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EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTHERN PROVINCE PROVINCIAL COUNCIL

Northern Province Education Statute No. 02 of 2015

Notice is hereby given that the Northern Province, Northern Provincial Council has adopted the Northern Province Education Statute No. 02 of 2015 on 30th December 2015 and that the Hon. Governor, Northern Province has granted his Assent to it on 08.02.2016.

K. THEIVENDRAN,
Secretary,
Council Secretariat,
Northern Provincial Council.

Council Secretariat,
A9 Road,
Kaithady,
30th March 2016.

THE NORTHERN PROVINCIAL COUNCIL

Education Statute No. 02 of 2015

A Statute to make Provision for the Establishment of Department of Education in the Northern Province of Sri Lanka in respect of Functions Devolved as set out in item 3 and the Appendix III of List No. I in the Ninth Schedule of 13th Amendment to the Constitution of the Democratic Socialist Republic of Sri Lanka. This Statute is inconsistent with the provisions of the Education Ordinance (chapter 381) as amended from time to time.

Be it enacted by the Provincial Council of the Northern Province of the Democratic Socialist Republic of Sri Lanka as follows:



Short title and date of operation

(1) This Statute may be cited as the Education Statute No. 02 of 2015 of the Provincial Council of the Northern Province of Sri Lanka and shall come into force on the date of Governor's assent.

Establishment of Northern Provincial Department of Education

(2) (i) For the purpose of this statute, there shall be a Provincial Department of Education consisting of the Provincial Director of Education, Additional Provincial Directors of Education, Deputy Directors and Asst. Directors of Education and such other officers and servants as may be appointed from time to time.

(ii) The Provincial Department of Education existing on the day immediately preceding the date on which this Statute comes into operation shall be deemed to be established under this Statute and shall continue accordingly; and every officer or servant in that Department on the aforesaid day shall be deemed to be appointed under this statute and shall continue in office accordingly.

(3) (i) Subject to the general directions and control of the Minister of Education, the Director and other officers of the Department shall execute and shall have power to enforce the provisions of this Statute and of the regulations made thereunder.

(ii) It shall be lawful for the Minister on appeal or otherwise to rescind, alter or revise any order or determination which is made by the Director in the exercise of his discretion under any of the provisions of this Statute or any regulations made thereunder. The decision of the Minister shall be final and conclusive

PART I

Establishment of Zonal Education Advisory Boards and School Advisory Boards

Zonal Education Advisory Boards:

(4)(1) The Minister may appoint Zonal Advisory Boards for the purpose of advising the Zonal Directors upon matters connected with Education in the Zones of the Province and the Educational needs thereof.

(ii) Every Zonal Advisory Board shall consist of :-

(a) The Zonal Director of Education of the respective Zone

(b) A fit and proper person each appointed by the respective Mayor of the Municipal Council, Chairman of the Urban Council and Chairman of the Pradeshiya Sabha within the Education Zone. (c) The member of the Provincial Council representing the area in which Zone is situated

(d) The Divisional Secretaries within the respective Education Zone

(e) The Medical Officer of Health of the respective Zone.

(f) The Advisory Board shall comprise of an eminent person from outside the Department of Education to ensure that any advice rendered is independent advice.

(g) Four principals from each of the four types of schools within the Education Zone nominated by the Provincial Director of Education.

(h) The Student Leaders from the Schools within the Zone not exceeding five in number nominated by Zonal Director of Education.

- (i) The Secretary, Provincial Director or their representatives may attend or be invited to any meetings of the Zonal Advisory Boards.
- (j) The membership from each of the categories of membership shall consist of approximately 50% each of females and males as far as possible.
- (k) The Zonal Advisory Board may appoint Ex-Officio members as required.

(iii) The Zonal Director Education of the Zone shall be the Chairman of the Zonal Education Advisory Board.

(iv) At the first sitting of the Advisory Board, the Advisory Board shall elect the Secretary from its members.

(v) All matters referred for consideration to the Zonal Advisory Board by the Zonal Director of Education/ shall be dealt with and disposed of by the Zonal Advisory Board meetings summoned and held in the prescribed manner at the prescribed times.

(vi) The Zonal Advisory Board constituted for any Zone under this Statute shall not be deemed for any purpose to be vested with any executive or administrative duties or powers or with any functions other than that of Advising or recommending on such matters relating to education in that Zone or the Education needs thereof as may be referred' for consideration to that Zonal Advisory Board by the Provincial Director of Education, or the Zonal Director of Education

- (5) (I) Conforming to the specifications laid down by the National Ministry of Education there shall be established a school Advisory Board for every school in the province. School Advisory Boards
- (ii) The functions of the School Advisory Board shall be to advise the management of the school on all such matters relating to the control, organisation, development and conduct of the functions of the school as may be referred to the Board by the Zonal Director of Education or in respect of which the Board may think fit to tender advice.-
- (iii) The School Advisory Board shall not be deemed for any purpose to be vested with any administrative or executive powers or functions
- (iv) The School Advisory Board shall consist of the Principal and representatives of the members of the staff and parents or the guardians of the students and the students at the secondary. level of the school.
- (v) The Chairperson of the School Advisory Board shall be an Eminent Person in the school community as determined by the Principal and Staff of the school.
- (vi) At the first meeting held after the constitution of the School Advisory Board, the members of the Board shall elect its Executive Committee
- (vii) The gender balance should be ensured as far as possible.

(6) No student shall be refused admission to any school in the Province on account of religion, nationality, race, caste, social status, intellectual or physical disability or language of such applicant or of either of his parents. General Conditions

(7) (i) No fees shall be charged in respect of admission to any school under the authority of the Northern Provincial Ministry of Education.

(ii) Notwithstanding anything in this Sub-Section (i), regulations may be made under this Statute authorizing the charging of a fee/fees from pupils in any school in order to defray the expenses incurred in providing therein facilities for games, physical training or services for educational, recreational or health purposes that is over and above the minimum that the schools should provide as part of the school extra curricular activities.

(8) Any private land which may be required for the purpose of or in connection with, the erection or extension of a school building, staff quarters, offices or premises or for the establishment of school gardens or playgrounds or otherwise for the purposes of this Statute may be acquired by the Provincial Council for such purpose under the provisions of the existing written law.

(9) It shall be lawful for the Minister or the Secretary or the Director or any supervising officer of the Ministry or the Department or any other person generally or specially authorized by the Minister or the Director to enter and supervise activities and properties therein of any school.

PART II

Powers of minister to make Regulations

The Powers Qf
Minister to Make
Regulations

(10) (i) The Minister may make regulations which shall be known as the Code, for the purpose of giving effect to the principles and provisions of this Statute.

(ii) In particular, the Minister may make regulations on the following matters :-

- (a) 1. Provision of facilities and amenities for all state schools other than specified schools will be National Schools special school for Service Personnel for specified development schemes.
2. Supervision of the management of
 - a. All pre- schools and
 - b. Schools in the province other than specified schools indicated in (b) above
3. Recruitment into the Teaching Service of those with diplomas and degrees from Colleges of Education and Universities recognized as teaching qualification.
4. Appointment of Principals of all schools in the Province other than those in 1 AB, 1C categories as per criteria laid down by the National Minister of Education.
5. Transfer and disciplinary control of all Educational Personnel *i.e* Teachers, Principals and Education Officers. Officers belonging to a National Service but serving on secondment will have the right of appeal to the Public Service commission. Officers belonging to the Provincial Public Service will have a right of appeal -to the Public Service Commission against dismissal.
6. Preparation of Provincial Educational development plan and annual implementation plan.
7. Implementation of the Annual Education Development Plan.

8. Appraisal of the performances of Principals, Teachers and all other Educational personnel.
9. Conducting of in-service training programmes with prior approval of the National Institute of Education.
10. Conducting of local Examinations approved by the Commissioner General of Examination.
11. Implementation of non-formal Education programmes.
12. Registration and Supervision of pre-schools.
13. Obtaining the approval of the National Institute of Education for local variations in the primary curriculum and selected subjects in the Secondary Curriculum.
14. Construction and maintenance of Education buildings, toilets, libraries and play grounds.
15. Procuring and distribution of teaching aids and visual aids and Audio-Visual materials, furniture and other equipment.
16. Procuring and Distribution of Science equipment other than items specified by the Ministry of Education of the Central Government.
17. Provide adequate and clean supply of water.
18. Production and distribution of school text books after approval by the National Ministry of Education.
19. Organization and development of school libraries in accordance with guide lines given by the National Library Service Board.
20. Specifying the limits of any Divisional Education Offices within the Province.
21. Medical Examination or treatment, health and wellbeing of children including the supply of free meals and free books of those attending schools.
22. Grading and up-grading classification and opening of schools in the province with policies and the standard classified by the National Ministry of Education.
23. Preparation and Implementation of plans pertaining to the needs of Adult Education in the province.
24. Provincial Budget and ensuring financial management in the Province, with a view to up-keeping the educational needs.
25. Regarding other important matter in list (appendix 111 Education) for which in the opinion of the Minister regulations are required.

(iii) Every regulation made under this statute becomes operative with the approval of the Provincial Council

Language Inconsistency (11) in case of any inconsistency between the Tamil and the Sinhala or English texts of this Statute, the Tamil text shall prevail.

Interpretation (12) In this Statute unless the context otherwise requires

“Governor” means the Governor of the Northern Province.

“Provincial Council” means the Northern Provincial Council.

“Province” means the Northern Province.

“Minister” means the Minister in charge of the subject of education in the Board of Ministers of the Northern Province.

“Director” means the Director of Provincial Education of the Northern Provincial Council.

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