CIRCULAR: DNEA 03/2015

TO:
- CHIEF REGIONAL OFFICER
- DIRECTORS OF EDUCATION
- INSPECTORATE AND ADVISORY SERVICES
- REGIONAL EXAMINATION OFFICIALS
- PRIVATE SCHOOLS REGISTERED WITH THE MOE
- DIRECTORATE NIED
- DIRECTORATE PQA
- DIRECTORATE DNEA

PROCEDURE TO APPLY FOR REGISTRATION AS A PRIVATE SCHOOL

1. This circular is replaced Circular: DNEA73/2007

2. Institutions wanting to register with the Ministry of Education as a private school in terms of the Education Act, Act No. 16 of 2001, and the Regulations made under the abovementioned Act, must follow the procedures outlined in this circular and complete the attached application form (Form 4).

3. The circular addresses the changes to the Education system of the curriculum reform which has been implemented as from January 2015. Applicants are advised to take note of the changes to the junior and senior primary phases when they apply. The changes to the secondary education phase will only be implemented as from 2018; therefore the requirements outlined in Section B1.4 and B1.5 in the Form 4 are still applicable for 2015-2017.
4. According to Regulation No. 187 a private school may not, without the approval of the Minister -
   - cancel a subject or course that is part of the approved curriculum and
   - offer a subject or course which is not part of the approved curriculum

Please note: Registered private schools that are desirous to make adjustments to their approved curriculums must also follow the procedure outlined in this circular for approval to any changes to their curriculum approved before they are implemented.

5. For easy reference of Regional Offices and applicants the relevant sections in Act No. 16 of 2001 and Regulations No. 187 dealing with the registration of private schools are attached as **Annexure A and B** respectively. It should be noted that the terms and conditions to qualify for registration as a private school are specified in the abovementioned Act and Regulations and are also included in Form 4, i.e. the application form which must be completed by applicants desirous to register a private school with the Ministry of Education.

6. Attention is also drawn to section 41(1) in Act No. 16 of 2001 which states that –
   "A person has the right to establish and maintain a private school at such person's own expense, but is required to register such school in terms of section 41 before education is provided to any person at the school."

7. The following procedure must be followed:

   7.1 The owner of a private school, or his or her representative, must obtain from the regional office concerned a copy of this circular together with copies of Annexures A and B and Form 4.

   7.2 The application form (Form 4) must be completed by the owner or his or her representative and together with any attachments submitted to the Regional Director as a file. The sections A, B, C and D in the application form must be completed by the owner or applicant of the school.
7.3 The Regional Director must as contemplated in paragraph E of Form 4 appoint an Inspection Team to visit and inspect the school and verify the correctness of the information provided on Form 4. The Inspection Team must complete section E of the application form after the visit and submit the file with the application documentation to the Regional Director for recommendation.

7.4 The Regional Director must work through the application form, and any other documents that may be in the file, consider the recommendation of the Inspection Team (see E2.4) and make a final recommendation in Section F of Form 4. The Regional Director must then make him or herself a copy of Form 4 and any other documents that may be in the file.

7.5 If, based on the shortcomings in the application, the judgment of the Regional Director is not to recommend the private school for registration; the application documentation must not be forwarded to the secretariat of the National Examination, Assessment and Certification Board (NEACB). In such case the applicant of the private school must be informed in writing by the Regional Director of all the shortcomings and the applicant may when the shortcomings have been corrected re-apply for registration. The Regional Director must keep a copy of the letter listing the shortcomings.

7.6 For applications where the Regional Director has recommended the registration of the private school the file with Form 4 and any other documents must be forwarded to reach the secretariat of the National Examination, Assessment and Certification Board (NEACB) at the latest by the closing date of the agenda for either the March, July or October meetings of the Board. However, the March and July meetings of the Board are considered ideal to consider such applications if the school wants to open in January of the next academic year because it allows time for the correction of shortcomings. Applications received for the October meeting of the Board may not be approved in good time for the
school to open in January of the next academic year if there should be shortcomings in the application.

7.7 The applicant must ensure that the correct educational phases as per curriculum are applied for namely pre-primary (Grade 0), junior primary (Grades 1-3), senior primary (Grades 4-7), junior secondary (Grades 8-10) and senior secondary Grades 11-12). The school must first establish itself before extension of other phases.

Note: Institution wanting to apply to offer primary education level must do so in accordance with the Curriculum Reform as implemented from 2015.

7.8 The Committee established by the NEACB for the evaluation of the applications of private schools will consider the applications received from regional offices and make a recommendation in Section G of Form 4 for consideration of the NEACB.

7.9 The NEACB will consider the recommendation of the abovementioned Committee and decide whether to recommend registration or not to the Minister. The recommendation of the NEACB will be submitted to the Minister for a decision.

7.10 The Regional Director will be informed of the decision of the Minister as soon as it is available. An approval of the application by the Minister will be accompanied by a certificate of registration and a reference number as well as with the terms and conditions of registration whilst a non-approval will be accompanied by the reasons for the non-approval and the applicant will be informed that he/she may re-apply or make further presentations in support of the application. Regional Offices must make a copy of the registration certificate for record purposes and hand the original certificate over to the owner of the private school.
7.11 The Secretariat of the NEACB will maintain a register of the registered private schools as contemplated in Section 43 of Act No. 16 of 2001 and in Section 56(5) of Regulation No. 187.

8. The abovementioned procedures for the application of registration of private schools must be followed with immediate effect and Regional Offices must ensure that they keep a stock of the circular, the attached application form (Form 4) and Annexures A and B for provision to the applicants.

PREVIOUS CIRCULAR:

NUMBER: DNEA 02/2015

HEADING: DNEA BROCHURE: IMPORTANT INFORMATION FOR PART-TIME CANDIDATES (FIRST-TIME TAKERS AND RE-SITS) ABOUT THE 2015 NSSC ORDINARY AND HIGHER LEVEL EXAMINATIONS

ADDRESSES: PRINCIPALS/HEADS OF NSSC HIGHER AND ORDINARY LEVEL EXAMINATION CENTRES
REGIONAL EXAMINATION OFFICIALS
INSPECTORATE AND ADVISORY SERVICES
DIRECTORS OF EDUCATION
DIRECTORATE PQA, IAS, NIED, PAD, DNEA
NAMCOL
NAMCOL OSHANA
NAMCOL AREA MANAGERS
TUCSIN (WINDHOEK CAMPUS AND NORTHERN CAMPUS)
NATIONAL ACADEMIC TRAINING COLLEGE
KLEINE KUPPE ACADEMIC TUTORIAL COLLEGE
RUNDU ACHIEVER'S EDUCATIONAL CENTRE
IOL (INSTITUTE FOR OPEN LEARNING)
CIE
NAMDEB
MOTACS
TANBEN

Mr ALFRED. M ILUKENA
PERMANENT SECRETARY
MINISTRY OF EDUCATION
ANNEXURE A

REGISTRATION OF PRIVATE SCHOOLS
(FROM EDUCATION ACT, 2001 (ACT NO. 16 OF 2001))

PART VIII
PRIVATE SCHOOLS

Establishment of private school

41. (1) A person has the right to establish and maintain a private school at
such person's own expense, but is required to register such school in terms of section 42
before education is provided to any person at the school.

(2) The name of the owner of a private school, who may be a natural person, a
body corporate, a trust, a church, or a registered welfare organization, and the name of
the school must be clearly indicated in the register and on the school premises.

Registration of private school

42. (1) An application for the registration of a private school must be made
to the Minister in the prescribed form.

(2) The Minister must register a private school within a reasonable period, if-
(a) the Minister is satisfied that the school and any hostel premises or other
facilities provided or to be provided at the school, are suitable and adequate
in accordance with the prescribed minimum requirements applicable to state
schools having regard to the total number, ages and gender of the learners
who are to attend the school; and

(b) the owner of the school undertakes, to the satisfaction of the Minister, that -

(i) adequate financial provision has been made or guaranteed for the
maintenance of the school for a reasonable period;

(ii) the teaching staff to be employed at the school are sufficiently qualified
for the purpose of efficient provision of qualitative basic education;

(iii) the school will provide a standard of education not inferior to the
standard maintained in comparable state schools;

(iv) the school will not impose restrictions of whatever nature with respect
to the admission of learners based on race, ethnic origin, colour or
 creed; and

(v) the school will not impose restrictions of whatever nature with respect
to the recruitment and appointment of staff based on race, ethnic origin
or colour.

Register of private schools

43. The Minister must cause to be kept and maintained a register of private
schools in the prescribed form.
Transfer of ownership of private school

44. (1) If the ownership of a private school is to be transferred, the new owner’s name must be entered in the register and the previous owner’s name deleted.

(2) If the person to whom a private school is to be transferred proposes to deviate from the terms and conditions under which the school was initially registered, such person must apply anew for the registration of the school.

Deregistration of private school

45. (1) The Minister may, subject to subsection (2), deregister a private school registered in terms of section 42, if -

(a) any of the circumstances arises on which the Permanent Secretary would have refused such registration under section 42;

(b) subsequent to the registration of the school, the school has contravened any of the terms and conditions under which the school has been registered;

(c) the school has ceased to operate or exist; or

(d) the school has been closed under section 47 and remains closed after a period of six months of such closure.

(2) The Minister must, in writing, notify the owner of the private school of his or her intention to deregister the school under subsection (1), and the owner may, within a period of 30 days from the date of receipt of the notification, make representations in writing to the Minister.

(3) If, after consideration of the representations made under subsection (2), the Minister decides to deregister a private school under subsection (1), he or she must, in writing, notify the owner of the school of his or her decision to deregister.

Failure to comply with terms and conditions and issue of notice of warning

46. If, following an inspection conducted at a private school under section 64, the Minister is satisfied -

(a) that the owner of the private school fails to comply with the terms and conditions of registration of the school or with any provision of this Act; or

(b) that the school is being conducted in a way which is prejudicial to the welfare of the learners of the school or the peace, good order or good governance of the Republic of Namibia,

the Minister must by notice in writing inform the owner of the private school accordingly and direct the owner to remedy the defects within such period, not exceeding six months, as may be specified in the notice.

Failure to satisfy notice of warning and closure of private school

47. (1) If the owner of the private school fails to remedy the defects within the period specified in a notice issued under section 46, the Minister may order the closure of the school.

(2) If, after the closure of a private school has been ordered under subsection (1), the owner of the school complies with the notice, the Minister may grant permission to re-open the school.
(3) A private school which has been closed under subsection (1) and remains closed for a period exceeding six months may be deregistered under section 45, and the owner of the school is required to apply for re-registration under section 42 before being allowed to re-open the school.

Takeover of management and control of private school

48. The Minister may take over the management and control of a private school, if -

(a) the owner of the school has requested the takeover; or

(b) the school has been deregistered under section 45 or closed under section 47, and the owner of the school has agreed to the Minister’s request for the takeover.

Aid for private schools

49. (1) The Minister may, out of money appropriated for this purpose by Parliament, grant aid to private schools on the prescribed conditions and such other conditions as the Minister may impose, which may require a private school -

(a) to establish a school board or school development fund in accordance with the provisions of Part V;

(b) to alter the school’s power in respect of appointment, transfer or dismissal of teachers referred to in section 51;

(c) to regulate the admission of learners to the school in accordance with section 54;

(d) to draft and adopt a learners’ code of conduct in accordance with section 55;

(e) to establish a body of learners in accordance with section 60;

(f) to offer any course of study instituted under section 61.

(2) The Minister may, by notice in the Gazette, categorize the private schools which receive aid under subsection (1), in accordance with the form of aid a school receives.

(3) If a condition subject to which aid was granted to a private school has not been complied with, the Minister may, subject to subsection (4), reduce or terminate the aid.

(4) The Minister may not under subsection (3) reduce or terminate any aid granted to a private school, unless the Minister has given the owner of the private school a reasonable opportunity to make written representations giving reasons why the aid should not be reduced or terminated.

(5) Aid to a private school or hostel may be granted in the form of -

(a) subsidy;

(b) the provision of materials;

(c) the provision of teachers who are staff members of the Ministry;

(d) the combination of two or more of the forms of aid referred to in paragraphs (a), (b) and (c); or

(e) any other form of aid determined by the Minister.
(5) As soon as practicable after the commencement of this Act, the Minister must review all existing aid granted to private schools before the commencement of this Act, and may, depending on the terms and conditions of the aid so reviewed:

(a) extend the aid on improved terms and conditions in accordance with this Act; or

(b) reduce or terminate the aid.

(7) The owner of a private school must be given a reasonable opportunity to make representations to the Minister before any aid is reduced or terminated under subsection (5)(b).

Approval of curriculum, medium of instruction or examining body for private school

50. (1) Subject to section 41, the Minister may, upon application, approve a curriculum, a language as medium of instruction, or an examining body, for a private school, if such curriculum, medium of instruction or examining body differs from that applicable to state schools.

(2) The Minister may determine the minimum time to be allocated to the teaching of the English language, if the medium of instruction at a private school is not English.

Powers of private school in relation to staff matters

51. Subject to the Labour Act, 1992 (Act No. 6 of 1992), the power to appoint, transfer or dismiss teachers to or from posts on the establishment of a private school except teachers referred to in section 49(5)(a)

(a) vests in the owner or controlling body of the school; and

(b) is subject to any restrictions determined in the conditions of registration or conditions of aid.
registrAtion of private schools

(regulations made under Act no. 16 of 2001)

PART VI

PRIVATE SCHOOLS

registration of private school

§6. (1) An application for registration of a private school referred to in section 42(1) of the Act must:

(a) be in the form of Form 4 set out in Annexure C;

(b) be accompanied by a motivation letter for the establishment of the private school detailing some of the factors referred to in subsection (2) of that section, and other supporting documentation, if any; and

(c) be submitted to the regional director concerned who will submit it to the Minister.

(2) Upon receipt of the application referred to in subregulation (1), the Minister must verify every detail of the application, evaluate the application, motivation letter and other documents, and may ask for any missing information to be furnished to him or her.

(3) In determining the standard of education referred to in section 42(2)(b)(ii) of the Act, the Minister must consider:

(a) the experience and competence of the owner or members of the controlling body of the school with regard to education and the management of a school;

(b) the availability, number and suitability of physical facilities of the school, including classrooms, laboratories, libraries, workshops, offices, store rooms, toilets and other relevant structures;

(c) the curriculum to be offered by the school, with special consideration of the weekly and daily hours of tuition, the number and combination of subjects offered in each grade, the syllabus of each subject offered and the policy, method and frequency of assessment;

(d) the qualifications, teaching experience and competency of teachers of the school; and

(e) the availability and suitability of textbooks and other teaching and learning materials.

(4) Upon registration, the Minister must issue to the owner of the private school so registered a reference number, and a certificate of registration in the form of Form 5 set out in Annexure C.

(5) The register of private schools referred to in section 43 of the Act must be in the form of Form 6 set out in Annexure C, and the reference number referred to in subregulation (4), the name of the owner of a private school and the name of the school contemplated in section 41 (2) of the Act must be entered and clearly indicated in that register.
Further conditions for registration as private school

57. A private school that applies for registration in terms of section 42 of the Act, apart from the conditions referred to in that section, must meet the following further conditions before it is registered —

(a) the school may not carry out or pursue any objectives or activities other than those which are purely educational or allowed under the Act;

(b) the school must furnish any applicant with full details concerning school fees and the conditions of payment, before a learner is enrolled at the school;

(c) the school must furnish the Minister with details of its school fee structure, and a copy of its prospectus, and thereafter any revised or amended school fee structure or prospectus;

(d) the school may not, without the approval of the Minister —
   (i) cancel a subject or course that is part of the approved curriculum; and
   (ii) offer a subject or course which is not part of the approved curriculum;

(e) members of the teaching staff of the school must be in possession of at least a three year teacher’s diploma, or such other qualification as the Minister may accept as sufficient qualification contemplated in section 42(2)(b)(ii) of the Act;

(f) the school must keep and maintain registers for enrolment of learners, learners attendance, pass records, misconduct records, financial records and other necessary documents for the school, and must furnish all information and data from these registers, records and documents to the Minister at such times as the Minister may determine;

(g) the school’s accommodation and toilet facilities comply with the requirements of the Ministry of Health and Social Services;

(h) in the event of an unsuccessful application for admission, the school provides the applicant with a letter stating the reason why the application was unsuccessful, and a copy of the letter is kept on file at the school;

(i) the school must keep record of all unsuccessful applications for admission to the school in a page numbered bound book, detailing —
   (i) the date of application;
   (ii) the name and date of birth of learner;
   (iii) the grade applied for;
   (iv) the name, address and telephone number of parent; and
   (v) the reason why application was unsuccessful;

(j) where an admission or language test is to be administered, whether in written or oral form —
(i) it must be administered to all applicants for a particular grade and not selectively; and

(ii) the results of the test, including answer papers and tape recordings of orally administered tests, must be retained for a period of 12 months, and be available for inspection by officials of the Ministry.

(k) the school must place a sign in its foyer indicate clearly the following words:

“(The name of the school) is registered with the Ministry of Basic Education, Sport and Culture of the Republic of Namibia, registered number _______. Admission is open to all learners irrespective of race, colour, ethnic origin or creed.”;

(l) the owner or controlling body of a private school may not:

(i) make excessive, misleading, or false claims about the effectiveness of its education;

(ii) guarantee success in examination to any learner; or

(iii) furnish any person with any prospectus or other information material which does not clearly indicate the words referred to in paragraph (k).

Aid to private school

58. (1) The owner or controlling body of a private school may apply in writing to the Minister to receive aid in any form contemplated in subsection 49(5) of the Act.

(2) The Minister, subject the form of aid a private school receives, must place a private school in a category specified in a notice made under section 49(2) of the Act, and inform the owner or controlling body of the school in writing of the school’s category.

(3) The Minister provides aid to private schools at times and according to procedures determined by the Minister from time to time.

Conditions for granting of aid to private school

59. A private school applies for aid in terms of regulation 58 must satisfy the Minister that:

(a) the school provides an educational service or educational opportunity to learners that the Ministry cannot adequately provide, or fails to provide;

(b) the school will not use the aid to pay salaries for pre-primary-school teachers, administrative or cleaning staff, and

(c) the school will not use the aid to pay salary for any additional teacher appointed by the owner or the controlling body of the school, or in respect of any administrative or supporting staff, in the case where the salaries of teachers are subsidized by the Minister.

Curriculum, medium of instruction or examining body for private school

60. (1) The application for approval of a curriculum, language as medium of instruction, or examining body for a private school different from that applicable to state schools as referred to in section 50 of the Act must be accompanied by:

(a) a full motivation and reasons for the use of a different medium of instruction, curriculum or examining body;
(5) a full broad curriculum document or documents, examples of subject syllabuses, principles of assessment and examples of subject textbooks, in the case of different curriculum; and

(c) the credentials of the examining body, proof of regional and international recognition of the certificates issued by the examining body, in the case of different examining body.

(2) A private school that offer the curriculum applicable to state schools may enroll learners to examinations applicable to state schools and is subject to all the policies, procedures and prescriptions of the National Examination, Assessment and Certification Board and the Directorate of National Examinations and Assessment of the Ministry.

(3) A Learner registered with a private school who enters for external examination other than the external examination applicable to learners in state schools may not receive a state subsidy for that external examination entry fees.

Participation of private schools in national and regional training programmes and competitions

61. (1) A teacher who teaches at a private school and who is not a staff member of the Ministry may, at the written request of the owner or principal of the private school, participate in in-service training and professional upgrading programmes managed by the Ministry, but the Permanent Secretary may determine that all costs of such participation may be covered by the private school.

(2) All private schools, their teachers and learners may participate in any national or regional programmes, event or competition organized by or in cooperation with the Ministry, but the Permanent Secretary may determine that the cost of such participation may be covered by the school, in the case of a private school that does not receive aid or state-aided private school that receives subsidy for teachers salaries.

Inspection of private school

62. (1) The owner or the principal of a private school, or state-aided private school that receives subsidy for teachers salaries may, in writing, request the Minister to conduct an inspection or investigation of the school in order to monitor the educational standard and quality of teaching and learning at the school, and the Minister may determine that the cost of such inspection or investigation requested by the school be paid by the school.

(2) All state-aided private schools, except a state-aided private school that receives only subsidy for teachers salaries, are subject to inspections, investigation and the provision of advisory services on the same basis as is applicable to state schools.

ANNEXURE A

TABLE FOR DETERMINATION OF NUMBER OF SCHOOL BOARD MEMBERS
(Regulation 3(4))

<table>
<thead>
<tr>
<th>Number of learners at school</th>
<th>Number of members of school board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 100</td>
<td>5</td>
</tr>
<tr>
<td>100 to 199</td>
<td>7</td>
</tr>
<tr>
<td>200 to 399</td>
<td>9</td>
</tr>
<tr>
<td>400 to 599</td>
<td>11</td>
</tr>
<tr>
<td>600 and more</td>
<td>13</td>
</tr>
</tbody>
</table>