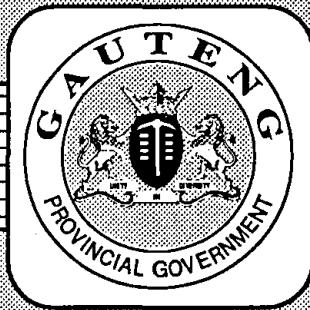


THE PROVINCE OF
GAUTENG



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No. 480

GENERAL NOTICE

GENERAL NOTICE 937 OF 1998

GAUTENG DEPARTMENT OF EDUCATION

DRAFT NOTICE RELATING TO MISCONDUCT OF LEARNERS

The Member of the Executive Council for Education hereby publishes these draft regulations relating to misconduct of learners. Members of the public are invited to comment on these draft regulations on or before 4 May 1998. Comments should be addressed to:

The MEC for Education
Room 1024
111 Commissioner Street
Johannesburg
2000

Comments may be faxed to the following facsimile number:

(011) 355 0542

SCHEDULE
DRAFT REGULATIONS RELATING TO MISCONDUCT OF LEARNERS

Definitions

1. (1) Subject to subregulation (2) and unless the context indicates otherwise, a word which is defined in section 1 of the School Education Act, 1995 (Act No. 6 of 1995) shall have the same meaning in these regulations.

(2) In these regulations, unless the context indicates otherwise—

- (i) “any law” includes these regulations;
- (ii) “code” means the code of conduct of a school;
- (iii) “Disciplinary Committee” means a disciplinary committee appointed in terms of regulation 7(1);
- (iv) “Head of Department” means the head of the department responsible for education in Gauteng;
- (v) “learner” means a person subject to the discipline of a school as contemplated by regulation 2(2);
- (vi) “Member of the Executive Council” means the member of the executive council responsible for education in Gauteng;
- (vii) “misconduct” means misconduct committed by a learner and includes the following—
 - (aa) misconduct committed on the premises of a school, whether during or outside of school hours;
 - (bb) misconduct committed during any school activity, irrespective of whether it is committed within or outside the school premises, and during or outside of school hours; and
 - (cc) any conduct, committed in or out of school uniform and within or outside the school premises, which—
 - (aaa) tends to bring the school into contempt or disrepute;
 - (bbb) interferes with the governance and proper administration of the school;
 - (ccc) interferes with the conditions necessary for any school activity;
 - (ddd) is committed with the intention of preventing any person from exercising his or her rights, powers or duties as a member of the school community, or is committed in retaliation against such exercise; or
 - (eee) is prohibited by the code of the school;
- (viii) “parent” means a parent as defined in section 1 of the South African Schools Act, 1996 (Act No. 84 of 1996);
- (ix) “prosecutor” means the Principal or an educator appointed by him or her to present the case against a learner;
- (x) “representative” means a learner’s parent or a co-learner chosen by a learner to represent him or her at a disciplinary hearing; and
- (xi) “serious misconduct” means misconduct in respect of which a punishment of suspension or expulsion may be imposed.

Application

2. (1) These regulations and any code made in terms thereof apply to a person who was at the time of the misconduct alleged against him or her subject to the discipline of the school.

(2) A person is subject to the discipline of the school—

- (a) if he or she—
 - (i) is registered as a learner at a school; or
 - (ii) has been accepted by a school with a view to his or her becoming a registered learner.

Code of conduct

3. (1) The governing body of a school shall draw up a code for that school.

(2) A code shall conform to the following principles—

- (a) Any learner accused of contravening the code—
 - (i) must be presumed innocent until proven guilty; and
 - (ii) may not be found guilty unless he or she has been given a fair hearing on the charges against him or her.
- (b) The code must distinguish between categories of misconduct according to their seriousness.
- (c) The code must specify which punishments may be imposed in respect of the different categories of misconduct.
- (d) The code must identify who is entitled to adjudicate charges of misconduct falling into each category.
- (e) The code may not conflict with any provision of law.

(3) The Member of the Executive Council may, by notice in the Provincial Gazette, publish a model code which shall be deemed to be the code of any school which does not have a code, until the governing body of that school has drawn up a code.

(4) Subject to the provisions of any law, discipline at a school shall be regulated in terms of the code of the school.

Limitations on penalties for misconduct

4. (1) Subject to regulation 5, no learner may be suspended from a school unless—

- (a) he or she is found guilty of misconduct specified in Schedules 1 or 2 to these regulations; and
 - (b) the provisions of these regulations relating to suspension have been complied with.
- (2) No learner may be expelled from a school unless—
- (a) he or she is found guilty of misconduct specified in Schedule 2 to these regulations; and
 - (b) the provisions of these regulations relating to expulsion have been complied with.

Suspension of learner pending criminal proceedings

5. (1) Unless the Head of Department orders otherwise, a learner who has been charged with a criminal offence arising out of misconduct specified in Schedule 2 shall be suspended from his or her school until the criminal proceedings against him or her have been

finalised.

(2) In exercising his or her discretion under subregulation (1), the Head of Department must have regard to the following factors—

- (a) the right of the suspended learner to education;
- (b) the need to protect the safety of learners and educators at the school; and
- (c) the need to protect the property of the school.

Institution of disciplinary proceedings which may lead to suspension or expulsion

6. (1) Only the Principal may institute disciplinary action against a learner in respect of serious misconduct.

(2) The Principal may institute disciplinary action against a learner in respect of serious misconduct only if—

- (a) there is sufficient evidence to institute such proceedings; and
- (b) the Principal considers it to be in the best interests of the school and its community that such disciplinary action should be instituted.

Disciplinary Committee for serious misconduct

7. (1) Upon the advice of the Principal that he or she has instituted disciplinary action against a learner in terms of regulation 6(2), the governing body must appoint a Disciplinary Committee to hear the allegation of serious misconduct.

(2) Subject to subregulation (3), the Disciplinary Committee appointed by the governing body must comprise three persons who are either members of the governing body or persons who are eligible to be elected as members of the governing body.

(3) The appointment of persons to a Disciplinary Committee is subject to the following conditions:

- (a) the Chairperson of the Disciplinary Committee must be a parent member or community member of the governing body;
- (b) the two remaining members of the Disciplinary Committee may not be the Principal or a learner at the school; and
- (c) no person may be appointed to the Disciplinary Committee if he or she has personal knowledge of any matter that may be in dispute at the hearing.

Procedure of hearing before Disciplinary Committee for serious misconduct

8. (1) A learner charged with serious misconduct shall be entitled to a hearing before the Disciplinary Committee.

(2) A learner charged with serious misconduct must be given not less than ten school days' written notice of the hearing into his or her alleged misconduct, unless—

- (a) the governing body directs, with good cause, that a shorter notice period shall apply; and
- (b) there is no prejudice caused to the learner by the shorter notice period.

(3) The notice contemplated by subregulation (2) must—

- (a) contain sufficient particularity of the date, place and nature of the alleged misconduct to enable the learner to identify the incident in question and to respond thereto;
- (b) inform the learner of the place and time of the hearing; and
- (c) inform the learner of his or her rights in terms of these regulations.

(4) The governing body must give the notice contemplated in subregulation (2) to the

learner and deliver a copy thereof to the learner's parents.

(5) The learner may require that the hearing be held on a date earlier than that specified in the notice by giving two school days' written notice of his or her preferred date to the Principal, who must inform the governing body accordingly.

(6) The learner must be accompanied by one of his or her parents at the hearing unless he or she is 21 years or older.

(7) The learner is entitled to be represented by his or her parents or a co-learner at the hearing. No other person may represent the learner at the hearing.

(8) At the beginning of the hearing the Chairperson of the Disciplinary Committee must inquire whether a member of the Disciplinary Committee, the learner or his or her parent or representative, requires the services of an interpreter.

(9) Before any witness testifies at the hearing, the Chairperson of the Disciplinary Committee must inquire of that witness whether he or she requires the services of an interpreter.

(10) If a member of the Disciplinary Committee, the learner, his or her parent or representative or a witness requires an interpreter, the Disciplinary Committee may not proceed with the hearing until an interpreter competent in the relevant languages has been made available, provided that it shall not be necessary to make available a formally qualified interpreter.

(11) The prosecutor must commence proceedings at the hearing by presenting the case against the learner and setting out the charge to the learner.

(12) The Chairperson of the Disciplinary Committee must ask the learner whether he or she admits or denies the charge as set out. The learner must respond thereto. Should the learner fail to respond, the learner will be deemed to have denied the charge.

(13) If the learner admits to the charge, the following procedure must be followed—

(a) The Chairperson must question the learner with reference to the alleged facts comprising the misconduct as outlined by the prosecutor in order to satisfy the Disciplinary Committee that the learner is indeed guilty of the charge.

(b) If, upon questioning the learner, it appears that his or her version materially differs from the facts as outlined by the prosecutor, or if the Chairperson is not satisfied that the learner is guilty of the charge, the Chairperson must enter a denial in respect of the charge on behalf of the learner.

(c) If the Disciplinary Committee, or the majority of its members, is satisfied that the learner is guilty of the charge, the Disciplinary Committee must find the learner guilty of the charge.

(14) If the learner denies the charge—

(a) the prosecutor may call witnesses or present other evidence in respect of the allegations against the learner;

(b) the learner, or his or her representative, may question any witness and examine any evidence presented by the prosecutor;

(c) after all the evidence has been led against the learner, the learner or his or her representative may call witnesses or present other evidence in support of his or her denial of the charge;

(d) the prosecutor may question any witness and examine any evidence presented on behalf of the learner;

(e) the Disciplinary Committee may question any witness or examine any evidence at any time;

(f) after all the evidence has been presented, first the prosecutor and then the learner or his or her representative may address the Disciplinary Committee;

(g) the Disciplinary Committee must thereafter adjourn the hearing to a specified

time and date, during which adjournment the Disciplinary Committee must decide whether, on a balance of probabilities, the learner has been proved guilty of the charge; and

- (h) at the time and date contemplated in paragraph (g), the Disciplinary Committee must inform the learner and his or her parents or guardians and his or her representative of its findings.

(15) If the learner is found not guilty of the charge, the Disciplinary Committee must, if the learner so requests, publish its findings in the school with or without disclosure of the name of the learner in accordance with the learner's request.

(16) If the learner has been found guilty of the charge, the prosecutor and the learner or his or her representative, may present evidence before the Disciplinary Committee relevant to an appropriate penalty, including evidence of the learner's personal circumstances, general record of past conduct at the school, the nature and seriousness of the misconduct in question, and the interests of the school community.

(17) After considering any evidence presented in terms of subregulation (16), the Disciplinary Committee must impose on the learner a penalty that it is empowered to impose in terms of the code and these regulations, and inform the learner, his or her parents and representative in writing thereof.

(18) If the Disciplinary Committee decides that the learner should be expelled from the school, it must make a recommendation to that effect to the Head of Department and must suspend the learner from the school pending the decision of the Head of Department on whether the learner is to be expelled.

(19) A suspension imposed in terms of subregulation (18) takes immediate effect unless the Head of Department orders otherwise.

Further provisions on suspension as a correctional measure

9. (1) Where the Disciplinary Committee imposes on a learner a penalty of suspension as a correctional measure, it must in writing—

- (a) inform the learner, his or her parents and his or her representative as well as the principal of the period of suspension, which may not exceed one week; and
(b) inform the learner and his or her parents of their right to appeal to the Head of Department against the findings of the Disciplinary Committee as provided in this regulation.

(2) A learner or his or her parent may appeal to the Head of Department against—

- (a) any finding of guilt by the Disciplinary Committee in respect of which a penalty of suspension as a correctional measure has been imposed; and
(b) a penalty of suspension as a correctional measure imposed by the Disciplinary Committee.

(3) A learner or his or her parent or guardian who wishes to appeal against a decision contemplated in subregulation (2) must, within 14 days of being notified of the decision in terms of subregulation (1), deliver a Notice of Appeal together with the grounds for the appeal to the Head of Department.

(4) Unless the Head of Department on good cause orders otherwise, the lodging of an appeal shall have the effect of suspending the penalty imposed by the Disciplinary Committee until the Head of Department has decided the appeal.

(5) Within three days of receiving the Notice of Appeal, the Head of Department must inform the prosecutor and the Disciplinary Committee of the lodging of an appeal and provide them with a copy of the Notice of Appeal.

(6) Within five days of receipt of the Notice of Appeal from the Head of Department—

- (a) the prosecutor shall deliver to the Head of Department the record of the evidence presented at the hearing and the findings made by the Disciplinary Committee; and
- (b) the prosecutor and the Disciplinary Committee may respond in writing to the Notice of Appeal and state the reasons why the appeal should be dismissed.

(7) The Head of Department must convene an Appeal Hearing within 14 days of the receipt of the Notice of Appeal.

(8) At the Appeal Hearing the learner or his representative and the prosecutor shall be entitled to address the Head of Department.

(9) After considering the appeal the Head of Department must—

- (a) dismiss the appeal;
- (b) impose on the learner a lesser punishment permitted by the code of the school and these regulations; or
- (c) find the learner not guilty;

and notify the learner, his or her parents and his or her representative of the decision.

(10) The decision of the Head of Department in respect of the appeal shall be final.

Further provisions on expulsion

10. (1) Where a Disciplinary Committee in terms of regulation 8(18) suspends a learner from attending school with a view to expulsion by the Head of Department, the Disciplinary Committee must—

- (a) inform the learner, his or her parents and his or her representative—
 - (i) of the suspension of the learner from attending school;
 - (ii) of the reason for the suspension, in particular that the matter has been referred to the Head of Department with a recommendation that the learner be expelled;
 - (iii) that the suspension will, unless otherwise ordered by the Head of Department, take immediate effect and will last until the Head of Department has decided whether or not to expel the learner; and
 - (iv) that they have the right within the next five days to make written representations to the Head of Department concerning the findings of the Disciplinary Committee;
- (b) ensure that if the learner is a boarder in a hostel, he or she is removed by his or her parent;
- (c) direct the Principal to submit to the Head of Department a report in respect of the learner which must include the following—
 - (i) the learner's full name, date of birth, grade and academic record;
 - (ii) the evidence presented and findings made at the hearing;
 - (iii) the learner's past disciplinary record;
 - (iv) the date of suspension and proof that the Disciplinary Committee has complied with the provisions of paragraph (a); and
 - (v) reasons why no penalty other than the learner's expulsion would be appropriate in the circumstances.

(2) After considering the report contemplated in subregulation (1)(c) and any representations made by the learner or his or her parent within five days of being informed of the decision of the Disciplinary Committee, the Head of Department must—

- (a) expel the learner;
- (b) impose on the learner a lesser punishment permitted by the code of the school and these regulations; or

- (c) find the learner not guilty;
- and notify the learner, his or her parents and his or her representative of the decision.
- (3) If the Head of Department expels a learner, he or she must notify the learner and his or parents in writing of their right to appeal against his or her decision to the MEC.
- (4) If the Head of Department expels a learner who is of compulsory school age, he or she—
- (a) must ensure that the learner is admitted to another school or centre of learning within the province;
 - (b) may require that the learner attend counselling; and
 - (c) must procure regular progress reports in respect of any counselling contemplated in paragraph (b).

(5) If the Head of Department expels a learner who is not of compulsory school age he or she may order that the learner not be re-admitted to another school within the Province.

Appeal against decision of Head of Department to expel a learner

11. (1) A learner or his or her parent may appeal to the Member of the Executive Council against—

- (a) any finding of guilt by the Head of Department in respect of which a penalty of expulsion has been imposed;
- (b) a penalty of expulsion imposed by the Head of Department; and
- (c) an order made by the Head of Department in terms of regulation 10(5).

(2) A learner or his or her parent or guardian who wishes to appeal or review a decision contemplated in subregulation (1) must, within 14 days of being notified in terms of regulation 10(2) of the decision, deliver a Notice of Appeal together with the grounds for the appeal to the Member of the Executive Council.

(3) Unless the Member of the Executive Council on good cause orders otherwise, the lodging of an appeal shall not have the effect of suspending the penalty imposed by the Head of Department.

(4) Within five days of receiving the Notice of Appeal, the Member of the Executive Council must inform the Head of Department, the prosecutor and the Disciplinary Committee of the lodging of an appeal and provide them with a copy of the Notice of Appeal.

(5) Within five days of receipt of the Notice of Appeal from the Member of the Executive Council, the prosecutor and the Disciplinary Committee may respond in writing to the Notice of Appeal and state the reasons why the appeal should be dismissed.

(6) The Member of the Executive Council must convene an Appeal Hearing within 14 days of the receipt of the Notice of Appeal.

(7) At the Appeal Hearing the learner or his or her representative and the prosecutor shall be entitled to address the Member of the Executive Council.

- (8) After considering the appeal the Member of the Executive Council must—
- (a) dismiss the appeal;
 - (b) impose on the learner a lesser punishment permitted by the code of the school and these regulations; or
 - (c) find the learner not guilty;

and notify the learner, his or her parents and his or her representative of the decision.

(9) The decision of the Member of the Executive Council in respect of the appeal shall be final.

SCHEDULE 1

A learner will be guilty of misconduct if he or she, intentionally and without just excuse—

- (a) seriously threatens, disrupts or frustrates teaching or learning in a class;
- (b) engages in a conspiracy to disrupt the proper functioning of the school through collective action;
- (c) insults the dignity of or defames a staff member;
- (d) distributes any test or examination material that may enable another person to gain an unfair advantage in a test or examination;
- (e) cheats in a test or examination;
- (f) engages in any act of public indecency;
- (g) sexually harasses another person;
- (h) is found in possession of or distributes pornographic material; or
- (i) is under the influence of alcohol.

SCHEDULE 2

A learner will be guilty of misconduct if he or she—

- (a) is found guilty of misconduct as contemplated in Schedule 1 after having been found guilty of the same or similar misconduct on two previous occasions;
- (b) fails to comply with a punishment of suspension as a correctional measure; or
- (c) intentionally and without just excuse—
 - (i) forges any document or signature to the potential or actual prejudice of the school;
 - (ii) trades in any test or examination question paper or in any test or examination material;
 - (iii) attempts to bribe or bribes any person in respect of any test or examination to enable himself or herself or another person to gain an unfair advantage therein;
 - (iv) engages in fraud;
 - (v) engages in theft, or otherwise acts dishonestly to the prejudice of another person;
 - (vi) is in possession of, consumes or deals in any illegal substance;
 - (vii) is in possession of any dangerous weapon;
 - (viii) assaults or threatens to assault another person;
 - (ix) holds any person hostage;
 - (x) murders any person;
 - (xi) rapes any person; or
 - (xii) maliciously damages another person's property.

ALGEMENE KENNISGEWING

ALGEMENE KENNISGEWING 937 VAN 1998

GAUTENG DEPARTEMENT VAN ONDERWYS

KONSEPKENNISGEWING MET BETREKKING TOT WANGEDRAG BY LEERLINGE

Die Lid van die Uitvoerende Raad vir Onderwys publiseer hiermee hierdie konsepregulasies betreffende wangedrag by leerlinge. Lede van die publiek word uitgenooi om op of voor 4 Mei 1998 kommentaar oor hierdie konsepregulasies te lewer. Kommentaar moet gerig word aan:

Die LUR vir Opvoeding
Kamer 1024
Commissioner-straat 111
Johannesburg
2001

Kommentaar kan ook gefaks word aan die volgende faksnommer:

(011) 355 0542

BYLAE
KONSEPREGULASIES BETREFFENDE WANGEDRAG BY LEERLINGE

Omskrywings

1. (1) Onderworpe aan subregulasie (2) en tensy die samehang anders aandui, sal 'n woord wat in artikel 1 van die Wet op Skoolonderwys 1995 (Wetnr. 6 van 1995) omskryf is dieselfde betekenis in hierdie regulasies hê.

(2) In hierdie regulasies, tensy die samehang anders aandui—

- (i) sluit "enige wet" hierdie regulasies in;
- (ii) beteken "kode" die gedragskode van die skool;
- (iii) beteken "Dissiplinêre Komitee" 'n dissiplinêre komitee wat ingevolge regulasie 7(1) aangestel is;
- (iv) beteken "Departementshoof" die hoof van die departement verantwoordelik vir onderwys in Gauteng;
- (v) beteken "leerling" 'n persoon onderhewig aan die discipline van 'n skool soos in regulasie 2(2) bedoel;
- (vi) beteken "Lid van die Uitvoerende Raad" die lid van die uitvoerende raad verantwoordelik vir onderwys in Gauteng;
- (vii) beteken "wangedrag" die wangedrag wat deur 'n leerling gepleeg word, wat die volgende insluit—
 - (aa) wangedrag wat op die perseel van die skool gepleeg word, hetby gedurende of na skoolure;
 - (bb) wangedrag wat gedurende enige skoolaktiwiteit gepleeg word, ongeag of dit binne of buite die skoolperseel gepleeg word en gedurende of buite skoolure; en
 - (cc) enige gedrag wat in of uit skooluniform, binne of buite die skoolperseel gepleeg word, wat—
 - (aaa) geneig is om die skool 'n slegte naam te gee of in diskrediet te bring;
 - (bbb) met die beheer en behoorlike administrasie van die skool inmeng;
 - (ccc) met die voorwaardes wat vir enige skoolaktiwiteit nodig is, inmeng;
 - (ddd) gepleeg word met die bedoeling om enige persoon daarvan te weerhou om sy of haar regte, magte of pligte as 'n lid van die skoolgemeenskap uit te oefen, of wat gepleeg word as vergelding teen sodanige uitoefening; of
 - (eee) deur die kode van die skool verbied word;
- (viii) beteken "ouer" enige ouer soos omskryf in artikel 1 van die Wet op Suid-Afrikaanse Skole 1996 (Wetnr. 84 van 1996);
- (ix) beteken "aanklaer" die Skoolhoof of 'n leerkrag wat deur hom of haar aangestel is om die saak teen 'n leerling voor te bring;
- (x) beteken "verteenwoordiger" 'n leerling se ouer of 'n medeleerling wat deur die leerling gekies is om hom of haar tydens 'n dissiplinêre verhoor te verteenwoordig; en
- (xi) beteken "ernstige wangedrag" enige wangedrag ten opsigte waarvan die straf van tydelike opskorting of skorsing ingestel kan word.

Toepassing

2. (1) Hierdie regulasies en enige kode wat ingevolge daarvan opgestel word, is van toepassing op enige persoon wat ten tye van die wangedrag wat teen hom of haar beweer word, aan die dissipline van die skool onderhewig was.

(2) 'n Persoon is onderhewig aan die dissipline van die skool—

- (a) indien hy of sy—
 - (i) as leerling aan 'n skool geregistreer is; of
 - (ii) deur die skool aanvaar is met die oog daarop dat hy of sy 'n geregistreerde leerling word.

Gedragskode

3. (1) Die beheerliggaam van 'n skool moet 'n kode vir daardie skool opstel.

(2) 'n Kode sal aan die volgende beginsels voldoen—

- (a) Enige leerling wat daarvan beskuldig word dat hy of sy die kode oortree het—
 - (i) word geag onskuldig te wees totdat skuld bewys is; en
 - (ii) mag nie skuldig bevind word tensy 'n regverdige verhoor rakende die aanklagte teen hom of haar, aan hom of haar toegestaan is nie.
- (b) Die kode moet onderskei tussen kategorieë van wangedrag in terme van ernstigheidsgraad.
- (c) Die kode moet spesifiseer watter bestraffings ten opsigte van die verskillende kategorieë van wangedrag opgelê mag word.
- (d) Die kode moet identifiseer wie gemagtig is om die klages van wangedrag wat onder elke kategorie val, te beoordeel.
- (e) Die kode mag geensins teenstrydig wees met enige bepaling van enige wet nie.

(3) Die Lid van die Uitvoerende Raad mag, deur kennisgewing in die Provinciale Koerant, 'n modelkode publiseer wat geag sal word die kode te wees van enige skool wat nie oor 'n eie kode beskik nie, totdat die beheerliggaam van daardie skool 'n kode opgestel het.

(4) Onderworpe aan die bepalings van enige wet, sal dissipline by 'n skool gereguleer word in terme van die kode van die skool.

Beperkings op bestraffings vir wangedrag

4. (1) Onderworpe aan regulasie 5 mag geen leerling van 'n skool opgeskort word tensy—

- (a) hy of sy skuldig bevind is aan wangedrag soos gespesifiseer in Bylae 1 of 2 van hierdie regulasies nie; en
- (b) die bepalings van hierdie regulasies met betrekking tot opskorting nagekom is nie.

(2) Geen leerling mag uit 'n skool geskors word tensy—

- (a) hy of sy skuldig bevind is aan wangedrag soos gespesifiseer in Bylae 2 van hierdie regulasies nie; en
- (b) die bepalings van hierdie regulasies met betrekking tot skorsing nagekom is nie.

Opskorting van leerling hangende kriminele prosedure

5. (1) Tensy die Departementshoof tot die teendeel opdrag gee, moet 'n leerling wat van 'n kriminele oortreding aangekla is, voortspruitend uit wangedrag soos gespesifiseer in Bylae 2, van sy of haar skool opgeskort word totdat die kriminele proses teen hom of haar

afgehandel is.

(2) By die uitoefening van sy of haar diskresie ingevolge subregulasie (1), moet die Departementshoof die volgende faktore in ag neem—

- (a) die opgeskorte leerling se reg om onderrig te ontvang;
- (b) die noodsaaklikheid om die veiligheid van leerlinge en leerkragte by 'n skool te beskerm; en
- (c) die noodsaaklikheid om die eiendom van die skool te beskerm.

Instelling van dissiplinêre stappe wat tot opskorting of skorsing kan lei

6. (1) Slegs die Skoolhoof mag dissiplinêre stappe teen 'n leerling ten opsigte van ernstige wangedrag instel.

(2) Die Skoolhoof mag slegs dissiplinêre stappe teen 'n leerling ten opsigte van ernstige wangedrag instel indien—

- (a) daar genoegsame bewyse is om sodanige stappe in te stel; en
- (b) die Skoolhoof dit ag in die beste belang van die skool en sy gemeenskap te wees om sodanige dissiplinêre stappe in te stel.

Dissiplinêre Komitee vir ernstige wangedrag

7. (1) By kennisgewing van die Skoolhoof dat hy of sy dissiplinêre stappe teen 'n leerling ingevolge regulasie 6(2) ingestel het, moet die beheerliggaam van die skool 'n Dissiplinêre Komitee aanwys om die bewering van ernstige wangedrag aan te hoor.

(2) Onderworpe aan subregulasie (3) moet die Dissiplinêre Komitee, wat aldus deur die beheerliggaam aangewys word, uit drie persone bestaan, wat óf lede van die beheerliggaam is óf persone wat kwalifiseer om as lede van die beheerliggaam verkies te word.

(3) Die aanstelling van persone op 'n Dissiplinêre Komitee is onderhewig aan die volgende voorwaardes:

- (a) die Voorsitter van die Dissiplinêre Komitee moet 'n ouerlid of 'n gemeenskapslid van die beheerliggaam wees;
- (b) die twee oorblywende lede van die Dissiplinêre Komitee mag nie die Skoolhoof of 'n leerling van die skool wees nie; en
- (c) geen persoon mag op die Dissiplinêre Komitee aangestel word indien hy of sy enige persoonlike kennis dra van enige saak wat by die verhoor betwis word nie.

Prosedure van verhoor voor die Dissiplinêre Komitee vir ernstige wangedrag

8. (1) 'n Leerling wat van ernstige wangedrag aangekla word is geregtig op 'n verhoor voor die Dissiplinêre Komitee.

(2) 'n Leerling wat van ernstige wangedrag aangekla word, moet minstens tien skooldae se skriftelike kennisgewing van die verhoor waartydens sy of haar beweerde wangedrag ondersoek gaan word, ontvang tensy—

- (a) die beheerliggaam met goeie rede opdrag gee dat 'n korter tydperk toegepas sal word; en
- (b) die korter kennisgewingstydperk geensins die leerling benadeel nie.

(3) Die kennisgewing wat in subregulasie (2) bedoel word, moet—

- (a) genoegsame besonderhede bevat ten opsigte van die datum, plek en aard van die beweerde wangedrag om die leerling in staat te stel om die betrokke voorval te identifiseer en daarop te reageer;
- (b) die leerling verwittig van die datum en plek van die verhoor; en
- (c) die leerling inlig oor sy of haar regte ingevolge hierdie regulasies.

(4) Die beheerliggaam moet die kennisgewing wat in subregulasie (2) bedoel word aan die leerling gee en 'n afskrif daarvan aan die leerlinge se ouers lewer.

(5) Die leerling mag vereis dat die verhoor gehou word op 'n datum wat vroeër is as die datum wat in die kennisgewing gespesifieer word, deur twee skooldae se skriftelike kennis van sy of haar voorkeurdatum aan die Skoolhoof te gee, wat die beheerliggaam dienooreenkomsig in kennis moet stel.

(6) Die leerling moet tydens die verhoor vergesel word van een van sy of haar ouers, tensy hy of sy 21 jaar of ouer is.

(7) Die leerling is daarop geregtig om tydens die verhoor deur sy of haar ouers of 'n medeleerling verteenwoordig te word. Geen ander persoon mag die leerling tydens die verhoor verteenwoordig nie.

(8) Aan die begin van die verhoor moet die Voorsitter van die Dissiplinêre Komitee navraag doen of 'n lid van die Dissiplinêre Komitee, die leerling, of sy of haar ouers of verteenwoordiger die dienste van 'n tolk benodig.

(9) Voordat enige getuie tydens die verhoor getuenis lewer, moet die Voorsitter van die Dissiplinêre Komitee daardie getuie vra of hy of sy die dienste van 'n tolk benodig.

(10) Indien 'n lid van die Dissiplinêre Komitee, die leerling, sy of haar ouers of verteenwoordiger of 'n getuie 'n tolk benodig, mag die Dissiplinêre Komitee nie met die verhoor voortgaan voordat 'n tolk wat in die tersaaklike tale bevoeg is, beskikbaar gemaak is nie, met dien verstande dat dit nie nodig is om van 'n formeel gekwalifiseerde tolk se dienste gebruik te maak nie.

(11) Die aanklaer moet die verrigtinge by die verhoor begin deur die saak teen die leerling aan te voer en die klag teen die leerling uiteen te sit.

(12) Die Voorsitter van die Dissiplinêre Komitee moet die leerling vra of hy of sy die klag soos uiteengesit erken of ontken. Die leerling moet hierop reageer. Indien die leerling versuim om te reageer, sal die leerling geag word die klag te ontken het.

(13) Indien die leerling die klag erken, moet die volgende prosedure gevolg word—

(a) Die Voorsitter moet die leerling ondervra met betrekking tot die beweerde feite wat die wangedrag, soos deur die aanklaer uiteengesit, uitmaak, sodat die Dissiplinêre Komitee hom daarvan kan vergewis dat die leerling wel aan die klag skuldig is.

(b) Indien, tydens ondervraging van die leerling, dit blyk dat sy of haar weergawe wesenlik verskil van die feite soos deur die aanklaer uiteengesit, of indien die Voorsitter nie tevrede is dat die leerling wel aan die klag skuldig is nie, moet die Voorsitter namens die leerling 'n ontkenning ten opsigte van die klag aanteken.

(c) Indien die Dissiplinêre Komitee, of die meerderheid van sy lede, tevrede is dat die leerling wel aan die klag skuldig is, moet die Dissiplinêre Komitee die leerling skuldig bevind aan die voorgelegde klag.

(14) Indien die leerling die klag ontken—

(a) mag die aanklaer getuies roep of ander getuenis ten opsigte van die bewerings teen die leerling aanvoer;

(b) mag die leerling, of sy of haar verteenwoordiger, enige getuie ondervra en enige getuenis wat deur die aanklaer aangevoer word, ondersoek;

(c) nadat al die getuenis teen die leerling voorgelê is, mag die leerling of sy of haar verteenwoordiger getuies roep of ander getuenis aanvoer te ondersteuning van sy of haar ontkenning van die klag;

(d) die aanklaer mag enige getuie ondervra of enige getuenis wat namens die leerling aangevoer word, ondersoek;

(e) die Dissiplinêre Komitee mag te enige tyd enige getuie ondervra of enige getuenis ondersoek;

(f) nadat al die getuenis voorgelê is mag die aanklaer eerste die Dissiplinêre Komitee aanspreek, en daarna die leerling of sy of haar verteenwoordiger;

- (g) die Dissiplinêre Komitee moet daarna die verhoor na 'n spesifieke datum en tyd verdaag, tydens welke verdaging die Dissiplinêre Komitee moet besluit, volgens die balans van waarskynlikhede, of die leerling se skuld aan die klag wel bewys is; en
- (h) op die datum en tyd waarna in paragraaf (g) verwys word, moet die Dissiplinêre Komitee die leerling en sy of haar ouers of voogde en sy of haar verteenwoordigers van sy bevindinge in kennis stel.

(15) Indien die leerling onskuldig bevind word aan die klag, moet die Dissiplinêre Komitee, indien die leerling dit versoek, sy bevindinge in die skool publiseer, met of sonder openbaarmaking van die leerling se naam ooreenkomsdig die leerling se versoek.

(16) Indien die leerling wel aan die klag skuldig bevind word, mag die aanklaer en die leerling of sy of haar verteenwoordiger getuienis aan die Dissiplinêre Komitee voorlê wat op die oplegging van 'n geskikte bestraffing van toepassing is, met inbegrip van die leerling se persoonlike omstandighede, algemene gedragsrekord in die verlede, die aard en erns van die betrokke wangedrag, en die belang van die skolgemeenskap.

(17) Nadat enige getuienis wat ingevolge subregulasie (16) voorgelê word, oorweeg is, moet die Dissiplinêre Komitee aan die leerling 'n straf oplê waartoe dit ingevolge die kode en hierdie regulasies gemagtig is, en die leerling, sy of haar ouers en verteenwoordiger skriftelik hiervan in kennis stel.

(18) Indien die Dissiplinêre Komitee besluit dat die leerling uit die skool geskors moet word, moet hy 'n aanbeveling in hierdie verband aan die Departementshoof doen en die leerling van die skool opskort hangende die besluit van die Departementshoof oor of die leerling wel geskorsk moet word al dan nie.

(19) 'n Opskorting wat ingevolge subregulasie (18) opgelê word, tree onmiddellik in werking tensy die Departementshoof tot die teendeel opdrag gee.

Verdere bepalings oor opskorting as 'n korrektiewe maatreël

9. (1) Waar die Dissiplinêre Komitee aan 'n leerling die straf van opskorting as korrektiewe maatreël oplê, moet hy skriftelik—

- (a) die leerling, sy of haar ouers en sy of haar verteenwoordiger asook die skoolhoof van die tydperk van opskorting, wat hoogstens een week mag wees, in kennis stel; en
- (b) die leerling en sy of haar ouers inlig van hul reg om aan die Departementshoof teen die bevindinge van die Dissiplinêre Komitee te appelleer, soos in hierdie regulasie bepaal word.

(2) 'n Leerling of sy of haar ouers mag aan die Departementshoof appelleer teen—

- (a) enige skuldigbevinding deur die Dissiplinêre Komitee ten opsigte waarvan 'n straf van opskorting as korrektiewe maatreël opgelê is; en
- (b) 'n straf van opskorting wat as korrektiewe maatreël deur die Dissiplinêre Komitee opgelê is.

(3) 'n Leerling of sy of haar ouer of voog wat appèl wil indien ten opsigte van 'n besluit soos bedoel in subregulasie (2) of dit wil laat hersien, moet binne 14 dae nadat kennis ingevolge subregulasie (1) ontvang is, 'n Kennis van Appèl by die Departementshoof indien, tesame met die redes vir die appèl.

(4) Tensy die Departementshoof met goeie rede anders opdrag gee, sal die indiening van 'n appèl die straf wat deur die Dissiplinêre Komitee opgelê is, opskort totdat die Departementshoof 'n besluit oor die appèl geneem het.

(5) Binne drie dae vanaf ontvangs van die Kennis van Appèl, moet die Departementshoof die aanklaer en die Dissiplinêre Komitee in kennis stel dat 'n appèl ingedien is en hulle van 'n afskrif van die Kennis van Appèl voorsien.

(6) Binne vyf dae vanaf ontvangs van die Kennis van Appèl vanaf die Departementshoof—

- (a) moet die aanklaer die rekord van getuienis wat tydens die verhoor voorgelê is en die bevindinge van die Dissiplinêre Komitee aan die Departementshoof lewer; en
 - (b) mag die aanklaer en die Dissiplinêre Komitee skriftelik op die Kennis van Appèl reageer, en redes vermeld waarom die appèl afgewys moet word.
- (7) Die Departementshoof moet binne 14 dae vanaf ontvangs van die Kennis van Appèl 'n Appèlverhoor belê.
- (8) Tydens die Appèlverhoor is die leerling of sy verteenwoordiger en die aanklaer daarop geregtig om die Departementshoof aan te spreek.
- (9) Nadat die appèl oorweeg is, moet die Departementshoof—
- (a) die appèl afwys;
 - (b) 'n verminderde bestraffing aan die leerling ople, soos wat deur die kode van die skool en hierdie regulasies toegelaat word; of
 - (c) die leerling onskuldig bevind.
- en die leerling, sy of haar ouers en sy of haar verteenwoordiger van die besluit verwittig.
- (10) Die Departementshoof se besluit in verband met die appèl sal finaal wees.

Verdere bepalings oor skorsing

10. (1) Waar 'n Dissiplinêre Komitee ingevolge regulasie 8(18) 'n leerling van skoolbywoning opskort met die oog op skorsing deur die Departementshoof, moet die Dissiplinêre Komitee—

- (a) die leerling, sy of haar ouers en sy of haar verteenwoordiger in kennis stel—
 - (i) van die opskorting van die leerling van skoolbywoning;
 - (ii) van die rede vir die opskorting, veral dat die saak na die Departementshoof verwys is met 'n aanbeveling dat die leerling geskors moet word;
 - (iii) dat, tensy die Departementshoof tot die teendeel opdrag gee, die opskorting onmiddellik in werking tree en sal voortduur totdat die Departementshoof besluit het of die leerling wel geskors gaan word al dan nie; en
 - (iv) dat hulle die reg het om binne die volgende vyf dae skriftelike voorleggings aan die Departementshoof te maak betreffende die bevindinge van die Dissiplinêre Komitee;
- (b) seker maak dat, indien die leerling 'n koshuisganger is, hy of sy deur sy of haar ouer verwyder word;
- (c) aan die Skoolhoof opdrag gee om 'n verslag ten opsigte van die leerling aan die Departementshoof voor te lê, wat die volgende moet insluit—
 - (i) die leerling se volle naam, geboortedatum, standerd en akademiese rekord;
 - (ii) die getuienis wat tydens die verhoor gelewer is, asook die bevindinge daarvan;
 - (iii) die leerling se dissiplinêre rekord van die verlede;
 - (iv) die datum van opskorting en bewyse dat die Dissiplinêre Komitee paragraaf (a) nagekom het; en
 - (v) redes waarom geen ander straf benewens skorsing in die omstandighede geskik sou wees nie.

(2) Nadat die verslag waarna in subregulasie (1)(c) verwys word in oorweging geneem is, asook enige voorleggings wat binne vyf dae nadat hulle van die besluit van die Dissiplinêre Komitee ingelig is, deur die leerling of sy of haar ouers ingedien is, moet die Departementshoof—

- (a) die leerling skors;
- (b) 'n verminderde straf aan die leerling ople, soos wat deur die kode van die

- skool en hierdie regulasies bepaal word; of
 (c) die leerling onskuldig bevind;

en die leerling, sy of haar ouers en sy of haar verteenwoordiger van die besluit verwittig.

(3) Indien die Departementshoof 'n leerling skors, moet hy of sy die leerling en sy of haar ouers skriftelik in kennis stel van hul reg om by die LUR teen sy of haar besluit te appelleer.

(4) Indien die Departementshoof 'n leerling skors wat van verpligte skoolgaande ouderdom is, dan—

- (a) moet die Departementshoof seker maak dat die leerling by 'n ander skool of leersentrum binne die provinsie toegelaat word;
- (b) kan die Departementshoof vereis dat die leerling berading ondergaan; en
- (c) moet die Departementshoof gereelde vorderingsverslae ten opsigte van enige berading waarna in paragraaf (b) verwys word, verky.

(5) Indien die Departementshoof 'n leerling skors wat nie van verpligte skoolgaande ouderdom is nie, mag hy of sy opdrag gee dat die leerling nie by 'n ander skool binne die provinsie toegelaat mag word nie.

Appèl teen besluit van die Departementshoof om 'n leerling te skors

11. (1) 'n Leerling of sy of haar ouer kan aan die Lid van die Uitvoerende Raad appelleer teen—

- (a) enige skuldigbevinding deur die Departementshoof ten opsigte waarvan 'n straf van skorsing opgelê is;
- (b) 'n straf van skorsing wat deur die Departementshoof opgelê is; en
- (c) enige bevel wat deur die Departementshoof ingevolge regulasie 10(5) gemaak word.

(2) 'n Leerling of sy of haar ouer of voog wat appèl wil indien ten opsigte van 'n besluit soos bedoel in subregulasie (1) of dit wil laat hersien, moet binne 14 dae nadat kennis ingevolge subregulasie 10(2) ontvang is, 'n Kennis van Appèl by die Lid van die Uitvoerende Raad indien, tesame met die redes vir die appèl.

(3) Tensy die Lid van die Uitvoerende Raad met goeie rede tot die teendeel opdrag gee, sal die indiening van 'n appèl nie die straf wat deur die Departementshoof opgelê is, opskort nie.

(4) Binne vyf dae vanaf ontvangs van die Kennis van Appèl, moet die Lid van die Uitvoerende Raad die Departementshoof, die aanklaer en die Dissiplinêre Komitee in kennis stel dat 'n appèl ingedien is en hulle van 'n afskrif van die Kennis van Appèl voorsien.

(5) Binne vyf dae vanaf ontvangs van die Kennis van Appèl vanaf die Lid van die Uitvoerende Raad, kan die aanklaer en die Dissiplinêre Komitee skriftelik op die Kennis van Appèl reageer en redes gee waarom die appèl afgewys moet word.

(6) Die Lid van die Uitvoerende Raad moet binne 14 dae vanaf ontvangs van die Kennis van Appèl 'n Appèlverhoor belê.

(7) Tydens die Appèlverhoor is die leerling of sy verteenwoordiger en die aanklaer daarop geregtig om die Lid van die Uitvoerende Raad aan te spreek.

(8) Nadat die appèl oorweeg is, moet die Lid van die Uitvoerende Raad—

- (a) die appèl afwys;
- (b) 'n verminderde bestrafning aan die leerling ople, soos wat deur die kode van die skool en hierdie regulasies toegelaat word; of
- (c) die leerling onskuldig bevind;

en die leerling, sy of haar ouers en sy of haar verteenwoordiger van die besluit verwittig.

(9) Die besluit van die Lid van die Uitvoerende Raad in verband met die appèl sal finaal wees.

BYLAE 1

'n Leerling sal skuldig wees aan wangedrag indien hy of sy, opsetlik en sonder regverdige verskoning—

- (a) die onderrig- of leerproses in 'n klas ernstig bedreig, ontwrig of frustreer;
- (b) aan 'n sameswering deelneem om die behoorlike funksionering van die skool deur middel van kollektiewe optrede te ontwrig;
- (c) die menswaardigheid van 'n personeellid beledig of 'n personeellid belaster;
- (d) enige toets- of eksamenmateriaal versprei wat enige ander persoon in staat mag stel om 'n onregverdige voordeel in 'n toets of eksamen te verkry;
- (e) in 'n toets of eksamen bedrieglik optree;
- (f) op enige wyse onwelvoeglik in die openbaar optree;
- (g) enige ander persoon seksueel lastig val;
- (h) in besit van enige pomografiese materiaal gevind word, of sodanige materiaal versprei;
- (i) onder die invloed van alkohol verkeer.

BYLAE 2

'n Leerling sal aan wangedrag skuldig bevind word indien hy of sy—

- (a) skuldig bevind word aan wangedrag soos bedoel in Bylae 1, nadat hy of sy by twee vorige geleenthede aan dieselfde of soortgelyke wangedrag skuldig bevind is;
- (b) versuim om aan 'n bestrassing of opskorting as korrekttiewe maatreël te voldoen; of
- (c) opsetlik en sonder regverdige verskoning—
 - (i) enige dokument of handtekening vervals tot werklike of potensiële nadeel van die skool;
 - (ii) handel dryf met enige toets- of eksamenvraestel of enige toets- of eksamenmateriaal;
 - (iii) enige persoon omkoop of probeer omkoop ten opsigte van enige toets of eksamen, om homself of haarself of 'n ander persoon in staat te stel om 'n onregverdige voordeel daardeur verkry;
 - (iv) hom of haar aan bedrog skuldig maak;
 - (v) hom of haar aan diefstal skuldig maak, of andersins tot nadeel van 'n ander persoon oneerlik optree;
 - (vi) in besit gevind word van enige onwettige middel, of dit gebruik of daarmee handel dryf;
 - (vii) in besit van enige gevaarlike wapen gevind word;
 - (viii) enige ander persoon aanrand of dreig om iemand aan te rand;
 - (ix) enige persoon as gyselaar aanhou;
 - (x) enige persoon vermoor;
 - (xi) enige persoon verkrag; of
 - (xii) enige ander persoon se eiendom kwaadwillig beskadig.

GENERAL NOTICE

GENERAL NOTICE 937 OF 1998

KGORO YA THUTO YA GAUTENG

TSEBISO-KAKANYWA MABAPI LE MAITSHWARO-MABE A BAITHUTI

Ka lengwalo le MEC (Member of the Executive Council) wa Thuto o phatlalatsa melaokanywa ye e amanago le maitswaro a mabe. Setshaba se laletswa go ntsha maikutlo a sona ka ga melao-kakanywa ka goba pele ga di 4 tsa May 1998. Maikutlo a lebiswe go:

The MEC for Education
Room 1024
111 Commissioner Street
Johannesburg
2000

Maikutlo a ka romelwa ka fax nomorong ye:

(011) 355 0542

LENANEO
MELAO-KAKANYWA YE AMANAGO LE MAITSHWARO A MABE

Tthaloso

1. (1) Go ya ka subregulation (2) gape ntle le ge lentsu le somisitswe go hhalosa se se sengwe, lentsu leo le hhaloswago go karolo 1 ya School Education Act, 1995 (Act No. 6 of 1995) le tla ba le tthaloso ye e swanago le ye le lego molawaneng ye.

(2) Mo melawaneng ye, ntle le ge tthaloso e supa se sengwe, ge re re—

- (i) “molao ofe goba ofe” re akaretsa melawana ye;
- (ii) “code” re a tsela ya maitshwaro a sekolo;
- (iii) “Komiti-Kgalemo” e ra komiti-kgalemo ye e hlomilwego go ya ka molawana 7(1);
- (iv) “Hlogo ya Kgoro” re re hlogo ya kgoro yeo e ikarabelago mererong ya thuto ka Gauteng;
- (v) “moithuti” re sa motho yoo a welago ka fase ga taolo ya sekolo bja”ka go hhaloswa ka go molawana 2(2);
- (vi) “MEC” re ra leloko la lekgotla-phetisi leo le ikarabelago mererong ya thuto ka Gauteng;
- (vii) “maitshwaro a mabe” re ra bosaedi bjoo bo dirilwego ke moithuti gape a akaretsa tse latelago—
 - (aa) bosaedi bjo bo dirlwego ke moithuti ka jarateng ya sekolo, ekaba ka nako ya sekolo goba morago ga sekolo;
 - (bb) bosaedi bjo bo dirlwego ka nako ya morero ofe goba ofe wa sekolo, go sa kgathalege gore bo dirilwe ka gare goba ka ntle ga jarata ya sekolo, le gore e be e la nako ya sekolo goba sekolo se tswile; le
 - (cc) maitshwaro afe goba afe, a moithuti yo a aperego goba a sa aparago yunifomo ya sekolo, a le ka gare goba ka ntle ga jarata ya sekolo, ao—
 - (aaa) a ka senyago leina la sekolo;
 - (bbb) a tshwenyanago le taolo mmogo le tshepetso ye botse ya sekolo;
 - (ccc) a tshwenyenago le mabaka a bohlokwa a morero ofe goba ofe wa sekolo;
 - (ddd) a dirwago ka nepo ya go thibela motho ofe goba ofe go phetha ditokelo, mosomo le maikarabelo a gagwe bjalo ka leloko la sekolo, goba a dirwa ka go itefelsetsa kgahlanong le kgato e bjalo; goba
 - (eee) a thibelwago ke melawana ya maitshwaro ya sekolo;
- (viii) “motswadi” re ra motswadi bja’ka go hhaloswa ka go karolo 1 ya South African Schools Act, 1996 (Act No. 84 of 1996);
- (ix) “motshotshisi” re ra Hlogo ya sekolo goba morutisi yoo a kgethiliwego ke yena ala molato kgahlanong le moithuti;
- (x) “moemedi” re ra motswadi wa moithuti goba moithuti yo mongwe yoo a kgethiliwego ke moithuti yoo a latofatswago go mo emela tshekong; le
- (xi) “maitshwaro a mabe kudu” re ra bosaedi bjoo bo ka gapeletsago gore mithuti a pharwe ka kotlo, a fegwe goba a rakwe.

Tshomiso

2. (1) Melawana ye mmogo le tsela efe goba efe ya maitshwaro ye e dirilwego go latela yona, e ama motho yoo ka nako ya mabarebare a bosaedi bjoo gothwego o bo dirile a, ka tlase ga kgalemo ya sekolo.

(2) Motho o lebanwe ke kgalemo ya sekolo—

(a) ge a—

- (i) ge a ingwadisitse bja'ka mothuti sekolong; goba
- (ii) goba a amogetswe ke sekolo ka nepo ya gore o tla ba mothuti yo a ingwadisitsegoo.

Molao wa maitshwaro

3. (1) Lekgotla-Taolo la sekolo le tla hlama molao wa maitshwaro (code) wa sekolo seo.

(2) Molao woo wa maitshwaro (Code) o swanetse kgotsofatsa mabaka a latelago—

- (a) Moithuti ofe goba ofe yoo a latofatwago ka gore o tshetse molao—
 - (i) o swanentse go tsewa bjalo ka motho yo a se nago molato go fihlela a bonwa molato tshekong; gape
 - (ii) a ka se bonwe molato ntle le ge a sekisitswe ka tshwanelo mabapi le ditatofatso tseo a pharwago ka tsona.
- (b) Molao wa maitshwaro wa sekolo(Code) o swanetse go lemoga phapang gareng ga maitshwaro a bosaedi a fapafapanego go ka bosorwana bja wona.
- (c) Molao wa matshwaro sekolong o swanetse go hialosa gore maitshwaro a mangwe le a mangwe a bosaedi a lebanwe ke dikotlo dife.
- (d) Molao wa maitshwaro wa sekolo o swanetse go hialosa gore ke mang yoo a nago le maswanedi a go ahlola melatong ye fapafapanego ya maitshwaro a mabe.
- (e) Molao wa maitshwaro wa sekolo ga wa swanela go thulana le melao e mengwe.

(3) MEC (Member of the Executive Council), ka tsebiso ya Kuranta ya Mmuso wa Profense, a ka phatlatsa sebopego sa molawana wa maitshwaro dikolong, woo o tla tsewago bjalo ka molawana wa maitshwaro sekolong sefe goba sefe seo se se nago le wona, go fihlela ge lekgotla-taolo la sekolo seo le ithamela molwana wa sona.

(4) Go latela dikagare tsa molao ofe goba ofe, kotlo sekolong e tla laolwa go ya ka melwana ya maitshwaro sekolong seo.

Mellwane (limitations) ya dikotlo tsa maitshwaro a mabe/bosaedi

4. (1) Go latela molawana 5, ga go moithuti yoo a tla fegwago nakwana sekolong ntle le ge—

- (a) a bonwe molato ka maitshwaro a mabe ao a hialoswago ka go Lenaneo (Schedule) 1 goba 2 la melawana ye; le ge
- (b) dikagare tsa melawana yeo e amanago le go rakwa ga moithuti di latetswe.

(2) Ga go moithuti yoo a ka rakwago sekolong ntle le ge—

- (a) a bonwe molato ka maitshwaro a mabe a hhaloswago ka go Schedule 2 ya melwana ye; le ge
- (b) dikagare tsa melwanana yeo e amanago le go raka moithuti di latetswe.

Go fegwa nakwana (suspension) ga moithuti ge go sa letilwe tsheko

5. (1) Ntle le ge Hlogo ya Kgoro e laetse ka tsela ye nngwe, moithuti yoo a latofatswago ka molato wa bosenyi ka lebaka la maitshwaro a mabe ao a hhaloswago ka go Lenaneo (Schedule) 2 o tla fegwa nakwana sekolong go fihlela tsheko ya molato kgahlanong le yena e fela.

(2) Ge a tsea dikgato ka tlase ga molawana (subregulation) (1), Hlogo ya Kgoro o swanetse go lebelela mabaka a latelago—

- (a) tokelo ya moithuti yo a fegilwego sekolong nakwana ya go hwetsa thuto;
- (b) tlhokego ya go sireletsa poloego ya baithuti le barutisi sekolong seo; le
- (c) tlhokgo ya go sireletsa thoto ya sekolo.

Go hlongwa ga lenaneo-kgalemo leo ke ka dirago gore moithuti a fegwe nakwana goba a rakwe sekolong

6. (1) Ke Hlogo ya Sekolo fela yoo a tla tseago dikgato tsa go hloma lenaneo la go kgalema moithuti mo mabakeng a molato o sorwana (serious offence).

(2) Hlogo ya sekolo a ka tsea dikgato tsa go hloma lenaneo la go kgalema moithuti mo molatong o sorwana ge fela—

- (a) go na le bohlatsi bjo bo tletsego bja go tsea dikgato tsebjalo; le ge
- (b) Hlogo ya Sekolo a nagana gore kgato e bjalo e tla hola sekolo le bohle bao ba amegago.

Komiti-kgalemo ya maitshwaro a mabe a sorwana

7. (1) Morago ga tsebiso ya Hlogo ya Sekolo ya gore o tsea dikgato tsa kgalemo kgahlanong le moithuti go ya ka molawana 6(2), lekgotla-taolo le swanetse go hloma Komiti-Kgalemo go theetsa mabarebare ao a maitshwaro a mabe.

(2) Go ya ka molawana/subregulation (3), Komiti-kgalemo yeo e hlomilwego ke lekgotla-taolo e swanetse go ba le maloko a mararo ao elego maloko a lekgotla-taolo goba batho bao ba nago le maswanedi a go kgethwa go ba maloko a lekgotla-taolo.

(3) Go kgethwa ga maloko a Komiti-kgalemo go dirwa go ya ka mabaka a latelago:

- (a) Modulasetulo wa Komiti-kgalemo e swanetse go ba motswadi goba le motho fela yoo elego leloko la lekgotla-taolo;
- (b) maloko a mangwe a setsego a Komiti-kgalemo ga a swanelo go ba Hlogo ya Sekolo goba moithuti sekolong; gape
- (c) ga go motho yoo a tla kgethwago go ba leloko la Komiti-kgalemo ge a na le tsebo ya taba ye nngwe yeo e ka thulanago le tsheko.

Ditsela tseo di latelwago tshepetsong ya Komiti-kgalemo ya maitshwaro a mabe a sorwana

8. (1) Moithuti yoo a latofatswago ka maitshwaro a mabe a sorwana o na le tokelo ya bolela pele ga Komiti-kgalemo.

(2) Moithuti yoo a latofatwago ka maitshwaro a mabe a sorwana o swanetse go fiwa lengwalo la tsebiso ya tsheko ya molato woo a latofatwago ka wona matsatsi a sekolo a sego ka fase ga a lesome pele ga tsheko, ntle le ge—

- (a) lekgotla-taolo le laela, ka mabaka a kwagalago, gore a fiwe nakwana kopana ya tsebiso; le ge
- (b) kgato yeo ya go fa moithuti tsebiso ye kopana e "bea moithuti ka musing".

(3) Tsebiso yeo go boletwago ka yona go molawana (subregulation) 2 e swanetse—

- (a) go hialosa ka botlalo letsatsikgwedi, lefelo le maitshwaro a mabe ao moithuti a pharwago ka wona go kgontsha moithuti yoo go gopola tiragalo yeo le go iphetolela;
- (b) tsebisa moithuti ka ga lefelo le nako yeo tsheko e tla swarago; le
- (c) go tsebisa moithuti ka ga ditokelo tsa gagwe go ya ka melwana ye.

(4) Lekgotla-taolo le swanetse go fa moithuti ka tsebiso yeo go beletwago ka yona go molawana(seburegulation) (2) le khopi ya lona e iswe go batswadi ba moithuti.

(5) Moithuto a ka kgopela gore tsheko e swarwe ka letsatsikgwedi la pejana go leo le beilwego ka go tsebiso, ka go tsebisa Hlogo ya Sekolo matsatsi a mebedi a sekolo pele ga letsatsi leo le kgethwago ke yena, yoo le yena a tla tsebisa lekgotla-taolo.

(6) Moithuti o swanetse go felegetswa ke yo mongwe wa batswadi ba gagwe tshekong ntle le ge a na le mengwaga ye masomepedi-tee goba go feta.

(7) Moithuti o na le tokelo ya go emelwa fela ke motswadi goba moithuti-mmogo tshekong. Yo mongwe motho, aowa.

(8) Ge tsheko e thoma, Modulasetulo wa Komiti-kgalemo swanetse go botsisa ge eba leloko la Komiti-kgalemo, moithuti, motswadi goba moemedi wa moithuti, o tla hloka toloki.

(9) Pele hlatse efe goba efe e efa bohlatse tshekong, Modulasetulo wa Komiti-kgalemo o swanetse go botsisa ge eba hlatse e tla hloka toloki.

(10) Ge leloko la Komiti-kgalemo, moithuti, motswadi goba moemedi wa maithuti goba hlatse e hloka toloki, Komiti-kgalemo e ka se tswelepele ka tsheko go fihlela ge go go hwetswa toloki ye e tsebago leleme leo, ge fela e le gore go ka se hlokege gore go nyakwe toloki ya mangwalo.

(11) Motshotshisi o swanetse go thomisa tsheko ka go ala molato kgahlanong le moithuti le go hialosetsa moithuti.

(12) Modulasetulo wa Komiti-kgalemo o swanetse go botsisa moithuti ge eba o a gana goba o dumela molato yoo a pharwago ka wona. Moithuti o swanetse go araba potsiso yeo. Ge moithuti a ka homola, go tla tsewa gore o gana molato.

(13) Ge moithuti a dumela ditatofatso, dikgato tse di latelago di swanetse go latelwa—

- (a) Modulasetulo o swanetse go botsisa moithuti ka ga mabarebare ao a maitshwaro a mabe ao a baletswego ke motshotshisi go kgodisa Komiti-kgalemo gore ka nnete moithuti o obile molato woo a pharwago ka wona.
- (b) Ge go ka re ge ntse moithuti a sekiswa gwa tswelela gore bohlatse bja gagwe bo thulana le dintiha tseo di adilwego ke motshotshisi, goba ge Modulasetulo a sa kgotsofala gore o molato ditatofatsong tseo a pharwago ka tsona, Modulasetulo o swanetse gore, legatong la moithuti, a gane ditatofatso tseo a pharwago ka tsona.

- (c) Ge Komiti-kgalemo, goba bontsi bja maloko a yona, ba kgotsofetse gore moithuti o na le molato ditatofatsong tse a pharwago ka tsona, Komiti-kgalemo e swanetso go bona moithuti molato.
- (14) Ge moithuti a gana molato—
- (a) motshotshisi a ka bitsa dihlatse goba a tsweletsa bohlatse bjo bongwe bja molato kgahlanong le moithuti;
 - (b) moithuti, goba moemedi wa gagwe, a ka hlabo hlatse efe goba efe ka dipotsiso le go lekola bohlatse bjoo bo tsweleditswego ke motshotshisi;
 - (c) morago ga ge bohlatse ka moka kgahlanong le moithuti bo tsweleditswe, moithuti goba moemedi wa gagwe a ka tsweletsa bohlatse bjo bongwe go tiisetsa kgano ya gagwe ya molato;
 - (d) motshotshisi a ka hlabo hlatse efe goba efe ka dipotsiso le go lekola bohlatse legatong la moithuti;
 - (e) Komiti-kgalemo e ka hlabo hlatse efe goba efe ka dipotsiso goba ya lekola bohlatse bofe goba bofe neng goba neng;
 - (f) morago ga ge bohlatse ka moka bo adilwe, sa mathomo motshotshisi a ka bea mantsu pele ga Komiti-kgalemo, morago a latelwa ke moithuti goba moemedi wa gagwe;
 - (g) Morago ga moo Komiti-kgalemo e swanetse go suthisa tsheko go fihla ka nako le letsatsikgwedi le lengwe, gomme ka nako yeo Komiti-kgalemo, morago ga go bea dikgonagalo sekaleng, e tla tseago sepheto ge eba moithuti o na le molato; gape
 - (h) ka nako yeo e hhaloswago go temana (g), Komiti-kgalemo e swanetse go tsebisa moithuti le batswadi goba bohlokomedu ba gagwe mmogo le baemedi ba gagwe ka ga sepheto seo e se fihleletsego.

(15) Ge moithuti a ka se bonwe molato, Komiti-kgalemo e swanetse go, ge moithuti a nyaka bjalo, phatlalatsa sephetho sa yona sekolong ka go tsebisa goba ntie le go tsebisa leina la moithuti go ya ka kgolelo ya moithuti.

(16) Ge moithuti a ka bonwa molato, motshotshisi le moithuti goba moemedi wa gagwe, ba ka tsweletsa bohlatse pele ga Komiti-kgalemo yeo e amanago le kotlo, go akaretswe le maemo ao moithuti a ikhwetsago a le go wona, rekhoto-kakaretso ya maitshwaro a gagwe a nako ye e fetilego sekolong, sebolepego le boemo bja maitshwaro ao a mabe, le dikgahlegelo tsa sekolo.

(17) Morago ga go lekola bohlatse bofe goba bofe bjoo bo tsweleditswego go ya ka molawana (subregulation) (16), Komiti-kgalemo e swanetse go otla moithuti ka kotlo ya maleba go ya ka melawana ya sekolo ya maitshwaro, le go tsebisa, ka lengwalo, moithuti, batswadi goba baemedi ba gagwe ka ga sepheto se se tserwego.

(18) Ge Komiti-kgalemo e ka tsea sephetho sa gore moithuti a rakwe sekolong, e swanetse go dira tshisinyo yeo go Hlogo ya Kgoro, le go fega moithuti sekolong nakwana ge go ntse go letilwe sephetho sa Hlogo ya Kgoro ge eba moithuto yoo o swanetse go rakwa.

(19) Go fegwa sekolong go go diriwego go ya ka molawana (subregulation) (18) go soma go tloga ka yona nako yeo, ntie le ge Hlogo ya Kgoro e laetse ka tsela ye nngwe.

Dikgato tse dingwe tsa go fegwa bjalo ka tsela ya go sokolla

9. (1) Moo Komiti-kgalemo e tserego sephetho sa go otla moithuti ka go mo fega sekolong nakwana bjalo ka tsela ya go mo sokolla, komiti e swanetse gore, ka

lengwalo, e—

(a) tsebise moithuti, batswi le goba baemedi ba moithuti mmogo le hlogo ya sekolo, gore moithuti o fegilwe nako e kaakang, yeo e sa swanelago go feta beke; gape e

(b) tsebise moithuti, batswadi le goba moemedi wa moithuti ka ga tokelo ya bona ya go dira boipiletso o Hlogo ya Kgoro kgahlanong le sephetho sa Komiti-kgalemo, bjalo ka ge go hhaloswa ka molawana wo.

(2) Moithuti goba motswadi wa gagwe a ka dira boipiletso go Hlogo ya Kgoro kgahlanong le—

(a) sepheto sefe goba sefe sa go bonwa molato ke Komiti-kgalemo seo dirilego gore moithuti a fiwe kotlo ya go fegwa nakwana bjalo ka mokgwa wa tshokollo; le

(b) sepheto sa Komiti-kgalemo sa kotlo ya go fegwa nakwana bjalo ka mokgwa wa tshokollo.

(3) Moithuti, motswadi goba mohlokomedi wa gagwe yoo a kganyogago go dira boipiletso goba a nyaka gore molato o sekasekwa leswa bjalo ka ge go hhaloswa ka go molawa (subregulation) (2) o swanetse gore, mo matsatsing a 14 morago ga go tsebiswa ka ka sephetho go ya ka molawana (seburegulation) (1), a ise Notice of Appeal mmogo le mabaka go Hlogo ya Kgoro.

(4) Ntle le ge Hlogo ya Kgoro, ka mabaka a kwagalago, a ka laela ka tsela ye nngwe, go dirwa ga boipiletso go tla dira gore kotlo ya Komiti-kgalemo e fegwe go fihlela ge Hlogo ya Kgoro e tsere sephetho ka boipiletso bjoo bo dirilwego.

(5) Mo matsatsing a mararo a hweditse Notice of Appeal, Hlogo ya Kgoro o o swanetse go tsebisa motshotshisi le Komiti-kgalemo ka ga boipiletso bjo bo dirilwego le go ba nea khopi ya Notice of Appeal.

(6) Mo matsatsing a mahlano a hweditse Notice of Appeal go tswa go Hlogo ya Kgoro—

(a) motshotshisi o tla fa Hlogo ya Kgoro rekhoto ya bohlatse bjoo bo tsweleditswego tshekong le sephetho seo se tserwego ke Komiti-kgalemo; gape

(b) motshotshisi le Komiti-kgalemo ba ka ikarabela ka lengwalo go Notice of Appeal le g fa mabaka a gore ke ka lebaka la eng boipiletso bo swanetse go kgafelwa ka thoko.

(7) Hlogo ya Kgoro e swanetse go rulaganya kopano ya go theetsa boipiletsomo matsatsing a 14 a amogetse Notice of Appeal.

(8) Theetsong ya Boipiletso moithuti le goba moemedi wa gagwe le motshotshisi ba na le tshwanelo ya go bea mantsu pele ga Hlogo ya Kgoro.

(9) Morago ga theetsa boipiletso Hlogo ya Kgoro o swanetse go—

(a) kgafela boipoiletso ka thoko;

(b) phara moithuti ka kotlo ye bofefsana go yeo e dumelletsiwego le melawana ya maitshwarto sekolong le ye; goba

(c) a se bone moithuti molato;

gape a tsebise moithuti, batswadi goba moemedi wa gagwe ka ga sephetho seo se tserwego.

(10) Sephetho sa Hlogo ya Kgoro ka ga boipiletso bjo e tla ba sa mafelelo.

Mabaka a mangwe a go rakwa

10. (1) Moo Komiti-kgalemo, go ya ka molawana 8(18), e tseago sephetho sa go

feaga moithuto gore a se tsene sekolo go lebeletswe gore Hlogo ya Kgoro e tla mo raka sekolong, Komiti-kgalemo e swanetse go—

- (a) tsebisa moithuti, motswadi goba moemedi wa gagwe—
 - (i) ka ga go fegwa ga moithuti gore a se tsene sekolo;
 - (ii) ka ga mabaka a go fegwa ga gagwe, kudukudu ka ntiha ya ga ntiha ya gore molato o fetiseditswe go Hlogo ya Kgoro ka tshisinyo ya gore moithuti a rakwe;
 - (iii) gore go fegwa moo ga gagwe, ntle le ge Hlogo ye Kgoro e laetse ka mokgwa wo mongwe, go tla thoma ka yona nako yeo sephetho se tserwego ka yona go fihla ge Hlogo ya Kgoro e tsere sephetho ge eba moithuti a rakwe goba aowa; le gore
 - (iv) mo matsatsing a mahlano a latelago, ba na le tokelo ya go ngwalela Hlogo ya Kgoro ka ditshisinyo/mabaka mabapi le sephetho sa Komiti-kgalemo;
- (b) netefatsa gore ge moithuti a dula hostele, a tsewe ke motswadi wa gagwe;
- (c) laela Hlogo ya Sekolo go neela Hlogo le Kgoro pego ka ga moithuti, yeo e swanetsego go ba le tse latelago—
 - (i) maina a moithuti ka botlalo, letsatsi la matswalo, grade/mphatu le rekhotu ya ga gagwe ya dithuto;
 - (ii) bohlatse bjoo bo filwego le sephetho seo se fihleletswego tshekong;
 - (iii) rekhotu ya moithuti ya nako ye e fetilego;
 - (iv) letsatsi leo a fegilwego sekolong ka lona le bohlatse bja gore Komiti-kgalemo e Itetse emana (a); le gore
 - (v) ke ka lebaka la eng kotlo ye nngwe, ntle le go rakwa ga moithuti, e ka se be ya maleba mo ntlheng ye.

(2) Morago ga go lekola pego yeo e hhaloswago ka go molawana (subregulation) (1)(c) le mabaka a mangwe ao a filwego ke moithuti goba motswadi wa gagwe mo matsatsing a mahlano ba tsebisitswe ka ga sephetho sa Komiti-kgalemo, Hlogo ya Kgoro e swanetse go—

- (a) raka moithuti;
- (b) a phara moithuti ka kotlo ye bofesana ye e dumelletswe go molawana wa maitshwaro sekolong le molawana ye; goba
- (c) a se bone moithuti molato;

gape a tsebise moithuti, batswadi goba moemedi wa gagwe ka ga sephetho seo se tserwego.

(3) Ge Hlogo ya Kgoro a raka moithuti, o swanetse go tsebisa moithuti le le batswadi ba gagwe ka tokelo ya bona ya go ka dira boipiletso go MEC.

(4) Ge Hlogo ya Kgoro e raka moithuti yoo a sa sa lego ka mengwageng yeo a gapeletsego go tsena sekolo ka molao—

- (a) o swanetse go netefatsa gore moithuti o amogelwa sekolong goba senthareng ye nngwe ya thuto gona ka mo profenseng;
- (b) a ka kgopela gore moithuti a hwetse thuso ya tshokollo (counselling); gape
- (c) o swanetse go tsweletsa dipego tsa tswelopele (progress reports) kgafetsakgafetsa tsa thuso ya tshokollo yeo e hhalositsiwego go temana (b).

(5) Ge Hlogo le Kgoro e reka moithuti yoo a sego mengwageng ya go tsena

sekolo ka kgapeletso, a laela gore moithuti a se amogelwe sekolong se sengwe ka moo profeseng.

Boipiletso kgahlanong le sepetho sa Hlogo ya Kgoro go raka moithuti

11. (1) Moithuti goba motswadi wa gagwe a ka dira boipiletso go MEC kgahlanong le—

- (a) sephetho sefe goba sefe sa go bonwa molato ke Hlogo ya Kgoro moo moithuti a phariwelgo ka kotlo ya go rakwa;
- (b) kotlo ya go rakwa yeo a phariwego ka yona ke Hlogo ya Kgoro; le
- (c) taelo ya Hlogo ya Kgoro go ya ka molalwana 10(5).

(2) Moithuti, motswadi goba mohlokomedu wa gagwe yoo a kgahyogago go dira boipiletso bja gore go sekasekwe leswa sephetho se tserwego, bjalo ka ge go hhaloswa ka go molalwana(seburegulation (1), o swanetse gore mo matsatsing a 14 a tsebisitswe go ya ka molawana 10(2) wa sephetho, a fe MEC Notice of Appeal le mabaka a go dira kgopelo yeo.

(3) Ntle le ge MEC, ka mabaka a kwagalago, a ka laela ka tsela ye nngwe, go dirwa ga boipiletso go ka se be ke khuetso ya go fega kotlo ye e beiwego ke Hlogo ya Kgoro.

(4) Mo matsatsing a mahlano a amogetse Notice of Appeal, MEC o swanetse go tsebisa Hlogo ya Kgoro, motshotshisi le Komiti-kgalemo gore go dirilwe boipiletso le go ba fa khopi ya Notice of Appeal.

(5) Mo matsasing a mahlanova amogetse Notice of Appeal go tswa go MEC, motshotshisi le Komiti-kgalemo ba ka iphotelokalengwalo kgahlanong le Notice of Appeal gore boipiletso bjoo bo swanentse go kgafelwa ka thoko ka mabaka afe.

(6) MEC o swanwetswe go rulaganyetsa theetsa ya kgopelo ya boipiletso ba gore sephetho se gomiswe mo matsatsing a 14 a amogetse Notice of Appeal.

(7) Moo theetsong ya kgopelo ya boipiletso bja sephetho se gomiswe, moithuti goba moemedi wa gagwe le motshotshisi ba tla fiwa sebaka sa go bolela le MEC.

(8) Morago ga go theetse boipiletso, MEC o swanetse go—

- (a) kgafela boipoiletso ka thoko;
- (b) a phare moithuti ka kotlo ye bofefsana yeo e dumelwago ke melawana ya sekolo ya maitshwaro le ye; goba
- (c) a se bone moithuti molato;
gape a tsebise moithuti, batswadi goba moemedi wa gagwe ka sephetho se fihleletswego.

(9) Sepetho sa MEC mabapi le boipiletso e tla ba sa mafelelo.

SCHEDULE 1

Moithuti o tla be a obile molato wa maitshwaro a mabe ge, ka boomo goba ntle le lebaka la go Kwagala, a ka—

- (a) tshosetsa goba a sarakanyana tshepetso ya thuto ka phaposing ya borutelo;
- (b) amega go legong maano a go sarakanya tshepetso ya maleba ya sekolo, ka mogofe;
- (c) a nyenyeftsa seriti sa morutisi goba a mo hlapaola;
- (d) phatlalatsa dipampiri tsa teko goba tilhahlobo tseo di ka kgontshago motho yo mongwe maswanedi a seng a maleba a go tswelela tilhahlobong;
- (e) jabetsa tekong goba tilhahlobong;
- (f) amega tiragalong efe goba efe ya bogoboga pele ga setshaba (public indecency);
- (g) tlaisa motho yo mongwe ka bong (sexual harassment);
- (h) hwetsa a swere goba a phatlalatsa matheria wa maponapona; goba
- (i) hwetswa a tagilwe (ke alkohoholo).

SCHEDULE 2

Moithuti o tla be a obile molato wa maitshwaro a mabe ge a ka—

- (a) bonwa molato bjalo ka ge go hhaloswa ka go Schedule 1 morago ga ge a kile a bonwa molato ditatofatsong tse bjalo makgeng a mabedi pele;
- (b) palelwa ke go obamela mabaka a kotlo ya go fegwa bjalo ka kgato ya tshokollo; goba
- (c) ka boomo goba ntle le mabaka a go kwagala a—
 - (i) fotsa lengwalo goba tshaeno efe goba efe ka nepo ya go jabetsa sekolo;
 - (ii) rekisa dipampiri dife goba dife tsa dipotsiso tsa teko goba tlhahloba goba matheriale ofe goba ofe wa teko;
 - (iii) leka goba a "bribe" motho ofe goba ofe mabapi le teko goba tlhahloba;
 - (iv) efe goba efe gore yena goba motho yo mongwe a be le maswanedi a seng a malena tekong goba tlhahlobong;
 - (v) amega ditirong tsa bomenemene;
 - (vi) amega hoodung, goba ditirong tse dingwe di ka sitelago motho yo mongwe;
 - (vii) na le, a ejá/enwa, goba a rekisa ditagi tse di sego molaong;
 - (viii) na le sebetsa se kotsi;
 - (ix) gobatsa goba a tshosetsa go gobatsa motho yo mongwe;
 - (x) ka thopo motho yo mongwe;
 - (xi) ka bolaya motho;
 - (xii) ka kata motho; goba
 - (xiii) ka senya thoto ya motho yo mongwe ka boomo.

GENERAL NOTICE

GENERAL NOTICE 937 OF 1998

UMNYANGO WEZEMFUNDU E-GAUTENG

ISAZISO SOMTHETHO SIVIVINYO MAYELANA NOKUNGAZIPHATHI KAHLE KWABAFUNDI

Ilungu lomkhandlu omkhulu lezemfundo lapha lishicilela lezizimiso zesivivinyo mayelana nokuziphatha kabi. Amalungu omphakathi ayamenywa ukuthi afake izincomo ngalezizimiso zomthetho sivivinyo ungakashayi umhlaka 4 May 1998. Izincomo kumele zuthunyelwe ko:

KOPHATHISWE EZEMFUNDU
Room 1024
111 Commissioner Street
Johannesburg
200

Izincomo zingathunyelwa ngesikhahlamezi kulenombolo elandelayo:

(011) 355 0542

UHLELO

IZIMISELO ZOMTHETHO SIVIVNYO MAYELANA NOKUNGAZIPHATHI KAHLE

Izincazelot

1. (1) Kuya ngesigatshana (2) ngaphandle futhi uma ingqikithi ikhombisa okunye, igama elichazwa esigabeni 1 Emthethweni Wemfundo Yezikole, 1995 (UMthetho ongunombolo 6 ka 1995) uyosho okufanayo kulezizimiso.

(2) Kulezizimiso, ngaphandle uma ingqikithi ikhomba okwehlukile—

- (i) “noma yimuphi umthetho” ufaka lezizimiso;
- (ii) “indlela” kusho indlela yokuziphatha kwasikole;
- (iii) “Ikomiti” lokuqondisa izigwegwe’ kusho ikomiti eliqokwe ngokwesimiso 7(1);
- (iv) “Inhloko Yomnyango” kusho inhloko yomnyango obhekene nezemfundo eGauteng;
- (v) “umfundu” kusho umuntu ofanelwe ukujeziswa ngokwesikole njengoba kubekwe emthethweni 2(2);
- (vi) “Ilungu elikhulu Lomkhandlu” kusho ilungu elikhulu lomkhandlu eliphathiswe ezemfundo eGauteng;
- (vii) “ukuziphatha kabi” kusho ukuziphatha kabi okwenziwe ngumfundu kanti lokho kubalula okulandayo—
 - (aa) ukuziphatha kabi okwenzeke emagcekeni esikole, okungaba kwenzeke ngesikhathi noma ngaphandle kwamahora esikole;
 - (bb) ukuziphatha kabi okwenzeke nganoma yisiphi isikhathi sesikole, ngale kokuthi kwenzeke ngaphakathi noma ngaphandle kwamagceke esikole, kanye nangesikhathi noma ngaphandle kwamahora esikole; kanye
 - (cc) noma yikuphi ukuziphatha, okwenziwe kufakwe noma kungafakiwe inyufomu yesikole kanye nangaphakathi noma ngaphandle kwamagceke esikole, okuqondwe ngakho—
 - (aaa) ukukwenza isikole singalawuleki;
 - (bbb) ukuphazamisa ukuphathwa kanye nokuqhutshwa komsebenzi wesikole;
 - (ccc) ukuphazamisana nezimo ezidingeka emisebenzini yesikole;
 - (ddd) okwenziwa ngenhoso yokuivimbela noma ngubani ekwenzeni okungamalungelo akhe, amandla noma imisebenzi njengelungu lesikole somphakathi, noma okwenziwa ngokuziphindiselela kuleso senzo; noma
 - (eee) ukuvinjelwa kwendlela yokuqondiswa kwezigwegwe esikoleni;
- (viii) “umzali” kusho umzali njengoba kuchazwe esigabeni 1 Somthetho Wezikole eNingizimu Afrika, 1996 (Umthetho ongunombolo 84 ka 1996);
- (ix) “umshushisi” kusho Uthishanhloko noma ofundisayo oqokwe nguye ukwethula icala elibekwe umfundi;
- (x) “ummeli” kusho umzali womfundu noma lowo afunda naye okhethwe ngumfundu ukuthi ammele ekulalelweni kwecala lakhe lokuqondisa izigwegwe; kanye
- (xi) “ukuziphatha kabi kakhulu” kusho ukuziphatha kabi okufanelwe yisigwebo sokumiswa noma sokuxoshwa esingathathwa.

Ukusebenza kwawo

2. (1) Lezizimiso nanoma yimuphi umthetho ngokuya kokusebenza kwawo kumuntu okuthiwa wenze ukungaziphathi kahle kumele aqondiswe izigwegwe esikoleni.

(2) Umuntu ufanelwe ukujeziswa esikoleni—

(a) uma e—

- (i) ebhaliswe ngokusemthethweni njengomfundi esikoleni; noma
- (ii) evunywe yisikole ngokuthi abe ngumfundi obhaliswe njengomfundi.

Umthetho wokuziphatha

3. (1) Umkhandlu wesikole uyodweba umthetho waleso sikole.

(2) Umthetho uyo hambisana na lemihlinzeko elandelayo—

(a) Noma yimuphi umfundi uphambana nomthetho—

- (i) kumele athathwe njengongenacala kuze kube kunobufakazi bokuthi unecala; nokuthi
- (ii) ngeke atholwe enecala ngaphandle uma kube nokulalelwa kwecala ngamacala abekwa wona.

(b) Umthetho kumele ucacise phakathi kwezigaba zokungaziphathi kahle kuye ngokobunzima bako.

(c) Umthetho kumele uhlaziye ukuthi yisiphi isigwebo esingethulwa kuye ngokwehlukana kokungaziphathi kahle.

(d) Umthetho kumele ubonise ukuthi ngubani omele ukwahlulela amacala okungaziphathi kahle kuleso naleso sigaba.

(e) Umthetho ngeke ushayisane nesihlinzeko somthetho.

(3) Ophathiswe ezemfundo, kungathi ngesaziso esisemqulwini kaHulumeni, ashicilele indela yomthetho oyoba ngumthetho wanoma yisiphi isikole esingenawo umthetho, kuze kube umkhandlu wesikole usudwebe umthetho wesikole.

(4) Ngokuya ngemihlinzeko yanoma yimuphi umthetho, ukuqondiswa kwezikole esikoleni kuyoshayelwa umthetho ngokuya ngomthetho wesikole.

Imikhawulo ngenhlawulo yokungaziphathi kahle

4. (1) Ngokuya ngesimiselo 5, akukho mfundi ongamiswa esikoleni ngaphandle uma—

(a) etholwa enecala lokungaziphathi kahle okuchazwe Ezinhlelweni 1 noma 2 kulezizimiselo;

(b) imihlinzuko yalezizimiselo ezimayelana nokumiswa kuhanjiswane nayo.

(2) Akukho mfundi ongaxoshwa esikoleni ngaphandle uma—

(a) etholwe enecala lokungaziphathi kahle okuchazwe ohlelweni 2 kulezizimiselo; kanti

(b) imihlinzuko yalezizimiselo ezimayelana nokuxoshwa kuhanjiswenwe nayo.

Ukumiswa komfundi kusalindwe amacala obugebengu

5. (1) Ngaphandle uma inhloko yomnyango inquma ngenye indlela, umfundi obekwe amacala obugebengu avela ngokungaziphathi kahle achazwe ohlelweni 2 uyomiswa esikoleni sakhe kuze kube ukuqhube ka kwecala lobugebengu seliqedive.

(2) Ekuthatheni isinqumo sakhe phansi kwesigatshana (1), inhloko yomnyango kumele ithathele kulamaphuzu alandelayo—

(a) ilungelo lomfundu omisiwe ekufundeni;

(b) isidingo sokuvikela ukuphepha kwabafundi kanye nabafundisa esikoleni; kanye

- (c) nesidingo sokuvikela impahla yesikole.

Ukumiswa kwenqubo yokuqondisa kwezigwegwe engaholela ekumisweni noma ekuxoshweni

6. (1) Nguthishanhloko kuphela ongathatha isinyathelo sokuqondisa izigwegwe zomfundi obe nokungaziphathi kahle okubi kakhulu.

(2) Uthishanhloko angathatha isinyathelo sokuqondisa kwezigwegwe kumfundu maqondana nokungaziphathi kahle okubi kakhulu uma nje—

- (a) kunobufakazi obenele bokuthatha leso sinyathelo; kanti
- (b) uma uthishanhloko ebona kufanele lokho esikoleni kanti futhi umphakathi waso uma nawo ubona ukuthi isinyathelo leso sokuqondisa izigwegwe sifanele.

Ikomiti Lokuqondisa izigwegwe ngokuziphatha kabi kakhulu

7. (1) Ngokwelulekwa nguthishanhloko ukuthi usethathe isinyathelo sokuqondisa kwezigwegwe zomfundi ngokuya ngesimiselo 6(2), umkhandlu wesikole kumele uqoke iKomiti Lokuqondisa ukuze kulalelwie izinsolo zokuziphatha kabi kakhulu.

(2) Ngokwesigatshana (3), iKomiti Lokuqondisa eliqokwe ngumkhandlu wesikole kumele lakihiwe ngabantu abathathu okungaba ngamalungu omkhandlu wesikole noma abantu abanelungelo lokukhethwa njengamalungu omkhandlu wesikole.

- (3) Ukuqokwa kwabantu eKomitini Lokuqondisa kuya ngalezizimo ezilandelayo:
 - (a) Usihlalo Wekomiti lokuqondisa kumele kube ngumzali okanye ilungu lomphakathi womkhandlu wesikole;
 - (b) amalungu amabili asele ekomitini lokuqondisa ngeke kube nguthishanhloko okanye umfundi wesikole leso; futhi
 - (c) akukho muntu ongaqokelwa ekomitini lokuqondisa uma enolwazi lwakhe nganoma yiluphi udaba okungadala impikiswano ekulalelweni.

Inqubo yokulalela ngaphambi kwekomiti lokuqondisa ngokungaziphathi kahle kakhulu

8. (1) Umfundi obekwe icala lokungaziphathi kahle elibi uyoba nelungelo lokuthi icala lakhe lilalelwie ngaphambi kweKomiti Lokuqondisa.

(2) Umfundi obekwe icala lokungaziphathi kahle okubi kumele anikwe izinsuku ezingekho ngaphansi kweziyishumi zesikole ngesaziso esibhalwe phansi ngokulalelwie ngezinsolo zakhe zokungaziphathi kahle, ngaphandle uma—

- (a) umkhandlu wesikole unquma, ngesizathu esihle, ukuthi isaziso sesikhathi esifushane siyosebenza; futhi
- (b) akukho ngcindezi edalwa kumfundu ngesikhathi esifushane anikwe sona.
- (3) Isaziso esichazwe esigatshaneni (2) kumele—
 - (a) sibe neminingwane eyanele yosuku, indawo kanye nohlobo lwezinsolo zokungaziphathi kahle ukwenza umfundi akwazi ukubona iseblakalo okukhulunywa ngaso kanye nokuphendula ngaso;
 - (b) ukwazisa umfundi ngendawo kanye nesikhathi sokulalelwie; kanye
 - (c) nokwazisa umfundi ngamalungelo akhe mayelana nalezizimiselo.

(4) Umkhandlu wesikole kumele unikezele ngesaziso ngokuchazwe ngaso esigatshaneni (2) kumfundu bese kunikezwa abazali bomfundu ikhophi.

(5) Umfundi angadinga ukuthi ukulalelwie kwenziwe ngelinje ilanga eliphambi kwalokho kunalelo elibekwe esazisweni ngokuthi anikwe izinsuku ezimbili zesikole ngokubhalwa phansi ngalolo lusuku alufunayo klinikwe uthishanhloko, okumele azise umkhandlu wesikole ngendlela eyiyo.

(6) Umfundi kumele ahambisane nomunye wabazali bakhe ekulalelwani ngaphandle uma eneminyaka engamashumi amabili nanye ubudala noma ngaphezulu kwalokho.

(7) Umfundi unelungelo lokumelwa ngabazali bakhe ekulalelwani okanye umfundi afunda naye ekulalelwani. Akukho muntu ongamelwa umfundi ekulalelwani.

(8) Ekuqaleni kokulalelwana uSihlalo Wekomiti Lokuqondisa kumele athole ukuthi ilungu lekomiti lokuqondisa, umfundi noma umzali wakhe okanye lowo ommele umfundi, uyakudinga yini ukuhunyushelwa.

(9) Ngaphambi kokufakaza kwanoma yimuphi ufakazi ekulalelwani, uSihlalo Wekomiti Lokuqondisa kumele athole ukuthi ufakazi uyadinga yini ukuhunyushelwa.

(10) Uma ilungu lekomiti lokuqondisa, umfundi, umzali wakhe noma lowo ommele okanye ufakazi edinga ukuhunyushelwa, ikomiti lokuqondisa ngeke liqhubeke nokulalela kuze kube umhumushi onohla yomunye umuntu.

(11) Umshushisi kumele aqalise nokulalelwana ngokuthi ethule icala elibekwe umfundi futhi achaze icala kumfundi.

(12) Usihlalo wekomiti lokuqondisa kumele abuze umfundi ukuthi uyalivuma yini noma uyaliphika njengoba libekiwe. Umfundi kumele aphendule kulokho. Uma umfundi ehluleka ukuphendula, umfundi kuyothathwa ngokuthi uphike icala.

(13) Uma umfundi elivuma icala, lenqubo elandelayo komele ilandelwe—

(a) Usihlalo kumele abuze umfundi ngokubhekisa ezinsolweni zamaphuzu avela ngokungaziphathi kahle njengoba kuchazwe ngumshushisi ukuze kwaneliseke ikomiti lokuqondisa ukuthi umfundi ngempela unecala.

(b) Uma ekubuzweni komfundi kuvela ukuthi udaba lwakhe luyehluka emaphuzwini abekwe ngumshushisi, noma uma usihlalo engenelisekile ukuthi umfundi unecala, usihlalo kumele aliphike icala ekutheni lenziwe ngumfundi.

(c) Uma ikomiti lokuqondisa, noma iningi lamalungu, laneliseka ukuthi umfundi unecala, ikomiti Lokuqondisa kumele lithole umfundi enecala.

(14) Uma umfundi eliphika icala—

(a) umshushisi angabiza ofakazi noma aveze noma yimuphi ufakazi mayelana nezinsolo ezibekwa umfundi;

(b) umfundi, noma lowo ommele, angabuza noma yimuphi ufakazi ahlole noma yibuphi ubufakazi obubekwe phambi komshushisi;

(c) emva kwabo bonke ubufakazi obethulwe ngomfundi, umfundi noma lowo ommele angabiza ofakazi noma ethule okanye ahlole obunye ubufakazi ukusekela ukuphika kwakhe icala;

(d) umshushisi angabuza noma yimuphi ufakazi abuye ahlole noma yibuphi ubufakazi obethulwe ngomfundi;

(e) ikomiti Lokuqondisa lingabuza noma yimuphi ufakazi okanye lihlole noma yibuphi ubufakazi noma nini;

(f) emva kwabo bonke ubufakazi obethuliwe, okokuqala umshushisi bese kuba umfundi noma lowo ommele angakhulum nekomiti lokuqondisa;

(g) ikomiti Lokuqondisa kumele emva kwalokho limise ukulalelwana isikhathi esithile kanye nosuku, ngaleso sikhathi sokumiswa ikomiti lokuqondisa kumele linqume ukuthi, ngokungenzeka, umfundi utholakale enecala abekwe lona; futhi

(h) ngesikhathi nangosuku oluchazwe esigabeni (g), ikomiti Lokuqondisa kumele lazise umfundi kanye nabazali bakhe noma abaphathi bakhe nalowo ommele ngokutholakele.

(15) Uma umfundi etholwa enecala, ikomiti lokuqondisa kumele, uma umfundi ekucela lokho, likhiphe elikutholile lazise isikole ngaphandle kokufakwa noma kufakwe igama lomfundi kuye ngokucelwa ngomfundi.

(16) Uma umfundi etholwa enecala, umshushisi kanye nomfundi noma lowo ommele, angethula ubufakazi phambi kwekomiti lokuqondisa maqondana nenhlawulo

efanele, okufaka ubufakazi besimo somfundi, irekhodi jikelele lokuziphatha kwakhe kwangesikhathi esedlule esikoleni, uhlobo kanye nobubi bokungaziphathi kahle okuyikho okuqulwa ngakho, kanye nokuba nentshisekelo yomphakathi.

(17) Emva kokubheka noma yibuphi ubufakazi obethulwe ngokuya kwsigatshana (16), ikomiti lokuqondisa kumele lethule; isigwebo kumfundi leso sigwebi esimiselwe ukwethulwa ngokuya ngomthetho kanye nalezizimiselo, futhi azise umfundi, abazali bakhe kanye nalowo ommele ngokuthi kubhalwe phansi.

(18) Uma ikomiti linquma ukuthi umfundi kumele axoshwe esikoleni, kumele lenze izincomo ngalokho zinikwe inhloko yomnyango futhi kumele limise umfundi esikoleni kuze kube izinqumo senhloko yomnyango ziyasho yini ukuthi umfundi axoshwe.

(19) Ukumiswa okwenziwe ngesigatshana (18) kusebenza ngaleso sikhathi ngaphandle uma inhloko yomnyango inquma ngenye indlela.

Eminye imihlinzeko ngokumisa njengendlela yokwakha isimilo

9. (1) Lapho Ikomiti Lokuqondisa libeka isigwebo kumfundi okungesokumiswa njengendlela yokwakha isimilo, kumele kubhalwe phansi—

- (a) kwaziswe umfundi, abazali bakhe kanye nalowo ommele kanye nothishanhloko ngesikhathi sokumiswa, esingeke sedlule esontweni elilodwa; futhi
- (b) kwaziswe umfundi kanye nabazali bakhe ngamalungelo abo okudlulisa icala elidluliselwa kwinhloko yomnyango ngokuphikisa okutholwe yikomiti lokuqondisa njengoba kubekwe kulesisimiso.

(2) Umfundi noma umzali wakhe angafaka isicelo sokudlulisa icala kwinhloko yomnyango ngokuphikisa—

- (a) noma yikuphi okutholiwe kokuthi unecala okutholwe yikomiti lokuqondisa mayelana nesigwebo sokumiswa njengendlela yokwakha isimilo ebekiwe; kanti
- (b) isigwebo sokumiswa njengendlela yokwakha isimilo esibekwe yikomiti lokuqondisa.

(3) Umfundi noma umzali wakhe okanye umphathi wakhe ofisa ukudlulisa icala noma ukubheka kabusha isinqumo njengokubekwa kwaso esigatshaneni (2) kumele, ezinsukwini eziyi 14 isaziso senziwe ngesinqumo ngokuya ngesigatshana (1), kwethulwe Isaziso sokudlulisa icala kuhlangene nezizathu zokulidulisa kuye kwinhloko yomnyango.

(4) Ngaphandle uma inhloko yomnyango ngesizathu esihle inquma okunye, ukufakwa kwesicelo sokudlulisa icala kuyosebenza esigwebeni sokumiswa esibekwe yikomiti lokuqondisa kuze kube inhloko yomnyango isithathe isinqumo ngesicelo sokudluliswa kwecala.

(5) Ezinsukwini ezintathu kutholwe isaziso sokudlulisa icala, inhloko yomnyango kumele yazise umshushisi kanye bekomiti lokuqondisa ngokufakwa kwesicelo sokudlulisa icala bese futhi ebanika ikhophi yaleso sicelo.

(6) Ezinsukwini ezinhlanu kutholwe isaziso sokudlulisa icala esivela kwinhloko yomnyango—

- (a) umshushisi uyokwethula kwinhloko yomnyangoimininingwane yobufakazi obethulwe ekulalelwani kanye nokutholiwe okwenziwe yikomiti lokuqondisa; kanti futhi
- (b) umshushisi kanye nekomiti lokuqondisa bangaphendula ngokubhala ngesicelo sokudlulisa icala futhi babeke izizathu zokuthi kungani isicelo singemukelwe.

(7) Inhloko yomyango kumele ibize umhlangano wokulalela isicelo ezinsukwini eziyi 14 kutholwe isicelo sokudluliswa kwecala.

(8) Ekulalelwani kwesicelo sokudluliswa kwecala umfundi noma lowo ommele kanye nomshushisi bayoba negunya lokukhulumna nenhloko yomnyango.

(9) Emva kokubheka isicelo inhloko yomnyango kumele—

- (a) isichithe isicelo;
- (b) ibeke kumfundu isigwebo esilula esivunywa ngumthetho wokuziphatha esikoleni nakulezizimiselo; okanye
- (c) athole umfundi engenacala;

futhi bazise umfundi abazali bakhe kanye nalowo ommele ngesinqumo.

(10) Isinqumo senhloko yomnyango mayelana nesicelo sokudluliswa kwecala siyoba ngujuqu.

Eminye imihlinzeko ngokuxosha

10. (1) Lapho ikomiti lokuqondisa ngokwesimiselo 8(18) simisa umfundi ekutheni afunde esikoleni ngenhoso yokumxosha okwenziwa yinhloko yomnyango, ikomiti lokuqondisa kumele—

- (a) lazise umfundi, umzali wakhe kanye nalowo ommele—
 - (i) ngokumiswa komfundu ekufundeni;
 - (ii) ngesizathu sokummisa, ikakhulu ekutheni udaba ludluliselwe kwinhloko yomnyango ngezincomo zokuthi umfundi axoshwe;
 - (iii) ukuthi ukumiswa kuyokwenzeka ngaleso sikhathi, kanti futhi kuyohlala kuze kube inhloko yomnyango isinqume ukuthi umfundi axoshwe yini noma cha; nokuthi
 - (iv) banelungelo ezinsukwini ezinhlanu lokuthi babbale bethule kwinhloko yomnyango imizwa ngokutholwe yikomiti lokuqondisa;
- (b) ukuqinisekisa ukuthi uma umfundi ehlala ngaphakathi ehositela, ususwa lapho ngabazali bakhe;
- (c) yeluleka uthishanhloko ukuthi ethule umbiko kwinhloko yomnyango mayelana nomfundu okungafaka lokhu okulandelayo—
 - (i) igama lomfundu eligcwele, usuku lokuzalwa, ibanga kanye nerekodi lakhe lezifundo;
 - (ii) ubufakazi obethuliwe kanye nokutholakale ekulalelwani;
 - (iii) irekhodi lomfundu lokuqondisa kwezigwegwe osekwdlula;
 - (iv) usuku lokumiswa kanye nobufakazi bokuthi ikomiti lokuqondisa lihambisene nesigatshana (a); kanye
 - (v) nezizathu zokuthi kungani engatholanga sigwebo kepha kube wukuxosha komfundu obekungaba gcono kulezizimo.

(2) Emva kokubheka umbiko ochazweesigatshaneni (1)(c) kanye nanoma yikuphi okwethuliwe okwenziwe ngumfundu noma umzali wakhe ezinsukwini ezinhlanu kwaziswe ngesinqumo sekomiti lokuqondisa, inhloko yomnyango kumele—

- (a) imxoshe umfundi;
- (b) ibeke kumfundu isigwebo esilula esivunywa ngumthetho wokuziphatha esikoleni nakulezizimiselo; okanye
- (c) ithole umfundi engenacala;

futhi bazise umfundi abazali bakhe kanye nalowo ommele ngesinqumo.

(3) Uma inhloko yomnyango imxosha umfundi, kumele yazise umfundi kanye nabazali bakhe ngokubabhalela ngamalungelo abo okuphikisana nesinqumo ngokuthi babhalele ophathiswe ezemfundo.

(4) Uma inhloko yomnyango ixosha umfundi osaphoqeletekwe ukuthi afunde ngokweminyaka yakhe, yena—

- (a) akaqinisekise ukuthi umfundi uyathathwa kwesinye isikole noma esikhungweni sokufunda kuso isifundazwe;
- (b) angadinga ukuthi umfundi ahambele ukwelulekwa; futhi
- (c) kumele athole umbiko wokuqhube ka kwakhe ekululekweni njengoba kuchazwe esigaben(b).

(5) Uma inhloko yomnyango ixosha umfundi ongaphoqeletwe ukufunda ngokweminyaka yakhe angaluleka ukuthi angabe esathathwa kwesinye isikole esisesifundazweni.

Ukuphikisa isinqumo seNhloko Yomnyango sokuxosha umfundi

11. (1) Umfundi noma umzali wakhe bangafaka isicelo kophathiswe ezemfundo bephikisa—

- (a) noma yikuphi okutholakele kokuthi unecala okutholwe yinhloko yomnyango mayelana nesigwebo sokuxoshwa esithathiwe;
- (b) isigwebo sokuxoshwa esithathwe yinhloko yomnyango; kanye
- (c) isinqumo esithathwe yinhloko yomnyango ngokwesimiselo 10(5).

(2) Umfundi noma umzali wakhe okanye umphathi wakhe ofisa ukudlulisa icala noma ukubheka kabusha isinqumo njengokubekwa kwaso esigatshaneni (1) kumele, ezinsukwini eziyi 14 isaziso senziwe ngesinqumo ngokuya ngesigatshana 10(2) ngesinqumo, kwethulwe Isaziso sokudlulisa icala kuLangene nezizathu zokulidlulisa kuye kophathiswe ezemfundo.

(3) Ngaphandle uma ophathiswe ezemfundo ngesizathu esihle inquma okunye, ukufakwa kwesicelo sokudlulisa icala ngeke kusebenze esigwebeni sokumiswa esibekwe yimhloko yomnyango.

(4) Ezinsukwini ezinhlanu kutholwe isaziso sokudlulisa icala, ophathiswe ezemfundo kumele azise inhloko yomnyango, umshushisi kanye bekomiti lokuqondisa ngokufakwa kwesicelo sokudlulisa icala bese futhi ebanika ikhophi yaleso sicelo.

(5) Ezinsukwini ezinhlanu kutholwe isaziso sokudlulisa icala esivela kophathiswe ezemfundo, umshushisi kanye nekomiti lokuqondisa bangaphendula ngokubhala ngesicelo sokudluliswa kwecala futhi babeke izizathu zokuthi kungani isicelo sichithwa.

(7) Ophathiswe ezemfundo kumele abize umhlangano wokulalela isicelo ezinsukwini eziyi 14 kutholwe isicelo sokudluliswa kwecala.

(8) Ekulalelwani kwesicelo sokudluliswa kwecala umfundi noma lowo ommele kanye nomshushisi bayoba negunya lokukhuluma nophathiswe ezemfundo.

- (9) Emva kokubheka isicelo ophathiswe ezemfundo kumele—

- (a) asichithe isicelo;
- (b) abeke kumfundu isigwebo esilula esivunywa ngumthetho wokuziphatha esikoleni nakulezizimiselo; okanye
- (c) athole umfundi engenacala;

futhi azise umfundi, abazali bakhe kanye nalowo ommele ngesinqumo.

(10) Isinqumo sophathiswe ezemfundo mayelana nesicelo sokudluliswa kwecala siyoba ngujuqu.

UHLELO 1

Umfundi uyoba necala lokungaziphathi kahle uma, ngenhoso nangokungahlonizi—

- (a) esabisa kabi, ephazamisa noma ethunaza ukufundisa nokufunda ekilasini;
- (b) ezihianganisa nezenzo zokuphazamisa ukusebenza okuyikho kwesikole ngokuhlanganyela nabanye;
- (c) elimaza isithunzi noma ehlambalaza ilungu labafundisayo;
- (d) ekhipha noma yokuphi kokuvivinya noma kokuhlolwa okungenza omunye umuntu azize ngokungafanele ekuvivionyweni noma ekuhlolweni;
- (e) ekopela ekuvivinyweni noma ekuhlolweni;
- (f) ezibandakanya nanoma yisiphi isenzo sokungahloniphi emphakathini;
- (g) ehlukumeza omunye umuntu ngokobulili;
- (h) etholakala ephethe noma enikezela ngezinto zabantu abanqunu; noma
- (i) etholakala edle amanzi amponjwana (ekhuze imoni).

UHLELO 2

Umfundi uyoba necala lokungaziphathi kahle uma e—

- (a) etholwe engaziphethe kahlenjengoba kuchazwe ohlelweni 1 emva kokutholakala enecala elifanayo noma elihambisana nokungaziphathi kahle ezikhathini ezimbili ezedlule;
- (b) ehluleka ukuhambisana nesigwebo sokumiswa njengendlela yokwakha isimilo; noma
- (c) ngenhloso nangokungenamahloni—
 - (i) ezakhela noma yimiphi imininingwane noma isignesha ngamandla noma ecindezela isikole;
 - (ii) ehweba, ethengisa noma yimaphi amaphepha esivivinyo noma okuhlolwa noma kuziphi izinto zokuvivinya noma zokuhlolwa;
 - (iii) noma yimiphi imizamo yokugwazela noma ukugwazela noma ngubani ngezinto ezithinta ukuvivinya noma ukuhlolwa ukwenza ukuthiyena noma omunye umuntu azuze ngokungafanele lapho;
 - (iv) ezihlanganisa nokukhwabanisa;
 - (v) ezihlanganisa nokweba, noma ezinye izenzo zokungathembeki zokucindezela omunye umuntu;
 - (vi) etholakala nokudliwayo, noma engene shi ezintweni ezisazidakamizwa;
 - (vii) etholakala nanoma yisiphi isikhali esilimazayo;
 - (viii) elimaza noma esabisa omunye umuntu ngokumlimaza;
 - (ix) ebambe omunye umuntu wamenza impango;
 - (x) ebulala omunye umuntu;
 - (xi) edlwengula noma ngubani; okanye
 - (xii) elimaza kabi impahla yomunye umuntu.



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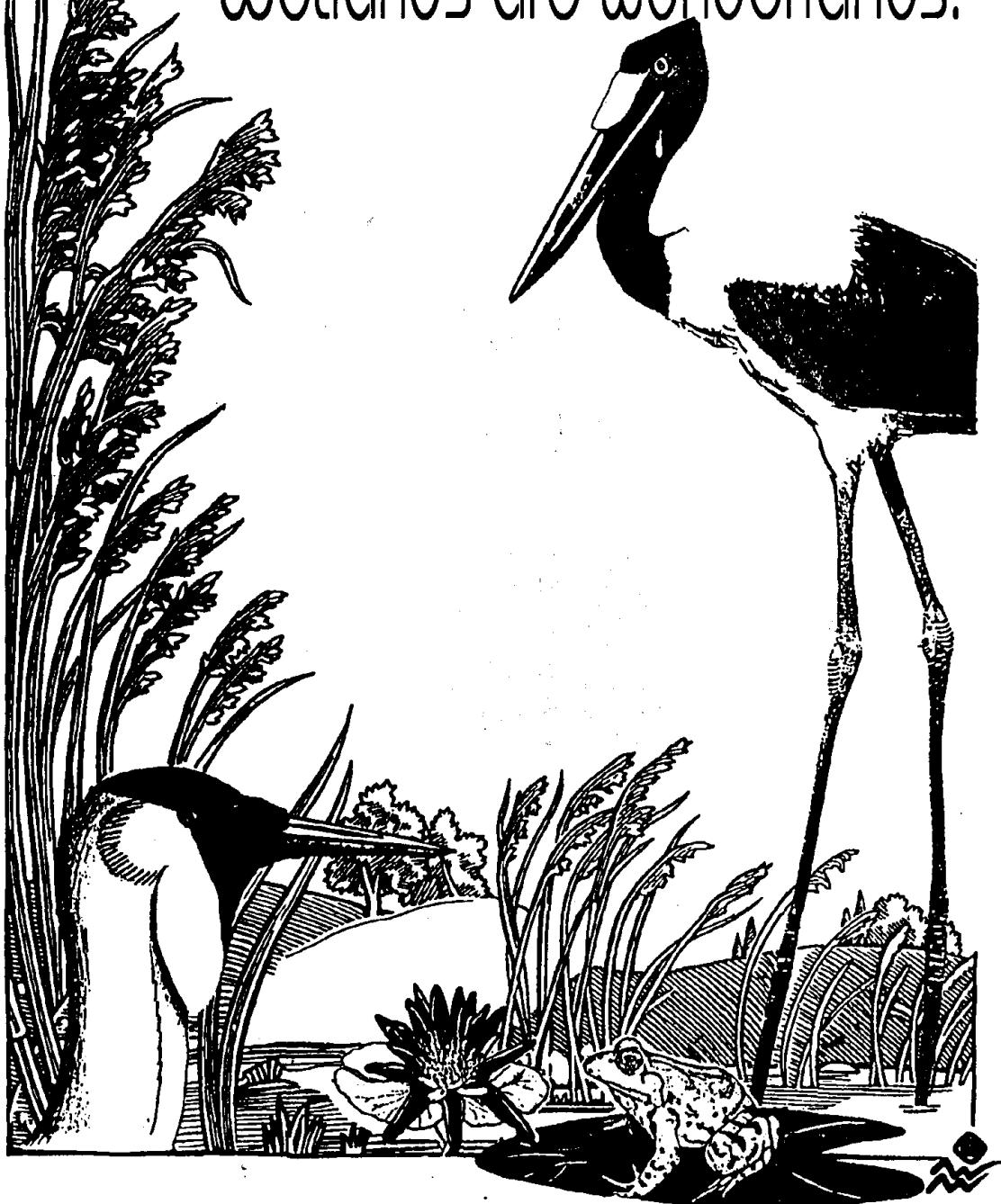
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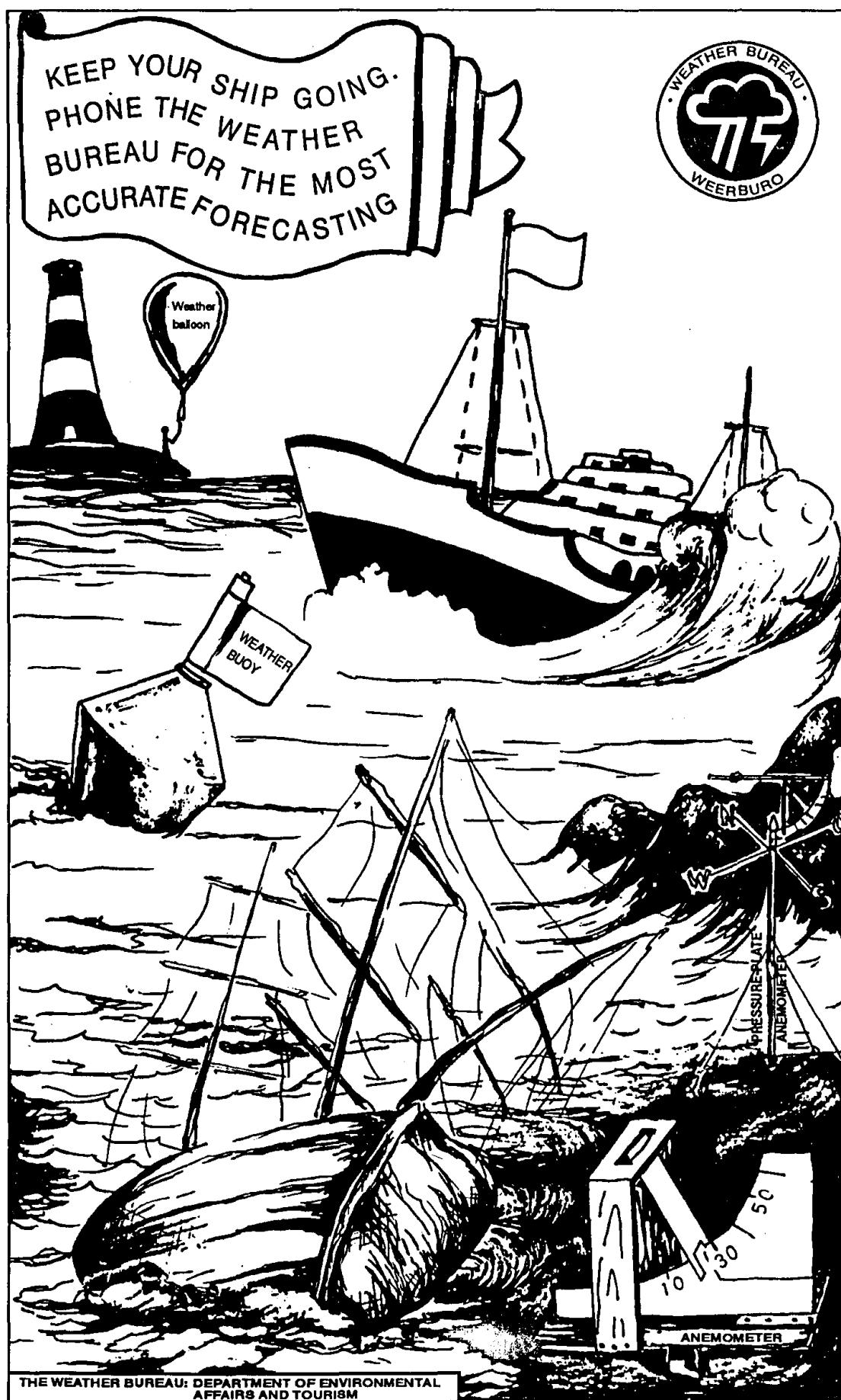
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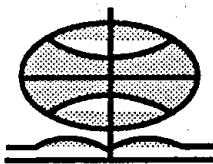




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