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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

I, Prasanna Ranatunga, The Chief Minister and the Minister of Finance and Planning, Law and Order, Land, Education, Local Government and Provincial Administration, Power and Energy, Manpower and Employment, Economic Promotion and Trade of the Western Province hereby notify that the Pre-school Statute No. 01 of 2013 of Western Province Provincial Council described in the schedule below has been passed by the Western Province Provincial Council on 05th of February 2013 and has been assented by the Hon. Governor of the Western Province on 04th of July 2013.

PRASANNA RANATUNGA,
Chief Minister and the Minister of Finance and Planning, Law and Order,
Land Education, Local Government and Provincial Administration,
Power and Energy, Manpower and Employment and Economic Promotion
of the Western Province Provincial Council.
Western Province.

Chief Ministry of the Western Province Provincial Council,
Shrawasthi Mandiraya,
Sir Marcus Fernando Mawatha,
Colombo 07,
13th August 2013.

Western Province Provincial Council Pre-school Statute No. 01 of 2013

A statute for Registration, Supervision, Administration and Monitoring of Pre-schools and for introduction of model Pre-schools and for providing provisions incidental thereto and for repealing Pre-school Statute No. 03 of 2003.

Be it enacted by the Western Province Provincial Council of Democratic Socialist Republic of Sri Lanka. Enactment

01. This statute shall be cited as the Western Province Pre-school Statute No. 01 of 2013 and shall come into effect on such date assented by the Governor of the Western Province. Short name and the date of operation.



PART I

OBJECTIVES

Objectives.

02. Objectives of this statute shall be as follows.

- (1) Registration, regulation and supervision of all Pre-schools being conducted in the province ;
- (2) Improvement of knowledge, skills and attitudes of all teachers engaged in Pre-school service of the province ;
- (3) Deciding and implementing policies on Pre-school education of the province ;
- (4) Deciding standards for Pre-schools ;
- (5) Making parents of Pre-school children and public aware of Pre-school education ;
- (6) Co-ordination of functions of Government, Non Government and private institutions engaged in activities related to Pre-schools of the province and conduction of guidance and Co-ordination needed to operate then as per provincial policy ;
- (7) Creation of an environment favourable to accustom children of early childhood for regular education by developing their skills through activities oriented for total development of them through Pre-schools of the province ;
- (8) Preparation of background needed to lead a happy and playful early childhood for the children ;
- (9) Providing background needed for a Co-operative lifestyle by respecting art, religious and cultural needs of the people of the province ;
- (10) Establishment of a provincial fund referred to as "Provincial Pre-school Development Fund".

PART II

ADMINISTRATION, SUPERVISION AND FUNCTIONS

Establishment of Pre-school unit.

03. A Pre-school unit that shall be hereinafter referred to as "Western Province Pre-school Unit" shall be established and that unit shall be under the supervision of Provincial Department of Education.

Appointment of Pre-school director.

04. (1) There shall be a Director as the head of the Pre-school unit ;
- (2) That Director shall be a Class I Officer of Sri Lanka Education Administrative Service and shall be appointed by the Secretary ;
- (3) Administrative, supervision and operation of all activities of the Pre-school unit shall be performed by the Director ;
- (4) The Director may assign any of his powers, duties or functions under this statute to any officer.

Duty of the Pre-school unit.

05. Pre-school unit shall discharge duties mentioned below :

- (1) Registration, supervision and regulation of institutions engaged in activities prescribed for children between 3-5 years referred to as Pre-school or any other name in the province ;
- (2) Providing guidance and assistance needed to improve Pre-school educational activities in the province ;

- (3) Providing facilities and services needed for children with special educational needs of the Pre-school age ;
- (4) Conduction of training institutions to train Pre-school teachers and offering certificates for those who obtained proper training ;
- (5) Conduction of in-service training sessions and training workshops related to renovate and update Pre-schools ;
- (6) Grading Pre-schools of the province considering relevant standards and service facilities provided ;
- (7) Prescribing administrative and management standards for all Pre-schools conducted in personal level by Government, Local Government and Various Organizations in the province ;
- (8) Providing guidance and regulation for maintenance of standards of all Non-Government Training Institutions in National Level engaged in Training Pre-school Teachers of the Province ;
- (9) Planning and implementation of programmes to make public aware of the importance of Pre-school education.

PART III

PRE-SCHOOL ADVISORY COMMITTEE

06. A Pre-school advisory committee been herein after referred to as “Advisory Committee” consisting of the following members should be appointed by the Minister : Pre-school advisory committee.
 - (1) Pre-school Advisory Committee shall consist of hereinafter referred to as appointed ex-officio members. Ex-officio members.
 - (a) Secretary of the Ministry of Education of Western Province or an office of executive grade nominated by the Secretary ;
 - (b) Director of Education of Western Province or his representative ;
 - (c) Director of Health Services of Western Province or his representative ;
 - (d) Commissioner of Probation and Child Care Services of Western Province or his representative ;
 - (e) Commissioner of Local Government of Western Province or his representative ;
 - (f) Legal Officer of the relevant Ministry in charge of the subject.

and
 - (2) Five persons as appointed members with qualifications on the subject field nominated by the Minister including three Pre-school teachers registered in the Western Province with experience of more than ten years. Appointed members.
07. (1) Chairman of the Advisory Committee shall be the Secretary of Provincial Education or his representative and the Pre-school Director shall be the Secretary of this Committee ; Chairman & the secretary of the pre-school advisory committee.
- (2) An appointed member shall hold post for a period of three years unless he vacates his post by death, resignation or removal from the post ;
- (3) The quorum of the Advisory Committee shall be five members;

- (4) An appointed member shall be deemed to have vacated his post if he does not attend three consecutive meetings on a reason considered to be unsatisfied by the Advisory Committee ;
- (5) The Minister may at any occasion remove an appointed member of the Advisory Committee presenting reasons ;
- (6) An appointed member may resign from his post informing by a letter addressed to the Minister informing his registration ;
- (7) In an occasion where an appointed member vacates his post earlier by death, resignation, or removal or any other reason the Minister considering the provisions of Sub-section 06(2) shall appoint another person as the successor of the member. Any successor appointed on behalf of that member shall hold office for the unexpired period of his predecessor ;
- (8) An appointed member shall be eligible for reappointment except a member removed from his post under above Sub-section (5) ;
- (9) The Advisory Committee shall meet at least once in three months ;
- (10) An allowance decided by the Minister with the concurrence of the Provincial Council Minister in charge of the Finance subject may paid to the members participated in each Advisory Committee Meeting.

Disqualification
for appointment
to the advisory
committee.

08. If a person :

- (1) Is not a citizen of Sri Lanka or ceased to be a citizen ;
- (2) Becomes to be of unsound mind or insane ;
- (3) Becomes bankrupt ;
- (4) Is condemned or serving or has served a sentence of imprisonment on a verdict issued by a Criminal Court in Sri Lanka or any other country ;
- (5) Holds a financial connection which will adversely affect the discharge of duties and functions of the Advisory Committee ;
- (6) Is declared to be guilty for an offence under this statute.

shall be ineligible to be appointed or to proceed as a member of the Advisory Committee.

09. A decision or an action taken by the Advisory Committee shall not be cancelled on account of a vacancy in the Advisory Committee or a defect in the appointment of a member.

Duties &
functions of the
advisory
committee.

10. Advisory Committee shall discharge and perform the duties and functions mentioned below :

- (1) Advising to prepare policies with regard to registration, regulation and supervision of Pre-schools in the province ;
- (2) Providing necessary advices and guidance to the Pre-school unit ;
- (3) Issuing instructions to the Director on necessary occasions with regard to implementation of provisions of this statute ;
- (4) Providing instructions to prepare a curriculum to be used for all Pre-schools with the guidance of the National Education Institute and to implement in all Pre-schools.

PART IV

PRE-SCHOOL DEVELOPMENT FUND

11. There shall be established a fund referred to as Pre-school development fund of the Western Province :
- Pre-school development fund.
- (1) A control board shall be appointed with regard to functions of fund control and that shall be consisted of following officers.
 - (a) A Senior Officer appointed by the secretary ;
 - (b) Director (Accounts & Payments) of the Chief Secretary's office ;
 - (c) Additional Educational Director (Development) of the province ;
 - (d) Provincial Co-ordinating Director in charge of primary subject ;
 - (e) Chief Accountant of the Provincial Department of Education ;
 - (2) A Senior Officer appointed by the secretary shall be the Chairman of this control board ;
 - (3) All sums granted by the Provincial Council from time to time and all sums earned by Pre-school unit and other aids and donations shall be credited to this fund ;
 - (4) Expenses bored to achieve objectives of this statute may paid by this fund ;
 - (5) Provisions of Section 154 of the Constitution shall be applied with regard to auditing accounts of the fund. Auditing accounts.

PART V

Standards for Pre-schools

12. (1) Pre-schools shall consist of following basic and minimum facilities :
- Basic & minimum facilities in pre-schools.
- (a) Allocation of minimum building accommodation of 10sq. feet per child ;
 - (b) Preparation of toilet system as one toilet for every 25 children ;
 - (c) Preparation as to provide air supply to 1/7 of cubic extent from the room of the building ;
 - (d) Intense protection of the Pre-school premises by a protective wall or a protective fence ;
 - (e) Maintenance of a first aid box with sufficient equipment and medicine ;
 - (f) Availability of facilities for playing ;
 - (g) Preparation of the Pre-scholl premises in a pleasant enviornment and consistance of basic sports equipment ;
 - (h) Occupying registered teachers to the ratio of 20:1 ;
 - (i) Availability of adequate furniture and equipment and their maintenance with an attractive outlook for the mental satisfaction of children ;
 - (j) Preparation of a suitable place for observance of religious rites.
- (2) A Pre-school shall not be established in a damaging or dangerous environment or in an area within 100 meters from such a place.

PART VI

REGISTRATION OF PRE-SCHOOLS

Pre-schools are
to be registered.

13. No Pre-school not registered from the date this statute comes into effect shall be conducted in the province.

Request to be
made for
registration.

14. (1) Any Pre-school that have been already registered under Pre-school Statute No. 04 of 2007 may not need to re-register and any unregistered Pre-school shall be given a concessionary period of four months to register under this statute.

(2) Any Pre-school commenced after putting this statute into operation shall be registered within four months after the establishment of this statute.

15. The Director may have power to register any Pre-school which fails to register under Sub-section 14(1), (2) mentioned above with a levy of an additional fee of 50% for the lapsed time if any request had been forwarded with reasonable and justifiable reasons within six months.

16. Due registration shall be paid by the applicant for registration.

17. Any person who commences any Pre-school or conduct any Pre-school violating provisions of this statute shall be guilty for an offence under this statute.

Director's power
to refuse
registration.

18. When a request is made to the Director in write by the entrepreneur to register any institution conducted in the name of Pre-school or other name at the date of operating this statute as per provisions of the statute the Director may refuse registraion by giving reasons for that, if that request is not in conformity with provisions of this statute.

(1) On every occasion when such a request is refused reasons for refusal shall be informed to the entrepreneur who made the request within one month from the date of the request ;

(2) In an occasion when such request in refused the entrepreneur may submit on appeal to the Minister in that regard within one month ;

(3) On receipt of scuh an appeal the Minister shall refer it to the Advisory Committee and obtain observations and recommendations and confer his decision to the appellant within three months ;

(4) The decision taken by the Minister in this regard shall be final and conclusive.

Register of
registered Pre-
school to be
maintained

19. (1) The Director shall maintain a register on Pre-schools which have been conducted as a Pre-school at the date of operation of this statute and registered as per provisions of the statute after this statute comes into effect and newly established and registered as per provisions of the statute at the date of operation of the statute ;

(2) Every registered Pre-school shall be provided with a number and a certificate by the Director ;

(3) Director may have the power to cancel the registration of a registered Pre-school if such a Pre-school is not conducted as per provisions of the Statute ;

cancelling
registration of
Pre-school.

(4) Director may have the power to cancel registration of a registered Pre-school if the entrepreneur of a Pre-school has been declared guilty for an offence on a decision given by a court in a matter with regard to Pre-schools.

PART VII

REGISTERING PRE-SCHOOL TEACHERS

20. Persons who work as Pre-school teachers and who expects to work as Pre-school teachers at the date of operation of this statute shall pass six subjects including Mathematics with a credit for Sinhala in General Certificate on Education (Ordinary Level) Examination shall have followed a diploma in an institution recognized by the Advisory Committee except for Pre-school Teachers who have served before Pre-school Statute No. 04 of 2003 comes into operation and has already registered. If have passed six subjects including Mathematics with a credit for Sinhala in General Certificate on Education (Ordinary Level) and passed three subjects at one sitting in General Certificate on Education shall have followed a training course on Pre-school education recognized by the Advisory Committee.

Educational qualifications of pre-school teachers.

Nevertheless the Pre-school teachers who have not fulfilled above basic qualifications and have not registered up to now through employing with a service of more than 10 years by the date of operation of this statute shall pass an examination held by the Advisory Committee.

21. (1) If the persons apply for registration have fulfilled qualifications as per provisions of the Statute shall be registered and shall be issued an identity card.
- (2) Director may have power to cancel the registration of a Pre-school teacher is a person registered as a Pre-school Teacher has not fulfilled qualifications as per provisions of the Statute or has found guilty for a criminal offence on a decision given by a court.
- (3) A prescribed fee shall be paid by Pre-school Teachers for registration.

Pre-school teachers to be registered.

Cancelling registration of pre-school teachers.

PART VIII

OFFICERS AND PUNISHMENTS

22. (1) (a) Any person who cause violation, breach of rules framed under his Statute or provisions of this Statute ;
- (b) Any person who cause disturbance, obstruction for the duty of an officer who discharge duties under this Statute ;
- (c) A person who causes inducement, abatement for the offences mentioned in above (a)b.

shall be guilty for an offence under this Statute.

- (2) Any person who found guilty for any offence as per above Sub-section (1) shall be subjected to a fine not less than Ten Thousand Rupees (Rs. 10,000) and not more than Fifty Thousand Rupee (Rs. 50,000) or a term of imprisonment of not more than six months or both when found guilty in a summery trial before a Magistrate.
- (3) The Magistrate may order for closing a Pre-school cancelled registration under Sub-section 19(3), (4) of this Statute in addition to punishment mentioned in Sub-section (2) mentioned above.
- (4) Magistrate may order for closing a Pre-school conducted without registration under Sub-section 14(1), (2) of this Statute in addition to punishments mentioned in Sub-section (2) mentioned above.

Interim
provisions.

23. (1) Pre-school Statute No. 04 of 2003 of Provincial Council of Western Province shall be repealed thereupon from the day the assent of the Governor of the Western Province received for this Statute.
- (2) Nevertheless the Pre-schools and Per-school Teachers registered under Pre-school Statute No. 04 of 2003 shall be considered as Pre-schools and Pre-school Teachers registered under this Statute also.
- (3) Functions discharged under Pre-school Statute No. 04 of 2003 shall be considered as functions discharged under this Statute.

PART IX

GENERAL PROVISIONS

24. (1) The Minister may have power to make rules on above 02 (3), (4), (6), (10), 05, 11(3) (4), 12 (1) (2), 16, 19 (2), 21(3) with regard to provisions mentioned in the Statute with regard to execution of this Statute.
- (a) Every such rule shall be published in the *Gazette* and shall be operative from the date of publication or from a later date specifically mentioned in the rule ;
- (b) It shall be submitted to the Provincial Council for approval within three months after the publication in the *Gazette* and any rule not approved by the Provincial Council shall be deemed to have been repealed from the date of non approval without prejudice to any action executed under that rule.
- (2) Any rule made under this section shall not be valid until approved by the Provincial Council and publishing that approval in the *Gazette*.
25. In this Statute unless the context otherwise requires :

Interpretation.

- “Provincial Council” means, Western Province Provincial Council ;
- “Minister” means, the Minister in charge of the subject of education ;
- “Director” means, the competent authority appointed to function under this Statute ;
- “Pre-school” means, any institution which operates by using activities prescribed for the development of early childhood children between three to five years in the province ‘
- “Prescribed Activities” means engaging in activities suitable for the development in the aspects of physical, mental, emotional, social, language, environment skills and aesthetic, manipulating skills and virtuous habits relevant for total development of the early childhood child ;
- “Advisory Committee” means, Pre-school Advisory Committee ;
- “Entrepreneur” means, any person or institution which commences and conduct a Pre-school ;
- “Pre-school Teacher” means, a person registered under the Statute as a Pre-school Teacher ;
- “Children with Special Educational Needs” means, children of Pre-school age in a physically and/or mentally retarded condition approved by a medical recommendation ;

“a person” means, a person or an entrepreneur or a volunteer organization or statutory body which conducts a Pre-school or a teacher serves in a Pre-school or any employee of the staff or an external person or persons ;

“Basic Sports Equipment” means, equipment used for the activities of climbing, hanging, floating, swinging, slipping, creeping, and throwing ;

“Damaging or Dangerous Places” mean, places where public halls or wine stores, film halls, video centers, funeral halls, fish and meat shops, unprotected factories, garbage collecting yards, places which heavily subjected to sound or air pollution, places where poisonous animals can be resorted, open wells, ponds, streams and water ways, rivers, tanks or dangerous slopes are situated very closely to the land where a Pre-school is situated.

26. If there is an inconsistency between Sinhala, Tamil and English texts of this Statute, the Sinhala text shall prevail.

Sinhala text to prevail in an inconsistency.

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