

Tanzania

Education Act

## Education (Expulsion and Exclusion of Pupils from Schools) Regulations, 2002

Government Notice 295 of 2002

Legislation as at 31 July 2002

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Education (Expulsion and Exclusion of Pupils from Schools) Regulations, 2002 (Government Notice 295 of 2002)

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## Tanzania

### Education Act

# Education (Expulsion and Exclusion of Pupils from Schools) Regulations, 2002

## Government Notice 295 of 2002

Published in Tanzania Government Gazette

### Commenced

*[This is the version of this document at 31 July 2002.]*

*[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]*

*[Section 60(o); G.N. No. 295 of 2002]*

### 1. Citation and application

These regulations may be cited as the Education (Expulsion and Exclusion of Pupils from Schools) Regulations and shall apply to all Primary and Post Primary Schools.

### 2. Interpretation

(1) In these Regulations, unless the context otherwise requires—

"**Act**" means the Education Act <sup>1</sup>;

"**Appeals Board**" means the Appeals Board established under the Act;

"**exclusion**" means refusal of admission or readmission of pupils to school;

"**expulsion**" means a permanent removal of a pupil from school;

"**Head of School**" means any person in charge of a primary school, secondary school or teacher training college;

"**Regional Education Officer**" means any government education officer appointed by the relevant authority to be in charge of education services in a region and includes any person to whom he delegates his duties.

### 3. Person entitled to order exclusion or expulsion

Subject to the provisions of these regulations, the person entitled to order the expulsion or exclusion of a pupil from a school shall be—

- (a) the School Board in case of post primary school; or
- (b) the School Committee in the case of a Primary School.

#### **4. Expulsion of pupil from school**

The expulsion of a pupil from a school may be ordered where—

- (a) the persistent and deliberate misbehaviour of the pupil is such as to endanger the general discipline or the good name of the school; or
- (b) the pupil has committed a criminal offence such as theft, malicious injury to property, prostitution, drug abuse or an offence against morality whether or not the pupil is being or has been prosecuted for that offence;
- (c) a pupil has entered into wedlock.

#### **5. Suspension of pupil**

The Head of School may order the suspension of a pupil from school for a specified period not exceeding twenty-one days prior to making recommendations to the School Board or School Committee regarding the misconduct of the pupil and punishment recommended.

#### **6. Rustication of pupil**

- (1) The Head of School may rusticate a pupil from school for a specified period, not exceeding twenty-one days.
- (2) For the purpose of regulation 3 the Head of School may recommend to the School Committee or School Board that a pupil be removed from the school for a specified period and such recommendation shall entitle the School Committee or School Board to give the direction referred to in subregulation (1) of this regulation and determine the period to be specified.

#### **7. Exclusion of pupil from school**

The exclusion of a pupil from a school may be ordered where—

- (a) the delay in the pupil reporting for admission to the school is inexcusable; or
- (b) the physical or mental health of the pupil is such as to make it undesirable for the pupil to be admitted to the school.

#### **8. Recommendation for expulsion, exclusion or suspension to be supported by a written report**

- (1) Where a Head of School makes any recommendation to a School Committee or School Board as to expulsion, or exclusion of a pupil from the school, such recommendation shall be contained in a written report setting out the full circumstances in which the recommendation is made and the report shall be accompanied by a copy of all relevant extracts from the record referred to in subregulation (1)(b) of regulation 7.
- (2) Every Head of School shall maintain a written record of all punishment and warnings given to pupils of the school and of every order made by him under these regulations.
- (3) The form of report or record made or maintained under these regulations shall be in accordance with such instructions as may be issued by the Commissioner.

#### **9. School Committee or School Board may accept or reject recommendation made**

The School Committee or School Board after considering the report referred to in subregulation (1) of regulation 8 may after making such inquiries or referring the report back to the Head of School concerned for such further information as may be considered necessary, accept or reject any recommendation made therein.

## **10. Notification of expulsion or exclusion of a pupil**

- (1) Every order made under these regulations for the expulsion, exclusion or suspension of a pupil from a school, shall be notified to—
  - (a) the parents or guardians of the pupil; and
  - (b) the Regional Education Officer.
- (2) In every notification required by this regulation the ground on which the order was made shall be given and all such notification to the parents or guardian of the pupil and the Regional Education Officer, shall be in writing and shall include a summary of material facts on which the order was made.

## **11. Appeal provisions**

- (1) Subject to the provision of subregulation of this regulation an order made under regulation 9 for the expulsion or exclusion of a pupil from a school shall be final and binding.
- (2) Any person aggrieved by the decision of the School Committee or School Board may appeal to the appropriate Appeal Board within forty-five days of such decision.

## **12. Revocation**

*[Revokes the Education (Expulsion and Exclusion from Schools) Regulations.]*