

ORDINANCE SUPPLEMENT

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Ordinance 4 *Local Governments (Mbarara District)
(Education) Ordinance* **2015**

THE LOCAL GOVERNMENTS (MBARARA DISTRICT)
(EDUCATION) ORDINANCE, 2015.

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**The Local Governments (Mbarara District) (Education)
Ordinance, 2015.**

(Made under sections 38 and 40 of the Local Governments Act, Cap. 243)

**An Ordinance to provide for the promotion of education in
Mbarara District.**

BE IT ORDAINED by the Council of the District of Mbarara as follows:

PART I—PRELIMINARY.

1. Title.

This Ordinance may be cited as the Local Governments (Mbarara District) (Education) Ordinance, 2015.

2. Application.

This Ordinance shall apply to the whole of Mbarara District.

3. Interpretation.

In this Ordinance, unless the context otherwise requires—

“authority” means a district council, city council, city division, municipal council, division council, town council, municipal division council or sub-county council;

“basic education” means the minimum education package of learning made available to each individual or citizen through phases of formal primary education and non formal education system to enable him or her to be a good and useful person in society;

“chairperson” means a chairperson of the management committee or board of governor of a school;

“Chief Administrative Officer or Town Clerk” means a person appointed by the Public Service Commission to be the executive head of the district;

“child” means any person below the age of eighteen years;

“currency point” has a value assigned to it in the Schedule to this Ordinance;

“Director of Education” means the head of the directorate of education in the Ministry responsible for education, whose role is to guide, direct, co-ordinate and ensure the performance of education in Uganda;

“District Education Officer” means an officer appointed either by the Government or a local government to assist in the administration of education services;

“Education Officer” includes an officer appointed by either the Education Service Commission or by the District Service Commission to assist in the administration of education services;

“founding body” means an individual or group or organization which founds and manages a school;

“functions” includes powers and duties;

“girl child” means a female child;

“Government” means the Government of Uganda;

“head teacher” includes a headmistress, headmaster, principal or director of a school;

“Inspector of Schools” means a person appointed for the purposes of quality control by the Education Service Commission or District service Commission;

“local government” means a local council established under section 3 (2) and (5) of the Local Governments Act;

“Minister” means the Minister responsible for education;

“Permanent Secretary” means the Permanent Secretary of the ministry responsible for education;

“primary school going age” means the age between six and eighteen years;

“pupil” means a person receiving instruction in any subject at a primary school and enrolled as a pupil on a register in that school;

“school management committee” means a legal body established to manage a primary school;

“standing committee of education” includes a sub-committee of a sub-county, municipality, municipal division or parish council to which functions have been delegated by the district council’s standing committee responsible for education;

“UPE” means the State funded universal primary education programme where tuition fees are paid by Government where the principle of equitable access to conducive, quality, relevant and affordable education is emphasized for all children of all sexes, categories or in special circumstances.

PART II—PROVISION OF EDUCATION.

4. Policy on the provision of education.

(1) The provision of education and training shall be a joint responsibility of the state, the parent or guardian and other stakeholders.

(2) Basic education shall be provided and enjoyed as a right by all persons.

(3) Religious studies shall form part of the curriculum in primary and post primary schools.

PART III—CONTROL AND MANAGEMENT OF SCHOOLS.

5. District inspector of schools.

(1) An Inspector of Schools may at any one time, with or without notice, enter into any school or any place at which it is reasonably suspected that activities of a school are being carried out and-

- (a) inspect and provide a report to the Permanent Secretary, the District Education Officer and the relevant founding body, in a format prescribed by the Director of Education Standards with respect to the school or any aspect of it, including any workshop, building, dormitory, hostel or kitchen used in connection with the education institution and any other building or property on the site of the school; and
- (b) inspect or cause to be audited the accounts of the school and may temporarily remove any books or records for the purpose of inspection or audit.

(2) A head teacher shall, on being requested by an Inspector of Schools, place at the disposal of the Inspector of Schools all records, accounts, notebooks and any other material belonging to the school for inspection or audit.

(3) The Inspector of Schools shall acknowledge in writing receipt of those records, accounts, notebooks and any other materials belonging to the school entrusted to him or her by the head teacher for purposes of inspection or audit.

(4) A person who willfully obstructs an Inspector of Schools from lawfully entering or having entered, from making an inspection of a school or its accounts, commits an offence and is liable on conviction to a fine not exceeding two currency points.

6. Inspection report.

(1) An Inspector of Schools who carries out an inspection of any school shall provide to the head teacher of the school, a copy of the report prepared by him or her, on the inspection.

(2) The head teacher of a school shall, as soon as practicable, submit to the chairperson a report received by him or her under subsection(1) together with the comments of the head teacher on the report.

7. District councils' standing committee responsible for education.

Subject to any written law, the District Standing Committee for Education shall be responsible for the oversight role of all educational services decentralized to the district.

8. Education development plan.

(1) The District Council shall cause an education development plan to be prepared in respect of such educational services to be administered by the district, which shall cover a period of three years as prescribed by the Local Governments Act, Cap 243 and the plan shall be part of the comprehensive and integrated development plan of the district.

(2) The District Standing Committee responsible for education shall prepare, in consultation with the District Education Officer, an education development plan for promoting educational services.

(3) A development plan to which subsection (2) applies shall be submitted for approval in such a manner and at such times as the District Council may from time to time direct.

(4) The District Council may approve with or without modifications any education plan submitted to it under this section.

(5) Every education development plan prepared under this section and approved by the Council shall constitute the education development plan during such period and in respect of educational services to which it refers.

9. Responsibilities of stakeholders in education.

The Government through its relevant agencies shall be responsible for—

- (a) the provision of learning and instructional materials, structural development and teachers' welfare;
- (b) setting policy for all matters concerning education and training;
- (c) setting and maintaining the national goals and broad aims of education;
- (d) providing and controlling the national curriculum;
- (e) evaluating the academic standards through continuous assessment and national examinations;
- (f) the registration and licensing of teachers;
- (g) recruitment, deployment and promotion of both teaching and non teaching staff;
- (h) determining the language and medium of instruction;
- (i) encouraging the development of a national language;
- (j) ensuring equitable distribution of schools;
- (k) regulating, establishing, and registering of schools;
- (l) the management, monitoring, supervision and disciplining of staff and pupils/students;

- (m) ensuring supervision of performance in both public and private schools; and
- (n) the development of management policies for all Government schools, Government aided schools and private schools.

10. Children to attend school

(1) A parent or guardian of a child who has capacity to attend school shall cause the child to enroll and complete primary education.

(2) A child shall be compelled or intentionally dropped out of school before he or she completes primary school education.

(3) A parent or guardian who contravenes subsection (1) commit an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months or both

11. Responsibilities of parents and guardians.

The responsibilities of the parents and guardians shall include—

- (a) registering their children of school going age at school;
- (b) providing parental guidance and psychosocial welfare to their children;
- (c) providing food, clothing, shelter, medical care and transport;
- (d) promoting moral, spiritual and cultural growth of the children;
- (e) participating in the promotion of discipline of their children;
- (f) participating in community support to the school; and
- (g) participating in the development and review of the curriculum.

PART IV—SCHOOL MANAGEMENT COMMITTEE.

12. Functions of school management committee.

(1) A school management committee shall manage the school for which it has been established in accordance with the Education (Pre-primary, Primary and Post-primary) Act, 2008 Act No. 13 of 2008; Subject to any directions which may be given under the Act by the Minister on matters of general policy.

(2) The functions of a school management committee shall in so far as they relate to the day to day administration, proper and efficient conduct of a school be performed by the head teacher of the school on behalf of the school management committee.

(3) A member of a school management committee shall not be personally liable for any act done by him or her in good faith and without negligence for the purpose of carrying into effect the provisions of this Ordinance.

(4) There shall be consultation with the founding body before transfer or posting of a head teacher and deputy head teacher to a school.

(5) A school management committee shall have a right to appeal to the District Council executive against the posting or transfer of a teacher to or from a school within twenty one (21) days from the day it is notified of the transfer.

(6) Where there is an appeal by the school management committee under subsection (5), the teacher affected shall have the right to appear and defend him or herself at the hearing of the appeal and may be assisted by a representative of his or her choice.

(7) A school management committee may, after consultation with the officer in-charge of education in the district and the head teacher, declare vacancies of non-teaching staff for the school to the District Service Commission through the Chief Administrative Officer, for the recruitment of the required staff.

(8) A school management committee shall make such arrangements as it deems necessary to enable members of staff of a school submit their views, proposals or representation to the school management committee.

13. Additional functions of school management committee.

A school management committee shall also—

- (a) be responsible for the welfare and discipline of students and staff;
- (b) visit the school twice a term, to assess the state of affairs;
- (c) regularly assess the school to ensure—
 - (i) hygiene and sanitation;
 - (ii) attendance by teachers and pupils;
 - (iii) availability of medical facilities;
 - (iv) safety and security; and
 - (v) school performance;
- (d) once a term, hold a meeting in consultation with the head teacher to discuss the affairs of the school;
- (e) ensure that the community participates in the general maintenance and up-keep of the school; and
- (f) in consultation with the stakeholders make decisions that affect the school.

14. School equipment.

(1) A school management committee shall cause stock books to be kept, showing the receipt and issue of all school equipment.

(2) A school management committee shall be open to inspection by the the officer in charge of education in the district or his or her authorised representative and cause the school store and stock of equipment to be checked at least once a year.

15. School management committee to discuss with education officer.

A school management committee shall meet and discuss with the officer in –charge of education in the district any matters arising from his or her audited accounts and shall pass records of the discussion to the Chief Administrative Officer for his or her comments.

PART V—SUB-COMMITTEES.

16. Sub - committees.

(1) A school management committee shall appoint the following sub-committees for the proper carrying out of its functions—

- (a) finance and development sub-committee; and
- (b) general purpose sub-committee.

(2) The school management committee may appoint any other committee in addition to those mentioned in subsection (1).

17. Sports committee and co- curricular activities.

(1) The District Committee for sports, games and recreation shall be responsible for the over sight role of all sports events, activities and dealing with matters of discipline relating to sports in the district.

(2) Every school shall have a sports committee, chaired by a games teacher.

(3) The school sports committee shall be responsible for organising and supervising sports.

(4) The school authorities shall ensure that parents and community leaders are invited at least once a term to attend one of the following—

- (a) a music, dance and drama concert;
- (b) a science and technology fair;
- (c) a sports and games day; or
- (d) any other function mandated by basic requirements and minimum standards.

(5) The officer responsible for sports at the district shall organise sports competitions from the parish to the district level.

18. Environment committee.

(1) A person has a right to a healthy environment.

(2) A person has a duty to maintain and enhance the environment, including the duty to inform the authority or the local environment committee of all activities and phenomena that may affect the environment significantly.

(3) In furtherance of the right to a healthy environment and enforcement of the duty to maintain and preserve the environment, the environment committee shall prevent, stop or discontinue any act or omission that affects the school environment.

(4) The environment committee may compel any person to take measures to prevent or to discontinue any act or omission deleterious to the school environment.

PART VI—FUNCTIONS OF A HEAD TEACHER

19. Functions of a head teacher.

(1) The head teacher shall be personally answerable to the school management committee for the academic, financial, ethical, moral, social organisation and conduct of the school.

- (2) It shall be the duty of the head teacher to—
- (a) implement the national curriculum and national syllabus as laid down by the Ministry responsible for education;
 - (b) ensure that there is no payment of tuition fees at any Government and grant aided primary school;
 - (c) arrange for the admission of pupils to the school and the responsibility for the collection of school fees, where applicable;
 - (d) exclude any pupil from the school, after consultation with the school disciplinary committee, which committee shall comprise all the members of the teaching staff of the school to deal with cases of suspensions or to consider cases of expulsion of pupils from school;
 - (e) in the case of expulsion of a pupil from the school, submit a full report of the school disciplinary committee to the school management committee which shall, after considering the report, decide whether or not the pupil shall be expelled from the school;
 - (f) administer in a proper manner the funds of the school in accordance with regulation 193 of the Local Government (Financial and Accounting) Regulations, SI No. 243-15 and instructions from the Chief Administrative Officer in the District;
 - (g) ensure payment of parents-teachers association charges;
 - (h) inspect and supervise all the activities in the school;
 - (i) promote harmonious existence between the school and the community and other stakeholders;
 - (j) draw up plans for the school and make an annual budget for approval by the school management committee;

- (k) make the school pupil friendly and especially to the girl-child and pupils with disabilities;
- (l) report or recommend to the officer in-charge of education in the district any disciplinary measures taken against any member of staff of the school;
- (m) seek permission from the school management committee in case of access and use of the school facilities by the local community;
- (n) give information and advice to the school management committee when required to do so; and
- (o) furnish a termly report and an annual committee report to the school management committee, L.C. 3 executive and officer in-charge of education in the district and the founding body on his or her conduct of the affairs of the school.

20. Delegation of functions of head teacher.

A head teacher may, by writing, delegate any of his or her functions or responsibilities to his or her deputy or any other competent teacher.

21. Teachers professional code of conduct.

(1) A school management committee shall monitor the behavior and performance of both the teaching and non-teaching staff of the school.

(2) The school management committee shall report and recommend to the Permanent Secretary, Chief Administrative Officer or Town Clerk any matter concerning the staff of a school.

(3) An act or omission of the teacher, which is an offence under the Teacher's Professional Code of Conduct, shall be professional misconduct for the purposes of this Ordinance.

(4) Any conduct of a teacher, which in the opinion of the Education Service Commission or Chief Education Officer, whether the conduct occurs in the practice of the teacher's profession or otherwise, is unbecoming of a teacher shall be a professional misconduct for the purposes of this Ordinance.

PART VII—DUTIES AND RESPONSIBILITIES OF CHILDREN.

22. Duties of a child.

(1) A child of school going age shall go to school.

(2) It is the duty of a child to respect and honor his or her parent, guardian, caregiver or any other adult person.

(3) A child shall ensure discipline and not engage in immoral conduct.

(4) A child who contravenes the provisions of this subsection commits an offence and shall be liable to disciplinary action.

23. School absenteeism.

(1) A child shall not be absent from school without the permission of a teacher.

(2) A child who absents himself or herself from school without permission or reasonable excuse commits an offence and shall be liable to disciplinary action.

PART VIII—PROMOTION OF EDUCATION STANDARDS.

24. Sanitary facilities.

(1) Every school shall have toilets or pit latrines adequate for the number of students.

(2) The school authorities shall provide separate toilets or pit latrines for the male and female students.

(3) Where a school has flushing toilets, it shall be the duty of the school authorities to provide adequate pit latrines for emergencies.

25. Children with special needs.

(1) A child with special needs shall be granted opportunity to access education and sports.

(2) A school shall provide basic facilities for a child with special needs.

(3) A parent shall not neglect a child's educational needs on account of the special needs of the child.

(4) A school shall designate a teacher to be responsible for special needs education.

(5) A parent or head teacher who contravenes subsection (3) commits an offence and is liable on conviction to a fine of two currency points or a term of imprisonment not exceeding six months.

PART IX—MISCELLANEOUS PROVISIONS.

26. Child labour.

A child shall not be engaged in any practice inconsistent with the rights set forth in the Constitution of the Republic of Uganda which inter alia requires that children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.

27. Completion of education by girl child.

(1) It is the duty of every parent or guardian taking care of a girl child to ensure that she attends and remains in school until she completes primary school education.

(2) A parent or guardian who contravenes subsection (1) commits an offence and is liable of conviction to a fine not exceeding two currency points or imprisonment not exceeding six months or both.

28. Disco and video operators.

(1) A disco, video or film operator shall not allow a child into his or her premises.

(2) A disco, video or film operator who allows a child into the premises commits an offence and is liable on conviction to—

- (a) a fine not exceeding two currency points; and
- (b) on a second offence, loss of a disco operating license and a fine not exceeding two currency points .

(3) A disco, video or film operator shall indicate clearly the age limit of the persons allowed into the premises.

29. Bars.

(1) A bar business owner shall not allow a child entry into his or her premises.

(2) A bar business owner who allows a child entry into the premises commits an offence and is liable on conviction to—

- (a) a fine not exceeding two currency points; and
- (b) on a second offence, loss of a bar operating license and a fine not exceeding two currency points.

(3) A bar owner shall indicate clearly the age limit of the persons allowed into the premises.

33. Brewing, selling and buying of alcoholic beverage in school compound.

(1) A person shall not brew or sell alcoholic beverages in a school compound.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months or both.

34. Children not to be engaged in brewing, selling or buying alcohol.

(1) Children shall not be engaged in brewing, selling or buying of alcohol.

(2) A person who contravenes subsection(1) commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months or both.

PART X—ENFORCEMENT OF ORDINANCE

35. Punishment of negligent persons.

A community leader who receives information about an offence under this ordinance—

- (a) taking place;
- (b) having taken place; or
- (c) about to take place,

but neglects to take appropriate action commits an offence and is liable on conviction, to a fine not exceeding two currency points or imprisonment not exceeding six months or both.

SCHEDULE

CURRENCY POINT.

One currency point is equivalent to twenty thousand shillings.

Cross references.

1. The Constitution of the Republic of Uganda, 1995.
2. Local Governments Act, Cap 243
3. Education (Pre-primary, Primary and Post-primary) Act, 2008 Act No.13 of 2008.
4. The Local Government (Financial and Accounting) Regulations, S.I No. 243-15.

PASSED by Mbarara District Council on the 28th day of May, 2014.

I HEREBY signify my hand this 5th day of March, 2015.



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District Chairperson Mbarara.