

ORDINANCE 25 OF 2003

AN ORDINANCE TO PROVIDE FOR THE EDUCATION AND TRAINING OF CHILDREN WITH SPECIAL NEEDS

T.W. RIMMER
ADMINISTRATOR

4th July 2003.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:-

PART 1 **PRELIMINARY PROVISIONS**

1. This Ordinance may be cited as the Education and Training of Children with Special Needs Ordinance 2003. Short title.

2. – (1) In this Ordinance, unless the context otherwise requires:- Interpretation.

“child” includes any person who has not completed his formal education and is registered at any school, college or other institution providing such education;

“the corresponding Republican Law” means the Education and Training of Children with Special Needs Law 2002 and any regulations made thereunder, as amended from time to time;

“competent authority” means any person appointed under section 16(1) to perform all or any of the functions of the competent authority under this Ordinance;

“formal education” includes pre-primary, primary, secondary and tertiary education;

“liaison officer” means any officer appointed under section 6;

“inspector of special education” means any inspector appointed for that purpose by the Minister;

“Minister” means the Minister of Education and Culture of the Republic;

“ordinary school” means any school, other than a school of special education and training;

“parent” means:-

- (a) a biological or adoptive father or mother of the child concerned; or
- (b) a person who has legal custody of that child;

“private school of special education and training” means any school of special education and training, other than a State school of special education and training;

“pre-primary special training” means special preparatory training provided within the public sector:-

- (a) to children with special needs, from the age of three until they enter primary school; and
- (b) to their parents;

“school of special education and training” means any school which specialises in the provision of special education and training to children with special needs;

“special unit” means any unit within an ordinary school providing special education and training to children with special needs;

“Statement” means a statement of special educational and training needs made in accordance with regulations made under section 4(2);

“State school” means any school established and operated in the Areas by or on behalf of the Republic;

“State school of special education and training” means any school of special education and training established and operated in the Areas by or on behalf of the Republic.

(2) For the purposes of this Ordinance, a child has “special needs” if he has a learning difficulty which calls for special education and training to be provided for him.

(3) A child has a learning difficulty, for the purposes of this Ordinance, if:-

- (a) he has a significantly greater difficulty in learning than the majority of children of his age; or
- (b) he has a disability (mental or physical) which either prevents or hinders him from making use of the educational facilities of a kind generally provided for children of his age.

(4) In this Ordinance “special education and training”, in relation to any child, means education and training which is additional to or is otherwise different from the education and training generally provided for children of his age, for the purposes of ensuring that the child with special needs fully develops educationally (at all levels including, wherever possible, pre-vocational and vocational training), psychologically and socially and includes the teaching of daily life skills of self-care, personal hygiene, movement, language and communication, cultural awareness and the use of equipment and other facilities, so that the child can be fully integrated within

school and within society at large and, upon completion of such special education and training, can lead, as far as practicable, an independent life.

PART 2 IDENTIFICATION AND ASSESSMENT OF CHILDREN WITH SPECIAL NEEDS

3. - (1) Every child who has, or probably has, special needs shall be identified promptly, in accordance with the prescribed procedures.

Identification of children with special needs.

(2) The Administrator may make regulations for the purposes of providing a procedure for ensuring that:-

- (a) any child who has or probably has special needs is identified promptly;
- (b) the parent of the child is promptly informed; and
- (c) where appropriate, provided with appropriate support.

4. - (1) Children who have been identified pursuant to section 3 shall be assessed promptly with a view to determining their special needs and any special educational and training provision required to meet those needs, in accordance with the prescribed procedures.

Assessment of special needs.

(2) The Administrator may make regulations for the purposes of providing a procedure for ensuring that:-

- (a) every child identified pursuant to section 3 is assessed and, where appropriate, periodically re-assessed; and
- (b) where any such assessment or re-assessment confirms that the child has or continues to have special needs, a Statement is made in the prescribed form indicating the special educational and training provision required to meet those needs.

5. - (1) The parent of any child who has been assessed or re-assessed pursuant to section 4 may appeal against any Statement made in consequence thereof, in accordance with the prescribed procedures.

Appeals against statements of special needs.

(2) The Administrator may make regulations for the purposes of providing an appeals procedure to enable the parent of any child who is assessed or re-assessed pursuant to section 4 to challenge the contents of any Statement made in consequence thereof.

PART 3 LIAISON OFFICERS

6. Liaison officers shall be appointed by the Chief Officer to perform the same duties in the Areas as liaison officers in the Republic are required to perform under section 13(2) of the corresponding Republican law.

Liaison officers.

PART 4 PROVISION OF SPECIAL EDUCATION AND TRAINING

7. - (1) No child with special needs may be provided with special education and training, except in accordance with this Ordinance.

Special education and training in ordinary schools.

(2) No place other than a school may provide special education and training to any child with special needs unless it is determined, in accordance with this Ordinance and following consultation with the parent, that the special education and training required for the child cannot be provided in a school.

(3) Every child with special needs shall have the right to attend a State school in order to be provided with the special education and training required to meet his special needs, determined in accordance with this Ordinance.

(4) Every child with special needs shall be educated in an ordinary school (whether private or State), in accordance with the standard curriculum, modified, where necessary, to accommodate the child's special needs, unless, exceptionally, it is determined in accordance with this Ordinance, that the special education and training required for the child cannot be so provided.

(5) Every child with special needs who attends an ordinary school shall progress through the grades in accordance with the criteria applicable to the other children, based on his individualised curriculum.

(6) Every child with special needs who attends an ordinary school shall take the standard examinations and tests, adapted, where appropriate, in accordance with the regulations.

(7) Subject to subsection (8) below, every child with special needs shall be awarded a standard school-leaving certificate, bearing remarks, where appropriate.

(8) Where the competent authority determines that a child's special needs are such that he will not be able to take the standard examinations and tests referred to in subsection (6) above and, consequently, cannot be awarded a standard school-leaving certificate, that child shall be provided with a certificate of attendance instead.

(9) The head teacher of every ordinary State school, in consultation with the liaison officer, shall prepare and submit an annual report in writing to the Department of Education in the Republic and send a copy of that report to the Chief Officer, containing the following information:-

- (a) any need for additional or specialised staff, (teaching and auxiliary);
- (b) any extra equipment and facilities required; and
- (c) any structural alterations that need to be made to the school,

for the purpose of ensuring that the special education and training required to meet the special needs of every child attending the school can be provided.

(10) No school shall be operated as a school of special education and training unless it is staffed, equipped and has the facilities to provide the special education and training required to meet the special needs of children attending the school, in accordance with this Ordinance.

8. The Chief Officer shall make the necessary arrangements for the purpose of ensuring that:-

- (a) a sufficient number of special units are established, staffed, equipped and have the facilities to provide the special education and training required to meet the special needs of the children attending such units;

- (b) suitable and sufficient information is provided to the parents of children with special needs and to the children themselves, prior to their registration at the special units, to prepare them for their attendance at such units, and subsequently, as appropriate;
- (c) suitable and sufficient information is provided to the head teachers, class teachers and other pupils of the schools in which special units are established, to prepare them for the attendance at such schools of children with special needs.

9. – (1) The Chief Officer shall make the necessary arrangements for the purpose of ensuring that:-

State schools of special education and training.

- (a) a sufficient number of State schools of special education and training are established, staffed, equipped and have the facilities to provide the special education and training required to meet the special needs of children attending such schools; and
- (b) suitable and sufficient information is provided to the parents of children with special needs and to the children themselves, prior to their registration at such schools, to prepare them for their attendance at such schools, and subsequently, as appropriate.

(2) State schools of special education and training shall:-

- (a) adopt the same education policies;
- (b) be operated in the same manner; and
- (c) follow the same procedures,

as State schools of special education and training established in the Republic, in accordance with the relevant provisions of the corresponding Republican law.

10. – (1) No private school shall be established or operated as a private school of special education and training without an operating licence.

Licence to operate private school of special education and training.

(2) The provisions of the corresponding Republican law which apply to the granting, renewal, amendment and revocation of operating licences to private schools of special education and training established in the Republic, and appeals in relation thereto, shall apply, mutatis mutandis, to and in relation to private schools of special education and training established in the Areas.

11. – (1) Schools of special education and training (whether private or State) shall be operated alongside ordinary schools (private or State as the case may be) on the same premises, unless the Chief Officer, exceptionally, determines otherwise.

Operation of schools of special education and training alongside ordinary schools.

(2) Children attending schools of special education and training (whether private or State) shall be grouped together, the size and composition of which groups shall be determined by a team of experts, comprising an inspector of special education, an educational psychologist and a teacher of special education and training (each from the public sector) and by the head teacher of the school, having regard to the age and the special educational and training provision required for each child.

Other places offering special education and training.

12. The Chief Officer shall make the necessary arrangements for the purpose of ensuring that every other place offering special education and training is suitably staffed, equipped and has the facilities to provide the special education and training required to meet the special needs of every child attending any such place.

Regulations to provide for special education and training at tertiary level.

13. The Administrator may make regulations for the provision of special education and training to children with special needs at tertiary level.

PART 5 MISCELLANEOUS PROVISIONS

Transition period for existing schools of special education and training.

14. Any school of special education and training operating at the time of commencement of this Ordinance shall have a period of 2 years therefrom to comply with its provisions.

Offences and penalties.

15. Any person who contravenes any of the provisions of this Ordinance shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding £2000.

Appointment of competent authority and delegation of Chief Officer's duties etc.

16. – (1) The Chief Officer shall appoint one or more suitable persons to perform the functions of the competent authority under this Ordinance.

(2) The Chief Officer:-

- (a) may delegate, by order to be published in the Gazette, any of the duties imposed upon him and any of the powers conferred on him for all or any purpose specified by him, to any person;
- (b) may make such other orders (to be published in the Gazette) and give such directions as he may consider necessary or desirable to achieve the purposes of this Ordinance.

Regulations.

17. Further to those provisions elsewhere in this Ordinance empowering the Administrator to make regulations for specified purposes, the Administrator may also make regulations to make provision for:-

- (a) the inspection of schools, other institutions and other places providing special education and training to children with special needs; and
- (b) for the better application of this Ordinance generally.

Judicial notice.

18. – (1) In any legal proceedings under this Ordinance, the Court shall take judicial notice of the corresponding Republican Law (hereinafter in this section referred to as “the Republican Law”) and any licence granted in accordance with its provisions for the purposes of this Ordinance.

(2) For the purposes of subsection (1), the production in the Court of:-

- (a) a copy of the Republican Law or any part thereof:-
 - (i) contained in any printed collection of laws purported to be printed and published by or on behalf of the Republic; or
 - (ii) contained in any issue of the Gazette of the Republic; or

- (iii) purported to be printed by the Government Printer of the Republic, by whatever name called,
shall be incontrovertible evidence, for all purposes, that the Republican Law was duly enacted;
- (b) an English language version of the Republican Law or any part thereof:-
- (i) purported to be produced by or on behalf of the Republic;
 - (ii) certified as being accurate by any officer of the Administration considered by the Court to have been at the time of such certification a competent translator into the English language from the language in which the Republican Law was published in the Republic;
 - (iii) given or produced in the course of oral evidence by any person whom the Court considers to be a competent translator for the purpose; or
 - (iv) stated orally in the Court or produced in writing by a Registrar or an official court interpreter,
- may be held by the Court to be incontrovertible evidence for all purposes that such version is an accurate English version of the Republican Law or part thereof;
- (c) a copy of any licence, the validity of which is certified by a senior officer of the responsible Government Department of the Republic, may be held by the Court to be incontrovertible evidence for all purposes that such licence was duly granted, subject to the terms and conditions stated therein;
- (d) an English language version of any licence, certified as being accurate by any officer of the Administration or of the responsible Government Department of the Republic considered by the Court to have been at the time of such certification a competent translator into the English language from the language in which the licence was written, may be held by the Court to be incontrovertible evidence for all purposes that such version is the accurate English version of the licence.

19. This Ordinance shall not apply to or in relation to the children of United Kingdom personnel or their dependents, as defined in Part I of Annex B to the Treaty of Establishment.

Disapplication.

4th July 2003
(128/170)

W. M. Jessett
Chief Officer.

Marginal Notes
 (to be inserted alongside the first line of the specified section/
 subsection,
 except where otherwise indicated)

Section 1	Short title
Section 2	Interpretation
Section 3	Identification of children with special needs
Section 4	Assessment of special needs
Section 5	Appeals against statements of special needs
Section 6	Liaison officers
Section 7	Special education and training in ordinary schools
Section 8	Special units
Section 9	State schools of special education and training
Section 10	Licence to operate private school of special education and training
Section 11	Operation of schools of special education and training alongside ordinary schools
Section 12	Other places offering special education and training
Section 13	Regulations to provide for special education and training at tertiary level
Section 14	Transition period for existing schools of special education and training
Section 15	Offences and penalties
Section 16	Appointment of competent authority and delegation of Chief Officer's duties etc.
Section 17	Regulations
Section 18	Judicial notice