

## Chinese Schools (Primary and Secondary)

Arms            of  
                  the  
Federation of Malaya

## M I N I S T R Y     O F     E D U C A T I O N

Federation of Malaya

Instrument of Management/Government.

of.....Primary/Secondary  
Assisted School.

PART I     -     Constitution.

Constitution.

- (1) The said Board of Managers/Governors shall be constituted as follows:-
- (i) A chairman who shall be elected by the Managers;
  - (ii) Where there are supporters of the school, three members who shall be elected by the supporters of the school in the manner detailed hereunder in para. 2;
  - (iii) three members appointed by the Local Education Authority (in the case of Primary School), or three members appointed jointly by the Minister for Education and Menteri Besar/Resident Commissioner of the State/Settlement (in the case of a Secondary School);
  - (iv) three members who shall be old boys of the school provided that no person in this category who is under the age of 21 years shall be a Manager.
  - (v) not more than three members who may be appointed members of the Board from among the parents of the pupils of the school.
  - (vi) three members appointed by the Trustees or other such body recognised by the appropriate authority for the purpose.
  - (vii) No person employed at the school shall be a Manager/Governors of the school.

Supporters.

- (2) (i) The board shall draw up rules laying down the qualifications of those who are to be recognised as supporters, the minimum amount of the annual subscription to be paid by such supporters, and the procedure for the election of supporters to the Board of governors/managers.
- (ii) Rules made under sub-section (i) shall be subject to the approval of the Registrar of Schools.
  - (iii) The Secretary of the board of governors/managers shall keep a register of supporters and shall supply to the Registrar of Schools a list of those qualified as supporters in the month of

January of each year and at such other time as he may be required to do so by the Registrar.

(iv) The chairman of the board or in his absence a governor/manager appointed by the board shall preside at any meeting of supporters for the purpose of electing supporters to become governors/managers of the school and no person shall be entitled to vote whose name is not on the registrar of supporters.

(v) All moneys received from supporters shall be paid into a separate account to be used at the discretion of the board for the benefit of the school and such moneys shall not be reckoned as approved income for the purpose of calculating grant-in-aid.

Period of tenure of office.

(3) (i) Each manager/governor shall hold office for a period of three years and shall be eligible for re-appointment:

Provided that when the board is first constituted one third of the managers/governors except the chairman in each category, to be determined by lot, shall hold office for one year and one third in each category, to be determined by lot, shall hold office for two years and one third in each category, to be determined by lot, shall hold office for three years.

(ii) A manager/governor may resign by signifying his intention in writing to the Chairman.

(iii) Vacancies for any unexpired portion of a term of a manager/governor shall be filled by appointment by the same authority as in the original appointment.

Secretary.

(4) The head teacher of the school shall be Secretary of the Board of Managers/Governors but shall not himself be a Manager/Governor.

Responsibility to manage.

(5) The Managers/Governors of the school shall administer the said .....Secondary/Primary School in accordance with the provisions of the Education Ordinance, 1957 and any Rules or Regulations at present in force or made under the Ordinance, and with the provisions of the Instrument.

PART II      Proceedings of Meetings.

Meetings and proceedings of governors/managers.

(1) The quorum of the governors/managers shall not be less than six, or one third of the whole number of Governors/managers whichever is the greater.

(2) The proceedings of the governors/managers shall not be invalidated by any vacancy in their number or by defect in the election, appointment, or qualification of any governor/manager.

- (3) Every question to be determined at a meeting of the governors/managers shall be determined by a majority at a meeting of the governors/managers present and voting on the question, and where there is an equal division of votes the chairman of the meeting shall have a second or casting vote:

Provided that a motion requesting the Registrar-General/Registrar to amend the instrument shall not be carried unless two thirds of the governors/managers vote in favour of it at a special meeting called to consider such a motion.

- (4) The governors/managers shall hold a meeting at least once in each term.
- (5) A meeting of the board of governors/managers shall be convened by the secretary by notice in writing at least fourteen days before the meeting and he shall send to all governors/managers the agenda of such meeting with the notice. Additional meetings may be called by the chairman or at the request of three governors/managers delivered in writing to the secretary.

Provided that three months notice in writing shall be given to all governors/managers of any motion to request the Registrar-General/Registrar to amend the instrument.

- (6) No decision shall be given on a matter not entered upon the agenda: save that in a case of urgency the chairman may allow the matter to be discussed provided that any decision must be confirmed at the next meeting.
- (7) The minutes of the proceedings of governors/managers shall be kept in a book in such language as the board shall direct:

Provided that if the minutes are not kept in an official language of the Federation a translation of any part of the minutes in an official language of the Federation must be supplied on request to any governor/manager, the Registrar, or the Minister.

- (8) Subject to the provisions of this instrument and any rules and regulations at present in force or made under the Ordinance, the board may make such rules of procedure as it deems necessary.

PART III - Appointment, Dismissal and Suspension of  
Head Teacher.

Head Teacher. 1. There shall be appointed by Board of Governors/Managers with the concurrence of the Local Education Authority/Minister a head teacher who shall perform the functions set out for head teachers in Regulations and Rules at present in force or made under the Ordinance or specifically imposed upon him by this Instrument.

Appointment 2. On a Vacancy occurring for a head teacher the vacancy shall be advertised in the press and a head teacher shall be appointed by the Governors/Managers after receiving the recommendations of the Selection Board:

Provided that in any case where the Board is unable to accept the recommendations of the Selection Board the matter shall be referred to the appropriate authority for a decision.

Title. 3. The Board of Governors/Managers shall decide upon the title to be used by the head teacher.

Dismissal of Head Teacher. 4. (1) If the Governors/Managers shall seek to dismiss a head teacher on the grounds of the misconduct of such head teacher or on the grounds of non-performance or unsatisfactory performance of duties on the part of such head teacher the governors/Managers shall cause to be served on such head teacher a notice specifying the grounds on which it is proposed to dismiss such head teacher and calling upon such head teacher to show cause why he should not be dismissed and specifying a date not earlier than seven days after the date of the notice when the matter shall be considered at a meeting of the governors/managers.

(2) The head teacher may within the seven days next following the service of such notice deliver to the governors/Managers a statement in writing of the grounds on which he relies and may if he so desires attend the meeting of the governors/Managers specified in such notice and the governors/managers shall permit such head teacher to state case at such meeting.

(3) If within the time specified in the notice no written statement has been delivered to the governors/managers or if without reasonable excuse the head teacher fails to attend the meeting of the governors/managers or if the governors/managers after considering any written statement filed by the head teacher or after hearing the said head teacher are satisfied that he ought to be dismissed, then the governors/managers on obtaining the approval of the appropriate authority may dismiss such head teacher.

Provided that a resolution by the governors/managers to obtain the permission of the appropriate authority to dismiss a head teacher shall not take effect unless it is confirmed at a subsequent meeting of the governors/managers held not earlier than seven days after the meeting at which the resolution was made.

Suspending of head teachers from duty. 5. (1) The governors/managers may suspend a head teacher from all duties connected with the school for any reason which they may adjudge to be adequate:

Provided that salary and allowances accruing to a head teacher so suspended shall continue to accrue and to be paid to such head teacher during the period he is suspended from duty:

Provided also that any order of instruction whereby a head teacher is suspended from duty shall be deemed to be withdrawn after the expiry of fourteen days unless proceedings are instituted for the dismissal of such head teacher under the provisions of Section 4 of this Part. If a head teacher is suspended from duty the governors/managers shall forthwith make a report on the matter to the appropriate authority.

PART IV - PROPERTY

1. The title of the land on which the school stands shall be vested in .....  
(Here will come the exact statement of ownership e.g. by a corporate body, Trust, Association etc.)

2. The Board of governors/managers shall be responsible for the proper maintenance of the buildings and grounds of the school including quarters for staff and shall for that purpose inspect the school regularly and carry out such repairs and maintenance as may be necessary in accordance with any Regulations or Rules at present in force or made under the Ordinance.

Part V. Common Articles of Government or Rules of Management.

Interpretation. 1. In these Articles/Rules, unless the context otherwise requires:--

"Ordinance" means the Education Ordinance, 1957;

"existing teacher" means a teacher teaching in a school on the date when these Articles/Rules shall apply to such School;

"head teacher" means the person appointed under Part III of this instrument and such person shall be deemed to be the head teacher for the purpose of the Schools (Discipline) Regulations, 1956;

L.N.66 of  
1951.  
L.N.452 of  
1956

an "existing head teacher" means a head teacher of a school on the date when these Articles/Rules shall apply to such school appointed under the provisions of Regulation 3 of the Schools (General) Regulations, 1951, or under Regulations 2 of the Schools (Discipline) Regulations, 1956;

"Minister" means the Minister charged with responsibility for Education;

"the school" means the .....school;

"approved staff" means persons employed within the establishment of staff approved by the appropriate authority;

"chairman" means the chairman of the governors/managers of a school as constituted in Part I of this instrument.

Finance. 2. Financial transactions shall be in accordance with the financial regulations made under the Ordinance.

Use of School Premises. 3. Subject to the provisions of any written law or regulations the governors/managers shall determine the use to which the school premises or any part thereof may be put out of school hours:

Provided that the owners of the school or any organisation sponsored by them having the use after school hours of the buildings, facilities, and equipment before the coming into force of these Articles/Rules, shall continue to enjoy such use without limitation or restriction;

and provided that the owners of the school may refuse to allow the use of the premises of the school for any purpose incompatible with their character.

Appointment of teachers. 4. On a vacancy occurring in the establishment of the school for a teacher or the holder of an approved post of special responsibility, the vacancy shall be advertised in the press and a teacher shall be appointed by the governors/managers after receiving the recommendations of a selection Board:

Provided that in any case where the board is unable to accept the recommendations of the selection board, the matter shall be referred to the appropriate authority for a decision,

Provided also that before issuing any advertisement the governors/managers shall notify the Minister who may, after giving full consideration to the view of the governors/managers and the head teacher require the governors/managers to appoint a teacher nominated by the Minister from any group of new entrants to the teaching profession over which the Minister has power of direction,

and provided that with the approval of the Minister such number of the posts for teachers in a school owned by a religious teaching order or a mission may be filled by members of the religious teaching order or by missionary teachers respectively who shall be appointed by the head of the religious teaching order or by the head of the mission as the case may be.

Selection Board.

5. There shall be as required by Article Rule 4 a Selection Board which shall be standing committee of the board of governors/managers and shall be set up within one month of the date of the coming into force of this instrument. The committee shall consist of a chairman who shall be chairman of the board of governors/managers, two of the governors/managers who are the other members elected by the Board of Governors/Managers from amongst the Governors/managers.

Any vacancies which may occur from time to time shall be filled by the Governors/Managers in accordance with the provisions of this Article, Rule.

Conditions of employment of head teachers and teachers.

6. The head teacher and any teacher in a school shall be employed under a written contract of service which shall be approved by the Minister provided that the provisions of Section 97 of the Ordinance and any rules made thereunder shall not be contravened.

Appointment of other staff.

7. The governors/managers of the school shall appoint staff for the administration of the school other than teachers only after seeking the advice of the head teacher.

Dismissal of Teachers.

8. (1) If the governors/managers shall seek to dismiss a teacher on the grounds of the misconduct of such teacher or on the grounds of the non-performance or unsatisfactory performance of duties on the part of such teacher, the governors/managers shall cause to be served on such teacher a notice specifying the grounds on which it is proposed to dismiss such teacher and calling upon such teacher to show cause why he should not be dismissed and specifying a date not earlier than seven days after the date of the notice when the matter shall be considered at a meeting of the governors/managers.

(2) The teacher may within the seven days next following the service of such notice deliver to the governors/managers a statement in writing of the grounds on which he relies and may if he so desires attend the meeting of the governors/managers specified in such notice and the governors/managers shall permit such teacher to state his case at such meeting.

(3) If within the time specified in the notice no written statement has been delivered to the governors/managers or if without reasonable excuse the teacher fails to attend the meeting of the governors/managers or if the governors/managers after considering any written statement filled by the teacher or after hearing the said teacher, are satisfied that he ought to be dismissed then the governors/managers on obtaining the approval of the appropriate authority may dismiss such teacher.

Suspending teachers from duty.

9. The head teacher may suspend a teacher from all duties connected with the school for any reason which he may adjudge to be adequate:

Provided that salary and allowances accruing to a teacher so suspended shall continue to accrue and to be paid to such teacher during the period he is suspended from duty:

Provided also that any order or instruction whereby a teacher is suspended from duty shall be deemed to be withdrawn after the expiry of fourteen days unless proceedings are instituted for the dismissal of such teacher under the provisions of Article/Rule 8(1). If a teacher is suspended from duty under the provisions of this Article/Rule, the head teacher shall forthwith make a report on the matter to the governors/managers.

Admission of Pupils.

10. Subject to the provisions of any regulations or rules made or in force pursuant to the provisions of the Ordinance, the head teacher may admit or refuse admittance to any pupil to the school for any reason he shall deem sufficient.

Head teachers or teachers to accept additional employment

11. No head teacher and no teacher in the school shall undertake for a consideration any office or employment in addition to his duties in the school without the consent of the governors/managers provided that a head teacher or a teacher shall not undertake for a consideration the private tuition of any pupil whom he is for the time being teaching in a class at the school.

Head teacher at meetings of the governors.

12. The head teacher shall be entitled to express his views at any meeting of the governors/managers where matters relating to the staff, teaching, instruction or discipline in the school are to be considered:

Provided that, subject to the provisions of Part III of this Instrument, The Governors/managers may exclude the head teacher from any meeting called to consider the character or conduct of such head teacher.

Existing head teachers and existing teachers.

13. (1) The provisions of this Instrument shall apply to a head teacher who is an existing head teacher and to existing teachers in so far as the same are not inconsistent with any written contract or agreement entered into between such head teacher or teachers and the governors or former managers of the school.

(2) within one month of the coming into force of this Instrument with respect to the school the governors/managers thereof shall file with the Registrar copies of any such agreements then in force.

Relationship of Minister, Governors and head teacher.

14. (1) The Minister shall determine the general educational character of the school and its place in the educational system.

(2) Subject to any rules and regulations at present in force or made under the Ordinance the governors/managers shall have the general direction of the conduct and curriculum of the school.

(3) Subject to the provisions of these Articles/  
Rules and any rules and regulations at  
present in force or made under the  
Ordinance the head teacher shall control  
the internal organisation, staff manage-  
ment and discipline of the school and for  
such purpose shall have authority over the  
other teachers, employees and pupils of  
the school.

School terms and  
holidays.

15. School terms and holidays shall be as  
decided by the Minister, but the head teacher,  
with the consent of the Chairman, may grant  
occasional holidays not exceeding four days  
in any one year.

Part VI. Certificate of the Registrar General  
of Schools.

I.....Registrar  
General of Schools hereby certify that this Instrument  
has been duly approved by the

@ Minister for Education and the Mentri Besar/  
Resident Commissioner for the State/Settlement of  
.....

@ Local Education Authority of.....

.....in the State/Settlement  
of .....in accordance with  
the provisions of Section 44 of the Education  
Ordinance 1957 and the rules made thereunder and  
is hereby declared to be the Instrument of Manage-  
ment/Government of the .....  
School required under Section 43 of the Education  
Ordinance, 1957.

Signature.....

Date.....

@ Delete one of these.



Constitution of an Instrument Government  
for Chinese Secondary Schools.

Part I  
Para 1.

The Board of Governors shall be constituted as follows:-

- (i) A Chairman who shall be elected by the Governors;
- (ii) Not less than three members appointed by the Minister of Education.
- (iii) Not more than 16 members of whom not less than 2 shall be appointed from among each of the following categories of persons:-
  - (a) Supporters of the school.
  - (b) Old boys of the school.
  - (c) Parents of the pupils of the school.
  - (d) Trustees or other such body recognised by the appropriate authority for the purpose.

Provided that :

No person employed at the school shall be a Governor of the school and that where any of the categories mentioned in this para do not exist, at least 2 places on the Board of Governors shall be reserved for the representatives of such category when available and provided further that ~~that~~ total number on the Board including such reserve places and those appointed under para (ii) above shall not exceed 20.

Note: Part I paras 2,3,4,5, Part II; Part III; Part IV; Part V; Part VI the same as in Form I.