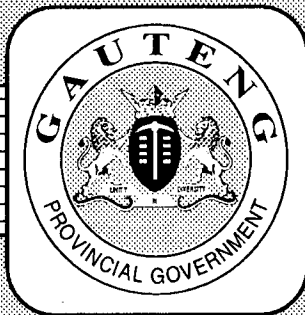


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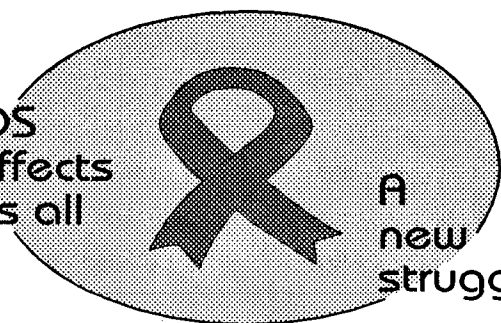
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PRETORIA, 7 JULY 2003
PRETORIA, 7 JULIE 2003

No. 263

We all have the power to prevent AIDS

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DEPARTMENT OF HEALTH



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GENERAL NOTICES

NOTICE 2138 OF 2003

GAUTENG DEPARTMENT OF EDUCATION

NOTICE TO DETERMINE THE CRITERIA FOR ELIGIBILITY, CONDITIONS, LEVEL AND MANNER OF PAYMENT OF ANY SUBSIDY TO AN INDEPENDENT SCHOOL, TO DETERMINE THE CONDITIONS UNDER WHICH THE HEAD OF DEPARTMENT MAY TERMINATE OR REDUCE A SUBSIDY, AND TO PROVIDE THE OWNER OF AN INDEPENDENT SCHOOL WITH THE RIGHT TO APPEAL AGAINST THE DECISION OF THE HEAD OF DEPARTMENT TO TERMINATE OR REDUCE A SUBSIDY.

4 JULY 2003

I, Ignatius Jacobs, Member of the Executive Council for Education in Gauteng, hereby publish this Notice for public comment, in terms of section 18 (1) of the Gauteng Education Policy Act (Act 12 of 1998), to give effect to section 50 (1) of the South African Schools Act 1996 (Act 84 of 1996), as amended.

Comments must reach Ms Tidimalo Nkotoe, Senior Manager of the General Education and Training Directorate of the Gauteng Department of Education, by no later than 16:00 on Friday 22 August 2003.

Ms Nkotoe's contact details are:

Office of the Senior Manager – General Education and Training

13th Floor

Gauteng Department of Education

111 Commissioner Street, Johannesburg, 2001

PO Box 7710, Johannesburg, 2000

Telephone (011) 355-0812

Facsimile (011) 355-0640

E-mail Tidimalon@gpg.gov.za or mmulem@gpg.gov.za.

Ignatius Jacobs

Member of the Executive Council for Education: Gauteng

4 July 2003

NOTICE 2139 OF 2003

GAUTENG DEPARTMENT OF EDUCATION

NOTICE TO DETERMINE THE CRITERIA FOR ELIGIBILITY, CONDITIONS, LEVEL AND MANNER OF PAYMENT OF ANY SUBSIDY TO AN INDEPENDENT SCHOOL, TO DETERMINE THE CONDITIONS UNDER WHICH THE HEAD OF DEPARTMENT MAY TERMINATE OR REDUCE A SUBSIDY, AND TO PROVIDE THE OWNER OF AN INDEPENDENT SCHOOL WITH THE RIGHT TO APPEAL AGAINST THE DECISION OF THE HEAD OF DEPARTMENT TO TERMINATE OR REDUCE A SUBSIDY.

4 JULY 2003

I, Ignatius Jacobs, Member of the Executive Council for Education in Gauteng, hereby publish this Notice to give effect to section 50 (1) of the South African Schools Act 1996 (Act 84 of 1996), as amended.

1. Definitions

(1) Subject to sub-section (2) and unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Act shall have the same meaning in this Notice.

(2) In this Notice, unless the context indicates otherwise, -

“**Act**” means the South African Schools Act No.84 of 1996, as amended;

“**application**” means an application to the Head of Department for the granting of a subsidy to an independent school in the prescribed manner;

“**Department**” means the Gauteng Department of Education;

“**Gauteng Act**” means the School Education Act (Act 6 of 1995) (Gauteng);

“**Head of Department**” means the Head of the Gauteng Department of Education;

“**independent school**” means an independent school as contemplated by the Act or a private school as contemplated by the Gauteng Act;

“**Province**” means the Province of Gauteng.

2. Purpose

The purpose of this Notice is to

(1) determine the criteria of eligibility and conditions for a subsidy;

- (2) determine the manner of payment of any subsidy to an independent school;
- (3) determine the conditions under which the Head of Department may terminate or reduce a subsidy; and
- (4) provide the owner of an independent school with the right to appeal against the decision of the Head of Department to terminate or reduce a subsidy.

3. Eligibility of an independent school for subsidy

An independent school is eligible for a state subsidy if it meets the following requirements:

- (1) The school is registered with the Department.
- (2) The admission policy of the school may not unfairly discriminate directly or indirectly on grounds of race.
- (3) The school must have been operational for at least one year.
- (4) The school may not be run for profit.
- (5) The school must, in the opinion of the Head of Department, have a proven record of successful management.
- (6) The school must consent to unannounced inspection visits by Gauteng Department of Education officials.
- (7) The school may not compete directly with a nearby uncrowded public school of equivalent quality.
- (8) If the school enrolls learners in the secondary schooling phase:-
 - (a) its grade 12 pass rate in the previous school year must have been 50% or more of the full-time candidates writing the examination ;
 - (b) a maximum of 20% of the Grade 11 learners at the school may be repeaters who were in grade 11 at the same school during the previous school year;
 - (c) a maximum of 20% of Grade 12 learners at the school may be repeaters who were in grade 12 at the same school during the previous school year; and
 - (d) it may not engage in practices that are calculated artificially to increase the school's grade 12 pass rate.

4. Application by Independent School for Subsidy

- (1) Subject to sub-section (2) below, an independent school requesting a subsidy must submit to the Department on or before 31 August of the year preceding the year in respect of which the subsidy is sought, a completed application form with copies of the following supporting documentation:
 - (a) the latest audited financial statement of the school;
 - (b) the admissions policy of the school;
 - (c) the school's admission register;
 - (d) reports of the most recent inspection visit by officials of the Gauteng Department of Education;
 - (e) documentary proof that the school is run on a not-for-profit basis; and
 - (f) a report of a situational analysis of the community the school intends to serve which indicates
 - (i) the need for the school; and
 - (ii) the quality and capacity of nearby public schools.
- (2) If an independent school has applied for a subsidy previously, it need not submit duplicate copies of the documentation, referred to in sub-sections (1)(b), (c) and (f) which it has previously submitted to the Department in support of its first application for a subsidy.
- (3) Application for a subsidy by an independent school for the subsequent year must be submitted to the Department on or before 28 February of the current year. No late application will be considered.
- (4) The Head of Department may refuse to accept an application for a subsidy if that application does not comply with the requirements of this Notice;
- (5) If an application for a subsidy does comply with the requirements of this Notice, the Head of Department must refer the application to the Member of the Executive Council who must consider the application and must grant or refuse the application on or before 31 March of the current year.

5. Manner of payment of any subsidy to an independent school

- (1) If the Member of the Executive Council decides to grant a subsidy to an independent school, he or she must do so subject to the following:
 - (a) The subsidy will be calculated on a per learner basis according to the verified enrolment in the school at the beginning of each term;

- (b) The level at which each learner is subsidized must be determined by the Member of the Executive Council with due regard to any applicable norms and minimum standards determined by the Minister in terms of section 48 (1) of the Act.
 - (2) The Department must pay the first term's subsidy no later than 1 April in each school year.
 - (3) The Department must pay subsequent subsidies no later than six weeks after the beginning of the school term to which the respective subsidies relates.
- 6. Conditions under which the Head of Department may terminate or reduce a subsidy**
- (1) The Head of Department may terminate or reduce a subsidy if, before the subsidy has been paid in full, the independent school contravenes any of the provisions of section 3.
 - (2) The Head of Department may not terminate or reduce a subsidy under sub-section (1) unless
 - (a) the owner of such independent school has been furnished with a notice of intention to terminate or reduce the subsidy and the reasons therefor;
 - (b) such owner has been granted an opportunity to make written representations as to why the subsidy should not be terminated or reduced; and
 - (c) any such representations received have been duly considered.
- 7. Right to appeal against the decision of the Head of Department to terminate or reduce a subsidy**
- (1) If the Head of Department decides to terminate or reduce a subsidy in terms of section 6(1), he or she must notify the independent school of his or decision and of the reasons for this decision.
 - (2) An independent school, which is aggrieved by the decision of the Head of the Department to terminate or reduce a subsidy in terms of section 6(1), may, within 30 days of receiving notice of such decision, appeal to the Member of the Executive Council in writing, setting out the grounds of the appeal.
 - (3) The Member of the Executive Council must consider the appeal and must confirm or set aside the decision of the Head of the Department within 30 days of receiving the appeal and must:
 - (a) notify the appellant of his or her decision; and

- (b) provide the appellant with written reasons for his or her decision.
 - (4) The decision of the Member of the Executive Council shall be final.
 - (5) Unless the Member of the Executive Council, on application by the independent school, rules otherwise, an appeal in terms of this Notice shall not alter the decision of the Head of Department in terms of section 6(1).
-