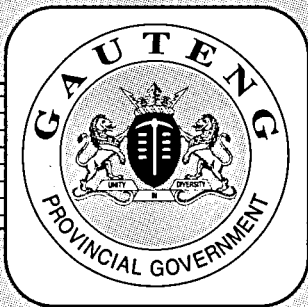


SA Schools Act · Notice

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

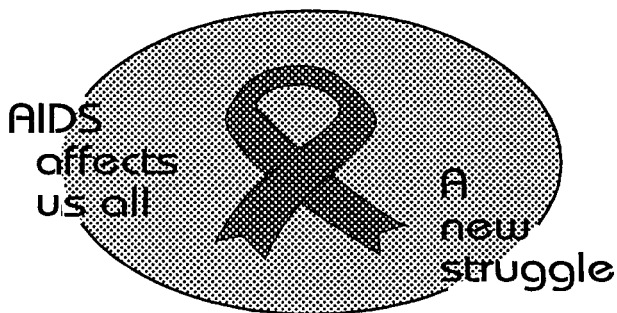
Selling price · Verkoopprys: **R2,50**
Other countries · Buitelands: **R3,25**

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PRETORIA, 7 JULY 2004
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No. 265

We all have the power to prevent AIDS



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DEPARTMENT OF HEALTH

Prevention is the cure



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GENERAL NOTICE

NOTICE 2147 OF 2004

SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)

NOTICE REGARDING SUBSIDISATION OF INDEPENDENT SCHOOLS

I, Angelina Motshekga, Member of the Executive Council for Education in Gauteng, acting under section 50 (1) of the South African Schools Act 1996 (Act 84 of 1996), hereby make the following determination in the Schedule:

Angelina Motshekga
Member of the Executive Council for Education
Date:

Schedule

Definitions

1. (1) Subject to sub-paragraph (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, 1996 (No.84 of 1996);

“Department” means the Gauteng Department of Education;

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

“management checklist” means the checklist of the Department which determines whether an independent school is able to manage public funding responsibly and includes indicators of sound management, proper admissions and attendance registers, fee payments and other financial records, as envisaged in the National Norms And Standards For School Funding published in Government Gazette No. 19347 on 12 October 1998.

Purpose

2. The purpose of this Notice is to:
 - (a) determine the criteria of eligibility and conditions for a subsidy;
 - (b) determine the manner of payment of any subsidy to an independent school;
 - (c) determine the conditions under which the Head of Department may terminate or reduce a subsidy; and
 - (d) provide for appeal against the decision of the Head of Department to terminate or reduce a subsidy.

Eligibility of an independent school for subsidy

3. The MEC may grant a state subsidy to an independent school if it meets each of the following requirements:
 - (a) The school is registered with the Department.
 - (b) The school must have been operational for at least one year.
 - (c) The Head of Department is satisfied that the school is not run for profit.
 - (d) The school, in the opinion of the Head of Department, complies with the requirements of the management checklist of the Department.
 - (e) The school consents to unannounced inspection visits by Departmental officials, or persons officially authorised by the Department, to ensure that the practices in the management checklist are being complied with.
 - (f) The school has not been established in direct competition with a nearby-uncrowded public school of equivalent quality.
 - (g) If the school enrolls learners in the secondary schooling phase: -
 - (i) its grade 12 pass rate in the previous school year must have been 50% or more of the full-time candidates writing the examination;
 - (ii) 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;
 - (iii) 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

- (iv) it may not engage in practices that are calculated artificially to increase the school's grade 12 pass rate.

Procedure for application for subsidy

- 4. (1) Subject to sub-paragraph (2), an independent school applying for a subsidy for the first time 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 relevant application form obtainable from the Department.
- (2) An independent school applying for a subsequent subsidy must submit to the Department on or before 28 February each year a completed relevant application form obtainable from the Department. No late application will be considered.

Manner of payment of a subsidy to an independent school

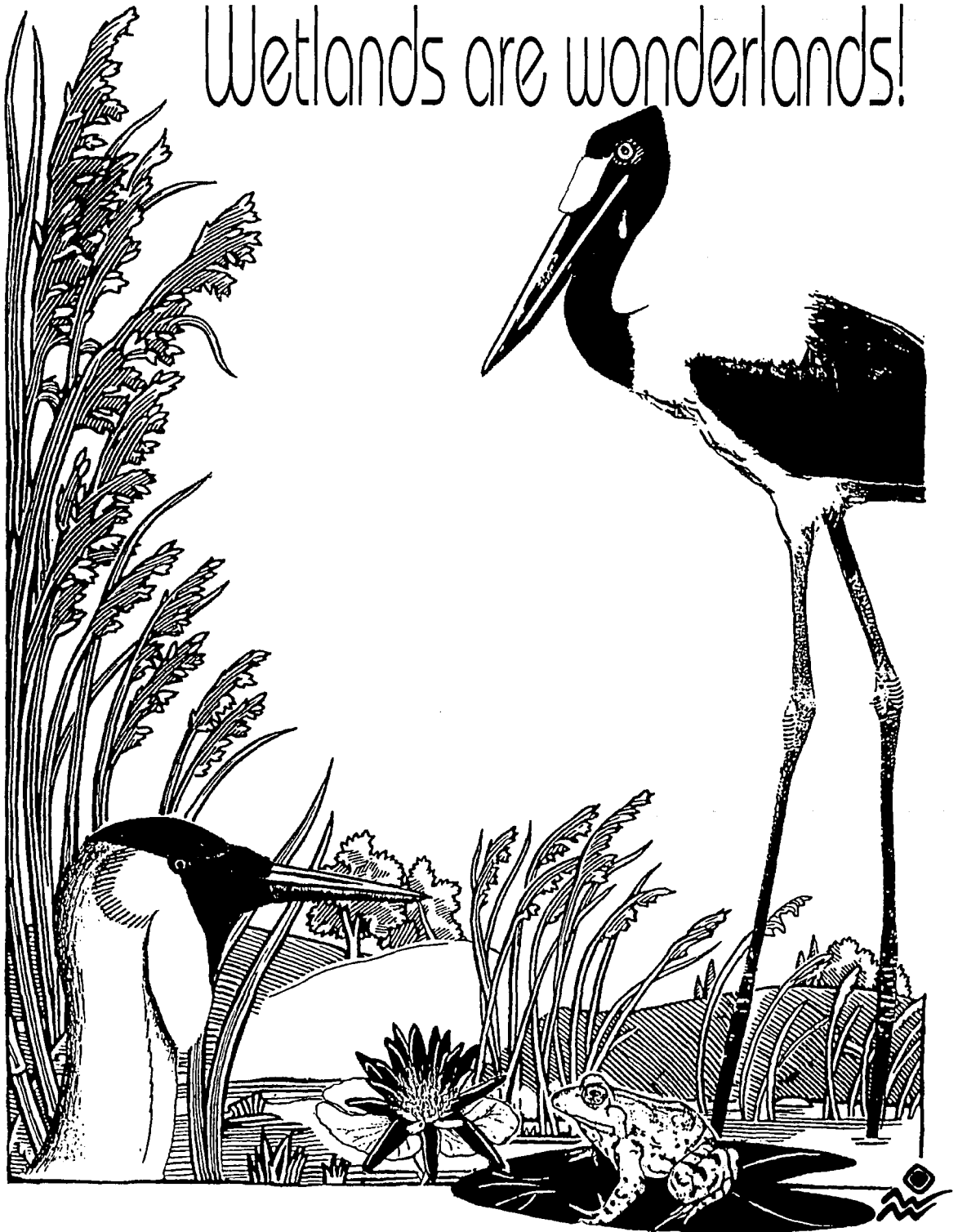
- 5. (1) If the Member of the Executive Council decides to grant a subsidy to an independent school, he or she must do so subject to the following:
 - (a) The subsidy will be calculated on a per learner basis according to the verified enrolment in the school at the beginning of each term;
 - (b) The 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.
- (3) The Department must pay subsequent subsidies no later than six weeks after the beginning of the school term to which the respective subsidies relate.

Appeal against the decision of the Head of Department to withdraw or reduce a subsidy

- 6. (1) An independent school, which is aggrieved by the decision of the Head of the Department to withdraw or reduce a subsidy in terms of section 48(5) of the Act, 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.

- (2) 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.
-

Wetlands are wonderlands!



Department of Environmental Affairs and Tourism

