



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

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PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

(*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)

Provincial Notice

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Any person or organisation wishing to comment on these draft regulations is requested to submit the comments in writing before or on 6 March 2017, by—

Enige persoon of organisasie wat op hierdie konsepregulasies kommentaar wil lewer, word versoek om sodanige kommentaar voor of op 6 Maart 2017 skriftelik voor te lê deur—

Nawuphi na umntu okanye umbutho ofuna ukuvakalisa izimvo ngale mimiselo uyacelwa ukuba azifake ezibhalile ezo zimvo phambi komhla okanye ngomhla we-6 kweyoKwindla 2017, ngokuthi—

- (a) posting the comments to:
Mr Deon Louw
Deputy Director: IMG
Western Cape Education Department
Private Bag X9114
Cape Town
8000;
- (b) e-mailing the comments to:
Deon.Louw@westerncape.gov.za;
- (c) faxing the comments to:
Fax no.: 086 276 3091; or
- (d) delivering the comments to:
Mr Deon Louw
Deputy Director: IMG
Western Cape Education Department
Room 18-16, 18th Floor
Golden Acre Building
Adderley Street
Cape Town.

- (a) die kommentaar te pos aan:
Mnr Deon Louw
Adjunkdirekteur: IBB
Wes-Kaapse Onderwysdepartement
Privaatsak X9114
Kaapstad
8000;
- (b) die kommentaar per e-pos te stuur na:
Deon.Louw@westerncape.gov.za;
- (c) die kommentaar te faks na:
Faksnr: 086 276 3091; of
- (d) die kommentaar af te lewer by:
Mnr Deon Louw
Adjunkdirekteur: IBB
Wes-Kaapse Onderwysdepartement
Kamer 18-16, 18de Vloer
Goue Akkergebou
Adderleystraat
Kaapstad.

- (a) azithumele ngeposi ku-
Mr Deon Louw
Deputy Director: IMG
Western Cape Education Department
Private Bag X9114
Cape Town
8000;
- (b) azithumele nge-imeyili ku-
Deon.Louw@westerncape.gov.za;
- (c) azithumele ngefeksi ku-
Inombolo yefeksi 086 276 3091; okanye
- (d) ngokuzisa ngesandla ku-
Mr Deon Louw
Deputy Director: IMG
Western Cape Education Department
Room 18-16, 18th Floor
Golden Acre Building
Adderley Street
eKapa.

PROVINCIAL NOTICE

The following Provincial Notice is published for comment.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika izimvo.

ADV. B. GERBER,
UMLAWULI JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

WESTERN CAPE DEPARTMENT OF EDUCATION

P.N. 40/2017

3 February 2017

**PROCEDURES FOR THE ESTABLISHMENT AND ELECTION OF GOVERNING BODIES AT
PUBLIC SCHOOLS DRAFT REGULATIONS, 2017**

The Provincial Minister of Education in the Western Cape, under section 24, read with section 63, of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), intends to make the regulations set out in the Schedule.

SCHEDULE**ARRANGEMENT OF REGULATIONS***Regulations*

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Definitions

1. In these regulations, unless stated otherwise, any word or expression to which a meaning has been assigned in the Act bears the meaning assigned to it and, unless the context indicates otherwise—
 - “**code of conduct**” means a code of conduct of a governing body as contemplated in section 26A of the Act;
 - “**day**” means any day, including Saturday, Sunday, a public holiday and a day falling in a school holiday;
 - “**district director**” means the head of an education district office;
 - “**district electoral officer**” means a senior district official at an education district office who is responsible for overseeing and managing the election process in the district;
 - “**educator**” means any person appointed by the Head of Department or the governing body in a contract or permanent capacity, including as a grade R educator, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at a public school, but excluding a person who is appointed exclusively to perform extracurricular duties;
 - “**member**” means a member of a governing body;
 - “**non-educator**” means a person, other than an educator, appointed at a school in a contract or permanent capacity in accordance with the Public Service Act, 1994 (Proclamation 103 of 1994), or by the governing body;
 - “**ordinary school**” means a school other than a school for learners with special education needs;
 - “**school**” means an ordinary public school or a public school for learners with special education needs;
 - “**school electoral officer**” means an electoral officer contemplated in regulation 8;
 - “**school electoral team**” means the school electoral officer appointed in terms of regulation 8(1) together with the persons appointed to assist the school electoral officer in terms of regulation 8(2);

“**sponsoring body**” means a body that provides financial support to a school for learners with special education needs;

“**the Act**” means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

Composition of governing body

2. (1) Subject to subregulation (19) and regulation 6(4), the governing body of an ordinary secondary school or combined school must consist of—
 - (a) seven parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (b) two educators at the school;
 - (c) one non-educator at the school;
 - (d) two learners in the eighth grade or higher elected by the representative council of learners from its own ranks; and
 - (e) the principal.
- (2) Subject to subregulations (3), (4), (5) and (19) and regulation 6(4), the governing body of an ordinary primary school must consist of—
 - (a) five parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (b) two educators at the school;
 - (c) one non-educator at the school; and
 - (d) the principal.
- (3) Subject to subregulation (19) and regulation 6(4), the governing body of an ordinary primary school with a staff establishment of one educator must consist of—
 - (a) two parents who are not employed at the school by the Western Cape Education Department or the governing body; and
 - (b) the principal.
- (4) Subject to subregulation (19) and regulation 6(4), the governing body of an ordinary primary school with a staff establishment of one educator and one non-educator must consist of—
 - (a) three parents who are not employed at the school by the Western Cape Education Department or the governing body;

- (b)* the principal; and
 - (c)* the non-educator at the school.

- (5) Subject to subregulation (19) and regulation 6(4), the governing body of an ordinary primary school with a staff establishment of two educators and one non-educator must consist of—
 - (a)* four parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (b)* the principal;
 - (c)* one educator at the school; and
 - (d)* the non-educator at the school.

- (6) Subject to subregulation (19) and regulation 6(4), the governing body of a school for learners with special education needs must consist of—
 - (a)* seven parents who are not employed at the school by the Western Cape Education Department or the governing body, if reasonably practicable;
 - (b)* two educators at the school;
 - (c)* one non-educator at the school;
 - (d)* two learners in the eighth grade or higher elected by the representative council of learners from its own ranks, if reasonably practicable;
 - (e)* the principal;
 - (f)* one representative of sponsoring bodies, if applicable;
 - (g)* one representative of organisations of parents of learners with special education needs, if applicable;
 - (h)* one representative of organisations of disabled persons, if applicable;
 - (i)* one disabled person, if applicable; and
 - (j)* one expert in appropriate fields of special education needs.

- (7) No decision taken by a governing body or action taken on the authority of a governing body is invalid merely because a vacancy existed on that governing body or because a person who was not entitled to sit as a member of that governing body sat on that governing body as such a member at the time when the decision was taken or the action authorised, if the decision was taken or the action was authorised by at least one more than half of the members of the governing body who were then present and entitled to sit as members.

- (8) A governing body may co-opt—
- (a) the owner of the property or his or her nominee if the school is located on private property;
 - (b) persons to assist in fulfilling specified responsibilities.
- (9) Subject to subregulation (10)(b), co-opted members do not have voting rights on the governing body.
- (10) In the circumstances contemplated in subregulations (1), (2), (3), (4) and (5)—
- (a) the number of parent members who have voting rights must comprise one more than the combined total of other members who have voting rights on the governing body; and
 - (b) if there is a vacancy in the number of parent members as contemplated in paragraph (a), the governing body must temporarily co-opt parents with voting rights.
- (11) If a parent is co-opted with voting rights as contemplated in sub-regulation (10)(b), the co-option ceases when the vacancy has been filled through a by-election, which must be held within 90 days after the vacancy has occurred in accordance with the same procedures as those for the election of parent members as detailed in these regulations.
- (12) If the by-election contemplated in subregulation (11) is not held within 90 days after the vacancy has occurred, the governing body may co-opt parents with voting rights for a further 60 days from the date of the expiration of the 90-day period, during which time the by-election must be held.
- (13) The nomination and election meeting for the by-election contemplated in subregulation (11) must be held in terms of these regulations.
- (14) Subject to subregulation (22), parents of learners of the school must nominate and elect the parent members referred to in subregulation (1)(a), (2)(a), 3(a), (4)(a), (5)(a) and (6)(a).
- (15) Educators employed at the school must nominate and elect the educator members referred to in subregulation (1)(b), (2)(b), (5)(c) and (6)(b).

- (16) Non-educator staff employed at the school must nominate and elect the non-educator members referred to in subregulation (1)(c), (2)(c) and (6)(c).
- (17) The representative council of learners at the school must nominate and elect the learner members referred to in subregulation (1)(d) and (6)(d).
- (18) The governing body of a school for learners with special education needs must establish a committee on special education needs as contemplated in section 30(2) of the South African Schools Act.
- (19) The Head of Department may approve the composition and term of office of a governing body at a school that differs from the composition contemplated in subregulation (1), (2), (3), (4), (5) and (6) if—
 - (a) the governing body of the school has applied in writing for such different composition and provided reasons therefor; or
 - (b) a governing body needs to be established to perform the functions of a governing body in the interim, to facilitate the establishment of a new school, and the Head of Department is satisfied that such composition is in the interest of education at the school.
- (20) In the circumstances contemplated in subregulation (19)(a) the number of parent members serving on a governing body of a school contemplated in subregulation (1), (2), (3), (4) and (5) must comprise one more than the combined total of other members who have voting rights.
- (21) The Head of Department may at any time in his or her discretion withdraw the approval referred to in subregulation (19) and dissolve the governing body composed under subregulation (19)(b), whereupon a new governing body must be composed in accordance with subregulation (1), (2), (3), (4), (5) or (6), as the case may be.
- (22) For the purpose of the establishment of an interim governing body as contemplated in subregulation (19)(b), the district director must submit to the Head of Department the names and particulars of sufficient persons to perform all the functions of the governing body.

Disqualification of members of a governing body

3. A person may not be nominated for or appointed as a member of a governing body if he or she—
- (a) has at any time been convicted by a court of law of an offence for which he or she received a suspended prison sentence without the option of a fine, or was sentenced to imprisonment without the option of a fine, unless he or she has received a free pardon, or the period of suspension or imprisonment has expired at least three years prior to the date of his or her nomination or appointment as a member of the governing body;
 - (b) has been declared unsuitable to work with children in terms of the Children's Act, 2005 (Act 38 of 2005), or the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007);
 - (c) is mentally ill and has been declared as such by a court of law;
 - (d) is an unrehabilitated insolvent;
 - (e) in the case of an educator appointed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998), has been found guilty of misconduct and has—
 - (i) received a fine;
 - (ii) been suspended without pay;
 - (iii) been demoted; or
 - (iv) received a combination of the sanctions contemplated in subparagraphs (i) to (iii), unless the period of his or her sanction has expired at least three years prior to the date of his or her nomination or appointment as a member of the governing body;
 - (f) in the case of a non-educator appointed in terms of the Public Service Act, 1994, or by the governing body, has been found guilty of misconduct and has—
 - (i) been suspended without pay;
 - (ii) been demoted; or
 - (iii) received a combination of the sanctions contemplated in subparagraphs (i) and (ii), unless the period of his or her sanction has expired at least three years prior to the date of his or her nomination or appointment as a member of the governing body;
 - (g) in the case of a parent, does not have a child enrolled as a learner at the school concerned; or
 - (h) has been removed from a governing body by the Head of Department in terms of regulation 4(3) during the previous three years.

Term of office of members of governing body

4. (1) Subject to subregulation (3) and (4) and regulations 5, 6, 20(5) and 21(2), the term of office of a member of a governing body who is not a learner must be three years and is effective from the date of the election of the individual member until the first meeting of the next newly elected governing body or as determined by the Head of Department.
- (2) The term of office of a learner member must be one year.
- (3) The Head of Department may at any time suspend or terminate the membership of a governing body member for a breach of the code of conduct and after due process was followed in terms of section 26A(5) of the Act.
- (4) If a person elected as a member of a governing body as contemplated in regulation 2(1), (2), (3), (4), (5) or (6) ceases to fall within the category referred to in that regulation in respect of which he or she was elected as a member, he or she ceases to be a member of the governing body.
- (5) A member of a governing body may be re-elected or co-opted, as the case may be, after the expiry of his or her term of office if he or she is eligible to be a member in terms of these regulations.

Vacancies in governing bodies

5. (1) A vacancy occurs in a governing body if a member—
 - (a) tenders his or her written resignation;
 - (b) dies;
 - (c) is absent from three consecutive meetings without valid reason, after having been duly notified of the meetings;
 - (d) becomes ineligible as contemplated in regulation 3 and 4(4); or
 - (e) has been removed from office in terms of regulation 4(3).

- (2) When a vacancy occurs—
- (a) in a governing body composed in terms of regulation 2(19)(b), the Head of Department must appoint a member in the vacancy;
 - (b) in a governing body composed in accordance with regulation 2(1), (2), (3), (4), (5) or (6), the vacancy must be filled through a by-election in accordance with the election procedures in terms of these regulations—
 - (i) in the case of a parent member, within 90 days after the occurrence of the vacancy; and
 - (ii) in the case of an educator vacancy, non-educator vacancy or learner vacancy, within 14 days after the occurrence of the vacancy.
- (3) A member appointed in accordance with subregulation (2)(a) or elected to fill a vacancy by means of a by-election in accordance with subregulation (2)(b) obtains membership for the unexpired period of the term of office of his or her predecessor, with voting rights, subject to regulation 4.
- (4) If a vacancy has been filled—
- (a) in accordance with subregulation (2)(a), the Head of Department must; or
 - (b) in accordance with subregulation (2)(b), the secretary of the governing body must, notify the principal in writing of the name of the person who is no longer a member of the governing body and of the name and address of the person's successor.

Dissolution and re-composition of governing bodies

6. (1) The Provincial Minister may dissolve a governing body if—
- (a) he or she is of the opinion that, owing to the amalgamation of schools or the division of a school or other re-organisation of school facilities, it is necessary to afford parents of the schools or school concerned an opportunity to elect members of a new governing body that will be properly representative of the parents of learners attending the schools or school after such amalgamation, division or re-organisation;
 - (b) the governing body has failed to perform its functions satisfactorily or has acted in a manner that is not in the best interest of the school;

- (c) at least 60 per cent of all parents entitled to vote under regulation 7(1) vote, at a parents' meeting convened for this purpose, in favour of a motion of no confidence in the governing body.
- (2)
 - (a) The chairperson of a governing body must, within 14 days after he or she has been requested to do so in writing by not less than 30 per cent of the parents entitled to vote in terms of regulation 7(1), convene a parents' meeting referred to in subregulation (1)(c).
 - (b) At least 14 days' prior written notice of the meeting must be given, either by sending the notice by post to all parents or by handing the notice to each learner with the oral instruction to hand it to his or her parents.
- (3) Where a governing body has been dissolved under subregulation (1), it becomes inoperative on a date fixed by the Head of Department.
- (4) As soon as possible after the date on which a governing body becomes inoperative—
 - (a) the district director must furnish the Head of Department with a list of names of persons, in order of preference, who are eligible to be appointed as members of the governing body; and
 - (b) the Head of Department must appoint sufficient persons from that list to perform the functions of a governing body at the school for a period not exceeding three months.
- (5) The Head of Department must notify the principal forthwith in writing of the names and addresses of the members of the governing body appointed in terms of subregulation (4).
- (6) The Head of Department may extend the period referred to in subregulation (4) by further periods not exceeding three months each, but the total period must not exceed one year.
- (7) A governing body must be elected under these regulations within a year after the appointment of the persons referred to in subregulation (4).

Franchise

- 7. (1) Every parent who has one or more children enrolled as learners at a school is entitled to vote for parent members of the governing body at that school, and may vote only once for a

particular nominee, with a maximum number of votes equal to the number of parent members to be elected.

- (2) In the circumstances contemplated in subregulation (1) no more than two parents per learner are permitted to vote.
- (3) Every educator employed at a school, including the principal, is entitled to vote for educator members of the governing body at that school, and may vote only once for a particular nominee, with a maximum number of votes equal to the number of educator members to be elected.
- (4) Every member of a representative council of learners at a school is entitled to vote for learner members of the governing body at that school and may vote only once for a particular nominee, with a maximum number of votes equal to the number of learner members from the representative council to be elected.
- (5) Every member of the non-educator staff at a school is entitled to vote for a member of the non-educator staff, and has one vote: Provided that if the school has only one non-educator, that member is automatically elected.

School electoral officer

8. (1) The Head of Department must appoint the principal or deputy principal of another school in writing as the school electoral officer, to conduct the nomination and election, as the case may be, of parent, educator and non-educator members referred to in regulation 2(1), (2), (3), (4), (5) and (6) to a governing body: Provided that a principal or deputy principal may not be appointed as school electoral officer at a school if he or she has children enrolled at that school.
- (2) The school electoral officer may appoint one or more persons to assist at a nomination and election meeting: Provided that such a person is not a parent of a learner at the school conducting the nomination and election.

- (3) The school electoral officer must preside at any meeting held for the election of members of a governing body, excluding the election of learner members.

Date, time and place of nomination and election meeting of parent members

9. (1) The school electoral officer must determine a date, time and place for a meeting for the nomination and election of parent members and must inform the principal in writing thereof.
- (2) The nomination and election of parent members must be preceded by the election of the other categories of members of the governing body.
- (3) In the case of a new school, the meeting for the nomination and election of parent members must be held not later than 90 days after the opening of the school to learners.
- (4) The Head of Department may, if it is reasonably required in the circumstances of a given case, allow an extension in writing of the period contemplated in subregulation (3), but such extension may not exceed six months after the establishment of the school.

Notice of nomination and election meeting of parent members

10. (1) The school electoral officer must prepare a notice, in the form of Annexure A, of the nomination and election meeting referred to in regulation 9 and a nomination form, in the form of Annexure B, and must, at least 21 days prior to the nomination and election meeting, provide the principal with a copy of the notice and nomination form in order that the provisions of subregulation (4) may be implemented.
- (2) The notice to the parent must—
 - (a) state the date, time and place of the meeting;
 - (b) include a reminder that parents must bring a form of identification to be allowed to vote; and
 - (c) indicate the time and date of a follow-up meeting, to be held not less than seven days and not more than 14 days after the first meeting, should a quorum not be achieved at the first meeting.

- (3) The identification contemplated in subregulation (2)(b) must be a South African identity card or green barcoded identity document, or a temporary identity document issued by the Department of Home Affairs or, in the case of a foreigner, a permit issued in terms of the Immigration Act, 2002 (Act 13 of 2002): Provided that in the event of such identification not being available an alternative form of identification may be accepted by a member of the school electoral team.
- (4) The principal must at least 21 days prior to the date of the nomination and election meeting for parent members—
 - (a) hand copies of the notice and nomination form to every learner of the school concerned with the oral instruction to hand it to his or her parents;
 - (b) send copies of the notice and nomination form to the parents of every learner at the school by post, if he or she deems it expedient;
 - (c) use a combination of the two notification methods contemplated in paragraphs (a) and (b); or
 - (d) use any other method to notify the parents of every learner at the school of the nomination and election meeting of parent members, as long as the method of notification does not place any parents at a disadvantage or impede their participation in the election process.

Voters' rolls

11. (1) The principal must make a voters' roll for each of the following categories of voters, containing the names of all parents, educators and non-educators at the school who are entitled to vote as follows:
 - (a) the voters' roll for parents must be based on the school admission register, and eligible voters are those persons appearing in the admissions register as parents or who can show proof that they are parents of learners enrolled in the school;
 - (b) the voters' roll for educators must consist of all educators employed at the school; and
 - (c) the voters' roll for non-educators must consist of all non-educators employed at the school.
- (2) The voters' roll for parents must be made available to parents, on their request, for scrutiny at least 14 days prior to the meeting.

Nomination and election meeting of parent members

12. (1) To nominate a parent candidate, the parent of a learner at the school must—
- (a) lodge with the school electoral officer, not later than 14 days before the nomination and election meeting, a nomination form in the form of Annexure B, duly completed by the proposer, seconder and parent candidate; or
 - (b) propose a parent as a member of the governing body during the nomination and election meeting.
- (2) A nomination contemplated in subregulation (1)(b) must be seconded by another parent, and a nomination form in the form of Annexure B must be duly completed by the proposer, the seconder and, if present, the parent candidate, and must be lodged with the school electoral officer within the time contemplated in subregulation (3).
- (3) If a quorum as contemplated in regulation 13(2) is reached, the nomination and election meeting must proceed and the school electoral officer must determine the time allowed for the nomination of parent candidates and must inform the meeting thereof.
- (4) If a quorum as contemplated in regulation 13(2) is not reached within 30 minutes after the scheduled starting time of the meeting, the follow-up meeting contemplated in regulation 10(2)(c), at which no quorum is required, must be arranged in accordance with subregulation (5).
- (5) In the circumstances contemplated in subregulation (4)—
- (a) the school electoral officer must provide the principal with a notice stating that a quorum has not been reached and that a follow-up meeting as contemplated in regulation 10(2)(c) will be held on the date and at the time and place stated in the notice;
 - (b) the principal must within two days of the first meeting hand to each learner of the school the notice with the oral instruction to hand it to his or her parents;
 - (c) any nominations made in terms of subregulation (1)(a) remain valid for the second meeting; and

- (d) additional nominations of candidates to stand for election may be lodged during the second notice period and the follow-up meeting.
- (6) A parent may not nominate himself or herself.
- (7) After expiry of the time referred to in subregulation (3), the school electoral officer must consider the nominations and reject the nomination of any parent who—
 - (a) has not been nominated in accordance with subregulation (1)(a) or (2);
 - (b) is ineligible as contemplated in regulation 3;
 - (c) in the case of a nomination referred to in subregulation (1)(b), did not complete the nomination form, unless written proof to the satisfaction of the school electoral officer is submitted before the expiry of the time referred to in subregulation (3) that such parent candidate will be willing to serve as a member of the governing body; or
 - (d) nominated himself or herself,and thereafter the school electoral officer must announce the names of the parents whose nominations have been accepted.
- (8) If the total number of parent candidates whose nominations have been accepted as contemplated in subregulation (7)—
 - (a) is less than the number of members required in terms of regulation 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) or (6)(a) in respect of the governing body concerned, a new meeting at which additional parent candidates must be nominated must be convened in accordance with the procedures as set out in these regulations;
 - (b) is equal to the number of the members determined in terms of regulation 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) or (6)(a) in respect of the governing body concerned, the school electoral officer must declare every accepted parent candidate to be a duly elected member of the governing body;
 - (c) is more than the number of members determined in terms of regulation 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) or (6)(a) in respect of the governing body concerned, a poll must be held in accordance with regulation 13.

Poll at election of parent members

- 13.(1) The poll referred to in regulation 12(8)(c) must be held on the date and at the time and place determined in accordance with the nomination and election process.
- (2) A quorum of parents—
- (a) must be present at a poll for an election to take place;
 - (b) consists of 10 per cent of the total number of parents on the voters' roll.
- (3) The school electoral officer must issue every parent who is entitled to and wishes to vote with an approved ballot paper on which the school stamp appears.
- (4) A parent must record his or her vote on the ballot paper referred to in subregulation (3): Provided that if a parent is on account of illiteracy, blindness or any other physical defect unable to record his or her vote, the school electoral officer may, at the request of that parent and in the presence of a witness chosen by the parent, record the vote for the parent candidate or parent candidates indicated by that parent on the ballot paper.
- (5) The school electoral officer must reject a ballot paper—
- (a) on which the school stamp referred to in subregulation (3) does not appear;
 - (b) on which more votes are recorded than the number of members to be elected in accordance with regulation 2; or
 - (c) which is completed in such a way that it is in the opinion of the school electoral officer uncertain for which parent candidate or parent candidates a vote was recorded.
- (6) The school electoral officer must—
- (a) in the presence of every parent candidate who wishes to be present, ensure that the votes recorded for every parent candidate are counted by the school electoral team; and
 - (b) declare the determined number of parents in terms of regulation 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) or (6)(a) in respect of the governing body concerned for whom the greatest number of votes were recorded to be duly elected members of the governing body and state the number of votes recorded for every parent candidate.

- (7) If the number of votes recorded for two or more parent candidates is equal and it affects the result of the poll, the school electoral officer must, in the presence of every parent candidate who wishes to be present, draw lots to determine which of the parents are successfully elected.
- (8) No proxy votes are accepted for governing body elections.

Deviation from single nomination and election meeting

14. (1) A governing body may apply to the Head of Department, not less than 60 days prior to the date of the election to be determined in terms of subregulation (4), for approval to deviate from the procedure for the nomination and election of parent members as contemplated in regulations 10, 12 and 13.
 - (2) The application referred to in subregulation (1) must be fully motivated and must clearly indicate the procedure by which the school intends to manage the nomination and election of the parent members of the governing body.
 - (3) The Head of Department must—
 - (a) consider the application and decide the matter in writing within 14 days of receipt of the application;
 - (b) grant the application if he or she is satisfied that—
 - (i) the deviation will promote the best interests of the school community and the school concerned;
 - (ii) the deviation will allow for maximum participation of parents to cast their vote during the elections;
 - (iii) the deviation will not compromise the parents' ability to vote for candidates;
 - (iv) the deviation will not discriminate unfairly against any potential voters;
 - (v) effective provision is made for a fair nomination process in the run-up to the election; and
 - (vi) the parents will be duly informed of the particulars of the candidates.
 - (4) The school electoral officer must—
 - (a) determine the date, venue and time of the election;

- (b)* ensure that the nomination forms and notice of the election are prepared; and
 - (c)* ensure that the nomination forms and notice are distributed at least 21 days prior to the election day by methods contemplated in regulation 10(4).
- (5) If the Head of Department grants the application for a deviation—
 - (a)* there will be no single nomination and election meeting;
 - (b)* all nominations must be submitted in writing on a nomination form as contemplated in Annexure B and must be lodged with the school at which the election is to take place not less than 14 days before the date of the election; and
 - (c)* the particulars of the candidates nominated to stand for election and whose nominations have been accepted must be circulated to all parents in the school, in writing, at least seven days before the election.
- (6) For an election held in terms of this regulation to be valid and for nominated candidates to be considered elected, a quorum of parents of at least 10 per cent of the total number of parents on the voters' roll must have voted in the election.
- (7) If a quorum of parents as contemplated in subregulation (6) is not attained, a follow-up election must be held not more than seven days after the previous election, at which a quorum is not required.
- (8) In the circumstances contemplated in subregulation (7)—
 - (a)* the school electoral officer must provide the principal with a notice stating that a quorum has not been achieved and that a follow-up election must be held; and
 - (b)* any prior nominations made or submitted remain valid for the follow-up election.
- (9) *(a)* A governing body that is not satisfied with the decision of the Head of Department as contemplated in subregulation (3)*(a)* may lodge an appeal with the Provincial Minister within 14 days after receiving the decision of the Head of Department.
 - (b)* The Provincial Minister must consider the appeal and decide the matter in writing within 14 days of receipt of the appeal.

Nomination and election meeting of educator members

15. (1) The school electoral officer must in a notice in the form of Annexure A indicate a date, time and place for a meeting for the nomination and election of educator members of the governing body, which must be held at least seven days before the nomination and election meeting for parent members.
- (2) To nominate an educator, an educator on the establishment of the same school must—
- (a) lodge with the school electoral officer, not more than 14 days prior to the date of the nomination and election meeting, a nomination form in the form of Annexure B, duly completed by the proposer, seconder and educator candidate; or
 - (b) propose an educator as a member of the governing body during the nomination and election meeting.
- (3) A nomination contemplated in subregulation (2)(b) must be seconded by another educator, and a nomination form in the form of Annexure B must be duly completed by the proposer, the seconder and, if present, the educator nominee and must be lodged with the school electoral officer within the time referred to in subregulation (4).
- (4) If a quorum as contemplated in regulation 16(2) is reached, the school electoral officer must determine the time to be allowed for the nomination of educator candidates during the nomination and election meeting, and must inform the meeting thereof.
- (5) An educator may not nominate himself or herself.
- (6) After expiry of the time referred to in subregulation (4) the school electoral officer must consider the nominations and reject the nomination of any educator who—
- (a) has not been nominated in accordance with subregulation (2)(a) or (3);
 - (b) is ineligible as contemplated in regulation 3;
 - (c) in the case of a nomination referred to in subregulation (2)(b), has not completed the nomination form, unless written proof to the satisfaction of the school electoral officer is submitted before the expiry of the time referred to in subregulation (4) that the educator candidate is willing to serve as a member of the governing body; or

- (d) has nominated himself or herself,
and thereafter the school electoral officer must announce the names of the educator candidates whose nominations have been accepted.
- (7) If the total number of educator candidates whose nominations have been accepted as contemplated in subregulation (6)—
- (a) is less than the number of members determined in terms of regulation 2(1)(b), (2)(b), (5)(c) or (6)(b) in respect of the governing body concerned, a new meeting at which new educator candidates must be nominated must be convened in accordance with the procedures as set out in these regulations;
 - (b) is equal to the number of members determined in terms of regulation 2(1)(b), (2)(b), (5)(c) or (6)(b) in respect of the governing body concerned, the school electoral officer must declare every accepted educator candidate to be a duly elected member of the governing body;
 - (c) is more than the number of members determined in terms of regulation 2(1)(b), (2)(b), (5)(c) or (6)(b) in respect of the governing body concerned, a poll must be held in accordance with regulation 16.
- (8) If there are ten or fewer educators on the establishment of a school, the procedure for the nomination of educator members is not followed, but the procedure for the poll referred to in regulation 16 must be followed.

Poll at election of educator members

- 16.** (1) The school electoral officer must prepare a notice of the nomination and election meeting and must distribute a copy of the notice to every educator on the establishment of the school at least seven days before the poll.
- (2) A quorum at the poll consists of a majority of the total number of educators on the establishment of the school.
- (3) The school electoral officer must issue each educator who wishes to cast his or her vote with an approved ballot paper on which the school stamp appears.

- (4) An educator referred to in subregulation (1) who wishes to vote, must cast his or her vote by writing the names of not more than two educator candidates on the ballot paper.
- (5) The school electoral officer must reject a ballot paper—
 - (a) on which the school stamp referred to in subregulation (3) does not appear;
 - (b) on which the names of more than two educator candidates appear; or
 - (c) that is completed in such a way that it is, in the opinion of the school electoral officer, uncertain for which educator candidate or educator candidates a vote was recorded.
- (6) The two educator candidates for whom the greatest number of votes have been recorded must be declared by the school electoral officer as duly elected.
- (7) If no educator candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with these regulations. The procedure must be repeated until an educator candidate receives a majority of the votes.
- (8) When applying subregulation (7), if two or more educator candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

Nomination and election of a non-educator member

17. The procedure for the nomination and election of educator members applies, with the necessary changes, to the nomination and election of a non-educator member.

Nomination and election of learner members

18. The two learner members contemplated in regulation 2(1)(d) and (6)(d) must be elected by the representative council of learners from its own ranks.

Decisions of school electoral officer

- 19.** (1) The school electoral officer must decide and settle all matters connected with the nomination of candidates and election of members.
- (2) Subject to regulation 20(1), all disputes about the nomination and election process must be reported to the school electoral officer.
- (3) The school electoral officer must endeavour to resolve all disputes in order to declare elections undisputed.
- (4) A decision of the school electoral officer during the nomination and election process is final.
- (5) Should there be a dispute that the school electoral officer is unable to resolve, the nominations and elections must go ahead.

Decisions of district electoral officer

- 20.** (1) Any person who wishes to lodge an objection against a decision of a school electoral officer must, within seven days after the election of members in the category concerned, lodge the objection in writing with the district electoral officer concerned.
- (2) The district electoral officer must consider the objection and respond in writing within seven days of receipt of the objection.
- (3) Any person who is not satisfied with a decision of the district electoral officer may lodge an appeal with the Provincial Minister within 21 days after receiving the decision of the district electoral officer.
- (4) The Provincial Minister must consider the appeal and decide the matter in writing within 21 days of receipt of the appeal.
- (5) The members of an outgoing governing body must retain their membership until any objections or appeals lodged in terms of subregulation (1) or (3) have been resolved.

Procedure after election of governing body

21. (1) After the election of a governing body the school electoral officer must—
- (a) place all documents used in the nomination and election of the members, including all completed ballot papers used in the election and all nomination forms received, in envelopes and seal the envelopes;
 - (b) keep those envelopes in safe custody for a period of at least three years from the date of the election of the governing body;
 - (c) notify each elected member in writing of his or her election; and
 - (d) notify the principal and the district electoral officer within three days of the date of the nomination and election meeting or the poll, as the case may be, in writing of the names and addresses of the persons elected as members.
- (2) The outgoing governing body must continue to perform its functions until the first meeting of the newly elected governing body as contemplated in regulation 22(1).

Election of office-bearers

22. (1) The principal must convene the first meeting of a newly elected governing body within seven days after receiving the notice contemplated in regulation 21(1)(d) in order to elect the office-bearers of the governing body.
- (2) The handover process must take place within 14 days of the first meeting of the new governing body and the principal must facilitate the handover process.
- (3) At the first meeting of the governing body, the body must from among its members elect officer-bearers, who must comprise at least a chairperson, a treasurer and a secretary.
- (4) In the circumstances contemplated in regulation 2(1), (2), (3), (4) and (5), only a parent member of a governing body may serve as chairperson of the governing body.
- (5) Any educator, non-educator or parent member, including a co-opted member of the governing body, may serve as secretary or treasurer.

- (6) Any member may serve as chairperson of a committee of the governing body.
- (7) Subject to subregulation (8), the office-bearers must remain in office for a term of 12 months from their election.
- (8) An office-bearer of a governing body may be re-elected as an office-bearer after the expiry of his or her term of office, provided that he or she remains a member of the governing body.
- (9) If for any reason the office of an office-bearer becomes vacant, the governing body must at the first meeting after the vacancy has occurred, elect one of its members to fill the vacancy for the unexpired period of office of his or her predecessor.
- (10) The principal must preside at an election referred to in subregulation (3) and (9).
- (11) The principal must, after a meeting at which any office-bearer has been elected in accordance with this regulation, notify the Head of Department by means of the Western Cape Education Department's online management information system of the date of the meeting, the name and address of the person elected and the office into which he or she has been elected.
- (12) At the expiry of his or her term of office, an outgoing office-bearer must perform his or her functions until the election of the office-bearer who is to replace him or her has taken place.

Meetings of governing body

23. (1) The chairperson of a governing body must determine the date, time and place of a meeting of the governing body, and the secretary of the governing body must notify each member in writing thereof at least 14 days prior to such meeting.
- (2) In the circumstances contemplated in subregulation (1), if the chairperson of the governing body is of the opinion that a matter requires urgent attention, the secretary of the governing body must give each member at least 24 hours' notice of the meeting.

- (3) Any person may on the invitation of a governing body be present at a meeting of the body and take part in the discussion, but may not vote and must leave the meeting when the governing body makes a decision.
- (4) A governing body may require any staff member of the school concerned to attend a meeting of the body in connection with any matter relating to the functions of the governing body.
- (5) The majority of the enfranchised members of a governing body constitutes a quorum for any meeting of the governing body.
- (6) A governing body must determine its own rules relating to its meetings and the procedures at such meetings.

Minutes of proceedings of meetings

24. (1) The secretary of a governing body must keep minutes of the proceedings of every meeting of the governing body and must provide each member of the governing body with a copy of the minutes.
- (2) The secretary of a governing body must provide, on reasonable request and for a specific purpose, the Head of Department, or any person duly designated by the Head of Department, with a copy of the minutes.
- (3) The secretary of a governing body must provide, on request, a parent of a learner at the school or an educator or a non-educator at the school with a copy of those parts of the minutes relevant to the protection of the rights or interests of the parent or his or her child, the educator or non-educator, as the case may be.
- (4) In the circumstances contemplated in subregulation (3) there must be no violation of the rights of any other persons, or breach of confidentiality where such breach is not in the best interests of the school or member of the governing body, member of staff, parent or learner at the school.

- (5) The minutes of a meeting of a governing body or a committee thereof must at the next meeting of the governing body or a committee thereof, as the case may be, be submitted for approval.
- (6) Upon the dissolution of a governing body or the expiry of its term of office, all minutes and other documents of the governing body and any committee thereof must be handed to the principal of the school.
- (7) At the closure of a school, the principal must hand in all minutes and other documents of the governing body or any committee thereof to the Head of Department for safekeeping.

Repeal

25. The Determination of the Procedures for the Establishment and Election of Governing Bodies at Public Schools published under Provincial Notice 40/2015 in *Provincial Gazette Extraordinary* 7352 of 6 February 2015, is repealed.

Short title and commencement

26. These regulations are called the Procedures for the Establishment and Election of Governing Bodies at Public Schools Regulations, 2017, and come into operation on 1 April 2017.

ANNEXURE A

Notice of Nomination and Election Meeting

Election of Parents of Learners / Educators / Non-Educators
to the Governing Body

(Regulations 10, 12, 13, 15, 16 and 17 of the Procedures for the Establishment and Election of Governing Bodies at Public Schools Regulations, 2017)

NAME OF SCHOOL:

Notice is hereby given that a meeting for the nomination and election of candidates for the election of(parents of learners / educators / non-educators) as members of the governing body for the above-mentioned school will be held on(date) at.....(time) in(place). Should a quorum not be reached, a follow-up meeting will be held on(date) at(time).

It will be determined at(time) on the evening of the nomination and election meeting whether enough parents / educators / non-educators entitled to vote are present for the meeting to go ahead. Parents / educators / non-educators are therefore encouraged to attend the meeting, and parents must bring with them their South African identity card or green barcoded identity document, or a temporary identity document issued by the Department of Home Affairs or, in the case of a foreigner, a permit issued in terms of the Immigration Act, 2002 (Act 13 of 2002).

Please arrive at the meeting before (time).

A candidate may be nominated at the meeting or by lodging with the school electoral officer, not later than 14 days before the above meeting, a nomination form duly completed by a proposer, a seconder and the nominated candidate. For this purpose, nominations will be accepted at the school from(date) until(time) on (date).

If more candidates are nominated than the number of members to be elected, a poll will be conducted after the nominations have been submitted.

.....
DATE

.....
SIGNATURE OF SCHOOL ELECTORAL OFFICER

ADDRESS:
.....
.....
.....

ELECTION RULES

(To accompany notice of a nomination and election meeting)

1. COMPOSITION OF GOVERNING BODY

- (a) A governing body of an ordinary secondary school and of a combined school must consist of—
 - (i) seven parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (ii) two educators at the school, elected by educators employed at the school;
 - (iii) one non-educator at the school, elected by staff at the school who are not educators;
 - (iv) two learners in the eighth grade or higher elected by the representative council of learners from its own ranks; and
 - (v) the principal.

- (b) Subject to paragraphs (c), (d) and (e), a governing body of an ordinary primary school must consist of—
 - (i) five parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (ii) two educators at the school, elected by educators employed at the school;

- (iii) one non-educator at the school, elected by staff at the school who are not educators; and
 - (iv) the principal.
- (c) A governing body of an ordinary primary school with a staff establishment of one educator must consist of—
 - (i) two parents who are not employed at the school by the Western Cape Education Department or the governing body; and
 - (ii) the principal.
- (d) A governing body of an ordinary primary school with a staff establishment of one educator and one non-educator must consist of—
 - (i) three parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (ii) the principal; and
 - (iii) the non-educator at the school.
- (e) A governing body of an ordinary primary school with a staff establishment of two educators and one non-educator must consist of—
 - (i) four parents who are not employed at the school by the Western Cape Education Department or the governing body;
 - (ii) one educator at the school, elected by educators employed at the school;
 - (iii) the non-educator at the school; and
 - (iv) the principal.
- (f) A governing body of a school for learners with special education needs must consist of—
 - (i) seven parents who are not employed at the school by the Western Cape Education Department or the governing body, if reasonably practicable;
 - (ii) two educators at the school, elected by educators employed at the school;
 - (iii) one non-educator at the school, elected by staff at the school who are not educators;
 - (iv) two learners in the eighth grade or higher elected by the representative council of learners from its own ranks, if practicable;
 - (v) the principal;

- (vi) one representative of sponsoring bodies, if applicable;
- (vii) one representative of organisations of parents of learners with special education needs, if applicable;
- (viii) one representative of organisations of disabled persons, if applicable;
- (ix) one disabled person, if applicable; and
- (x) one expert in appropriate fields of special education needs.

2. NOMINATIONS OF PARENT MEMBERS

- (a) Each parent candidate must be proposed and seconded on a nomination form by parents entitled to vote as indicated in paragraph 4 below. A voter who proposes or seconds a parent candidate must first establish that the parent candidate is not disqualified to be elected as a member as indicated in paragraph 3 below.
- (b) A separate nomination form must be completed for each nomination of a parent candidate.
- (c) The electoral officer shall determine the time to be allowed for the nomination of parent candidates prior to the nomination and election meeting and during the nomination and election meeting, and shall inform the meeting thereof.
- (d) A parent candidate may not nominate himself or herself.

3. DISQUALIFICATION OF MEMBERS

A person may not be nominated or appointed as a member of a governing body if he or she—

- (a) has at any time been convicted by a court of law of any offence for which he or she received a suspended prison sentence without the option of a fine or was sentenced to imprisonment without the option of a fine, unless he or she has received a free pardon, or the period of suspension or imprisonment has expired at least three years prior to the date of his or her nomination or appointment as a member of the governing body;
- (b) has been declared unsuitable to work with children in terms of the Children's Act, 2005 (Act 38 of 2005), or the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007);
- (c) is mentally ill and has been declared as such by a court of law;
- (d) is an unrehabilitated insolvent;
- (e) in the case of an educator appointed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998), has been found guilty of misconduct and has—

- (i) received a fine;
 - (ii) been suspended without pay;
 - (iii) been demoted; or
 - (iv) received a combination of the sanctions contemplated in subparagraphs (i) to (iii), unless the period of his or her sanction has expired at least three years prior to the date of his or her nomination or appointment as a member of the governing body;
- (f) in the case of a non-educator appointed in terms of the Public Service Act, 1994, (Proclamation 103 of 1994), or by the governing body, has been found guilty of misconduct and has—
 - (i) been suspended without pay;
 - (ii) been demoted; or
 - (iii) received a combination of the sanctions contemplated in subparagraphs (i) and (ii), unless the period of his or her sanction has expired at least three years prior to the date of his or her nomination or appointment as a member of the governing body;
- (g) in the case of a parent, does not have a child enrolled as a learner at the school; or
- (h) has been removed from a governing body by the head of the Western Cape Education Department during the previous three years.

4. FRANCHISE

- (a) Every parent of one or more children enrolled at the school at the time of the election of members of the governing body is entitled to vote for parent members at the election. A maximum of two parents per learner will be allowed to vote.
- (b) Every educator employed at the school at the time of the election of members of the governing body, including the principal, is entitled to vote for educator members at the election.
- (c) Every non-educator employed at the school at the time of the election of members of the governing body, is entitled to vote for non-educator members at the election: Provided that if the school has only one non-educator, that member is automatically elected.
- (d) Every member of the representative council of learners at the school at the time of the election of members of the governing body is entitled to vote for learners on the representative council of learners at the election.

- (e) A person who is entitled to vote may vote only once for a particular candidate, with a maximum number of votes equal to the number of members to be elected in the relevant category of members.

5. GENERAL

The principal may—

- (a) include such additional information to this annexure as he or she may deem necessary for the smooth progress of the election, for example, the importance of parent participation; or
- (b) omit those parts of the annexure that are not relevant to the election in question.

ANNEXURE B

NOMINATION FORM

Election of Parents of Learners / Educators / Non-Educator as
Members of Governing Body

*(Regulations 10, 12, 13, 14, 15, 16 and 17 of the Procedures for the Establishment and Election of
Governing Bodies at Public Schools Regulations, 2017)*

(The achievement of the highest practicable level of representivity must be striven for in the nomination and election of members of the governing body. We therefore encourage parents / educators / non-educators to participate in this process.)

NAME OF SCHOOL:

PROPOSER:

(Full name)

of

(Residential address)

being a parent of a learner / educator / non-educator of the above-mentioned school, hereby propose

.....

(Full name of candidate)

as a member of the governing body of the above-mentioned school.

.....

SIGNATURE OF PROPOSER

SECONDER:

I,
(Full name)

of
(Residential address)

being a parent of a learner / educator / non-educator of the above-mentioned school, hereby second the above-mentioned proposal.

.....
SIGNATURE OF SECONDER

CANDIDATE:

I,
(Full name)

of
(Residential address)

hereby declare that I—

- (a) accept the above-mentioned nomination; and
- (b) am not disqualified as contemplated in paragraph 3 of the “Election Rules” from being a member of a governing body (see Annexure A).

.....
SIGNATURE OF CANDIDATE

OR

(IF PROPOSED AT NOMINATION AND ELECTION MEETING AND NOT PRESENT TO COMPLETE THE ELECTION FORM)

I,
(Full name)

declare that written proof to my satisfaction has been submitted that the above-mentioned candidate, who is not present at the nomination and election meeting to complete the nomination form, will, if elected, be willing to serve as a member of the governing body.

.....
SIGNATURE OF SCHOOL ELECTORAL OFFICER

This nomination is accepted / rejected.
(Delete which is not applicable)

.....
DATE

.....
SIGNATURE OF SCHOOL ELECTORAL OFFICER

WES-KAAPSE ONDERWYSDEPARTEMENT

P.K. 40/2017

3 Februarie 2017

**KONSEPREGULASIES OP PROSEDURES VIR DIE INSTELLING EN VERKIESING VAN
BEHEERLIGGAME BY OPENBARE SKOLE, 2017**

Die Provinsiale Minister van Onderwys in die Wes-Kaap is van voorneme om kragtens artikel 24, gelees met artikel 63, van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), die regulasies uiteengesit in die Bylae te maak.

BYLAE

INDELING VAN REGULASIES

Regulasies

1. Woordomskrywing
2. Samestelling van beheerliggaam
3. Diskwalifikasie van lede van beheerliggaam
4. Ampstermyn van lede van beheerliggaam
5. Vakatures in beheerliggaam
6. Ontbinding en hersamestelling van beheerliggaam
7. Stemreg
8. Skoolkiesbeampte
9. Datum, tyd en plek van benoemings- en verkiesingsvergadering van ouerlede
10. Kennisgewing van benoemings- en verkiesingsvergadering van ouerlede
11. Kieserslyste
12. Benoeming en verkiesing van ouerlede
13. Stemming by verkiesing van ouerlede
14. Afwyking van enkele benoemings- en verkiesingsvergadering
15. Benoemings- en verkiesingsvergadering van opvoederlede
16. Stemming by verkiesing van opvoederlede
17. Benoeming en verkiesing van nie-opvoederlid
18. Benoeming en verkiesing van leerderlede
19. Besluite van skoolkiesbeampte
20. Besluite van distrikskiesbeampte
21. Prosedure na verkiesing van beheerliggaam

22. Verkiesing van ampsdraers
23. Vergaderings van beheerliggaam
24. Notule van verrigtinge van vergaderings
25. Herroeping
26. Kort titel en inwerkingtreding

Woordomskrywing

1. In hierdie regulasies, tensy daar anders bepaal word, het enige woord of uitdrukking waaraan daar in die Wet 'n betekenis geheg is, die betekenis wat daaraan geheg is en, tensy dit uit die samehang anders blyk, beteken—

“borgliggaam” 'n liggaam wat finansiële steun aan 'n skool vir leerders met spesiale onderwysbehoefte verskaf;

“dag” enige dag, met inbegrip van Saterdag, Sondag, 'n openbare vakansiedag en 'n dag wat in 'n skoolvakansie val;

“die Wet” die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997);

“distriksdirekteur” die hoof van 'n onderwysdistrikskantoor;

“distrikskiesbeampte” 'n senior distriksbeampte by 'n onderwysdistrikskantoor wat verantwoordelik is vir toesig oor en bestuur van die verkiesingsproses in die distrik;

“gedragskode” 'n gedragskode van 'n beheerliggaam soos beoog in artikel 26A van die Wet;

“gewone skool” 'n skool wat nie 'n skool vir leerders met spesiale onderwysbehoefte is nie;

“lid” 'n lid van 'n beheerliggaam;

“nie-opvoeder” 'n persoon, uitgesonderd 'n opvoeder, wat in 'n permanente of kontrakhoedanigheid by 'n openbare skool aangestel is ooreenkomstig die Staatsdienswet, 1994 (Proklamasie 103 van 1994), of deur die beheerliggaam;

“opvoeder” enige persoon wat deur die Departementshoof of die beheerliggaam by 'n openbare skool in 'n permanente of kontrakhoedanigheid aangestel is, met inbegrip van 'n graad R-opvoeder, wat ander persone onderrig, opvoed of oplei of wat professionele opvoedkundige dienste verskaf, met inbegrip van professionele terapie en opvoedkundige sielkundige dienste, maar nie ook 'n persoon wat aangestel is uitsluitlik om buiteturkuler pligte te verrig nie;

“skool” 'n gewone openbare skool of 'n openbare skool vir leerders met spesiale onderwysbehoefte;

“skoolkiesbeampte” 'n kiesbeampte beoog in regulasie 8;

“skoolkiesspan” die skoolkiesbeampte aangestel ingevolge regulasie 8(1) tesame met die persone wat ingevolge regulasie 8(2) aangestel is om die skoolkiesbeampte by te staan.

Samestelling van beheerliggaam

2. (1) Behoudens subregulasie (19) en regulasie 6(4) moet die beheerliggaam van ’n gewone sekondêre skool of gekombineerde skool bestaan uit—
 - (a) sewe ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (b) twee opvoeders by die skool;
 - (c) een nie-opvoeder by die skool;
 - (d) twee leerders in die agste graad of hoër, gekies deur die verteenwoordigende raad van leerders vanuit sy geledere; en
 - (e) die prinsipaal.

- (2) Behoudens subregulasies (3), (4), (5) en (19) en regulasie 6(4) moet die beheerliggaam van ’n gewone primêre skool bestaan uit—
 - (a) vyf ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (b) twee opvoeders by die skool;
 - (c) een nie-opvoeder by die skool; en
 - (d) die prinsipaal.

- (3) Behoudens subregulasie (19) en regulasie 6(4) moet die beheerliggaam van ’n gewone primêre skool met ’n diensstaat van een opvoeder bestaan uit—
 - (a) twee ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie; en
 - (b) die prinsipaal.

- (4) Behoudens subregulasie (19) en regulasie 6(4) moet die beheerliggaam van ’n gewone primêre skool met ’n diensstaat van een opvoeder en een nie-opvoeder bestaan uit—
 - (a) drie ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;

- (b) die prinsipaal; en
 - (c) die nie-opvoeder by die skool.

- (5) Behoudens subregulasie (19) en regulasie 6(4) moet die beheerliggaam van 'n gewone primêre skool met 'n diensstaat van twee opvoeders en een nie-opvoeder bestaan uit—
 - (a) vier ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (b) die prinsipaal;
 - (c) een opvoeder by die skool; en
 - (d) die nie-opvoeder by die skool.

- (6) Behoudens subregulasie (19) en regulasie 6(4) moet die beheerliggaam van 'n skool vir leerders met spesiale onderwysbehoefte bestaan uit—
 - (a) sewe ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie, indien redelikerwys doenlik;
 - (b) twee opvoeders by die skool;
 - (c) een nie-opvoeder by die skool;
 - (d) twee leerders in die agtste graad of hoër, gekies deur die verteenwoordigende raad van leerders vanuit sy geledere, indien redelikerwys doenlik;
 - (e) die prinsipaal;
 - (f) een verteenwoordiger van borgliggame, indien van toepassing;
 - (g) een verteenwoordiger van organisasies van ouers van leerders met spesiale onderwysbehoefte, indien van toepassing;
 - (h) een verteenwoordiger van organisasies van gestremde persone, indien van toepassing;
 - (i) een persoon met 'n gestremdheid, indien van toepassing; en
 - (j) een deskundige op gepaste gebiede van spesiale onderwysbehoefte.

- (7) Geen besluit geneem deur 'n beheerliggaam of stap gedoen op gesag van 'n beheerliggaam is ongeldig bloot omdat 'n vakature in daardie beheerliggaam bestaan het of omdat iemand wat nie daarop geregtig was om as 'n lid van daardie beheerliggaam te sit nie in daardie beheerliggaam as sodanige lid gesit het op die tydstip waarop die besluit geneem is of die stap gemagtig is, indien die besluit geneem of die handeling gemagtig is deur minstens een meer as die helfte van die lede van die beheerliggaam wat toe aanwesig was en daarop geregtig was om as lede sitting te neem.

- (8) 'n Beheerliggaam kan—
- (a) die eenaar van die eiendom of sy of haar benoemde koöpteer indien die skool op private eiendom geleë is;
 - (b) persone koöpteer om gespesifiseerde verantwoordelikhede na te kom.
- (9) Behoudens subregulasie (10)(b) het gekoöpteerde lede nie stemreg in die beheerliggaam nie.
- (10) In die omstandighede beoog in subregulasies (1), (2), (3), (4) en (5)—
- (a) moet die getal ouerlede met stemreg een meer wees as die gekombineerde totaal van ander lede met stemreg in 'n beheerliggaam; en
 - (b) indien daar 'n vakature in die getal ouerlede is soos beoog in paragraaf (a) moet die beheerliggaam ouers met stemreg tydelik koöpteer.
- (11) Indien 'n ouer gekoöpteer word met stemreg soos beoog in subregulasie (10) staak die koöptering wanneer die vakature gevul is by wyse van 'n tussen-verkiesing, wat binne 90 dae nadat die vakature ontstaan het gehou moet word ooreenkomstig dieselfde prosedures as dié vir die verkiesing van ouerlede soos in hierdie regulasies uiteengesit.
- (12) Indien die tussenverkiesing beoog in subregulasie (11) nie binne 90 dae nadat die vakature ontstaan het gehou word nie, kan die beheerliggaam ouers met stemreg koöpteer vir 'n verdere 60 dae na die datum van verstryking van die tydperk van 90 dae, tydens welke tydperk die tussenverkiesing gehou moet word.
- (13) Die benoemings- en verkiesingsvergadering vir die tussenverkiesing beoog in subregulasie (11) moet ingevolge hierdie regulasies gehou word.
- (14) Behoudens subregulasie (22) moet ouers by die skool die ouerlede bedoel in subregulasies (1)(a), (2)(a), (3)(a), (4)(a), (5)(a) en (6)(a) benoem en verkies.
- (15) Opvoeders wat by die skool in diens is, moet die opvoederlede bedoel in subregulasies (1)(b), (2)(b), (5)(c) en (6)(b) benoem en verkies.

- (16) Nie-opvoederpersoneel wat by die skool in diens is, moet die nie-opvoederlede bedoel in subregulasies (1)(c), (2)(c) en (6)(c) benoem en verkies.
- (17) Die verteenwoordigende raad van leerders by die skool moet die leerderlede bedoel in subregulasies (1)(d) en (6)(d) benoem en verkies.
- (18) Die beheerliggaam van 'n gewone skool wat onderwys vir leerders met spesiale onderwysbehoefte verskaf, moet 'n komitee oor spesiale onderwysbehoefte instel soos beoog in artikel 30(2) van die Suid-Afrikaanse Skolewet.
- (19) Die Departementshoof kan die samestelling en ampstermyn van 'n beheerliggaam by 'n skool wat verskil van die samestelling beoog in subregulasies (1), (2), (3), (4), (5) en (6) goedkeur indien—
- (a) die beheerliggaam van die skool skriftelik vir sodanige verskillende samestelling aansoek gedoen het en redes daarvoor verstrek het; of
 - (b) 'n beheerliggaam ingestel moet word om die werksaamhede van 'n beheerliggaam in die tussentyd te verrig om die instelling van 'n nuwe skool te fasiliteer, en die Departementshoof oortuig is dat sodanige samestelling in belang van onderwys by die skool is.
- (20) In die omstandighede beoog in subregulasie (19)(a) moet die getal ouerlede wat dien in die beheerliggaam van 'n skool beoog in subregulasies (1), (2), (3), (4) en (5) een meer wees as die gesamentlike totaal van ander lede van die beheerliggaam met stemreg.
- (21) Die Departementshoof kan te eniger tyd na sy of haar goeddunke die goedkeuring bedoel in subregulasie (19) terugtrek en die beheerliggaam wat ingevolge subregulasie (19)(b) saamgestel is ontbind, waarna 'n nuwe beheerliggaam saamgestel moet word ooreenkomstig subregulasie (1), (2), (3), (4), (5) of (6), na gelang van die geval.
- (22) Vir die doel van die instelling van 'n tussentydse beheerliggaam soos beoog in subregulasie (19)(b) moet die distriksdirekteur die name en besonderhede van genoeg persone om al die werksaamhede van die beheerliggaam te verrig aan die Departementshoof voorlê.

Diskwalifikasie van lede van 'n beheerliggaam

3. 'n Persoon mag nie as 'n lid van 'n beheerliggaam benoem of aangestel word nie indien hy of sy—
- (a) te eniger tyd deur 'n geregshof skuldig bevind is aan 'n misdryf waarvoor hy of sy opgeskorte gevangenisstraf sonder die keuse van 'n boete gekry het of tot gevangenisstraf sonder die keuse van 'n boete gevonniss is, tensy hy of sy kwytskelding gekry het of die tydperk van opskorting of gevangenisstraf minstens drie jaar voor die datum van sy of haar benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;
 - (b) verklaar is as ongeskik om met kinders te werk ingevolge die “Children’s Act, 2005” (Wet 38 van 2005), of die “Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007” (Wet 32 van 2007);
 - (c) geestesongesteld is en as sodanig verklaar is deur 'n geregshof;
 - (d) 'n ongerehabiliteerde insolvent is;
 - (e) in die geval van 'n opvoeder wat aangestel is ingevolge die Wet op die Indiensneming van Opvoeders, 1998 (Wet 76 van 1998), skuldig bevind is aan wangedrag en—
 - (i) beboet is;
 - (ii) sonder betaling geskors is;
 - (iii) gedemoveer is; of
 - (iv) 'n kombinasie van die strawwe beoog in subparagrafe (i) tot (iii) gekry het, tensy die tydperk van sy of haar straf ten minste drie jaar voor die datum van sy of haar benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;
 - (f) in die geval van 'n nie-opvoeder wat ingevolge die Staatsdienswet, 1994, of deur die beheerliggaam aangestel is, skuldig bevind is aan wangedrag en—
 - (i) sonder betaling geskors is;
 - (ii) gedemoveer is; of
 - (iii) 'n kombinasie van die strawwe beoog in subparagrafe (i) en (ii) gekry het, tensy die tydperk van sy of haar straf ten minste drie jaar voor die datum van sy of haar benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;
 - (g) in die geval van 'n ouer, nie 'n kind het wat as 'n leerder by die betrokke skool ingeskryf is nie; of
 - (h) gedurende die vorige drie jaar deur die Departementshoof uit 'n beheerliggaam verwyder is ingevolge regulasie 4(3).

Ampstermyn van lede van beheerliggaam

4. (1) Behoudens subregulasies (3) en (4) en regulasies 5, 6, 20(5) en 21(2) strek die ampstermyn van 'n lid van 'n beheerliggaam wat nie 'n leerder is nie oor drie jaar en is van krag vanaf die datum van die verkiesing van die individuele lid tot die eerste vergadering van die volgende, nuut verkose beheerliggaam, of soos deur die Departementshoof bepaal.
- (2) Die ampstermyn van 'n leerderlid is een jaar.
- (3) Die Departementshoof kan te eniger tyd die lidmaatskap van 'n lid van 'n beheerliggaam opskort of beëindig as gevolg van 'n oortreding van die gedragskode en nadat die voorgeskrewe prosedure ingevolge artikel 26A(5) van die Wet gevolg is.
- (4) Indien 'n persoon wat as 'n lid van 'n beheerliggaam verkies is soos beoog in regulasie 2(1), (2), (3), (4), (5) of (6) ophou om in die kategorie bedoel in daardie regulasie te val ten opsigte waarvan hy of sy as 'n lid verkies is, hou hy of sy op om 'n lid van die beheerliggaam te wees.
- (5) 'n Lid van 'n beheerliggaam kan na verstryking van sy of haar ampstermyn weer verkies of gekoöpteer word, na gelang van die geval, indien hy of sy ingevolge hierdie regulasies kwalifiseer om 'n lid te wees.

Vakatures in beheerliggaame

5. (1) 'n Vakature ontstaan in 'n beheerliggaam wanneer 'n lid—
 - (a) 'n skriftelike bedanking indien;
 - (b) sterf;
 - (c) sonder geldige rede van drie opeenvolgende vergaderings afwesig is nadat hy of sy behoorlik van die vergaderings in kennis gestel is;
 - (d) nie meer verkiesbaar is nie soos beoog in regulasies 3 en 4(4); of
 - (e) ingevolge regulasie 4(3) uit die amp verwyder is.

- (2) Wanneer 'n vakature ontstaan—
- (a) in 'n beheerliggaam wat ingevolge regulasie 2(19)(b) saamgestel is, moet die Departementshoof 'n lid in die vakature aanstel;
 - (b) in 'n beheerliggaam wat ooreenkomstig regulasie 2(1), (2), (3), (4), (5) of (6) saamgestel is, moet die vakature gevul word deur 'n tussenverkiesing ooreenkomstig die verkiesingsprosedures ingevolge hierdie regulasies—
 - (i) in die geval van 'n ouerlid, binne 90 dae nadat die vakature ontstaan het; en
 - (ii) in die geval van 'n opvoedervakature, nie-opvoedervakature of leerdervakature, binne 14 dae nadat die vakature ontstaan het.
- (3) 'n Lid wat ooreenkomstig subregulasie (2)(a) aangestel is, of verkies is om 'n vakature te vul deur middel van 'n tussenverkiesing ooreenkomstig subregulasie (2)(b), verkry lidmaatskap vir die onverstreke tydperk van die ampstermyn van sy of haar voorganger, met stemreg, behoudens regulasie 4.
- (4) Indien 'n vakature gevul is—
- (a) ooreenkomstig subregulasie (2)(a), moet die Departementshoof; of
 - (b) ooreenkomstig subregulasie (2)(b), moet die sekretaris van die beheer-liggaam, die prinsipaal skriftelik in kennis stel van die naam van die persoon wat nie meer 'n lid van die beheerliggaam is nie en van die naam en adres van die persoon se opvolger.

Ontbinding en hersamestelling van beheerliggame

6. (1) Die Provinsiale Minister kan 'n beheerliggaam ontbind indien—
- (a) hy of sy van mening is dat, as gevolg van die samesmelting van skole of die verdeling van 'n skool of ander herorganisering van skoolfasiliteite, dit nodig is om vir ouers van die betrokke skole of skool 'n geleentheid te bied om lede van 'n nuwe beheerliggaam te verkies wat behoorlik verteenwoordigend sal wees van die ouers van leerders wat die skole of skool na sodanige samesmelting, verdeling of herorganisering bywoon;
 - (b) die beheerliggaam versuim het om sy werksaamhede bevredigend te verrig of opgetree het op 'n wyse wat nie in die belang van die skool is nie;

- (c) ten minste 60 persent van alle ouers wat ingevolge regulasie 7(1) stemgeregtig is op 'n ouervergadering wat vir hierdie doel belê is ten gunste van 'n mosie van wantroue in die beheerliggaam stem.
- (2)
 - (a) Die voorsitter van 'n beheerliggaam moet binne 14 dae nadat hy of sy skriftelik deur minstens 30 persent van die ouers wat ingevolge regulasie 7(1) stem-geregtig is, versoek is om dit te doen, 'n ouervergadering bedoel in subregulasie (1)(c) belê.
 - (b) Ten minste 14 dae skriftelike kennis van die vergadering moet vooraf gegee word, hetsy deur die kennisgewing per pos aan alle ouers te stuur of deur die kennisgewing aan elke leerder te oorhandig met die mondelinge opdrag om dit vir sy of haar ouers te gee.
- (3) Waar 'n beheerliggaam ingevolge subregulasie (1) ontbind is, hou dit op funksioneer op 'n datum bepaal deur die Departementshoof.
- (4) So gou moontlik na die datum waarop 'n beheerliggaam ophou funksioneer—
 - (a) moet die distriksdirekteur die Departementshoof voorsien van 'n lys name van persone, in voorkeurvolgorde, wat verkiesbaar is vir aanstelling as lede van die beheerliggaam; en
 - (b) moet die Departementshoof genoeg persone uit daardie lys aanstel om vir 'n tydperk van hoogstens drie maande die werksaamhede van 'n beheerliggaam by die skool te verrig.
- (5) Die Departementshoof moet die prinsipaal sonder versuim skriftelik in kennis stel van die name en adresse van die lede van die beheerliggaam wat ingevolge subregulasie (4) aangestel is.
- (6) Die Departementshoof kan die tydperk bedoel in subregulasie (4) met verdere tydperke van hoogstens drie maande elk verleng, maar die totale tydperk mag nie een jaar oorskry nie.
- (7) 'n Beheerliggaam moet binne 'n jaar na die aanstelling van die persone bedoel in subregulasie (4) ingevolge hierdie regulasies verkies word.

Stemreg

7. (1) Elke ouer wat een of meer kinders het wat as leerders by 'n skool ingeskryf is, is daarop geregtig om vir ouerlede van die beheerliggaam by daardie skool te stem, en mag net een keer vir 'n bepaalde benoemde persoon stem, met 'n maksimum getal stemme gelyk aan die getal ouerlede wat verkies moet word.
- (2) In die omstandighede beoog in subregulasie (1) word hoogstens twee ouers per leerder toegelaat om te stem.
- (3) Elke opvoeder in diens by 'n skool, insluitende die prinsipaal, is daarop geregtig om vir opvoederlede van die beheerliggaam by daardie skool te stem en mag net een keer vir 'n bepaalde benoemde persoon stem, met 'n maksimum getal stemme gelyk aan die getal opvoederlede wat verkies moet word.
- (4) Elke lid van 'n verteenwoordigende raad van leerders by 'n skool is daarop geregtig om vir leerderlede van die beheerliggaam by daardie skool te stem, en mag net een keer vir 'n bepaalde benoemde persoon stem, met 'n maksimum getal stemme gelyk aan die getal leerderlede van die verteenwoordigende raad wat verkies moet word.
- (5) Elke lid van die nie-opvoederpersoneel by 'n skool is daarop geregtig om vir 'n lid van die nie-opvoederpersoneel te stem en het een stem: Met dien verstande dat indien die skool net een nie-opvoeder het, daardie lid outomaties verkies word.

Skoolkiesbeampte

8. (1) Die Departementshoof moet die prinsipaal of adjunkprinsipaal van 'n ander skool skriftelik as die skoolkiesbeampte aanstel om die benoeming en verkiesing, na gelang van die geval, van die ouer-, opvoeder- en nie-opvoederlede bedoel in regulasie 2(1), (2), (3), (4), (5) en (6) in 'n beheerliggaam te behartig: Met dien verstande dat 'n prinsipaal of adjunkprinsipaal nie as skoolkiesbeampte van 'n skool aangestel mag word nie as hy of sy ingeskrewe kinders by daardie skool het.

- (2) Die skoolkiesbeampte kan een of meer persone aanstel om by 'n benoemings- en verkiesingsvergadering behulpsaam te wees: Met dien verstande dat so 'n persoon nie 'n ouer van 'n leerder by die skool wat die benoeming en verkiesing hou, mag wees nie.
- (3) Die skoolkiesbeampte tree op as voorsitter van enige vergadering wat vir die verkiesing van lede van 'n beheerliggaam gehou word, uitgesonderd die verkiesing van leerderlede.

Datum, tyd en plek van benoemings- en verkiesingsvergadering van ouerlede

9. (1) Die skoolkiesbeampte bepaal 'n datum, tyd en plek vir 'n vergadering vir die benoeming en verkiesing van ouerlede en stel die prinsipaal skriftelik in kennis daarvan.
- (2) Die benoeming en verkiesing van ouerlede word voorafgegaan deur die verkiesing van die ander kategorieë lede van die beheerliggaam.
- (3) In die geval van 'n nuwe skool word die vergadering vir die benoeming en verkiesing van ouerlede gehou nie later nie as 90 dae na die opening van die skool vir leerders.
- (4) Die Departementshoof kan, indien dit redelikerwys nodig is in die omstandighede in 'n gegewe geval, 'n verlenging van die tydperk in subregulasie (3) beoog toelaat, maar sodanige verlenging mag nie langer as ses maande na die instelling van die skool wees nie.

Kennisgewing van benoemings- en verkiesingsvergadering van ouerlede

10. (1) Die skoolkiesbeampte stel 'n kennisgewing van die benoemings- en verkiesings-vergadering bedoel in regulasie 9 in die vorm van Bylae A en 'n benoemingsvorm in die vorm van Bylae B op en voorsien die prinsipaal minstens 21 dae voor die benoemings- en verkiesingsvergadering van 'n eksemplaar van die kennisgewing en be-noemingsvorm sodat aan die bepaling van subregulasie (4) uitvoering gegee kan word.
- (2) Die kennisgewing aan die ouers moet—
 - (a) die datum, tyd en plek van die vergadering vermeld;

- (b) ouers daaraan herinner om 'n vorm van identifikasie saam te bring sodat hulle toegelaat kan word om te stem; en
 - (c) die tyd en datum van 'n opvolgvergadering vermeld, wat ten minste sewe dae en hoogstens 14 dae na die eerste vergadering gehou moet word indien daar op die eerste vergadering nie 'n kworum verkry is nie.
- (3) Die identifikasie in subregulasie (2) beoog, is 'n Suid-Afrikaanse identiteitskaart of groen staafkode-identiteitsdokument of 'n tydelike identiteitsdokument deur die Departement van Binnelandse Sake uitgereik, of 'n permit in die geval van 'n buitelandse, ingevolge die "Immigration Act, 2002" (Wet 13 van 2002), uitgereik: Met dien verstande dat indien sodanige identifikasie nie beskikbaar is nie, 'n alternatiewe vorm van identifikasie deur 'n lid van die skoolkiesspan aanvaar kan word.
- (4) Die prinsipaal moet ten minste 21 dae voor die datum van die benoemings- en verkiesingsvergadering vir ouerlede—
 - (a) afskrifte van die kennisgewing en benoemingsvorm vir elke leerder van die betrokke skool gee met die mondelinge opdrag om dit aan sy of haar ouers te gee;
 - (b) afskrifte van die kennisgewing en benoemingsvorm per pos aan die ouers van elke leerder van die skool stuur as hy of sy dit dienstig ag;
 - (c) 'n kombinasie van die twee kennisgewingsmetodes in paragrawe (a) en (b) beoog, gebruik; of
 - (d) enige ander metode gebruik om die ouers van elke leerder van die skool in kennis te stel van die benoemings- en verkiesingsvergadering van ouerlede, solank die metode van kennisgewing geen lede van die skoolgemeenskap benadeel of hul deelname aan die verkiesingsproses belemmer nie.

Kieserslyste

- 11. (1)** Die prinsipaal moet 'n kieserslys saamstel vir elk van die volgende kategorieë kiesers, wat die name bevat van alle ouers, opvoeders en nie-opvoeders by die skool wat stemgerechtig is:

- (a) die kieserslys vir ouers moet op die skooltoelatingsregister gebaseer wees en stemgeregtigde kiesers is die mense wat in die toelatingsregister verskyn as ouers of wat bewys kan lewer dat hulle ouers is van leerders wat by die skool ingeskryf is;
 - (b) die kieserslys vir opvoeders moet bestaan uit alle opvoeders wat by die skool in diens is; en
 - (c) die kieserslys vir nie-opvoeders moet bestaan uit alle nie-opvoeders wat by die skool in diens is.
- (2) Die kieserslys vir ouers moet ten minste 14 dae voor die vergadering op hul versoek ter insae aan ouers beskikbaar gestel word.

Kennisgewing van benoemings- en verkiesingsvergadering van ouerlede

- 12. (1)** Om 'n ouerkandidaat te benoem, moet die ouer van 'n leerling aan die skool—
- (a) hoogstens 14 dae voor die benoemings- en verkiesingsvergadering 'n benoemingsvorm in die vorm van Bylae B, wat behoorlik deur die voorsteller, sekondant en ouerkandidaat ingevul is, by die skoolkies-beampte indien; of
 - (b) 'n ouer as 'n lid van die beheerliggaam voorstel tydens die benoemings- en verkiesingsvergadering.
- (2) 'n Benoeming in subregulasie (1)(b) beoog, moet deur 'n ander ouer gesekondeer word en 'n benoemingsvorm in die vorm van Bylae B moet behoorlik deur die voorsteller, die sekondant en, indien teenwoordig, die ouerkandidaat ingevul word en moet binne die tyd in subregulasie (3) bedoel, by die skoolkiesbeampte ingedien word.
- (3) Indien 'n kworum soos in regulasie 13(2) bedoel, teenwoordig is, moet die benoemings- en verkiesingsvergadering voortgaan en moet die skoolkiesbeampte die tyd bepaal wat vir die benoeming van ouerkandidate toegelaat word, en hy of sy moet die vergadering daarvan in kennis stel.
- (4) Indien 'n kworum soos in regulasie 13(2) beoog nie binne 30 minute na die geskeduleerde begintyd van die vergadering bereik word nie, moet die opvolgvergadering in regulasie 10(2)(c) beoog, waar geen kworum vereis word nie, ooreenkomstig subregulasie (5) gereël word.

- (5) In die omstandighede in subregulasie (4) beoog—
- (a) moet die skoolkiesbeampte die prinsipaal voorsien van 'n kennisgewing waarin vermeld word dat 'n kworum nie verkry is nie en dat 'n opvolgvergadering soos in regulasie 10(2)(c) beoog, gehou sal word op die tyd, datum en plek wat in die kennisgewing vermeld word;
 - (b) moet die prinsipaal binne twee dae na die eerste vergadering vir elke leerder van die skool die kennisgewing gee met die mondelinge opdrag om dit aan sy of haar ouers te gee;
 - (c) bly enige benoemings wat ingevolge subregulasie (1)(a) gedoen is geldig vir die tweede vergadering; en
 - (d) kan bykomende benoemings van kandidate vir verkiesing gedurende die tweede kennisgewingstydperk en die opvolgvergadering ingedien word.
- (6) 'n Ouerkandidaat mag nie homself of haarself benoem nie.
- (7) Na verstryking van die tyd in subregulasie (3) bedoel, oorweeg die skoolkiesbeampte die benoemings en verwerp die benoeming van enige ouerkandidaat wat—
- (a) nie ooreenkomstig subregulasie (1)(a) of (2) benoem is nie;
 - (b) onbevoeg is soos in regulasie 3 beoog;
 - (c) in die geval van 'n benoeming in subregulasie (1)(b) bedoel, nie die benoemingsvorm ingevul het nie, tensy skriftelike bewys tot bevrediging van die skoolkiesbeampte voor die verstryking van die tyd in subregulasie (3) bedoel, voorgelê word dat sodanige ouerkandidaat bereid sal wees om as lid van die beheerliggaam te dien; of
 - (d) homself of haarself benoem het,
- en daarna maak die skoolkiesbeampte die name van die ouerkandidate wie se benoeming aanvaar is, bekend.
- (8) Indien die totale getal ouerkandidate wie se benoemings aanvaar is soos beoog in subregulasie (7)—
- (a) minder is as die getal lede wat ingevolge regulasie 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) of (6)(a) vereis word ten opsigte van die betrokke beheer-liggaam, word 'n nuwe vergadering waar bykomende ouerkandidate benoem moet word, belê ooreenkomstig die prosedures soos in hierdie regulasies uiteengesit;

- (b) gelyk is aan die getal lede wat ingevolge regulasie 2(1)(a), (2)(a), (3)(a), 4(a), (5)(a) of (6)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet die skoolkiesbeampte elke aanvaarde ouerkandidaat as 'n behoorlik verkose lid van die beheerliggaam verklaar;
- (c) meer is as die getal lede wat ingevolge regulasie 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) of (6)(a) ten opsigte van die betrokke beheerliggaam bepaal is, word 'n stemming ooreenkomstig regulasie 13 gehou.

Stemming by verkiesing van ouerlede

13. (1) Die stemming in regulasie 12(8)(c) bedoel, word gehou op die datum, tyd en plek wat ooreenkomstig die benoemings- en verkiesingsproses bepaal word.
- (2) 'n Kworum van ouers—
- (a) moet op 'n stemming teenwoordig wees voordat 'n verkiesing kan plaasvind;
 - (b) bestaan uit 10 persent van die totale getal ouers op die kieserslys.
- (3) Die skoolkiesbeampte reik aan elke ouer wat stemgeregtig is en 'n stem wil uitbring, 'n goedgekeurde stembrief uit waarop die skoolstempel verskyn.
- (4) 'n Ouer bring sy of haar stem op die stembrief bedoel in subregulasie (3) uit: Met dien verstande dat indien 'n ouer weens ongeletterdheid, blindheid of 'n ander liggaamsgebrek nie in staat is om sy of haar stem uit te bring nie, die skoolkiesbeampte, op versoek van daardie ouer en in die teenwoordigheid van 'n getuie van die ouer se keuse, die stem van die ouer of die ouerkandidaat of ouerkandidate deur die betrokke ouer aangedui, op die stembrief uitbring.
- (5) Die skoolkiesbeampte moet 'n stembrief verwerp—
- (a) waarop die skoolstempel in subregulasie (3) bedoel, nie verskyn nie;
 - (b) waarop meer stemme uitgebring is as die getal lede wat ooreenkomstig regulasie 2 verkies moet word; of
 - (c) wat so ingevul is dat dit volgens die oordeel van die skoolkiesbeampte onseker is op watter ouerkandidaat of ouerkandidate 'n stem uitgebring is.

- (6) Die skoolkiesbeampte moet—
- (a) in die teenwoordigheid van elke ouerkandidaat wat teenwoordig wil wees, verseker dat die stemme wat op elke ouerkandidaat uitgebring is, deur die skoolkiesspan getel word; en
 - (b) die getal ouers wat ingevolge regulasie 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) of (6)(a) ten opsigte van die betrokke beheerliggaam bepaal is, op wie die meeste stemme uitgebring is, tot behoorlik verkose lede van die beheerliggaam verklaar en die getal stemme wat op elke ouerkandidaat uitgebring is, vermeld.
- (7) Indien die getal stemme wat vir twee of meer ouerkandidate uitgebring is gelyk is en dit die uitslag van die stemming beïnvloed, moet die skoolkiesbeampte, in die teenwoordigheid van elke ouerkandidaat wat teenwoordig wil wees, lootjies trek om te bepaal watter van die ouers suksesvol verkies is.
- (8) Geen volmagstemme is by beheerliggaamverkiesings aanvaarbaar nie.

Afwyking van enkele benoemings- en verkiesingsvergadering

14. (1) 'n Beheerliggaam kan by die Departementshoof aansoek doen, ten minste 60 dae voor die datum van die verkiesing wat ingevolge subregulasie (4) bepaal moet word, vir goedkeuring om af te wyk van die prosedure vir die benoeming en verkiesing van ouerlede soos in regulasies 10, 12 en 13 beoog.
- (2) Die aansoek in subregulasie (1) bedoel, moet volledig gemotiveerd wees en moet die prosedure waarvolgens die skool beoog om die benoeming en verkiesing van die ouerlede van die beheerliggaam te bestuur, duidelik aandui.
- (3) Die Departementshoof moet—
- (a) die aansoek oorweeg en die aangeleentheid skriftelik beslis binne 14 dae na ontvangs van die aansoek;
 - (b) die aansoek toestaan as hy of sy oortuig is dat—

- (i) die afwyking die belange van die betrokke skoolgemeenskap en die skool sal bevorder;
 - (ii) die afwyking voorsiening sal maak vir die maksimum deelname van ouers om hulle stem tydens die verkiesing uit te bring;
 - (iii) die afwyking nie die ouers se vermoë om vir kandidate te stem, in die gedrang sal bring nie;
 - (iv) die afwyking nie onbillik teen enige potensiële kiesers sal diskrimineer nie;
 - (v) daar effektief voorsiening gemaak word vir 'n billike benoemings-proses in die aanloop tot die verkiesing; en
 - (vi) die ouers behoorlik ingelig sal word oor die besonderhede van die kandidate.
- (4) Die skoolkiesbeampte moet—
- (a) die tyd, datum en plek van die verkiesing bepaal;
 - (b) verseker dat die benoemingsvorme en kennisgewing van die verkiesing opgestel word; en
 - (c) verseker dat die benoemingsvorme en kennisgewing ten minste 21 dae voor die verkiesing versprei word volgens metodes wat in regulasie 10(4) beoog word.
- (5) Indien die Departementshoof die aansoek vir 'n afwyking toestaan—
- (a) sal daar geen enkele benoemings- en verkiesingsvergadering wees nie;
 - (b) moet alle benoemings skriftelik ingedien word op 'n benoemingsvorm soos in Bylae B beoog, en moet dit by die skool waar die verkiesing gaan plaasvind, ingedien word minstens 14 dae voor die datum van die verkiesing; en
 - (c) moet die besonderhede van benoemde kandidate vir die verkiesing en wie se benoeming aanvaar is, ten minste sewe dae voor die verkiesing skriftelik aan alle ouers van die skool gestuur word.
- (6) Om 'n verkiesing ingevolge hierdie regulasie geldig te maak en benoemde kandidate as gekose te beskou, moet 'n kworum van ouers van ten minste 10 persent van die totale aantal ouers op die kieserslys in die verkiesing gestem het.

- (7) Indien daar nie 'n kworum van ouers soos in subregulasie (6) beoog stem nie, moet 'n opvolgverkieping, waar 'n kworum nie vereis word nie, hoogstens sewe dae na die vorige verkiesing gehou word.
- (8) In die omstandighede in subregulasie (7) beoog—
- (a) moet die skoolkiesbeampte die prinsipaal voorsien van 'n kennisgewing waarin vermeld word dat 'n kworum nie verkry is nie en dat 'n opvolgverkieping gehou moet word;
 - (b) bly enige vorige benoemings wat gemaak of ingedien is, geldig vir die opvolgverkieping.
- (9) (a) 'n Beheerliggaam wat nie tevrede is nie met die besluit van die Departementshoof soos in subregulasie (3)(a) beoog, kan by die Provinsiale Minister appèl aanteken binne 14 dae na ontvangs van die besluit van die Departementshoof.
- (b) Die Provinsiale Minister moet die appèl oorweeg en die aangeleentheid skriftelik beslis binne 14 dae na ontvangs van die appèl.

Benoemings- en verkiesingsvergadering van opvoederlede

15. (1) Die skoolkiesbeampte moet in 'n kennisgewing in die vorm van Aanhangsel A 'n datum, tyd en plek vir 'n vergadering vir die benoeming en verkiesing van opvoederlede van die beheerliggaam aandui, wat ten minste sewe dae voor die benoemings- en verkiesingsvergadering vir ouerlede gehou moet word.
- (2) Om 'n opvoederkandidaat te benoem, moet 'n opvoeder op die diensstaat van dieselfde skool—
- (a) 'n benoemingsvorm in die vorm van Bylae B, wat behoorlik deur die voorsteller, sekondant en opvoederkandidaat ingevul is, hoogstens 14 dae voor die datum van die benoemings- en verkiesingsvergadering by die skoolkiesbeampte indien; of
 - (b) 'n opvoeder as 'n lid van die beheerliggaam voorstel tydens die benoemings- en verkiesingsvergadering.

- (3) 'n Benoeming in subregulasie (2)(b) beoog, moet deur 'n ander opvoeder gesekondeer word en 'n benoemingsvorm in die vorm van Bylae B moet behoorlik deur die voorsteller, die sekondant en, indien teenwoordig, die opvoederkandidaat ingevul word en moet binne die tyd in subregulasie (4) bedoel, by die skoolkiesbeampste ingedien word.
- (4) Indien 'n kworum soos in regulasie 16(2) bedoel, teenwoordig is, moet die skoolkiesbeampste die tyd bepaal wat tydens die benoemings- en verkie-singsvergadering vir die benoeming van opvoederkandidate toegelaat word, en hy of sy moet die vergadering daarvan in kennis stel.
- (5) 'n Opvoederkandidaat mag nie homself of haarself benoem nie.
- (6) Na verstryking van die tyd in subregulasie (4) bedoel, oorweeg die skoolkiesbeampste die benoemings en verwerp die benoeming van enige opvoederkandidaat wat—
 - (a) nie ooreenkomstig subregulasie (2)(a) of (3) benoem is nie;
 - (b) gediskwalifiseer is soos in regulasie 3 beoog;
 - (c) in die geval van 'n benoeming bedoel in subregulasie (2)(b), nie die benoemingsvorm ingevul het nie, tensy skriftelike bewys tot bevrediging van die skoolkiesbeampste voor verstryking van die tyd in subregulasie (4) bedoel, voorgelê word dat die opvoederkandidaat bereid sal wees om as lid van die beheerliggaam te dien; of
 - (d) homself of haarself benoem het,en daarna maak die skoolkiesbeampste die name van die opvoederkandidate wie se benoemings aanvaar is, bekend.
- (7) Indien die totale getal opvoederkandidate wie se benoemings aanvaar is soos in subregulasie (6) beoog—
 - (a) minder is as die getal lede wat ingevolge regulasie 2(1)(b), (2)(b), (5)(c) of (6)(b) bepaal is ten opsigte van die betrokke beheerliggaam, word 'n nuwe vergadering waar bykomende opvoederkandidate benoem moet word, belê ooreenkomstig die prosedures soos in hierdie regulasies uiteengesit;
 - (b) gelyk is aan die getal lede wat ingevolge regulasie 2(1)(b), (2)(b), (5)(c) of (6)(b) ten opsigte van die betrokke beheerliggaam bepaal is, verklaar die

- skoolkiesbeampte elke aanvaarde opvoederkandidaat tot 'n behoorlik verkose lid van die beheerliggaam;
- (c) meer is as die getal lede wat ingevolge regulasie 2(1)(b), (2)(b), (5)(c) of (6)(b) ten opsigte van die betrokke beheerliggaam bepaal is, word 'n stemming ooreenkomstig regulasie 16 gehou.
- (8) Indien daar tien of minder opvoeders op die diensstaat van 'n skool is, word die prosedure vir die benoeming van opvoederlede nie gevolg nie maar word die prosedure vir die stemming in regulasie 16 bedoel, gevolg.

Stemming by verkiesing van opvoederlede

16. (1) Die skoolkiesbeampte stel 'n kennisgewing van die benoemings- en verkiesingsvergadering op en besorg ten minste sewe dae voor die vergadering 'n afskrif van die kennisgewing aan elke opvoeder op die diensstaat van die skool.
- (2) 'n Kworum tydens die vergadering bestaan uit 'n meerderheid van die totale getal opvoeders op die diensstaat van die skool.
- (3) Die skoolkiesbeampte reik aan elke opvoeder wat sy of haar stem wil uitbring, 'n goedgekeurde stembrief uit waarop die skoolstempel verskyn.
- (4) 'n Opvoeder in subregulasie (1) bedoel, bring sy of haar stem uit op die stembrief deur die name van hoogstens twee opvoederkandidate daarop te skryf.
- (5) Die skoolkiesbeampte moet 'n stembrief verwerp—
- (a) waarop die skoolstempel in subregulasie (3) bedoel, nie verskyn nie;
- (b) waarop die name van meer as twee opvoederkandidate verskyn; of
- (c) wat so ingevul is dat dit volgens die oordeel van die skoolkiesbeampte onseker is op watter opvoederkandidaat of opvoederkandidate 'n stem uitgebring is.
- (6) Die twee opvoederkandidate op wie die meeste stemme uitgebring is, word deur die skoolkiesbeampte as behoorlik verkose verklaar.

- (7) Indien geen opvoederkandidaat 'n meerderheid van die stemme behaal nie, word die kandidaat wat die laagste getal stemme ontvang het, uitgeskakel en word nog 'n stemming oor die oorblywende kandidate ooreenkomstig hierdie regulasies gehou. Die prosedure word herhaal totdat 'n opvoederkandidaat 'n meerderheid van die stemme kry.
- (8) By die toepassing van subregulasie (7), indien twee of meer opvoederkandidate elk die laagste getal stemme het, moet daar afsonderlik gestem word oor hierdie kandidate en moet dit herhaal word so dikwels as wat nodig is om te bepaal watter kandidaat uitgeskakel moet word.

Benoeming en verkiesing van 'n nie-opvoederlid

17. Die prosedure vir die benoeming en verkiesing van opvoederlede is, met die nodige veranderinge, van toepassing by die benoeming en verkiesing van 'n nie-opvoederlid.

Benoeming en verkiesing van leerderlede

18. Die twee leerderlede in regulasie 2(1)(d) en (6)(d) beoog, word deur die verteenwoordigende raad van leerders uit eie geledere gekies.

Besluite van skoolkiesbeampte

19. (1) Die skoolkiesbeampte beslis en skik alle aangeleenthede rakende die benoeming van kandidate en die verkiesing van lede.
- (2) Behoudens regulasie 20(1) moet alle geskille oor die benoemings- en verkiesingsproses by die skoolkiesbeampte aangemeld word.
- (3) Die skoolkiesbeampte poog om alle geskille te besleg ten einde verkiesings onbetwis te verklaar.
- (4) 'n Besluit van die skoolkiesbeampte tydens die benoemings- en verkiesingsproses is finaal.
- (5) Indien daar 'n geskil is wat die skoolkiesbeampte nie kan besleg nie, moet die verkiesing voortgaan.

Besluite van distrikskiesbeampte

20. (1) Enige persoon wat 'n beswaar teen 'n besluit van 'n skoolkiesbeampte wil aanteken, moet die beswaar binne sewe dae na die verkiesing van lede in die betrokke kategorie skriftelik by die betrokke distrikskiesbeampte aanteken.
- (2) Die distrikskiesbeampte moet die beswaar oorweeg en binne sewe dae na ontvangs van die beswaar skriftelik reageer.
- (3) Enige persoon wat nie met 'n besluit van die distrikskiesbeampte tevrede is nie, kan binne 21 dae na ontvangs van die besluit van die distrikskiesbeampte by die Provinsiale Minister appèl aanteken.
- (4) Die Provinsiale Minister moet die appèl oorweeg en die aangeleentheid skriftelik beslis binne 21 dae na ontvangs van die appèl.
- (5) Die lede van 'n uittredende beheerliggaam behou hul lidmaatskap totdat enige besware of appèlle wat kragtens subregulasie (1) of (3) ingedien is, afgehandel is.

Prosedure na verkiesing van beheerliggaam

21. (1) Na die verkiesing van 'n beheerliggaam moet die skoolkiesbeampte—
- (a) alle dokumente wat by die benoeming en verkiesing van die lede gebruik is, met inbegrip van alle ingevulde stembriewe wat in die verkiesing gebruik is en alle benoemingsvorme wat ontvang is, in koeverte plaas en die koeverte verseël;
 - (b) bedoelde koeverte in veilige bewaring hou vir 'n tydperk van minstens drie jaar na die datum van die verkiesing van die betrokke beheerliggaam;
 - (c) elke verkose lid skriftelik in kennis stel van sy of haar verkiesing; en
 - (d) die prinsipaal en die distrikskiesbeampte binne drie dae na die datum van die benoemings- en verkiesingsvergadering of die stemming, na gelang van die geval, skriftelik in kennis stel van die name en adresse van die persone wat tot lede verkies is.

- (2) Die uittredende beheerliggaam gaan voort met die verrigting van sy werksaamhede tot die eerste vergadering van die nuut verkose beheerliggaam soos in regulasie 22(1) beoog.

Verkiesing van ampsdraers

22. (1) Die prinsipaal belê die eerste vergadering van die nuut verkose beheerliggaam binne sewe dae na ontvangs van die kennisgewing in regulasie 21(1)(d) beoog ten einde die ampsdraers van die beheerliggaam te kies.
- (2) Die oorhandigingsproses moet binne 14 dae na die eerste vergadering van die nuwe beheerliggaam plaasvind, en die prinsipaal moet die oorhandigingsproses fasiliteer.
- (3) Op die eerste vergadering van die beheerliggaam verkies so 'n liggaam uit sy geleedere ampsdraers, wat minstens 'n voorsitter, 'n tesourier en 'n sekretaris insluit.
- (4) In die omstandighede in regulasie 2(1), (2), (3), (4) en (5) beoog, mag net 'n ouerlid van 'n beheerliggaam as voorsitter van die beheerliggaam dien.
- (5) Enige opvoeder, nie-opvoeder of ouerlid, met inbegrip van 'n gekoöpteerde lid van die beheerliggaam, kan as sekretaris of tesourier dien.
- (6) Enige lid kan as voorsitter van 'n komitee van die beheerliggaam dien.
- (7) Behoudens subregulasie (8) beklee die ampsdraers hul ampte vir 'n termyn van 12 maande vanaf hul verkiesing.
- (8) 'n Ampsdraer van 'n beheerliggaam kan herkies word as 'n ampsdraer na verstryking van sy of haar ampstermyn, met dien verstande dat hy of sy 'n lid van die beheerliggaam bly.
- (9) Waar die amp van 'n ampsdraer om enige rede vakant raak, verkies die beheerliggaam op die eerste vergadering nadat die vakature ontstaan het, een van sy lede om die vakature vir die onverstreke ampstermyn van sy of haar voorganger te vul.
- (10) Die prinsipaal sit voor by 'n verkiesing bedoel in subregulasies (3) en (9).

- (11) Die prinsipaal moet na 'n vergadering waarop enige ampsdraer ooreenkomstig hierdie regulasie verkies is, die Departementshoof deur middel van die Wes-Kaapse Onderwysdepartement se aanlyn bestuursinligtingstelsel in kennis stel van die datum van die vergadering en van die naam en adres van die persoon wat verkies is en die amp waartoe hy of sy verkies is.
- (12) By verstryking van sy of haar ampstermyn moet 'n uittredende ampsdraer sy of haar werksaamhede verrig totdat die verkiesing van die ampsdraer wat hom of haar vervang, plaasgevind het.

Vergaderings van beheerliggaam

23. (1) Die voorsitter van 'n beheerliggaam bepaal die datum, tyd en plek van 'n vergadering van die beheerliggaam en die sekretaris van die beheerliggaam stel elke lid minstens 14 dae voor sodanige vergadering skriftelik daarvan in kennis.
- (2) In die omstandighede in subregulasie (1) beoog, indien die voorsitter van die beheerliggaam van mening is dat 'n aangeleentheid dringende aandag vereis, moet die sekretaris van die beheerliggaam vir elke lid ten minste 24 uur kennis van die vergadering gee.
- (3) Enigiemand kan op uitnodiging van die beheerliggaam by 'n vergadering van die liggaam teenwoordig wees en aan die bespreking deelneem, maar het nie stemreg nie en verlaat die vergadering wanneer die beheerliggaam 'n besluit neem.
- (4) 'n Beheerliggaam kan vereis dat enige personeellid van die betrokke skool 'n vergadering van die liggaam moet bywoon in verband met enige aangeleentheid wat op die werksaamhede van die beheerliggaam betrekking het.
- (5) Die meerderheid van die stemgeregtigde lede van 'n beheerliggaam vorm 'n kworum vir enige vergadering van die beheerliggaam.

- (6) 'n Beheerliggaam bepaal sy eie reëls betreffende sy vergaderings en die prosedures op daardie vergaderings.

Notule van verrigtinge van vergaderings

24. (1) Die sekretaris van 'n beheerliggaam hou notule van die verrigtinge van elke vergadering van die beheerliggaam en voorsien elke lid van die beheerliggaam van 'n afskrif van die notule.
- (2) Op redelike versoek en vir 'n spesifieke doel moet die sekretaris van 'n beheerliggaam die Departementshoof of enige persoon wat behoorlik deur die Departementshoof aangewys is, van 'n afskrif van die notule voorsien.
- (3) Die sekretaris van 'n beheerliggaam moet, op versoek, 'n ouer van 'n leerder by die skool, 'n opvoeder of 'n nie-opvoeder by die skool van 'n afskrif voorsien van die dele van die notule wat betrekking het op die beskerming van sy of haar regte of belange, of die regte of belange van sy of haar kind.
- (4) In die omstandighede beoog in subregulasie (3) moet daar geen skending van regte van enige ander persone of verbreking van vertroulikheid wees waar sodanige verbreking nie in die beste belang van die skool of lid van die beheerliggaam, personeellid, ouer of leerder by die skool is nie.
- (5) Die notule van 'n vergadering van 'n beheerliggaam of 'n komitee daarvan word op die eersvolgende vergadering van die beheerliggaam of 'n komitee daarvan, na gelang van die geval, vir goedkeuring voorgelê.
- (6) By die ontbinding van 'n beheerliggaam of die verstryking van sy ampstermyn word alle notules en ander dokumente van die beheerliggaam en enige komitee daarvan aan die prinsipaal van die skool oorhandig.
- (7) By die sluiting van 'n skool moet die prinsipaal alle notules en ander dokumente van die beheerliggaam of enige komitee daarvan by die Departementshoof inhandig vir veilige bewaring.

Herroeping

25. Die Bepaling van die Prosedures vir die Instelling en Verkiesing van Beheerliggame by Openbare Skole, 2015, afgekondig by Provinsiale Kennisgewing 40/2015 in *Buitengewone Provinsiale Koerant* 7352 van 6 Februarie 2015, word herroep.

Kort titel en inwerkingtreeding

26. Hierdie regulasies heet die Regulasies op Prosedures vir die Instelling en Verkiesing van Beheerliggame by Openbare Skole, 2017, en tree op 1 April 2017 in werking.

AANHANGSEL A

Kennisgewing van Benoemings- en Verkiesingsvergadering

Verkiesing van Ouers van leerders / Opvoeders / Nie-opvoeders tot die Beheerliggaam

(Regulasies 10, 12, 13, 15, 16 en 17 van die Regulasies op Prosedures vir die Instelling en Verkiesing van Beheerliggame by Openbare Skole, 2017)

NAAM VAN SKOOL:

Kennis word hierby gegee dat 'n vergadering vir die benoeming en verkiesing van kandidate vir die verkiesing van (ouers van leerders / opvoeders / nie-opvoeders) as lede van die beheerliggaam vir bogenoemde skool gehou sal word op (datum) om (tyd) te (plek). Indien daar nie 'n kworum is nie, sal 'n opvolgvergadering om (tyd) op (datum) gehou word.

Daar sal om (tyd) op die aand van die benoemings- en verkiesingsvergadering bepaal word of daar genoeg stemgeregtigde ouers / opvoeders / nie-opvoeders teenwoordig is sodat die vergadering kan voortgaan. Ouers / Opvoeders / Nie-opvoeders word dus aangemoedig om die vergadering by te woon, en ouers moet hul Suid-Afrikaanse identiteitskaart of groen staafkode-identiteitsdokument of 'n tydelike identiteits-dokument uitgereik deur die Departement van Binnelandse Sake of, in die geval van 'n buitelander, 'n permit uitgereik ingevolge die "Immigration Act, 2002" (Wet 13 van 2002), saambring. U word versoek om voor (tyd) by die vergadering aan te kom.

'n Kandidaat kan op die vergadering benoem word of kan benoem word deur minstens 14 dae voor bogenoemde vergadering 'n benoemingsvorm wat behoorlik ingevul is deur die voorsteller, die sekondant en die benoemde kandidaat, by die skoolkiesbeampte in te dien. Vir hierdie doel sal benoemings vanaf (datum) tot (tyd) op (datum) by die skool aanvaar word.

Indien daar meer kandidate benoem word as die getal lede wat verkies moet word, sal 'n stemming gehou word nadat die benoemings ingedien is.

.....
DATUM

.....
HANDTEKENING VAN SKOOLKIESBEAMPTE

ADRES:
.....
.....
.....

VERKIESINGSREËLS

(Moet saam met kennisgewing van 'n benoemings- en verkiesingsvergadering gestuur word)

1. SAMESTELLING VAN BEHEERLIGGAAM

- (a) 'n Beheerliggaam van 'n gewone sekondêre skool en van 'n gekombineerde skool bestaan uit—
 - (i) sewe ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (ii) twee opvoeders by die skool, gekies deur opvoeders in diens by die skool;
 - (iii) een nie-opvoeder by die skool, gekies deur personeel by die skool wat nie opvoeders is nie;
 - (iv) twee leerders in die agtste graad of hoër, gekies deur die verteenwoordigende raad van leerders vanuit sy geledere; en
 - (v) die prinsipaal.

- (b) Behoudens paragrawe (c), (d) en (e) moet 'n beheerliggaam van 'n gewone primêre skool bestaan uit—
 - (i) vyf ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;

- (ii) twee opvoeders by die skool, gekies deur opvoeders in diens by die skool;
 - (iii) een nie-opvoeder by die skool, gekies deur personeel by die skool wat nie opvoeders is nie; en
 - (iv) die prinsipaal.
- (c) 'n Beheerliggaam van 'n gewone primêre skool met 'n diensstaat van een opvoeder bestaan uit—
- (i) twee ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie; en
 - (ii) die prinsipaal.
- (d) 'n Beheerliggaam van 'n gewone primêre skool met 'n diensstaat van een opvoeder en een nie-opvoeder bestaan uit—
- (i) drie ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (ii) die prinsipaal; en
 - (iii) die nie-opvoeder by die skool.
- (e) 'n Beheerliggaam van 'n gewone primêre skool met 'n diensstaat van twee opvoeders en een nie-opvoeder bestaan uit—
- (i) vier ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie;
 - (ii) een opvoeder by die skool, gekies deur opvoeders in diens by die skool;
 - (iii) die nie-opvoeder by die skool; en
 - (iv) die prinsipaal.
- (f) 'n Beheerliggaam van 'n skool vir leerders met spesiale onderwysbehoefte bestaan uit—
- (i) sewe ouers wat nie by die skool in diens van die Wes-Kaapse Onderwysdepartement of die beheerliggaam is nie, indien redelikerwys doenlik;
 - (ii) twee opvoeders by die skool, gekies deur opvoeders in diens by die skool;
 - (iii) een nie-opvoeder by die skool, gekies deur personeel by die skool wat nie opvoeders is nie;
 - (iv) twee leerders in die agtste graad of hoër, gekies deur die verteenwoordigende raad van leerders vanuit sy geledere, indien doenlik;

- (v) die prinsipaal;
- (vi) een verteenwoordiger van borgliggame, indien van toepassing;
- (vii) een verteenwoordiger van organisasies van ouers van leerders met spesiale onderwysbehoefte, indien van toepassing;
- (viii) een verteenwoordiger van organisasies van gestremde persone, indien van toepassing;
- (ix) een gestremde persoon, indien van toepassing; en
- (x) een deskundige op gepaste gebiede van spesiale onderwysbehoefte.

2. BENOEMINGS VAN OUERLEDE

- (a) Elke ouerkandidaat moet op 'n benoemingsvorm voorgestel en geseondeer word deur stemgeregtigde ouers soos in paragraaf 4 hieronder aangedui. 'n Kieser wat 'n ouerkandidaat voorstel of seondeer, moet hom of haar eers daarvan vergewis dat die ouerkandidaat nie gediskwalifiseer is om tot lid verkies te word nie soos in paragraaf 3 hieronder aangedui.
- (b) 'n Benoemingsvorm moet vir elke benoeming van 'n ouerkandidaat ingevul word.
- (c) Die kiesbeampte bepaal die tyd wat voor die benoemings- en verkiesings-vergadering en tydens die benoemings- en verkiesingsvergadering vir die benoeming van ouerkandidate toegelaat moet word, en hy of sy moet die vergadering daarvan in kennis stel.
- (d) 'n Ouerkandidaat mag nie homself of haarself benoem nie.

3. DISKWALIFIKASIE VAN LEDE

- 'n Persoon mag nie as 'n lid van 'n beheerliggaam benoem of aangestel word nie indien hy of sy—
- (a) te eniger tyd deur 'n geregshof skuldig bevind is aan 'n misdryf waarvoor hy of sy opgeskorte gevangenisstraf sonder die keuse van 'n boete gekry het of tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is, tensy hy of sy kwytskelding gekry het of die tydperk van opskorting of gevangenisstraf ten minste drie jaar voor die datum van sy of haar benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;
 - (b) verklaar is as ongeskik om met kinders te werk ingevolge die “Children’s Act, 2005” (Wet 38 van 2005), of die “Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007” (Wet 32 van 2007);
 - (c) geestesongesteld is en as sodanig verklaar is deur 'n geregshof;
 - (d) 'n ongerehabiliteerde insolvent is;

- (e) in die geval van 'n opvoeder wat ingevolge die Wet op die Indiensneming van Opvoeders, 1998 (Wet 76 van 1998), aangestel is, skuldig bevind is aan wangedrag en—
- (i) beboet is;
 - (ii) sonder betaling geskors is;
 - (iii) gedemoveer is; of
 - (iv) 'n kombinasie van die strawwe beoog in subparagrafe (i) tot (iii) gekry het, tensy die tydperk van sy of haar straf ten minste drie jaar voor die datum van sy of haar benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;
- (f) in die geval van 'n nie-opvoeder wat ingevolge die Staatsdienswet, 1994 (Proklamasie 103 van 1994), of deur die beheerliggaam aangestel is, skuldig bevind is aan wangedrag en—
- (i) sonder betaling geskors is;
 - (ii) gedemoveer is; of
 - (iii) 'n kombinasie van die strawwe beoog in subparagrafe (i) en (ii) gekry het, tensy die tydperk van sy of haar straf ten minste drie jaar voor die datum van sy of haar benoeming of aanstelling as 'n lid van die beheerliggaam verstryk het;
- (g) in die geval van 'n ouer, nie 'n kind het wat as 'n leerder by die betrokke skool ingeskryf is nie; of
- (h) gedurende die vorige drie jaar deur die hoof van die Wes-Kaapse Onderwysdepartement uit 'n beheerliggaam verwyder is.

4. STEMREG

- (a) Elke ouer van een of meer leerders wat by die skool ingeskryf is ten tyde van die verkiesing van lede van die beheerliggaam, is geregtig om by die verkiesing vir ouerlede te stem. Hoogstens twee ouers per leerder word toegelaat om te stem.
- (b) Elke opvoeder wat by die skool in diens is ten tyde van die verkiesing van lede van die beheerliggaam, met inbegrip van die prinsipaal, is geregtig om by die verkiesing vir opvoederlede te stem.
- (c) Elke nie-opvoeder wat by die skool in diens is ten tyde van die verkiesing van lede van die beheerliggaam, is geregtig om by die verkiesing vir nie-opvoederlede te stem.
- (d) Elke lid van die verteenwoordigende raad van leerders by die skool ten tyde van die verkiesing van lede van die beheerliggaam, is geregtig om by die verkiesing vir leerderlede te stem.

- (e) Iemand wat geregtig is om te stem, mag net een keer vir 'n bepaalde kandidaat stem, met 'n maksimum getal stemme gelyk aan die getal lede wat in die betrokke kategorie lede verkies moet word.

5. ALGEMEEN

Die prinsipaal kan—

- (a) sodanige bykomende inligting by hierdie bylae insluit as wat hy of sy nodig ag vir die gladde verloop van die verkiesing, soos byvoorbeeld die belangrikheid van ouerdeelname; of
- (b) die dele van die bylae wat nie op die betrokke verkiesing betrekking het nie, weglaat.

AANHANGSEL B**BENOEMINGSVORM**

Verkiesing van Ouers van Leerders / Opvoeders / Nie-opvoeders as
Lede van Beheerliggaam

*(Regulasies 10, 12, 13, 15, 16 en 17 van die Regulasies op Prosedures vir die Instelling en Verkiesing van
Beheerliggame by Openbare Skole, 2017)*

(By die benoeming en verkiesing van lede van die beheerliggaam moet daar na die hoogste praktiese vlak van verteenwoordigheid gestrewe word, en ons moedig ouers / opvoeders / nie-opvoeders dus aan om aan hierdie proses deel te neem.)

NAAM VAN SKOOL:

VOORSTELLER:

Ek,,
(Volle naam)

van,
(Woonadres)

synde 'n ouer van 'n leerder / opvoeder / nie-opvoeder van bogenoemde skool, stel hierby

.....
(Volle naam van kandidaat)

voor as lid van die beheerliggaam van bogenoemde skool.

.....
HANDTEKENING VAN VOORSTELLER

SEKONDANT:

Ek,,
(Volle naam)

van,
(Woonadres)

synde 'n ouer van 'n leerder / opvoeder / nie-opvoeder van bogenoemde skool, sekondeer hierby bogenoemde voorstel.

.....
HANDTEKENING VAN SEKONDANT

KANDIDAAT:

Ek,,
(Volle naam)

van,
(Woonadres)

verklaar hierby dat ek—

- (a) bogenoemde benoeming aanvaar; en
- (b) nie onbevoeg is om 'n lid van 'n beheerliggaam te wees nie soos bedoel in paragraaf 3 van die “Verkiesingsreëls” (kyk Bylae A).

.....
HANDTEKENING VAN KANDIDAAT

OF

(INDIEN VOORGESTEL OP BENOEMINGS- EN VERKIESINGSVERGADERING EN NIE
TEENWOORDIG IS OM DIE VERKIESINGSVORM IN TE VUL NIE)

Ek,,

(Volle naam)

verklaar dat skriftelike bewys tot my tevredenheid voorgelê is dat bogenoemde kandidaat, wat nie op die benoemings- en verkiesingsvergadering teenwoordig is om die benoemingsvorm in te vul nie, bereid sal wees, indien verkies, om as 'n lid van die beheerliggaam te dien.

.....
HANDTEKENING VAN SKOOLKIESBEAMPTE

Die benoeming word aanvaar / verwerp.
(Skrap wat nie van toepassing is nie.)

.....
DATUM

.....
HANDTEKENING VAN SKOOLKIESBEAMPTE

ISEBE LEMFUNDO LENTSHONA KOLONI

I.S. 40/2017

3 kweyoMdumba 2017

**IMIGAQO ESAYILWAYO YENKQUBO-NKCAZELO YOKUMISELA NOKUNYULA
AMABHUNGA OLAWULO EZIKOLO ZIKARHULUMENTE, 2017**

UMphathiswa wePhondo wezeMfundo eNtshona Koloni, phantsi kwecandelo 24, elifundwa kunye necandelo 63, lomthetho iWestern Cape Provincial School Education Act, 1997 (uMthetho 12 ka-1997), uzimisele ukwenza imigaqo echazwe kwiShedyuli.

ISHEDYULI

UKULANDELELANA KWEMIGAQO

Imigaqo

1. Inkcazelo
2. Amalungu ebhunga lolawulo lesikolo
3. Abantu ekungavumelekanga ukuba babe ngamalungu ebhunga lolawulo lesikolo
4. Ixesha eliya kuhlalwa ngamalungu ebhunga lolawulo lesikolo
5. Izithuba kwibhunga lolawulo lesikolo
6. Ukuchithwa nokumiselwa kwakhona kwebhunga lolawulo lesikolo
7. Ilungelo lokuvota
8. Igosa lonyulo lesikolo
9. Igosa lonyulo lesithili
10. Umhla, ixesha nendawo yentlanganiso yokutyunjwa nokunyulwa kwamalungu angabazali
11. Uludwe lwabavoti
12. Intlanganiso yokutyumba nokunyula amalungu angabazali
13. Ukuvota kunyulo lwamalungu angabazali
14. Ukutshintsha inkqubo yokutyumba umntu omnye nentlanganiso yokunyula
15. Intlanganiso yokutyumba nokunyula amalungu aziititshala
17. Ukuvota kunyulo lwamalungu aziititshala
18. Ukutyunjwa nokunyulwa kwelungu elingeyotitshala
19. Ukutyunjwa nokunyulwa kwamalungu angabafundi
20. Izigqibo zegosa lonyulo lesikolo
20. Izigqibo zegosa lonyulo lesithili
21. Inkqubo emva konyulo lwebhunga lolawulo lesikolo

22. Ukunyulwa kwamalungu ekomiti yebhunga
23. Intlanganiso zebhunga lolawulo lesikolo
24. Imizuzu yeentlanganiso
25. Utshitshiso
26. Isihloko esifutshane nokuqala kokusebenza kwemigaqo

Iinkcazelo

1. Kule migaqo, ngaphandle kokuba kukho enye into echaziweyo, naliphi na igama okanye ibinzana elinenkcazelo enikiweyo kuMthetho, lisenaloo ntsingiselo ebeliyinikiwe kuMthetho, ngaphandle kokuba imeko yelo gama ithetha enye into—

“umgaqo wokuziphatha” uthetha umgaqo wokuziphatha webhunga lolawulo lesikolo njengoko lichaziwe kwicandelo 26A loMthetho;

“usuku” luthetha naluphi na usuku, kubandakanywa uMgqibelo, iCawe, iholide kawonkewonke nosuku oluyiholide yesikolo;

“umlawuli wesithili” uthetha intloko yeofisi yesithili yezemfundo;

“igosa lonyulo lesithili” lithetha igosa lesithili elikwisikhundla esiphezulu kwiofisi yesithili elinoxanduva lokubeka iliso nokulawula inkqubo yonyulo kwisithili;

“ititshala” ibhekisa kuye nawuphi umntu oqeshwe yiNtloko yeSebe okanye libhunga lolawulo lesikolo, obandakanya ootitshala besigaba R kodwa ayibandakanyi umntu oqeshelwe ukuba angafundisi eklasini, ofundisa okanye oqeqesha abanye abantu okanye obonelela ngeenkonzo zobungcali bemfundo, ezibandakanya iinkonzo zeengcebiso ngokwasengqondweni nasemphefumleni kwisikolo sikarhulumente, kodwa atibandakanyi umntu oqeshelwe ukwenza izinto ezingenanto yakwenza nokufundisa eklasini;

“ilungu” lithetha ilungu lebhunga lolawulo lesikolo;

“umntu ongeyotitshala” uthetha umntu oqeshwe kulandelwa iPublic Service Act, 1994 (iSibhengezo 103 sika-1994), okanye umntu oqeshwe libhunga lolawulo lesikolo, ongeyotitshala;

“isikolo sesiqhelo” sithetha isikolo sabafundi ngaphandle kwesikolo sabafundi abanezidingo ezikhethekileyo zemfundo;

“isikolo” sibhekisa kwisikolo sesiqhelo sikarhulumente okanye isikolo sikarhulumente sabafundi abanezidingo zemfundo ezizodwa;

“igosa lonyulo lesikolo” lithetha igosa lonyulo elixelwe kumgaqo 8;

- “iqela lonyulo lesikolo”** lithetha igosa lonyulo lesikolo elityunjwe kulandelwa umgaqo 8(1) kunye nabantu abatyunjelwe ukuncedisa igosa lonyulo lesikolo ngokomgaqo 8(2);
- “ISouth African Schools Act”** ithetha iSouth African Schools Act, 1996 (uMthetho 84 ka-1996);
- “iqumrhu elixhasa ngezimali”** lithetha iqumrhu elibonelela ngenkxaso yemali kwisikolo esinabafundi abanezidingo zemfundo ezizodwa;
- “uMthetho”** ubhekisa kwiWestern Cape School Education Act, 1997 (UMthetho 12 ka- 1997).

Amalungu ebhunga lolawulo lesikolo

2. (1) Kulandelwa umgaqo (19) kunye nomgaqo 6(4), ibhunga lolawulo lesikolo sikarhulumente samabanga aphakathi kufuneka liqulathe—
- (a) abazali abasixhenxe abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (b) ootitshala ababini kweso sikolo;
 - (c) umsebenzi omnye ongeyotitshala kweso sikolo;
 - (d) abafundi ababini abasuka kwibhunga elimele abafundi; kunye
 - (e) nenqununu.
- (2) Kulandelwa imigaqwana (3), (4), (5) no-(19) kunye nomgaqo 6(4), ibhunga lolawulo lesikolo sesiqhelo kufuneka liqulathe—
- (a) abazali abahlanu abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (b) ootitshala ababini kweso sikolo;
 - (c) umsebenzi omnye ongeyotitshala kweso sikolo; kunye
 - (d) nenqununu.
- (3) Kulandelwa umgaqwana (19) kunye nomgaqo 6(4), Ibhunga lolawulo lesikolo samabanga aphantsi esinomsebenzi ongutitshala omnye kufuneka siqulathe—
- (a) abazali ababini abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo; kunye
 - (b) nenqununu.

- (4) Kulandelwa umgaqwana (19) kunye nomgaqo 6(4), ibhunga lolawulo lesikolo samabanga aphantsi esinabasebenzi ababandakanya utitshala omnye kunye nomsebenzi ongengotitshala kufuneka sibe—
- (a) nabazali abathathu abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (b) inqununu; kunye
 - (c) nomsebenzi omnye ongeyotitshala kweso sikolo.
- (5) Kulandelwa umgaqwana (19) kunye nomgaqo 6(4), ibhunga lolawulo lesikolo samabanga aphantsi esinabasebenzi abangootitshala ababini nomsebenzi omnye ongeyotitshala kufuneka liqulathe—
- (a) abazali abane abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (b) inqununu;
 - (c) utitshala omnye kweso sikolo;
 - (d) umsebenzi omnye ongeyotitshala kweso sikolo.
- (6) Kulandelwa umgaqwana (19) kunye nomgaqo 6(4), ibhunga lolawulo lesikolo sabafundi abanemfundo yabantwana abanezidingo ezizodwa kufuneka liqulathe—
- (a) abazali abasixhenxe abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (b) ootitshala ababini kweso sikolo;
 - (c) umsebenzi omnye ongeyotitshala kweso sikolo;
 - (d) abafundi ababini abasuka kwibhunga elimele abafundi, ukuba oko kunokukwazeka ukwenzeka;
 - (e) inqununu;
 - (f) ummeli omnye wamaqumrhu axhasa ngezimali, ukuba ukhona;
 - (g) ummeli omnye wemibutho yabazali babantwana abanezidingo ezizodwa, ukuba ukhona;
 - (h) ummeli wemibutho yabantu abakhubazekileyo, ukuba ukhona;
 - (i) umntu omnye okhubazekileyo, ukuba ukhona; kunye
 - (j) nengcali enamava afanelekileyo emfundo yabantwana abanezidingo ezizodwa.

- (7) Isigqibo esithathwe libhunga lolawulo lesikolo okanye intshukumo ethathwe lilo akunakuthwa ayamkelekanga ngenxa yokuba kukho isithuba esikhoyo kwibhunga lolawulo lesikolo okanye ngenxa yokuba umntu ebekungamelanga ukuba ahlale kwelo bhunga lilawula isikolo uye wayinxalenye yalo ngexesha ebekuthathwa isigqibo okanye intshukumo egunyazisiweyo, ukuba isigqibo okanye intshukumo iye yagunyaziswa ngamalungu angaphezulu kwehafu yamalungu ebhunga lolawulo lesikolo ebekhona nebenelungelo lokuhlala njengamalungu.
- (8) Ibhunga lolawulo lesikolo lingafakelela amalungu kwibhunga lesikolo—
- (a) umnini wepropati okanye umntu owonyulwe nguye ukuba isikolo sikwipropati yabucala;
- (b) abantu abaza kuncedisa ukwenza imisebenzi ethile.
- (9) Kuxhomekeke kumgaqwana (10)(b), amalungu afakelelweyo akanalungelo lakuvota kwibhunga lolawulo lesikolo.
- (10) Kwimeko exelwe kwimigaqwana (1), (2), (3), (4) no-(5)—
- (a) inani labazali abanamalungelo okuvota kufunela libe ngaphezulu ngelungu elinye kumalungu ewonke anelungelo lokuvota kwibhunga lolawulo lesikolo; yaye
- (b) ukuba kukho sithuba kwini labazali abachazwe kumgaqwana (a) ibhunga lolawulo lesikolo kufuneka lifakelele abanye abazali abaza kunikwa ilungelo lokuvota lethutyana.
- (11) Ukuba kufakelelwe umzali kwibhunga waze wanikwa amalungelo okuvota njengoko kuxeliwe kumgaqwana (10)(b), olo fakelelo luyaphelelwa emva kokuba eso sithuba siye sazaliswa, yaye kufuneka kulandelwe inkqubo yonyulo lwamalungu angabazali echazwe kule migaqwana, zingaphelanga iintsuku ezingama-90 emva kokuba kuvuleke isithuba.
- (12) Ukuba unyulo lovalo-sithuba oluxelwe kumgaqwana (11) alwenzekanga zingaphelanga iintsuku ezingama-90 emva kokuvela kweso sithuba, ibhunga lolawulo lesikolo lingafakelela umzali ukuba abambeke ezinye iintsuku ezingama- 90, yaye kweso sithuba kufuneka kwenziwe unyulo lovalo-sikhewu.

- (13) Intlanganiso yokutyunjwa nokunyulwa yonyulo lovalo-sithuba oluxelwe kumgaqwana (11) kufuneka ibanjwe kulandelwa le migaqo.
- (14) Kulandelwa umgaqwana (22), abazali beso sikolo mabatyumbe ze banyule amalungu angabazali ekubhekiswe kubo kumgaqwana (1)(a), (2)(a), 3(a), (4)(a), (5)(a) no-(6)(a).
- (15) Iititshala eziqeshwe kweso sikolo sichaphazelekayo mazityumbe ze zinyule amalungu aziitshala ekubhekiswe kuwo kumgaqwana (1)(b), (2)(b), (5)(c) no-(6)(b).
- (16) Abasebenzi abangezotitshala abaqeshwe kweso sikolo mabatyumbe ze banyule amalungu angabasebenzi angezotitshala ekubhekiswe kuwo kumgaqwana (1)(c), (2)(c) no-(6)(c).
- (17) Ibhunga elimele abafundi kweso sikolo malityumbe ze linyule amalungu angabafundi ekubhekiswe kuwo kumgaqwana (1)(d) no-(6)(d).
- (18) Ibhunga lolawulo lesikolo sesiqhelo esibonelela abafundi abanezidingo zemfundo ezizodwa malimisele ikomiti yezidingo zemfundo ezizodwa lilandela icandelo 30(2) leSouth African Schools Act.
- (19) INtloko yeSebe ingamkela ubume bamalungu ebhunga lolawulo lesikolo kwisikolo esinobume obahlukileyo kobo buxelwe kwimigaqwana (1), (2), (3), (4), (5) no-(6) ukuba—
 - (a) ibhunga lolawulo lesikolo lifake isicelo esibhaliweyo sokuba elalo libhunga lime ngandlela yimbi yaye linike nezizathu zoko; okanye
 - (b) elo bhunga limiselelwe ukuba lenze imisebenzi yebhunga lolawulo lesikolo, okwethutyana, ngeli lixa kusamiselwa isikolo esitsha, yaye iNtloko yeSebe yanelisekile ukuba obo bulungu bululutho kwezemfundo kweso sikolo.
- (20) Ukuba ngaba kwiimeko ezixelwe kumgaqwana (19)(a) inani lamalungu angabazali angamalungu ebhunga lolawulo lesikolo elichazwe kwimigaqwana (1), (2), (3), (4) no-(5) lingaphezulu ngomntu omnye okanye ngaphezulu kubantu abangamalungu ebhunga lolawulo lesikolo abanamalungelo okuvota.

- (21) INtloko yeSebe, ingathi nanini na, ngokubona kwayo, irhoxise imvume ekubhekiswe kuyo kumgaqwana (19) ze ichthe ibhunga lolawulo lesikolo elenziwe kulandelwe umgaqwana (19)(b), xa kufuneka kumiselwe ibhunga lolawulo lesikolo elitsha kulandelwa imigaqwana (1), (2), (3), (4), (5) okanye (6), ngokwemeko leyo.
- (22) Ukulungiselela ukuba kumiselwe ibhunga lolawulo lwethutyana njengoko lixeliwe kumgaqwana (19)(b), umlawuli wesithili kufuneka angenise amagama neenkukacha zabantu abaneleyo ukwenza yonke imisebenzi yebhunga elilawulayo kwiNtloko yeSebe.

Abantu ekungavumelekanga ukuba babe ngamalungu ebhunga lolawulo lesikolo

3. Umntu akanakukhethwa okanye atyunjwe ukuba abe lilungu lebhunga lolawulo lesikolo ukuba—
- (a) ebekhe wagwetywa yinkundla yomthetho ngesenzo athe wafumana kuso isigwebo esixhonyiweyo, okanye ebekhe wavalelwa entolongweni, okanye ebefumene isigwebo sentlawulo, okanye akakasigqibi isigwebo sakhe sentolongo, ngaphandle kokuba uxolelwe ngokupheleleyo nangokukhululekileyo, okanye isigwebo sakhe esixhonyiweyo okanye sokuvallelwa sele kudlule iminyaka emithathu wasigqibayo phambi komhla wokunyulwa kwakhe njengelungu lelo bhunga;
- (b) ubhengezwe njengongafanelekanga ukuba asebenze nabantwana ngokomthetho iChildren's Act, 2005 (uMthetho 38 ka-2005), okanye iCriminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (uMthetho 32 ka-2007);
- (c) ugula ngengqondo yaye nenkundla ejonga oko imfumanise enjalo;
- (d) uthe gabhu ematyaleni;
- (e) kwimeko yotitshala oqeshwe ngokwemiqathango yomthetho iEmployment of Educators Act, 1998 (uMthetho 76 ka-1998), ebekhe—
- (i) wahlawuliswa imali;
 - (ii) wayekiswa emsebenzini ngaphandle kokufumana intlawulo;
 - (iii) wahliselwa; okanye
 - (iv) ufumene indibanisela yezohlwayo ezichazwe kwimigaqo (i) ukuya ku-(iii), ngaphandle kokuba sele kudlule iminyaka emithathu sadlulayo isohlwayo sakhe emsebenzini phambi kokuba anyulwe njengelungu lebhunga lolawulo lesikolo;
- (f) umntu ongeyotitshala oqeshwe ngokwemiqathango yePublic Service Act, 1994, okanye libhunga lolawulo lesikolo, ufunyenwe enetyala lokuziphatha kakubi yaye uye—

- (i) wayekiswa emsebenzini ngaphandle kokufumana intlawulo;
- (ii) wahliselwa; okanye
- (iii) ufumene indibanisela yezohlwayo ezichazwe kwimigaqo (i) no-(ii), ngaphandle kokuba sele kudlule iminyaka emithathu sadlulayo isohlwayo sakhe emsebenzini phambi kokuba anyulwe njengelungu lebhunga lolawulo lesikolo;
- (g) umzali ongenamntwana ofunda kweso sikolo sicchaphazelekayo; okanye
- (h) wakhe wasuswa kwibhunga lolawulo lesikolo yiNtloko yeSebe kulandelwa umgaqo 4(3).

Ixesha eliya kuhlalwa ngamalungu ebhunga lolawulo lesikolo

4. (1) Kulandelwa imigaqwana (3) no-(4) nemigaqo 5, 6, 20(5) no-21(2), ubungakanani bexesha aya kuthi umntu abe lilungu lebhunga lolawulo lesikolo ongengomfundi liya kususela ngomhla wonyulo lwebhunga elitsha elilawula isikolo de ibe yintlanganiso yokuqala de ibe ngumhla wonyulo lwequmrhu elitsha elilandelayo elilawula isikolo okanye isithuba esigqitywe yiNtloko yeSebe.
- (2) Isithuba sobulungu bomfundi iya kuba ngunyaka omnye.
- (3) Nangaliphi na ixesha, iNtloko yeSebe ingalisusa ilungu kwisikhundla ukuba lophule imigaqo yokuziphatha nasemva kokuba kulandelwe inkqubo efanelekileyo ngokwemiqathango yecandelo 26A(5) loMthetho.
- (4) Ukuba umntu owonyulwe njengelungu lebhunga lolawulo lesikolo njengoko kuxeliwe kwimigaqwana 2(1), (2), (3) (4), (5) okanye (6) uyayeka ukuba kuluhlu oluchazwe kumgaqo obemenze ukuba anyulwe njengelungu, uyayeka ukuba lilungu lebhunga lolawulo lesikolo.
- (5) Ilungu lebhunga lolawulo lesikolo lingaphinda linyulwe okanye liphinde lifakelelwe, ngokwemeko leyo, emva kokuphela kwexesha lalo, ukuba ngaba imigaqo yalo mthetho iyamvumela ukuba abe lilungu.

Izithuba kumabhunga olawulo esikolo

5. (1) Kubakho isithuba kwibhunga lolawulo lesikolo ukuba ilungu—
 - (a) liphumile;
 - (b) libhubhile;

- (c) alizimisanga iintlanganiso ezintathu ezilandelelanayo ngaphandle kwesizathu esivakalayo;
 - (d) alivumeleki ukuba libe lilungu njengoko kuchaziwe kwimigaqo 3 no-4(4); okanye
 - (e) lisusiwe kwisikhundla salo ngokomgaqo 4(3).
- (2) Qho xa kukho isithuba—
- (a) kwibhunga lolawulo lesikolo elihlanganiswe ngokomgaqo 2(19), iNtloko yeSebe kufuneka ityumbe ilungu kweso sithuba;
 - (b) kwibhunga lolawulo lesikolo elihlanganiswe ngokomgaqo 2(1), (2), (3), (4), (5) okanye (6), eso sithuba kufuneka sizaliswe ngonyulo lovalo-sikhewu kulandelwa iinkqubo zonyulo ngokwemiqathago yalo mthetho—
 - (i) kwimeko yelungu elingumzali, kwiintsuku ezingama-90 emva kokuvela kwesithuba; ze
 - (ii) isithuba sikatitshala, somsebenzi ongenotitshala okanye somfundi, sizaliswe zingaphelanga iintsuku ezili-14 emva kobukho beso sithuba.
- (3) Ilungu elityunjwe kulandelwa umgaqwana (2)(a) okanye elinyulelwe ukuvala isithuba ngonyulo lovalo-sithuba kulandelwa umgaqwana (2)(b) liba lilungu kwisithuba esingekapheli salo mntu angene endaweni yakhe ngokomgaqo 4.
- (4) Ukuba kufakwe umntu kwisithuba ebesikhona—
- (a) kulandelwa umgaqwana (2)(a), iNtloko yeSebe kufuneka; okanye
 - (b) kulandelwa umgaqwana (2)(b), unobhala webhunga lolawulo lesikolo kufuneka, azise inqununu ngokuyibhalela, iyinike igama lalo mntu ungaselolungu kunye nalowo ungene endaweni yakhe.

Ukuchithwa nokumiselwa kwakhona kwamabhunga olawulo ezikolo

6. (1) UMphathiswa wePhondo angalichitha ibhunga lolawulo lesikolo ukuba—
- (a) ngokokubona kwakhe, ngenxa yokuhlanganiswa kwezikolo okanye ukwahlulwa kwesikolo okanye ukulungiswa ngokutsha kwezibonelelo zesikolo, oko kuyimfuneko ukunika abazali bezikolo okanye besikolo ithuba lokuba bakhethe amalungu ebhunga lolawulo lesikolo elitsha eliza kumela ngendlela eyiyo abazali babafundi abafundi

- kwezo zikolo okanye kweso sikolo emva kolo hlanganiso, lwahlulo okanye olo lungiso ngokutsha;
- (b) ibhunga lolawulo lesikolo liye lasilela ukwenza umsebenzi walo ngokwanelisayo okanye lenze into engazi kuba lulutho kwisikolo eso;
- (c) ubuncinane ama-60 eepesenti abazali bonke abanelungelo lokuvota ngokomgaqo 7(1) baye bavota, kwintlanganiso, ukuba abasalithembi elo bhunga lilawula isikolo.
- (2) (a) Usihlalo webhunga lolawulo lesikolo kufuneka abize intlanganiso yabazali ekubhekiswe kuyo kumgaqwana (1)(c) zingaphelanga iintsuku ezili-14 emva kokuba eceliwe ukuba enze oko, ngokuthi ababhalele ze ukuchithwa kweghumba kwenziwe ngabazali abangekho ngaphantsi kwama-30 eepesenti yabazali abanelungelo lokuvota ngokomgaqo 7(1) ukuba babize intlanganiso ekubhekiswe kuyo kumgaqwana (1)(c).
- (b) Ubuncinane kwiintsuku ezili-14 phambi kwentlanganiso kufuneka kukhutshwe isaziso sentlanganiso ngokuthi sithunyelwe ngeposi siye kubo bonke abazali okanye sinikwe umfundi ngamnye kunye nomyalelo ochazwe ngomlomo wokuba banike abazali babo.
- (3) Apho ibhunga lolawulo lesikolo liye lachithwa phantsi komgaqwana (1), aliphindi lisebenze emva komhla othe wabekwa nguMphathiswa wePhondo.
- (4) Ngokukhawuleza emva kokuyeka ukusebenza kwebhunga lolawulo lesikolo—
- (a) umlawuli wesithili kufuneka anike iNtloko yeSebe uludwe lwamagama, ngokulandelelana kwabantu abakhethwayo ukuba bangene, abanelungelo lokuba bakhethwe njengamalungu ebhunga lolawulo lesikolo; yaye
- (b) iNtloko yeSebe ityumbe abantu abaneleyo kuludwe olo ukuze benze imisebenzi yebhunga lolawulo lesikolo kweso sikolo isithuba esingekho ngaphezu kweenyanga ezintathu.
- (5) Intloko yeSebe kufuneka yazise inqununu kwangaphambili, ngokuthi iyibhalele, malunga namagama kunye needilesi zamalungu ebhunga lolawulo lesikolo atyunjwe ngokomgaqwana (4).
- (6) INtloko yeSebe ingasongeza isithuba ekubhekiswe kuso kumgaqwana (4) ngezinye izithuba zeenyanga ezintathu isithuba ngasinye, isithuba esingekho ngaphezulu konyaka omnye.

- (7) Ibhunga lolawulo lesikolo kufuneka linyulwe kulandelwa le nkqubo ungaphelanga unyaka emva kokunyulwa kwabantu ekubhekiswe kubo kumgaqwana (4).

Ilungelo lokuvota

7. (1) Umzali ngamnye onomfundi omnye okanye ngaphezulu komfundi omnye obhaliswe kwisikolo unelungelo lokuvotela amalungu angabazali ebhunga lolawulo lesikolo kweso sikolo yaye kufuneka evote kanye kumtyunjwa ngamnye, ze iivoti zizonke zilingane nenani lamalungu angabazali abaza kukhethwa: Kodwa oko kuya kuxhomekeka ekubeni kuvunyelwe ukuba kuvote ubuninzi abazali ababini abamele umfundi ngamnye.
- (2) Kwimeko exelwe kumgaqwana (1) abavumelekanga abazali abangaphezulu kwesibini ngomntwana ngamnye ukuba bavote.
- (3) Utitshala ngamnye oqeshwe kwisikolo, kubandakanywa inqununu, unelungelo lokuvotela amalungu aziititshala yaye unelungelo lokuvota kanye kumtyunjwa ngamnye, yaye inani leevoti zonke kufuneka lilingane nenani lamalungu aziititshala aza konyulwa.
- (4) Ilungu ngalinye lebhunga elimele abafundi linelungelo lokuvotela umfundi osuka kwibhunga elimele abafundi yaye linelungelo lokuvota kanye kumtyunjwa ngamnye, yaye inani leevoti zonke kufuneka lilingane nenani lamalungu angabafundi aza konyulwa.
- (5) Ilungu ngalinye labasebenzi abangezizo iititshala linelungelo lokuvotela ilungu elingumsebenzi ongeyotitshala yaye livota kanye: Kambe ke ukuba isikolo sinomsebenzi omnye kuphela ongeyotitshala, elo lungu livele lonyulwe libe lilungu.

Igosa lonyulo lesikolo

8. (1) Intloko yeSebe kufuneka ityumbe inqununu yesinye isikolo ngokuthi iyibhalele ukuba ibe ligosa lonyulo lesikolo, ize kwenza unyuliso lwabazali, lweetitshala, lwelungu elingeyotitshala, kuxhomekeka ekubeni kunyulwa bani na ekubhekiswe kuye kwimigaqo 2(1), (2), (3), (4), (5) no-(6) enyulelwa kwibhunga lolawulo lesikolo: Inqununu ayinakutyunjwa njengengosa lonyulo ukuba ngaba inabantwana ababhaliswe kweso sikolo.

- (2) Igosa lonyulo lesikolo lingacela umntu okanyae abantu ukuba bamncedise kwintlanganiso yokutyumba nokunyula: Ukuba ngaba loo mntu okanye abo bantu abangobazali bomfundi okwesoko sikolo ekwenziwa kulo utyumbo nonyulo.
- (3) Igosa lonyulo lesikolo kufuneka lihlalele nayiphi na intlanganiso ebanjelwe unyulo lwamalungu ebhunga lolawulo lesikolo, ngaphandle kwakunyulo lwamalungu angabafundi.

Umhla, ixesha nendawo yentlanganiso yokutyunjwa nokonyulwa kwamalungu angabazali

9. (1) Igosa lonyulo lesikolo kufuneka ligqibe ngomhla, ixesha nendawo yentlanganiso yokutyunjwa nokonyulwa kwamalungu angabazali yaye lazise inqununu ngokuthi liyibhalele.
 - (2) Ukutyunjwa nokonyulwa kwamalungu angabazali kufuneka kulandele emva kokuba kunyulwe ezinye izintlu zebhunga lolawulo lesikolo.
 - (3) Kwisikolo esitsha, ukutyunjwa nokonyulwa kwamalungu angabazali makwenziwe zingaphelanga iintsuku ezingama-90 emva kokuba isikolo sivulelwe abafundi.
 - (4) UMphathiswa wePhondo, ukuba oko kuyimfuneko, makavumele ukuba kongezwe iintsuku ezixelwe kumgaqwana (3), kodwa olo longezo alunakuba ngaphezulu kweenyanga ezintandathu emva kokumiselwa kwesikolo.

Isaziso sentlanganiso yokutyumba nokunyula amalungu angabazali

10. (1) Igosa lonyulo lesikolo kufuneka lilungise isaziso esifana neso sikwiSihlomelo A, sentlanganiso yotyumbo nonyulo ekubhekiswe kulo kumgaqo 9 nefomu yotyumbo efana naleyo ikwiSihlomelo B, yaye kufuneka, ubuncinane kwiintsuku ezingama-21 phambi kwentlanganiso yotyumbo nonyulo, linike inqununu iikopi ezaneleyo zeso saziso ukwenzela ukuba imiqathango yomgaqwana (4) imiselwe.
 - (2) Isaziso esiya kumzali kufuneka—
 - (a) sichaze umhla, ixesha nendawo yentlanganiso;

- (b) sibandakanye isikhumbuzo sokuba abazali beze nesazisi ukuze bavunyelwe ukuba bavote; yaye
 - (c) sichaze ixesha nomhla wentlanganiso elandelayo, ekufuneka ibanjwe kwiintsuku ezisixhenxe yaye ingabi ziintsuku ezili-14 emva kwentlanganiso yokuqala ukuba ngaba khange kufikelelwe kwikhoram kwintlanganiso yokuqala.
- (3) Isazisi esixelwe kumgaqwana (2)(b) singabandakanya uxwebhu olusisazisi esinebhakhowudi eluhlaza saseMzantsi Afrika okanye esethutyana esikhutshwe liSebe leMicimbi yezeKhaya, okanye ipemithi xa umntu engummi welinye ilizwe, ekhutshwe ngokwemiqathango ye-Immigration Act, 2002 (UMthetho 13 ka-2002): Ukuba isazisi esichaziweyo asikho, zisenokwamkelwa nezinye izazisi lilungu leqela lonyulo lesikolo.
- (4) Inqununu, mayithi zingaphelanga iintsuku ezili-21 ubuncinane phambi komhla wentlanganiso wokutyunjwa nokunyulwa kwamalungu angabazali—
- (a) ikhuphe iikopi zesaziso sefomu yotyumbo kumfundi ngamnye wesikolo nomyalelo othi mabasinike abazali babo;
 - (b) ithumele iikopi zesaziso nefomu yotyumbo eya kubo bonke abazali bomfundi ngamnye okweso sikolo ngeposi, ukuba uzibona zingxamisekile;
 - (c) isebenzise zombini iindlela zokwazisa ezixelwe kumgaqwana (4)(a) no-(b); okanye
 - (d) isebenzise nayiphi na enye indlela yokwazisa abazali bomfundi ngamnye okweso sikolo malunga nentlanganiso yotyumbo nonyulo yamalungu angabazali, ukuba ngaba loo ndlela yokwazisa ayichaphazeli kakubi amanye amalungu esikolo okanye ayinqandi ntatho-nxaxheba yabo kwinkqubo yonyulo.

Uludwe lwabavoti

11. (1) Inqununu kufuneka yenze uluhlu lwabavoti kuluhlu ngalunye olunamagama abazali bonke, ootitshala nabasebenzi abangezotitshala abakweso sikolo abanelungelo lokuvota ngolu hlobo lulandelayo:
- (a) Uluhlu lwabavoti lwabazali kufuneka lusekelwe kwirejista yesikolo yolwamkelo lwabafundi yaye abazali abanelungelo lokuvota ngabo bantu abakwirejista yolwamkelo ababhalwe njengabazali okanye abo babonisa ubungqina bokuba bangabazali babafundi ababhaliswe kweso sikolo;

- (b) Uluhlu lwabavoti lweetitshala kufuneka luqulathe bonke ootitshala abaqeshwe kweso sikolo.
 - (c) Uluhlu lwabavoti abangezotitshala kufuneka luqulathe bonke abasebenzi abangezotitshala abaqeshwe kweso sikolo.
- (2) Uluhlu lwabavoti abangabazali kufuneka lufumaneke kwiintsuku ezili-14 phambi komhla wentlanganiso ukuze luhliwe amahlongwane ngabo bafuna ukwenza njalo.

Intlanganiso yokutyumba nokunyula amalungu angabazali

12. (1) Ukutyumba umgqatswa ongumzali, umzali womfundi okweso sikolo kufuneka—
- (a) afake ifomu yotyumbo zingadlulanga iintsuku ezili-14 phambi komhla wentlanganiso yokutyumba nokunyula, eyifomu yotyumbo efana nale ikwiSihlomelo B ezaliswe ngulo mntu umphakamisileyo, nomxhasayo kunye nomzali ongumgqatswa; okanye
 - (b) aphakamise igama lomzali ukuba abe lilungu lebhunga lolawulo lesikolo kwintlanganiso yokutyumba nokunyula.
- (2) Utyumbo oluxelwe kumgaqwana (1)(b) maluxhaswe ngomnye umzali yaye kufuneka kuzaliswe ifomu yotyumbo efana nale ikwiSihlomelo B ngulowo uphakamisayo noxhasayo, ukuba ukhona, kunye nomzali ongumtyunjwa, ze ifakwe kwigosa lonyulo lesikolo kwixesha ekubhekiswe kulo kumgaqwana (3).
- (3) Ukuba kuyafikwa kwinani lekhoram njengoko lichaziwe kumgaqo 13(2), igosa lonyulo lesikolo kufuneka libeke ixesha eliya kuvunyelwa lokuba kutyunjwe abagqatswa abangabazali kwintlanganiso yotyumbo nonyulo, yaye kufuneka azise intlanganiso ngeso sigqibo.
- (4) Ukuba akufikwa kwinani lekhoram njengoko lichaziwe kumgaqo 13(2) kwimizuzu engama-30 emva kwexesha elibekiweyo lokuba iqale ngalo intlanganiso, kufuneka kulungiselelwe enye intlanganiso ngokomgaqo 10(2)(c), yona ekungadingeki khoram kuyo ukuze iqhube ngokomgaqwana (5).
- (5) Kwiimeko ezixelwe kumgaqwana (4)—

- (a) igosa lonyulo lesikolo kufuneka linike inqununu isaziso esichaza ukuba khangе kufikwe kwikhoram yaye kufuneka kubizwe enye intlanganiso njengoko kuxeliwe kumgaqo 10(2)(c) eya kubanjwa ngomhla, ixesha nendawo echazwe kwisaziso;
 - (b) inqununu kufuneka ithi zingaphelanga iintsuku ezimbini emva kwentlanganiso yokuqala, inike umfundi ngamnye wesikolo isaziso kunye nomyalelo ochazwe ngomlomo wokuba banike abazali babo;
 - (c) naluphi na utyumbo obesele lwenziwe ngokomgaqwana (1)(a) luyasetyenziswa nakwintlanganiso yesibini; yaye
 - (d) abanye abagqatswa abongeziweyo abaza kungenela unyulo bangafakwa kwisithuba sesaziso sesibini nakwintlanganiso elandelayo.
- (6) Umtyunjwa ongumzali akanakuzinyula.
- (7) Emva kokuphela kwexesha ekubhekiswe kulo kumgaqwana (3), igosa lonyulo lesikolo kufuneka liqwalasele amagama atyunjiweyo ze likhabe nawuphi umtyunjwa ongumzali—
- (a) ongatyunjwanga kulandelwa umgaqwana (1)(a) okanye (2);
 - (b) ongavumelekanga njengoko kuxeliwe kumgaqo 3;
 - (c) kutyumbo ekubhekiswe kulo kumgaqwana (1)(b), khangе azalise ifomu echaziweyo yotyumbo, ngaphandle kokuba kungeniswe ubungqina obubhaliweyo obanelisa igosa lonyulo phambi kokuphela kwexesha ekubhekiswe kulo kumgaqwana (3), ukuba loo mzali uyavuma ukuba lilungu lebhunga lolawulo lesikolo; okanye
 - (d) okanye uzityumbile,
- yaye emva koko igosa lonyulo lesikolo kufuneka lichaze amagama abazali abamkelwe njengabatyunjiweyo.
- (8) Ukuba inani labo bonke abatyunjwa abangabazali abathe bamkelwa njengoko kuxeliwe kumgaqwana (7)—
- (a) kumgaqwanalingaphantsi kwenani lamalungu elixeliweyo ngokomgaqo 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) okanye (6)(a) webhunga lolawulo lesikolo esichaphazelekayo, kufuneka kubizwe enye intlanganiso apho kufuneka kutyunjwe abanye abazali ngokwale migaqo;
 - (b) lilingana nenani lamalungu agqitywe ngokomgaqo 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) okanye (6)(a) ebhunga lolawulo lesikolo esichaphazelekayo, igosa lonyulo

lesikolo kufuneka libhengeze umtyunjwa ngamnye ongumzali njengelungu elinyuliweyo lebhunga lolawulo lesikolo;

- (c) lingaphezulu kwenani elichazwe kumgaqo 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) okanye (6)(a) lebhunga lolawulo lesikolo esichaphazelekayo, uvoto malubanjwe kulandelwa umgaqo 13.

Ukuvota kunyulo lwamalungu angabazali

13. (1) Uvoto ekubhekiswe kulo kumgaqo 12(8)(c) kufuneka lubanjwe ngomhla nexesha nendawo exeliweyo ngokwenkqubo yotyumbo nonyulo.
- (2) Ikhoram yabazali—
- (a) kufuneka yenziwe okanye kufikwe kuyo kwintlanganiso yotyumbo nonyulo ukuze kwenziwe utyumbo nonyulo;
- (b) iba neepesenti ezili-10 zabo bonke abazali abakuluhlu lwabavoti.
- (3) Igosa lonyulo lesikolo kufuneka linike umzali ngamnye onelungelo lokuvota nonqwenela ukuvota iphepha lokuvota elamkelekileyo elinesitampu esisemthethweni.
- (4) Umzali kufuneka avote kwiphepha lokuvota ekubhekiswe kulo kumgaqwana (3): Ukuba ngaba umzali lowo akakwazi ukubhala nokufunda, okanye akaboni okanye unokhubazeko olumenza ukuba angakwazi ukuvota ngokwakhe, igosa lonyulo lesikolo linokuthi xa licelwe nguloo mzali, kukho nengqina elikhethwe ngumzali lowo, limvotele kwiphepha lokuvota kuloo mgqatswa okanye bagqatswa bakhonjwe ngumzalo lowo kumgaqwana.
- (5) Igosa lonyulo lesikolo kufuneka lilikhabe iphepha lokuvota—
- (a) ukuba ngaba asikho isitampu esisemthethweni ekubhekiswe kuso kumgaqwana (3) kwelo phepha;
- (b) ukuba kurekhodwe iivoti ezingaphezu kwenani lamalungu afanele ukunyulwa njengoko kuchaziwe kumgaqo 2; okanye
- (c) elizaliswe ngendlela engacaciyo ukuba kuvotelwa abaphi abazali kanye kanye, ngokokubona kwegosa lonyulo lesikolo.

- (6) Igosa lonyulo lesikolo kufuneka—
- (a) lithi, bekhona bonke abazali abangabatyunjwa abafuna ukuba khona xa kubalwa, libale zonke iivoti zabazali; yaye
- (b) lichaze inani labazali elixeliweyo, ngokomgaqo 2(1)(a), (2)(a), (3)(a), (4)(a), (5)(a) okanye (6)(a) abakwibhunga lolawulo lesikolo esichaphazelekayo abathe bafumana iivoti ezininzi baze banyulwa njengamalungu ebhunga lolawulo lesikolo yaye achaze inani leevoti zomzali ngamnye obengumqatswa.
- (7) Ukuba kwini leevoti ezirekhodiweyo kukho abazali ababini okanye ngaphezulu kwesibini ababambeneyo ngeenani leevoti yaye oko kuchaphazela iziphumo, igosa lonyulo lesikolo kufuneka lifake amagama abazali abambeneyo emnqwazini ze kutsalwe igama ukwenza isigqibo sabazali abaphumeleleyo.
- (8) Akukho voti zithunyelweyo ziya kwamkeleka kunyulo lwebhunga lolawulo lesikolo.

Ukutshintsha inkqubo yentlanganiso enye yotyumbo nonyulo

14. (1) Ibhunga lolawulo lesikolo lingafaka isicelo kwiNtloko yeSebe kwiintsuku ezingama-60 phambi konyulo njengoko kuchaziwe kumgaqwana (4) ukuze linikwe imvume yokutyeka kwintlanganiso yotyumbo nonyulo njengoko umgaqo wenkqubo yonyulo usitsho kwimigaqo 10, 12 no-13.
- (2) Isicelo ekubhekiswe kuso kumgaqwana (1) masikhatshwe zizizathu ezipheleleyo yaye kuchazwe umhla, ixesha nendlela isikolo esiza kulawula ngayo utyumbo nonyulo lwabazali ukuba babe ngamalungu ebhunga lolawulo lesikolo.
- (3) INtloko yeSebe kufuneka—
- (a) iqwalasele isicelo ze igqibe ngomba lowo zingaphelanga iintsuku ezili-14 emva kokufumana isicelo;
- (b) isivumele eso sicelo ukuba yanelisekile ukuba—
- (i) olo tshintsho lwenkqubo luza kuba lulutho kwisikolo eso sichaphazelekayo;
- (ii) olo tshintsho lwenkqubo luza kuvumela ukuba abazali abafuna ukuvota bathathe inxaxheba kuvoto kangangoko befuna ngexesha lonyulo;

- (iii) olo tshintsho alusayi kuchaphazela ukukwazi kwabazali ukuvotela abagqatswa;
 - (iv) olo tshintsho lwenkqubo aluzi kucalula abantu abafanele ukuvota;
 - (v) kwenziwe amalungiselelo enkqubo yotyumbo engenamkhethe ngeli lixa kuyiwa kuvoto; yaye
 - (vi) abazali baya kwaziswa ngeenkukacha zabagqatswa.
- (4) Igosa lonyulo lesikolo kufuneka—
- (a) lichaze umhla, indawo nexesha lonyulo;
 - (b) liqinisekise ukuba kwenziwa iifomu nesaziso sonyulo; yaye
 - (c) liqinisekise ukuba iifomu zotyumbo nesaziso zihanjiswa ubuncinane kwiintsuku ezingama-21 phambi kosuku lonyulo kusetyenziswa iinkqubo ezikumgaqo 10(4).
- (5) Ukuba iNtloko yeSebe iyasamkela isicelo sokutshitsha inkqubo yentlanganiso—
- (a) ayisayi kuba nye intlanganiso yotyumbo nonyulo;
 - (b) amagama atyunjiweyo makangeniswe ebhaliwe kwifomu yotyumbo njengoko kuchaziwe kwiSihlomo B, ze angeniswe kwisikolo esiza kuba nonyulo kwiintsuku ezili-14 ubuncinane phambi komhla wonyulo; yaye
 - (c) iinkukacha zabagqatswa abatyunjwe ukuba bangenele unyulo nekuthe utyunjo lwabo lwamkelwa, kufuneka amagama abo athunyelwe kubo bonke abazali beso sikolo, ebhaliwe, ubuncinane kwiintsuku ezisixhenxe phambi konyulo.
- (6) Ukuze lwamkeleleke unyulo olwenziwe kulandelwa lo mgaqo, ubuncinane bekhoram yabazali kufuneka ibe ziipesenti ezili-10 zenani labo bonke abazali abakuluhlu lwabavoti ekufuneka babe bavotile kuvoto.
- (7) Ukuba ikhoram njengoko kuxeliwe kumgaqwana (6) ayikho kwintlanganiso yonyulo, kufuneka kubanjwe enye intlanganiso yonyulo zingadlulanga iintsuku ezintlanu emva kwentlanganiso edlulileyo apho kunganyanzelekanga ukuba kubekho ikhoram.
- (8) Kule meko ixelwe kumgaqwana (7)—
- (a) igosa lonyulo lesikolo kufuneka linike inqununu isaziso esichaza ukuba khange ibe khona ikhoram yaye kufuneka kuphinde kubanjwe unyulo; yaye
 - (b) amagama abetyunjiwe ngaphambili asamkelekile kunyulo olulandelayo.

- (9) (a) Ibhunga lolawulo lesikolo elinganelisekanga sisigqibo seNtloko yeSebe njengoko kuchaziwe kumgaqwana (3)(a) lingafaka isibheno kuMphathiswa wePhondo kwiintsuku ezili-14 emva kokufumana isigqibo seNtloko yeSebe.
- (b) UMphathiswa wePhondo kufuneka aqwalasele eso sibheno ze enze isigqibo asithumele sibhaliwe kwiintsuku ezili-14 emva kokufumana isibheno.

Intlanganiso yokutyumba nokunyula amalungu aziitshala

15. (1) Igosa lonyulo lesikolo kufuneka ligqibe ngomhla, ixesha nendawo yentlanganiso yokutyunjwa nokunyulwa kwamalungu aziitshala, ekufuneka ibanjwe ubuncinane kwiintsuku ezisixhenxe phambi kwentlanganiso yotyumbo nonyulo lwamalungu angabazali.
- (2) Ukutyumba umtyunjwa oyititshala, utitshala osebenza kwakweso sikolo sinye kufuneka—
- (a) afake kwigosa lonyulo lesikolo, kwiintsuku ezili-14 phambi komhla wentlanganiso yotyumbo nonyulo, ifomu yotyumbo efana naleyo ikwiSihlomelo B, ezaliswe ngulowo uphakamise igama, umxhasi netitshala engumgqatswa; okanye
- (b) aphakamise igama letitshala ukuba ibe lilungu lebhunga lolawulo lesikolo kwintlanganiso yotyumbo nonyulo.
- (3) Utyumbo oluxelwe kumgaqwana (2)(b) kufuneka lixhaswe yenye ititshala yaye kufuneka kuzaliswe ifomu yotyumbo efana nale ikwiSihlomelo B ngulowo uphakamisayo noxhasayo, ukuba ukhona, kunye notitshala ongumtyunjwa, ze ifakwe kwigosa lonyulo lesikolo kwixesha ekubhekiswe kulo kumgaqwana (4).
- (4) Ukuba akufikwa kwini lekhoram njengoko lichaziwe kumgaqo 16(2), igosa lonyulo lesikolo kufuneka libeke ixesha eliya kuvunyelwa lokuba kutyunjwe abagqatswa abazitshala kwintlanganiso yotyumbo nonyulo, yaye kufuneka azise intlanganiso ngeso sigqibo.
- (5) Umtyunjwa oyititshala akanakuzinyula.

- (6) Emva kokuphela kwexesha ekubhekiswe kulo kumgaqwana (4) igosa lonyulo lesikolo kufuneka liqwalasele amagama atyunjiweyo ze likhabe nawuphi umtyunjwa oyititshala—
- (a) ongatyunjwanga kulandelwa umgaqwana (2)(a) okanye (3);
 - (b) ongavumelekanga njengoko kuxeliwe kumgaqo 3;
 - (c) kutyumbo ekubhekiswe kulo kumgaqwana (2)(b), ongakhange azalise ifomu echaziweyo yotyumbo, ngaphandle kokuba kungeniswe ubungqina obubhaliweyo obanelisa igosa lonyulo phambi kokuphela kwexesha ekubhekiswe kulo kumgaqwana (4) bokuba loo titshala iyavuma ukuba lilungu lebhunga lolawulo lesikolo; okanye
 - (d) uzityumbe ngokwakhe,
- emva koko igosa lonyulo lesikolo kufuneka lichaze amagama ootitshala amkelwe njengatyunjiweyo.
- (7) Ukuba inani lilonke leetitshala ezingabatyunjwa elamkelwe njengoko kuxeliwe kumgaqwana (6)—
- (a) lingaphantsi kwenani lamalungu elixeliweyo ngokomgaqo 2(1)(b), (2)(b), (5)(c) okanye (6)(b) lebhunga lolawulo lesikolo esichaphazelekayo, kufuneka kubizwe enye intlanganiso apho kuya kutyunjwa abagqatswa abatsha abangootitshala ngokwenkqubo ebekwe kule migaqo;
 - (b) lilingana nenani lamalungu agqitywe ngokomgaqo 2(1)(b), (2)(b), (5)(c) okanye (6)(b) lebhunga lolawulo lesikolo esichaphazelekayo, igosa lonyulo lesikolo kufuneka libhengeze umtyunjwa ngamnye oyititshala njengelungu elinyuliweyo lebhunga lolawulo lesikolo;
 - (c) lingaphezulu kwenani elichazwe kumgaqo 2(1)(b), (2)(b), (5)(c) okanye (6)(b) lebhunga lolawulo lesikolo esichaphazelekayo, uvoto malubanjwe kulandelwa umgaqo 16.
- (8) Ukuba iititshala zilishumi okanye ngaphantsi kweshumi esikolweni, inkqubo yotyumbo lwamalungu aziititshala ayilandelwa, koko kulandelwa inkqubo yovoto ekubhekiswe kuyo kumgaqo 16.

Ukuvota kunyulo lwamalungu aziitshala

16. (1) Igosa lonyulo lesikolo kufuneka lenze isaziso sentlanganiso yonyulo ze lihambise ikopi yesaziso kutitshala ngamnye okweso sikolo, ubuncinane kwiintsuku ezisixhenxe, phambi kwentlanganiso.
- (2) Ikhoram kwintlanganiso yokuvota yenziwe bubuninzi benani leetitshala eziqeshwe kweso sikolo.
- (3) Igosa lonyulo lesikolo kufuneka linike ititshala enqwenela ukuvota iphepha elamkelekileyo elinesitampu sesikolo.
- (4) Ititshala ekubhekiswe kuyo kumgaqwana (1), mayifake ivoti yayo ngokubhala ootitshala abangekho ngaphezu kwesibini kwiphepha lokuvota.
- (5) Igosa lonyulo lesikolo kufuneka lilikhabe iphepha lokuvota—
 - (a) ukuba ngaba asikho isitampu esisemthethweni ekubhekiswe kuso kumgaqwana (3) kwelo phepha;
 - (b) elinamagama angaphezulu kwesibini eetitshala ezingabagqatswa; okanye
 - (c) elizaliswe ngendlela engacaciyi ukuba kuvotelwa eziphi iititshala kanye kanye, ngokokubona kwegosa lonyulo lesikolo.
- (6) Abatyunjwa ababini abazititshala abafumane iivoti ezininzi mababhengezwe njengabanyulwe ngokusesikweni ligosa lonyulo lesikolo.
- (7) Ukuba ngaba inani leevoti zeetitshala ezintathu nangaphezulu liyalingana, igosa lonyulo lesikolo kufuneka liyiphinde inkqubo yovoto de zibe mbini kuphela iititshala ezineevoti ezininzi ngokwemigaqo. Le nkqubo mayiphindwaphindwe de ititshala ifumane iivoti ezininzi.
- (8) Xa kulandelwa umgaqwana (7), ukuba ootitshala ababini okanye ngaphezulu banezona voti ziphantsi, kufuneka kuphindwe kuvotelwe abo bagqatswa, kuphindwe kaninzi kangangoko de kubekho into ecacileyo ebonisa ukuba ngowuphi na umgqatswa ofanele ukukhutshwa.

Ukutyunjwa nokunyulwa kwelungu elingeyotitshala

17. Xa kunyulwa ilungu lesikolo elingeyotitshala, kusetyenziswa inkqubo yokutyunjwa nokonyulwa kwamalungu aziititshala ze kwenziwe utshintsho oluyimfuneko ukutyumba nokunyula ilungu elingeyotitshala.

Ukutyunjwa nokunyulwa kwabafundi

18. Amalungu angabafundi amabini axelwe kumgaqo 2(1)(d) naku-(6)(d) kufuneka anyulwe libhunga elimele abafundi kumanqwanqwa alo.

Izigqibo zegosa lonyulo lesikolo

19. (1) Igosa lonyulo lesikolo kufuneka ligqibe yaye lilungise yonke imiba ehlangene notyumbo nonyulo lwamalungu.
- (2) Zonke iimbambano kufuneka zixelwe kwigosa lonyulo lesi sikolo ngexesha lenkqubo yotyumbo nonyulo.
- (3) Igosa lonyulo lesikolo kufuneka lisombulule zonke iimbambano phambi kokuba libhengeze unyulo njengolungenamakhwiniba.
- (4) Isigqibo segosa lonyulo lesikolo ngexesha lenkqubo yotyumbo nonyulo asinakutshintshwa mntu.
- (5) Ukuba ngaba kukho imbambano kweso sikolo igosa lonyulo lesi sikolo elingakwazi kuyisombulula, unyulo maluqhube.

Izigqibo zegosa lonyulo lesithili

20. (1) Nabani na onqwenela ukufaka isichaso kwisigqibo esenziwe ligosa lonyulo lesikolo, kufuneka akwenze oko kwiintsuku ezisixhenxe emva konyulo lwamalungu kuluhlu olo luchaphazelekayo, asifake sibhaliwe asithumele kwigosa lonyulo lesithili esichaphazelekayo.

- (2) Igosa lonyulo lesithili kufuneka liqwalasele eso sichaso ze liphendule ngembalelwano kwiintsuku ezisixhenxe zokufumana isichaso.
- (3) Nawuphi na umntu onganelisekanga sisigqibo segosa lonyulo lesithili angafaka isibheno kuMphathiswa wePhondo kwiintsuku ezingama-21 emva kokufumana isigqibo segosa lonyulo lesithili.
- (4) UMphathiswa wePhondo kufuneka aqwalasele eso sibheno ze enze isigqibo kwiintsuku ezingama-21 emva kokufumana isichaso.
- (5) Amalungu ebhunga lolawulo lesikolo aphumayo kufuneka agcine ubulungu bawo de zonke izichaso okanye izibheno ezifakiweyo kulandelwa umgaqwana (1) okanye (3) zibe zisonjululiwe.

Inkqubo emva kokunyulwa kwebhunga lolawulo lesikolo

21. (1) Emva konyulo lwebhunga lolawulo lesikolo igosa lonyulo lesikolo kufuneka—
 - (a) lifake kwimvulophu onke amaxwebhu asetyenziswe xa bekutyunjwa yaye kunyulwa amalungu, kubandakanywa onke amaphepha okuvota ebesetyenziswe kunyulo nazo zonke iifomu zotyumbo ezifunyenweyo, ze liyitywine loo mvulophu;
 - (b) ligcine ezo mvulophu kwindawo ekhuselekileyo isithuba seminyaka emithathu ubuncinane ukusuka kumhla wonyulo lwebhunga lolawulo lesikolo esichaphazelekayo;
 - (c) lazise ilungu ngalinye elinyulweyo ngokulibhalela lilichazele ngokunyulwa kwalo; yaye
 - (d) lazise inqununu negosa lonyulo lesithili ngokuthi libabhalele zingaphelanga iintsuku ezintathu emva komhla wentlanganiso yotyumbo nonyulo okanye emva kovoto, kuxhomekeke kuloo nto ibisenziwa, libanike amagama needilesi zabantu abanyulwe njengamalungu.
- (2) Ibhunga lolawulo lesikolo eliphumayo kufuneka liqhubeke lisebenze de ibe yintlanganiso yokuqala yebhunga elitsha elilawula isikolo njengoko kuxeliwe kumgaqo 22(1).

Ukunyulwa kwamalungu ekomiti yesigqeba esilawula isikolo

22. (1) Inqununu kufuneka ibize intlanganiso yokuqala yebhunga elitsha elilawula isikolo zingaphelanga iintsuku ezintlanu emva kokufumana isaziso esixelwe kumgaqo 21(1)(d) ukwenzela ukuba kunyulwe ikomiti yebhunga lolawulo lesikolo.
- (2) Inkqubo yokunikezela kwezinto kufuneka zingaphelanga iintsuku ezili-10 emva kwentlanganiso yokuqala yebhunga elitsha elilawula isikolo yaye inqununu kufuneka ibe yiyo eququzelela nehlelela intlanganiso yonikezelo.
- (3) Kwintlanganiso yokuqala yebhunga lolawulo lesikolo, ibhunga kufuneka kumalungu ayo linyule ikomiti ekufuneka ubuncinane ibe nosihlalo, unondyebo nonobhala.
- (4) Kwiimeko ezixelwe kumgaqo 2(1), (2), (3), (4) no-(5), lilungu elingumzali kuphela elinokuba ngusihlalo webhunga lolawulo lesikolo.
- (5) Nawuphi utitshala, umsebenzi ongenotitshala okanye umzali olilungu, kubandakanywe nabo bafakelelweyo kwibhunga lolawulo lesikolo, angenziwa unobhala okanye unondyebo.
- (6) Naliphi na ilungu lingangusihlalo wekomitana yebhunga lolawulo lesikolo.
- (7) Kulandelwa umgaqwana (8), amalungu ekomiti kufuneka abambe izihlalo zawo isithuba seenyanga ezili-12 emva konyulo lwabo.
- (8) Ilungu lekomiti yebhunga lolawulo lesikolo lingaphinde lonyulwe ukuphela kwexesha lalo njengelungu lekomiti ukuba ngaba beliye lahlala lililungu lebhunga lolawulo lesikolo.
- (9) Ukuba kuye kwakho isithuba kwikomiti, ibhunga lolawulo lesikolo kufuneka kwintlanganiso yalo yokuqala emva kobukho beso sithuba, linyule kumalungu alo umntu oza kuzalisa eso sithuba agqibezele ixesha ebelishiyekile lalowo ebekweso sithuba.
- (10) Yinqununu ekufuneka ihlalele unyulo ekubhekiswe kulo umgaqwana (3) no-(9).

- (11) Emva kwentlanganiso ebisonyula ilungu lekomiti, inqununu kufuneka yazise iNtloko yeSebe isebenzisa inkqubo yokudlulisa ulwazi oluthunyelwa ngekhompyutha yeSebe leMfundo leNtshona Koloni, imxelele ngomhla ebihleli ngawo intlanganiso, igama, idilesi kunye nesithuba esizaliswe ngumntu lowo wonyuliweyo.
- (12) Ekupheleni kwexesha lokuba lilungu lekomiti, umntu ophumayo kufuneka enze umsebenzi wakhe de kunyulwe omnye oya kungena endaweni yakhe.

Iintlanganiso zebhunga lolawulo lesikolo

23. (1) Usihlalo webhunga lolawulo lesikolo kufuneka agqibe ngomhla, ixesha nendawo yentlanganiso yebhunga lolawulo lesikolo yaye unobhala webhunga lolawulo lesikolo kufuneka azise ilungu ngalinye ngokulibhalela, ubuncinane, kwiintsuku ezili-14 phambi kwentlanganiso leyo.
- (2) Kwimeko echazwe umgaqwana (1), ukuba usihlalo webhunga lolawulo lesikolo ubona ukuba umcimbi othile ufuna ukuhoywa ngokukhawuleza, unobhala webhunga lolawulo lesikolo kufuneka anike ilungu ngalinye isaziso seeyure ezingama-24 sentlanganiso.
 - (3) Nawuphi na umntu angamenywa libhunga lolawulo lesikolo ukuba abe yinxalenye yentlanganiso yebhunga ze abe yinxalenye yeengxoxo, kodwa loo mntu akanakuvota yaye kufuneka ephumile xa ibhunga lolawulo lesikolo lithatha isigqibo.
 - (4) Ibhunga lolawulo lesikolo lingacela nawuphi na umsebenzi wesikolo ukuba azimase intlanganiso ukuze aze kuchaza ngawo nawuphi umba omalunga nemisebenzi yebhunga lolawulo lesikolo.
 - (5) Isininzi samalungu ebhunga lolawulo lesikolo anelungelo lokuvota siso esenza ikhoram yayo nayiphi na intlanganiso yebhunga lolawulo lesikolo.
 - (6) Ibhunga lolawulo lesikolo kufuneka lizenzele imigaqo malunga neentlanganiso zalo neenkqubo eziza kulandelwa kwezo ntlanganiso.

Imizuzu yeentlanganiso

24. (1) Unobhala webhunga lolawulo lesikolo kufuneka agcine imizuzu yentlanganiso nganye yebhunga lolawulo lesikolo yaye kufuneka anike ilungu ngalinye lebhunga lolawulo lesikolo ikopi yemizuzu yentlanganiso.
- (2) Unobhala webhunga lolawulo lesikolo kufuneka, anike iNtloko yeSebe, xa eceliwe, okanye nawuphi na umntu othunyelwe yiNtloko yeSebe, ikopi yemizuzu yentlanganiso.
- (3) Unobhala webhunga lolawulo lesikolo, xa eceliwe, kufuneka anike umzali womfundi okweso sikolo, ititshala okanye umsebenzi ongeyotitshala osebenza kweso sikolo ikopi yemizuzu: Ukuba ngaba akukho bantu ekunyathelwa amalungelo abo ngeso senzo yaye loo mntu ufuna loo mizuzu ufuna ukukhusela amalungelo akhe okanye unomba omchaphazelayo, yaye kube akuvezwa zinto ezifanele ukufihlwa zesikolo okanye zelungu lebhunga lolawulo lesikolo, okanye zomsebenzi, zomzali okanye zomfundi wesikolo.
- (4) Imizuzu yentlanganiso yebhunga lolawulo lesikolo okanye yekomiti kufuneka kwintlanganiso elandelayo yebhunga lolawulo lesikolo ingeniswe ukuze yamkelwe.
- (5) Xa lichithiwe ibhunga lolawulo lesikolo okanye kuphele ixesha lalo lolawulo, yonke imizuzu nawo onke amaxwebhu ebhunga lolawulo lesikolo kunye naweekomiti zebhunga kufuneka anikwe inqununu yesikolo.
- (6) Xa isikolo sivalwa unomphelo, inqununu kufuneka inikeze ngayo yonke yonke imizuzu nawo onke amaxwebhu ebhunga ebelilawula isikolo okanye eekomiti zequmrhu kwiNtloko yeSebe ukuze agcinwe kakuhle.

Utshitshiso

25. Inkqubo ebizwa ngokuba yiNkqubo-nkcazelo yokuMisela nokuNyula amaBhunga oLawulo eZikolo zikaRhulumente, 2015, eyapapashwa ngeSaziso sePhondo 40/2015 kwiGazethi yePhondo eyoNgezelelweyo 7352 yowe-6 Febhruwari 2015, iyatshitshiswa.

Isihloko esifutshane nokuqala kokusebenza

26. Le migaqo ibizwa ngokuba yiMigaqo yeNkgubo-nkcazelo yokuMisela nokuNyula amaBhunga oLawulo eZikolo zikaRhulumente, 2017, yaye iya kuqala ukusebenza ngowe-1 Epreli 2017.

ISIHLOMELO A

ISaziso seNtlanganiso yokuTyumba nokoNyula

Unyulo lweeTitshala/Abasebenzi abangezoTitshala/Abazali baBafundi
kwibhunga lolawulo lesikolo

(Imigaqo 10, 13, 15, 16 no-17 yiMigaqo yeNkgubo-nkcazelo yokuMisela nokuNyula amaBhunga oLawulo eZikolo zikaRhulumente, 2017)

IGAMA LESIKOLO:.....

Kukhutshwa isaziso sokuba kuza kubakho intlanganiso yokutyunjwa nokonyulwa kwabagqatswa abangoo..... njengamalungu ebhunga lolawulo lesikolo esi sikolo sikhankanywe ngentla eza kubanjwa ngomhla we-.....(umhla) ngo-.....(ixesha) e.....(indawo). Ukuba ayikho ikhoram, kuya kuphinda kubizwe enye intlanganiso eya kubanjwa ngomhla we-.....(umhla) ngo-.....(ixesha).

Kuya kugqitywa ngo-.....(ixesha) ngenjikalanga yentlanganiso yotyumbo nonyulo ukuba ingaba kukho abazali abaneleyo na abanelungelo lokuvota ukuze intlanganiso ikwazi ukuqhubeka. Abazali bayakhuthazwa ke ngoko ukuba bazimase intlanganiso, beze bephethe amakhadi abo ezazisi zoMzantsi Afrika okanye incwadi yesazisi eluhlaza enebhakhawudi okanye izazisi zexeshana ezikhutshwe liSebe leMicimbi yeKhaya, okanye kwimeko yabantu abaphuma kwamanye amazwe, ipemithi ekhutshwe kulandelwa i-Immigration Act, 2002, yaye bayacelwa ukuba bafike kule ntlanganiso phambi ko-.....(ixesha).

Umgqatswa angatyunjwa ngokuthi umntu afake igama kwigosa lonyulo lesikolo kwiintsuku ezili-14 phambi kwentlanganiso, azalise ifomu yotyumbo njengomntu ophakamisa igama, isayinwe ngumxhasi kunye nomtyunjwa okanye umgqatswa lowo. Amagama atyunjiweyo aya kwamkelwa kwesi sikolo ukususela ngo-..... (umhla) de kube ngo-.....(ixesha) ngumhla we-..... (umhla).

Ukuba kutyunjwe abagqatswa abangaphezulu kwenani lamalungu ekufuneka enyuliwe, kuya kuthi kubanjwe uvoto emva kwentlanganiso yotyumbo.

.....
UMHLA

.....
APHA KUSAYINA IGOSA LONYULO LESIKOLO

IDILESI:
.....
.....
.....

IMIGAQO YONYULO

(Ekhapha isaziso sentlanganiso yokutyumba nokunyula)

1. AMALUNGU EBHUNGA LOLAWULO LESIKOLO

(a) Ibhunga lolawulo lesikolo sikarhulumente samabanga aphakathi nesikolo esihlanganisiweyo kufuneka liqulathe—

- (i) abazali abasixhenxe abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
- (ii) ootitshala ababini esikolweni, abakhethwe ziiitshala ezikweso sikolo;
- (iii) umntu ongengotitshala osebenza kweso sikolo, omnye, okhethwe ngabasebenzi abasesikolweni abangezotitshala;
- (iv) abafundi ababini abakwibanga lesibhozo okanye kwibanga elingentla abakhethwe ngabameli bebhunga labafundi abakwizinga labo; kunye
- (v) nenqununu.

(b) Kulandelwa imigaqo (c), (d) no-(e), ibhunga lolawulo lesikolo samabanga aphantsi sesiqhelo kufuneka liqulathe—

- (i) abazali abahlanu abangaqeshwanga liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
- (ii) ootitshala ababini esikolweni, okhethwe ziiitshala ezikweso sikolo;

- (iii) umntu ongengotitshala osebenza kweso sikolo, omnye, okhethwe ngabasebenzi abasesikolweni abangezotitshala;
 - (iv) inqununu.
- (c) Ibhunga lolawulo lesikolo samabanga aphantsi esinomsebenzi ongutitshala omnye kufuneka siqulathe—
- (i) abazali ababini abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo; kunye
 - (ii) nenqununu.
- (d) Ibhunga lolawulo lesikolo samabanga aphantsi esinabasebenzi ababandakanya utitshala omnye kunye nomsebenzi ongengotitshala kufuneka sibe—
- (i) nabazali abathathu abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (ii) inqununu; kunye
 - (iii) nomntu ongengotitshala osebenza kweso sikolo.
- (e) Ibhunga lolawulo lesikolo samabanga aphantsi esinabasebenzi abangootitshala ababini nomsebenzi omnye ongeyotitshala kufuneka liqulathe—
- (i) abazali abane abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (ii) utitshala osebenza kweso sikolo, omnye, okhethwe zititshala ezikweso sikolo;
 - (iii) umntu ongengotitshala osebenza kweso sikolo, omnye, okhethwe ngabasebenzi abasesikolweni abangezotitshala; kunye
 - (iv) nenqununu.
- (f) Ibhunga lolawulo lesikolo sabafundi abanemfundo yabantwana abanezidingo ezizodwa kufuneka liqulathe—
- (i) abazali abasixhenxe abangaqeshwanga kwisikolo liSebe lezeMfundo leNtshona Koloni okanye libhunga lolawulo lesikolo;
 - (ii) iititshala ezimbini esikolweni, ezikhethwe zititshala ezikweso sikolo;
 - (iii) umntu ongengotitshala osebenza kweso sikolo, omnye, okhethwe ngabasebenzi abasesikolweni abangezotitshala;

- (iv) abafundi ababini abakwibanga lesibhozo okanye kwibanga elingentla abakhethwe ngabameli bebhunga labafundi kubo, ukuba oko kunokwenzeka;
- (v) inqununu;
- (vi) ummeli omnye wamaqumrhu axhasa ngezimali, ukuba akhona;
- (vii) ummeli omnye wemibutho yabazali babantwana abanezidingo ezizodwa, ukuba ukhona;
- (viii) ummeli wemibutho yabantu abakhubazekileyo, ukuba ukhona;
- (ix) umntu omnye okhubazekileyo, ukuba ukhona; kunye
- (x) nengcali enye enamava afanelekileyo emfundo yabantwana abanezidingo ezizodwa.

2. UKUTYUNJWA KWAMALUNGU ANGABAZALI

- (a) Umgqatswa ngamnye ongumzali kufuneka aphakanyiswe ze axhaswe kwifomu yotyumbo ngabazali abanelungelo lokuvota njengoko kuchaziwe kumgaqo 4 apha ngezantsi. Umvoti ophakamise okanye oxhase umtyunjwa ongumzali kufuneka aqinisekise ukuba ingaba lo mzali uvumelekile na ukuba anyulwe njengelungu njengoko kuchaziwe kumgaqo 3 apha ngezantsi.
- (b) Kuya kuzaliswa ifomu yotyumbo kutyumbo ngalunye lomgqatswa ongumzali.
- (c) Igosa lonyulo liya kugqiba ngexesha eliya kuvunyelwa kutyumbo labagqatswa abangabazali ngexesha lentlanganiso yotyumbo nonyulo, yaye uya kuthi azise intlanganiso malunga noko.
- (d) Umtyunjwa ongumzali akanakuzinyula.

3. ABANTU EKUNGAVUMELEKANGA UKUBA BAKHETHWE

Umntu akanakukhethwa okanye atyunjwe njengelungu lebhunga lolawulo lesikolo ukuba—

- (a) ebekhe wagwetywa yinkundla yomthetho ngesenzo athe wafumana kuso isigwebo esixhonyiweyo, okanye obekhe wavalelwa entolongweni, okanye obefumene isigwebo sentlawulo, okanye ongekasigqibi isigwebo sakhe sentolongo, ngaphandle kokuba uxolelwe ngokupheleleyo nangokukhululekileyo, okanye isigwebo sakhe esixhonyiweyo okanye sokuvallelwa sele kudlule iminyaka emithathu wasigqibayo phambi komhla wokunyulwa kwakhe njengelungu lelo qumrhu;

- (b) ubhengezwe njengongafanelekanga ukuba asebenze nabantwana ngokomthetho iChildren's Act, 2005 (uMthetho 38 ka-2005), okanye iCriminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (uMthetho 32 ka-2007);
- (c) ugula ngengqondo yaye nenkundla ejonga oko imfumanise enjalo;
- (d) uthe gabhu ematyaleni;
- (e) kwimeko yotitshala oqeshwe ngokwemiqathango yomthetho iEmployment of Educators Act, 1998 (UMthetho 76 ka-1998), ebekhe—
 - (i) wahlawuliswa imali;
 - (ii) wayekiswa emsebenzini ngaphandle kokufumana intlawulo;
 - (iii) wahliselwa; okanye
 - (iv) ufumene indibanisela yezohlwayo ezichazwe kumgaqwana (i) ukuya ku-(iii), ngaphandle kokuba sele kudlule iminyaka emithathu sadlulayo isohlwayo sakhe emsebenzini phambi kokuba anyulwe njengelungu lebhunga lolawulo lesikolo;
- (f) umntu ongeyotitshala oqeshwe ngokwemiqathango yePublic Service Act, 1994, okanye libhunga lolawulo lesikolo, ufunyenwe enetyala lokuziphatha kakubi yaye uye—
 - (i) wayekiswa emsebenzini ngaphandle kokufumana intlawulo;
 - (ii) wahliselwa; okanye
 - (iii) ufumene indibanisela yezohlwayo ezichazwe kwimigaqwana (i) no-(ii), ngaphandle kokuba sele kudlule iminyaka emithathu sadlulayo isohlwayo sakhe emsebenzini phambi kokuba anyulwe njengelungu lebhunga lolawulo lesikolo;
- (g) umzali ongenamntwana ofunda kweso sikolo sichaphazelekayo; okanye
- (h) wakhe wasuswa kwibhunga lolawulo lesikolo yiNtloko yeSebe kulandelwa kwiminyaka emithathu edlulileyo.

4. ILUNGELO LOKUVOTA

- (a) Umzali ngamnye onomfundi omnye okanye ngaphezulu komfundi omnye obhaliswe kwisikolo unelungelo lokuvotela amalungu angabazali kwibhunga lolawulo lesikolo kweso sikolo kunyulo. Kuya kuvunyelwa, isininzi, abazali ababini kumfundi ngamnye ukuba bavote.
- (b) Utitshala ngamnye oqeshwe kwisikolo ngexesha lonyulo, kubandakanywa inqununu, unelungelo lokuvotela amalungu aziitshala ukuba abe ngamalungu ebhunga lolawulo lesikolo kunyulo.

- (c) Ilungu ngalinye labasebenzi abangezizo iititshala eliqeshwe kwisikolo ngexesha lonyulo linelungelo lokuvotela ilungu elingumsebenzi ongeyotitshala ukuba abe lilungu lebhunga lolawulo lesikolo, kunyulo.
- (d) Ilungu ngalinye lebhunga elimele abafundi besikolo ngexesha lonyulo lwamalungu ebhunga lolawulo lesikolo linelungelo lokuvotela amalungu angabafundi kunyulo.
- (e) Umntu onelungelo lokuvotela umgqatswa othile, angamvotela kanye kuphela yaye inani levoti kufuneka lilingane namalungu aza kunyulwa, kuluhlu olufanelekileyo lwamalungu.

5. IMIBA GABALALA

Inqununu—

- (a) ingongeza ezinye iinkcukacha kwesi Sihlomelo, ezibona ziyimfuneko ukuze unyulo luhambe kakuhle, umzekelo, ukubaluleka kokuthatha inxaxheba kwabazali; okanye
- (b) isuse ezo nxalenye zesihlomelo ezingangeni ndawo kunyulo olwenziwayo ngeloo xesha.

ISIHLOMELO B

IFOMU YOTYUMBO

Unyulo lweeTitshala/Abasebenzi abangezoTitshala/Abazali baBafundi
kwibhunga lolawulo lesikolo

*(Imigaqo 12, 13, 14, 15, 16 no-17 yeeNkqubo zokuMisela nokuNyula amaQumrhu oLawulo kwiZikolo
zikaRhulumente, 2016)*

(Kufuneka kuzanywe ngandlela zonke ukuba kumelwe izintlu zonke ezifanele ukuba zibe ngamalungu
ebhunga lolawulo lesikolo xa kutyunjwa naxa kunyulwa amalungu ebhunga lolawulo lesikolo, ngoko
sikhuthaza abazali ukuba bathathe inxaxheba kule nkqubo.)

IGAMA LESIKOLO:

UMPHAKAMISI-GAMA:

Mna.....,
(Igama nefani)

wase,
(Idilesi yendawo ohlala kuyo)

ongutitshala/umsebenzi ongengotitshala/umzali womfundi wesi sikolo sikhankanywe ngentla,
ndiphakamisa
.....
(Igama nefani yoMgqatswa)

njengelungu lebhunga lolawulo lesikolo esikhankanywe ngentla.

.....
APHA KUSAYINA UMNTU OPHAKAMISA IGAMA

UMXHASI:

I,
(Igama nefani)

wase.....
(Idilesi yendawo ohlala kuyo)

ongutitshala/umsebenzi ongengotitshala/umzali womfundi wesi sikolo sikhankanywe ngentla, ndixhasa eli gama liphakanyiswe apha ngentla.

.....
APHA KUSAYINA UMXHASI

UMGQATSWA:

Mna,
(Igama nefani)

wase.....
(Idilesi yendawo ohlala kuyo)

Ndiyabhengeza ukuba, mna—

- (a) ndiyalwamkela olu tyumbo lukhankanywe apha ngentla; yaye
- (b) ndifanelekile ukuba ndibe lilungu lebhunga lolawulo lesikolo elichazwe kumgaqo 3 “weMigaqo yoNyulo” (jonga ISIHLOMELO A).

.....
APHA KUSAYINA UMGQATSWA/UMTYUNJWA

OKANYE

(UKUBA UPHAKANYISWE KWINTLANGANISO YOTYUMBO NONYULO ABE ENGEKHO
UKUZE AZALISE IFOMU YONYULO)

Mna,
(Igama nefani)

ndibhengeza ukuba ubungqina obubhaliweyo obundanelisayo bunikeziwe kulo mgqatswa ukhankankaywe ngentla ongekho kwintlanganiso yotyumbo nonyulo ukuba azalise ifomu yotyumbo, yaye uyavuma ukuba asebenze njengelungu lebhunga lolawulo lesikolo.

.....
APHA KUSAYINA IGOSA LONYULO LESIKOLO

Olu tyumbo luyamkelwa / luyakhatywa.
(Cima leyo ingangeniyo apha)

.....
UMHLA

.....
APHA KUSAYINA IGOSA LONYULO LESIKOLO