

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Western Province Provincial Council Pre-School Statute No. 04 of 2003

No. 1311/1 - MONDAY, OCTOBER 20, 2003

A Statute for performance of duties and functions relating to the subjects vested with the Western Province Provincial Council under the 13th Amendment to the Constitution, for registration, supervision, administration and monitoring of Pre-School now | conducted within the Western Province, for establishment of new Pre-Schools, for repeal of part 05 of the Education Statute No. 05 of 1990 and matters and provisions incidental thereto.

Be it enacted by the Western Province Provincial Council of Democratic Socialist Republic of Sri Lanka.

Short title and date of operation 01. This statute may be cited as the Western Province Pre-School Statute No. 04 of 2003 and will come into operation on such date assented by the Governor.

PART I

Objects

- Objects 02. Objects of this Statute is to fulfil the following motives for proper guidance and development of childhood from the third year upto the completion of the fifth year which is considered as the pre-school period of a child.
- (a) To create a favourable and safe environment enabling to obtain experience from sources of senses.
 - (b) To provide an opportunity enabling to be accustomed to pleasant conversation and organization of a dignified behavioral pattern through daily actions.
 - (c) To guide to train in good healthful habits.
 - (d) To provide a conducive environment for cultivation of good virtues.
 - (e) To provide opportunities for development of skills and physical development.
 - (f) To promote intellectual and creative capabilities.
 - (g) To guide on the love of environment and evaluate environment to obtain enjoyment {hereto and conserve environment
 - (h) To afford capability to face challenging
 - (i) To create a friendly environment which will train for co-existence.

- (j) To create opportunity for the child to spend the Pre-school age with pleasure and enjoyment.
- (k) To create a suitable environment to kindle and foster capabilities of children of this age,
- (l) To provide a stable foundation for their future education.

PART II

ADMINISTRATION AND SUPERVISION

Appointment of a Competent Authority	03. A person (who will be known hereafter as the Competent Authority) shall be appointed by the Minister either by the name or official designation as the Competent Authority to implement the provisions in this Statute.
Duties and functions	<p>04. The Competent Authority under direction and control of the Minister shall fulfill the following powers, duties and functions : -</p> <ul style="list-style-type: none"> (a) To enter a premises where pre-schools are conducted within the Province and examine the relevant documents and registers. (b) To question and obtain explanation from the owners of pre-school or any person who conducts them or any person who is associated with pre-school administrative functions. (c) To register a pre-school or reject a request for registration with giving of reasons. (d) To request to produce qualifications in proof of eligibility of those engaged in teaching in pre-schools or managers, owners and teachers and obtain such certificates under such occasions examine and obtain true copies of such certificates. (e) To examine registers, books, endorsements, reports and files belonging to any pre-school and take them into custody if necessary. (f) To take action to suspend or terminate the service of those engaged in teaching of a preschool who fails to prove minimum qualifications. (g) To order the proprietor or the person who conducts the pre-school to provide facilities ordered under the Statute to children who are being educated in a pre-school. (h) To stop or suspend after inspection ; a pre-school if it is conducted not adhering to the provisions of this Statute. (i) To consider and grade service facilities and staff of pre-schools. (j) To hold work programs, conferences and workshops for training of teachers and staff of pre-schools and order the teachers and others of pre-school to attend them. (k) To supervise and inspect pre-schools periodically.

(l) To identify the books, registers and specimen forms that should be maintained in a pre-school and order them to be used.

Powers of the
Competent
Authority

05. The Competent Authority shall implement and discharge powers, duties and functions which shall be vested with him in terms of the provisions in this Statute.

The Competent
Authority may
divest powers

06. The Competent Authority, with the approval of the Minister may divest powers, duties and functions which are vested with him or entrusted to him under this Statute to some other officer of the Provincial Public Service.

PART III

Appointment of the Advisory Committee for Pre-Schools

Pre-School
Advisory
Committee

07.

(1) A Pre-School Advisory Committee herein afterwards called "Advisory Committee" consisting of the following members shall be appointed by the Minister.

(a) The following members shall be Ex-officio members of the Pre-School Advisory Committee:-

- (i) Provincial Education Secretary ;
- (ii) Provincial Education Director;
- (iii) Provincial Health Services Director;
- (iv) Provincial Probationary and Child Care Services Commissioner ;
- (v) Local Government Commissioner;
- (vi) An educationalist of the subject of Pre-schools appointed from the National Education Institute.

(b) In addition the following representatives appointed by the Minister as appointed members : -

- (i) Director of National Children Secretariat or a representative ;
- (ii) Four representatives selected from a voluntary association dealing with the subject of Pre-schools, representing the there districts ;
- (iii) A person from the parents of a child of Pre-school age ;
- (iv) A Pre-school teacher ;
- (v) Two educationalists with specialized knowledge of Pre-schools.

Appointmen of 08.
Chairman
Secretary

(1) Chairman of the Advisory Committee shall be the Provincial Education Secretary out of Ex-Officio members and the Competent Authority appointed by the Minister shall be the Secretary of this Committee.

(2) Official duration shall be limited to three years.

(3) The quorum for the Advisory Committee meeting shall consist of five members,

(4) An appointed member shall hold post for a period of three years except on death, resignation or expulsion from the post.

(5) An appointed member shall be deemed to have vacated his membership if he does not attend three consecutive meetings without a reason considered to be acceptable by the Advisory Committee.

(6) The Minister, at any occasion ; may remove an appointed member of the Advisory Committee.

(7) An appointed member can resign from his post by a letter sent to the Minister intimating his resignation.

(8) On an occasion with the death of an appointed member, resignation, expulsion from the post or the post is rendered vacant in any other way, the Minister, after considering the provisions in section 07 (01) (a) shall appoint another as a replacement of that member. That member shall hold office for the unexpired period of his predecessor.

The Advisory Committee shall prepare procedures

09.

(i) The Advisory Committee shall prepare, by regulations, procedures with regard to meeting and other relevant matters subject to the other provisions of the Statute.

(ii) The Advisory Committee shall meet minimum once in three months.

Disqualifications for appointment to the Advisory Committee

10. A person,-

(a) If not a citizen of Sri Lanka or ceases to be a citizen or,

(b) If declared to be bankrupt or insane under a current law in Sri Lanka or any other country or,

(c) If he serves or has served a term of imprisonment ordered by a Judicial Court in Sri Lanka or any other country or,

(d) If he occupies monetary position or having conneciton which will adversely affect the discharge of duties as a member of the Advisory Committee or,

(e) If he is declared to be guilty of an offence under this Statute.

Shall be ineligible to be appointed as a member of the Advisory member or discharge such duties.

11. A decision or an action taken by the Advisory Committee shall not be cancelled on account of a vacancy in the Advisory Committee or a lapse in appointing a member.

Duties and functions of the Advisory Committee

12. Advisory Committee shall discharge and perform the following duties and functions.

(a) Preparation of orders relating to taking of policy decisions in regard to Pre-schools and their implementation and submission of such orders to the Minister.

(b) Identification of functions to be performed by all sections relating to the activities of preschool and preparation of a work programme in that regard. Giving of instructions, follow up action, supervision and issue of periodical instructions.

(c) Supervision of activities of the registered Pre-schools situated within the area of authority of the Provincial Council. Determination

of recommendations relating to the subject or Pre-schools amendment and taking of other policy decision in regard to the same.

(d) Identification of children in need of special educational requirements and preparation of future educational programmes suiting them and education of parents of such children and taking of steps for necessary action in regard to the progress of children.

(e) Determination of course of action against Pre-schools which are conducted and execute activities contrary to the provisions of this Statute.

(f) Investigation of appeals received with regard to registration of Pre-schools and submission of recommendations to the Minister thereof.

(g) Issue of instructions to the Competent Authority with regard to implementation of provisions of this Statute.

Curriculum of
Preschool

13. The Advisory Committee, with the guidance of the National Education Institute, shall prepare a curriculum and that curriculum shall be implemented in all Pre-schools after being accepted by the Minister.

PART IV

Standards for Pre-School

The basic and
minimum facilities
in Pre-school

14.

(1) Pre-schools shall consist of the following basic and minimum facilities : -

(a) Allocation of minimum building accommodation of 10 sq. feet for one child.

(b) Preparation of a toilet net work for every 25 children.

(c) Preparation of doors and windows for supply of air to 1/7 of cubic extent from the rooms of the building.

(d) Solid protection of the Pre-school premises by a protective wall or protective fence.

(e) Maintenance of a first aid box as per instructions of the Advisory Committee.

(f) Procession of an attractive environment covering Pre-school land or Pre-school garden and composition of basic sport facilities as ordered by the Advisory Committee.

(g) Availability of a sufficiently accommodative court yard for sports in every Pre-school.

(h) Presence of lady teachers to the ratio of 20 : 1 for normal students and to ratio of 5 : 1 for exceptional children.

(i) Availability of adequate furniture and equipment and their maintenance with an attractive outlook for the mental satisfaction of children.

(j) A suitable prepared premises for observance of religious rites.

(2) No Pre-school shall be established within a damaging or dangerous environment or within 100 meters from a damaging or dangerous premises.

Minister to order qualifications and standards for Preschool

15. The Minister shall from time to time order the standards that should be followed by every Preschool which is entitled to be qualified for registration under this Statute.

PART V

Registration of Pre-school

No Pre-school can be conducted without registration

16. No person shall conduct or establish a Pre-school without the approval of the Provincial Competent Authority after the date of operation of this Statute.

Request for registration of Preschool

17. Prior to the elapse of three months after publication of the Gazette, every proprietor or manager of a Pre-school shall apply to the Competent Authority for registration of Pre-school as per the 1st schedule of every herein.

Levy of additional fee on Pre-schools not registered within the prescribed period.

18. Any proprietor or a manager who fails to apply within three months after publication of this Statute in the Gazette, the Competent Authority may register the Pre-school with a levy of an additional fee ; considering the past period if the request is associated with presumably justifiable and reasonable causes.

Submission of suitable particulars

19. Particulars stated in the schedule No. 01 shall be included in the application for the commencement of a new Pre-school.

20.

(1) A registration fee fixed by the Competent Authority shall be paid for registration.

(2) Period required for registration and licence requirements, relevant specimen and fees shall be periodically declared by the Competent Authority.

(3) The Competent Authority shall have authority to recover fines and additional fees in respect of extension of period for delayed registration and obtaining of licence.

21. Every institution which is maintained with the motive of discharging an educational activity of any nature for the children between the age beginning with 3 years to 5 years in the Western Province and every institution that is maintained as a Pre-school is considered as a Pre-school under this Statute.

Violators of

22. Any person who commences any Pre-school under the provisions of this Statute

provisions of the Statute may face punishment and any person who is conducting an educational course violating the above instructions shall be guilty under this Statute and shall be subject to a maximum fine of Rs. 500 for every commitment of this offence in every month.

Competent Authority may refuse registration 23. When a request for registration is submitted as per section 21 to the Competent Authority by a institution which is being conducted as a Pre-school and not as a Pre-school at the time of operation of this Statute, registration may be refused with giving reasons if that request is not in conformity with the provisions of this Statute.

(1) On every occasion when such a request is refused, reason for refusal shall be intimated to the proprietor or manager of the Pre-school within one month from the date of the request.

(2) On an occasion when such a request is refused, the manager or proprietor may submit an appeal to the Minister in that regard within 14 days.

(3) On receipt of such an appeal, the Minister shall refer the same to the Advisory Committee and obtain observations and recommendations of the Advisory Committee and take a decision in respect of that appeal.

(4) The decision of the Minister in respect of Pre-school shall be conclusive.

A register for registration to be maintained 24.

(1) The Competent Authority shall maintain a register with the names and address of the Pre-schools with those of the persons who conduct with the other particulars required necessary by him which have been maintained before the date of operation of this Statute and registered afterwards as per provisions of the Statute and new Pre-schools which have been registered as per provisions of the Statute after the date of operation of this statute.

(2) Every Pre-school in the Western Province shall be registered by the Competent Authority and a No. and a registration certificate shall be issued.

(3) The certificate shall be considered as a legal document for provisions of this Statute.

PART VI

Qualifications of Pre-school Teachers and their Training

Educational requirements to be fulfilled by the Pre-school controllers and teachers 25.

(1) Controllers and teachers of Pre-schools now serving as at date of operation of this Statute shall pass in minimum of six subjects inclusive of Sinhala. Maths in the Generation of Certificate of Education (Ordinary Level Examination) conducted by the Department of Examination of Sri Lanka and shall have followed a Training Course in respect of Pre-schools conducted by an institution recognized by the Advisory Committee.

(2) The teachers of Pre-schools functioning after the date of

operation of the Statute shall pass in General Certificate of Education (Advance Level) Examination.

Unqualified teachers to obtain qualifications within the prescribed period

26. The controllers and the teachers of pre-schools which are conducted at time of operation of this Statute, if not completed the above qualifications in the General Certificate of Education (Ordinary Level) Examination shall pass in that examination within two years and in a Pre-School Educational Course conducted by a recognized institution nominated by the Competent Authority.

Issue of orders to the unqualified to leave

27. The controllers and teachers of pro-schools who do not possess the above basic educational qualifications and fail to obtain the basic educational qualifications within the period prescribed by the Competent Authority shall leave from such activities and the competent Authority shall have the authority to order such leaving,

Controllers and teachers to be registered

28.

(1) All controllers and teachers who are engaged in educational functions in a pre-school at the time of operation of this Statute shall apply for registration within 06 months from the date operation of this Statute of the Competent Authority,

(2) If the pre-school controllers and teachers who can applying accordingly have satisfied qualifications as per the provisions of the Statute, the Competent Authority shall register them in a register maintained for that purpose and an identity card to be issued thereon.

Training Institution to be registered

29. Every Training Institution (except State Institutions which operate on national level) engaged in training activities of pre-school controllers and teachers in the Province shall apply to the Competent Authority and obtain registration and a registration certificate issued by the competent Authority shall be obtained.

A systematic work programme to be formulated annually

30. The Competent Authority shall prepare every year a systematic work programme relating to the training of controllers and teachers of pre-schools and submit to the Provincial Advisory Committee for approval.

Request to leave

31. The Competent Authority shall possess the authority to the pre-school controllers and teachers who do not attend training courses conducted by the Provincial Advisory Committee, from the service.

32. Training shall be uninterrupted and the pre-school controllers and teachers shall follow the prescribed training course within the period fixed by the committee.

33. The Competent Authority shall prepare and implement a systematic plan as per the instructions of the Advisory Committee for education of the parents of the pre-school children.

PART VII

General Provisions

Minister may make orders 34.

- (1) The Minister may make orders in respect of all matters prescribed by this Statute or authorized by this Statute where such orders are necessary.
- (2) Every order made by the Minister shall be published in the Gazette and shall be operative from the date of publication or from a later date specifically mentioned in that order.
- (3) Every order made by the Minister, after its publication in the Gazette shall be submitted as soon as for approval of the Provincial Council. Any order not approved by the provincial Council shall be deemed to have been repealed from the date of non-approval without detriment to an action executed earlier under that order.
- (4) The date of repeat of an order shall be published in the Gazette.

Competent
Authority may
make orders

35.

- (1) Rules considered by the Competent Authority as necessary for enforcement of powers, discharge of duties and functions of this Statute, affecting or connected therewith or incidental thereto, allowances paid to the teachers and fees recovered from the children may be made by the Competent Authority.
- (2) Every rule made by the Competent Authority shall be approved by the Minister obtaining recommendations of the Advisory Committee and the announcement of such approval shall be published in the Gazette

Persons
performing duties
of this Statute may
be paid allowance

36. The service of any person intended as necessary for performance of functions of this Statute may be obtained for a certain prescribed period of time and be paid an allowance fixed by the Governor.

The Competent
Authority shall act
as per instructions
of the Minister

37. The Competent Authority shall take action with regard to an order, advice, counsel given by the minister or the Advisory Committee and shall cause to submit a report or a register if requested.

PART VIII

Offences and Punishment

38. It shall be an offence if orders or provisions framed under this Statute or the Statute are violated, breached or neglected in action and cause obstructions to an authorized person to exercise his duties.

39. Every person who commits such an offence shall be subjected to a fine of Rs. 10,000 from Sri Lankan valid currency or a term of imprisonment of not more than six months or both, if found guilty in a summary trial before a Magistrate.

Interim provisions

40. Part 05 of the Western Province Education Statute No. 05 of 1990 is hereby repealed.

Interpretations

41. In this Statute, unless the context otherwise requires the following shall mean :-
" Minister " is the Minister-in-Charge of the subject of Education.

"Provincial Council " means the Western Province Provincial Council established under Para XVII (a) of the Constitution.

"Competent Authority " means the Officer formally appointed as the Competent Authority of this Statute and the Officer who is authorized to act for him.

" Advisory Committee " mean Pre-school Advisory Committee.

" Managers " mean businessman who conduct pre-school.

" Pre-school Controllers " mean persons who conduct or leach while conducting.

"Pre-school teachers " mean Pre-school teachers teaching in Pre-school.

" Special Children " mean child of Pre-school age with weak eyesight, hearing are weak and physically deformed and mentally retarded.

" Province " means the three districts of Colombo, Gampaha and Kalutara included in 08th Schedule of the 13th Amendment to the constituting of the Democratic Socialist Republic of Sri Lanka.

" Presented date " means the date of approval of this Statute by the Governor.

Sinhala text to prevail when there is an inconsistency

42. If there is an inconsistency between the Sinhala and Tamil versions of this Statute, the Sinhala text prevails.

SCHEDULES