

董事部及家教协会条例 1962 年资助 学校（管理） 条例

L.N 326

FEDERATION OF MALAYA EDUCATION ACT, 1961

In exercise of the powers conferred by section **116** of the Education Act, 1961, the Minister of Education hereby makes the following Rules:

Citation

1. These Rules may be cited as the **Assisted Schools (Management) Rules, 1962.**

Interpretation

2. In these Rules -

"Board" means a Board of Managers in the case of a primary school or a Board of Governors in the case of an educational institution other than a primary school.

"instrument" means an instrument of management in the case of a primary school or an instrument of government in the case of an educational institution other than a primary school.

Application. L.N.299/62

3. These Rules shall apply to all schools in receipt of full grant-in-aid under the Education (Grants) Regulations, 1962, and to special schools.

Responsibility for management

4. The Board shall be responsible for the proper management of the school in accordance with the Act, and the Rules and Regulations made and directions given thereunder, and the provisions of any other written law applicable thereto and the instrument of the school; and shall observe all conditions and limitations imposed in connection with the payment of grant-in-aid or any capital grant made pursuant to section **104** of the Act.

Type and character of school not to be altered without approval.

5. The Board shall not, without the approval of the Minister in writing, alter the type or educational character of the school.

Control by head teacher

6. Subject to any lawful direction given by the Board in the discharge of its duty under these Rules,

the head teacher shall have control of the organization of the school and shall ensure discipline; and for these purposes shall have authority over teachers, pupils and employees of the school.

Attendance at Board meetings by head teacher

7. The head teacher shall attend the meetings for the Board for the purpose of advising it upon matters under his control.

Occasional holidays

8. The head teacher may with the consent of the Board grant occasional holidays not exceeding four days in any one year, provided that such holidays shall not be granted immediately before or after any school vacation nor shall they, except with the consent of the Chief Education Officer, be granted on any two successive days.

Teaching vacancies

9. Whenever any vacancy occurs in any teaching post, including the post of head teacher, in the lay teaching staff of the school, the Board shall inform the Minister and -

- (i) if the Minister has a person to nominate to the vacancy, the Board shall appoint that person; or
- (ii) if the Minister has no person to nominate to the vacancy, the Board shall cause the vacancy to be advertised in accordance with such directions as the Minister may issue from time to time:

Provided that the Board may, with the consent of the Minister, appoint a teacher on a temporary basis pending the making of an appointment under these Rules.

Selection committee

10.(1) For the purpose of advising the Board upon the appointment of a lay teacher, there shall be established a selection committee of the Board which shall consist of -

- (a) the Chairman of the Board;
- (b) two managers or governors nominated by the Board;
- (c) the head teacher.

(2) The head teacher shall not attend any meeting of the Selection Committee at which his own appointment is under consideration.

(3) The Chairman of the Board shall inform the Chief Education Officer, at least seven days before and of the date on which any meeting of the Selection Committee is to be held and the Chief Education Officer or his representative or a person nominated by him, may attend any meeting of the Selection Committee in an advisory capacity.

Appointment of lay teacher

11. (1) The Board may, after considering a list of all applicants together with a report and recommendations submitted to it by Selection Committee, appoint any teacher to a vacancy.

(2) If the vacancy is for a head teacher or the holder of any other post designated by the Minister as a post of special responsibility to which this paragraph applies, the appointment shall not be made except with the Minister's approval, and if the Board is unable to designate for the appointment a person approved by the Minister, the Minister may nominate a person for it to appoint.

Appointment of teachers who are members of religious teaching order or mission

12. Whenever a vacancy occurs in the teaching staff, other than the lay teaching staff of a school, the head of the religious teaching order or mission may with the approval of the Minister in each case appoint a member of the religious teaching order or a missionary teacher to the vacancy.



Appointment or dismissal of non-teaching staff

13. The Board may, after consultation with the head teacher, appoint or dismiss staff other than teachers.

Suspension of teacher

14. (1) The head teacher may after consultation with the Chairman of the Board suspend a teacher who, in his opinion, is guilty of misconduct or who fails to perform his duties in a satisfactory manner; and in such event the head teacher shall forthwith make a report in writing to the Board setting out his reasons for the suspension.

Suspension of head teacher

- (2) The Board may after consultation with the Chief Education Officer suspend then head teacher if, in its opinion, is guilty of misconduct or who fails to perform his duties in a satisfactory manner; and in such event the head teacher shall forthwith make a report in writing to the Board setting out his reasons for the suspension.

Salary, etc. during suspension

15. Where the head teacher or any teacher is suspended from duty his salary and allowances shall continue until the procedure for this dismissal under theses Rules has been concluded.

Teacher may be required to show cause

16. Whenever it appears to the Board that the head teacher or any teacher is guilty of misconduct or is performing his duties in an unsatisfactory manner, the Board may, in the manner hereinafter provided, require the head teacher or teacher to show cause why he should not be dismissed.

Service of notice

17. When the Board considers it necessary to require the head teacher or any teacher to show cause why he should not be dismissed it shall issue and cause to be served upon him a notice containing a statement of the reasons why the notice was issued and such notice shall specify a date, not earlier then twenty-one days after the service of the notice, on which the Board intends to consider the matter.

Manner of showing cause

18. (1) The head teacher or any teacher served with a notice under these Rules may, for the purpose of showing cause why he should not be dismissed -
- (a) deliver to the Board, within fourteen days of the date of the service of the notice, a statement in writing; and
 - (b) attend and be given a hearing at the meeting of the Board on the date specified in the notice.

The Board shall consider any statement made by the head teacher or teacher under this Rule and may make such enquiry as it thinks fit.

- (2) The head teacher or teacher may if he so desires be accompanied by a serving teacher selected by him, and in such case the Board shall permit that serving teacher to be heard in defence of the head teacher or teacher.
- (3) The Chairman of the Board shall inform the Chief Education Officer, t least seven days beforehand, of the date of the meeting and the Chief Education Officer or his representative or a person nominated by him may attend the meeting as an observer.

Report to Minister

19. Where the board is of the opinion that the head teacher or teacher should be dismissed the Board shall make a report in writing to the Minister upon the circumstances of the case, and,

with the approval of the Minister, dismiss him.

Additional employment

20. The head teacher or any teacher may, with the written consent of the Board, and subject to any directions on the matter issued by the Minister from time to time, undertake for consideration any employment in addition to his duties at school:

Provided that in no case shall the Board consent to the private tuition for consideration of a pupil by the head teacher or any teacher when such pupils is receiving instruction from him at the school.

Teacher who is a Government servant

21. Rules 14 to 20 inclusive shall not apply to any teacher who is a Government servant

No discrimination

22. Subject to the instrument of the school there shall be no discrimination, on the grounds of sex, marital status, race or religion, in the appointment of any lay teacher or of any member of the non-teaching staff of the school.

Revocation

23. The following Rules are hereby revoked:

The Assisted Schools (Management) Rules, 1958	L.N.33/58
The Assisted Schools (Management) (Amendment) Rules, 1958	L.N.291/58
The Assisted Schools (Management) (Amendment) Rules, 1961	L.N.208/61
The Assisted Schools (Management) (Amendment) (No.2) Rules, 1961	L.N.371/61

Made this 22nd day of November, 1962
(M.E.24G/57/AG.250/54 SFLV/B)

ABDUL RAHMAN BIN HAJI TALIB
Minister of Education