

EDUCATION REGULATORY BODIES BILL, 2019

ARRANGEMENTS OF SECTIONS

Section

PART ONE - GHANA TERTIARY EDUCATION COMMISSION

Ghana Tertiary Education Commission

1. Establishment of the Ghana Tertiary Education Commission
2. Object of the Commission
3. General functions of the Commission
4. Advisory functions of the Commission
5. Co-ordinating functions of the Commission
6. Regulatory functions of the Commission
7. Accreditation functions of the Commission
8. Liaising with related institutions
9. Conflicts with other enactments in approval of programmes
10. Governing body of the Commission
11. Establishment of committees

Administrative Provisions

12. Appointment of Director-General
13. Functions of Director-General
14. Appointment of Deputy Director-General
15. Functions of Deputy Director-General
16. Secretary to the Board
17. Divisions of the Commission

Accreditation and Registration

18. Accreditation of tertiary education institution
19. Equity and appropriate mentoring scheme
20. Appointment of panel
21. Accreditation Certificate
22. Variation and revocation of accreditation
23. Closure of an institution
24. Cost recovery
25. Sanctions for operating an unaccredited institution
26. Grant of Charter
27. Effect of a Charter
28. Variation and revocation of Charter

EDUCATION REGULATORY BODIES BILL, 2019

29. Establishment of a specialised degree awarding institution
30. Accreditation of foreign institutions

Miscellaneous Provisions

31. Reporting requirements
32. Submission of audited accounts of tertiary education institution
33. Access to information
34. Fixing of Seal of the Commission
35. Offences and penalties
36. Regulations
37. Interpretation
38. Repeal and savings
39. Transitional provisions

PART TWO - NATIONAL COMMISSION FOR TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING

National Commission for Technical and Vocational Education and Training

40. Establishment of the National Commission for Technical and Vocational Education and Training
41. Object of the Commission
42. Functions of the Commission
43. Governing body of the Commission
44. Establishment of committees

Administrative Provisions

45. Executive Director
46. Functions of the Executive Director
47. Deputy Executive Director
48. Functions of the Deputy Executive Director
49. Secretary to the Board
50. Divisions of the Commission

Miscellaneous Provisions

51. Prohibition on provision of service
52. Exemption from taxes
53. Regulations

EDUCATION REGULATORY BODIES BILL, 2019

- 54. Interpretation
- 55. Repeals and savings
- 56. Transitional provisions

PART THREE - NATIONAL TEACHING COUNCIL

National Teaching Council

- 57. Establishment of the National Teaching Council
- 58. Object of the Council
- 59. Functions of the Council
- 60. Governing body of the Council
- 61. Establishment of Committees

Administrative Provisions

- 62. Registrar
- 63. Functions of the Registrar
- 64. Deputy Registrars
- 65. Functions of the Deputy Registrars

Registration and Licensing of Teachers

- 66. Conditions for registration and a licence
- 67. Qualification for registration and licence
- 68. Provisional licence
- 69. Grounds for refusal of registration
- 70. Appeal
- 71. Register of teachers

Employment of Teachers

- 72. Employment of registered teachers
- 73. Employment of unregistered teachers

Miscellaneous Provisions

- 74. Regulations
- 75. Interpretation
- 76. Repeal and savings
- 77. Transitional provisions

EDUCATION REGULATORY BODIES BILL, 2019

PART FOUR - NATIONAL INSPECTORATE AUTHORITY

National Inspectorate Authority

78. Establishment of the National Inspectorate Authority
79. Object of the Authority
80. Functions of the Authority
81. Governing body of the Authority
82. Establishment of Committees

Inspection of Pre-Tertiary Institutions

83. Inspection panels

Administrative Provisions

84. Chief Inspector of Schools
85. Functions of the Chief Inspector
86. Deputy Chief Inspectors of Schools
87. Functions of the Deputy Chief Inspectors
88. Divisions of the Authority

Miscellaneous Provisions

89. Regulations
90. Interpretation
91. Transitional provisions

PART FIVE - NATIONAL COUNCIL FOR CURRICULUM AND ASSESSMENT

National Council for Curriculum and Assessment

92. Establishment of the National Council for Curriculum and Assessment
93. Object of the Council
94. Functions of the Council
95. Governing body of the Council
96. Committees of the Board

EDUCATION REGULATORY BODIES BILL, 2019

Administrative Provisions

97. Executive Secretary
98. Functions of the Executive Secretary
99. Deputy Executive Secretaries
100. Functions of the Deputy Executive Secretaries

Miscellaneous Provisions

101. Regulations
102. Interpretation
103. Transitional provisions

PART SIX - ADMINISTRATIVE, FINANCIAL AND MISCELLANEOUS PROVISIONS

Administration of Regulatory Bodies

104. Tenure of office of members of the Board
105. Meetings of the Board
106. Disclosure of interest
107. Allowances
108. Ministerial directives
109. Regional and district offices of the regulatory bodies
110. Appointment of other staff
111. Internal Audit Unit

Financial Provisions

112. Funds of the regulatory bodies
113. Bank account
114. Annual estimates
115. Accounts and audit
116. Annual report and other reports

Miscellaneous Provisions

117. Collaboration with statutory bodies
118. Interpretation

Education Regulatory Bodies Bill, 2019

SCHEDULES

FIRST SCHEDULE

Information Required for an Application for Accreditation

SECOND SCHEDULE

Form of Accreditation Certificate

A
BILL

ENTITLED

EDUCATION REGULATORY BODIES ACT, 2019

AN ACT to establish the Ghana Tertiary Education Commission, the National Commission on Technical and Vocational Education and training, the National Teaching Council, the National Inspectorate Authority, the National Council for curriculum and assessment and to provide for related matters.

PASSED by Parliament and assented to by the President:

PART ONE – GHANA TERTIARY EDUCATION COMMISSION

The Ghana Tertiary Education Commission

Establishment of the Ghana Tertiary Education Commission

1. (1) There is established by this Act, a body corporate with perpetual succession to be known as the Ghana Tertiary Education Commission.

(2) For the performance of its functions, the Commission may acquire and hold movable and immovable property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of immovable property, the property may be acquired for the Commission under the State Lands Act, 1962 (Act 125) and the costs of acquisition shall be borne by the Commission.

Object of the Commission

2. The object of the Commission is to promote tertiary education in all its diversified and differentiated forms, including

- (a) advancement and application of knowledge through teaching, scholarly research and collaboration with industry; and
- (b) the production of appropriate human capital for the national economy.

General functions of the Commission

3. To achieve its object, the Commission shall ensure that tertiary education institutions promote

- (a) the highest standards and relevance of teaching and research programmes;
- (b) equitable and inclusive access to all programmes and services;
- (c) transparent governance best practices, including reporting and checks and balances to ensure full accountability;
- (d) a culture of independent, life-long learning and of scientific inquiry among students and the wider society; and
- (e) affirmative action for persons with disabilities and other marginalized and disadvantaged groups and mainstreaming of non-discrimination policies and practice.

Advisory functions of the Commission

4. (1) The advisory functions of the Commission are as follows:

- (a) advise the Minister on the establishment and development of tertiary education institutions in the country;
- (b) provide advice and guidance on the general direction of development, orientation and mission of public and private tertiary education institutions in line with national development goals and objectives and having regard to an optimally diversified and differentiated tertiary education system which shall in particular cover
 - (i) the programmes to be pursued by tertiary education institutions with regards to the relevance of the programmes to national development;

Education Regulatory Bodies Bill, 2019

- (ii) development and location of tertiary education institutions; and
 - (iii) establishment of new academic units in tertiary education institutions;
 - (c) enquire into the financial needs of tertiary education institutions and advise the Minister accordingly;
 - (d) recommend to the Minister for the purposes of the preparation of the annual national education budget
 - (i) block allocation of funds towards running costs, and
 - (ii) grants towards capital expenditure, of each public tertiary education institutions, indicating how allocations are to be disbursed;
 - (e) advise tertiary education institutions on the suitability of measures for generating additional funds for their institutions, and also on the application for and acceptance of external assistance in accordance with Government policy;
 - (f) advise the Minister on rates of remuneration and other conditions of service of staff of the institutions in the public tertiary education sector;
 - (g) recommend national standards and norms, including standards and norms on governance, financing, academic programmes, staff costs, accommodation and time utilisation, for the approval of the Minister; and
 - (h) advise on funding and support for students in need.
- (2) The Commission shall, in advising the Minister under subsection (1), take into account the total national resources, needs and specific development challenges.
- (3) The Commission shall advise the President, through the Minister, on the approval and grant of a Charter to public and private tertiary education institutions in the country.
- (4) The Commission shall advise the Government on the structure of the tertiary education system taking into account the need for differentiation and diversification to meet current and emerging challenges

Co-ordinating functions of the Commission

5. (1) The co-ordinating functions of the Commission include
- (a) acting as an agency for channeling all external assistance and funding to tertiary education institutions;

Education Regulatory Bodies Bill, 2019

- (b) collating, analysing and publishing information on tertiary education in the country;
- (c) developing norms for the allocation of block grants to drive tertiary education policy based on national development priorities;
- (d) planning the tertiary education system in line with national development goals;
- (e) cultivating links with relevant national and international stakeholders necessary for the attainment of the objectives of the Commission;
- (f) creating a platform for regular interaction between industry and the academia; and
- (g) providing a hub for mutually beneficial interaction and the articulation of particular national interest within the tertiary education sector.

(2) The Commission shall cater for the development and co-ordination of all types of tertiary education institutions including

- (a) Technical, Vocational, Teacher Education, Nursing or Midwifery and Agriculture institutions; and
- (b) Other institutions of similar nature in the tertiary education sector.

Regulatory functions of the Commission

6. (1) The regulatory functions of the Commission include
- (a) ensuring the implementation of approved regulations and national standards and norms;
 - (b) the approval of the establishment of public and private tertiary institutions and the regulation of the structure of the tertiary education system in the country;
 - (c) the development of policies and regulations to advance the conduct of research and innovation;
 - (d) undertaking or cause to be undertaken, periodic or ad-hoc visitations, regular inspections, monitoring and evaluation of tertiary education institutions to ensure compliance with the provisions of this Act or Regulations made under this Act;

Education Regulatory Bodies Bill, 2019

- (e) the setting-up of and operation of a tertiary management information system to enable real-time access to decision-support data of all tertiary education institutions;
- (f) the development and implementation of policy on criteria or requirements for admission to tertiary education institutions in the country;
- (g) the receipt of annual reports from tertiary education institutions three months after the end of each academic year;
- (h) the approval of the establishment of new academic units in tertiary education institutions being mindful of cost-effectiveness and alignment with institutional mission and mandates and national development objectives; and
- (i) the making of recommendations to the Minister on the regulations necessary to forestall, dissuade and stem the prevalence of all forms of social ills such as examination malpractices, cultism, occultism and sexual harassment in tertiary education institutions in the country and ensure that offenders under regulations made by the Minister are prosecuted by the appropriate authority under the appropriate law.

(2) The Commission shall in consultation with the Minister perform the regulatory functions under subsection (1).

Accreditation functions of the Commission

7. (1) The Commission shall be responsible for the accreditation of both public and private institutions with regard to the contents and standards of their programmes.

(2) Without limiting subsection (1), the Commission shall determine the following:

- (a) the requirements for the maintenance of standards of physical infrastructure, governance system, human resources and financial sustainability in the tertiary education sector;
- (b) the programs and requirements for the proper operation of a tertiary education institution and maintenance of acceptable levels of academic or professional standards in the institution; and
- (c) the levels of all qualifications awarded by recognised or accredited institutions including professional institutions in the country or elsewhere.

Education Regulatory Bodies Bill, 2019

- (3) The Commission shall
 - (a) jointly accredit technical and vocational education and training programmes, institutions and centres at the tertiary level with the National Commission for Technical and Vocational Education and Training; and
 - (b) perform any other functions that the Council may determine.
- (4) Despite subsection (1), the Commission shall
 - (a) develop and implement a national qualifications framework in collaboration with the relevant bodies;
 - (b) assess the performance of tertiary institutions including teaching, learning and research;
 - (c) examine, monitor and evaluate quality assurance and quality improvement of structures, processes and procedures of tertiary education institutions;
 - (d) protect the public from fraudulent or substandard tertiary education providers;
 - (e) protect the integrity of higher education nomenclature and titles including “university”, “College”, “Emeritus”, “Professor”, “Doctor”, “Honorary Degree”, “Chartered”, and related terms as a public good, from misuse and misapplication;
 - (f) recognise and determine equivalencies of degrees, diplomas and certificates conferred or awarded by foreign universities and institutions in accordance with the standards and guidelines set by the Commission from time to time; and
 - (g) publish as it considers appropriate the list of accredited public and private tertiary education institutions and programmes at the beginning of each academic year.
- (5) The Commission shall take appropriate actions including sanctions against tertiary education institutions which act contrary to the norms and standards set by the Commission and the terms and conditions under which accreditation has been granted.

Liaising with related institutions

- 8. The Commission shall liaise with
 - (a) the National Commission for Technical and Vocational Education and Training, particularly in the case of tertiary education; and
 - (b) any other institution in charge of any form of education.

Conflicts with other enactments in approval of programmes

9. (1) Where there is a conflict between the provisions of this Act and the provisions of any other enactment in matters relating to the approval or accreditation of academic programmes offered by tertiary education institutions, the provisions of this Act shall prevail.

(2) Despite the provisions of any other law, the recognition, licensing, approval or accreditation of any academic programme including postgraduate degrees and diplomas and other academic degrees offered at a university shall be the exclusive mandate of the Commission to be exercised in accordance with this section at the exclusion of any other person or body.

(3) The Commission may, before approving any academic programme, consult with any relevant body established by law to regulate the profession to which the academic programme relates where that law empowers the professional body to approve or accredit courses offered at a tertiary education institution.

(4) Further to subsection (2), the Commission may engage

- (a) professional bodies and associations to carry out inspection of the institution on its behalf; and
- (b) the Auditor-General to offer the Commission a professional opinion on management and financial positions of a particular public tertiary education institution.

(5) A person who without the authority of the Commission under this Act purports to license, accredit, recognise, audit, inspect, index students or collect a fee or a charge from a tertiary education institution or a student, commits an offence and is liable on summary prosecution to a fine of not more than two thousand five hundred penalty units or to a term of imprisonment of not more than two years, or to both.

Governing body of the Commission

10. (1) The governing body of the Commission is a Board consisting of

- (a) a chairperson;
- (b) one Vice-Chancellor from a public university nominated by the heads of public universities;

Education Regulatory Bodies Bill, 2019

- (c) one head of a chartered private university nominated by the heads of chartered private universities;
- (d) one representative of the Ministry responsible for Education not below the rank of Director nominated by the Minister;
- (e) one representative of the Ministry responsible for Finance not below the rank of Director nominated by the Minister responsible for Finance;
- (f) one representative of the Office of the Attorney-General not below the rank of Principal State Attorney nominated by the Attorney-General and Minister for Justice;
- (g) the Director-General of the National Development Planning Commission;
- (h) one representative of the National Commission for Technical and Vocational Education and Training;
- (i) two Government appointees nominated on merit and possessing the relevant experience, one of whom is a woman; and
- (j) the Director-General of the Commission.

(2) The President shall appoint the members of the Board, in accordance with article 70 of the Constitution.

(3) The President shall, in making the appointments in paragraphs (a) and (i) of subsection (1), have regard to expertise and experience of the person and ability to contribute to the work of the Commission.

(4) The Board shall ensure the proper and effective performance of the functions of the Commission.

Establishment of committees

11. (1) The Board may establish committees consisting of members of the Board or non-members or both, to perform a function of the Board.

(2) A committee of the Board may be chaired by a member of the Board

(3) Sections 107 applies to a member of a committee of the Board.

(4) The Board shall determine the membership and functions of a committee.

Education Regulatory Bodies Bill, 2019

Administrative Provisions

Appointment of Director-General

12. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Director-General for the Commission.

(2) The Director-General shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Director-General

13. (1) The Director-General

(a) is responsible for the day-to-day administration of the Commission;

(b) is responsible for the co-ordination of the tertiary education policies and activities subject to the general directives of the Board;

(c) shall ensure the implementation of the decisions of the Board; and

(d) shall perform any other function determined by the Board.

(2) The Director-General may delegate a function to an officer of the Commission but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

Appointment of Deputy Director-General

14. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Deputy Director-General for the Commission.

(2) The Deputy Director-General shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Deputy Director-General

15. (1) The Deputy Director-General shall assist the Director-General in the performance of the functions of the Director-General.

(2) The Deputy Director-General shall perform such other functions that may be assigned by the Commission.

(3) The Deputy Director-General is responsible to the Director-General in the performance of the functions of the Deputy Director-General.

(4) The Deputy Director-General shall act in the absence of the Director-General.

Secretary to the Board

16. (1) The Board shall appoint an officer of the Commission not below the level of a Director as Secretary to the Board.

(2) The Secretary shall arrange the business for and cause to be recorded and keep the minutes of the meetings of the Board.

(3) The Secretary shall also perform the functions that the Board or the Director-General in consultation with the Board may assign.

(4) The Secretary shall be assisted in the performance of functions by the staff of the Commission that the Board may on the recommendation of the Director-General direct.

(5) The Secretary shall in the performance of functions be under the administrative control of the Director-General.

Divisions of the Commission

17. (1) The Commission shall have the following Divisions:

(a) Research, Policy and Planning Division;

(b) Administrative Division; and

(c) Accreditation and Quality and Assurance Division.

(2) The Board may establish any other division necessary for the efficient and effective performance of the functions of the Commission.

Accreditation and Registration

Accreditation of tertiary education institution

18. (1) A tertiary education institution shall not operate or run a programme without accreditation by the Board.

(2) An accreditation process shall be initiated by an applicant in relation to its institutional or programme accreditation or to both.

(3) An applicant shall provide in the application the requisite information specified in the First Schedule.

(4) An accreditation process for the tertiary education institution or the programme of the tertiary education institution or for both shall be initiated by the institution unless otherwise determined by the Board.

(5) Despite subsections (2) and (4), the Board shall carry out an accreditation process in respect of each tertiary education institution as the Board may determine.

(6) An institution which has not been granted accreditation and issued with a certificate by the Commission shall not advertise or cause

Education Regulatory Bodies Bill, 2019

to be published in any form or medium, information in the pursuit of attracting potential students to enroll or register with the institution.

(7) A media outfit, be it print or electronic, shall not publish or cause to be published an advertisement of an institution with the aim of recruiting or enticing potential students to enroll in an institution or its courses without

(a) inspecting the accreditation certificate of the institution and accreditation certificates of the programmes; and

(b) confirming same with the Commission to be genuine.

(8) The Board shall in furtherance of pursuit of this section institute a planned and systematic review process of an institution or programme to determine whether or not acceptable standards of education, scholarship or infrastructure are being met, maintained or enhanced.

(9) An institutional accreditation is campus specific and is not transferable without the requisite written permission given by the Board.

Equity and appropriate mentoring scheme

19. (1) The Commission shall create the appropriate scheme for mentoring accredited tertiary education institutions in respect of fees charged by the mentoring institution.

(2) The mentoring institution and the recognised mentoring institution shall comply with the scheme established under subsection (1).

(3) A newly established private university shall be mentored by an established public university or an appropriate chartered private university for at least four years.

(4) The Commission shall after the expiration of the four years consider a private university for Charter.

(5) A newly established public university shall be mentored by another established public university for a period of four years.

Appointment of panel

20. (1) The Commission may appoint a panel to conduct an accreditation process.

(2) The panel which shall consist of a chairperson and other persons not exceeding seven shall be constituted by the Board having regard to their professional, academic, industrial or commercial competence.

(3) The panel may include members of the Board.

Accreditation Certificate

21. The Commission shall issue a certificate of accreditation as set out in the Second Schedule in respect of accreditation granted to an institution or given for a programme.

Variation and revocation of accreditation

22. (1) The Board may vary a certificate of accreditation, where the Commission is of the opinion, that the variation

- (a) is necessary having regard to the national education policy; or
- (b) may assist the institution concerned to carry out its function in a more efficient manner.

(2) The Commission may revoke a certificate of accreditation, where the Commission is of the opinion that

- (a) the institution concerned is not carrying out its functions in a proper manner;
- (b) the institution is in breach of the terms and conditions under which accreditation was granted;
- (c) the revocation is necessary having regard to the national education policy; or
- (d) the institution has acted contrary to the rules and regulations of the Commission.

Closure of an institution

23. (1) Where the Commission is satisfied that one of the following has occurred:

- (a) the location and operations of an institution are detrimental to the physical or moral welfare of the students and staff and the general safety of all manner of persons;
- (b) the institution is operating below the minimum standard acceptable to the Board;
- (c) the continued existence of the institution is against the public interest;
- (d) running programmes or operating on a campus other than the programme or campus approved for accreditation;
- (e) operating contrary to the terms and conditions under which institutional or programme accreditation was granted;

Education Regulatory Bodies Bill, 2019

- (f) an institution is operating without the requisite institutional or programme accreditation; or
- (g) the institution has gone contrary to the rules and regulations of the Commission;

the Commission shall formally notify the affected institution to rectify the deficiencies within a period not more than three months.

(2) The Commission shall take steps to close down the institution with the assistance of the security agencies where the deficiencies complained of have not been rectified within the specified time frame.

(3) An institution which is closed down may appeal to the Board within six months for the matter to be reconsidered.

Cost recovery

24. (1) The cost of carrying out an accreditation exercise, evaluation and placement of qualifications and other related exercises shall be borne by the person or institution for whose benefit the exercise is being carried out.

(2) Where the Commission incurs any expenditure as a result of a failure of an institution to comply with a directive given by the Commission, the Commission shall take the necessary action that the Commission considers appropriate for the recovery of expenditure which shall include the cost incurred in bringing to the attention of the public any infringement of the procedures or norms of the Commission.

Sanctions for operating an unaccredited institution

25. (1) Any institution that operates without the requisite accreditation from the Commission shall be closed down.

(2) A principal officer of an institution that operates without the requisite accreditation for its programmes shall be sanctioned by the Commission, and

- (a) in the case of a public institution, may be removed from office; or
- (b) in the case of a private institution, shall be liable to prosecution and the institution subject to further sanctions as may be determined by the Commission.

Grant of Charter

26. (1) The President may grant a Charter to a public or private institution on the advice or recommendation of the Board through the Minister to enable the tertiary education institution to issue certificates, diplomas or degrees.

Education Regulatory Bodies Bill, 2019

(2) A tertiary education institution that is not chartered shall be affiliated to, or mentored by, a chartered tertiary education institution before the grant of institutional or programme accreditation.

(3) The chartered tertiary education institution to which an institution is affiliated shall award the certificates of the chartered tertiary institution to graduands of that institution until the mentored institution is granted Presidential Charter to award its own certificates.

Effect of a Charter

27. (1) A tertiary education institution which has been granted a Charter under section 28

- (a) shall be a body corporate, and shall continue the activities of the institution as undertaken in fulfillment of the terms and conditions under which accreditation was granted;
- (b) shall mobilise academic resources;
- (c) may develop and mount its new academic programmes, subject to review by the Commission in accordance with the provisions of this Act;
- (d) may establish campuses and constituent colleges which shall conform to standards prescribed by Regulations made under this Act; and
- (e) may award degrees, including honorary degrees.

(2) Despite subsection (1), constituent colleges and campuses of a tertiary education institution shall not share premises with incompatible businesses.

Variation and revocation of Charter

28. (1) The President may, on the recommendation of the Board through the Minister, revoke, vary or in any other way, amend the provisions of a Charter where the President is of the opinion that the revocation, variation or amendment is in the best interest of tertiary education in the country.

(2) A variation or amendment under subsection (1), may include the introduction of mechanisms to enable the tertiary education institution concerned better carry out the functions of that tertiary education institution.

Education Regulatory Bodies Bill, 2019

(3) A recommendation under subsection (1) shall only be made after the tertiary education institution has been afforded the opportunity to be heard and the Commission has, in accordance with this Act, inspected the tertiary education institution concerned, and is satisfied that the institution is unable to contribute to the objects of tertiary education set out in this Act.

(4) Where a Charter is revoked under subsection (1) the Minister shall immediately cause a notice of revocation to be published in the *Gazette*, and the tertiary education institution concerned shall cease to be a tertiary education institution at the expiry of one year from the date of the publication of the notice.

(5) Despite subsection (4), the revocation of a Charter shall not affect the validity of an academic award made by the tertiary education institution before the revocation.

(6) Upon the revocation of a Charter, the Minister may, in consultation with

- (a) the Board in the case of a public tertiary education institution, or
- (b) the Board and the sponsor in the case of a private tertiary education institution,

appoint such person or persons as the Minister may consider appropriate to administer and manage the tertiary education institution for the protection of the interests of the students and staff of the tertiary education institution.

(7) The Minister may, in consultation with the Board, by legislative instrument, make Regulations for the better carrying out of the functions under this section.

Establishment of a specialised degree awarding institution

29. (1) The President may, on the recommendation of the Commission through the Minister and with the approval of Parliament may by award of Charter, establish

- (a) specialised degree-awarding or research institutions whose mandate shall be of strategic national importance; and
- (b) a national Open University as a specialised tertiary institution under this section to offer university programmes through distance and e-learning mode.

(2) The Commission shall prioritise an institution established under subsection (1) with respect to accreditation, development and the issuing of the governing instruments.

Accreditation of foreign institutions

30. (1) A university established outside the country which intends to offer university education in the country shall apply to the Board and the Board shall

- (a) do due diligence to satisfy itself that the foreign university has met all the conditions or criteria necessary for the operation of the university in the country, and shall give its express approval; and
 - (b) undertake the necessary registration and grant accreditation to the foreign university;
- in accordance with the provisions of this Act.

(2) A foreign university may, subject to the provisions of this Act and with the prior approval of the Board, enter into an arrangement with a tertiary education institution in the country for purposes of offering its programmes or joint programmes of instruction in the country,

(3) A foreign university approved under subsection (2) shall first submit proof of accreditation from its country of origin to undertake university education in the country.

(4) The Commission shall at the beginning of each year and thereafter each quarter of the year, cause to publish in at least three newspapers of national circulation, the list of universities accredited to undertake university education in the country.

(5) An institution that seeks to operate strictly by online mode in the country or recruit students to study or sit for examination of a foreign institution shall not commence operations unless that foreign institution is duly registered and granted accreditation by the Board.

(6) For the avoidance of doubt, an institution other than statutory professional regulatory bodies that seek to operate as an awarding body conferring professional qualifications in the country, or a professional institution outside the country that seeks recognition for its qualifications in the country shall register and be accredited by the Board.

(7) A person who purports to offer a degree through a university that is not accredited commits an offence and is liable on summary conviction, to a fine of not less than ten thousand penalty units and not more than twenty thousand penalty units or to a term of not less than three years and not more than five years, or to both.

Education Regulatory Bodies Bill, 2019

Miscellaneous Provisions

Reporting requirements

31. (1) A tertiary education institution shall provide the following information in the form of a report to the Commission annually:

- (a) admissions;
- (b) demographics;
- (c) programmes and courses;
- (d) staff;
- (e) income generation;
- (f) research publications;
- (g) job placement of students;
- (h) industrial and academic collaborations;
- (i) scholarships for the needy;
- (j) compliance with government and policy directives;
- (k) community outreach services; and
- (l) audited accounts of moneys received from Ghana Education Trust Fund and the National Research Fund.

(2) A tertiary education institution that fails to provide a report under subsection (1) is liable to pay to the Commission an administrative penalty equivalent to one thousand penalty units and in addition the principal officers of the tertiary education institution may be removed from office.

Submission of audited accounts of tertiary education institution

32. (1) A tertiary education institution to which this Act applies shall within two months of the receipt of the audited accounts of that tertiary education institution submit a copy of the report with comments by the tertiary institution on the audited accounts to the Commission.

(2) The Board shall within two months after receipt of an audited account under subsection (1) submit a report on the audited accounts to the Minister.

Access to information

33. (1) The Board may, for the proper and efficient performance of the functions of the Board, authorise the Director-General, an employee of the Commission or any other person to request relevant information from an institution and the institution shall comply with the request.

(2) The Director-General, an employee of the Commission or any other person authorised by the Board shall have access to the relevant records, books or facilities of the institution requested to provide the information.

Fixing of Seal of the Commission

34. (1) The fixing of the Seal of the Commission shall be authenticated by the signature of the chairperson of the Board or the Director-General.

(2) A document which purports to be a contract, instrument or other document duly signed or sealed on behalf of the Commission shall be received in evidence and unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

Offences and penalties

35. A person or an organisation that

- (a) operates an unaccredited institution or runs an unaccredited programme;
- (b) advertises an unaccredited institution or an unaccredited programme;
- (c) fails to register an institution as required under this Act;
- (d) refuses to comply with a request for information made by or on behalf of the Commission;
- (e) denies access to relevant records, books or facilities to a person authorised by the Commission to obtain the information;
- (f) obstructs a person authorised by the Commission to obtain information;
- (d) provides information which that person or organisation knows is false or does not have a reason to believe to be true; or
- (h) publishes, advertises or causes to be published or advertised in the media whether print or electronic any information on any institution that has not been granted institutional and programme accreditation

commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than two thousand five hundred penalty units or to a term of imprisonment of not less than two years and not more than four years, or both.

Regulations

36. The Minister may, on the advice of the Board, by legislative instrument, make Regulations for the effective implementation of this Part.

Interpretation

37. In this Part, unless the context otherwise requires,

“accreditation” means the status accorded to a tertiary education institution or programme that satisfies the relevant standards determined by the Commission upon going through the procedure for granting the same;

“Board” means the governing body of the Commission established under section 10 ;

“Commission” means the Ghana Tertiary Education Commission established under section 1;

“Director-General” means the Director-General appointed under section 11;

“institution” means a tertiary education institution unless otherwise stated;

“Minister” means the Minister responsible for Education;

“National Commission for Technical and Vocational Education and Training” means the National Commission for Technical and Vocational Education and Training established under section 40;

“principal officers” means the management team of the tertiary education institution;

“polytechnic” means.....

“private university” means a university owned by private individuals or bodies and sponsored from funds other than public funds;

“public university” means a university owned and sponsored by the State;

“re-accreditation” means the process of applying for accreditation and being granted an accreditation after period of first accreditation or subsequent re-accreditation has lapsed; and

Education Regulatory Bodies Bill, 2019

“tertiary education institution” means a university, university college, technical university, polytechnic, post-secondary diploma awarding institution, post-secondary professional training institution.

Repeals and savings

38. (1) The following enactments are repealed:

- (a) the National Council for Tertiary Education Act, 1993 (Act 454); and
- (b) the National Accreditation Board Act, 2007 (Act 744).

(2) Despite the repeal of the enactments specified in subsection (1), Regulations, notices, orders, directions or any other act lawfully done or made under the repealed enactments and in force immediately before the coming into force of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

Transitional provisions

39. (1) The movable and immovable assets, rights, obligations and liabilities related to the National Accreditation Board and National Council for Tertiary Education in existence before the coming into force of this Act are transferred to the Commission established under section 1.

(2) Any monies in a bank account held on behalf of the National Accreditation Board and National Council for Tertiary Education in existence before the coming into force of this Act are transferred to the Commission established under section 1.

(3) A person in the employment of the National Accreditation Board or National Council for Tertiary Education existing immediately before the coming into force of this Act is deemed to have been employed by the Commission established under section 1 on the terms and conditions attached to the post held by that person before the coming into force of this Act.

**PART TWO – NATIONAL COMMISSION FOR TECHNICAL
AND VOCATIONAL EDUCATION AND TRAINING**

National Commission for Technical and Vocational Education and Training

Establishment of the National Commission for Technical and Vocational Education and Training

40. (1) There is established by this Act, a body corporate with perpetual succession to be known as the National Commission for Technical and Vocational Education and Training.

(2) For the performance of its functions, the Commission may, acquire and hold movable and immovable property, dispose of property and enter into any contract or any other transaction.

(3) Where there is a hindrance to the acquisition of immovable property, the immovable property may be acquired for the Commission under the State Lands Act, 1962 (Act 125) and the cost of acquisition shall be borne by the Commission.

Object of the Commission

41. The object of the Commission is to promote technical and vocational education and training transformation and innovation for sustainable development.

Functions of the Commission

42. (1) To achieve its object, the Commission shall

- (a) formulate national policies for skills development across the broad spectrum of pre-tertiary and tertiary education, formal, informal and alternative education;
- (b) coordinate, harmonise and supervise the activities of public and private providers of technical and vocational education and training, including the informal sector;
- (c) develop and implement a national assessment and certification system in the technical and vocational education and training sector;
- (d) take measures to ensure quality in delivery of and equity in access to technical and vocational education and training;
- (e) take measures to assure quality in the provision of technical and vocational education and training;
- (f) promote recognition of National Technical and Vocational Education and Training Qualifications Framework internationally;

Education Regulatory Bodies Bill, 2019

- (g) take measures to ensure equity and access in the provision of technical and vocational education and training;
- (h) develop and maintain a national database on the technical, and vocational education and training sector;
- (i) facilitate research and development in the technical and vocational education and training system;
- (j) source for funds to support technical and vocational education and training activities;
- (k) facilitate collaboration between training providers and industry to promote
 - (i) industry-led and demand-driven curriculum development and placement; and
 - (ii) Workplace Experience Learning;
- (l) promote co-operation with international agencies and development partners;
- (m) issue annual reports on the state of skills development in the country;
- (n) advise Government on all matters related to the management and improvement of the technical and vocational education and training system;
- (o) coordinate and promote industry-led occupational standards generation for demand-driven curriculum development and delivery;
- (p) promote, coordinate and facilitate professional development for skills and set standards together with industry in the technical and vocational education and training sector;
- (q) accredit programmes, institutions, centres, facilitators, assessors and verifiers at the formal, informal, non-formal, public, private, pre-tertiary and tertiary technical and vocational education and training institutions to ensure quality delivery;
- (r) collaborate with industry, trade associations and professional bodies to ensure professional standards;
- (s) collaborate with tertiary institutions and relevant agencies to implement competency based training programmes on the National Technical and Vocational Education and Training Qualifications Framework; and
- (t) perform any other functions that are ancillary to the object of the Commission.

Education Regulatory Bodies Bill, 2019

(2) The Commission and the Ghana Tertiary Education Commission shall jointly accredit technical and vocational education and training programmes, institutions and centres at the tertiary level.

(3) The Commission may delegate any of its functions to a person or an authority that the Commission may determine.

Governing body of the Commission

43. (1) The governing body of the Commission is a Board consisting of

- (a) a chairperson with considerable industrial experience;
- (b) the Director-General of the Technical and Vocational Education and Training Service;
- (c) one representative of the Ministry not below the rank of a Director nominated by the Minister;
- (d) one representative of the Ministry responsible for Employment not below the rank of a Director nominated by the Minister responsible for Employment;
- (e) one representative of the National Council for Curriculum and Assessment ;
- (f) one representative of the Ghana Tertiary Education Commission;
- (g) one representative of the Ghana Employers' Association and the Association of Ghana Industries nominated by Ghana Employers' Associations and Association of Ghana Industries on a rotational basis;
- (h) one representative of the organisations that manage privately owned Technical or Vocational Training Institutions;
- (i) two persons nominated by the President with expertise in technical and vocational training and education, one of whom is a woman; and
- (j) the Executive Director of the Commission.

(2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The Board shall ensure the proper and effective performance of the functions of the Commission.

Establishment of committees

44. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function of the Board.

Education Regulatory Bodies Bill, 2019

(2) A committee of the Board may be chaired by a member of the Board.

(3) Sections 106 applies to a member of a committee of the Board.

(4) Without limiting subsection (1), there is established by this Act the following standing committees:

(a) the National Technical and Vocational Education and Training Qualifications Committee;

(b) the Sector Skills Committee;

(c) the Quality Assurance Committee; and

(d) the Ghana Skills Development Fund Committee.

(5) The Board shall determine the membership and functions of a standing committee.

(6) The Board shall appoint members of the standing committees.

(7) The Commission may delegate a function to a standing committee established under subsection (1) but the Commission shall not be relieved from ultimate responsibility for the performance of the delegated function.

(8) The standing committee shall report to the Commission on matters referred to the standing committee by the Commission.

(9) A standing committee specified under this section may establish sub-committees and assign to the subcommittees functions determined by the subcommittee.

Administrative Provisions

Executive Director

45. (1) The President shall, in accordance with article 195 of the Constitution, appoint an Executive Director of the Commission.

(2) The Executive Director shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Executive Director

46. (1) The Executive Director is responsible for the day-to-day administration of the affairs of the Council and is answerable to the Board in the performance of functions under this Act.

(2) The Executive Director shall perform other functions determined by the Board.

(3) The Executive Director may delegate a function to an officer of the Council but shall not be relieved from ultimate responsibility for the performance of the delegated function.

Deputy Executive Director

47. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Deputy Executive Director for the Commission.

(2) The Deputy Executive Director shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Deputy Executive Director

48. (1) The Deputy Executive Director shall be responsible to the Executive Director in the performance of the functions of the Deputy Executive Director.

(2) The Deputy Executive Director shall

- (a) assist the Executive Director in the performance of functions and perform other functions that the Executive Director may delegate; and
- (b) act as the Executive Director in the absence of the Executive Director.

Secretary to the Board

49. (1) The Executive Director shall designate a senior officer of the Council as Secretary to the Board.

(2) The Secretary shall

- (a) arrange the business for and record and keep the minutes of the meetings of the Board; and
- (b) perform functions that the Executive Director in consultation with the Board may assign.

Divisions of the Commission

50. The Board shall establish the following divisions:

- (a) Human Resource Development Division;
- (b) Finance Division;
- (c) Administration Division;
- (d) Assessment and Certification Division;
- (e) Standards, Curriculum and Accreditation Division;
- (f) Policy, Planning, Research, Monitoring and Evaluation Division; and
- (g) any other division that the Board may consider necessary for the efficient performance of the functions of the Commission.

Exemption from taxes

51. (1) The Commission is exempt from the payment of taxes on income accruing from investments made by the Board for the Commission, as the Minister responsible for Finance may determine with the prior approval of Parliament.

(2) Subject to article 174 of the Constitution, the Minister responsible for Finance may with the approval of Parliament grant a waiver or variation of tax to the Commission.

Miscellaneous Provisions

Prohibition on provision of service

52. (1) A person determined by the Commission not to be in good standing within the provisions of this Act shall not provide a service to a technical and vocational institution or learner.

(2) A person who contravenes subsection (1) is liable to pay to the Commission an administrative penalty equivalent to one thousand penalty units.

Regulations

53. The Minister may, on the advice of the Board, by legislative instrument, make Regulations for the effective implementation of this Part.

Interpretation

54. In this Part, unless the context otherwise requires,
- “assessment” is the process of collecting evidence of learners performance upon which an assessor judges whether or not a learner has met the performance requirements of the learning outcome;
 - “apprentice” means a learner receiving training under an expert practitioner;
 - “Board” means the governing body of the Commission established under section 43;
 - “Commission” means the National Commission for Technical and Vocational Education and Training established under section 40;
 - “competency based training” means an industry and demand-driven, outcomes-based education and training programme based on industry generated standards;

Education Regulatory Bodies Bill, 2019

“Ghana Tertiary Education Commission” means the Ghana Tertiary Education Commission established under section 1;

“good standing” means a person who is not subject to any form of sanction, suspension or disciplinary procedure;

“National Technical and Vocational Education and Training Qualifications Framework” means the qualification framework for technical and vocational education and training in the country;

“Minister” means the Minister responsible for technical and vocational education and training;

“Ministry” means the Ministry responsible for Education;

“Sector Skills Body” means an employer-led organisation that cover specific industry; and

“Workplace Experience Learning” means practical learning that helps the learner to develop knowledge, attitude and skills in a work situation context.

Repeals and savings

55. (1) The following enactments are repealed:

(a) National Board for Professional and Technician Examinations Act, 1994 (Act 492);

(b) the National Vocational Training Institute Act, 1970 (Act 351); and

(c) the Council for Technical and Vocational Education and Training Act, 2006(Act 718).

(2) Despite the repeal of the enactments specified in subsection (1), Regulations, notices, orders, directions or any other act lawfully done or made under the repealed enactments and in force immediately before the coming into force of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

Transitional provisions

56. (1) An institution that conducts technical and vocational education and training examinations and certification shall on the coming into force of this Act cease to conduct such examinations and certifications and the power to conduct such examinations and certifications shall be vested in the Commission established under this Act.

Education Regulatory Bodies Bill, 2019

(2) The movable and immovable assets, rights, obligations and liabilities to the Council for Technical and Vocational Education and Training already in existence before the coming into force of this Act are transferred to the Commission.

(3) Any monies in a bank account held on behalf of the Council for Technical and Vocational Education and Training already in existence is transferred to the Commission.

(4) A person in the employment of the Council for Technical and Vocational Education and Training already existing immediately before the coming into force of this Act is deemed to have been employed by the Commission established under section 40 on the terms and conditions attached to the post held by that person before the coming into force of this Act.

PART THREE – THE NATIONAL TEACHING COUNCIL

National Teaching Council

Establishment of the National Teaching Council

57. (1) There is established by this Act a body corporate with perpetual succession and a common seal to be known as the National Teaching Council.

(2) For the performance of its functions, the Council may acquire and hold movable and immovable property, dispose of property and enter into any contract or any other transaction.

(3) Where there is a hindrance to the acquisition of immovable property, the immovable property may be acquired for the Council under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Council.

Object of the Council

58. The object of the Council is to uphold the standards of the teaching profession by the provision of a quality assurance process to support the delivery of education in pre-tertiary institutions in a professional and competent manner by licensed teachers who have graduated from a recognised teacher training programme.

Functions of the Council

59. (1) To achieve its object, the Council shall
- (a) advise the Minister
 - (i) on matters relating to the professional standing and status of teachers; and
 - (ii) on teacher education and development including the provision of facilities for continuing educational development and the employment of teachers;
 - (b) recommend to the Minister professional standards required for the examination, registration and certification of teachers;
 - (c) develop and promote professional learning and maintain community confidence in the teaching profession;
 - (d) provide, maintain, promote and periodically review standards of professional practice and ethical conduct of teachers;
 - (e) be responsible for matters related to the licensing and registration of teachers, professional institutions offering teacher education including where necessary, the emergency certification of teachers after the Council has given approval for a special course;
 - (f) register teachers after they have satisfied the appropriate conditions for their initial licence and issue the appropriate licence;
 - (g) keep a register of duly qualified teachers;
 - (h) exercise disciplinary powers over teachers;
 - (i) uphold and enforce professional standards in the teaching profession by reviewing, through its disciplinary committee, appeal cases of professional misconduct and confirm, vary or rescind the decisions of the Regional and District Disciplinary Committee;
 - (j) revoke the licence of a teacher after a case of grave professional misconduct has been established and disciplinary procedures concluded;
 - (k) give approval for the suspension of a teacher from teaching after satisfying itself that the teacher has contravened laid down regulations governing the professional conduct of teachers;

Education Regulatory Bodies Bill, 2019

- (l) approve the re-registration of a suspended teacher who has served the suspension and has been recommended for re-registration by the Regional Directors of Education and district disciplinary committee; and
- (m) build and increase capacity of teachers by developing schemes of service training and professional development programmes for teachers in the basic educational institutions in collaboration with relevant national training institutions.

Governing body of the Council

60. (1) The governing body of the Council is a Board consisting of
- (a) a chairperson who is a person with extensive academic and administrative experience;
 - (b) one representative each from
 - (i) the Ministry responsible for Education not below the rank of a Director;
 - (ii) the National Council for Curriculum and Assessment not below the rank of a Director
 - (iii) the National Commission for Technical, Vocational Education and Training not below the rank of a Director;
 - (iv) the National Inspectorate Authority not below the rank of a Director;
 - (v) the universities involved in teacher education on a rotational basis;
 - (c) one representative of the teachers' associations nominated by the teachers' association on rotational basis;
 - (d) one representative of the Education Service not below the rank of a Director;
 - (e) two distinguished educationists, one of whom is a woman; and
 - (f) the Registrar of the National Teaching Council.

(2) The President shall, in accordance with article 70 of the Constitution appoint the members of the Board.

(3) The Board shall ensure the proper and effective performance of the functions of the Council.

Establishment of Committees

61. (1) The Board may establish committees consisting of members of the Council and non-members or both to perform a function determined by the Council.

(2) Without limiting subsection(1) the Board shall establish the following committees:

- (a) Finance and Administration Committee;
- (b) Research, Monitoring and Evaluation Committee;
- (c) Certification and Registration Committee;
- (d) Complaints and Disciplinary Committee;
- (e) Professional Development Committee; and
- (f) Examinations Committee.

(3) The Board shall determine the membership and functions of a committee.

(4) Section 106 apply to a member of a committee established under this section.

Administrative Provisions

Registrar

62. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Registrar of the Council.

(2) The Registrar shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Registrar

63. (1) The Registrar shall

- (a) provide the strategic leadership, technical and administrative direction to achieve the mandate of the Council, and
- (b) ensure the implementation of the decisions of the Council.

(2) The Registrar shall arrange the business for and cause to be recorded and kept the minutes of the meetings of the Board.

(3) The Registrar shall provide technical and managerial leadership, initiate the formulation and implementation of policies and co-ordinate activities of committees of the Council.

(4) The Registrar shall perform other functions that the Board may assign and shall be assisted in the performance of functions by the staff of the Council.

Education Regulatory Bodies Bill, 2019

(5) The Registrar may delegate a function to an officer of the Council but shall not be relieved from ultimate responsibility for the performance of the delegated function.

Deputy Registrars

64. (1) The President shall, in accordance with article 195 of the Constitution, appoint two Deputy Registrars.

(2) A Deputy Registrar shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Deputy Registrars

65. (1) The Deputy Registrars shall be responsible to the Registrar in the performance of the following functions:

- (a) the provision of technical direction on leadership towards the achievement of the object of the Council;
- (b) the development and implementation of standard guidelines for the conduct of credible licensing examinations; and
- (c) other functions the Registrar may delegate.

(2) The more senior Deputy Registrar shall act in the absence of the Registrar.

Registration and Licensing of Teachers

Conditions for registration and licence

66. (1) A person shall not act as a teacher unless that person is registered as a teacher in accordance with this Act.

(2) A person who seeks to register as a teacher shall apply to the Registrar in the manner prescribed by Regulations.

(3) A registration under this section is valid for a period of one year.

(4) A person shall not be admitted to teach as a professional teacher unless the person has satisfied the licensing requirements issued by the Council for a normal or provisional licence.

(5) A registered licence of a teacher is the only legal authorisation to teach in their subject of specialisation and shall

- (a) be issued by the Council; and
- (b) bear the registration number of the teacher.

(6) A teacher is required to possess the licence issued under subsection (5) as evidence of professional standing and authorisation to teach.

Education Regulatory Bodies Bill, 2019

(7) The lawful possession of a license from the Council signifies that the teacher meets the knowledge and skill standards prescribed by the Council and is duly licensed to teach in their subject of specialisation.

Qualification for registration and licence

67. (1) A person who wishes to be registered as a teacher shall submit an application in the prescribed form for approval by the Council.

(2) A person is qualified to be registered and issued with a licence to teach by the Council

(a) where that person possesses at least the initial prescribed teacher training qualification determined by the Council; or

(b) has successfully passed the professional examination.

(3) A person shall not be registered or licensed by the Council if

(a) that person has been disqualified from teaching by reason of a professional misconduct; or

(b) if within a period of six months immediately before the date of the application,

(i) that person has been refused registration as a teacher, or

(ii) the registration of that person as a teacher has been cancelled.

Provisional licence

68 The Council may issue a provisional licence where there is need for the training or study for the emergency certification of

(a) a person the Council considers suitable for short training to meet a crisis in the shortage of teachers; or

(b) any other person who desires to take up teaching as a profession.

Grounds for refusal of registration

69. (1) The Council may refuse to register a person as a teacher if that person

(a) suffers from a medical condition that is likely to interfere with the practice of teaching as certified by a registered medical practitioner;

(b) has been convicted of a criminal offence of a nature which in the opinion of the Council renders that person unsuitable to teach in an educational institution;

Education Regulatory Bodies Bill, 2019

- (c) made a statement or furnished information which that person knows is false in an application for registration as a teacher;
- (d) has not passed the requisite teacher certification examination recognised by the Council; or
- (e) does not satisfy the standards required for a licence at the level that person has applied for certification to teach.

(2) A person who purports to be a qualified teacher without the certification of the Council, commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than three months and not more than one year, or to both.

Appeal

70. (1) A person whose application for registration is refused may appeal against the refusal to the Board within one month from the date of the decision of the Board and the Board may vary, confirm or rescind the decision.

(2) Where the Board rescinds its decision, the Board shall direct the Registrar to register the person affected by the decision as a teacher.

Register of teachers

71. The Council shall maintain a register of certified teachers and enter in the register the particulars of a person registered as a teacher under this Act.

Employment of Teachers

Employment of registered teachers

72. (1) A person shall not be employed as a teacher in a pre-tertiary institution unless that person has been registered and issued with a license to teach by the Council.

(2) A head teacher who knowingly or negligently employs a person purporting to be a licensed teacher knowing that person has not been issued with a license by the Council commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or a term of imprisonment of not more than one year, or to both.

Employment of unregistered teachers

73. (1) Despite section 72, the Council may authorise the employment of a person who is not registered under this Part as a teacher in a pre-tertiary institution or in a deprived community.

Education Regulatory Bodies Bill, 2019

(2) An authorisation by the Council under subsection (1) shall be for a period of up to two years.

(3) A person employed under subsection (1) shall take the necessary steps to acquire the relevant qualifications needed to be licensed by the Council within the two years of employment.

(4) Where a person employed under subsection (1) fails to obtain a licence within two years, the Council shall withdraw the authorisation until such a time that the person obtains a licence to teach.

(5) The conditions for the employment of a registered teacher apply to the employment of an unregistered teacher.

Miscellaneous Provisions

Regulations

74. The Minister may, on the advice of the Board, by legislative instrument, make Regulations for the effective implementation of this Part.

Interpretation

75. In this Part, unless the context otherwise requires,
“Board” means the governing body of the National Teaching Council established under section 60;
“Council” means the National Teaching Council established under section 57; and
“Minister” means the Minister responsible for Education.

Repeal and savings

76. (1) The Education Act, 2008 (Act 778) is repealed.

(2) Despite the repeal of Act 778, Regulations, notices, orders, directions or any other act lawfully done or made under the repealed enactments and in force immediately before the coming into force of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

Transitional provisions

77. (1) The movable and immovable assets, rights, obligations and liabilities related to the National Teaching Council in existence before the coming into force of this Act are transferred to the Council established under this Act.

Education Regulatory Bodies Bill, 2019

(2) Any monies in a bank account held on behalf of the National Teaching Council in existence before the coming into force of this Act is transferred to the Council established under this Act.

(3) A person in the employment of the National Teaching Council existing immediately before the coming into force of this Act is deemed to have been employed by the Commission established under section 57 on the terms and conditions attached to the post held by that person before the coming into force of this Act.

PART FOUR – THE NATIONAL INSPECTORATE AUTHORITY

National Inspectorate Authority

Establishment of the National Inspectorate Authority

78. (1) There is established by this Act, a body corporate with perpetual succession to be known as the National Inspectorate Authority.

(2) For the performance of its functions, the Authority may acquire movable and immovable property, dispose of property and enter into a contract or any other transaction.

(3) Where there is a hindrance to the acquisition of immovable property, the immovable property may be acquired for the Authority under the State Lands Act, 1962 (Act 125) and the cost of acquisition shall be borne by the Authority.

Object of the Authority

79. The object of the Authority is to ensure quality education in public and private pre-tertiary institutions.

Functions of the Authority

- 80.** (1) To achieve its objects, the Authority shall
- (a) set and enforce standards to be observed in public and private pre-tertiary institutions throughout the country;
 - (b) advise District Assemblies on the maintenance of academic and educational management standards;
 - (c) support the District Education Section in the implementation of academic and educational management standards;
 - (d) ensure reports on monitoring assessments, school based assessments and end of course examinations are sent to the National Council on Curriculum and Assessment, the Education Service and Technical and Vocational Education

Education Regulatory Bodies Bill, 2019

and Training Service for inputs and recommendations on the nature of examinations and any other recommendations to improve teaching and learning in pre-tertiary institutions;

- (e) ensure that reports on school inspections with recommendations are sent half yearly to the Education Service and Technical and Vocational Education and Training Service for the improvement of learning outcomes; and
- (f) advise the Minister on matters that the Minister may request.

(2) The Authority may, in the performance of functions under subsection (1),

- (a) publish the school effectiveness standards set for pre-tertiary institutions under paragraph (a) of subsection (1) and to periodically review such standards and guidelines;
- (b) enforce the inspectorate authority standards of education and to prescribe penal measures for a pre-tertiary institution that fails to comply with the standards set by the Authority;
- (c) publish reports and findings on the performance of pre-tertiary institutions;
- (d) temporarily or permanently in consultation with the Minister and the Regional Education Directorate or District Assembly concerned close down a pre-tertiary institution that fails to meet the standards set by the Authority;
- (e) close down a school in emergency situations after consultations with the Minister and the Regional Education Directorate or District Assembly concerned;
- (f) recommend that pre-tertiary institutions be managed through Public Private Partnerships; and
- (g) licence private pre-tertiary institutions.

Governing body of the Authority

81. (1) The governing body of the Authority is a Board consisting of

- (a) a chairperson who has extensive academic and administrative experience;
- (b) one special education specialist or practitioner ;
- (c) one representative of the National Teaching Council not below the rank of a Director;

Education Regulatory Bodies Bill, 2019

- (d) one representative of the National Council for Curriculum and Assessment not below the rank of Director;
- (e) one representative of the Association of Private Schools nominated by the Association of Private Schools;
- (f) one representative of the West African Examinations Council not below the rank of a Director;
- (g) one representative of the teacher associations on a rotational basis;
- (h) one representative of the Technical and Vocational Education and Training Service not below the rank of a Director;
- (i) one representative from the Education Service not below the rank of a Director;
- (j) one distinguished female educationist nominated by the Minister; and
- (k) the Chief Inspector of Schools.

(2) The President shall appoint the members of the Board in accordance with article 70 of the Constitution.

(3) The Board shall ensure the proper and effective performance of the functions of the Authority.

Establishment of Committees

82. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function determined by the Board.

(2) Without limiting subsection (1), the Board shall establish the following committees:

- (a) Finance and Administration Committee;
- (b) Research, Monitoring and Evaluation Committee;
- (c) Structural and Facility Assessment Committee; and
- (d) Quality Assurance Committee.

(3) The Board shall determine the membership and functions of a committee.

(4) Section 106 apply to a member of a committee established under this section.

Inspection of Pre-Tertiary Institutions

Inspection panels

83. (1) The Authority shall establish inspection panels to provide an independent external evaluation of the quality and standards in pre-tertiary institutions.

Education Regulatory Bodies Bill, 2019

- (2) The inspection panels shall focus on
- (a) the quality of
 - (i) leadership and management of pre-tertiary institutions;
 - (ii) teaching and learning provided pre-tertiary institutions;
 - (b) the levels of scholarship attained by pre-tertiary institutions;
 - (c) the facilities available in pre-tertiary institutions;
 - (d) the system of internal and external examinations in place at pre-tertiary institutions;
 - (e) the values emphasised and taught in pre-tertiary institutions including community service by the students or pupils and staff; and
 - (f) the statistical data of the pre-tertiary institutions and tracer studies tracking the achievement of past students.

(3) A director or a supervisor within the Regional and District Directorates of Education and the Education Units shall undertake routine inspection of a pre-tertiary institution to ensure the maintenance of standards of performance in teaching and learning in accordance with the directives or guidelines of the Board.

Administrative Provisions

Chief Inspector of Schools

84. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Chief Inspector of Schools.

(2) The Chief Inspector shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Chief Inspector of Schools

85. (1) The Chief Inspector is responsible for the implementation of the decisions of the Board and for the day to day administration of the affairs of the Authority.

- (2) Without limiting subsection (1), the Chief Inspector shall
- (a) undertake the inspection of pre-tertiary institutions;
 - (b) evaluate school inspection and assessment reports on pre-tertiary institutions periodically; and

Education Regulatory Bodies Bill, 2019

(c) submit yearly reports to the Minister, the Board, the Regional Education Departments, Regional Co-ordinating Councils and the District Assemblies on the inspection of schools.

(3) The Chief Inspector shall arrange the business for and cause to be recorded and kept the minutes of the meetings of the Board.

(4) The Chief Inspector shall perform any other functions that the Board may assign and shall be assisted in the performance of such functions by the staff as the Board may direct.

(5) The Chief Inspector may delegate a function to an officer of the Authority but shall not be relieved from ultimate responsibility for the performance of the delegated function.

Deputy Chief Inspectors of Schools

86. (1) The President shall in accordance with article 195 of the Constitution, appoint two Deputy Chief Inspectors of Schools in charge of

- (i) operations and quality control; and
- (ii) monitoring and evaluation.

(2) A Deputy Chief Inspector shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Deputy Chief Inspectors of Schools

87. (1) The Deputy Chief Inspectors shall

- (a) assist the Chief Inspector in the performance of functions under this Act, and
- (b) perform any other function that the Chief Inspector may delegate.

(2) A Deputy Chief Inspector is to assist the Chief Inspector in the performance of the functions of the Deputy Chief Inspector.

(3) The more senior Deputy Chief Inspector shall act in the absence of the Chief Inspector.

Divisions of the Authority

88. (1) The Authority shall have the following Divisions:

- (a) Inspection and Supervision Division;
- (b) Research, Monitoring and Evaluation Division;
- (c) Finance Division;

Education Regulatory Bodies Bill, 2019

- (d) Human Resource Management Division; and
- (e) Administration Division.

(2) The Board may establish any other division necessary for the efficient and effective performance of the functions of the Authority.

Miscellaneous Provisions

Regulations

89. The Minister shall, on the advice of the Board, by legislative instrument make Regulations to for the effective implementation of this Part.

Interpretation

- 90.** In this Part, unless the context otherwise requires,
- “Authority” means the National Inspectorate Authority established under section 78;
 - “Board” means the governing body of the National Inspectorate Authority established under section 81;
 - “Chief Inspector” means the Chief Inspector of Schools appointed under section 84;
 - “District Assembly” includes a Municipal Assembly and a Metropolitan Assembly; and
 - “Minister” means the Minister responsible for Education.

Transitional provisions

91. (1) The movable and immovable assets, rights, obligations and liabilities related to the National Inspectorate Board already in existence before the coming into force of this Act are hereby transferred to the Authority established under this Act.

(2) Any monies in a bank account held on behalf of the National Inspectorate Board already in existence before the coming into force of this Act is transferred to the Authority established under this Act.

(3) A person in the employment of the National Inspectorate Board existing immediately before the coming into force of this Act is deemed to have been employed by the Authority established under this Act, on the terms and conditions attached to the post held by that person before the coming into force of this Act.

**PART FIVE – THE NATIONAL COUNCIL FOR CURRICULUM
AND ASSESSMENT**

National Council for Curriculum and Assessment

Establishment of the National Council for Curriculum and Assessment

92. (1) There is established by this Act, a body corporate with perpetual succession to be known as the National Council for Curriculum and Assessment.

(2) For the performance of its functions, the Council may acquire and hold movable and immovable property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of immovable property, the property may be acquired for the Council under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Council.

Object of the Council

93. The object of the Council is to develop national curriculum and assessment standards for pre-tertiary educational institutions.

Functions of the Council

94. (1) To achieve its object, the Council shall

- (a) develop national curriculum and assessment standards for pre-tertiary institutions by
 - (i) developing, assessing, improving and reviewing curriculum other than technical and vocational education and training standards;
 - (ii) developing a national assessment system for pre-tertiary education;
 - (iii) approving teaching and learning materials for use in pre-tertiary institutions; and
 - (iv) reporting to the Minister on student achievement in pre-tertiary institutions;
- (b) determine the goals, aims and structure of courses at the various levels of pre-tertiary education;
- (c) collaborate with the National Teaching Council in the implementation of the curriculum;
- (d) ensure an inclusive and representative curriculum development process and guide curriculum development in a timely and effective manner;

Education Regulatory Bodies Bill, 2019

- (e) make recommendations to the Minister on the number of core and elective subjects;
- (f) review subjects and recommend new subjects as and when the subjects become necessary for the educational system;
- (g) determine the pupil-teacher ratio for pre-tertiary institutions;
- (h) approve the time table arrangements for the relevant pre-tertiary institutions;
- (i) review the quality and quantity of text books, learning aids and any other materials of educational value and make the appropriate recommendations to the Minister;
- (j) review the criteria and conditions for the appointment of members of syllabus panels;
- (k) receive reports on monitoring assessments, school based assessments and end of course examinations and make recommendations on the nature of examinations and any other recommendations to improve teaching and learning in pre-tertiary institutions;
- (l) receive reports on school inspections from the National Inspectorate Authority annually and make recommendations to the Regional Education Directorate and the District Education Sections for review of the curriculum;
- (m) consider any other matter assigned to the Council by the Minister to improve the quality of the curriculum and Teaching and Learning Materials in pre-tertiary institutions;
- (n) review national assessments and ensure that appropriate procedures are followed;
- (o) set up new structures to assess teaching and learning at the various levels of schools; and
- (p) perform any other functions connected with the object of the Council.

(2) The Council shall take into consideration regional and district peculiarities in the review and approval of teaching and learning materials.

Governing body of the Council

95. (1) The governing body of the Council is a Board consisting of

- (a) a chairperson with extensive academic and administrative experience and expertise in curriculum development and assessment;
- (b) one representative each of the following;
 - (i) National Teaching Council not below the rank of a Director;
 - (ii) Ghana Tertiary Education Commission not below the rank of a Director;
 - (iii) National Commission for Technical and Vocational Education and Training not below the rank of a Director;
 - (iv) National Inspectorate Authority not below the rank of a Director;
 - (v) Ministry responsible for Education, not below the rank of a Director;
 - (vi) Education Service not below the rank of a Director;
 - (vii) Technical and Vocational Education and Training Service with experience in curriculum development or curriculum assessment not below the rank of a
 - (viii) West African Examinations Council not below the rank of a Director;
- (c) the Director of the Ghana Book Development Council; and
- (d) the Executive Secretary of the Council.

(2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The Board shall ensure the proper and effective performance of the functions of the Council.

Establishment of Committees

96. (1) The Board may establish committees consisting of members of the Council and non-members or both to perform a function.

(2) Without limiting subsection (1), the Board shall establish the following committees:

- (a) Finance and Administration Committee;
- (b) Research, Monitoring and Evaluation Committee;
- (c) Curriculum Development, Review and Implementation Committee; and

Education Regulatory Bodies Bill, 2019

(d) Assessment Committee.

(3) The Board shall determine the membership and functions of a committee appointed under this section.

(4) Section 106 applies to a committee established under subsection (2).

Administrative Provisions

Executive Secretary

97. (1) The President shall, in accordance with article 195 of the Constitution, appoint an Executive Secretary of the Council.

(2) The Executive Secretary shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Executive Secretary

98. (1) The Executive Secretary is responsible for

- (a) the day to day administration of the Council; and
- (b) the direction of the work of the Board.

(2) The Executive Secretary shall ensure the implementation of the decisions of the Board.

(3) The Executive Secretary shall arrange the business for and cause to be recorded and kept the minutes of the meetings of the Board.

(4) The Executive Secretary may delegate functions to an officer of the Council but shall not be relieved from ultimate responsibility for the performance of the delegated function.

Deputy Executive Secretary

99. (1) The President shall, in accordance with article 195 of the Constitution appoint two Deputy Executive Secretaries for the Council.

(2) A Deputy Executive Secretary shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Deputy Executive Secretaries

100. (1) The Deputy Executive Secretaries shall assist the Executive Secretary in the performance of the functions of the Executive Secretary.

(2) The Deputy Executive Secretaries shall perform such other functions that may be assigned by the Executive Secretary.

(3) The Deputy Executive Secretaries shall be responsible to the Executive Secretary in the performance of functions under this Act.

(4) The more senior Deputy Executive Secretary shall act in the absence of the Executive Secretary.

Education Regulatory Bodies Bill, 2019

Miscellaneous Provisions

Regulations

101. The Minister shall on the advice of the Council by legislative instrument make Regulations for the effective implementation of this Part.

Interpretation

- 102.** In this Part, unless the context otherwise requires,
- “Board” means the governing body of the National Council for Curriculum and Assessment established under section 95;
 - “Council” means the National Council for Curriculum and Assessment established under section 92;
 - “Executive Secretary” means person appointed under section 97;
 - “Minister” means the Minister responsible for Education;
 - “pupil-teacher ratio” means the average number of students per teacher at a given level of education, based on headcounts of both students and teachers; and
 - “teaching and learning materials” means the educational materials that a teacher uses to support learning objectives.

Transitional provisions

103. (1) The rights, assets and liabilities of the National Council for Curriculum and Assessment in existence immediately before the coming into force of this Act are hereby transferred to the Council established under this Act.

(2) Any moneys in a bank account held on behalf of the National Council for Curriculum and Assessment in existence immediately before the coming into force of this Act are hereby transferred to the Council established under this Act.

(3) A person in the employment of the National Council for Curriculum and Assessment existing immediately before the coming into force of this Act is deemed to have been employed by the Council established under this Act on the terms and conditions attached to the post held by that person before the coming into force of this Act.

PART SIX – ADMINISTRATIVE, FINANCIAL AND MISCELLANEOUS PROVISIONS

Administration of Regulatory Bodies

Tenure of office of the members of the Board

104. (1) A member of the Board shall hold office for a period of four years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to a person who is a member of the Board by reason of office.

(3) A member of the Board may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Board who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may by letter addressed to a member revoke the appointment of that member.

(6) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability to act would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3) or (4), or subsection (2) of section 107,

(b) as a result of a declaration under subsection (6), or

(c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall appoint another person to fill the vacancy.

Meetings of the Board

105. (1) The Board shall meet at least once every three months for the dispatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one-third of the members of the Board convene an extraordinary meeting of the Board at a place and time determined by the chairperson.

(3) The quorum of a meeting of the Board shall be not less than two thirds of the members of the Board.

Education Regulatory Bodies Bill, 2019

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present shall preside.

(5) A member of the Board who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(6) Matters before the Board shall be decided by a majority of members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(7) The Board may co-opt a person to act as an advisor on a specific issue at a meeting of the Board but that person shall not vote on a matter for decision at the meeting.

(8) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(9) Subject to this section, the Board may determine the procedure for its meetings.

Disclosure of interest

106. (1) A member of the Board who has an interest in a matter for consideration by the Board shall disclose in writing the nature of that interest and is disqualified from participating in the deliberations of the Board in respect of the matter.

(2) Where a member contravenes subsection (1), the chairperson shall notify the Minister who shall inform the President in writing to revoke the appointment of that member.

(3) Without limiting any further cause of action that may be instituted against the member, the Board shall recover the benefits derived from a member who contravenes subsection (1) in addition to the revocation of the appointment of the member.

Allowances

107. Members of the Board and members of a committee of the Board shall be paid allowances approved by the Minister in consultation with the Minister responsible for Finance.

Ministerial responsibility

108. The Minister shall have ministerial responsibility for the regulatory bodies and may give policy directives in writing to the Board.

Regional and district offices of the regulatory bodies

109. (1) The Board may establish regional and district offices in each regional capital and in the districts determined by the Board.

(2) A regional or district office shall be provided with the public officers that the President shall appoint in accordance with article 195 of the Constitution.

(3) A regional or district office shall perform the functions in the region or district that the Board may direct.

Appointment of other staff

110. (1) The President shall, in accordance with article 195 of the Constitution, appoint officers necessary for the proper and effective performance of the functions of the regulatory bodies.

(2) The President may, in accordance with article 195(2) of the Constitution, delegate the power of appointment in writing to the Board.

(3) Other public officers may be transferred or seconded to a regulatory body or may otherwise give assistance to it.

(4) A regulatory body specified under this Act may engage the services of consultants on the recommendation of the Board.

Internal Audit Unit

111. (1) A regulatory body shall have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

(2) The Internal Audit Unit shall be headed by an internal auditor who shall be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

Financial Provisions

Funds of the regulatory bodies

112. (1) The funds of a regulatory body established under this Act include

- (a) moneys approved by Parliament;
- (b) moneys derived from fees and charges for the services rendered;
- (c) returns on investments;
- (d) donations, grants and gifts; and
- (e) any other moneys that are approved by the Minister responsible for Finance.

Education Regulatory Bodies Bill, 2019

(2) A regulatory body may subject to the relevant law retain a percentage of internally generated funds realised in the performance of its functions.

(3) The funds of the Ghana Tertiary Education Commission shall also include a levy of one percent of the internally generated funds of a tertiary institution.

Bank account

113. The moneys for each regulatory body shall be paid into a bank account opened for that purpose with the approval of the Controller and Accountant-General.

Annual estimates

114. (1) The Board shall, at least three months before the commencement of each financial year, cause to be prepared estimates of the revenue and expenditure for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the financial year concerned and in particular provide for

- (a) the payment of salaries, allowances and other charges in respect of the staff;
- (b) the payment of pensions gratuities and other charges, and in respect of benefits which are payable out of the funds;
- (c) the maintenance of the assets;
- (d) the funding of operations, training, research and development of activities; and
- (e) the creation of such reserves to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations, equipment and other matters as determined by the Board.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval and after the Minister has given approval, the Board shall not increase any sum provided in the estimates without the consent of the Minister.

(4) An expenditure shall not be incurred except in accordance with the annual estimates or with the express approval of the Minister.

Accounts and audit

115. (1) The Board shall keep proper books of accounts and accounting records in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the regulatory body to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts and forward a copy of the audit report to the Minister and the Board.

(4) The financial year of a regulatory body shall be the same as the financial year of the Government.

Annual report and other reports

116. (1) The Board shall, within thirty days after the receipt of the audit report, submit an annual report to the Minister covering the operations of the regulatory body for the year to which the annual report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall within thirty days after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall submit to the Minister any other report which the Minister may require in writing.

Miscellaneous

Collaboration with statutory bodies

117. The Board shall collaborate with other statutory bodies in the education sector in the performance of functions under this Act.

Interpretation

118. In this Part, unless the context otherwise requires,

“Board” means the governing bodies of the Ghana Tertiary Education Commission, the National Commission for Technical and Vocational Education and Training, the National Teaching Council, the National Inspectorate Authority and the National Council for Curriculum and Assessment;

Education Regulatory Bodies Bill, 2019

“Minister” means the Minister responsible for Education; and
“regulatory body” means the Ghana Tertiary Education Commission, the National Commission for Technical and Vocational Education and Training, the National Teaching Council, the National Inspectorate Authority and the National Council for Curriculum and Assessment.

Education Regulatory Bodies Bill, 2019

SCHEDULES
FIRST SCHEDULE

Information Required for an Application for Accreditation
(*section 18(3)*)

Date of *Gazette* notification: 27th February, 2019.

EDUCATION REGULATORY BODIES BILL, 2019

MEMORANDUM

The purpose of the Bill is to establish regulatory bodies to regulate the education sector in the country effectively and efficiently.

The Bill is in six parts. Part One of the Bill re-structures and merges the existing National Council for Tertiary Education and the National Accreditation Board into one institution to be known as the Ghana Tertiary Education Commission.

Part Two of the Bill merges the Council for Technical and Vocational Education and Training, the National Board for Professional and Technician Examinations and the National Vocational Training Institute into a new body to be known as the National Commission for Technical and Vocational Education and Training.

Parts Three, Four and Five of the Bill provide for the National Teaching Council, the National Inspectorate Authority and the National Council for Curriculum and Assessment respectively whilst Part Six, which is the final part of the Bill, deals with the administrative and financial provisions in respect of the five regulatory bodies established under the Bill.

Part One of the Bill provides for the establishment of the Ghana Tertiary Education Commission. *Clause 1* establishes the Ghana Tertiary Education Commission as a body corporate with the power to acquire and hold movable and immovable property, to dispose of property and enter into a contract or any other related transaction.

Clause 2 provides for the object of the Commission. The object of the Commission is to promote the objectives of tertiary education in all its diversified and differentiated forms, including advancement and application of knowledge through teaching, scholarly research and collaboration with industry as well as the production of appropriate human capital for the national economy.

Clause 3 enumerates the general functions of the Commission. The Commission is to ensure that tertiary education institutions promote

EDUCATION REGULATORY BODIES BILL, 2019

the highest standards and relevance of teaching and research programmes, equitable and inclusive access to all programmes and services and transparent governance best practices, including reporting and checks and balances to ensure full accountability, among others.

Provision is further made in *clause 4* for the advisory functions of the Commission. In the performance of this function, the Commission is to among others advise the Minister responsible for Education on the establishment and development of tertiary education institutions in the country, provide advice and guidance on the general direction of development, orientation and mission of public and private tertiary education institutions in line with national development goals and objectives, having regard to an optimally diversified and differentiated tertiary education system and enquire into the financial needs of tertiary education institutions. The Commission is also to advise the President, through the Minister, on the approval and grant of a Charter to public and private tertiary institutions in the country.

The coordination functions of the Commission are provided for in *clause 5*. These functions include acting as an agency for channeling all external assistance and funding to tertiary education institutions, collating, analysing and publishing information on tertiary education in the country and developing norms for the allocation of block grants to drive tertiary education policy based on national development priorities.

The Bill, in *clause 6*, provides for the regulatory functions of the Commission, which are to be exercised in consultation with the Minister. The regulatory functions of the Commission include the approval for the establishment of public and private tertiary education institutions and the regulation of the structure of the tertiary education system in the country, the development of policies and regulations to advance the conduct of research and innovation and undertaking or causing to be undertaken, periodic or ad-hoc visitations, regular inspections, monitoring and evaluation of tertiary education institutions to ensure compliance with the statutory provision.

EDUCATION REGULATORY BODIES BILL, 2019

The Commission is responsible for the accreditation of both public and private institutions with regard to the contents and standards of their programmes, *clause 7*. In the exercise of this function the Commission is to determine, among others, the requirements for the maintenance of standards of physical infrastructure, governance system, human resources and financial sustainability in the tertiary education sector, the programs and requirements for the proper operation of a tertiary institution and maintenance of acceptable levels of academic or professional standards in the institution and the levels of all qualifications awarded by recognised or accredited institutions including professional institutions in the country or elsewhere.

The Commission is required to liaise with the National Commission for Technical and Vocational Education and Training, particularly in the case of tertiary education and any other institution in charge of any form of education, in the performance of its functions, *clause 8*.

Under *clause 9*, where there is a conflict between the provisions of the Bill and the provisions of any other Act in matters relating to the approval or accreditation of academic programs offered by tertiary education institutions, the provisions of the Bill are to prevail.

The governing body of the Commission is an eleven member Board made up of a Chairperson, one Vice Chancellor from a public university nominated by the heads of public universities, one head of a Chartered private university nominated by the Heads of Chartered Private Universities and representatives of the Ministries responsible for Education and Finance not below the rank of a Director. Others are a representative of the Office of the Attorney-General not below the rank of Principal State Attorney, the Director-General of the National Development Planning Commission, a representative of the National Commission for Technical and Vocational Education and Training, two government appointees with expertise in research, law and finance, one of whom must be a woman and the Director-General of the Commission. The President is to appoint the members of the Board in accordance with article 70 of the Constitution, *clause 10*. *Clause 11* provides for the establishment of committees of the Board.

EDUCATION REGULATORY BODIES BILL, 2019

Clauses 12 to 16 deal with administrative provisions of the Commission. The appointment by the President of a Director-General for the Commission is provided for in *clause 12*. The Director-General is to hold office on terms and conditions specified in the letter of appointment.

The Director-General, in *clause 13*, is responsible for the day-to-day administration of the Commission and the co-ordination of the tertiary education policies and activities subject to the general directives of the Board. The Director-General is also to ensure the implementation of the decisions of the Board and perform any other function determined by the Board. The Director-General may delegate a function to an officer of the Commission but is not relieved of the ultimate responsibility for the performance of the delegated function.

Clause 14 provides for the appointment of a Deputy Director-General. The Deputy Director-General is to assist the Director-General in the performance of the functions of the Director-General and also act in the absence of the Director-General, *clause 15*.

Clause 16 mandates the Board to appoint an officer of the Commission not below the level of a Director as Secretary to the Board. The Secretary is to arrange the business for meetings of the Board and cause to be recorded, minutes of the meetings of the Board as well as keep the minutes of the meetings of the Board. The Secretary is also to perform the functions that the Board or the Director-General, in consultation with the Board, may assign. The Secretary, in the performance of functions, is to be under the administrative control of the Director-General.

Clause 17 deals with the Divisions of the Commission. The Commission is required to have a Research, Policy and Planning Division, an Administrative Division and an Accreditation and Quality and Assurance Division. The Board may also establish any other division necessary for the efficient and effective performance of the functions of the Commission.

Clauses 18 to 30 deal with accreditation and registration. *Clause 18* sets out the provisions for accreditation. A tertiary education institution

EDUCATION REGULATORY BODIES BILL, 2019

is prohibited from operating or running a programme without accreditation by the Board. The accreditation process is to be initiated by an applicant in relation to its institution or programme accreditation or to both. The Board is also mandated to carry out an accreditation process in respect of each tertiary education institution as the Board may determine.

Matters relating to equity and mentoring are dealt with under *clause 19*. The Commission is to create the appropriate scheme for mentoring accredited tertiary education institutions. The mentoring institution and the recognised mentoring institution are to comply with the scheme established by the Commission. A newly established private university is to be mentored by an established public university or an appropriate chartered private university for at least four years whilst a newly established public university is to be mentored by an established public university for four years.

Under *clause 20*, the Commission may appoint a panel to conduct an accreditation process. The panel is to consist of a chairperson and other persons not exceeding seven. In constituting the panel, the Board is to have regard to the professional, academic, industrial or commercial competence of the members of the panel.

The Commission is mandated to issue the relevant certificate when the Commission grants accreditation to an institution or for a programme, *clause 21*.

Clause 22 provides for situations under which accreditation may be varied or revoked. The Board may vary a certificate of accreditation, where the Board is of the opinion, that the variation is necessary having regard to the national education policy or may assist the institution concerned to carry out its functions in a more efficient manner. On the other hand, the Commission may revoke a certificate of accreditation, where the Commission is of the opinion that the institution concerned is not carrying out its functions in a proper manner, or the institution is in breach of the terms and conditions under which accreditation was granted or the revocation is necessary having regard to the national education policy.

EDUCATION REGULATORY BODIES BILL, 2019

An institution may be closed down by the Commission in accordance with the provisions of *clause 23* for a number of reasons. These include the fact that the location and operations of an institution are detrimental to the physical or moral welfare of the students and staff and the general safety of other persons, the institution is operating below the minimum standard acceptable to the Board, the continued existence of the institution is against the public interest, or the institution is operating contrary to the terms and conditions under which institutional or programme accreditation was granted. Before the institution is closed down, the Commission is to formally notify the affected institution to rectify the deficiencies within a period of not more than three months. If the deficiencies are not rectified within the specified period, the Commission is to take the necessary steps to close down the institution.

Under *clause 24*, the cost of carrying out accreditation exercises, evaluation and placement of qualifications and other related exercises are to be borne by the person or institution for whose benefit the exercise is being carried out.

The sanctions for operating an unaccredited institution are provided for in *clause 25*. An institution that operates without the requisite accreditation from the Commission is to be closed down. Furthermore, a principal officer of an institution that operates without the requisite accreditation for its programmes is to be sanctioned by the Commission.

The President may grant a Charter to a public or private institution in accordance with *clause 26*. The grant of a Charter to a public or private institution is to be done on the advice or recommendation of the Board through the Minister. The Charter enables a tertiary education institution to issue certificates, diplomas or degrees.

Under *clause 27*, a tertiary education institution which is granted a Charter is required to mobilise academic resources, develop and mount its new academic programmes, subject to review by the Commission and establish campuses and constituent colleges which conform to standards prescribed by the Board.

EDUCATION REGULATORY BODIES BILL, 2019

The procedure for varying or revoking a Charter is provided for in *clause 28*. The President may, on the recommendation of the Board through the Minister, revoke, vary or in any other way amend the provisions of a Charter where the President is of the opinion that the revocation, variation or amendment is in the best interest of tertiary education in the country. The variation or amendment, may include the introduction of mechanisms to enable the tertiary education institution concerned better carry out the functions of that tertiary education institution. A recommendation is to be made only after the tertiary education institution has been afforded the opportunity to be heard and the Commission has inspected the tertiary education institution concerned, and is satisfied that the institution will fulfil the objects of tertiary education as set out by the Commission.

Under *clause 29*, the President, on the recommendation of the Commission through the Minister and subject to the approval of Parliament, may by award of Charter, establish specialised degree-awarding or research institutions with a mandate of strategic national importance or a national Open University as a specialised tertiary education institution to offer university programmes through distance and e-learning mode.

Clause 30 sets out the procedure for the accreditation of foreign institutions. A university established outside the country which intends to offer university education in the country is to apply to the Board for accreditation. The Board is required to do due diligence to satisfy itself that the foreign university has met all the conditions or criteria necessary for the operation of the university in the country, and is to give its express approval, and undertake the necessary registration and grant accreditation to the foreign institution.

Miscellaneous provisions are provided for in *clauses 31 to 39*. As set out in *clause 31*, each tertiary education institution is required to provide a report to the Commission annually. The report must cover matters relating to admissions, demographics, programmes and courses, staff, income generation and research publications, among others. Furthermore, every tertiary education institution is also mandated to, within

EDUCATION REGULATORY BODIES BILL, 2019

two months of receipt of its audited accounts, submit a copy of the report with its comments to the Commission, *clause 32*. The Board is required to submit a report on the audited accounts to the Minister within two months after receipt of an audited account.

Under *clause 33*, a tertiary education institution is required to comply with a request for information from the Board for the proper and efficient performance of the functions of the Board.

The seal of the Commission is to be authenticated by the signature of the chairperson of the Board or the Director-General, *clause 34*. A document which purports to be a contract, instrument or other document duly signed or sealed on behalf of the Commission shall be received in evidence and unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

Offences and penalties are provided for in *clause 35*. It is an offence for a person or an organisation to among others, operate an unaccredited institution or run an unaccredited programme, advertise an unaccredited institution or an unaccredited programme, fail to register an institution or refuse to comply with a request for information made by or on behalf of the Commission. It is also an offence for a person or an organisation to deny access to relevant records, books or facilities to a person authorised by the Commission to obtain the information. The penalty for any of these offences is a fine or a term of imprisonment.

The power of the Minister to make Regulations is provided for in *clause 36*. The Regulations are to, among others, provide generally for the effective implementation of Part One. Interpretation of words used in Part One is provided for in *clause 37*.

Clause 38 repeals the National Council for Tertiary Education Act, 1993 (Act 454) and the National Accreditation Board Act, 2007 (Act 744). The *clause* further saves Regulations, notices, orders, directions or any other act lawfully done or made under them until reviewed, cancelled or terminated. Transitional matters are dealt with in *clause 39*.

EDUCATION REGULATORY BODIES BILL, 2019

Part Two of the Bill, provides for the National Commission for Technical and Vocational Education and Training. Clauses 40 to 44 deal with matters related to the establishment of the National Commission for Technical and Vocational Education and Training. The Commission is established as a body corporate under *clause 40*. The object of the Commission is to promote technical and vocational education and training transformation and innovation for sustainable development, *clause 41*.

The functions of the Commission as set out in *clause 42* include the formulation of national policies for skills development across the broad spectrum of pre-tertiary and tertiary education, formal, informal and alternative education, the co-ordination, harmonisation and supervision of the activities of public and private providers of technical and vocational education and training, including the informal sector, and the development and implementation of a national assessment and certification system in the technical, vocational education and training sector. The Commission and the Ghana Tertiary Education Commission are to jointly accredit technical and vocational education and training programmes, institutions and centres at the tertiary level.

Clause 43 establishes an eleven-member governing body of the Commission consisting of a Chairperson with considerable industrial experience, the Executive Director of the Commission, the Director-General of the Technical and Vocational Education and Training Service and one representative each of the Ministries of Education and Employment. Others are one representation each from the National Council for Curriculum and Assessment, the Ghana Tertiary Education Commission, the Ghana Employers' Association, the Association of Ghana Industries, the organisations that manage privately owned Technical or Vocational Training Institutions and two other persons nominated by the President with expertise in technical and vocational education and training, one of whom is a woman. The Board is to ensure the performance of the functions of the Commission.

Clause 44 provides generally for the establishment of committees as well as standing committees. The standing committees established under this *clause* are the National Technical and Vocational Education and

EDUCATION REGULATORY BODIES BILL, 2019

Training Qualifications Committee, the Sector Skills Committee, the Quality Assurance Committee and the Ghana Skills Development Fund Committee. The Board may also establish other standing committees. The Board is to determine the membership and functions of a standing committee. A standing committee may have sub-committees and assign to the sub-committees, functions determined by the standing committees.

Administrative provisions relating to the Commission are dealt with in *clauses 45 to 51*. *Clause 45* provides for the appointment of an Executive Director by the President in accordance with article 195 of the Constitution. The Executive Director is to hold office on the terms and conditions specified in the letter of appointment. The Executive Director, in *clause 46*, is responsible for the day-to-day administration of the affairs of the Council and is answerable to the Board in the performance of functions under the Act. The Executive Director may delegate a function to an officer of the Commission but is not relieved from ultimate responsibility for the performance of the delegated function.

Under *clause 47*, a Deputy Executive Director is to be appointed by the President in accordance with article 195 of the Constitution. The Deputy Executive Director is responsible to the Executive Director in the performance of the functions. The Deputy Executive Director is to assist the Executive Director in the performance of functions, act as the Executive Director in the absence of the Executive Director and perform other functions that the Executive Director may delegate, *clause 48*.

The Executive Director is mandated under *clause 49* to designate a senior officer of the Commission as Secretary to the Board. The Secretary is to arrange the business for and record and keep the minutes of the meetings of the Board and also perform functions that the Executive Director in consultation with the Board may assign.

Clause 50 makes provision for the Board to establish a Human Resource Development Division, a Finance Division, an Administration Division, an Assessment and Certification Division, a Standards,

EDUCATION REGULATORY BODIES BILL, 2019

Curriculum and Accreditation Division, and a Policy, Planning, Research, Monitoring and Evaluation Division. The Board may further establish any other Division that the Board considers necessary for the efficient performance of the functions of the Commission.

Clauses 51 to 56 are on miscellaneous provisions. Clause 51 prohibits a person determined by the Commission not to be in good standing from providing a service to a technical and vocational institution or learner. A person who contravenes this clause is liable to pay to the Commission an administrative penalty.

The Commission is exempt from the payment of taxes on income accruing from investments made by the Board for the Commission, subject to the approval of the Minister responsible for Finance and Parliament, *clause 52.*

The power of the Minister to make Regulations is provided for in *clause 53.* The Regulations are to, among others, provide generally for the effective implementation of Part Two. *Clause 54* is on interpretation whilst *clause 55* repeals the National Board for Professional and Technician Examinations Act, 1994 (Act 492), the National Vocational Training Institute Act, 1970 (Act 351) and the Council for Technical and Vocational Education and Training Act, 2006 (Act 718). The *clause* further saves Regulations, notices, orders, directions or any other act lawfully done or made under the them and in force until reviewed, cancelled or terminated. Transitional matters are dealt with in *clause 56.*

Parts Three, Four and Five of the Bill deal with the three regulatory bodies in the Education Sector as established in the Education Act, 2008 (Act 778) which is repealed under *clause 76* of the Bill. These are the National Teaching Council, the National Inspectorate Authority and the National Council for Curriculum and Assessment.

Part Three of the Bill, which consists of *clauses 57 to 77*, establishes the National Teaching Council as a body corporate with perpetual succession. For the performance of its functions, the Council may acquire

EDUCATION REGULATORY BODIES BILL, 2019

and hold movable and immovable property, dispose of property and enter into a contract or any other transaction, *clause 57*.

The object of the Council in *clause 58* is to uphold the standards of the teaching profession by the provision of a quality assurance process to support the delivery of education in a pre-tertiary institution in a professional and competent manner by licensed teachers who have graduated from a recognised teacher training programme.

The functions of the Council include advising the Minister on matters relating to the professional standing and status of teachers, teacher education and development, making recommendations to the Minister on professional standards required for the examination, registration and certification of teachers, the issuance of licences, keeping a register of duly qualified teachers and the exercise of disciplinary powers over teachers, *clause 59*.

The governing body of the Council, as specified in *clause 60*, is an eleven-member Board which consists of a Chairperson with extensive academic and administrative experience, one representative each from the Ministry responsible for Education, the National Council for Curriculum and Assessment, the National Commission for Technical, Vocational Education and Training, the National Inspectorate Authority, the universities involved in teacher education on a rotational basis and the teachers' associations nominated by the teachers' association on rotational basis. Other members of the Board are a representative of the Education Service, two distinguished educationists, one of whom is a woman and the Registrar of the National Teaching Council. The members of the Board are to be appointed by the President in accordance with article 70 of the Constitution. The Board is to ensure the proper and effective performance of the functions of the Council.

Clause 61 empowers the Board to establish committees consisting of members of the Board and non-members or both to perform a function determined by the Board. In addition, the Board is to establish a Finance and Administration Committee, Research, Monitoring and Evaluation Committee, Certification and Registration Committee, a Complaints and Disciplinary Committee, Professional Development Committee and an

EDUCATION REGULATORY BODIES BILL, 2019

Examinations Committee. The Board is to determine the membership and functions of a committee.

A Registrar is to be appointed for the Council by the President in accordance with article 195 of the Constitution. The Registrar is to hold office on the terms and conditions specified in the letter of appointment, *clause 62*. The functions of the Registrar as provided for in *clause 63* are the provision of strategic leadership, technical and administrative direction to achieve the mandate of the Council, ensuring the implementation of the decisions of the Council and arranging the business for and causing to be recorded and kept the minutes of the meetings of the Board. In addition to the above, the Registrar is to initiate the formulation and implementation of policies and perform other functions that the Board may assign. The Registrar may delegate a function to an officer of the Council but is not relieved from ultimate responsibility for the performance of the delegated function.

Provision is made for the appointment of two Deputy Registrars under *clause 64*. The functions of the Deputy Registrars as set out in *clause 65* are to provide technical direction on leadership towards the achievement of the object of the Council, develop and implement standard guidelines for the conduct of credible licensing examinations, and any other function that the Registrar delegates. The more senior Deputy Registrar is to act as Registrar in the absence of the Registrar.

The conditions for registration and licensing of teachers is provided for in *clause 66*. A person is not to act as a teacher unless that person is registered as a teacher. A person who seeks to register as a teacher is required to apply to the Registrar. A licence issued by the Council is to bear the registration number of the teacher and is the only legal authorisation to teach in the subject of specialisation.

Clause 67 deals with the qualification for registration and licensing. A person is qualified to be registered and issued with a licence to teach by the Council if that person possesses at least the initial prescribed teacher training qualification determined by the Council, or has successfully

EDUCATION REGULATORY BODIES BILL, 2019

passed the professional examination. The Council is not to register or licence a person if that person has been disqualified from teaching by reason of a professional misconduct or if within a period of six months immediately before the date of the application, that person has been refused registration as a teacher, or the registration of that person as a teacher has been cancelled.

A provisional licence may be issued by the Council if there is a need for the training or study for the emergency certification of a person that the Council considers suitable for short training to meet a crisis in the shortage of teachers or for any other person who desires to take up teaching as a profession, *clause 68*.

The grounds for refusal of registration are listed in *clause 69*. The Council may refuse to register a person as a teacher if that person suffers from a medical condition that is likely to interfere with the practice of teaching as certified by a registered medical practitioner or has been convicted of a criminal offence of a nature which in the opinion of the Council renders that person unsuitable to teach in an educational institution. The Council may also refuse to register a person if that person made a false statement in an application for registration as a teacher, has not passed the requisite teacher certification examination recognised by the Council or does not satisfy the standards required for a licence.

Under *clause 70*, a person aggrieved by a decision of the Board on refusal to register may appeal to the Board within one month from the date of the decision of the Board and the Board may vary, confirm or rescind its decision.

The Council is mandated to maintain a register of certified teachers and enter in the register, the particulars of a person registered as a teacher, *clause 71*.

Clause 72 makes it an offence for a head teacher to employ a teacher who has not been registered and issued with a license by the Council. However under *clause 73*, the Council may authorise the employment of

EDUCATION REGULATORY BODIES BILL, 2019

a person who is not registered as a teacher to teach in a pre-tertiary institution or a deprived community. An authorisation by the Council is for a period of two years within which that person is required to take the necessary steps to acquire the relevant qualifications needed to be licensed by the Council. If that person fails to obtain a licence within two years, the Council is to withdraw the authorisation until a time that that person obtains a licence to teach, *clause 73*.

The power of the Minister to make Regulations under Part Three is provided for in *clause 74*. The Regulations are to, among others, provide generally for the effective implementation of Part Three. Interpretation of words used in Part Three is provided for in *clause 75*.

Clause 76 repeals the Education Act, 2008 (Act 778). The *clause* further saves Regulations, notices, orders, directions or any other act lawfully done or made under the Act until reviewed, cancelled or terminated. Transitional matters are dealt with in *clause 77*.

Part Four of the Bill, that is *clauses 78 to 91*, provides for matters relating to the National Inspectorate Authority. The Authority is established as a body corporate with perpetual succession under *clause 78*. For the performance of its functions, the Authority may acquire movable and immovable property, dispose of property and enter into a contract or any other related transaction.

The object of the National Inspectorate Authority is to ensure quality education in public and private tertiary institutions, *clause 79*.

The functions of the Authority as provided for in *clause 80* are to set and enforce standards to be observed in public and private pre-tertiary institutions throughout the country, advise District Assemblies on the maintenance of academic and educational management standards and support the District Education Section in the implementation of academic and educational management standards. The Authority is also to ensure that reports on school inspections with recommendations are sent half yearly to the Education Service and Technical and Vocational Education and Training Service for the improvement of learning outcomes and advise the Minister on matters that the Minister may request.

EDUCATION REGULATORY BODIES BILL, 2019

The governing body of the Authority as provided for under *clause 81* consists of eleven members. The members include a chairperson with extensive academic and administrative experience, one special education specialist or practitioner, one representative each of the National Teaching Council, the National Council for Curriculum and Assessment, the Association of Private Schools, the West African Examinations Council, the teacher associations on a rotational basis, the Technical and Vocational Education and Training Service and the Education Service. The Chief Inspector of Schools is also a member of the Board. The members of the Board are to be appointed by the President in accordance with article 70 of the Constitution. The Board is to ensure the proper and effective performance of the functions of the Authority.

The Board may generally establish Committees to perform a function determined by the Board but is mandated to establish a Finance and Administration Committee, a Research, Monitoring and Evaluation Committee, a Structural and Facility Assessment Committee and a Quality Assurance Committee. The Board is to determine the membership and functions of a committee, *clause 82*.

Clause 83 provides for the establishment of inspection panels to provide an independent external evaluation of the quality and standards in pre-tertiary institutions. The inspection panels are to focus on the quality of leadership and management of pre-tertiary institutions as well as teaching and learning provided in pre-tertiary institutions, the levels of scholarship attained by pre-tertiary institutions, the facilities available in pre-tertiary institutions, the system of internal and external examinations in place at pre-tertiary institutions, the values emphasised and taught in pre-tertiary institutions including community service by the students or pupils and staff and the statistical data of the pre-tertiary institutions and tracer studies to track the achievement of past students.

A Chief Inspector of Schools is to be appointed by the President in accordance with article 195 of the Constitution. The Chief Inspector is to hold office on the terms and conditions specified in the letter of appointment, *clause 84*. The Chief Inspector is responsible for the implementation of the decisions of the Board and for the day to day adminis-

EDUCATION REGULATORY BODIES BILL, 2019

Education Departments, Regional Co-ordinating Councils and the Dis undertake the inspection of pre-tertiary institutions, evaluate school inspection and assessment reports on pre-tertiary institutions periodically and submit yearly reports to the Minister, the Board, the Regional Education Departments, Regional Co-ordinating Councils and the District Assemblies on the inspection of schools. The Chief Inspector may delegate a function to an officer of the Authority but is not relieved from ultimate responsibility for the performance of the delegated function, *clause 85*.

Provision is made in *clause 86* for the appointment of two Deputy Chief Inspectors of Schools, one in charge of operations and quality control, and the other in charge of monitoring and evaluation. The functions of the Deputy Chief Inspectors of Schools are to assist the Chief Inspector in the performance of functions and perform any other function that the Chief Inspector may delegate. A Deputy Chief Inspector is to report to the Chief Inspector in the performance of the functions, *clause 87*.

Under *clause 88*, the Authority is to have an Inspection and Supervision Division, a Research, Monitoring and Evaluation Division, a Finance Division, a Human Resource Management Division and an Administration Division. The Authority may establish other Divisions necessary for the performance of its functions.

The power of the Minister to make Regulations under Part Four is provided for in *clause 89*. The Regulations are to, among others, provide generally for the effective implementation of Part Four. Interpretation of words used in Part Four is provided for in *clause 90*. Transitional matters in relation to the Authority are catered for in *clause 91*.

Clauses 92 to 103, which is Part Five of the Bill, deal with the National Council for Curriculum and Assessment. *Clause 92* establishes the National Council for Curriculum and Assessment as a body corporate with the power to acquire and hold movable and immovable property, dispose of property and enter into a contract or any other related transaction. The object of the Council is to develop curriculum and assessment standards for pre-tertiary education institutions, *clause 93*.

EDUCATION REGULATORY BODIES BILL, 2019

The functions of the Council as provided for in *clause 94* include the development of a national curriculum and assessment standard for pre-tertiary institutions, collaboration with the National Teaching Council in the implementation of the curriculum, ensuring an inclusive and representative curriculum development process, guiding curriculum development in a timely and effective manner and the review of subjects and the recommendation of new subjects necessary for the educational system. The Council is also to review the criteria and conditions for the appointment of members of syllabus panels, receive reports on monitoring assessments, school based assessments and end of course examinations and make recommendations on the nature of examinations and any other recommendations to improve teaching and learning in pre tertiary institutions . The Council is to take into consideration regional and district peculiarities in the review and approval of teaching and learning materials.

Clause 95 provides for an eleven member governing body of the Council. The members of the Board consist of a chairperson with extensive academic and administrative experience and expertise in curriculum development and assessment, the Executive Secretary of the Council, one representative each of the National Teaching Council, the Ghana Tertiary Education Commission, National Commission for Technical and Vocational Education and Training, the National Inspectorate Authority and the Director of the Ghana Book Development Council, among others. The members of the Board are to be appointed by the President in accordance with article 70 of the Constitution. The Board is to ensure the proper and effective performance of the functions of the Council.

The Board may, in *clause 96*, establish committees including a Finance and Administration Committee, a Research, Monitoring and Evaluation Committee, a Curriculum Development, Review and Implementation Committee, and an Assessment Committee. The Board is to determine the membership and functions of each committee.

Clause 97 provides for the appointment of an Executive Secretary of the Council. The Executive Secretary is to be appointed by the President in accordance with article 195 of the Constitution and shall hold office on the terms and conditions specified in the letter of appointment. The functions of the Executive Secretary are spelt out in *clause 98*. They include

EDUCATION REGULATORY BODIES BILL, 2019

the day to day administration of the Council, ensuring the implementation of the decisions of the Board and arranging the business for and causing to be recorded and kept the minutes of the meetings of the Board. The Executive Secretary may delegate a function to an officer of the Council but is not relieved from ultimate responsibility for the performance of the delegated function.

Provision is made in *clause 99* for the appointment of two Deputy Executive Secretaries by the President. A Deputy Executive Secretary is to hold office on the terms and conditions specified in the letter of appointment. The Deputy Executive Secretaries are to assist the Executive Secretary in the performance of the functions of Executive Secretary and also perform any other functions that may be assigned by the Executive Secretary, *clause 100*. The Deputy Executive Secretaries are responsible to the Executive Secretary in the performance of functions. The more senior Deputy Executive Secretary is required to act in the absence of the Executive Secretary.

The power of the Minister to make Regulations under Part Five is provided for in *clause 101*. The Regulations are to, among others, provide generally for the effective implementation of Part Five. Interpretation of words used in Part Five is provided for in *clause 102*. Transitional matters in relation to the Council are dealt with in *clause 103*.

Part Six of the Bill, that is *clauses 104 to 118*, makes provision for administrative, financial and miscellaneous provisions that are standard provisions for regulatory bodies.

Clause 104 provides for the tenure of office of members of the Board. A member of the Board is to hold office for a period of four years and is eligible for re-appointment but a member is not to be appointed for more than two terms. The *clause* also makes provision for the procedures for the resignation of a member from the Board as well as the modalities for the filling of vacancy which may result by reason of death of a member of the Board, among others.

The Board of a regulatory body is mandated to meet at least once every three months for the dispatch of business at the times and in the places determined by the chairperson, *clause 105*. The *clause* also makes

EDUCATION REGULATORY BODIES BILL, 2019

provision for the chairperson to call extra-ordinary meetings at the request in writing of not less than one-third of the members of the Board. Matters before the Board are to be decided by a majority of members present and voting and in the event of an equality of votes, the person presiding is to have a casting vote. Subject to this *clause*, the Board may determine the procedure for its meetings.

A member of the Board who has an interest in a matter for consideration by the Board is required to disclose in writing the nature of that interest and is disqualified from participating in the deliberations of the Board in respect of the matter, *clause 106*. A member who fails to comply with this *clause* is to have the appointment of that member revoked.

Allowances for members of a Board or a committee of a Board provided for in *clause 107*. The Minister responsible for Education may give policy directives in writing to a Board and the Board is to comply, *clause 108*.

The Board may, under *clause 109*, establish regional and district offices in each regional capital and in the districts determined by the Board. A regional or district office is to be provided with the public officers that the President appoints in accordance with article 195 of the Constitution.

Furthermore, in *clause 110*, the President is to, in accordance with article 195 of the Constitution, appoint officers necessary for the proper and effective performance of the functions of the regulatory bodies. The power of appointment may be delegated by the President, in accordance with clause (2) of article 195 of the Constitution, in writing to the Board. Other public officers may be transferred or seconded to the bodies or may otherwise give assistance to the Board.

In *clause 111*, a regulatory body is to have an internal audit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921). The Internal Audit Unit is to be headed by an internal auditor who shall be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

The funds of the regulatory bodies as specified in *clause 112* include moneys approved by Parliament, moneys derived from fees and charges for the services rendered, returns on investments and donations, grants

EDUCATION REGULATORY BODIES BILL, 2019

and gifts. In addition to these funds, provision is made in *subclause (3)* for funds of the Ghana Tertiary Education Commission to also include a levy of one percent of the internally generated funds of a tertiary education institution. The moneys for each regulatory body are to be paid into a bank account opened for that purpose with the approval of the Controller and Accountant-General, *clause 113*.

A Board is to, at least three months before the commencement of each financial year, cause to be prepared estimates of the revenue and expenditure for that year, *clause 114*. The annual estimates are to provide for all the estimated expenditure of the financial year.

A Board is required in *clause 115* to keep proper books of accounts and accounting records in accordance with the form approved by the Auditor-General. The accounts are to be submitted to the Auditor-General for audit within three months after the end of the financial year. The Auditor-General is to, within six months after the end of the immediately preceding financial year, audit the accounts and forward a copy of the audit report to the Minister and the Board.

A Board is also required, within one month after the receipt of the audit report, to submit an annual report to the Minister covering the operations of the Regulatory body for the year to which the report relates, *clause 116*.

A Board is to collaborate with other statutory bodies in the education sector, *clause 117*. Finally, *clause 118* provides for the interpretation of words used in Part Six.

HON. DR. MATTHEW OPOKU PREMPEH (M.P.)
Minister responsible for Education

Date: 19th February, 2019.