

CAYMAN ISLANDS



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THE EDUCATION LAW, 2016

(LAW 48 OF 2016)

THE EDUCATION LAW, 2016

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CAYMAN ISLANDS

Law 48 of 2016.

I Assent

Helen Kilpatrick

Governor.

24th March, 2017

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

ENACTED by the Legislature of the Cayman Islands.

PART 1 - PRELIMINARY

1. (1) This Law may be cited as the Education Law, 2016.

Short title and commencement

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

2. (1) In this Law -

Interpretation

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

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

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

“compulsory education” means a course of study whether conducted in a school or otherwise that is designed to meet the specified learning needs of an individual or group of persons of compulsory school age;

“compulsory school age” means age commencing on the date next following that upon which a child attains the age of five years before 1st September and ending on the date on which the child attains the age of seventeen years, or has met the requirements to obtain a secondary school diploma or its equivalent, whichever is earlier, or such other age bracket as may be specified by an Order made under section 11;

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

“Department of Education Services” or “Department” means the agency under the Ministry of Education, led by the Director of the Department of Education Services, responsible for education in relation to the conduct of Government schools;

(2013 Revision)

“Director of the Department of Education Services” means the person appointed under the general powers provided under the Public Service Management Law (2013 Revision) who is responsible for the implementation of education policy in Government schools, and performs such other functions as are provided for in this or any other Law;

“disability” means any short term or long term physical, mental, intellectual, or sensory impairment which significantly hinders a person’s full and effective participation in society, on an equal basis with other persons;

“disciplinary penalties” means penalties imposed on a student, by a school at which education is provided for the student, where, for any reason, the student’s conduct contravenes the school’s Behaviour Policy established under section 27;

“early childhood care and education” means education provided to children under the compulsory school age in early childhood care and education centres and in reception classes (or the equivalent) in educational institutions, and includes the care, stimulation and socialization necessary to support development and learning;

“early childhood care and education centre” means an institution that provides early childhood care and education to children under compulsory school age for at least four hours per day and includes a private residence in which care is provided to three or more children not of the same family;

“education” means a course of study whether conducted in a school or otherwise that is designed to meet the specified learning needs of an individual or group of individuals;

“educational institution” means -

- (a) a school; or
- (b) an institution that provides part-time or full-time -
 - (i) early childhood care and education;
 - (ii) compulsory education;
 - (iii) post-compulsory education and training;
 - (iv) technical and vocational education and training;
 - (v) education to prepare for the award of any degree, qualification or certification; or
 - (vi) education provision for persons with special education needs and disabilities;

“educational stage” means a period of at least two years of school that is defined by the educational knowledge expected of students at the end of that period;

“educational support services” means non-instructional services that support educational processes or systems and includes -

- (a) educational agency and consulting;
- (b) educational guidance counselling services;
- (c) educational testing evaluation services;
- (d) educational testing services;
- (e) organization of student exchange programmes;
- (f) online marketing platforms that market individual programmes and schools to potential students; and
- (g) online learning platforms that allow clients to host their own courses;

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

“full-time education” means a minimum of five hours of curriculum instruction per day, excluding lunch and break times, for a total of at least one hundred and eighty-five days per year, or the equivalent hours per year, or any other duration of greater length as may be specified in regulations;

“governing body” means the trustees or group of persons responsible for executive decision making authority in relation to the conduct of schools or post-compulsory education and training institutions;

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

“home school” means education for a child of compulsory school age delivered in a home setting;

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

“legal guardian”, in relation to a child or student, means a person appointed -

- (a) by deed or will; or
- (b) by a court,

to be the guardian of the child or student;

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

S.I. 2009/1379

“Ministry” means the ministry responsible for education;

“national policy” means a broad course of action or statements of guidance adopted by the Government at the national level in pursuit of national objectives;

“parent” includes a step-parent and an adopter;

“post-compulsory education and training” means education and training that is entered into after compulsory school age;

“programme of study” means the prescribed syllabus that students must be taught at each educational stage;

“reasonable accommodation” means the necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden to an educational institution where needed in a particular case, to ensure to a person with special education needs or a disability, the enjoyment or exercise, on an equal basis with persons who do not have disabilities or special education needs, of rights, privileges, interests, benefits and treatment, and the facilitation of such rights, privileges, interests, benefits and treatment, by the provision of auxiliary aids and services, including -

- (a) assistive devices;
- (b) interpreters, technologies and effective methods of making aurally delivered and received materials available to a person with a disability;
- (c) readers, taped audio visually recorded texts or other effective methods of making visually delivered and received materials available to a person with a disability; and
- (d) physical modification to buildings and the built environment;

“reception class” means the class into which a child is admitted the year immediately prior to attaining compulsory school age;

“register” and “registration” means being recognized and recorded as meeting the standards set by the Ministry;

“regulations” means regulations prescribed under this Law;

“school” means an institution for providing compulsory education and includes -

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

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

“skills development” means a longer-term or broader process of acquiring skills or knowledge by a range of different means such as coaching, formal and informal learning interventions, education or planned experience;

“special educational needs”, in relation to a student, means that, by reason of characteristics of body or mind personal to the student, the student’s educational

needs cannot be satisfied otherwise than by making exceptional provision in relation to the student; and, for the purposes of this definition -

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

“student” means a person who is enrolled or attends classes at a school, college, or university;

“technical and vocational education and training” means education, training and skills development -

- (a) relating to a wide range of occupational fields, production, services and livelihoods; and
- (b) taking place, as part of lifelong learning, at secondary, post-secondary and tertiary levels;

and “technical and vocational education and training” includes work-based learning and continuing training and professional development which may lead to qualifications;

“training” means an instructor-led, content-based intervention aimed at a defined population and designed to lead to the acquisition or development of specified skills or behaviour; and

“training centre for adults with disabilities” means the department within the Ministry which provides training, vocational support and therapeutic services and promotes social inclusion for adults with disabilities.

(2) For the purposes of the definition of “reasonable accommodation”, “disproportionate or undue burden” shall be determined taking into account the following factors -

- (a) the nature of the benefit likely to accrue to, or the detriment likely to be suffered by, any person concerned, including the relevant educational institution;
 - (b) the effect of the relevant disability on any person concerned;
 - (c) the financial circumstances of the educational institution concerned which is claiming a disproportionate or undue burden;
- or

- (d) the estimated amount of expenditure or other allocation of resources required by the educational institution concerned which is claiming a disproportionate or undue burden and whether it is reasonably proportionate to the benefit likely to accrue.

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

3. (1) Subject to available resources, the Minister shall, in the exercise of the powers conferred upon the Minister by this Law -

Duties and powers of
Minister responsible for
education

- (a) determine national policy and the strategic direction of education and promote effective implementation of such policy;
- (b) promote the education of the people of the Islands by the establishment of a varied, relevant and comprehensive educational system for the purpose of fostering the spiritual, emotional, cultural, moral, intellectual, physical, social and economic development of the community;
- (c) establish an educational system organised in accordance with this Law; and
- (d) direct the expenditure of all sums appropriated by the Legislature for educational purposes.

(2) The Minister shall, subject to available resources, provide reasonable accommodations within the education system in order to facilitate the compulsory education of persons with disabilities and take appropriate and reasonable measures to ensure that all educational institutions provide inclusive education to persons who have special educational needs on an equal basis with persons who do not have special educational needs.

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

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

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

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

4. (1) The Chief Officer shall, under the specific or general direction of the Minister -

- (a) supervise the administration of education and the implementation of the national policy;
- (b) endeavour to collaborate with any agencies, to ensure the establishment and pursuit of goals and objectives that develop basic knowledge and skills in all persons, including -
 - (i) the skills of literacy, listening, speaking, reading, writing, numeracy, mathematics, analysis, problem solving, and information processing;
 - (ii) critical and creative thinking skills;
 - (iii) an understanding of the role of technical and vocational education and training as well as science and technology in society together with scientific and technological skills;
 - (iv) appreciation and understanding of creative arts;
 - (v) physical development and personal health and fitness; and
 - (vi) the creative use of leisure time;
- (c) endeavour to collaborate with any agencies, to ensure the establishment and pursuit of goals and objectives that -
 - (i) develop self-worth and self-awareness;
 - (ii) promote the importance of the family and community;
 - (iii) provide opportunities to reach maximum potential;
 - (iv) promote recognition, understanding and respect for the Constitution, laws and national symbols of the Islands;
 - (v) develop an understanding of the principle of gender equality;
 - (vi) develop an understanding and appreciation of diversity;
 - (vii) develop an understanding of the history, language, culture, and values of the Islands and their role in contemporary society;
 - (viii) increase awareness and appreciation of the natural environment of the Islands;
 - (ix) develop an understanding of the historical and contemporary role of key industries and the economy of the Islands; and
 - (x) prepare the people of the Islands for participation in the local and global economy and society;
- (d) endeavour within available resources to ensure that provision of compulsory education is sufficient in number, character and facilities so as to afford for all eligible persons such opportunities for education and training as is desirable in view of their different ages, abilities, aptitudes and needs, and the periods for which they are eligible for such education or training and that such

provision is available in such manner as the Minister shall decide, including public-private partnership, or other collaborative arrangements;

- (e) make reasonable efforts to consult with such persons or groups of persons who are stakeholders in the education system and other persons who have a special interest in or knowledge of matters relating to education, as the Minister considers appropriate;
- (f) monitor and assess the quality, economy, efficiency and effectiveness of the education system and require to be published, in such manner as the Minister considers appropriate, information relating to such monitoring and assessment; and
- (g) undertake such other duties, as the Minister considers appropriate, in order to further the objectives of this Law.

(2) The Chief Officer, or any public officer authorized in writing by the Chief Officer, may in the prescribed manner and at prescribed times enter the premises of any educational institution, home school or other premises where the care and education of children is being undertaken, for the purpose of making enquiries and discharging such duties as may be imposed on the Chief Officer or the authorized public officer by this Law or the regulations.

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

(4) A delegation under subsection (3) is revocable at will and does not prevent the exercise by the Chief Officer of any function so delegated.

5. (1) A school leader shall, at such times as may be prescribed, provide to the Chief Officer, such information as may be prescribed for the purpose of enabling the Chief Officer to develop the report specified in subsection (2).

Annual progress report

(2) In the exercise of the duties referred to in section 4(1)(a), the Chief Officer shall, at least once in each year, prepare and submit to the Minister a report containing such information as the Minister may specifically or generally require and at least the following -

- (a) information describing the standards of achievement and progress of students receiving education in Government schools, assisted schools and independent schools, together with such information as may be available about the achievements of home schooled students and other students educated otherwise than at schools;
- (b) information as to the work of the Ministry during the preceding twelve-month period, including the measures taken to secure the

implementation of any national strategy for education as may apply to that period; and

- (c) information as to the measures to be taken and the targets to be achieved in the implementation of any national strategy in the ensuing twelve-month period.

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

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

(4) The Minister shall -

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

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

Director of the
Department of
Education Services

6. (1) There shall be appointed a Director of the Department of Education Services who shall -

- (a) ensure that Government schools are administered in a proper and efficient manner;
- (b) develop administrative principles and procedures for implementing national policies in the Government school system;
- (c) develop and direct training, including induction, of all professional personnel in the Government school system;
- (d) advise the Minister and the Chief Officer on matters affecting education;
- (e) ensure that Government school premises, property and stock are protected against improper use;
- (f) submit reports on matters relating to performance management of teachers in the Government school system;
- (g) ensure the observance of this Law and the regulations pertaining to the conduct of Government schools; and
- (h) perform such other duties under this Law as the Chief Officer may from time to time assign to the Director of the Department of Education Services.

(2) The Director of the Department of Education Services may, by written instrument, delegate to a school leader any of the Director's functions under subsection (1)(a), (b), (c), (e) and (g).

(3) A delegation under subsection (2) is revocable at will and does not prevent the exercise by the Director of the Department of Education Services of any function so delegated.

(4) The Cabinet may make regulations -

- (a) making any additional provisions in relation to the form and purpose of the executive decision making authority of the Director of the Department of Education Services; and
- (b) establishing the form and purpose of any executive decision making authorities relating to the governance of Government schools and associated facilities.

7. (1) There shall be a body to be known as the Education Council which shall -

Establishment and duties
of Education Council

- (a) advise the Minister on such matters pertaining to education as the Minister may require;
- (b) make decisions on matters pertaining to education as the Minister may delegate to it pursuant to section 3(4);
- (c) register educational institutions, institutions providing educational support services, and teachers in schools and early childhood care and education centres, and otherwise regulate the teaching profession in accordance with standards set by the Ministry; and
- (d) perform such other functions as may be prescribed under this or any other Law.

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

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

8. The Cabinet may by regulations make provision for appeals that may be lodged by a person aggrieved by a decision of the Education Council and may, in

Appeals against
decisions of the
Education Council

the regulations, specify the grounds on which the appeal may be lodged and the decisions that may be made on appeal.

PART 3 - REGISTRATION OF EDUCATIONAL INSTITUTIONS,
INSTITUTIONS PROVIDING EDUCATIONAL SUPPORT SERVICES, AND
TEACHERS

Registration of
educational institutions,
institutions providing
educational support
services, and teachers

9. (1) No person or entity may own, operate, manage or participate in the management of, any educational institution or institution providing educational support services, and no educational institution or institution providing educational support services shall be operated, unless that institution is registered in accordance with the regulations.

(2) The Cabinet may make regulations -

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

(2010 Revision)

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

(4) An institution providing educational support services that was licensed under the Trade and Business Licensing Law, 2014 but not authorized under the Education Law (2010 Revision) may continue to operate as if registered under this Law but only up to the end of its licensed period, during which period the institution shall apply for registration under this Law.

(5) Where within the period of one year referred to in subsection (3) an educational institution or institution providing educational support services makes a valid application for registration under this Part and the application is acknowledged, it may continue operating until a decision on the application is conveyed to it.

(6) The Chief Officer shall establish and maintain a register of educational institutions and institutions providing educational support services into which shall be recorded registrations directed under this section and such other details

relating to such educational institutions and institutions providing educational support services as the Minister may determine.

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

(8) A person who owns, operates, manages or participates in the management of an educational institution or institution providing educational support services that is not registered, commits an offence and is liable on summary conviction -

- (a) to a fine of ten thousand dollars or to imprisonment for a term of one year, or to both; and
- (b) to a further fine of one hundred dollars per day for each day on which non-compliance occurs after conviction.

10. (1) The Cabinet may make regulations as to the qualifications, registration and de-registration of teachers in schools. Registration of teachers

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

(3) The Chief Officer shall establish and maintain a register of teachers authorized to teach in schools.

(4) The Education Council may, subject to the procedures specified in subsection (1), require the removal from the register of the name of any person whose conduct or lack of suitability in any other respect renders the person unfit to continue to be registered as a teacher.

PART 4 - SCHOOL ATTENDANCE, ADMISSIONS AND ACCESS TO EDUCATION

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

12. (1) Subject to subsection (3), a parent or legal guardian of any child of compulsory school age shall ensure that the child receives full-time education suitable to the child’s requirements either by attendance at school, from the first day of the school calendar, or otherwise as provided in section 16. Duty to secure attendance at school

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

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

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

(4) The Director of the Department of Education Services shall take all reasonable steps to ensure that the permission referred to in subsection (3)(d) is granted expeditiously.

(5) If a child of compulsory school age is not receiving education, the Director of the Department of Education Services shall -

- (a) send to the parent or legal guardian of the child written notification of the provisions of this section, unless the child is excused from attending a school; and
- (b) determine whether an application for an education supervision order should be made under the Children Law (2012 Revision) with respect to the child.

(2012 Revision)

(6) If a child of compulsory school age is withdrawn from a school at which the child is enrolled, the school leader of the school shall immediately report the same to the Director of the Department of Education Services.

(7) The Cabinet may make regulations governing attendance at, and admissions and access to, Government schools.

Health and safety at schools

13. (1) Subject to subsection (4), a child suffering from or exposed to a contagious disease shall not be admitted to or permitted to remain in a school or early childhood care and education centre.

(2) Where a school leader discovers or has reason to suspect that a child has a contagious disease, the school leader shall immediately report the same to the parent or legal guardian of the child concerned, the Ministry, and the Public Health Department; and, where a school leader confirms that a child has a contagious disease, the school leader shall immediately report the same to the parents or legal guardians of children at the school.

(3) Where a parent or legal guardian of a child confirms that the child has a contagious disease, the parent or legal guardian shall immediately report the same to the school leader of the child.

(4) A child who has been refused admission to a school or early childhood care and education centre on the ground that the child is suffering from or exposed to a contagious disease shall not be re-admitted except upon production of a medical certificate to the effect that it is recommended for the child to be re-admitted in the school or early childhood care and education centre as the child is unlikely to be a source of infection to other children or staff in the school or early childhood care and education centre.

(5) The Minister may, under the advice of the agency responsible for Hazard Management, close educational institutions due to potential health and safety risk as a result of a natural disaster.

(6) The Director of the Department of Education Services or the governing body may, where it is impractical to obtain the prior approval of the Minister, close a school temporarily due to potential health and safety risk as a result of a natural disaster and inform the Minister as soon as practicable thereafter.

14. A student of compulsory school age shall be excused from school attendance if -

Excuses for failure to attend school

- (a) the student is suffering from a disability that, in the opinion of a medical practitioner, makes the student incapable of physically attending school;
- (b) the student is engaged in work experience or other educational programmes authorized or approved by the school leader; or
- (c) the student is representing the Islands in an educational, cultural or sporting event or in any other official capacity.

15. The Minister may require provision to be offered in schools for students -

Gifted students and students speaking English as additional language

- (a) who have met the criteria established by the Ministry, as gifted or talented; or
- (b) who speak English as an additional language.

16. (1) The Director of the Department of Education Services may, upon the application of a parent or legal guardian of a child, authorize a child of compulsory school age to be educated at the place where the child is normally resident or at the home of another person approved by the parent or legal guardian if the parent complies with this section and the programme meets the goals and objectives outlined in Part 5.

Exemption from duty to secure school attendance

(2) The parent shall, prior to the commencement of a home school programme for the child and on an annual basis thereafter for as long as the home school programme is offered, register the child in accordance with the regulations.

(3) The Minister shall, by notice in writing, terminate a home school programme on the recommendation of the Office of Education Standards, if -

- (a) the home school programme no longer meets the requirements of Part 5; or
- (b) a child who participated in the home school programme, has failed to meet established standards of progress and achievement;

and the Director of the Department of Education Services shall, in conjunction with the notice of termination, direct the child to attend a school established by or registered under this Law with effect from the date specified in the notice of termination.

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

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

PART 5 - CURRICULUM AND EDUCATIONAL STAGE ASSESSMENT

Power to prescribe curriculum

17. (1) The basic requirements for the curriculum in every school shall promote equality of access and opportunity for all students to learn and achieve well, and shall -

- (a) be broad, balanced and relevant to the needs and interests of all students;
- (b) promote the spiritual, emotional, moral, social, cultural, physical, intellectual and economic development of the students; and
- (c) prepare students for the subsequent stages of their education, training or employment and for the opportunities, responsibilities and experiences of later life, such as being active participants in the workforce and productive citizens.

(2) The curriculum for every school shall be comprised of the mandatory subjects, as stated in subsection (4) and shall specify in relation to each of the subjects -

- (a) attainment targets that include the knowledge, skills and understanding that students are expected to have by the end of each educational stage;
- (b) programmes of study that include the matters, skills and processes which are required to be taught to students during each educational stage; and
- (c) assessment arrangements that include the arrangements for assessing students at or near the end of each educational stage for the purpose of ascertaining what they have achieved in relation to the attainment targets.

(3) The educational stages shall be prescribed by regulations made under subsection (7).

(4) The mandatory subjects shall include literacy, numeracy, science, information and communications technology, the arts, physical education, and studies related to civics, religion, and the history and culture of the Islands.

(5) Non-denominational religious worship and instruction shall be given in every Government school.

(6) In all schools the standard and level of achievement of each student shall be assessed at the end of each educational stage and the outcome of that assessment shall be made available to the parents or legal guardians of the student to whom the assessment relates, in such manner and together with such further information as may be prescribed by regulations made under subsection (8).

(7) All programmes of study undertaken at the final stage of compulsory education shall be at the appropriate standard for that stage and internationally accredited as recognized by the Ministry.

(8) The Cabinet may make regulations as to the matters mentioned in subsections (3), (4) and (6).

PART 6 - QUALITY ASSURANCE OF EDUCATIONAL INSTITUTIONS

18. (1) There is established a department of Government called the Office of Education Standards which has responsibility for assessment and monitoring of provision in educational institutions as undertaken in such manner as may be prescribed by this Law and the regulations.

Education Standards and
Assessment

(2013 Revision)

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

(3) In accordance with criteria for education standards and reporting approved by the Minister after consultation with the Education Council, the Minister shall require the Director of the Office of Education Standards to carry out independent assessment, monitoring and reporting of educational institutions at intervals of not more than four years, and at such other times as the Minister may consider necessary and expedient.

(4) The Minister shall require -

- (a) the report of each school education provision to include a statement of -
 - (i) key strengths and weaknesses in the quality of education being provided, including the provision for special education needs and disabilities, as identified during the course of the education provision;
 - (ii) specific recommendations for improvement;
 - (iii) the timescale in which any such measures are to be taken; and
 - (iv) progress made relative to the outcomes of the previous report for the school, where such exists;
- (b) the report on the outcomes of each education provision to be -
 - (i) undertaken in such manner as may be prescribed by the regulations, to promote independence and transparency of reporting;
 - (ii) distributed to the Chief Officer, the Director of the Department of Education Services, the school inspected and any governing body or oversight agency of that school; and
 - (iii) submitted to the Cabinet for information and made public;
- (c) an annual report to the Minister on the overall outcomes of national education standards to be -
 - (i) undertaken in such manner as may be prescribed by regulations; and
 - (ii) laid in the Legislative Assembly; and
- (d) such other reports on matters relating to the standards of education provided in schools in the Islands as the Minister considers necessary.

(5) Where remedial actions are specified in an education standards report, the school leaders of the relevant educational institution shall ensure the actions are completed in the timeframe specified by the Office of Education Standards.

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

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

(7) The Minister may, under the advice of a relevant agency or body, close an educational institution where there are immediate health and safety issues or where serious issues identified through quality assurances have not been remedied within the set time frame.

(8) The Director of the Office of Education Standards or any other person acting under the Director's authority may in the prescribed manner and at the prescribed times enter the premises of an educational institution, home school, or other premises where the care and education of children is being undertaken, for the pursuance of the Director's functions under this Law or the regulations, and may in the prescribed manner and at the prescribed times examine and require the production of documents, for the purpose of an assessment or a monitoring exercise.

(9) A person who obstructs the Director of the Office of Education Standards or any person referred to in subsection (8) in the execution of the duties under this section, commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of one year, or to both.

(10) The Cabinet may make regulations for the better carrying out of the provisions of this Part.

PART 7 - FUNDING OF ASSISTED SCHOOLS

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

Power to make grants to assisted schools

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

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

PART 8 - TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING

Duties in respect of technical and vocational education and training

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

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

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

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

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

PART 9 - POST-COMPULSORY EDUCATION AND TRAINING

Post-compulsory education and training institutions

21. (1) The Minister may cause to be established and maintained post-compulsory education and training institutions, including the training centre for adults with disabilities.

(2) In exercising the Minister's powers under this Law, the Minister shall have regard to the desirability of ensuring that the education provided in

educational institutions provides opportunities for students to have access to technical and vocational education and training and the Minister may -

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

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

(4) Where the exercise of any power conferred by or under the University College Law (2012 Revision) would be inconsistent with the exercise of a power conferred by or under this Law, this Law shall to the extent of the inconsistency prevail over the University College Law (2012 Revision). (2012 Revision)

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

and may make grants to such institutions.

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

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

- (c) the provision of public funds for scholarships or loans to assist in the education, maintenance and transport of students who are undertaking, or proceeding to undertake courses of instruction either in the Islands or abroad, at post compulsory educational institutions approved through the regulations.

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

PART 10 - EARLY CHILDHOOD CARE AND EDUCATION

Promotion and regulation of early childhood care and education centres

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

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

(2) No person shall operate an early childhood care and education centre, unless the centre is registered in accordance with the regulations and, where a school or other educational institution intends to also provide early childhood care and education, it shall not provide early childhood care and education unless it is registered to do so in accordance with the regulations.

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

(2010 Revision)

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

(5) Where, within the period of one year referred to in subsection (4), an early childhood care and education centre makes a valid application for registration under this Part and the application is acknowledged, the centre may continue operating until a decision on the application is conveyed to it.

Corporal punishment and restraint in early childhood care and education centres

23. (1) Corporal punishment and acts which are cruel, inhumane or degrading to a child shall not be administered in any early childhood care and education centre.

(2) Reasonable use of force is acceptable in an early childhood care and education centre for the purpose of preventing a child from doing, or continuing to cause danger, personal injury or death to, or damage to the property of, any person, including the relevant child, but use of force shall be necessary, reasonable and proportionate.

24. The Minister may, under the advice of a relevant agency or body, close an early childhood care and education centre where there are immediate health and safety issues or where serious health and safety issues have been identified and have not been remedied within a specified time frame.

Closure due to health and safety issues

25. The Cabinet may make regulations for the effective implementation of the provisions of this Part and without limiting the generality of this power may make provisions relating to -

Regulations for early childhood care and education

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

PART 11 - DISCIPLINE AND PROHIBITION OF CORPORAL PUNISHMENT IN EDUCATIONAL INSTITUTIONS

26. Corporal punishment and acts which are cruel, inhumane or degrading to a student shall not be administered in an educational institution.

Corporal punishment

27. (1) Every school shall have a written Behaviour Policy, based on national policy, that includes the disciplinary penalties to be applied and the procedures for the enforcement of the penalties.

Student discipline

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

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

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

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

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

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

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

Disciplinary authority of teachers

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

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

- (a) that person is a suitable person to exercise such authority;
- (b) that person has undergone training in matters relating to student behaviour and discipline; and
- (c) the exercise by such a person of disciplinary authority in relation to students remains at all times under the supervision of a person employed to work as a teacher to ensure that education considerations receive due regard.

(3) The Chief Officer may direct that a power granted under this section shall not be exercised so as to give disciplinary authority to any person or class of

persons who, in the opinion of the Chief Officer, is unsuitable to hold such authority.

29. (1) This section applies when a member of staff of a school has reasonable grounds for suspecting that a student at the school may have with the student or in the student's possession -

Power to search students for weapons and illegal substances

- (a) an offensive weapon, prohibited weapon or restricted weapon as set out in the Penal Code (2013 Revision); (2013 Revision)
- (b) a controlled drug listed in Part 1 of Schedule 1 of the Misuse of Drugs Law (2014 Revision); (2014 Revision)
- (c) a stolen article; or
- (d) an article of a kind specified by the Director of the Department of Education Services or governing body.

(2) When this section applies, a person may carry out a search of a student or a student's possessions for articles, weapons or substances only if that person -

- (a) is the school leader; or
- (b) has been authorized by the school leader to carry out the search.

(3) When this section applies, a search may be carried out only if -

- (a) the member of staff and the student -
 - (i) are on the premises of the school; or
 - (ii) are not on the premises of the school and the member of the staff has lawful control or charge of the student; and
- (b) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency or will provide evidence of an offence.

(4) A person carrying out a search under this section may seize any of the following found in the course of the search -

- (a) an item that the Director of the Department of Education Services or governing body has declared to be a prohibited item, pursuant to school policies;
- (b) an item that is prohibited by Law;
- (c) an item which, in the opinion of the person carrying out the search, may be used to harm another person or cause damage to property; and
- (d) any other thing which that person has reasonable grounds for suspecting is evidence in relation to an offence.

(5) A person who is carrying out the search under this section may use such force as is reasonable in the circumstances for exercising that power.

- Use of reasonable force
30. (1) A person to whom this section applies may use such force as is necessary, reasonable and proportionate in the circumstances for the purpose of preventing a student from doing, or continuing to do, any of the following -
- (a) committing an offence, or, if the student is not capable of committing an offence by reason of age or diminished capacity, doing or continuing to do something which, had the student been old enough to commit an offence or had legal capacity to do so, would be an offence;
 - (b) causing danger, personal injury or death to, or damage to the property of, any person, including the relevant student; or
 - (c) prejudicing the maintenance of good order and discipline at the school or any educational activities or provision associated with the school.
- (2) This section applies to -
- (a) a person who is a teacher and any other person who forms part of school management, except in circumstances where the school leader has determined that the member of staff is not permitted to use force; and
 - (b) a person who is employed to work in another capacity at a school or school setting but whom the Director of the Department of Education Services or governing body, upon the recommendation of the school leader, has authorized to use force with the same authority as is conferred on a teacher by paragraph (a).
- (3) The Director of the Department of Education Services or governing body shall not issue the authorization referred to in subsection (2)(b) unless the Director of the Department of Education Services or governing body is satisfied that the person -
- (a) has successfully completed training in matters relating to the use of force on students; and
 - (b) is otherwise a suitable person to exercise the authority.
- (4) The power conferred by subsection (1) may be exercised only where -
- (a) the teacher or other authorized person and the student are on the premises of the relevant school or school setting; or
 - (b) they are elsewhere and the member of the staff has lawful control or charge of the relevant student.
- (5) Subsection (1) does not authorize anything to be done in relation to a student which constitutes the giving of corporal punishment within the meaning of section 25.

- (6) The Cabinet may make regulations -
 - (a) on reporting of incidents where force has been used; and
 - (b) for issues relating to the use of force.

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

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

(9) The Cabinet may make regulations for the effective implementation of the provisions of this Part and without limiting the generality of this power may make provisions relating to searches, confiscation and disposal of items seized.

PART 12 - SPECIAL EDUCATIONAL NEEDS

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

Meaning of “responsible authority”

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

Meaning of “special educational needs”

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

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

33. (1) The Chief Officer shall cause to be published, in the form of one or more documents, procedures on provision for special education needs, as set out in the regulations.

Special educational needs procedures

(2) Persons who are involved in identifying or assessing persons who have or may be considered to have special educational needs or who are involved in any way in making provision for those needs shall undertake their relevant roles and responsibilities in accordance with the regulations.

Duties in respect of assessment of special educational needs

34. (1) It is the duty of the responsible authority in relation to a school to ensure that there is maintained and implemented for that establishment a procedure for the assessment and identification of students who have special educational needs as outlined in the regulations.

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

Statements of eligibility on special educational needs

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

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

Duties in respect of special educational needs

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

(2) A responsible authority shall not refuse to allow a student to be enrolled at or attend the relevant school on the basis of that student's statement of eligibility in respect of special educational needs if the student is otherwise qualified to be enrolled at or attend the school and reasonable accommodation can be made to provide education in accordance with that statement of eligibility.

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

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

37. (1) The Minister may make resources available to enable provision to be made in respect of the special educational needs of children of compulsory school age as prescribed in the regulations. Funding in respect of special educational needs

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

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

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

PART 13 - USE OF SCHOOL PREMISES

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

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

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

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

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

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

PART 14 - CHILD PROTECTION

Child protection
(2012 Revision)

40. (1) Every school and early childhood care and education centre shall have a written Child Protection Policy which shall comply with the Children Law (2012 Revision) and which shall be provided to all employees at the school or centre.

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

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

- (a) at the school or centre;
- (b) while a student or child is engaged in activities away from the premises of the school or centre, arranged as activities of that school or centre; and
- (b) in accordance with section 32A of the Children Law (2012 Revision).

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

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

(5) The provisions of the Children Law (2012 Revision) relating to the mandatory reporting of child abuse shall apply to all persons employed in a full-time capacity in the Ministry whose functions involve coming into contact with children, or information relating to children in schools.

PART 15 - CAYMAN BRAC AND LITTLE CAYMAN

41. (1) The Minister, in the exercise of the powers conferred on the Minister by or under this Law, shall have regard and cause regard to be had to the educational needs of the people of Cayman Brac and Little Cayman to the extent that those needs may be peculiar to each of those islands or in any way different from the educational needs of the people of Grand Cayman.

Duties in relation to Cayman Brac and Little Cayman

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

PART 16 - MISCELLANEOUS

42. For the purpose of supporting and working in partnership with an educational institution, there may be established in respect of the educational institution an association comprised of the members of staff of the institution and the parents and legal guardians of the students or children who attend the institution.

Home school associations

43. A person who -

- (a) causes or creates a nuisance or disturbance on the premises of any school;
- (b) intentionally or through neglect destroys, damages or loses the property of any school; or
- (c) otherwise acts on school premises in a manner disruptive of the education provided in a school or injurious to students or persons employed to work at the school,

Nuisance and disturbance on school premises

commits an offence and is liable on summary conviction to a fine of five thousand dollars; and the court before which the person is convicted may order that the convicted person shall refrain from entering the school premises for such period as may be specified in the order.

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

Regulations

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

45. (1) The Education Law (2010 Revision) is repealed.
(2) The Education Modernisation Law, 2009 is repealed.

Juliana O'Connor-Connolly

Speaker.

Zena Merren-Chin

Clerk of the Legislative Assembly.