



# GOVERNMENT GAZETTE

## OF THE

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## Government Notices

### MINISTRY OF EDUCATION, ARTS AND CULTURE

No. 329

2023

#### COMMENCEMENT OF BASIC EDUCATION ACT: BASIC EDUCATION ACT, 2020

In terms of section 128 of the Basic Education Act, 2020 (Act No. 3 of 2020), I determine that the Act, except for section 14, comes into operation on the date of publication of this notice in the *Gazette*.

**E. A. NGHIPONDOKA**  
**MINISTER OF EDUCATION, ARTS AND CULTURE**

Windhoek, 30 September 2023

**MINISTRY OF EDUCATION, ARTS AND CULTURE**

No. 330

2023

**GENERAL RULES OF CONDUCT FOR LEARNERS:  
BASIC EDUCATION ACT, 2020**

In terms of section 22(1) of the Basic Education Act, 2020 (Act No. 3 of 2020), I have

–

- (a) prescribed the general rules of conduct for learners set out in the Schedule which must be incorporated into the code of conduct for learners at all State schools; and
- (b) repealed Government Notice No.189 of 28 October 2002.

**E. A. NGHIPONDOKA****MINISTER OF EDUCATION, ARTS AND CULTURE**

Windhoek, 30 September 2023

**SCHEDULE****ARRANGEMENT OF RULES**

1. Definitions
2. Display of code of conduct for learners
3. General rules
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5. Disciplinary committee
6. Misconduct by learners, suspension and disciplinary hearing
7. Alternative disciplinary measures
8. Access to school premises
9. Record keeping
10. Farewell party at State school

ANNEXURE: Acts of Misconduct

**Definitions**

**1.** In these rules a word or an expression to which a meaning has been assigned in the Act or the Regulations has that meaning, and unless the context otherwise indicates –

“bullying” means the use of force, threat or coercion to abuse, intimidate or aggressively dominate others by way of a perceived or real power imbalance, and includes cyber-bullying as defined in paragraph 2 of Annexure 1;

“**dangerous object**” means any –

- (a) explosive material or device;
- (b) firearm or gas weapon; or
- (c) article, object or instrument which may be employed to cause bodily harm to a person, or to

render a person temporarily paralysed or unconscious, or to cause damage to property;

“gangsterism” means the culture of belonging to any on-going organisation, association, or group of persons whose members or associates individually or collectively engage in or have engaged in a pattern of misconduct or criminal activities often involving violence or disturbance;

“illegal drug” means any unlawful intoxicating or stupefying substance;

“incident” means an event which is not part of the standard operation of a school or hostel and which causes or may cause an interruption to, or a reduction in, the quality of teaching or learning, or in the smooth operation of the school or hostel, and includes act of misconduct committed by a learner;

“initiation or initiation practice” means any act which in the process of initiation, admission into, or affiliation with a school, a group, intramural or extramural school activities, inter-schools’ sports team, or organisation –

- (a) endangers the mental or physical health or safety of a learner;
- (b) undermines the intrinsic worth of human beings by treating some as inferior to others;
- (c) subjects an individual learner or a group of learners to humiliating or violent acts which undermine the human dignity guaranteed in the Namibian Constitution;
- (d) undermines the fundamental rights and values that underpin the Namibian Constitution;
- (e) impedes the development of a democratic culture that entitles an individual to be treated as worthy of respect and concern; or
- (f) destroys public or private property;

“misconduct” means any act of misconduct contemplated in rule 7 or referred to in Annexure 1, committed by a learner –

- (a) on the premises of a school or hostel, whether during or outside of school hours;
- (b) during any school or hostel activity, irrespective of whether it is committed within or outside the school or hostel premises, or during or outside of school hours; or
- (c) in or out of school uniform and within or outside the school or hostel premises;

“pro forma complainant” means a person appointed by a school board to lead evidence in a disciplinary hearing in support of the charge of misconduct;

“the Act” means the Basic Education Act, 2020 (Act No. 3 of 2020); and

“the Regulations” means the Basic Education Regulations published under Government Notice No. 331 of October 2023.

### **Display of code of conduct for learners**

2. The principal of a State school must ensure that the code of conduct for learners is –

- (a) prominently displayed on the school and hostel premises; and

- (b) effectively communicated and distributed to all learners and parents.

### General rules

- 3.** (1) A learner at a State school must –
- (a) punctually attend school, class sessions on the school time–table, study sessions and other compulsory activities as determined by the school;
  - (b) carry out and obey all lawful and reasonable instructions of the principal, teachers and other staff members of the school, prefects or learners who are members of the learners’ representative council;
  - (c) dedicate himself or herself to his or her studies and complete all curriculum tasks and assignments;
  - (d) respect the dignity, person and property of teachers, learners, other staff members and members of the public;
  - (e) accept and respect the multi–cultural diversity of learners, teachers and other staff members of the school;
  - (f) abide by and comply with the rules of the school or hostel as approved by the school board and the regional director; and
  - (g) maintain a high standard of personal hygiene which ensures a clean, decent and neat appearance.
- (2) A learner at a State school may not –
- (a) conduct himself or herself in a disgraceful, improper or indecent manner which has the potential to bring the name of the school in disrepute;
  - (b) leave the school or hostel premises without the permission of the school principal or a person so designated by the school principal;
  - (c) bring into the school, hostel premises or any school or hostel event, or have in his or her possession any firearm, bow and arrow, panga, knife or any other dangerous object;
  - (d) bring into the school, hostel premises or any school or hostel event any illegal drug, alcohol, hookah or shisha pipe paraphernalia or any other stupefying substance to distribute or sell to another person on the school or hostel premises;
  - (e) use or have in his or her possession any illegal drug, alcohol, hookah or shisha pipe paraphernalia or any other stupefying substance on the school or hostel premises or when out on school activities;
  - (f) have access to or enter the sleeping quarters or hostel dormitories for learners of the opposite sex without the permission of the hostel superintendent;
  - (g) have access to or enter the sleeping quarters, hostels or houses for teachers or other staff members without the permission of the hostel superintendent, supervisory teacher, supervisory person or the principal;

- (h) willingly or negligently damage, destroy or vandalise the property of the State, the school or another person;
- (i) act in such a manner that is disruptive to normal school programmes or detrimental to the good discipline and learning progress of other learners;
- (j) practice or participate in any form of initiation of learners that may cause physical harm or emotional distress to such learners or endanger the life of other learners; or
- (k) by his or her actions or behaviour encourage or influence other learners to disobey the rules of the school or hostel.

#### **Appearance of learners**

- 4. (1) A learner must ensure that –
  - (a) he or she wears a school uniform during school hours as well as at other school activities as determined by the school board;
  - (b) his or her school uniform is clean and neat at all times; and
  - (c) during events that allow the wearing of casual wear, he or she wears clean, neat and presentable clothes.
- (2) A learner must ensure that –
  - (a) his or her hair colour appears natural at all times, unnatural highlights, lowlights or colour coded braids are not allowed;
  - (b) his or her hair that extends over the collar and properly tied up;
  - (c) she does not wear a wig, except for medical reasons; and
  - (d) he or she does not wear a cap, except during appropriate school activities or for medical reasons.
- (3) A boy must ensure that he regularly clean shaves his beard.
- (4) With regard to jewellery –
  - (a) a learner is not allowed to wear any ring, bracelet or chain, except a medical alert bracelet;
  - (b) a learner is not allowed to wear a body jewellery such as a nose, tongue and eyebrow jewellery;
  - (c) a learner is allowed to wear a wristwatch; and
  - (d) a girl is allowed to wear one stud or ring per ear in the bottom piercing of the ears if the ears are pierced more than once.
- (5) A learner must ensure that –
  - (a) his or her nails are kept clean and do not extend beyond the fingertips;

- (b) he or she does not use nail polish on his or her nails; and
- (c) he or she does not use makeup.

### **Disciplinary committee**

5. (1) The school board of a State school may establish a disciplinary committee under section 62 of the Act to advise on cases of misconduct of learners or any contravention of the rules, codes of conduct or the Act.

(2) A disciplinary committee must consider cases of misconduct and advise the principal or the school board on appropriate disciplinary action or measures to be taken.

### **Misconduct by learners, suspension and disciplinary hearing**

6. (1) A learner commits an act of misconduct if the learner contravenes, fails or refuses to comply with –

- (a) the code of conduct for learners adopted in terms of section 22(2) of the Act; or
- (b) the Act or these general rules.

(2) Subject to subrule (1), the acts set out in Annexure 1 constitute acts of misconduct.

(3) If a school principal is of the opinion that a learner has committed an act of misconduct as contemplated in section 23(3) of the Act, the principal may –

- (a) in writing charge the learner with misconduct; or
- (b) suspend the learner from the school or hostel, or both school and hostel in terms of section 23(4) of the Act by denying the learner further access to the school or hostel.

(4) The principal may only suspend a learner from a school or hostel in accordance with section 23(6) of the Act.

(5) In addition the conditions referred to in section 23(6) of the Act, a suspension referred to in subrule (3)(b) may not exceed –

- (a) 10 days in respect of –
  - (i) an offence where investigations are pending;
  - (ii) a threat of interference or tampering with witnesses or evidence; or
  - (iii) an offence where there is a threat to the safety of property of the school or hostel; or
- (b) 15 days in respect of –
  - (i) an offence or misconduct putting the lives of learners, teachers and other staff members at risk; or
  - (ii) an offence misconduct that is detrimental or possibly detrimental to the

good order and discipline of the school or hostel and the progress of other learners.

(6) If a principal charges a learner with misconduct as contemplated in subrule (3), the principal must –

- (a) immediately, by notice in writing, inform the parent that –
  - (i) the learner is charged with misconduct and that the learner is suspended from school or hostel, or both school and hostel, if the learner is so suspended;
  - (ii) a disciplinary hearing in terms of section 23(9) of the Act is to be held within 20 days from the date the learner was charged; and
  - (iii) the school board will advise the parent as to the date, time and place of the hearing;
- (b) attach a copy of the charge to the notice referred to in paragraph (a), and must make sure that the notice reaches the parent not later than three days from the date the learner is charged;
- (c) advise the chairperson of the school board to convene a meeting of the school board to meet within seven days after the learner was charged; and
- (d) in writing, provide the school board at the meeting convened under paragraph (c) with –
  - (i) the name, age and grade of the learner;
  - (ii) the nature of the misconduct;
  - (iii) the circumstances under which the misconduct took place;
  - (iv) the previous disciplinary record of the learner and any steps taken to correct the previous conduct of the learner, if any; and
  - (v) any additional information and particulars that the school board may require in connection with the hearing of the misconduct.
- (7) At the meeting referred to in subrule (6)(c), the school board must –
  - (a) decide on the date, time and place of the hearing;
  - (b) appoint a pro forma complainant who may either be a member of school board or committee of school board or staff member of the Ministry to lead evidence in support of the charge; and
  - (c) notify, in writing, the parent and the learner of the date, time and place of the hearing.
- (8) At a hearing –
  - (a) a pro forma complainant appointed in terms of subrule (7)(b) may lead evidence and call witnesses to testify in support of the charge, re-examine witnesses, and also

cross-examine the witnesses which a learner charged may call in support of his or her defence;

- (b) a learner, parent or representative contemplated in section 23(2) of the Act may cross-examine any witness who gave evidence in support of the charge;
- (c) a school board –
  - (i) may ask for clarity of evidence, further information, cross examine any witness called by the complainant or the learner charged, re-examine any witness called to testify, summon any person to come and testify, produce document or material; and
  - (ii) must conduct the hearing as simple and informal as possible;
- (d) after the pro forma complainant has closed his or her case, a school board must grant the learner charged an opportunity –
  - (i) to state his or her case and to call witnesses in support of his or her defence; and
  - (ii) to make a written or verbal submission to the school board;
- (e) after the learner charged having closes his or her case, the school board must then consider, in private, all the evidence presented and any argument and submission made for and against the charge, and deliberate on the merit of the charge; and
- (f) after deliberation, the school board –
  - (i) may find the learner guilty or not guilty of misconduct; and
  - (ii) must inform, in writing, the learner and the parent of the finding.

(9) If a school board finds a learner guilty of misconduct, the school board may make a recommendation to the Executive Director to expel the learner from school or hostel if the learner was found guilty of a serious misconduct, or the school board –

- (a) may impose any of the following disciplinary measures –
  - (i) a final written warning;
  - (ii) a deprivation of a privilege to the learner for a specified period; or
  - (iii) suspension from school or hostel for a specified period not exceeding five days in respect of school or not exceeding 30 days in respect of hostel; and
- (b) must inform the parent of the appeal procedure referred to in section 23(11), (12) and (13) of the Act.

(10) The school board must appoint a life skills teacher or a social worker to offer counselling to the learner charged with misconduct, irrespective of whether the learner has been found guilty of misconduct or not.

#### **Alternative disciplinary measures**

7. For the purposes of section 8(3) of the Act, depending on the record of previous contravention of a learner, a disciplinary action and measure in respect of a minor case that does not

warrant a disciplinary action and measure by a school board, may take the form of –

- (a) a reprimand of the learner by a teacher;
- (b) withdrawal of school related privileges;
- (c) giving a learner specific additional tasks related to the contravention;
- (d) referring the learner to the head of department or principal;
- (e) consultation of the principal with the learner and the parent regarding the conduct of the learner;
- (f) counselling by the school counsellor or life skills teacher; or
- (g) first, second and third written warning to the learner, a copy of which must be given to the parent.

### **Access to school premises**

**8.** (1) A learner may not be denied access to the school premises or class or be sent back home on the grounds of the learner –

- (a) arriving late at school;
- (b) not wearing the correct school uniform or incomplete school uniform;
- (c) wearing a torn or untidy school uniform, different coloured socks or shoes apart from school socks or shoes;
- (d) having left a given task home or homework not being done;
- (e) not having her or his hair neatly kept in accordance with these rules;
- (f) having kept his or her beard;
- (g) being suspected of having contravened any regulation or rules of conduct for learners that does not warrant disciplinary action; or
- (h) not having paid hostel fees or any other contributions that the school requires.

(2) The principal must, if any of the situations under subrule (1) exist, take appropriate steps to address the situation and inform the parents.

### **Record keeping**

**9.** The school board of a State school must ensure that written record of misconduct, disciplinary action and measures taken regarding each learner of the school are properly kept.

### **Farewell party at State school**

**10.** When learners are leaving a State school because they have completed the highest grade at the school, they may organise a farewell party under the supervision of designated teachers in consultation with the parents.

**ANNEXURE 1****ACTS OF MISCONDUCT  
(Rule 7)**

1. A learner commits an act of misconduct, if the learner –
  - (a) threatens, disrupts or frustrates the teaching or learning in a class or any other place where teaching or learning is taking place;
  - (b) engages in a conspiracy to disrupt the proper functioning of the school through collective action;
  - (c) insults the dignity of or defames any learner or any other person, which includes racist remarks;
  - (d) distributes, trades or is in the possession of any stolen test or examination material that relates to a test or examination that is yet to be written;
  - (e) cheats in a test or examination or any other form of assessment such as assignments;
  - (f) willingly engages in any act of nudity, indecent exposure or sexual intercourse on school or hostel premises, or in any act of indecent exposure outside school or hostel premises;
  - (g) sexually harasses another learner, staff member or any other person;
  - (h) is found in possession of or distributes pornographic material;
  - (i) is found in possession of cyber-bullying material, is a source of cyber-bullying material, or is distributing or has distributed cyber-bullying material, or engages in the misuse of an electronic device to the detriment of other learners or staff members;
  - (j) subjects another learner to bullying;
  - (k) is found under the influence or in possession of alcohol or illegal drugs;
  - (l) forges any document or signature to the potential or actual prejudice of the school;
  - (m) attempts to bribe or bribes any person in respect of any test or examination to enable himself or herself or another person to gain an unfair advantage;
  - (n) engages in any fraudulent activity;
  - (o) engages in theft, or otherwise acts dishonestly to the prejudice of another person;
  - (p) is in possession of, consumes or deals in any illegal substance, other harmful substance, or tobacco;
  - (q) is in possession of, uses or transmits narcotics or illegal drugs or on evidence of such possession, use or transmission;

- (r) is in possession of any dangerous weapon;
  - (s) assaults or threatens to assault another person;
  - (t) holds any person hostage;
  - (u) murders any person;
  - (v) rapes any person, or engages in any sexual activity which amounts to a criminal offence;
  - (w) maliciously damages property of the school or hostel;
  - (x) engages in any initiation practice; or
  - (y) uses a cell phone or other prohibited electronic device during school hours, or inappropriately uses it after school hours.
2. For the purposes of this Annexure –

“cyber–bullying” means the use of an internet capable device to harm, harass, threaten, embarrass or target another learner or staff member for humiliation or cruelty;

“indecent exposure” means the deliberate exposure in public or in view of the general public by a learner of a portion or portions of his or her body, in circumstances where the exposure is contrary to local moral or other standards of appropriate behaviour.

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## MINISTRY OF EDUCATION, ARTS AND CULTURE

No. 330

2023

### BASIC EDUCATION REGULATIONS: BASIC EDUCATION ACT, 2020

Under section 125 of the Basic Education Act, 2020 (Act No. 3 of 2020), I have –

- (a) made the regulations set out in the Schedule; and
- (b) repealed Part I to Part VI of Government Notice Nos. 187 of 28 October 2002 and 15 of 6 February 2004.

**E. A. NGHIPONDOKA**  
**MINISTER OF EDUCATION, ARTS AND CULTURE**

Windhoek, 30 September 2023

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## PART 1

## INTRODUCTORY PROVISIONS

**Definitions**

1. In these regulations a word or an expression to which a meaning has been assigned in the Act has that meaning, and unless the context indicates otherwise –

“hostel committee” means a hostel committee of a school board established under regulation 12;

“hostel premises” includes any building, structure, land, and enclosure, which is under the control of a hostel;

“hostel staff” includes –

- (a) a superintendent, supervisory teacher and supervisory person appointed on short term contract of employment; or
- (b) a staff member appointed in terms of the Public Service Act to perform functions at a hostel such as hostel matrons and institutional workers that perform domestic functions in the hostel.

“school activity” means any educational, cultural, sporting or social activity of the school or hostel which takes place within or outside the school or hostel premises that falls outside the scope of the school curriculum;

“school parent” means a parent whose child is enrolled at a school;

“school premises” includes any building, structure, land, and enclosure, which is under the control of a school;

“service point” includes –

- (a) an arts centre;
- (b) a community learning and development centre;
- (c) a community library;
- (d) a cultural centre;
- (e) monuments;
- (f) a teachers’ resource centre; and
- (g) any other establishment of the Ministry,

not being a school or part of a school, where service is provided to assist learners, teachers and other members of the public in any field of teaching, learning and entertainment;

“social worker” means a social worker as defined in section 1 of the Social Work and Psychology Act, 2004 (Act No. 6 of 2004);

“superintendent” means a teacher designated as superintendent of a hostel in terms of regulation 16(1);

“supervisory teacher” means a teacher or person designated or appointed as supervisory teacher or person in terms of regulation 18(1);

“the Act” means the Basic Education Act, 2020 (Act No. 3 of 2020); and

“user” means a user of a service point registered under regulation 30.

### **Quality education**

2. Subject to the guiding principles set out in section 3 of the Act, the Minister must, within the available resources, ensure the provision of quality education, including learning support and special education, which includes –

- (a) learners who are healthy, well-nourished and ready to participate and learn, and supported in learning by their families and communities;
- (b) environments that are healthy, safe, protective and gender-sensitive, and provide adequate resources and facilities;
- (c) content that is reflected in relevant curricula and materials for the acquisition of basic skills, especially in the areas of assistive technology, sign language, literacy, numeracy and skills for life, and knowledge in such areas as gender, health, nutrition, HIV/AIDS prevention and peace;
- (d) processes through which trained teachers use –
  - (i) learner-centred teaching approaches in well-managed classrooms; and
  - (ii) schools and skillful assessment to facilitate learning and reduce disparities; and
- (e) competencies that encompass knowledge, skills and attitudes, and are linked to national goals for education and positive participation in society.

## **PART 2**

### **LEARNERS AT STATE SCHOOLS**

#### **Admission to State schools**

3. (1) An application for admission of a learner to a State school referred to in section 20(1) of the Act must be made in the form of Form 1 set out in Annexure 4.

(2) A parent applying for admission of a child in any grade at a State school must submit, as proof of the appropriate age and correct name of the child –

- (a) a birth certificate; or
- (b) a passport; or
- (c) a medical passport; or

- (d) a baptism card; or
- (e) a sworn declaration by the parent; or
- (f) a declaration from –
  - (i) the regional councillor concerned; or
  - (ii) the headmen of the village.

(3) A parent who enrolls a child with any of the documents listed in paragraph (b) to (f) must ensure that they obtain a birth certificate for the child before the end of primary school.

- (4) A State school must admit a child at a State school –
  - (a) if the child reaches the age of –
    - (i) five years before January in the year in which the admission is applied for in respect of Pre-Primary level; or
    - (ii) six years before January of the year in which the admission of the child is applied for in respect of Grade 1; or
  - (b) during the course of the first 15 school days of the first school term of the year concerned, that child –
    - (i) has already been admitted to one school during the course of those days and is only being transferred to another school;
    - (ii) for health reasons, pregnancy, physical violence, sexual abuse or other reason approved in writing by the regional director on a request from the parent, was unable to attend State school or another school during the course of those days; or
    - (iii) is subject to compulsory school attendance in terms of section 9(1) of the Act.

- (5) If a child older than six years –
  - (a) has not been enrolled in any school; or
  - (b) has been enrolled in a school but could not complete his or her primary education,

and is enrolled in a grade appropriate to his or her age, he or she, in order to be at same level with others, must receive appropriate support from the State school where he or she is enrolled in such manner and within such time-limits as the regional director and the school management may direct.

- (6) A State school may not admit a child in any grade if the child –
  - (a) is older than 10 years of age; and
  - (b) has never attended school before,

unless evaluation of the child as to which grade is appropriate to him or her has been conducted by the State school and approved by the Executive Director.

(7) If the Executive Director has not approved the admission of the child referred to in subregulation (6) in any grade at a State school and the child is under 16 years of age, the Executive Director must ensure the admission of the child to a literacy or adult education programme.

(8) A State school may admit in any grade a person who is older than 16 years but not older than 21 years of age, if the person –

- (a) had already been enrolled in a State school the previous year and was promoted to the next grade; or
- (b) produces proof that he or she had been previously enrolled and attended school but for health reasons could not continue attending school.

(9) A person who is older than 21 years of age may be admitted to adult education and literacy programmes referred to in section 31(1) of the Act.

#### **Attendance at State schools**

4. (1) If a learner is absent from a State school, it is the responsibility of the parent or the superintendent in the case of a boarder to inform the principal of the absence of the learner.

(2) If a learner is absent for more than two consecutive school days because of illness, the principal of a State school may require a medical certificate issued by a medical practitioner or senior nurse on the establishment of a hospital or clinic, which –

- (a) indicates the nature of the illness of the learner; and
- (b) declares that the learner is unable to attend school during a specified period.

(3) If a learner is absent from a State school for two consecutive school days, the principal must ascertain the cause for the absence of the learner, if it is not known.

(4) If the cause contemplated in subregulation (3) is that –

- (a) the parent of the learner referred to in that subregulation has taken the learner out of the State school contrary to the Act or these regulations; or
- (b) the learner is absent from a State school without good cause,

the principal must direct the parent of the learner in writing to return such learner to the school within two days of receipt of the directive.

(5) If a parent fails or refuses to comply with the directive referred to in subregulation (4) –

- (a) the principal must refer the matter to the Executive Director; and
- (b) the Executive Director must issue a notice in writing to the parent advising the parent to comply with the directive within the period specified in the notice.

(6) If the parent does not comply with the notice referred to in subregulation (5)(b), the Executive Director with the assistance of the principal must take all reasonable steps to ensure the learner is returned to school.

**Transfer of learner**

5. (1) The Executive Director –
- (a) after consultation with the parents of a learner, may transfer learners from a State school to another State school as a result of –
    - (i) any division, classification or combination of schools as contemplated in section 38 of the Act; or
    - (ii) the closure of a school in terms of section 43 of the Act; or
  - (b) after consultation with the parent, transfer a learner in need of special education from a mainstream State school to a resource school;
  - (c) on application made by the parent, may transfer a learner from a State school to another State school.

(2) The school from which the learner is being transferred as contemplated in subregulation (1) must submit a copy of the learners latest report card, the cumulative record card and the birth certificate of the learner to the receiving school.

(3) The Executive Director, after having transferred a learner from a State school to another State school in terms of subregulation (1), must immediately inform the parent in writing of the transfer.

**Prefects and learners' representative council**

6. (1) Prefects or learners' representative council elected or established in terms of section 27(1) and (2) of the Act, respectively –

- (a) must be constituted annually during the last school term and before the final examinations start; and
- (b) conducts its affairs in terms of its constitution subject to these regulations.

(2) A prefects or learners' representative council must be constituted as follows –

- (a) an equal number of elected boys and girls, except where a school enrolls only boys or girls, and which number is one member for every 40 learners of the school, rounded off to the nearest even number;
- (b) a teacher designated by the principal from amongst the senior staff members of the school –
  - (i) to be the liaison person between the prefects or learners' representative council and the school management; and
  - (ii) who may attend any meeting of the prefects or learners' representative council, but does not have a right to vote.

(3) Within seven days after the election of prefects or learners' representative council, the elected members must meet under the chairmanship of the liaison teacher and, by secret ballot and simple majority vote, elect the prefects or learners' representative council office-bearers of whom at least one must be a female –

- (a) a chairperson;
- (b) treasurer; and
- (c) a secretary.

(4) A resource school may apply to the Minister on Form 2 set out in Annexure 4 for exemption from electing prefects or establishing learners' representative council in terms of section 27(1) or (2) of the Act.

### **Election committee**

7. (1) The principal must appoint an election committee consisting of the following four members –

- (a) a senior teacher as chairperson and another teacher, both nominated by the teaching staff, and
- (b) two learners nominated by the learners.

(2) The election committee must organise and conduct the election referred to in regulation 8, count the votes and announce the results of the election at a time and place approved by the principal.

### **Nomination and election of prefects and members of learners' representative council**

8. (1) The election committee referred to in regulation 7, after consultation with the teaching staff of the school and the learners, must determine the procedure for the nomination and election of candidates for the election as prefects or members of the learners' representative council.

(2) A learner who has been found guilty of misconduct under the general rules of conduct made in terms of section 22(1) of the Act or the code of conduct adopted as contemplated in section 22(2) of the Act during the 12 months preceding the election for prefects or members of learners' representative council may not be nominated for election.

(3) Only a learner who will be in one of the two highest grades at the school in the following year may be nominated for election as a prefect or member of the learners' representative council.

(4) A learner who is an existing prefect or member of the learners' representative council may also nominate a candidate, and be nominated for re-election.

(5) The nomination and election of prefect or members of the learners' representative council is an internal matter of the school and no campaigning, influence or involvement by a person, organisation or group from outside the school is allowed.

### **Powers and functions of prefects and learners' representative council**

9. (1) The functions of prefects or learners' representative council as a highest body of elected leaders of the learners of the school are –

- (a) to promote the best interest and welfare of the school and its learners;
- (b) to act as the liaison between learners and the school management;

- (c) with approval of the principal, to undertake projects and programmes aimed at –
  - (i) improving and maintaining the school environment and facilities;
  - (ii) providing cultural, sport and social activities for learners; and
  - (iii) improving the health and welfare of learners;
- (d) to assist the principal and teachers to ensure adherence to the code of conduct of the school by all learners so as to create and maintain an orderly and disciplined school environment conducive to learning;
- (e) to foster a spirit of mutual respect, good manners and morality among the learners;
- (f) to promote and maintain discipline among learners and promote the general welfare of the school;
- (g) to foster participation in school activities;
- (h) to provide a training ground for developing leaders;
- (i) to help each learner to feel at home in the school;
- (j) to promote orderliness in the school;
- (k) to assist school management in implementing the school policies; and
- (l) to perform any other reasonable tasks assigned to the prefects or learners' representative council by the principal.
- (2) The prefects –
  - (a) may establish committees for specific functions or projects of prefects, which may include learners who are not prefects as members; and
  - (b) must designate a prefect as chairperson of such committee established under paragraph (a).
- (3) The learners' representative council –
  - (a) may establish committees for specific functions or projects of the learners' representative council, which may include learners who are not members of the learners' representative council as members; and
  - (b) must designate a member of the learners' representative council as chairperson of such committee established under paragraph (a).

#### **Vacation of office by prefects and members of learners' representative council**

- 10.** (1) A prefect or member of the learners' representative council vacates office, if such member –
- (a) is found guilty of misconduct under the general rules of conduct made in terms of section 22(1) of the Act or the code of conduct adopted as contemplated in section 22(2) of the Act;

- (b) resigns from office after giving a 30 days' notice to the chairperson of the prefects or learners' representative council; or
- (c) ceases to be a learner of the school.

(2) If a vacancy occurs, as contemplated in subregulation (1), during the term of the elected prefects or learners' representative council, the vacancy is filled by a learner who is next on the election list in terms of votes.

### **Meetings and decision of prefects and learners' representative council**

**11.** (1) A prefects or learners' representative council must hold at least two meetings during each school term.

- (2) The secretary of the prefects or learners' representative council must –
  - (a) keep minutes of the proceedings of all meetings of prefects or learners' representative council; and
  - (b) provide minutes of proceedings of any meeting to the members for corrections before the next meeting is held.

(3) The chairperson of prefects or learners' representative presides all meetings of prefects or learners' representative council, and in the absence of the chairperson, the members present may elect any member to preside over that meeting.

(4) The majority of all the members of prefects or learners' representative council forms a quorum for any meeting of prefects or council.

(5) The majority vote of members present at any meeting of prefects or learners' representative council constitutes a decision of the prefects or learners' representative council.

## **PART 3**

### **HOSTEL AT STATE SCHOOL**

#### **Hostel committee**

**12.** (1) A school board of a State school with a hostel must establish a hostel committee under section 62 of the Act for the efficient running of the hostel.

(2) A hostel committee consists of not less than five and not more than seven members, including the superintendent who is a member by virtue of his or her office.

- (3) The school board may –
  - (a) designate for its membership any person to serve on the hostel committee; and
  - (b) appoint any person from any of the following persons to serve on the hostel committee –
    - (i) parents of boarders; and
    - (ii) prefects and learners' representative council who are boarders at the hostel.

- (4) A member of a hostel committee holds office –
- (a) for as long as such member is a member of the school board concerned; or
  - (b) for such period, not exceeding three years, as the school board may determine in writing at the time of appointment of the member, in case of a member who is not a school board member.
- (5) Where learners from different State schools are boarding in the same hostel –
- (a) each school board of every such school must designate at least one school board member to represent such school on the hostel committee of that hostel; and
  - (b) members of the hostel committee may appoint an additional member from the school parents of the learners.
- (6) A school parent may not be appointed as member of a hostel committee if such parent is the spouse of a staff member who is on the establishment of that State hostel.
- (7) Subject to subregulation (8), the superintendent is a member of the hostel committee by virtue of his or her office, and may take part in the deliberations of any matter before the committee, but has no right to vote.
- (8) If a member of the hostel committee has informed the committee of the existence of a possible conflict of interest during a meeting of the committee, the committee must deliberate on the said possible conflict and determine whether the conflict is material and whether the member must be excluded from the meeting or from the deliberations on the agenda item on which he or she is conflicted.
- (9) A school board must designate any member of the hostel committee to be the chairperson of the committee.
- (10) A hostel committee must appoint one of its members as secretary of the committee.
- (11) The secretary of a hostel committee, within 14 days of his or her appointment, must submit to the Executive Director his or her name and address and the names and addresses of the chairperson and other hostel committee members.

#### **Vacation of office of member of hostel committee**

- 13.** (1) A school parent member of a hostel committee vacates office, if such member –
- (a) has been absent from three consecutive meetings of that committee without the prior approval of the chairperson of the committee; or
  - (b) resigns from office after giving a 30 days written notice to the chairperson of the committee, and if such member is the chairperson of the hostel committee, on written notice to the chairperson of the school board.
- (2) A school board may remove from office a school parent who is a member of a hostel committee, if the school board is satisfied that such member –
- (a) is physically or mentally incapable of performing his or her functions;

- (b) has conducted himself or herself dishonestly or in a disgraceful manner; or
- (c) has neglected his or her functions,

after giving written notice to that member and after affording him or her a reasonable opportunity to be heard.

#### **Vacancies on hostel committee**

**14.** (1) A vacancy on a hostel committee arising from any circumstance referred to in section 64 of the Act or regulation 13 must be filled for the unexpired portion in the manner referred to in regulation 12.

(2) The secretary of the hostel committee must, within 14 days of filling a vacancy as contemplated in subregulation (1), furnish the Executive Director with the name and address of any member of a hostel committee who has been appointed.

#### **Functions of hostel committee**

- 15.** (1) The functions of a hostel committee in relation to a hostel concerned are –
- (a) to exercise overall supervision over the hostel;
  - (b) to advise the superintendent and the school board in matters pertaining to the hostel;
  - (c) to receive regular reports on the affairs of the hostel;
  - (d) to inform itself on the conditions of hostel facilities and advise the school board;
  - (e) to receive representations and grievances of boarders and parents of boarders and advise the superintendent with regard to such representations and grievances;
  - (f) to investigate and advise on such matters as the school board concerned or the Executive Director may refer to it for investigation and report;
  - (g) to exercise overall control over the management, bookkeeping and affairs of the hostel development fund;
  - (h) to recommend hostel rules and a code of conduct for boarders to the school board; and
  - (i) to promote the general health, welfare and hygiene of boarders.

(2) Nothing contained in subregulation (1) may be construed as giving a hostel committee or any member any authority to instruct any hostel staff to perform or refrain from performing any act.

#### **Superintendent**

**16.** (1) Subject to the Public Service Act and the remuneration, allowances and conditions of service as recommended by the Public Service Commission, the Executive Director must designate a teacher on the establishment of a State school for which a hostel has been established to be a superintendent for that hostel.

(2) Subject to subregulations (4) and (5), a superintendent is designated for such period, not exceeding three years, as the Executive Director may determine, and may be re-designated at the expiration of such period.

(3) A superintendent, subject to these regulations and the direction, supervision and control of the principal –

- (a) has direct supervision and control over the staff, boarders, buildings, equipment and materials of the hostel;
- (b) is responsible for the management of the hostel which includes planning, organisation, guidance and exercising control of the different hostel management areas;
- (c) may recommend rules for the internal management and behavior of boarders, including periods of study to the hostel committee;
- (d) determines effective measures and procedures to control access of persons to the hostel to ensure the safety and security of boarders and staff of the hostel and the protection of properties;
- (e) draws up an annual plan for the hostel which he or she must submit at the end of September in each year to the school board for approval.

(4) Subject to the Public Service Act, the Executive Director may withdraw the designation of a teacher as superintendent, if the Executive Director –

- (a) has offered the superintendent an opportunity to be heard; and
  - (b) is satisfied that the superintendent is not performing his or her functions to the best interest of the boarders.
- (5) A superintendent –
- (a) is simultaneously suspended from his or her position as superintendent, if he or she is suspended as teacher in terms of the Public Service Act; or
  - (b) must vacate office of the superintendent if found guilty of misconduct in terms of the Act or the Public Service Act.

### **Lodging of superintendent**

17. (1) A superintendent may lodge in the hostel for which he or she has been designated as superintendent, or in a residence on the premises of the State school or hostel concerned.

- (2) Subject to subregulation (3), a superintendent –
  - (a) may lodge in the official accommodation with his or her dependant children under the age of seven years free of charge; and
  - (b) is entitled to free meals.

(3) During school holidays the persons referred to in subregulation (2) are entitled to official accommodation free of charge, but are not entitled to free meals or the use of hostel supplies or services, except the use of electricity and water.

(4) The spouse, dependant children of seven years of age and older or other relatives of a superintendent sharing accommodation in a State hostel with the superintendent must –

(a) pay for such accommodation as stated in Part 2 of Annexure 3; and

(b) provide for their own meals, supplies and services.

(5) If a superintendent is granted leave, other than sick leave, for a period –

(a) longer than 30 days he or she, with the written permission of the Executive Director, may retain the position of superintendent and continue lodging and boarding with his or her spouse, dependant children and relatives in the official accommodation free of charge; or

(b) longer than a school term the superintendent and his or her spouse, dependant children and relatives must vacate such official accommodation on the day such leave commences.

(6) If a superintendent is granted sick leave in terms of the Public Service Act for a period exceeding 60 days, he or she, with the written permission of the Executive Director, may continue lodging and boarding with his or her spouse, dependant children and relatives in the official accommodation free of charge for such period as the Executive Director may determine.

(7) A superintendent who is not re-designated as contemplated in regulation 16(2) must vacate the official accommodation within the time period as notified to him or her by the Executive Director in writing.

### **Supervisory teacher or person**

**18.** (1) The Executive Director, with the concurrence of the principal of a State school and the superintendent, and based on the staffing norms for supervisors in a State hostel, may –

(a) designate, from amongst the teaching staff on the establishment of the school, a teacher or teachers to assist as supervisory teacher in the hostel; or

(b) subject to the Public Service Act, appoint on contract any other person to assist as supervisory person in the hostel.

(2) A person designated or appointed in terms of subregulation (1) must be of the same gender as the boarders accommodated in the hostel for which he or she has been designated or appointed.

(3) The Executive Director may, in writing, with the concurrence of the principal of a State school and the superintendent, at any time terminate a designation or appointment made under subregulation (1), after giving the person concerned an opportunity to be heard.

(4) A supervisory teacher or person must –

(a) perform his or her functions under the direction and control of the superintendent; and

- (b) comply with the instructions given by the superintendent in relation to his or her functions as supervisory teacher or person.
- (5) A supervisory teacher or person is entitled –
  - (a) to such remuneration and allowances and other conditions of services as may be determined in accordance with the Public Service Act;
  - (b) to free boarding and lodging in the hostel for which he or she has been appointed, or in a residence on the premises of the hostel; and
  - (c) to free meals and all hostel supplies and services, and his or her children under the age of seven years are entitled to free boarding, lodging, meals and all hostel supplies and services, when on duty.
- (6) A spouse, dependant children of seven years of age and older or other relatives of a supervisory teacher or person sharing accommodation in a State hostel with the supervisory teacher must –
  - (a) pay for their accommodation as stated in Part 2 of Annexure 3 into the State Revenue Fund; and
  - (b) provide for their own meals, supplies and services.
- (7) During school holidays a supervisory teacher or person and his or her dependant children under seven years of age are entitled to free lodging in the official accommodation, but are not entitled to free meals or use of hostel supplies or services, except the use of electricity and water.
- (8) If a supervisory teacher or person is granted leave, other than sick leave, for a period –
  - (a) longer than 30 days he or she, with the written permission of the Executive Director, may retain the position of supervisory teacher or person and continue lodging and boarding with his family in the official accommodation; or
  - (b) longer than a school term he or she and his or her spouse, dependant children and relatives must vacate the official accommodation.
- (9) If a supervisory teacher or person is granted sick leave in terms of the Public Service Act for a period exceeding 60 days, he or she, with the written permission of the Executive Director, may continue lodging and boarding in the official accommodation free of charge for such period as the Executive Director may determine, and his or her spouse, dependant children and relatives may continue lodging and boarding until such time in accordance with the applicable conditions.
- (10) A supervisory teacher or person whose designation or appointment has been terminated as contemplated in subregulation (3) must vacate the official accommodation within the time period as notified to him or her by the Executive Director in writing.

### **Hostel staff**

19. (1) The Executive Director creates, retains or abolished posts of chief hostel matron, matron and institutional workers on the establishment of each hostel according to the posts provisioning norms approved by the Public Service Commission.

(2) The chief hostel matron and, in the case of hostels that accommodate primary learners, the hostel matron (child care) and their dependant children under the age of seven years are entitled to free lodging in the hostel, and regulation 17(3), (4), (5) and (6) apply with the necessary changes.

(3) In terms of section 92 of the Act, a hostel staff, on assumption of duty and annually, is medically examined for tuberculosis and other infections or contagious diseases, but such staff member may exercise the option referred to in section 92(4) of the Act.

(4) If during a medical examination of any hostel staff member under this regulation any case of tuberculosis, infections or contagious disease is found –

- (a) the superintendent must immediately notify the Executive Director in writing; and
- (b) the Executive Director on receipt of notification under paragraph (a) must determine the appropriate steps to be taken, subject to the Public Service Act.

(5) Except staff members mentioned in subregulation (2), matrons and institutional workers must receive free meals at the hostel when they are on duty and physically present at the hostel during regular meal times.

(6) All meals provided at a hostel are taken –

- (a) in the dining room or another suitable place designated by the superintendent; or
- (b) at a place of a person entitled to such meals, if the person is unable to take meals at the designated place due to illness.

(7) A superintendent, supervisor and other staff of a State hostel or any other person may not remove any food, supplies, accessories, equipment or other hostel property from the hostel or the hostel premises, unless written authorisation is obtained from the Executive Director.

(8) Any person referred to in subregulation (7) who contravenes that subregulation commits an act of misconduct for which disciplinary action may be taken against him or her in accordance with the Public Service Act.

### **Quotas for boarding in State hostel**

**20.** If a State hostel is established in terms of section 38 of the Act, the Executive Director must determine, in writing, the number of boarders in a State hostel, and such number may not be exceeded without the written approval of the Executive Director.

### **Criteria for admission of boarder in State hostel**

**21.** (1) Subject to regulations 17, 18 and 19, only learners may board in a State hostel.

(2) A learner may board in a State hostel, if such learner is a learner of the school to which the hostel is attached, and –

- (a) his or her parent is ordinarily resident in Namibia or resident outside Namibia and the learner is in possession of a valid study permit and a written approval of the school board; and

- (b) does not live within a 5 km radius from the hostel, or within the same local authority area in which the hostel is located.

(3) Despite subregulation (2)(b), on a written application by a parent, learner or any concerned person and on the written recommendation of a social worker, the Executive Director, after consultation with the superintendent, may approve a learner to board in a hostel, if such learner is a learner –

- (a) whose parent is absent from home for a considerable period and there is no other person to take care of the learner;
- (b) living with a disability that warrants hostel accommodation;
- (c) who is an orphan, disadvantaged, marginalised or does not receive proper guardianship at a place where he or she lives, or is at risk of dropping out of school due to other valid reasons;
- (d) who is being neglected or abused in one way or the other at a place where he or she lives; or
- (e) who lives in unsafe conditions.

(4) A parent whose learner desires accommodation in a hostel may apply to the superintendent for admission of the learner in the form of Form 1 set out in Annexure 4.

(5) A parent whose learner has been admitted in a State hostel must pay the hostel fees as set out in Annexure 3.

(6) A learner may not be re-admitted to the hostel if he or she failed a grade in the preceding academic year, except where proof is provided which shows that the academic performance of the learner was affected by his or her illness or illness of a close relative or death of a close relative which affected the academic performance of the learner.

### **Exemption of parents from payment of hostel fees**

**22.** (1) A parent whose learner is boarding in a State hostel and who cannot afford to pay hostel fees in terms of section 67(3) of the Act may apply, in the form of Form 3 set out in Annexure 4, to the school board for –

- (a) partial or full exemption from payment of hostel fees, or approval to pay school fees in kind; or
- (b) full exemption from payment of hostel development fund, or approval to pay hostel development fund in kind.

(2) A parent applying for exemption as contemplated in subregulation (1) must provide the following information –

- (a) the name, grade and date of birth of his or her child or children enrolled at the school;
- (b) the name, grade and date of birth of other children enrolled at other schools, in a form of Statement written under oath that he or she is responsible for such other children's school development fund contributions and other fees applicable to them;

- (c) the name, residential address, postal address and alternative contact details of the parent;
- (d) occupation, employer and annual or monthly income of the parent, or both parents, where applicable, or particular of any other income the parent receives;
- (e) immovable and moveable property owned by the parent;
- (f) a motivation letter for the application for full or partial exemption; and
- (g) the ability of the parent to make a hostel development fund contribution in kind.

(3) A school board that considers to fully or partially exempt a parent from payment of hostel fees under section 67(2) of the Act must follow the requirements and procedures provided in this regulation.

(4) A statement of annual or monthly income required under subregulation (2)(d) which is not a salary slip must be substantiated –

- (a) by documentation from the employer of the parent; or
- (b) by a signed statement from a community leader, church leader or any reliable person who is familiar with the social and financial position of the parent.

(5) In the case where both biological parents of a learner are deceased, the learner –

- (a) is classified as an orphan; and
- (b) is exempted from payment of hostel fees, if there is proof that there is no alternative accommodation for the learner.

(6) On receipt of the application for exemption referred to in subregulation (1) –

- (a) a school board must consider the application and make its recommendation, in writing, to the Minister within 15 days of receipt; and
- (b) the Minister must decide within 30 days of receipt of the recommendation of the school board.

(7) After considering the application for exemption, the school board must –

- (a) recommend, either –
  - (i) the full or partial exemption from payment of hostel fees;
  - (ii) the refusal of the exemption and give reasons; or
  - (iii) the approval or refusal of payment of hostel fees in kind, and give reasons in case of a refusal; and
- (b) on receipt of the decision of the Minister, inform the applicant in writing of the decision.

(8) A parent may pay the hostel fees, either for the full year, each school term or monthly, and the school board must ensure that an effective bookkeeping system is maintained when recording all payments and issuing receipts.

(9) A learner may not be denied enrolment at a State school solely on the ground that the parent failed to pay the hostel fees for the previous year.

(10) Despite subregulation (9), a parent who fails to pay the hostel fees is held liable for all fees in arrear and must commit himself or herself to one of the methods of payment referred to in subregulation (8), otherwise a civil action may be taken against the parent.

(11) The school board may accept a payment of hostel fees in kind in the case where a parent is unable to make a financial contribution, and offers to render services to the school or hostel which may include –

- (a) the maintenance and renovation work on the buildings and equipment of the school or hostel and the cleaning of the school or hostel premises;
- (b) working with or assisting school staff during bazaars, sport days or other occasions;
- (c) assisting with coaching of sport teams or cultural activities of learners; or
- (d) any other service or contribution which the school board considers to be beneficial to the school and the learners.

#### **Contribution to hostel development fund**

**23.** (1) A boarder in any State hostel or any other hostel under the control of the State is required by section 67(2)(b) of the Act to pay a contribution to the hostel development fund, and regulation 22(11) applies with the necessary changes to the payment of contribution to the hostel development fund.

- (2) A school board at a State hostel or any other hostel under the control of the State –
- (c) after consultation with the school parents; and
- (d) with the approval of the Executive Director,

determines the amount of hostel development fund to be paid by boarders at such hostels.

#### **Control over boarders**

**24.** A superintendent –

- (a) acts in the place of a parent;
- (b) has control over, and apply discipline to, the boarders in the hostel for which he or she has been designated; and
- (c) exercises and performs the powers and functions under these regulation –
  - (i) during the period commencing on the arrival for boarding in the hostel until the date of departure of the boarder from the hostel at the closure of each school term; and
  - (ii) whether or not a boarder is inside or outside the hostel or school premises.

**Medical attention of boarders**

25. (1) The parent of a boarder is responsible for the medical attention and expenses of the boarder.

(2) Despite subregulation (1), the Executive Director must provide to each superintendent for use by the boarders in the hostel such medical supplies or first aid equipment as he or she may consider necessary.

(3) The superintendent is not allowed to give any medication from the medical supplies referred to in subregulation (2) to a learner without the verbal consent of the parent of the learner.

(4) The superintendent must ensure that a boarder in State hostel in need of medical attention outside the hostel is transported to a nearest medical centre, clinic or hospital as soon as practicable.

**Accommodation during out weekends**

26. A boarder may board in a hostel during an out weekend with a prior written approval of the Executive Director.

**Accommodation of persons other than learners**

27. (1) The Executive Director, at the request of the principal of a State school or the superintendent concerned and after consultation with the school board, may grant written approval that persons other than boarders may temporarily be granted boarding in the hostel.

(2) Persons referred to in subregulation (1) must pay such fees for the boarding and lodging as the Minister, with the consent of the Minister responsible for finance, may determine.

(3) The boarding and lodging fees is –

(a) set out in Annexure 3; and

(b) paid into the State Revenue Fund and a staff member who receives the fees must deposit the fees into that account within 24 hours of receipt.

**PART 4****SERVICE POINT****Establishment of service point**

28. (1) Before establishing a service point under section 38(2) of the Act to provide various services to learners, teachers and community members, the Minister –

(a) must consult with the regional authority council or local authority council and local community in the area in which the service point is to be located;

(b) may collaborate with any office, ministry or agency, an educational institution, or a nongovernmental body having similar objectives to those of the Ministry.

(2) The Executive Director must keep and maintain a register of service points referred to in subregulation (1), indicating at least the name, location, facilities available, and contact details of the service point.

#### **Head of service point**

**29.** (1) The Executive Director, for each service point, must appoint a staff member to be the head of service point.

(2) The head of service point –

(a) must administer the service point and perform the functions imposed by these regulations or assigned in writing to him or her by the Executive Director; and

(b) is by virtue of his or her office a member of the committee of service point referred to in regulation 33, but has no right to vote and serves as a secretary to the committee.

#### **User of service point**

**30.** (1) A person may apply for registration as a user of a service point for any period of not more than three years in a form determined by the service point concerned.

(2) A user –

(a) may be issued with an identification card in a form determined by the service point concerned to give him or her access to a service point; and

(b) who is not in possession of identification card may be refused access to the service point by staff or volunteers at the service point.

#### **Service point user fees**

**31.** (1) The committee of a service point may charge –

(a) fees for –

(i) registration as user;

(ii) the use of specified facilities at a service point; or

(iii) specified services rendered by staff and volunteers at a service point; or

(b) fines for non-compliance with the rules of the service point,

as the committee, with the concurrence of the Executive Director, may determine at a meeting of the committee.

(2) The head of a service point must display or cause to be displayed the fees and fines determined as contemplated in subregulation (1) in a conspicuous place at the service point.

#### **Committee of service point**

**32.** (1) Each service point must have a committee to assist the head of service point in the running of the service point.

(2) A committee of service point consists of seven members appointed by the Executive Director –

- (a) four persons nominated for appointment by the annual general meeting of the users of a service point after an election for that purpose;
- (b) three persons from a list of responsible persons in the local community nominated for appointment, after consultation with the regional council concerned, by the head of service point 30 days before the annual general meeting of users.

(3) The members of a committee of service point must elect a chairperson, deputy-chairperson, treasurer and secretary.

(4) Elected members of a committee of service point serve until the next annual general meeting.

(5) The secretary of a committee of service point must convene the first meeting of the committee within 14 days after the annual general meeting.

(6) A member of a committee of service point provides services to the committee on a voluntary basis for the interest of the Namibian child, teachers and local community, therefore is not entitled –

- (a) to remuneration for being such member; or
- (b) to transport or accommodation allowance for being such member,

but such member may be compensated for transport expenses incurred by him or her for which the service point committee is liable, if the committee has given a prior approval based on valid grounds.

(7) A committee of a service point must, at a meeting of the committee, determine rules of the service point and cause such rules to be reduced to writing, subject to such guidelines and restrictions as the Executive Director may determine.

(8) A committee of a service point may –

- (a) recruit and utilise volunteers to assist in the work of the service point, and such volunteers may not receive any monetary reward; or
- (b) enter into agreements or contracts to further the work of the service point, and if there are any financial implications, such agreement or contract must first be approved by the Executive Director.

(9) The secretary of the committee of service point must keep minutes of all meetings of the committee, and the Executive Director may at any time request copies of the minutes of any meeting of the committee.

(10) The Executive Director may attend, or assign a staff member of the Ministry to attend, any meeting of the committee of a service point as an observer or advisor.

(11) The majority of the members of a committee of a service point forms a quorum for a meeting of the committee.

(12) The majority of members present at a meeting constitutes a decision of the committee, and in the event of an equality of votes on any question the person presiding at a meeting of a committee has a casting vote, in addition to his or her deliberative vote.

(13) Meetings of a committee of service point are held at times and places as determined by the chairperson of the committee.

(14) A committee of a service point must meet at least three times per year.

(15) The head of a service point must open a banking or post office savings bank account for the purposes of a service point development fund established in terms of regulation 35.

(16) If a member of a committee of a service point resigns from the committee, or dies, or otherwise vacates his or her office, the committee must appoint a suitable person to replace him or her for the remainder of the period up to the next annual general meeting, and –

- (a) if the member to be replaced was elected by the users then the substitute must be out of users;
- (b) if the member to be replaced was nominated for appointment by the head of service point, then the substitute is appointed after consultation with the regional council in which the service point is located;
- (c) if any replacement is made the Executive Director must be notified immediately of all such changes in the membership of the committee.

(17) If the Executive Director has reason to believe that it is in the interest of the service point or Ministry to terminate the service of a member of a service point, the Executive Director –

- (a) after consultation with the committee of service point concerned; and
- (b) after having –
  - (i) informed the member in writing of the intention to terminate his or her service as member of the service point; and
  - (ii) given the member an opportunity to make representations, either orally or in writing,

may terminate the service of the member.

### **Annual general meeting of users**

**33.** (1) The head of service point must –

- (a) convene an annual general meeting of users to take place on or before March each year;
- (b) send written notices to all users 30 days before the annual general meeting takes place.

(2) The chairperson of the committee of a service point, or his or her deputy, presides at the annual general meeting.

(3) The majority of the users of the service point present form a quorum for the holding of an annual general meeting.

(4) If the quorum required is not present at the meeting convened in terms of this regulation, the secretary of the committee of a service point must convene a second meeting within 30 days, and if the required quorum is still not present at the second meeting, the users present forms a quorum.

(5) The head of a service point must –

- (a) submit a report on the activities of the service point for the previous year at the annual general meeting;
- (b) lay the financial report and the income and expenditure estimate before the annual general meeting as approved by the committee of a service point in terms of regulation 35.

(6) The election of four members of the committee referred to in regulation 31(2)(a) must be conducted at the annual general meeting, and members must be elected by users present and on the basis of written nominations, and by secret ballot.

(7) The head of a service point must within seven days after the election of members inform the Executive Director in writing of the names and addresses of the persons so elected.

### **Service point development fund**

**34.** (1) A committee of a service point must establish and maintain a service point development fund for the service point.

(2) A fund established for a service point before the date of commencement of these regulations is deemed to have been established in terms of this regulation and is subject to these regulations.

(3) A service point development fund consists of –

- (a) monies appropriated by Parliament for the purpose of the fund;
- (b) fees and fines determined in accordance with regulation 31;
- (c) donations and grants from other sources; and
- (d) proceeds from fundraising events such as bazaars, entertainment or cultural events.

(4) The head of a service point must –

- (a) keep books of account for all transactions of the service point development fund; and
- (b) annually cause financial statements –
  - (i) to be prepared in the format determined by the Executive Director; and
  - (ii) to be submitted to the committee of the service point for discussion and approval, before it is laid before the annual general meeting of users.

(5) Receipts are issued immediately for all income received, and monies so received are paid into a bank or post office savings account of the service point within two working days of receipt.

(6) The Executive Director may in writing require a service point to pay from its development fund for the purchase of specified goods and services, including telecommunication, photocopying and the maintenance of equipment.

(7) The Executive Director must, after consultation with the head of the service point, appoint an auditor to annually audit the accounts of the service point at the expense of the service point.

(8) The financial year of a service point ends on 31 March in each year.

(9) The head of a service point, with the concurrence of the treasurer of the committee of a service point, must –

- (a) draft an annual budget for the service point based on an estimation of income and expenditure of the service in a particular year;
- (b) consider the financial and other support that the State is able to provide to the service point through the national budget; and
- (c) submit the budget to the committee of the service point for discussion and approval before it is laid before the annual general meeting of users for final approval.

(10) The head of a service point must, not later than July each year, forward to the Executive Director, the annual financial statements of the service point development fund, approved by the committee and the annual general meeting of users.

(11) The Executive Director may at any time cause an inspection or audit of the financial records and accounts of a service point to be carried out.

(12) Subject to the control of a committee of the service point, the ownership of monies of a service point development fund, as well as any property, stores or equipment purchased with such monies vests in the Ministry.

(13) The overdrawing of an account of the development fund is not permitted.

(14) Payments from a service point development fund may be made –

- (a) if authorised by the committee of the service point; or
- (b) in urgent cases with the approval of the chairperson of the committee, but it must be reported at the next meeting of the committee.

(15) An expenditure not in accordance with the approved budget may only be made with the approval of the committee of the service point.

(16) A payment may not be made from the development fund by way of a loan or an advance to any person.

(17) A negotiable instrument to be issued on behalf of a service point development fund or any other payment authorisation or transaction is signed by any two of the following persons –

- (a) the head of the service point;
- (b) the chairperson of the committee of the service point; and
- (c) a committee member, other than the treasurer.

(18) A person who contrary to these regulations –

- (a) approves, authorises or incurs any expenditure from a service point development fund; or
- (b) approves, authorises or makes any payment from a service point development fund,

may be held liable for any loss suffered by the service point development fund and such loss may be recovered from that person.

#### **Handover of accounts and other financial documents**

**35.** (1) When a new head of service point is appointed to a service point, the outgoing head must arrange for –

- (a) the handover of all monies, account books, bank statements and documents relating to the development fund; and
- (b) the signing of a certificate of handover by him or herself and the incoming head of service point in a form determined by the service point, after having jointly checked all financial records contemplated in paragraph (a).

(2) If, due to death or incapacity, the head of a service point is unable to perform the hand over, the treasurer of the committee of service point must perform the hand over to the incoming head of a service point as contemplated in subregulation (1).

(3) The new head of service point must forward copies of the certificate referred to in subregulation (1)(b) to the chairperson of the committee of the service point concerned and the Executive Director.

#### **Closure of service point**

**36.** (1) If a service point is closed for any reason, the head of the service point, on a date and in the manner determined by the Executive Director, must hand over to the Executive Director or a staff member designated by the Executive Director –

- (a) all books of accounts, receipt books, registers, vouchers, accounts, certificates, proofs of payment, bank-books and statements and other documents connected to the service point development fund; and
- (b) all cash in hand, stores, equipment and other movable property over which the committee of service point concerned exercises control.

(2) If, due to death or other serious cause, the head of a service point is unable to perform the handover as contemplated in this regulation, the treasurer of the committee of the service point must perform such function on behalf of the head of the service point.

(3) The Executive Director must in writing acknowledge receipt of all documents and money referred to in subregulation (1).

(4) Any costs incurred in connection with a handover in terms of this regulation must be paid from the service point development fund concerned.

## PART 5

### INSPECTIONS AND INVESTIGATIONS OF STATE SCHOOLS AND HOSTELS

#### **Designation of quality assurance officers**

**37.** (1) The Executive Director, when designating a staff member of the Ministry as a quality assurance officer under section 48(3) of the Act, must have consideration –

(a) to his or her knowledge and experience in specific aspects of inspections, investigations and monitoring and evaluation of schools, including home schools, classes, hostels, support centres and programmes; and

(b) to the requirements and procedures contemplated in sections 91, 92 and 93 of the Act.

(2) A person who –

(a) obstructs or interferes with a quality assurance officer in the course of exercising or performing the powers or functions conferred or imposed on the quality assurance officer under the Act; or

(b) impedes the exercise or performance by the quality assurance officer of the powers or functions referred to in paragraph (a),

commits an offence and is liable to a fine not exceeding N\$6 000 or imprisonment not exceeding a period of 12 months, or to both such fine and such imprisonment.

#### **Purpose of inspections**

**38.** (1) Subject to sections 48, 91, 92 and 93 of the Act, the purpose of inspections is to –

(a) assess the implementation of policies, circulars, and other directives made by the Minister or the Executive Director;

(b) collect information on factors that can be used to identify schools including home schools, classes, hostels, support centres and programmes that would benefit from further inspections;

(c) monitor the progress made by a school in implementing the recommendations of earlier inspections; and

- (d) collect information on the operation and effectiveness of schools for research or other purposes, including the provision of information to other sections of the Ministry.

(2) Hostel inspection is undertaken annually and the quality assurance officer must submit a report as contemplated in section 93(1) of the Act.

## PART 6

### SCHOOL BOARD OF STATE SCHOOL

#### **Determination of constitution of school board of State school**

**39.** The number of school board members of a State school is determined in accordance with the total number of learners enrolled at the school as set out in Annexure 2.

#### **Qualification as member of school board of State school**

**40.** (1) Subject to sections 54(2) and 55(1) of the Act, a person does not qualify for election as a member of a school board in terms of regulation 41 or 42, if the person –

- (a) has been convicted of an offence and sentenced to a period of imprisonment without the option of a fine in Namibia or in a foreign country, except that he or she has received a free pardon in respect of such offence, or such period of imprisonment has expired at least five years prior to the date of his or her election as a member of the school board;
- (b) is employed as a staff member in the management cadre in the Ministry or as an inspector of education at national or regional level;
- (c) is the spouse of a teacher or other staff member who is attached to the State school for which the school board is to be elected;
- (d) despite the fact that he or she has a child at the school for which the school board is to be elected, is a member of a school board of another State school;
- (e) does not read or write;
- (f) is an unrehabilitated insolvent;
- (g) has been convicted of an offence contemplated in section 238(8) of the Child Care and Protection Act, 2015 (Act No. 3 of 2015);
- (h) is subject to an order of a competent court declaring the person to be mentally ill or disordered;
- (i) has been removed from an office of trust as a result of improper conduct; or
- (j) has been convicted, whether in Namibia or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence under any law for the prevention of corruption, or any offence involving dishonesty and has been sentenced to imprisonment without the option of a fine, or to a fine of N\$1 000 or more.

**Election of members of school board of State school**

41. (1) Subject to section 127 of the Act, the Executive Director must determine the date for the election of members of school boards, and subsequent elections are held at least 30 days before the expiry of a term of office of a school board.

(2) The election of members of a school board is conducted by a staff member designated by the Executive Director and who is not employed at the school concerned.

(3) An election referred to in subregulation (1) is conducted –

(a) by secret ballot; or

(b) where appropriate, with the approval of the Executive Director, by a show of hands.

(4) Subject to section 63 of the Act, a member of a school board holds office for a term of three years and is eligible for re-election at the expiration of that term.

(5) A member of a school board must sign the prescribed oath of secrecy on the date of assumption of his or her duty as member.

(6) If the subsequent election contemplated in subregulation (1) is due, the chairperson of the school board concerned must inform the Executive Director in writing of the expiry date of the term of office of the school board.

(7) For the purpose of holding an election of school parents and teachers for representation on a school board, the presiding officer, as soon as possible after his or her appointment, must convene a meeting of the parents and teachers of the State school concerned by means of a 14 days' written notice –

(a) served on the school and delivered to the parents; and

(b) if necessary, broadcasted over the radio, announced in church or any appropriate forum, or published in newspapers circulating in the area, indicating the date, time, purpose and venue of the meeting.

(8) The quorum of a meeting referred to in subregulation (7) must be 10 per cent of the school parents and the majority of the teachers of the school.

(9) If a quorum is not present at the meeting contemplated in subregulation (8), the presiding officer must convene a second meeting within 30 days from the date of the meeting.

(10) If the quorum requirement referred to in subregulation (8) is not met at the second meeting referred to in subregulation (9), the parents and teachers of the school present at the meeting constitute a quorum for the parents and teachers, respectively.

(11) If at meeting convened under this regulation the parents and teachers of the school both form quorums as required under this regulation, the elections of parents and teachers as members of the school board are held simultaneously.

(12) After a notice of a meeting of school parents and teachers has been given in terms of subregulation (7), the school parents and teachers, respectively, may submit to the presiding officer the names of school parents and teachers, respectively, as their nominated candidates for the election as members of the school board.

(13) A nomination of a parent or teacher of a school for election as member of a school board –

- (a) is made on Form 4 set out in Annexure 4; and
- (b) is signed by the nominator and two seconders who must provide their names and the names of their children enrolled as learners at the school.

(14) A person, other than a school parent or teacher of the school, may not nominate a parent or teacher candidate for election as member of a school board or second such nomination.

(15) A nominee who accepts the nomination as a candidate for election as member of a school board must sign the acceptance of nomination on Form 4 set out in Annexure 4.

(16) If on a date of the election of members of a school board at a meeting properly constituted in terms of subregulation (7) the presiding officer realised that the nominees for that election do not meet the required number of candidates, the presiding officer must call for further nominations of school parents or teachers, and any nomination so made must comply with subregulation (14) and (15).

(17) After having satisfied himself or herself that –

- (a) every school parent or teacher nominated in terms of subregulation (13) is qualified to be elected as member of the school board; and
- (b) the nominees meet the required number of candidates,

the presiding officer must declare the nominations closed, and announce the names of the duly nominated candidates.

(18) If, after the closing of nominations, the number of candidates for election as members of the school board –

- (a) is equal to the number of members determined in terms of regulation 39, the presiding officer must declare the candidates as duly elected members of the school board; and
- (b) is more than the number of members determined in terms of subregulation (4) for the school parents and teachers, the presiding officer must conduct an election for school parents or teachers, or both such parents and teachers, in accordance with subregulations (19), (20) and (21).

(19) At an election of school board members, every school parent present at a meeting properly constituted in terms of subregulation (8) or (10) –

- (a) is entitled to vote in the election; and
- (b) may cast a number of votes equal to the number of members to be elected, but may not cast more than one vote in respect of any particular candidate.

(20) The presiding officer in the election held in terms of subregulation (18)(b), must –

- (a) announce whether the election is to be conducted by secret ballot or whether there is a prior approval of the Executive Director for the election to be conducted by a show of hands; and

- (b) determine the procedure to be followed in that election and assign a sufficient number of persons to count the votes.

(21) After ascertaining the results of an election held in terms of this regulation, the presiding officer –

- (a) must declare the candidates who received the highest number of votes, but not exceeding the number of members determined in terms of regulation 40 for representation of school parents and teachers on the school board, as duly elected members of the school board; and
- (b) if there is an equality of votes resulting in more members than the number of members determined in terms of regulation 40 for representation of school parents and teachers on the school board, must –
  - (i) announce a re-election between the candidates who received equal number of votes; and
  - (ii) declare the candidate, or where applicable the candidates, who receive the highest number of votes in the re-election, as duly elected member or members of the school board.

(22) Before an election for school board members starts, in the case of a secondary school, the head of a learners' representative council must furnish the presiding officer with the names of two learners nominated to represent learners on the school board.

(23) A member of a school board must, on the date of assumption of his or her duty as member, sign the prescribed oath of secrecy in the form of Form 5 set out in Annexure 4, and the oath is kept on record with other classified documents.

(24) If a member of the school board dies or vacates office, the vacancy is filled for the unexpired portion of the term of office of such member in accordance with these regulations.

#### **Election and nomination of members of school board of State school for learners with special education needs**

**42.** (1) Regulation 41 applies with the necessary changes to the election of the members referred to in section 55(1)(a) to (d) of the Act.

(2) The Executive Director, for the purposes of selecting persons for appointment as members of school boards, must through announcement –

- (a) in at least two local newspapers circulating nationally;
- (b) on local radios;
- (c) where appropriate, in local churches; or
- (d) any other media that can reach a wider audience as possible,

request any interested person or body as contemplated in section 55(1)(e) to (i) to submit, within 30 days of the request, the names of persons complying with the relevant requirements for appointment as members of the school board in their area of expertise or interest.

(3) If the names referred to in subregulation (2) are not submitted to the Executive Director within the period referred to in that subsection, the Executive Director must appoint suitably qualified persons as members of the school board and a person so appointed holds office as if his or her name was submitted in accordance with that subregulation.

(4) The Executive Director must provide all persons referred to in subregulation (2) or (3) with letters of appointment stating their names, the name of the school board and term of office.

#### **Election of school board office-bearers**

**43.** (1) After having declared the candidates duly elected in terms of regulation 41(21), the presiding officer must then preside over the election of the school board office-bearers, the chairperson, secretary and treasurer as referred to in section 61 of the Act.

(2) The secretary of the school board, within 14 days of the election of the school board concerned, must submit to the Executive Director the names and addresses of the chairperson, secretary, treasurer and other school board members.

#### **Meetings of school board and committees of school board**

**44.** (1) The chairperson, with the concurrence of the principal, must convene the first meeting of the school board, and any subsequent meeting must be held on a date and at a time and place determined by the school board.

(2) The chairperson of the school board or committee of school board may convene a special meeting of the school board or committee –

(a) on his or her own initiative; or

(b) on written request of at least one-third of the members of the school board or committee.

(3) The secretary must notify the members of a school board or committee of the school board in writing of the date, time and place of any meeting of the school board at least seven days before the meeting.

(4) If a school board has not made rules for conducting its meetings as contemplated in section 59(8) of the Act, the chairperson or any other person who presides at the meeting must determine the procedure at the meeting concerned.

(5) If members of a school board or committee of a school board present at a meeting which has been properly convened do not form a quorum, the school board or committee of the school board must postpone the meeting to a venue and a date not less than seven days but not exceeding 14 days.

(6) The secretary must give all members of the school board or committee of the school board notice in writing of the date and venue of a meeting determined in terms of subregulation (5).

(7) A school board or committee of a school board may allow any person, who in its opinion is able to furnish it with information on a matter which falls within its powers, to attend a meeting of the school board or committee of the school board, and while so attending such person may take part in the deliberations of the matter, but is not entitled to vote.

(8) A staff member of the State school concerned must attend a meeting of the school board or committee of the school board when requested by a school board or committee of the school board, but may not be compelled to furnish information or reply to a charge against him or her.

(9) The Executive Director may attend, or nominate a staff member in the Ministry, to attend any meeting of a school board or committee of a school board as an observer or in an advisory capacity.

(10) A secretary must –

- (a) keep minutes of every meeting of a school board or committee of a school board in a file kept for that purpose; and
- (b) at every meeting of the school board or committee of the school board, record the names of –
  - (i) the members of the school board or committee of the school board present;
  - (ii) any other invited person present; and
  - (iii) the members of the school board or committee of the school board absent, and indicate whether the absence is with apology or without apology.

(11) The secretary must lay the minutes of each meeting before the school board or committee of the school board at its next meeting for adoption.

(12) If requested by the Executive Director, the secretary must forward to him or her a copy of the minutes of any meeting referred to in subregulation (10).

(13) A member of a school board or committee of a school board or a staff member in the Ministry who is duly authorised in writing has access to the minutes of any meeting of the school board or committee of the school board.

(14) Any act, decision or proceedings of a school board or committee of a school board is not invalid by the reason that there was a vacancy amongst its members or by any defect in the appointment of any of its members.

(15) A member of a school board or committee of a school board provides school board services on a voluntary basis for the interest of learners, and is not entitled –

- (a) to remuneration for being such member; or
- (b) to transport or accommodation allowance for being such member,

but such a member is reimbursed for travel and other expenses incurred by him or her, if the school board or committee has given a prior approval based on valid grounds.

### **Confidentiality**

**45.** If a school board or committee of a school board has decided that information before it is of a confidential nature, a board or committee member, apart from the permission contemplated in section 59(9)(a) of the Act, may disclose the information after having obtained permission of the school board or committee of the school board in writing.

**Powers and functions of school board**

46. In addition to the powers and functions referred to in section 50 and 51 of the Act, a school board –

- (a) functions as the body through which the community of the school is able to participate in the governance of the school and its activities;
- (b) advises and makes recommendations to the Executive Director regarding matters which concern the welfare and interest of the school;
- (c) investigates any complaint affecting the school, and, if necessary, refers such complaint to the Executive Director through the regional director;
- (d) considers inspection reports referred to in section 93 of the Act and, where necessary, makes recommendations to the Executive Director on any matter mentioned in or resulting from such reports;
- (e) is responsible for the supervision of buildings, sites, fencing and accessories of the school concerned, and advises the Executive Director on any shortcomings regarding such buildings, sites, fencing and accessories;
- (f) designing and reviewing internal policies of the school; and
- (g) performs any task which the Executive Director may direct school boards in general or a school board in particular to perform.

**Expenses incurred by school board or committee of school board**

47. Expenses incurred by a school board or committee of a school board in the performance of its functions or in the exercise of its powers are paid from monies available in the school development fund of the State school concerned.

**PART 7****SCHOOL DEVELOPMENT FUND****Voluntary contributions to school development fund of State school**

48. (1) For the purposes of effecting section 69(2)(c) of the Act and to enable the school to properly plan its annual activities to achieve its educational goals, the school board of a State school must, by at least 30 days' notice, convene a compulsory parents meeting to determine –

- (a) the total number of parents who –
  - (i) can afford and are willing to financially contribute to the school development fund;
  - (ii) can contribute to the school development fund by rendering their voluntary services to the school instead of financial contribution and type of services;
  - (iii) can contribute in kind to the school development fund and what type of materials;

- (iv) cannot afford to financially or otherwise contribute to the school development fund but are willing or not willing to contribute;
- (v) the minimum or average amount of financial contribution to be made to the school development fund by willing parents; or
- (vi) the deadlines for payment of financial or in kind contributions to the school development fund and the intervals for the provision of services by willing parents.

(2) A parent who is willing to contribute to the school development fund either financially or in kind or provision of services is obliged to sign an undertaking to do so in a form determined by the regional director.

(3) Parents are encouraged to voluntarily assist the State by contributing to the education of their children.

(4) Voluntary contribution to the school development fund by parents is reviewed every year with the aim of assessing the need of a school which assessment may result in reduction or increment of voluntary contribution depending on the economic situation of our country.

(5) A school board must keep a register of parents containing all the details referred to in subregulations (1) and (2).

- (6) A State school may not deny –
  - (a) a child admission to the school; or
  - (b) a learner participation in school activities,

because of non-payment of voluntary contribution towards the school development fund.

### **School development fund account and investment**

**49.** (1) All monies received on behalf of a school development fund are deposited in the account contemplated in section 69(3) of the Act within 24 hours of receipt, unless the school board with the approval of the Executive Director, determines otherwise due to valid reasons including distance and the amount to be deposited.

(2) Moneys standing to the credit of a school development fund account and which is not required for immediate use because it is part of –

- (a) an ongoing project that is still in its early stage; or
- (b) a project that has not yet started,

may be invested in such manner as a school board, with the approval of the Executive Director, may determine.

### **Bookkeeping**

- 50.** (1) The principal of a State school is responsible for –
  - (a) ensuring the issuing of receipts for all monies received on behalf of a school development fund;

- (b) the keeping of cash registers and all receipt books; and
  - (c) for the safe custody of all books of account, including banking books, vouchers, certificates and other related documents.
- (2) The person who is appointed by the School Board to receive school money on behalf of the State school must issue a receipt –
- (a) for any money received on behalf of a school development fund, and for any cash payment made out of the school development fund a payment voucher is issued; and
  - (b) made out in duplicate with carbon paper in serial number order and no alterations to the name or amount in words or figures is permissible.
- (3) If an error is made on a receipt, that receipt and its duplicate must be cancelled and another receipt issued.
- (4) A duplicate of a receipt which has been issued and the original of a cancelled receipt together with its duplicate must be kept safely in their original positions in the receipt book for inspection and auditing.
- (5) Particulars of receipts issued are entered weekly into the cash book.
- (6) The receipts in the cash book for the preceeding month are balanced and reconciled with the school development fund account at the beginning of every month.
- (7) The principal of a State school must, with the consent of the treasurer, determine and maintain an effective control system for the collection of school development fund contributions by ensuring that –
- (a) a receipt is issued on payment; and
  - (b) a staff member is designated to receive all payments and issue receipts, or alternatively, implement effective control measures to reconcile monies received with receipts in cases where contributions are received by more than one staff member.

### **Functions arranged in aid of school development fund**

**51.** If a function is arranged in aid of a school development fund by a school board, the principal and the secretary of the school board, as soon as possible after the conclusion of such function, must jointly –

- (a) check the expenditure and revenue in that regard; and
- (b) draw up and sign a statement for submission to the school board.

### **Payments from school development fund**

**52.** (1) The principal of a State school may keep petty cash not exceeding N\$1 000 obtained monthly by way of an advance from the school development fund.

(2) Payment from a school development fund which is not in accordance with the estimate of expenditure approved by the school board in terms of section 71 of the Act, may only be made –

- (a) with special authorisation from the school board; or
- (b) in urgent cases, with the approval of the chairperson in which case the approval of the chairperson is put on the agenda of the next school board meeting for confirmation.

(3) An instalment sale transaction as defined in section 1 of the Credit Agreements Act, 1980 (Act No. 75 of 1980) may not be entered into on behalf of a school development fund.

(4) If a school board wants to effect any expenditure of more than N\$5 000 for the acquisition of goods or services for its school, the school board must obtain three quotations from the goods or service providers from which the school board may choose the appropriate quotation.

(5) A person who contrary to the Act or these regulations approves any expenditure or makes any payment from a school development fund may be held liable, in terms of the Public Service Act and Public Service Staff Rules, for any loss the school development fund may incur as a result.

- (6) If the person referred to in subsection (5) –
  - (a) is a staff member, the principal in concurrence of the school board must notify the regional director of the loss caused by the staff member and the regional director must inform the Executive Director who must take the appropriate steps in line with the Public Service Act and Public Service Staff Rules; and
  - (b) is a member of the school board, the school board with the concurrence of the principal must notify the Executive Director who must take appropriate steps in line with the code of conduct for members of the school board contemplated in section 57 of the Act.

### **Stores register, inventory and stock-taking**

**53.** (1) The principal of a State school must keep a stores register and inventory in which all stores, equipment and other movable property over which a school board exercises control are entered.

(2) The Executive Director must determine the manner in which the stores register and inventory referred to in subregulation (1) are to be kept.

(3) A voucher is made out in duplicate whenever stores, equipment or other movable property referred to in subregulation (1) are issued and subsequently returned or consumed, and such voucher is retained for inspection.

(4) The principal and the treasurer of a school board must take stock of all stores, equipment and other movable property over which the school board exercises control not later than 30 November in each year.

(5) The principal and the treasurer of the school board must draw up and sign a certificate stating that stock has been taken, and reflect any shortage or surplus in stock, equipment or other movable property, as well as any worn, unserviceable, damaged or redundant stores, equipment and other movable property found during such stock-taking.

(6) The principal must retain the certificate referred to in subregulation (5) for inspection and auditing and a copy of the certificate is forwarded to the regional director concerned and another copy to the school board.

(7) If the principal resigns or leaves his or her post for one reason or another, a person who takes over the position of the principal, either on permanent or temporary basis, may only accept the responsibilities referred to in regulation 50, after having satisfied himself or herself as to the position of all the registers, books of account, petty cash and inventory referred to in regulations 50 and 53 and this regulation.

(8) Subject to regulation 16(1)(f), this regulation applies with the necessary changes to the hostel development fund referred to in section 67(2) of the Act.

### **Appointment of auditor**

**54.** When appointing an auditor in terms of section 73 of the Act, if a regional director is of the opinion that circumstances are such that the appointment of a registered auditor is not practicable or desirable, the regional director may ask the Executive Director to approve the appointment of any other suitable person with adequate knowledge and experience in accounting as auditor.

### **Inspection by staff member of Ministry**

**55.** (1) A staff member of the Ministry authorised in writing by the Executive Director may at all reasonable times and without notice call on the principal of a State school to submit the books of account, receipts books, registers, vouchers, certificates, other documents, proofs of payment, bank books, and cash on hand with regard to the school development fund for inspection by him or her.

(2) The staff member must submit the findings on the inspection referred to in subregulation (1) to the Executive Director, the regional director and the chairperson of the school board concerned.

(3) If it appears that –

- (a) any loss or shortfall of cash, stores, equipment or other movable property over which a school board exercises control has been caused; or
- (b) any improper or unauthorised payment from a school development fund has occurred,

the staff member who did the inspection must, in writing, notify the regional director and the school board not later than five days from the date the staff member completed the inspection.

### **Handover of assets when State school closed**

**56.** (1) If a State school is closed as contemplated in section 43 of the Act, the school board, on a date and in the manner determined by the regional director concerned, must hand over to the regional director or a staff member designated by the regional director for transmission to the Executive Director –

- (a) all books of account, receipt books, registers, vouchers, certificates, cash in hand, cheque books, bank statement, bank books and the other documents in connection with the school development fund; and

- (b) inventory relating to stores, equipment and other movable property as well as immovable property over which the school board concerned exercises control.
- (2) The regional director must, in writing, acknowledge receipt of all documents and monies referred to in subregulation (1).

## PART 8

### PRIVATE SCHOOLS, PRIVATE PART-TIME CENTRES AND HOSTELS

#### Registration of private schools and private part-time centres

**57.** (1) A person who wishes to apply for the registration of a private school or private part-time centre as contemplated in section 76(1) of the Act must, before education is provided in the school or centre, apply in the form of Form 6 set out in Annexure 4 and the application must be –

- (a) accompanied by a motivation letter for the establishment of the private school or private part-time centre detailing some of the factors referred to in subsection (2) of that section, and other supporting documentation, if any; and
  - (b) submitted to the regional director concerned who must submit it to the Executive Director for transmission to the Minister.
- (2) On receipt of the application referred to in subregulation (1), the Minister –
- (a) must verify every detail of the application, evaluate the application, motivation letter and other documents; and
  - (b) may ask for further information to be furnished to him or her.
- (3) In determining the standard of education referred to in section 76(2)(b)(iv) of the Act, the Minister must consider –
- (a) the experience and competence of the owner of the private school or private part-time centre, or members of the governing body of the school with regard to education and the management of a school;
  - (b) the availability, number and suitability of physical facilities of the school or centre, including classrooms, laboratories, libraries, workshops, offices, store rooms, toilets and other relevant structures;
  - (c) the compliance with the requirements of the health standard relating to toilet facilities of the school or centre as determined by Ministry responsible for health;
  - (d) the curriculum to be offered by the school or private part-time centre, with special consideration of the weekly and daily hours of tuition, the number and combination of subjects offered in each grade, the syllabus of each subject offered and the policy, method and frequency of assessment;
  - (e) the qualifications, teaching experience and competency of teachers of the school or private part-time centre;
  - (f) details of its fee structure and the manner of payment of the fees;

- (g) the contents of its prospectus, and thereafter any revised or amended fee structure or prospectus;
  - (h) the availability and suitability of textbooks and other teaching and learning materials; and
  - (i) the name and address under which the school or private part-time centre is to be registered as a Namibian taxpayer and the tax reference number of the school or private part-time centre.
- (4) The Minister, within 60 days of receipt of an application for registration referred to in subregulation (1), may –
- (a) decline the application; or
  - (b) approve the application, with or without conditions.
- (5) If the Minister approves an application for registration as private school or private part-time centre, the Minister must –
- (a) register the school as private school or private part-time centre; and
  - (b) issue to the applicant of the private school or private part-time centre so registered a certificate of registration with a reference number in the form of Form 7 set out in Annexure 4.
- (6) If the Minister declines an application for registration as a private school or private part-time centre for not meeting the requirements in terms of the Act and these regulations, the Minister must –
- (a) inform the applicant in writing of the reasons for his or her decision; and
  - (b) grant the applicant an opportunity to make further presentations in support of the application.
- (7) The register of private schools or private part-time centres referred to in section 77 of the Act is in the form of Form 8 set out in Annexure 4, which register includes among others –
- (a) the reference number contemplated in subregulation (6);
  - (b) the name of the owner of the private school or private part-time centre;
  - (c) the name of the private school or private part-time centre so registered; and
  - (d) the number of grade levels.

**Conditions to be complied with after registration of private schools and private part-time centres**

**58.** (1) After a private school or private part-time centre having been registered in terms of section 76 of the Act and regulation 57, the school or centre must, apart from the conditions of registration contemplated in that section, maintain and adhere to the further conditions referred to in this regulation.

- (2) A private school or private part–time centre must –
- (a) keep record of all unsuccessful applications for admission to the school or centre in a page numbered bound book, detailing –
- (i) the date of application;
  - (ii) the name and date of birth of learner;
  - (iii) the grade applied for;
  - (iv) the name, address and telephone number of parent; and
  - (v) the reason why the application was unsuccessful;
- (b) if an application for admission was unsuccessful, provide the applicant with a letter stating the reason why the application was unsuccessful, and a copy of the letter is kept on file at the school or centre;
- (c) keep and maintain registers for enrolment of learners, attendance of learners, pass records, misconduct records, financial records and other necessary documents for the school or centre;
- (d) furnish –
- (i) all information and data from the registers, records and documents referred to in paragraph (b) to the Minister at such times as the Minister may determine;
  - (ii) every applicant with full details concerning the fees and the conditions of payment, before a learner is enrolled at the school or centre;
- (e) have teaching staff in possession of at least –
- (i) a three or four year qualification in education from an institution of higher learning; or
  - (ii) such other qualification as the Minister may accept as sufficient qualification contemplated in section 76(2)(b)(iii) of the Act;
- (f) place a sign in its foyer clearly indicating the following words:
- “(The name of the school) is registered with the Ministry of Education, Arts and Culture of the Republic of Namibia, registered (number). Admission is open to all learners irrespective of race, colour, ethnic origin or creed.”.*
- (3) A private school or private part–time centre may not –
- (a) without the approval of the Minister –
- (i) cancel a subject or course that is part of the approved curriculum; or
  - (ii) offer a subject or course which is not part of the approved curriculum;

- (b) carry out or pursue any objectives or activities other than those which are purely educational or allowed under the Act;
  - (c) make excessive, misleading, or false claims about the effectiveness of its education;
  - (d) guarantee success in examination to any learner; or
  - (e) furnish any person with any prospectus or other information material which does not clearly indicate the words referred to in subregulation (2)(f).
- (4) If an admission or language test is to be administered at a private school, whether in written or oral form –
- (a) it must be administered to all new applicants for a particular grade and not selectively; and
  - (b) the results of the test, including answer papers and recordings of orally administered tests, are retained for a period of 12 months, and are available for inspection by quality assurance officers.

#### **Registration of private hostels or community hostels**

**59.** (1) A person who wishes to operate a private hostel or community hostel must apply for the registration of such hostel in the form of Form 9 set out in Annexure 4.

(2) An application for registration of a private hostel or community hostel is accompanied by –

- (a) the title deed of the property in the name of the owner of the property on which the private hostel or community hostel is to be operated; or
- (b) a lease agreement in the name of the person or organisation that will operate the private hostel or community hostel; and
- (c) building plan, a drawing of the premises or description of the premises including ablutions, bathrooms and toilets, and certificate of fitness issued by an environmental health officer.

(3) The Minister, within 60 days of receipt of an application for registration of a private hostel or community hostel, may –

- (a) decline the application; or
- (b) approve the application, with or without conditions.

(4) If the Minister approves an application for registration as private hostel or community hostel, the Minister must –

- (a) inform the applicant in writing of the approval and the conditions, if any, under which it is registered, and issue a certificate of registration in the form of Form 10 set out in Annexure 4; and
- (b) if applicable, the conditions under which it receives aid as contemplated in section 83(7) of the Act.

(5) If the Minister declines an application for registration as a private hostel or community hostel for not meeting the requirements in terms of the Act and these regulations, the Minister must inform the applicant in writing of the reasons for his or her decision.

(6) The Minister may withdraw the registration of a private hostel or community hostel, if –

- (a) the hostel no longer meets the conditions under which it was registered or is not in compliance with the Act;
- (b) the owner requests for the withdrawal;
- (c) it subsequently comes to light that information in the original application was incorrect and had it been correctly stated, the registration would probably not have been approved; or
- (d) there is a gross or repeated breach of the conditions under which the hostel was registered.

(7) The Minister must, in writing, notify the owner of the private hostel or community hostel of the intention of the Minister to withdraw the registration of the hostel under subregulation (4), and the owner may, within a period of 30 days from the date of receipt of the notification, make representations in writing to the Minister.

(8) If, after consideration of the representations made under subregulation (7), the Minister decides to withdraw the registration of private hostel or community hostel under subregulation (6), the Minister must, in writing, notify the owner of the hostel of the decision to withdraw the registration of the hostel.

#### **Aid to private schools or hostels**

**60.** (1) The owner or governing body of a private school or hostels may apply in writing to the Minister to receive aid in any form contemplated in section 83(7) of the Act.

(2) The Minister, subject to the form of aid a private school receives, must place a private school in a category specified in a notice made under section 83(2) of the Act, and inform the owner or governing body of the school in writing of the category of the school.

(3) The Minister may provide aid to private schools and hostels at times and according to procedures determined by the Minister from time to time.

#### **Conditions for granting of aid to private schools or hostels**

**61.** A private school or hostel that applies for aid in terms of regulation 60 must satisfy the Minister that –

- (a) the school provides an educational service or educational opportunity to learners that the Ministry cannot adequately provide, or fails to provide; or
- (b) the hostel provides accommodation that the Ministry cannot adequately provide, or fails to provide.

**Curriculum, medium of instruction or examining body for private school or private part-time centre**

**62.** (1) The application for approval of a curriculum, language as medium of instruction, or examining body for a private school or private part-time centre different from that applicable to State schools as referred to in section 84 of the Act must be accompanied by –

- (a) a full motivation and reasons for the use of a different medium of instruction, curriculum or examining body;
- (b) a full broad curriculum document or documents, examples of subject syllabuses, principles of assessment and examples of subject textbooks, in the case of different curriculum; and
- (c) the credentials of the examining body, proof of national, regional and international recognition of the certificates issued by the examining body, in the case of different examining body.

(2) A private school or private part-time centre that offers the curriculum applicable to State schools –

- (a) must enroll learners to examinations applicable to State schools; and
- (b) is subject to all the policies, procedures and prescriptions of the National Examination, Assessment and Certification Board and the Directorate of National Examinations and Assessment of the Ministry.

(3) A learner registered with a private school or private part-time centre who enters for external examination other than the external examination applicable to learners in State schools may not receive a State subsidy for that external examination entry fees.

**Participation of private schools in national and regional training programmes and competitions**

**63.** (1) A teacher who teaches at a private school and who is not a staff member of the Ministry may, at the written request of the owner or principal of the private school, participate in in-service training or professional upgrading programmes managed by the Ministry –

- (a) free of charge; or
- (b) at full cost payable by the school,

as the Executive Director may determine at the granting of the request.

(2) All private schools, their teachers and learners may participate in any national or regional programme, event or competition organised by or in cooperation with the Ministry, but the Executive Director may determine that the cost of such participation may be covered by the school in the case of –

- (a) a private school that does not receive aid from the State; or
- (b) State-aided private school that receives subsidy for teachers' salaries.

**Inspections, monitoring and evaluation of private schools, private part-time centre and hostels**

**64.** (1) The Executive Director must designate quality assurance officers to regularly conduct inspections and monitoring of private schools, private part-time centre and hostels as contemplated in section 91 of the Act to evaluate –

- (a) the educational standards of a private school; and
- (b) the quality of teaching and learning at the school and any other matter covered under the terms and conditions of registration of a private school or private part-time centre.

(2) The owner or the principal of –

- (a) a private school or private part-time centre; or
- (b) State-aided private school that receives subsidy for teachers' salaries,

may, in writing, request the Minister to conduct an inspection and monitoring of the school to evaluate –

- (i) the educational standard of the school; and
- (ii) the quality of teaching and learning at the school,

and the Minister may determine that the cost of such inspection or investigation be paid by the school.

(3) Subject to sections 48, 91, 92 and 93 of the Act, a State-aided private school, except a State-aided private school that receives only subsidy for teachers' salaries, is subject to inspections, investigations and the provision of advisory services on the same basis as State schools.

(4) A private hostel or community hostel is subject to regular conduct of inspections and monitoring by quality assurance officers as contemplated in sections 91 to 93 of the Act.

**PART 9****HOME SCHOOLING****Application for registration for home schooling**

**65.** (1) Subject to section 87 of the Act, a parent who wishes his or her child to receive home schooling may apply, annually, to the Minister for registration for his or her child to be taught at home on Form 11 set out in Annexure 4.

(2) The Minister must, in accordance with the Act and this regulation, grant or decline the application for registration for home schooling within 60 days of receipt of the application.

(3) Subject to section 87(3) of the Act, if the Minister approves an application for registration for home schooling, the Minister must inform the parent in writing and state the conditions, if any, under which the learner is registered for home schooling.

(4) If the Minister declines the application to register the learner for home schooling, the Minister must, in writing, inform the parent stating the reasons for declining the application.

(5) Subject to section 87 of the Act, a learner is registered for home schooling on condition that –

- (a) the parent understands the need for home schooling, accepts full responsibility for the implementation of home schooling for his or her child and undertakes to –
  - (i) make suitable educational resources available to support the learning of the learner at home;
  - (ii) assist the learner in his or her studies and monitor the academic progress of the learner; and
  - (iii) arrange for the educational attainment of the learner to be assessed at a standard that is not inferior to the standard of education provided at State schools; and
- (b) the proposed educational programme –
  - (i) is suitable for the age, grade, level and ability of the learner; and
  - (ii) covers the acquisition of content and skills comparable to the relevant national curriculum outcomes as determined by the Minister in terms of the Act.

(6) A quality assurance officer must conduct a pre-registration site visit for home schooling to verify information and provide support where necessary.

(7) The parent must notify the Ministry should there be a change in the location of the home schooling site.

(8) The Executive Director must keep a register of learners registered for home schooling.

(9) The register of learners registered for home schooling must contain –

- (a) the full name and date of birth of the learner;
- (b) the full names of the parents, physical address and their contact details;
- (c) the grade levels and proposed duration of the home schooling; and
- (c) the physical address of the home schooling site.

## PART 10

### HEALTH AND SAFETY AND GENERAL MATTERS AT SCHOOLS AND HOSTELS

#### Access to school premises

**66.** (1) This Part must be read together with the National School Safety Framework, Field Booklet for Emergency Preparedness and Response in Namibia's Education Sector, and School Health Policy.

(2) The principal and superintendent must ensure that clear signage is present throughout the school or hostel premises, indicating the following:

- (a) A person entering the school or hostel premises does so at own risk;
- (b) A person entering the school or hostel premises may be subjected to a search;
- (c) No illegal drug, alcohol, knife, gun or weapon is permitted on school or hostel premises; and
- (d) Unlicensed drivers are not permitted to drive vehicles on the school or hostel premises.

(3) Subregulation (2)(a) does not apply to learners and staff of the school or hostel.

(4) The principal and superintendent must ensure that school and hostel gates are kept locked at all times and access to the school or hostel must be properly controlled.

(5) Parents may visit the school or hostel attended by their child, but the visit may not disrupt any school activity and is done with the permission of the principal or superintendent, except for emergency situations.

(6) The principal or superintendent may, for such timeframes as may be necessary –

- (a) take such steps as he or she may consider necessary for the safeguarding of the school or hostel premises, as well as for the protection of the people at the school or hostel; and
- (b) issue a directive that the school or hostel may only be entered in accordance with subregulation (7).

(7) A person may not enter into any school or hostel premises in respect of which a direction has been issued under subregulation (6), without the permission of the principal or superintendent given in accordance with subregulation (8).

(8) For the purpose of the granting of the permission contemplated in subregulation (7), the principal or superintendent may require the person concerned to –

- (a) furnish his or her name, address and any other relevant information;
- (b) produce proof of his or her identity to the satisfaction of the principal or superintendent;
- (c) declare whether he or she has any prohibited item or illegal drugs in his or her possession or custody or under his or her control;
- (d) declare what the contents are of any vehicle, suitcase, bag, handbag, folder, envelope, parcel or container of any nature in his or her possession or custody or control; and
- (e) subject himself or herself and anything which he or she has in his or her possession or custody or under his or her control to –
  - (i) a search by a person of the same gender;

- (ii) an examination by an electronic device;
- (iii) a sniffer dog; or
- (iv) any other apparatus,

in order to determine the presence of any prohibited item or illegal drug.

#### **Exemption of certain persons from application of regulation 66**

**67.** Regulation 66 does not apply to –

- (a) a member of the Namibian Police Force established by or under any law;
- (b) a member of the Namibian Defence Force;
- (c) the Minister; or
- (d) an employee of the Ministry who is required in the performance of his or her functions to enter a school or hostel premises,

who produces proof of his or her identity to the satisfaction of the principal or superintendent concerned.

#### **Early release from school**

**68.** (1) A school must have an early release procedure that allows parents or persons designated by parents to collect learners from school for valid reasons before the school closes for the day.

(2) A school must keep a written record to be used in cases of early release that indicates –

- (a) the name of the learner;
- (b) the grade of the learner;
- (c) the name of the person collecting the learner; and
- (d) the time, date and reason of the early release.

(3) If the learner is to be collected by a person designated by a parent –

- (a) that person must produce proof of such designation;
- (b) the school must ensure that the designated person is known to the learner; and
- (c) the school must take measures to contact the parent of a learner if there is any doubt about the identity of the person collecting the learner.

(4) A parent must inform the school in advance if a learner needs to be released early from school.

**School and hostel environment and infrastructure**

- 69.** The principal or superintendent must –
- (a) regularly monitor or cause to be regularly monitored the hostel or school environment with a view to identify the potential dangers and take all reasonable precaution to safeguard learners and staff;
  - (b) ensure that a playground supervision roster is drawn up and strictly implemented and adhered to by the responsible teachers;
  - (c) ensure that a preventative maintenance plan is put in place to take care of major and minor maintenance of school and hostel buildings;
  - (d) ensure that a clean, safe and hygienic environment is provided to the learners at all times;
  - (e) ensure that any unused or broken furniture is properly stored or disposed of;
  - (f) ensure that the school or hostel grounds is maintained by cutting and trimming the grass and trees on a regular basis;
  - (g) ensure that garbage and litter is properly stored or disposed of;
  - (h) ensure that the school swimming pool, if any, is properly secured by a fence and gate or a cover when not in use; and
  - (i) ensure that school and hostel premises are disability friendly with ramps.

**Violence, illegal drugs and alcohol-free schools and hostels**

- 70.** (1) A person may not –
- (a) allow, carry or store any prohibited item in the school or hostel premises, unless such objects are being used for educational purposes and kept in officially designated places identified by the principal or superintendent;
  - (b) possess any illegal drug on school or hostel premises;
  - (c) enter a school or hostel premises while under the influence of an illegal drug or alcohol;
  - (d) cause any form of violence or disturbances which can negatively impact on any school activity;
  - (e) condone, connive, hide, abet, encourage possession of prohibited items on the school or hostel premises; or
  - (f) refuse, fail or neglect to report the sighting or presence of any prohibited item to the school or hostel authorities or the police.
- (2) A person may not use –
- (a) alcohol;

(b) an illegal drug; or

(c) a prohibited item,

on a school or hostel premises or at any school activity.

(3) A learner or staff member may not commit any form of violence, be it against a learner or staff member.

(4) The forms of violence referred to in subregulation (3), include –

(a) bullying;

(b) gangsterism;

(c) threats of violence;

(d) intimidation;

(e) assault;

(f) initiation practices; and

(g) any other related form of violence.

#### **Search and seizure**

71. Subject to section 35 of the Act, a principal or a person delegated by the principal may, without a warrant –

(a) search any school or hostel premises if the principal or such delegated person has a reasonable suspicion to believe that a prohibited item or illegal drug may be present in the school or hostel premises in contravention of the Act and these regulations;

(b) search any person present on the school or hostel premises; and

(c) seize any prohibited item, alcohol or illegal drug present on school or hostel premises or on the person in contravention of these regulations.

#### **School activities needing approval of regional director**

72. (1) A school may not undertake a school activity that is undertaken –

(a) at the school with the participation of another visiting team such as an inter-school competition; or

(b) outside the school with the consent of the parents such as sport or school tour,

without the prior written approval of the regional director concerned.

(2) If a school requires a school activity contemplated in subregulation (1) to be undertaken, the principal must request the prior written approval of the regional director at least 14 days before the activity takes place.

- (3) After considering the request of the principal referred to in subregulation (2), the regional director may –
- (a) approve the request, and keep a copy of the approval and send the original to the school;
  - (b) decline the request, and give reasons or propose another suitable date when appropriate.
- (4) The principal or superintendent must take measures to ensure the safety of learners during any school or hostel activity, including –
- (a) ensuring, where reasonably practicable, that learners are under the supervision of an accompanying teacher at all times; and
  - (b) requesting parents or other adults to assist in the supervision of learners.
- (5) The principal or superintendent must take measures to ensure that –
- (a) if a learner is on medication and requires medication during the course of school activities, the parent has provided the learner with sufficient quantities of medication for the duration of the school activities;
  - (b) if it is necessary for a learner to carry a doctor's prescription for medication, the parent has provided the learner and the supervising teacher with certified copies of such prescription;
  - (c) a parent is advised to report to the principal, in writing, the medical condition of a learner;
  - (d) before a school activity, the principal or superintendent provides a supervising teacher with a report on the medical condition of a learner; and
  - (e) a parent is informed about any travelling to or through a high-risk disease area during the course of the school activity.
- (6) A school must ensure that, if a learner is injured or falls ill during the course of a school activity and requires medical treatment, the supervising teacher must –
- (a) take measures to contact the parent of the learner concerned to obtain consent for such medical treatment; and
  - (b) determine whether or not to consent to such medical treatment if he or she is unable to contact the parent of the learner.

### **Organisation of school activities**

- 73.** (1) A principal must in writing provide the parent of the learner who is about to undertake a school activity with the information on –
- (a) the purpose of the school activity;
  - (b) the nature of the activities to be undertaken during the school activity;

- (c) the full itinerary of the school activity, with contact details of the host and of the teachers that will be supervising the school activity;
- (d) the nature of transport, accommodation and catering arrangements;
- (e) where applicable, the fact that the learner needs to acquire travelling documents and an inoculation certificate, and where they can be obtained;
- (f) the fact that the travelling document is to be obtained at least seven days prior to the date of departure; and
- (g) any other relevant details.

(2) If during a school activity –

- (a) an accident;
- (b) an injury to a learner, teacher or driver or to any other person; or
- (c) an act of misconduct on the part of a learner, teacher or driver or any other person,

has occurred, the teacher supervising the school activity must immediately, orally or otherwise, provisionally report the incident to the principal or superintendent.

(3) The teacher supervising the school activity referred to in subregulation (2) when reporting the incident must indicate –

- (a) the nature of the incident;
- (b) the nature of the injury, if applicable;
- (c) the time, date and place of the incident; and
- (d) the procedures that were followed in dealing with the incident,

and the principal or superintendent must immediately inform the parent, especially in the case of death of a learner or injury to a learner.

(4) A teacher supervising the school activity, after returning from a school activity, must immediately submit a detailed report to the principal and, when applicable, to the superintendent.

(5) A principal or superintendent must submit the report referred to in subregulation (4) to –

- (a) the regional director who approved the school activity; and
- (b) the chairperson of the school board.

### **Consent and indemnity**

**74.** (1) A principal must obtain written consent from the parent of a learner who needs to undertake a school activity.

(2) A principal may not request a parent to sign an indemnity form that indemnifies the school against any legal action that may arise as result of a school activity.

### **Transportation of learners**

75. (1) A school must ensure that –
- (a) if it owns a vehicle for transporting learners –
    - (i) the vehicle must have insurance and roadworthy certificate and fire extinguisher; and
    - (ii) the driver of the vehicle is in possession of a valid driving license and professional authorisation; and
    - (iii) the substitute driver of the vehicle is in possession of a valid driving license and professional authorisation;
  - (b) the owner of the vehicle transporting learners provides the school with –
    - (i) proof of insurance and roadworthy certificates and fire extinguisher for each vehicle;
    - (ii) a valid driving license and professional authorisation of the driver; and
    - (iii) a valid driving license and professional authorisation of the substitute driver.

(2) The principal, superintendent or supervising teacher must intervene if there is any doubt about the roadworthiness of the vehicle or the competence of the driver of the vehicle.

- (3) The principal, superintendent or supervising teacher must –
- (a) liaise with the driver or the owner of the vehicle in connection with the reporting of any accident to the police; and
  - (b) report the accident to the police within 48 hours, if the driver or the owner of the vehicle fails to do so within 24 hours.

### **Participating in physical activities and sports**

76. (1) The principal, superintendent or supervising teacher may not allow a learner to participate in any physical activity or sport such as athletics, gymnastics, soccer, volleyball, rugby, boxing, or any other activity needing the exercise of physical strength, if –

- (a) the principal, superintendent or supervising teacher has reason to believe that such activity is detrimental to the health of the learner; or
- (b) the parent has provided a medical certificate that prevents the learner from participating in such activity.

(2) The principal, superintendent or supervising teacher must ensure that learners are well informed about the dangers of, and safety measures regarding, water activities or sports such as swimming for leisure or water sports in –

- (a) a swimming pool;
- (b) a river;
- (c) a dam; or
- (d) the sea.

(3) The principal or superintendent must ensure that learners are supervised during all swimming activities, during visits to the sea, rivers and dams, and when they are taking part in water sports.

(4) If a school or hostel has a swimming pool, the principal or superintendent must ensure that notices regarding safety measures are displayed around the swimming pool.

### **Occupational health and safety**

77. (1) A principal and superintendent, respectively, must ensure that –

- (a) the health and safety of learners and staff in the school or hostel premises are provided;
- (b) the school or hostel has at least one first aid kit that is fully equipped, utilised and maintained on a regular basis;
- (c) the rules for the safe use of the laboratory and workshop including the storage of chemicals, tools and equipment are clearly displayed in the laboratory;
- (d) the emergency evacuation procedures are in place, and are displayed in all offices, classrooms and amenities;
- (e) the learners and staff members are advised on –
  - (i) the emergency evacuation procedures; and
  - (ii) the Namibia National School Safety Framework Policy;
- (f) the fire extinguishers are in place, and are regularly serviced;
- (g) the staff members and, where applicable, learners who are in Grade 7 or higher are trained in the use of fire extinguishers;
- (h) the fire alarms that are audible in all parts of the school or hostel premises are installed and regularly serviced;

(2) If a bomb–threat is received or a suspicious prohibited item is found on the school or hostel premises, the principal or superintendent –

- (a) must immediately report the threat or the object to the police;
- (b) ensure that the object, or anything related to a bomb threat, is not touched; and
- (c) ensure that the emergency evacuation procedures are properly applied.

**Procedure for handling incidents at State schools and hostels**

**78.** (1) A principal or superintendent when dealing with an incident that occurs at school or hostel must apply the procedures set out in Annexure 1.

- (2) On becoming aware of an incident, the principal or superintendent may –
  - (a) if the incident involves learners –
    - (i) keep the parties involved in the incident apart to prevent them from conniving; and
    - (ii) request the parents to come to the school and inform them of the main issues of the incident in the presence of the learners, without going into fine details, and possible course of action;
  - (b) conduct preliminary investigation to gather all the facts necessary to help him or her plan a course of action;
  - (c) search for relevant evidence at the scene of the incident, without tampering with any evidence that may be used in a criminal case or disciplinary matter;
  - (d) assess the situation and decide on what action needs to be taken to stop the incident from occurring further; or
  - (e) call the police and social worker if the situation warrants such intervention.
- (3) The principal must immediately report the incident to the regional director or, in his or her absence, to the next available supervisor.
- (4) The regional director or next available supervisor, after assessing the situation –
  - (a) must report the incident and the action taken to the Executive Director; and
  - (b) may request the Executive Director for any further support, if necessary.

## ANNEXURE 1

PROCEDURE FOR HANDLING INCIDENTS AT STATE  
SCHOOLS AND HOSTELS  
(Regulation 78)

Incident	Actions to be Taken by Principal or Superintendent
Bomb threat	<ul style="list-style-type: none"> <li>· Evacuate learners and staff designated safe place;</li> <li>· Report the matter to the police;</li> <li>· Ensure that bomb squad checks premises; and</li> <li>· Record incident and report to regional director</li> </ul>
Prohibited items/ drugs/ harmful substances/ tobacco	<p>On suspicion that a learner/learners is/are in possession of a prohibited item/ drugs/ harmful substance/tobacco:</p> <ul style="list-style-type: none"> <li>· Learners may be searched by the principal or a person delegated to do so by the principal;</li> <li>· The search must take place in a designated room or place and in the presence of another staff member, and the privacy and confidentiality are maintained;</li> <li>· Males should conduct searches for males and females for females;</li> <li>· The principal or person so delegated must photograph and confiscate the item found on the learner as evidence;</li> <li>· Report the matter to the police, if necessary, and obtain a case number;</li> <li>· Keep proper records of the search (Name of learner, date and time, name of person who searched the learner, name of witness, if any, details of the weapon/drug/harmful substance/tobacco and case number, if applicable)</li> <li>· Principal or superintendent - chief matron must hand over the prohibited item/drug to the police and request a receipt from the police for the item handed over;</li> <li>· A learner may be subjected to disciplinary proceedings if a prohibited item is found in his or her possession;</li> </ul> <p>On suspicion that a member of the community is in possession of a prohibited item/drugs:</p> <ul style="list-style-type: none"> <li>· Call in the police, while ensuring as far as is reasonably possible, that the perpetrator cannot cause harm to any learner/staff member/ other visitor to the school;</li> </ul>
Accident	<ul style="list-style-type: none"> <li>· Contact parents immediately and transport the learner to doctor/hospital/ medical facility, if necessary;</li> <li>· In the event that the parent cannot be contacted, contact the family doctor, relatives, etc;</li> <li>· Arrange for the learner to receive medical care;</li> <li>· In cases of death, the matter must be reported immediately to the police, parent and regional director.</li> </ul>

<p>Illegal Drug</p>	<ul style="list-style-type: none"> <li>· Where the principal, superintendent or his or her delegate allows appropriate professional under section 35 of the Act to at random administer a urine or other non-invasive test to any group of learners that is on fair and reasonable grounds suspected of using illegal drugs, he or she must             <ul style="list-style-type: none"> <li>· inform the parent or guardians that a random test or search and seizure was done in respect of his or her child; and</li> <li>· inform the learner and his or her parent or guardians of the result of the test immediately after it becomes available;</li> <li>· subject a learner to disciplinary proceedings if an illegal drug is found in his or her possession, or his or her sample tested positive for an illegal drug;</li> <li>· keep proper records of the search (name of learner, date and time; name of person who searched the learner, name of witness, if any, details of the drug and the case number); and</li> <li>· hand over the illegal drug to the police and request a receipt from the police for the item</li> </ul> </li> </ul>
<p>Violence (stabbing, shooting, fighting, and gangs related activities)</p>	<p>On learning about the incident of violence taking place or having taken place, the principal or superintendent must:</p> <ul style="list-style-type: none"> <li>· ensure that the situation is under control and stabilised;</li> <li>· ensure that the victim receives medical attention, where applicable;</li> <li>· call the police to come to the scene of incident, or collect information from the scene of the incident, victim, perpetrator, and witnesses;</li> <li>· report the matter to the police and register the case and receive a case number;</li> <li>· report the matter to the principal regional director; or</li> <li>· ensure internal disciplinary procedures is instituted by the principal or superintendent and the police institutes criminal proceedings: if necessary;</li> </ul>
<p>Sexual abuse</p>	<p>On becoming aware of the incident must –</p> <ul style="list-style-type: none"> <li>· ensure that the learner has access to medical treatment which can prevent the spread of HIV/AIDS and other sexually transmitted diseases, as well as prophylaxis for other potential consequences for example pregnancy;</li> <li>· inform the parent of the victim;</li> <li>· report the matter to the police;</li> <li>· ensure that evidence at the scene of the incident are not interfered with or on the body of the victim such as semen, injuries and other material remain intact to assist with the criminal justice system investigation;</li> <li>· ensure that the child is assisted with further medical attention, and further conduct investigations to deal with the injuries and possible complications thereof;</li> <li>· ensure that the child is kept safe in the case of threats that the child may receive from any person following the discovery of the abuse.</li> </ul>

## ANNEXURE 2

NUMBER OF SCHOOL BOARD MEMBERS OF STATE SCHOOL  
(Section 54(1), Regulation 39)

Number of Learners at School	Number of Members of School Board
199 or less	7
200 and more	9

## ANNEXURE 3

BOARDING AND LODGING FEES  
(Regulations 22 and 27)

## PART 1

## HOSTEL FEES FOR LEARNERS IN STATE SCHOOL HOSTELS

Hostel Grade	Hostel Fees					
	One Children N\$	Two Children N\$	Three Children N\$	Four Children N\$	Five Children N\$	More than 5 Children N\$
A						Amount for 5 children divided by 5
Per year	198	356	475	554	594	119
Per trimester	65	119	158	185	198	40
Per month	16	33	40	46	50	10
B						
Per year	248	446	595	694	744	149
Per trimester	83	149	198	231	248	50
Per month	21	37	50	58	62	12
C						
Per year	298	536	715	834	894	179
Per trimester	99	179	238	278	298	60
Per month	23	45	60	70	75	15
D						
Per year	619	1 114	1 486	1 733	1 857	371
Per trimester	206	371	495	578	619	124
Per month	52	93	124	144	155	31
E						
Per year	825	1 486	1 980	2 310	2475	495
Per trimester	279	495	660	770	825	169
Per month	69	124	165	193	206	41

**Note: Please take note that the fees as published are subjected to change when the need arises.**

## PART 2

TARIFFS FOR ACCOMMODATION AND MEALS FOR ESSENTIAL BOARDERS  
IN STATE SCHOOL AND HOSTELS

Persons Making Use of Accommodation		Tariffs
1	<b>Essential Boarders</b>	
1.1	<b>Superintendent, spouse and legally dependent children</b>	
1.1.1	Superintendent	Free
1.1.2	Spouse	Full hostel fees as applicable for that hostel
1.1.3	Children, 0–6 years of age	Free
1.1.4	Children, 7 years and older or other relatives, accommodated in same allocated quarters as the superintendent	Full hostel fees as applicable for that hostel
1.1.5	Children, 7 years and older, accommodated outside allocated quarters as the superintendent	Full hostel fees as applicable for that hostel
1.2	<b>Supervisory personnel, spouse and legally dependent children</b>	
1.2.1	Supervisor	Free
1.2.2	Spouse	Full hostel fees as applicable for that hostel
1.2.3	Children, 0–6 years of age	Free
1.2.4	Children, 7 years and older, accommodated in same allocated quarters as the supervisor	Full hostel fees as applicable for that hostel
1.2.5	Children, 7 years and older, accommodated outside allocated supervisor quarters	Full hostel fees as applicable for that hostel
1.3	<b>Chief hostel matron and hostel matron (child care) spouse and legally dependant children</b>	
1.3.1	Chief hostel matron and hostel matron (child care)	Free
1.3.2	Spouse	Full hostel fees as applicable for that hostel
1.3.3	Children, 0–6 years of age	Free
1.3.4	Children, 7 years and older, accommodated outside allocated matrons quarters	Full hostel fees as applicable for that hostel
1.4	<b>Hostel matrons, other than the hostel matron (child care) if space is available and with the permission of the regional director</b>	Pay house rent in terms of tariffs approved by PSC. Children pay the same amounts as children of chief hostel matron

## ANNEXURE 4

## FORM 1



MINISTRY OF EDUCATION, ARTS AND CULTURE  
BASIC EDUCATION ACT, 2020 (ACT NO. 3 OF 2020)

**APPLICATION FOR ADMISSION OF LEARNER TO STATE  
SCHOOL AND HOSTEL**  
(Section 20, Regulation 3 and 21(4))

## PART A

## APPLICATION FOR ADMISSION OF LEARNER TO STATE SCHOOL

Name of School: .....

School's Address: .....

Tel. No.: .....

Fax No.: .....

Application for Admission: Pre-Primary

Primary Grade .....

Secondary Grade .....

For the year .....

Particulars of the Learner

Surname: .....

First name(s): .....

Date of birth      Year       Month       Date

Gender:  Male

Female

Nationality: .....

Home Language: .....

Current grade (where applicable): .....

Name of current school: .....

Current school's postal address: .....

Tel. No. .... Email Address. ....

Brothers and Sisters enrolled at the school for which application is made; if any

**Name**

**Grade**

Additional information regarding the learner

General Health condition/allergies: .....

Learning difficulties (if any): .....

Grades repeated at school: .....

Pre-primary school attended (Gr. 1 only): .....

.....

Means of transport to / from school: .....

Religion or church: .....

**Particulars of Parents**

**FATHER / GUARDIAN**

Title (Mr/Dr. etc) .....

Initials: .....

Surname: .....

Telephone: .....

Home: .....

Work: .....

Cellphone: .....

Residential address: .....

.....

Postal address: .....

Occupation: .....

Email Address: .....

**MOTHER / GUARDIAN**

Title (Ms/Miss/Mrs/Dr/etc): .....

Initials: .....

Surname: .....

Telephone: .....

Home: .....

Work: .....

Cellphone: .....

Residential address: .....

.....

Postal address: .....

Occupation: .....

Email Address .....

Mark with (x) in the appropriate block:

Send correspondence to:

Both parents       Father       Mother       Guardian

Learners lives with:

Both parents       Father       Mother       Guardian

Persons to be contacted in case of emergency if parents are not available:

Name .....

Telephone number: ..... (H): ..... (W) .....

Signature of Father/Mother/Guardian: .....

Date: .....

1. This application is only valid for the current year, no waiting lists will be kept for the following year.
2. You will be notified in writing regarding this application.
3. Misleading or false information will result in the immediate cancellation or disqualification of this application.

## 4. ONLY APPLICATIONS WITH THE FOLLOWING DOCUMENTS WILL BE PROCESSED:

- (a) a certified copy of the birth certificate;
- (b) a certified copy of the passport;
- (c) a certified copy of the medical passport;
- (d) a certified copy of the baptism card;
- (c) a sworn declaration by the parent; or
- (f) a declaration from –
  - (i) the regional councillor concerned; or
  - (ii) the headmen of the village.

5. A certified copy of the previous term's report (if this is applicable)

6. Photocopies WILL NOT be made at the school.

\*This application does not guarantee a place at this school and parents should also apply at other schools.

\*The number on the application is only for administrative purposes and does not indicate order of priority, as preference will be given in order of the following criteria:

Namibian, citizenship proximity to the school, Grade. one's turning 6 years old before 31 December, siblings at the school.

**ADMINISTRATIVE INFORMATION (to be completed by the school)**Application number: Date received: Year  Month  Day Proof of learner's age: Birth certificate Yes  No Baptism card Yes  No Latest school report/proof of promotion to next grade Yes  No Proof of Namibian citizenship Yes  No 

If not a Namibian citizen, provide proof of one of the following:

(a) Parent's status as legal resident on valid work permit Yes  No (b) Parent's status as foreign diplomat Yes  No (c) Learner's valid study permit Yes  No

**PART B****APPLICATION FOR ADMISSION OF LEARNER TO STATE SCHOOL HOSTEL**

(Application for admission to hostel must be submitted annually before 31 July, to the superintendent of the hostel concerned)

1. Name of parent/guardian: .....
2. Particulars of children for whom applications is made:

*(Separate forms must be completed for children of the same household accommodated in different hostels)*

Name	Surname	Gender	Date of birth	Name of hostel/s at which admission is sought	Period for which residence is sought	Previous/present hostel were children	Present grade of learner

3. Name of nearest appropriate state school with a hostel .....

4. Distance between your residence and this school: .....

5. I/we undertake to:

- (i) pay the hostel fees monthly/ trimesterly/yearly in advance; and
- (ii) abide by the hostel rules.

Postal address: .....

Residential address: .....

District/town: .....

6. Signature of parent/guardian: .....

You are kindly requested to:

- 1. ascertain beforehand from the superintendent whether accommodation is available;
- 2. pay hostel fees strictly in advance at the beginning of each trimester;
- 3. give a three months' notice if you wish to remove your child from the hostel (on failure to do so you are liable for a trimester's fees);
- 4. advice the regional office, principal and superintendent of any change of residential or postal address.

**FOR OFFICE USE ONLY**

<b>First Term</b>	<b>Second Term</b>	<b>Third Term</b>

Remarks:

.....

.....

.....

Application approved/not approved

Signature: Superintendent: ..... Date: .....

**OFFICIAL STAMP**



## FORM 2



MINISTRY OF EDUCATION, ARTS AND CULTURE  
BASIC EDUCATION ACT, 2020 (ACT NO. 3 OF 2020)

**APPLICATION FOR EXEMPTION FROM ELECTING PREFECTS OR  
ESTABLISHING LEARNERS' REPRESENTATIVE COUNCIL**

(Section 27(3), Regulation 6(4))

1. Name of school	
2. Postal Address	
3. Address where the school is situated	
4. Telephone Number (including code)	
5. Magistrate District	
6. Full name and address of application	
7. Application for exemption from electing prefects or establishing learner's representative council at .....school.	
8. Capacity of applicant: .....	
Signature: .....	

Approved/ Not Approved
.....
Minister
Remarks:
.....

## FORM 3



MINISTRY OF EDUCATION, ARTS AND CULTURE  
BASIC EDUCATION ACT, 2020 (ACT NO. 3 OF 2020)

**APPLICATION FOR PARTIAL OR FULL EXEMPTION FROM  
PAYMENT OF HOSTEL FEES**

(Section 67(3), Regulation 22(1)(a))

Name of parent/guardian: .....

Address of parent/guardian: .....

Occupation: .....

**Note: Paragraph A to be completed by all parents/guardians**

**Paragraph B to be completed by all bona-fide farmers and communal farmers**

PARAGRAPH A: Proof of the undermentioned income and expenditure must be attached

		SELF		SPOUSE		TOTAL	
1.	Gross salary per month						
2.	Pension/annuity						
3.	Maintenance payable in respect of children						
4.	Any other income or value of benefits (specify)						
	<b>GROSS INCOME TOTAL</b>						
Less household expenses as specified on attached list compiled by parent							

**NET INCOME****PARAGRAPH B: This form to be filled in by bona-fide, communal farmers and communal traders**

Assets		N\$	C	Liabilities	N\$		C
a.	(i) Present market value of farms, plots and erven			a. Bond on farms			
	(ii) State size			Name/s and address of bond-holders			
b.	Present market value of other immovable property						
c.	Livestock						
	Number of cattle.... present market value						
	Number of calves .... present market value			<b>b. Advances of land bank only</b>			
				<b>c. Other Loans</b>			
	Number of sheep.... present market value						
	Number of lambs.... present market value			Name and address of creditors			
	Number of goats. present market value						
	Number of horses. present market value						
	Number of mules. present market value						

	Number of poultry. present market value						
	Number of pigs. present market value						
	Value of farm imple- ments and machines						
	Cash on hand, in bank, building soci- ety, savings accounts						
	Amount due to me/us						
	Insurance policy ma- turing within a year						
	Money deposited with Master of the High Court on behalf of Children						
	Vehicles (Specify)						
	Other assets (Specify)						
	<b>Total</b>						

Declaration:

I/we hereby apply for partial/full exemption from payment of boarding (hostel) fees I/we solemnly declare that the above particulars are to the best of my/our knowledge and belief true and correct; that I/we have no objection to taking the oath; that I/we regard the oath as binding on my/our conscience, so help me God.

**Signature**

1. .... 2. .... Date: .....

**FORM 4**

MINISTRY OF EDUCATION, ARTS AND CULTURE  
BASIC EDUCATION ACT, 2020 (ACT NO. 3 OF 2020)

**NOMINATION FORM FOR A SCHOOL PARENT OR TEACHER  
OF A SCHOOL TO SERVE AS SCHOOL BOARD MEMBER**  
(Regulation 41(13))

*This form shall be completed by anyone nominating themselves, or another, to serve on a school board pursuant to a call for nominations.*

Please return the completed nomination form to the presiding officer

**SECTION 1: NOMINATION**

I, the undersigned, do hereby nominate \_\_\_\_\_  
("Nominee), to stand for election to serve as a school board member.

Name of Nominator: \_\_\_\_\_

Relationship to Nominee: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Nominator Signature: \_\_\_\_\_

**SECTION 2: NOMINEE DETAILS**

Name of Nominee: \_\_\_\_\_

Nominee's ID Number: \_\_\_\_\_

Current position held by Nominee: \_\_\_\_\_

Current Employer of Nominee: \_\_\_\_\_

Current Position of Nominee: \_\_\_\_\_

Telephone number (H) \_\_\_\_\_

Telephone number (W) \_\_\_\_\_

Cell phone number: \_\_\_\_\_

Email Address: \_\_\_\_\_

### SECTION 3: QUESTIONNAIRE TO BE COMPLETED BY NOMINEE

**Have you served as a member of a school board of any State school before?**

Yes  No

If yes, kindly give details, and attach relevant documentation

Highest Qualification:

Experience, skills and knowledge:

Other relevant information:

### SECTION 4: DECLARATION AND ACCEPTANCE TO BE COMPLETED BY NOMINEE

I \_\_\_\_\_ (nominee), hereby declare that:

1. I accept my nomination to stand as a candidate for election to the school board.
2. I do so out of my own free will, without any force or coercion and I am fully aware of the obligations that such an office brings.
3. I declare that the information provided in Section 2 above is true and correct.
4. I –
  - (a) have not been convicted of an offence and sentenced to a period of imprisonment without the option of a fine in Namibia or in a foreign country, except that he or she has received a free pardon in respect of such offence, or such period of imprisonment has expired at least five years prior to the date of his or her election as a member of the school board;
  - (b) am not employed as a staff member in the management cadre in the Ministry or as an inspector of education at national or regional level;
  - (c) am not a spouse of a teacher who is attached to the State school for which the school board is to be elected;
  - (d) despite the fact that I have a child at the school for which the school board is to be elected, am not a member of a school board of another State school;
  - (e) am not an unrehabilitated insolvent;
  - (f) am of sound mind nor am I subject to an order of a competent court declaring me to be mentally ill or disordered;
  - (g) have not been removed from an office of trust as a result of improper conduct; or
  - (h) have not been convicted, whether in Namibia or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence under any law for the prevention of corruption, or any offence involving dishonesty and have been sentenced to imprisonment without the option of a fine, or to a fine of N\$1 000 or more.

Please note: If it is found that any information that has been supplied is false, the Nominee may be disqualified from standing for election or from serving on the school board.

Nominee signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FORM 5**



MINISTRY OF EDUCATION, ARTS AND CULTURE  
 BASIC EDUCATION ACT, 2020 (ACT NO. 3 OF 2020)

**OATH OF SECRECY BY SCHOOL BOARD MEMBER**  
 (Regulation 41(23))

I, ....., hereby solemnly swear / affirm that I will not divulge to a third person any confidential information obtained in the course of my involvement as a member of the school board of ..... school; unless duly authorised thereto by the chairperson of the school board, or an authorised staff member of the Ministry, or a court of law.”

.....	.....	.....
Member’s name	Member’s signature	Date
.....	.....	.....
Witness’s name	Witness’s signature	Date

## FORM 6



**APPLICATION FOR REGISTRATION OF A PRIVATE SCHOOL/  
PRIVATE PART-TIME CENTRE**  
(Section 76(1), Regulation 57(1))

**SECTION A: (INFORMATION ABOUT SCHOOL AND OWNER OR GOVERNING BODY)**

**A1. Name of the private school/private part-time centre**

.....

**A2. Year of commencement of the school/centre**

.....

**A3. How will the school function:**

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| o Full-time face-to-face method  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| o Full-time Online method  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| o Full-time Blended teaching and learning                                | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| o Part-time candidates using face-to-face or distance education methods? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

**A4. Postal Address:** .....

.....

.....

.....

**A5. Regional Education, Arts and Culture Office, Circuit and cluster in which the school is situated**

.....  
.....  
.....  
.....

**A6. Full name, address and contact details of the legal owner of the private school**

Name .....

Address .....

Contact details      Tel code no. ( )

   Email .....

   Cell .....

**Attached certified copy of Identity document.**

**A7. Full name, address and contact details of the applicant, if the applicant is not the owner**

Name .....

Address .....

Contact details      Tel code no. ( )

   Email .....

   Cell .....

***Attached certified copy of Identity document.***

**A8. Capacity of applicant (e.g. owner: board member, etc)**

.....  
.....  
.....

**A9.** Names and addresses of any other educational institutions or schools, and their current status, operated by or that were operated by, the same owner or governing body of which the owner was a member

.....

.....

.....

.....

.....

.....

**A10 Competence and experience of owner or governing body of school**

**A10.1 Owner of school**

QUALIFICATIONS*	EXPERIENCE IN EDUCATION	OTHER RELEVANT EXPERIENCE	Employed by MoEAC Yes/No

(\*Certified copies of qualifications must be attached to application form.)

**A10.2 Members of governing body (if established)**

Indicate if any of the board members are employed by Ministry of Education, Arts and Culture

NAME	QUALIFICATIONS	ADDRESS	RELEVANT EXPERIENCE	Employed by MoEAC (Yes/No)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				

**A11. Is the private school registered with Business Intellectual Property Authority (BIPA)?**

Yes  No

If yes, provide the name and address under which the school is registered. Attached a certified copy of the Founding Statement obtained from Business Intellectual Property Authority (BIPA)

.....  
.....

**A12.** I understand that registration of my company with BIPA does not permit me to provide education to the Namibian Child without approval being granted for the registration of my school/centre by the Ministry of Education, Arts and Culture.

Yes  No

**Signature:** .....

**SECTION B: PRIVATE SCHOOL DETAILS**

**B1. Details of curriculum, teaching and learning materials and extra-curricular activities**

**B1.1 Pre-Primary offered** Yes  No

**Government Curriculum** Yes  No

Specify if other curriculum being followed:

.....

- If a curriculum different from that applicable to state schools should be followed, please see paragraph B3.
- Provide details of the teaching and learning materials.

.....  
.....  
.....  
.....

**B1.2 Junior Primary offered** Yes  No   
**(Grades 1 – 3)**  
 Government Curriculum Yes  No

Specify if other curriculum being followed:

.....

- If a curriculum different from that applicable to state schools should be followed, please see paragraph B3.
- Provide details of the subjects/**other curriculum subjects** that will be offered.

SUBJECTS	GRADES

- For the non-government curriculum, attach **the list of the learning materials** (textbooks, worksheets, etc.)

- Will the school provide the learners with the learning/teaching support materials or must they buy their own materials?

Yes  No

- Provide information on the extra-curricular and extra-mural activities the school will provide to the junior primary learners, **Specify**.

.....  
 .....  
 .....

- Will the school accommodate learners with impairments? Yes  No   
 If yes, which impairments?

.....  
 .....



• Are you aware of the ministerial policies on assessment and how will the home school implementing these policies? Yes  No

.....

.....

• Will the school accommodate learners with impairments? Yes  No

**B1.4 Junior Secondary** Yes  No   
**(Grades 8 – 9)**

Government Curriculum Yes  No

Specify if other curriculum is being followed: .....

- If a curriculum different from that applicable to state schools should be followed, please see paragraph B3.
- Provide details of the subjects **/other curriculum subjects** that will be offered.

Compulsory Promotional Subjects	Elective Subjects

- Provide details of the languages, the field of study subjects and the elective subjects for each of the fields of study offered.

Language subjects	Field of Study Subjects	Elective Subjects
1.	1.	
2.	2.	
3.	3.	
1.	1.	
2.	2.	
3.	3.	

For the non-government curriculum, attach the list of the **learning materials** per subject (textbooks, worksheets. etc.) learners will need and a list of the **teaching materials** teachers will use.

- Will the school provide the learners with the learning/teaching materials or must they buy their own materials?

Yes

No

- Provide information on the extra-curricular and extra-mural activities the school will offer to the junior secondary learners.

.....  
.....  
.....  
.....

- Are you aware of the ministerial policies on assessment and how will the home school implementing these policies?

Yes

No

- Will the school accommodate learners with impairments?    Yes     No

If yes, which impairments?

.....  
.....  
.....  
.....



- For the government curriculum, attach the list of the **learning materials** per subject (textbooks, worksheets, etc) which learners must have and a list of the **teaching materials** teachers must use.

- Will the school provide the learners with the learning/teaching support materials or must they buy their own materials?

Yes, School will provide

No, They must buy their own

- Provide information on the extra-curricular and extra-mural activities the school will offer to the senior secondary learners, **Specify**.

.....

.....

.....

- Will the school accommodate learners with impairments? Yes  No

If yes, which impairments?

.....

.....

.....

- Does the school have the facilities and resources, and the teachers with the qualifications and experience to implement the compulsory Course Work/School Based Assessment in the subjects to be taken at NSSC Ordinary level?

Yes

No

**IF NO**, provide detailed explanation on how the subjects will be thought to ensure proper teaching and learning at the school?

.....

.....

.....

**B1.6 Senior Secondary, Advanced Subsidiary Level:**

NSSCAS (Grade 12) Full-time

Yes

No

NSSCAS (Grade 12) Part-time

Yes

No

Government Curriculum

Yes

No

Specify if other curriculum being followed:

.....

- If a curriculum different from that applicable to state schools should be followed, please see paragraph B3.
- List the **Advanced Subsidiary/other curriculum subjects** that will be offered.

Advanced Subsidiary

- For the government curriculum, attach the list of the **learning materials** per subject (textbooks, worksheets, etc) which learners must have, and a list of the **teaching materials** teachers must use.
- Will the school provide the learners with the learning/teaching support materials or must they buy their own materials?

Yes, school will provide

No, they must provide their own

- Provide information on the extra-curricular and extra-mural activities the school will offer to the senior secondary learners. **Not Applicable for Part-Time Centres**

.....

.....

.....

.....

.....

.....

.....

- Will the school accommodate learners with impairments?    Yes     No

If yes, which impairments?

.....

.....

.....

.....

.....

.....

.....

- Does the school have the facilities and resources, and the teachers with the qualifications and experience to implement the compulsory Course Work/School Based assessment to be taken in the subjects at **Advanced Subsidiary** syllabuses?

**B2.    Medium(s) of instruction**

Pre-Primary .....

Junior Primary .....

Senior Primary .....

Junior Secondary .....

Senior Secondary .....

**B3.** \*Please note, the application for approval of a curriculum, languages as medium of instruction, or examining body for a **private school which is different from that applicable to state schools**, the application must be accompanied by:

- a) a full motivation and reasons for the use of a different medium of instruction, curriculum and examining body;
- b) a full broad curriculum document or documents, examples of subject syllabuses, principles of assessment and examples of subject textbooks, proof of approval by the institution that owns the curriculum to use that specific curriculum in the case of different curriculum; and
- c) the credentials of the examining body, proof of NQA recognition, regional and international recognition of the qualifications issued by the examining body, in the case of different examining body.

(The documents must accompany the application)

**B4. What school calendar will be followed for the school phase(s) offered?**

Calendar for government schools Yes  No

For non-government school calendar, attach the calendar that will be followed.

Attached the calendar Yes  No

**B5. For each school phase and the subjects offered attach a timetable for a week indicating the number of periods and the duration of the periods per day.**

**B6. Daily starting time.....and daily closing time..... of the school.**

**B7. Nearest school(s) offering education in the same school phases applied for in this application.**

SCHOOL PHASE	NAME OF SCHOOL	APPROXIMATE DISTANCE
Pre-Primary		
Junior Primary (Grade 1 –3)		

Senior Primary (Grades 4 – 7)		
Junior Secondary (Grades 8–9)		
Senior Secondary Ordinary Level (Grades 10–11)		
Senior Secondary Advanced Subsidiary (Grade 12)		

**B8. Attach the following information, as separate attachments.**

- A motivation letter for the establishment of the private school which intends to provide information about the aspects mentioned in section 76(2) of the Act.
- The vision and mission of the school.
- The admission policy of the school.
- Sample of agreement between the private school and parent(s)/guardian(s)

**B9. Annual fees payable per learner (indicate as applicable)**

TYPE OF FEE	AMOUNT PER ANNUM
Registration or enrolment fee	N\$
Tuition	N\$
Hostel	N\$
Examination	N\$
School Development Fund	N\$
Fees for textbooks and other learning materials	N\$
Any other type of fee (specify)	
.....	N\$
.....	N\$
<b>Total:</b>	N\$

**B10. Complete the following table by indicating the envisaged enrolment and teacher: learner ratio (as per educational phase applied for).**

		Number of learners	Numbers of classrooms available	Number of Teachers	Teacher :learner ratio
Pre-Primary	PP				
Junior Primary	Gr 1				
	Gr 2				
	Gr 3				
Senior Primary	Gr 4				
	Gr 5				
	Gr 6				
	Gr 7				
Junior Secondary	Gr 8				
	Gr 9				
Senior Secondary	Gr 10				
	Gr 11				
Senior Secondary	Gr 12				
Other (specify)					

**B11. Describe any specific needs to be catered by this private school which are not provided for in government schools?**

.....

.....

.....

.....

**B12. Information about principal and teaching staff (Complete Annexure B14.1 and B14.2 attached at the end of section B)**

**B13. Hostel accommodation**

Does the school provide hostel accommodation? Yes  No

1. If yes, how many boys ..... and girls ..... can be accommodated

**B14. Buildings, furniture, equipment, etc.**

Provide the following information regarding

**B14.1 Buildings**

Type	Number in Existence	Total size in Square meters In existence	Number still To be constructed	Total size in Square meters Not in existence	Construction Material e.g bricks
Classrooms					
Principal's office					
Offices: Heads of Departments					
Office: School Secretary					
Staff room					
Library					
Storeroom/steel cabinet					
Safe facility (strong room) /steel cabinet					
Laboratory for Sciences: Physics/Chemistry/Biology					
Other Specialized rooms (specify)					
Toilet facilities for girls					
Toilet facilities for boys					
Toilet facilities for staff members					
Sport facilities					
Any other facilities (specify)e.g					

**B14.2 Furniture equipment and office stationery**

Type	Number available	Number still to be obtained	Total	Remarks
Desks for learners				
chairs for learners				
Teachers tables				
chairs for teachers				
Lockable steel Cabinets				
First Aid Kits				
Telephones				
Internet connectivity				
computers and laptop				
printers				
Photo copiers				
Recording devices and USB-players				
Other (specify)				

**B14.3 Records and registers**

Type	Records/Registers available	Records/registers still to be established	Remarks
Admission register			
Attendance register			
Cum card records of individual learners: <b>Full-time schools only</b>			
Promotion records/schedules of learners. <b>Full-time schools only</b>			
Copy of Examiners' Reports of National examinations: <b>Senior Secondary Schools/part-time centres only</b>			
Copies of Ministerial Circulars & Regional Directives,			
Copy of Education Act and its regulations, Labour Act, etc.			

**B14.4 Electricity and water**

- Does the school have electricity? Yes  No
- Does the school have access to clean water? Yes  No

**B15. Financial provision**

- I understand that I have the right to establish and maintain a private school at my own expense without any financial (assistance) subsidy from the Ministry of Education, Arts and Culture.

Yes  No

Signature:.....

**B16. Are the learners expected to enter into an agreement with the school?**

Yes  No

If yes, what type of agreement? Attach copy.

.....  
.....

**SECTION C: (PRIVATE SCHOOL OR PART-TIME EXAMINATION CENTRE)****C1 Which of the following national examinations is the school/centre applying for?**

- The Namibia Senior Secondary Certificate **Ordinary Level** (NSSCO)?

Full-time  Part-time

- The Namibia Senior Secondary Certificate **Advanced Subsidiary** (NSSCAS)?

Full-time  Part-time

- Is the school/centre applying for any other examination than NSSCO or NSSCAS? Yes  No

- If it Yes, specify:.....

**C2. Date of first national examination.**

NATIONAL EXAMINATION	YEAR
NSSCO	
NSSCAS	
Any other Examinations than NSSCO or NSSCAS	

**C3. Facilities to administer the National Examinations****C3.1 Number of rooms/halls appropriate for the sitting of examinations are available at the school/centre?**

Halls

Rooms

**C3.2 Do the rooms/halls have tables, chairs and sufficient lighting, ventilation, a low noise level, and do conditions that are conducive for candidates to perform optimally prevail?**

Yes  No

**C3.3** Will the space, furniture, number of invigilators etc. be sufficient to simultaneously accommodate the candidates sitting for their national examinations and for the learners in the intermediate grades to continue with their classes (or write their **internal examinations**)?

Yes

No

**C3.4** Will the school/centre be able to accommodate NSSCO (Grade 11) or NSSCAS (Grade 12) part-time candidates for the national examinations?

Yes

No

**C3.5** Number of candidates sitting for each of the following examinations can be accommodated at the same time in the examination hall/room? Consider the required spacing of 1.25 meters.

NATIONAL EXAMINATIONS	FULL-TIME CANDIDATES	PART-TIME CANDIDATES
NSSCO (Grade 11) examination		
NSSCAS (Grade 12) examination		

**C4. Secure Storage of National Examination material**

**C4.1** Does the school have safe storage facilities big enough to securely store all the examination materials of both the national examinations (question papers, answer books, answer scripts, OMR Forms, etc.) and the examination materials of the **internal examinations**? (**Pictures of safe storage facilities must be attached to the application form**).

Yes

No

What are the internal dimensions of the safe/safe storage facilities?

Length ..... metres

Height ..... metres

Width ..... metres

**C4.2 Which one of the following describes the safe facilities best at your school/centre?**

- a) A **strong** room with lockable safe door
- b) A **store** room with lockable burglar barred door and windows
- c) A **store** room with lockable burglar barred door and windows with a lockable steel cabinet for the examination materials.
- d) A steel cabinet in the principal's office which has a lockable burglar barred door and burglar barred windows.
- e) A heavy free standing steel safe in the principal's office.
- f) If not any of the above mentioned, describe the type of safe facilities available.

.....

.....

.....

- g) How many keys for the safe/safe facilities are in use at the centre?

Yes  No

- h) Will the centre make a spare key available to the Regional Office?

Yes  No

- i) Will the key register be opened and who will be in control of the register?

Yes  No

- j) Are duplicate keys for the safe or safe facilities available and where are they kept?  
If yes where

Yes  No

- k) Will other materials be stored in the safe or safe facilities together with the examination materials?

Yes  No

**C5. Who will be the Head of the Examination Centre responsible for the overall supervision and secure and proper administration of the national examinations (e.g. security: safekeeping of examination materials; registration of candidates; handling of collected state monies; receipt and dispatch of examination materials; etc.)**

- Name: .....
- Years experience (as teacher): ..... as principal: HOD etc.) .....
- Qualifications:  
.....

**C6. Has the Head of Examination Centre been trained by the Directorate National Examinations and Assessment or the Regional Office in the principles and procedures of examination administration and invigilation?**

If yes, when was the training done?

Yes

No

.....

**C7. Are the teachers who will invigilate the national examinations trained by the Directorate of National Examinations and Assessment or the Regional Office in the principles and procedures of invigilation? If yes, when was the training done?**

Yes

No

.....

**C8. Are the Head of Examination Centre and teachers aware that they could, in terms of Education Act 2001, No. 16 of 2001, be charged with misconduct, or for a criminal offence, if the Examination Rules and Treasury Instructions are not adhered to, and that the results of candidates can be declared null and void if they are involved in malpractices?**

Yes

No

**C9. Collection of examination registration fees and other examination related monies**

Yes

No

**C9.1 Is the centre registered as a sub–receiver of revenue or cashier’s office to collect state monies and issue receipts?**

Yes

No

If school is not registered as Sub Receiver, specify the location of the nearest Sub receiver .....

**C9.2 Is the school in possession of a copy of the Treasury Instructions?**

Yes

No

**C9.3 Is the school in possession of a Receipt Book/ Credit Note Book?**

Yes

No

**C9.4 Is the school in possession of the Rules and Regulations for the administration of national examinations?**

Yes

No

**C10 Capacity and resources to administer school based assessments**

**C10.1 NSSC Ordinary or Advanced Subsidiary Level Examinations**

Indicate the availability of the following:

a) Laboratory to administer the practical examination in Biology, Physics and Chemistry.

Yes

No

b) Recording devices and USB–players to administer the Listening Comprehension examination for languages.

Yes

No

- c) Facilities, equipment and materials for the practical examination and School based assessment in Home Economics.

Yes

No

- d) Facilities, equipment and materials to do the school based assessment in Fashion and Fabrics/Hospitality.

Yes

No

- e) Facilities, equipment and materials to do the school based assessment in Agricultural Science.

Yes

No

- f) Facilities, equipment and materials to do the Coursework in Art and Design.

Yes

No

- g) Facilities equipment and materials to do the Coursework in Design and Technology.

Yes

No

- h) Equipment and materials to administer the national examinations to Physical impaired candidates.

Yes

No

**SECTION D: (TO BE COMPLETED BY THE OWNER OF THE PRIVATE SCHOOL)**

**D1. Is this the first application to register this school as a private school?**

Yes  No

If no, when was the first or earlier applications submitted? .....  
.....

**D2** I herewith apply for the registration of a private school with **tuition and examination centre** status/ or tuition centre status only (for lower grades only) (delete as applicable). I further state that the information provided is accurate and true reflection of the situation and circumstances at the school and I understand the terms and conditions of registration specified in Basic Education Act, 2020 (Act No. 3 of 2020) and the Regulations made under the said Act. I undertake that in terms of section 80 of the Act, that should I not comply with the terms and conditions imposed by the Minister that the school may be deregistered or taken over by the State or both. Failure to comply may render the application null and void.

.....  
**OWNER OF PRIVATE SCHOOL**                      **SIGNATURE**                      **DATE**

.....  
**WITNESS**    **SIGNATURE**    **DATE**

**SECTION E: (TO BE COMPLETED BY THE INSPECTION TEAM AT THE REGIONAL OFFICE)**

**E1. Verification of the information provided by the private school**

**E1.1 The school was visited by an inspection team of the regional office.**

NAME	POSITION	DATE OF INSPECTION

**E1.2 The information provided on the application form was verified with the owner/ Governing body/Board Directors of the private school by the inspection team is available**

Yes  No

**Comments:**

.....

.....

.....

.....

**E1.3 Were discrepancies found between the information provided in the application and the situation found at the school?** Yes  No

**E1.4 If discrepancies were found, provide the details.**

.....

.....

.....

**E2. Evaluation of Information by Inspection Team**

**E2.1 Is there according to the judgment of the inspection team a need for this private school in the region?**

Yes

No

**E2.2 What are the Specific need(s) this school will provide for?**

.....

.....

.....

.....

**Describe the needs referred to in E2.2**

.....

.....

**E2.4 The judgement of the inspection team after having considered the terms and conditions in Basic Education Act, 2020 and the Regulations made under the said Act, is that the school:**

(Tick appropriate box)

- Meets the terms and conditions to be registered as a private school/centre with tuition and examination centre status the application must be accompanied by:
- Only meets the terms and conditions to be registered as a tuition centre but not as an examination centre, **therefore question papers for the national examinations will be kept at the Regional Education Directorate and be delivered on daily basis.**
- Does not meet the terms and conditions to be registered as both a tuition and an examination centre and must re-apply when the shortcomings have been rectified.
- Comments (if any)

.....

.....

.....

.....

**E2.5 SIGNATURES OF INSPECTION TEAM**

.....	.....
Inspector of Education, Arts and Culture	Date
.....	.....
Education Officer: Planning and Development	Date
.....	.....
Regional Examination Official (REXO)	Date
other (specify) .....	Date .....
Other:	Date

**SECTION F: RECOMMENDATION BY THE REGIONAL DIRECTOR OF  
EDUCATION, ARTS AND CULTURE**

.....  
.....  
.....

.....

**NAME**

.....

**SIGNATURE**

.....

**DATE**

## FORM 7



MINISTRY OF EDUCATION, ARTS AND CULTURE  
BASIC EDUCATION ACT, 2020 (ACT NO. 3 OF 2020)

**CERTIFICATE OF REGISTRATION AS PRIVATE SCHOOL  
OR PRIVATE PART-TIME TUITION CENTRE**  
(Regulation 57(5)(b))

This is to certify that \_\_\_\_\_, has been registered in terms of section 76(2) of the Basic Education Act, 2020 (Act No. 3 of 2020) as a private part-time tuition centre. The centre must offer part-time tuition for senior secondary education and serve as an examination centre for NSSC Ordinary Level (Grade 11) as per registration from 2024, in \_\_\_\_\_ Region

This certificate of registration applies only to the type of curriculum, medium of instruction and examining and certifying body as specified.

If at any time a deviation from the terms and conditions specified in this certificate is intended, a new application must be made.

Attached are Annexures A and B with reference to the terms and conditions of registration of private schools as stipulated in the Basic Education Act, 2020 (Act No. 3 of 2020).

.....

**Minister**

**Ministry of Education, Arts and Culture**

.....

**Date**

**FORM 8**

MINISTRY OF EDUCATION, ARTS AND CULTURE  
BASIC EDUCATION ACT, 2020 (ACT NO. 3 OF 2020)

**REGISTER OF PRIVATE SCHOOLS AND PRIVATE PART-TIME CENTRE**  
(Section 76(2), Regulation 57(7))

.....
Name of school
.....
School reference number
.....
Owner of school
.....
Date of registration
.....
Postal address
.....
Physical address
.....
Category if the school becomes state-aided
.....
Date the school becomes state-aided



14. Catchment Area:

15. Hostel Personal: Attach a Schedule setting out of the following information:

Name	Gender	Residing in the hostel	
(a) Superintendent		Yes <input type="checkbox"/>	No <input type="checkbox"/>
(b) Supervisors		Yes <input type="checkbox"/>	No <input type="checkbox"/>
(c) Institution workers		Yes <input type="checkbox"/>	No <input type="checkbox"/>
	M/F		

16. Hostel accommodation		Capacity of hostel	Distance of hostel from school(s) in km	
Boys	Girls		Boys	Girls

17. Buildings: Attach photo/drawings, ground/floor plans of already existing hostels.  
Describe the type of building/structure and its location.

18. Describe study facilities that will be available for boarders:

.....

.....

19. Give particulars of financial provision and level of community involvement:

.....

.....

20. Fees payable by boarders:

Registration	Hostel fees	Others (specify)
N\$ .....	N\$ ..... (per term)	N\$ .....

21. Are boarders required to sign an agreement(s) with the hostel?

Yes

No

If yes, attach a copy/copies of such agreement

22. Admission Policy:

23. To the best of my knowledge, the information supplied is true, correct and complete.

Name: ..... Signature: .....

Place: ..... Date: .....

Capacity: .....

RECOMMENDED/NOT RECOMMENDED

\_\_\_\_\_  
SIGNATURE DATE  
QUALITY ASSURANCE OFFICER

APPROVED/NOT APPROVED/APPROVED AS AMENDED

\_\_\_\_\_  
SIGNATURE DATE  
DIRECTOR

**FORM 10**

MINISTRY OF EDUCATION, ARTS AND CULTURE  
BASIC EDUCATION ACT, 2020 (ACT NO. 3 OF 2020)

**CERTIFICATE OF REGISTRATION AS PRIVATE HOSTEL  
OR COMMUNITY HOSTEL**

(Regulation 59(4)(a))

This is to certify that ..... Private Hostel/Community Hostel, Reference  
Number ..... has been registered on ..... as a private hostel/community  
hostel.

The hostel must accommodate a maximum of \_\_\_\_\_ boarders including hostel staff  
members.

.....  
**Executive Director**  
**Ministry of Education, Arts and Culture**

.....  
**Date**

## FORM 11



MINISTRY OF EDUCATION, ARTS AND CULTURE  
BASIC EDUCATION ACT, 2020 (ACT NO. 3 OF 2020)

**APPLICATION FOR REGISTRATION FOR HOME SCHOOLING**  
(Section 87, Regulation 65(1))

**SECTION – A: INFORMATION ABOUT APPLICANT AND CHILD/CHILDREN**

**A1. Details of parent/guardian applying for home schooling of a child / children**

Applicant's name: Mr / Mrs / Ms / Dr. ....

Second parent / guardian (if applicable): .....

Applicant's relationship to child/children: .....

Contact details of the applicant:

Residential address: .....

.....

.....

Postal address: .....

.....

.....

Email address: .....

.....

Tel. Code: ..... No: ..... (H)

Cell: .....



**A.4 Name of previous school, grade, curriculum the child was/children were schooling:**

Name(s) of child/ children	Name of previous school	Previous Grade	Curriculum

Name of previous school:

.....

Previous Grade: .....

Curriculum: .....

**A5. Commencement date of home schooling:**

.....

**A6. How will the home school function?**

- o Face-to-face method                      Yes                       No
- o Online method                                      Yes                       No
- o Blended teaching and learning                      Yes                       No

**A7. Regional Education, Arts and Culture Office, Circuit and Cluster in which the home schooling is situated**

.....

.....

.....

.....

A8. Competence and experience of parent/guardian of the home school

A8.1 **Parent's name** .....

Qualifications	Experience in education	Other relevant experience

*(Certified copies of qualifications and ID must be attached to application form.)*

A9 Details of the parent (s) /guardian (s) who will teach the child / children

A9.1 Will the child / children be taught by one or both parent (s)/guardian (s)?

One

Both

A9.2 Will the child / children be taught by a qualified teacher employed by the parent(s)/ guardian(s) of the child/ children?

Yes

No

If Yes, Please provide the following information:

**Teacher's name** .....

Qualifications	Experience in education	Other relevant experience

*(Certified copies of qualifications and ID must be attached to application form.)*

**B1. Details of curriculum, teaching and learning materials and extra-curricular activities**

**B1.1 Junior Primary Phase**

B1.1.1 **Pre-primary offered** Yes  No

Government curriculum Yes  No

Specify if other curriculum being followed:

.....

- If a curriculum is different from that applicable to state schools, please see paragraph B3.
- Provide details of the subjects that will be offered:

.....  
.....  
.....

**B1.1.2 Junior Primary: Grades 1 – 3**

Government curriculum      Yes       No

Specify if other curriculum being followed:

.....

- If a curriculum is different from that applicable to state schools, please see paragraph B3.
- Provide details of the subjects that will be offered:

Examination subjects	Non-examination subjects

- For a non-government curriculum attach the list of the learning materials (textbooks, worksheets, etc.)
- Ensure that the child/children is/are provided with the above mentioned materials.

Yes       No

- Will the parent(s)/guardian(s) provide extra-curricular and extramural activities to the child/children

Yes       No

- Are you aware of the ministerial policies on assessment and how will the home school implementing these policies?

Yes

No

Provide details.

.....

.....

.....

**B1.1.3 Senior Primary (Grades 4– 7)**

Government curriculum: Yes

No

Specify if other curriculum being followed:

.....

- If a curriculum is different from that applicable to state schools, please see paragraph B3.
- Provide details of the subjects that will be offered

Examination subjects	Non-examination subjects

- For a government curriculum provide details of the subjects/learning materials
  
- For a non–government curriculum attach the list of the learning materials (textbooks, worksheets, etc.)
  
- Ensure that child/children is/are provided with the above mentioned materials.  
**Yes**  **No**
  
- Will the parent(s)/guardian(s) provide extra–curricular and extramural activities to the child/children **Yes**  **No**
  
- Are you aware of the ministerial policies on assessment and how will the home school implementing these policies? **Yes**  **No**

Provide details.

.....

.....

.....

**Secondary Phase**

**B1.2 Junior Secondary (Grade 8–9)**

Government curriculum: Yes  No

Specify if other curriculum being followed: .....

- If a curriculum is different from that applicable to state schools, please see paragraph B3.
- Provide details of the subjects that will be offered

Examination Subjects	Non–Examination subjects

Provide details of the languages, the field of study subjects and the optional subjects for each of the fields of study offered.

Language subjects	Field of study subjects	Elective Subjects

- For a non–government curriculum attach the list of the learning materials (textbooks, worksheets, etc.)

- Ensure that child/children is/are provided with the above mentioned materials.

Yes

No

- Will the parent(s)/guardian(s) provide extra–curricular and extramural activities to the

child/children Yes

No

- Are you aware of the ministerial policies on assessment and how will the home school implementing these policies?

Yes

No

Provide details.

.....

.....

.....



- For a non–government curriculum attach the list of the learning materials (textbooks, worksheets, etc.)

- Ensure that child/children is/are provided with the above mentioned materials.

Yes

No

- Will the parent(s)/guardian(s) provide extra–curricular and extramural activities to the child/children

Yes

No

- Are you aware of the ministerial policies on assessment and how will the home school implementing these policies?

Yes

No

**B2. Medium(s) of instruction and assessment**

Pre–Primary .....

Junior Primary .....

Senior Primary .....

Junior Secondary .....

Senior Secondary .....

**B3. Please Note**, the application for approval of a curriculum, language as medium of instruction, or examining body for a home school is **different from that applicable to private schools**, referred to in section 84 of the Act.

- (a) a full motivation and reasons for the use of a different medium of instruction, curriculum of examining body;
- (b) a full broad curriculum document or related documents, examples of subjects syllabuses, principles of assessment and examples of subject textbooks, in the case of different curriculum; and
- (c) The credentials of the examining body, proof of regional and international recognition of the certificates issued by the examining body, in the case of a different examining body the documentation must be attached.

**B4.** What school calendar will be followed for the home school phase(s) offered?

Calendar for government schools **Yes**  **No**

For non-government school calendar, attach the calendar that will be followed.

**Attached the calendar.** **Yes**  **No**

**B5.** Daily starting time ..... and closing time ..... of the home school.

**B6.** Nearest government, private school(s) offering education phase (s) applied for.

School phase	Name of school	Approximate distance
Pre-primary		
Primary (Grade 1-7)		
Junior Secondary (Gr 8-9)		
Senior Secondary-NSSCO (Grade 10-11)		
Senior Secondary-NSSCAS (Grade 12)		

**SECTION-C: DECLARATION TO BE COMPLETED BY THE APPLICANT OF THE HOME SCHOOLING**

I .....(insert full name ) residing at  
 .....(insert full address)

- Do solemnly and sincerely declare that I will comply with all provisions made in the Constitution of Namibia, Basic Education Act, 2020 (Act No. 3 of 2020) and the Regulations made under the Basic Education Act, 2020, relevant to the provision for home schooling/ education made under the said Act.
- The child / children **will not be enrolled** in any state, private school or any other educational institution offering by classroom or distance education a primary or secondary education programme.

- I understand that in order to continue registration of a child /children under section 87 of the Basic Education Act, 2020 (Act No. 3 of 2020) and the Regulations made thereof.
- I must comply with the following standard conditions of registration:
  - The education to be provided to the child/children at home meets the minimum requirements of the curriculum at state schools.
  - Is not of a standard of inferior to the standard of education provided at state schools
  - The Minister may withdraw the registration of a child if I do not continuously comply with the said Basic Education Act, 2020 (Act No. 3 of 2020) and the Regulations made thereof.
  - I must inform the Regional Education Office of any change in the residence of the child/children within 30 days after the change occurs.
  - I must submit to the Regional Education Office via the Inspector of Education the progress reports (i.e. semester and annually) of my child/children.
- I make this solemn declaration, including any completed attachments, conscientiously believing the same to be true and to the best of my knowledge, the information supplied is true, correct and complete.

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**NAME OF APPLICANT**

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**SIGNATURE**

---

**DATE**

**SECTION-D: TO BE COMPLETED BY INSPECTION TEAM AT THE REGIONAL OFFICE**

**D1. VERIFICATION OF THE INFORMATION BY THE REGIONAL OFFICE**

- The Home school was visited by an Inspection Team of the Regional Office.

NAME	POSITION	DATE

- The information provided on the application form was verified with the parent/guardian of the home schooling by the inspection team.

Yes

No

Comments

.....

.....

- Were discrepancies found between the information provided in the application and the situation found at the home?    Yes                       No

If Yes, Please explain.

.....

.....

**D2.**    The judgement of the inspection team, after having considered the information in the application form and the observations made during the visit, is that the Home school ( Tick the appropriate box)

- Meets the requirements to be registered as a Home schooling because it is a suitable teaching and learning environment.
- Does not meet the requirements to be approved as a Home school and must re-apply when the shortcomings have been rectified.

- Comments if (any)

.....

.....

**SECTION – E: TO BE COMPLETED BY THE REGIONAL DIRECTOR OF  
EDUCATION, ARTS AND CULTURE**

Recommendations:

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.....

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NAME**

**SIGNATURE**

**DATE**

\_\_\_\_\_