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February 28, 2008

### **PROPOSALS FOR A NEW EDUCATION ACT**

The Education Forum is a group of individuals and organizations representing teachers, principals, past pupils, educationists, businesses and other stakeholders in education. The participants are bound by a common desire to develop, support and sustain a truly free and fair system of national education that contributes to cultural, social and economic growth in the country.

Education Forum hosted a series of public meetings and study sessions to identify areas of agreement among stakeholders regarding recommendations for a New Education Act. The seventh and the final public meeting in the series was on February 18, 2008, Monday, at the Sri Lanka Foundation Institute.

The conclusion reached at these meetings was that the recommendations as outlined in the 2003 National Education Commission (NEC) publication titled “Proposals for a National Policy Framework on General Education in Sri Lanka” should be used as the basis for a new education act but supplemented by a document that provides guiding principles and a priority set of objectives.

The 2003 NEC document clearly identifies the following as the three major factors that contribute to the overall inefficiency and ineffectiveness of the education system in Sri Lanka:

- (i) Extreme politicization of the system at all levels
- (ii) Lack of coordination within the ministry and the agencies coming under the purview of the ministry and between the ministry and provincial authorities.
- (iii) Inefficiency, ineffectiveness and indifference of officials and principals, and lack of motivation among teachers

Unfortunately, the drafters of the NEC report side-step these issues and present their recommendations as if there are efficient, effective and motivated officials who would coordinate activities to deliver an efficient and effective education system, and, as if all politicians are going to act as responsible stewards of the public good and public trust. In effect NEC’s recommendations while laudable fall short of its own analysis of the present system of education.

Therefore we present as follows a set of proposals that are largely based on the NEC 2003 proposals but with a preamble that captures a vision that should guide the formulation and interpretation of any legislation and a list of issues that are pivotal in addressing the contributory factors identified by the NEC.

1. Preamble
2. Right to Education
3. Medium of education
4. English Education
5. Types of Schools
6. Structure and Management
7. Welfare Services

The Forum will continue to engage in dialogue and awareness activities to rally support to these proposals and also meet with the Committee to Draft a New Education Act to further elaborate on the proposals so developed and refined.

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# PROPOSALS FOR A NEW EDUCATION ACT

## Preamble

Recognizing that a good education system is essential for cultural, social, and economic progress of society,

Recognizing that education is a partnership between students, parents, communities, educators and government each of whom has a responsibility to one another in achieving quality and excellence in education,

Recognizing the rights of all children for equal opportunity for a basic education that will give them a foundation for living, working and life-long learning,

Recognizing the rights of all individuals for access with no undue obstruction to a diversity of opportunities for a basic education or beyond

Recognizing the responsibility of the state to help those who are disadvantaged economically or otherwise to help themselves,

Recognizing the ethnic and religious plurality of Sri Lanka and the importance of developing empathy and tolerance of individuals towards others who are different,

Recognizing the importance of fairness in the allocation of public funds and the necessity to minimize corruption, waste and unnecessary layers of administration

Recognizing the right of the public to be periodically informed of the state of public education in Sri Lanka,

Recognizing the right of an individual to be educated through the medium of either of the National Languages,

Recognizing the importance of the English as the link language,

**The Education Forum proposes the following Legislation:**

## Proposed Legislation

### 1. Right to Education

- All children shall have equal opportunity to successfully complete a basic education
- Right to equal opportunity for children should not interfere with the liberty of any individuals and bodies to establish and direct educational institutions, subject always to the observance of national standards for such institutions
- The Minister in charge of education shall report annually to the parliament the current definition of a basic education, the rationale for such, the rate of completion of basic education by province, gender and ethnicity, the rate of successful completion of basic education by economically or otherwise disadvantaged groups, a set of targets for those groups, and a timetable for achieving the targets.
- The State shall provide and/or encourage the provision by others a diverse range of further education opportunities beyond basic education to all those who are capable and willing, ensure that there are sufficient mechanisms to ascertain quality of those opportunities and provide financial assistance to economically disadvantaged but capable students

### Rationale

Education was provided free by the colonial government to vernacular schools. The immediate consequence of the principle of free education was to give a bonanza to the rich by giving them free education without payment. The masses continued to receive free, the poor quality education that had all along been free for them, except for a very small number who could get admission to previously fee-levying schools. It is in this context that Government Central Schools became the medium through which the benefits of free education percolated to the masses.<sup>1</sup>

However, recent data for school children in Sri Lanka shows that it is time to focus on the ability of the poorest of the poor to make use of this free-of-charge education and the quality of education provided by these state facilities.

The Compulsory Education regulations of 1997<sup>2</sup> addresses the issue of the inability of the economically disadvantaged to utilize free-of-charge education opportunities made available by the state but those regulations do not go far enough and address the quality of compulsory education received. According to the 2003 NEC report, 17% of children do not complete Grade 9, the current level of compulsory education.

As for the quality of compulsory education received, although direct data are not available, by inference we estimate that 50% or fewer of those completing compulsory education (or 9 years of school education)

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<sup>1</sup> This paragraph is taken verbatim from <http://www.moe.gov.lk/modules.php?name=Content&pa=showpage&pid=2>, accessed February 1, 2008.

<sup>2</sup> Gazette Extra Ordinary Notification No.1003/5 dated 25 November 1997

may not have the required knowledge and skills<sup>3</sup> It is reasonable to assume that the majority of these children are from economically disadvantaged groups in society.

Therefore, the overarching issue is not whether the education is provided free for all or not, but, whether the economically and otherwise disadvantaged have equal opportunity to complete a basic education and the capable students from among those or any group have opportunities to receive an adequate further education.

## 2. Medium of Instruction

### Proposed Legislation

- Every child has a right to receive his or her education in one of the National languages<sup>4</sup>
- His or her right shall not interfere with the liberty of any individuals to follow education programs in a language of his or her choice
- The Minister in charge of education shall report to parliament biannually the percentage of children successfully completing national language requirements by school, school division and other appropriate category.

### Rationale

The 2003 NEC Framework for General Education provides a complex set of guidelines<sup>5</sup> regarding the medium of instruction. These guidelines require a significant bureaucracy to administer and monitor

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<sup>3</sup> Available data on the competency of Grade 5 children for 2003 shows that up to 60% of children completing Grade 5 could not read or write at the required level. In 2007, 52% of the students completing Grade 11 failed to obtain 6 passes that included the mother-tongue and math.

<sup>4</sup> Constitution of Sri Lanka, 1978, Sections 18, 19 and 21  
Section 18

1) The Official Language of Sri Lanka shall be Sinhala.

(2) Tamil shall also be an official language.

(3) English shall be the link language.

(4) Parliament shall by law provide for the implementation of the provisions of this chapter

Section 19

The National Languages of Sri Lanka shall be Sinhala and Tamil

Section 21

(1) A person shall be entitled to be educated through the medium of either of the National Languages:

(2) Where one National Language is a medium of instruction for or in any course, department or faculty of any University directly or indirectly financed by the State, the other National Language shall also be made a medium of instruction for or in such course, department or faculty for students who prior to their admission to such University, were educated through the medium of such other National Language :

(3) In this Article "University" includes any institution of higher education.

<sup>5</sup> National Education Commission

“Item 20 - The medium of instruction in the primary grades should continue to be Sinhala and Tamil. Oral English should be strengthened to facilitate the development of communications”

them, thus violating the fundamental principle of maximum utilization of public funds towards activities that directly benefit the students. Therefore we propose that laws regarding the medium of instruction should go no further than the rights enshrined in the constitution,<sup>6</sup> but the place of national languages in Sri Lanka should be protected by requiring that all general education certificates issued by the National Examinations authority should have the requirement of at least a pass in one of the two national languages.

### 3. English Education

#### Proposed Legislation

- All children shall have equal opportunity to acquire an adequate knowledge of English at the end of the basic education period
- Each school should be able to decide the extent to which and how education is to be provided with English as the medium of instruction
- The State shall provide and encourage the provision by others a diverse range of further English education opportunities beyond the compulsory stage to all those with ability, ensure that there are sufficient mechanisms to ascertain quality of those opportunities and provide financial assistance to economically disadvantaged but capable students

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“Item 21 - Bilingualism should be promoted by using English as the medium of instruction in selected subjects such as Mathematics, Science, Information Technology in the secondary grades, year by year from Grade 6. Sinhala and Tamil should continue to medium of instruction in some subjects.”

“Item 22 - Students of secondary grades should be given the option to Study any subject in the English medium in the GCE (O/L) and GCE (A/L) grades subject to the availability of teachers and sit the GCE (O/L) and GCE (A/L) examinations in the medium of their choice”

“Item 23 - Access to English should be extended island wide over the next five years, starting in 2004 with the National Schools and Provincial Centers of Excellence to which scholarship holders should be sent, so that at least one or two schools in each administrative division will teach the selected subjects in English as early as possible”

<sup>6</sup> Constitution of Sri Lanka, 1978, Sections 18, 19 and 21

#### Section 18

- 1) The Official Language of Sri Lanka shall be Sinhala.
- (2) Tamil shall also be an official language.
- (3) English shall be the link language.
- (4) Parliament shall by law provide for the implementation of the provisions of this chapter

#### Section 19

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- (1) A person shall be entitled to be educated through the medium of either of the National Languages:
- (2) Where one National Language is a medium of instruction for or in any course, department or faculty of any University directly or indirectly financed by the State, the other National Language shall also be made a medium of instruction for or in such course, department or faculty for students who prior to their admission to such University, were educated through the medium of such other National Language :
- (3) In this Article "University" includes any institution of higher education.

- The Minister for education shall report to parliament biannually the rate of English education achievement of school children in public schools, a set of targets for disadvantaged groups and a timetable for achieving the targets.

## **Rationale**

The NEC (2003) report presents a complex set of options for including English as the medium of instruction in schools, but, one set of criteria can not fit the diverse set of schools in the country. We propose that the state assumes responsibility for ensuring that all children have an opportunity to acquire competency in English commensurate with at least the compulsory level of education, and leave options open for individuals and institutions to decide on the extent and the means of English education to be given to the students.

## **4. Types of Schools**

### **Proposed Legislation**

- There can be three types of schools
  - Full state-assisted
  - Receiving some state assistance
  - Not receiving any state assistance
- Each of these types of schools should follow minimum required guidelines for educational establishments.
- Any school receiving any form of state assistance shall be required to offer scholarships to bright students from low-income families, with the percentage of scholarships determined on the basis of state assistance received.
- The Minister for education shall report to parliament biannually the enrollment in education by type of school in each education administrative unit.

### **Rationale**

Although Section 25 of the Assisted Schools and Training Colleges ( Supplementary Provisions) Act no 8 of 1961 prohibits the establishment of private schools, monies paid by parents for private tuition for after school classes or money paid directly to private schools established as business ventures are testimony that private education is a fact of life in Sri Lanka education today.

Therefore we endorse the NEC's recommendations per items 24-27 in NEC (2003).

## **5. Structure and Management**

### **Proposed Legislation**

- Schools shall have the power to administer their own affairs through duly constituted school-based units of management that represent the school community unless such a unit of management or appropriate education authority can establish a reasonable case as to why the school can not.
- The principal of the school shall serve as the chief executive officer under the guidance of the school management unit and he/she shall always adhere to standard government procedures
- Evaluating the accountability and the effectiveness of the principal and the school management unit is the responsibility of the education authorities. They shall do so using review of progress reports and auditing of accounts and other standard procedures
- To provide an equitable allocation of resources to schools, unit costs must be correctly computed at least for recurrent expenditure and used for resource allocation on the basis of unit cost and the number of pupils in a school.
- The Minister of education shall report biannually to parliament the percentage of education allocations spent on activities that do not involve direct contact with students with details of such activities.
- Teachers should be deployed on the basis of a uniform student-teacher ratio with modifications for small schools<sup>7</sup>
- The appointment, promotion and transfer of teachers and principals should be carried out by duly appointed boards.
- The Minister of education shall report annually to parliament the distribution of teachers by school and subject area.

## **Rationale**

We feel that empowerment of the schools and reduction of bureaucratic requirements is the only way to combat the current ills of political interference, bureaucratic lethargy and lack of coordination among the bureaucrats that were identified by the NEC<sup>8</sup> as the three major contributory factors for overall inefficiency and ineffectiveness of education system in Sri Lanka

The concept of a school-based management structure has been accepted for a long time. First introduced as School Development Societies and then as School Development Boards (1993) and School Development Committees (2005) and as the Program to Improve the Schools in its latest incarnation, the concept is like a good food presented in different packages to the guests at different times but not offered for actual enjoyment.

It is important to include this concept in a new Act but in a stronger form where by autonomy of the school should be the default unless the appropriate authority can justify a deviation.

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<sup>7</sup> Recommendation 16, NEC (2003); <sup>7</sup> Small schools as defined in the same Report.

<sup>8</sup> Identified as contributory in recommendation 110 in the NEC (2003) report.

Discussions with currently operative School Development Committees have pointed to some minor modifications<sup>9</sup> to the currently applicable circular 2005/24 of the Ministry of Education.

The teachers and the principals are the key to reforms in education. These are the people who interact with children on a day to day basis. Therefore, it is the responsibility of education administrators to look after the well being and career advancement and satisfaction of teachers and principals. Currently the teaching and leadership in the public school sector is in deep crisis due to political interference and lack of transparency in the appointment, promotion and transfer of teachers and principals. There are multiple categories of teachers and multiple categories of principals and the salary scales of these categories are in dispute.

## **6. Welfare Services**

### **Proposed Legislation**

- Education authorities should not engage in providing welfare services to students or their families. The distribution of resources for books, school uniforms and other amenities should be implemented through the appropriate welfare agency by way of vouchers for purchase of required materials.

### **Rationale**

We propose that new education Act should go beyond the NEC (2003) recommendation which essentially endorses the state monopoly of text book procurement and distribution.<sup>10</sup>

Current state of affairs is a recipe for corruption and inefficiency. Legislation should be drafted keeping in mind that any additional service to be offered by the ministry of education requires an additional layer of bureaucracy thereby reducing the money that should go directly to the schools for the education of our children. Besides, the state control of the book publishing industry is hurting the independent publishing industry.

Distribution of vouchers for school books and uniforms for low income families should be done through a state agency such as Samurdhi. This will reduce costs and improve the targeting of subsidies.

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<sup>9</sup> (1) It is not clear whether the secretary should be teacher or a parent (2) These committees should be advised to appoint a well-wisher. The well-wisher will not have voting privileges (per comments by Mr. Gamini Jayakody, Secretary, Kotahena Madya Vidyalaya School Development Society)

<sup>10</sup> Recommendation 60.iv, NEC (2003) - Principals and staff in schools should be free to select any textbook per subject per grade which should be provided free to students from Grade 1 to Grade 11 by the state. Other approved books will be placed in school libraries for the use of students and teachers. All textbooks should be available for sale in bookshops.”

## Annexure 1

Attendees at the Discussion Series on a New Education Act Conducted by the Education Forum  
(Participation does not necessarily imply agreement with ideas expressed in the main document)

### 1. October 4, 2007, Sri Lanka Foundation Institute

1. Arunasiri, PHJ, Sri Lanka Foundation Institute
2. de Silva, Harsha, LIRNEasia
3. de Silva, C, SL House Wives Assn;
4. Edirisinghe, Rohan, Center for Policy Alternatives;
5. Gamage, Sujata, LIRNEasia;
6. Herath, HMV, The Island;
7. Hewage, Samangi, LIRNEasia;
8. Jayasekara, HDDC, University of Sri J'pura;
9. Kamaladasa, Nishantha, Distance Learning Center, SLIDA;
10. Lakshman, P, SL House Wives Assn;
11. Liyanamanne, Pradeep, CEP;
12. Malinda, MAK, University of Ruhuna;
13. Mudalige, MH, Sagara Vishwa Vidyalaya;
14. Nagamuwa, Duminda, Inter University Student Federation
15. Narangoda, Samintha, University of Peradeniya
16. Paliwardana, S, Sri Lanka Foundation Institute
17. Premathilake, Sanjaya, Sagara Vishwa Vidyalaya
18. Ranasinha, Dulitha, University of Peradeniya
19. Samarathne, Newton, Ceylon Teachers Union
20. Sarawanamuththu, Paikiasothi, CPA
21. Senanayake, RMB, CIMOSF
22. Senevirathna, DS, Sagara Vishwa Vidyalaya
23. Shanmugalingam, K, VILUTHU

### 3. January 24, 2007, LIRNEasia

1. Mr. AMRB Amarakoon, Retired Commissioner of Examinations
2. Mr. Savimon Urugodawatte, Central College Assn Past Pupils;
3. Mr. WH de Alwis, Central College Assn Past Pupils
4. Mr. Joseph Stalin, Ceylon Teachers Union
5. Mr. Sudath Ranasinghe, Ceylon Teachers Union
6. Mr. Luxman Siriwardena, Pathfinder Foundation;
7. Mr. RMB Senanayake
8. Dr. Sujata Gamage

### 4. January 31, 2007, LIRNEasia

1. Mr. MM Abhayaratna, Nakandapola PV, Henegama (WP)
2. Mr. Amal Siriwardena
3. Mr. Gamini Jayakody, Kotahena Community Association
4. Mr. RMB Senanayake
5. Mrs. Hema Ranaweera, Retired Teacher
6. Ms. M Kotalawela, Retired Teacher
7. Mr. Savimon Urugodawatte

### 5. February 7, 2008, LIRNEasia

1. Dr. Nisha Arunatilaka
2. Mr. Luxman Siriwardena
3. Mr. Gamini Jayakody
4. Mr. Amal Siriwardena
5. Dr. Sujata Gamage

### 6. February 14, 2008, LIRNEasia

1. Mr. MM Abhayaratna (Nakandapola PV, Henegama (WP)
2. Mr. Amal Siriwardena

24. Siriwardena, Amal, Lanka Software Foundation
25. Siriwardena, Luxman, Pathfinder Foundation
26. Stalin, Joseph, , Ceylon Teachers Union
27. Thilina, PKN, Sagara Vishwa Vidyalaya
28. Ukwatta, Wijayantha, Sri Lanka Foundation Inst

### 2. November 9, 2007, Sri Lanka Foundation Institute

1. Mr. C Jayatunge, Ceylon Teachers Union
2. Mr. HD Nishantha, Ceylon Teachers Union
3. Mrs. C de Silva, Sri Lanka Housewives Association
4. Mr. S. Paliwardena, SLFI;
5. Prof. Lal Perera, National Education Commission;
6. Mr. Amal Siriwardena, Lanka Software Foundation
7. Mr. Savimon Urugodawatte, Central Colleges Assn Past Pupils
8. Mr. WH de Alwis, Central Colleges Assn Past Pupils
9. Mr. Luxman Siriwardena, Pathfinder Foundation
10. Mr. CL Wattegama, LIRNEasia
11. Mr. DM Gundasa, Principal, Asoka Vidyalaya
12. Mr. Mohan Lal Grero, Executive Director, Lyceum
13. Mr. Wilfred Perera, NIE
14. Mr. Nihal Herat, ADB Project, MOE

3. Mr. Gamini Jayakody
4. Mr. RMB Senanayake
5. Mrs. Hema Ranaweera, Retired Teacher
6. Ms. M Kotalawela, Retired Teacher
7. Mr. Savimon Urugodawatte

### 7. February 18, 2008, Sri Lanka Foundation Institute

1. Rev E Somananda
2. Mr. RMB Senanayake
3. Mr. Gamini Jayakody
4. Mr. AMRB Amarakoon
5. Ms. Anusha Kollure, Law and Society Trust
6. Mr. Amal Siriwardena
7. Mr .S. Paliwardana
8. Mr. PDS Pieris
9. Mr. Savimon Urugodawatte
10. Mr. Luxman Siriwardena
11. Mr. M. Withanage
12. Mr. D. Nimalasuriya
13. Mr. AM Nazim