

CAYMAN ISLANDS



Supplement No. 4 published with Gazette No. 16
dated 30th July, 2018.

**THE EDUCATION LAW, 2016
(LAW 48 OF 2016)**

THE EDUCATION REGULATIONS, 2017

THE EDUCATION REGULATIONS, 2017

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CAYMAN ISLANDS

**THE EDUCATION LAW, 2016
(LAW 48 OF 2016)**

THE EDUCATION REGULATIONS, 2017

The Cabinet, in exercise of the powers conferred by sections 3, 5 to 10, 12, 16 to 22, 25, 27, 30, 34, 36 to 38, 41 and 44 of the Education Law, 2016, Law 48 of 2016, makes the following Regulations -

PART 1 - PRELIMINARY

1. These Regulations may be cited as the Education Regulations, 2017. Citation
2. In these Regulations - Definitions
 - “Behaviour Policy” means the written measures referred to in regulation 53;
 - “disciplinary penalty” means a penalty imposed on a student, by a school at which education is provided for the student, where the student’s conduct falls below the standard that could reasonably be expected of the student (whether because the student fails to follow a rule in force at the school or an instruction given to the student by a member of staff or for any other reason);
 - “Education Council” means the Education Council established under section 6 of the Law;
 - “educational stage” means a stage prescribed in regulation 29;
 - “inspector” means an officer of the Office of Education Standards selected pursuant to regulation 15(1)(a);
 - “member of staff” means -
 - (a) any teacher who works at an educational institution; and
 - (b) any other person who, with the authority of the governing body, owner or person responsible for executive decision making of an educational institution, has lawful control or charge of children or students for whom education is being provided at the institution;

“minimum requirements” means the requirements prescribed in regulation 7(1);

“Ministry’s policies and guidelines” means policies and guidelines made by the Ministry under regulation 72;

“permitted day of detention”, in relation to a student, means any of the following days -

- (a) a school day, other than a day on which the student has leave to be absent, and for this purpose “leave” means leave granted by a person authorized to do so by the school;
- (b) a Saturday or Sunday during a school term, other than a Saturday or Sunday which falls during, or at a weekend immediately preceding or immediately following, a mid-term break; and
- (c) a day (whether or not during school term) which is set aside wholly or mainly for the performance of duties by a member of staff of the school other than teaching, including staff training days;

“possessions”, in relation to a student of a school, includes any goods over which the student has or appears to have control;

(2013 Revision) “registered medical practitioner” means a medical practitioner registered under the Health Practice Law (2013 Revision);

“school attendance officer” means a person appointed as mentioned in regulation 15;

(2005 Revision) “serious offence” means an offence in respect of which a custodial sentence may be imposed in accordance with the Youth Justice Law (2005 Revision); and

“volunteer” means a person who performs a service without pay.

PART 2 - THE EDUCATION COUNCIL

Membership

3. (1) The Cabinet shall appoint a maximum of fifteen individuals as members of the Education Council, including -

- (a) the Chief Officer or the Chief Officer’s designate;
- (b) the Director of the Department of Education Services;
- (c) at least three individuals nominated by the Minister, in the Minister’s discretion, from among persons having expert educational opinion in the area of -

- (i) compulsory education;
 - (ii) special educational needs or disabilities;
 - (iii) early childhood care and education;
 - (iv) technical and vocational education and training; and
 - (v) post-compulsory education;
- (d) one individual nominated by the independent schools or assisted schools;
 - (e) one individual representing the business community; and
 - (f) two individuals who ordinarily reside in Cayman Brac or Little Cayman and who are involved in education or community development or in the business community.

(2) The Cabinet shall appoint a public officer as Secretary of the Education Council and the Secretary shall not be a member of the Council and shall have no right to vote at meetings of the Council.

(3) The appointment of a member of the Education Council (other than the Chief Officer, the Chief Officer's designate and the Director of the Department of Education Services) shall be for such period as the Cabinet may specify in the instrument appointing the member, but the member shall be eligible for reappointment.

(4) Where the Cabinet is satisfied that a member of the Education Council is incapacitated by reason of illness, absence from the Islands or other sufficient cause from performing the duties of the member's office, the Cabinet may appoint a person to act temporarily for the member during such incapacity; and a person appointed to act temporarily shall, while the person so acts, be deemed for all purposes to be a member of the Board.

(5) The provisions of the Schedule apply to the Education Council.

Schedule

4. There shall be a Chair of the Education Council whose duties shall include -

Duties of Chair

- (a) the planning and co-ordination of the activities of the Education Council;
- (b) the development and implementation of strategies and systems to promote efficiency of the Education Council; and
- (c) attending to administrative matters.

5. (1) The Education Council shall register teachers in accordance with standards set by the Minister and the Council shall perform such other functions relating to the upholding of professional standards as may be prescribed under the Law or any other Law.

Registration of teachers

(2) No person may be employed to work as a teacher unless the person is registered in accordance with the process carried out by the Department of Education Services; and each individual is responsible for the individual's registration and shall inform the Department of Education Services if there is a change in the individual's employment circumstances.

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

(4) The Education Council may cancel the registration of any teacher whose conduct is not in compliance with the standards set by the Minister as mentioned in paragraph (1)..

(5) The Education Council shall not exercise the power conferred on it under paragraph (4) before affording the person concerned an opportunity to be heard, at a meeting of the Council constituted for the purpose, in defence of any complaints or allegations which may be made against the person.

Power of Education Council to regulate educational institutions and institutions providing educational support services

6. (1) A person, board or organization who wishes to operate an educational institution or institution providing educational support services shall make application to the Education Council for registration in accordance with Ministry's policies and guidelines.

(2) A person, board or organization who wishes to operate on more than one site shall apply for separate registration in respect of each site.

(3) A person, board or organization who wishes to change the location of an educational institution or institution providing educational support services shall apply for registration of the institution and be granted approval before relocating the institution and registration of the institution at the previous location shall be cancelled.

(4) The Education Council shall only review applications that have been completed and applicants shall be notified of a decision within sixty working days of receipt of the application.

PART 3 – REGISTRATION OF EDUCATIONAL INSTITUTIONS AND INSTITUTIONS PROVIDING EDUCATIONAL SUPPORT SERVICES

7. (1) The Education Council shall register an educational institution or institution providing educational support services if in relation to an application the Council is satisfied that there is compliance with the following minimum requirements -

Application requirements re registration of educational institution or institution providing educational support services

- (a) the applicant is eighteen years of age or over;
- (b) where the applicant is an individual, the applicant has not been convicted in the Islands or outside the Islands of an offence which renders that person unsuitable to be associated with an educational institution or institution providing educational support services;
- (c) where the applicant is a company, none of its directors or in the case of another body of persons, none of its members, has been convicted in the Islands or outside the Islands of an offence referred to in subparagraph (b);
- (d) where a person is to be employed by the applicant or engaged (whether or not for payment) in the operation of the institution, that person has not been convicted of an offence referred to in subparagraph (b); and
- (e) the premises in which an educational institution or institution providing educational support services is to be operated meets the requirements set out in these Regulations, in any Law and in the Ministry's policies and guidelines.

(2) Where the registration of an educational institution or institution providing educational support services is approved by the Education Council, the Council shall, within thirty days after such approval, register the institution and issue a registration certificate to the institution in a form approved by the Minister.

(3) The operator of an educational institution or institution providing educational support services registered under this regulation shall ensure that a valid registration certificate issued to the institution under these Regulations is displayed in a conspicuous place on the premises of the institution and on the institution's official website.

(4) Registration under this regulation shall be valid for a period of three years from the date of issue of the registration certificate and an application for renewal in accordance with this Law and these Regulations shall be made no later than sixty days before the date of expiration of the registration certificate.

(5) The owner or board of directors of an educational institution or institution providing educational support services shall maintain compliance with the Law and with the minimum requirements.

(6) If an educational institution or institution providing educational support services makes or has any changes to the original registration information, the institution shall submit the updated information as soon as the changes occur, unless the information relates to changes in programmes, curriculum or location which shall be approved by the Education Council prior to implementation.

(7) Educational institutions and institutions providing educational support services that are in existence at the date of commencement of the Law shall apply for registration in accordance with this regulation within one year of that date or at the time of expiration of registration, whichever is earlier.

Refusal of registration

8. (1) The Education Council may refuse the registration of an educational institution or institution providing educational support services if the Education Council is not satisfied that the application has complied with the minimum requirements.

(2) Where an application is refused, the Education Council shall, within fifteen days of the refusal, notify the applicant in writing of the reason for the refusal.

(3) Upon receipt of a notice under paragraph (2), the applicant may remedy the matters specified in the notice as the reason for denial of the application and resubmit the application to the Education Council in the manner prescribed by Education Council Guidelines and Ministry's policies and guidelines.

Register of educational institutions and institutions providing educational support services

9. The Chief Officer shall keep a register of all educational institutions and institutions providing educational support services registered under these Regulations and shall cause to be entered in the register in respect of every registered educational institution or institution providing educational support services -

- (a) the name of the educational institution or institution providing educational support services; and
- (b) such other particulars as the Chief Officer sees fit.

10. An educational institution or institution providing educational support services that requires temporary relocation shall submit an application -

Temporary relocation of educational institutions or institutions providing educational support services

- (a) to the Education Council; or
- (b) in the event of an emergency, to such person as may be determined by the Chief Officer,

in accordance with the Ministry's policy and guidelines and the institution shall not relocate unless approval for the relocation has been granted by the Council or the Chief Officer.

11. (1) The owner or board of directors of an educational institution shall -

Maintenance of records

- (a) adhere to the framework for data collection established by the Ministry, including mandated data management systems; and
- (b) keep and maintain accurate records of health and safety and good governance in relation to the educational institution or institution providing educational support services;

and the Minister, or a person authorized in writing by the Minister, may at any reasonable time access the records, upon a written request made by the Minister to the owner or board of directors.

(2) Where -

- (a) the owner or board of directors of an educational institution or institution providing educational support services fails to adhere to the framework for data collection established by the Ministry or fails to make records available pursuant to a request under paragraph (1); or
- (b) the educational institution or institution providing educational support services is found to be in arrears with inspections or not in compliance with requirements of good governance or health and safety agencies the Education Council may-
 - (i) , by notice in writing, give the educational institution or institution providing educational support services a timeline to remedy the concern specified in the notice;
 - (ii) suspend the registration of the educational institution or institution providing educational support services and direct that no person is to attend the educational institution or institution providing educational support services until the concern specified in the Education Council's notice is remedied and a favourable inspection report submitted to the Ministry; or

- (iii) cancel the registration of the educational institution or institution providing educational support services and immediately cause no person to attend the educational institution or institution providing educational support services.

Complaints

12. (1) A person may make a complaint in writing to the Chief Officer if that person has reason to believe that an educational institution or institution providing educational support services or the owner, the board of directors or the operator of an educational institution or institution providing educational support services has contravened the Law or these Regulations.

(2) Upon receiving a complaint under paragraph (1), the Chief Officer shall deal with the complaint expeditiously and in accordance with the Ministry's policies and guidelines.

Suspension and cancellation of registrations

13. (1) Where any of the requirements for renewal of registration are not complied with, the Education Council may -

- (a) give the educational institution or institution providing educational support services a timeline to comply;
- (b) suspend the registration of the educational institution or institution providing educational support services and direct that no person shall attend the educational institution or institution providing educational support services until the educational institution or institution providing educational support services has complied and a favourable inspection report has been submitted to the Ministry; or
- (c) cancel the registration of the educational institution or institution providing educational support services and immediately direct that no person shall attend the educational institution or institution providing educational support services.

(2) The Education Council shall cancel registration of an educational institution or institution providing educational support services in the event that the educational institution or institution providing educational support services relocates and the owner or board of governors shall make a new application for registration at the new location.

(3) Suspension or cancellation of registration may be made in any event and at any time where the educational institution or institution providing educational support services is shown to have not met minimum standards

required under the Law, these Regulations, Education Council Guidelines and Ministry's policies and guidelines.

(4) Public notice shall be made regarding the registration status of each educational institution or institution providing educational support services in such manner and at such time as may be decided by the Minister.

14. (1) Notices relating to an educational institution or institution providing educational support services shall be directed to the owner of the educational institution or educational support service and shall be hand delivered or sent by registered mail.

Notice of refusal, suspension or cancellation of registration

(2) Notices of refusal or suspension of registration shall include the reason for the refusal or suspension, as well as the necessary remedies and timelines.

(3) Notices of cancellation of registration shall include the reasons for the cancellation, the timeline for the closure of the relevant educational institution or institution providing educational support services, instructions on the process of appeal, and any other information the Education Council sees fit.

PART 4 - ATTENDANCE, ADMISSIONS, TRANSFERS AND RECORDS OF STUDENTS

15. There shall be appointed under the general powers provided under the Public Service Management Law (2013 Revision), school attendance officers to assist in the enforcement of the compulsory attendance provisions of these Regulations.

School-attendance officers (2013 Revision)

16. (1) A school attendance officer shall be responsible for the enforcement of compulsory attendance at school of all children of compulsory school age.

Responsibility of school attendance officers

(2) A school attendance officer shall -

- (a) report each school term to the Chief Officer or the Chief Officer's designate;
- (b) perform the officer's duties under the direction and supervision of the Chief Officer or the Chief Officer's designate;
- (c) inquire into every suspected case of unlawful failure to attend school within the officer's knowledge or when requested to do so by the Chief Officer, the Chief Officer's designate or the school leader of a school; and
- (d) give -

- (i) written warning of the consequences of failure to attend school to the parent or legal guardian of the child who is not attending school; and
- (ii) written notice to the parent or legal guardian to cause the child to attend school forthwith.

Power to enter premises and question

17. For the purposes of regulation 16, a school attendance officer who has reasonable cause to believe that a person is in contravention of this Law may make a report to a constable who may, for the purpose of investigating the report -

- (a) enter premises and make such inquiries as are necessary to determine whether the Law and the Regulations are being complied with in relation to a child of compulsory school age, and which premises the school attendance officer has reasonable cause to believe the child is frequenting, visiting, residing or is employed on; and
- (b) stop and question any child who appears to be of compulsory school age but is not at school concerning -
 - (i) the child's age;
 - (ii) the child's name and address;
 - (iii) the school at which the child is registered;
 - (iv) the reason for the child's absence from school; and
 - (v) any other matter relevant to the inquiries referred to in paragraph (a).

Offences against school attendance officers

18. A person who -

- (a) assaults, obstructs, or uses insulting, abusive or indecent language to -
 - (i) a school attendance officer in the execution of the officer's duties; or
 - (ii) any other person executing a duty imposed on that other person by the Law in relation to the attendance of a child at school;
- (b) being a parent or legal guardian fails, without reasonable cause, having been requested by a school attendance officer to give any information concerning -
 - (i) the name, age, residence, parent or legal guardian, enrolment or attendance of a child at school; or
 - (ii) any other matter, relevant to the attendance of a child at school; or

- (c) gives to a school attendance officer, knowing it to be false or misleading, any information concerning any matter mentioned in paragraph (b),

commits an offence and is liable on summary conviction to imprisonment for a term of six months.

19. Every school leader of a school shall -

Reports by school
leaders

- (a) report to the school attendance officer in the manner set out in the Ministry's policies and guidelines, the names, ages and home addresses of all pupils of compulsory age who have not attended school as required, and the number of sessions missed;
- (b) furnish the Director of the Department of Education Services with such other information as the Director of the Department of Education Services requires for the enforcement of compulsory education; and
- (c) report to the Director of the Department of Education Services cases of suspension and exclusion.

20. No child shall be admitted to a school unless at the time of such admission -

Mode of admission

- (a) the child is accompanied by a parent or legal guardian or a responsible person over the age of eighteen years who has been authorized by a parent or legal guardian to represent the parent or legal guardian;
- (b) the person accompanying the child brings a birth certificate giving the information required for the Student Register referred to in regulation 27;
- (c) in a Government school, the child shall have attained compulsory school age or will attain that age by the first day of September of that same school year; and
- (d) a certificate issued by a registered medical practitioner or the Cayman Islands Health Services Authority established under section 3 of the Health Services Authority Law (2016 Revision) is produced indicating that the child has been immunized by the Medical Officer of Health, and is otherwise medically fit to attend school.

(2016 Revision)

21. Subject to the approval of the Director of Education Services, a student who seeks to transfer from one Government school to another shall not be admitted to that other school except after consultation between the current school leader and the receiving school leader concerning the availability of a place in the receiving school.

Transfer

The Education Regulations, 2017

- Temporary or permanent closing of schools 22. (1) Where a school is temporarily or permanently closed, the Minister may, within reason, make or cause to be made alternative educational provision for the students affected by the closure.
- (2) The powers conferred on the Minister by this regulation are in addition to any powers conferred in any other Law.
- Zoning of schools 23. (1) The Chief Officer shall establish and maintain a scheme of zoning for the admission and transfer of students to Government schools, whether primary or secondary.
- (2) The scheme of zoning shall link the place of residence of the student and the location of the school of attendance.
- (3) Residency of a student shall be determined by the residency of the student's parent or legal guardian.
- Compulsory school age and offences 24. (1) Subject to the Law and paragraph (2), a person who employs a child of compulsory school age to work during school hours commits an offence and is liable on summary conviction to a fine of two thousand dollars.
- (2) If a body corporate contravenes paragraph (1), in addition to the body corporate, every director and officer of the body corporate, who authorizes, permits or acquiesces in such contravention commits an offence and is liable on summary conviction to the same penalty as the body corporate.
- Student reports 25. (1) Every school shall provide to the parent or legal guardian of a student periodic reports on the student's academic performance, attendance and conduct, in accordance with Ministry's policies and guidelines.
- (2) For Government schools, the report referred to in paragraph (1) shall be in such form and contain such information as the Director of the Department of Education Services may determine.
- Student records 26. (1) Every school leader shall, in accordance with Ministry's policies and guidelines, establish and maintain a confidential student record for each student enrolled in the school managed by the school leader.
- (2) The following persons may examine a student's record or on paying the prescribed fee request a certified copy of a student's record -

- (a) the parent or legal guardian of a student regardless of the age of the student; or
- (b) a student who is eighteen years of age or older.

(3) Subject to paragraph (2), a student's record is only for the information and use of the school, the Schools' Inspectorate, and Education Department officials as required for the performance of their functions and is not available to any other person or institution without the written permission of the parent or legal guardian or, where the student is eighteen years of age or older, the student and a parent or legal guardian.

(4) Persons who contribute information to a student's record are exempt from any liability with respect to providing that information if those persons, in providing the information, acted -

- (a) in good faith;
- (b) within the scope of their duties and responsibilities; and
- (c) with reasonable care.

(5) If, on examining a student's record pursuant to paragraph (2), a person is of the opinion that the student's record contains inaccurate or incomplete information, that person may request the school leader to rectify the record.

(6) Where the school leader refuses to rectify the record when so requested under paragraph (5), the person who has requested the rectification may, within fourteen days of the refusal, refer the matter to the Director of the Department of Education Services or board of governors who shall review the request and provide directions in writing to the school leader stating reasons; and a copy of the directions shall be given to the person who referred the matter.

(7) A person who discloses information from a student's record in contravention of paragraph (6) commits an offence and is liable on summary conviction to a fine of one thousand dollars.

27. The school leader of a school shall, in accordance with Ministry's policies and guidelines, maintain a register of students which shall be known as the Student Register. Student Register

28. (1) An educational institution, person or organization may give home school provision for a maximum of five children. Home schooling

(2) An educational institution, person or organization that intends to give home school provision for six or more children shall apply to the Education Council to operate a school or other educational institution, and the institution,

person or organization shall not so operate unless the relevant approval has been granted.

PART 5 - CURRICULUM AND ASSESSMENT OF STUDENTS

Educational stages	29. The educational stages and general age ranges are - (a) early childhood care and education (from birth to 4 years); (b) primary (from 5 to 11 years); (c) middle secondary (from 11 to 14 years); (d) upper secondary (from 14 to 17 year); and (e) tertiary (post-compulsory) (16 years of age and older).
Curriculum	30. (1) The mandatory subjects for the primary and middle secondary educational stages are as set out in the Law. (2) In Government schools, the Curriculum shall be comprised of the following additional mandatory subjects - (a) for the middle secondary educational stage, a modern foreign language; (b) for the middle secondary and upper secondary educational stages, work readiness education and personal, social, and moral education. (3) Government schools shall deliver programmes for optional subjects according to guidelines approved by the Chief Officer.
Students with statements of special educational needs	31. Any special educational provision for a student specified in a statement of eligibility may include provision to help ensure that appropriate accommodations or modifications are offered to the student in order that the student may attend school, have every opportunity to access the curriculum and assessments, achieve full potential and participate with all other students in the life of the school.
Disapplication of curriculum	32. The curriculum may be disapplied for individual students with approval from the Chief Officer based on criteria specified in writing by the Ministry.
Curriculum	33. The Chief Officer may establish minimum periods of time to be allocated to the teaching of any programme of study, for each of the mandatory subjects during each educational stage.
Review of curriculum	34. The Minister shall, when the Minister thinks it necessary or expedient, direct the Chief Officer to make arrangements for the review of the Curriculum for Government schools.

35. (1) The Chief Officer may make arrangements, to assess students in all schools in accordance with the Ministry's policy and guidelines. National assessments

(2) The Director of the Department of Education Services in relation to Government schools and each governing body in relation to assisted schools or independent schools shall ensure that all students are assessed, and that the results are analyzed and reported to the Minister, in accordance with Ministry's policies and guidelines.

PART 6 - QUALITY ASSURANCE

36. (1) The Director of the Office of Education Standards shall - Quality assurance

- (a) select suitably qualified persons to be inspectors in the inspection teams;
- (b) develop a Quality Assurance Handbook that guides the inspectors; and
- (c) present a quality assurance report to the Minister and Chief Officer on the results of the quality assurance for each educational institution that includes -
 - (i) general information about the institution;
 - (ii) how effective the institution has been in the provision of leadership and management;
 - (iii) how effective the institution has been in providing for children's personal development;
 - (iv) how effective the institution has been in the provision of education and the impact on children's learning and development and the education standards achieved;
 - (v) how effective the institution has been in the provision of health, safety and welfare;
 - (vi) any issues about the quality of education provision and the immediate actions required by the institution to remedy the issues;
 - (vii) the recommendations for improvement for the institution in accordance with the criteria set by the Minister;
 - (viii) recommendations regarding an action plan to remedy the shortcomings of the institution concerned; and
 - (ix) the time scale in which the actions and recommendations are to be taken;

and the final quality assurance reports shall be presented to Cabinet and thereafter published on a Cayman Islands Government website, together with a copy of the institution's action plan and any progress reports.

(2) The Director of the Office of Education Standards shall present a report at least annually to the Minister and Chief Officer on the overall outcome of the quality assurances of educational institutions that includes a summary of-

- (a) the national scope of improvement of the year inspected;
- (b) the educational findings from the quality assurances on the effectiveness of the institutions inspected;
- (c) the issues and trends within the recommendations made to institutions;
- (d) progress against the recommendations made in quality assurances;
- (e) next steps to remediation for institutions that require immediate actions;
- (f) a schedule of revisits to check that compliance issues are remedied and to identify the progress that has been made; and
- (g) recommendations to the Minister on the support required for improvement, and policy issues arising.

PART 7 FUNDING

Access to funding -
assisted schools

37. Grants, subsidies and any other form of assistance to assisted schools or entities that are to become assisted schools shall be made and accessed in accordance with the Ministry's policy and guidelines .

Access to funding -
technical and vocational
education and training

38. Grants, subsidies and any other form of assistance for technical and vocational education and training shall be made and accessed in accordance with the Ministry's policy and guidelines in respect of institutions approved and registered by the Education Council.

PART 8 - POST COMPULSORY EDUCATION AND TRAINING

Qualifications of
teaching and training
staff

39. The governing body, owner or person responsible for executive decision making of an educational institution shall provide to the Chief Officer or the Chief Officer's designate proof that all post compulsory teaching and training members of staff meet the minimal educational and qualification standards approved by the Chief Officer or the Chief Officer's designate.

Programme standards

40. (1) A programme at a tertiary institution shall be taught in accordance with the accreditation or certification standards of the institution as approved through registration of the institution.

(2) A programme at a post-compulsory training institution shall be taught in accordance with the accreditation or certification standards of the programme as approved through registration of the institution.

41. A post compulsory institution shall provide periodic reports to the Chief Officer in respect of - Reports

- (a) the achievement of learning outcomes for its curricular programmes;
- (b) the evaluation of graduate success through the use of indicators such as employment rates and admission rates to advanced degree programmes; and
- (c) the evaluation of educational improvement through the use of indicators such as student retention, persistence and completion of programmes,

in accordance with the Ministry's policies and guidelines.

PART 9 - EARLY CHILDHOOD CARE AND EDUCATION CENTRES

42. This Part applies to early childhood care and education centres. Application of Part 9

43. (1) The Cayman Islands Early Years Curriculum Framework, or any curriculum approved by the Education Council, shall be implemented by early childhood care and education centres through the provision of a programme that caters to the needs of each child and ensures the conditions exist within the early childhood care and education centre for the development of - Curriculum and programme

- (a) a healthy, strong and well-adjusted child;
- (b) a child who is able to communicate effectively;
- (c) a child who values the child's culture and that of others;
- (d) a critical thinker and an independent learner;
- (e) a child who is self-respecting, respects others and the environment; and
- (f) a resilient child.

(2) An early childhood care and education centre shall provide a safe, nurturing and caring environment for children, where interaction is meaningful and engaging to enhance children's learning and holistic development, and promotes positive reciprocal relationships

44. Any funding provided to early childhood care and education centres and for the attendance at such centres shall be in accordance with policies governing the funding and shall go through the oversight process as set out in the Ministry's policy and guidelines. Funding

Staffing ratios

45. (1) While in the care of an early childhood care and education centre, all children shall be supervised at all times by a sufficient number of staff and the staff:child ratio shall at all times be maintained.

(2) For the purposes of paragraph (1), the term “a sufficient number of staff”, in relation to children present at the early childhood care and education centre, means a cumulative ratio of at least -

- (a) one member of staff for every three children under the age of one year;
- (b) one member of staff for every four children who have attained the age of one year but who have not attained the age of two years;
- (c) one member of staff for every six children who have attained the age of two years but who have not attained the age of three years;
- (d) one member of staff for every ten children who have attained the age of three years but who have not attained the age of four years, and
- (e) one member of staff for every twelve children who have attained the age of four years but who have not attained compulsory school age.

Qualifications of early childhood care and education centre staff

46. (1) In accordance with the Ministry’s policies and guidelines, there shall be the required number of registered teachers at an early childhood care and education centre; and members of staff employed in the centre, in their respective capacities relating to the care and education of the children registered at the centre, shall possess at least a minimum qualification in early childhood care and education as well as -

- (a) any additional qualifications required for the relevant position and duties in accordance with the Ministry’s policies and guidelines;
- (b) current first aid and cardiopulmonary resuscitation qualifications gained from an accredited training provider; and
- (c) child protection training in compliance with the Law.

(2) Persons seeking employment at an early childhood care and education centre shall be subject to appropriate comprehensive screening in accordance with national policy prior to appointment.

Safety

47. (1) A well-stocked first aid kit shall be accessible at all times.

(2) The premises of an early childhood care and education centre and its furniture, furnishings, fittings, equipment and materials shall be safe and hygienic, shall be maintained in good condition and shall meet the standards required by law and by the Ministry's policies and guidelines.

(3) Rooms and spaces which are occupied or used by children shall be located on the ground floor of a building.

(4) The layout of the premises shall be conducive to allowing free movement of children as they explore their environment and to keeping safety a priority in accordance with best practice.

(5) The layout and enrolment of an early childhood care and education centre shall allow for at least twenty square feet of useable space for each child indoors.

(6) There shall be at least forty square feet of play space outdoors for each child and the outdoor spaces shall be -

- (a) connected to and directly accessible from the indoor space; and
- (b) enclosed with structures, fences, and gates designed to ensure that children remain within the premises.

48. (1) Food shall be of sufficient variety, quantity and quality to meet children's needs and shall accord with healthy eating guidelines recognized in the Islands. Nutrition

(2) Children shall have free access to potable water.

(3) Food and water shall not be withheld from a child as a manner of discipline or inhumane treatment.

(4) Children shall be fed in a manner which is safe and appropriate to their needs.

49. (1) All practical steps shall be taken to get immediate medical assistance for a child who is in need of it due to an accident, illness or otherwise and, in a case where immediate medical assistance for a child is needed, the parent of the child shall be notified and an incident report completed in a prompt manner. Medical needs

(2) Medicine (whether prescription or non-prescription) shall not be given to a child unless administered by -

- (a) the parent or legal guardian of the child; or

- (b) a member of staff of an early childhood care and education centre who has written authority, from the parent or legal guardian of the child, to administer the medicine.

(3) Members of staff who administer medicine to children shall be provided with relevant information and training.

(4) Medicine shall be stored safely and appropriately in a locked cabinet away from children's reach, and shall be disposed of or sent home after the specified time of administration.

(5) No person shall engage in the care of children at an early childhood care and education centre while suffering from a notifiable or infectious disease as defined in the Public Health Law (2002 Revision).

(2002 Revision)

Alcohol and tobacco on premises

50. (1) Alcohol and tobacco shall not be permitted on the premises of any early childhood care and education centre during the course of the working day.

(2) Members of staff and volunteers of an early childhood care and education centre shall be free from the effects, odours and remnants of alcohol and tobacco products when in contact with patrons and children during the course of the working day.

Provision for children with special education needs or disabilities

51. (1) Early childhood care and education centres shall ensure that reasonable accommodation is available so that every child who may have or has special education needs or disabilities enjoys rights, privileges, benefits and treatment on an equal basis with children without special education needs or disabilities.

(2) Provision at early childhood care and education centres shall comply with national policy and the Ministry's policy and guidelines for special education needs or disabilities for children under compulsory school age.

Family partnership

52. (1) A system shall be in place for the regular exchange of information between parents and members of staff of the early childhood care and education centre regarding their children's learning and development.

(2) The parent or legal guardian of a child enrolled at an early childhood care and education centre shall work in partnership with the early childhood care and education centre to support the child's holistic development.

PART 10 – DISCIPLINE IN SCHOOLS

53. (1) The Director of the Department of Education Services, school leaders and the governing body of a school shall ensure that written measures designed to promote good behaviour and discipline on the part of students, are brought to the attention of members of staff, students, and parents and legal guardians of students and are consistently implemented; and these measures shall be referred to as the 'Behaviour Policy'.

Behaviour Policy

(2) The school leader shall in determining the Behaviour Policy -

- (a) act in accordance with current written guidance issued by the Director of the Department of Education Services or the governing body pursuant to the Law or these Regulations; and
- (b) have regard to any notification or guidance given to the school leader pursuant to the Law or these Regulations.

54. (1) This regulation applies in relation to a disciplinary penalty, including detention, imposed on a student by any school at which education is provided for the student, other than a penalty which consists of suspension, exclusion or expulsion.

Enforcement of disciplinary penalties - general

(2) The imposition of the disciplinary penalty is lawful if it is reasonable in all the circumstances and is in accordance with the Behaviour Policy.

(3) In determining for the purposes of paragraph (2) whether the imposition of the penalty is reasonable, the following matters shall be taken into account -

- (a) whether the imposition of the penalty constitutes a proportionate punishment in the circumstances of the case; and
- (b) any special circumstances relevant to its imposition on the student which are known to the person imposing it (or of which that person ought reasonably to be aware) including in particular -
 - (i) the student's age;
 - (ii) any special educational needs the student may have;
 - (iii) any disability the student may have; and
 - (iv) any religious requirements affecting the student.

55. (1) The Chief Officer shall provide guidance to -

- (a) explain schools' powers of screening and searching students;
- (b) explain the power to search students without consent;
- (c) explain the power to seize and then confiscate items found during a search; and

Guidance on issues relating to screening, searching and confiscation

(d) provide clarification on the use of force.

(2) Guidance on issues relating to screening, searching and confiscation shall include -

- (a) the procedure for screening;
- (b) the procedure for searches with consent;
- (c) the procedure for searches without consent;
- (d) the authorization of members of staff;
- (e) the training for members of staff;
- (f) the grounds for a search;
- (g) the procedure for searches for items banned by the school rules;
- (h) the extent of a search;
- (i) the procedure following a search;
- (j) information relating to the use of force;
- (k) information advising students, parents and legal guardians of the procedure for complaints; and
- (l) information advising students, parents and legal guardians of procedures in general.

Authority to suspend, exclude or expel a student

56. (1) School leaders and deputy school leaders of Government schools, assisted schools or independent schools may internally suspend, exclude or expel a student in accordance with national policy.

(2) The Chief Officer shall be notified when a Government school, assisted school or independent school is considering expelling a student.

Submissions against exclusion and expulsion

57. A student or a parent or legal guardian of a student may make a written submission against an exclusion or expulsion of the student in accordance with national policy.

Guidance on issues relating to suspension, exclusion and expulsion

58. (1) The Chief Officer shall issue guidance regarding -

- (a) the circumstances in which a student may be placed on suspension, exclusion or expulsion; and
- (b) the responsibilities of the Director of the Department of Education Services, governing bodies and school leaders in respect of the suspension, exclusion or expulsion of a student.

(2) Guidance issued under paragraph (1) shall include information on -

- (a) the meaning of the words “suspension”, “exclusion” and “expulsion”;
- (b) who may suspend, exclude or expel a student;

- (c) the circumstances in which a student may be placed on suspension, excluded to home or expelled from school, including charge-related exclusions;
- (d) duties relating to informing parents;
- (e) the procedure for parents to make a submission against a suspension, exclusion or expulsion; and
- (f) the responsibilities relating to the provision of education to students who have been suspended, excluded or expelled.

59. (1) Every student in a Government school, assisted school or independent school shall take good care of any property placed at the student's disposal and where the property is to be returned, the property shall be returned in good condition at the end of the school activities on a day and time determined by the school leader.

School property

(2) If a student fails to comply with paragraph (1), the Director of the Department of Education Services or governing body may claim the value of the property from the parent or legal guardian of the student.

(3) If the property of a school is destroyed, damaged, lost or converted by an intentional or negligent act -

- (a) of a student, the student's parent or legal guardian is liable in respect of the act of the student; or
- (b) of two or more students acting together, the parents or legal guardians of the students are jointly and severally liable in respect of the act of the students.

60. (1) The Director of the Department of Education Services or governing body shall ensure that a procedure is in place in each school for -

Recording and reporting
the use of force by staff

- (a) recording each incident in which a member of staff uses force on a child for whom care is being provided at the school; and
- (b) reporting each use of force incident to each parent or legal guardian of the child as soon as practicable after the incident.

(2) The Director of the Department of Education Services or governing body shall take all reasonable steps to ensure that the procedure is complied with.

(3) The procedure shall require that a record of a use of force incident is made in writing as soon as practicable after the incident.

(4) The procedure shall include provision to the effect that -

- (a) a person who would otherwise be required by the procedure to report an incident to a parent or legal guardian shall not report it

to that parent or legal guardian if it appears that doing so would be likely to result in significant harm to the child; and

- (b) if it appears that there is no parent or legal guardian of the child to whom the incident could be reported without that being likely to result in significant harm to the child, a report of the incident will be made to the Department of Children and Family Services.

Guidance on use of force

- 61. (1) The Chief Officer shall issue guidance -
 - (a) to make clear the circumstances in which force may be used in schools;
 - (b) to help members of staff feel more confident about using this power; and
 - (c) to make clear the responsibilities of school leaders in respect of this power.
- (2) Guidance issued under paragraph (1) shall include information on -
 - (a) the meaning of reasonable force;
 - (b) who can use reasonable force;
 - (c) when reasonable force can be used;
 - (d) the school's approach to the use of force;
 - (e) the application of force;
 - (f) the training of members of staff;
 - (g) reporting and communicating when force has been used;
 - (h) dealing with complaints; and
 - (i) the need for schools to have a policy dealing with reasonable force.

PART 11 - SPECIAL EDUCATIONAL NEEDS

Definition of "responsible authority"

- 62. In this Part, "responsible authority" -
 - (a) in relation to a Government school, means the Director of the Department of Education Services;
 - (b) in relation to an assisted school or independent school, means the governing body of that school; and
 - (c) in relation to a place other than a school, means the person in charge of the education delivered at that place.

Process for assessment of persons who may have special educational needs

- 63. Persons who are involved in -
 - (a) identifying or assessing persons who may have special educational needs; or
 - (b) making provision for those needs,

shall possess appropriate qualifications relevant to their specific roles, and accreditation from relevant bodies, in accordance with Ministry's policies and guidelines.

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

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

(4) If a parent or legal guardian of an identified student, refuses to consent to the assessment after a minimum of three attempts to obtain consent and, if it is deemed by the responsible authority that the refusal for assessment is making difficult or denying appropriate access to a rightful education suitable to the needs of the identified student, the responsible authority may authorize assessments with the agreement of the Director of the Department of Education Services or the governing body.

(5) An educational institution's determination of a student's special educational needs eligibility shall be based on a comprehensive assessment in accordance with the Ministry's policy and guidelines.

64. A student's parent or legal guardian who is dissatisfied with the education provided pursuant to a determination made under regulation 63(5), may appeal to the Chief Officer or the Chief Officer's designate in accordance with the Ministry's policy and guidelines in respect of that provision of education.

Appeal in respect of education provision in statement of eligibility

65. (1) If educational provision within Government schools has been exhausted and a student with special education needs has not made appropriate academic progress, the parent or legal guardian of the student may apply for funding or additional resources for alternative education.

Funding for alternative placement

(2) The application criteria and process for alternative education placement shall be outlined in the Ministry's policy and guidelines.

(3) Upon approval of any funding, a contractual agreement between the Ministry and the applicant on terms of funding shall be required.

(4) The Education Council shall have the right to withdraw funding if it is deemed with sufficient evidence that funding is not being utilized within the agreed terms for accessing educational or vocational training, or tertiary education.

(5) An approved list of alternative placements and programmes shall be made available to the Education Council for the selection of alternative placement based on the recommendation outlined in the policy.

PART 12 - USE OF SCHOOL PREMISES

Rental of Government
school premises

66. (1) The Director of the Department of Education Services or the Director's designate shall establish at every Government school, a list of spaces that may be used for rental by entities; and rental of school premises shall be limited to the areas so established, except in special circumstances where permission is obtained from the Director of the Department of Education Services,.

(2) A person that wishes to use the premises of a Government school shall submit an application to enter into a rental agreement with the Government through the Department of Education Services.

(3) Unless otherwise authorized by the Director of the Department of Education Services or the Director's designate, the rental agreement shall be made only if the Director of the Department of Education Services or the Director's designate has determined -

- (a) the appropriateness of the activity to allow it to take place on the school premises;
- (b) that the activity would not disrupt the school's activities related to teaching and learning;
- (c) that the activity would not put students, members of staff or the premises at a greater risk than that which is reasonably expected during a normal school day;
- (d) that approval for the activity was first obtained from the school leader or the school leader's designate; and
- (e) that the risk associated with the activity has been assessed and the appropriate liability coverage has been obtained based on the risk assessed.

(4) The rental agreement shall indicate the fee to be paid for rental of the school premises and shall provide that no alcoholic beverage, tobacco or illegal substance, material or paraphernalia shall be allowed on the school premises.

(5) The school leader of the Government school or the school leader's designate, in collaboration with the school's Facilities Officer, shall be responsible for ensuring that the school premises -

- (a) are clean prior to the start of the activity to which the rental agreement relates; and
- (b) are cleaned after the activity by the entity with whom the rental agreement was made and are ready for occupation by students and members of staff for the school session following the event.

67. (1) The Director of the Department of Education Services or the Director's designate shall establish a fee structure for the rental of Government school premises by entities.

Rental fees

(2) The Director of the Department of Education Services or the Director's designate may assess additional fees to be paid by an entity with whom a rental agreement was made, after the activity to which the rental agreement relates, if it is determined that -

- (a) resources or equipment owned by the school have been damaged;
or
- (b) additional exceptional cleaning services are required to make the school fit for occupation by members of staff and students.

68. (1) No person shall sell or offer for sale any services, goods, food, beverages or any other item on school premises without the prior written permission of the Director of the Department of Education Services or the Director's designate.

Sale of food on school premises

(2) A person who wishes to sell or offer for sale the things referred to in paragraph (1), on the premises of a Government school shall apply in a form supplied by the Ministry to the Director of the Department of Education Services or the Director's designate for permission to do so and approval may be granted on such terms and conditions as the Director of the Department of Education Services or the Director's designate sees fit.

(3) After a vendor has been approved, the vendor shall be subject to inspections and standards in accordance with the Ministry's policies and guidelines.

(4) Every person who sells or offers for sale the things referred to in paragraph (1) on school premises shall ensure that the area used by that person is in a clean state and that all wrapping or other kinds of litter are collected for disposal.

(5) The sale of food and drink shall not be permitted during lesson periods unless approval has been granted by the school leader.

(6) The Director of the Department of Education Services or the Director's designate may revoke the written permission given to any vendor who contravenes any of the conditions set by the Director of the Department of Education Services or the Director's designate.

PART 13 - CHILD PROTECTION

Child protection policies 69. Leaders of post-compulsory and tertiary institutions offering services to children, school leaders of institutions offering compulsory education to children and owners of early childhood care and education centres shall have a written Child Protection policy based on national policy.

Child protection training 70. (1) Leaders of post-compulsory and tertiary institutions offering services to children, school leaders of institutions offering compulsory education to children and owners of early childhood care and education centres shall ensure that -

- (a) persons employed at a school or early childhood care and education centre are trained in child protection and reporting procedures, in accordance with national policy;
- (b) volunteers have received appropriate training and, in particular, training relating to health and safety and child protection matters, prior to commencing any voluntary work, in accordance with national policy; and
- (c) volunteers work under the supervision of a teacher or full-time member of staff and are not left alone with a student or child.

(2) Leaders of post-compulsory and tertiary institutions offering services to children, school leaders of institutions offering compulsory education to children and owners of early childhood care and education centres shall implement an appropriate programme for students and children to develop skills necessary to enable them to recognize and resist abuse and potentially abusive situations, in accordance with national policy

(3) Before a person is appointed as a member of staff of a post-compulsory or tertiary institution offering services to children, an institution offering compulsory education to children or an early childhood care and education centres, the person shall be subject to appropriate comprehensive screening in accordance with national policy.

71. 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.

Mandatory reporting
(2012 Revision)

PART 14 - MISCELLANEOUS

72. The Ministry may, with the approval of the Cabinet, make policies and guidelines for giving effect to these Regulations.

Ministry's policies and
guidelines

SCHEDULE

(Regulation 3)

THE EDUCATION COUNCIL

1. (1) Any member of the Education Council, other than the Chair may at any time resign from the Council by instrument in writing addressed to the Cabinet and transmitted through the Chair and, from the date of the receipt by the Cabinet of such instrument, the member shall cease to be a member of the Council.

Resignation of members

(2) The Chair may at any time resign office as a member of the Education Council by instrument in writing addressed to the Cabinet and the resignation shall take effect from the date of the receipt of such instrument by the Clerk of the Cabinet.

2. Any member of the Education Council who fails to attend three consecutive meetings without excuse acceptable to the Chair of the Council shall cease to be a member.

Forfeiture of
membership

3. If any vacancy occurs in the membership of the Education Council the vacancy shall be filled by the appointment of another member who may, subject to this Schedule hold office for the remainder of the period for which the previous member was appointed, but the appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

Filling of vacancies

4. The names of all members of the Education Council as first constituted and every change in the membership shall be published in the Gazette.

Publication of
membership

The Education Regulations, 2017

- Constitution not affected by vacancy 5. The Education Council shall be deemed to be properly constituted for the purpose of this Schedule notwithstanding any vacancy among its members or any defect in their appointments.
- Meetings 6. (1) The Education Council shall meet at least three times a year and at such other times as may be convenient or expedient for the transaction of business and at such places as the Chair may determine.
(2) Subject to this Schedule, the Council may regulate its own procedure.
- Special meetings 7. The Chair may at any time call a special meeting of the Education Council and shall call a special meeting within fourteen days of a requisition for that purpose addressed to the Chair by any five members.
- Person to preside at meetings 8. The Chair shall preside at the meetings of the Education Council, and in the absence of the Chair, the members present and constituting a quorum shall elect a temporary Chair from among the members present.
- Decisions 9. (1) The decisions of the Education Council shall be final and binding unless otherwise determined on appeal.
(2) The decisions of the Education Council shall be by a majority of votes of the members present and, in addition to an original vote, the Chair or any other person presiding at the meeting shall have a casting vote in any case in which the voting is equal.
- Quorum 10. The quorum of the Education Council at any meeting shall be fifty per cent plus one of the members appointed under regulation 3.
- Minutes 11. Minutes of the proceeding of the Education Council shall be kept in proper order by the Secretary.

Made in Cabinet the 17th day of May, 2017.

Kim Bullings

Clerk of the Cabinet.

ANNOTATION:

The Education Regulations, 2017 (previously published in Extraordinary Gazette No. 43, Supplement 11, dated 26th May, 2017) has been republished here by order of the Cabinet.

Made in Cabinet the 19th day of June, 2018.

Kim Bullings

Clerk of the Cabinet.