OPPOSITION AMENDMENT PROPOSAL [1]

Education Authority Act 2026

Amendment 1

Purpose:

An amendment to Clause 4(1) of the Bill, so that:

the Authority's primary legal responsibility is to secure continuous improvement in the quality, effectiveness, and outcomes of student education in Bermuda; and

the Authority shall secure its primary legal responsibility by having regard to certain core purposes, all focused on improved learning, student progress, and educational opportunities for students.

Amends Clause 4(1) as follows:

PART 2

AUTHORITY ESTABLISHED, THE BOARD, ADVISORY COMMITTEE

Education Authority established

4 (1) There is hereby established a body known as the Education Authority which shall perform the functions assigned to it under this Act and under any other enactment***, whose primary legal responsibility shall be to secure continuous improvement in the quality, effectiveness, and outcomes of student education in Bermuda***.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Authority may, for the purposes of this Act, enter into contracts and perform such other acts as bodies corporate may by law perform.

"(4) In order to deliver upon its primary legal responsibility, the Authority shall at all times observe and maintain core purposes as follows:

(a) the Authority shall focus on improved learning, student progress, and educational opportunities for students;

(b) the Authority shall obtain regular external evaluations of all aided and maintained schools in Bermuda, together with external evaluation of the Authority itself, and the Minister shall lay before the Legislature, subject to the negative resolution procedure, all such evaluations as soon as practicable after the receipt thereof; and

(c) the Authority shall, so far as possible, establish and ensure that every school has its own independent School Board, comprised as provided for by guidance issued by the Authority in accordance with section 5C."

9 November 2026

OPPOSITION AMENDMENT PROPOSAL [5]

Education Authority Act 2026

Amendment 1

Purpose:

The proposed amendment creates a new Clause 5B, providing that the Authority shall make generic educational results public.

Amends the Bill by inserting a new Clause 5B as follows:

PART 2

AUTHORITY ESTABLISHED, THE BOARD, ADVISORY COMMITTEE

...

"*Publication of generic academic results*

5B The Authority shall, where practicable and consistent with the protection of individual student information, publish generic academic results, broken down by school."

9 November 2026

OPPOSITION AMENDMENT PROPOSAL [4]

Education Authority Act 2026

Amendment 1

Purpose:

The proposed amendment creates a new Clause 5C, to provide that the Authority shall, so far as possible, establish and ensure that every school has its own independent School Board, comprised as provided for by Guidance to be issued by the Authority.

Amends the Bill by inserting a new Clause 5C as follows:

PART 2

AUTHORITY ESTABLISHED, THE BOARD, ADVISORY COMMITTEE

...

"*School Boards and Guidance*

5C (1) The Authority shall, so far as possible, establish and ensure that every public school has its own independent School Board.

(2) The Authority shall prepare and issue guidance setting out the composition and selection of the School Boards ensuring so far as possible that the members of the School Board include representatives from parents and teachers with connections with the relevant school, with consideration given to a funded recruitment and training programme.

(3) The Minister shall lay before the Legislature, subject to the negative resolution procedure, the guidance from the Authority on the composition of the School Boards as soon as practicable after the receipt thereof."

9 November 2026

OPPOSITION AMENDMENT PROPOSAL [9]

Education Authority Act 2026

Amendment 1

Purpose:

The proposed amendment creates a new Clause 5D, providing that the Authority shall be tasked to provide support to families whose children need additional educational help, including strengthening early intervention, specialist services, mental-health support, and attendance programs.

Amends the Bill by inserting a new Clause 5D as follows:

PART 2

AUTHORITY ESTABLISHED, THE BOARD, ADVISORY COMMITTEE

...

"Early identification and student support

5D (1) In preparing recommendations for the reform of public education, the Authority shall provide for a framework that —

(a) promotes the early identification of any student experiencing barriers to learning, development, wellbeing, or regular school attendance, and provides timely access to appropriate intervention and support;

(b) establishes arrangements for coordination with relevant public bodies and service providers where any student has educational needs that require support outside of the school;

(c) provides for the identification and reduction of barriers to educational opportunity, including those arising from socioeconomic or family circumstances; and

(d) establishes measurable indicators and reporting arrangements for access to support services, including assessment and treatment waiting times, student attendance, wellbeing, and the effectiveness of interventions.

(2) The Authority shall determine the policies, programmes, and operational arrangements necessary to give effect to this framework, subject to this Act and any other applicable enactment."

9 November 2026

<u>OPPOSITION AMENDMENT PROPOSAL [3]</u>

Education Authority Act 2026

<u>Amendment 1</u>

Purpose:

The proposed amendment to Clause 6(3) provides that the initial Board of the Authority shall be selected by an independent Selection and Appointment Committee, using a merit-based approach, rather than have the Minister of Education appoint the initial Board.

The independent Selection and Appointment Committee will itself be appointed using a process modelled upon the Committee used to select the original Human Rights Commissioners.

Amends the Bill as follows:

PART 2

AUTHORITY ESTABLISHED, THE BOARD, ADVISORY COMMITTEE

The Board, its composition, etc.

6 …

(2) The Board shall consist of –

(a) a Chairman;

(b) eight other voting members appointed by the ***<u>Selection and Appointment Committee</u>*** Minister as follows –

(i) …

"(2A) There is hereby established an independent Selection and Appointment Committee, with its members selected as provided for by Schedule 1, and with the Selection and Appointment Committee selecting and appointing the initial members of the Board of the Authority in accordance with the provisions in sections 6(2) and 6(4)."

(3) ***After the selection of the initial members of the Board by the Selection and Appointment Committee, t***The Minister shall ***thereafter***, upon the recommendation of the Board, appoint persons to the Board ***as and when any member of the Board reaches the end of that member's term of service or upon resignation or upon retirement or howsoever in accordance with the provisions in Schedule 2 (Matters Relating to the Board).***

Amendment 2

Purpose:

The proposed amendment amends Schedule 1 to delete Schedule 1 in its entirety and to provide for selection and appointment of the initial members of the Board of the Authority by an independent Selection and Appointment Committee using a merit-based approach.

Removes Schedule 1 in its entirety and replaces Schedule 1 as follows:

SCHEDULE 1

SELECTING AND APPOINTING INITIAL MEMBERS OF THE BOARD

"*Composition of Selection and Appointment Committee*

1 (1) There shall be a Selection and Appointment Committee, appointed under this Act, consisting of seven members in total, comprised of the—

(a) head of the Selection and Appointment Committee;

(b) one representative recommended by the Premier;

(c) one representative recommended by the Leader of the Opposition;

(d) one representative recommended by the governing body of the Bermuda Union of Teachers;

(e) one representative recommended (by vote if necessary) by the existing principals of each aided and maintained school;

(f) two representatives from the general public, selected (by vote if necessary) and appointed by the five members of the Selection and Appointment Committee, which five members shall have regard to any applicant's experience in the field of education.

(2) The Minister shall, from time to time, select the head of the Selection and Appointment Committee.

Function of the Selection and Appointment Committee

2 (1) The function of the Selection and Appointment Committee shall be to—

(a) invite applications from the general public, through advertisement and direct invitation, to serve on the Board of the Education Authority; and

(b) review all applications, interview applicants, and appoint members to serve on the Board of the Education Authority.

(2) The criteria for the selection of the Board shall be that set out in section 6(2) and no appointment to the Board shall be made contrary to section 6(4).

(3) The selection and appointment of persons to the Board shall be conducted to ensure all candidates are selected on merit."

9 November 2026

OPPOSITION AMENDMENT PROPOSAL [Item 2]

Education Authority Act 2026

Amendment A01 — Clause 11

Purpose:

Require the Board to determine and recommend a framework for periodic independent external assessment of maintained schools, aided schools and the Authority.

Clause 11 is amended—

(a) in subsection (2), by deleting the full stop at the end of paragraph (i) and substituting "; and"; and

(b) by inserting after paragraph (i) the following—

"(j) determine and recommend a framework for the periodic independent external assessment of maintained schools, aided schools and the Authority in accordance with Schedule 5."

OPPOSITION AMENDMENT PROPOSAL [Item 8]

Education Authority Act 2026

Amendment A02 — New Clause 11A

Purpose:

Require a reconciled framework for professional regulation, teaching and leadership standards, professional development, and fair employment arrangements across maintained and aided schools.

After clause 11 insert—

Professional standards and workforce governance framework

"11A (1) As part of the recommendations required under section 17, the Board shall determine and recommend a professional standards and workforce governance framework concerning educators, school leaders, relevant governing bodies and employers in maintained schools and aided schools, in accordance with Schedule 6.

(2) The framework shall address the relationship between professional regulation, educational standards and accountability, professional development, and employment and workforce management, including any legislative or institutional arrangements required to reconcile those matters.

(3) Nothing in this section or Schedule 6 of itself—

(a) confers on the Authority, the Board or the Chief Executive Officer any function concerning registration or certification of educators, the making of a professional code of practice, or professional disciplinary powers under the Bermuda Educators Council Act 2002;

(b) transfers to the Authority the employment or management of any person employed by an aided school; or

(c) varies any statutory or contractual right of an aided school, educator or other person, or any applicable collective bargaining agreement."

OPPOSITION AMENDMENT PROPOSAL [Item 8]

Education Authority Act 2026

Amendment A03 — Clause 12(3)

Purpose:

Clarify the proposed workforce responsibilities of the Authority, maintained-school governing boards, principals and employers, including coordination with aided schools.

Clause 12(3) is amended—

(a) by deleting "and" at the end of paragraph (a);

(b) by deleting the full stop at the end of paragraph (b) and substituting "; and"; and

(c) by inserting after paragraph (b) the following—

"(c) identify, consistently with the professional standards and workforce governance framework determined under section 11A and Schedule 6, the proposed responsibilities and decision-making powers of the Authority, Boards of Governors of maintained schools, principals and employers concerning the appointment, deployment, appraisal, professional development and management of educators, and referral of professional conduct matters, including any arrangements necessary for coordination with aided schools."

OPPOSITION AMENDMENT PROPOSAL [Items 2 and 8]

Education Authority Act 2026

Amendment A04 — Clause 13(2)

Purpose:

Ensure the Board consults aided-school governing bodies about both frameworks and identifies arrangements needed to preserve their existing independence.

Clause 13(2) is amended—

(a) by deleting the full stop at the end of paragraph (b) and substituting "; and"; and

(b) by inserting after paragraph (b) the following—

"(c) consult with the Boards of Governors of aided schools and identify how the independent assessment framework required under section 11(2)(j) and Schedule 5, and the professional standards and workforce governance framework required under section 11A and Schedule 6, should operate in relation to aided schools, including the statutory, contractual, consensual or other arrangements necessary to give effect to those frameworks while preserving the independence of aided schools."

OPPOSITION AMENDMENT PROPOSAL [Items 2 and 8]

Education Authority Act 2026

Amendment A05 — Clause 14(2) And (3)

Purpose:

Require a workforce succession schedule and preserve the Board's responsibility for determining the assessment and professional governance frameworks.

Clause 14 is amended—

(a) in subsection (2), by deleting the full stop at the end of paragraph (c), substituting "; and", and inserting after paragraph (c) the following—

"(d) prepare a workforce succession schedule consistent with section 11A and Schedule 6, identifying affected posts and classes of personnel in maintained schools and, insofar as a proposed transfer or change affects them, aided schools, the existing and proposed legal employer and decision-makers, professional regulatory responsibilities, preserved rights, collective bargaining obligations, grievance and appeal arrangements, and measures for continuity of educational services."

(b) by deleting subsection (3) and substituting the following—

"(3) The Board shall, with respect to transitional matters, act in accordance with the advice given by the Transition Advisory Committee under section 9(1), except that the Board shall not be bound by that advice when determining—

(a) the independent assessment framework under section 11(2)(j) and Schedule 5; or

(b) the professional standards and workforce governance framework under section 11A and Schedule 6."

OPPOSITION AMENDMENT PROPOSAL [6]

Education Authority Act 2026

Amendment 1

Purpose:

The proposed amendment amends Clause 15, to restrict the scope of directions given by the Minister and to provide that any general directions given by the Minister under Clause 15 and the Authority's responses thereto are to be laid before the Legislature.

Amends Clause 15 of the Bill as follows:

PART 3

FUNCTIONS IN RELATION TO REFORM OF PUBLIC EDUCATION

...

Minister may give general directions to the Board

15 *(1)* The Minister may, at least annually and following consultation with the Board, give to the Board written directions of a general character as to the exercise and performance by the Board of its functions under this Act and in relation to matters which appear to the Minister to affect the public interest *(save that no direction shall be given by the Minister in relation to the operational matters provided for by section 19)*; and the Board shall have regard to such directions.

"(2) The Minister shall ensure that any directions given in accordance with section 15(1), together with copies of any responses thereto from the Board, shall be laid before the Legislature as soon as practicable upon receipt.

(3) The requirements at 15(2) shall be subject to the negative resolution procedure."

Amendments:

Inserts <u>underlined</u> material into Clause 15, with new sub-clause 15(1).

Inserts new sub-clause (2) as above.

Inserts new sub-clause (3) as above.

9 November 2026

OPPOSITION AMENDMENT PROPOSAL [Items 2 and 8]

Education Authority Act 2026

Amendment A06 — Clause 17

Purpose:

Include both frameworks within the existing 18-month recommendations process and provide for subsequent legislation and Parliamentary reporting.

Clause 17 is amended—

(a) in subsection (1), by inserting after "The Board shall submit its recommendations" the words "under sections 11, 11A, 12, 13 and 14";

(b) by inserting after subsection (1) the following—

"(1A) The recommendations submitted by the Board under subsection (1) shall include —

(a) the independent assessment framework determined under section 11(2)(j) and Schedule 5;

(b) a statement explaining the reasons for the determination of that framework, including the alternative models considered and the material findings arising from consultation, including consultation with aided schools;

(c) the proposed legislative and administrative arrangements, implementation timetable and resources necessary to give effect to that framework in maintained schools, aided schools and the Authority; and

(d) the professional standards and workforce governance framework determined under section 11A and Schedule 6, including the schedule of existing and proposed responsibilities, implementation plan and material legislative changes required under Schedule 6."

(c) by inserting after subsection (2) the following—

"(2A) A Bill laid before the Legislature under subsection (2)(a) shall include provision for the periodic independent external assessment of maintained schools, aided schools and the Authority, including appropriate safeguards for assessor independence, the

statutory and contractual independence of aided schools, publication of findings, corrective action and follow-up.

(2B) When laying a Bill under subsection (2)(a), the Minister shall also lay before the Legislature—

(a) the frameworks and supporting statements referred to in subsection (1A); and

(b) a statement identifying and explaining any material departure from the Board's recommendations concerning either the independent assessment framework or the professional standards and workforce governance framework."

OPPOSITION AMENDMENT PROPOSAL [Item 10]

Education Authority Act 2026

Amendment A07 — New Clause 21A (Part 4)

Purpose:

Require accessible and published procedures for complaints and internal review of Authority decisions, without displacing existing statutory remedies.

After clause 21 insert—

"Complaints and appeals procedures

21A (1) The Authority shall establish, maintain and publish written procedures for—

(a) the receipt, investigation and resolution of complaints concerning the exercise of its functions, the conduct of its officers or employees, and the provision of services for which it is responsible; and

(b) the internal review of decisions made by the Authority affecting the rights or interests of any person, where no other enactment prescribes an applicable appeal procedure.

(2) The procedures established under subsection (1) shall provide for—

(a) accessible means of submitting complaints and applications for review;

(b) fair and timely consideration of complaints and applications;

(c) review by a person or panel not involved in the original decision, where practicable;

(d) written notification of the outcome and reasons for the determination; and

(e) notification of any further applicable right of appeal or review.

(3) Nothing in this section shall limit or otherwise affect any right of complaint, appeal or review available under another enactment."

OPPOSITION AMENDMENT PROPOSAL [Item 10]

Education Authority Act 2026

Amendment A08 — New Clause 21B (Part 4)

Purpose:

Provide reporting channels for concerns about unlawful conduct, serious misconduct and risks to welfare, while protecting lawful disclosures.

After new clause 21A insert—

"Protected reporting

21B (1) The Authority shall establish and maintain procedures enabling its officers, employees and persons seconded to it to report, through appropriate channels, concerns relating to—

(a) unlawful conduct;

(b) serious misconduct or maladministration;

(c) risks to the safety or welfare of students or other persons; or

(d) any other matter which may lawfully be the subject of a protected disclosure.

(2) The procedures shall provide for confidential reporting, appropriate consideration of concerns raised, and referral to a competent statutory authority where required or appropriate.

(3) The Authority shall not subject a person to dismissal, disciplinary action or other detriment by reason only of that person's making a disclosure in good faith which is authorized or protected by law.

(4) Nothing in this section shall restrict the making of a disclosure to any person or authority authorized to receive that disclosure under another enactment."

OPPOSITION AMENDMENT PROPOSAL [Item 10]

Education Authority Act 2026

Amendment A09 — New Clause 21C (Part 4)

Purpose:

Require cooperation with existing oversight bodies and reporting to the Board and in the Authority's annual report.

After new clause 21B insert—

"Oversight and reporting

21C (1) The Authority and its officers shall cooperate with persons and bodies lawfully exercising oversight, audit, investigation or review functions in relation to the Authority.

(2) The Chief Executive Officer shall ensure that the Board receives periodic reports concerning—

(a) complaints received and their resolution;

(b) internal reviews and appeals;

(c) material concerns reported under section 21B; and

(d) corrective measures taken in response to identified deficiencies.

(3) The Board shall include in the annual report prepared under section 31 an appropriately anonymized summary of the matters referred to in subsection (2), including material outstanding issues and action taken to address them.

(4) Reports under this section shall protect personal information and any other information lawfully required to remain confidential."

OPPOSITION AMENDMENT PROPOSAL [7]

Education Authority Act 2026

Amendment 1

Purpose:

The proposed amendment at Clause 27, inserting a new sub-clause 27(1A) of the Bill, is to ensure the Authority's Budget is transparent and has the appropriate level of granularity, such that changes for the Authority during the transitional period can be better understood and connect back to current Government spending on education. In addition, the amendments protect the Authority if and when the Government does not provide the required funding.

Inserts a new sub-clause 27(1A) after existing sub-clause 27(1) in the Bill as follows:

PART 6

FINANCE, BUDGET, ANNUAL REPORTS, ETC.

Budget

27 (1) …

"(1A) The annual budget shall include as separate items estimates of expenditures allocated to:

Facilities Management services pursuant to Section 3 of Schedule 4;

Health Services pursuant to Section 4 of Schedule 4;

transitional matters pursuant to Section 37 other than as provided by paragraphs (a) and (b) above;

maintenance of school facilities and grounds pursuant to Section 22; and

provision of health services pursuant to Section 23."

(2) …

(3) …

"(4) Where the amount of expenditure approved by the Minister is less than the amount requested by the Board, the Board shall publish:

(a) the amount requested;

(b) the amount approved;

(c) the principal differences between the two amounts; and

(d) an assessment of any material effect that the difference is expected to have upon educational services, strategic objectives or student outcomes.

(5) The Minister may publish a response explaining the reasons for the funding decision.

(6) Nothing in this section requires the disclosure of commercially sensitive, personal or otherwise legally protected information."

Amendment 2

Purpose:

The proposed amendment adds two new sub-clauses to Clause 32, to require the Minister to lay before Parliament various reports and accounts.

More specifically, an amendment is inserted at Clause 32, inserting both a new sub-clause 32(c) and a new sub-clause 32(d) in the Bill. The two amendments are to ensure that Parliament has sight of the Budget for the Authority, and also to ensure six-monthly transitional updates are laid before Parliament, by having every other quarterly report also laid by the Minister before Parliament.

Amends Clause 32 as follows:

PART 6

FINANCE, BUDGET, ANNUAL REPORTS, ETC.

Budget

27 (1) …

…

Publication of accounts and annual report

32 The Minister shall, as soon as practicable after receipt thereof, lay before the Legislature—

(a) a copy of the annual report submitted by the Board pursuant to section

31; and

(b) a copy of the audited accounts together with the report of the auditor

made thereon. ";

(c) a copy of the annual budget submitted by the Board pursuant to section 27; and

(d) a copy of the quarterly report submitted by the Board pursuant to section 30 in the second and fourth quarter of each year."

Amendments:

Modify clause 32(a) by removing the “and” at the end of the sentence

Modify clause 32(b) by replacing the final period with a semicolon

Insert new clause 32(c) “(c) a copy of the annual budget submitted by the Board pursuant to Section 27; and”

Insert new clause 32(d) “(d) a copy of the quarterly report submitted by the Board pursuant to Section 30 in the second and fourth quarter of each year.”

9 November 2026

OPPOSITION AMENDMENT PROPOSAL [Item 10]

Education Authority Act 2026

Amendment A10 — Clause 35(1)

Purpose:

Narrow the general confidentiality duty so that it protects personal and other information required by law to be kept confidential.

Clause 35(1) is amended—

by deleting the words—

"all matters relating to the affairs of the Authority or of any person"

and substituting—

"personal information concerning students, parents, employees or other persons, and any other information which the Authority is required by law to keep confidential".

OPPOSITION AMENDMENT PROPOSAL [Item 10]

Education Authority Act 2026

Amendment A11 — Clause 35(2)(a)

Purpose:

Clarify the criminal offence concerning knowing disclosure of protected information without lawful authority.

In clause 35(2), delete paragraph (a) and substitute—

"(a) knowingly and without lawful authority discloses information protected under subsection (1); or"

OPPOSITION AMENDMENT PROPOSAL [Item 10]

Education Authority Act 2026

Amendment A12 — Clause 35(2)(b)

Purpose:

Clarify the criminal offence concerning knowingly permitting unauthorized access to protected records.

In clause 35(2), delete paragraph (b) and substitute—

"(b) knowingly permits an unauthorized person to have access to records containing information protected under subsection (1),"

OPPOSITION AMENDMENT PROPOSAL [Item 10]

Education Authority Act 2026

Amendment A13 — Clause 35(3)

Purpose:

Preserve disclosures made under lawful complaints, protected-reporting and oversight arrangements, including communications with competent authorities.

In clause 35, delete subsection (3) and substitute—

"(3) Nothing in this section shall prohibit or render unlawful—

(a) a disclosure required or authorized by any enactment;

(b) the making of a complaint or application for review under section 21A;

(c) a disclosure made in accordance with section 21B or any other law relating to protected disclosures;

(d) the disclosure of information to the Auditor-General, Ombudsman, Information Commissioner, a law enforcement authority, or any other person or body lawfully exercising oversight or investigative functions, for the purposes of those functions;

(e) the provision of information to a court or to the Legislature where required or authorized by law; or

(f) the disclosure of information already lawfully available to the public."

OPPOSITION AMENDMENT PROPOSAL [Items 2 and 8]

Education Authority Act 2026

Amendment A14 — Clause 38

Purpose:

Ensure Schedules 5 and 6 commence with the operative duties that require the Board to develop the two frameworks.

Clause 38 is amended—

(a) by numbering the existing provision as subsection (1); and

(b) by inserting after subsection (1) the following—

"(2) Schedule 5 shall come into operation on the day on which section 11 comes into operation.

(3) Section 11A and Schedule 6 shall come into operation not later than the day on which sections 11, 12, 13 and 14 have all come into operation."

OPPOSITION AMENDMENT PROPOSAL [Item 8]

Education Authority Act 2026

Amendment A15 — Schedule 4, Paragraph 5

Purpose:

Require a workforce implementation statement before the Authority assumes affected employment-management responsibilities, preserving existing rights and aided-school autonomy.

In Schedule 4, paragraph 5, insert after subparagraph (3)—

"(4) Before the Authority assumes, as a consequence of the abolition of the Department or a transfer under this Act or any other enactment, any material responsibility for the employment or management of educators serving in maintained schools or, to the extent affected by such an assumption, aided schools, the Board shall prepare and approve a workforce implementation statement identifying—

(a) the proposed effective date and legal basis of the assumption of responsibility;

(b) the existing and proposed legal employer and the persons authorized to make decisions about employment, deployment, performance management, discipline and dismissal for each affected class of educator;

(c) the relationship between employer action and the professional regulatory functions of the Bermuda Educators Council;

(d) the applicable terms and conditions, collective bargaining arrangements, accrued rights, grievance and appeal routes, and the proposed means of preserving continuity; and

(e) the staffing, training, administrative and information arrangements required for the transfer.

(5) The Board shall submit the workforce implementation statement to the Minister and the Minister shall cause the statement to be laid before the Legislature before the Authority assumes a responsibility referred to in subparagraph (4).

(6) No assumption of a responsibility under this Act to which subparagraph (4) applies shall take effect before the requirement in subparagraph (5) has been met.

(7) Nothing in this paragraph of itself varies the powers of the Bermuda Educators Council, the statutory or contractual independence of any aided school, or any statutory or contractual right of an educator or other person, or transfers the employment of an aided-school employee to the Authority."

OPPOSITION AMENDMENT PROPOSAL [Item 2]

Education Authority Act 2026

Amendment A16 — New Schedule 5

Purpose:

Prescribe the detailed requirements for an independent external assessment framework, including independence, consultation, publication, corrective action and aided-school safeguards.

After Schedule 4 insert—

"SCHEDULE 5

(section 11(2)(j))

REQUIREMENTS FOR THE INDEPENDENT EXTERNAL ASSESSMENT FRAMEWORK

Purpose and scope

1. The framework required under section 11(2)(j) shall provide for the periodic independent external assessment of—

(a) the quality and effectiveness of education, educational support and related services provided by maintained schools and aided schools; and

(b) the governance, management, operational performance and effectiveness of the Authority in discharging its statutory functions, including its allocation of resources and provision of support to maintained schools and aided schools, insofar as it has such responsibilities.

Alternative models

2. In determining the framework the Board shall consider alternative models of independent educational and institutional assessment and their suitability for Bermuda, including the different governance arrangements of maintained schools and aided schools.

Consultation

3. The Board shall consult the Commissioner, the Boards of Governors of maintained schools and aided schools, principals, educators, parents, students and such other persons as the Board considers to have relevant expertise or interests, and shall record material consultation findings.

Assessment design

4. The Board shall determine the proposed scope, frequency, criteria and reporting arrangements for assessments of maintained schools, aided schools and the Authority, including arrangements for additional assessments where material concerns arise.

Independence and competence of assessors

5. The Board shall specify the qualifications, appointment arrangements and safeguards necessary to secure the competence, impartiality and independence of persons conducting assessments, including their independence from the body or school being assessed in the conduct of assessments and the preparation of findings and conclusions.

Publication, corrective action and follow-up

6. The Board shall provide in the framework for—

(a) publication of assessment reports subject to the protection of personal information and other information lawfully required to remain confidential;

(b) preparation, publication and monitoring of responses and corrective-action plans where assessments identify material deficiencies; and

(c) independent verification of the effectiveness of corrective measures.

Interaction with existing arrangements and aided-school independence

7. The Board shall identify how the proposed framework will operate alongside inspection, assessment and accountability arrangements under the Education Act 1996 and other applicable enactments, and shall—

(a) identify the statutory and contractual independence and applicable rights of aided schools, and the governance responsibilities of their Boards of Governors;

(b) specify any legal authority, consultation, consent or further legislative measures necessary for assessments in aided schools; and

(c) ensure that the framework proposed for aided schools does not, of itself, transfer their governance or employment functions to the Authority.

Implementation

8. The Board shall identify the legislative amendments, institutional arrangements, resources, implementation timetable and other measures necessary to give effect to the framework for maintained schools, aided schools and the Authority."

OPPOSITION AMENDMENT PROPOSAL [Item 8]

Education Authority Act 2026

Amendment A17 — New Schedule 6

Purpose:

Prescribe the detailed requirements for reconciling professional standards, educational accountability, professional development and employment governance across both school types.

After new Schedule 5 insert—

"SCHEDULE 6

(section 11A)

REQUIREMENTS FOR THE PROFESSIONAL STANDARDS AND WORKFORCE GOVERNANCE FRAMEWORK

Purpose and reach

1. The professional standards and workforce governance framework required under section 11A shall address the relationship between professional regulation, teaching and school-leadership standards, educational accountability, professional development and employment management in maintained schools and aided schools, having regard to their respective governance and employment arrangements.

Reconciliation of existing legal arrangements

2. The Board shall review and reconcile the powers, duties, procedures and protections provided by or under—

(a) the Bermuda Educators Council Act 2002;

(b) the Education Act 1996 and the Education Rules 2006;

(c) legislation governing the public service and employment of affected persons;

(d) enactments and instruments relating to aided schools, their governing bodies and employers; and

(e) applicable collective bargaining agreements and other binding employment arrangements in maintained schools and aided schools.

Allocation of statutory, professional and employment responsibilities

3. The framework shall—

(a) identify the body or officeholder exercising each existing function concerning registration and certification of educators, professional qualifications, conduct and discipline, educational performance standards, employment management and employment discipline;

(b) distinguish regulation of professional status and conduct from teaching-performance appraisal, school improvement and the rights and obligations of an employer; and

(c) identify the respective existing and proposed powers of the Minister, Commissioner, Bermuda Educators Council, Authority, Board, Chief Executive Officer, governing bodies of maintained schools and aided schools, principals, and their respective employers.

Teaching quality, appraisal and accountability

4. The framework shall establish how teaching and leadership expectations, performance appraisal, improvement support and school-level accountability should operate consistently with existing law, relevant learner needs and available resources in maintained schools and aided schools.

Professional learning and development

5. The framework shall provide for induction, mentoring, continuing professional development, specialist training and leadership development, including arrangements for reasonable access, recognition and evaluation of professional learning for educators in maintained schools and aided schools.

Fair employment practices and procedural safeguards

6. The framework shall identify procedures and safeguards governing recruitment, appointment, deployment, redeployment, appraisal, performance improvement, disciplinary action, dismissal, grievances and appeals, including appropriate notice, representations, impartial review and preservation of lawful rights, while recognizing the distinct legal employers and governing bodies of maintained schools and aided schools.

Coordination of regulatory and employment proceedings

7. The framework shall provide for referral and coordination of matters which may engage both professional regulatory jurisdiction and employment procedures, with safeguards against inconsistent outcomes or unnecessary duplication.

Consultation

8. In determining the framework the Board shall consult the Bermuda Educators Council, the Commissioner, relevant recognized trade unions, governing bodies and employers of maintained schools and aided schools, principals, educators and such other persons as the Board considers appropriate, and shall record material issues raised and its responses to those issues.

Responsibilities schedule and implementation

9. The framework submitted under section 17 shall include—

(a) a schedule of existing and proposed statutory, professional, educational and employment responsibilities, distinguishing maintained schools and aided schools where their legal arrangements differ;

(b) an implementation plan identifying personnel, funding, competencies, facilities, timeframes, responsibilities and material transition risks; and

(c) a statement identifying proposed legislative amendments, consequential changes and any consent or other arrangements required to give effect to the framework while preserving rights and independence unless Parliament expressly provides otherwise."

Proposed Amendment Correlation Table

OBA No.	Amendment / clause	Legislative amendment	Intended effect
2	A01 | Clause 11	Insert concise mandatory enabling duty referring to Schedule 5.	Board must recommend periodic independent external assessment of maintained schools, aided schools and the Authority.
2	A04 | Clause 13	Require express engagement with aided-school governing boards.	Identifies arrangements required for aided-school participation while preserving their independence.
2	A05 | Clause 14(3)	Preserve Board responsibility for determining the assessment framework.	Transition Advisory Committee may advise but does not control the Board's choice.
2	A06 | Clause 17	Require framework, reasons and implementation proposals in 18-month exercise.	Stage Two Bill must address review of both school types and the Authority, with Parliamentary reporting.
2	A14 | Clause 38	Commence Schedule 5 with section 11.	Requirements apply as soon as the Board's enabling duty operates.
2	A16 | Schedule 5	Set detailed requirements for independent assessment.	Requires models, consultation, competent independent assessors, reporting, corrective action and aided-school safeguards.
8	A02 | Section 11A	Insert short framework duty referring to Schedule 6 with non-derogation provisions.	Covers maintained and aided schools; does not itself transfer BEC powers or aided-school employment.
8	A03 | Clause 12(3)	Clarify maintained-school boards' workforce responsibilities and aided-school interfaces.	Coordinates school governance, employment decisions and professional referrals.
8	A04 | Clause 13	Require aided-school collaboration on workforce governance framework.	Separately considers aided-school employers, rights and governance when designing the system.
8	A05 | Clause 14	Workforce succession schedule and final Board determination.	Maps affected posts, successor employers, rights and continuity without implying automatic aided-school transfer.
8	A06 | Clause 17	Require professional/workforce framework in 18-month	Requires Parliamentary disclosure of framework and explanation for

		deliverables.	material departures.
8	A14 | Clause 38	Commence section 11A and Schedule 6 within section 17 trigger.	Avoids later commencement excluding the framework from the design exercise.
8	A15 | Schedule 4 ¶5	Require implementation statement before relevant employment-management transfers.	Identifies legal employer, rights and appeal routes, with express aided-school protections.
8	A17 | Schedule 6	Set detailed standards, employment and regulatory reconciliation requirements.	Maps BEC oversight, educational accountability, professional learning, workforce fairness and both school types.
10	A07 | Section 21A	Create complaints and internal review procedures.	Accessible review while preserving statutory appeals.
10	A08 | Section 21B	Create protected-reporting arrangements.	Permits lawful concerns to be reported and protects against specified detriment.
10	A09 | Section 21C	Require cooperation with oversight bodies and Board reporting.	Links complaints and corrective measures to the annual report.
10	A10 | Clause 35(1)	Narrow general confidentiality duty.	Focuses on personal and legally confidential information.
10	A11 | Clause 35(2)(a)	Clarify knowing unauthorized disclosure offence.	Targets information protected by subsection (1).
10	A12 | Clause 35(2)(b)	Clarify unauthorized access to protected records.	Targets knowingly permitting unauthorized access.
10	A13 | Clause 35(3)	Create express exceptions for lawful disclosures.	Preserves complaints, oversight reporting, legal obligations and protected disclosures.