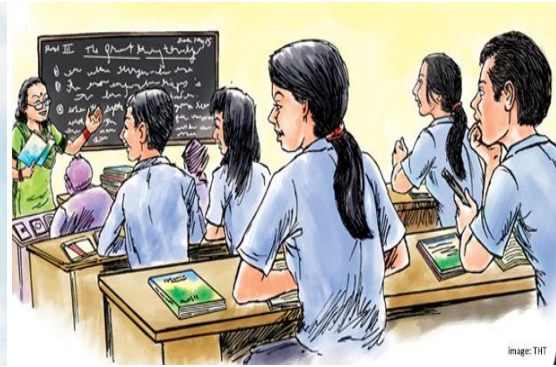


Regulatory Process on Non-Governmental Schools



Report No.: PER/A/NGS/2020/06



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01. Executive Summary

In consequence of bringing the Buddhism to Sri Lanka, had evolved based on Buddhist temples and Piriven. Thereafter along with the expansion of colonization first coastal areas and subsequently interior of the country, Christian missionary societies had started to engaging education task and after giving the universe franchise in 1931, a free education system had been established, leading with Dr.C.W.W.Kannangara under this system, the government had opened central colleges all over the island to providing education for all.

Meanwhile this free education system was in operation, action had been taken to take over many missionary schools and certain Buddhist schools which charged school fees under the Assisted Schools and Training Colleges (Special Provisions) Act No. 05 of 1960 and the Assisted Schools and Training Colleges. (Supplementary Provisions) Act No 08 of 1961. By present 80 such government approved private schools and 10 their branch schools are operated Island Wide. It was observed that the government spends more than Rs.2,000 million annually to most of those schools for the payment of teachers' salaries, provision of students uniforms, text books etc.

In terms of section 25 of the Assisted Schools and Training Colleges (Supplementary Provisions) Act No. 08 of 1961, a provision has been enacted stating that the private sector can not open schools to provide education for children with compulsory schooling age (5-14 years) Despite such a proviso exists, education institutions named as international schools had been opened by 1980 decade, aimed at children of foreigners inhabited in Sri Lanka and a considerable number of Sri Lankan students study in those schools under the foreign and local syllabuses.

In considering the framework predominates in connection with global and local education, determinants need to be introduced in providing education to a child less than 18 years of age in terms of paragraph 2 of No 29 of the United Nations convention on the Rights of the child. Similarly an assurance needs to be given by the institutions provide education to children stating that their institutions are operated in accordance with such determinants introduced by the Government.

Moreover, according to the goal No. 04 of the 2030 Sustainable Development Agenda, it should be established that all male and female children should be perfected with free, equal and high quality primary and secondary education in a manner, enabling them to get effective learning results in terms of its target 4.1 on complete, fair and qualitative education.

Under these circumstances, this performance audit was carried out in order to evaluate the manner how the government approved private schools, international schools and madrasah schools which provide education to Sri Lankan Children, except the government schooling group were monitored by the year 2020. Even though information was obtained from various government institutions in this study, there had been such limitations for this audit as non-availability of government institutions to get overall data in respect of international schools and madrasah schools and also unable to carry out physical verifications of all schools due to the outbreak of Covid - 19 pandemic.

The main observations identified in this evaluation in connection with the government approved private schools include; even though the learning process of all government schools is supervised by the Management and Standards Branch of the Ministry of Education, such a broad supervision was not carried out in respect of government approved private schools stating that it does not come under the scope of the Ministry of Education, even though circulars were issued to the government approved private schools under the Ministry of Education, existence of certain schools which do not conform to the instructions stated in those circulars and when the officials go to supervise such government approved private schools, required co-operation is not given by such schools.

In addition, the matters comprising the opening of schools branches by certain mother schools without primary approval of the Ministry of Education, recruitment of non-graduate teachers, when teachers are recruited and conducting primary inquiries only by religious congregations in disciplinary cases without any representation from the Ministry of Education etc. were observed. Limitations on maximum and minimum fees ranges to be charged by those schools had not been imposed by the Ministry of education, having being graded such schools in terms of available physical and human

resources and services they provide. Even though the government incurs expenditure on uniforms, books and teachers' salaries for private schools approved by the government, school fees and other charges are recovered as per the discretion of such school management.

Among major observations revealed in respect of international schools can be cited as such schools do not register with the Ministry of Education or no any kind of regulatory functions whatsoever are carried out, in those schools. Nevertheless, various public representations were reported to the Ministry of Education from time to time with regard to lack of physical resources exists in such schools registered as business entities under the Companies Act/ Registration of Business Names ordinance, complications in the qualifications of teachers and teaching methods, inequalities in charging fees and other problems. Even though, it was expected to intervene by the Ministry of Education in the events of not teaching properly by the teachers in certain international Schools in the Island, said to be famous with more parents attraction, transfer of teachers from time to time, teaching by unqualified teachers, not covering the syllabus, use of teaching methods without being understood the child mentality, unfair charging, sexual abuse of children etc., existence of it at a minimum level was predominated.

At the time of arising such bad issues in respect of international schools, foreign and local parties inquire from the Ministry of Education on various matters. It indicates that the whole community believes that the Ministry of Education is the prescribed authority for the establishment of international schools, operation of such schools etc. However, the Ministry of Education had replied to each party on, their inquiries stating that the Ministry does not intervene for such issues, but it is an acceptable matter that this monitoring part rests with the Ministry of Education.

Among the main observations on Madrasah Schools, the number of Madrasah schools registered with the Department of Muslim Religious Affairs amounted to 317 only but the Department had informed the audit that 32 schools were not in operation by 06 September 2021. It can be stated that nearly 1700 such schools are in operation all over the Island but there is no data on this and they are not supervised or monitored by any government institutions whatsoever. Despite the government schools which

provide general education to these children are situated in the relevant districts, the Ministry of Education had not intervened to monitor the inclination of children to such schools who are at the age of learning compulsory education.

More attention was paid on these schools along with the Easter attack on 21 April 2019. Among them, include the following. Those schools do not teach on a syllabus nationally or internationally recognized, teaching functions of those schools are not supervised by any recognized body and it was also stated in the Sector Committee report on National Security dated 19 February 2020 about number of students in such schools, number of teachers teach therein and their qualifications, whether basic facilities to students are available, what is the financial position and what is the sources of funding etc. are not monitored by any government authority whatsoever.

Accordingly, it is recommended in this audit that the prevalent government need to take action to provide a nationally recognized standard education to all schooling age children, since the requirement of such an education system to suit for the global needs has arisen at present, the Ministry of Education should be the Centre for monitoring all education institutions in order to prevent in creating such business centers, saying that they provide education congenial to such requirements.

02. Introduction

2.1 Background

2.1.1 Expansion of Free Education

Monastic education, based on Arama and temples in Sri Lanka range since 6 pc. Latter parts of 18th century, Christian Missionary schools were started after being conquered the country by British rulers.

Since the free education scheme came in to operation in 1945, enormous changes in education system in this country had occurred. At present, primary, secondary as well as tertiary education in certain occasions are provided by the government of Sri Lanka free of charge and the formal education up to the age limits from 5 to 15 becomes compulsory. Moreover, the pioneering responsibility rests with the Ministry of Education to re-construct and implement the education system effectively, suitable for the changing world in order to achieve the national common objectives relate to the general education sector within the national education policy framework.

Many schools existed then as English schools charging fees and with religious base schools had been taken over by the Government under the Assisted Schools and Training Colleges (Special Provisions) Act No.05 of 1960 and the Assisted Schools and Training Colleges (Supplementary Provisions) Act No.08 of 1961. Since many private schools which had not been taken over by the Government, recover some fees it is the general view that many of those schools can be able to provide modern facilities then that of the government schools. Number of overall government approved private schools operated within the Island by now amounts to 80 out of which 48 schools and 9 of 10 their branch schools are assisted schools for teachers' salaries. The balance 32 schools and one branch school are not assisted schools for teachers' salaries. Teachers' salaries, text books, uniform cloths and other facilities are provided to government subsidized schools.

Basically, the international schools targeted at children of foreign community inhabited in Sri Lanka had been commenced in the 1980 decade. At present, these schools are not limited to foreign community but any person can joint these schools who can afford to pay fees and the consent, since class fees are charged. According to a survey carried out by the Ministry of Education in the year 2015, there are about

391 international schools by now. In addition, education centers are also operated based on their religions in Sri Lanka mainly as Buddhist, Hindu, Christians and Islamic. Some of these education institutions provide general education under the government curriculum and direct the students for government examinations, as well.

2.1.2 Institutions in which schooling age children study in Sri Lanka

Institution	No. of institutions	Total No. of students
(a) Government Schools (National and Provincial)	10,165	4,061,653
(b) Government approved private schools	89	135,600
(c) International schools	391	139,727
(approximately)		
(d) Religious Schools		
(i) Piriven	801	68,319
(ii) Seela Matha institutions	03	45
(iii) Catholic - Seminary	04	16
(iv) Hindu (Provide education to priests)	03	40
(v) Madrasah schools/Arabic schools	317	28,424
(Only the schools registered under the Department of Muslim Religious Affairs of which 32 was inactive)		

(Sources: 2019 Annual School Census Report, Letters obtained from relevant institutions)

2.2 Authority for Audit

This audit was carried out under my direction in pursuance of provisions in Article 154 (1) of the Constitution of the Democratic Socialist Republic of Sri Lanka and in terms of sections 3(1) (d), 5 (2) and 12 (h) of the National Audit Act No. 19 of 2018.

2.3 Audit Approach

Audit was approached to conduct a performance audit under this topic for the discussion of the following issues.

(a) Inadequate supervisory methodology on government approved private schools.

Government Assisted schools or non-assisted schools operated under the Assisted Schools and Training Colleges (Supplementary Provision) Act No. 08 of 1961 are denoted as "government approved private schools" 80 such schools and 10 branch schools are managed by the private school division of the Ministry of Education and assistance such as government teachers' salaries, school text books and uniform cloths are provided by the government. An expenditure of Rs.2,053,868,481 had been incurred in the year 2020 only for teachers' salaries and wages, other allowances and the interest on property loans. Even though circular, instructions letters etc. had been issued for the monitoring of government approval private schools, since such schools do not conform to those instructions and a sufficient supervision is not carried out in respect of the quality of such schools, various problems had arisen.

(b) In the registration and operation of the international schools it is not subjected to the supervision of the Ministry of Education

In terms of section 25 of the Assisted Schools and Training Colleges (Supplementary Provisions) Act No. 08 of 1961, a proviso has been enacted stating that the private sector could not start schools for providing education to the children with compulsory school aging limits (5-14 years). Therefore, the international schools are operated as education institutes, being registered as a company under the Companies Act No. 07 of 2007 or registered under the Department of Provincial Business Names Registration. In the registration so as education institutes, any prior approval whatsoever is not obtained from the Ministry of Education, which is the foremost public institution in carrying out education functions in Sri Lanka. Accordingly, such schools are not monitored under the Ministry of Education. They engage in education at a business level. Since the standard of education is changed considerably between schools, it appears that it will affect the quality education of students. The Ministry of Education had identified that 391 such international schools are operated at present all over the Island.

(c) Non-implementation of a sufficient methodology for monitoring religious schools

Education institutions mainly based on their religions are operated in Sri Lanka, as well. In the examination of conducting religious schools maintain for the creation of clergymen relating to the Buddhist, Catholic and Hindu religions, it was revealed that Pirivens based on Buddhism teach under the subject Syllabus recommended by the Ministry of Education whereas the education institutions maintain for the creation of Catholic and Hindu religious priest are operated for the students who had completed the general education. However, without giving the general education to compulsory education age students, and giving only religious education, but not regulated under the Ministry of Education, Madrasah Schools are operated island wide. Accordingly those students had evaded the opportunity getting general education.

The Constitution of the Democratic Socialist Republic of Sri Lanka ensures that every person should have the right of getting impartial and equal opportunities at every stage of education. Accordingly, it is expected by this audit to evaluate whether the monitoring process of the relevant public entities is sufficient for the proper maintenance of this education field and to discuss common issues arisen in that field in providing high quality education to children, study in government approved private schools, international schools and madrasah schools operated within Sri Lanka.

2.4 Audit Methodologies

- (a)** Discussion with the responsible public entities and obtain confirmations
 - (i) Discussion with the top management and private school division of the Ministry of Education, obtain information through questionnaires and analyze them.
 - (ii) Discussions with the officers involve in the relevant fields such as education, health and children, obtain information via questionnaires and analyze them.
 - (iii) Obtain information by sending questionnaires to examine whether the government schools as well as non-governmental schools confirm to relevant guidelines circulars, instruction letters etc. issued by the relevant

government authorities and analyze them. Relevant government entities mean the entities related to this audit.

(b) Examination of files

Examination of files maintained by the private schools division of the Ministry of Education.

(c) Physical Observations

Examination of physical facilities and teaching methods being visited to relevant schools was expected, but it was unable to obtain physical observations due to the existing health condition prevails in the country, and to get comments from students.

2.5 Audit objective and criteria

2.5.1 Audit Objective

The prime objective of this audit is to evaluate whether the other schools, (government approved private schools, international schools, religious schools) except the government schools, maintain for children with compulsory education age limits in Sri Lanka are properly monitored by the related public entities.

2.5.2 Audit criteria

	Criteria	Source
(i)	Article (h) of chapter VI- ensure the right of education	The Constitution
(ii)	Compulsory attendance of students to school regulation No. 1 of 2015	Extraordinary gazette notification No. 1963/30 of 20 April 2016 issued under section 31 of the education ordinance No 31 of 1939
(iii)	Direction principles	National Education Policy (Draft 2016)
(iv)	Sections 28 and 29 - Rights of children to receive education	The united Nations Convention on the rights of the child

(v)	Goal 4 - target 1 ensure an equal and quality education to all children	Sustainable Development Goals
(vi)	The Act relating to the takeover of private schools by the government - Section 6(a)- Government approval private schools need to be conform to the government education policy - Section 6(h)- Provisions relating to the removal of a teacher	Assisted schools and training colleges (special provisions) Act No 5 of 1960
(vii)	Section 25- Unable to start new private schools	Assisted Schools and Training Colleges (supplementary Provisions) Act No. 08 of 1961
(viii)	Provisions for giving financial assistance to non-assisted schools	Assisted Schools and Training Colleges (Special Provisions) (Amendment) Act. No.65 of 1981
(ix)	Conditions for granting approval for branch schools of the government approved private schools	Decision No.CAP/18/0850/742/017 dated 23 may 2018 of the cabinet of ministers
(x)	Instructions to maintain educational and establishments functions of the government approved assisted schools /non assisted schools	Circular No 2005/31 of 31 October 2005 of the Ministry of Education
(xi)	Implementation of establishments and educational functions of government approved private schools	Instruction letter No. ED/01/10/01/01/16 of 13 November 2008 of the Ministry of Education

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| (xii) | Criteria for the selection of schools for the implementation of G.C.E (A/L) Technology Stream | Circular No 20/2016 dated 08 July 2016 of the Ministry of Education |
| (xiii) | Directions to be followed in respect of the qualifications of teacher's appointments and Training period in the assisted schools and non-assisted schools. | 1983 Assisted Schools and non-assisted schools regulations enacted under section 37 of the Education ordinance published in the gazette notification of 09 December 1983 |
| (xiv) | Sections 5.1, 5.2, 7.2.1 and 7.2.2 of the Teachers Service Minute introduced by this gazette notification | Extra ordinary gazette notification No.1885/38 of 23 October 2014 |
| (xv) | Conditions relating to the determination of academic staff available in government approved private school | Circular No.17/2018 of 20 June 2018 of the Ministry of Education |
| (xvi) | Recommendations on international schools | Committee report dated 17 September 2013 appointed for the consideration of formulization of international schools and private schools |
| (xvii) | Section 16- Conditions to be considered in a foreign investment made by a foreign investor in Sri Lanka. | Greater Colombo Economic Commission Act No. 4 of 1978 (BOI) |
| (xviii) | Determinants to be considered in the registration of a company | Companies Act No. 7 of 2007 |
| (xix) | Determinants to be considered in the registration of a business | Business names Registration Ordinance |

(xx)	Determinants to be considered in the commencement of a government school	Instruction manual (Paragraph 2.1) on school structural activities prepared by the Ministry of Education in the year 1981
(xxi)	Dimensions for physical resources require for a school	Principal's hand book on physical resources management and determinations for physical resources prepared by the Ministry of Education
(xxii)	Conditions for giving Suraksha insurance coverage	Circular No.2017/35 dated 29 September 2017 of the Ministry of education
(xxiii)	Instructions for the implementation of School Health Promotion Programme and evaluation indicators	Circular No. ED/1/21/6/4 dated 22 January 2019 of the Ministry of Education
(xxiv)	Observations stated in Sectorial committee report on National Security	Sectorial committee report on National Security
(xxv)	Observations stated in madrasah Education System in Sri Lanka	Study report carried out on modern madrasah Education System in Sri Lanka

2.6 Scope of Audit

Attention was paid only in respect of the affairs of the government approved private schools international schools and madrasah schools in this audit.

2.7 Limitation on Scope of Audit

- (a) Since there was no legal provision relating to the physical examination of resources being visited to international schools and the closure of such schools

due to Covid-19 pandemic during the period of audit, government approved private schools and religious schools could not be physical verified.

- (b) Non-availability of sufficient data with regard to international schools in the Ministry of Education.
- (c) Non-availability of sufficient data with regard to overall madrasah schools in the Department of Muslim Religious Affairs.
- (d) Parents face stiff competition to enroll their children in different schools for a variety of reasons. Accordingly, there is no criterion to measure how to create the willingness of parents for schools develop.

2.8 Related Entities

Entity	The manner how to connect
(a) Ministry of Education	The foremost government institution responsible for the school education in Sri Lanka is the Ministry of Education. Only the government approved private schools discussed in this audit are supervised by the private school division of the Ministry of Education.
(b) Provincial Departments of Education	In assisting for government approved private schools and being supervised, the Ministry of Education Links with Provincial Departments of Education. Letters relating to the non-governmental schools received by these departments are referred to the Ministry of Education.

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| (c) Ministry of Health | The Ministry of Health is obliged to provide health services to all school children within the school. Such responsibility at provincial level and District Level is entrusted to the Provincial Director of Health Services and the Regional Director of Health Services respectively. Under their supervision, the organization of school Health program within the school is assigned to the Public Health Inspector. |
| (d) Department of Registrar of Companies | Education institutions denoted as international schools are registered as "Companies" by the Department of Registrar of Companies. |
| (e) Board of Investments | Granting approval for investment on International Schools. |
| (f) Department of Commissioner General of Examinations | Conducting examinations of the students learn local curriculum. |
| (g) Ministry of Buddhasasana, Religious and cultural Affairs | Department of Buddhist Affairs, Department of Hindu Religious Affairs, Department of Muslim Religious Affairs and Department of Christian Religious Affairs are functioned under this Ministry. |
| (h) National Child Protection Authority | Intervene in respect of problems of children with education age. |

3. Detailed Audit Findings

3.1 Juridical Facilities on behalf of qualitative equal education

3.1.1 The Constitution

Directive principles of State policy and fundamental duties in chapter VI of the Constitution of the Democratic Socialist Republic of Sri Lanka ensure that complete eradication of ignorance and every person shall have the right of getting impartial and equal chance in education at every opportunity.

3.1.2 Education ordinance

According to the powers vested in the Ministry of Education under section 37 of the Education Ordinance No.31 of 1939 and in the gazette extra ordinary No. 1963/30 dated 20 April 2016 it is stated that under compulsory attendance of children at schools Regulations No. 1 of 2015 "every parent of a child of not less than five years and more than sixteen years of age shall cause such child to receive an education by regular attendance at a school unless he has otherwise made adequate and suitable provisions for the education of such child."

It is further stated in terms of order No 13 thereof that, the child is prevented from attending school by reason of sickness, mental or physical disability or other medical cause, and as a transitional measure the child is attending a non-formal literacy Centre, activity school or a technical vocational training Centre, a special school or a privena within the meaning of the Privena Education Act, No. 64 of 1979.

3.1.3 2016 Proposed General Education Policy

Even though the proposals for the national policy on general education in Sri Lanka had been prepared and published last by the National Education Commission in the year 2016, it had not been included in the education system as an approved policy even up to the date of this audit. It was informed to audit that proposals included therein had been considered and certain reforms had been carried out as required by the Ministry of Education of the 17 proposals stated in the education policy so published a guideline principles, attention was paid in respect of the following matters.

- Every person less than the age of 18 is defined as a child
- School means the main supplier who provides education service to the community and these services shall be supplied to every Sri Lankan Child as a right of him/her.
- With special attention of the government to ensure the complete physical, mental, ethical, religious and social development of children and to protect them from exploitation and discrimination, their rights need to be promoted by paying special attention.
- Conform to special securities, attention and care including relevant legal protection to a child who becomes physical disability.
- Education to children between the ages of four to sixteen should be compulsory.
- The government needs to accept the right of a child to have leisure times to engage in suitable sports and entertainment activities and it need to be enforced. Being admired the right of a child to associate with cultural and artistic life, it should be promoted. All Sri Lankan Children shall be provided suitable and equal opportunities for cultural, amusing, artistic and leisure time from the school.

In that, detailed proposals such as development of the quality of education, planning and management, leaning environment etc. are stated. In this audit, in considering the audit observations discuss hereunder in respect of deficiencies exist in the government approved private schools, international schools and religious schools, since an approved education policy prepared for overall education itself had not become a common law, it is observed that it had caused not to amend the existing shortfalls in the education system.

3.1.4 United Nation's Convention on the Right of the Child

United Nations Convention on the rights of the child is an internationally recognized document which states what are the children's rights. This convention was confirmed, accepted and signed by Sri Lanka as well in the year 1991. This convention states the rights to be enjoyed by every child at universal propagation level and it emphasized that it is the responsibility of parents and states to establish such rights. In terms of

section 28 of the Convention, all children have the right to receive education. It also emphasized that it is the responsibility of the state that at least the primary education should be mandatory and it should be given free of charge.

In terms of section 29 therein, the aim of the education is to improve personality, knowledge, skills and mental and physical capabilities of the child perfectly. Children must be ready to live with responsibility, peacefully and in a free society, being understood to other person's rights and respected to environment.

3.1.5 Sustainable Development Goals and targets

In terms of target 1 of Goal 4 of the United Nations Sustainable Development agenda (2015-2030) it should be ensured that all male and female children have completed with free, equal and high quality primary and secondary education in a manner to get effective learning results. Moreover, in terms of target (1) of goal 4, an effective interacted learning environment should be ensured in a sensitized manner toward children, handicapped persons and gender status, improvement of building education facilities and all should be protected without violence.

According to the audit observations discussed here under in this report, it is observed that in order to reach targets in goal 4 of the sustainable Development within the education process given to students who study in the non-governmental schools, qualitative and quantitative specifications to be existed in a school, had not been completed in the registration operation and supervision of such schools.

3.2 Government approved Private Schools

3.2.1 Background

Details appear below.

- (a) Along with the implementation of free education scheme in 1945 the opportunity had been given to schools operated as fees charging English schools and schools operated on religious basis to enter into free education system.

- (b) As a result of further implementing the policy on taking over schools by the government, the Assisted Schools and Training Colleges. (Special Provisions) Act No. 8 of 1961 and the Assisted Schools and Training Colleges (Supplementary Provisions) Act No. 8 of 1961 had been incorporated. From these Acts, the assisted schools had been taken over by the Government and the schools that were reluctant to take over as such, they had been introduced as "non-assisted Schools". Even though they were non assisted schools, Section 6 (a) of the Act No. 5 of 1960 states that they should conform to the government education policy. All private schools existed by that time generally maintained as "non-assisted schools."

- (c) Due to economic difficulties in paying teachers' salaries in certain schools operated as non – assisted schools, the Assisted Schools and Training Colleges (Special provisions) (Amended) Act No 65 of 1981 had been incorporated and regulations on “granting financial assistance private schools which receive assistance to non-assisted schools’ had been introduced. Under this granting assistance for the payment of teachers’ salaries had been regularized. Along with receiving such assistance to teachers’ salaries as "an assisted school" and the schools not receive such assistance for teachers’ salaries as "non-assisted schools" had been classified. All these schools are recognized now as "government approved private schools."

- (d) The number of overall government approved private schools operated all over the Island as at 31 December 2020 amounted to 80 out of which 47 schools receive teachers’ salaries and the balance 33 are non – assisted for teachers’ salaries. In addition 9 mother schools conduct 9 branch schools and one branch school by one non – assisted mother school, totaling 10 branch schools. According to the data

received to audit from the private school divisions, the total number of students study in government approved private schools as at 01 June 2019 amounted to 132,800.

- (e) Government approved private schools teach under the local curriculum prepared by the Ministry of Education by Sinhala, Tamil or English mediums. In addition to the fees charge in admitting students, certain fees are recovered annually or monthly and as such, it is the general view that those schools can be able to give more new facilities.
- (f) The following privileges are given to government approved private schools by the Government.
- (i) Only the government approved private schools are assisted for teachers' salaries. The expenditure incurred by the government for the approved appointed teachers' salaries in the past 4 years is as follows.

Expenditure Head	(Rs. million)			
	Year			
	2017	2018	2019	2020
Salaries & wages	930.29	1,012.33	1,179.99	1,594.49
Other allowances	664.27	506.67	449.04	458.68
Public servants properly loan interest	-	0.03	0.34	0.70
Total	1,594.56	1,519.03	1,629.37	2,053.87

(Source: Ministry of Education)

- (ii) Two types of schools of government approved assisted and non-assisted are given the following benefits (certain benefits are given on the willingness and the request of the school management)
- Uniforms cloths and text books to students.
 - Facilities and guidance for the implementation of National Curriculum.
 - Benefits in the contributory pensions scheme (only for government approved appointments)
 - Giving teachers training for professionalism (only for government approved teachers)

- In-service teacher training (only for government approved teachers)
- Supervision of schools and issuing instructions
- Giving certain official documents (attendance register, students' enrollment register, students' performance indicators etc.)
- Circulars and instructions
- Opportunities to present the students as school applicants at the government school examinations.
- Suraksha insurance privilege to children
- Privileges of the agrahara insurance scheme and lesser interest property loan privilege to government approved teachers.

(g) In order to monitor these schools, a separate unit called private schools division has been established in the Ministry of Education. These schools are coordinated by this unit with a staff consisting of one Director, two Assistant Directors and another subordinate staff.

3.2.2 Legal Provisions of the Ministry of Education for the monitoring of government approved private schools.

Existing Legal provisions in the Ministry of Education for such activities as commencement of government approved private schools, monitoring of education functions provision of financial assistance, appointment and removal of teachers education and establishments functions etc. are as follows.

- (a) Section 6 (a) of the Assisted Schools and Training Colleges (Special provisions) Act No. 05 of 1960, stated that the government approved private schools should teach and train students in accordance with the government education policies and provisions relating to the removal of a teacher are stated in section 6 (h)
- (b) In terms of Section 25 of the Assisted Schools and Training Colleges (Supplementary Provisions) Act No. 8 of 1961, new private schools can not be opened.
- (c) Being amended the original act by Assisted Schools and Training Colleges (Special provisions) (amendment) Act No 65 of 1981, provisions to provide financial assistance to non-assisted private schools are stated.

- (d) Provisions in respect of appointment and removal of teachers are made by laws 16 (i), (iii), (iv) and 31 A made under education ordinance.
- (e) Provisions in respect of regularization of branch schools in the government approved private schools are made by cabinet decision No.CAP/18/0850/742/017 of 23 May 2018.
- (f) Circular No. 31/2005 of 31 October 2005 on "establishment and educational functions of the government approved assisted/non-assisted schools"
- (g) Instruction letter No.ED/01/10/01/01/16 of 13 November 2008 on "implementation of establishments and educational functions of government approved private schools".
- (h) Rules to be followed in respect of qualifications, recruitments and training periods of teachers, of all assisted schools and non-assisted schools are given by the gazette notification published under the Education ordinance of 09 December 1983.
- (i) Circular No. 40/2017 of 24 October 2017.
- (j) Circulars and instructions letters issued from time to time.

Accordingly, audit observations on the activities of the government approved private schools operated under the above Legal provisions and deviations therefrom are discussed hereunder in this report.

3.2.3 Monitoring, Supervision and Administration of government approved private schools.

3.2.3.1 Non-formulation of guidelines

As the approval had been granted from Cabinet Decision No. CAP/18/0850/742/017 of 23 May 2018 and in terms of relevant Cabinet Memorandum, observations of the Minister of Finance and Mass media No. MF5/NP/CP/18/52 dated 08 May 2018 it is stated as "Preparation of guidelines require for the monitoring of all government approved assisted schools by the Ministry of Education is very essential." However, such guidelines had not been prepared by the Ministry of Education and get them approved even up to the date of audit. Only instructions for these schools have been given by the circular No. 2005/31 of 31 October 2005 and the instruction letter dated 13 November 2018.

3.2.3.2 Administration of the government approved private schools

Administration of government approved private schools is done by a management Trust and lots of these schools are religious centralized. Certain religious congregations are directly or indirectly intervened the school administration. Accordingly, it was observed that the management of the school and relevant religious congregation intervene all such occasions as admission of students to school, recovery of fees, taking disciplinary action and all matters connected with teachers, but the Ministry of Education does not make sufficient intervention in such occasions.

3.2.3.3 Monitoring and supervision of the Ministry of Education

Details appear below.

- (a) When inquired on the supervision of government approved private schools, it was stated that when establishments issues relating to the personal files of teachers exist continuously, government approved private schools are supervised by the private school division of the Ministry only in the event of unusual matters. Accordingly, the supervision carries out by that Division had been limited only to matters related to school Management. As such, teaching functions, quality development of education, certain matters connected with teaching staff had been slipped from supervisory functions.

- (b) In terms of paragraph 4 (a) (iii) of the Circular No. 2005/31 dated 31 October 2005 issued by the Ministry of Education on government approved private schools, it was stated that being established the identity of the Provincial Education Officers and the authorities of the Ministry of Education who visit to schools to examine school functions to collect information or for supervision, required facilities need to be provided, to check required registers, getting reports having being supervised the learning /teaching and teaching process, provide required facilities to keep notes etc. Nevertheless, the private schools Division had conformed to audit that there are schools which do not confirm to such circulars and when they visit to government approved private schools for supervision, those schools do not co-operate them. For instant; when a government approved private school, situated in Colombo was subjected to supervision on 21 July 2015, co-operation was not given by that school for the observation of physical resources of the school even though observers had asked for it. Accordingly, it is implied that

the legal provisions affect the supervision of government approved private school are insufficient. Accordingly primary steps to introduce required legal provisions affect the supervision to preclude from such situation had not been taken by the Ministry of Education in the existing legal provisions are inadequate.

- (c) All government schools are supervised by the management and standards Branch of the Ministry of Education under its direction. However, when inquired about the supervision of government approved private schools, such a broad supervision had not been carried out even up to the date of audit and they reported to audit that supervision of such schools are not under their scope. Accordingly, the formal supervisory process carry out by the management and standards Branch for the quality development of education along with the following standards are not carried out for the government approved private schools as observed in audit.

New evaluation subjects for the establishment of the quality of education.

- (i) Students fulfillment
- (ii) Learning, teaching and evaluation
- (iii) Subject oriented activities
- (iv) Students welfare
- (v) Leadership and Management
- (vi) Physical Resources Management
- (vii) School and community

As a result of such reason, it is observed that supervision in terms of accepted criteria is not carried out in respect of the quality of education of nearly 132,800 students study in government approved private schools. Therefore, it is observed that any debriefing is not carried out to see whether the children acquire sufficient benefits as compared to money spent annually by the parents of these schools, as well as the government.

3.2.3.4 Supervision of schools by the Provincial Department of Education

In inquiring information by audit on the supervision of government approved private schools by the Provincial Departments of Education, replies had been given by 6 provinces. It was observed in audit, except the Sabaragamuwa Province, government approved private schools belong to other provinces had not been supervised by any

one of other provinces. The private school Branch of the Ministry of Education had stated that there had been no government approved private schools in the Eastern Province whereas, no reply had been given in relation to the Central Province.

3.2.3.5 Supervision by the Zonal Education Offices

- (a) In carrying out the supervision of schools at the regional level, there shall be opportunities to carry out a close supervision by the Zonal Education Officers but, out of the 19 schools belong to Colombo zone subjected to sample test, any school whatsoever, had not been supervised during the years 2018 and 2019 and only one school had been supervised for the year 2020.

- (b) Even though information on school supervision had been called for from 08 selected zonal offices except Colombo zone, any of the zonal offices namely Jayawardanapura. Piliyandala, Gampaha, Kelaniya, Negombo, Kaluthara and Kandy had not furnished replies to audit.

3.2.4 Maintenance of data and records on government approved private schools.

3.2.4.1 Basic information on schools

A private school Division has been established in the Ministry of Education to maintain the functions of the government approved private schools. According to the information received from that Division by audit it was observed that it did not contain the data on number of teachers in 11 schools and number of weaknesses students in one school. Accordingly, existence of in the maintenance of data on schools was observed. As such, at the time of taking decisions based on the data in respect of the overall education system in the country, correct decisions on government approved private schools could not be taken accordingly.

3.2.4.2 Recovery of fees by government approved private schools

- (a) Many of the government approved private schools sell a large number of applications by charging extensive money as application fees during the period of annual enrollment of students but a limited number of students are enrolled subsequently to each of these schools in terms of desired criteria. When enrolling students as such, very high admission fees, donations, school fees are recovered at

variant values. Accordingly, since there is no any criteria or monitoring on these charges, they have the opportunity of recovering unjustified fees.

- (b) In terms of existing physical and human resources and services provided by these schools, and having being graded such schools, the Ministry of Education had not imposed any maximum and minimum ranges of fees to be recovered accordingly. Even though it is problematic that a quality education is given to the students as compared to the fees they charge, they have the ability to operate such institutes merely even with business attitudes.
- (c) Instructions about charging fees had not been given in the Circular No. 2005/31 of 31 October 2005 as well and required rules and regulations had not been formulated therefor. Accordingly, relevant circulars do not contain any provisions to monitor the protection of fairness and basis of charging fees by the government approved private schools.
- (d) In terms of paragraph (05) of the Circular No. 2005/31 of 31 October 2005, an income and expenditure statement including all kinds of receipts and payments of government approved private schools need to be sent to the private schools Director of Education in respect of every year, but any school whatsoever had not sent such reports and action had also not been taken to get down such statements. Similarly, when inquired from the Colombo Education Zone in this regard, any school, out of 19 belongs to that zone had not sent relevant income statements to the zonal office. Since the steps taken against the schools not so send such income statements are not specified, the government approved private schools can be able to deviate from such a requirements.

3.2.4.3 Teaching foreign curriculum

Section 06 of assisted Schools and Training Colleges (Special Provisions) Act No. 05 of 1960 states that education should be given by the government approved private schools in accordance with the government general education policy. However, according to a supervision report conducted by the private school division, one school which teaches foreign curriculum (Cambridge, Edexcel etc.) was observed. An inquiry made by the audit in this regard observed that any information whatsoever,

about the schools provide education under other foreign curriculum (Cambridge, Edexcel etc.) was not available in the private school division of the Ministry of Education.

3.2.5 Commencement of branch schools

Even though it was stated in paragraph (e) (i) of the Circular No. 2005/31 dated 31 October 2005 that opening of branch schools of government approval assisted/ non assisted schools is absolutely prohibited but that particular paragraph had been removed from the circular No.40/2017 of 24 October 2017.

Nine branch schools of 08 government approved private schools had been opened and maintained by the year 2018, without the approved of the Ministry of Education. Subsequently, proposals had been made to the cabinet to obtain approval for teachers salaries drawn up to that date and to give teachers salaries in accordance with the number of teaching staff to such schools. According to the decision No. CAP/18/0850/742/017 of 23 May 2018 of the Cabinet of Ministers and observations attached thereto, when a private mother school opens a branch school in certain place in the Island, prior approval had been granted to open a maximum of 5 branch schools for one mother school, subject to the criteria given by the Ministry of Education. It was observed that 10 branch schools were operated as at 31 December 2020 by 10 mother schools.

The following observations are made in this connection

- (a) Branch schools were maintained without the knowledge of the Ministry of Education and subsequently got the approval of the Cabinet of Ministries.
- (b) Even though it was stated that certain branch schools which had been operated without the prior approval of the Ministry of Education had been opened before 20 years, the correct information about the actual dates of opening such schools was not made available to audit. Nevertheless, it was stated that the Ministry of Education treats the date of officially opening the branch schools as 01 January 2019 the date on which the above branch schools got the legality position.

- (c) Accordingly, all these schools opened without prior approval are assisted schools. In the computation of teaching cadre of the Mother school, teaching staff of the branch schools is also included for the computation, based on the number of students including the students of branch schools and salaries of teachers, serve in branch schools had been obtained through mother schools for a period of about 20 years. Accordingly, it was observed that any field inspection had not been carried out during that period in these schools.
- (d) According to the cabinet decision given to open branch schools, when a branch school is opened in a certain place within the Island by a mother school, approval had been grained stating that prior approval, subject to the criteria issued by the Ministry of Education should be given. Even though it was stated that these criteria had been prepared and referred to the attention of the Secretary to the Ministry of Education, such a formal approval had not been obtained for the required criteria even up to the date of audit.

3.2.6 Re-activation of inactivate schools

Details are as follows.

- (a) Paragraph (04) (c), (e) (viii) and (ix) of the Circular No. 2005/31 of 31 October 2005 relates to the government approved private schools states the manner how to take action at the time of transferring a school to a new premises or to reactivate a school which had become inactive subsequently or in operating a school.

However, it was informed the audit that since the criteria stated therein are insufficient, certain matters are considered when an inactive school is reactivated by the private schools Division. Even though it was stated that these criteria have been prepared and referred to the Secretary to the Ministry of Education, only a draft document was made available to audit.

- (b) Even after 1961, instances were observed that schools operated as government approved private schools but inactivated subsequently had been re- activated. Test check revealed 9 such schools during the period from 1986 to 2010.

3.2.7 Maintenance of education functions of the government approved private schools.

3.2.7.1 Enrollement of students

Many government approved private schools are religious centered schools and certain congregations directly or indirectly intervene the school administration. In enrolling students by such schools, the main criteria are that the child should be in the relevant religion and the other criteria are changed in terms of the discretion of the school management without transparency. It was observed in audit that the Ministry of Education does not make any intervention in that connection.

3.2.7.2 Getting the time tables approved

In terms of paragraph 4 (a) education functions (i) of the Circular No. 2005/31 of 31 October 2005 issued by the private schools branch of the Ministry of Education on monitoring the government approved private schools, in order to regulate the teaching and learning process in every school, a time table needs to be maintained. It is stated that such schools should get the time table approved for every year before 31 December of the preceding year by the Zonal Director of the Education/private schools Director of Education or an authorized officer acts on his behalf. Audit observation in that connection appear below.

- (a) Of the 19 government approved private schools belongs to the Colombo Education Zone, time tables had got approved only by one school for the year 2019 and 6 schools for the year 2020.

- (b) As observed at a supervision conducted by a group of officers in the Ministry of Education on 21 July 2015 in a government approved private school located in Colombo, the time table in the year 2015 had not been displayed. The relevant supervision report stated that the supervisory group was informed that it had got approved only by the Archbishops House. Accordingly, it will be an obstacle to monitor the content of the subject matters in the time table and the period to be covered by time tables. Since the ability to intervene the qualitative education development of students who enjoy compulsory education by each religious sect, the children's rights of getting compulsory education is violated. Even though such an intervention is problematic, a sufficient attention in that regard had not been drawn.

(c) It was also stated in the report relevant to the supervision, conducted at a government approved private schools in Nugegoda by officers of the Ministry of Education on 19 May 2015 that the school time table had not got approved by the Zonal Education Office.

3.2.7.3 Selection of Advanced Level subject streams by students of government approved private schools.

According to the teaching of Advanced Level subject streams in 80 government approved private schools and their 10 branch schools operated island wide by now. It was observed that Science/Mathematics Commerce Arts and Technology streams are taught by 53 schools. 66 schools 68 schools and 09 schools respectively, and only 7 schools teach all these 4 streams as per detail below.

<u>Subject Stream</u>	<u>No. of schools teach</u>
Science/Mathematics	53
Commerce	66
Arts	68
Technology	09

Subject streams like Technology, introduced by the Ministry of Education aimed at the creation of work force suitable for the current job market are taught by government approved private schools only a lesser percentage of 10.

3.2.7.4 Examinations

The following observations are made on the GCE(O/L) and GCE(A/L) examination results in the government approved private schools held in 2018 and 2019.

(a) GCE(A/L) examination results

According to the GCE(A/L) results of 80 government approved private schools and their 10 Branch schools held in 2018 and 2019, passing percentage, under the new syllabus in 2018 and 2019 averaged at 67 and under the old syllabus in 2019 the average percentage was 72 as per details below.

Year	No. of schools	No. of Students sat	No. of Students passed	Passed percentage	Passed percentage less than 50	
					No. of schools	No. of students
2018	61	8,449	5,690	67	17	385
2019 New syllabus	70	7,495	5,034	67	20	375
2019 Old syllabus	55	1,624	1,183	72	08	32

(Source:- Department of Examinations, Sri Lanka)

(b) GCE(O/L) examination results

According to the GCE(O/L) examination results of 90 government approved private schools in the years 2018 and 2019, the average passing percentage stood at 75 in year 2019 and 70 in year 2018, as per details below.

Year	No. of schools	No. of Students presented	No. of Students passed	Passed percentage	Passed percentage less than 50	
					No. of schools	No. of students
2018	75	11,027	8,194	74.71	15	192
2019	83	11,975	8,387	70.04	14	318

(Source:- Department of Examinations, Sri Lanka)

(c) The report pertaining to the supervision of five officers from the Ministry of Education on May 19, 2015 at a government approved private school in Nugegoda also states that the school schedule had not been approved by the Zonal Education Office.

3.2.7.5 Parent's complaints on education functions

Public representatives were made in respect of variant problems faced by students study in these government approved private schools to the Ministry of Education from time to time, such public representations revealed at the audit check include, despite there were opportunities in accordance with circulars related to 7 schools, students were not enrolled by the school for A/Level classes, subjects not appropriately taught, examination discrepancies, harassments to small children, cancellation of children's pupilage etc. Only and instructions letter had been issued by the Ministry of Education in such instances. It is further observed that, such government approved private schools had deviated from adhering the government circulars.

3.2.8 Maintenance of Health facilities in the government approved private schools.

In terms of Letter No. MH/FCC/02/AR - School Health 2020 dated 20 August 2021 of the Ministry of Education in which the Ministry had commented on the monitoring of Health programs in schools, mentioned in this report it is established that since the attention on the health promotion of children study in private schools is being decreased, requests made by each medical officer of Health or school medical officer of Health to provide required Health facilities, had been rejected in writing by the relevant private schools. It was also stated that since these schools are registered as private businesses, the Ministry of Health does not have any legal provision or it can not influence those schools to obtain health services.

Accordingly, since the powers, enabling the Ministry of Health to provide health services, to all government approved private schools and for making observations and monitoring purposes had not been given by the Ministry of Education, the health condition of students of those schools subject to be critical.

3.2.9 Recruitment of Teachers

Teachers for government approved private schools are recruited by the management of the relevant school. If the management decides to offer a government approved appointment for teachers so recruited, an appointment proposal with the recommendations of the Zonal/Provincial education authority is furnished to the Ministry of Education and get it approved. According that teacher entities to the contributory pension's scheme.

3.2.9.1 Qualifications relevant to the recruitment of teachers.

(a) Assisted schools and non – assisted schools orders - 1983

In terms of these orders, the following rules need to be followed by all assisted schools non –assisted schools in respect of qualifications of their teachers, appointments and training periods. All teachers being appointed after 1983. Should have at least one from the following qualifications.

- (i) University Degree
- (ii) Teachers Training Certificate

- (iii) Certificate in Music, Dancing, Arts, Agriculture, Home science, Technology subjects and diploma in other subjects noticed from time to time
- (iv) Passing 3 subjects at the GCE(A/L) examination (These teachers should obtain teachers training certificate within 10 years from the date of joining the service.)

(b) Teachers’ service minute No. 1885/38 of 23 October 2014

The letter No. ED/01/10/01/01/16/135 dated 27 May 2015 of the Ministry of Education states that Sri Lanka Teachers Minute No. 35/2014 (i) relates to the government approved private school teachers as well.

Grade	Educational Qualifications
Class 3 - Grade 11	GCE(A/L) qualified persons
Class 3 - Grade 1(c)	Diploma holders
Class 3 - Grade 1 (b)	Pedagogy diploma holders
Class 3 - Grade 1 (a)	Graduates
Class 2 - Grade 11	Graduates in Education

Accordingly as revealed at the audit examination carried out on the recruitment of teachers in government approved private schools controlled under the Assisted school Act, persons who passed the GCE(A/L) examination can be recruited to the teachers service in terms of Assisted schools and non –assisted schools regulation of 1983 and the teachers service minute. Even though the graduate and vidyapeeta diploma holders are recruited in recruiting teachers for government schools, it was revealed in the examination of letters of appointment approved by the Ministry of Education for the government approved private schools from 01 January 2019 to 31 December 2020 that end of 1025 teachers recruited to 61 schools, only 461 teachers are graduates and 564 teachers are non – graduates.

- (d) It is stated in 1983 Assisted and non assisted schools regulations that persons passed 3 subjects in GCE(A/L) examination join the service as teachers need to obtain trained teacher’s certificate within 10 years of service. However, it was not revealed in audit that a follow up is done to see whether this requirement is satisfied.

3.2.9.2 Recruitment of new teachers

- (a) When inquired whether proposed papers are got approved before being recruited new teachers it was informed that proposal papers are not got approved before being recruited teachers related to Colombo Education Zone and after being recruited teachers by the school proposal papers are submitted for recommendations.

- (b) Moreover, it was informed the audit that in recommending proposal papers, qualifications of the teacher are not got confirmed. After being approved the proposal papers by the private school Director, the letter of appointment is issued and got the, qualifications of the teacher confirmed before issuing the registration number.

3.2.9.3 Issues on the approval of teachers appointments.

- (a) In the audit examination of the recruitment of teachers in government approved private schools, it was observed that there were long period contradictions between the date of appointment given by the school and the date of validation of that appointment by the Ministry of Education. Accordingly approved had been granted to 1025 teachers appointment during the period from the 01 January 2019 to 31 December 2020. Contradictions between the date of appointments given by the school and the date of such appointments validated by the Ministry of Education observed as 615 appointments with less than one year time range, 240 appointments with 1 to 3 years time range, 123 appointments with 4 to 6 years time range, 42 appointments with 7 to 9 years time range, 04 appointments with 10 to 12 years time range and 01 appointments with 13 to 15 years time range.

Accordingly, such delays take place since a proper monitoring system is not applied in respect of approving teachers appointments. As a result, it was observed in audit that problems towards job motivation of teachers and the payment of contributory pensions may arise particulars appear below.

No. of schools	No. of teachers appointments approved by the Ministry of Education from 01.01.2019 to 31.12.2020	No. of teaching appointments in which differences between the date of appointment given by the school and the date of appointment validated by the Ministry of Education					
		Less than 01 year	1 to 3 years	4 to 6 years	7 to 9 years	10 to 12 years	13 to 15 years
61	1,025	615	240	123	42	4	1

(b) Payment of salaries in area

At the audit test check carried out on the payments of areas of salaries to teachers who had been recruited, being postdated the appointments, it was observed that a sum of Rs.29,924,374 had been paid as areas of salaries to 68 teachers recruited during the period 2011-2019 in 8 government approved private schools attached to the Colombo Zonal Education Office as per details below.

3.2.9.4 To get the teachers cadre approval

The circular No.2005/31 of 31 October 2005 indicates how to implement the educational functions and establishments work by all assisted and non-assisted government approved schools. Accordingly, the number of teachers, and the number of special posts belongs the school should be approved by the private schools Director of Education every year in accordance with paragraph 04 (b) (iv) of this circular. According to a sample check, 5 schools out of 19 belongs to the Colombo Zonal Education Office had not presented for the approval of teachers even by cadre 30 April 2021. Even though one school therefrom had not taken action to get the teaching cadre approved since 2017 any action whatsoever had not been taken against the school which do not act in accordance with above circular. Similarly provisions for action to be taken in such occasions are not clearly indicated in relevant circulars as well.

3.2.9.5 Approval of teachers appointments, revision and other matters

The following matters were observed in the examination of files relating to the government approved private schools.

(a) Requirements of the continuous maintenance of service period

A test check revealed that a teacher (teacher service 3-1) in a government approved private school, after a service period of 4 years from 2005 to 2009, had proceeded abroad from 8 January 2009 to 7 January 2010 and informed that he had resigned from service since 8 January 2010. Thereafter it was stated that he had served only 2 days in June 2011 (June 28/29) again in a government approved private school at Borella (teachers' service 3-1) and registered on 30 June 2011. He had served in a government approved private school in Moratuwa from 15 July 2014 to 15 March 2015 teachers service 3-11) and after 8 months he served in a government approved private school again in Kalutara as a grade 3-11 teacher and that appointment as a teacher had been approved, According to the letter dated 03 November 2014, the teaching appointment as a grade 3-11 teacher in a government approved private school in Moratuwa had been approved with effect from 15 July 2014. Granting such approvals for teaching appointment of such a person with discontinuation of service from time to time is a problematical matters in audit.

(b) Existence of differences between the date of appointment and the date of approval

(i) The educational qualification of a female teacher appointed from 26 April 2011 to a government approved private school located in Jaffna stated as she has passed GCE (A/L) examination. The principle of that school had informed the private school Director of Education of the Ministry of Education by his letter dated 01 April 2019 to approve her appointment since 01 January 2019. Accordingly it is observed that the relevant request had been made after 7½ years of the date of recruitment. This appointment had been approved by the Ministry of Education On 26 August 2019, valid since 03 June 2019. Accordingly this teacher's appointment had got approved after 8 years of recruitment.

(ii) An another teacher in this school had served as an approved teacher with effect from 08 September 1980 and his appointment had been approved with effect from 01 January 1990, the date his training certificate became valid again by letter No. ED/01/10/01/02/06 dated 28 October 2005 of the Deputy school director of the Ministry of Education, it was stated that this this date of appointment was 08 September 1980. Accordingly, changing the date of these appointments from time to time in a questionable mater.

(iii) A female teacher in a government approved private school had served government approved private schools. From 02 January 2001 to 31 December 2006 in a government approved private school in Piliyandala, from 27 March 2007 to 31 December 2015 in an another government approved private school in Colombo, since 05 February 2018 in the same school she had served. However in terms of letter No. Ed/01/10/01/03/07 (x) dated 30 May 2019 of the Director of private school division of the Ministry of education, the appointment given to the first of Education, the appointment given to the first school since 05 February 2018 had been post dated since 01 June 2017

(c) Revision of Appointments

In awarding to relevant letter of appointment to a female teacher serves in a government approved private school in Mount Lavinia, she has stated the Arts Degree (2008) as her education certificate. Accordingly her appointment as a grade 3-1 teacher, effective from 01 January 2009 had been approved by the Ministry of Education only on 20 October 2014.

However, according to the confirmation letter of the results it was stated that the graduate certificate is valid since 01 January 2010. According, to the valid date of the degree, the date of appointment in grade 3-1 needs to be revised and as such the Zonal Director of Education Piliyandala had sought approved on 6 November 2017 from the Ministry of Education that the valid date of the degree certificate considered as grade 3-11 teaching appointment during the period from 01 January 2009 to 31 December 2009 be changed as 01 January 2010 and to appoint her as a grade 3-1 teacher since 01 January 2010. Accordingly, the Ministry of Education had approved the relevant request by undated letter No.ED/01/03/02/10 (v) in

November 2017. Accordingly, it was observed that without being correctly confirmed the relevant qualifications letter of appointments had been awarded.

(d) Issues on the approval of no-pay abroad leave

A Catholic Father served as a teacher in a government approved private school in Kalutara, no pay leave had been applied to proceed abroad for doctrine propaganda during the period from 23 August 2018 to 22 August 2020. This leave had been approved by the Ministry of Education on 30 June 2019.

The particular teachers had sent this application for no pay leave abroad on 20 August 2018 but it had been recommended by the Kalutara Zonal Education Office on 24 April 2019. It had subsequently been approved by the Ministry of Education on 30 July 2019, that is after nearly one year being proceeded abroad.

National and Father Director of Education, Archbishop's house stated on 18 March 2019 in this regard that this overseas leave application from had been submitted by the relevant teacher on time but it had delayed when it is submitted by the Catholic School Division of the Archbishop's House.

(e) Attachment of teachers to classes

When passing students admitted on grade 1 in to grade 2 in a government approved private school in Nugegoda, in subjected to sample check, students of all classes being mixed and the class teachers were also changed as complained by a parent to the Ministry of Education on 01 February 2019. In terms of Circular No. 1998/44 of 23 November 1998 of the Ministry of Education, it is an imperfect task and as such, the Ministry of Education had informed the principle of the relevant school on 28 February 2019 stating that this is a task which should not be done in terms of Circular No. 2012/13 of 08 May 2012.

(f) Termination of service without prior notice.

An approved teacher in a government approved private school in Colombo, subjected to audit sample check had complained that having issued a charge sheet on 20 February 2020 and without conducting a disciplinary inquiry on charges, his service had been suspended.

3.2.10 Discipline of Teachers

Audit test check observed that stating that appointments and disciplinary authority of teachers serve in government approved private schools is the school manager, disciplinary cases against those teachers, the school management conducts a disciplinary inquiry and takes a decision whether the teacher will be reinstated or dismissed from service. Thereafter, the Ministry of Education gives only the approval for the decision taken by the school management.

Accordingly, since any officer at divisional education/zonal education/provincial education or Education Ministry level is not participated in the relevant disciplinary inquiry, an uncertainty is observed in audit in getting a legitimate solution by the prejudiced party through an impartial decision.

As revealed in the examination of sample files, a teacher in a government approved private school in Nugegoda was gravely alleged in respect of child - abuse. This school manager had reported to the Ministry of Education on 03 August 2018 stating that a complaint had been made to the National Child Protection Authority in this regard.

The Ministry of Education had informed the Manager of the school on 20 August 2018 that had this complaint been made to the National Child Protection Authority in connection with a child abuse allegation the relevant teacher should be interdicted since it would be a criminal offence and after being conducted a disciplinary inquiry, reinstatement or dismissal should be carried out by obtaining the approval of the education authorities.

The principal of that school had informed the chief father, General Manager of the relevant religious congregation on 29 September 2018 in writing stating that this teacher should never be sent to this school or to any other school where children in any age study.

However, the Director of private school Division of the Ministry of Education informed the Zonal Director of Education by his letter No. ED/03/10/06/05 (i) dated 19 June 2019 and letter No. ED/03/10/06/05 (ii) dated 12 March 2020 that according

to the formal disciplinary inquiry conducted by the school Manager on this teacher, he had been redressed and acquitted from all charges and as such his reinstatement was approved.

According to the above paragraphs, it is generally observed in respect of government approved private schools that even with the given limited provisions for school monitoring, the task to be performed by the relevant division in the Ministry of Education was continuously evaded and delayed of indicates that opportunities have arisen that such schools are further precluded from supervision of the Ministry of Education. Similarly, the government approved private schools which are monitored by the government do not conform to the circulars and instructions of the Ministry of Education and such schools, escape from legal obligation to conform those instructions.

3.3 International Schools

International schools, basically aimed at the education of foreign community children inherited in Sri Lanka have been started in the 1980 decade. By present, these schools are not limited to foreign community and any person who has the ability to pay high class fees and willingness can admit these schools. Within the Sri Lankan school system improperly spread in terms of various religious, political and social factors urban schools taken over by the government and schools not handed over to the government had become high class in physical and human resources and as such, there are factors that the parent attraction in them had also increased. Since obstructions cause to admit to the government popular schools the international schools can be able to get the attraction of local community at present.

Education standards between these schools which are operated as education institutes being commenced as a company, registered under companies Act No. 07 of 2007 or Business Names Registration Act are severely difference from each other. Accordingly many international schools in Sri Lanka ready their students for O/L or A/L, edexcel level or Cambridge IGCSE level examinations. According to a survey conducted by the Ministry of Education in the year 2015, 391 international schools were identified in Sri Lanka by that time.

3.3.1 Monitoring of international schools by the Ministry of Education

Section 25 of the Assisted Schools and Training Colleges (Supplementary provisions) Act No. 8 of 1961 states that private schools provide education to children with age limits from 05 to 14 years cannot be opened. On this ground, the director of private school division of the Ministry of Education had informed by his letter No.ED/03/10/01 of July 2020 that since these international schools registered under the Companies Act as a company or registered under the Registration of Business Names Ordinance as sole companies or partnerships are not registered under the Ministry of Education, monitoring of these schools are legally constrained. Accordingly, it is obvious that any international school operated in Sri Lanka is not controlled or monitored by the government. On this ground, there is room for conducting such schools, being deviated from the quality of education but only in business mind. As a result, standard of Education could not be uniformly maintained between schools.

3.3.2 Committee on the formalization of international and private schools

The Cabinet Memorandum No. 2013/ED/E/13 of 03 June 20013 for the formalization of international schools and private schools operated within the school system since 1980 decade has been submitted.

After being considered the recommendations of the Minister of Finance and Planning for this cabinet memorandum, it was decided by the Cabinet of Ministers that a committee consisting of the following officers to appoint a committee to study into this matter and furnish their recommendations to the Cabinet of Ministers.

- (i) Secretary of the Ministry of Education
- (ii) A representative from the National Education Commission
- (iii) A representative from the Ministry of Finance and Planning
- (iv) A representative from the Department of immigration and Emigration
- (v) Recognized educationists nominated by the Minister of Education
- (vi) Representatives from private sector engage in this field
- (vii) Other parties

Accordingly, this committee had discussed on 28 August 2013 and decided to make aware of the Cabinet of Ministers on the following matters for which they had compromised.

- (a) Be a compulsory condition that teaching the subjects of mother tongue, religion and history to all Sri Lankan children study in international schools and private schools.
- (b) In order to maintain the education, being established the quality in international schools and private schools, amend the Section 25 of the Assisted Schools and Training Colleges (supplementary provisions) Act No. 08 of 1961, enabling the Ministry of Education to establish a monitoring and supervisory process.
- (c) Being converted the private schools division implemented under the Ministry of Education into a secretariat, enabling to monitor properly within the National Education policy template of the Education process in the international schools and private schools, assign the statutory powers and the formulate a methodology

for the monitoring of quality of human and physical resources of such schools. The following observations are made under this

- (i) Since there is impossible in getting information of the number of schools actually in operation as international schools and private schools, a difference between the number of births in each year and the number of students to gain entry to school education exists and they are not nationally represented. It should be essential to formulate a methodology, being represented such children learn within the National Education System.
- (ii) Since it is very important the existence of a high quality international school system in terms of methodology for the development of the country as the center for knowledge in Asia and it will helpful to increase foreign investments of the country being regularized the education functions in international schools and private schools in terms of a standard, it will encourage the economic development of the country.
- (iii) On the quality of physical and human resources in the international schools and private schools and the quality of teaching-learning process introduction of a grading system of such schools is also recommended. All parties have agreed-that it will prevent to come into existence of substandard international schools and private schools and will provide a catalyst to increase the quality of existing international and private schools.
- (iv) Since the private school division exists in the Ministry of Education now, it deals with only the teacher's establishments works in the government approved private schools being arranged the duties of that division, including the subject matters stated above it should be converted into a secretariat and recommendations are made for assigning the monitoring powers of private schools to that secretariat.
- (v) All Committee members have recommended that since the commencement of an international and private schools Secretariat under the Ministry of Education, obtaining visa recommendations for foreign students who come

to Sri Lanka for studies and ability to control unnecessary foreign immigrants, and it will be an important factor to regulate the existing methodology far better.

- (d) If courses/Classes associated with local curriculum are conducted with local Sri Lanka Students who study in international schools and private schools, under the curriculums and instructions recommended by the National Institute of Education, it is very important to follow such instructions.
- (e) All parties had agreed the importance of setting a series of regulations in order to ensure the compliance with general education policies and standards by international schools and private schools.

Accordingly, the following observations are made.

- (i) The above observations and recommendations of this committee appointed to regularize the international schools and private schools had been presented to the Cabinet of Ministers on 17 September 2013 for its attention. Even though the audit had requested the details of recommendations and directions made by the cabinet on these proposals, though such proposals are effective and practical, such particulars were not made available to audit. Therefore, achieving the successfulness of matters included in the above proposals on international schools could not be evaluated.
- (ii) As recommended in the above report issued on 17 September 2013, the Ministry of Education had remarked that action taken to revise section 25 of the Assisted Schools and Training Colleges (Supplementary Provisions) Act No. 08 of 1961 had not been succeeded due to social and other practical grounds.
- (iii) Regulations have been introduced by Gazette Notification (extra ordinary) No. 1863/10 of 20 May 2014 issued for the implementation of above recommendation (a), stating that teaching, Mother tongue, religion and History of Sri Lanka should be compulsory to Sri Lankan children learn from grade 01 to grade 08 in international schools and private schools. However, it was observed

that any follow up is done to check whether such instructions are followed by international schools.

3.3.3 Registration of international schools and maintenance of data system

3.3.3.1 Data available in the Ministry of Education

An accurate data system in respect of international schools operated in Sri Lanka now is not available in the Ministry of Education. According to a newspaper advertisement published in the year 2015 by the Ministry of Education it was informed by the director of private schools of the Ministry of Education by his Letter No. ED/03/10/01 of July 2020 that the number of international schools is approximately 391. But, it was not ensured whether these schools are actually in existence physically.

3.3.3.2 International Schools by which the approval of the Board of Investment was obtained

Under section 16 of the Greater Colombo Economic Commission (BOI) Act No. 4 of 1978, approval had been granted only for 7 international schools. In approving these international schools, the Director (Investment evaluations) of the Board of Investment informed the audit by his letter dated 22 July 2020 that the Board of Investments considers only the conditions to be considered on the investment made in Sri Lanka by a foreign investor. Since these schools are approved under Section 16 of the Board of Investment Act, it appears that carrying out follow up action is not the task of the Board of investments and they are not legally bound therefor. Therefore, it is the point of view in audit that the Ministry of Education could not deviate from the responsibility of monitoring the Education functions of these educational instructions.

3.3.3.3 Provisions of the companies Act and the duties of the Registrar of Companies

(a) International schools registered under the Companies Act

Twenty one schools have been registered under Companies Act No. 7 of 2007 as companies. In addition to criteria considered in the registration of a company and they have been established without paying attention on other criteria and standards require for conducting a school. They have been registered merely as businesses only with business purposes. But not

monitored in any manner. In building future human capital in Sri Lanka, an evaluation had not been taken place to ensure whether any requirements such as its quality and to match with local and international levels are fulfilled.

(b) Non-execution of the decision on the suspension of registration of companies

As a response to the audit query sent to the Western Provincial Department of Registration of Business Names on the registration of international schools it was informed the audit that the approval for the registration of international schools is not given based on the following cabinet decision.

The cabinet decision No. CAP/01/71/11/004 of 31 January 2001 is as follows.

"It is agreed that as anticipated by the Presidential Task Force on education, schools recognized as international schools need to act within the National Education System and to ensure the maintenance of accepted standards therein, steps need to be taken to make legal provisions. The Minister was informed to submit a primal report by 15 February 2001 in that connection. It was further decided that until the Ministry of Education takes action on this, registration of companies to operate international schools should be immediately suspended by the Registrar of Companies" Accordingly there should not be international schools after 2001 and by now action should have been taken to introduce specific standards for international schools. However international schools are not entered into the National Education system up to the date of this audit. In considering the existence of international schools further observed that the above mentioned cabinet decision is not in an active form.

(c) Intervention of the Registrar of Companies

In the test examination on the intervention of the Registrar of Companies in these schools, other observations revealed appear below.

(i) Registration of international schools as companies

The Registrar of Companies had informed the Secretary to the Ministry of Education by his Letter No. 19072716561 of 13 August 2019, asking that in the examination of documents received by him for the registration of an

international school as a Ltd. Company, he implied that it is an entity associates with education affairs and therefore, being considered the Article of the company be informed him the observations and conclusions of the Secretary and if prior approval is to be obtained, the particulars thereon. As a reply to that letter, the Director of Private School Division of the Ministry of Education had informed that any regulation whatsoever is not done in respect of international schools in terms of Assisted Schools Act. Accordingly, it was observed that international schools are registered in compliance with the business enterprises registration criteria and in terms of Companies Act any government authority whatsoever in Sri Lanka does not intervene for the monitoring of education functions of those schools.

(ii) Change of Name

A request and the recommendation of the Ministry of Education had been made to change the name of an international school in Gampaha on 11 October 2019. The Director of that school was informed by the Ministry of Education on 19 October 2019 stating that it cannot be fulfilled the request as per the existing Laws and rules. However, the powers vested in the Registrar of Companies in terms of Section 471 (2) and section 8 (1) of the companies Act No. 7 of 2007 relating to the change of name of businesses, the Registrar of Companies had informed by his letter No. PB549 dated 29 June 2019 that approved had been given to change the business name of the school.

(d) Non reporting of correct information from the Department of Registrar of Companies

Only the data of 21 schools as registered schools in the Department of Registrar of Companies were made available to audit and it was informed that international schools are not registered by the Department of Registrar of Companies after 2000. Further, the Western Province Department of Registration of Business Names had informed that they do not give the approval for the registration of international schools based on the cabinet decision, However, according to the data received directly in audit and the information received from the Department of Registrar of Companies and

the Western Province Department of Registrar of Business names, existence of contradictions was observed. Existence of many education institutions conduct as international schools was observed in Sri Lanka even though they are not included in their replies.

Accordingly, it is observed that since the existence of legal impediment in the commencement of schools to provide education to children who are passing compulsory education age limit, other private party, except the government in terms of Section 25 of the Assisted Schools and Training Colleges (Supplementary Provisions) Act No. 8 of 1961, education institutions are operated, being registered in the Department of Registration of Companies, even though international schools are not registered by the Ministry of Education.

3.3.3.4 International Schools registered under the Business Names Registration Ordinance

Observations made at provincial level in this regard are as follows.

- (a) According to a query sent to the Western Province Department of Registration of Business Names, it was informed that under the Business Names Statute of Trade Corporations and Non Incorporated Trade Institutions of Western Province No. 05 January 2011 international schools had not been registered, based on the cabinet Decision No.01/71/11/004 of 05 January 2001. However, it was observed that according to the information received from Local Authorities, international schools opened and conducted at a business level are still in existence.

- (b) As required from the Secretary to the Ministry of Education by the Letter No. SP/B/26/2/20 dated 07 September 2020, of the Secretary of the Southern Province advice was sought about the institutions from which institution the recommendations to register international schools within the Southern Province need to be obtained. The Ministry of Education had informed on 28 September 2020 as a reply to this Letter that since the private parties can not open to provide education to children who are in the age Limit of 5-14 years, in terms of Section 25 of the Assisted Schools and Training Colleges (Supplementary Provisions) Act No. 8 of 1961, until this legal provisions is revised, registration under the Ministry

of Education as private schools or to give recommendations advise to open education institutions could not be done.

- (c) Moreover, as revealed at a test examination, the Divisional Secretary of Mawathagama had inquired from the Secretary to the Ministry of Education by its letter dated 03 August 2020 stating that a government approved private school had applied to register the school as an autonomous business entity and what are the criteria to be obtained therefor. Accordingly it is observed that private parties endeavor in various ways to register international schools.
- (d) According to the replies received as a response to call for information by audit from the municipal councils and urban councils of all over the island, it was observed that the international schools conducted education functions within their authority limits had been opened as business purposes and registered only as business premises without being monitored by any authority. When information was called from 66 local authorities belong to 9 provinces, of 48 local authorities by which information was given, 97 such schools in 30 local authorities were reported. Information from 17 local authorities had not been presented. Accordingly, it was observed that international schools promptly spread all over the country and they are conducted at local authorities level without any monitoring mechanism.

3.3.3.5 Establishment of branches in international schools

- (a) International schools being come into effect at present, have started to establish their branches as well and the recommendations of the Ministry of Education has been requested for certain branches. The response of the Ministry of Education in such cases is that recommendations/ instructions could not be given until the Assisted Schools Act No.8 of 1961 is revised. Particulars of such 2 school branches, expected the approval to be established were observed at test examinations.
- (b) According to the information received from the local authorities, international schools registered once under the Department of Registrar of Companies, it was

observed that branch schools have been started and operated islandwide at local authority level under the same registration number.

3.3.3.6 Transfer of the ownership of international schools

In a complaint sent to the President by the parents association of an international schools in Galle on 26 May 2020, it was stated that the school was controlled under a finance company and attempts are being made to transfer this school to an another international schools in accordance with the tender received in the year 2017 for the sale of this school.

The reply of the Ministry of Education in this regard is that in terms of the existing legal provisions, the Ministry of Education is unable to intervene the problems directly in international schools and the problem be resolved being discussed with the school management.

Accordingly, it is observed that since there is no formal monitoring authority, any public entity whatsoever is not in existence, enabling the parents of these schools to resolve problems arise on international schools.

3.3.4 Commencement of new international schools

3.3.4.1 Opening of a new government school in general

In terms of paragraph 2.1 of the instruction manual on schools structures prepared by the Ministry of Education in the year 1981, relevant recommendations should be given at the time of opening a new government school only in an essential situation. Accordingly, the requirement may arise in the following situations to open a new school. Even through it is difficult and impracticable to apply relevant criteria completely to open international schools, the requirement of applying such criteria completely to open international schools, the requirement of applying such criteria for a quality education even for international schools cannot be ruled out, therein.

(a) Distance to the school

Relevant criteria are as follows.

- (i) Opportunities to travel to more than 2 km to a primary school by children less than the age of 10 years living in the area.

(ii) Opportunities to travel more than 4 km to a secondary school by students study in classes 6-11 living within the area.

(iii) Even though primary and secondary schools are available within the specific distances as stated above, there are limitations in the following instances.

- Living a schooling age student population within the relevant area more than accommodation facilities available in the existing schools.

(This should be confirmed by census and statistic reports)

- Even though schools are available within the specific distances, it is difficult to reach such schools due to natural hindrance like the existence of rivers, forests, mountain chain etc.

(b) Establishment of New settlements

A new school can be opened in accordance with the number of school age students of families who come to reside at the beginning of new settlements such as Mahaveli project or colonies or new model villages and their augmentation.

(c) Presentation of proposals to open a new school

Proposals which may be presented in two forms in opening a new school can be considered as follows.

(i) According to a proposal presented by the planning division of the Zonal Education Office.

(ii) As per a proposal presented by the parents of the area, Grama Niladhari or other external party.

(d) Action by the Zonal Education Officer

As per (c) above, when such proposals are presented, the Zonal Director of Education needs to take further action, having being considered the relevant data and statistic in respect of the following.

(i) Non-availability of a school of that type within the relevant catchment area.

(ii) Availability of a sufficient number of students to open a new school within the catchment area.

(iii) Non-availability of accommodation in the school/schools within the catchment area for children of the specific education stage.

(iv) Existence of a land, suitable for the construction of sufficient buildings to put up a school.

(e) Consideration of a minimum extent of the land for the construction of a new school

Having being justified the proposal for the commencement of a new school, the Provincial Director of Education needs to satisfy whether a suitable land for the construction of the new school is available. Paragraph 2.2 (b) of the instruction manual on school structural activities states that a minimum extent of 2 acre land is required for the opening of a primary school.

3.3.4.2 Non- consideration of the above criteria for the establishment of a new school

Since a regulation is not carried out in the establishment of international schools island wide, it was observed that international schools have been established by deviating from the above mentioned requirements. It was observed in the examination of certain parents, complaints that certain international schools have been started in places with lesser facilities and houses with lesser extent of lands and there is no suitable learning environment to a child. Details are stated in paragraph 3.3.5.

3.3.4.3 Recommendation of the Ministry of Education in the establishment of buildings for international schools.

In receiving the initial plan clearance approval being presented the relevant building application to the Urban Development Authority in the construction of an international school, the Urban Development Authority requests the recommendation of the Ministry of Education, in addition to the other recommendations, to issue the relevant clearance certificate.

The Ministry of Education had informed as the reply to the relevant request that in terms of Section 25 of the Assisted Schools and Training Colleges (Supplementary Provisions) Act No. 8 of 1961, except the government, there is no legal provision to open a private school and therefore instructions or recommendations cannot be given relating to the above matter.

As a result, deviating from criteria to be related in opening a new school, it was observed that there are opportunities to build such schools of their own discretion.

3.3.5 Physical resources of a school to be existed

In addition to the above criteria, dimensions for physical resources require for a school are described as follows in the guidelines on management of physical resources, and dimensions for physical resources prepared by the buildings Branch of the Ministry of Education in January 2010. Details appear in annex 01.

- Primary schools (for grade 1-5) (Type -3 schools)
- Junior secondary schools (for grade 1-9 or 1-11) (Type 2 schools)
- Senior secondary schools (without science subjects) (Type 1C schools)
- Senior secondary schools (with science subjects) (Type 1 AB schools)
- Other facilities
- Teachers quarters and bachelors quarters
- Latrine urinal

Nevertheless, the Ministry of Education do not supervise whether international schools, act in accordance with these standards. However, public representations were made to the Ministry of Education from time to time about the instances of insufficient physical resources in these schools as per details below.

- (i) A parent of an international school maintain in Eheliyagoda had sent a letter to the Zonal Director of Education Ratnapura on 31 July 2019 stating that building facilities and sanitary facilities are in sufficient. This letter has been sent to the Sabaragamuwa Provincial Director of Education as well as to the private school Director of the Ministry of Education, on 02 September 2019.
- (ii) The parents of an international school operates at Mallawapitiya belongs to the Wayamba Provincial Council had informed on 15 July 2019 stating that facilities such as a science laboratory, a library, computer unit, auditorium, clean toilets, pure drinking water, qualified teachers etc. are not available.
- (iii) The parents of an international school operates in Navala had complained on 22 May 2019 stating that 3 classes are maintained as insecured manner. Since these

fees charging schools are operated as stated above without any monitoring process, they had the opportunity to maintain such schools without required facilities.

3.3.6 Teaching functions of the international schools

3.3.6.1 Quality of Education

Public representatives made to the Ministry of Education from time to time requesting to intervene on discrepancies in private schools said to be high standard and with more parents' attraction comprising, teachers do not teach properly, transfer of teachers from time to time, teaching unqualified teachers, not covered subject syllabus, teaching method being misunderstood the child mentality, sexual abuse of children by teachers and principals etc. However, the Ministry of Education had informed in writing that it cannot intervene in all these cases. But, according to the information made available to audit, issues such as teacher's qualifications, non – availability of sufficient number of teachers, issues on curriculum and not covered it and illbehaviours were revealed in 14 schools subjected to test check.

3.3.6.2 Teaching the syllabus

The Ministry of Education had identified 391 international schools in Sri Lanka by now. The syllabus recommended by the Ministry of Education as well as other syllabuses are taught by these schools. Details in that regard appear below.

(a) Teaching local syllabus

It is stated that only the local syllabus is taught by 202 out of 391 international schools. The Ministry of Education or any other education related public institution do not check/monitor to see whether to local syllabus is taught in compliance with specific standards as in a government school in these schools. Similarly, the name denoted as international schools teach only local syllabus is also a complication.

(b) Schools educate both local and foreign syllabuses

It was observed that certain international schools teach both syllabuses and the number of children learn each syllabus could not be confirmed.

3.3.6.3 Physical and mental difficulties cause to children

Details of complaints received to the National Child Protection Authority during the years 2018, 2019 and 2020 against the teachers of international schools. Thirteen complaints in respect of inhuman treatment to children 11 complaints against sexual harassments and 6 complaints against other cases were received respectively. The unresolved complaints as at the date of amount stood at 6, 8 and 5 respectively.

Description -----	No. of complaints -----		
	2018 -----	2019 -----	2020 -----
Inhuman treatment to children	08	07	05
Sexual harassments	02	02	-
Other	03	02	01
Total	13	11	06
Unresolved cases	06	08	05

3.3.6.4 Holding Examinations

(a) Opportunities to students in international schools to participate in the local examinations

Particulars appear below.

(i) Of the 391 international schools identified by the private schools Branch, 202 schools are used local syllabus. Students so follow local syllabus can have the opportunity to sit for GCE(O/L) and GCE(A/L) examinations as private applicants. If any student sit for both such examinations as a private candidate, his age is not considered by the Department of Examinations of Sri Lanka. Similarly, all students qualified on the results of the GCE (A/L) examination for university admission irrespective of their age, such applicants are considered.

(ii) Accordingly, a student who studied in an international school and sat for such examinations as a private candidate gets an opportunity which can not be got by a student studied in a government or government approved school, who presented for the same examination. Therefore, it is observed that it will drop

the concept of equal opportunities of Education and the attention of the Ministry of Education had not been paid in this connection.

(b) Presence of students in international schools for GCE(O/L) and GCE(A/L) examinations

In presenting students of schools registered under the government schools and Assisted Schools in the island at GCE(O/L) and GCE(A/L) examinations, they are not recorded as school students and categorized as private applicants. In the application form for the examination, space is not provided for the name of school. Audit observed that certain international schools had requested in this matter. Accordingly, since the name of school of the applicant sits for the first time in those examinations is not indicated, it is a hindrance to maintain correct data of the number of students present as school applicants in the examinations in a year in Sri Lanka, as observed in audit.

3.3.7 Method of charging fees in international schools

3.3.7.1 Complaints in respect of charging fees.

Charges recovered by each international school are varied and the parents complaints observed that there are certain moral issues on the recovery methods, comprising not teaching as compared with charges being recovered, ruthless punishments to children when payments of class fees are delayed, recovery of money for various purposes in addition to school fees, recovery of unwarranted school fees non-issue of student's performance indicators (School Leaving Certificate) of students who failed to pay school fees etc. Written representations were rendered to the Ministry of Education from time to time on these issues. At a test check, such events were revealed in respect of 5 schools.

3.3.7.2 Issues related to the recovery of school fees during the Corona Pandemic.

Parents had sent a lot of complaints to the Ministry of Education stating that there is no legitimate methodology in respect of charging term fees from the students study in international schools during the Corona Pandemic period. Particulars are as follows.

- (a) A group of parents of an international school in Hatton addressed to H.E. the president on 04 September 2020 stating that there are lack of physical and human resources in the school and any relief had not been given for school fees

during the Covid pandemic season, even though the school had been closed during that period. (April/May/June 2020) Students who had not paid school fees were not allowed to enter the school.

- (b) A group of parents of the students in an another international school had made a complaint to the Ministry of Education on 12 September 2020 stated among other matters that even though instructions had been given by the Ministry of Education for providing reliefs to school fees during the Covid-19 pandemic period, it had been disregarded by the school management.

3.3.7.3 Receipt of complaints to the National Child Protection Authority against international schools

Eleven complaints had been presented to the National Child Protection Authority by the parents became inconvenient due to the recovery of school fees by international schools during the Covid 19 pandemic period from 15 March 2020 to 05 March 2021, out of which only 3 complaints had been resolved by the date of audit. Particulars of complaints received from nearly 8 schools are as follows.

Date	Complaint Number
29.03.2021	PP/21/03/04/2688
01.04.2021	CC/21/03/975/5/2813
11.02.2021	CH/21/2/61/5/1184
30.03.2021	CC/21/03/978/05/2816
09.01.2021	CC/21/01/195/5/241
11.03.2021	CH/20/08/19/4/5120
09.02.2021	CC/21/2/058/4/1093
25.01.2021	CC/21/1/668/4/598
26.01.2021	CC/21/11/593/4/540
09.02.2021	CC/21/2/114/5/1154
27.08.2020	CC/20/8/629/4/5443

Accordingly, since it is acceptable that these complaints had been sent only by a few party who suffered from these problems, the argument that there may be such problems in relation to the international schools as a whole can not be ruled out.

3.3.8 Maintenance of children's physical health

3.3.8.1 Generality on school health programs

General circular No. 01-37/2007 (i) dated 06.01.2016 of the Ministry of Education states that the Ministry of Education is bound to provide health services to all school children within the school. Accordingly, carrying out medical tests redress the disabled children being treated, direction to the required specialized medical services and follow up action are carried out under the school Health Program.

Accordingly, action had been taken to introduce the following health promotion methods in all government schools, special education units, pirivens and private schools available all over island.

- Formation of health promotion policies
- Skills development requires for health promotion
- Making an environment favorable to health promotion
- Improvement of school community relations for health promotion
- Provision of required services for health promotion

The following objectives are anticipated from the school health program

- Strengthening the corporation and coordination between education and health sectors for school health promotion
- Recognition of opportunities require for the full growth and development of children
- Improvement of abilities of children to control and promote causations that may effect their health through suitable health promotion activities
- Improvement of the children's abilities to act as a mutation cause for the health promotion among the family and the society
- Making the school environment healthy and protective manner, suitable for teaching and learning
- Protection of school children from infectious diseases and non- communicable diseases
- School children be subjected to medical tests being quickly identified health problems for remedy
- Improvement of nutritious condition of school children and practicing favorable health habits through regular searching and suitable interventions

- Getting the maximum community participation for the development of school health activities
- Maintenance of a monitoring and evaluation process for the successfulness of school health programs

Such responsibility rests with the Provincial Director of Health Services at provincial level and the Regional Director of Health Services at District level. In the implementation of school health program maternity and pediatric medical officers at District level, Medical Officer of Health at Regional level (within the urban council authority limit, chief medical officers/school medical officers) became the central responsibility officers. Under their supervision, the organization responsibility of the school health program assigns to the Public Health Inspector. Even though this program is implemented in all government schools, pirivens and private schools (Assisted schools), it was observed in audit that it is not implemented in certain international schools. This program is evaluated under 23 criteria (Details appear in Annex 2)

3.3.8.2 Health sector regulations on international schools

According to the letter No. FHB/SH/Gen/2020 of 07 September 2020 of the Director of maternity and Child of Health in the Family Health Bureau of the Ministry of Health, it was informed that medical tests have been carried out only in schools requested for medical tests. However, instructions have been given to the Medical Officers of Health to provide health facilities to all school children by circular letter No.01-37 (2007(i)) issued by the Ministry of Health on school health program. Audit observations in this regard appear below.

(a) International schools requested for school medical test

Even though there is no formal data system in respect of international schools, the number of international schools reported to the Ministry of Education amounts to 391 out of which 151 schools had requested medical tests, implemented under the Ministry of Health. Hence, this is a very low value, representing only 40 per cent of the total number of schools.

	District	No. of international schools as per Education Ministry data	No. of international schools by which school medical tests had got done
(i)	Colombo	98	07
(ii)	Gampaha	79	09
(iii)	Kandy	44	35
(iv)	Matale	12	15
(v)	Matara	9	04
(vi)	Anuradhapura	3	03
(vii)	Polonnaruwa	1	03
(viii)	Kurunegala	28	0
(ix)	Mannar	2	0
(x)	Jaffna	3	04
(xi)	Vavunia	4	02
(xii)	Ampara	3	02
(xiii)	Batticaloa	3	02
(xiv)	Kalutara	16	02
(xv)	Galle	13	09
(xvi)	Hambantota	0	01
(xvii)	Nuwaraeliya	13	15
(xviii)	Badulla	6	10
(xix)	Monaragala	0	0
(xx)	Ratnapura	13	13
(xxi)	Kalmune	0	01
(xxii)	Kilinochchi	0	01
(xxiii)	Kegalle	17	10
(xxiv)	Puttalam	19	0
(xxv)	Trincomalee	5	03
		-----	-----
		391	151
		====	====

According, to the above information it was observed that all international schools available in Matale, Monaragala, Hambantota, Polonnaruwa, Jaffna, Nuwaraeliya, Badulla, Kalmunei and Kilinochchi Districts had not been identified by the Ministry of Education. Moreover out of 177 international schools operated in Colombo and Gampaha Districts in plenty, medical tests had been carried out only in a lesser number of 16 schools. It was also observed that school Health tests had not been carried out in any international schools in Kurunegala, Mannar and Puttalam districts by the Ministry of Health.

(b) Water supply of international schools

In accordance with the guidelines of the Ministry of Education tests had been carried out via following criteria.

- Water supply source
- Obtain water samples
- Analytical reports on water obtained

- Adequacy of water supply
- Safety of water supply
- Availability of drinking water
- Number of drinking water supply measured

In terms of the information made available to audit by the Ministry of Health, the following observations are made.

(i) Obtaining water from unprotected wells

Of 151 international schools subjected to check in accordance with the guidelines of the Ministry of Education, it was observed that 2 such schools had obtained water from unprotected wells per as details below.

District	PHI division
Gampaha	Kaleliya
Badulla	Bandarawela

(ii) Unprotected Water Supply

Out of 151 schools subjected to check in terms of guidelines of the Ministry of Health it was observed that water supply of 5 schools was unprotective as per details below.

District	PHI Division
Polonnaruwa	Thambula
Kandy	Galaha
Kegalle	Algama
Ratnapura	Rakwana
Ratnapura	Erathna

(c) Lavatory facilities in international schools

In checking toilet facilities in 152 international schools in accordance with the guidelines of the Ministry of Health, it was observed that toilet facilities and water supply facilities are insufficient in 12 schools.

(d) Waste management and environment issues in international schools

The following observation were made in respect of waste management and environmental issues of 152 international schools subjected to check in terms in guidelines of the Ministry of Health. Particulars appear below.

(i) Schools not properly disposed of litter

Thirteen schools were observed by which litter had not been properly disposed and as a result room is open to create lots of health problems of students and environmental issues.

(ii) Recommendations of the Ministry of Health on 152 school premises subjected to check are given below.

• Schools with mosquito infectious places	09
• Schools with flies infectious places	06
• Schools with adventurous places	10
• Schools with loafing animals	27
• Schools without play grounds	36
• Schools without a garden	44
• Schools without clean environment	07

(e) Restaurants in international schools

In the examination of health data of 152 international schools, the health sectors had ensured that there were no canteens in 66 schools thereof and the number of schools do not act in accordance with the school canteen policy amounts to 37.

(f) Paly ground facilities in international schools

Sport is an essential instrument for the physical and mental healthiness of a school child. The physical facilities to be available in a school, the playground and the stadium are essential factors. However, it was observed that the education or health sectors had not ensured whether the playground facilities are available in international schools to play their students. Accordingly, it is further observed that since the students with school age do not get physical training to suit their ages, there may be more possibilities to be infected with non-communicable diseases.

3.3.8.3 Adherence to the instructions during the Covid -19 pandemic period

It was observed in audit that there had been international schools which had contradicted instructions issued by the Director General of Health Services during the Covid-19 pandemic period.

Eg :- Certain teachers in an international school in Negombo had informed the private school division of the Ministry of Education on 06 October 2020 that they were asked to repeat for duty from the areas affected with Covid-19 pandemic.

3.3.9 Subscribe the students of international schools to the suraksha insurance scheme

Even though the Ministry of Education does not intervene for the monitoring of international schools, according to budget proposal, those schools also join only with the suraksha insurance scheme offered to the government school children. Despite a physical verification had not been carried to ensure whether these international schools are actually in existence, only a census number had been given and a sum of Rs.13,561,516 had been paid as compensation to the students study in 64 international schools in 308 occasions.

3.3.10 Representations made on international schools

Written representations were presented from time to time by the parents and various parties on international schools. Since the Ministry of Education does not have the formal authority to intervene such representations, only certain instructions are given, being addressed to the principle/management. However in terms of the audit observations stated in the above paragraphs, it is clear that the existing problems could not be settled by giving such instructions.

3.3.10.1 Intervention of the Ministry of Education for physical and mental harassments cause to children study in international schools.

Particulars appear below.

- (a) Parents of international schools had complained to the private school division of the Ministry of Education from time to time in respect of physical/mental abuse and harassments take place to students from the school management/teachers of certain international schools. Through the presentation of these complaints, parents intend some sort of legal coverage/relief for unjustifications happened to their children and they hope a suitable environment not to recur such problems to other children in future. However, the Ministry of Education refers the matter to the relevant schools to be solved by themselves or refers the complaint to relevant government entity, stating that the Ministry has no legal provisions to intervene on these problems.

- (b) Eg; More than 2300 parents in an international school had reported on 23 September 2020 to the Ministry of Education and the National Child Protection Authority that since misbehavior of the present management, they asked such Authorities to intervene for sexual harassments, inconveniences, threatens and misuse of powers face by children.
- (c) In this connection, the private schools Division of the Ministry of Education stated by its letter No.ED/03/10/02/02/23 (iii) of December 2020 addressed to the Commissioner General of the Department of Probation and Child Care Services that since the Ministry can not intervene about this matter, it is referred to you to take necessary action in terms of powers vested in the Child Protection Authority. Accordingly, it was observed that the intervention on these matters by the Ministry of Education exists at a minimum level.

3.3.10.2 Other complaints against international schools

In addition to the above issues, it was observed in audit that miscellaneous written public representations were received against international schools. Such representations observed that they have not been maintained in a manner not to protect children's rights. Such written representations in respect of 11 schools were received and most of them included complaints about inhuman treatments, disciplinary matters and problems relating to other facilities.

3.3.10.3 Public representations made to the Ministry of Education against international schools by teachers and employees

- (i) An employee of an international school in Nugegoda had informed the Minister of Education stating that the service is not confirmed even they have worked more than 10 years, non – payments of salary increments sudden dismissals from service. A complaint had been made by the teachers as well in the same international school stating that lesser salaries of this international school network, inclusion of unfair conditions in signing agreements, minimum maternity facilities, non-availability of medical benefits etc.
- (ii) It was stated in writing to the Ministry of Education that in an international school situated in Colombo 5, Gover Street, unqualified teachers are recruited and even a formal letter of appointment is not given to them, there is no specific

duty period, they are called for service even in all public holidays, non-payment of employee benefits like approved allowances, salaries, promotions etc.

3.3.11 Diplomatic level animation on international schools

Inquiries are made from time to time from the Ministry of Education at various diplomatic level 5 in respect of international schools, including the education institutions in which the children of various level foreign community inherited in this country study. However, the Ministry of Education does not do any provable intervention stating that there is no required legal provision. It is the opinion of the audit that it will immorally effect the goodwill of Sri Lanka, in diplomatic level dealings. Particulars appear below.

(a) Putting up an international school in the Colombo Port City

In terms of cabinet memorandum prepared by the Ministry of Mega Polis and Western Development on 19.08.2019 titled as “Proposals for finding strategic investors for the accelerated development activities, comprising the exhibition and conference hall, the international school, hospitals etc., in the reclaimed land within the Colombo Port City under the Private Public Partnership (PPP)” the letter No. CP19/2388/116/016-11 dated 27 August 2019 of the cabinet office had been submitted to the Secretary to the Ministry of Education. Accordingly, the observations of the secretary to the Ministry of Education had been requested in respect of the international school expected to be put up in the Colombo Port City stated in the above cabinet memorandum. Being replied by the Director of the private school division of the Ministry of Education, he informed the Director (Planning) of the Ministry of Education stating that it is appropriate to get an opinion from the Board of Investment (BOI) on this matter. Accordingly, it was observed in audit that even in such international affairs the Ministry of Education can not intervene in respect of educational purposes.

(b) Legal constraints exist in the recovery of Nation Building Tax (NBT) from the international schools of this contrary had been stated by the Pakistan Islam Democratic High Commission on 10 July 2018.

3.3.12 Requests made by variant public entities on international schools

Inquiries are made from the Ministry of Education in respect of international schools at by various public institution level on several matters. It means that the whole community intends that the authorized entity for the establishment and operation of international schools is the Ministry of Education. However, Even though the Ministry of Education replies for all inquiries that it does not intervene for the issues in respect of such schools, it was observed in audit that it is not the actual situation. Certain requests so presented are as follows.

- (a) According to a letter addressed to the Secretary to the Ministry of Education by the president special Project Director on 03 May 2018, attention was paid for asking a clearance certificate of the Ministry of Education from the Urban Development Authority for the construction of their own building in Welivita area being departed from rented out building by an international school.
- (b) The National Authority on protection of victims had addressed to the Education Secretary on 18.05.2018 about of classes of 2 students study in an international school situated in Negombo.
- (c) A parent had requested the criteria of checking the standard of international schools in Colombo area and supervision reports under the Right to Information Act on 15 October 2019.
- (d) A request made to the private schools division of the Ministry of Education by a parent on 18.09.2020 in respect of violation of children's rights, stated that in admitting twins to an international school in Kegalle one child of twins to be admitted to year 7, had been admitted to year 5 and a case had also been filed in the District Court of Kegalle.

Nevertheless, when public representations received by the Ministry of Education on international schools, the reply of the Ministry in all cases is that it can not intervene for those matters. Therefore since there is no formal mechanism to solve these problems, they will be referred to the judiciary.

3.4 Religious Schools

3.4.1 Requirement of Education

As stated in paragraph 3.1 of this report, all parents need to provide education to children at the ages of 5-14 years compulsorily in accordance with the Education Ordinance. In terms of United Nations convention on the rights of the child, it is also emphasized that the establishment of rights to be enjoyed by every child should be the responsibility of both parents and the state as well at global diffuse level. In terms of Section 28 of this convention, all children have the right to education. It also states that at least to make primary education compulsory and available free to all is the responsibility of the state. Similarly, in terms of section 29 of the convention, the aim of education is the development of the child's personality talents and mental and physical abilities to their fullest potential. Preparation of the child for responsible life in a free society, being understood the other persons rights and respecting the environment.

In addition, according to the General National Education policy prepared in the year 2016, general education also needs to ready the society with which children live to spend them a contented life and to work with their adults usefully. They indeed become adults when they leave the school, enabling them to contribute to their families, living society and welfare of the whole nation, they should be fit up with knowledge and skills.

Nevertheless, the following matters observed that certain religious schools do not provide a quality education to the children who are learning in the compulsory education age and such schools are not monitored.

3.4.2 Classification of Religious Schools (Daham school education, conducted during weekends is not discussed here)

Religious schools in Sri Lanka are operated basically on their religious as Buddhist, Hindu, Catholic and Islamic. According to the data made available by the Ministry of Buddhasasana, Religious and Cultural Affairs, Children tend to religious schools are as follows.

Religion	No. of	No. of students
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	institutions	
Buddhist - Pirivena Education (2019)	801	68,319
- Seela Matha Niwasa	03	45
Hindu - for clergymen	03	40
Catholic - Convents, Seminaries	04	16
Islamic - Arabic Schools / Madrasah Schools	317	28,424

Particulars of each of these religious education are given below.

3.4.2.1 Buddhist/Privena Education Institutions

Education given to Buddhists to become priesthood is called piriven education. Objectives of Pirivena Education in terms of Pirivena Education Act. No. 64 of 1979 include, to provide education to Buddhist monks and male students over 14 years of age who are willing to follow a course conducted in a Pirivena and who intend to gain on his education in a buddhist environment. Accordingly, These Pirivens are administered by the Pirivena Education unit established in the Ministry of Education and with the intervention of the Ministry of Education Pirivena syllabuses, teachers training, teachers hand books etc. are provided with the participation of National Institute of Education. The supervisory responsibility of these Pirivena rests with the Pirivena unit of the Ministry of Education.

According to the above matters, the relevant state Ministry (Ministry of Education before) is bound to monitor the Pirivena Education conducted on buddhist affairs at present.

3.4.2.2 Institutions provide catholic education (semanaries/convents)

In terms of letter No. DCRA/S/DI/V/S/T/2020 -21 dated 09 February 2021 of the Department of Christian Religious Affairs, 04 dewasathhal are conducted and it was revealed that these religious institutions provide education only for those who are at the age levels after being completed the general education.

3.4.2.3 Institutions provide hindu education

According to the letter No. HA/5/GEN/39-2021 dated 08 January 2021 of the Department of Hindu Religious and Cultural Affairs, 3 institutions provide education as Hindu Religious priests are in operation island wide and these institutions provide education for those who are at the age levels after being completed the general education.

3.4.2.4 Arabic schools/Madrasah schools

It was revealed that these schools are functioned without being regulated from the Ministry of Education, and being departed from the accepted specific general education to be given to children who are at the compulsory education age and they were established mainly to gain knowledge in Arabic language and Islam religion. Audit observations in this regard are as follows.

(a) Contribution of the Department of Muslim Religious Affairs

Administration of the Arabic schools, then registered under the Ministry of Education before being established the Department of Muslim Religious Affairs, had been hand over to the Department of Muslim Religious Affairs with its establishment in the 1980 decade. At the time of registration of these schools by this Department it is stated that information such as the existence of financial stability on physical facilities, board of management, curriculum, information about students and teachers is obtained through the Grama Niladari and the Divisional Secretary of the area. The syllabus for the “AL -ALim” course for students study in these Arabic schools had been prepared by the Ministry of Education in the year 1961 and it had been revised in the years 1976 and 2012. These examinations are held by the Department of Examinations. By 13 August 2020, 317 such schools had been registered under the Department of Muslim Religious Affairs. Funds as stated below had been released for the development activities of these schools by the Department of Muslim Religious Affairs from 2015 to 2019.

Year	No. of Districts	No. of Schools	Amount Rs.
2015	04	04	698,066
2016	04	04	100,000
2017	06	07	975,000
2018	05	06	2,600,000
2019	01	01	400,000
		---	-----
		22	4,773,066
		==	=====

(b) Propagation of Arabic schools/Madrasah schools

According to the report received from the Department of Muslim Religious Affairs on 19 August 2020, 317 Arabic schools registered the in were located under the following 4 groups.

Type of school	No. of schools	No. of students	No. of teachers
(i) Senior Arabic Schools	19	3,117	390
(ii) Arabic Schools	93	11,269	1,419
(iii) Primary Arabic Schools	147	13,569	1,800
(iv) Primary Arabic Schools (Temporary)	58	4,367	537
Total	317	32,322	4,146

In terms of letter No. MRCA/R/9/1/1 dated 12 August 2020 of the Director of the Department of Muslim, Religious and Cultural Affairs, the academic period of these Arabic schools is 6-8 years and children between the ages of 13 to 15 are enrolled as the beginning age.

Despite the government schools which provide general education to children who are at the age of gaining compulsory education are located in the relevant Districts, the Ministry of Education had not intervened for monitoring the inclination of children to these schools. Without essential instruments, including standard objective knowledge, Sports, Loveliness, Life skills to be equipped with by these children, who are passing the compulsory education age level, room, is provided them to come to the society as adults. However, it was observed in audit that the attention of the Ministry of Education and the Departments of Muslim Religious Affairs had not been paid on this issue.

(c) Examinations of the Arabic schools

The Department of Examination informed that persons who have completed 3 year- course in an Arabic College, registered in the Department of Muslim Religious Affairs are qualified for “AL ALim Muthawassitha” examination and those who have completed 5 – year course are qualified to appear for “AL ALim Sanaviyya’ examination.

Similarly it was also stated that a person who does not study in an Arabic school should appear for the examination through an Arabic College situated near by and without passing Al ALim Muthawassitha examination, he cannot sit for the Al Alim Sanaviya.

Particulars of Examinations held are as follows.

Name of the Examination	Year	No. of students appeared	No. of students passed	Passed percentage
AL-ALim certificate examination	2014/2016 (Old syllabus)	363	73	20
AL-ALim certificate examination	2015/2017 (Old syllabus)	204	24	12
AL-ALim Sanviyya certificate examination	2015/2016 (New syllabus)	354	87	25
AL-ALim Sanviyya certificate examination	2017/2018 (New syllabus)	396	104	26
AL-ALim Muthawassitha certificate examination	2016 (New syllabus)	1,866	483	26
AL-ALim Muthawassitha certificate examination	2017/2018 (New syllabus)	3,050	802	26

(Source:- Department of Examinations, Sri Lanka)

Even though about 17,936 students learn in 205 primary Arabic schools, it was observed that only 3,050 students, that is 17 per cent of the total number of students appeared for the AL-ALim Muthawassitha certificate examination in the year 2017/2018. It was also observed that the number of students passed this examinations had been less than 26 per cent.

(d) Cost of holding examinations

The Commissioner General of Examinations had informed the audit by his letter No. 19/1A/EX/2020/82 of 13 November 2020, that a methodology to bring down the money, having been prepared estimates in the years 2016 and 2017 for conducting examinations had not been implemented and a sum of Rs.10,126,352 had been spent for holding examinations in the year 2018 but there is no party by which this expenditure was incurred.

(e) Schools not registered with the Department of Muslim Religious Affairs

According to the Data obtained from the Department of Examination of Sri Lanka it was observed in audit that 133 Arabic schools by which children had been presented for AL-ALim Mathawassitha certificate examination at District Level in the Island, had not been registered in the Department of Muslim Religious Affairs. District Level data appear below.

District	No. of Schools
Colombo	09
Gampaha	10
Kalutara	07
Galle	03
Matara	07
Hambantota	02
Kegalle	09
Kurunegala	16
Puttlam	05
Anuradhapura	08
Polonnaruwa	02
Matale	05
Kandy	11
Nuwaraeliya	02
Rathnapura	01
Badulla	04
Ampara	12
Batticaloa	06
Trincomalee	10
Vavunia	03
Mannar	01

	133
	====

3.4.2.5 Comments of the Department of Muslim Religious and Cultural Affairs.

According to the letter No. MRCA/R/DP/01/2021 dated 06 September 2021 of the Department of Muslim Religious and Cultural Affairs, the number of Arabic schools registered in that Department amounted to 317 out of which 32 are not functioning. It was also informed that 205 schools teach only GCE(O/L) and 122 schools teach GCE(O/L) and GCE(A/L).

When the audit requested further particulars in respect of these schools information on 202 schools which conduct only GCE(O/L) and 112 schools which conduct both

GCE(O/L) and GCE(A/L) was made available to audit according to the letter No. MRCA/R/8/1/1 dated 10 November 2021 of the above Department.

The following observations are made in terms of such information.

- (a) Even though it was stated in that letter that the number of Arabic schools present students for the GCE(O/L) examination was 202, forty eight schools of them had not stated the number of students appeared for that examination in the year 2019. Number of students of the balance 154 schools appear below.

Particulars of total number of students available in the school	No. of Schools
Students 1-10	90
Students 11-20	44
Students 21-30	06
Students 31-40	09
Students 41-50	01
Over 50	04

Total	154
	====

- (b) Even though it was stated that the number of Arabic schools present students for the GCE(A/L) examination is 112, twenty three of them had not stated the number of students sat for the examination in the year 2019. The number of students in the balance 89 schools are as follows.

Total number of students available in the school	No. of Schools
Students 1-10	53
Students 11-20	20
Students 21-30	08
Students 31-40	02
Students 41-50	02
Over 50	04

Total	89
	====

3.4.2.6 Committees appointed to inquire into Madrasah Education and researches

(a) Sector Committee Report of the Parliament on National security and Madrasah schools

With the Easter attack on 21 April 2019, the name of these schools became well-known and the following audit observations on these schools are presented on the basis of the parliament sector committee report on national security dated 19 February 2020.

- (i) According to this report, there are 1679 Madrasah schools and the number of schools registered amounts to 317. About 22,000 students study in these schools
- (ii) A syllabus, recognized nationally or internationally is not taught in the schools
- (iii) These schools are not supervised the teaching, functions of these schools by an instruction nationally or internationally recognized.
- (iv) Any public entity whatsoever does not regulate in respect of the following in these schools.
 - How many students study in these schools
 - How many teachers teach in these schools and whether they are Sri Lankans or foreigners
 - What are the qualifications of the teachers teach in these schools
 - Whether basic facilities are available to children of these schools
 - What is the financial position in these schools and what is the source of funding

Accordingly, it was observed in audit that since these schools are not properly regulated, the quality of education of these schools as well as the basic needs to be existed in these entities could not be ensured.

(b) Researches on Madrasah Education

‘Madrasah’ means the ‘school’ in Arabic Language and these schools are specific Islam religious schools. A research on these schools had been conducted during the years 2019/2020, titled as “A study on contemporary Madrasah Education system in Sri Lanka” by an organization called Community Association of Professionals. (CAP) This research had been conducted by a team of researchers

comprising 3 team researches with an editorial committee, comprising the former Ambassador of Kuwait and 2 senior lectures in the University of Colombo. This study had been carried out based on the 317 Madrasah schools registered in the Department of Muslim Religious Affairs, field inspections of 50 Madrasah schools and getting information via post from another 24 Madrasah schools.

Observations revealed in this study are as follows.

(i) Number of Madrasah schools

As identified by this study, 317 Madrasah schools have been registered in the Department of Muslim Religious and Cultural Affairs. Approximately 73 per cent of them have more than 50 students and 27 per cent has less than 50 students of 317 Madrasah schools registered in the Department of Muslim Religious and Cultural Affairs 09 had been opened before 1948 (Before independence) and 308 had been started subsequently.

(ii) Admission criteria of students

This study disclosed that 75 per cent of Madrasah schools admit students less than the age of 16 years. 'According to this study, since 22 per cent of Madrasah schools have the minimum education qualification as grade 5, before starting Madrasah schools education the students have memorized 'Al Kuran.' 52 per cent of Madrasah schools have the minimum qualification as grade 9 and 22 per cent of Madrasah schools have the minimum education qualifications level as GCE(O/L) examination.

(iii) Ninety per cent of these schools have full time courses and 10 per cent is part time courses. Teaching period ranged from 4 to 8 years.

(iv) Legal Base

Even though the Madrasah schools have been registered in the Department of Muslim Religious Affairs, the legal base for the registration of Madrasah schools and the acceptance is still not determined.

(v) Regulation and direction of Madrasah schools

There is no centralized institution for the regulation and direction of Madrasah school system functions in the Island in respect of curriculum, Madrasah school in a management and other related matters in the affairs of the education system of such schools. Since non-existence of direction and guidance, all types of Madrasah schools are functioning on their own

systems and patterns and their operation and administration have an un systematical pattern.

(vi) Teaching Media

96 per cent of the Madrasah schools functions as Tamil medium schools and an adequate training and attention is not paid in respect of other languages like Sinhala and English.

(vii) Organization Structure

This study had disclosed that 44 per cent of Madrasah schools had no organization structure/ systematically hierarchy. It says it will create such problems as assignment of duties, human resources management reporting and overall administration.

(viii) Human Resources Management

This study revealed that 49 per cent of Madrasah schools do not have an appropriate wages system or wages structure for their staff, resulting that their staff is demotivated and dissatisfied. Furthermore, 52 per cent of Madrasah schools does not have a recruitment policy. As a result, untrained and inefficient teachers have been recruited and it already affects the education function of students.

(ix) Financial Management

This study identified that 72 per cent of Madrasah schools do not maintain appropriate accounts and book keeping and their accounts are not audited by a certified auditor. It is observed that this may lead to a financial crisis due to mismanagement of funds.

(x) Curriculum

• **Syllabus**

According to the research findings only 52 per cent of the Madrasah schools comply with syllabus template and it had been prepared by the Department of Examination and published by the Department of Muslim Religious and Cultural Affairs for the Al- Alim Muthavasia and AL-Alim Sanavia examinations.

• **Language**

Eighty nine percent of Madrasah schools teach Sinhala Language and in addition to their teaching medium, 97 per cent of schools teach Tamil

Language as an another language. Even this study disclosed that these schools teach in both 2 national languages but the management and the students do not give sufficient priority on these languages.

(xi) Condition of physical facilities

Details appear below.

Physical facility	Availability percentage	Non- availability percentage
1. Separate class rooms	93	7
2. Adequate ventilation to class rooms	97	3
3. Library facilities	95	5
4. Food and hostels		
(a) Hostels	81	19
(b) Beds	41	59
(c) Food menus	75	25
5. Sports facilities	73	27
6. Play grounds	55	45

(xii) Health Facilities

Sanitary facilities; very satisfactory 35 per cent satisfactory 47 per cent and unsatisfactory 18 per cent.

Accordingly, it is observed in audit that the establishment, registration and maintenance of these schools as a whole need to be done in accordance with accepted criteria and a proper monitoring system needs to be carried out in respect of students who are passing compulsory education age and learn in these schools.

04. Recommendations

- 4.1** Having being drawn the attention of such matters as the development of the quality of education, planning and management of education learning environment, formulation of an updated education policy for the overall education system and it should be converted to a common law.
- 4.2** In terms of Section 25 of the Assisted Schools and Training Colleges (Supplementary Provisions) Act No. 8 of 1961, private schools should not be established for the education of persons who are between the age of 5 years and the age of 14 years. However, since the international schools as business entities without the intervention of the Ministry of Education and Madrasah schools as religious schools are operated, quick action to be taken to enforce the Act actively.
- 4.3** As instructed by a cabinet decision as well, Since a sufficient intervention of the Ministry of Education needs to be carried out in all cases, including; admission of students to government approved private schools, charging fees, taking disciplinary action, teachers activities, teaching and learning process, supervision etc. being prepared formal guidelines therefor, they should be gazetted.
- 4.4** According to the cabinet approval given to the commencement of branch school of the government approved private schools, in the opening of a branch school by a mother school in any place in the island in future, the prior approval of the Ministry of Education needs to be given subject to the criteria of the Ministry. Therefore required criteria need to be prepared.
- 4.5** Formulation of formal criteria for the reactivation of a government approved inactivated school.
- 4.6** The supervisory process carry out by the management and standards branch of the Ministry of Education for the quality development of Education through new evaluation standards, needs to be followed by the government approved private schools as well as other schools.
- 4.7** In terms of paragraph 4 (a) (iii) of the Circular No. 2005/31 dated 31 October 2005 issued by the Ministry of Education on government approved private schools,

required facilities need to be provided to the provincial education officers and the authorities of the Line Ministry of Education, being established their identify of them who come to examine school activities or to obtain information and checking required documents, keeping records and notes having being supervised the teaching/learning process. However, if the existing legal provisions in the Ministry of Education are inadequate in respect of government approved private schools not complied with such circular instructions, further action needs to be taken by the Ministry of Education to get them in to the correct track.

- 4.8** Consideration of the importance of the implementation of all curriculums like technology in the government approved private schools introduced by the Ministry of Education aimed in the creation of labour force to suit for the current job market.
- 4.9** Being controlled the intervention made by religious congregations in respect of the approval of timetables, recruitment of teachers, disciplinary inquires of teachers in the government approved private schools, attention be paid to monitor such activities only by the Ministry of Education.
- 4.10** Proposal papers need to be got recommended and approved, before being recruited teachers to the government approved private schools and in giving recommendations to relevant proposals, after being confirmed the qualifications of the teacher and recommended and sent the proposals, back and the letter of appointment should be issued.
- 4.11** Encourage them to recruit graduates and diploma holders in recruiting teachers to private schools.
- 4.12** Giving legal provisions to Health Ministry, enabling it to influence the health promotion of children in the government approved private schools and international schools.
- 4.13** Even though it is stated in section 25 of the Assisted Schools and Training Colleges (Supplementary Provisions) Act No. 8 of 1961 that private schools to provide education to children who are between the age of 5 years and the age of 14 years can not be opened, specific entities named as international schools are registered under the Companies Act as a company or under the registration of Business Names

Ordinance as a sole entity or partnerships. Implementation of a suitable interim program on the agreement of both parties, until the related Assisted Schools and Training Colleges (Supplementary Provisions) Act is revised.

- 4.14** Formulation and gazette guidelines on minimum qualifications of teachers of international schools, minimum physical resources and teaching and learning standards.
- 4.15** According to the cabinet memorandum No. 2013/ED/E/13 submitted on 03 June 2013 for the regularization of international schools and private schools function in the school system in this country, the appointed officers committee had met and discussed on 28 August 2013, certain matters and come to a compromise. Being drawn expeditious attention on these matters, take necessary action.
- 4.16** Be regulated institutions maintain on various aims without giving a quality education to the students who are in the compulsory learning age operated in Sri Lanka at present as religious affairs. Specially, enforcement of legal provisions which can take action against of the institutions operated without providing general school education to children who are in the compulsory education age limit.
- 4.17** In order to reach targets in Goal 4 of the United Nations Sustainable Development Agenda (2015-2030), formulation of formal methodologies and periodic evaluation thereof by the private school unit of the Ministry of Education for the co-ordination of all government entities relating to the registration of all non-government schools, operation and regulation.
- 4.18** For taking decisions on the whole student community in Sri Lanka, data of all schools should be obtained by the Ministry of Education and having being updated them, regularize the supervisory process and review the progress.

Sgd./W.P.C. Wickramaratne
Auditor General

W.P.C. Wickramaratne

Auditor General

02 March 2022

Physical Dimensions to be existed in Schools

(i) Primary Schools (for grade 1-5) (Type 3 Schools)

- Administrative unit – 20'x40' –Principal's room office, Teachers rest room with the toilet
- Class room – 20'x25'x – Maximum students in a primary class – 35
- Squire feet require student – 14.3 sq
- Library – 20'x40'
- Computer room – 20'x20'-with 10 computers
- Play room – 20'x20'
- Principal's Bungalow – 1000sq feet
- Aesthetic Unit – 20'x40'
- Activities /Science room -20'x40'
- Store room -20'x20'
- Play ground

(ii) Junior Secondary Schools (for grades 1-9 or 1-11) (Type 2 schools)

- Administrative Unit – 20'x60' –Principal's room, Deputy principal's room, office, Teachers rest room with (2) toilets
- Class Rooms- 20'x25'
- Library – 20'x60'
- Computer room 20'x20' – with 20 computers
- O/L Laboratory – 20x20 –If more than 18 classes of 6-11 , 2 Laboratories required
- Home science Laboratory – 20'x40'
- Agri-Laboratory -20'x40'
- Principal's bungalow – 1200sq feet
- Sports room -20'x20'
- Counseling room -20'x20'
- Aesthetic Unit -20'x100'
(Dancing, Music, Arts)
- Practical Technology Skills room – 20'x40'

(iii) Senior Secondary Schools (for without science subjects) (Type 1C Schools)

- Administrative Unit – 20'x80' – Principal's room, Deputy Principal's room (2) office meeting room , Teachers' rest room with 2 toilets
- Class rooms – 20'x25' – Maximum children in a secondary class – 40
- Library – 20'x80'
- Computer room – 20'x20' with 20 computers
- O/L Laboratory – 20'x20' – if 6-11 Class more than 18 , 2 Laboratories required
- Home Science Laboratory – 20'x40' if home science class are conducted only 6-11 – 20'x60' if Home Science subject is included for A/L Classes
- Agri – Laboratory -20'x40'
- Principal's bungalow -1500 sq feet
- Sport room -20'x20'
- Counseling room – 20'x20'
- Aesthetic Unit – 20'x100'

- (Dancing, Music, Arts)
 - Practical Technology Skills room -20'x40'
- (iv) Senior Secondary Schools (with science subjects) (Type 1AB Schools)**
- Administrative room -20'x80' – Principals room , Deputy principals' rooms (2)
 - Class room -20'x25' –Maximum Students in a secondary class -40
 - Library – 20' – 80'
 - Computer room -20'x20' (with 20 computers)
 - O/L Laboratory -20'x20' –if 6-11 classes more than 18, 2 Laboratories required
 - A/L Laboratories - 25'x40' – Physical Laboratory
25'x40' – Chemistry Laboratory
25'x40' - Bio Laboratory
- If 3 Parallel Classes for 12 and 13 grades or less than that only a dual Laboratory can be obtained (25'x50')
- Home Science Laboratory - 20'x40' –If home science subject is conducted only for 6-11 classes - 20'x60' –If home science subject is included for A/L classes
 - Agri Laboratory -20'x40'
 - Principal's Bangalow – 1500sq.ft
 - Sports room – 20'x20'
 - Counseling room – 20'x20'
 - Aesthetic Unit 20'x100'
(Dancing, Music, Arts)
 - Practical Technology Skills room -20'x40'
- (v) Other facilities**
- Meeting facilities
40'x25' Type A-200 students – 100 or more children
50'x25' Type B- 200 Students-100-400 children
70'x30' Type C-400 Students – 400-800 Children
90'x35' Type D 600 Students – 800-1200 children
With balcony E- 800 Students – 1200 -1600 Children
With balcony F- 1000 Students – more than 1600 children
- (vi) Teachers quarters and Bachelors quarters**
Every school should have principal's or teachers' quarters in addition teachers quarters or bachelors quarters can be obtained
- (vii) Latrines Urinals**
Up to 200 male children – one Latrine and 2 Urinals
Upto 200 female children -3 Latrines
When children are more than that computation of latrine and urinal units can be done in accordance with the dimension of the Ministry of education
- (viii) Infirmary**
- (ix) Play Ground and Stadium**
- (x) Indoor Stadium**
- (xi) Student Hostels (If Scholarship holders are admitted)**
- (xii) School fence or wall, name board, watches room**
- (xiii) Water facilities, electricity facilities, and Telephone facilities**
- (xiv) As per principal's discretion:**
- Canteen
 - Rooms for subjects oriented activities-Cadet, Scout
 - Sanitary, Co-operative etc.

- Kitchen –for nutrition programs
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Annex 02

Evaluation paper of the School Health Promotion Programme

	Criteria		Indicator
1.	School Health promotion Committee	1. 2.	There is a committee, policies were identified Committee is in active position
2.	Contribution of the School Health Promotion Association	1. 2. 3. 4. 5.	There is a School Health Promotion association Students' participation-100% exists Activities connected with physical health are available Engage activities related to phycho social good behaviors Annual plan available
3.	Made aware about security and implemented it	1. 2. 3. 4.	There are no opportunities to incur accidents First aid facilities available There is a plan indicating the manner how to act at an emergency event Made aware about it
4.	Being conducted school medical tests action taken on identified problems	1. 2. 3. 4. 5.	School medical tests carried out annually More than 80%of students covered Students identified with behavioral problems, presented for medical tests and action taken in terms of such instructions Students diagnosis health problems referred to special medical clinics Follow up action taken
5.	School Health Promotion programme and connection with the society		<u>Programmes carry out by the community for the school</u> 1. Three or more activities carried out annually 2. One or Two programmes carried out annually <u>Programmes carryout by the school for the society</u> 1. Three or more activities carried out annually 2. One or Two activities carried out annually
6.	Maintenance of sanitary facilities sufficiently and cleanly	1. 2. 3. 4. 5. 6.	Sanitary facilities sufficiently available for teachers and students Teacher students, male female, Primary and secondary menses requirements Sanitary facilities with all facilities planned Continuous cleaning programme available Cleanly maintains Continuous water supply provided
7.	Water Supply Management	1. 2. 3. 4. 5.	Water Supply Available Maintain Continuously Use economical methods Drinking water facility available Records about the quality of water available
8.	Teacher/Students attendance	1. 2. 3.	Average students attendance-90% or more Average students attendance 80% to 89% Average students attendance 70% to 79%

9.	Class room environment and school environment available favorable to students	1. 2. 3. 4.	School garden systematically beautifully and cleanly available Available space use for sports successfully Light and ventilation is sufficiently available in class rooms Class rooms cleanly available
10.	Minimize nutritious complications of students	1. 2. 3. 4.	Nutritious problems of students identified Make awareness Skills development programme functioning Direction of students with nutritious complications to clinics
11.	Physical fitness of students	1. 2. 3. 4. 5.	Physical fitness of students is measured Physical fitness development programmes included in the annual plan Physical fitness activities available Having being identified physically knotty students, treatments were taken Fitness development activities for academic and non-academic staff identified.
12.	Exercise Programme	1. 2. 3. 4. 5.	A time is allocated for exercise programs Secondary Division exercise program and primary section let us actively, joyful program implemented Every student participates Creative activities for exercise programs identified Evaluation system for exercise programs available
13.	Personal hygienic program available	1. 2. 3.	Make aware Find and regularly Skills development programs on personal hygiene going on
14.	Maintenance of canteen bringing food to school	1. 2. 3. 4.	As per canteen grading – belongs to “A” grade As per canteen grading –belongs to “B” grade A program is launched encouraging to bring nutritious food to school It will be looked into
15.	Psycho Social activities for Healthy environment are used	1. 2. 3.	Psycho societal policies identified At least 3 psycho societal activities included in the annual plan of the school Identified Three of more such activities are implemented in the year
16.	An opportunity exists for a school environment completely checking persecution abuse and violence	1. 2. 3. 4. 5.	Made aware to prevent persecution abuse and violence Reporting system exists Aid box available Protected its information Provide solutions for such problems
17.	A positive approach is used for the disciplinary control of students in the schools	1. 2. 3. 4. 5.	Disciplinary code available Community made aware about disciplinary code through display Methods of promoting well-manners available Anaesthetized activities and methodologies of misbehaviors implemented It will be followed up
18.	Psycho societal skill development of school students functioning	1.	Skill development programs for grade 4,7,10 students functioning in the school

19.	Recognition and intervention of students with behavioral problems and learning difficulties	1. 2. 3. 4. 5.	Students with learning difficulties and behavioral problems identified Teachers are trained for the intervention Such students are properly directed Keeping progress recovers Required directions done
20.	Psycho societal development program of teachers are functioning	1. 2. 3. 4. 5. 6.	Sufficient knowledge has been given to teachers on their duties Every teacher received a training on psycho societal skills Opportunities exist in assisting teachers difficulties Made aware on stress nerve management At least once a year, relation or entertainment programs implemented A method of encouraging teachers collective activities available
21.	Supply of counseling and guidelines facilities	1. 2. 3. 4. 5.	A trained counseling /guidance teacher available in the school Required guidance given A mentor introduced for every student Assisted activities exist Follow up going on
22.	Development of Consciousness	1. 2. 3.	Consciousness development programs planed Consciousness development programs functioning It will be followed up
23.	Awareness of reproductive health	1. 2.	Made awareness of personal security and reproductive health Special programs on his body for primary section children and on reproductive health for grads 6,7 and 12 students come into effect.