

EDUCATION AMENDMENT (NO 2) ACT 2003



**BERMUDA
2003 : 22**

EDUCATION AMENDMENT (NO 2) ACT 2003

[Date of Assent: 17 December 2003]

[Operative Date: 17 December 2003]

WHEREAS it is expedient to amend the Education Act 1996:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:—

Short title

1 This Act may be cited as the Education Amendment (No 2) Act 2003.

Amends section 8 of Education Act 1996

2 Section 8 of the Education Act 1996 is amended —

(a) in subsection (2), by inserting next after paragraph (ee) the following —

"(ef) with respect to the responsibilities of a parent in relation to the school at which a student is enrolled and in relation to the student;" and

(b) by inserting next after subsection (2) the following —

"(2A) Without prejudice to the generality of subsection (2)(ef), rules made under subsection (2)(ef) may include rules in respect of the responsibilities of parents in

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relation to such extra-curricula activities as the Minister may specify.

(2B) Subject to subsection (2C), a parent who contravenes any provision of a rule made under subsection (2)(ef), commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars.

(2C) Where a parent contravenes any provision of a rule made under subsection (2)(ef), the principal of the school may —

- (a) after giving the parent a hearing, warn the parent or refer him to parenting classes or both; or
- (b) recommend to the Manager of the school that the parent be prosecuted.

(2D) Where a parent fails or refuses without reasonable excuse to attend parenting classes to which he has been referred under subsection (2C) the principal of the school shall recommend to the Manager of the School that the parent be prosecuted.

(2E) Where an accused parent pleads guilty or is found guilty of an offence in contravention of a provision of a rule made under subsection (2)(ef), the court may, instead of convicting the parent, order that he be enrolled in a counseling programme or parenting class, for such period and subject to such conditions as the court may specify in an order.

(2F) Notwithstanding subsection (2E) where a parent fails, without reasonable excuse to comply with the rules of a counseling programme or a parenting class under subsection (2E), or any conditions set out in an order made under subsection (2E), the court may revoke the order and—

- (a) convict the parent, of the offence in respect of which the order was made; and
- (b) impose any sentence that could have been imposed if the parent had been convicted at the time the order was made.

(2G) Notwithstanding subsection (2B) the court at which a parent who has contravened a provision of a

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rule made under subsection (2)(ef) is prosecuted may on conviction of a parent make —

- (a) an order for the parent to attend —
 - (i) a counseling programme; or
 - (ii) parenting classes as specified by the principal of the school; and
- (b) such other orders as the court considers appropriate.

(2H) Where a parent has been enrolled in a counseling programme or parenting class under subsection (2E) or (2G) the court shall monitor the progress of the parent throughout the duration of the programme or the class, as the case may be.

(2I) In this section —

"counseling programme" means a counseling programme approved by the Chief Education Officer after consultation with the Director of Child and Family Services;

"Manager" means the Chief Education Officer, in the case of maintained schools or the School Board, in the case of aided schools; and

"parenting class" means a parenting class approved by the Minister responsible for Education."

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