



ANALYSIS

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1992, No. 8

An Act to amend the Education Act 1986-87

(1 December 1992)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by the authority of the same as follows:

1. Short Title - This Act may be cited as the Education Amendment Act 1992 and shall form part of and be read together with the Education Act 1986-87 (hereinafter referred to as "the principal Act").

2. Compulsory attendance - Section 31 of the principal Act is amended by repealing subsection (1) and substituting the following subsection :

"(1) Subject to the provisions of section 32 and 33, it shall be compulsory for every child -

- (a) to be enrolled at a school registered under this Act in accordance with the following paragraphs:
- (i) a child who attains the age of 5 years in and between the months of January and April shall be enrolled at the commencement of the first term of the school year;
 - (ii) a child who attains the age of 5 years in and between the months of May and August shall be enrolled at the commencement of the second term of the school year;
 - (iii) a child who attains the age of 5 years in and between the months of September and December shall be enrolled at the commencement of the third term of the school year; and
- (b) to attend a school registered under the Act from the date of enrolment to the end of the school year during which the child attains the age of 15 years.

3. Suspension and expulsion - Section 33 of the principal Act is repealed and the following section substituted:

"33. Suspension and expulsion - (1) A principal of a government school may after consultation with the school committee suspend any child of or over the age of twelve years from attendance at any government school for a period not exceeding two weeks at any one time if, in the opinion of the principal, such child is guilty of misbehaviour to the prejudice of the good conduct and discipline of that school.

(2) A principal of a government school may after consultation with the school committee expel any child of or over the age of twelve years from any government school which that child is attending and remove such child's name from the school register if in the opinion of the principal such child is guilty of gross misbehaviour to the prejudice of the good conduct and discipline of any school.

(3) The procedure to be followed in suspending and expelling any child from school may be prescribed by regulations but in the absence of such regulations shall be determined by the principal.

(4) Written notice of any suspension or expulsion under this section shall be given by the principal to the Secretary and to the parents or guardians of such child.

(5) Any child suspended or expelled under this section shall not attend any government school -

(a) in the case of suspension, for the period of such suspension;

(b) in the case of expulsion, until the written consent of the Secretary for the child to so attend is obtained.

(6) A parent or guardian of a child suspended or expelled from school may within 7 days of receiving a notice under subsection (4) appeal in writing to the Secretary against the suspension or expulsion (as the case may be) and setting out the grounds upon which the appeal is brought.

(7) Every appeal shall be considered by the Secretary who may confirm, reverse or vary the decision of the principal and every determination of the Secretary shall be final."

4. Corporal Punishment - Section 56 of the principal Act is amended by deleting the words "in the prescribed manner" and substituting the words "and a primary school child as may from time to time be prescribed by regulation."

5. Ministry of Education - The principal Act is amended by deleting the words "Department" and "Department of Education" wherever they appear and substituting the words "Ministry" and "Ministry of Education" respectively.

This Act is administered by the Ministry of Education