

[Legal Notice No. 30]

EDUCATION REGULATIONS 2024

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EDUCATION ACT 2023

(No. 8 of 2023)

EDUCATION REGULATIONS 2024

I, Hon. Lanelle Tanangada, Minister for Education and Human Resources Development, under section 122 of the *Education Act 2023* (No. 8 of 2023), make the following

Regulations:

PART 1 PRELIMINARY MATTERS

1 Citation

These Regulations may be cited as the *Education Regulations 2024*.

2 Commencement

These Regulations commence on the date these Regulations are published in the Gazette.

Note:

These Regulations must be published in the Gazette under section 61 of the Interpretation and General Provisions Act (Cap. 85) on or before that date.

3 Interpretation

In these Regulations:

“*Act*” means the Education Act 2023;

“*classification level of a teaching or leadership position in a school*” means a classification level in the salary structure for the position;

“*classified teaching or leadership positions*” means a teaching or leadership position set out in regulation 5(1);

“*ece teacher or leader*” means a teacher or leader employed in an ece centre;

“*fixed term employee*” means the fixed term employee mentioned in regulation 8(1)(b);

“*Government funded teacher or leader*” means a teacher or leader appointed to a position that is a Government funded position under the Education Funding Code (whether or not the education provider makes additional salary payments to the teacher or leader):

“*highest classification*” has the meaning given in regulation 5;

“*leadership positions*” means the leadership positions mentioned in regulation 5(2);

“*relevant authority*” means:

- (a) for a Government funded teacher or leader, the Permanent Secretary; or
- (b) in any other case, the teacher’s or leader’s education provider;

“*remuneration*” means salary, relocation expenses, study assistance or other monetary payments payable to a teacher or leader under these Regulations, other than by way of a loan against salary;

“**salary**” means base salary and any applicable salary supplements;

“**school leader standards**” means the school leader standards set out in the Administrative Instructions under section 75 of the Act;

“**school teacher or leader**” means a teacher or leader employed in a school;

“**school teacher standards**” means the school teacher standards set out in the Administrative Instructions under section 75 of the Act;

“**school year**” means the period from the beginning of the first term in a year to the end of the last term in a year determined under section 60 of the Act;

“**self-funded school**” means a school for which an education provider does not receive any form of Government funding (including payment of or towards teacher or leader salaries);

“**period of service as a teacher or leader**” has the meaning given in regulation 24;

“**substantive classification of a teacher or leader**”:

- (a) means the classification of the position to which the teacher or leader is appointed; and
- (b) does not include the classification of a position to which the teacher or leader is temporarily assigned;

“**substantive salary of a teacher or leader**” means the salary applicable to the teacher or leader in the teacher’s or leader’s substantive classification or, for a teacher or leader who does not hold a current appointment, the teacher’s or leader’s most recent substantive classification;

“**teacher’s or leader’s education provider**” means the education provider that employs the teacher or leader;

“**teacher’s or leader’s school or ece centre**” means the school or ece centre to which the teacher or leader is appointed or temporarily assigned;

“**unattached teacher or leader**” has the meaning given in regulation 47(1).

PART 2 REGISTRATION OF TEACHERS

4 Eligibility for registration as teacher

- (1) For the purposes of section 37(b) of the Act, to be eligible for full registration as a teacher, a person must have one of the following qualifications:
 - (a) a tertiary qualification for a tertiary course for teachers accredited under the Solomon Islands Qualification Framework (within the meaning of the *Solomon Islands Tertiary Education and Skills Authority Act 2017*);
 - (b) the following qualifications conferred by the Solomon Islands National

University:

- (i) Certificate in Teaching (Primary);
 - (ii) Certificate in Teaching (Secondary);
 - (iii) Diploma of Teaching (ECE);
 - (iv) Diploma of Teaching Primary;
 - (v) Diploma of Teaching Secondary;
 - (vi) Bachelor of Teaching Primary;
 - (vii) Bachelor of Teaching Secondary;
 - (viii) Graduate Diploma in Teaching Secondary;
 - (ix) Master of Education;
- (c) the following qualifications conferred by the University of the South Pacific:
- (i) Certificate in Teaching (Primary);
 - (ii) Certificate in Teaching (Secondary);
 - (iii) Diploma in Early Childhood Education and Care;
 - (iv) Diploma in Teaching (Secondary);
 - (v) Graduate Certificate in Education;
 - (vi) Bachelor of Education;
 - (vii) Postgraduate Diploma in Education;
 - (viii) Master of Education;
 - (ix) Doctor of Philosophy in Education;
- (d) the following qualifications conferred by the University of Goroka, Papua New Guinea:
- (i) Diploma in Early Childhood Education;
 - (ii) Bachelor of Education in Arts;
 - (iii) Bachelor of Education in Science;
 - (iv) Bachelor of Education (In-service);
 - (v) Bachelor of Education (Honours);
 - (vi) Postgraduate Diploma in Education;
 - (vii) Master of Education;
 - (viii) Doctor of Philosophy in Education;
- (e) the following qualifications conferred by Divine Word University, Papua New Guinea:
- (i) Diploma of Teaching;
 - (ii) Bachelor of Education (Primary);
- (f) the following qualifications conferred by Pacific Adventist University, Papua New Guinea:

- (i) Diploma of Teaching (Primary);
 - (ii) Bachelor of Education (Primary);
 - (iii) Bachelor of Education (Secondary) Humanities;
 - (iv) Bachelor of Education (Secondary) Science;
 - (v) Bachelor of Education (Secondary) Business;
- (g) the following qualifications conferred by Fulton College, Fiji:
- (i) Undergraduate Diploma of Education;
 - (ii) Bachelor of Education (Early Childhood Education);
 - (iii) Bachelor of Education (Primary);
 - (iv) Graduate Diploma in Adventist Education;
 - (v) Postgraduate Diploma in Education;
- (h) a tertiary qualification that the Permanent Secretary is satisfied is of at least an equivalent nature and standard to a qualification referred to in any of the paragraphs from (a) to (g).
- (2) For the purposes of section 37(c) of the Act, to be eligible for full registration as a teacher, a person must have successfully completed a period of experience teaching in a school or ece centre:
- (a) equivalent to full time employment for a number of terms making up a full school year (whether or not the terms are in the same calendar year); or
 - (b) such longer period as may be imposed by the Permanent Secretary by written notice following a review of the person's performance during the period (but not exceeding 2 years in total).
- (3) For the purposes of section 37(d) of the Act, to be eligible for full registration as a teacher, a person must submit the following documents to the Permanent Secretary:
- (a) certified copies of any qualifications that the person relies on for registration;
 - (b) a certificate of a police check relating to the person's criminal history as follows:
 - (i) from Solomon Islands (obtained by the person within the previous 6 months); and
 - (ii) from the country of citizenship of the person (if that is not Solomon Islands); and
 - (iii) from each country where the person has lived for 12 months or more in the past 5 years (unless the Permanent Secretary exempts the person from this requirement in writing);
 - (c) a report of a medical practitioner (or other person approved by the Permanent Secretary) certifying that the person's capacity to teach is

not seriously impaired by an illness or disability affecting the person's behaviour or competence as a teacher;

- (d) 2 character references from any of the following:
 - (i) a reputable community leader;
 - (ii) a church or religious leader;
 - (iii) a former employment supervisor.
- (e) the person's birth certificate or, if that is not available, other evidence of the person's date of birth to the satisfaction of the Permanent Secretary.

PART 3 EMPLOYMENT OF TEACHERS AND LEADERS

Division 1 Positions and duties

5 Teaching and leadership positions

- (1) Teaching and leadership positions are classified (from the highest to the lowest classification) as follows:
 - (a) in a school:
 - (i) principal;
 - (ii) deputy principal;
 - (iii) senior teacher;
 - (iv) class teacher; and
 - (b) in an ece centre:
 - (i) supervisor;
 - (ii) deputy supervisor;
 - (iii) ece teacher.
- (2) The positions of principal, deputy principal, senior teacher, supervisor and deputy supervisor are classified as leadership positions.
- (3) The relationship between the classification of teaching and leadership positions in schools and ece centres is as follows:
 - (a) principal is taken to be the position of the highest classification;
 - (b) supervisor is taken to be a position of the same classification as deputy principal;
 - (c) deputy supervisor is taken to be a position of the same classification as senior teacher;
 - (d) ece teacher is taken to be a position of the same classification as class teacher.
- (4) A teacher or leader classified, immediately before the commencement of these Regulations, as set out in an entry in column 1 below becomes, on the

commencement, a teacher or leader holding a position classified as set out in the entry in column 2:

Column 1 Old title	Column 2 New title
head teacher principal	principal
deputy head teacher deputy principal	principal deputy
senior teacher senior secondary teacher head of department year 12 coordinator	senior teacher
teacher in training secondary teacher in training class teacher secondary teacher	class teacher
supervisor	supervisor
assistant supervisor	deputy supervisor
ECE teacher in training ECE Class teacher senior ECE teacher	ece teacher

6 Job descriptions including duties of teachers and leaders

The Administrative Instructions include a job description for each teaching and leadership position that specifies:

- (a) mandatory or desirable qualifications and experience for appointment to the position; and
- (b) the duties of the position; and
- (c) the person to whom a person appointed to the position is responsible.

7 Classification and salaries for school teachers and leaders

The Schedule contains:

- (a) the classification and salary structure for school teachers and leaders;
- (b) salary supplements for school teachers and leaders;
- (c) provisions about how school teachers and leaders are classified.

Note:

No salary structure is prescribed for teaching and leadership positions in ece centres.

Division 2 Appointments, transfers and temporary assignments

8 Basis of employment

- (1) A teacher or leader can be employed by an education provider as:
 - (a) an ongoing employee; or
 - (b) a fixed term employee (that is, for a specified period).
- (2) If a school teacher or leader is employed by an education provider as a fixed

term employee for the last term in a school year and the first term in the next school year, the term of employment must be continuous and include the break between the end of the first school year and the commencement of the next school year.

- (3) A teacher or leader (whether an ongoing employee or fixed term employee) can be employed on a full time or part time basis.
- (4) In the absence of a specific employment contract to the contrary, a Government funded teacher or leader is employed as an ongoing employee subject to the Act and these Regulations.

9 Appointment and transfer

- (1) A person can only be appointed or transferred to a teaching or leadership position if the person has the necessary qualifications and experience required for the position (as set out in the job description for the position in the Administrative Instructions).
- (2) If an education provider employs a person as a teacher or leader, the education provider must appoint the person to a classified teaching or leadership position in a specified school or ece centre of the education provider.
- (3) Subject to subregulation (1), an education provider can, according to the needs of the education provider:
 - (a) transfer a school teacher or leader to a teaching or leadership position of the same classification in a different school of the education provider; or
 - (b) transfer an ece teacher or leader to a teaching or leadership position of the same classification in a different ece centre of the education provider; or
 - (c) subject to regulation 10:
 - (i) appoint a school teacher or leader to a teaching or leadership position of a higher classification (at the same or a different school of the education provider); or
 - (ii) appoint an ece teacher or leader to a teaching or leadership position of a higher classification (at the same or a different ece centre of the education provider); or
 - (d) if the teacher or leader consents:
 - (i) appoint a school teacher or leader to a teaching or leadership position of a lower classification (at the same or a different school of the education provider); or
 - (ii) appoint a school teacher or leader to a teaching or leadership position in an ece centre of the education provider; or
 - (iii) appoint an ece teacher or leader to a teaching or leadership position in a school of the education provider.

- (4) In the case of a decision of an education provider under this regulation that would result in an increase of Government funding for a Government funded teacher or leader, the decision of the education provider is subject to the approval of the Permanent Secretary.
- (5) When a teacher or leader is appointed or transferred to a school or ece centre, the education provider must give the teacher or leader written notice of the details of the appointment, including details of the following:
 - (a) the teacher's or leader's school or ece centre;
 - (b) the classification of the position and, for a school teacher or leader, the teacher's or leader's classification level;
 - (c) if the teacher or leader is employed as a fixed term employee, the period of the employment;
 - (d) if the teacher or leader is employed as a part time employee, the hours and days for which the teacher or leader is employed;
 - (e) the salary of the teacher or leader (or, if an early childhood education teacher or leader is employed on a voluntary basis, a statement of that fact and of any remuneration payable to the teacher or leader);
 - (f) if relocation expenses are payable to the teacher or leader, the basis on which those expenses will be calculated.

10 Requirement for merit based selection process for leaders

- (1) A merit based selection process must be used to select a person for appointment as a leader unless:
 - (a) the person is an unattached teacher or leader or a teacher or leader who will be an unattached teacher or leader if the appointment is not made (or this paragraph would apply had the teacher or leader been a Government funded teacher or leader); or
 - (b) the person is a person requiring rehabilitation following an injury at work and the person held an appointment as a leader at the time of the injury; or
 - (c) the teacher or leader is being engaged as a fixed term employee for a period not exceeding 12 months to fill a shortage in leaders with the necessary qualifications and experience; or
 - (d) the leader is also the education provider.
- (2) The Administrative Instructions may set out requirements for a merit based selection process.

11 Direction to perform duties for 2 weeks or less

Without appointing, transferring or temporarily assigning the teacher or leader to a teaching or leadership position of a different classification and without affecting the teacher's or leader's salary, a teacher or leader can be directed

to perform, for a period of 2 weeks or less, duties of a teaching or leadership position of a higher classification than the teacher's or leader's substantive classification (whether at the same or a different school or ece centre).

12 Temporary assignment of teacher or leader

- (1) A teacher or leader can only be temporarily assigned to act in a teaching or leadership position of a higher classification if the teacher or leader has the necessary qualifications and experience required for the position {as set out in the job description for the position in the Administrative Instructions).
- (2) Subject to subregulation (1), a teacher or leader can be temporarily assigned to act in a teaching or leadership position of the same or a different classification to the teacher's or leader's substantive classification in the same or a different school or ece centre for any of the following reasons:
 - (a) because of the absence of a teacher or leader in circumstances in which the teacher or leader may return to duties; or
 - (b) while processes are conducted to select a teacher or leader for appointment; or
 - (c) in the case of a lower classification, any other reason, but only if the assignment is made with the consent of the teacher or leader.
- (3) The temporary assignment:
 - (a) must not be for more than 3 months; and
 - (b) can be renewed, but only, in the case of a position of a higher classification, if the teacher's or leader's performance in the position is reviewed and assessed as satisfactory; and
 - (c) can be withdrawn at any time.
- (4) In the case of a decision of an education provider under this regulation that would result in an increase of Government funding for a Government funded teacher or leader, the decision of the education provider is subject to the approval of the Permanent Secretary.
- (5) While a teacher or leader is temporarily assigned to a school under this regulation, the teacher or leader is entitled to:
 - (a) if the assignment is to a position of a higher classification or the same classification, the salary for the classification level applicable to the teacher or leader in the position to which the teacher is assigned;
 - (b) if the assignment is to a position of a lower classification, the salary for the classification level that would be applicable to the teacher or leader if the assignment were at the teacher's or leader's substantive classification.
- (6) While a teacher or leader is temporarily assigned from a school to an ece centre under this regulation:

- (a) the teacher or leader remains entitled to the teacher's or leader's substantive salary; and
 - (b) if the teacher or leader is a Government funded teacher or leader, the education provider is responsible for the payment of the teacher's or leader's salary unless the Permanent Secretary agrees that the Government will continue to pay the teacher's or leader's salary.
- (7) On cessation of a temporary assignment, the teacher or leader returns to the teacher's or leader's substantive classification and duties.

13 Correction of error in determination of classification level

- (1) If an education provider identifies that an error has been made in the determination of the classification level of a school teacher or leader, the error can be corrected by written notice to the teacher or leader.
- (2) Before taking action under this regulation, the education provider must:
 - (a) give the teacher or leader at least 28 days' written notice of the particulars of the error and the proposed correction; and
 - (b) afford the teacher or leader a reasonable opportunity to make submissions to the education provider.
- (3) The Permanent Secretary must be informed of any such correction for a Government funded teacher or leader.

14 Temporary assignment of teacher or leader to Ministry

- (1) The Permanent Secretary may arrange for the temporary assignment of a teacher or leader to the Ministry.
- (2) Before taking action under this regulation, the permanent Secretary must consult with:
 - (a) the teacher's or leader's education provider; and
 - (b) the teacher or leader.
- (3) The terms of the temporary assignment must be agreed between the Permanent Secretary, education provider and teacher or leader before the assignment commences.
- (4) Without limiting subregulation (3), the terms must include details of the following:
 - (a) the commencement and finishing date of the assignment;
 - (b) the duties to be undertaken by the teacher or leader;
 - (c) provisions concerning control, direction and supervision of the teacher or leader while temporarily assigned to the Ministry;
 - (d) which body is to be responsible for the teacher's or leader's remuneration during the assignment;
 - (e) how the assignment can be varied or terminated.

- (5) A teacher or leader temporarily assigned to the Ministry remains an employee of the teacher's or leader's education provider and remains entitled to the teacher's or leader's substantive salary.
- (6) Service during the assignment is to be counted as service as a teacher or leader.

Division 3 General employment conditions

15 Working days and hours

- (1) A school teacher or leader is required to attend and work at the teacher's or leader's school or at another place as required:
 - (a) on all school days from the commencement of the school year to the end of the school year; and
 - (b) in the case of a school leader, on each day in the 2 weeks before teaching resumes at the commencement of the school year that would be a school day if the school year had commenced; and
 - (c) in the case of a school teacher, on each day in the week before teaching resumes at the commencement of the school year that would be a school day if the school year had commenced.
- (2) During the breaks between terms 1 to 4 in a school year, a school teacher or leader is required to undertake professional development, preparation work or other work related to teaching or administration of the teacher's or leader's school, as directed by the principal of the school.
- (3) A teacher or leader is not required to work between the end of term 4 in a school year and the day on which they are required to commence work in term 1 of the following year .
- (4) If a school teacher or leader is required to attend and work on a particular day, the teacher or leader must attend and work:
 - (a) if the day is a school day:
 - (i) for all schools hours on the school day;and
 - (ii) for such hours before and after school on each school day as the principal reasonable requires the teacher or leader to work for the purposes of ensuring the safety of students (but not for more than a total of 2 hours); and
 - (b) if the day is not a school day, for 8 hours commencing at a time determined by the principal.
- (5) Responsibility for undertaking duties before or after school hours or during lesson breaks during the school day must be shared amongst the teachers and leaders in a fair and reasonable manner.
- (6) This regulation is subject to any absence of a teacher or leader authorised under these Regulations.

16 Direction to attend training and development or conference

Regardless of the content of the job description for a teaching or leadership position, a teacher or leader can be directed to attend training and development or a conference as part of the teacher's or leader's duties.

17 Probation

- (1) When a person first commences duties as a teacher or leader for a particular education provider, the teacher or leader is on a period of probation.
- (2) The period of probation is:
 - (a) for a teacher or leader in full time employment, a number of terms making up a full school year (whether or not the terms are in the same calendar year); and
 - (b) for a teacher or leader in part time employment, an equivalent period of part time employment
- (3) The employment of a teacher or leader who is on probation can be terminated by the teacher's or leader's education provider by 4 weeks written notice to the teacher or leader.
- (4) The education provider can, by written notice to a teacher or leader given not later than 4 weeks before the end of the teacher's or leader's period of probation, extend the period of probation of the teacher or leader (but not so that it is longer than 2 years in total) on the grounds:
 - (a) that the performance of the teacher or leader is unsatisfactory but that a further opportunity for improvement is warranted; or
 - (b) that the teacher or leader has been absent on leave without pay and the extension accords with the length of that absence.
- (5) Unless the teacher's or leader's employment is sooner terminated, the teacher or leader ceases to be on probation at the end of the period of probation.

18 Resignation

- (1) A teacher or leader can resign from employment by 3 months' written notice to the teacher's or leader's education provider.
- (2) The education provider can accept notice of a shorter period.
- (3) An education provider cannot withhold acceptance of a shorter period of notice if the circumstances giving rise to the need for resignation could not be foreseen or are otherwise beyond the control of the teacher or leader.

19 Retirement

- (1) A teacher or leader ceases to be employed as a teacher or leader at the end of the school year during which the teacher or leader attains the age of 55 years unless the teacher's or leader's education provider gives written approval for the teacher or leader to remain in employment.

- (2) The education provider can, by written notice to a teacher or leader, withdraw an approval given under subregulation (1).
- (3) A notice of the withdrawal of approval must specify a date for the termination of the employment of the teacher or leader, being a date not earlier than 4 weeks after service of the notice on the teacher or leader.
- (4) The teacher's or leader's employment as a teacher or leader is terminated on the date specified in the notice of withdrawal.
- (5) An approval under subregulation (1) ceases to have effect at the end of the school year during which the teacher or leader attains the age of 60 years and, consequently, if the teacher or leader has not earlier resigned, the teacher's or leader's employment is terminated at the end of the school year during which the teacher or leader attains 60 years of age.
- (6) In order to administer this regulation, an education provider must ensure that records of the dates of birth of its teachers and leaders are maintained and that those records are verified so far as is reasonably practicable.

20 Ownership of work produced

All work produced by a teacher or leader in the performance of duties is the property of the teacher's or leader's education provider.

21 Breastfeeding

A teacher or leader may breastfeed an infant during a working day but must make reasonable endeavours to minimise the disruption to duties.

22 Overtime

Overtime payments or time off in lieu of overtime payments are not available to Government funded teachers or leaders (if payment is to be made out of Government funding).

23 Government funded teacher or leader standing for election

- (1) This regulation applies to a Government funded teacher or leader who is an ongoing employee if:
 - (a) the teacher or leader resigns in order to stand as a candidate for election to Parliament; and
 - (b) the resignation takes effect no later than 3 months before the date fixed in the writ for the election; and
 - (c) the teacher or leader does not take receipt of the teacher's or leader's entitlements on cessation of employment.
- (2) Subject to subregulation (3), if a teacher or leader to whom this regulation applies is not elected:
 - (a) the teacher or leader is entitled to be re-engaged as a teacher or leader at the teacher's or leader's substantive salary immediately before

resignation; and

- (b) the period of absence is to be counted as leave without pay and is not to count as service as a teacher or leader.
- (3) A request for re-engagement as a teacher or leader under subregulation (2) must be made by written notice to the education provider within 30 days after the day on which the writ for the election was returned.

24 Calculation of the period of service

The period that a person has undertaken as a teacher or leader is to be calculated taking into account the following:

- (a) an absence from duty during which the teacher or leader is entitled to be paid salary counts as service as a teacher or leader;
- (b) an unauthorised absence from duty or an absence from duty due to suspension from duty without remuneration, or suspension of the registration of the teacher or leader as a teacher, does not count as service as a teacher or leader;
- (c) an absence from duty on approved leave without pay counts as service as a teacher or leader only to the extent specified in the instrument of approval of the leave;
- (d) if a person is employed as a teacher or leader within 3 months after ceasing to be a public officer or ceasing to be a public officer in another capacity, the period of the person's service in that capacity is to be counted as service as a teacher or leader for the purpose of determining the person's entitlement to a long service benefit (so long as an equivalent payment is not also made for service as a public officer).

25 Compliance with Act and subsidiary legislation

The principal of a school or supervisor of an ece centre must comply with responsibilities imposed on them by the Act or subsidiary legislation made under the Act.

Division 4 Remuneration of school teachers and leaders

Subdivision 1 Salary

26 Annual salary

- (1) The annual salary of a school teacher or leader comprises the base salary for the classification level of the teacher and leader plus any applicable salary supplements (see regulation 7 and the Schedule).
- (2) The annual salary of a part time school teacher or leader is subject to a pro rata adjustment according to the number of hours and days worked by the teacher or leader.

27 Salary payable fortnightly

The salary of a school teacher or leader is payable fortnightly in arrears calculated as follows:

$$\text{Fortnightly salary} = \frac{\text{Annual salary} \times 10}{261}$$

Note:

There are 261 weekdays in a year. Dividing an annual salary by 261 gives the daily salary, and multiplying that figure by 10 (the number of working days in a fortnight) gives the fortnightly salary.

28 Salary payable by electronic funds transfer

The salary of a school teacher or leader must be paid by electronic funds transfer to a bank account nominated by the teacher or leader.

Subdivision 2 Relocation expenses payable by education provider**29 Relocation expenses**

- (1) An education provider must pay the cost of relocation expenses of a school teacher or leader if:
 - (a) it is reasonably required for the teacher or leader to move the teacher's or leader's place of residence in order to work at the school or ece centre (either on appointment or temporary assignment);
 - (b) on cessation of employment as a teacher or leader:
 - (i) it is reasonable for the teacher or leader to move back to the home district of the teacher or leader; or
 - (ii) the teacher or leader is a non-citizen and it is reasonable for the teacher or leader to move back to the teacher's or leader's ordinary place of residence outside Solomon Islands.
- (2) The amount of relocation expenses must be calculated based on relocation by the most economical means practicable in the circumstances.
- (3) The amount payable must be agreed between the teacher or leader and education provider before the teacher or leader incurs relocation expenses.

Subdivision 3 Other assistance for Government funded teachers or leaders**30 Loan against salary**

- (1) A Government funded teacher or leader can apply to the Permanent Secretary for a loan of an amount not exceeding 20 days' salary.
- (2) The application must be made in a form approved by the Permanent Secretary.
- (3) The granting of a loan is at the discretion of the Permanent Secretary.
- (4) A loan can only be granted if arrangements are in place for the repayment of the loan.

- (5) No further application for a loan can be made until the full amount of any previous loan has been recovered.

31 Leave fares, long service benefit and study assistance

The rules for entitlements to leave fares, long service benefit and study assistance are set out in the Schedule.

Subdivision 4 Payments on death

32 Payment on death of teacher or leader

- (1) On the death of a person while employed as a teacher or leader, the personal representative of the teacher or leader is entitled to be paid by the Government any long service benefit that would have been payable to the teacher or leader if the teacher or leader had not died but had ceased employment on the date of death.
- (2) On the death of a person while employed as a school teacher or leader, the personal representative of the teacher or leader is entitled to be paid by the education provider:
- (a) relocation expenses for the family of the teacher or leader on the same basis as it would have paid relocation expenses to the teacher on cessation of employment; and
 - (b) if it is practicable to repatriate the body of the deceased teacher or leader to the teacher's or leader's home district, reasonable expenses incurred for that purpose.
- (3) The Permanent Secretary or education provider can, if of the opinion that it is appropriate to do so, direct that a sum payable on the death of a teacher or leader be paid to dependants of the teacher or leader and not to the personal representative.

Subdivision 5 Deductions

33 Deduction from remuneration or entitlements on cessation

- (1) Deductions can be made from the remuneration of a teacher or leader or from entitlements on cessation of employment as a teacher or leader as follows:
- (a) a deduction can be made in order to recover an amount overpaid through an administrative error;
 - (b) if a person has incurred a liability to an education provider, or, for a Government funded teacher or leader, the Government, in connection with the person's employment or former employment, a deduction can be made in or towards satisfaction of the liability.
- (2) Without limiting subregulation (1), a deduction can be made or an amount can be withheld pending the determination of proceedings relating to the person's liability to the education provider or the Government.

Division 5 Leave entitlements of school teachers or leaders

Note: summary of leave entitlements

The following table summarises the leave entitlements provided for in this Division. It is for information only.

Leave type	Entitlement
sick leave	20 days (medical certificate can be required for more than 5 days straight)
compassionate leave	10 days
parental leave	12 weeks for mother and 10 days for spouse
special leave with pay:	
-for extra sick leave	10 days
-for participation in Pacific Games etc	10 days
-for approved course of study	10 days (max 8 hours each week for 10 weeks)
-for approved conference	no limit
-to assist in election	no limit
-to attend court as witness	no limit
-to attend proceedings about employment decision as party or witness	no limit
-to undertake jury service	no limit
Leave without pay:	up to 2 years
-if exhausted sick leave, compassionate leave or parental leave	
-for study or training (with or without study assistance)	
-other reason approved by education provider	

34 Sick leave

The following rules govern the entitlement of a school teacher or leader to sick leave:

- (a) a teacher or leader is entitled to 20 working days' sick leave in each school year;
- (b) the entitlement to sick leave of a part time teacher or leader or a teacher or leader who commences employment after the commencement of the school year is to a pro rata adjustment according to the number of days worked by the teacher or leader;
- (c) a teacher or leader can apply for sick leave to the education provider, in the form approved by the relevant authority, if:
 - (i) the teacher or leader is unfit to work due to illness or injury; or
 - (ii) it is reasonably necessary for the teacher or leader to be absent to care for a grandparent, parent, sibling, spouse, partner or child due to illness or injury of that person;
- (d) if the teacher or leader is absent for a continuous period of more than 5

working days, the application must be supported by a medical certificate if practicable;

- (e) an application for sick leave can only be granted if the teacher or leader has sufficient sick leave;
- (f) an application for sick leave must be refused for any period for which the education provider is satisfied, on the balance of probabilities on the basis of evidence, that the grounds claimed in the application are not genuine;
- (g) during approved sick leave the teacher or leader is entitled to the teacher's or leader's salary;
- (h) a teacher's or leader's sick leave entitlement must be debited according to the duration of time (rounded up to the nearest 1/2 day) for which the teacher or leader has taken approved sick leave.

35 Compassionate leave

The following rules govern the entitlement of a school teacher or leader to compassionate leave:

- (a) a teacher or leader is entitled to 10 working days' compassionate leave in each school year
- (b) the entitlement to compassionate leave of a part time teacher or leader or a teacher or leader who commences employment after the commencement of the school year is subject to a pro rata adjustment according to the number of days worked by the teacher or leader;
- (c) a teacher or leader can apply for compassionate leave to the teacher's or leader's education provider, in the form approved by the relevant authority, for the death of a grandparent, parent, sibling, spouse, partner or child;
- (d) the granting of compassionate leave is at the discretion of the teacher's or leader's education provider;
- (e) an application for compassionate leave can only be granted if the teacher or leader has sufficient compassionate leave;
- (f) during approved compassionate leave the teacher or leader is entitled to the teacher's or leader's salary;
- (g) a teacher's or leader's compassionate leave entitlement must be debited according to the duration of time (rounded up to the nearest 1/2 day) for which the teacher or leader has taken approved compassionate leave.

36 Parental leave

The following rules govern the entitlement of a school teacher or leader to parental leave:

- (a) a teacher or leader can apply for parental leave to the teacher's or leader's

education provider in the form approved by the relevant authority;

- (b) a teacher or leader is entitled to be granted parental leave:
 - (i) to care for:
 - (A) a new born child; or
 - (B) a recently adopted child (but only if the child has not attained the age of 2 years at the date of adoption); or
 - (ii) to manage the teacher's or leader's pregnancy immediately before the birth of the child;
- (c) if a teacher or leader gives or is to give birth to a child, or is the primary carer for an adopted child, the teacher or leader is entitled to be granted parental leave for up to 12 weeks;
- (d) if a teacher's or leader's spouse or partner gives birth to a child, or is the primary carer for an adopted child, the teacher or leader is entitled to be granted parental leave for up to 10 working days immediately following the birth of the child or the date of adoption;
- (e) during approved parental leave, the teacher or leader is entitled to the teacher's or leader's salary.

37 **Special leave with pay**

The following rules govern the entitlement of a school teacher or leader to special leave with pay:

- (a) a teacher or leader can apply to the teacher's or leader's education provider, in the form approved by the relevant authority, for special leave with pay:
 - (i) for the purposes for which sick leave would apply if the teacher's or leader's sick leave entitlement had not been exhausted (but not for more than 10 days in a school year); or
 - (ii) to participate as a competitor or official in a Solomon Islands team at the Solomon Islands Games, Pacific Games, Commonwealth Games or Olympic Games or in an international competition or for training prior to final selection of such a team (but not for more than 10 days in a school year); or
 - (iii) to attend a course of study (but not for more than 8 hours each week including travelling time for attending lectures or tutorials and 10 days in a school year for a required period of practical experience); or
 - (iv) to attend a conference or other training or development (other than as required in the course of the performance of official duties); or
 - (v) to assist the Electoral Commission in the carrying out of an election; or

- (vi) to attend court as a witness; or
- (vii) to attend proceedings about an employment decision or registration decision as a party or witness; or
- (viii) to undertake jury service;
- (b) the granting of special leave with pay under paragraph (a)(i) to (iv) is at the discretion of the teacher's or leader's education provider;
- (c) during approved special leave with pay, the teacher or leader is entitled to the teacher's or leader's salary.

38 Leave without pay

- (1) The following rules govern the granting of leave without pay to a school teacher or leader:
 - (a) a teacher or leader can apply to the teacher's or leader's education provider for leave without pay in the form approved by the relevant authority;
 - (b) the granting of leave without pay is at the discretion of the teacher's or leader's education provider;
 - (c) leave without pay can be granted:
 - (i) in circumstances in which the teacher or leader has exhausted the teacher's or leader's entitlement to sick leave, compassionate leave or parental leave; or
 - (ii) for study or training (with or without study assistance); or
 - (iii) for any other purpose considered appropriate by the education provider;
 - (d) leave without pay can be granted for such period as is considered appropriate by the education provider (but not for more than 2 years at any one time for a Government funded teacher or leader unless the Permanent Secretary approves of a longer period);
 - (e) on granting approval for leave without pay, the teacher's or leader's education provider must, having regard to the principles set out in subregulation (2), specify in writing whether the leave or any part of the leave is to count as service as a teacher or leader for all or any purposes;
 - (f) leave without pay is not to count as service as a teacher or leader for any purpose except as specified in the instrument of approval of the leave;
 - (g) no remuneration is payable to a teacher or leader during leave without pay except as specified in the instrument of approval of the leave;
 - (h) if a teacher or leader is absent on leave without pay immediately before or immediately following a public holiday, the teacher or leader will not be paid for the public holiday.
- (2) In determining whether leave without pay should count as service as a teacher

or leader, the education provider and Permanent Secretary are to be guided by the following principles:

- (a) if leave without pay is granted because the teacher or leader is unfit for work due to illness or injury and has exhausted the teacher's or leader's sick leave, the period of leave without pay should count as service as a teacher or leader;
 - (b) if leave without pay is granted for study or training or some other purpose reasonably expected to improve the teacher's or leader's contribution to the profession, the period of leave without pay should count as service as a teacher or leader;
 - (c) in other circumstances, the period of leave without pay should not count as service as a teacher or leader.
- (3) If leave without pay is granted for study or training:
- (a) the teacher or leader must:
 - (i) keep the education provider informed about the teacher's or leader's progress in the course of study or training, including by providing a copy of the teacher's or leader's academic results for each semester of study or training (or other relevant period) within 7 days after receiving the results; and
 - (ii) inform the education provider and the Permanent Secretary if the teacher or leader completes the course of study or training or withdraws from the course of study or training; and
 - (b) the period of approved leave without pay ceases and the teacher or leader is required to resume duty when:
 - (i) the teacher or leader completes the course of study or training; or
 - (ii) the teacher or leader withdraws from the course of study or training; or
 - (iii) sponsorship for the course of study or training is withdrawn.

39 Additional supporting evidence

- (1) A school teacher or leader can be required to provide additional supporting evidence for an application for leave.
- (2) The application can be denied until the supporting evidence is provided.

40 Principal acting on behalf of education provider

Unless an education provider gives directions to a principal of a school to the contrary, the principal is authorised to act on behalf of the education provider in dealing with applications for leave and making decisions about the granting of leave.

41 Fixed term employees

Fixed term employees are not entitled to leave with or without pay past the end of the term of their employment.

42 No leave while suspended without remuneration

For any period for which a school teacher or leader is suspended from duty without remuneration, the teacher or leader is not entitled to apply for or take sick leave, compassionate leave, parental leave, special leave with pay or leave without pay.

43 Forfeiture of untaken leave on cessation of employment or death

Any leave untaken at the time a school teacher or leader ceases to be employed as a teacher or leader or dies is forfeited.

44 Leave cannot be paid out rather than taken while employed

Leave cannot be paid out rather than taken while a school teacher or leader remains employed as a teacher or leader.

Division 6 Performance management of teachers and leaders**45 Professional learning and performance assessment**

The Administrative Instructions may include provisions about professional learning and performance assessment of teachers and leaders.

46 Support to be provided to improve performance

If an education provider identifies that a teacher's or leader's performance is unsatisfactory or requires improvement, the education provider must make reasonable endeavours to assist the teacher or leader to make improvements.

Division 7 Unattached school teachers or leaders**47 Unattached school teachers or leaders**

- (1) A Government funded teacher or leader becomes an unattached teacher or leader as follows:
 - (a) if the Government funded positions for the teacher's or leader's school are reduced or altered for a school year so that the teacher or leader is surplus to the requirements of the school;
 - (b) if the teacher or leader has resigned but is entitled to be reengaged as a teacher or leader under regulation 23 and there is no appropriate vacancy at the school from which the teacher or leader resigned;
 - (c) if the teacher or leader has been on leave for 2 years or more and there is no appropriate vacancy at the school to which the teacher or leader can return;

- (d) if the teacher's or leader's school is closed;
 - (e) if the Permanent Secretary certifies in writing, on the application of the education provider, that there are irreconcilable differences between the school community and the teacher or leader rendering the continued employment of the teacher or leader at the particular school impracticable.
- (2) If a Government funded teacher or leader becomes an unattached teacher or leader, the teacher's or leader's education provider must immediately give written notice to:
- (a) the teacher or leader; and
 - (b) except if subregulation (1)(e) applies, the Permanent Secretary.
- (3) The notice must:
- (a) specify the grounds on which the teacher or leader has become an unattached teacher or leader; and
 - (b) for the notice to the teacher or leader, contain an explanation of the effect of this regulation.
- (4) Reasonable endeavours must be made for an unattached teacher or leader to be appointed or transferred to a different school.
- (5) Priority must be given to finding duties that maintain the unattached teacher's or leader's substantive classification, but, if reasonable endeavours to do so fail, the teacher or leader can be appointed to duties at a lower classification (at the lower salary applicable to that classification).
- (6) An unattached teacher or leader must cooperate with the process and must not act unreasonably.
- (7) If an unattached teacher or leader is appointed or transferred to a school, the teacher or leader ceases to be an unattached teacher or leader.
- (8) While a teacher or leader remains an unattached teacher or leader:
- (a) the teacher or leader must undertake whatever duties the teacher or leader is directed to undertake by the Permanent Secretary; and
 - (b) the teacher or leader is entitled to the teacher's or leader's substantive salary.
- (9) The employment of an unattached teacher or leader can be terminated by the Permanent Secretary by written notice to the teacher or leader specifying the date on which the termination is to take effect.
- (10) The date specified cannot, without the written consent of the teacher or leader, be a date earlier than the later of:
- (a) 3 months after notice under subregulation (2)(a) to the teacher or leader that the teacher or leader is an unattached teacher or leader; or
 - (b) 4 weeks after the notice of termination of employment under subregulation (9).

- (11) The *Employment Act* (Cap. 72) governs any redundancy payment payable to an unattached teacher or leader.
- (12) The notice of termination of employment must specify the amount to be paid to the teacher or leader on termination of employment or on earlier resignation.
- (13) A person whose employment has been terminated on the grounds that the person is an unattached teacher or leader must not be reengaged as a teacher or leader for the same number of working days after the date of termination as applies for the calculation of any redundancy payment made to the person.
- (14) However, subregulation (13) does not apply if the redundancy payment or the relevant portion of the redundancy payment for those days is repaid to the Government.

PART 4 MISCELLANEOUS

Division 1 Primary and secondary education

48 Primary education

For the definition of primary education in section 3(1) of the Act,, primary education is PPY (primary preparation year), Year 1, Year 2, Year 3, Year 4, Year 5 and Year 6.

49 Secondary education

For the definition of secondary education in section 3(1) of the Act, secondary education is Year 7, Year 8, Year 9, Year 10, Year 11 and Year 12.

Division 2 Compulsory education

50 Enrolment of compulsory school age children

- (1) This regulation is made pursuant to section 61 of the Act and the definition of “compulsory school age” in section 3(1) of the Act.
- (2) A child born on or before 30 November in a year must be enrolled in a school that provides primary education from the beginning of the school year in which the child turns 6 years of age.
- (3) A child born on or after 1 December in a year must be enrolled in a school that provides primary education from the beginning of the school year after the year in which the child turns 6 years of age.
- (4) The child should continue to be enrolled in and attend a school until the child has completed Year 9 or turns 16 years of age, whichever happens first.
- (5) It is encouraged for a child to be enrolled in PPY and in an ece centre for 1 or 2 years before commencing compulsory education.
- (6) Generally:

- (a) 3 and 4 years old are enrolled in an ece centre; and
- (b) 5 year olds are enrolled in PPY; and
- (c) 6 year olds are enrolled in Year 1.

Division 3 Language of instruction

51 Language of instruction

For section 65 of the Act, Year 4 of primary education is prescribed as the Year level from which English is to be the principal language of instruction.

Division 4 School fees

52 Exclusion of self-funded schools from school fee rules

This Division does not apply to a self-funded school.

Note:

The charging of school fees by a self-funded school is not regulated because the school does not receive Government funding.

53 Offence to exclude compulsory school age student for nonpayment of school fees

- (1) An education provider and the principal of a school individually or jointly commit an offence if a student of compulsory school age is excluded from enrolling, attending or being provided education (including materials and services required for that education) at the school or sitting an examination or participating in school based assessment on the grounds that school fees have not been, will not be, or are unlikely to be, paid for the student.

Maximum penalty: 5,000 penalty units.

- (2) If the Permanent Secretary is satisfied on reasonable grounds that there has been a contravention of subregulation (1), the Permanent Secretary may direct that the education provider not receive the general grant for the school for the following school year unless satisfied that appropriate steps have been taken to prevent any further contraventions of subregulation (1).
- (3) Before taking action under subregulation (2), the Permanent Secretary must give the education provider a reasonable opportunity to make submissions about the matter.

Note:

Government funding covers basic materials and administration only and, consequently, a school community needs to contribute to the operation and development of a school through financial and other contributions.

54 School fees

- (1) Subject to this regulation, an education provider of a school may charge school fees for each year (or part of a year) in which a student is enrolled at or attends the school.

- (2) The maximum amount of school fees that may be charged for a school student for a year are as follows:

Education level	Maximum fee for day student	Maximum fee for boarding student	
		Non-urban school	Urban school
Primary education	\$1,200.00	\$250.00	
Junior secondary education	\$2,000.00	\$800.00	\$4,500.00
Senior secondary education	\$4,000.00	\$3,000.00	\$9,000.00

A school is an urban school if it is so classified in the register of schools and ece centres.

- (3) No other fees or levies of any kind may be charged for the enrolment or attendance of a student at a school.
- (4) In particular:
- (a) no fees (however described, including registration fees and transfer fees) may be charged for:
 - (i) enrolling a student in a school; or
 - (ii) placing a student on a waiting list for enrolment; or
 - (iii) transferring a student from 1 school to another; or
 - (iv) sitting an examination or participating in school based assessment; and
 - (b) no levies (however described, including education provider levies) may be charged.
- (5) However, parents can be expected:
- (a) to provide consumables such as stationery for the use of students; and
 - (b) to pay for the costs of:
 - (i) uniforms; and
 - (ii) excursions; and
 - (iii) extracurricular activities; and
 - (iv) transport to and from school.

55 Voluntary contributions

Nothing in this Division prevents an education provider seeking additional voluntary contributions from parents of students.

Note:

There may be a request for, and even an expectation that, parents contribute (in addition to paying school fees) a specified amount to a fund for a specific purpose such as for facilities, gardening, a library, a workshop, teacher accommodation or additional teachers. If a parent chooses not to pay the additional contribution, the education provider cannot pursue the amount as a debt owed because it is a voluntary contribution

only.

56 Role of School Board

- (1) For a school with a school board, the school board must recommend or approve the level of school fees or be given a reasonable opportunity to make submissions to the education provider about the level of the school fees.
- (2) The school board is to consult with the school community about the level of school fees and how those fees are spent.
- (3) If the education provider fixes school fees that are different to those recommended or approved by the school board, the education provider must explain the reasons for doing so to the school board.
- (4) The school board should also be involved in considering:
 - (a) the costs of uniforms, excursions and extracurricular activities; and
 - (b) the amount of any voluntary contribution sought from parents.

57 Schemes dealing with financial hardship

- (1) An education provider must have a scheme in place to support students whose parents are suffering financial hardship and cannot afford school fees.
- (2) Arrangements must be in place for parents who are genuinely suffering financial hardship:
 - (a) to be able to pay school fees in instalments; and
 - (b) to be able to contribute labour or materials instead of paying the whole or a part of school fees.
- (3) Arrangements must be in place for remitting the whole or a part of school fees for parents who are genuinely unable to pay in instalments or contribute labour or material for good reasons for students in primary or junior secondary education.
- (4) An education provider is encouraged to have a scheme in place to support students whose parents cannot afford the costs of consumables, uniforms, excursions or extracurricular activities.

58 Disclosure of school fees, schemes for dealing with financial hardship and voluntary contributions

- (1) An education provider must ensure that the details of school fees and the schemes for dealing with financial hardship in relation to the payment of school fees are disclosed to the school community and to parents of prospective students.
- (2) If voluntary contributions are sought in addition to the approved level of school fees, it must be clear what amount is mandatory and what amount is voluntary.

59 School fees recoverable as debt

School fees are recoverable as a debt owed to the education provider by the parents of the student.

Division 5 Teaching Service Commission limitations**60 Limitations on matters before Teaching Service Commission**

- (1) For the purposes of sections 83 and 91 of the Act, a matter affecting an ece teacher or leader who is not a registered teacher may not be referred to the Teaching Service Commission by an education provider or the Permanent Secretary.
- (2) For the purposes of the definition of employment decision in section 92 of the Act, a decision of an education provider relating to an ece teacher or leader who is not a registered teacher is not an employment decision.

Division 6 Offence**61 Offence relating to secondary education certificates scheme**

- (1) A person commits an offence if:
 - (a) the person performs duties under the scheme for secondary education certificates approved by the Minister under section 64 of the Act; and
 - (b) in the course of the performance of those duties:
 - (i) the person:
 - (A) obtains a confidential document or record; and
 - (B) releases the document or record, or information contained in the document or record, other than as necessary for the proper performance of those duties; or
 - (ii) the person obtains confidential information and uses that information:
 - (A) to assist a student to cheat; or
 - (B) to assist a student to obtain an unfair advantage or a benefit; or
 - (C) to cause harm to a student; or
 - (D) for some other improper purpose.

Maximum penalty: 5,000 penalty units or 6 months imprisonment, or both.

- (2) In this regulation:

“*confidential document or record*” includes an exam paper, exam script, official marking scheme, record of student identifiers and record of student results.

Note:

Section 120 of the Act creates an offence of disclosure of information that could also apply in the circumstances in which this regulation applies.

Division 7 Forms**62 Approved forms**

The Permanent Secretary may approve forms for the purposes of the Act, these Regulations or the Administrative Instructions.

Division 8 Transitional provisions**63 Documents that cease to have effect**

On the commencement of the Act, the following documents cease to have any effect:

- (a) regulations and rules made under the repealed *Education Act* (Cap. 69);

Note:

This includes

- (a) *The School Fees Regulations; and*
 (b) *The Examination and Selection Rules.*
- (b) the Teaching Service Handbook made under the repealed *Education Act* (Cap. 69);
- (c) the Grants Code made under the repealed *Education Act* (Cap. 69);
- (d) instruments of delegation under the repealed *Education Act* (Cap. 69).

Note:

The documents that are subsidiary legislation under the repealed Act are taken to have been repealed: see section 24 of the Interpretation and General Provisions Act (Cap. 85).

SCHEDULE CLASSIFICATION, SALARY STRUCTURE AND OTHER MATTERS

(Regulation 7)**1 Salary, allowances and classification**

- (1) The following arrangements that apply to school teachers and leaders immediately before the commencement of these regulations continue to apply as minimum employment conditions for school teachers and leaders:
- (a) the salary structure and classification rules that would determine the base salary of a school teacher or leader if the teacher or leader were a Public Service employee (including any updated Public Service Unified Salary Structure or cost of living increase applied to that structure);
- (b) the rules that would determine any allowances (referred to as salary supplements in these regulations) payable to a school teacher or leader, and the amount of those allowances, if the teacher or leader were a

Public Service employee.

- (2) Any changes in the Public Service arrangements flow through to school teachers and leaders as minimum conditions.

2 Government funded teachers and leaders: long service benefit, leave fares and study assistance

- (1) The following arrangements that apply to Government funded teachers and leaders immediately before the commencement of these regulations continue to apply as minimum employment conditions for Government funded teachers and leaders:
 - (a) the amounts and rules for long service benefit;
 - (b) the amounts and rules for leave fares;
 - (c) the amounts and rules for study assistance.
- (2) Any changes in the Public Service arrangements flow through to Government funded teachers and leaders. Consequently, if leave fares are not continued for Public Service employees, they cease to apply to Government funded teachers and leaders.

3 Transition

The classification level of a school teacher or leader immediately before the commencement of these regulations is unaffected by this Schedule.

Made this fifteenth-day of February 2024.

HON. LANELLE TANANGADA
MINISTER FOR EDUCATION AND HUMAN RESOURCES DEVELOPMENT
