

Uganda

## Uganda National Institute of Special Education Act Chapter 138

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# Uganda

## Uganda National Institute of Special Education Act Chapter 138

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**An Act to provide for the establishment, constitution, administration and functions of the Uganda National Institute of Special Education and for other purposes connected therewith.**

### Part I – Interpretation

#### 1. Interpretation

In this Act, unless the context otherwise requires—

- (a) "**board of studies**" means the board of studies established under [section 10](#);
- (b) "**chairperson**" means the chairperson of the council appointed under [section 7](#);
- (c) "**council**" means the governing body of the institute which is established under [section 7](#);
- (d) "**director**" means the director appointed under [section 16](#); and "deputy director" means the person appointed under [section 17](#);
- (e) "**disabilities**" means lack or restriction of ability, caused by impairment, to perform any activity in a manner or within the range considered normal for a human being, within the cultural context;
- (f) "**distance education**" means personalised learning through various appropriate communications media;
- (g) "**educational assessment and resource services**" means a special education programme which is part of the Uganda school structure but includes community participation of parents, administrators or other professionals;
- (h) "**institute**" means the Uganda National Institute of Special Education established under [section 2](#);
- (i) "**outreach programmes or services**" means extramural programmes or services;
- (j) "**secretary**" means the administrative secretary of the institute provided under [section 18](#);
- (k) "**special education**" means educational approaches and programmes specially designed to meet the needs of persons having special learning needs;
- (l) "**special learning needs**" means needs of which one does not always know the cause, which may include significant difficulties in making use of listening, speaking, reading, writing or walking organs coupled with lack of reasoning capability which might have been caused by understimulation or social or emotional irregularities in the child's upbringing.

## Part II – Establishment, functions and composition of the institute and council

### 2. Establishment of the institute

- (1) There is established an institute to be known as the Uganda National Institute of Special Education which shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.
- (2) The institute may, for and in connection with its functions, purchase, hold, manage and dispose of any property, movable and immovable, and may enter into contracts and other transactions as may be expedient and may do any act or thing as in law may be done by a body corporate.

### 3. Seal of the institute

- (1) The seal of the institute shall be authenticated by the signatures of the chairperson and the director in the presence of two other members of the council.
- (2) In the absence of the chairperson, the vice chairperson shall sign; and in the absence of the director, the deputy director shall sign.
- (3) The signatures of the chairperson and the director shall be independent of any other member signing as a witness.
- (4) A certificate signed by the chairperson that a document was made or issued by or on behalf of the institute shall be conclusive evidence of the document.
- (5) A document purporting to be an instrument made or issued by or on behalf of the institute, authenticated in the manner provided under subsection (1) and certified in the manner provided under subsection (4) shall be received in evidence and be deemed to be such a document without further proof unless the contrary is shown.
- (6) The common seal of the institute shall be kept in the custody of the secretary, and it shall not be affixed to any document except in pursuance of a resolution of the council.

### 4. Objects of the institute

The objects for which the institute is established are—

- (a) to establish a training centre for teachers and other personnel to work in the field of special education and rehabilitation and to cater for all kinds of persons with disabilities and special learning needs;
- (b) to have a resource centre for the production and dissemination of information on persons with disabilities and special learning needs;
- (c) to undertake research in disabilities and other related fields for the better understanding and development of persons with disabilities and special learning needs;
- (d) to initiate outreach programmes to promote greater awareness among teachers, parents, leaders and the general public about persons with disabilities and special learning needs; and
- (e) to promote partnership and collaboration among agencies involved in disabilities, as well as help in bringing about enhancement of organisations of persons with disabilities.

### 5. Functions of the institute

- (1) The functions of the institute are—
  - (a) to train teachers and other personnel working in the field of special needs education and rehabilitation to cater for all kinds of persons with disabilities and learning needs;

- (b) to conduct research with an emphasis on special needs education and rehabilitation;
  - (c) to produce, document and disseminate information on disabilities to persons involved in special education and rehabilitation and the public as a whole;
  - (d) to design, construct and develop educational materials and aids and to repair and maintain such equipment;
  - (e) to gather and collect information on educational materials and aids for persons with disabilities and learning difficulties from other countries;
  - (f) to prepare brochures, journals, handouts, pamphlets and magazines for persons working in special education and rehabilitation and for persons with disabilities and special learning needs;
  - (g) to conduct in-service courses for personnel working in areas of special needs education and rehabilitation;
  - (h) to run an orientation and mobility centre for training and demonstration purposes;
  - (i) to run a demonstration preschool for the training and stimulation of children with disabilities and special learning needs and to offer educational assessment for those children;
  - (j) to conduct distance education in special education and rehabilitation;
  - (k) to conduct examinations and award certificates and where necessary to revoke such awards;
  - (l) to initiate and run appropriate and affordable outreach or extension services;
  - (m) to do any other thing geared at the enhancement and development of special education and rehabilitation; and
  - (n) to do any other thing which is incidental to or connected with the functions in this section.
- (2) The institute shall conduct courses leading to the award of diplomas by the Institute of Teacher Education, Kyambogo, under standards provided by the Institute of Teacher Education, Kyambogo, Statute, and regulations made under that Act or as may be agreed upon by the institute and the Institute of Teacher Education, Kyambogo, and shall, in connection with the awards, jointly conduct examinations leading to the awards with the Institute of Teacher Education, Kyambogo.
- (3) The institute may conduct courses leading to the award of degrees by Makerere University under standards provided by the Makerere University Act, and regulations made under that Act or as may be agreed upon by the institute and Makerere University and shall, in connection with the awards, jointly conduct examinations leading to the awards with Makerere University.

## 6. Composition of the institute

- (1) The institute shall be composed of—
- (a) members of the council;
  - (b) members of the appointments board;
  - (c) the director;
  - (d) the deputy director;
  - (e) all officers and staff of the institute;
  - (f) full-time and part-time students of the institute, whether studying for a certificate, a diploma or a university degree;
  - (g) members of the institute alumni;

- (h) any other person or member of a body formally admitted into association with the institute as the council may from time to time determine.
- (2) Admission of persons to the institute shall be open to all citizens of Uganda accepted by the board of studies as qualified for admission without distinction of origin, sex or creed.
- (3) The institute shall admit persons recommended by—
  - (a) the institute’s admissions board to courses leading to the award of certificates;
  - (b) the Institute of Teacher Education, Kyambogo, to courses leading to the award of diplomas;
  - (c) Makerere University to courses leading to the award of degrees.
- (4) A person who is not a citizen of Uganda, who would otherwise qualify for admission to the institute were he or she a Ugandan, may apply and may be admitted to the institute.

## 7. Establishment and composition of the council

- (1) The governing body of the institute shall be a council consisting of—
  - (a) the chairperson, who shall be appointed by the Minister;
  - (b) the vice chairperson, who shall be elected by the council from among themselves;
  - (c) the Permanent Secretary, Ministry responsible for education;
  - (d) the Permanent Secretary, Ministry responsible for community development;
  - (e) the head of special education (administration);
  - (f) the head of special education (inspectorate);
  - (g) a representative of the Makerere University Senate;
  - (h) the director, National Curriculum Development Centre;
  - (i) the director of medical services;
  - (j) the principal of the Institute of Teacher Education, Kyambogo;
  - (k) three representatives from the nongovernmental organisations of persons with disabilities and special learning needs to be nominated by the National Union of Disabled Persons of Uganda or any other organisation established by law;
  - (l) the president of the Students Guild;
  - (m) two representatives of the academic staff elected by the academic staff association from among themselves;
  - (n) one representative of the workers elected by the workers union; and
  - (o) two representatives of parents nominated by the council.
- (2) The director, deputy director and the institute’s adviser, if any, shall be members of the council.
- (3) The chairperson and other appointed or elected members of the council shall hold office for three years and shall be eligible for reappointment or reelection.
- (4) A member of the council may resign office by writing addressed to the secretary.
- (5) Where an elected or appointed member of the council ceases to be a member other than by effluxion of time, the appointing or electing authority shall appoint or elect another person in that place, and the elected person shall hold office for the remaining period of the person in whose place that person is appointed or elected.

## 8. Functions of the council

The functions of the council shall be—

- (a) to formulate all policies of and make plans for the institute;
- (b) to supervise and control the general management and administration of the institute;
- (c) to supervise, control and evaluate the activities of the institute;
- (d) to establish departments, committees and courses of study;
- (e) to hold and administer the property and funds of the institute;
- (f) to receive, on behalf of the institute, gifts, donations, grants or other monies;
- (g) to provide for the welfare of the staff and students of the institute;
- (h) to enter into any association with other institutions of learning, within or outside Uganda, as the council may consider appropriate;
- (i) to make byelaws governing the conduct and discipline of the staff and students, after consultations with the board of studies;
- (j) to approve all job establishments for the institute; and
- (k) to do any other thing that is incidental to the functions of the institute under this Act or any other law.

## 9. Meetings of the council

The meetings of the council shall be as is provided in the Schedule to this Act.

## Part III – Establishment of boards and committees

### 10. Establishment of the board of studies

- (1) There is established a board of studies consisting of—
  - (a) the director who shall be the chairperson;
  - (b) a representative of affiliated higher institutes of learning as may be recognised by the council;
  - (c) the deputy director who shall be the vice chairperson;
  - (d) two representatives of the council;
  - (e) a representative of the Institute of Teacher Education, Kyambogo;
  - (f) a representative of Makerere University Senate;
  - (g) a representative of the Ministry responsible for education;
  - (h) a representative of the Uganda National Examinations Board;
  - (i) heads of departments;
  - (j) the dean of studies; and
  - (k) two members elected by the academic staff association.
- (2) The dean of studies shall be the secretary to the board of studies.

## 11. Functions of the board of studies

The functions of the board of studies shall be—

- (a) to initiate proposals relating to standards of any course of study in respect of any award of the institute and recommend proposals to the council for its approval;
- (b) to determine syllabi uses and curricula in respect of the courses of study offered by the institute;
- (c) to propose standards for eligibility of persons for admission to any course of study offered or supervised by the institute;
- (d) to set regulations regarding the conduct and supervision of examinations in any course of study offered or supervised by the institute;
- (e) to appoint examiners and moderators of examinations offered by the institute;
- (f) to propose byelaws to be made by the council regarding the standard of proficiency to be gained in each examination for any award;
- (g) to decide on persons who have reached the standards of proficiency under paragraph (f) and are fit for any award;
- (h) to initiate, prepare, evaluate and submit academic programmes to Makerere University Senate, to the Institute of Teacher Education, Kyambogo, academic board or to any other university as may be approved by the council;
- (i) to do any other thing connected with any of the above functions.

## 12. Committees of the board of studies

The board of studies may appoint such number of committees as it may see fit for the better functioning of the board.

## 13. Meetings of the board of studies

- (1) The board of studies shall meet for the discharge of its functions at least once in the academic year of the institute.
- (2) Meetings of the board shall be held at a place to be determined by the director at the time of calling a meeting.
- (3) The director may at any time call a meeting of the board and shall call a meeting within fourteen days after receipt of a requisition for that purpose addressed to the director and signed by not less than six members of the board.
- (4) The director shall preside at all meetings of the board, and in the absence of the director, the deputy director shall preside; and in the absence of both the director and deputy director, the members present and constituting a quorum shall elect a temporary chairperson from their number.
- (5) One-third of the members shall form a quorum of the board at any meeting of the board.
- (6) Any question before the board shall be decided by a simple majority of the members present and voting; and in case of equality of votes, the person presiding shall have a casting vote.
- (7) Subject to this Act, the board may regulate its own procedure and the procedure of any of its committees.

#### 14. Appointments board

- (1) There shall be an appointments board consisting of not less than five and not more than ten members appointed by the council from among its members and the general public including persons with disabilities and special learning needs.
- (2) Members of the appointments board who are not members of the council shall be appointed from among persons of high integrity qualifying for appointment by virtue of their professional knowledge and experience in education, research, administration, documentation, rehabilitation, law or any other relevant profession.
- (3) The academic staff, other than the director and deputy director, and the administrative and other employees of the institute shall be appointed by the appointments board in accordance with the procedure laid down by the appointments board.
- (4) The academic staff, the administrative staff and other employees of the institute shall be appointed—
  - (a) on terms and conditions that may be determined by the council;
  - (b) in case of members seconded to the institute, on terms and conditions that may be agreed upon between the council and the seconding body.

#### 15. Other committees

The institute may have such other committees as the council may determine.

### Part IV – Staff of the institute

#### 16. Office of director

- (1) There shall be a director who shall be appointed by the Minister, in consultation with the council, on terms and conditions that may be specified in the instrument of appointment.
- (2) The director shall hold office for a period of five years and shall be eligible for reappointment for only one consecutive term.
- (3) The director shall be the chief academic and executive officer of the institute and shall be a full-time employee of the institute.
- (4) Subject to the general supervision and control of the council, the director shall be responsible for—
  - (a) the day-to-day operations of the institute;
  - (b) the management of the funds, property and business of the institute;
  - (c) the administration, organisation and control of all officers and other staff.
- (5) The Minister may, on the recommendation of the council, terminate the appointment of the director for—
  - (a) misbehaviour;
  - (b) inability to perform the functions of the office; or
  - (c) any other sufficient cause.

## 17. Office of deputy director

- (1) There shall be a deputy director who—
  - (a) shall be appointed by the Minister in consultation with the council on terms and conditions that may be specified in the instrument of appointment; and
  - (b) shall qualify for appointment by virtue of his or her professional knowledge and experience in special education and rehabilitation.
- (2) The deputy director shall perform the functions of director in the absence of the director from office and shall perform such other duties as the director or the council may direct.
- (3) Section 16(5) shall apply to the deputy director.

## 18. Administrative secretary

- (1) There shall be an administrative secretary of the institute who shall be appointed by the council on the recommendation of the appointments board on terms and conditions that may be determined by the council.
- (2) The administrative secretary shall be the coordinator of all nonteaching departments and of the general administration as a whole.
- (3) The administrative secretary shall be responsible for recording the minutes of the council and keeping custody of all documents of the institute and shall carry out such other duties as the director or the council may direct with special reference to the administration of the nonteaching activities of the institute.

## 19. Other officers

- (1) There shall be the following other administrative officers—
  - (a) the dean of studies, who shall be responsible for the registration of all students and coordination of all academic matters as a whole, as well as all teaching departments;
  - (b) the dean of students, who shall be responsible for the students' welfare;
  - (c) the chief finance administration officer, who shall be responsible for all finance matters and matters pertaining to the keeping of stores;
  - (d) the chief information and documentation officer who shall be responsible for the information and documentation department; and
  - (e) the chief educational production officer who shall be responsible for the production of educational aids and materials.
- (2) The institute shall have the following other officers—
  - (a) the medical officer;
  - (b) the estates officer;
  - (c) the librarian; and
  - (d) a social worker or a counsellor.

## 20. Academic staff

The academic staff shall consist of—

- (a) the director, deputy director and the librarian;

- (b) persons appointed on a full-time teaching or research engagement; and
- (c) any other person as may be declared by the council on the recommendation of the examinations board to be engaged in any academic work connected with the institute in an honorary, associate or part-time capacity.

## **21. Other staff**

The institute shall have other officers and employees as may be determined by the council, and the officers and other employees shall hold office on terms and conditions that may be determined by the council.

## **22. Staff responsible to the council**

All members of staff, whether administrative, academic or other category of employees, shall be—

- (a) responsible to the council through the proper administrative setup;
- (b) employed on a full-time basis except where it is otherwise expressly provided in the instrument of appointment; and
- (c) appointed by the appointments board except where the provisions of this Act provide otherwise.

## **23. Incapacity of member of staff**

- (1) Where a member of staff is incapacitated, whether through absence from station, illness or other reason, the director may appoint a suitable person to perform the duties of the incapacitated member of staff during that incapacity.
- (2) Where the director is incapacitated, whether through absence from station, illness or other reason, the deputy director shall perform the duties of the director.

# **Part V – Financial provisions**

## **24. Funds of the institute**

- (1) The funds of the institute shall consist of—
  - (a) grants from the Government;
  - (b) loans from the Government, organisations or any person;
  - (c) donations that may be made to the institute; and
  - (d) monies that may become payable to the institute in the discharge of its functions.
- (2) The institute may operate a bank account in a bank determined by the council.

## **25. Management of funds and property of the institute**

- (1) All funds, assets and property of the institute shall be managed, used or expended by the council in a manner and for purposes which, in the opinion of the council, would promote the functions of the institute.
- (2) The council may charge or dispose of any property of the institute.

## **26. Investment**

The council may invest any of its funds in any securities issued or guaranteed by the Government or in any other securities approved by the council.

**27. Borrowing powers**

The council may, with the approval of the Minister, borrow money on terms that may be agreed upon by the council and the person lending the money.

**28. Financial year**

The financial year of the institute shall be the twelve months beginning from the 1st day of July and ending on the 30th day of June.

**29. Estimates**

- (1) The council shall, within three months before the end of each financial year, make and submit to the Minister for approval estimates of the income and expenditure of the institute for the next ensuing year.
- (2) The annual estimates shall include all the income and expenditure of the institute for that financial year and shall include—
  - (a) payment of all salaries, allowances and other charges in respect of the staff;
  - (b) payment of pensions, gratuities and other charges regarding retirement benefits payable out of the funds of the institute;
  - (c) charges for the maintenance of the buildings and other assets of the institute, including the repair and replacement of equipment and other movable property of the institute;
  - (d) the cost of teaching and research activities in the institute;
  - (e) a reserve fund for future contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or other matters as the council may consider fit.
- (3) No expenditure shall be made out of the funds of the institute unless the expenditure has been approved by the Minister under estimates for the year in which the expenditure is to be made or in any other estimates supplementary to those estimates.

**30. Accounts and audit**

- (1) The council shall keep proper books of account and shall prepare the annual financial statement of account for the immediately preceding financial year not later than the 31st day of March in the following year.
- (2) The statement of account of the institute shall, in respect of each year, be audited by the Auditor General or an auditor appointed by the Auditor General.
- (3) The council shall ensure that within four months from the end of each financial year, a statement of account of the institute is submitted to the Auditor General for auditing.
- (4) The Auditor General or an auditor appointed by him or her shall be entitled to have access to all books of account, vouchers and other financial records of the institute and to require any information and explanation as he or she requires.
- (5) The Auditor General shall audit and deliver to the council a copy of the audited accounts together with his or her report on them not later than three months from the date of receipt of the final accounts.
- (6) The council shall, within one month from receipt of the audited accounts and the Auditor General's report on them, deliver a copy to the Minister who shall table it before Parliament.
- (7) Any fee for an auditor who is not an employee of the Government shall be fixed and paid by the council with the approval of the Minister.

## Part VI – Miscellaneous provisions

### 31. Contracts

- (1) Contracts on behalf of the institute shall be made in the following manner—
  - (a) a contract which if made between private persons would be by law required to be in writing and under seal may be made on behalf of the institute under the seal of the institute;
  - (b) a contract which if made between private persons would be by law required to be made in writing signed by the parties to be charged may be made on behalf of the institute in writing, signed by a person acting under its authority express or implied;
  - (c) a contract which if made between private persons would be by law valid although made by parole only and not reduced into writing may be made by parole on behalf of the institute by a person acting under its authority.
- (2) A contract made according to subsection (1) shall be effectual in law and shall bind the institute and its successors and all other parties to it.
- (3) A contract made under subsection (1) may be varied or discharged in the same manner in which it is authorised to be made.

### 32. Exemption from tax

The institute shall be exempted from—

- (a) the payment of stamp duties under the Stamps Act;
- (b) the payment of import duties, sales tax or other taxes or duty that is or may be specifically imposed under any written law on any goods imported by the institute in furtherance of its functions and which are not for resale to the public.

### 33. Service of documents

Any document may be served on the institute by delivering it to the office or sending it by courier, registered post, telefax or electronic mail.

### 34. Annual report

The council shall within three months after the end of each calendar year send to the Minister a report on the activities of the institute for that year, and the Minister shall lay it before Parliament.

### 35. Minister's powers of direction

The Minister may give directions of a general nature on policy matters to the council, and the council shall comply.

### 36. Institute to work with organisations

The institute may, in its activities, work with nongovernmental organisations having interest in persons with disabilities and special learning needs.

### 37. Byelaws

- (1) The council may, with the approval of the Minister, make byelaws for the general administration of the institute and without prejudice to the generality of the foregoing, shall—
  - (a) establish departments and constituent colleges of the institute;
  - (b) provide the description of the awards of the institute;
  - (c) provide the requirements for the awards;
  - (d) regulate the conduct of examinations;
  - (e) establish terms and conditions of service of its employees;
  - (f) regulate the constitution and procedure of the meetings of the council;
  - (g) regulate the establishment, composition and terms of reference of its committees;
  - (h) determine the scales of fees and boarding charges;
  - (i) provide for the constitution, functions and privileges of the students association;
  - (j) regulate or provide for any other thing which requires regulating or provision in the performance of its functions.
- (2) The council may, after consultation with the board of studies, make byelaws providing for—
  - (a) the academic organisation of the institute and, in particular, admission to the institute, the courses of instruction, the duration and number of terms of the institute and the granting of awards of the institute;
  - (b) the grant of scholarships and studentship;
  - (c) matters regarding connection of the institute with other institutions.

### 38. Regulations

The Minister may, on the recommendation of the council, make regulations generally for better carrying into effect the provisions of this Act and for the better running of the institute.

## Schedule (Section 9)

### Meetings of the council

1. Unless the council otherwise determines, the council shall meet at least two times in each calendar year at a time and place that the chairperson may determine.
2. The chairperson may at any time call a special meeting of the council if, in his or her opinion, a situation has arisen requiring the council to meet and shall call a meeting if two-thirds of the council, in writing addressed to the chairperson, require a meeting to be called.
3. A notice calling a meeting shall be given to the members—
  - (a) in the case of a normal meeting or a meeting required by the members, fourteen days before the date of the meeting;
  - (b) in the case of a special meeting called by the chairperson, seven days from the date of the meeting, but where the situation is such that an immediate decision has to be made, such notice as the chairperson may see viable.

4. The chairperson or in his or her absence the vice chairperson shall preside at all meetings of the council; and in the absence of both the chairperson and the vice chairperson, the members present shall elect a temporary chairperson from its members.
5. One-third of the members of the council shall form a quorum at any meeting of the council.
6. Any question for a decision by the council shall be decided by a simple majority of the votes of the members present and voting; and in case of equality of votes, the chairperson shall have a casting vote.
7. Minutes of all the proceedings of the council shall be kept by the administrative secretary and shall be confirmed at the next meeting.
8. Notice of a meeting and the agenda shall be served by the administrative secretary on every member of the council by the most effective means of communication.
9. Omission to serve a notice to a member under paragraph 8 shall not affect the validity of the proceedings of the meeting.
10. The council may transact business by circulation of papers, but for the decision to be valid, the majority of all the members of the council must approve the proposal.
11. Subject to this Act, the council may regulate its own procedure.