

SUMMARY OF

THE PRIVATE EDUCATION BILL

AIM/SCOPE OF CONSULTATION

1. The Ministry of Education (MOE) is seeking feedback from the members of the public and the private education (PE) sector on the new PE Bill. The main objectives of the PE Bill are to provide for:
 - a. The establishment of the Council for Private Education (the Council) as a corporate statutory board to regulate the private education sector;
 - b. Statutory requirements for the enhanced registration framework which constitute the baseline standards that private education institutions (PEIs) must meet in order to operate; and
 - c. The implementation of the quality assurance certification scheme called EduTrust, which allows PEIs which are ready to distinguish themselves by their attainment of quality standards specified under EduTrust.

COUNCIL FOR PRIVATE EDUCATION

2. MOE will be setting up the Council as part of the Government's commitment to have an independent dedicated body to oversee the PE sector and provide better developmental focus. Beyond regulating the private education sector, the Council will promote greater public and consumer awareness, and facilitate the development of the sector. These roles of the Council will ensure that a balanced and holistic approach is taken towards developing a quality PE sector that benefits students and raises standards in the industry over time.
3. The provisions for the Council to be set up as a statutory board, including the roles and functions of the Council, can be found in Part II: Council for Private Education of the PE Bill.

REGULATION OF PEIS

4. PEIs that will come under the regulatory scope of the PE Bill fall under the following three categories:
 - a. PEIs offering education leading to the award of a diploma or degree, or full-time post-secondary education leading to the award of a certificate;
 - b. PEIs offering full-time preparatory courses for entrance/placement tests for joining MOE mainstream schools, or for external examinations; and
 - c. Foreign System Schools (FSS) offering full-time primary or secondary education wholly or substantially in accordance with a foreign or international curriculum.

5. These PEIs are required to register with the Council under the new regulatory regime. The PE Bill will put in place statutory requirements for registered PEIs to adhere to. This will ensure that registered PEIs are genuine education service providers who could meet the Council's baseline standards. The requirements for registration and the statutory obligations registered PEIs have to meet are summarised in Table 1 below. Further details can be found at Part III: Regulation of PEIs of the PE Bill.

Table 1: Statutory Obligations of PEIs

Areas of Regulatory control	Statutory Obligations Provided for in the PE Bill
Registration	<p><u>Application</u></p> <ul style="list-style-type: none"> • Any PEI offering to provide or providing private education are required to register with the Council. Applications must be made by the manager of a PEI and accompanied by a prescribed fee. Applicants are required to furnish any such information as the Council requires in its application for registration. • The Council will register the PEI once it is satisfied that the PEI has fulfilled its prescribed terms and conditions, such as being a company or registered society and fulfilling the requirements as laid out in the enhanced registration framework. The duration of the registration of each PEI shall be valid only for such period as specified by the Council. • The Council is empowered to take any such necessary measures to secure the closure of any un-registered PEI, and to recover the costs of doing so from the manager of the un-registered PEI. <p><u>Grounds for Refusal to Grant or Renew Application</u></p> <ul style="list-style-type: none"> • These grounds include the PEI not being a company or a registered society; suitability of the premises for use as a PEI, the qualifications and experience of its teachers; the veracity of information furnished in its application; the suitability of managers to manage the PEI; the type of education provided is deemed detrimental to the interests of the public and students; or whether the proposed name of the PEI is likely to mislead the public or is undesirable or offensive. <p><u>Suspension or Cancellation</u></p> <ul style="list-style-type: none"> • The Council may also suspend or cancel the registration of any PEI if the PEI has ceased to provide private education, has ceased to operate, or has breached any of the terms and conditions under which it is registered. <p><u>Notification</u></p> <ul style="list-style-type: none"> • The Council shall notify the PEI of its decision to refuse to grant; renew; suspend or cancel its registration. The PEI is allowed to show cause against the decision within 14 days upon receipt of the Council's notice.
Name of PEI	<p><u>Approval of Name</u></p> <ul style="list-style-type: none"> • PEIs are required to seek the Council's approval for any new name or change in name, including the name of its branches or departments. Application for name change comes with a prescribed fee and shall be submitted by the manager of the PEI.

Areas of Regulatory control	Statutory Obligations Provided for in the PE Bill
	<p><u>Direct Change in Name</u></p> <ul style="list-style-type: none"> The Council will have the power to direct any PEI to change its name, even after registration, if the name of the PEI: is likely to mislead members of the public as to the true character or purpose of the PEI; is identical to or so nearly resembles the name of another education institution, whether in Singapore or elsewhere; is undesirable or offensive; is a name of a kind the Minister has by Gazette notification directed the Council not to accept; or has been restrained from usage by an injunction granted under the Trade Marks Act.
Managers	<p><u>Definition</u></p> <ul style="list-style-type: none"> Under the PE Bill, a manager of a registered PEI refers to any director, partner or member of its committee of management and includes any person who has control or management of the PEI (refer to detailed definition in <u>Part I: Preliminary</u> of the PE Bill). <p><u>Duties</u></p> <ul style="list-style-type: none"> Managers are required to fulfil a set of responsibilities, which include: ensuring the keeping of proper records; providing for affected students to complete their enrolled course or a similar one in another PEI in the event of PEI closure; furnishing information requested by the Council within stipulated duration; remaining contactable by the Council for matters relating to operations of the PEI; and providing information or documents as required by the Council. <p><u>Suspension or Removal</u></p> <ul style="list-style-type: none"> The Council may direct the PEI to suspend or remove any manager if they are found not to be a fit and proper person to carry on with the management of the PEI; or are unable to discharge their prescribed duties.
Offer or Provision of Courses	<p><u>Permission Required</u></p> <ul style="list-style-type: none"> Registered PEIs must seek the permission of the Council before offering a course. As part of the application, PEIs will be required to furnish such information and documents about the courses it will offer, as requested by the Council within a stipulated time period. Application for course approval comes with a prescribed fee and shall be submitted by the manager of the PEI. The Council may add to, vary or revoke any terms or condition of its permission, or suspend or revoke its permission any time.
Deployment of Teachers	<p><u>Notify the Council</u></p> <ul style="list-style-type: none"> Registered PEIs are required to notify the Council of the qualifications and particulars of their teachers before deploying them to teach. The Council may impose requirements or restrictions relating to any teacher of a registered PEI, and to add to, vary, or revoke any such requirement or restriction.

Areas of Regulatory control	Statutory Obligations Provided for in the PE Bill
	<p data-bbox="580 230 986 259"><u>Prohibition or Restriction by Council</u></p> <ul data-bbox="580 286 1370 409" style="list-style-type: none"> <li data-bbox="580 286 1370 409">• A registered PEI may be directed to cease the deployment of a teacher if this person is found to have contravened any of the requirements stipulated or has misconducted himself or herself in the course of teaching at the PEI.
Misrepresentation in advertisement	<p data-bbox="580 443 703 472"><u>Prohibition</u></p> <ul data-bbox="580 499 1370 741" style="list-style-type: none"> <li data-bbox="580 499 1370 622">• No person or PEI shall be allowed to publish any advertisement relating to a PEI and its courses which is false or misleading. The prohibition will extend to advertisements published, circulating or for reception outside of Singapore. <li data-bbox="580 649 1370 741">• A PEI shall not advertise or publicise itself and/or its course(s) until it has been duly registered, and its course(s) permitted, by the Council. <p data-bbox="580 775 927 804"><u>Directing Corrective Measures</u></p> <ul data-bbox="580 831 1370 922" style="list-style-type: none"> <li data-bbox="580 831 1370 922">• The Council has the power to direct the person or PEI to cease or modify the advertisement or to issue a corrective advertisement at his own cost or expense.

CERTIFICATION SCHEMES

6. The Council is authorised to establish and maintain one or more voluntary certification schemes for registered PEIs or any other class of education institutions as the Council deems appropriate. Institutions seeking to be a member of the certification scheme administered by the Council are required to abide by the terms and conditions prescribed by the Council. Further details are at Part IV: Certification Schemes of the PE Bill.

APPEALS

7. Parties aggrieved by the regulatory decisions of the Council can appeal to an Appeals Board appointed by the Minister. The Appeals Board is independent of the Council. Further details are at Part V: Appeals of the PE Bill.

INSPECTION, ENFORCEMENT, REMEDIAL MEASURES AND OFFENCES

Inspection and Enforcement

8. Inspectors appointed by the Council will be empowered to periodically inspect any registered PEI for compliance with the new law. They will be empowered to enter the premises of any PEI, examine documents, and request for any information to be furnished. In carrying out enforcement duties, inspectors are also empowered to orally examine any person found to be involved in the case and to take down statements; and take photographs or video recordings, where necessary. All such information and documents shall be admissible in court proceedings as evidence, where necessary.

Remedial Measures

9. The Council will be empowered to direct remedial measures if it appears that any provision under the new law has not been complied with or if it appears that any registered PEI is not being efficiently or properly conducted. This includes fee refund to students if it is proven that the students are entitled to such refunds.

Offences and Penalties

10. Contraventions that constitute criminal offences include:

- a. Provision of false or misleading advertisements;
- b. Obstruction of investigation and inspection work by the Council;
- c. Obstruction to the Appeals Board's course of work;
- d. Provision of false and misleading information (verbal or material) to the Council;
- e. Unauthorised use of the Council's symbol or similar to that of the Council's symbol to misrepresent and mislead the public;
- f. Running un-registered PEIs or assisting in the provision of education by un-registered PEIs;
- g. Failure of managers to fulfil his or her prescribed responsibilities without reasonable cause; and
- h. Failure to comply with remedial measures issued by the Council.

11. Some of these offences will be compoundable. Council may also penalise errant PEIs by cancelling (or not renewing) their registration. Penalties for offences listed in paragraphs 10a to d comprise a fine of up to \$5000 or a jail term of up to 6 months or both inclusive. Penalties for offences listed in paragraphs 10e to h comprise a fine of up to \$10,000 or a jail term of up to 12 months or both inclusive.

12. To provide graduated penalties that do not criminalise other contraventions and better match the severity of the offences, additional administrative punitive measures may be imposed on PEIs. These measures are:

- a) Financial penalties not exceeding \$5,000;
- b) Censure of the PEI; and
- c) Additional conditions for registration or exemption (as the case may be).

13. Contraventions that trigger the above will relate to PEIs offering courses without prior approval by the Council; failing to notify the Council of the qualifications,

experience and other relevant details of teaching staff; and changing their names or names of their branches or departments without prior approval by the Council.

14. PEIs falling within the regulatory scope of the Council will be required to seek the Council's approval for any new names or change in names of the PEIs or any of its branches or departments, as highlighted in Table 1 of paragraph 5. Any other organisations seeking to use restricted terms such as "school", "college" or "academy" or any other terms that connote the provision of education, will be required to seek the prior approval of the Director-General of Education. Any use of non-approved names constitute an offence and shall be liable to a fine of up to \$2000 or a jail term of up to 12 months or both inclusive.

15. Further details on the above paragraphs 10-14 may be found at Part VI: Inspection, Enforcement and Offences of the PE Bill.

OTHERS

Requisition for and Publication of Information

16. A requisition in writing may be issued by the Council to any person to furnish information relating to any matter related to PEIs. The Council may specify the form in which and the time within which the particulars or information are to be furnished, among others. The Council also has the authority to establish, maintain or publish information on the courses offered by the PEIs or information pertaining to the voluntary certification scheme administered by the Council of which the PEI is a member of or any other such information pertaining to the PEIs which would be of use to raise the consumer awareness of the PE sector generally.

Dispute Resolution Scheme

17. The Council will have the authority to approve any dispute resolution scheme set up and administered by appointed third party operators for the resolution of disputes between any PEI and its students arising from or relating to the provision of services by PEIs. A set of procedures will be prescribed to govern the administration of the scheme, including standards or requirements of the operations, the fees that may be charged for dispute resolution services, and the records that must be kept. The Council shall direct PEIs to be members of any appointed dispute resolution scheme and PEIs will have to abide with the prescribed terms and conditions of membership. PEIs which contravene any of the terms and conditions may be subjected to censure by the Council; additional registration requirements as the Council deems fit; or remedial measures as directed by the Council.

Transitional Provisions

18. PEIs currently registered under the Education Act and will fall under the scope of the PE Bill will be deemed registered provisionally by the Council for a period of 2 years from the date of the commencement of the PE Bill or until the date the application of the PEI for registration under the Bill has been granted, refused or withdrawn, whichever date is earlier. PEIs currently not registered under the Education Act, but will fall under the scope of the PE Bill, will be required to make an application for registration with the Council within a period of 2 months

from the date of the commencement of the PE Bill and will be deemed registered from the date the Council accepts their application for consideration until the date the application has been granted, refused or withdrawn. Once the registration applications are approved, the PEIs are considered formally registered with the Council.

19. Further details on the above paragraphs 16-18 can be found in Part VII: Miscellaneous of the PE Bill.