



GALMUDUG STATE OF SOMALIA EDUCATION ACT 2021



Hassan Mohamed Sayid

Contents

Contents	i
THE GALMUDUG STATE EDUCATION ACT	1
NOTIFICATION	1
The Galmudug State Education Act of 2021	1
PREAMBLE	1
PART I: PRELIMINARY	2
CHAPTER I: PRELIMINARY.....	2
Article 1: Short Title, Extent and Commencement	2
Article 2: Interpretation (Definitions)	2
Article 3: Application of the Act	3
Article 4: Goal of Education	4
Article 5: Purpose of Education	4
Article 6: Vision for Education.....	4
Article 7: Fundamental Principles of Education.....	4
Article 8: General Principles of National Education in Somalia	5
Article 9: General Objectives of Education in Galmudug State	5
Article 10: Parts and Levels of Formal Education	5
PART II: THE RIGHT TO FREE EDUCATION	6
CHAPTER II: THE RIGHT TO FREE AND COMPULSORY EDUCATION	6
Article 11: The Right to Free and Compulsory Education	6
Article 12: Duty to Provide Basic Education.....	6
Article 13: Rights of Children	6
CHAPTER III: PROTECTION OF RIGHTS OF CHILDREN.....	6
Article 14: Protecting the Rights of Children	6
Article 15: Grievances Relating to the Rights of a Child.....	7
Article 16: Help line for Reporting Offences	7
Article 17: Prohibition of Expulsion	7
Article 18: Prohibition Against Physical Punishment and Mental Harassment	7
Article 19: Prohibition Against Employment of a Child of Compulsory School Age	8
CHAPTER IV: DUTIES OF FEDERAL AND STATE GOVERNMENTS AND PARENTS IN ENSURING FULFILMENT OF THE RIGHT TO EDUCATION	8
Article 20: Sharing of Financial and Other Responsibilities	8
Article 21: Establishment of Schools.....	8
Article 22: Academic Responsibility of the Government to Ensure fulfilment of the Right to Education	8

Article 23: Duty of Parents.....	9
Article 24: Reasonable Excuse for Non-attendance.....	9
Article 25: Negligence and Irresponsible Behaviour by Parent	9
Article 26: Exemption on Obligation to Ensure Attendance	9
Article 27: Rights of Parents.....	9
Article 28: Duty of the School in Ensuring Fulfilment of the Right to Education.....	10
CHAPTER V: GENERAL RESPONSIBILITIES OF TEACHERS AND SCHOOLS	11
Article 29: Duties and Responsibilities of School Teachers	11
Article 30: Duties and Responsibilities of the School.....	11
PART III: PRE-SCHOOL EDUCATION	12
CHAPTER VI: KINDERGARTENS.....	12
Article 31: Objectives of Kindergarten Schooling	12
Article 32: Owning and Managing Childcare Centres	12
Article 33: Integration of Preschool into Basic Education	12
Article 34: Registration of preschools.....	13
Article 35: Standards in Preschools.....	13
CHAPTER VII: Quranic Schools	13
Article 36 Objectives of Qur’anic schools	13
Article 37: Provision of and Oversight over Qur’anic schools.....	13
PART IV: SPECIAL NEEDS EDUCATION.....	13
CHAPTER VIII: ESTABLISHMENT AND PROMOTION OF SPECIAL NEEDS EDUCATION	13
Article 38: Provision of Special Needs Education.....	13
Article 39: Report of Child with Special Needs by Schools	14
PART V: NON-FORMAL EDUCATION	14
CHAPTER IX: Non Formal Schools	14
Article 40: Provision of Non Formal Education.....	14
Article 41: Quality Assurance in NFE Centres	15
Article 42: Establishment of Non-Formal Schools.....	15
Article 43: Non Conformity to Standards in NFE.....	15
CHAPTER X: ALTERNATIVE BASIC EDUCATION.....	15
Article 44: Objective of ABE	15
Article 45: Provision of Alternative Basic Education.....	15
PART VI: TECHNICAL AND VOCATIONAL EDUCATION	16
CHAPTER XI: TECHNICAL AND VOCATIONAL INSTITUTIONS	16
Article 46: Establishment of Public TVET Institutions.....	16

Article 47: Coordination of TVET.....	16
Article 48: Registration and Authorisation to Operate TVET Institutions.....	16
Article 49: Standards in Technical Training Institutes.....	16
Article 50: Monitoring and Evaluation.....	16
PART VII: GOVERNANCE, ADMINISTRATION AND FINANCIAL MANAGEMENT.....	17
CHAPTER XII: SCHOOL LEVEL GOVERNANCE.....	17
Article 51: School Administration	17
Article 52: Criteria for Appointment of a School Principal.....	17
Article 53: Community Education Committee	17
Article 54: Functions of the Community Education Committee.....	17
Article 55: Powers of Chairperson of the CEC.....	18
Article 56: Preparation of School Development/Improvement Plan.....	18
Article 57: School Parent Committee (SPC)	19
CHAPTER XIII: FINANCIAL MANAGEMENT IN SCHOOLS.....	19
Article 58: Audit of Financial Records and Statements.....	19
PART VIII: SCHOOLS IN THE STATE.....	19
CHAPTER XIV: PUBLIC SCHOOLS.....	19
Article 59: Establishing a School	19
Article 60: Closure of a School	20
Article 61: Construction, Equipment and Administration of the Public Primary.....	20
Article 62: The Enrolment Age in Primary Schools	20
Article 63: Immovable Assets, Land and Buildings	20
Article 64: Girls' Education in Public Schools.....	20
CHAPTER XV: NON STATE SCHOOLS	20
Article 65: Objectives of Private Schools	20
Article 66: Criteria for Recognition of Private Schools.....	21
Article 67: Governance and Regulation	21
Article 68: Closure of a School	21
Article 69: Prohibitions	22
Article 70: Inspection and Quality Assurance	22
PART IX: NOMADIC AND PASTORALIST COMMUNITIES' EDUCATION.....	22
Article 71: Nomadic and Pastoralist Communities' Education Unit	22
Article 72: Provision of Education to Nomadic and Pastoralist Communities.....	22
PART X: TEACHER MANAGEMENT AND TRAINING	23
CHAPTER XVI: TEACHER MANAGEMENT AND TEACHER EDUCATION.....	23
Article 73: Teacher Management	23

Article 74: Teacher Training and certification.....	25
Article 75: Selection Criteria for Primary and Secondary School Teachers	25
PART XI: EDUCATION ADVISORY BOARD (EAB).....	26
CHAPTER XVII: EDUCATION ADVISORY BOARD	26
Article 76: Establishment Education Advisory Board.....	26
Article 77: Composition of Education Advisory Board.....	26
Article 78: Functions of the Education Advisory Board	26
PART XII: STANDARDS, QUALITY AND RELEVANCE.....	27
CHAPTER XVIII: EDUCATION STANDARDS	27
Article 79: Education Standards and Quality Assurance Department	27
Article 80: Standards and Norms for Schools	27
Article 81: Standard Curriculum.....	28
Article 82: Teacher Standards	28
CHAPTER XIX: QUALITY AND RELEVANCE IN EDUCATION	28
Article 83: Quality Education	28
Article 84: Quality Assurance	29
Article 85: Standards for Quality Assurance	29
Article 86 Facets of quality assurance	29
Article 87: Levels of quality assurance	29
CHAPTER XX: LANGUAGE POLICY AND RELIGIOUS INSTRUCTION	30
Article 88: Languages of Instruction	30
Article 89: Islamic studies in Schools	30
CHAPTER XXI: EXAMINATION, ASSESSMENTS AND AWARDS	31
Article 90: Annual Assessment.....	31
Article 91: Certificate Examination in schools	31
Article 92: Training institute Certificates and Diplomas	31
Article 93: Examinations Office.....	31
CHAPTER XXII: LICENSING AND REGISTRATION	31
Article 94: Licensing, Registration and Accreditation	31
PART XIII: MONITORING AND SUPERVISION OF IMPLEMENTATION OF THIS ACT	32
CHAPTER XXIII: SUPERVISION OF IMPLEMENTATION	32
Article 95: Supervision of Implementation of this Act.....	32
Article 96: Violation of the Act.....	32
PART XIV: TRANSITIONAL AND FINAL PROVISIONS	32
CHAPTER XXIV: TRANSITIONAL AND FINAL PROVISIONS	32
Article 97: Obligation to implement the Act.....	32

Article 98: Steps towards implementing the Act	32
Segment Two	34
UNIVERSITY EDUCATION	34
PREAMBLE	34
CHAPTER 1: PRELIMINARIES	35
Article 1: Interpretation of words	35
Article 2: The Purpose of the Act	36
Article 3: General Principles.....	36
CHAPTER 2: THE HIGHER EDUCATION COMMISSION	36
Article 4: Legal Status of the Commission.....	36
Article 5: Structure of the Higher Education Commission	36
Article 6: State Higher Education Commission/council	36
CHAPTER 3: OBLIGATIONS AND DUTIES OF UNIVERSITIES	37
Article 7: The Powers and Duties of Universities	37
CHAPTER 4: ESTABLISHING A UNIVERSITY	38
Article 8: Procedures for the Establishment of Universities	38
Article 9: Establishing a Public University	38
Article 10: Procedures for Establishing Private Universities	38
Article 11: Registration Requirements.....	39
Article 12: Establishment of Specialized Degree Awarding Institutions.....	39
CHAPTER 5: MANAGEMENT OF HIGHER EDUCATION INSTITUTIONS	39
Article 13: The Structure of Higher Education Institutions	39
CHAPTER 6: QUALITY ASSURANCE IN HIGHER EDUCATIONAL INSTITUTIONS.....	39
Article 14: The Role of the State Government in Quality Assurance.....	39
Article 15: The Role of Universities in Quality Assurance	40
Article 16: Admission Requirements of Higher Education.....	40
Article 17: Student Services to be Provided by Universities	40
CHAPTER 7: MISCELLANEOUS	40
Article 18: Powers of the Minister	40
Article 19: Institutions in Conflict with this Law	41
Article 20: Annulment	41
Article 21: The Enforcement of this Law	41
CHAPTER 8: TRANSITIONAL PROVISIONS	41

THE GALMUDUG STATE EDUCATION ACT

NOTIFICATION

Dated....., 2021.

No. The Galmudug State Education Act 2021, (Bill No. of 2021), having been passed by the State Parliamentary Assembly of Galmudug on 2021 and having been received the assent of the State President on 2021, is hereby published as an Act of Galmudug State Parliamentary Assembly

The Galmudug State Education Act of 2021

This Act provides for the organisation, governance and resourcing of basic education, Training institutions and Tertiary education in Galmudug State of Somalia. The Act provides for the free and compulsory elementary education in the State. This Act regulates the principles of preschools, primary and secondary education, adult basic education and the establishing and functioning of institutions providing services in education in Galmudug State, as well as supplementary education for non-formal schooling.

The Galmudug Government will work collaboratively with other Federal Member States and the Federal Government of Somalia to achieve the agreed national objectives and priorities for schools through effective implementation of this Act.

PREAMBLE

According to Article 30 of the constitution of the Federal Government, basic education shall be compulsory and free for children. Every child shall have the right to free education up to secondary school, this means that public basic education shall be provided free of charge. It also affirms that the State recognizes, monitors and regulates private education.

This Education Act provides a legal framework for the organization, orientation, regulation and development of the educational system in the state of Galmudug. It strives to ensure equal access to opportunities and academic success by providing quality and effective schooling to all citizens.

WHEREAS, it is in the public interest to provide for compulsory education in Galmudug in pursuance of Article 30 of the Constitution of the Federal Republic of Somalia,

WHEREAS, the prevailing financial, economic and socio cultural limitations impede the full access to basic education for children, and especially the female and disadvantaged children

WHEREAS, economic limitations impede full provision of continuing education for children who may be involved in child labour to contribute to household income and calling for both persuasive and penal approaches to address the situation, and;

Recognizing the prevailing limitation of the state to effectively implement the fundamental right of the children to education as provided in the Constitution, in the short term,

It is hereby enacted as follows: -

PART I: PRELIMINARY

CHAPTER I: PRELIMINARY

Article 1: Short Title, Extent and Commencement

This Act may be cited as the Education Act of Galmudug State, 2021. This Act;

(i) shall extend to cover the whole Galmudug State of Somalia

(ii) shall come into force on such date as the state Government may, by notification, determine and the state Government may, in like manner, determine different dates on which the specified provisions of this Act shall come into force.

Article 2: Interpretation (Definitions)

In this Act, unless the context indicates otherwise, or there is anything repugnant in the subject or context,

- i. "*Constitution*" means the Constitution of the 'Federal Republic of Somalia
- ii. "*Education*" means teaching and training of mind and character by attendance in regular schools, madrassa, special education and Technical and Vocational education in the class room and school setting, or non-formal education.
- iii. "*Basic education*" encompasses primary education
- iv. "Free education" means that the Federal or State Governments shall not charge any fee or expense for providing basic education and shall strive to eliminate financial barriers that may prevent a child from completing basic education
- v. "*Learner*" means any person receiving education or obliged to receive education in a basic education institution
- vi. "*School*" means an institution of education offering pre-primary, madrassa, primary or secondary schooling. A school can be either public or privately owned. It can also have one or more classrooms including mobile centres and distance learning centres. It excludes a class in a trade Centre, a training college or any other institution intended exclusively for the education of adults
- vii. "Grade" means that part of the basic educational programme which a learner may complete in one school year
- viii. "*Vocational education*" refers to the training in practical skills to prepare trainees for jobs and careers at various levels from trade to a craft. This is usually below the level of diploma, and vocational institutes teach hands-on, applied skills such as carpentry, auto mechanics and hairdressing.
- ix. "*Technical education*": Education that focuses on technology rather than simply, the practical skills and which also includes some academic component
- x. "*The State*" refers to the Galmudug State of Somalia
- xi. "Head Teacher" includes a headmistress, headmaster or a principal of a school;
- xii. "*Parent*" means-
 - (a) the parent or 'guardian of a learner; ·

(b) the person who has legal entitlement to custody of a learner; or

(c) the person who undertakes to fulfil the obligations of the persons referred to in (a) and (b) above towards the learner's education at school;

- xiii. “*Child*” means a minor the age of eighteen years;
- xiv. “*Disadvantaged child*” means a child who falls within the categories of a socially and economically disadvantaged class, or to other groups having disadvantage owing to social, or other reasons such as displacement from original home, disability or orphan hood.
- xv. “*Stakeholder*” means an organisation or body with a direct and continuing interest in the educational institution, programme, phase or sector in question;
- xvi. “*To attend a school*” means to be enrolled in and present for learning at a school for the days prescribed in the year and for the prescribed hours on each day of attendance, as may be fixed by the ministry in charge of education
- xvii. “*Accreditation*” means a system for recognizing educational institutions and programmes that they offer to ensure a level of performance, integrity and quality which entitles them to have the confidence of the educational community and the public they serve.
- xviii. “*This Act*” means all regulations promulgated under this Act
- xix. “*Public school*” means a school supported by public funds
- xx. “*Private school*” means a school which does not receive grants out of public funds.
- xxi. *Principal*: A person assigned to run a school or act on behalf of the principal.
- xxii. *Teacher*: An instructor or educator with a legal certification to teach in the schools of the country at any level of education.
- xxiii. *General Education*: The primary/intermediate and secondary education consisting of grades 1 to 8 of Level 1 and from 1 to 4 of Level 2).
- xxiv. “*Special Education*” means education programmes and practices designed for students with a disability, either physical or intellectual, which require special teaching approaches, equipment, or care within or outside a regular classroom
- xxv. “*Prescribed*” means prescribed by Rules made under the Act
- xxvi. *Alternative Basic Education (ABE)* is the complementary initiative to formal primary education services for marginalized out-of-school children
- xxvii. *Institute*: An institution of higher education that offers a diploma or certificate below the bachelor’s degree level.
- xxviii. *Letter of interim authority*. A Licence to the applying Higher education institution given pending final accreditation and award of charter
- xxix. *The State government* in this act means the government of the State of Galmudug
- xxx. *The National government* means the Government of the Federal Republic of Somalia.

Article 3: Application of the Act

This Act applies to schools, Technical Vocational Education and Training, training institutes and Universities in the State of Galmudug, Somalia

Article 4: Goal of Education

The provision of an equitable and inclusive education system that affords all learners access to free and compulsory basic and secondary education of high quality, followed by the opportunity to continue with life-long education and training, so as to enhance their personal development and contribute to Somalia's cultural development, socio-economic growth and global competitiveness.

Article 5: Purpose of Education

The purpose of education is to contribute to the creation of a society that respects the rule of law and human dignity and rights through empowering individuals to achieve optimum holistic development, according to their potential and abilities, and to contribute to the economic development, which will secure the best standard of life for all citizens. Schools have the responsibility to contribute to the creation of a culture which respects fundamental liberties of all citizens and upholds human dignity as set forth in the Constitution and other international instruments on human rights subject to the conformity of the principles of Islam, Values and the culture of the country.

Article 6: Vision for Education

To fulfil the right of every child in Galmudug State to education and to build an adequate, well educated, better skilled and competent workforce that contributes to the spiritual, economic and human development of the State of Galmudug and the Somali nation at large

Article 7: Fundamental Principles of Education

1. All citizens of Galmudug and the larger Somalia have a right to education under the terms of the Constitution of the Federal Republic of Somalia.
2. The right to education should be actualised through effective lifelong actions designed to provide a life that is free, responsible and democratic, and which respect human dignity
3. Education should promote;
 - i. the development of personality and an appreciation of the individual based on merit
 - ii. equality of opportunities and the overcoming of economic, social and cultural inequalities;
 - iii. social progress
 - iv. a democratic system that respects people rights, their personalities, ideas, and which stimulates free exchange of ideas and cooperative work
 - v. the ability of citizens to have a rational judgement that springs from a critical and creative spirit, and to join actively in the social development
4. The State has a special responsibility to ensure equality of opportunity in academic access and success
5. Freedom to Learn and to Teach
 - i. The state guarantees the freedom to learn and to teach.
 - ii. The State recognizes the importance of and critical role of private education as an expression of the freedom to learn and to teach.
 - iii. The state has the responsibility to establish an oversight mechanism for private schools including licensing, regulating and monitoring

Article 8: General Principles of National Education in Somalia

The provision of education in Galmudug shall remain cognisant of the following national principles of education in Somalia in order to ensure standardization of the education system and structure:

1. The implementation of a unified education policy, curriculum and framework for delivering education services
2. The decentralization of the administrative authority to educational institutions and to the state governments, with a clear definition of duties and responsibilities;
3. The establishment of educational standards to ensure the quality of education services
4. The promotion of access to equitable education services to nurture qualified and productive people;
5. The provision of regular trainings to education workers and teachers to improve their academic and professional standards;
6. The possession and control of any immovable property and facilities owned by the ministry;
7. The establishment of partnerships with families, communities, local governments, business people, professional associations, religious institutions and civil society organizations
8. The realization of the right of every citizen to receive free education up to secondary school in accordance with Article 30 of the Provisional Constitution of the Federal Republic of Somalia; and
9. The promotion of peace concepts and activities in the community

Article 9: General Objectives of Education in Galmudug State

The Government of Galmudug adopts the following objectives as the pillars of education in the state: -

1. The development of understanding based on the Islamic religion through strengthening the relationships with the Muslim world and the rest of the world;
2. The elimination of illiteracy and promotion of adult education;
3. The building of a good society based on values, good manners and patriotism, which protects the rule of law, social equality and the unity of the Somali nation state;
4. The promotion of equality in all opportunities, recognizing and overcoming obstacles to the development of the individual and the society as a whole;
5. The development of knowledge, skills and social practices needed to rebuild the country in order to keep up with the world;
6. The protection and development of the natural environment, so that the future generations inherit from the current generation a safe environment;
7. The promotion of peace and patriotism in the society as well as good practices or manners among the people.

Article 10: Parts and Levels of Formal Education

Parts of Education

The parts of education in the State of Galmudug are:

1. Formal Education; and
2. Non-formal Education.

Students who have learned through the non-formal education system shall be permitted to join formal education primary schooling at the appropriate level as shall be determined by formal schools through an assessment of the learning accomplished so far in non-formal education

Levels of Education

The formal education levels are as follows: -

1. Koranic and Kindergarten schools;
2. Level 1: Primary and intermediate Education (grades 1 to 8);
3. Level 2: Secondary school Education (Form 1 to form 4 corresponding to Grade 9 to 12); and
4. Level 3: Higher Education or tertiary education

PART II: THE RIGHT TO FREE EDUCATION

CHAPTER II: THE RIGHT TO FREE AND COMPULSORY EDUCATION

Article 11: The Right to Free and Compulsory Education

Every child has a right to access and have equal opportunity to participate in appropriate and good quality education, without discrimination based on whatever grounds. All children should be provided with equal conditions and opportunities to start and pursue their education

Good quality education implies education that allows a child to develop, in the best way to achieve his /her intellectual, physical and moral abilities, at all educational levels.

Article 12: Duty to Provide Basic Education

The State Government shall provide free, compulsory and universal basic education for every child of primary and intermediate school age

The stakeholders in education at the state and local Government level shall ensure that every parent or person who has the care and custody of a child takes their child to school.

The State government shall;

- i. ensure good quality education conforming to the standards and norms of quality education
- ii. prepare an annual statement of the children admitted and retained in the educational institution
- iii. through the district education office, ensure and monitor admission, attendance and completion of education by every child residing within its jurisdiction.

Article 13: Rights of Children

Children's rights to education, to the appropriate care and welfare for their physical and mental health and to safety in places where they receive education, take precedence over any other rights. Where there is conflict of rights, the priority is given to that right, interpretation or action, which will most benefit the child involved.

CHAPTER III: PROTECTION OF RIGHTS OF CHILDREN

Article 14: Protecting the Rights of Children

1. The state shall monitor, through its governance machinery up to the local level, compliance with the provisions on the right of children to education.

2. All public primary schools shall have a catchment area. All students of compulsory school age living within that area shall have a right to enrol and attend this school. Attendance at this school is mandatory, unless the student is attending a private school.
3. *Monitoring of right to education:* The state government shall:
 - a. take all necessary measures for the effective implementation of this Act;
 - b. inquire into complaints relating to right to education and take appropriate action.
4. No child shall be denied admission into any public school on account of their social background, ethnicity, race or creed. Upon completing of primary education, students have the right to apply to any secondary school in any part of Galmudug and the larger Somalia. Enrolment in such schools shall be based on a fair competition

Article 15: Grievances Relating to the Rights of a Child

1. Any person having any grievance relating to the rights of a child to education may make a written complaint to the State MoECHE or to the authority concerned at the district level.
2. On receipt of a complaint under subsection (i), the state Government or the authority concerned shall decide on the matter within the period of thirty days after according a reasonable opportunity of being heard to the parties.
3. Any order passed under sub section (ii) shall be final and the administration of the school shall implement such order.

Article 16: Help line for Reporting Offences

1. The state Government or district education office concerned shall maintain a child help line that can be accessed via SMS or telephone call, or a help desk to receive written complaints, which shall act as the platform for an aggrieved child/guardian to register a complaint related to violation of rights under the Act. Confidentiality shall be guaranteed.
2. The central protection department at the ministry shall handle such complaints and all complaints to the helpline shall be monitored by the state government MoECHE or district education office, as the case may be

Article 17: Prohibition of Expulsion

1. No child shall be expelled from a school as part of the normal disciplinary procedure.
2. A child may be suspended from a school pending approval by the competent authority to expel where a reasoned judgment has been passed by the disciplinary committee of the school that further retention of the child in such school shall be detrimental to the discipline of the school
3. The minister in charge of education may make regulations to prescribe expulsion or the discipline of a delinquent pupil for whom all other corrective measures have been exhausted and only after such child and parent or guardian have been afforded an opportunity of being heard. Arrangements shall be made by the State government to admit such expelled learners in an appropriate institution that focuses on correction in the context of education.

Article 18: Prohibition Against Physical Punishment and Mental Harassment

According to Article 29(2) of the Constitution, every child has the right to be protected from mistreatment, neglect, abuse, or degradation. Teachers and school administrators are prohibited to engage in any harmful action to and against the student's physical, mental, emotional, or moral integrity;

1. No pupil shall be subjected to torture and cruel, inhuman or degrading treatment or punishment, in any manner, whether physical or psychological, at school or in any other setting
2. A person who contravenes the provisions of subsection (1) is guilty of an offence and shall be liable to conviction as prescribed by the law.

Article 19: Prohibition Against Employment of a Child of Compulsory School Age

According to article 29(3) of the Constitution, no child may perform work or provide services that are not suitable for the child's age or create a risk to the child's health or development in any way.

1. No person shall employ a child of compulsory school age in any labour or occupation that prevents such child from attending school.
2. Any person who employs or prevents a child from attending school commits an offence and is liable to conviction as prescribed by the law

CHAPTER IV: DUTIES OF FEDERAL AND STATE GOVERNMENTS AND PARENTS IN ENSURING FULFILMENT OF THE RIGHT TO EDUCATION

Article 20: Sharing of Financial and Other Responsibilities

The Federal Government and the government of the State of Galmudug shall have concurrent responsibility for implementing the provisions of this Act

The State Government may approach the Federal Government to provide grants-in-aid such as an agreed rate through mutual consultation.

Article 21: Establishment of Schools

1. The Government of the State of Galmudug shall be responsible for the construction, equipment and administration of the public primary, intermediate and secondary schools
2. The State Government concern shall undertake school mapping to determine the number of existing schools and ensure the required the establishment of the appropriate number of schools.
3. The areas or limits within which a school has to be established to ensure convenient access by all students will be determined by the state Government which shall prescribe the rules

Article 22: Academic Responsibility of the Government to Ensure fulfilment of the Right to Education

1. The State Government shall make facilities available for public primary and intermediate schools in the State.
2. The District Education Office concerned shall raise awareness about the child's right to Free and Compulsory Education.
3. The state MoECHE and the District Education Office concerned shall establish partnerships with the private sector to provide counselling for parents to admit or cause to be admitted in schools for completion of elementary education.
4. The District Education Office concerned shall identify all children in its jurisdiction to determine out-of-school children. The children to be identified will also include children in remote areas, children with disabilities, and children belonging to disadvantaged groups.

5. The District Education Office shall ensure that access of children to school is not hindered:
 - a) on account of social and cultural factors;
 - b) on account of closure of an aided school by the government

Article 23: Duty of Parents

1. Every parent shall ensure that his/her child attends and completes his /her Primary school education
2. Every parent shall ensure that their child (ren) regularly attend(s) school and receive(s) full-time education suitable to the child's age and ability.
3. In the case of a mental or physical disability, the parent shall cause the child to attend a special education school within the 'area' of his/her residence.

Article 24: Reasonable Excuse for Non-attendance

1. Reasonable excuses for nonattendance of school by a child shall include any of the following cases:- (a) where the Prescribed Authority is satisfied that the child is incapable of attending school owing to sickness or infirmity or a child's mental incapacity that renders it undesirable for the child to carry on with education (b) where the child is receiving educational tutoring in a context other than in a school which in the judgement of the Prescribed Authority, is sufficient; or (c) where there is no school within a distance reachable from the child's residence to allow daily commuting

Article 25: Negligence and Irresponsible Behaviour by Parent

1. Where a parent is found to be negligent or irresponsible in meeting their obligation to ensure the child attends school, such parent shall be subject to legal sanctions.
2. A parent who contravenes the duty of ensuring his/her child attends school or wilfully obstructs any child from attending school as provided by this Act, commits an offence and is liable to:
 - a) on first conviction, a reprimand;
 - b) on second conviction, a fine to be determined by the court of Law or imprisonment or to both;
3. Any State Court of competent jurisdiction shall have jurisdiction to hear and determine cases arising under this article of the Act and to impose the punishment specified.

Article 26: Exemption on Obligation to Ensure Attendance

The provisions of this Act shall not apply to any parent who, for the time being, is resident outside Somalia. The provisions of this Act on parents ensuring school attendance shall also not apply to any child who is resident outside Somalia and who has not received such education.

Article 27: Rights of Parents

1. Parents have the right and obligation to take care of the education of their children and therefore, the right to choose the type of education their children get, provided that such a choice does not contradict the right of a child to appropriate education. While exercising their rights, parents cannot limit the right of their children to have access to and benefit from an education that is appropriate to their needs and ability

2. A parent or guardian shall have the right to participate in the character development of his or her child.
3. Parents cannot exercise their right to choose the education of their children if that choice promotes prejudice in a way that contradicts to this Act.
4. Parents have the right to choose to educate their children in either public or private schools.
5. Parents have a right and obligation to be informed, consulted and follow the educational progress of their children, as well as to monitor and evaluate the work of the headmaster, teachers and other school personnel, and the quality of services in the school as a whole.
6. Parents have the right and obligation to participate in all levels of decision-making, regarding issues relevant to the school of their children and functioning of the educational system in general, in the best interest of their children and through their associations and representatives in the school bodies

Article 28: Duty of the School in Ensuring Fulfilment of the Right to Education

1. Public primary and intermediate schools have a duty to provide services free of charge.
2. A person who receives or obtains any fee to provide education services or to any a student in public basic education schools contrary to the provisions of this Act commits an offence and is liable on conviction to legal sanctions
3. Other charges may be imposed at a public school with the approval of the Minister of Education in consultation with the District Education Office provided that no child shall be refused to attend school because of failure to pay such charges;
4. No person shall collect levies without issuing an official receipt
5. The head of a school shall identify children requiring special training and institute and take the necessary measures to enable to such students to acquire appropriate attention and education comparable to that of other children.
6. No child shall be denied admission to a public school. A parent of a child who has been denied admission to a public school may notify the District Education Office of the decision, which shall review the decision of a school that denies a child admission.
7. Schools shall ensure that no child admitted is discriminated against in any manner pertaining to entitlements and facilities such as text books, uniforms, the use of laboratories, libraries and Information and Communication Technology facilities, extra-curricular activities and sports or on the basis of special needs status,
8. No public school shall administer any test for purposes of admission of a child to a public school or cause a person to administer such test unless such a test is for purposes of placing the child at an appropriate level of education.
9. Private schools in admitting students, shall not discriminate against any students as long as they can afford to pay for the charges levied by the school
10. Schools shall establish a counselling department to help students study what they love most, and matches their interests and capacities.

CHAPTER V: GENERAL RESPONSIBILITIES OF TEACHERS AND SCHOOLS

Article 29: Duties and Responsibilities of School Teachers

1. A teacher shall perform the following duties: -
 - a. Implement the school curriculum and impart life skills-based education to learners as well as inculcating soft skills for effective societal integration
 - b. Facilitate learning through a variety of activities, discovery and exploration in a child-friendly and child-centred manner
 - c. Participate in school activities and protect and ensure the safety of students while they are at school
 - d. Treat students (both boys and girls) equally
 - e. Maintain a file containing the pupil cumulative academic record for every child
 - f. Enforce discipline amongst students.
 - g. Ensure punctuality among children in attending the school, classes and take a record of attendance,
 - h. Complete the curriculum within the specified time
 - i. Assess the students learning progress and initiate additional instruction, if required
 - j. Facilitate holistic development of the child
 - k. Develop the child's knowledge, potential and talent;
 - l. Keep the child free of fear, trauma and anxiety and help the child to express his/her views freely;
 - m. Hold regular meetings with parents and share with them the relevant information about the child; and
 - n. Perform such other duties as may be prescribed
2. A teacher who fails to perform the duties specified in a satisfactory manner shall be liable to disciplinary action under the terms of service contract.

Article 30: Duties and Responsibilities of the School

1. Schools shall promote and protect freedom, tolerance and dialogue. Teachers and other school personnel shall not issue or make any statements that are considered offensive to students or parents.
2. Educational experiences shall be organised in such a manner that they are respectful and supportive towards the individuality of every student,
3. Every school shall conduct students' learning assessment and evaluation at least twice a year and rate the educational progress of students. The result should be recorded, properly filed and notified to the students and their parents
4. Schools have an obligation to ensure that all children learn in safe conditions and are protected from damage to their health including, damage caused by smoking, or by the use of any other intoxicating or illegal substances.
5. The school shall work with and cooperate with parents and local community to combat; maltreatment and abuse of children, drugs abuse, alcohol abuse, smoking, juvenile delinquency, and others activities that may expose children to danger, ill health and threat to life.

PART III: PRE-SCHOOL EDUCATION

Preschool education includes Kindergartens and Koranic schools

CHAPTER VI: KINDERGARTENS

Article 31: Objectives of Kindergarten Schooling

Kindergarten Schools shall be for children aged between 3-6-year olds and shall be guided by the following objectives: -

- a) To teach the basics of Islam and instil in children the love of Islam;
- b) To instil in children good behaviours such as respect, kindness, friendship, safety of property;
- c) Strengthen children's physical, mental and emotional well-being;
- d) Encourage creativity, interaction with peers and love of people and country among children; and
- e) Teach reading, writing and basic numeracy in Somali language.

Article 32: Owning and Managing Childcare Centres

1. The state government can establish and own childcare centres and may authorize other parties to own and run them.
2. The construction and equipment of privately-owned childcare centres, shall be the responsibility of their owners.
3. The State Government shall provide oversight and supervision of all Childcare centres and may provide additional support if deemed necessary.
4. The Ministry of Education and Ministry of Religious Affairs should closely collaborate in managing Child Care Centres
5. For any childcare care centre to operate, the Ministry of Education, Culture and Higher Education must first issue a letter of authorization after an assessment of the institution's capacity and assurance if that it meets prescribed standards
6. The State MoECHE shall issue prescribed standards for childcare centres and regulations for application to establish such centres

Article 33: Integration of Preschool into Basic Education

1. Pre-school education shall be shall be an integral part of the educational system, considered by the state as a critical part of education offered to children to contribute to quality of life and development of children in early childhood.
2. The state government shall progressively establish, Pre-school Centres (or Early Childhood Care and Education [ECCE] Centres, in all government and aided schools/alternative learning centres
3. The State Government shall provide free and appropriate pre-school education where such government-sponsored centres are established, to all children above the age of three years till they complete six years of age so as to prepare them for primary education
4. The state MOECHE shall develop age-appropriate and child-friendly learning interactive materials for the ECCE level. The state shall implement a unified child-friendly curriculum.
5. Early Childhood Care Education classes shall initially utilize the services of existing teachers where a shortage exists, but the state government shall train and employ duly trained staff who are equipped to teach children of this age

Article 34: Registration of preschools

All ECCE shall be vetted and upon satisfying the prescribed conditions, be registered by the state MoECHE. A formal application for registration to the District education office shall be made by owners of prospective ECCE centres

Article 35: Standards in Preschools

All preschools must meet the prescribed standards set by the state government which will include regulations on staffing, infrastructure, safety and curriculum.

CHAPTER VII: Quranic Schools

Article 36: Objectives of Qur'anic schools

Koranic schools shall be guided by the following objectives:

1. To teach children the Holy Qur'an and instil in them the love for Islam;
2. To teach children the spelling of the Arabic language;
3. To instil in children good manners and good behaviour;
4. To instil in children, the love of parents, teachers and neighbours; and
5. To raise children with positive attitudes and skills on how to interact with peers with good manners and behaviour

Article 37: Provision of and Oversight over Qur'anic schools

1. Koranic schools play a critical role in the spiritual development of the child, and acquisition of Arabic literacy. They thus contribute to the holistic development of the child and shall function alongside and as complementary to formal early childhood education, rather than as an alternative to the latter.
2. It is compulsory for all children aged above 5 years to be registered in Quranic schools and to be taught the Quran at Quranic Schools.
3. Ministry of religious affairs shall provide training for and ensure the welfare of the Quranic teachers
4. The MoECHE, working in collaboration with the Ministry of Religious Affairs, shall exercise an oversight role in the functioning of Koranic schools. Such schools are subject to regular inspection by the representatives from the Ministry of Religious Affairs to ensure that Qur'anic Schools operate under the rules set by the ministry of religious affairs
5. It is compulsory that all children aged above 5 should be registered and taught Quran at Quranic Schools.
6. Ministry of religious affairs should provide training and welfare to the Quranic teachers

PART IV: SPECIAL NEEDS EDUCATION

CHAPTER VIII: ESTABLISHMENT AND PROMOTION OF SPECIAL NEEDS EDUCATION

Article 38: Provision of Special Needs Education

1. The state government shall provide children who have disabilities with equal opportunities in education.
2. There shall be a Department of Special Needs Education in the MoECHE to oversee the management and provision of special needs education in the state. The department

shall work with private welfare agencies to initiate and implement programmes for the development of the special needs education.

3. Special needs education shall be regulated by the Government of Galmudug in accordance with the prescribed legislation and standards defined by this Act
4. Children with special needs shall be integrated into regular schools where they shall be taught according to their individual needs. Children with serious developmental disorders and difficulties may be educated partly or wholly at special educational facilities, where appropriate education for them cannot be delivered in regular schools.
5. The state government shall strive to provide free education up to secondary school level to students with special needs
6. Where the needs of such learners are severe as to require separation from the mainstream, the Ministry of Education may authorise to provide special training in separate classes of the school.
7. The District Education Office working together with schools shall be responsible for providing for functional accommodations and requisite infrastructure for children with special needs.
8. Teachers of Special Needs Education and school headmasters shall attend training programs initiated by the education authorities in the state for improvement in teaching and testing in special needs education.
9. The department of special needs education at the MOECHE shall formulate a restructured and relevant curriculum for children with various categories of disabilities
10. The state government may establish and manage special education centres to cater for the needs of learners with severe disabilities. All such centres, including privately owned SNE centres, must have teachers with the required training, suitable equipment for the delivery of special needs education and medical staff when necessary

Article 39: Report of Child with Special Needs by Schools

1. The head of a school shall identify children in the school requiring special training and provide details of such students to the district education office, with recommendations where necessary, on of actions that need to be taken to address the needs of such children.

PART V: NON-FORMAL EDUCATION

CHAPTER IX: Non Formal Schools

Article 40: Provision of Non Formal Education

1. The Ministry of Education shall establish a Department of Non-formal and Adult Literacy Education that will be responsible for developing policy, strategy and programs at state level.
2. All non-formal education centres should be registered and accredited by the Ministry of Education
3. The Ministry shall recruit and train non-formal education teachers and establish education facilities in remote and rural areas.
4. The Ministry shall develop a standard examination and certification system to enable students in the non-formal education to make transition to formal education by providing them with training, grading and certification

5. The Ministry of Education shall provide avenues of and access to non-formal education programmes and/or Literacy Bridge programmes in the form of any organised educational activity outside the established formal system – whether operating separately or as an important feature of some broader activity.

Article 41: Quality Assurance in NFE Centres

1. All non-formal education centres shall be open to inspection by officers authorized by the MoECHE
2. Non formal schools shall furnish reports and information as may be required to the relevant District Education Officer from time to time

Article 42: Establishment of Non-Formal Schools

1. Any person or organisation desiring to establish a non-formal education centre shall apply in writing to the District Education Officer, who shall, or any other competent officer from the ministry of education, conduct a physical inspection of non-formal education centre to ascertain that they satisfy the norms and standards and the conditions as shall be prescribed.
2. After the inspection is carried out, the District Education Officer shall place the report of the inspection in public domain and centres found to be conforming to the norms, standards and the conditions shall be granted recognition by the District Education Officer within a period of 15 days from the date of inspection.

Article 43: Non Conformity to Standards in NFE

NFE Centres that do not conform to the norms, standards and conditions prescribed shall be listed by the District Education Officer and will be advised to address the identified areas of inadequacy and request for another on-site inspection for grant of recognition.

CHAPTER X: ALTERNATIVE BASIC EDUCATION

Article 44: Objective of ABE

1. The objective of ABE is to establish and expand adult literacy and non-formal education and provide quality learning opportunities to the large numbers of youth and adults who missed out on formal education during the civil war.
2. ABE is designed to contribute to the MoECHE's goal of eradicating illiteracy and reaching SDG for education targets relating to increasing access to quality primary education

Article 45: Provision of Alternative Basic Education

1. Adult basic Education shall target youth aged above 15 years
2. There shall be an ABE unit within the MoECHE to regulate and coordinate ABE subsector activities, plan for ABE programming, and liaise with national government level education officials to strengthen ABE service delivery
3. Alternative Basic Education (ABE) shall be used as a complementary initiative to formal primary education services for marginalized out-of-school children and those with diverse needs
4. The state government shall develop standardized qualifications for teachers in ABE
5. The state government shall develop a standard examination and certification system to enable students in the ABE to transition to formal education by providing them training, grading and certification

6. The state government shall develop harmonised and relevant learning objectives for all ABE learners in different centres and programmes that are cognizant of livelihood needs and target communities
7. ABE training centres shall have Community Education Committees (CECs) to provide oversight of the centres management

PART VI: TECHNICAL AND VOCATIONAL EDUCATION

CHAPTER XI: TECHNICAL AND VOCATIONAL INSTITUTIONS

Article 46: Establishment of Public TVET Institutions

The state government shall expand coverage of TVET through construction, rehabilitation and resourcing of training centres

Article 47: Coordination of TVET

There shall be a TVET coordinator at the state level in MOECHE who shall be responsible for liaising with the Federal Government MOECHE, the District Education Office and non-state actors in TVET

Article 48: Registration and Authorisation to Operate TVET Institutions

1. All technical and vocational training institutes shall be registered with the MoECHE
2. Individuals or parties desiring the establishment of TVET institution shall apply for registration to the state MoECHE
3. Upon receipt of an application for registration of a TVET institution, the MOECHE shall conduct an assessment of facilities, resources and proposed programmes, and within 30 days, provide a report that indicates either i) approval to proceed with opening of the institution or, ii) recommendations on conditions to be met before authorisation may be granted to operate the TVET institution.

Article 49: Standards in Technical Training Institutes

The MoECHE shall;

1. Develop and regularly review a framework for qualifications of TVET instructors
2. Develop and administer a Vocational Qualification Framework for TVET graduates to set common principles and guidelines for nationally recognized qualifications covering technical schools and technical vocational institutes.
3. Conduct a labour market survey every three years to identify high demand labour skills and to promote market relevance of TVET programs
4. Conduct instructor capacity strengthening programs based on evidence generated by labour market surveys
5. A performance management system for TVET instructors shall be implemented to promote instructor quality
6. Set out the regulations for admission to technical and vocational training. Students with special needs and those who are vulnerable shall be given preferential consideration in admission to TVET institutions

Article 50: Monitoring and Evaluation

The ministry shall develop a monitoring and evaluation system for TVET, which will involve local and international experts with experience in the TVET subsector and who will work

closely with state government TVET personnel to create credible tools. Site visit inspections will be conducted by the Ministry on a bi-annual basis

PART VII: GOVERNANCE, ADMINISTRATION AND FINANCIAL MANAGEMENT

CHAPTER XII: SCHOOL LEVEL GOVERNANCE

Article 51: School Administration

1. Every school must have an administrative structure that outlines leadership, responsibilities and oversight of school activities;
2. Every school that meets the basic requirements must have a designated Principal

Article 52: Criteria for Appointment of a School Principal

A person may be appointed as a school principal if the person: -

1. Qualifies to be employed as a teacher as prescribed in the Act;
2. Has at least five years of teaching experience;
3. Is mentally healthy;
4. Has competence, leadership, efficiency, good character and does not engage in the use of any form of drugs such as Khat and alcohol
5. Holds at least a university degree/ or a diploma from teacher training college recognized by the Ministry of Education

Article 53: Community Education Committee

1. Every school shall have a community education committee responsible for determination and implementation of school policy.
2. The school committee shall be responsible for the general management of operations of the school and ensuring efficient use of all resources available.
3. Members of the CEC shall be elected from school staff, school founder, local community and parents, in accordance with legally proscribed procedure, and based on principle of equal representation.
4. The composition of the CEC must reflect the diversity of parents, school staff and local community
5. To manage its affairs, the Committee shall elect a Chairperson and Vice- Chairperson but who should not be members of staff of the school.
6. The Headmaster/Principal of the school shall be the ex-officio Member-Convener of the Committee and the Secretary of the Committee
7. The District Education Officer shall organise for an induction training for all newly appointed members of the CEC.
8. The chairperson of the CEC shall be elected from among parents of the school

Article 54: Functions of the Community Education Committee

1. The school CEC shall exercise and discharge the following powers and functions: -
 - a) Motivate parents to enrol children in the school so as to achieve education for all

- b) Plan and implement programmes that may benefit the children in the school such as mid-day meals and tuition
 - c) Recommend to the ministry, authority to grant exemptions from compulsory attendance at school under this Act;
 - d) Maintain and update a list of children in the community who should attend school to facilitate enforcement of compulsory attendance as defined in this Act
 - e) Report the cases of the absence or late attendance of school teachers and
 - f) Hire non-teaching staff in schools,
 - g) Provide support to state and federal Government officials in ensuring compulsory Education in the community;
 - h) Assist the school to plan for the day to day matters relating to developmental, academic and co-curricular activities;
 - i) Ensure maintenance of a healthy educational environment and safety of pupils at school
 - j) Assist the school in the promotion of discipline and in the maintenance of physical structures and assets of the school
2. The Committee shall meet at least once during the school term and the minutes and decisions of the meeting shall be properly recorded and made publicly available
 3. Any money received by the Committee for the discharge of its functions under the Act, shall be kept in a separate account, and availed for audit annually
 4. The MOECHE shall regulate and prescribe the constitution and composition of the CEC, the procedure of the nomination and removal of its members, their term of office, their qualifications and disqualifications from continuing service, the filling of vacancies, the dissolution of the Committee and the procedure for the conduct of its business

Article 55: Powers of Chairperson of the CEC

The chairperson shall be elected by the members of CEC

The chairperson shall:

- a) Initiate communication to the Secretary to convene a meeting of the CEC
- b) Approve the agenda of a meeting
- c) Chair the CEC meeting, and ensure maintenance of quorum throughout the meeting and
- d) Ensure the implementation of CEC decisions

Article 56: Preparation of School Development/Improvement Plan

1. Every School Management Committee shall work with the head teacher and senior teachers in the school to prepare a School Development/Improvement Plan.
2. The School Development/Improvement Plan shall guide all subsequent plans of the school
3. The CEC shall prepare the School Development/Improvement Plan at least three months before the end of the financial year in preparation for the following year
4. The School Development/ Improvement Plan shall be a three-year plan with three annual sub plans.
5. The School Development/Improvement Plan shall contain the following details, namely: -

- i. Projections of school enrolment for each year;
- ii. Staffing needs of the school
- iii. Infrastructure and equipment needs
- iv. All existing infrastructure facilities and
- v. Budgetary needs of the school

Article 57: School Parent Committee (SPC)

1. Every school shall have a parent committee that includes both men and women.
2. The School Parent Committee shall have the following responsibilities:
 - a) Promoting the interests of schools in the community;
 - b) Representing parents with regard to their views and opinions relating to the school
 - c) Encouraging active engagement of parents in the work of the school and that of their children;
 - d) Participating in preparation and realization of the agreed upon projects which promote educational work in school and
 - e) Selecting and nominating parent members to the CEC
3. Minister shall issue a regulation detailing the composition and responsibilities of the School Parents committee

CHAPTER XIII: FINANCIAL MANAGEMENT IN SCHOOLS

Article 58: Audit of Financial Records and Statements

1. Any finances received by both public and private and educational institutions from the state government, federal government, local and international NGOs or any other sources are subject to both public scrutiny and audit by the MOECHE.
2. Head teachers and principals of such intuitions have an obligation to prepare annual statements of account and make available such statements for audit and scrutiny by the public, on demand. Ample notice of 14 days shall be served to heads of institutions where an audit of accounts will be conducted by the competent ministry officer or representative.
3. Head teachers may request support from the MoECHE to prepare financial records and statements
4. The financial year for public schools shall be synchronised with the financial year of the Federal Government

PART VIII: SCHOOLS IN THE STATE

CHAPTER XIV: PUBLIC SCHOOLS

Article 59: Establishing a School

1. A school shall have an environment conducive for the implementation of standard education. It may be established with at least 25 students and a suitable place for teaching and learning
2. The state Minister in charge of education shall issue regulations determining the details and the procedure for the proposal, the building of the school, its administration and the classrooms.

Article 60: Closure of a School

1. A school should be closed if it does not meet the requirements determined in Article 59(1) and related regulations of the Ministry.
2. Where the minister in charge of education finds that a school is objectionable because the school
 - a. fails to comply with Article 59(1) ; or
 - b. fails to provide efficient and suitable education or instruction; or
 - c. is being conducted or managed in such a way, which in the opinion of the Minister, is prejudicial to the physical, mental or moral welfare of the pupils of the school, or to peace, good order or good government in Galmudug;The Minister may notify the manager of the school in writing, specifying the reasons why the school is considered objectionable and requiring him/her to rectify those matters within a specified period not exceeding six months:
3. If in the opinion of the Minister, there are urgent reasons warranting the immediate closure of the school, the Minister may order the manager of the school to close the school immediately
4. If the manager of a school fails to remedy the matters identified in a notice served on him/her within the period specified therein, the Minister shall order the manager to close the school

Article 61: Construction, Equipment and Administration of the Public Primary

The Government of Galmudug shall be responsible for the construction, equipment and administration of the public primary, intermediate and secondary schools.

Article 62: The Enrolment Age in Primary Schools

The children who have reached the age of 6 shall be enrolled in the nearest school to start primary education. The appropriate age of enrolment may be reviewed and determined through consultations between the State MoECHE and the Ministry of Ministry of Religious Affairs. Children may be enrolled in any school in the state or Federal Republic of Somalia

Article 63: Immovable Assets, Land and Buildings

1. Immovable assets, land and buildings of public schools are public property and shall be under the responsibility of the MoECHE, Galmudug and cannot be used for private purposes;
2. Immovable assets, land and school buildings cannot be sold, donated, transferred, or used for private purposes; and
3. The MoECHE will issue special regulations that will provide details of this Article on Immovable Assets, Land and Buildings.

Article 64: Girls' Education in Public Schools

1. The ministry shall ensure girls are accorded equal opportunity as boys to access and participate in public education
2. The Ministry shall provide a special quota for girls to be trained as teachers and to be employed in public schools

CHAPTER XV: NON STATE SCHOOLS

Article 65: Objectives of Private Schools

1. The objectives of private education are: -
 - a) To increase the educational opportunities in the country;

- b) To contribute to increasing the quality of education in the country; and
 - c) To promote positive and fair competition in education
2. The types, levels, curriculum and language of instruction of private education shall be the same as those of public schools. Only International private schools may have a curriculum not fully covering the common core curriculum prescribed by the State, subject to the approval of the ministry

Article 66: Criteria for Recognition of Private Schools

1. An educational organization that is legally registered with the Ministry may own a private school
2. An educational organization that meets the requirements set for Private Education may be legally registered with the Ministry
3. A Private school can be recognized;
 - a) After the Ministry approves the location, building and design proposal of the school, its equipment, and its administration.
 - b) If a legally registered educational organization or umbrella association owns the school.
 - c) After the presentation of an educational plan to the Ministry in line with the FGS curriculum.
 - d) After presentation of evidence to the Ministry of the availability of adequate number of teachers who can cover the needs of the school and meet the criteria for teacher selection.
 - e) If proof is presented of financial capacity to enable the implementation of educational activities of the school.
 - f) If there is proof of the availability of management personnel who meet requirements set by the ministry to run the school
4. Private schools may be established by national and foreign private and legal persons or entities.
5. Establishment of International private schools shall be subject to the regulations that apply for other private schools.
6. The Minister shall issue regulations for the completion of this Article

Article 67: Governance and Regulation

1. All private school must have a parent committee elected by the parents of the students and the committee should consist of both men and women
2. The Ministry is responsible for the authorization and licensing, supervision, evaluation, quality assurance, curriculum implementation, certification examinations, and the issuance of certificates to the students in privately-owned schools.

Article 68: Closure of a School

A school should be closed if it does not satisfy the regulations set by the ministry of education

Article 69: Prohibitions

1. A private school cannot be established with the purpose of promoting prejudice, nor can it fulfil its functions in a way that promotes such prejudice, or in a way contrary to law.
2. Private schools shall not require a parent to purchase textbooks, uniform or other material from a particular vendor or provider and shall not charge any amount other than tuition fee, OR admission fee in the name and style of building fund or under any other name or style.

Article 70: Inspection and Quality Assurance

1. Non state schools are subject to inspection by a competent national or state government officer for purposes of ascertaining the quality of educational work conducted in such schools.
2. The quality assurance mechanisms by the ministry outlined in this Act apply to non-state schools

PART IX: NOMADIC AND PASTORALIST COMMUNITIES' EDUCATION

Article 71: Nomadic and Pastoralist Communities' Education Unit

The state MoECHE shall establish a functioning Nomadic and Pastoralist Communities' education Unit with clear operational guidelines and procedural frameworks, whose role shall include:

- a) Coordination of stakeholders and partners (e.g. INGOs and UN humanitarian actors) in responding to the needs of learners from marginalised rural, nomadic and pastoralist communities and those faced with emergencies
- b) Establishing and operationalizing a monitoring and evaluation mechanism for Nomadic and pastoralist communities' education
- c) Developing plans to respond to situations of emergency for children
- d) Establishing specific fund for the development of Nomadic and pastoralist Communities' Education
- e) Promote the awareness of the importance and the rights of children to education in the Nomadic and pastoralist communities. Such communities shall be encouraged to take ownership of such education to ensure sustainability

Article 72: Provision of Education to Nomadic and Pastoralist Communities

To promote the provision of education to traditionally marginalized rural, nomadic and pastoralist communities, the state MoECHE shall have the powers to:

1. Map and conduct priority needs assessment for new school buildings in underserved areas where the demand for education services is high.
2. Provide proper sanitation facilities, ensure access to quality learning in safe and protected environments for pastoralist children as well as those affected by emergency, and learners who have experienced protracted displacement and are unable to access formal education services due to financial or cultural barriers.

3. Initiate, in partnership with humanitarian organizations, school feeding programs to address critical risks for vulnerable children from rural, nomadic and pastoralist communities to ensure that they are retained in education.
4. Train teachers in high risk rural, nomadic and pastoralist community areas regarding conflict resolution and positive discipline approaches so as to promote ‘cultures of peace’ in and around schools.
5. Work with the security forces to strengthen protection and safety mechanisms for learners and school facilities so as to reduce threats of violence and intimidation
6. Establish and operationalize a monitoring and evaluation mechanism for education in marginalized rural, nomadic and pastoralist communities
7. Establish school level monitoring and reporting mechanisms for violence against schools/personnel
8. Rehabilitate/construct damaged schools buildings in rural, nomadic and pastoralist community areas
9. Where necessary, the promote use of double-shift teaching strategies to maximize the use of expensive buildings in buildings in rural, nomadic and pastoralist community areas where there is high demand for limited facilities, or to accommodate the lifestyle of pastoralist communities
10. Allocate scholarships to help overcome the burden of hidden costs of education for poor children that hinder access education services.
11. Recruit teachers to specifically work in disadvantaged schools in the marginalized rural, nomadic and pastoralist communities to strengthen the equitable distribution of teachers in Galmudug State
12. Deploy teachers that can cope with the challenging lifestyle of the Nomadic and pastoralist Communities. Such teachers should be compensated through a hardship allowance
13. Produce and distribute textbook learning materials to overcome supply side barriers for children’s’ learning due to the lack of materials
14. Construct ABE learning facilities based on priority needs assessment
15. Where necessary, establish mobile schools to accommodate the itinerant lifestyle of pastoralist communities
16. Integrate Qur’an Studies in the provision of basic Education in Nomadic and pastoralist communities. Such education should respond to the needs of these communities

PART X: TEACHER MANAGEMENT AND TRAINING

CHAPTER XVI: TEACHER MANAGEMENT AND TEACHER EDUCATION

Article 73: Teacher Management

1. To ensure effective delivery of teaching and an efficiently organised teaching force, the Minister shall have the power to:
 - a. Maintain a register of all qualified teachers
 - b. Regulate the recruitment and employment of teachers
 - c. Deploy teachers equitably to serve any public school in the state
 - d. Initiate and manage a Pension Scheme for retired government-employed teachers
 - e. Develop a salary scheme and undertake to pay salaries of teachers in public
 - f. Transfer teachers

2.
 - a) A teacher seeking transfer from one school to another of the same level will be required write a request, giving reasons, to the Regional education Officer through the Head teacher of the school he/she is currently teaching.
 - b) The request will be submitted to the Teacher Development Department for consideration. The request for transfer may be granted or not, depending on the reasons for the transfer, availability of a vacancy where the teacher wishes to transfer to, and in consideration of the effect of the transfer to the institution where the teacher is currently working. When all is clear, the teacher may be transferred on the same terms he/she was working earlier
 - c) A teacher may seek transfer from a lower level institution (primary school) to a higher level institution (secondary school) on attainment of higher qualifications that enables the teacher to work in the higher level institution. In such a situation, the teacher will submit a request for the said transfer to the Teacher Development Department for consideration and the onus of final decision will lie with State MoECHE.
 - d) A teacher may also transfer from working in school to working in the Ministry of Education

3. **Teachers' salaries:** The following levels will be applied when remunerating teachers working in all public schools.
 - a) Remuneration level for qualified Primary School teachers (Two years training at a Teacher Training Institute approved by MoECHE or Federal Member State).
 - b) Remuneration level for unqualified Primary School Teachers (Form 4 leavers with no initial training).
 - c) Remuneration level for unqualified Secondary school teachers who hold different Bachelor Degrees.
 - d) Remuneration level for secondary school teachers with Bachelor of Education degree mostly who teach two subjects a major and a minor. This category forms the highest level of teacher qualification and naturally attracts the highest pay.

4. The Minister shall have the powers, which may be delegated to the regional or District education officer, or to an appointed board to determine issues affecting primary, secondary school teachers and tertiary training institute tutors.
5. The Minister shall have the powers to appoint a Discipline panel to deal with the dispensation of discipline and corrective measures on teachers
6. Teachers may be subjected to disciplinary action for:
 - a) Desertion of duty without permission from an immediate supervisor for a consecutive 14 days
 - b) Chronic absenteeism- if a teacher is on and off duty regularly without permission
 - c) Immoral behaviour – If a teacher commits an immoral action or intends to have such an action with pupil
 - d) Mismanagement/ embezzlement/ misappropriation of public funds
 - e) Disorderly conduct while performing duties
 - f) Insubordination- Lack of respect for immediate supervisors and senior managers of the Ministry.

7. A teacher who commits such offences shall be suspended from performing his /her duty through interdiction by the District Education Officer for primary teachers, and CEC and Regional Education Officer for secondary schools and colleges. The person shall then be invited to appear before the discipline panel to answer charges and defend him/herself
8. Depending on proof, the gravity of the case, the discipline panel may take the following decisions:
 - a) Revoke the case,
 - b) Suspend the teacher or
 - c) Summary dismissal

Article 74: Teacher Training and certification

1. The state government shall provide teacher training for early childhood, primary school education and vocational institute teachers in designated teacher training colleges. In achieving this goal, the ministry of Education, MOECHE, shall be responsible for:
 - a. Developing the curriculum for the teacher training program
 - b. Approving a harmonized curriculum that should be implemented by teacher training colleges
 - c. Reviewing the teacher training curriculum every three years
 - d. Providing a regular in-service teacher training
 - e. Establishing diploma teacher training colleges to train teachers for primary schools
 - f. Maintaining collaboration with Universities in offering Teacher training programmes for secondary school teachers
 - g. Promoting the training of more female teachers through implementing a quota system and scholarships
2. Prospective teachers will be trained using two approaches, namely pre-service and in-service for the untrained teachers already teaching in schools.
3. The pre-service Primary School Teachers course will be offered to candidates who have secondary school certificate with a pass
4. In-service Primary Teacher Training shall be offered to unqualified teachers with least 2 years of teaching experience to upgrade their pedagogical skills and subject content knowledge
5. Secondary school teacher training will be offered as a Bachelor of Education degree (B.Ed.) programme where the student teachers will be prepared to teach at least two subjects.
6. All teacher training programmes shall include a practicum component which students must pass
7. Upon successful completion of teacher training programme and award of the relevant certificate, teachers shall register with the Teacher Development Department and will be required to apply for a licence to teach. Teachers who are then deployed to schools shall be assigned senior teachers as mentors

Article 75: Selection Criteria for Primary and Secondary School Teachers

A person who meets the following requirements can be a teacher;

1. Must have an education that meets or is equivalent to Level 3 of education of the country;
2. Must have received teacher training not less than two (2) years, and has a teaching certification recognized by the Ministry;
3. Must not be under the influence of drugs that may harm his or her health, working ability, decision-making or reputation in the community; and
4. Must be of good character and tolerant, mentally sound, and not convicted of a felony by a court of law.

PART XI: EDUCATION ADVISORY BOARD (EAB)

CHAPTER XVII: EDUCATION ADVISORY BOARD

Article 76: Establishment Education Advisory Board

1. The MoECHE shall establish a State Education Advisory Board to advise the State Government on the implementation of the provisions of the Act in an effective manner
2. The Education Advisory board may invite representatives of other departments or organizations as co-opted members when necessary
3. The Education Advisory board may form sub-committees as necessary
4. The state government shall provide logistical support for meetings of the Education Advisory board and its other functions
5. The government of Galmudug shall establish mechanisms for linkages between the Education Advisory board and relevant national government organs in education

Article 77: Composition of Education Advisory Board

1. The Education Advisory Board shall consist of a Chairperson and nine other members.
2. The Minister in charge of the Ministry of education in the State Government shall be the Chairperson of the EAB
3. Members of the board shall be appointed by the Minister of Education in the state from amongst persons knowledgeable in and having practical experience in the different areas of education viz, child care and development, preschool education, elementary education, secondary education, TVET, tertiary education, non-formal education and ABE, special needs and teacher education
4. One third of these members shall be women

Article 78: Functions of the Education Advisory Board

The Education Advisory Board shall perform the following functions in its capacity as an advisory board:

1. Advise the state Government on effective implementation of the provisions of the Act
2. Advise the Ministry of Education on education policies that need to be developed
3. Assess student attainments and advise the minister accordingly
4. Review compliance with norms and standards as specified in the Act;
5. Commissioning studies and research for the effective implementation of the Act; and
6. Act as a link between the public, non-state actors in education and the state Government in mobilizing and creating awareness among the stakeholders for the implementation of the Act.

7. The Education Advisory Board shall prepare reports relating to the reviews, studies and research and submit such reports to the Government.
8. The terms and conditions for appointment of Members of the State Education Advisory Board shall be outlined in prescribed regulations from the State Minister of Education, MOECHE. These shall include duration of service, removal from board, reimbursement of travelling and daily allowances,

PART XII: STANDARDS, QUALITY AND RELEVANCE

CHAPTER XVIII: EDUCATION STANDARDS

Article 79: Education Standards and Quality Assurance Department

There shall be an Education Standards and Quality Assurance Department in the state MoECHE. The Education Standards and Quality Assurance Department shall be responsible for the following:

- 1) Developing education standards, benchmarks or indicators for education institutions.
- 2) Promoting the highest possible standards in education and maintaining standards.
- 3) Monitoring and reporting on outcomes of education in schools and training institutions
- 4) Regularly reporting on general quality of education in the state
- 5) Reporting on nature, scope and effectiveness of education support services.
- 6) Identifying needs for improvement of educational institutions
- 7) Ensuring that quality teaching is taking place in all educational institutions.
- 8) Monitoring the performance of teachers, and educational institutions in accordance with standard performance indicators.
- 9) Ensuring equitable distribution of teachers by working out the curriculum-based establishment.
- 10) Advising on the provision of adequate physical facilities in educational institutions.
- 11) Ensuring the appropriate curriculum or curricula is operational in educational institutions.

Article 80: Standards and Norms for Schools

The State MoECHE shall define standards and norms for schools as regards:

- a. Space, equipment and teaching materials in schools;
- b. Time for school and educational activities;
- c. Textbooks and other didactic materials;
- d. Educational process;
- e. Educational and professional competencies of teaching staff;
- f. Evaluation of students, and
- g. Workload standards (teaching and working norms for all employees in school)
- h. Number of pupils in classroom, and
- i. Curricula and extra curricula activities.
- j. Requisite Infrastructure
- k. CEC and Parent Committees

1. Special Needs Education

Article 81: Standard Curriculum

The state MoECHE shall:

1. Adopt a unified, standardized and inclusive curricula for both primary and secondary education in line with the approved Federal curriculum framework
2. Issue regulations determining the subjects to be taught in schools within the state at all levels in line with the approved FMS curriculum framework. Each subject shall have a specified textbook or textbooks based on the syllabus and a teacher's guide
3. Develop, jointly with the national government, the common core curriculum. The common core curriculum shall:
 - a. Ensure positive national relations and a feeling of commitment to both the Federal Republic of Somalia and the State of Galmudug
 - b. Guarantee and provide for education meeting high academic standards for all children and achieving satisfactory standard of knowledge, skills, attitudes, values and abilities;
 - c. Provide for consistency in the quality of educational standard in all schools and at all levels of education;
 - d. Provide for adaptability, in accordance with specific needs of the school and local community, and prioritize the needs of the local community such as fishing, livestock farming, mining, and skills relevant to the local community.
 - e. Respond to the developmental needs of the children concerned, their age and special interests with an emphasis on the promotion of healthy way of life that is in the best interest of the student or pupil, parents, teachers, professors, and the society.
4. The common core curriculum shall be published officially by the State MoECHE
5. All schools must create opportunities for extracurricular activities that develop various talents and productive skills of their students

Article 82: Teacher Standards

The state shall;

1. Prescribe minimum qualifications for teachers and support staff based on national norms;
2. Conduct teacher appraisal on a continuous basis

CHAPTER XIX: QUALITY AND RELEVANCE IN EDUCATION

Article 83: Quality Education

The MoECHE shall;

1. Provide appropriate and adequate teaching and learning materials for public schools.
2. Establish and maintain mechanisms of reporting on the situation in schools in Galmudug
3. Revise the pre-service pre-primary, elementary and secondary teacher training curriculum in consonance with the pre-primary, primary, elementary and secondary school curriculum every three years;

4. Establish contacts with bodies dealing with quality assurance and standards in other Federal Member States and countries beyond Somalia for benchmarking and enhancing the implementation of standards in Galmudug

Article 84: Quality Assurance

1. The State Government shall recruit and train quality assurance officers and education inspectors at state, regional and district levels.
2. Quality assurance officers and education inspectors at district levels shall conduct regular visits to all schools and periodically conduct capacity building workshops for teachers
3. The ministry shall design an appropriate monitoring mechanism for curriculum implementation at all levels and use the outcomes of such monitoring for improving the performance of teachers and quality of learning on a continuous basis.
4. All schools and institutions of education are prohibited from developing a curriculum not approved by the Ministry

Article 85: Standards for Quality Assurance

The state MoECHE shall;

1. Establish standards for quality assurance and develop a monitoring and evaluation framework to monitor the quality performance of the sector
2. Establish a Standards and Assessment Unit to assess students' achievement and to assess the degree of their accomplishment, and
3. Specify norms and standards with respect to all activities involving quality

Article 86 Facets of quality assurance

The quality assurance processes shall revolve mainly around the following aspects:

- 1) Quality school leadership and management.
- 2) Quality teaching and learning processes
- 3) Quality learning content
- 4) Quality learner outcomes
- 5) Quality School environment

Article 87: Levels of quality assurance

Quality assurance shall be undertaken at the various levels starting at the school, to the state level

1. School level:

- a) The head teacher/principal shall be responsible for quality assurance in the school by ensuring standards are established, maintained and improved. The Head teacher shall keep an updated record of the quality assurance processes and share reports with the district quality assurance officer upon request.
- b) Individual teachers shall be expected to conduct a self-review and evaluate their performance in and outside the classroom through a self-appraisal initiative on a termly basis. This self-appraisal shall be shared with the Head teacher of the School.
- c) The State MoECHE shall develop and periodically review a performance appraisal tool to be used for teachers.

2. ***District level:*** The district quality assurance office shall compile monthly reports on quality assurance and standards in schools within their jurisdiction and assist schools to develop internal quality assurance mechanisms. The District quality assurance reports shall be submitted to the regional quality assurance and standards officer.
3. ***Regional level:*** The regional quality assurance and standards office will receive monthly district reports on quality assurance exercises conducted in the schools from the district quality assurance officers. The regional officer after conducting an analysis of the reports and conducting monthly meetings with the district quality assurance officers and shall transmit finalized reports to the State quality assurance office.
4. ***State level:*** The state quality assurance officer (SQAQO) shall be in charge of overseeing quality assurance activities in the entire state, shall provide direction on quality and standards in education. The state quality assurance office shall be responsible for ensuring that the regional and district quality assurance and standards departments are well resourced in terms of funding and human capacity and shall receive reports on quality assurance from the regional quality assurance officers. Based on these reports, the State Quality Assurance Officer shall develop annual State plans for quality assurance in education in the State.
5. ***Liaison with National office:*** The state quality assurance office shall share its quarterly and annual report with the National quality assurance and standards office. The National office will support the state office in terms of capacity and resources, to ensure the state office conducts its role in compliance with the national standards for education

CHAPTER XX: LANGUAGE POLICY AND RELIGIOUS INSTRUCTION

Article 88: Languages of Instruction

1. The Level 1 education (Primary and Intermediate or Grades 1-8) shall be taught in Somali.
2. The English language teaching with quality begins in Grade 3 and shall be taught as a subject.
3. The Level 2 education (Secondary school or Form 1 to 4) shall be taught in Somali, English or Arabic.
4. The Level 1 education in the state shall be taught in other languages if;
 - a) The Minister approves in accordance with the curriculum approved by the Ministry;
 - b) The Somali, Arabic and Islamic studies are taught as subjects.
5. The Arabic language teaching and Islamic studies taught in Arabic is mandatory for all Grades and begins at Kindergarten level; and
6. The social studies is mandatory for all Grades and shall be taught in Somali.

Article 89: Islamic studies in Schools

1. It is mandatory to teach Islamic studies as a subject in schools across the state.
2. The use of Information and Communication Technology and devices such as smart phones by students to access information and content that negate the principles and

values of Islam is prohibited. It is the responsibility of teachers to monitor the use of such devices

CHAPTER XXI: EXAMINATION, ASSESSMENTS AND AWARDS

Article 90: Annual Assessment

Students' learning must be assessed and evaluated at least twice a year in all schools. The results recorded, properly filed must be notified to the students and their parents.

Article 91: Certificate Examination in schools

The state MoECHE shall administer an examination for students completing level 1 and level 2. Every student, after completing intermediate and secondary education must sit for certificate examination administered by the Ministry of Education of Galmudug Government of Somalia. The state MoECHE shall oversee the administration of such exams for quality and integrity through the State Examinations Office which shall also be responsible for data collection, publication, financing, analysis and disclosure of examinations. The state government MoECHE shall be in charge of issuing certificates

Article 92: Training institute Certificates and Diplomas

1. The Minister shall regulate the conduct of Examinations in training institutes offering certificates and diplomas.
2. Only institutes duly registered as per the provisions of this Act shall be authorised to issue certificates and diplomas upon successful completion of programmes
3. Institutes seeking to award certificates and diplomas shall submit applications to the minister of education, who shall have the power to issue consent. The minister has the power to revoke such consent.
4. Specific regulations on certificates and diplomas shall be issued by the minister of education.

Article 93: Examinations Office

1. The Ministry of Education shall have a State Examinations Office to provide oversight over the conduct of examinations in the State.
2. The State Examination Office shall work closely with FGS Examination Committee which is responsible for standards, evaluation and monitoring of examinations in the larger Somalia.
3. The State of Galmudug Examinations office will also provide the necessary data to the FGS Examination Committee to enable the committee to issue the annual comprehensive report containing all examinations conducted in the country.
4. The Minister shall issue a regulation determining the details of this article.

CHAPTER XXII: LICENSING AND REGISTRATION

Article 94: Licensing, Registration and Accreditation

1. The MoECHE is mandated to register, License and accreditation to persons and institutions of education, training and research.

2. It is an offence to provide education without being registered, licensed or accredited
3. The State shall maintain a databank of all education institutions within its jurisdiction
4. The Minister shall issue specific rules and regulations on licensing, registration and accreditation procedures in basic education and training institutions

PART XIII: MONITORING AND SUPERVISION OF IMPLEMENTATION OF THIS ACT

CHAPTER XXIII: SUPERVISION OF IMPLEMENTATION

Article 95: Supervision of Implementation of this Act

The Ministry of Education, Culture and Higher Education of Galmudug state working in collaboration with Federal Government of Somalia MoECHE, shall be responsible for supervising the implementation of this Act. Government officials in Galmudug MoECHE are also responsible for implementation, monitoring and supervision of this Act

Article 96: Violation of the Act

1. Violation by individuals or institutions of principles defined by this Act should first be reported to the management of the educational institution concerned or local educational authorities, which shall be responsible ascertaining such reported violation and take corrective action to address the violation. Should the complainant or aggrieved party be dissatisfied with the decisions or actions taken or the response given within thirty (30) days after a report has been lodged, he or she may lodge complaint to the Ministry of education, which is obliged to solve the complaint within thirty (30) days. The unsatisfied party, upon exhausting the described mechanisms above, may initiate proceedings before a court of law.
2. Any person who acts in a manner that is contrary to this Act, may be subjected to disciplinary action by the school, or the state Ministry of Education, Culture and Higher Education, Galmudug or the federal government Ministry of Education, Culture and Higher Education. A school, state Ministry of Education, Culture and Higher Education or the federal government Ministry of Education, Culture and Higher Education shall inform the court of law, if it is deemed that a criminal offence related to this Act may have been committed.

PART XIV: TRANSITIONAL AND FINAL PROVISIONS

CHAPTER XXIV: TRANSITIONAL AND FINAL PROVISIONS

Article 97: Obligation to implement the Act

Education authorities legally mandated to oversee and regulate the education system in Galmudug State in accordance with the constitution, institutions that are legally registered to provide educational services at preschool, elementary, secondary and post-secondary levels have an obligation to implement and respect the principles and norms set forth in this Act and ensure educational services under equal conditions for all students. Principles and standards defined by and based on this Act may not be reduced.

Article 98: Steps towards implementing the Act

The Ministry of Education, Culture and Higher Education of Galmudug State shall take necessary steps to formulate rules and regulations necessary for the implementation of this Act. All State laws, as well as other relevant regulations in the field of education, shall be

harmonized with the provisions of this Act within six (6) months at the latest as of the date of entering this Act into force.

1. In the spirit of achieving quality education as well as comparability at regional and international levels, the relevant educational actors should exert every effort to realize education on the basis of this Act by the beginning of school year 2021/2022 at the latest in Galmudug State.
2. Application of principles: Until a separate Act is passed, principles established by this Act shall apply to all educational institutions
3. Entering into Force: This Law shall enter into force on the day of its publication in the Official Gazette of the State of Galmudug

Segment Two

UNIVERSITY EDUCATION

PREAMBLE

This segment of the Education act provides a legal framework for the organization, regulation and development of the university level of the education system in the state of Galmudug. It strives towards the ideal of guaranteeing equitable opportunity to access quality higher education to all citizens.

CHAPTER 1: PRELIMINARIES

Article 1: Interpretation of words

In this Act, unless the context indicates otherwise, or there is anything repugnant in the subject or context, the following words shall have the following meaning:

"Accreditation" means the procedure by which the Commission formally recognizes an institution as a university

The Somali Higher Education Commission is the commission that is responsible for the smooth running and providing advice on the Higher Education system in Somalia.

University: An educational institution that offers Level 3 (post-secondary education) and offers at least a bachelor's degree.

Chairperson: The highest ranked official in a university.

Authorization: A letter of authorization issued in accordance to this Act to a higher education institution that fulfils all the standards and requirements.

University by-laws: The by-laws of a university, which apply to education and administration.

Department: A department of a faculty performing a specific function.

Distance Education: A non-face to face education

Dean: The head of a faculty appointed in accordance with the by-laws of a university.

Faculty : An academic division within a university comprising one broad subject area, or a number of related subject areas, such as Faculty of engineering, and Faculty of medicine

"Foreign university" means a university established outside Somalia, which intends to offer university education in Galmudug;

"statutes" means the rules of the university made by its highest governing organ

University committee: A Committee for the administration and operation of a University.

University Board: The Board of Trustees that leads the university or institute.

University lecturer: A lecturer in a higher education institution who teaches on a regular or part-time basis.

Higher specialization: An educational qualification above the 1st university degree

MoECHE refers to the State of Galmudug Ministry of Education, Culture and Higher Education

The Minister refers to the Minister in charge of State of Galmudug Ministry of Education, Culture and Higher Education

The National MoECHE refers to the Federal Government of Somalia Ministry of Education, Culture and Higher Education

Article 2: The Purpose of the Act

The purposes of this Act are as follows: -

1. The improvement of the management system of higher education institutions;
2. The standardization of qualifications or skills of the same category as well as the standardization of the evaluation criteria for the same or closely related subjects offered by different institutions of higher learning;
3. To promote respect for the independence and autonomy of the higher education institutions in order to facilitate, improve the quality and expand higher education;
4. The standardization, guidance, establishment and management of institutions providing higher education;
5. To promote and upgrade research, innovation, creativity and the Arts
6. The development and expansion of higher education in the Galmudug State of Somalia

Article 3: General Principles

The following principles guide the establishment of standards and quality in higher education-

1. The implementation of an education policy based on this Act which provides equal treatment to all higher education institutions;
2. The establishment of standards and benchmarks of higher education and implementing a framework to ensure the quality of universities and the various fields of higher education
3. The establishment of a structured partnership with civil society groups, business people, international higher education institutions, research centres, and both state and national government partners in higher education; and
4. The assurance of the right of every citizen to pursue higher education of quality as long as he/she can afford it.

CHAPTER 2: THE HIGHER EDUCATION COMMISSION

Article 4: Legal Status of the Commission

1. The state of Galmudug shall be represented on the Higher Education Commission of the Federal Republic of Somalia.
2. The Commission shall have a legal status enabling it to sign agreements or enter into contracts in order to execute actions necessary for the smooth running of higher education in the country in accordance with this Act;

Article 5: Structure of the Higher Education Commission

The Somali Higher Education Commission consists of nine (9) members selected from education stakeholders. The Minister shall issue a regulation setting out, the conditions, procedures, responsibilities, powers, formation of sub-committees, chairperson of the committee and the parties from which the commission members will be selected

Article 6: State Higher Education Commission/council

1. To support and complement the work of the national Higher Education commission/Council, the Minister for Education may establish a State Higher Education Council.
2. The functions of the Commission shall be to—
 - a) set standards and ensure relevance in the quality of university education;

- b) advise the Minister on policy relating to university education;
- c) monitor and evaluate the provision of university education in the State for quality and relevance to needs of the economy and national development
- d) receive and evaluate requests for accreditation, inspect university programmes, and give recommendations as necessary
- e) licence foreign institutions operating in the state;
- f) receive statutes developed by the university for consideration and approval
- g) undertake regular inspections, monitoring and evaluation of universities for compliance with set standards and guidelines;
- h) evaluate degrees, diplomas and certificates conferred or awarded by foreign universities and institutions for recognition locally and to determine their equivalence relative to locally awarded degrees
- i) regularly collect, publish and maintain data on university education in the state
- j) promote high quality research and innovation,
- k) regulate university education in the State
- l) develop a university subsector policy framework for the state
- m) develop university quality standards and oversee the adoption of the standards by all universities

CHAPTER 3: OBLIGATIONS AND DUTIES OF UNIVERSITIES

Article 7: The Powers and Duties of Universities

This law empowers higher education institutions to do the following: -

1. Mount new academic programmes subject to review by the Commission
2. To award degrees in the different levels of higher education after determining that the student meets the requirements;
3. To revoke any illegally obtained certificate;
4. To develop capacity for research among staff and students;
5. To appoint committees for the furtherance of the different functions of the university;
6. To organize academic –oriented meetings, fora and conferences while respecting the laws of the country, Islamic values, ethics and morals of the Somali people;
7. Establish cooperative relations and partnerships that do not contravene the country's education laws with;
 - a) universities or other institutes within and outside Somalia.
 - b) educational institutions and educational organizations.
 - c) research centres
8. Seek research grants from funding organisations
9. To promote advancement of knowledge through teaching, scholarly research and scientific investigation
10. Provide opportunities for those seeking higher education, with special consideration given to women and people with special needs
11. Universities should facilitate students with special talents such as in Arts, sports, and other useful hobbies to fully exploit their talents and provide whatever motivation possible for such students

CHAPTER 4: ESTABLISHING A UNIVERSITY

Article 8: Procedures for the Establishment of Universities

1. Every university in the State shall be established by a Charter in accordance with this Act.
2. A person wishing to establish a University in Galmudug shall apply for accreditation and granting of a charter
3. An application under subsection (2) shall also include by a draft of the Charter of the proposed university, detailing the following information about the proposed university:
 - a) Governance structures and systems;
 - b) Academic and support staff;
 - c) Financial management systems;
 - d) Statutes;
 - e) The procedure for vetting of applicants and nominees for the office of the vice Chancellor;
 - f) The core courses offered at the university
 - g) The infrastructure in place or proposed (including that of Constituent Colleges and Campuses
4. The State Higher Education Commission shall consider the application submitted, conduct an inspection and assess the resources of the applicant, and if satisfied that they meet the requirements of this Act, shall recommend to the Minister to issue of a Letter of Interim Authority to the applicant.
5. The Minister shall submit the recommendation for granting a Charter to the national Higher Education Commission
6. The minister may grant an Interim Authority Licence to the applying institution pending final accreditation and award of charter
7. The Minister may revoke a temporary license if the university fails to meet the laid down requirements or if it provided incorrect information during application. The revocation must be properly and explicitly justified and shall be made in writing
8. The Minister shall issue a special regulation to determine the procedure for the establishment of a public university and a private university, or where such an initiative is intended, for a public/private co-owned university

Article 9: Establishing a Public University

In order to establish and build a public university, the following should be adhered to:-

1. state-owned university may be established if it is based on scientific research and real needs
2. The State Higher Education Commission may, in consultation with stakeholders, advise the Minister on the need, suitability and viability of establishing a new public university in the State

Article 10: Procedures for Establishing Private Universities

1. Privately owned universities may be opened in the State in accordance with Article 30, Clause 4 of the constitution of the Federal Republic of Somalia;
2. Privately owned universities have the independence and legal existence based on the Constitution of the Federal Republic of Somalia;

3. The Minister shall issue a special regulation to determine the procedure for the establishment of private universities

Article 11: Registration Requirements

The Ministry may register privately-owned university when the applicant fulfils the following requirements: -

1. An education program in compliance with the general objectives and strategies of higher education in the country;
2. The requisite educational facilities that meet the prescribed evaluation criteria
3. Has at least four faculties with four specialties;
4. Has adequate funding for the university for one year; and
5. Submits a list of names of members of faculty having advanced academic specialization related to the program offered by the university

Article 12: Establishment of Specialized Degree Awarding Institutions

The President of the State, on the recommendation of the State Higher Education Commission, through Minister, and with the approval of Parliament may award a Charter to establish: -

1. a specialized degree-awarding or research institution whose mandate is deemed to be of strategic national or State importance; and
2. a State Open University as a specialized university, to offer university programmes through distance and e-learning mode.

CHAPTER 5: MANAGEMENT OF HIGHER EDUCATION INSTITUTIONS

Article 13: The Structure of Higher Education Institutions

1. Every higher education institution should have the following structure;
 - a. University Board of Trustees
 - b. University executive management
 - c. The Committee of Faculties;
2. The requirements, procedures for the selection, responsibilities and their powers as well as the same for the chairperson of the Board of Trustees will be determined in a regulation issued by the Minister

CHAPTER 6: QUALITY ASSURANCE IN HIGHER EDUCATIONAL INSTITUTIONS

Article 14: The Role of the State Government in Quality Assurance

1. The MoECHE is responsible for ensuring quality is maintained in universities and that sustainable standards are maintained
2. The State Higher Education Commission shall undertake to provide quality assurance in universities through quality monitoring and regular inspections and may appoint a qualified agency to support quality assurance.

3. Universities shall be required to submit annual quality work plans and reports to the commission based on a quality reporting template that shall be designed in consultation with stakeholders
4. The Minister shall issue regulations to govern the quality assurance system.

Article 15: The Role of Universities in Quality Assurance

1. Every institution providing higher education shall have its own standards and procedures for quality assurance, and which shall be determined in its own statutes and policies in compliance with this Act and related regulations; and
2. Each institution providing higher education must meet the following requirements;
 - a) Have a documented curriculum and which must be reviewed every three years
 - b) Each course must be balanced in terms of lectures, research and experiments or testing;
 - c) Courses should as much as possible have an internship or practicum component
 - d) Have a clear plan for staff development and capacity building for the academic and technical staff
 - e) Have a student union that represents students' interests;
 - f) Have lecturers' whose minimum qualification is a Master's Degree;
3. The Minister shall issue a regulation outlining the details of this article.

Article 16: Admission Requirements of Higher Education

Every student who meets the admission requirements and holds a recognized secondary school certificate has the right to be admitted to the country's universities.

Article 17: Student Services to be Provided by Universities

In addition to having adequate physical infrastructure such as lecture theatres, all institutions providing higher education have to provide the following as basic requirements:

1. A well-equipped and accessible central library for student study and research
2. Well-equipped modern laboratories for instruction, training, experiments and research to service science students and faculty
3. A well-equipped IT centre that facilitates learning and research for students; and
4. A mosque, sports facilities and teashop/cafeteria
5. A health facility to attend medical emergencies

CHAPTER 7: MISCELLANEOUS

Article 18: Powers of the Minister

The Minister of Education, Culture and Higher Education has the power: -

1. To take action against higher education institutions, private and public, if necessary, in the event that they contravene the provisions of the Act
2. To issue a circular to all higher education institutions, private and public for the implementation of the higher education policy, Act or pertinent rules and regulations
3. To decide on situations for which the State Higher Education Commission is unable to provide advisory or direction or recommendations.

Article 19: Institutions in Conflict with this Law

A university or institute of higher education that is not in compliance with this Act and/or not having the official authorization from the ministry shall not be allowed to operate in the state

Article 20: Annulment

Any law and regulations that do not comply or is not in conformity with this Act are hereby repealed.

Article 21: The Enforcement of this Law

This Act shall come into force upon approved by the parliament and signed by the President of the Galmudug State of Somalia and published in the Official Gazette

CHAPTER 8: TRANSITIONAL PROVISIONS

Article 22: A public university existing immediately before the commencement of this Act shall be deemed to be a university established under this Act and shall take the steps prescribed under this Act to obtain a Charter within a period of one year after such commencement.

Article 23: All rules and regulations made and in which were in force immediately before the commencement of this Act, as long as they are not inconsistent with this Act, shall continue to be in force but may be amended or revoked by rules and regulations made under this Act.

Article 24: *Application of principles:* Until a separate Act is passed, principles established by this Act shall apply to all universities in Galmudug

Article 25: Entering into Force: This Law shall enter into force on the day of its publication in the Official Gazette of the State of Galmudug