is established by this Act a body known as the National Inspectorate Council referred to as the Inspectorate Council.

#### **Object and functions of the Inspectorate Council**

19. (1) The object of the Inspectorate Council is to be responsible for

- (a) the standards in public and private schools to ensure their effective operation; and
- (b) the enforcement of the standards in public and private schools to ensure quality education.

(2) The functions of the Inspectorate Council are:

- (a) to set and enforce standards to be observed at the basic and second cycle levels in public and private pre-tertiary educational institutions throughout the country;
- (b) to advise District Assemblies on the maintenance of academic and educational management standards;
- (c) to support District Education Sections in the implementation of academic and educational management standards;

- (d) to ensure reports on monitoring assessments, school based assessments and end of course examinations are sent to the Curriculum, Assessment and Reporting Council and the Service Council for inputs for recommendations on the nature of examinations and any other recommendations to improve teaching and learning in pre-tertiary educational institutions;
- (e) to ensure that reports on school inspection with recommendations are sent half yearly to the Service for the improvement of the various levels of the pre-tertiary education system; and
- (f) to advise the Minister on matters the Minister may request.

### **Governing body of the Inspectorate Council**

20. (1) The governing body of the Inspectorate Council is a Board consisting of
- (a) a chairperson who has extensive academic and administrative experience,
  - (b) one representative from the public universities responsible for teacher education,
  - (c) one special education specialist or practitioner,
  - (d) one representative of the Teaching Authority,
  - (e) one representative of the Curriculum, Assessment and Reporting Council,
  - (f) one representative of the Association of Private Schools,
  - (g) one representative of the West African Examinations Council,
  - (h) one representative of the Council for Technical Vocational Education and Training,
  - (i) one representative of the teacher associations on rotational basis,

- (j) the Chief Inspector of Schools,
- (k) one representative of the Conference of Heads of Assisted Secondary Schools,
- (l) one female nominee of the President,
- (m) one representative of the Christian group made up of the Christian Council, National Catholic Secretariat, and the Ghana Pentecostal Council, on a rotational basis,
- (n) one representative of the Federation of Muslim Councils and the Ahmadiyya Mission, on a rotational basis,
- (o) the Chief Director of the Ministry of Education or a representative not below the level of Director,
- (p) one representative of the Local Government Service Council, and
- (q) one representative from the Service Council.

(2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The Board shall ensure the proper and effective performance of the functions of the Inspectorate Council.

### **Committees of the Board**

21. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function determined by the Board.

(2) Without limiting subsection (1), the Board shall also establish the following committees:

- (a) a Finance and Administration Committee;
- (b) a Research, Monitoring and Evaluation Committee;
- (c) a Structural and Facility Assessment Committee; and

(d) a Quality Assurance Committee.

(3) The Board shall determine the membership and functions of a committee.

### **Inspection panels**

22. (1) The Board shall establish inspection panels to provide an independent external evaluation of the quality and standards in pre-tertiary educational institutions.

(2) The inspection panels shall focus on:

(a) the quality of

(i) leadership and management of pre-tertiary educational institutions;

(ii) teaching and learning provided by pre-tertiary educational institutions;

(b) the levels of scholarship attained by the pre-tertiary educational institutions;

(c) the facilities available in the pre-tertiary educational institutions;

(d) the system of internal and external examinations in place at the pre-tertiary educational institutions;

(e) the values emphasised and taught in the pre-tertiary educational institutions including community service by the students or pupils and staff; and

(f) the statistical data of the educational institution and tracer studies tracking the achievement of past students.

(3) The directors and supervisors within the regional and district directorates of education and the education units shall undertake routine inspection of schools to ensure the maintenance of standards of performance in teaching and learning in accordance with the directives or guidelines of the Inspectorate Council.

## *Inspection of Schools*

### **Chief Inspector of Schools**

23. (1) The President shall in accordance with article 195 of the Constitution, appoint a Chief Inspector of Schools.

(2) The Chief Inspector shall hold office on the terms and conditions specified in the letter of appointment.

### **Functions of the Chief Inspector**

24. (1) The Chief Inspector is responsible for the implementation of the decisions of the Board and for the day-to-day administration of the affairs of the Inspectorate Council.

(2) Without limiting sub section (1), the Chief Inspector shall:

- (a) undertake the inspection of schools;
- (b) evaluate school inspection and assessment reports on private and public first and second cycle schools periodically; and
- (c) send periodic reports to the Minister, the Council, the Regional Co-ordinating Councils and the District Assemblies on school inspections.

(3) The Chief Inspector may delegate a function to an officer of the Inspectorate Council but shall not be relieved from ultimate responsibility for the performance of the delegated function.

(4) The Chief Inspector shall arrange the business for and cause to be recorded and kept the minutes of the meetings of the Board.

(5) The Chief Inspector shall perform the functions that the Board may assign and shall be assisted in the performance of functions by the staff as the Board may direct.

### **Deputy Chief Inspectors of Schools**

25. (1) The President shall in accordance with article 195 of the Constitution, appoint two Deputy Chief Inspectors of Schools in charge of operations and quality control, monitoring and evaluation respectively.

(2) The Deputy Chief Inspectors shall hold office on the terms and conditions specified in their letters of appointment.

(3) The Deputy Chief Inspectors are responsible to the Chief Inspector in the performance of their functions.

(4) The Deputy Chief Inspectors shall assist the Chief Inspector in the performance of functions and perform other functions that the Chief Inspector may delegate.

(5) The more senior Deputy Chief Inspector shall act in the absence of the Chief Inspector.

### **Appointment of other staff of the Inspectorate Council**

26. (1) The President shall in accordance with article 195 of the Constitution, appoint staff that are necessary for the proper and effective performance of the functions of the Inspectorate Council.

(2) Other public officers may be transferred or seconded to the secretariat of the Inspectorate Council or may otherwise give assistance to the Inspectorate Council.

(3) The Inspectorate Council may engage the services of consultants as determined by the Board on the recommendation of the Chief Inspector.

## **PART THREE- NATIONAL TEACHING AUTHORITY**

### *Teacher licensing and registration*

#### **National Teaching Authority**

27. There is established by this Act a body known as the National Teaching Authority referred to as the Teaching Authority.

#### **Licensing of teachers**

28. The Teaching Authority is the governing authority responsible for matters related to the licensing and registration of teachers, including where necessary, the emergency certification of teachers after the Teaching Authority has given approval for a special course

### **Object and functions of the Teaching Authority**

29. (1) The object of the Teaching Authority is to uphold the standards of the teaching profession by the provision of a quality assurance process to support the delivery of education in a school in a professional and competent manner by licensed teachers who have graduated from a recognised teacher training programme.

(2) The functions of the Teaching Authority are:

- (a) to advise the Minister
  - (i) on matters related to the professional standing and status of teachers, and
  - (ii) on teacher education and development including the provision of facilities for continuing educational development and the employment of teachers;
- (b) to recommend to the Minister professional standards required for the examination, registration and certification of teachers;
- (c) to develop and promote professional learning and maintain community confidence in the teaching profession;
- (d) to provide, maintain, promote and periodically review professional practice and ethical conduct and standards for teachers and teaching;
- (e) to register teachers after they have satisfied the appropriate conditions for their initial licence and issue the appropriate licence;
- (f) to review, through its disciplinary committee, appeal cases of professional misconduct and confirm, vary or rescind the decision of the district disciplinary committee;

- (g) to revoke a teacher's licence to teach after a case of grave professional misconduct has been established;
- (h) to give approval for the suspension of a teacher from teaching after satisfying itself that the teacher has contravened laid down regulations governing the professional conduct of teachers; and
- (i) to approve the re-registration of a suspended teacher who has served the suspension and has been recommended for re-registration by the district disciplinary committee.

(2) The Teaching Authority shall issue a provisional licence where there is need for the training or study for the emergency certification for:

- (a) a person the Teaching Authority considers suitable for short training to meet a crisis in teacher shortage, or
- (b) any other person who desires to take up teaching as a profession and register for the provisional licence.

(3) A person shall not be admitted to teach as a professional career teacher unless the person has satisfied the laid down certification requirements issued by the Teaching Authority for normal or emergency certification.

(4) A registered teacher's licence is the only legal authorisation to teach and

- (a) shall be issued by the Teaching Authority, and
- (b) shall bear the registration number of the teacher.

(5) A teacher is required to possess the Teaching Authority's licensing certificate as evidence of professional standing and authorisation to teach.

(6) The lawful possession of a certificate from the Teaching Authority signifies that the teacher meets the knowledge and skill standards prescribed by the Teaching Authority and is duly licensed to teach.

### **Governing body of the Teaching Authority**

30. (1) The governing body of the Teaching Authority is a Teaching Authority Council consisting of

- (a) a chairperson with extensive academic and administrative experience
- (b) one representative each from:
  - (i) the Ministry for Education,
  - (ii) the Curriculum, Assessment and Reporting Council,
  - (iii) the Council for Technical, Vocational Education and Training,
  - (iv) the Inspectorate Council,
  - (v) the Conference of District Directors of Education,
  - (vi) the Conference of Heads of Colleges of Education,
  - (vii) the Conference of Managers of Education Units,
  - (viii) one representative from the universities involved in teacher education,
  - (ix) one representative from the Conference of Heads of Assisted Secondary Schools,
  - (x) one representative from industry and commerce, and
  - (xi) one representative of the teachers associations on rotational basis,
- (c) two other members one of whom is a woman,
- (d) the Registrar of the Teaching Authority, and
- (e) one representative of the Service.

(2) The members of the Teaching Authority Council shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The Teaching Authority Council shall ensure the proper and effective performance of the functions of the Teaching Authority.

## **Committees of the Teaching Council**

31. (1). The Teaching Authority Council may establish committees consisting of members of the Teaching Authority Council or non-members or both to perform a function determined by the Teaching Authority Council.

(2) Without limiting subsection (1) the Teaching Authority Council shall establish the following committees:

- (a) a Finance and Administration Committee;
- (b) a Research, Monitoring and Evaluation Committee;
- (c) a Certification and Registration Committee;
- (d) a Complaints Committee;
- (e) a Disciplinary Committee; and
- (f) an Examinations Committee.

(3.) The Teaching Authority Council shall determine the membership and functions of a committee.

### *Administration of the Teaching Authority*

## **Registrar**

32. (1) The President shall in accordance with article 195 of the Constitution appoint a Registrar of the Teaching Authority.

(2) The Registrar shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Registrar is responsible to provide the strategic leadership, technical and administrative direction to achieve the mandate of the Teaching Authority and shall ensure the implementation of the decisions of the Teaching Authority Council.

(4) The Registrar shall arrange the business for and cause to be recorded and kept the minutes of the meetings of the Teaching Authority Council

(5) The Registrar shall provide technical and managerial leadership, initiate the formulation and implementation of policies and co-ordinate activities of committees of the Teaching Authority Council.

(6) The Registrar shall perform other functions that the Teaching Authority Council may assign and shall be assisted in the performance of functions by the staff of the Teaching Authority as the Teaching Authority Council may on the recommendation of the Registrar direct.

(7) The Registrar may delegate a function to an officer of the Teaching Authority but shall not be relieved from ultimate responsibility for the performance of the delegated function.

### **Deputy Registrar**

33. (1) The President shall in accordance with article 195 of the Constitution appoint two Deputy Registrars.

(2) The Deputy Registrars shall hold office on the terms and conditions as specified in their letters of appointment.

(3) The Deputy Registrars are responsible to the Registrar in the performance of the following functions:

- (a) the provision of technical direction on leadership towards the achievement of the object of the Teaching Authority;
- (b) the development and implementation of standard guidelines for the conduct of credible licensing examinations; and
- (c) other functions the Registrar may delegate.

(4) The more senior Deputy Registrar shall act in the absence of the Registrar.

### **Appointment of other staff of the Teaching Authority**

34. (1) The President shall in accordance with article 195 of the Constitution, appoint staff that are necessary for the proper and effective performance of the Teaching Authority.

(2) Other public officers may be transferred or seconded to the secretariat of the Teaching Authority or may otherwise give assistance to it.

(3) The Teaching Authority may engage the services of consultants as determined by the Teaching Authority Council on the recommendations of the Registrar.

### **Registration and certification of teachers**

35. (1) The Teaching Authority shall maintain a register of certified teachers in which shall be recorded the particulars of a person registered as a teacher under this Act.

(2) A person to be registered as a teacher shall submit an application form for approval by the Teaching Authority.

(3) A person is not qualified to be certified, registered and issued with the Teaching Authority's licence to teach

- (a) where that person does not possess at least the initial prescribed teacher training diploma certificate or its equivalent qualification as determined by the Teaching Authority; or
- (b) has not successfully passed the professional examination;
- (c) if that person has been disqualified from teaching by reason of a grave professional misconduct; or
- (d) if within a period of six months immediately before the date of the application,
  - (i) that person has been refused registration as a teacher, or
  - (ii) the registration of that person as a teacher has been cancelled.

(4) The Teaching Authority may refuse to certify and register a person as a teacher if that person

- (a) suffers from a mental disorder likely to interfere with the practice of teaching as certified by a registered medical practitioner; or
- (b) has been convicted of a criminal offence of a nature which in the opinion of the Teaching Authority renders that person not a proper person to be a teacher in an educational institution; or
- (c) made a statement or furnished information which that person knows is false in an application for registration as a teacher; or
- (d) has not passed the requisite teacher certification examination recognised by the Teaching Authority; and
- (e) does not satisfy the standards required for a teacher's licence at the level that person has applied for certification to teach.

(5). A person aggrieved by a refusal under subsection (4) may appeal to the Teaching Authority Council that may confirm, vary or rescind the decision of the Teaching Authority.

(6) Where a decision of the Teaching Authority is rescinded, the Teaching Authority Council shall direct the Teaching Authority to register the person affected by the decision as a teacher.

(7) A person who purports to be a certified teacher without the certification of the Teaching Authority, commits an offence and is liable on summary conviction to a fine of five hundred penalty units,

### **Eligibility for employment of registered teachers**

36. A person shall not be employed as a teacher in a pre-tertiary educational institution unless that person has been certified and registered as a teacher by the Teaching Authority.

### **Eligibility for employment of unregistered teachers**

37. (1) Despite section 36, the Teaching Authority Council may authorise the employment of a person not registered under this Part as a teacher in a pre-tertiary educational institution.

(2) The provisions on qualifications and conditions related to a registered teacher shall apply to the employment of an unregistered teacher.

## **PART FOUR-NATIONAL CURRICULUM, ASSESSMENT AND REPORTING COUNCIL**

### *Curriculum and assessment*

#### **National Curriculum, Assessment and Reporting Council**

38. (1) There is established by this Act a body known as the National Curriculum, Assessment and Reporting Council referred to as the Curriculum, Assessment and Reporting Council.

(2) The Curriculum, Assessment and Reporting Council is the body responsible for matters related to the curriculum and assessment for pre-tertiary education.

#### **Object and functions of the Curriculum, Assessment and Reporting Council**

39. (1) The object of the Curriculum, Assessment and Reporting Council is to provide quality human resource training at the pre-tertiary education level through the use of a structured curriculum in a specified learning area approved by the Minister to

- (a) ensure the best basis to establish, assess, improve, develop, and review curriculum, and
- (b) report to the Minister on national data and resource allocation in schools through research.

(2) The functions of the Curriculum, Assessment and Reporting Council are:

- (a) to determine
  - (i) the goals, aims and structure of courses at the various levels of pre-tertiary education, and
  - (ii) the programmes of study for pre-tertiary education teachers that lead to a licence to teach in any institution or mode of

to be developed in consultation with the Teaching Authority;

- (b) to develop and review the professional curricula for the teaching profession;
- (c) to ensure an inclusive and representative curriculum development process and guide curriculum development in a timely and effective manner;
- (d) to recommend the number of core and elective subjects;
- (e) to review subjects and recommend new subjects as they become necessary for the educational system;
- (f) to periodically review and make recommendations on the linkages between pre-tertiary and tertiary education after consultation with the Minister, the National Council for Tertiary Education, the National Accreditation Board and any other relevant organisation or agency;
- (g) to approve the time table arrangements for the relevant pre-tertiary educational institutions;
- (h) to review the quality and quantity of text books and any other materials of educational value and make the appropriate recommendations to the Minister;
- (i) to recommend to the Minister the periods and time duration for curriculum reviews and the sample size for the trial testing of various subjects in pre-tertiary education;
- (j) to review the criteria and conditions for the appointment of members of syllabus panels;
- (k) to receive reports on monitoring assessments, school based assessments and end of course examinations and make recommendations on the nature of examinations and any other recommendations to improve teaching and learning in pre-tertiary educational institutions;

- (l) to receive reports on school inspection at six month intervals and make recommendations to the Regional Education Department and the District Education Sections for the improvement of the various levels of the education system;
- (m) to consider any other matter assigned to it by the Minister to improve the quality of teaching and learning in pre-tertiary educational institutions; and
- (n) to review national assessments and ensure that appropriate procedures are followed and set up new structures to assess teaching and learning at the various grade levels of schools.

(3) The Curriculum, Assessment and Reporting Council shall take into consideration regional and district peculiarities for the curriculum for the schools in the region or district.

### **Governing body of the Curriculum, Assessment and Reporting Council**

40. (1) The governing body of the Curriculum, Assessment and Reporting Council is a Curriculum and Assessment Board consisting of

- (a) a chairperson with extensive academic and administrative experience,
- (b) the Executive Secretary of the Curriculum, Assessment and Reporting Council,
- (c) one representative each of
  - (i) the National Teaching Authority,
  - (ii) the National Accreditation Board,
  - (iii) the National Board for Professional and Technical Examinations,
  - (iv) the Council for Technical and Vocational Education and Training,
  - (v) the Inspectorate Council,

- (vi) the Ministry responsible for Education, not below the rank of a Director,
- (vii) the Consultative Council of Subject Teacher Associations,
- (viii) the Conference of Heads of Assisted Secondary Schools
- (ix) the Christian group made up of the Christian Council, National Catholic Secretariat, and the Ghana Pentecostal Council on a rotational basis,
- (x) the Federation of Muslim Councils and the Ahmadiya Mission on rotational basis,
- (xi) the Service with experience in curriculum development or curriculum assessment,
- (xii). the Ministry of Local Government not below the rank of a Director,
- (xiii) the West African Examinations Council, and
- (d) the Director of the Books Development Council, and
- (e) a curriculum and assessment expert nominated by the Minister.

(2) The members of the Curriculum and Assessment Council shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The Curriculum and Assessment Council shall ensure the proper and effective performance of the functions of the National Curriculum, Assessment and Reporting Council.

### **Committees of the National Curriculum, Assessment and Reporting Council**

41. (1) The Curriculum and Assessment Council may establish committees consisting of members of the Curriculum and Assessment Council or non-members or both to perform a function.

(2) Without limiting subsection (1), the Curriculum and Assessment Council shall establish the following committees:

- (a) an Finance and Administration Committee;
- (b) a Research, Monitoring and Evaluation Committee;
- (c) a Curriculum Syllabus Review Committee; and
- (d) an Assessment Committee.

(3.) The Curriculum and Assessment Council shall determine the membership and functions of a committee appointed under this section.

*Administration of the Curriculum, Assessment and Reporting Council*

**Executive Secretary**

42. (1) The President shall in accordance with article 195 of the Constitution, appoint an Executive Secretary of the Curriculum, Assessment and Reporting Council.

(2) The Executive Secretary shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Executive Secretary is responsible for the day to day administration of the Curriculum, Assessment and Reporting Council.

(4) The Executive Secretary is responsible for the direction of the work of the Curriculum, Assessment and Reporting Board and shall ensure the implementation of the decisions of the Curriculum and Assessment Council.

(5) The Executive Secretary shall arrange the business for and cause to be recorded and kept the minutes of the meetings of the Curriculum and Assessment Board.

(6) The Executive Secretary may delegate functions to an officer of the Curriculum, Assessment and Reporting Council but shall not be relieved from ultimate responsibility for the performance of the delegated function.

## **Deputy Executive Secretary**

43. (1) There shall be appointed by the President in accordance with the advice of the Council given in consultation with the Public Services Commission two Deputy Executive Secretaries for the Curriculum, Assessment and Reporting Council.

(2) The Deputy Executive Secretaries shall hold office on the terms and conditions specified in their letters of appointment.

(3) The Deputy Executive Secretaries shall be responsible to the Executive Secretary in the performance of their functions under this Act.

(4) The Deputy Executive Secretaries shall assist the Executive Secretary in the discharge of duties and perform other functions that the Executive Secretary may delegate to them.

(5) The more senior Deputy Executive Secretary shall act in the absence of the Executive Secretary.

## **Appointment of other staff of the Curriculum, Assessment and Reporting Council**

44. (1) The President shall in accordance with article 195 of the Constitution, appoint staff that are necessary for the proper and effective performance of the Curriculum, Assessment and Reporting Council.

(2) Other public officers may be transferred or seconded to the secretariat of the Curriculum, Assessment and Reporting Council or may otherwise give assistance to it.

(3) The Curriculum, Assessment and Reporting Council may engage the services of consultants as determined by the Curriculum and Assessment Board on the recommendation of the Executive Secretary.

## **PART FIVE-DECENTRALISED EDUCATION SYSTEM**

### *Regional Education Department*

## **Regional Education Department**

45. (1) There shall be established a Regional Education Department in each region which shall be a Department of the Regional Co-ordinating Council.

(2) The Regional Education Department shall be headed by the Regional Director of Education.

(3) The Regional Education Department of a Regional Co-ordinating Council shall act in accordance with guidelines, standards and directions from the Service Council and the other regulatory bodies.

### **Functions of the Regional Education Department**

46. A Regional Education Department shall

- (a) co-ordinate the activities of the Education Sections of the Department of Education, Youth and Sports of the District Assemblies in the region;
- (b) co-ordinate regional sports and cultural activities in schools in collaboration with the appropriate institutions and authorities;
- (c) exercise jurisdiction in matters of discipline over personnel at the Regional Department;
- (d) advise and collaborate with the Regional Co-ordinating Council to implement national educational policy and the educational strategies in the region.
- (e) subject to section 45(2) exercise oversight responsibility for the management of second cycle schools in the region; and
- (f) facilitate the work of governing bodies, Ministries, Departments and Agencies and District Assemblies responsible for the implementation of education policies, standards and guidelines.

#### *Provision of Public Second Cycle Schools*

### **Ministry responsible for second cycle schools**

47. (1) The Ministry shall construct, equip and maintain public second cycle schools in the region.

(2) The Minister shall ensure that designs for second cycle schools are user friendly for students with special educational requirements.

(3) A second cycle school that delivers education to students with special needs shall improve upon the existing infrastructure and provide additional requirements where necessary.

*Administration of the decentralised education system at the regional level*

**Regional Director of Education**

48. (1) The Head of the Local Government Service in consultation with the Public Services Commission and the Service Council, shall appoint a Regional Director of Education for each region who shall be the head of the Regional Education Department.

(2) The Regional Director shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Regional Director is responsible for

(a) the co-ordination of the education policies and activities at the regional level; and

(b) the day-to-day administration of the Regional Education Department.

(4) The Regional Director shall ensure the implementation of the decisions of the Service Council and is subject to the general directives that the Service Council may give in consultation with the Regional Co-ordinating Council.

(5) The Regional Director may delegate a function to an officer of the Department but shall not be relieved from ultimate responsibility for the performance of the delegated function.

**Deputy Regional Director of Education**

49. (1) The Head of the Local Government Service in consultation with the Public Service Commission and the Service Council shall appoint a Deputy Regional Director of Education for each Regional Department of Education.

(2) The Deputy Regional Director shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Deputy Regional Director shall be responsible to the Regional Director in the performance of functions.

(4) The Deputy Regional Director shall

(a) assist the Regional Director in the discharge of duties and perform any other function delegated by the Regional Director ;  
and

(b) act in the absence of the Regional Director.

### **Appointment of other staff of the Regional Department**

50. (1) The Head of the Local Government Service in consultation with the Public Services Commission shall

(a) appoint staff that are necessary for the proper and effective performance of a Regional Department;

(b) be responsible for the promotion, transfer, discipline and dismissal of the staff of the Regional Department of Education;

(c) be responsible for other human resource matters concerned with the Regional Department of Education.

(2) The qualifications, standards and other criteria for the staff of a Regional Department of Education shall be set by the Ghana Education Service.

(3) The Regional Director of Education on behalf of the Head of the Local Government Service shall be responsible for the appointment, promotion, transfer, discipline and dismissal of headmasters and other staff of second cycle schools in the region.

(4) The Regional Director of Education on behalf of the Head of the Local Government Service shall be responsible for other human resource management matters in second cycle schools in the region.

## **Funds of the Regional Department**

51. The budget of the Regional Department shall form part of the budget of the Regional Co-ordinating Council.

## **Management of second cycle schools**

52. (1) The Regional Department in consultation with the Regional Co-ordinating Council shall establish Boards of Governors for the human, material and financial management of each second cycle school in the region.

(2) Boards of Governors shall ensure that second cycle schools are managed in accordance with laid down rules and regulations.

## **Composition of Board of Governors**

53. (1). A Board of Governors of a second cycle school shall consist of
- (a) a chairperson nominated by the Regional Co-ordinating Council in consultation with the Regional Department,
  - (b) one representative each of;
    - (i) the Minister for Education,
    - (ii) the Regional Director of Education,
    - (iii) the Regional Co-ordinating Council,
    - (iv) the District Assembly within whose jurisdiction the second cycle school is located,
    - (v) the Parent- Teacher Association of the second cycle school,
    - (vi) the traditional authorities of the area within which the second cycle school is located,
    - (vii) the teaching staff of the second cycle school,

- (viii) the non-teaching staff of the second cycle school,
- (ix) the Old Students Association of the second cycle school;  
and
- (c) the headmaster of the second cycle school,
- (d) the Director of the Department of Education, Youth and Sports of the District Assembly within the jurisdiction where the second cycle school is located, and
- (e) in the case of a second cycle school established by a religious body there shall be two representatives of the religious body.

(2) The chairperson and members of the Board of Governors shall be appointed by the Regional Minister.

(3) The Board of Governors shall ensure the proper and effective management of a second cycle school.

(4) The assistant headmaster, administration, shall be the secretary to the Board of Governors.

### **Tenure of Board of Governors**

54. (1) A member of the Board of Governors shall hold office for three years renewable for a maximum of two terms.

(2) Subsection (1) does not apply to an ex-officio member.

(3) A member of the Board of Governors other than an ex-officio member, may resign from office in writing addressed to the Regional Minister through the Regional Director.

(4) A member of the Board of Governors, other than an ex-officio member, who is absent from three consecutive meetings of the Board of Governors without sufficient cause ceases to be a member.

(5) Where a member of the Board of Governors is, for a sufficient reason, unable to act as a member, the Regional Minister shall determine whether the inability would result in the declaration of a vacancy.

(6) Where there is a vacancy

(a) under subsection (3) or (4);

(b) as a result of a declaration under subsection (5); or

(c) by reason of the death of a member;

the Regional Director of Education shall notify the Regional Minister of the occurrence of the event and the Regional Minister shall appoint another person from the relevant category to hold the office.

### **Meetings of the Board of Governors**

55. (1) A Board of Governors shall meet at least three times a year for the despatch of business at the times and in the places determined by the chairperson.

(2) The chairperson at the request in writing of not less than one-third of the membership shall convene a special meeting of the Board of Governors.

(3) The quorum at a meeting of the Board of Governors is six members and shall include the headmaster or the person acting in that capacity.

(4) The chairperson shall preside at meetings of the Board of Governors and in the absence of the chairperson, a member of the Board of Governors elected by the members present from among their number shall preside.

(5) The Board of Governors may co-opt any person to act as an adviser at its meetings but no co-opted person is entitled to vote at the meeting.

(6) The validity of the proceedings of the Board of Governors shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.

(7) Except as otherwise expressly provided for under this Part, the Board of Governors shall determine the procedure for its meetings.

## **Disclosure of interest of a member of the Board of Governors**

56. (1) (1) A member of the Board of Governors who has an interest in a matter for consideration shall

- (a) disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and
- (b) not be present at or participate in the deliberations of the Board of Governors in respect of the matter.

(2) A member ceases to be a member of the Board of Governors if that member has an interest in a matter before the Board of Governors; and

- (a) fails to disclose that interest, or
- (b) participates in the deliberations on the matter.

### *Administration of the decentralised education system at the district level*

## **District Assembly responsible for basic education**

57. (1) A District Assembly shall ensure efficient, relevant and quality education through basic and functional literacy education to meet the needs of the population in its area of authority.

- (2) A District Assembly shall
- (a) oversee the implementation of a decentralised basic education system throughout the district;
  - (b) construct, equip and maintain public basic schools in the district;
  - (c) establish public basic schools on the recommendation of the Director of the Department of Education, Youth and Sports of the District Assembly ; and
  - (d) ensure the performance of any other functions as prescribed by the Minister.

(3) The education responsibility of a District Assembly shall be carried out in accordance with the national education policy strategic plan.

### **District Education Section**

58. (1) Each District Assembly shall establish a District Education Section.

(2) The District Education Section shall form part of the Department of Education, Youth and Sports of the District Assembly.

(3) The District Education Section is responsible for

- (a) the efficient delivery of basic education services to meet the needs of the areas within the district and in accordance with the educational policy and directives determined by the Minister;
- (b) the provision of school libraries in the district;
- (c) the provision and management of basic education management information systems in the district;
- (d) the preparation, administration and control of budgetary allocations as determined by the District Assembly;
- (e) the facilitation of the work of a School Management Committee within the area of authority of the District Assembly; and
- (f) the oversight of the circuit supervisors and the monitoring of their activities.

(4) The District Education Section shall submit quarterly reports to the District Assembly.

(5) The basic education delivery and management processes administered by a District Assembly shall be in accordance with guidelines issued by the regulatory bodies.

(5) The teaching programmes and academic standards for basic and non-formal education are subject to the accreditation requirements established by the Curriculum, Assessment and Reporting Council.

## **Human resource management of the Head and staff of the Education Section**

59. (1) Until legislation provides for the appointment of the staff of the Education Section by an Assembly, the Head of the Local Government Service, in consultation with the Public Services Commission and the Service Council shall
- (a) appoint the Head and staff of the Education Section;
  - (b) be responsible for the promotion, transfer, discipline and dismissal of the staff of the Education Section;
  - (c) be responsible for other human resource management matters concerned with the Education Section.
- (2) The qualifications, standards and other criteria for the appointment of the Head and staff of the Education Section shall be determined by the Service Council.
- (3) In posting staff to the Education Section, the Head of the Local Government Service shall post the staff to the Regional Department of Education which shall be responsible for the posting of the staff to the districts in the region.

## **Human resource management of head teachers and staff of basic education schools**

60. (1) The Director of the Department of Education, Youth and Sports on behalf of the Head of the Local Government Service and acting on the recommendation of the Head of the Education Section, shall be responsible for the appointment, promotion, discipline and dismissal of the head teachers and staff of basic education schools in the district.
- (2) The qualifications, standards and other criteria for the appointment of the head teacher and staff of a basic education school shall be determined by the Service Council.
- (3) The Director of the Department of Education, Youth and Sports may only transfer a head teacher or staff of a basic education school where the transfer is to another school within the same district.
- (4) Inter-district transfer of a head teacher or staff of a basic education school may only be undertaken by the Head of the Local Government Service.

## **Medical examination of school children**

61. A District Assembly through its Department of Health shall cause to be undertaken

- (a) the health screening of school children before admission , and
- (b) the regular medical examination of school children.

## **District Education Oversight Team**

62. (1) A District Assembly shall establish a District Education Oversight Team referred to as the Oversight Team that shall report to the Social Services Sub-Committee of the Executive Committee of a District Assembly in the performance of its functions.

(2) The Oversight Team consists of

- (a) the District Chief Executive as the chairperson,
- (b) the chairperson of the Social Services Sub-Committee of the Executive Committee of a District Assembly,
- (c) the Director of the Department of Education, Youth and Sports
- (d) the District Director of Health,
- (e) one representative of the Conference of Head Teachers of Basic Schools in the district,
- (f) one representative of the traditional authorities in the district,
- (g) one representative of the Parent Teacher Association of schools in the district,
- (h) one representative of the faith based organisations in the district on rotational basis; and
- (i) one female educationist resident in the district.

## **Functions of the District Education Oversight Team**

63. The functions of the District Education Oversight Team are to:

- (a) advise the District Chief Executive on the physical, human and material resources for effective basic education delivery at the district level;
- (b) oversee the implementation of the decentralised education system at the district and sub-district level;
- (c) advise on the discipline of teaching and non-teaching staff at the district and sub-district levels in accordance with approved policies and guidelines; and
- (d) advise the District Chief Executive on any other matters for the effective delivery of the decentralised education system as determined by the District Assembly.

### **School Management Committee**

64. (1) Each District Assembly shall establish a School Management Committee for each basic education school in the district.

(2) The School Management Committee shall strengthen community participation and mobilisation for education delivery.

### **Composition of School Management Committee**

65. (1) The governing body of a basic education school is a School Management Committee consisting of

- (a) a chairperson appointed by the Director of the Department of Education, Youth and Sports, in consultation with the District Oversight Team,
- (b) the head teacher of the school,
- (c) one representative of the Unit Committee within whose unit the school is located,
- (d) one representative of the traditional authorities within the area in which the school is located ,

- (e) one representative of the teaching staff,
- (f). two representatives of the Parent Teacher Association of the school one of whom is a woman, and
- (g) in the case of a second cycle school established by a religious body there shall be two representatives of the religious body

(2) A member of the School Management Committee shall be appointed by the District Director of Education, Youth and Sports..

(3) The School Management Committee may co-opt a member for a specific assignment.

### **Tenure of office of members of the School Management Committee**

66. A member of a School Management Committee other than the ex-officio member, shall hold office for four years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

### **Meetings of the School Management Committee**

67. (1) The School Management Committee shall meet for the despatch of business at least twice each academic term.

(2) The chairperson shall at the request in writing of not less than one-third of the membership of the School Management Committee, convene a special meeting of the School Management Committee.

### **Functions of the School Management Committee**

68. A School Management Committee of a basic school shall:

- (a) exercise oversight responsibility over the head teacher of the school;
- (b) advise the District Education Section on the appointment, transfer and discipline of teaching and non-teaching staff of the school;

- (c) advise the District Education Oversight Team on
  - (i) the supply of text books and other teaching and learning materials for the school,
  - (ii) the condition of school buildings and other infrastructural facilities of the school,
  - (iii) the management and maintenance of the education management information system at the district level
  - (iv) the provision of teachers and the regular and punctual attendance of teachers and pupils at the school,
  - (v) the proper performance of functions by the staff of the school;
  - (vi) the moral and professional behaviour of the staff and pupils of the school and matters related to general discipline; and
  - (vi) any other matter for the effective and efficient management of the school;
- (d) advise and supervise the supply of text books and other teaching and learning materials for the pupils;
- (e) monitor the activities of the circuit supervisors;
- (f) generate funds for the school;
- (g) establish procedures, manage and process complaints related to teachers, non-teaching personnel, learning materials and complaints from teachers; and
- (h) ensure the protection of the school, school lands and other facilities of the school.

*Private pre-tertiary educational institutions*

**Establishment of a private educational institution**

69. (1) A person may establish, manage and operate a private educational institution in accordance with guidelines issued and Regulations made by the Minister through the Service Council.

(2) The person referred to in subsection (1), shall apply to the District Assembly or Regional Co-ordinating Council in whose jurisdiction the private educational institution is located for approval to establish, manage and operate the private educational institution.

(3) A private educational institution shall

- (a) be incorporated as a corporate body with a governing body;
- (b) be staffed with teachers who are professionally qualified and licensed under this Act;
- (c) provide the requisite education and training for a child or any other person who qualifies to attend the institution;
- (d) meet the standards on curricula and syllabi set by the Curriculum, Assessment and Reporting Council and the Ministry as regards the physical, academic and any other facilities and requirements of the private educational institution;
- (e) operate under the supervision of the District Director of Education, Youth and Sports, Regional Director of Education or, as appropriate, the Curriculum, Assessment and Reporting Council;
- (f) send a copy of its annual report on its programmes and activities to the District Assembly or the Regional Co-ordinating Council as appropriate;
- (g) make available to the District Assembly or Regional Co-ordinating Council as appropriate, any information in writing requested by the District Assembly or Regional Co-ordinating Council.

(4) A private educational institution

- (a) for basic education shall be approved by a District Assembly;  
and
- (b) for second cycle education shall be approved by a Regional  
Co-ordinating Council;

within whose jurisdiction it is located.

(5) A District Assembly or a Regional Co-ordinating Council may grant provisional approval for a maximum period of one year to enable preparatory work to be done towards the establishment of a private educational institution.

(6) The proprietor of a private educational institution in existence before the commencement of this Act shall register with a District Assembly or a Regional Co-ordinating Council as appropriate, within ninety days after the commencement of this Act.

(7) A proprietor of a private educational institution who contravenes a provision of this section commits an offence and is liable on summary conviction to a fine of not more than two thousand five hundred penalty units or to a term of imprisonment of not more than two years or to both.

### **Change of ownership**

70. Where there is a change in the ownership or location of a private educational institution, the proprietor of the institution shall notify the District Assembly or the Regional Co-ordinating Council in writing about the change.

### **Closure of a private educational institution**

71. Where there will be a long period of closure of a private educational institution, the proprietor of the institution shall notify the District Assembly or the Regional Co-ordinating Council of the impending closure ninety days before it occurs, give reasons for it and provide the proposed date to re-open the institution.

### **Withdrawal of approval**

72. (1) A District Assembly or Regional Co-ordinating Council acting in accordance with the advice of the Department of Education, Youth and Sports or the Regional Education Department, may withdraw the approval of a private educational institution on the grounds that:

- (a) the operation of the institution is detrimental to the physical or moral welfare of students or the pupils who attend the institution; or
- (b) the continuing existence of the institution is against the public interest;

(2) Where approval is withdrawn, the proprietor and the person in charge of the institution shall cease the operation of the institution.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction

- (a) to a term of imprisonment of not more than six months or to a fine of not more than two hundred penalty units, and
- (b) to a fine of ten penalty units for each day during which the offence continues.

### **Tax exemption**

73. The Government may provide tax relief to a registered private educational institution.

### **Relations with the Ministry**

74. The Ministry shall encourage a private educational institution to participate in an open system of education.

### **Grievances**

75. (1) A person may petition a District Assembly or a Regional Co-ordinating Council for review and action

- (a) if dissatisfied with the standard of teaching or learning in a private educational institution;
- (b) if the person has cause to suspect discrimination or apathy; or
- (c) for any other sufficient cause.

(2) The petition to the District Assembly or the Regional Co-ordinating Council shall be after the internal grievance mechanisms of the institution have been exhausted.

(3) The District Assembly or the Regional Co-ordinating Council shall give the person responsible for the operation of the institution, a reasonable time in writing to correct the substance of the grievance.

(4) Where the person responsible for the institution does not correct the substance of the grievance within the time specified by the District Assembly or the Regional Co-ordinating Council, the private educational institution may be closed down by the authority responsible.

## **PART SIX-ADMINISTRATIVE, FINANCIAL AND MISCELLANEOUS PROVISIONS**

### *Administrative matters of the Councils and Board*

#### **Tenure of office of members of the Councils and Board**

76. (1) A member of a Council or Board shall hold office for four years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the ex-officio members of the Councils or Board.

(3) A member of a Council or Board may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of a Council or Board other than a chief executive who is absent from three consecutive meetings of the Council or Board without sufficient cause ceases to be a member of the Council or Board.

(5) The President may by letter addressed to a member revoke the appointment of that member.

(6) Where a member of a Council or Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(7) Where there is a vacancy

- (a) under subsection (3) or (4), or section 75,
- (b) as a result of a declaration under subsection (6), or
- (c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy.

### **Meetings of the Council or Board**

77. (1) A Council or Board shall meet at least once every three months for the dispatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one-third of the members of a Council or Board convene an extraordinary meeting of the Council or Board at the place and time determined by the chairperson.

(3) The chairperson shall preside at the meetings of a Council or Board and in the absence of the chairperson, a member of the Council or Board other than the Chief Executive elected by the members present and voting shall preside.

(4) Matters before the Council or Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(5) A Council or Board may co-opt a person to attend a meeting of the Board or Council but a co-opted person shall not vote on a matter for decision at the meeting.

### **Disclosure of interest**

78. (1) A member of the Council or Board who has an interest in a matter for consideration shall

- (a) disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and
- (b) not be present at or participate in the deliberations of the Council or Board in respect of the matter.

(2) A member ceases to be a member of the Council or Board if that member has an interest in a matter before the Council and

- (a) fails to disclose that interest, or
- (b) participates in the deliberations of the matter.

### **Allowances**

79. Members of a Council or Board and members of a committee of a Council or Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

### **Ministerial directives**

80. The Minister may give directives to a Council or Board on matters of policy and the Council or Board shall comply.

### **Collaboration with other bodies**

81. A Council or Board shall collaborate with other statutory bodies in the education sector.

### **Delegation of power of appointment**

82. The President may in accordance with article 195 of the Constitution, delegate the power of appointment under this Act.

### **Funds**

83. (1) The funds of the Service, the Inspectorate Council, the Teaching Authority and the Curriculum, Assessment and Reporting Council include

- (a) moneys provided by Parliament,
- (b) donations, grants and gifts,
- (c) money derived from investments, and
- (d) any other moneys that are approved by the Minister responsible for Finance.

(2) The administrative expenses of the regulatory bodies including the salaries, operational and other allowances, gratuities and pensions payable in respect of persons employed by the regulatory bodies shall be a charge on the Consolidated Fund.

(3) The budget of the District Education Section of the Department of Education, Youth and Sports shall form part of the composite budget of a District Assembly.

(4) The budget of the Department of Education of a Regional Co-ordinating Council shall form part of the budget of the Regional Co-ordinating Council.

### **Annual estimates**

84. The regulatory bodies established under this Act shall submit to the Minister budget estimates for each financial year not later than three months before the end of the financial year.

### **Accounts and audit**

85. (1) The regulatory bodies, the second cycle schools and the basic schools shall keep books of account and proper records in relation to them in the form approved by the Auditor-General.

(2) The Council or Board shall submit the accounts of the regulatory body to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall not later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Minister.

(4) The administrative head of each second cycle school and basic school shall prepare budget estimates for each financial year and present the estimates to the appropriate governing bodies for approval in accordance with the budget guidelines issued by the Minister responsible for Finance.

### **Annual report and other reports**

86. (1) A Council or Board shall, within one month after the receipt of the audit report, submit an annual report covering the activities and operations of the regulatory body for the year to which the report relates to the Minister.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Council or Board shall also submit to the Minister any other reports which the Minister may require in writing.

(5) A second cycle school shall submit an annual report to the Regional Co-ordinating Council.

(6) A basic school shall submit an annual report to the District Assembly through the Department of Education, Youth and Sport.

## **Regulations**

87. (1). The Minister may, by legislative instrument, in consultation with the Council or Board, make regulations in respect of

- (a) development and assessment of the curriculum for pre-tertiary educational institutions;
- (b) the role of parent-teacher organisations in the education system;
- (c) the ownership of schools by a community;
- (d) the fee structure in the education system;
- (e) the establishment, management and operation of private pre-tertiary educational institutions;
- (f) information and communication technology in education;
- (g) distance education;

- (h) science and technology education;
- (i) guidance and counselling;
- (j) the determination of the relationship between the District Education Section and the education units of the faith based organisations;
- (k) discipline in schools;
- (l) gender equity at each level and programmes of education;
- (m) the provision of adequate facilities for persons with disability or special education;
- (n) the provision of continuous professional training;
- (o) the financing of education;
- (p) a matter that is required to be prescribed or will give effect to this Act;
- (q) acts that constitute misconduct and grave misconduct and the corresponding penalties;
- (r) the level of autonomy that is commensurate with the achievements of an educational institution; and
- (s) any other matter that will advance or enhance the principles and purposes of this Act.

(2) On the recommendation of the Council or Board, the Minister may direct the review, re-organisation or re-structuring of any regulatory body or institution under this Act for the effective execution of the mandate of the regulatory body or institution.

### **Interpretation**

88. In this Act, unless the context otherwise requires,

“Board” means the governing body of the Inspectorate Council and the National Curriculum, Assessment and Reporting Council;

"circuit" means a cohort of ten to fifteen schools in a community within a district;

"circuit supervisor" means the person appointed to manage a circuit;

"College of Education" means teacher training institutions;

"Council" means the governing body of the Education Service;

"community college" means a post-basic educational institution that admits students with or without prior qualification;

"court" means court of competent jurisdiction;

"Curriculum, Assessment and Reporting Council" means the National Curriculum, Assessment and Reporting Council established under section 38;

"district" includes a municipality and a metropolis;

"District Assembly" includes a Municipal Assembly and Metropolitan Assembly;

"educational management unit" means a religious body involved in the administration of education at the pre-tertiary level;

"faith based organisation" means an association of persons, body or organisation that professes adherence to or belief in a system of faith or worship established in pursuance of a religious objective such as the National Catholic Secretariat, the Christian Council, the , the Pentecostal Council, the Federation of Muslim Councils and the Ahmadiyya Mission;

"free education" includes tuition fees, provision of teachers and the essential requirements for quality teaching and learning for the basic level of education provided by the responsible body or authority;

"functions" include powers;

"headmaster" includes headmistress;

"Minister" means the Minister responsible for Education;

"Ministry" means the Ministry responsible for Education;

"open college" includes a community college;

"prescribed" means by regulations;

"private educational institution" means a non public establishment that provides pre-tertiary education below university, university college, polytechnic, community college and college of education level;

"public" in relation to a school means established or maintained wholly or in part from moneys provided by Parliament from the Consolidated Fund or any other public funds;

"public interest" includes any right or advantage that enures or is intended to enure to the benefit generally of the people of this country;

"Regional Department" means Regional Department of Education;

"register" means the register of teachers;

"regulatory body" means the Service Council, the Inspectorate Council, the Teaching Authority Council and the Curriculum and Assessment Council;

"rotational basis" is where each member of a group serves a turn in the membership of a governing body before the cycle of the group recommences;

"school going age" means the age determined by the Minister for the purposes of section 2;

"second cycle school" means the middle level of education between basic elementary and tertiary education;

"Service Council" means the governing body of the Ghana Education Service;

"Service" means the Education Service provided for under article 190 of the Constitution;

"special education" means a course of instruction approved by the Minister for a person with disability;

"supervisor" includes a circuit supervisor;

"Teaching Authority" means the National Teaching Authority established under section 27; and

“tracer studies” means a tool for planning and monitoring a training programme.

### **Repeals, savings and transitional provisions**

89. (1) The Ghana Education Service Act, 1995, (Act 506) and the Education Act of 2008 (Act 778) are hereby repealed.

(2) Until Regulations are made under this Act, the regulations made under the repealed Acts shall continue in force if those regulations are not inconsistent with the provisions of this Act.

(3) Until arrangements are made for the licensing and registration of persons who are not professionally qualified as teachers, those persons shall be certified by the Teaching Authority to teach.

(4) Each certificated teacher in the educational system before the commencement of this Act, shall be recognised as a teacher and be permitted by the Teaching Authority to teach until otherwise directed by the Teaching Authority.