



**PRIVATE SCHOOLS - NEW LEGISLATION
LAW 147(I)/2019**

2020

INTRODUCTION

On the 15th of November 2019 the Private Schools Law 147(I)/2019 (hereinafter the "**Law**") came into effect following its publication in the Official Gazette of the Republic of Cyprus. The owners of Private Schools and Private Schools themselves, which have been established and licensed and operate pursuant to the previous legislation, namely the Private School and Private Institute Laws of 1971-2012 (the "**Previous Legislation**"), have **twenty-four (24) months after the effective date of the Law** to ensure compliance with the provisions of the Law.

The purpose of this Article is to briefly analyse the main duties and obligations of Private Schools and their owners and the rules governing the operation of such Private Schools (the "**Private Schools**").

INTERPRETATION

"**Foreign Language School**" means the school which has as a teaching language other than Greek.

"**Competent Authority**" means the Minister of Education, Culture, Sport and Youth who acts through the General Manager of the Ministry.

"**Internal Operating Regulations of Private Schools**" means the regulations which govern the operation of every Private School, irrespective of its type and which are approved by the Ministry of Education in accordance with section 14 of the Law.

"**Owner**" means the natural or legal person to whom the ownership of the school belongs.

"**Private School**" means a school other than a public school and which is regulated by the provisions of the Law.

"**Public School**" means the school which is administered and maintained by the Republic of Cyprus, is not regulated by any other law and which was recognized as a

public school following the decision of the Cabinet published in the Official Gazette of the Republic.

“Minister” means The Minister of Education.

MAIN DUTIES AND OBLIGATIONS

According to the Law regulating the operation of Private Schools, the main duties and obligations of Private Schools for the purpose of compliance with the provisions of the Law are identified further below.

1. Establishment and operation of Private Schools

Section 3 of the Law states that a Private School cannot be established and operate **unless** the provisions of the Law are complied with and the certificates of establishment and operation are issued.

2. Application for the establishment of Private Schools

Section 4 (1) of the Law provides that a year prior to the establishment of the school, the applicant must submit to the Competent Authority application for the establishment of the school in accordance with the form determined by the Competent Authority and shall contain the following information:

- a) Personal information as to the owner of the school;
- b) The school’s name and certificate of registration of name;
- c) The seat and registered address of the school;
- d) Type and level of the school;
- e) Detailed program of the school containing its philosophy, main purpose, mission, pursuit and general goals;
- f) Detailed program of the courses to be taught;
- g) Timetable of each class;
- h) List of the textbooks and supplementary books or other materials and means for the teaching of the courses;
- i) Study guide;

- j) Number of the classes;
- k) Any other information published in the Official Gazette by the Competent Authority.

In the event that any of the information stated above are altered, the applicant must notify the Competent Authority within fifteen (15) days by submitting a written statement.

The Competent Authority is obliged to inform the applicant that the statement is received and if incomplete, to inform him in writing on the need to submit further information within a month from the date of receiving the application.

3. Terms of establishment and operation of Private Schools

There are certain terms that need to be complied with before an application for the establishment of a Private School is made. Section 5 (1) of the Law provides no Private School can be established:

- a) By natural persons that are not citizens of the Republic of Cyprus or of a member state or by a legal person of which the majority of share capital does not belong to Cypriot citizens or citizens of a member state or permanent residents of the Republic of Cyprus;
- b) By a civil servant or servant of a legal person governed by public law or servant of the Republic of Cyprus or of another member state;
- c) By a professor, teacher or other education professional of a public school;
- d) By a person guilty convicted of a serious offense;
- e) By teacher or civil servant of the Republic of Cyprus or member state who got fired or whose service was terminated in the past due to disciplinary offence;
- f) By a person employed by another government or organization;
- g) In the case that the establishment of the school does not correspond to the educational needs of the Republic;
- h) By a general or limited liability company the partner of which is a civil servant or teacher of a public school;

- i) By a limited liability company or by a legal person which was incorporated pursuant to the laws of the Republic and whose member, director or partner is a civil servant or teacher of a public school.

Irrespective of section 5(1)(a) of the Law, a non-Cypriot citizen can apply for the establishment of a Private School only if he obtains the special leave by the Minister.

4. Name of Private Schools

The conditions on the name of Private Schools are set out by section 6 (1) of the Law and are the following:

- a) It shall not be misleading as to the level, type and offered study programs;
- b) It shall not contain the words "Academy", "Academic", "National", "Pancyprian", "European", "International", "Pilot", "College" or similar words.

The name of Private Schools shall include the words "Private School" or "Summer School" depending on the case and shall be stated clearly on billboards, advertisements, certificates and any document that is issued by the school.

The advertisement of the name of Private Schools is only allowed upon granting of the license of establishment and operation.

5. Issuance of the certificate of establishment of Private Schools

Following the submission of the application described in clause 2 of this Article, the Competent Authority, if satisfied, shall register the application to the Register of Establishment of Private Schools and issue the relevant certificate of establishment within ten (10) months from the date of submission. In the event that no reply is received by the Competent Authority within three (3) months from the date of submission of the application, the certificate is deemed to have been issued. The said certificate is valid for one year during which the owner of Private Schools shall proceed to obtain the certificate of operation as this will be described in clause 6 of this Article. If the certificate of operation is not obtained, the certificate of establishment can be renewed for another year.

6. Application for the operation of Private Schools

In accordance with section 8 (1) of the Law the application for the operation of a Private School shall contain the following details:

- a) Name, surname and qualifications of the teaching staff and principal along with the supporting documents listed in section 8(1) (a) (i) – (viii) of the Law;
- b) Description of the premises and equipment of the school;
- c) Information as to the building infrastructure along with the supporting documents listed in section 8 (1) (c) (i) – (v) of the Law;
- d) Internal operating regulations of the School (as analyzed below).

The Competent Authority, if satisfied, and once the fee specified in the Regulations is paid, shall register the application to the Register of Establishment and Operation of Private Schools (the "**Register**") and issue the relevant certificate of establishment within ten (10) months from the date of submission. In the event that the application is incomplete, the Competent Authority must inform the applicant in writing that additional information is required within one (1) month.

In relation to the the owners of Private Schools established pursuant to the Previous Legislation, section 8 (3) provides that they shall submit an application for the operation of the private school to the Ministry of Education which shall contain the following information:

- a) The seat and address of the school;
- b) The type and level of the school;
- c) The study guide of the school;
- d) The names, surnames and qualifications of the teaching staff along with the documents required by section 8(1) (a) of the Law;
- e) Description of the premises and school's equipment;
- f) Internal operating regulations of the School (as analyzed below).

The application to the Ministry of Education must be made within twenty-four (24) months counting from the 15th of November 2019, being the effective date of the Law.

In the event that any of the information listed in section 8 (1) of the Law are altered, the applicant must notify the Competent Authority within thirty (30) days by submitting a fully reasoned written statement.

7. Removal of a Private School from the Register

A registered Private School which does not operate for a period of two (2) years is deleted from the Register and can be re-registered following the approval of the Competent Authority and the consent of the Advisory Committee which is established in the Ministry of Education.

8. Change of Private School's data

The owner of a Private School who wishes to alter any of the information listed in sections 4 (1) and 8 (1) of the Law, must submit an application to the Competent Authority eight (8) months prior to the commencement of the school year. The Competent Authority is obliged to notify the applicant on whether the application is approved or not within forty-five (45) days.

9. Premises

Section 12 of the Law provides that no Private Schools shall operate in premises different than the premises described in the application to the Ministry of Education for their operation as per clause 1 of this Article. In the event that Private Schools have branches within or outside their seat, the provisions of the Law are also applicable to the said branches. The Education of Children with Special Needs Law and Regulations are applicable and provide for the terms that must be met by the premises of Private Schools.

10. Equipment

Every Private School must ensure that the necessary and required equipment is in place for the appropriate teaching of the subjects. In cases of students with special needs, the Private School must ensure that the necessary equipment as assessed by

the District Committees of Special Needs and Education of the Ministry must be in place.

11. Internal Operating Regulations

Every Private School, in accordance with section 14 of the Law, is obliged to have in place internal operating regulations similar to the ones of Public Schools in terms of structure, content and general philosophy. The internal operating regulations are subject to the approval of the Ministry of Education and must be submitted for approval along with the application for the operation of private schools as described in clause 1 of this Article.

The internal operating regulations shall regulate the matters listed in section 14 (1) (a) – (d) of the Law.

12. Study Guide

The owner of a Private School is obliged to publish every school year, prior to students' registration, a study guide containing the information listed in section 15 (1) of the Law.

Pursuant to section 15(1) the study guide shall contain, among others, information that relate to the type and level of school, duration of study and curriculum, terms of enrolment and graduation, scholarships, tuition fees, building dimensions and equipment and the rights and obligations of the students.

As per section 15(2) of the Law, the information stated in the study guide shall be approved by the Ministry of Education and be in line with the information submitted for obtaining the approval of the school's incorporation and operation and with all relevant documents submitted at the Ministry of Education in relation to the school year, tuition fees, principal, teaching staff etc. Accordingly, the study guide must be submitted for approval to the Ministry of Education along with the application for the operation of private schools as described in clause 1 of this Article.

13. Tuition Fees

The owner of a Private School or his/her authorized representative, in accordance with section 16 of the Law, shall, prior to the first registration of a student at the Private School, enter into a written agreement with the parents or guardians of the students as to the total amount of tuition fees and any other fees to be paid at the Private School until the completion of the studies, supported by a detailed analysis.

The tuition fees and any other fees and rights that will be imposed on the students for the next school year must be submitted to the Ministry of Education by the end of December of each year. In the event that the owner of the Private School wishes to increase the tuition fees, the Ministry of Education must be notified and provided with sufficient and substantiated data and documentation justifying the reasons for such decision. Lastly, the owner of a Private School is obliged to issue invoices and receipts in relation to the collection of tuition fees, registration rights and any other rights.

14. Inspection of Private Schools

The owner, principal and teaching staff of a Private School are under the obligation to allow the competent officials of the Ministry of Education to enter into the school and classes at least once a year in order to inspect and verify the school's compliance with the requirements of the Law.

15. Registry

Pursuant to section 18 of the Law, the owner or principal of a Private School is obliged to maintain a registry from the date of its incorporation in hard copy and electronic format in accordance with the form set by the Minister which shall contain among others, information such as students record, protocol, certificates of study, school calendar and attendance record.

16. Certificates, diplomas and Leaving Certificates

Every Private School is obliged to issue certificates of study, progress reports, qualifications, diplomas and leaving certificates, (“apolytiria”) in the form approved by the Minister and in accordance with the respective instructions of the Ministry of Education regarding personal data matters.

17. Transfer of students

Students of Public Schools of Secondary Education are entitled to register at Private Schools of the same or similar type, for the same or respective class, for which they are capable of enrolling in accordance with the Operation of Public Schools of Secondary Education Law and the internal operating regulations of the Private School to which they will study. In the event, that students apply to a Private School of a type different than that of the Public School, registration to a class is only allowed following entrance examinations. The application period and the dates of entrance exams must be notified to Private Schools and social media with the circular of the Ministry of Education.

18. Teaching staff

Section 22 (1) of the Law provides that the Principal and teaching staff of Private Schools of the same or similar type with Public Schools must possess the same qualifications that are required for the principal and teaching staff of Public Schools. The Principal of Private Schools of Primary and Secondary Education must have at least five years of prior educational experience and the Principal of kindergarten must have at least two years of prior experience at public or licensed Private Schools in Cyprus or in another state.

In the case of Private School of a type different than that of a Public School, the teaching staff will need to obtain a certificate of equivalence from the Cyprus Council of Recognition of Higher Education Qualifications (KY.S.A.T.S.) in relation to the subject of specialisation.

The teachers who are employed by Private Schools of all levels will need to obtain approval for teaching the subject of specialisation within five (5) years from the effective date of the Law.

Further, section 22(2) of the Law provides that with the commencement of every school year the management of the school must submit a register with the principal and teaching staff of the school and in the event of a new person, the register must be submitted along with the relevant documentation and certificates.

The owner of Private Schools must seek the continuous training of the teaching staff of the school and arrange for the teaching staff to attend teaching programs.

Every teacher to be employed as Principal or member of the teaching staff must provide a clean criminal record in original form as per the Police Law and an original certificate confirming that the potential employee is not included in the register that is maintained pursuant to the Prevention and Combat of Sexual Abuse, Sexual Exploitation of Children and Child Pornography Law.

19. Principal's responsibilities

The Principal of Private Schools is responsible for the proper functioning of the school and for fulfilling his duties in accordance with the internal operating regulations of the Private School and for exercising disciplinary authority to the teaching staff of Private Schools in accordance with their internal operating regulations. The Principal is not allowed to run more than one private school.

20. Teaching Staff Association and Students' Disciplinary Board

Section 25 and 26 of the Law provide that every Private School shall set up every year, following the recommendation of the Principal, a Teaching Staff Association which will then nominate the Students' Disciplinary Board.

21. Various provisions

- (i) Legal or natural persons are not allowed to be advertised as a recognised Private School if it is not included in the register kept at the Ministry of

Education. Misleading information that are not consistent with the licence of Private Schools are not allowed to be advertised.

- (ii) Private Schools shall neither be afternoon schools operating between 4:00 pm and 10:00 pm nor be allowed to have compulsory teaching of religions or doctrines different from that of the student.
- (iii) Private Schools are allowed to operate as summer schools and thus, extent the duration of their operation and their timetable. In the case that the summer school will operate with a different syllabus, teaching staff or with the use of other facilities, the relevant application must be made for obtaining the licence of establishment and operation in accordance with the provisions of the Law.
- (iv) In the case that Private Schools intend to terminate or suspend their operation, the owner of such Private Schools must inform the Ministry of Education and the parents of the students for such decision within thirty (30) days.
- (v) Lastly, section 40 of the Law provides for the offences and penalties applicable to Private Schools for non-compliance with the Law and section 41 of the Law allows for the issuance of Regulations necessary for the effective application of the provisions of the Law.

HOW OUR FIRM MAY ASSIST

Our firm may advise and guide you on various matters related to Private Schools in order to ensure compliance with the provisions of the Law. In particular our firm may:

- Assist with the submission of applications and supporting documents required for the establishment and operation of Private Schools to the Competent Authority;
- Liaise with the Competent Authority and other regulators in relation to matters connected with Private Schools and their owners;

- Provide legal opinions in relation to Private Schools and their obligations in light of the Law;
- Monitor and advise on regulatory developments.

DISCLAIMER

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OUR FIRM

We are a Law Firm with offices in Cyprus and Malta and a representative office in Shanghai China comprising of more than 50 lawyers, accountants and other professionals who advise, international and local clients.

The Firm has been offering legal and consulting services since 1983 evolving from a traditional law firm to an innovative cutting-edge multidisciplinary law firm combining exceptional expertise in law, tax, vat and accounting.

From its establishment the Firm's focus has been heavily business oriented and always abreast with the latest global developments and innovations. Drawing from our pool of experienced professionals we provide our clients' businesses full legal and accounting support on an everyday basis as well as customized solutions in today's global financial and legal challenges.

We consider ourselves as 'traditional pioneers' and our motto is to foresee and anticipate any issues that may potentially impact our clients' business and to offer effective advice and solutions proactively.

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