A BILL

entitled

EDUCATION AUTHORITY ACT 2026

TABLE OF CONTENTS

PART 1
PRELIMINARY

1 Citation
2 Interpretation
3 Status of this Act and the Education Act 1996

PART 2
AUTHORITY ESTABLISHED, THE BOARD, ADVISORY COMMITTEE

4 Education Authority established
5 School buildings and land
6 The Board, its composition, etc.
7 Appointment of Chairman of the Board
8 Transition Advisory Committee established
9 Functions of the Transition Advisory Committee
10 Establishment of Audit and other committees

PART 3
FUNCTIONS IN RELATION TO REFORM OF PUBLIC EDUCATION

11 System-wide reform of public education
12 Reforms relating to maintained schools
13 Reforms relating to aided schools
14 Reforms relating to public offices of the Department
15 Minister may give general directions to the Board
16 Board may seek advice from the Minister
17 Time to make recommendations and the laying of a Bill

PART 4
OFFICERS AND STAFF OF THE AUTHORITY

18 Appointment of Chief Executive Officer
19 Operational duties of Chief Executive Officer
20 Employment of staff
21 Secondment of public officers
22 Complaints and review procedures

23 Protected reporting

PART 5
FACILITIES MANAGEMENT AND HEALTH-RELATED SERVICES

24 Authority to maintain school facilities and grounds
25 Authority to provide health services

PART 6
FINANCE, BUDGET, ANNUAL REPORTS, ETC.

26 Funds of the Authority
27 Operating Fund
28 Financial year-end
29 Budget
30 Accounts and audits
31 Operating plan
32 Quarterly reports
33 Annual report
34 Laying of accounts, annual reports, etc.
35 Publication of reports and other information

PART 7
SUPPLEMENTAL AND FINAL PROVISIONS

36 Regulations
37 Immunity from suits
38 Confidentiality
39 Application to Crown
40 Transitional matters
41 Commencement

SCHEDULE 1
Selecting and Appointing Initial Members of the Board

SCHEDULE 2
Matters Relating to the Board

SCHEDULE 3
Procedure for Selecting Chief Executive Officer

SCHEDULE 4
Transitional Matters

WHEREAS it is expedient to establish an autonomous body known as the Education Authority to, among other things, make recommendations to the minister responsible for education ("the Minister") on the reform of public education in Bermuda, including the transitioning of public education from the Department of Education to the Authority; such body to be governed by a Board under the general direction of the Minister;

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

PART 1

PRELIMINARY

Citation

1 This Act may be cited as the Education Authority Act 2026.

Interpretation

2 In this Act, unless the context indicates otherwise—

"aided school" has the meaning given in section 2 of the Education Act 1996;

"the Authority" means the Authority established under section 4;

"Board of Education" means the Board appointed pursuant to section 3 of the Education Act 1996;

"the Board" means the Board appointed pursuant to section 6;

"Chairman" means the Chairman of the Board appointed pursuant to section 7;

"Chief Executive Officer" means the person appointed as such pursuant to section 18;

"Commissioner" means the Commissioner of Education referred to in section 5 of the Education Act 1996;

"Department" has the meaning given in section 2 of the Education Act 1996;

"maintained school" has the meaning given in section 2 of the Education Act 1996;

"member" means a member of the Board;

"Minister" means the minister responsible for education;

"Permanent Secretary" has the meaning given in section 2 of the Education Act 1996;

"publish" means publish on a website maintained by or on behalf of the Authority;

"reform" means the restructuring, improvement or modernization of public education including system-wide programmes and data infrastructure, the governance of maintained schools, increased collaboration with aided schools, and the abolishment of public offices in the Department;

"Transition Advisory Committee" means the standing committee established under section 8;

"transition" means the process by which functions, staff, assets, liabilities, contracts, records and other resources of the Department are identified, prepared and transferred to the Authority;

"zone" has the meaning given in section 2 of the Education Act 1996.

Status of this Act and the Education Act 1996

3 (1) This Act shall be read and construed as one with the Education Act 1996.

(2) Where a provision of this Act is inconsistent with a provision of the Education Act 1996 in respect of a function conferred on the Authority, the Board, or the Chief Executive Officer, this Act prevails to the extent of the inconsistency.

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.

(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 performing its functions under this Act, the Authority shall have as its primary objective the continuous improvement of student learning, student progress, and educational outcomes in respect of all maintained and aided schools.

School buildings and land

5 Any acquisition or transfer of land and buildings from the Government to the Authority shall be effected in accordance with an enactment providing for such acquisition or transfer, or other lawful instrument.

The Board, its composition, etc.

6 (1) There shall be a Board responsible for the governance of the Authority and for the general management of its affairs and business.

(2) The Board shall consist of—

(a) a Chairman;

(b) eight other voting members as follows—

(i) a person with international expertise in contemporary educational practices and systems transformation;

(ii) a person with expertise in the support of vulnerable and at-risk students;

(iii) persons from the private sector, the public sector, and the voluntary sector with expertise in the field of accounting, human resources, or entrepreneurship;

(iv) a member of the Board of Governors of the Bermuda College; and

(c) the Permanent Secretary as a non-voting ex officio member.

(3) The Minister shall, upon the recommendation of the Board, appoint persons to the Board.

(4) A person is disqualified from appointment as a member of the Board if that person—

(a) is employed by an aided or maintained school;

(b) sits on the Board of Governors of an aided or maintained school;

(c) is a Senator or a Member of the House of Assembly.

(5) Members of the Board shall hold office for a term not exceeding three years; and appointments shall be made in accordance with paragraph 1 of Schedule 2.

(6) A person appointed as a member of the Board, other than an ex officio member, shall be paid such remuneration, allowances and reasonable expenses, as confirmed by the Minister in writing after consultation with the Minister of Finance; and an ex officio member shall be reimbursed for reasonable expenses incurred in the discharge of his duties.

(7) Where the Board proposes to exercise a function under this Act which may affect a function conferred on the Commissioner under the Education Act 1996, the Board shall consult with the Commissioner before exercising that function.

(8) Matters relating to the Board, including its proceedings, are set out in Schedule 2.

Appointment of Chairman of the Board

7 (1) The person appointed as Chairman of the Board shall have suitable qualifications and experience in leadership and transformation, and shall serve for a term not exceeding three years and may be re-appointed for a further term not exceeding two years.

(2) The Board shall appoint the Chairman of the Board following consultation with the Minister.

(3) A person is disqualified from appointment as Chairman if that person—

(a) is employed by an aided or maintained school;

(b) sits on the Board of Governors of an aided or maintained school;

(c) is a Senator or a Member of the House of Assembly.

(4) The Chairman of the Board shall be paid a remuneration higher than other members of the Board, and allowances and reasonable expenses as confirmed by the Minister in writing after consultation with the Minister of Finance.

Transition Advisory Committee established

8 (1) There is hereby established a standing advisory committee, reporting to the Board, known as the Transition Advisory Committee.

(2) The Committee shall consist of—

(a) the Chairman of the Board, as Chairman of the Committee;

(b) the Chief Executive Officer;

(c) such other persons, with the approval of the Minister, as the Board determines;

(d) the Permanent Secretary; and

(e) such public officers, appointed by the Minister following consultation with the Board, who have knowledge, skills and expertise that contribute to the aims of the Committee.

(3) The Committee shall meet as often as is necessary for the performance of its duties but, in any event, shall meet at least monthly.

(4) Persons appointed pursuant to subsection (2)(c) shall serve for a term not exceeding two years, may be reappointed for a like term, and may resign by giving written notice to the Chairman of the Board.

(5) A person appointed as a member of the Committee shall be paid such remuneration, allowances and reasonable expenses, as confirmed by the Minister in writing after consultation with the Minister of Finance.

(6) The Permanent Secretary may designate a public officer to attend meetings of the Committee on his behalf.

Functions of the Transition Advisory Committee

9 (1) The objective of the Transition Advisory Committee is to advise the Board in respect of transitional matters.

(2) To meet its objective under subsection (1), the Committee shall—

(a) prepare cost estimates and indicative budgets for educational programmes and services to be delivered by the Authority;

(b) identify and assess the mitigation of risks that may arise during the transition process;

(c) determine the phased abolishment of public offices within the Department, including sequencing, staffing implications, and the continuity of service;

(d) determine arrangements affecting Boards of Governors of maintained schools, and consult with Boards of Governors of aided schools;

(e) determine the management of school educational and recreational facilities for the delivery of educational programmes and services during the transition process;

(f) identify and quantify the liabilities and obligations of the Department including contracts, leases, statutory obligations, and workforce entitlements, and the transfer or discharge of such to the Authority;

(g) determine policy proposals and consequential legislative amendments required in respect of the matters set out under paragraphs (a) to (f);

(h) engage with trade unions in respect of the matters set out under paragraph 5 of Schedule 4.

(3) The Committee shall make recommendations to the Board on any matter referred to it by the Board in relation to the Board's objectives under sections 11, 12, 13 and 14.

Establishment of Audit and other committees

10 (1) The Board may establish committees, including an Audit Committee, as it considers appropriate for the purpose of advising it in relation to any of its duties under this Act.

(2) The Board shall establish, in accordance with the procedure set out in Schedule 3, a Search and Selection Committee for the purpose of recommending to the Board persons for appointment as the Chief Executive Officer.

(3) Persons appointed under subsection (1) or (2) shall be paid such remuneration, allowances and reasonable expenses as confirmed by the Minister in writing, after consultation with the Minister of Finance.

PART 3

FUNCTIONS IN RELATION TO REFORM OF PUBLIC EDUCATION

System-wide reform of public education

11 (1) The objective of the Board under this section is to make recommendations to the Minister regarding the system-wide reform of public education.

(2) To meet the objective specified under subsection (1), the Board shall—

(a) develop programmes to strengthen leadership capability at school and system levels;

(b) design whole-school improvement programmes, including school improvement plans and support arrangements for schools identified as requiring intensive support;

(c) develop programmes for the advancement of inclusivity and cultural responsiveness;

(d) design operational changes required to create the conditions for system-wide improvement, including data infrastructure, accountability frameworks, and resource allocation;

(e) design professional learning programmes to build the capability of educators and school leaders;

(f) engage with parents, students, staff, trade unions, aided schools, and the wider community in relation to the reform;

(g) plan the logistical and administrative arrangements required in respect of matters concerning the transition from the Department to the Authority;

(h) design the preparatory work for the establishment of Boards of Governors for maintained schools;

(i) plan the operational integration of consolidated school-support services, including facilities, grounds, and health-related services;

(j) design a framework for the early identification of, and the timely provision of support to, students experiencing barriers to their learning, educational development, wellbeing or regular school attendance;

(k) consider mechanisms for the independent assessment of school and system performance as part of the accountability framework designed under paragraph (d).

(3) The Board shall submit to the Minister each month a written report setting out progress made in respect of the matters set out under subsection (2), and any risk or other matter of significance in relation thereto; and shall, at the request of the Minister, provide additional information in respect of any matter contained in the report.

(4) The Minister shall report periodically to the Legislature on progress made by the Board towards meeting its objective under this section.

Reforms relating to maintained schools

12 (1) Public education provided by maintained schools shall be governed by the Authority working with—

(a) the Boards of Governors of maintained schools which provide senior school education;

(b) one Board of Governors for that group of maintained schools within the western zone which provides primary school education;

(c) one Board of Governors for that group of maintained schools within the central zone which provides primary school education; and

(d) one Board of Governors for that group of maintained schools within the eastern zone which provides primary school education,

such Boards of Governors to be established in accordance with legislation enacted pursuant to section 17.

(2) The objective of the Board under this section is to make recommendations to the Minister for reform of the governance structure of maintained schools, including the establishment, composition and functions of Boards of Governors.

(3) To meet the objective specified under subsection (2), the Board shall—

(a) design the composition, qualifications, powers and operating protocols for Boards of Governors; and

(b) consult on the design of the Boards of Governors, including consulting with unions, aided schools, principals, parent-teacher associations, and parish Councils,

and in doing so the Board shall consider and record evidence on whether, in respect of maintained schools that provide primary school education, individual school-level Boards of Governors or clustered zonal Boards of Governors would best serve students, educators and the wider public interest.

(4) The Board shall submit to the Minister each month a written report setting out progress made in respect of the matters set out under subsection (3), and any risk or other matter of significance in relation thereto; and shall, at the request of the Minister, provide additional information in respect of any matter contained in the report.

(5) The Minister shall report periodically to the Legislature on progress made by the Board towards meeting its objective under this section.

Reforms relating to aided schools

13 (1) The objective of the Board under this section is to make recommendations to the Minister for reforms that increase collaboration between the Authority and the Boards of Governors of aided schools.

(2) To meet the objective specified under subsection (1) the Board, having due regard to the independence of aided schools, shall—

(a) engage with each aided school Boards of Governors to understand their operational model, identify their strengths, and identify possible areas of enhanced collaboration with the Authority;

(b) develop, in collaboration with aided schools, a framework for the integration of aided schools into the wider public school system, including shared services, standards, data sharing, and system-wide accountability while preserving the governance independence of the school.

(3) The Board shall submit to the Minister each month a written report setting out progress made in respect of the matters set out under subsection (2), and any risk or

other matter of significance in relation thereto; and shall, at the request of the Minister, provide additional information in respect of any matter contained in the report.

(4) The Minister shall report periodically to the Legislature on progress made by the Board towards meeting its objective under this section.

(5) For the avoidance of doubt, nothing in this section shall be construed as diminishing the independence of the Boards of Governors of aided schools or altering their existing statutory or contractual rights.

Reforms relating to public offices of the Department

14 (1) The objective of the Board under this section is to make recommendations to the Minister for reforms respecting the abolishment of public offices within the Department.

(2) To meet the objective specified under subsection (1), the Board shall—

(a) prepare a transition plan for the abolishment of the Department, including arrangements for the transfer of functions, staff, assets, liabilities, contracts, records and continuity of service;

(b) develop an organizational and operational structure of the Authority for the assumption of such functions of the Department as may be transferred to the Authority;

(c) consider consequential legislative amendments required as a result of the abolishment of the Department and for the assumption of those functions by the Authority.

(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).

(4) The Board shall submit to the Minister each month a written report setting out progress made in respect of the matters set out under subsection (2), and any risk or other matter of significance in relation thereto; and shall, at the request of the Minister, provide additional information in respect of any matter contained in the report.

(5) The Minister shall report periodically to the Legislature on progress made by the Board towards meeting its objective under this section.

Minister may give general directions to the Board

15 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; and the Board shall have regard to such directions.

Board may seek advice from the Minister

16 The Board may seek advice from the Minister in respect of any matter relating to its duties under this Act; and having received such advice, may act otherwise than in accordance with that advice.

Time to make recommendations and the laying of a Bill

17 (1) The Board shall submit its recommendations to the Minister within a period of eighteen months from the day sections 11, 12, 13 and 14 come into operation.

(2) The Minister shall, as soon as practicable, after the end of the period specified in subsection (1)—

(a) lay before the Legislature a Bill which gives effect to the recommendations made by the Board; or

(b) make a report to the Legislature on the reasons for the delay in the laying of a Bill, steps being taken toward the laying of a Bill and the expected date.

(3) A statement under subsection (2)(b) shall be made at intervals of not more than six months until such time as a Bill under subsection (2)(a) is laid before the Legislature.

PART 4

OFFICERS AND STAFF OF THE AUTHORITY

Appointment of Chief Executive Officer

18 (1) The Chief Executive Officer is responsible, subject to the direction of the Board and this Act, for the day-to-day administration and management of the Authority and for advising the Board and implementing the Board's policies and decisions.

(2) The Board, having selected a person in accordance with the criteria and procedure set out in Schedule 3, shall appoint the person as Chief Executive Officer following consultation with the Minister.

(3) A person is disqualified from appointment as the Chief Executive Officer if that person—

(a) sits on the Board of Governors of an aided or maintained school;

(b) is a Senator or a Member of the House of Assembly.

(4) The remuneration of the Chief Executive Officer shall be consistent with the approved budget of the Authority, and terms and conditions of employment shall be in accordance with applicable laws.

Operational duties of Chief Executive Officer

19 (1) The operational duties of the Chief Executive Officer include—

(a) the day-to-day administration and management of the Authority, including financial and operational matters, and reporting to the Board on those matters;

(b) advising the Board on the hiring of staff, their terms, conditions, and termination of service, and on the engagement of advisors and agents.

(2) If the Chief Executive Officer is absent or is unable to perform his duties for any reason, the Board may appoint a senior employee of the Authority to discharge the duties of the Chief Executive Officer during the period of his absence or inability, or a public officer may be seconded for that purpose.

(3) Any person appointed pursuant to subsection (2) shall perform the duties of the Chief Executive Officer to the extent authorized in writing by the Board, and is eligible for remuneration commensurate to the service he provides as the Chief Executive Officer.

Employment of staff

20 (1) The Authority shall employ such persons as are necessary for the performance of its functions and responsibilities under this Act.

(2) The remuneration of staff shall be consistent with the approved budget of the Authority, and terms and conditions of employment shall be in accordance with applicable laws.

Secondment of public officers

21 (1) A public officer may be appointed to employment with the Authority for periods of up to one year by way of secondment, subject to such conditions as the Public Service Commission may determine.

(2) A public officer seconded in accordance with subsection (1) shall, in relation to pension, gratuity or other allowance and rights and obligations of a public officer, be treated as continuing in a public office notwithstanding the secondment.

Complaints and review procedures

22 (1) The Board shall establish, maintain and publish procedures concerning—

(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 review of decisions made by the Board which affect the rights or interests of the complainant.

(2) Nothing in this section limits or otherwise affects any right of complaint, appeal or review available under any other enactment.

Protected reporting

23 (1) The Board shall establish, maintain and publish procedures enabling its officers, employees and persons seconded to the Authority to report, through such confidential means as the Board considers appropriate, matters concerning—

(a) unlawful conduct;

(b) serious misconduct or maladministration;

(c) risk to the safety or welfare of students or others.

(2) For the avoidance of doubt, section 38 does not apply to a report made under this section.

PART 5

FACILITIES MANAGEMENT AND HEALTH-RELATED SERVICES

Authority to maintain school facilities and grounds

24 The Authority shall, subject to a service-level agreement made with the Government, be responsible for the maintenance, repair, capital works planning and the management of all educational and recreational facilities used by maintained schools, and the grounds of such facilities.

Authority to provide health services

25 (1) The Authority shall, subject to a service-level agreement made with the minister responsible for health, be responsible for school-based health services for students at maintained schools, including—

(a) nursing services;

(b) screening and student health support;

(c) speech and language therapy;

(d) physical therapy;

(e) occupational therapy;

(f) such other allied health services as the Authority determines are required to meet the health-related educational needs of students.

(2) The Authority shall, with the approval of the Minister, establish and maintain a written co-operation framework with the minister responsible for health in respect of the following—

(a) information sharing on student health, subject to applicable data protection laws;

(b) coordination of communicable disease response in schools;

(c) access by the Government medical officers to schools for statutory purposes;

(d) referral pathways between school health services and community and hospital services;

(e) emergency response protocols.

(3) For the avoidance of doubt, nothing in this section derogates from the statutory responsibilities of the minister responsible for health, the Director of Health, or Government Medical Officers under the Public Health Act 1949 or any other enactment, including in respect of—

(a) public health emergencies;

(b) communicable disease control;

(c) environmental health;

(d) food safety;

(e) community health services delivered outside of the school setting.

PART 6

FINANCE, BUDGET, ANNUAL REPORTS, ETC.

Funds of the Authority

26 (1) The funds of the Authority shall consist of—

(a) grants from the Government out of moneys appropriated by the Legislature; and

(b) any other monies received by way of donations or grants from non-Government sources, subject to notification to the Minister and the Minister of Finance, and approval by the Board.

(2) The Board shall, consistent with the approved budget, apply the funds of the Authority towards—

(a) remuneration and allowances of the officers, employees, and other persons contracted for service by the Authority;

(b) remuneration, allowances and expenses of Board and committee members, and any expenses of ex officio members;

(c) meeting all other costs and expenditures incurred by the Authority in the carrying out of its functions.

Operating Fund

27 The Authority shall establish and maintain in Bermuda interest-bearing bank accounts into which the funds of the Authority shall be paid.

Financial year-end

28 (1) The financial year of the Authority is the period of twelve months ending on 31 March of each year.

(2) The first financial year shall be the period commencing on the date the Authority is established and ending on 31 March of the following year.

Budget

29 (1) The Board shall prepare an annual budget which shall include an estimate of total operating expenditures for the upcoming financial year.

(2) The annual budget prepared under subsection (1) shall identify separately estimated expenditure in respect of—

(a) services provided under service-level agreements entered into by the Authority under section 24;

(b) services provided under a service-level agreement entered into by the Authority under section 25; and

(c) matters undertaken by the Transition Advisory Committee under section 9.

(3) The Board shall submit for the approval of the Minister and the Minister of Finance—

(a) no later than three months prior to the commencement of each financial year, income and expenditure estimates in such detail as the Ministers may require relating to the activities of the Authority for that financial year of operation; and

(b) as soon as may be, any subsequent proposal to amend such estimates,

and the estimates, together with any amendments, upon being approved by the Ministers, shall be the Authority's budget for the financial year.

(4) The Ministers may, upon the written request of the Board received not less than fourteen days prior to the period referred to in subsection (2)(a), extend the time in which the income and expenditure estimates are to be submitted up to one month.

Accounts and audits

30 (1) The Board shall—

(a) keep proper accounts and records of the transactions and affairs of the Authority;

(b) do all things necessary to ensure that all payments out of its moneys are properly authorised and correctly made, and that adequate control is maintained over the assets of the Authority or those assets in its custody, and its expenditure; and

(c) for each financial year, prepare financial statements in such form as the Accountant-General may direct.

(2) The accounts of the Authority shall be audited annually by the Auditor-General or, after consultation with the Auditor-General and with the approval of the Minister, by an independent auditor appointed by the Board, such auditor being entitled to practise as a public accountant under the Chartered Professional Accountants of Bermuda Act 1973.

(3) Within three months after the end of each financial year, the Board shall submit to the auditor its financial statements for the year, and shall meet any reasonable request from the auditor for information relevant to the audit.

(4) The auditor shall, as soon as practicable after the financial statements have been submitted, conduct the audit and send a report to the Board.

(5) The Board shall submit a copy of the audited accounts to the Minister together with a copy of the report of the auditor made thereon.

Operating plan

31 (1) The Board shall prepare and submit to the Minister an operating plan for the upcoming year.

(2) The operating plan shall include a discussion of the following matters—

(a) the Board's strategic priorities;

(b) any major activities which the Board anticipates undertaking;

(c) any quantitative indicators that the Authority has adopted to measure its performance; and

(d) a preliminary estimate of the budget for the upcoming financial year.

(3) The Board shall submit the operating plan to the Minister by 1 September of each year.

(4) The Minister may, upon the written request of the Board received not less than fourteen days prior to 1 September, extend the time in which the operating plan is to be submitted up to one month.

(5) In this section "upcoming year" means the period of twelve months beginning on 1 August of each year.

Quarterly reports

32 The Board shall submit quarterly reports to the Minister in respect of the following matters—

(a) progress against the operating plan, including student outcomes, financial performance, and system-wide governance;

(b) progress on ongoing reform initiatives, including school-support services delivery and the aided schools collaborative framework;

(c) any material risks, matters of significance, or emerging issues affecting the public school system.

Annual report

33 (1) The Board shall prepare an annual report for the preceding year which shall include a discussion of—

(a) the operating plan submitted to the Minister pursuant to section 31 and how the plan was delivered;

(b) any significant deviations from the plan and the outcomes of such deviations; and

(c) remuneration, allowances and expenses paid to each Board and committee member, and any expenses paid to ex officio members.

(2) The Board shall submit the annual report to the Minister by 31 July of each year.

(3) The Minister may, upon the written request of the Board received not less than fourteen days prior to the date referred to in subsection (2), extend the time in which the annual report is to be submitted up to one month.

(4) In this section "preceding year" means the period of twelve months ending on 31 July of each year.

Laying of accounts, annual reports, etc.

34 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 33;

(b) a copy of the audited accounts together with the report of the auditor made thereon; and

(c) a copy of each quarterly report submitted by the Board pursuant to section 32 in respect of the second and fourth quarters of each financial year.

Publication of reports and other information

35 (1) Subject to subsection (2), the Board shall publish reports made by it under this Act, general directions given by the Minister under section 15, any responses given by the Board in respect of a general direction, and generic educational performance information at the school level; and may publish such other information and documents as it considers appropriate.

(2) The Board shall, prior to publication, redact information necessary to preserve confidentiality including information relating to personal data and commercially sensitive information.

PART 7

SUPPLEMENTAL AND FINAL PROVISIONS

Regulations

36 (1) The Minister may, after consulting with the Authority, make regulations for the better carrying out of this Act.

(2) Regulations made under this section are subject to the negative resolution procedure.

Immunity from suits

37 No action, suit, prosecution or other proceedings shall lie against any member of the Board, member of a committee, officer or member of staff acting on behalf of the Authority or on the direction of the Board in respect of any act done, or any omission made, in good faith in the execution or intended execution of any function under this Act.

Confidentiality

38 (1) Except in so far as may be necessary for the due performance of a person's duties under this Act or any other statute and subject to subsections (3) and (4), any person who is a member of the Board, member of a committee, officer, member of staff, agent or advisor of the Authority shall, whether during his appointment, employment, or service under a contract or at anytime thereafter, preserve and aid in preserving confidentiality with regard to all matters relating to the affairs of the Authority or of any person, that may come to his knowledge in the course of his duties.

(2) Any member of the Board, officer, member of staff, agent or advisor of the Authority who—

(a) communicates any matter relating to the affairs of the Authority or of any person, that may come to his knowledge in the course of his duties to any person other than the Minister, a member of the Authority, or an officer of the Authority authorized in that behalf by the Chief Executive Officer; or

(b) permits any unauthorized person to have access to any books, papers or other records relating to the Authority,

commits an offence and is liable on summary conviction to a fine of $10,000 or on conviction on indictment to a fine of $25,000.

(3) Subsection (1) does not preclude the disclosure of information—

(a) for the purpose of enabling or assisting the Minister to exercise any duties conferred on him under this Act or regulations made under this Act, or in connection with the dealings between the Minister and the Authority when the Authority is exercising its functions under this Act or any regulations made under this Act;

(b) if the information is or has been available to the public from other sources;

(c) if the information is published by the Board pursuant to section 35.

(4) No member of the Board, officer, member of staff, agent or advisor to the Authority shall be required to produce in any court any book or document or to divulge or communicate to any court any matter or thing coming under his notice in the performance of his duties under this Act, except on the direction of the court.

Application to Crown

39 (1) This Act binds the Crown.

(2) The Authority shall not be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown; and its property shall not be regarded as property of, or property held on behalf of, the Crown.

(3) The Authority shall not be exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, except as provided in subsections (4) to (7).

(4) The Authority shall be deemed to be an agency of the Crown for the purposes of section 4 of the Stamp Duties Act 1976, notwithstanding subsection (2) of this section.

(5) The Authority shall not be subject to customs duty, foreign currency purchase tax or land tax.

(6) The references to customs duty, foreign currency purchase tax and land tax in this section are respectively references to the taxes provided for in the Customs Tariff Act 1970, the Foreign Currency Purchase Tax Act 1975 and the Land Valuation and Tax Act 1967.

(7) The Authority shall not be liable for stamp duty, and in any case where the Stamp Duties Act 1976 provides that all the persons executing an instrument are liable for stamp duty under that Act and the Authority is one of the persons executing the instrument then, notwithstanding anything to the contrary in that Act, no other person is liable for stamp duty.

Transitional matters

40 Transitional matters shall be implemented in accordance with Schedules 1 and 4.

Commencement

41 This Act comes into operation on such day as the Minister responsible for education appoints by notice published in the Gazette, and different dates may be appointed for different provisions of this Act.

SCHEDULE 1

(section 40)

SELECTING AND APPOINTING INITIAL MEMBERS OF THE BOARD

Board of Education to develop criteria

1. (1) The Board of Education shall establish the criteria for the initial members of the Board of the Authority for appointment by the Minister.

(2) To meet its objective under subparagraph (1), the Board of Education shall take into account—

(a) the specific qualifications, experience, and competencies required for each vacancy;

(b) a scoring framework;

(c) the application, interview, and vetting process.

Minister to review criteria

2. (1) The Board of Education shall submit the criteria to the Minister for his consideration.

(2) The Minister may, after considering the criteria, propose changes to the criteria or endorse the criteria.

(3) The Board of Education may, having considered the Minister's proposal, act otherwise than in accordance with those proposals.

Vacancies to be advertised

3. The Board of Education shall—

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

(b) review all applications and interview candidates; and

(c) select, for the Minister's consideration, candidates who meet the criteria for appointment to the Board of the Authority.

Minister to make appointment

4. (1) The Minister shall, after considering all the candidates, appoint persons as initial members of the Board of the Authority who satisfy the criteria established by the Board of Education.

(2) The Minister shall publish the names of the persons appointed as members of the Board of the Authority, indicating the extent to which each person satisfied the criteria established by the Board of Education.

SCHEDULE 2

(section 6(5) and (8))

MATTERS RELATING TO THE BOARD

Term of office of members

1. (1) A member shall hold office on such conditions and for such term as the Minister may determine.

(2) The appointment of members of the Board shall be staggered as follows—

(a) at least one for a term not exceeding two years; and

(b) at least one for a term not exceeding three years.

(3) A member may be reappointed for additional terms not exceeding three years.

(4) The Minister shall cause to be published in the Gazette the names of every person appointed as a member of the Board.

Resignation by members

2. A member of the Board may at any time resign his office by giving notice in writing to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of such instrument, such member shall cease to be a member of the Board.

Removal from office

3. The Minister may, acting after consultation with the Chairman and having given the member concerned written notice and an opportunity to make representations, remove a member of the Board if he is satisfied that the member—

(a) has without reasonable excuse been absent for three consecutive meetings of the Board or two-thirds of the meetings of the Board convened in any year;

(b) is otherwise unable, unfit or unwilling to carry out his duties as a member;

(c) has been convicted (whether before or after his appointment) of a criminal offence;

(d) has engaged in conduct that amounts to serious misconduct, a material breach of his fiduciary duty to the Authority, or a material breach of best governance practice, such that the continued membership on the Board would materially prejudice the Authority's ability to carry out its functions.

Filling of vacancies

4. If a member resigns, dies or otherwise vacates his office before the expiry of the term for which he has been appointed, the Minister may appoint another person for the unexpired period of the term of office of the member in whose place he is appointed.

Disclosure of interest by members

5. (1) A member who is in any way, directly or indirectly, interested in any matter relating to a contract, other transaction or matter of the Board shall disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under subparagraph (1) shall be recorded in the minutes of the meeting of the Board and, after the disclosure, that member shall not take part in any deliberation of the Board with respect to that contract, transaction or matter.

(3) For the purpose of determining whether there is a quorum, a member shall be treated as being present at a meeting notwithstanding that under subparagraph (2) he cannot vote or has withdrawn from the meeting in respect of the matter in question.

Committees

6. (1) A committee established pursuant to section 10 shall consist of at least one member of the Board, who shall act as chairman of the Committee, together with such other persons as the Board determines is appropriate for the purpose in respect of which the committee is appointed.

(2) A committee shall at all times be subject to such directions, conditions and restrictions as may be imposed on it by the Board, and shall adhere to all policies of the Board.

(3) The Chairman of a committee shall ensure that the committee prepares and submits to the Chairman of the Board a report of the duties delegated to the committee, and the progress thereof, before the end of every quarter in the year or from time as the Chairman requires.

(4) The Board may engage the services of consultants to assist or advise it or any Committee in respect of any matter under consideration.

Use of seal, authentication, authentication of documents

7. (1) The seal of the Authority shall be authenticated by the Chairman together with the signature of the secretary or some other member of the Board, and the seal shall be judicially noticed.

(2) All instruments, contracts and other documents issued by the Authority, other than those required by law to be under seal, and all decisions of the Authority, shall be signed by the Chairman or some other member, officer or employee of the Authority authorized by the Board to do so on behalf of the Authority.

(3) A document purporting to be an instrument issued by the Authority, and to be sealed or signed on behalf of the Authority in accordance with this paragraph, shall be

received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

Public meetings

8. The Board shall convene at least one public meeting per year in each school zone.

Meetings and proceedings of the Board

9. (1) The Chairman shall summon meetings as often as necessary or expedient for the due performance of the functions of the Board under this Act, and at least twelve meetings shall be summonsed every calendar year.

(2) The members shall select one of their members as the Secretary.

(3) The quorum at every meeting of the Board shall be three members.

(4) A decision at a meeting of the Board shall be adopted by a simple majority of the members present and voting; except that in the case of an equality of votes the Chairman or member presiding shall have a casting vote in addition to his original vote.

(5) The Chairman shall preside at all meetings of the Board.

(6) Where the Chairman is absent from a meeting, the members present shall elect a member to preside at that meeting.

(7) Where not less than four members of the Board request the Chairman by notice in writing signed by them to convene a meeting of the Board for any purpose specified in the notice, the Chairman shall, within seven days from the receipt of the notice, convene a meeting for that purpose.

(8) The Board may act notwithstanding any vacancy in its appointment.

(9) Subject to subparagraphs (1) to (8), the Board may regulate its own procedure generally and, in particular, the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

Validity of acts

10. Provided a quorum is present, the validity of any proceedings of the Authority shall not be affected by any vacancy amongst its members thereof or by any defect in the appointment of a member.

SCHEDULE 3

(section 10(2))

PROCEDURE FOR SELECTING CHIEF EXECUTIVE OFFICER

1. The Board shall prescribe the criteria for the selection of the Chief Executive Officer.

2. The Search and Selection Committee shall consist of the Chairman of the Board, another member of the Board, and one other person selected by the Board who is not a member of the Board.

3. The duties of the Search and Selection Committee are to—

(a) invite applications from the general public, through advertisement and direct invitation, to fill the post of Chief Executive Officer;

(b) review all applications and interview candidates; and

(c) make recommendations to the Board regarding the appointment of a person to the post of Chief Executive Officer.

SCHEDULE 4

(sections 9(2)(h) and 40)

TRANSITIONAL MATTERS

First appointment of Chairman of the Board

1. The Minister shall, after consulting with the initial members of the Board, appoint from amongst those members the first Chairman of the Board, such person having satisfied the requirements of section 7(1) and (3).

First appointment of the Chief Executive Officer

2. The Minister shall, after consulting with the Board of Education and the initial members of the Board, appoint the first Chief Executive Officer in accordance with section 18(3) and the criteria and procedure set out under Schedule 3.

Facilities management and public grounds

3. (1) This Authority may enter into service-level agreements with the Government for the continuation of services currently provided by the Government for the maintenance, repair, and capital works planning of all educational and recreational facilities used by maintained schools, and the grounds of such facilities (such agreements to include measurable performance metrics), until such time as the Authority employs staff under section 20 to perform those services.

(2) The Minister shall take all necessary steps within his power to give effect to, assist with, or facilitate the entering into service-level agreements under subparagraph (1), including the secondment of public officers to the Authority, the transfer of budget allocations from the Ministry of Education to the Authority, and the transfer of equipment on the commencement of section 24 from the Government to the Authority.

Health services

4. (1) The Authority may enter into a service-level agreement with the minister responsible for health for the continuation of services currently provided by that minister until such time as the Authority employs staff under section 20 to perform those services.

(2) The Minister shall take all necessary steps within his power to give effect to, assist with, or facilitate the entering into the service-level agreement under subparagraph (1), including the secondment of public officers to the Authority, and the transfer of budget allocations from the Ministry of Education to the Authority.

Collective bargaining agreements

5. (1) On the abolishment of the Department of Education, the Authority shall be the sole counter-party to any collective bargaining agreement with the workforce.

(2) During the period preceding the abolishment of the Department, the Transitional Advisory Committee shall—

(a) attend and contribute to meetings between the Government and such trade unions concerning the transitioning, where invited to do so by the Government and with the consent of the affected trade union;

(b) conduct a comprehensive review of all existing collective bargaining agreements affecting the public school workforce, and develop a transition framework addressing timing, continuity of terms and conditions, protection of accrued rights, dispute resolution during transition, and recognition arrangements for the transitioned workforce.

(3) The Board shall include progress on the matters set out in subparagraph (2) in the monthly reports submitted to the Minister under section 14(4).

EDUCATION AUTHORITY BILL 2026

EXPLANATORY MEMORANDUM

This Bill seeks to establish an autonomous body known as the Education Authority to, among other things, make recommendations to the minister responsible for education ("the Minister") on the reform of public education in Bermuda including the transitioning of public education from the Department of Education to the Authority; such body to be governed by a Board under the general direction of the Minister.

Clause 1 is self-explanatory.

Clause 2 defines terms used in this Act.

Clause 3 expresses the status of this Act in relation to the Education Act 1996.

Clause 4 establishes the Education Authority ("the Authority") as a body corporate.

Clause 5 provides for any acquisition or transfer of buildings and land from the Government to the Authority by way of an enactment or other lawful instrument.

Clause 6 establishes a Board to be responsible for the governance and management of the Authority. Among other things, clause 6 provides for the number and qualification of members of the Board and their remuneration, and categories of persons who are disqualified from appointment as members of the Board.

Clause 7 provides for the appointment of the Chairman of the Board, their qualifications, term of office, remuneration and categories of persons who are disqualified from appointment as Chairman.

Clauses 8 and 9 establish an advisory committee to be known as the Transition Advisory Committee and provides for its membership, objectives, functions, meetings and the remuneration of its members.

Clause 10 provides for the Board to establish committees, including an Audit Committee, and for the remuneration of committee members.

Clauses 11, 12, 13 and 14 provide, respectively, for the Board to make recommendations to the Minister in relation to reforms with respect to—

(a) system-wide reform of public education;

(b) maintained schools;

(c) aided schools; and

(d) public offices at the Department of Education,

and sets out the Board's reporting requirements to the Minister, and provides for the Minister to report to the Legislature, periodically, on progress made by the Board towards meeting its objectives.

Clauses 15 and 16 provide for matters pertaining to the Minister and the Board. Clause 15 provides for the Minister to give the Board written directions of a general character, and for the Board to have regard to such directions. Clause 16 provides for the Board to seek the advice of the Minister, and after having received such advice, to act in its own discretion.

Clause 17 sets out the period in which the Board is to submit its recommendations in respect of the matters of reform under clauses 11, 12, 13 and 14; and provides for the Minister to lay a Bill before the Legislature giving effect to the Board's recommendations or to provide an explanation for any delay in the laying of the Bill.

Clauses 18 and 19 relate to the Chief Executive Officer and provide, among other things, for his appointment, functions and remuneration, and the categories of persons disqualified from appointment as the Chief Executive Officer.

Clauses 20 and 21 provide for the employment of staff by the Authority and the secondment of public officers to the Authority.

Clause 22 provides for the Authority to enter into service-level agreements with the Government for the continued maintenance, etc. of educational and recreational facilities used by maintained schools, and the grounds of such facilities.

Clause 23 provides for the Authority to enter into service-level agreements with the minister responsible for health for the continued provision of school-based health services for students at maintained schools, and for the Authority to enter into arrangements with the minister responsible for health for the sharing of information on student health and other health-related matters. Clause 23 also provides that nothing in this section derogates from any of the statutory functions of the minister responsible for health under the Public Health Act 1949.

Clause 24 provides for the funds of the Authority to consist of grants from the Legislature and other sources, and requires those funds to be applied consistent with the Authority's budget.

Clause 25 requires the Authority to establish and maintain an operating fund in interest-bearing bank accounts in Bermuda.

Clause 26 sets the financial year-end of the Authority at 31 March, and for the first financial year to commence on the date the Authority is established to 31 March of the following year.

Clause 27 provides for the Board to prepare an annual budget for the Authority which includes an estimate of the total operating expenditure for the upcoming financial year. The Board must submit its estimates of income and expenditure and any amendments thereto for the approval of the Minister and the Minister of Finance three months prior to the commencement of each financial year, and for the time for submission to be extended up to one month by both Ministers at the written request of the Board.

Clause 28 requires the Board to keep proper accounts and records of the transactions and affairs of the Authority, and for such accounts to be audited by the Auditor-General or by an independent auditor appointed after consultation with the

Auditor-General and with the approval of the Minister. The Board must submit a copy of the audited accounts to the Minister with the report of the auditor.

Clause 29 requires the Board to prepare and submit to the Minister an operating plan for the upcoming year which includes a discussion on the Board's strategic priorities and its major activities.

Clause 30 provides for the Board to prepare and submit to the Minister an annual report for the preceding year which includes a discussion on the operating plan and any deviations from the plan.

Clause 31 requires the Board to submit quarterly reports to the Minister which include a discussion on progress made by the Board against its operating plan.

Clause 32 provides for the Board to publish such documents, information or reports as it considers appropriate, subject to the requirement to preserve confidentiality.

Clause 33 requires the Minister to lay before the Legislature a copy of the annual report, and a copy of the audited accounts with the report of the auditor.

Clause 34 provides for the Minister to make regulations, subject to the negative resolution procedure, for the better carrying out of this Act.

Clause 35 provides for immunity from suit in respect of any Board or committee member, officer, or member of staff of the Authority in respect of any act done in good faith in the execution of their functions under this Act.

Clause 36 requires members of the Board, officers, employees, and persons providing services under a contract to preserve the confidentiality of all matters relating to the affairs of the Authority; and creates an offence for the contravention of the requirement of confidentiality.

Clause 37 provides for this Act to bind the Crown, for the Authority not to be regarded as a servant or agent of the Crown, and specifies those taxes from which the Authority is exempt.

Clause 38 provides for the implementation of transitional matters in accordance with Schedules 1 and 4.

Clause 39 provides for the Minister to bring this Act into operation by notice published in the Gazette, and for different provisions to be brought into operation on different days.

Schedule 1 sets out matters relating to the selection and appointment of the initial members of the Board by the Minister.

Schedule 2 sets out matters relating to the Board, including its proceedings and the removal of members.

Schedule 3 provides for matters in relation to the selection of the Chief Executive Officer.

Schedule 4 provides for the implementation of transitional matters, including matters relating to collective bargaining agreements.