

[Legal Notice No. 51]

EDUCATION FUNDING CODE**Table of contents**

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EDUCATION ACT 2023

(No. 8 of 2023)

EDUCATION FUNDING CODE

PREAMBLE

This Code and the financial management manuals referred to in this Code are informed by the financial management framework that applies to the public sector.

PART 1 INTRODUCTION

1 Name

The name of this document is the *Education Funding Code*.

2 Education Act 2023

This Code is made pursuant to the *Education Act 2023* which commenced on 1 January 2024.

3 **How this Code fits into the education legislative framework (ELF)**

The *Education Act 2023* is the principal Act of Parliament that governs the provision of early childhood, primary and secondary education.

The *Education Act 2023* and the following instruments made under the Act comprise the education legislative framework (*ELF*):

Instruments made or approved under the Education Act 2023 by the Minister: ***Education Regulations 2024***: details of eligibility for registration as a teacher, scheme of employment of teachers and leaders, compulsory education and school fees

Education Funding Code: grants, purchasing using grant money and funding through payment of salaries for Government funded positions in schools

Education (Learning Frameworks and Secondary Education Certificates Scheme) Approval: learning frameworks for early childhood, primary and secondary education and scheme for issuing of nationally recognised secondary education certificates

Instruments made under the Education Act 2023 by the Permanent Secretary:

Administrative Instruction 1: Provincial Education Coordination: PEB and PECO, functions and education coordination plans

Administrative Instruction 2: Education Providers: functions, standards (administration and relationships, support for schools and ece centres, teacher employment) and registration

Administrative Instruction 3: School Boards and School Communities: roles, standards and membership and procedures of school boards

Administrative Instruction 4: Schools: standards (meeting student needs, management and reporting, reviewing and planning), classification, registration, school board exemptions and closure

Administrative Instruction 5: Early Childhood Education Centres: standards (meeting needs of children, management and reporting, reviewing and planning), classification, registration and closure

Administrative Instruction 6: Teachers and Leaders: teacher registration, rules of conduct, standards, employment, management of teachers and leaders (including powers to deal with incapacity, unsatisfactory performance or misconduct) and role of Teaching Service Commission

Each Administrative Instruction explains or refers to relevant matters that arise under other ELF documents.

MEHRD is responsible for administering the ELF.

4 Interpretation

- (1) Terms used in this Code have the same meanings as they have in the *Education Act 2023 and the Education Regulations 2024*.
- (2) In addition:
 - “*ece centre grant*” means a general grant or special grant to an education provider towards the operating or other costs of a particular ece centre;
 - “*education provider grant*” means a general grant or special grant to an education provider towards the administration or other costs of the education provider (and not for a particular school or ece centre);
 - “*grant money*” includes proceeds from the sale of a thing purchased with grant money and authorised or required by a manual to be paid into a grant bank account;
 - “*manual*” means a manual published under clause 6;
 - “*MEHRD*” means the Ministry of Education and Human Resources Development (and includes the PECOs);
 - “*PECO*” means a Provincial Education Coordination Office (an office of MEHRD located in a province): see Administrative Instruction 1: Provincial Education Coordination Part 2 Division 3;
 - “*school grant*” means a general grant or special grant to an education provider towards the operating or other costs of a particular school.
- (3) References to schools and ece centres and to year levels of education in this Code are to be read according to the classifications adopted by the Permanent Secretary under section 59(4) of the *Education Act 2023* and set out in *Administrative Instruction 4: Schools and Administrative Instruction 5: Early Childhood Education Centres*.

5 Appropriation

The availability of Government funding in any year is subject to the necessary funds being appropriated by Parliament and being available for distribution.

6 Manuals

- (1) The following manuals are to be read as if they were part of this Code:
 - (a) the MEHRD, School and ece centre financial management manual (2023);
 - (b) the MEHRD, Education provider financial management manual (2023).
- (2) The manuals must be published on the MEHRD website.

- (3) To the extent of any inconsistency between the Code and a manual, the Code prevails.

PART 2 RESPONSIBILITIES

7 Responsibilities

- (1) An education provider:
- (a) is responsible for ensuring the proper use of Government, provincial or other funding provided to it or its schools and ece centres (see section 26(b) of the *Education Act 2023*); and
 - (b) must comply, and facilitate compliance by others, with this Code (see section 26(f) of the *Education Act 2023*).
- (2) The principal of a school or supervisor of an ece centre:
- (a) is responsible for the day-to-day management of the operations of the school or ece centre (see section 33(1)(a) of the *Education Act 2023*); and
 - (b) must comply, and facilitate compliance by others, with this Code (see section 33(2)(a) of the *Education Act 2023*).

PART 3 GRANTS

Division 1 Types of grants and limitations

8 Types of grants for early childhood, primary and secondary education

This Code provides for the following types of grants to education providers:

- (a) general grants paid on a regular basis; and
- (b) special grants paid for special purposes out of Government funds or funds provided to the Government by a donor for those purposes.

9 Discretion to demand refund of grant if non-compliance or error etc

The Government may require an education provider or principal of a school or supervisor of an ece centre to refund to the Government:

- (a) an amount of a grant provided in error; or
- (b) an amount of a grant that exceeds the amount that should have been provided.

Note to clause 9:

This may occur, for example, because the calculation was based on:

- (a) *incorrect information; or*
- (b) *a number of students enrolled that is higher than the actual number enrolled or a number of schools or ece centres operated that is higher than the actual number operated.*

10 Exclusion of self-funded schools

Subject to the terms of a particular special grant, a grant is not payable:

- (a) to the education provider of a self-funded school; or
- (b) for a self-funded school.

Note to clause 10:

A self-funded school is a school that is not subject to the limits on school fees imposed by the Education Regulations 2024 because the education provider does not accept any form of Government funding (including payment of or towards teacher or leader salaries).

Division 2 General grants

Subdivision 1 Introduction

11 General grants

General grants are provided to education providers as follows:

- (a) *education provider general grant*: to support the performance of the functions of each registered education provider;
- (b) *school general grant*: to support the operation of each registered school of the education provider;
- (c) *ece centre general grant*: to support the operation of each registered ece centre of the education provider.

12 Grant payment conditions

- (1) Certain grant payment conditions will need to be met by education providers, schools and ece centres before general grant payments will be made by MEHRD.
- (2) For education provider grants, the following conditions will need to be met before grant payments will be made:
 - (a) Submission of biannual financial reports to MEHRD accounting for how grant money has been used; and
 - (b) Submission of up-to-date information on the registered schools and ece centres being operated by the education provider.
- (3) For schools and ece centre grants, the following conditions will need to be met before grant payments will be made:
 - (a) Submission of biannual financial reports to MEHRD accounting for how grant money has been used.
 - (b) Submission of information about current and prospective enrolments to MEHRD.
- (4) The manuals will specify in detail how these grant payment conditions will be implemented and the eligibility criteria for each biannual grant payment. The manuals will also provide a scheme for the granting of exemptions to enable a grant to be paid despite a failure to meet certain grant payment conditions.

13 Determining number of students enrolled to calculate grant

For the purposes of determining the amount of a school or ece centre general grant:

- (a) the number of students enrolled in early childhood, primary or secondary education at a particular ece centre or school is as set out in MEHRD's electronic records management system for enrolment statistics at the relevant date; and
- (b) if student enrolment numbers for the relevant date are not recorded in MEHRD's electronic records management system for enrolment statistics or, if the Permanent Secretary is satisfied on reasonable grounds that the numbers recorded are not accurate, the Permanent Secretary may make an estimate of the number of students enrolled on whatever basis the Permanent Secretary considers appropriate; and
- (c) if the records show that there are more than 40 students in a class, the onus is on the education provider to satisfy the Permanent Secretary that the records are accurate and that there are good reasons for the high enrolment number that fit in with the limitations on class size set out in *Administrative Instruction 4: Schools or Administrative Instruction 5: Early Childhood Education Centres*.

Note to clause 13:

It is an offence to provide false or misleading information to MEHRD: see section 119 of the Education Act 2023. A person who inflates enrollment numbers in order to receive a higher grant is liable to prosecution.

Subdivision 2 Amount and date of payment of general grants**14 Amount and date of payment of general grants**

- (1) The amount of a general grant is calculated as set out in Schedule 1.
- (2) General grants are paid twice in each year.

The aim is for the first payment in a year to be paid into the grant bank account (required under clause 20) before 1 February and for the second payment to be paid into the grant bank account before 1 August.

Subdivision 3 What general grants cannot be used for**15 What an education provider or school or ece centre general grant cannot be used for**

An education provider or school or ece centre general grant must not be used for the following:

- (a) acquiring land; or
- (b) construction, renovation or other major works (other than for WASH facilities); or

- (c) staff housing (including set up or improvements); or
- (d) staff transportation (other than for relocation expenses for leaders or teachers in accordance with the *Education Regulations 2024*); or
- (e) staff salaries and related expenses (including national provident fund payments) apart from for obtaining accounting or bookkeeping expertise on a part time basis; or
- (f) staff uniforms; or
- (g) staff loans and advances; or
- (h) gratuities or incentives; or
- (i) entertainment; or
- (j) catering for celebrations, including for graduations or other academic celebrations; or
- (k) acquiring heavy equipment such as a generator; or
- (l) acquiring a vehicle or vessel; or
- (m) student transportation other than boarding student transportation; or
- (n) consultancy or other external services (apart from for obtaining accounting or bookkeeping expertise or training or professional learning for members of the governing body or staff of the education provider or for school board members, leaders or teachers).

Division 3 Special grants

16 Special grants by invitation

- (1) If funding is made available for a particular purpose by the Government, the Permanent Secretary may issue an invitation to education providers or principals and supervisors of schools or ece centres (with the consent or at the request of their education providers) to make an application for a special grant for that purpose.
- (2) The invitation must specify:
 - (a) the source of the funding; and
 - (b) any limitations on who may apply for funding for the particular purpose; and
 - (c) any limitations on the amount of funding available and the purposes for which it may be used; and
 - (d) how an application is to be made; and
 - (e) the date by which an application is to be made; and
 - (f) what must be included in an application; and
 - (g) the basis on which decisions about funding will be made.
- (3) The invitation may be limited to particular education providers or to principals

or supervisors of schools or ece centres in a particular province or region according to the purpose of the funding.

- (4) The invitation may be communicated by whatever means the Permanent Secretary considers appropriate.

17 Special grants by offer

- (1) The Government may offer an education provider a special grant for a particular purpose, including for an upgrade of infrastructure or in an emergency.
- (2) The offer must specify:
- (a) the amount of the funding; and
 - (b) the purposes for which the funding may be used; and
 - (c) any additional rules relating to the management of and accounting for the use of the funding; and
 - (d) the date by which the offer must be accepted; and
 - (e) the steps that must be taken to accept the offer.
- (3) The offer and acceptance of the offer may be communicated by whatever means the Permanent Secretary considers appropriate.

18 Special grant conditions

If a special grant is accepted, the rules or conditions specified in the invitation or offer or in a written instrument provided to the education provider before the grant acceptance, become grant conditions that must be complied with as if they were included in this Code.

Division 4 Financial management of grants

19 Application of Division if provincial schools operated under agency agreement

This Division is subject to the terms of an agency agreement entered into between the Permanent Secretary and a Premier under section 29 of the *Provincial Government Act 1997*.

Note to clause 19:

For example, an agency agreement may allow a grant bank account to contain provincial government funds and may require budgeting, reporting and reconciling to relate to all funding in the account.

20 Requirement for dedicated bank account

- (1) A general or special grant will only be paid into a bank account (a “*grant bank account*”).
- (2) The name assigned to a grant bank account must:
- (a) for an account for an education provider grant, identify the education

- provider; and
- (b) for an account for a school or ece centre grant, identify the school or ece centre; and
 - (c) in all cases, include the words “SIG grant account”.
- (3) The same bank account may be used for both general and special grants or separate bank accounts may be established for general and special grants.
 - (4) No money may be deposited into a grant bank account other than grant money.

21 General rules for grant bank account

- (1) A grant bank account must not be allowed to go into overdraft.
- (2) Necessary authorisations must be in place to enable online access to the grant bank account statements by:
 - (a) an officer of MEHRD; and
 - (b) for a bank account for a school or ece centre grant, the education provider of the school or ece centre and the principal or supervisor of the school or ece centre.

22 Notice of deposit into grant bank account

When a grant is paid into a grant bank account, MEHRD will endeavour to notify the following (by sms, email or otherwise as arranged) of the details of the amount deposited:

- (a) for a grant bank account of an education provider-the education provider;
- (b) for a grant bank account of a school-the principal of the school and the education provider;
- (c) for a grant bank account of an ece centre-the supervisor of the centre and the education provider.

23 Rules and procedures in manuals

Without limiting the content of a manual, a manual may contain rules and procedures that must be followed:

- (a) for budgeting and financial reporting relating to grant money against specified categories of expenditure; and
- (b) for the procurement of goods and services using grant money; and
- (c) for confirming the receipt of goods as ordered and the satisfactory performance of services as ordered; and
- (d) for the handling and use of cash comprised of grant money; and
- (e) for the management of assets purchased using grant money; and
- (f) for keeping and reconciling records relating to grant money; and

- (g) for other monitoring and verification of financial management procedures.

24 Limitation-purchases over \$1 00,000

- (1) The manuals cannot establish rules and procedures for using grant money in or towards the acquisition of goods or services of a value of more than \$100,000.
- (2) If it is proposed to use grant money in or towards the acquisition of goods or services of a value of more than \$100,000, a written application must be made to the Permanent Secretary for approval to use the grant money.
- (3) Without limiting the conditions that may be imposed by the Permanent Secretary in granting an approval under sub-clause (2), the approval must be subject to a condition requiring the conduct of a tender process.

25 Avoidance of rules and procedures in manuals

- (1) Any attempt to avoid compliance with the rules and procedures in a manual will not be tolerated.
- (2) In particular, deliberately dividing goods and services into separate contracts to avoid compliance with the rules and procedures under the manuals is misconduct.

26 Designation of responsible persons

- (1) An education provider must ensure that up-to-date written records are kept of each person designated as a person with a specific role under the manual, including each person authorised to sign a cheque or withdraw or transfer money from a grant bank account.
- (2) Care must be taken to ensure that responsibilities are assigned in a manner that ensures that each payment is authorised by 2 persons who are not closely related.
- (3) Care must be taken to ensure that each person who has a responsibility under a manual is a person of integrity.

27 Accounting records

The accounting records required to be kept under a manual must be retained for at least 5 years in the manner provided for in the manual.

28 Financial reports about how grants used

- (1) Financial reports accounting for how grant money has been used must be prepared in accordance with the manuals.
- (2) A separate report must be prepared for grant money in each separate grant bank account.
- (3) If an education provider has transferred all or part of an education provider grant to a school or ece centre in the period covered by the report, a report

must be prepared as if the amount transferred were a school or ece centre grant rather than an education provider grant.

- (4) A financial report for a grant, or a summary of such a report, must be shared as required by the manuals.

29 Transition to system of electronic records and reports

MEHRD intends to collect, distribute and share information electronically in the future. As the electronic system is developed and activated, the requirements for reports, reviews and plans will need to be met by using the system as directed by the Permanent Secretary.

PART 4 INFRASTRUCTURE, GOODS AND SERVICES

30 Infrastructure, goods and services

- (1) In addition to the grants scheme set out in Part 3, the Government may support the education sector through funding initiatives for school infrastructure, Provincial

Education Board costs or other programs for the provision of goods or services to the education sector, either on its own or in combination with a Provincial Executive or donor.

- (2) Decisions about infrastructure funding must take account of:
- (a) the education coordination plans prepared by the Provincial Education Boards of the provinces; and
 - (b) whether the infrastructure or the reason for the infrastructure will necessitate an application for registration or amendment of registration of an education provider, school or ece centre to be made and decided before a final decision can be made about infrastructure funding or commencement of construction.
- (3) How these funds are managed is a matter for the governments and donors. The following are examples of how funds may be managed:
- (a) the Government may enter into contracts with suppliers according to the financial instructions, procurement rules and other laws relating to public money and additional rules required by a donor;
 - (b) infrastructure projects may be managed under arrangements between MEHRD, the Ministry responsible for financial matters and the Ministry responsible for provincial government matters;
 - (c) funding initiatives to support the work of Provincial Education Boards may be managed through PECO as part of the budgetary arrangements applicable to MEHRD;
 - (d) funding initiatives to support a provincial education provider who operates provincial schools through a Provincial Education Provider

Office under an agency agreement under section 29 of the Provincial Government Act 1997 may be managed through that Provincial Education Provider Office.

PART 5 FUNDING OF SCHOOL LEADERS AND TEACHERS

31 Funding of salaries

- (1) The Government pays the salaries (as determined under the *Education Regulations 2024 and Administrative Instruction 6: Teachers and Leaders*) of school teachers and leaders in Government funded positions under this Part.
- (2) Government funded positions will not be established in a self-funded school.

Note to clause 31(2):

A self-funded school is a school that is not subject to the limits on school fees imposed by the Education Regulations 2024 because the education provider does not accept any form of Government funding (including payment of or towards teacher or leader salaries).

32 Payments made directly to school leaders and teachers

Payments of salaries for school leaders and teachers in Government funded positions are made directly to the leaders and teachers in accordance with the *Education Regulations 2024 and Administrative Instruction 6: Teachers and Leaders*.

33 Determination of Government funded positions

- (1) An education provider must, as part of the data collection or review process conducted in each year, submit to the Permanent Secretary information necessary for the determination of Government funded positions for leaders and teachers in its schools for the following year.
- (2) The Permanent Secretary will inform the education provider of a registered school as to the determination of Government funded positions for the school for the next school year.
- (3) So long as the relevant information is provided to MEHRD, the Permanent Secretary will aim to provide the information in September each year.
- (4) To determine Government funded positions for schools for a school year, MEHRD must apply a variable driven formula designed to produce an equitable outcome within budgetary limits.
- (5) The formula must be guided by the following principles:
 - (a) there must be a principal for each school;
 - (b) for primary education:
 - (i) there must be a teacher for each class; and
 - (ii) classes may be combined year level classes; and
 - (iii) class size should not exceed 35 students for each teacher; and

- (c) for secondary education:
 - (i) there must be a teacher for each class; and
 - (ii) class size should not exceed 35 students for each teacher; and
 - (iii) each teacher can be expected to teach 30 teaching periods of 40 minutes each week in 2 major subjects and 1 minor subject; and
 - (iv) a principal can be expected to spend 50% of their time teaching; and
 - (v) a deputy principal can be expected to spend 75% of their time teaching; and
 - (vi) a position for a teacher of a specialised subject may be shared between schools if that is practicable;
- (d) in any case-there must be positions (known as supernumerary Government funded positions) to accommodate teachers who are on paid leave for a school term or school year in circumstances where appropriate arrangements have been entered into with the Permanent Secretary.

34 Request to vary Government funded positions

- (1) An education provider may, by written application to the Permanent Secretary, ask for a variation of the Government funded positions for a specified school. A form approved by the Permanent Secretary is to be used to make an application for a variation.
- (2) The Permanent Secretary must inform the education provider of the Permanent Secretary's decision as to the variation.

35 Reduction of Government funded positions during school year

- (1) The Permanent Secretary may, by written notice to an education provider, reduce the Government funded positions for a specified school if the Permanent Secretary is satisfied that the actual number of students enrolled at the school warrants the reduction or for other good reason.
- (2) Before imposing a reduction, the matter must be discussed with the education provider.
- (3) A reduction takes effect at the beginning of the next school term.
- (4) A reduction may mean that it is necessary to rearrange classes or create combined year level classes in order to ensure that each class has a teacher.
- (5) If there is a reduction, the education provider must inform the Permanent Secretary as to the teachers or leaders for whom the Government should cease paying salary.
- (6) If the education provider does not inform the Permanent Secretary as required, the Permanent Secretary may make a decision on whatever basis the Permanent Secretary considers appropriate.

36 Matters affecting salaries of Government funded leaders and teachers

An education provider must keep the Permanent Secretary informed of all matters that may affect the salary of a leader or teacher in a Government funded position as set out in *Administrative Instruction 6: Teachers and Leaders*.

PART 6 ZERO TOLERANCE OF MISUSE OF GOVERNMENT FUNDING**37 Theft, fraud and misconduct**

- (1) The following conduct must not be tolerated:
 - (a) use of grant money for personal expenditure or for the personal benefit of an individual;
 - (b) dishonestly obtaining a benefit or causing a loss by deception or other means against an education provider, school or early childhood education centre;
 - (c) misuse of grant money;
 - (d) signing a blank cheque;
 - (e) deliberately dividing goods and services into separate contracts to avoid the rules set out in this Code;
 - (f) deliberately inflating student enrolment numbers;
 - (g) otherwise deliberately or recklessly not following the rules set out in the manuals.
- (2) All suspicions of that kind of conduct must be reported to an appropriate authority and investigations must be carried out as soon as possible.
- (3) This applies whether the conduct is suspected to have been committed by a teacher, leader, member of a school board, member or officer of an education provider, member of a Provincial Education Board, parent of a student or other community member.
- (4) Depending on the nature and severity of the suspected conduct, the appropriate authority may be the principal, supervisor, school board, education provider, Permanent Secretary or police.
- (5) Until the matter is resolved:
 - (a) any school board member allegedly involved must stand down; and
 - (b) appropriate steps must be taken to guard against any leader, teacher or member or officer of an education provider allegedly involved having a further opportunity to commit a similar offence or misconduct; and
 - (c) any parent or other community member allegedly involved must cease all involvement with the school.

Note to clause 37:

The education provider or Permanent Secretary may use their powers under the Education Act 2023 to suspend a leader or teacher pending an investigation in appropriate circumstances.

38 Offence to provide false or misleading information

It is an offence against section 119 of the *Education Act 2023* to provide information to the Permanent Secretary under this Code knowing, or being reckless as to whether, the information is false or misleading (including through omission of a material particular). The maximum penalty is 50,000 penalty units or imprisonment for 5 years, or both.

SCHEDULE 1 AMOUNTS OF GENERAL GRANTS FOR 2024 AND SUBSEQUENT YEARS

1 Education provider general grant (paid twice each year)

an amount for each registered school or ece centre operated by the education provider calculated as follows:

- | | | |
|-----|--|---------|
| (a) | for each registered ece centre | \$2,000 |
| (b) | for each registered school (whether primary, secondary or combination) | \$7,500 |

If an ece centre is combined with a school that provides primary education other than just PPY, both amounts are payable.

2 Ece centre general grant - first payment in year

- | | | | |
|-----|---|-------|------------------------|
| (a) | for each registered ece centre | \$500 | plus \$2,000 if remote |
| (b) | for each student enrolled as at 31 March in the previous year | \$100 | |

3 Ece centre general grant - second payment in year

for each student enrolled as at 31 March in the current year	\$100
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If an ece centre is combined with a school, both the ece centre general grant and the school general grant will be payable.

4 School general grant - first payment in year

- | | | |
|-----|--|--------------------------------|
| (a) | for each registered school: an amount calculated according to the year levels of education provided: | |
| | for primary education | \$2,500 plus \$2,000 if remote |
| | for secondary education: | |
| | if the school provides senior secondary education | \$8,000 plus \$2,000 if remote |
| | if the school does not provide | |

senior secondary education \$2,500 plus \$2,000 if remote

The amounts for secondary education are not cumulative - they are determined according to whether or not senior secondary education is provided at the school. If a school provides both primary and secondary education, the amount for primary education and the amount for secondary education will be payable.

(b) for each student enrolled as at 31 March in the previous year:

in primary education \$320 plus \$200 if urban

in junior secondary education as
a boarding student \$2,140

in junior secondary education as
a day student \$800 plus \$200 if urban

in senior secondary education as
a boarding student \$750

in senior secondary education as
a day student \$500

5 School general grant - second payment in year

for each student enrolled as at 31 March in the current year:

in primary education \$320 plus \$200 if urban

in junior secondary education as
a boarding student \$2,140

in junior secondary education as
a day student \$800 plus \$200 if urban

in senior secondary education as
a boarding student \$750

in senior secondary education as
a day student \$500

Note to Schedule 1:

(a) *Urban means a school classified on the register as an urban school*

(b) *Remote means an ece centre or school that is classified on the register as being remote ece centre or school.*

Dates this twenty-second day of March 2024.

HON. LANELLE TANANGADA

MINISTER FOR EDUCATION AND HUMAN RESOURCES DEVELOPMENT
