

No. S 7

EDUCATION ORDER, 2003

EDUCATION (SCHOOL DISCIPLINE) REGULATIONS, 2004

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In exercise of the power conferred by section 128 of the Education Order, 2003, the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

Citation.

1. These Regulations may be cited as the Education (School Discipline) Regulations, 2004.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

"register" means the register kept under section 77 of the Order.

School disciplinary rules.

3. (1) For the purpose of maintaining discipline, every school shall have its own disciplinary rules based on the provisions of the Order or any subsidiary legislation made thereunder and including these Regulations.

(2) The disciplinary rules of any school shall require the approval of the Registrar General.

(3) It is the duty of the head teacher or principal to bring the disciplinary rules of the school to the attention of every pupil, parent of pupils and other interested parties of the school.

Responsibility of head teacher for discipline.

4. The head teacher or principal of a school shall be responsible for the discipline of pupils in that school and shall have authority over the other teachers and pupils of the school in respect of the same.

Powers of a head teacher.

5. (1) For the purposes of maintaining discipline among pupils the head teacher or principal shall have the power to impose any disciplinary punishment provided for in the school rules or under these Regulations and any other such ordinary school punishments as may be necessary or expedient:

Provided that —

(a) corporal punishment of female pupils is prohibited; and

(b) corporal punishment of male pupils by a teacher or other member of the staff shall be in accordance with and subject to a directive on corporal punishment issued by the Ministry.

(2) A record of all punishments imposed or meted out under sub-regulation (1) shall be kept confidential in a form approved by the Registrar General.

Delegation of powers by head teacher.

6. The head teacher or principal of a school may from time to time, subject to such conditions or limitations as he may think fit, delegate disciplinary authority and powers of punishments to other teachers in such school or to such pupils as he may appoint for such purpose; but save as aforesaid no teacher or pupil shall exercise such authority or powers except under the express directions of the head teacher in a particular case:

Provided that the power of inflicting corporal punishment shall not be delegated to any person other than a registered teacher.

Prohibited conducts in schools.

7. No pupils attending any school shall —

(a) participate in the activity of a political party or organisation;

(b) participate in any unlawful or disorder by assembly;

(c) participate in any dispute between employers and employees;

(d) carry on subversive propaganda whether on or off the school premises; or

(e) resist or oppose any school discipline imposed under the school disciplinary rules.

Power of head teacher or principal to exclude pupils from schools.

8. (1) Whenever the head teacher or principal of a school is satisfied that it is necessary or desirable for the purpose of —

(a) maintaining discipline or order, which includes controlling and supervising the discipline of the pupils; or

(b) maintaining peace in the school,

to exclude a pupil from the school on such disciplinary grounds, he may do so for a fixed period not exceeding 14 days in any one time in any school year or permanently.

(2) In these regulations "exclude", in relation to the exclusion of a pupil from a school, means a disciplinary action to suspend the pupil's attendance from school or to expel the pupil from school.

Exclusion from school.

9. (1) Where the head teacher or principal of a school excludes any pupil, the head teacher or principal shall (without delay), take reasonable steps to inform the relevant person of the following matters —

(a) the period of the exclusion (or, if the pupil is being permanently excluded, that he is being expelled);

(b) the reasons for the exclusion;

(c) that he may make representations about the exclusion to the board of governors in the case of exclusion from a non-government school or to the head teacher or principal in the case of exclusion from a government school, and

(d) the means by which such representations may be made.

(2) Where the head teacher or principal decides that any exclusion of a pupil for a fixed period (suspension) should be made permanent, he shall (without delay) take reasonable steps to inform the relevant person of —

(a) his decision; and

(b) the matters specified in paragraphs (b) to (d) of sub-regulation (1).

(3) Sub-regulation (4) applies where the head teacher or principal —

(a) excludes any pupil in circumstances where the pupil would, as a result of the exclusion —

(i) be excluded from the school for a total period of more than 5 school days in any one term; or

(ii) lose an opportunity to take any public examination,

(b) excludes a pupil permanently (expulsion); or

(c) decides that any exclusion of a pupil should be made permanent.

(4) Where this regulation applies, the head teacher shall without delay inform the Registrar General and the board of governors of the following matters —

(a) the period of the exclusion (or, if the pupil is being permanently excluded, that he is being expelled); or

(b) his decision that any exclusion of a pupil for a fixed period should be made permanent,

and (in either case) of the reasons for it.

(5) Where a decision to exclude a pupil under sub-regulation (1) has been made, the head teacher may order suspend such pupil from attendance at such school for such period as he may think fit, or in the case of permanent exclusion, expel him from such school after getting the approval of the Registrar General in the case of a government school and the approval of the board of governors in the case of a private (non-government) school.

(6) In this regulation and in regulations 11 and 12, "relevant person" means —

(a) in relation to a pupil under the age of 18, a parent or legal guardian of the pupil;

(b) in relation to a pupil who has attained the age of 18 years, the pupil himself.

Powers of the Registrar to require expulsion.

10. (1) Whenever —

(a) a Registrar is satisfied that it is necessary or desirable for the purpose of maintaining discipline or order in any school; or

(b) a Registrar is so directed by the Registrar-General,

he may by order in writing require the governors of a school to cause a pupil to be expelled from the school, and the governors and the head teacher or principal, shall forthwith comply with such order.

(2) A copy of such order shall be sent by the Registrar to the parents or legal guardians, or to any one of the parents or legal guardians of such pupil.

Review of decision to exclude a pupil from school.

11. (1) Sub-regulations (2) to (6) apply where the Registrar General and the board of governors are informed under regulation 9(4) of any exclusion or decision to which that provision applies.

(2) The Registrar General or the board of governors shall in any case —

(a) consider the circumstances in which the pupil was excluded;

(b) consider any representations about the exclusion made to the Registrar General or the board of governors —

(i) by the relevant person in pursuance of regulation 9(1)(c) or (2)(b); or

(ii) by the Ministry;

(c) allow each of the following —

(i) the relevant person, and

(ii) an officer of the Ministry nominated by the Minister, to attend a meeting of the board of governors and to make oral representation about the exclusion; and

(d) consider any oral representations so made.

(3) In a case where it would be practical for the board of governors to give direction to the head teacher requiring the reinstatement of a pupil, they shall in addition consider whether he should be reinstated immediately, reinstated by a particular date or not reinstated.

(4) If the board of governors decide that the pupil should be reinstated, they shall forthwith —

(a) give the appropriate direction to the head teacher or principal; and

(b) inform the relevant person and the Registrar General of their decision.

(5) The head teacher or principal shall comply with any direction of the board of governors for the reinstatement of a pupil who has been excluded from the school.

(6) If the board of directors decide that the pupil should not be reinstated, they shall forthwith —

(a) inform the relevant person, the head teacher or principal and the Registrar General of their decision; and

(b) in addition, in the case of a pupil who is expelled, give the relevant person notice in writing referring to that decision and stating the following matters —

(i) the reasons for the decisions;

(ii) his right to appeal against the decision;

(iii) the person to whom he should give notice of appeal;

(iv) that any notice of appeal must contain the grounds of appeal; and

(v) the last date on which an appeal must be made.

(7) Where —

(a) the head teacher or principal of a non-government school excludes a pupil otherwise than as mentioned in regulation 9(3); and

(b) the board of governors receive any representations made in pursuance of regulation 9(1)(c) or (2)(b) by the relevant person about the exclusion,

they shall consider those representations.

Appeals.

12. (1) The parent or legal guardian of a pupil or a pupil who is aggrieved by a decision of the head teacher under regulation 9(1) to exclude the pupil from school may appeal in writing to the Registrar General in the case of government schools, or to the board of governors in the case of private schools, within 15 days from the date of receiving such information as specified under regulation 9(1).

(2) Where a pupil has been suspended or expelled from school under regulation 9(1), any relevant person aggrieved by such decision may appeal to the

Registrar General in the case of government schools and to the board of governors in the case of private schools.

(3) Upon receipt of an appeal under sub-regulation (1), the Registrar General or the board of governors, as the case may be, shall within 15 days after the day on which the appeal is lodged, decide on the merits of the grounds of appeal:

Provided that —

(a) the head teacher or principal shall be entitled to attend and express his views at a meeting called by the governors to consider such an appeal; and

(b) an order of the head teacher or principal expelling a pupil from the school shall not be rescinded without the concurrence of the Registrar.

(2) The aggrieved parent or guardian of a pupil expelled from any school by any order made under regulation 9 may, within one month of the date of such expulsion or of the date service on him of the order referred to in regulation 9(1), whichever is the longer, appeal to the Minister in accordance with the provisions of sections 123 to 127 of the Order.

Records of suspension and expulsion.

13. The head teacher or principal shall keep a record of all suspensions and expulsions in a form approved by the Registrar General.

Condition for re-admission.

14. A pupil who has been expelled from a school by an order under regulation 9 shall not thereafter (unless such order shall have first been revoked by the authority making it) —

(a) enter or be allowed to enter the premises of such school; or

(b) be admitted as a pupil of any other school, without the permission of the Registrar General.

Power to close schools etc. in certain circumstances.

15. (1) Where, in the opinion of the Registrar General, it is necessary or desirable on account of any disorder or indiscipline on the part of any of the pupils of a school that such school should be temporarily closed, a Registrar may, by order in writing, close such school for such period, not exceeding one month from the date of the said order as he may deem necessary.

(2) No person shall without reasonable cause enter or attempt to enter or remain within the premises or any part thereof used as or in connection with any school in respect of which an order made under sub-regulation (1) is in force.

(3) A police officer may, without warrant enter and search any school or any part of the premises used as or in connection with such school in respect of which an order has been made under sub-regulation (1) and may remove therefrom any person found therein, and, in order to effect an entrance into any part of such premises, such police officer may use such reasonable force as may be necessary to break open any outer or inner door or window thereof if, after indication of his authority and purpose and a demand for admittance duly made, he cannot otherwise obtain admittance.

(4) An order made under sub-regulation (1) may at any time during its continuance be cancelled by the Minister, but without prejudice to the previous validity of the order or to anything done thereunder or to the power of a Registrar to make a new order under these Regulations.

Penalties.

16. A pupil who fails to comply with any order made under regulation 9, or who contravenes the provisions of regulation 15 and a person who fails to comply with the provisions of regulation 14 or sub-regulation (2) of regulation 17, shall be liable to a fine not exceeding \$1,000, imprisonment not exceeding 3 months or both; and a person who fails to comply with the provisions of any other regulation shall be liable to a fine not exceeding \$100 for a first offence and \$200 for a second or subsequent offence.

Power of exemption.

17. The Minister may by order exempt any school or class of school from all or any of the provisions of these Regulations either absolutely or subject to such conditions as he may think fit to impose, and may at any time in his discretion revoke any such exemption or cancel or alter or add to such conditions.

Made this 13th. day of Zulkaedah, 1424 Hijriah corresponding to the 6th. day of January, 2004.

PEHIN ORANG KAYA LAILA WIJAYA DATO SERI SETIA
HAJI AWANG ABDUL AZIZ BIN BEGAWAN PEHIN
UDANA KHATIB DATO SERI PADUKA HAJI AWANG UMAR
Minister of Education,
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