

Rwanda

## Prime Minister's Order determining Special Regulations Governing Government Subsidized Schools Order, 2015

Prime Ministers Order 290 of 2015

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Prime Minister's Order determining Special Regulations Governing Government Subsidized Schools  
Order, 2015

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## Rwanda

# Prime Minister's Order determining Special Regulations Governing Government Subsidized Schools Order, 2015

### Prime Ministers Order 290 of 2015

Published in Official Gazette 50 on 14 December 2015

Assented to on 13 November 2015

Commenced on 14 December 2015

*[This is the version of this document from 14 December 2015.]*

#### **The Prime Minister;**

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 as amended to date, especially in Articles 118, 119, 121 and 201;

Pursuant to Organic Law n° 02/2011/OL of 27/07/2011 governing organization of education, especially in Article 24;

On proposal by the Minister of Education;

After consideration and approval by the Cabinet, in its session of 05/08/2015;

#### **HEREBY ORDERS:**

### **Chapter One General provisions**

#### **Article One – Purpose of this Order**

This Order determines special regulations governing Government subsidized schools.

#### **Article 2 – Legal personality of Government subsidized schools**

Government subsidized schools have no own legal personality.

In case a Government subsidized school is to sue or to be sued in court, it must be done in the name of signatories of the agreement.

The damages and interest shall be determined by the court and compensation made in accordance with the provisions of the agreement.

#### **Article 3 – Agreement governing Government subsidized schools**

Government subsidized schools shall be governed by an agreement signed between the Minister in charge of education and the individual person or the organization that founded the school. This agreement shall determine the obligations of both parties to develop subsidized schools.

## **Chapter II**

### **Organization and functioning of government subsidized schools**

#### **Section One – Organisation of Government subsidized schools**

##### **Article 4 – Special Administrative Organs of Government subsidized schools**

Without prejudice to other administrative organs determined by the law, special administrative organs of Government subsidized schools shall be the following:

- 1° National Organ;
- 2° District Organ;
- 3° Sector Organ.

Responsibilities and functioning of special administrative organs of Government subsidized schools shall be determined by agreement.

##### **Article 5 – Composition of the special administrative organs of Government subsidized schools**

Members of National Organ of Government subsidized schools shall comprise the following:

- 1° the Minister in charge of education;
- 2° the Minister in charge of local Government;
- 3° the national representative of schools founded by organizations or individual persons that signed an agreement with the Government to be subsidized in education.

Members of District Organ of Government subsidized schools shall comprise the following:

- 1° the Mayor of the District;
- 2° the District level representative of schools founded by organization or individual persons that signed an agreement with the Government to be subsidized in education.

Members of Sector Organ of Government subsidized schools shall comprise the following:

- 1° the Sector Executive Secretary;
- 2° the Sector level representative of schools founded by organization or individual persons that signed an agreement with the Government to be subsidized in education.

##### **Article 6 – Nomination of a Head Teacher of Government subsidized schools**

An organization or individual person who signed an agreement with the Government to be subsidized in education shall submit files of three (3) candidates who fulfill the requirements to that post and the Government competent organ shall select one (1) candidate basing on the nomination procedures for school administrative staff.

For religious schools, a Priest/Nun, a Pastor, a Sheikh who fulfills the requirements, the owner of the school shall present the candidate to the Government competent organ to be appointed to the post of a Head Teacher without competition.

### **Article 7 – Performance assessment of Head Teachers of Government subsidized schools**

The Head Teachers of nursery, primary, secondary and technical and vocational schools of Government subsidized schools shall be evaluated by:

- 1° the legal representative of the owner of the school at Sector level at the first level;
- 2° the Sector Executive Secretary at the second level;
- 3° Mayor of the District at third level.

Special statute governing academic staff of nursery, primary and secondary schools shall determine modalities on performance appraisals for administrative staff of Government subsidized schools.

### **Article 8 – Academic staff of Government subsidized schools**

The Academic staff of Government subsidized schools shall be selected and jointly managed by the Government and the individual person or the organization that founded the school.

The procedure to select, appoint, determine their salary, manage and dismiss the academic staff shall be determined by the agreement.

### **Article 9 – Performance assessment of academic staff of Government subsidized schools**

The academic staff of nursery and primary of Government subsidized schools shall be evaluated by:

- 1° the Head Teacher at the first level;
- 2° the legal representative of the owner of the school at Sector level at the second level;
- 3° the Sector Executive Secretary at the third level.

Academic staff members of secondary schools of Government subsidized schools shall be evaluated by:

- 1° the Head Teacher at the first level;
- 2° the legal representative of the owner of the school at District level at the second level;
- 3° Mayor of the District at third level.

## **Section 2 – Functioning of Government subsidized schools**

### **Article 10 – Curricula and didactic materials of a religious course in Government subsidized schools**

The Curricula and didactic materials of a religious course in Government subsidized schools shall be jointly agreed by both parties in accordance with the agreement.

### **Article 11 – Students management in Government subsidized schools**

In Government subsidized schools, students shall be governed in accordance with laws, orders, rules governing education in general, agreement signed between the Government and the owner of the school and Internal Rules and Regulations of the school.

## **Article 12 – Worship freedom in Government subsidized schools**

Each school shall respect the worship freedom of the students and facilitate them to to pray in accordance with their faith if their religion or church is legally accepted and if the teaching and learning are not compromised with.

### **Chapter III Property used by Government subsidized school**

#### **Article 13 – Immovable property used by Government subsidized school**

The immovable property to be used by subsidized schools shall include land, buildings and other educational infrastructures.

The land of Government subsidized schools shall be the property of the association or individual person if it was legally granted.

Buildings and other infrastructures erected on the land of Government subsidized schools shall be the property of the land owner.

#### **Article 14 – Funds used by a Government subsidized school**

Funds allocated by the State, funds from parents, those allocated by the organization or the individual person who signed the agreement with the State, funds from school activities and those from tuition fees shall be used only in school activities.

Government contribution to the Government subsidized school shall be communicated to the other party and the owner of the school shall also communicate his/her contribution to the school.

#### **Article 15 – Equipment needed by Government subsidized school**

The equipment granted by the Government to a Government subsidized school, those given by the organization or the individual person who signed the agreement with the Government, those from school activities shall be used only in school activities.

#### **Article 16 – Management of the property used by a Government subsidized school**

The property of Government subsidized school shall be managed in accordance with the agreement.

### **Chapter IV Modification of status of Government subsidized schools**

#### **Article 17 – Modalities for a Government subsidized school to become a public school**

In case the partner in education is no longer able to respect the convention, the subsidized school may become a public school.

The decision to transform the subsidized school into a public school shall be taken by the Minister in charge of education based on the resolution of the council in charge of Government subsidized schools at national level.

### **Article 18 – Modalities for a Government subsidized school to become a private school**

For educational interest, a subsidized school may become a private school.

The decision to transform the subsidized school into a private school shall be taken by the Minister in charge of education based on the written request of the legal representative of the owner of the school at national level.

When a Government subsidized school becomes a private school, the fate of academic students and other staff shall be determined by the agreement.

### **Article 19 – Modalities for a private school to become a Government subsidized school**

The owner of a private school may request in writing for changing his/her school into a Government subsidized school.

The decision to transform a private school into a Government subsidized school shall be taken by the Minister in charge of education.

### **Article 20 – Modalities for a private school formerly subsidized school to close education activities**

In case the owner of a private school, formerly subsidized school wishes to stop educational activities, the decision shall be taken by the Minister in charge of education. The management of the property invested in the school jointly shall be determined by the agreement.

## **Chapter V Final provisions**

### **Article 21 – Authorities responsible for the implementation of this Order**

The Minister of Education and the Minister of Local Government are entrusted with the implementation of this Order.

### **Article 22 – Repealing provision**

All prior provisions contrary to this Order are hereby repealed.

### **Article 23 – Commencement**

This Order shall come into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.