

MEMORANDUM OF UNDERSTANDING

ON COOPERATION IN EDUCATION

BETWEEN

THE MISSION AUTHORITIES OF CHRISTIAN MISSION SCHOOLS IN MALAYSIA

AND

THE MINISTRY OF EDUCATION OF MALAYSIA

A. PREAMBLE

1. The Mission Authorities of Christian Mission Schools in Malaysia are the owners of the Christian mission schools in the country. They are set out in Schedule I (hereinafter referred to as "the Mission Authorities"). The list of participating Mission schools that are covered in this Memorandum are as set out in Schedule 2 hereto.
2. The mission schools were set up by the Mission Authorities in the pre-Merdeka period to meet the needs of the community in the pre-independence period by providing educational opportunities to the local children, especially to girls, who would otherwise not have had opportunity to receive an education. These schools were owned and initially administered by the respective Mission Authorities who established the schools with English as the medium of instruction in a majority of the schools and a few with Chinese/Tamil as the medium of instruction.
3. Mission schools are characterised by their special ethos that promote unity, love, person-centred education and compassion for the weak which form the underlying philosophy of mission schools with regard to education. They have played a major role in nation building.
4. Following the Report of the Royal Commission of the Teaching Services 1971 (the Aziz Report), the Mission Authorities accepted the invitation of the Government for the mission schools to be absorbed into the National Education System and for them to be run as government-assisted schools. The school land and buildings remained in the

ownership of the Mission Authorities while the government would be responsible in providing grants to fund the administration of the school. It was agreed that the Government is responsible for the administration of the school, the provision of the teaching and administrative staff and the school curriculum, whilst the Board of Governors would be responsible for the management of the school land and building and the preservation of the special character and ethos of the schools.

5. Further in Article 8.53 of the Aziz Report, it was recommended that to allay any misgivings as regards the status and special character of these schools, there should be maximum consultation between the deployment authority and the individual school boards in the deployment and assignment of teachers especially head teachers so that the character of the schools would be maintained.
6. It was also understood that there would be maximum consultation between the Government and the Mission Authorities in the appointment of the Principal/Head Teacher and the Senior Assistants, so as to ensure that the persons appointed to those positions would be acceptable to the Mission Authority concerned so that the essential identity, character and ethos of the schools would be maintained.
7. Sadly, over the years the number of mission schools has declined. Some of the land leases of the schools have expired and/or are close to expiry. The special character and ethos of the mission schools have been eroded largely due to the appointment of school heads who have no real understanding or appreciation of the philosophy and essential character of mission schools, and the special relation between the Mission Authorities who are the owners of the land and building and the Government which is responsible for the administration of the school. Also, the multi-ethnic composition of staff and students of the schools has been lost, and enrolment in some schools has dropped drastically. Consequently, some Mission Authorities have withdrawn a few of these schools from further use as government assisted schools. Such Institutions are run as private educational institutions to meet the changing needs of the nation instead.
8. The Government has long recognised that mission schools, as a special component within the national education system, have played a significant role in nation building and has repeatedly affirmed that mission schools be allowed to preserve their character and special identity.

9. In recent years however, although a number of circulars which sought to address some of the long standing issues which faced mission schools such as the principle of maximum consultation in the appointment of school heads, the teaching of Bible Knowledge, the continuing existence and formation of Christian club/societies, the right of the Board of Governors to request for 10% of new enrolment into the school - these issues and problems still persist because the circulars were either misinterpreted or not properly implemented.
10. Fundamental to all these recurring problems is the lack of understanding and recognition, especially at the department or school level, of the fact that Mission Authorities maintain certain rights over the land and building owned by them as well as the special historical status of the mission schools.
11. The Aziz Commission in Article 8.51 of its report recommended that the sanctity of the ownership of property be recognised by the government and the relationship between the government and the Mission Authorities should be formalised.
12. To date, there has yet to be a document to formalise the relationship between the Government and the Mission Authorities

B. GENERAL OBJECTIVES OF THE MEMORANDUM

1. Noting the importance of education in national development and acknowledging the longstanding relationship between the parties, the Mission Authorities are desirous of continuing its partnership with the government in providing affordable, accessible education to children of all racial, religious, cultural and socio economic backgrounds. Formalizing the relationship between the Government and the Mission Authorities and documenting the arrangements that have been reached between the parties would go a long way to address the recurring issues and problems faced by both the Government and the Mission Authorities. Such a document will bring about even further cooperation in educational efforts to meet the changing needs of the nation.
2. This Memorandum seeks to set out the understanding of the Mission Authorities and the Government of Malaysia as to the position of mission schools within the national system of education. It seeks to define the relationship between Mission Authorities as owners of the school land and building and the Government which runs the school, in

particular, with regard to the sanctity of land ownership and the rights of owners; the preservation of the character and ethos of the mission schools; the renewal of leases and other appropriate matters.

C. SANCTITY OF OWNERSHIP AND RIGHTS OF OWNERS

1. The Government recognises the sanctity of ownership of mission schools. (Ref. Aziz Report para.8.51)
2. School heads, recognizing the legality, should respect the sanctity of ownership and seek the consent of the Mission Authorities through the Board of Governors for any changes to the land use and school building.
3. The Mission Authorities have the right to refuse consent for any modifications, repairs or extensions if it is deemed incompatible with the character, ideals, traditions and essential identity of the mission schools.
4. All funds derived from the use of any part of the school premises including but not limited to the income derived from the canteen and bookshop are funds legally belonging to the Mission Authorities and shall be administered by the Board of Governors for the benefit of the school.
5. The Mission Authorities have the right to usage of the school premises outside designated school hours and the right to the continued use of non-educational buildings within the school premises.
6. The Mission Authorities have the authority to refuse the use of the school premises for any other purpose than what is indicated in the school calendar or for any purpose deemed incompatible with the character, ideals, traditions and essential identity of mission schools.
7. The Mission Authorities shall have the right to take possession of any portion of the school premises which is not being put to use for educational purposes and/or is improperly used in a manner which is deemed incompatible with the character, ideals, traditions and essential identity of the mission schools.
8. Where any mission school has become redundant by reason of lack of students or poor enrollment, and/or in the case where there are two schools in one shared premise, the

Government shall accede to the request of the Mission Authorities to close the operation of the school and/or of one of the schools.

9. The Mission Authorities shall have the right to withdraw any mission school from further use as a national school. Where such a right is exercised, the Mission Authorities shall give the government sufficient notice of its intention to do so, whereupon the Government shall upon receipt of such notice cease to take in new students for the following academic year.

D. IDENTITY

1. We request that in order to recognise the special character of mission schools and distinguish mission schools from other national schools in the national education system, Mission schools are to be categorized with a prefix (M) for "Mubaligh" or "Mission" i.e. as SK(M) or SMK(M).
2. In cases where a particular school has ceased to be owned by the Mission Authorities due to expiry of leases or some other reasons, the Government may change the name of the school so that the school concerned shall no longer carry the name/names of the Mission Authorities, except where the Government has granted permission to the Mission Authorities to carry on with the essential identity, character and ethos of the school.
3. To maintain the essential identity, character and ethos of the school, there should be maximum consultation between the Government and the Mission Authorities in the appointment of Head Teachers. The Government accepts that the person appointed to be the head teacher of a mission school shall be a person who professes the Christian faith. In the case of senior assistants, there shall be consultation with the Board of Governors of the school concerned and as far as possible shall be persons professing the Christian faith.

E. GOVERNANCE AND THE ROLE OF THE BOARD OF GOVERNORS

1. Every mission school is governed by a Board of Governors and Instrument of Government in accordance with the provisions of the Education Act 1996.

2. The Board of Governors represents the interest of the Mission Authorities and is the custodian of the ethos and values of the Mission Authorities. The Board of Governors shall have control over the buildings and grounds of the schools and have oversight of the general well-being of the schools in accordance with the Instrument of Government.
3. The Board of Governors shall ensure the proper maintenance of the school buildings and grounds and ensure that all repairs and maintenance are carried out.
4. The Government shall provide an annual grant to the Board of Governors of the schools to maintain and upgrade the buildings and facilities in mission schools for the benefit of the students and teachers of the schools. The Board of Governors shall present accounts to the Government on the utilization of the grant so given.
5. The Government shall seek to treat fairly the allocation of financial grants to mission schools comparable to fully assisted national schools, particularly in the area of funds for utilities
6. The Mission Authorities shall be responsible for the payment of quit rent of the property. For this purpose, the *Surat Pekeliling Ketua Pengarah Tanah and Galian Persekutuan Bil 3/2002* applies whereby the quit rent payable is a nominal sum of RM One Ringgit Only.
7. The Government shall facilitate the renewal of leases of schools that are going to expire or has expired, at nominal premiums while the schools are being used for purposes of education pursuant to the guidelines in *Surat Pekeliling Ketua Pengarah Tanah and Galian Persekutuan Bil 3/2002*.
8. Alternatively, to preserve the character, identity and ethos of the school, to maximise mission school resources and maximise student outcome, the Government and the Mission Authorities may agree to outsource the school management to a private provider as a public-private sector partnership with a degree of autonomy on drawing up their own Standard Operating Procedures, curriculum, professional development and procurement of human resources.
9. The Christian icons, artefacts and nomenclature of the school should be preserved and the school crest, motto, song, school colours, school houses (named after saints/school benefactors) and all reference to heritage and historical values shall be retained.

10. In keeping with Christian roots and traditions, facilities such as Chapel or prayer room, Heritage Room displaying artefacts and records of the school history shall be maintained.
11. The Board of Governors may provide for religious education as provided for in Section 51 of the Education Act 1996 and teaching of Bible Knowledge.
12. The establishment of Christian Clubs and Societies including Christian uniformed bodies, blessing, dedication and thanksgiving services, Christian prayer, the presence of a School Chaplain are all part of the character, culture and essential identity of the school and should be permitted and/or facilitated.

F. FIELDS AND FORMS OF COOPERATION AND MECHANISM OF CONSULTATION

1. To promote the sustainable development of long-term education needs of the nation and cooperation between the parties, there shall be established a mechanism of regular consultation – to identify priorities and current needs; to establish appropriate measures for developing programmes and projects to meet changing needs, in particular, the shift and transformation of mission schools to special trust schools (in line with the target to expand the trust school model to 500 schools by 2025) and pilot programmes in mission schools to improve the quality of teaching and learning in order to provide additional support and opportunities for the disadvantaged and disenfranchised to assist them to rise to their true potential in mission schools. For this purpose, the Ministry of Education shall establish a permanent unit in the Ministry / Education Department to act as a liaison between the Mission Authorities, the Board of Governors and the Government.
2. The Government and Mission Authorities will facilitate cooperation in mutually determined areas such as an emphasis on enhancing the English language teaching and learning programmes in mission schools.
3. The Government and Mission Authorities shall conduct other forms of cooperation in mutually determined and targeted areas.

G. IMPLEMENTATION

- 1. The Government and Mission Authorities will facilitate the implementation of cooperative plans and arrangements arising under this Memorandum through working group meetings, exchanges of letters or other instruments to keep each party informed.
- 2. The working group shall meet bi-annually and/or at any time considered necessary by the Government and the Mission Authorities.
- 3. The Agenda of each meeting will be decided in advance by the Government and the Mission Authorities.
- 4. Each meeting should produce minutes, which will be signed as confirmation by the Government and the Mission Authorities.
- 5. The Government and the Mission Authorities will consult each other upon the request of either Party on matters relating to the terms of this Memorandum and will endeavour jointly in a spirit of cooperation and mutual trust to resolve any difficulties or misunderstandings which may arise.
- 6. This Memorandum takes effect on the date it has been signed on behalf of both parties and the respective Mission Authorities and will remain in effect until modified by mutual agreement of the parties.

Signed by

Name:
Title: The Chairman
The Federation of Councils
of Christian Mission Schools Malaysia

DATE:

Name:
Title: The Education Minister
Ministry of Education of Malaysia

DATE:

SIGNED BY THE MISSION AUTHORITIES IN SABAH

The Rt Rev. Melter Jiki Tais
The Bishop of the Anglican Diocese of Sabah

Bishop Rev. James Wong Chong Leong
Bishop of the Basel Christian Church of Malaysia

Most Rev. Archbishop John Wong Soo Kau, D.D.
Registered Trustee of the Diocese of Kota Kinabalu

Rt Rev. Bishop Datuk Cornelius Piong, D.D.
Registered Trustee of the Diocese of Keningau

Rt Rev. Bishop Datuk Julius Dusin Gitom, D.D.
Registered Trustee of the Diocese of Sandakan

Rev. Jensey Mojuin
President of the Protestant Church in Sabah

SIGNED BY THE MISSION AUTHORITIES IN SARAWAK

The Rt Revd Datuk Bolly Ak Lapok
The Bishop of the Anglican Diocese of Kuching

Most Rev. Dato John Ha Tiong Hock, DD, SSD
The Archbishop of Kuching (Roman Catholic Church)

Rt Rev. Richard Ng, DD
The Bishop of Miri (Roman Catholic Church)

Rt Rev. Joseph Hii Teck Kwong, DD
The Bishop of Sibü (Roman Catholic Church)

Rev. Dato' Dr. Su Chii Ann
President of the Methodist Sarawak Chinese Annual Conference

Rev. Steward Damat Mambang
President of the Methodist Sarawak Iban Annual Conference

SIGNED BY THE MISSION AUTHORITIES IN PENINSULAR MALAYSIA

Most Rev. Julian Leow Beng Kim, D.D.
The Titular Roman Catholic Archbishop of
Kuala Lumpur

.....
Brother Robert Teoh Thong Kiang, FMS
The Titular Superior of the Institute of Marist
Brothers of the Schools

Rt Rev. Datuk Sebastian Francis, D.D.
The Titular Roman Catholic Bishop of Penang

.....
Brother John Albert, SG
The Titular Superior of the Brothers of St.
Gabriel, Malaya

Rt Rev. Anthony Bernard Paul, D.D.
The Titular Roman Catholic Bishop of Malacca
Johore

Rev. Dr Ong Hwai Teik
The Bishop of the Methodist Church in
Malaysia

Dato' Brother Paul Ho, FSC
The Visitor in the Federation of Malaya of the
Christian Brothers' Schools

The Most Rev. Datuk Ng Moon Hing
The Bishop of West Malaysia (Anglican
Church)

Sister Celina Wong, IJS
The Lady Superior of the Society of Saint Maur

Rev. Caleb Soon
Moderator Gereja Presbyterian Malaysia

Sister Christie Ho Yuet Kheng, FDCC
The Mother Superior of the Daughters of
Charity of the Canossian Institute (Malaya)

Mr Yap Kok Keong
Christian Brethren Education Board

Sister Susan Thomas, FMM
The Superior of the Franciscan Missionaries of
Mary

