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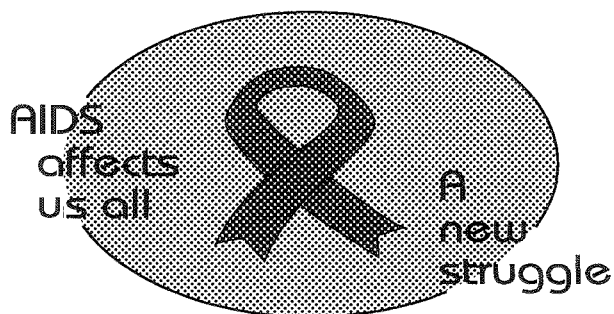
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PROVINCIAL NOTICE—PROVINSIALE KENNISGEWING—ISAZISO SESIFUNDAZWE

No. 19   **15 February 2012**

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

COMPOSITION AND ELECTION OF GOVERNING BODIES OF PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS

I, **EDWARD SENZO MCHUNU**, Member of the Executive Council, responsible for Education in the Province of KwaZulu-Natal, have determined matters relating to governing bodies in terms of sections 24 and 28 of the South African Schools Act, 1996 (Act No. 84 of 1996) as amended and as contemplated in this schedule.

SCHEDULE

Definitions

1. In this notice any word or expression to which a meaning has been assigned in the Act shall have that meaning unless the context indicates otherwise –

"**Act**" means the South African Schools Act, 1996 (Act No. 84 of 1996), as amended;

"**closed meeting**" means a meeting open only to –
    (a) parents for the election of parents;
    (b) educators for the election of educators;
    (c) non-educators for the election of non-educators; and
    (d) learners from the representative council of learners, if applicable.

"**co-opted members**" means members –
    (a) without voting powers co-opted for their expertise; and
    (b) with voting powers co-opted to replace departing members who have not completed their term of office;

"**day**" means calendar day;

"**Department**" means the KwaZulu-Natal Department of Education;

"**election day**" means a full day set aside by a school governing body for purposes of conducting elections of a school governing body instead of holding an election meeting;

"**election meeting**" means –
    (a) four separate election meetings held exclusively for the nomination and election of

parents only, educators only, non-educators only and learners from the representative council of learners only, as the case may be; and

(b) a by-election meeting.

"election monitors" means officers or stakeholders selected from the provincial or district electoral task team and approved by the Head of Department as observers, supervisors or overseers of the elections;

"expert" means a person who is skilled or has specialised skills in a field of special needs education;

"first meeting" means a meeting held exclusively for the election of office bearers;

"Head of Department" means the Head of the Department of Education in the Province of KwaZulu-Natal;

"Member of the Executive Council" means the Member of the Executive Council responsible for Education in the Province of KwaZulu-Natal;

"non-educator" means any person employed at the school other than an educator;

"owner" means the registered owner of a private property on which a school is situated in terms of section 14 of the Act;

"school" means a public school which enrols learners with special education needs in one or more grades from Grade R to Grade 12;

"school electoral officer" means a school principal, acting principal or an official not employed at the school and appointed by the Head of Department to conduct school governing body elections;

"sponsoring body" means a group of individuals or an organisation that provides on-going financial support to a school; and

"voter" means a parent in the parent component, an educator in the educator component, a non-educator in the non-educator component and a learner from the representative council of learners component, if applicable.

Membership of governing bodies

2. The governing body of special needs schools, unless otherwise indicated in Annexure A, must consist of –

(a) parents of learners enrolled at a school for which a governing body is being elected, comprising of one more parent than the combined total number of members with voting rights who are referred to in subclauses (b) to (j), unless otherwise directed by the Member of the Executive Council;

(b) one educator elected by the educators employed at the school concerned if there are four or less educators and two educators if there are five or more educators employed at the school concerned;

(c) one non-educator elected by non-educators employed at the school concerned;

(d) in the case of a school with learners in grade eight or higher, two learners elected from the representative council of learners enrolled at the school concerned, if applicable;

(e) one representative appointed by the sponsoring body or bodies financing the school irrespective of how many sponsoring bodies there are, if applicable;

(f) one representative, appointed by an organisation or organisations of parents of learners with special education needs irrespective of how many organisations there are, if applicable;

(g) one representative appointed by an organisation or organisations of relevant disabled persons irrespective of how many organisations of disabled persons there are, if applicable;

(h) one disabled person appointed by disabled persons within the community, if applicable;

(i) one expert appointed by experts in the field of special needs education if there are four or less experts and two experts if there are five or more experts in attendance at the meeting called by the electoral officer;

(j) the owner of private property on which a public school is situated, if applicable; and

(k) the principal of the school in his or her official capacity.

Term of office

3.(1) A governing body is elected for a period of three years unless otherwise directed by the Member of the Executive Council.

(2) The Member of the Executive Council shall determine the term of office and the election period for all schools.

(3) If the governing body has –

(a) six months or less before the expiry of its term of office, the Member of the Executive Council may, on reasonable grounds and notwithstanding such period, direct that elections be held on a date determined by him or her; or

(b) more than six months before the expiry of its term of office, the Member of the Executive Council may, on reasonable grounds and after consultation with the governing body concerned, determine a date when elections shall be held, notwithstanding the unexpired period of its term of office.

(4) Subject to clauses 3(3) and 4(2), all members, excluding learners elected from a representative council of learners in terms of clause 2(d), are elected for a term of three years.

(5) The term of office of a governing body member who is a learner elected in terms of clause 2(d) is one year.

(6) A member of a governing body holds office until the expiry of the term of office of the governing body subject to clauses (3), (4) and (19).

(7) Should the Head of Department determine on reasonable grounds that a governing body has ceased to perform its allocated functions in terms of the Act or has failed to perform one or more of such functions, the Head of Department may withdraw its functions and –

(a) appoint sufficient persons to carry out all such functions or one or more of such functions of the governing body for a period not exceeding three months;

(b) may extend the period referred to in subclause 3(7)(a) for periods not exceeding three months at a time which combined period shall not exceed one year; and

(c) must ensure that a governing body is elected within one year after the appointment of the person referred to in subclause 3(7)(a).

(8) Subject to clause 4, a member of a governing body may be re-elected or co-opted, as the case may be, after the expiry of his or her term of office.

Composition and eligibility

4.(1) The following shall be eligible for election as members of a governing body –

(a) parents of learners at the school, if reasonably practicable;

(b) educators at the school;

(c) non-educators at the school; and

(d) learners from the representative council of learners attending grade eight or higher at the school, if applicable.

(2) The following shall be eligible for appointment as members of a governing body –

(a) representatives of a sponsoring body or bodies, if applicable;

(b) representatives of an organisation or organisations of parents of learners with special education needs, if applicable;

(c) representatives of organisations of disabled persons, if applicable;

(d) one disabled person appointed by disabled persons within the community, if applicable; and

(e) one expert in an appropriate field of special needs education.

(3) No person may be elected as a member of a governing body if he or she –

(a) has been convicted of an offence and sentenced to more than 12 months' imprisonment without the option of a fine either in the Republic or outside the Republic if the conduct constituting the offence would have been an offence in the Republic, provided no one may be regarded as having been sentenced until –

(i) an appeal against the conviction or sentence has been determined; or

(ii) the time for an appeal has expired,

provided that a disqualification under this paragraph ends five years after the sentence has been completed;

(b) is of unsound mind and has been declared so by a competent court;

(c) is an unrehabilitated insolvent;

(d) is a parent but not a South African citizen and not in possession of a permanent resident permit unless permitted by the Head of Department;

(e) is a parent but no longer has a child enrolled at the school;

(f) is a learner who is not a member of the representative council of learners, where applicable; or

(h) has been found guilty of serious misconduct in a disciplinary hearing.

(4) A member vacates his or her office if he or she –

(a) does not meet the requirements set out in clause 4(1) and (2);

(b) resigns or his membership has been terminated;

(c) is a member elected in terms of clause 2(a) and no longer has a child enrolled as a learner at the school;

(d) is a member elected in terms of clause 2(b) or (c) and his or her employment is terminated, or he or she is transferred or seconded away from the school;

(e) is deceased;

(f) is a member elected in terms of clause 2(d) and he or she no longer attends the school or child- and youth care centre concerned;

(g) has been absent without prior written apology from two consecutive ordinary meetings of the governing body;

(h) is no longer a member of the representative council of learners; or

(i) has been found guilty of serious misconduct in a disciplinary hearing.

Appointment of provincial electoral officers

5.(1) The Head of Department must appoint, in writing, a provincial electoral officer, a deputy provincial electoral officer and assistant electoral officers.

(2) The provincial electoral officer must –

    (a) ensure that there is adequate publicity of the election;

    (b) administer the appointment of one or more officers in the service of the Department to assist during the election as assistant provincial electoral officers;

    (c) ensure that there is compliance with legislation in respect of the elections;

    (d) compile an election schedule for all schools in the Province;

    (e) monitor the induction of newly-elected governing body members; and

    (f) conduct investigations as directed by the Head of the Department.

(3) The deputy provincial electoral officer and the assistant provincial electoral officers assist the provincial electoral officer in the performance of his or her functions.

Appointment of district electoral officers

6. (1) The Head of Department must appoint, in writing, a district electoral officer, a deputy district electoral officer and assistant district electoral officers.

(2) The district electoral officer must –

    (a) administer the appointment of one or more officers in the service of the Department to assist during the election as assistant district electoral officer;

    (b) administer the appointment of school electoral officers;

    (c) publicise an election schedule for all schools in the district;

    (d) ensure compliance with the election process;

    (e) ensure that every school has a valid voters' roll;

    (f) develop and administer the database of all newly elected governing body members in the districts and make the data available to the Department;

    (g) ensure that the newly elected governing body members are inducted within three months of being elected; and

    (h) resolve disputes relating to the school governing elections as contemplated in clause 17.

(3) The deputy district electoral officer and the assistant district electoral officers will assist the district electoral officer in the performance of his or her functions.

(4) The deputy district electoral officer and assistant district electoral officers may supply advice to the district electoral officer on any issue relating to the elections.

Appointment of school electoral officers

7.(1) The Head of Department must appoint, in writing, an officer of the Department as the school electoral officer for the election of parents, educators, non-educators and for learners from the representative council of learners as members of a governing body.

(2) A principal shall not be appointed as the school electoral officer in a school where he or she is employed.

(3) The school electoral officer must appoint, in writing, one or more officers or educators in the service of the Department or employed by the school governing body to assist during the elections as assistant electoral officers.

(4) The school electoral officer shall preside over all election meetings including by-elections and elections for office bearers for the duration of the term of the elected school governing body.

(5) The school electoral officer and the assistant school electoral officer shall not be a candidate, a proposer or seconder of a candidate.

Oath or affirmation of confidentiality

8. All electoral officers must sign an oath or affirmation of confidentiality in a form determined by the Head of Department before he or she performs the functions of an electoral officer.

Notice of an election meeting

9.(1) The principal of a school that holds an election meeting must –

      (a) determine a date, time and place for the election meeting; and

      (b) prepare a notice setting out the date, time and place of the election meeting.

(2) At least 21 days prior to the date of the election meeting, the principal must –

      (a) hand a copy of the notice of the election meeting to every learner at the school with an oral instruction to the learners to hand the notice to their parents; or

(b) send a copy of the notice to the parents by post; and

(c) hand a copy of the notice to the educators and non-educators;

(d) cause a copy of the notice to be posted in a conspicuous place at the school concerned and at any other suitable and prominent place; and

(e) hand a copy to each member of the representative council of learners.

(3) In case of a new school, the election meeting must be held within 60 days of the establishment of the school or centre.

Voters' roll

10.(1) The principal must prepare a separate voters' roll for –

(a) parents;

(b) educators;

(c) non-educators; and

(d) learners from the representative council of learners.

(2) The principal must prepare the voters' role by using the –

(a) learner admission book for parents;

(b) time book for educators;

(c) time book for non-educators; and

(d) learners' attendance register for the election of learners.

(3) The principal must, at least 21 days prior to the election meeting, cause a letter and the form approved by the Department to be sent with the learners to the parents for the purpose of inviting parents to update their information at the school.

(4) At least 14 days prior to the election meeting, the principal must allow potential voters to inspect the voters' roll.

(5) Any complaint relating to the voters' roll must be referred to the principal at least seven days prior to the election date.

Election meetings

11.(1) Unless there are compelling reasons not to, all schools must hold governing body elections through an election meeting and separate election meetings must be held for –

(a) parents;

(b) educators;

(c) non-educators; and

(d) learners from the representative council of learners.

(2) The school electoral officer must appoint an assistant school electoral officer to act as secretary to the meetings and to record the minutes of the proceedings.

(3) Except for election monitors and the assistant school electoral officer, the school electoral officer must not allow any person who is not qualified as a voter to attend a meeting or allow the election of a person who is not qualified as a candidate in terms of clause 4.

(4) The school electoral officer must request voters to provide proof of identification in the form of a South African identity document or a valid passport.

(5) Before proceeding with the election of members of a governing body, the school electoral officer must direct the attention of voters to the following –

(a) that the term of office of the current school governing body has expired and members have been notified officially;

(b) that the election meeting is a closed meeting;

(c) the provisions of clause 4, which render a person ineligible for membership to a governing body;

(d) the number of persons to be elected;

(e) every nomination must be seconded by a parent, educator, non-educator or a learner of the representative council of learners, as the case may be, who is entitled to vote;

(f) that during nominations, voters must take into account representativity and must ensure that nominations are representative of gender and race and must include nominations of persons with disabilities;

(g) that a voter has one vote for each vacancy to be filled;

(h) that voting is by secret ballot; and

(i) that a grievance procedure exists for those dissatisfied with the election process or outcome.

Quorum for an election meeting

12.(1) A quorum of 15 percent of voters on the voters' roll must be constituted prior to any election being held.

(2) If a quorum referred to in subclause (1) is not constituted, the meeting must be adjourned for at least 14 days but not more than 21 days.

(3) In the event of an adjourned meeting as contemplated in clause 12(2), the school electoral officer must, on the date of the subsequent meeting, proceed with the elections irrespective of whether a quorum is constituted or not.

Nominations for an election meeting

13.(1) The school electoral officer of a school that holds an election meeting must –

> (a) determine the time for nominations;
>
> (b) allow sufficient time for nomination of candidates during the nomination phase; and
>
> (c) inform the voters of the time allocated.

(2) A person may be nominated in absentia, provided that the –

> (a) proposer and seconder of the nominated person are present at the meeting; and
>
> (b) nominated person sends written confirmation of acceptance of nomination.

(3) At the election meeting, a candidate may be nominated in writing or verbally by –

> (a) a parent of a learner enrolled at the school for a vacancy in terms of clause 2(a);
>
> (b) an educator employed at the school concerned for a vacancy in terms of clause 2(b);
>
> (c) a non-educator employed at the school concerned for a vacancy in terms of clause 2(c); or
>
> (d) a learner from the representative council of learners in terms of clause 2(d),

provided that another parent, educator, non-educator or a learner from the representative council of learners, as the case may be, seconds the proposal and the person nominated indicates to the meeting verbally, or in writing, if he or she is absent, that he or she is prepared to serve as a member of the governing body, if elected.

(4) Despite a list of nominees having been compiled prior to the election meeting, the school electoral officer must allow for verbal nomination of candidates and must allocate sufficient time for the verbal nominations.

(5) The proposer and the seconder of a candidate must be in attendance at an election meeting and must complete a nomination form.

(6) A school electoral officer must allow –

> (a) a person who nominated a candidate an opportunity to introduce the candidate to the meeting and give reasons for the nomination; or
>
> (b) a nominated candidate to introduce himself or herself to the meeting.

(7) During the nominations, the school electoral officer must consider the nominations and reject the nomination of any candidate who –

        (a) has not been nominated in accordance with subclauses 13(2) and (3); or

        (b) is ineligible in terms of clause 4.

(8) If the number of persons nominated exceeds the number of vacancies, the school electoral officer must, immediately after the closing of the nominations, write down the names of the candidates on a suitable board or any other surface that is clear and visible to everyone in attendance at the meeting.

(9) If the number of persons nominated is equal to the number of vacancies the school electoral officer must declare the nominated persons duly elected.

(10) The nomination process shall be closed by the school electoral officer.

Voting at the election meeting

14.(1) Each voter has one vote for each vacant position to be filled on the governing body.

(2) The school electoral officer must request the voters present to mark with a cross (x) against the names of the candidates preferred by them on the ballot papers provided by the school electoral officer.

(3) A person who is unable to mark his or her vote on the ballot paper as contemplated in clause 14(2) may make a verbal request for assistance to the school electoral officer or to the assistant school electoral officer to mark, next to the appropriate candidate, his or her vote on the ballot paper.

(4) The school electoral officer shall assist any disabled person.

(5) The request for assistance and the completion of the ballot paper as contemplated in clause 14(3) shall be made in private in an area identified by the school electoral officer for that purpose but within the area in which the voting is taking place.

(6) The school electoral officer must reject ballot papers with –

        (a) more crosses (x) than the number of vacancies on the governing body; or

        (b) the name of a person or persons not nominated.

(7) After all the voters have cast their votes, the school electoral officer and the assistant school electoral officers must count the votes in the presence of three observers appointed by those attending the meeting to observe the counting process.

(8) In the case of a tie between candidates after two voting sessions, the school electoral officer must break the deadlock by tossing a coin and the winner shall be determined in terms of heads or tails.

(9) The school electoral officer must announce the result during the election meeting and declare the candidates who secured the most votes as the elected members of the governing body.

(10) The number of votes a person secures in the election shall not be used to determine the outcome of the election of office bearers.

Appointment of members

15.(1) The principal must, 21 days before the election date, send a written invitation to –

       (a) the sponsoring bodies;

       (b) organisations for disabled persons;

       (c) disabled persons within the community;

       (d) experts; and

       (e) each organisation which is entitled to representation on a governing body in terms of clause 4(2),

inviting them to attend a meeting to appoint representative members in accordance with clause 2(e) to (i).

(2) The school electoral officer must chair the meeting and conduct the proceedings at the meeting referred to in subclause 15(1).

(3) At the meeting, the school electoral officer must direct that the different categories referred to in subclause 15(1) must appoint representatives in writing from amongst themselves and must furnish full particulars of the appointed person or persons including their names, addresses, contact numbers and e-mail addresses.

(4) The meeting referred to in subclause 15(1) must precede the parents' election meeting.

(5) On receipt of the names of the appointees in subclause 15(1), and after satisfying himself or herself that an appointee has accepted appointment as a member of a governing body, the school electoral officer must, forthwith and in writing, inform each appointee of his or her appointment as a member of the governing body.

Election of office bearers

16.(1) The school electoral officer may, on the day of the parent election meeting, convene a meeting solely for the purpose of electing office bearers if –

(a) the elections of educators, non-educators and learners have taken place prior to the parent election;

(b) the 21 days notice, as contemplated in clause 9(2), was issued to parents, educators, non-educators and learners from the representative council of learners informing them that the meeting for the election of office bearers would take place on the day of the parents' election; and

(c) the quorum requirements at the meeting have been complied with.

(2) Should the meeting to elect office bearers not be held as contemplated in clause 16(1), the school electoral officer must convene the first meeting of the governing body within 21 days of the date of the parents' election meeting.

(3) The school electoral officer presides over any meeting convened for election of office bearers.

(4) At the first meeting of a governing body, the members must elect, by secret ballot –

(a) a chairperson;

(b) a deputy chairperson;

(c) a treasurer; and

(d) a secretary.

(5) Any member of the governing body elected from the categories of persons referred to in clause 2 (a), (e), (f), (g), (h) and (i) may serve as the chairperson of the governing body.

(6) The term of office of office bearers is one year.

(7) The principal may designate a member of his or her staff to assist the treasurer and secretary of the governing body.

(8) Where, for any reason, the office of one of the office bearers becomes vacant, the governing body, at the first meeting after the vacancy has occurred, must elect one of its members to fill the vacancy for the unexpired period of his or her predecessor.

(9) An office bearer may be re-elected after the expiry of the term of office.

(10) The principal must, within 14 days after the election, inform the Head of Department of any change in office bearers and must provide him or her with the details of the new office bearers

including names, identity numbers, telephone- or cellular phone numbers, fax numbers, addresses and email addresses, as applicable.

(11) Within 14 days of the election the outgoing office bearers of the school governing body must hand over to the newly-elected office bearers all documents relating to the school governing body and an approved handover certificate must be issued and signed by both chairpersons.

Dispute resolution

17.(1) A voter, or a person who was a candidate in a governing body election, may lodge his or her complaint or grievance, in writing, with the district electoral officer within seven days of the election meeting if the prescribed procedures were not followed during the election meeting.

(2) Any person who has any knowledge or information of any irregularities relating to the elections may, within seven days of the election, inform the district electoral officer, in writing, of the irregularities.

(3) Upon receipt of the complaint, grievance or information of any irregularities, the district electoral officer must appoint the deputy or assistant district electoral officer to conduct an investigation and make a recommendation to him or her.

(4) The district electoral officer may, after investigation, declare an election invalid and may call for re-election if he or she is satisfied that –

        (a) the prescribed procedures were not followed;

        (b) irregularities were committed during the election process; and

        (c) the outcome of the election would have been different had the prescribed procedures been followed.

(5) Any person aggrieved by the decision of the district electoral officer may appeal against such decision to the Head of Department within 14 days of receipt of the decision of the district electoral officer.

(6) The Head of Department must –

        (a) refer the appeal to the provincial electoral officer within seven days of receipt of the appeal ;

        (b) request the provincial electoral officer to investigate and prepare a report with recommendations within 14 days of the appeal being referred to the provincial electoral officer; and

(c) consider the report referred to in clause 6(b), make a finding and communicate his or her decision in writing to the appellant and to the district electoral officer within 14 days of receiving the report from the provincial electoral officer.

(7) The decision of the Head of Department shall be final.

(8) Pending the outcome of the dispute, the Head of Department may appoint sufficient persons to perform the functions of the governing body for a period not exceeding three months.

Procedure after the election

18.(1) After the election of members of a governing body, the school electoral officer must –

(a) notify each elected member, in writing, of his or her election and notification may be sent by fax, post, e-mail or may be hand delivered;

(b) notify the district electoral officer, in writing, of the details of the election including the date of election, names, identity numbers, telephone numbers, fax numbers and addresses of all elected members;

- (c) place all documents, including ballot papers used at such elections in envelopes, seal the envelopes and keep the envelopes in safe custody for the duration of the term of office of the governing body; and

(d) within five days after an election, hand over to the school principal all the documents relating to the election for safekeeping.

By-election

19.(1) If a vacancy arises as a result of the departure of any member of a governing body before the expiry of the governing body's term of office or the member's term of office, the school electoral officer must officiate at the election of a new member to replace the departing member.

(2) If a vacancy or vacancies arise more than six months before the expiry of the term of office of a governing body, the school electoral officer must conduct a by-election following the procedures as set out in clause 9 to 14.

(3) The school electoral officer shall arrange an election meeting within 90 days of a vacancy arising and, pending the by-election, the governing body may co-opt members.

(4) If a vacancy arises less than six months before the expiry of the term of office of a governing body as a result of the departure of a member –

(a) the remaining members must co-opt, by majority vote, a person or persons to fill the vacancy or vacancies for the remainder of the period of office of the governing body; and

(b) the parent, educator, non-educator and learner component must recommend names of at least three eligible persons who can be co-opted into the governing body and the governing body must co-opt from the recommended names.

(5) A co-opted member referred to in subclauses (3) and (4) assumes the voting rights of the departing member, if any.

Governing body serving two or more schools

20.(1) A governing body which governs two or more schools must consist of the following members –

(a) parents elected by parents of learners enrolled at each of the schools for which a governing body is being elected, comprising one more parent than the combined total number of representatives elected to the governing body;

(b) one educator elected by the educators employed at the each of the schools for which a governing body is being elected;

(c) one non-educator elected by the non-educators employed at each of the schools for which a governing body is being elected;

(d) two learners elected from amongst the learners of the representative council of learners in each of the schools with grade eight or higher, where applicable;

(e) the principal of each of the schools, in his or her official capacity;

(f) co-opted members, if any; and

(g) appointed members, as contemplated in clauses 4(2) and 15.

(2) The number of persons co-opted in clause 21(1)(f) may not exceed five.

(3) The election of office bearers of a school governing body which governs two or more schools must be presided over by the school electoral officer of the governing school.

(4) The school electoral officer must convene a meeting for the election of office bearers 21 days after the last school (of the member schools) has held its parents' election meeting.

(5) All matters pertaining to election of a school governing body as contained in this notice, shall apply to a school governing body which governs two or more schools.

Election Day

21.(1)A school may, by resolution of its governing body, opt to hold elections on an election day instead of holding an election meeting, if there are compelling reasons.

(2) Where a school governing body opts for an election day, the principal of the school must –

(a) at least 21 days prior to sending out a notice of the election apply, in writing, to the district electoral officer for permission to have an election day;

(b) provide compelling reasons for opting for a full day's election instead of an election meeting;

(c) provide proof of the availability of monitors and an electoral team during the entire election day;

(d) provide proof of the availability of resources to carry out the nomination process and election process; and

(e) provide proof that the teaching and learning process at the school will not be interrupted or interfered with due to the full day's election.

(3) Before granting written permission for a full day's election to any school, a district electoral officer must bear in mind the provisions of clause 21(2) and must satisfy him- or herself that the requirements thereof have been met by the school.

(4) The decision of the district electoral officer must be communicated to the school within 14 days from the date of the application.

(4) The school electoral officer must, before the election day, ensure that –

    (a) the school has obtained written approval from the district electoral office to conduct a day election;

    (b) a programme is in place for the full day's election;

    (c) all nominees have sent their profiles to the school and the profiles are ready to be posted outside the voting station;

    (d) the closing time will allow observers as well as the electoral team to travel back home safely;

    (e) at the closing time, the school has someone available on the spot for the safekeeping of all documents used for the elections.

Nominations for the election day

22.(1) Schools that opt to have an election day instead of an election meeting must follow the following nomination process –

    (a) the school electoral officer must prepare notices of the nomination meeting and must indicate the date, place and time of the nomination meeting; and

    (b) the notice of the nomination meeting for parents should be distributed and displayed in prominent places at the school and in the community at least 21 days prior to the date of the election day.

(2) The Principal must ensure that –

(a) a hard copy of the notice of the nomination meeting and the nomination form is handed to every learner at least 21 days prior to the proposed election day, with a verbal instruction to hand the notice and the form to their parents;

(b) alternatively, a copy of the notice and the nomination form must be sent to the parents of every learner by post at least 21 days prior to the date of the election day; or

(c) a combination of the two notification methods is used, provided that parents and members of the community are not disadvantaged; and

(d) the notice and the nomination form must, where possible, be in the school's language of instruction and in the home language(s) of the learners to ensure maximum participation.

(3) The notice must inform the parents that the nomination form should be completed and signed by the candidate, the proposer and the seconder and returned to the school 14 days before the nomination meeting and must include the profile contemplated in clause 22(6).

(4) During the nomination meeting, the school electoral officer must adhere to the nomination process contemplated in clause 13(1), (2), (3) and (4).

(5) A candidate may only be nominated and seconded by a person belonging to the same representative membership category to which the candidate belongs.

(6) The school electoral officer must ensure that any person who is eligible to be nominated and wants to be nominated, is free to participate in the nomination process and any such person must submit –

(a) their profiles, stating his or her surname and name;

(b) the names and grades of his or her children in the school;

(c) his or her occupation and experience or skills;

(d) a statement that indicates that he or she qualifies to be member of a governing body as contemplated in clause 4; and

(e) his or her brief statement stipulating the vision for the school.

(7) At the nomination meeting the school electoral officer must request for profiles from all the nominees.

(8) After the nominations, the school electoral officer must consider the nominations and reject the nomination of any candidate who –

(a) has not been nominated;

(b)is not eligible to be elected; and

(c) has not completed and submitted the nomination form and profile as required.

(9) If the total number of nominees is less than the number of members required in the governing body, a notice must be sent to parents and more nominees' names be requested.

(10) If the number of nominees is equal to the number of members required in the governing body, the school electoral officer must declare all the nominees as duly elected members and indicate that an election day will no longer be necessary.

(11) The principal must, within seven days after the nomination process, notify parents in writing of the election outcome and inform parents that an election day will no longer be necessary as contemplated in this clause.

(12) If the number of nominees is more than the number of members required in a governing body, the principal must inform the parents in writing about the names and profiles of the candidates whose nominations have been accepted and an election day by secret ballot must take place.

(13) The principal must make the nominees' profiles available to the parents at least seven days prior to the election day.

(14) No person shall make attempts to organise the nomination process in such a way that only the required number of members is nominated in order to avoid the election process and any such attempt shall be deemed to be an election irregularity as contemplated in clause 17.

Voting on the election day

23.(1) Voting shall be by secret ballot and the following voting process must apply –

    (a) all eligible voters whose names appear on the voters' roll are located and marked off the roll in 100% of cases;

    (b) an eligible voter who complies with all requirements and does not require any assistance must, where possible, be processed within five minutes or less through the entire voting process;

    (c) voters who require special attention, such as the elderly, disabled, or pregnant women, are assisted without prejudicing other voters;

    (d) voters whose names do not appear on the voters' roll for that school will not be allowed to vote;

    (e) all the voting integrity tasks are performed for each eligible voter who has visited the station (i.e. a voter's name is marked off the voters' roll);

    (f) no voters who fail any of the voting integrity checks are allowed to vote;

    (g) all voters are issued with the correct ballot papers;

    (h) complaints or objections regarding the assistance given to illiterate voters or voters with visual impairment are attended to promptly;

(i) the electoral process and personnel are monitored in a manner that provides sufficient information for recordkeeping and to allow for timely interventions when required;

(j) objections from voters are recorded and decided in line with the dispute process;

(k) interactions with voters, personnel, and any other role-players are inclusive, non-partisan, respecting human dignity and promoting tolerance;

(l) potential or actual problems are identified and analysed in terms of potential impact on the electoral process and possible solutions;

(m) resolution of problems is justified by the situations and is suitable for addressing the problems effectively;

(n) the manner of problem-solving promotes the smooth running of the voting station, upholds the principle of free and fair elections and does not, under any circumstances, disenfranchise an eligible voter; and

(o) the voting process and procedures are open to observers who shall monitor the process without interfering with the elections.

(2) The school electoral officer may improvise if there is no official ballot box but the ballot box must be sealed after observers have acknowledged that it is empty.

Counting of ballots and quorum

24.(1) The school electoral officer must determine at what time the counting of ballots shall take place but counting must start on the day of the elections and upon closure of the voting process.

(2) The school electoral officer must ensure that the ballot papers meet the 15% poll in order for the counting to proceed, if not, counting must stop and another date for the elections must be decided upon by the principal of the school and such date must be communicated to the parent body within seven days.

(3) If the quorum, as contemplated in clause 12, is not attained in terms of clause 24(2) on the next proposed election day, the principal must decide on the date on which an election day will be held and counting must proceed after the closure of voting, irrespective of whether a quorum is constituted or not.

(4) If the 15% poll is attained, the school electoral officer must ensure that –

      (a) the counting process is open to observers and candidates;

      (b) all objections to the counting process are recorded accurately;

      (c) the name of each candidate and the number of votes cast for each are loudly announced to the observers;

      (d) the counted ballot paper form is completed; and

(e) the results slip is signed.

(5) Where the number of votes recorded for two or more candidates is equal and it affects the result of the poll, the school electoral officer shall determine the winner by drawing lots or by the tossing of a coin so as to break a tie between candidates. The tiebreaker process must be conducted openly and in agreement with the candidates.

(6) The school electoral officer must reject a ballot paper that –

     (a) does not contain the school stamp;

     (b) has more votes recorded than the number of candidates; and

     (c) is completed in such a way that it is not clear which vote was for which candidate or candidates.

(7) Where the school electoral officer has rejected a ballot paper as contemplated in clause 24(6), an explanation must be given by the school electoral officer to all candidates present and he or she must grant the candidates an opportunity to view the rejected ballot if they so wish.

(8) Any voter present must also be given the opportunity to object to the decision of the school electoral officer in the counting or rejection process but such objection shall not change the school electoral officer's decision.

(9) A record of such objection must be made at the back of the ballot paper and in the election report by the school electoral officer.

(10) Should there be a dispute that the electoral officer is unable to resolve, the dispute process contemplated in clause 16 must be followed.

(11) All envelopes, boxes and ballot boxes must be clearly marked by the electoral officer and he or she must indicate the election date and note all the contents.

Application of this notice

25. Unless otherwise specifically provided in this notice, all other matters provided for in this notice relating to the election of governing bodies shall be applicable to schools that opt for an election day.

Dissolution of a governing body

26.(1) The Member of the Executive Council may dissolve a governing body if –

     (a) the school is dysfunctional, closed, partly disestablished, a health risk or may affect the safety of any person at such a school;

     (b) a merger, closure, division of a school or any other re-organisation of a school occurs;

     (c) he or she is of the opinion that the governing body is no longer representative of the community for which a school has been established; and

(d) if, due to poor governance, the school is rendered dysfunctional and the process of teaching and learning can no longer be undertaken at the school.

(2) Upon consideration of a motion of no confidence passed by not less than 15 percent of parents on the parents' voters' roll at a general meeting of parents, the Member of the Executive Council may dissolve a governing body.

(3) The Member of the Executive Council may dissolve any school governing body that has rendered a school ungovernable, dysfunctional or for any other reason that he or she deems fit and in the interest of education in the Province.

(4) The Member of the Executive Council may not dissolve a governing body unless he or she has notified the school governing body concerned of his or her intention, granted the school governing body the opportunity to make representations and duly considered such representations.

Delegation of Powers

27. The Head of Department may delegate the functions, duties and powers bestowed upon him or her in this notice to any official in the employment of the Department.

Repeal of notice

28. Provincial Notice No. 94 of 2009 published in the KZN Extraordinary *Gazette* dated 24 June 2010 is hereby repealed.

ES MCHUNU MPL

Member of the Executive Council of the Province of KwaZulu-Natal

responsible for Education

ANNEXURE A

MEMBERSHIP OF A GOVERNING BODY FOR A PUBLIC SCHOOL FOR LEARNERS WITH SPECIAL NEEDS

District/School	Parents of Learners	Educators at school include two (If five or more)	Non-educators include two (If five or more)	Learners attending Grade 8 or higher (two learners)	Representatives of sponsoring bodies, if applicable	Representatives of organisations of parents with learners with special needs	Representatives of organisations of disabled persons, if applicable	Disabled persons, if applicable	Experts in appropriate fields of special needs education	Principal	Owner/Representative of the owner if applicable	TOTAL
AMAJUBA												
YWCA Special School	10	2	2	Nil	1	Nil	Nil	1	1	1	1	9+10= 19
Bumbisizwe Special School	6	2	1	Nil	Nil	Nil	Nil	Nil	1	1	Nil	6+5= 11
Vumisabelo Special School	6	2	2	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	6+5= 11
Madadeni Special School	6	1	1	Nil	1	Nil	Nil	Nil	1	1	Nil	6+5= 11
Tugela Pre-vocational School	6	2	2	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	6+5= 11
Bergsig LSEN	8	2	2	Nil	Nil	Nil	Nil	Nil	2	1	Nil	8+7=15
Tugela High School	7	2	1	Nil	Nil	Nil	Nil	Nil	2	1	Nil	7+6=13

District/School	Parents of Learners	Educators at school include two (if five or more)	Non-educators include two (if five or more)	Learners attending Grade 8 or higher (two learners)	Representatives of sponsoring bodies, if applicable	Representatives of organisations of parents with learners with special needs	Representatives of organisations of disabled persons, if applicable	Disabled persons, if applicable	Experts in appropriate fields of special needs education	Principal	Owner/Representative of the owner if applicable	TOTAL
EMPANGENI												
Masisizane LSEN School	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Sthandiwe LSEN School	9	2	2	Nil	Nil	Nil	1	1	1	1	Nil	9+8=17
Vuleka School	10	2	2	2	Nil	1	Nil	Nil	1	1	Nil	10+9=19
Thuthukani LSEN School	8	2	2	Nil	Nil	Nil	Nil	Nil	2	1	Nil	8+7=15
Zululand Remedial School	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
iLEMBE												
Stanger Training Centre	8	2	2	Nil	1	Nil	Nil	Nil	1	1	Nil	8+7=15
Ethel Mthiyane Special School	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
OTHUKELA												

District/School	Parents of Learners	Educators at school include two (If five or more)	Non-educators include two (If five or more)	Learners attending Grade 8 or higher (two learners)	Representatives of sponsoring bodies, if applicable	Representatives of organisations of parents with learners with special needs	Representatives of organisations of disabled persons, if applicable	Disabled persons, if applicable	Experts in appropriate fields of special needs education	Principal	Owner/Representative of the owner if applicable	TOTAL
Inkanyezi Training Centre	5	1	1	Nil	Nil	Nil	Nil	Nil	1	1	Nil	5+4=9
KwaZamokuhle School	6	1	1	Nil	1	Nil	Nil	Nil	1	1	Nil	6+5=11
PINETOWN												
Kwa-Thintwa School for the Deaf	12	2	2	2	1	Nil	1	Nil	1	1	1	11+12=23
Khalipha Special School	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
S. Dass School	8	2	2	Nil	1	Nil	Nil	Nil	1	1	Nil	8+7=15
Sunfield Home School	7	1	2	Nil	Nil	Nil	Nil	Nil	1	1	1	6+7=13
Golden Steps Schools	8	2	2	Nil	1	Nil	Nil	Nil	1	1	Nil	8+7=15
Ethembeni Special School	9	2	2	Nil	1	Nil	1	Nil	1	1	Nil	9+8=17
A.M. Moola Special School	9	2	2	Nil	1	Nil	Nil	1	1	1	Nil	9+8=17

District/School	Parents of Learners	Educators at school include two (If five or more)	Non-educators include two (If five or more)	Learners attending Grade 8 or higher (two learners)	Representatives of sponsoring bodies, if applicable	Representatives of organisations of parents with learners with special needs	Representatives of organisations of disabled persons, if applicable	Disabled persons, if applicable	Experts in appropriate fields of special needs education	Principal	Owner/Representative of the owner if applicable	TOTAL
The Browns Special School	6	2	1	Nil	Nil	Nil	Nil	Nil	1	1	Nil	6+5=11
Fulton School	8	1	1	1	Nil	Nil	1	Nil	1	1	1	7+8=15
UGU												
Schola Amoris	9	2	2	Nil	1	Nil	Nil	Nil	1	1	1	9+8=17
Harding Special School	6	2	2	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	6+5=11
St Martin de Porres Special School	9	2	2	2	Nil	Nil	Nil	Nil	Nil	1	1	8+9=17
UMGUNGUN-DLOVU												
Arthur Blaxall School for the Blind	13	2	2	2	1	Nil	1	1	1	1	1	13+12+25
Newton High School	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Peter Pan Training Centre	6	2	1	Nil	Nil	Nil	Nil	Nil	1	1	Nil	6+5=11

District (bold)/ School	Parents of Learners	Educators at school include two (If five or more)	Non-educators include two (If five or more)	Learners attending Grade 8 or higher (two learners)	Representatives of sponsoring bodies, if applicable	Representatives of organisations of parents with learners with special needs	Representatives of organisations of disabled persons, if applicable	Disabled persons, if applicable	Experts in appropriate fields of special needs education	Principal	Owner/ Representative of the owner if applicable	TOTAL
St Christopher	7	2	1	Nil	Nil	Nil	Nil	Nil	2	1	Nil	7+6=13
Open Gate Special Schools	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Ekukhanyeni LSEN School	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Entokozweni	6	2	2	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	6+5=11
H.S. Ebrahim School	8	2	2	Nil	Nil	Nil	Nil	Nil	1	1	1	7+8=15
Indaleni School for the Deaf	11	2	2	2	Nil	1	Nil	1	1	1	Nil	11+10= 21
UMLAZI		1										
Inanda Special School	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Golden Hours School	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13

District/School	Parents of Learners	Educators at school include two (if five or more)	Non-educators include two (if five or more)	Learners attending Grade 8 or higher (two learners)	Representatives of sponsoring bodies, if applicable	Representatives of organisations of parents with learners with special needs	Representatives of organisations of disabled persons, if applicable	Disabled persons, if applicable	Experts in appropriate fields of special needs education	Principal	Owner/Representative of the owner if applicable	TOTAL
Reunion School for Cerebral Palsied Children	9	2	2	Nil	1	Nil	1	Nil	1	1	Nil	9+8=17
Golden Gateway School	9	2	2	Nil	1	Nil	Nil	Nil	1	1	1	8+9=17
Durban School for the Hearing Impaired	10	2	2	1	1	Nil	1	Nil	1	1	Nil	10+9=19
V.N. Naik School for the Deaf	10	2	2	2	Nil	Nil	Nil	Nil	1	1	1	10+9=19
Kwavulindlebe School for the Deaf	6	1	1	Nil	1	Nil	Nil	Nil	1	1	Nil	6+5=11
Day Dawn Training Centre	6	2	1	Nil	Nil	Nil	Nil	Nil	1	1	Nil	6+5=11
Ekuthuleni Special School	8	2	2	Nil	Nil	1	Nil	Nil	1	1	Nil	8+7=15
The Kenmont School	8	1	2	Nil	1	Nil	1	Nil	1	1	Nil	8+7=15

District/School	Parents of Learners	Educators at school include two (If five or more)	Non-educators include two (If five or more)	Learners attending Grade 8 or higher (two learners)	Representatives of sponsoring bodies, if applicable	Representatives of organisations of parents with learners with special needs	Representatives of organisations of disabled persons, if applicable	Disabled persons, if applicable	Experts in appropriate fields of special needs education	Principal	Owner/Representative of the owner if applicable	TOTAL
Livingstone Primary School	9	4	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	9+8=17
West Park LSEN School	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Mason Lincoln Special School	9	1	1	2	Nil	Nil	1	Nil	2	1	Nil	9+8=17
Khulangolwazi School	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Ekuthuthukeni Special School	7	2	1	1	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Open Air School	8	2	2	Nil	1	Nil	Nil	Nil	1	1	Nil	8+7=15
Ningizimu Special School	10	2	1	Nil	Nil	1	1	1	2	1	Nil	10+9=19
Damarosa Prevocational School	9	2	2	2	Nil	Nil	Nil	Nil	1	1	Nil	9+8=17
R.P. Moodley Special School	7	1	2	Nil	Nil	Nil	Nil	Nil	2	1	Nil	7+6=13

District/School	Parents of Learners	Educators at school include two (If five or more)	Non-educators include two (If five or more)	Learners attending Grade 8 or higher (two learners)	Representatives of sponsoring bodies, if applicable	Representatives of organisations of parents with learners with special needs	Representatives of organisations of disabled persons, if applicable	Disabled persons, if applicable	Experts in appropriate fields of special needs education	Principal	Owner/Representative of the owner if applicable	TOTAL
UMZINYATHI												
Ukukhanya Ko-Msinga Special School	7	1	1	Nil	1	Nil	Nil	1	1	1	Nil	7+6=13
SISONKE												
Vulekani Special School	6	2	1	Nil	Nil	Nil	Nil	Nil	1	1	Nil	6+5=11
OBONJENI												
Inthuthuko Special School	10	2	1	Nil	1	1	1	1	1	1	Nil	10+9=19
Khulani Special School	8	1	1	Nil	1	1	1	Nil	1	1	Nil	8+7=15
Bumbisizwe	8	2	2	Nil	Nil	Nil	1	1	Nil	1	Nil	8+7=15
VRYHEID												
Inkanyiso Special School	11	2	2	Nil	1	1	1	1	1	1	Nil	11+10=21

District/School	Parents of Learners	Educators at school include two (if five or more)	Non-educators include two (if five or more)	Learners attending Grade 8 or higher (two learners)	Representatives of sponsoring bodies, if applicable	Representatives of organisations of parents with learners with special needs	Representatives of organisations of disabled persons, if applicable	Disabled persons, if applicable	Experts in appropriate fields of special needs education	Principal	Owner/Representative of the owner if applicable	TOTAL
Zamimpilo LSEN	8	2	2	Nil	Nil	1	Nil	1	2	1	Nil	9+8=17
Pro Nobis	7	1	2	Nil	Nil	Nil	Nil	Nil	2	1	Nil	6+7=13

No. 19   **15 Februarie 2012**

WET OP SUID-AFRIKAANSE SKOLE, 1996 (WET NO. 84 VAN 1996)

SAMESTELLING EN VERKIESING VAN BEHEERLIGGAME VAN OPENBARE SKOLE VIR LEERDERS MET SPESIALE BEHOEFTES

Ek, EDWARD SENZO MCHUNU, Lid van die Uitvoerende Raad, verantwoordelik vir Onderwys in die Provinsie van KwaZulu-Natal, het aangeleenthede betreffende beheerliggame bepaal ingevolge artikels 24 en 28 van die Wet op Suid-Afrikaanse Skole, 1996 (Wet No. 84 van 1996) soos gewysig en soos bedoel in hierdie bylae.

BYLAE

Omskrywings

1. In hierdie kennisgewing het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg word, daardie betekenis tensy uit die konteks anders blyk, en beteken –

"**borgliggaam**" 'n groep van individuele of 'n organisasie wat aaneenlopende finansiële ondersteuning aan die skool verskaf;

"**dag**" kalenderdag;

"**Departement**" die KwaZulu-Natal Departement van Onderwys;

"**Departementshoof**" die Departementshoof van Onderwys in die Provinsie van KwaZulu-Natal;

"**eerste vergadering**" 'n vergadering gehou uitsluitlik vir die verkiesing van ampsdraers;

"**eienaar**" die geregistreerde eienaar van 'n privaateiendom waarop die skool geleë is ingevolge artikel 14 van die Wet;

"**gekoöpteerde lede**" lede –
    (a) sonder stembevoegdhede gekoöpteer vir hul kundigheid; en
    (b) met stembevoegdhede gekoöpteer om vertrekkende lede wat nie hul ampstermyn voltooi het nie, te vervang;

"**geslote vergadering**" 'n vergadering wat slegs oop is vir –
    (a) ouers vir die verkiesing van ouers;

(b) opvoeders vir die verkiesing van opvoeders;

(c) nie-opvoeders vir die verkiesing van nie-opvoeders; en

(d) leerders van die verteenwoordigende raad van leerders, indien toepaslik;

"**kieser**" 'n ouer in die ouerkomponent, 'n opvoeder in die opvoeder-komponent, 'n nie-opvoeder in die nie-opvoeder-komponent en 'n leerder van die verteenwoordigende raad van leerders-komponent, indien toepaslik;

"**kundige**" 'n persoon wat bekwaam is of wat spesialisvaardighede het in die veld van spesiale behoefte onderwys;

"**Lid van die Uitvoerende Raad**" die lid van die Uitvoerende Raad verantwoordelik vir onderwys in die Provinsie KwaZulu-Natal;

"**nie-opvoeder**" enige ander personeellid in diens by die skool anders as 'n opvoeder;

"**skool**" 'n openbare skool wat leerders met spesiale onderwysbehoeftes in een of meer graad vanaf graad 0 tot graad 12 laat inskryf;

"**skoolverkiesingsbeampte**" 'n skoolhoof, waarnemende skoolhoof of 'n beampte wat nie by die skool in diens is nie, en aangestel deur die departementshoof om skoolbeheerliggaam-verkiesings te hou;

"**verkiesingsdag**" 'n volle dag opsygesit deur 'n skoolbeheerliggaam vir die doeleindes om verkiesings vir 'n skoolbeheerliggaam te hou in plaas van om 'n verkiesingsvergadering te hou;

"**verkiesingsvergadering**" –

(a) vier afsonderlike verkiesingsvergaderings gehou uitsluitlik vir die benoeming en verkiesing van slegs ouers, slegs opvoeders, slegs nie-opvoeders en slegs leerders uit die verteenwoordigende raad van leerders, soos die geval mag wees; en

(b) 'n tussenverkiesingsvergadering;

"**verkiesingsmonitors**" beamptes of belanghebbendes gekies uit die provinsiale of distriksverkiesingtaakspan en goedgekeur deur die Departementshoof as waarnemers, toesighouers of opsieners van die verkiesing; en

"**Wet**" die Wet op Suid-Afrikaanse Skole,1996 (Wet No. 84 van 1996), soos gewysig.

Lidmaatskap van beheerliggame

2. Die beheerliggaam van skole met spesiale behoeftes, tensy anders aangedui in Aanhangsel A, moet bestaan uit –

(a) ouers van leerders ingeskryf by 'n skool waarvoor 'n beheerliggaam verkies word, bestaande uit een meer ouer as die gekombineerde getal lede met stemreg waarna verwys word in subklousules (b) tot (j), tensy anders gelas deur die Lid van Uitvoerende Raad;

(b) een opvoeder verkies deur die opvoeders in diens by die betrokke skool indien daar vier of minder opvoeders is en twee opvoeders indien daar vyf of meer opvoeders in diens is by die betrokke skool;

(c) een nie-opvoeder verkies deur nie-opvoeders in diens by die betrokke skool;

(d) in die geval van 'n skool met leerders in graad agt of hoër, twee leerders verkies uit die verteenwoordigende raad van leerders ingeskryf by die betrokke skool, indien toepaslik;

(e) een verteenwoordiger, aangestel deur die borgliggaam of liggame wat die skool finansieer, ongeag hoeveel borgliggame daar is, indien toepaslik;

(f) een verteenwoordiger, aangestel deur 'n organisasie of organisasies van ouers van leerders met spesiale onderwysbehoeftes, ongeag hoeveel organisasies daar is, indien toepaslik;

(g) een verteenwoordiger aangestel deur 'n organisasie of organisasies van relevante gestremde persone ongeag hoeveel organisasies van gestremde persone bestaan, indien toepaslik;

(h) een gestremde persoon aangestel deur gestremde persone binne die gemeenskap, indien toepaslik;

(i) een kundige aangestel deur kundiges in die veld van spesiale behoeftes-opvoeding, indien daar vier of minder kundiges is, en twee kundiges indien daar vyf of meer kundiges teenwoordig is by die vergadering belê deur die verkiesingsbeampte;

(j) die eienaar van privaat eiendom waarop 'n openbare skool geleë is, indien toepaslik; en

(k) die skoolhoof van die skool in sy of haar amptelike hoedanigheid.

Ampstermyn

3.(1) 'n Beheerliggaam word verkies vir 'n tydperk van drie jaar tensy die Lid van die Uitvoerende Raad anders gelas.

(2) Die Lid van die Uitvoerende Raad sal die termyn en die verkiesingstydperk vir alle skole bepaal.

(3) Indien die beheerliggaam –

(a) ses maande of minder het voor die verstryking van sy ampstermyn, mag die Lid van die Uitvoerende Raad, op redelike gronde en nieteenstaande sodanige tydperk, gelas dat 'n verkiesing gehou word op 'n datum soos deur hom of haar bepaal; of

(b) meer as ses maande voor die verstryking van sy of haar ampstermyn het, mag die Lid van die Uitvoerende Raad, op redelike gronde en na oorlegpleging met die betrokke beheerliggaam, 'n datum bepaal waarop 'n verkiesing gehou sal word nieteenstaande die onverstreke tydperk van sy of haar ampstermyn.

(4) Onderhewig aan klousules 3(3) en 4(2), word alle lede, uitgesluit leerders, verkies uit 'n verteenwoordigende raad van leerders, ingevolge klousule 2(d), verkies vir 'n termyn van drie jaar.

(5) Die ampstermyn van 'n lid van die beheerliggaam wat 'n leerder, verkies ingevolge klousule 2(d) is, is een jaar.

(6) 'n Lid van die beheerliggaam beklee die amp tot die verstryking van die ampstermyn van die beheerliggaam onderhewig aan klousules (3), (4) en (19).

(7) Sou die Departementshoof op redelike gronde bepaal dat 'n beheerliggaam opgehou het om sy toegewese funksies ingevolge die Wet te verrig of versuim het om een of meer of sodanige funksies te verrig, mag die Departementshoof die beheerliggaam se funksies onttrek en –

(a) hy of sy voldoende persone aanstel om alle sodanige funksies of een of meer sodanige funksies van die beheerliggaam vir 'n tydperk wat nie drie maande oorskry nie, te verrig;

(b) mag die tydperk vermeld in subklousule 3(7)(a) verleng met tydperke wat nie drie maande op 'n keer oorskry nie, welke gekombineerde tydperk nie een jaar sal oorskry nie;

(c) moet hy of sy verseker dat 'n beheerliggaam verkies word binne een jaar na die aanstelling van die persoon vermeld in subklousule 3(7)(a).

(8) Onderhewig aan klousule 4, mag 'n lid van die beheerliggaam herverkies of gekoöpteer word, soos die geval mag wees, na die verstryking van sy of haar ampstermyn.

Samestelling en verkiesbaarheid
4.(1) Die volgende is verkiesbaar as lede van 'n beheerliggaam –

(a) ouers of leerders by die skool, indien redelik prakties;

(b) opvoeders by die skool;

(c) nie-opvoeders by die skool; en

(d) leerders uit die verteenwoordigende raad van leerders wat graad agt of hoër by die skool bywoon, indien toepaslik.

(2) Die volgende sal geskik wees vir aanstelling as lede van 'n beheerliggaam –

    (a) verteenwoordigers van 'n borgliggaam of liggame, indien toepaslik;

    (b) verteenwoordigers van 'n organisasie of organisasies van ouers van leerders met spesiale onderwysbehoeftes, indien toepaslik;

    (c) verteenwoordigers van organisasies van gestremde persone, indien toepaslik;

    (d) een gestremde persoon aangestel deur gestremde persone binne die gemeenskap, indien toepaslik; en

    (e) een kundige in 'n toepaslike veld van spesiale behoeftesonderwys.

(3) Geen persoon mag verkies word as 'n lid van 'n beheerliggaam nie indien hy of sy –

    (a) skuldig bevind is aan 'n misdryf en gevonnis is tot meer as 12 maande gevangenisstraf sonder die keuse van 'n boete, hetsy binne die Republiek of buite die Republiek indien die gedrag wat die misdryf uitmaak 'n misdryf in die Republiek sou wees, met dien verstande dat niemand mag beskou word as gevonnis totdat –

        (i) 'n appèl teen die skuldigbevinding of vonnis vasgestel is nie; of

        (ii) die tyd vir 'n appèl verstryk het nie, met dien verstande dat onbevoegdheid kragtens hierdie paragraaf eindig vyf jaar nadat die vonnis uitgedien is;

    (b) deur 'n bevoegde hof as ontoerekeningsvatbaar verklaar is;

    (c) 'n ongerehabiliteerde insolvent is;

    (d) 'n ouer is, maar nie 'n Suid-Afrikaanse burger is nie en nie in besit is van 'n permanente residensiële permit nie tensy dit deur die Departementshoof toegelaat word;

    (e) 'n ouer is, maar nie meer 'n ingeskrewe kind by die skool het nie;

    (f) 'n leerder is wat nie 'n lid van die verteenwoordigende raad van leerders is nie, waar toepaslik; of

    (g) skuldig bevind is aan ernstige wangedrag in 'n dissiplinêre verhoor.

(4) 'n Lid ontruim sy of haar amp indien hy of sy –

    (a) nie aan die vereistes voldoen soos uiteengesit in klousule 4(1) en (2) nie;

    (b) bedank of sy of haar ampstermyn beëindig is;

    (c) 'n lid is wat verkies is ingevolge klousule 2(a) en nie meer 'n kind as ingeskrewe leerder by die skool het nie;

    (d) 'n lid verkies ingevolge klousule 2(b) of (c) is en sy of haar diens beëindig word, of hy of sy oorgeplaas is vanaf, of gesekondeer word weg van, die betrokke skool;

    (e) oorlede is;

    (f) 'n lid verkies ingevolge klousule 2(d) is en hy of sy nie meer die skool of betrokke kinder- en jeugsorgsentrum bywoon nie;

    (g) afwesig is sonder vooraf geskrewe verskoning van twee opeenvolgende gewone vergaderings van die   beheerliggaam;

(h) nie meer 'n lid van die verteenwoordigende raad van leerders is nie; of

(i) skuldig bevind is aan ernstige wangedrag in 'n dissiplinêre verhoor.

Aanstelling van provinsiale verkiesingsbeamptes

5.(1) Die Departementshoof moet, skriftelik, 'n provinsiale verkiesingsbeampte, 'n adjunk-provinsiale verkiesingsbeampte en assistent-verkiesingsbeamptes aanstel;

(2) Die provinsiale verkiesingsbeampte moet –

(a) verseker dat die verkiesing voldoende publisiteit kry;

(b) die aanstelling administreer van een of meer beamptes in diens van die Departement om bystand aan die verkiesing te verleen as provinsiale assistent-verkiesingsbeamptes;

(c) verseker dat die wetgewing ten opsigte van die verkiesing nagekom word;

(d) 'n verkiesingskedule vir alle skole in die Provinsie opstel;

(e) die intrede van nuutverkose beheerliggaamlede monitor; en

(f) ondersoeke uitvoer soos gelas deur die Departementshoof.

(3) Die provinsiale adjunk-verkiesingsbeampte en die provinsiale assistent-verkiesingsbeamptes staan die provinsiale verkiesingsbeampte by in die uitvoer van sy of haar pligte.

Aanstelling van distriksverkiesingsbeamptes

6.(1) Die Departementshoof moet, skriftelik, 'n distriksverkiesingsbeampte, 'n adjunk-distriksverkiesingsbeampte en assistent-distriksverkiesingsbeamptes aanstel.

(2) Die distriksverkiesingsbeampte moet –

(a) die aanstelling administreer van een of meer beamptes in diens van die Departement om bystand tydens die verkiesing te verleen as assistent-distriksverkiesingsbeampte;

(b) die aanstelling van skoolverkiesingsbeamptes administreer;

(c) 'n verkiesingskedule vir alle skole in die distrik publiseer;

(d) nakoming van die verkiesingsproses verseker;

(e) verseker dat elke skool 'n geldige kieserslys het;

(f) die databasis van alle nuutverkose beheerliggaamlede in die distrik ontwikkel en administreer en die inligting aan die Departement beskikbaar stel;

(g) verseker dat die nuutverkose beheerliggaamlede binne drie maande na hul verkiesing intree; en

(h) dispute ten opsigte van die skoolbeheerliggaamverkiesing soos bedoel in klousule 17 oplos.

(3) Die adjunk-distriksverkiesingsbeampte en die assistent-distriksverkiesingsbeamptes sal die distriksverkiesingsbeampte in die uitvoering van sy of haar pligte bystaan.

(4) Die adjunk-distriksverkiesingsbeampte en assistent-distriksverkiesingsbeamptes mag die distriksverkiesingsbeampte van raad voorsien aangaande enige kwessie wat met die verkiesing verband hou.

Aanstelling van skoolverkiesingsbeamptes

7.(1) Die Departementshoof moet, skriftelik, 'n beampte van die Departement as die skoolverkiesingsbeampte aanstel vir die verkiesing van ouers, opvoeders, nie-opvoeders en leerders uit die verteenwoordigende raad van leerders as lede van 'n beheerliggaam.

(2) 'n Skoolhoof mag nie aangestel word as skoolverkiesingsbeampte in 'n skool waar hy of sy in diens is nie.

(3) Die skoolverkiesingsbeampte moet, skriftelik, een of meer beamptes of opvoeders in diens van die Departement of in diens van die skoolbeheerliggaam aanstel om bystand te verleen tydens die verkiesings as assistent-verkiesingsbeamptes.

(4) Die skoolverkiesingsbeampte sal by alle verkiesingsvergaderings voorsit, ingesluit tussenverkiesings en verkiesings vir ampsdraers vir die duur van die ampstermyn van die verkose skoolbeheerliggaam.

(5) Die skoolverkiesingsbeampte en die assistent-skoolverkiesingsbeampte sal nie 'n kandidaat, 'n voorsteller of sekondant van 'n kandidaat wees nie.

Plegtige verklaring van vertroulikheid

8. Alle verkiesingsbeamptes moet 'n plegtige verklaring van vertroulikheid teken in 'n vorm soos bepaal deur die Departementshoof voordat hy of sy die pligte van 'n verkiesingsbeampte uitvoer.

Kennisgewing van 'n verkiesingsvergadering

9.(1) Die skoolhoof van die skool wat die verkiesingsvergadering hou moet –

        (a) 'n datum, tyd en plek vir 'n verkiesingsvergadering bepaal; en

        (b) 'n kennisgewing voorberei waarin die datum, tyd en plek van die verkiesingsvergadering uiteengesit word.

(2) Ten minste 21 dae voor die datum van die verkiesingsvergadering moet die skoolhoof –

(a) 'n afskrif van die kennisgewing van die verkiesingsvergadering aan elke leerder by die skool oorhandig met 'n mondelinge instruksie om die kennisgewing aan die leerder se ouers te oorhandig; of

(b) 'n afskrif van sodanige kennisgewing per pos aan die ouers stuur; en

(c) 'n afskrif van die kennisgewing aan die opvoeders en nie-opvoeders oorhandig;

(d) teweegbring dat 'n afskrif van die kennisgewing in 'n opvallende plek by die skool en by enige ander geskikte en prominente plek opgeplak word; en

(e) 'n afskrif aan elke lid van die verteenwoordigende raad van leerders oorhandig.

(3) In die geval van 'n nuwe skool, moet die verkiesingsvergadering binne 60 dae na die stigting van die skool of sentrum gehou word.

Kieserslys

10.(1) Die skoolhoof moet 'n afsonderlike kieserslys voorberei vir –

(a) ouers;

(b) opvoeders;

(c) nie-opvoeders; en

(d) leerders uit die verteenwoordigende raad van leerders.

(2) Die skoolhoof moet die kieserslys voorberei deur gebruik van die –

(a) leerdertoelatingsboek vir ouers;

(b) tydboek vir opvoeders;

(c) tydboek vir nie-opvoeders; en

(d) bywoningsregister van die leerders vir die verkiesing van leerders.

(3) Die skoolhoof moet, ten minste 21 dae voor die verkiesingsvergadering, teweegbring dat 'n brief en die vorm, soos goedgekeur deur die Departement, saam met die leerders gestuur word aan die ouers, met die doel om ouers uit te nooi om hul inligting by die skool op te dateer.

(4) Ten minste 14 dae voor die verkiesingsvergadering moet die skoolhoof potensiële kiesers toelaat om die kieserslys te inspekteer.

(5) Enige klagte ten opsigte van die kieserslys moet na die skoolhoof verwys word ten minste sewe dae voor die verkiesingsdatum.

Verkiesingsvergaderings

11.(1) Tensy daar oortuigende redes is waarom nie, moet alle skole skoolbeheerliggaamverkiesings hou deur middel van 'n verkiesingsvergadering en afsonderlike verkiesingsvergaderings moet gehou word vir –

(a) ouers;

(b) opvoeders;

(c) nie-opvoeders; en

(d) leerders uit die verteenwoordigende raad van leerders.

(2) Die skoolverkiesingsbeampte moet 'n assistent-skoolverkiesingsbeampte aanstel om as sekretaris by die vergaderings op te tree en om notule van die verrigtinge te hou.

(3) Buiten verkiesingsmonitors en die assistent-skoolverkiesingsbeampte, moet die skoolverkiesingsbeampte geen persoon wat onbevoeg is as 'n kieser toelaat om 'n vergadering by te woon nie of die verkiesing van 'n persoon wat nie 'n bevoegde kandidaat is nie, ingevolge klousule 4, toelaat nie.

(4) Die skoolverkiesingsbeampte moet kiesers versoek om bewys van identifikasie te lewer in die vorm van 'n Suid-Afrikaanse identiteitsdokument of 'n geldige paspoort.

(5) Voordat die verkiesing van lede van 'n beheerliggaam voortgaan, moet die skoolverkiesingsbeampte die kiesers se aandag vestig op die volgende –

(a) die ampstermyn van die huidige skoolbeheerliggaam het verstryk en lede is amptelik in kennis gestel;

(b) die verkiesingsvergadering is 'n geslote vergadering;

(c) die bepalings van klousule 4 wat 'n persoon onverkiesbaar maak vir lidmaatskap van 'n beheerliggaam;

(d) die getal persone wat verkies moet word;

(e) elke benoeming moet deur 'n ouer, opvoeder, nie-opvoeder of 'n leerder van die verteenwoordigende raad van leerders, soos die geval mag wees, en wat daarop geregtig is om te stem, gesekondeer word;

(f) dat tydens benoemings, kieser-verteenwoordiging in ag geneem moet word en verseker dat benoemings verteenwoordigend is van geslag, ras en moet benoemings van gestremde persone insluit;

(g) dat 'n kieser een stem het vir elke vakature wat gevul moet word;

(h) dat stemming deur middel van geheime stembriewe plaasvind; en

(i) dat 'n grieweprosedure bestaan vir diegene wat gegrief voel deur die verkiesingsproses of uitkoms.

Kworum vir 'n verkiesingsvergadering

12.(1) 'n Kworum van 15 persent van die kiesers op die kieserslys moet gevorm word voordat enige verkiesing gehou word.

(2) Indien 'n kworum, vermeld in subklousule (1), nie gevorm is nie, moet die vergadering uitgestel word vir ten minste 14 dae, maar nie later nie as 21 dae.

(3) In die geval van 'n uitgestelde vergadering soos bedoel in klousule 12(2), moet die skoolverkiesingsbeampte, op die dag van die daaropvolgende vergardering, voortgaan met die daaropvolgende vergadering ongeag of 'n kworum gevorm is of nie.

Benoemings vir 'n verkiesingsvergadering

13.(1) Die skoolverkiesingsbeampte van 'n skool wat 'n verkiesingsvergadering hou moet –

    (a) die tyd van benoemings bepaal en toeken;

    (b) genoegsame tyd vir die benoemings van kandidate tydens die benoemingsfase toelaat; en

    (c) die kiesers van die toegelate tyd in kennis stel.

(2) 'n Persoon mag in absentia benoem word, met dien verstande dat die –

    (a) voorsteller en sekondant van die benoemde persoon teenwoordig is by die vergadering; en

    (b) benoemde persoon skriftelike bevestiging van aanvaarding van die benoeming verskaf.

(3) By 'n verkiesingsvergadering mag 'n kandidaat skriftelik of mondelings benoem word deur –

    (a) 'n ouer van 'n ingeskrewe leerder by die skool vir 'n vakature ingevolge klousule 2(a);

    (b) 'n opvoeder in diens van die betrokke skool vir 'n vakature ingevolge klousule 2(b);

    (c) 'n nie-opvoeder in diens van die betrokke skool vir 'n vakature ingevolge klousule 2(c); of

    (d) 'n leerder uit die verteenwoordigende raad van leerders ingevolge klousule 2(d),

met dien verstande dat 'n ander ouer, opvoeder, nie-opvoeder of 'n leerder uit die verteenwoordigende raad van leerders, soos die geval mag wees, die voorstel sekondeer en die benoemde mondelings, of skriftelik indien hy of sy afwesig is, vir die vergadering aandui dat hy of sy bereid is om as 'n lid van die beheerliggaam te dien, indien verkies.

(4) Ten spyte daarvan dat 'n lys van benoemdes saamgestel is voor die verkiesingsvergadering, moet die skoolverkiesingsbeampte mondelinge benoemings van kandidate toelaat en moet genoegsame tyd toelaat vir mondelinge benoemings.

(5) Die voorsteller en die sekondant van 'n kandidaat moet teenwoordig wees by 'n verkiesingsvergadering en moet 'n benoemingsvorm voltooi.

(6) 'n Skoolverkiesingsbeampte moet –

      (a) 'n persoon wat 'n kandidaat benoem, die geleentheid gun om die kandidaat aan die vergadering bekend te stel en redes vir die benoeming gee; of

      (b) 'n benoemde kandidaat toelaat om hom- of haarself aan die vergadering bekend te stel.

(7) Tydens die benoemings, moet die skoolverkiesingsbeampte die benoemings oorweeg en die benoeming afkeur van enige kandidaat wat –

      (a) nie benoem is ooreenkomstig klousule 13(2) en 13(3) nie; of

      (b) ingevolge klousule 4 onverkiesbaar is.

(8) Indien die getal persone wat benoem is die aantal vakatures oorskry, moet die skoolverkiesingsbeampte onmiddellik na die sluiting van die benoemings, die name van die kandidate op 'n geskikte bord of enige oppervlak wat vir almal wat die vergadering bywoon duidelik en sigbaar is, neerskryf.

(9) Indien die getal persone wat benoem is, gelyk is aan die aantal vakatures, moet die skoolverkiesingsbeampte die benoemde persone as behoorlik verkies verklaar.

(10) Die benoemingsproses sal deur die skoolverkiesingsbeampte gesluit word.

Stemming by die verkiesingsvergadering

14.(1) Elke kieser het een stem vir elke vakature wat op die beheerliggaam gevul moet word.

(2) Die skoolverkiesingsbeampte moet die kiesers wat teenwoordig is, versoek om 'n kruis (x) teenoor die name van die kandidate wat hul verkies, te maak op die stembriewe voorsien deur die skoolverkiesingsbeampte.

(3) 'n Persoon wat nie in staat is om sy of haar stem op die stembrief uit te bring nie, soos bedoel in klousule 14(2), mag 'n mondelinge versoek om bystand aan die skoolverkiesingsbeampte of die assistent-skoolverkiesingsbeampte rig om sy of haar stem teenoor die toepaslike kandidaat op die stembrief te merk.

(4) Die skoolverkiesingsbeampte sal enige gestremde persoon bystaan.

(5) Die versoek om bystand en die voltooiing van die stembrief bedoel in klousule 14(3), sal in privaat gedoen word in 'n gebied wat vir daardie doel deur die skoolverkiesingsbeampte geïdentifiseer is, maar binne die gebied waarin die stemming plaasvind.

(6) Die skoolverkiesingsbeampte moet stembriewe afkeur met –

    (a) meer kruise (x) as die getal vakatures op die beheerliggaam; of

    (b) die naam van 'n persoon of persone wat nie benoem is nie.

(7) Nadat al die kiesers gestem het, moet die skoolverkiesingsbeampte en die assistent-skoolverkiesingsbeamptes die stemme tel in die teenwoordigheid van drie waarnemers, aangestel deur diegene wat die vergadering bywoon, om die telproses waar te neem.

(8) In die geval van 'n staking van stemme tussen kandidate na twee stemsessies, moet die skoolverkiesingsbeampte die dooie punt oplos deur die opskiet van 'n muntstuk en die wenner bepaal deur kruis of munt.

(9) Die skoolverkiesingsbeampte moet die uitslag tydens die verkiesingsvergadering aankondig en die kandidate wat die meeste stemme gekry het, as die verkose lede van die beheerliggaam verklaar.

(10) Die getal stemme wat 'n persoon in hierdie verkiesing ontvang bepaal nie die uitslag van die verkiesing van ampsdraers nie.

Aanstelling van lede

15.(1) Die skoolhoof moet, 21 dae voor die verkiesingsdatum, 'n skriftelike uitnodiging rig aan –

    (a) die borgliggame;

    (b) organisasies vir gestremde persone;

    (c) gestremde persone in die gemeenskap;

    (d) kundiges; en

    (f) elke organisasie wat geregtig is op verteenwoordiging op 'n beheerliggaam ingevolge klousule 4(2),

ten einde hulle uit te nooi om 'n vergadering by te woon vir die aanstelling van verteenwoordigende lede in ooreenstemming met klousule 2(e) tot (i).

(2) Die skoolverkiesingsbeampte sit voor by die vergadering en lei die verrigtinge by die vergadering verwys na in subklousule 15(1).

(3) By die vergadering moet die skoolverkiesingsbeampte gelas dat die verskillende kategorieë verwys na in subklousule 15(1), verteenwoordigers skriftelik aanstel uit hul geledere en moet volledige

besonderhede voorsien van die aangestelde persoon of persone, ingesluit hul name, adresse, kontaknommers en e-posadresse.

(4) Die vergadering verwys na in subklousule 15(1) moet die ouerverkiesingsvergadering voorafgaan.

(5) By ontvangs van die name van die aangesteldes in subklousule 15(1), en nadat die skoolverkiesingsbeampte homself of haarself tevrede gestel het dat 'n aangestelde die aanstelling aanvaar het as 'n lid van 'n beheerliggaam, moet die skoolverkiesingsbeampte onmiddellik, skriftelik, elke aangestelde inlig van sy of haar aanstelling as lid van die beheerliggaam.

Verkiesing van ampsdraers

16.(1) Die skoolverkiesingsbeampte mag 'n vergadering belê uitsluitlik vir die doel om ampsdraers te verkies op die dag van die ouerverkiesingsvergadering indien –

        (a) die verkiesing van opvoeders, nie-opvoeders en leerders alreeds voor die ouerverkiesing plaasgevind het;

        (b) die 21 dae-kennisgewing ingevolge klousule 9(2) uitgereik is aan ouers, opvoeders, nie-opvoeders en leerders uit die verteenwoordigende raad van leerders ter inligting dat die vergadering vir die verkiesing van ampsdraers op die dag van die ouerverkiesing sou plaasvind; en

        (c) die kworumvereistes by die vergadering nagekom is.

(2) Sou die vergadering om ampsdraers te verkies nie gehou word ingevolge klousule 16(1) nie, moet die skoolverkiesingsbeampte die eerste vergadering van die beheerliggaam binne 21 dae na die datum van die ouerverkiesingsvergadering belê.

(3) Die skoolverkiesingsbeampte sit voor by enige vergadering wat belê is vir die verkiesing van ampsdraers.

(4) By die eerste vergadering van 'n beheerliggaam moet die lede, deur middel van geheime stembriewe, 'n –

        (a) voorsitter;

        (b) adjunk-voorsitter;

        (c) tesourier; en

        (d) sekretaris,

verkies.

(5) Enige lid van die beheerliggaam verkies uit die kategorieë van persone verwys na in klousule 2(a), (e), (f), (g), (h) en (i) mag as voorsitter van die beheerliggaam dien.

(6) Die ampstermyn van ampsdraers is een jaar.

(7) Die skoolhoof mag 'n lid van sy of haar personeel aanwys om die tesourier en sekretaris van die beheerliggaam by te staan.

(8) Indien, om enige rede, die amp van een van die ampsdraers vakant raak, moet die beheerliggaam, by die eerste vergadering nadat die vakature ontstaan het, een van sy lede verkies om die vakature vir die onverstreke tydperk van sy of haar voorganger te vul.

(9) 'n Ampsdraer mag herverkies word na die verstryking van die ampstermyn.

(10) Die skoolhoof moet, binne 14 dae na die verkiesing, die Departementshoof inlig van enige verandering in die ampsdraers en moet hom of haar voorsien van die besonderhede van die nuwe ampsdraers, ingesluit name, identiteitsnommers, telefoon- of selfoonnommers, faksnommers, adresse en e-posadresse waar toepaslik.

(11) Binne 14 dae na die verkiesing, moet die uittredende ampsdraers aan die nuutverkose ampsdraers alle dokumente ten opsigte van die skoolbeheerliggaam oorhandig en 'n goedgekeurde oorhandigingsertifikaat moet uitgereik en deur beide voorsitters geteken word.

Oplossing van dispute

17.(1) 'n Kieser of persoon wat 'n kandidaat in 'n beheerliggaamverkiesing was, kan sy of haar klagte of grief, skriftelik, by die distrikverkiesingsbeampte indien binne sewe dae na die verkiesingsvergadering indien die voorgeskrewe prosedures nie tydens die verkiesingsvergadering gevolg was nie.

(2) 'n Persoon wat oor enige kennis of inligting van enige onreëlmatighede ten opsigte van die verkiesing beskik, mag die distrikverkiesingsbeampte binne sewe dae na die verkiesing, skriftelik, oor die onreëlmatighede inlig.

(3) By ontvangs van die klagte, grief of inligting van enige onreëlmatighede, moet die distrikverkiesingsbeampte die adjunk-distrikverkiesingsbeampte of assistent-distrikverkiesings-beampte aanstel om 'n ondersoek te doen en 'n aanbeveling aan hom of haar te maak.

(4) Die distrikverkiesingsbeampte mag, na 'n ondersoek, 'n verkiesing ongeldig verklaar en 'n herverkiesing uitroep indien hy of sy tevrede is dat –
        (a) die voorgeskrewe prosedures nie gevolg is nie;
        (b) onreëlmatighede gedurende die verkiesingsproses gepleeg is; en

(c) die uitkoms van die verkiesing anders sou gewees het indien die voorgeskrewe prosedures gevolg was.

(5) Enige persoon gegrief deur die distrikverkiesingsbeampte se besluit, mag teen sodanige besluit appél rig aan die Departementshoof binne 14 dae na ontvangs van die distrikverkiesingsbeampte se besluit.

(6) Die Departementshoof moet –

(a) binne sewe dae na ontvangs van die appèl, die appèl na die provinsiale verkiesingsbeampte verwys;

(b) die provinsiale verkiesingsbeampte versoek om die saak te ondersoek en 'n verslag met aanbevelings voor te berei binne 14 dae nadat die appèl na die provinsiale verkiesingsbeampte verwys is; en

(c) die verslag bedoel in subklousule 6(b) oorweeg, 'n bevinding maak en sy of haar besluit skriftelik kommunikeer aan die appellant en aan die distrikverkiesingsbeampte binne 14 dae nadat die verslag van die provinsiale verkiesingsbeampte ontvang is.

(7) Die besluit van die Departementshoof is finaal.

(8) Die Departementshoof mag, hangende die uitslag van die dispuut, voldoende persone aanstel om die funksies van die beheerliggaam vir 'n tydperk wat nie drie maande oorskry nie, te verrig.

Prosedure na die verkiesing

18. Na die verkiesing van lede van 'n beheerliggaam, moet die skoolverkiesingsbeampte –

(a) elke verkose lid, skriftelik, van sy of haar verkiesing in kennis stel en kennisgewing moet per faks, pos of e-pos gestuur word, of moontlik per hand afgelewer word;

(b) die distriksverkiesingsbeampte skriftelik in kennis stel van die besonderhede van die verkiesing, ingesluit die datum van die verkiesing, name, identiteitsnommers, telefoonnommers, faksnommers en adresse van alle verkose lede.

(c) alle dokumente, insluitend stembriewe wat by sodanige verkiesing gebruik is, in koeverte plaas, die koeverte verseël en die koeverte in veilige bewaring plaas vir die duur van die ampstermyn van die beheerliggaam; en

(d) binne vyf dae na 'n verkiesing alle dokumente ten opsigte van die verkiesing aan die skoolhoof oorhandig vir veilige bewaring.

Tussenverkiesing

19.(1) Indien 'n vakature ontstaan as gevolg van die vertrek van enige lid van 'n beheerliggaam voor die verstryking van die beheerliggaam se ampstermyn of die lid se ampstermyn, moet die skoolverkiesingsbeampte voorsit by die verkiesing van 'n nuwe lid om die vertrekkende lid te vervang.

(2) Indien 'n vakature of vakatures meer as ses maande voor die verstryking van die ampstermyn van 'n beheerliggaam ontstaan, moet die skoolverkiesingsbeampte 'n tussenverkiesing hou en die prosedures soos uiteengesit in klousules 9 tot 14 volg.

(3) Die skoolverkiesingsbeampte moet 'n verkiesingsvergadering reël binne 90 dae nadat 'n vakature ontstaan het en, hangende van die tussenverkiesing, mag die beheerliggaam lede koöpteer.

(4) Indien 'n vakature minder as ses maande voor die verstryking van die ampstermyn van 'n beheerliggaam as gevolg van die vertrek van 'n lid ontstaan –

　　(a) moet die oorblywende lede deur middel van 'n meerderheidstem, 'n persoon of persone koöpteer om die vakature of vakatures vir die oorblywende deel van die ampstydperk van die beheerliggaam te vul; en

　　(b) die ouer-, opvoeder-, nie-opvoeder- en leerderkomponent moet name van ten minste drie geskikte persone aanbeveel wat tot die beheerliggaam gekoöpteer kan word en die beheerliggaam moet uit die aanbevole name koöpteer.

(5) 'n Gekoöpteerde lid verwys na in subklousules (3) en (4) neem die stemregte van die vertrekkende lid, indien enige, oor.

Beheerliggaam dien twee of meer skole

20.(1) 'n Beheerliggaam wat twee of meer skole beheer, moet uit die volgende lede bestaan –

　　(a) ouers verkies deur ouers van leerders ingeskryf by elk van die skole waarvoor 'n beheerliggaam verkies word, bestaande uit een meer ouer as die gekombineerde getal van verteenwoordigers verkies tot die beheerliggaam;

　　(b) een opvoeder verkies deur die opvoeders in diens by elk van die skole waarvoor 'n beheerliggaam verkies word;

　　(c) een nie-opvoeder verkies deur die nie-opvoeders in diens by elk van die skole waarvoor 'n beheerliggaam verkies word;

　　(d) twee leerders verkies uit die leerders van die verteenwoordigende raad van leerders in elk van die skole met graad agt of hoër, waar toepaslik;

　　(e) die hoofde van elk van die skole, in sy of haar amptelike hoedanigheid;

　　(f) gekoöpteerde lede, indien enige; en

　　(g) aangestelde lede soos bedoel in klousules 4(2) en 15.

(2) Die getal persone gekoöpteer in klousule 21(1)(f) mag nie vyf oorskry nie.

(3) Tydens die verkiesing van ampsdraers van 'n skoolbeheerliggaam wat twee of meer skole beheer, moet die skoolverkiesingsbeampte van die beheerskool voorsit.

(4) Die skoolverkiesingsbeampte moet 'n vergadering vir die verkiesing van ampsdraers belê 21 dae na die laaste skool (van die lidskole) die ouerverkiesingsvergadering gehou het.

(5) Alle aangeleenthede betreffende die verkiesing van 'n skoolbeheerliggaam, soos vervat in hierdie kennisgewing, sal van toepassing wees op 'n beheerliggaam wat twee of meer skole beheer.

Verkiesingsdag

21.(1) 'n Skool mag, deur resolusie van sy beheerliggaam, verkies om verkiesings te hou op 'n verkiesingsdag in die plek van 'n verkiesingsvergadering, indien daar oortuigende redes is.

(2) Indien 'n skoolbeheerliggaam besluit op 'n verkiesingsdag, moet die skoolhoof van die skool –

(a) ten minste 21 dae voor die uitsending van 'n verkiesingskennisgewing, skriftelik, by die distrikverkiesingsbeampte aansoek doen om toestemming om die verkiesingsdag te hou;

(b) oortuigende redes verskaf vir die besluit om 'n volle verkiesingsdag in plaas van 'n verkiesingsvergadering te hou;

(c) bewyse verskaf van die beskikbaarheid van monitors en 'n verkiesingspan vir die hele verkiesingsdag;

(d) bewyse verskaf van die beskikbaarheid van hulpbronne om die benoemingsproses en verkiesingsproses uit te voer; en

(e) bewyse verskaf dat die onderrig- en leerproses by die skool nie onderbreek sal word of daarmee ingemeng sal word deur 'n verkiesingsdag nie.

(3) Voor die toestaan van toestemming vir 'n volle verkiesingsdag aan enige skool, moet 'n distriksverkiesingsbeampte die bepalings van klousule 21(2) in gedagte hou en moet hom- of haarself tevrede stel dat die vereistes deur die skool nagekom is.

(4) Die besluit van die distriksverkiesingsbeampte moet binne 14 dae na die aansoekdatum aan die skool gekommunikeer word.

(5) Die skoolverkiesingsbeampte moet, voor die verkiesingsdag, verseker dat –

(a) die skool skriftelike goedkeuring by die distriksverkiesingsbeampte verkry het om die verkiesingdag te hou;

(b) 'n program in plek is vir die verkiesingsdag;

(c) alle benoemdes hul profiele na die skool gestuur het en dit gereed is om buite die stemlokaal opgeplak te word;

(d) die sluitingstyd waarnemers, sowel as die verkiesingspan, voldoende tyd sal gun om veilig na hul huise terug te reis; en

(e) teen sluitingstyd, die skool iemand onmiddellik beskikbaar stel vir die veilige bewaring van alle dokument gebruik vir die verkiesing.

Benoemings vir die verkiesingsdag

22.(1) Skole wat besluit om 'n verkiesingsdag eerder as 'n verkiesingsvergadering te hou moet by die volgende benoemingsproses hou –

(a) die skoolverkiesingsbeampte moet die kennisgewing van die benoemingsvergadering voorberei en moet die datum, plek en tyd van die benoemingsvergadering aandui; en

(b) die kennisgewing van die benoemingsvergadering vir ouers moet versprei en vertoon word in opsigtelike plekke by die skool en in die gemeenskap ten minste 21 dae voor die verkiesingsdag.

(2) Die skoolhoof moet verseker dat –

(a) 'n drukstuk van die kennisgewing van die benoemingsvergadering en die benoemingsvorm aan elke leerder oorhandig word ten minste 21 dae voor die voorgestelde verkiesingsdag, met 'n mondelinge instruksie om die kennisgewing en vorm aan die ouers te oorhandig;

(b) alternatiewelik, 'n afskrif van die kennisgewing en benoemingsvorm aan die ouers van elke leerder gestuur word per pos 21 dae voor die datum van die verkiesingsdag; of

(c) 'n kombinasie van die twee kennisgewingsmetodes gebruik word met dien verstande dat ouers en lede van die gemeenskap nie benadeel word nie; en

(d) die kennisgewing en die benoemingsvorm, waar moontlik, in die skool se medium van instruksie is en in die huistaal(e) van die leerders om maksimum deelname te verseker.

(3) Die kennisgewing moet die ouers inlig dat die benoemingsvorm voltooi en onderteken moet word deur die kandidaat, die voorsteller en die sekondant en 14 dae voor die benoemingsvergadering aan die skool terugbesorg word en moet die profiel bedoel in klousule 22(6) insluit.

(4) Tydens die benoemingsvergadering moet die skoolverkiesingsbeampte die benoemingsproses bedoel in klousule 13(1), (2), (3) en (4) nakom.

(5) 'n Kandidaat mag slegs benoem en sekondeer word deur 'n persoon wat aan dieselfde verteenwoordigende lidmaatskapkategorie as die kandidaat behoort.

(6) Die skoolverkiesingsbeampte moet verseker dat enige persoon wat geskik is om benoem te word en wat benoem wil word, vry is om aan die benoemingsproses deel te neem en enige sodanige persoon moet sy of haar profiel indien, wat bevat –

    (a) sy of haar naam en van;

    (b) die name en grade van sy of haar kinders in die skool;

    (c) sy of haar beroep en ondervinding of vaardighede;

    (d) 'n verklaring wat aandui dat hy of sy verkiesbaar is as 'n lid van die beheerliggaam soos bedoel in klousule 4; en

    (e) sy of haar kort verklaring wat die visie vir die skool stipuleer.

(7) By die benoemingsvergadering, moet die skoolverkiesingsbeampte 'n versoek rig vir die profiele van al die benoemdes.

(8) Na die benoemings, moet die skoolverkiesingsbeampte die benoemings oorweeg en die benoeming van enige kandidaat afkeur wat –

    (a) nie benoem was nie;

    (b) onverkiesbaar is; of

    (c) nie die benoemingsvorm en profiel, soos versoek, voltooi en ingedien het nie.

(9) Indien die totale getal benoemings minder is as die getal van lede benodig in die beheerliggaam, moet 'n kennisgewing aan die ouers gestuur word en meer name van benoemers versoek word.

(10) Indien die aantal van benoemdes gelyk is aan die aantal lede benodig in die beheerliggaam, moet die skoolverkiesingsbeampte alle benoemdes as behoorlik-verkose lede verklaar en aandui dat 'n verkiesingsdag nie langer nodig sal wees nie.

(11) Die skoolhoof moet binne sewe dae na die benoemingsproses die ouers skriftelik in kennis stel van die uitslag van die verkiesing en die ouers inlig dat 'n verkiesingsdag nie langer nodig is nie soos bedoel in hierdie klousule.

(12) Indien die getal benoemdes meer is as die getal nodig vir die beheerliggaam, moet die skoolhoof die ouers skriftelik inlig oor die name en profiele van die kandidate wie se benoemings aanvaar is en 'n verkiesingsdag wat deur middel van geheime stemming moet plaasvind.

(13) Die skoolhoof moet die benoemdes se profiele beskikbaar stel aan ouers ten minste sewe dae voor die verkiesingsdag.

(14) Geen persoon sal pogings aanwend om die benoemingsproses op so 'n manier te organiseer dat slegs die vereiste getal lede benoem word ten einde die verkiesingsproses te vermy en enige sodanige poging sal geag word as verkiesings-onreëlmatighede soos bedoel in klousule 16.

Stemming op die verkiesingsdag

23.(1) Verkiesing sal deur geheime stemming wees en die volgende benoemingsprosesse is van toepassing –

(a) alle stemgeregtigde kiesers wie se name op die kieserslys verskyn word opgesoek en afgemerk van die kieserslys in 100 persent van die gevalle;

(b) 'n stemgeregtigde kieser wat aan die vereistes voldoen en wat nie enige bystand benodig nie moet, indien moontlik, binne vyf minute of minder geprosesseer word deur die hele stemproses;

(c) kiesers wat spesiale aandag benodig, soos ouer persone, gestremdes, of verwagtende vrouens, moet bygestaan word sonder om die ander kiesers te benadeel;

(d) kiesers wie se name nie op die kieserslys vir daardie skool verskyn nie sal nie toegelaat word om te stem nie;

(e) al die eerbaarheidstake rakende stemming word vir elke stemgeregtigde kieser wat die stemlokaal besoek uitgevoer (m.a.w. kieser se naam is afgemerk van die kieserslys);

(f) geen kieser wat enige van die eerbaarheidskontroles gefaal het word toegelaat om te stem nie;

(g) die korrekte stembriewe word uitgereik aan alle kiesers;

(h) klagtes of besware betreffende die bystand verskaf aan ongeletterde kiesers of kiesers met visuele gebrekke word onmiddellik aangespreek;

(i) die verkiesingsproses en -personeel word op so 'n wyse gemonitor dat voldoende inligting vir rekordhouding voorsien word en tydige ingryping toelaat word waar nodig;

(j) besware deur kiesers word aangeteken en beslissings word geneem in lyn met die proses vir 'n dispuut;

(k) interaksies met kiesers, personeel en ander rolspelers is inklusief, onpartydig, met respek vir menswaardigheid en bevordering van verdraagsaamheid;

(l) potensiële of werklike probleme word geïdentifiseer en analiseer ten opsigte van die potensiële impak op die verkiesingsproses en moontlike oplossings;

(m) oplossing van probleme word geregverdig deur die situasies en is geskik om die probleme effektief aan te spreek;

(n) die wyse van probleemoplossing bevorder die gladde verloop van die stemlokaal, handhaaf die beginsel van vry- en regverdige verkiesings en ontneem nie, onder enige omstandighede, die stemgeregtigde kieser van sy of haar stemreg nie; en

(o) die stemproses en -prosedures is oop vir waarnemers wat die proses sal monitor sonder om met die verkiesing in te meng.

(2) Die skoolverkiesingsbeampte mag improviseer indien daar nie 'n amptelike stembus is nie, maar die stembus moet verseël word nadat die waarnemers verseker het dat die stembus leeg is.

Tel van stembriewe en kworum

24.(1) Die skoolverkiesingsbeampte moet besluit op die tyd wanneer die telling van die stembriewe sal plaasvind maar telling moet begin op die dag van die verkiesing en by die sluiting van die stemproses.

(2) Die skoolverkiesingsbeampte moet verseker dat die stembriewe die 15 persent stemmetal nakom ten einde om met die telling voort te gaan. Indien nie, moet die tellery stop en op 'n ander datum vir die verkiesing deur die skoolhoof besluit word. Sodanige datum moet binne sewe dae aan die ouerliggaam gekommunikeer word.

(3) Indien die kworum, soos bedoel in klousule 12, nie gevorm is nie ingevolge klousule 24(2), moet die skoolhoof besluit op die datum waarop die verkiesingsdag gehou sal word en tellery moet voortgaan na die sluiting van stemming ongeag of 'n kworum gevorm word of nie.

(4) Indien die 15 persent stemmetal verkry is, moet die skoolverkiesingsbeampte verseker dat –
    (a) die telproses oop is vir waarnemers en kandidate;
    (b) alle besware teen die telproses akkuraat opgeteken is;
    (c) die name van elke kandidaat en die getal stemme uitgebring vir elk luidkeels aangekondig word aan die waarnemers;
    (d) die vorm vir getelde stembriewe voltooi is; en
    (e) die uitslagstrokie geteken is.

(5) Indien die getal stemme aangeteken vir twee of meer kandidate gelyk is en dit die resultaat van die stemmery beïnvloed, sal die skoolverkiesingsbeampte bepaal, deur die trek van lootjies of die opskiet van 'n muntstuk, om so die staking van stemme tussen die kandidate te breek. Die uitklop-proses moet openlik gedoen word met die goedkeuring van die kandidate.

(6) Die skoolverkiesingsbeampte moet 'n stembrief afkeur wat –
    (a) nie die skool se stempel bevat nie;
    (b) meer stemme aangeteken het as die getal kandidate; of
    (c) op sodanige manier voltooi is dat dit nie duidelik is watter stem was bedoel vir watter kandidaat of kandidate nie.

(7) Indien die skoolverkiesingsbeampte 'n stembrief afgekeur het soos bedoel in klousule 24(6) moet 'n verduideliking deur die skoolverkiesingsbeampte aan alle kandidate teenwoordig gegee word en hy of

sy moet die kandidate 'n geleentheid gun om die afgekeurde stembrief te sien, indien hulle dit sou verlang.

(8) Enige kieser teenwoordig moet ook die geleentheid gegun word om beswaar aan te teken teen die besluit van die skoolverkiesingsbeampte in die tel- of afkeuringsproses maar sodanige beswaar sal nie die skoolverkiesingsbeampte se besluit verander nie.

(9) Die skoolverkiesingsbeampte moet 'n rekord van sodanige beswaar aanbring op die agterkant van die stembrief en in die verkiesingsverslag.

(10) Sou 'n dispuut ontstaan wat nie deur die verkiesingsbeampte opgelos kan word nie, moet die dispuutprosedure bedoel in klousule 16 gevolg word.

(11) Alle koeverte, kartondose en stembusse moet duidelik gemerk word deur die verkiesingsbeampte en hy of sy moet die verkiesingdatum daarop aandui en alle inhoud aanteken.

Toepassing van die kennisgewing
25. Tensy anders spesifiek voorsien in hierdie kennisgewing, sal alle aangeleenthede waarvoor voorsiening gemaak is in hierdie kennisgewing met betrekking tot die verkiesing van beheerliggame, van toepassing wees op skole wat besluit op 'n verkiesingsdag.

Ontbinding van 'n beheerliggaam
26.(1) Die Lid van die Uitvoerende Raad mag 'n beheerliggaam ontbind indien –

(a) die skool disfunksioneel, gesluit, deels afgestig, 'n gesondheidsrisiko is of die veiligheid van enige persoon by sodanige skool affekteer;

(b) 'n samesmelting, sluiting, verdeling van 'n skool is of enige ander herorganisasie van die skool voorkom;

(c) hy of sy van mening is dat die beheerliggaam nie langer verteenwoordigend is van die gemeenskap vir wie die skool tot stand gebring is nie; of

(d) die skool as disfunksioneel bewys is weens swak bestuur en die onderrig- en leerproses nie langer by die skool kan plaasvind nie.

(2) By oorweging van 'n mosie van wantroue wat aanvaar is deur nie minder nie as 15 persent van ouers op die kieserslys van ouers by 'n algemene vergadering van ouers, mag die Lid van die Uitvoerende Raad 'n beheerliggaam ontbind.

(3) Die Lid van die Uitvoerende Raad mag enige skoolbeheerliggaam wat 'n skool bewys as onbeheerbaar of disfunksioneel ontbind, of vir enige ander rede wat hy of sy as geskik mag ag in die belang van opvoeding in die Provinsie.

(4) Die Lid van die Uitvoerende Raad mag 'n beheerliggaam nie ontbind nie tensy hy of sy die betrokke skoolbeheerliggaam in kennis gestel het van sy of haar voorneme, die skoolbeheerliggaam die geleentheid gegun het om vertoë te rig en sodanige vertoë behoorlik oorweeg het.

Delegering van Bevoegdhede

27. Die Departementshoof mag die bevoegdhede wat ingevolge hierdie kennisgewing aan hom of haar verleen is, aan 'n beampte in diens van die Departement delegeer.

Herroeping van kennisgewing

28. Provinsiale Kennisgewing No. 94 van 2009 gepubliseer in die KZN Buitengewone *Koerant* gedateer 24 Junie 2010 word hiermee herroep.

ES MCHUNU LPW

Lid van die Uitvoerende Raad van die Provinsie

verantwoordelik vir Onderwys

AANHANGSEL A
LIDMAATSKAP VAN 'N BEHEERLIGGAAM VAN 'N OPENBARE SKOOL VIR LEERDERS MET SPESIALE BEHOEFTES

Distrik/Skool	Ouers van leerders	Opvoeders by skool sluit in twee (Indien vyf of meer)	Nie-opvoeders sluit in twee (Indien vyf of meer)	Leerders wat Graad 8 of hoër bywoon (twee leerders)	Verteenwoordiger van borg-liggame, indien toepaslik	Verteenwoordiger van organisasies van ouers met leerders met spesiale behoeftes	Verteenwoordiger van organisasies van gestremdes, indien toepaslik	Gestremde persone, indien toepaslik	Kundiges in toepaslike velde van spesiale behoeftes onderwys	Skool-hoof	Eienaar / Verteenwoordiger van eienaar, indien toepaslik	TOTAAL
AMAJUBA												
YWCA Spesiale Skool	10	2	2	Nil	1	Nil	Nil	1	1	1	1	9+10= 19
Bumbisizwe Spesiale Skool	6	2	1	Nil	Nil	Nil	Nil	Nil	1	1	Nil	6+5= 11
Vumisabelo Spesiale Skool	6	2	2	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	6+5= 11
Madadeni Spesiale Skool	6	1	1	Nil	1	Nil	Nil	Nil	1	1	Nil	6+5= 11
Tugela Voorberoeps-opleiding Skool	6	2	2	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	6+5= 11
Bergsig LSOB	8	2	2	Nil	Nil	Nil	Nil	Nil	2	1	Nil	8+7=15
Tugela Hoërskool	7	2	1	Nil	Nil	Nil	Nil	Nil	2	1	Nil	7+6=13

Distrik/Skool	Ouers van leerders	Opvoeders by skool sluit in twee (Indien vyf of meer)	Nie-opvoeders sluit in twee (Indien vyf of meer)	Leerders wat Graad 8 of hoër bywoon (twee leerders)	Verteenwoordiger van borgliggame, indien toepaslik	Verteenwoordiger van organisasies van ouers met leerders met spesiale behoeftes	Verteenwoordiger van organisasies van gestremdes, indien toepaslik	Gestremde persone, indien toepaslik	Kundiges in toepaslike velde van spesiale behoeftes onderwys	Skool-hoof	Eienaar / Verteenwoordiger van eienaar, indien toepaslik	TOTAAL
EMPANGENI												
Masisizane LSOB Skool	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Sthandiwe LSOB	9	2	2	Nil	Nil	Nil	1	1	1	1	Nil	9+8=17
Vuleka Skool	10	2	2	2	Nil	1	Nil	Nil	1	1	Nil	10+9=19
Thuthukani LSOB Skool	8	2	2	Nil	Nil	Nil	Nil	Nil	2	1	Nil	8+7=15
Zululand Remediërende School	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
iLEMBE												
Stanger Opleiding-sentrum	8	2	2	Nil	1	Nil	Nil	Nil	1	1	Nil	8+7=15
Ethel Mthiyane Spesiale Skool	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
OTHUKELA												

Distrik/Skool	Ouers van leerders	Opvoeders by skool sluit in twee (Indien vyf of meer)	Nie-opvoeders sluit in twee (Indien vyf of meer)	Leerders wat Graad 8 of hoër bywoon (twee leerders)	Verteenwoordiger van borgliggame, indien toepaslik	Verteenwoordiger van organisasies van ouers met leerders met spesiale behoeftes	Verteenwoordiger van organisasies van gestremdes, indien toepaslik	Gestremde persone, indien toepaslik	Kundiges in toepaslike velde van spesiale behoeftes onderwys	Skool-hoof	Eienaar / Verteen-woordig-er van eienaar, indien toepaslik	TOTAAL
OTHUKELA												
Inkanyezi Opleiding-sentrum	5	1	1	Nil	Nil	Nil	Nil	Nil	1	1	Nil	5+4=9
KwaZamokuhle Skool	6	1	1	Nil	1	Nil	Nil	Nil	1	1	Nil	6+5=11
PINETOWN												
Kwa-Thintwa Skool vir Dowes	12	2	2	2	1	Nil	1	Nil	1	1	1	11+12=23
Khalipha Spesiale Skool	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
S. Dass Skool	8	2	2	Nil	1	Nil	Nil	Nil	1	1	Nil	8+7=15
Sunfield Home Skool	7	1	2	Nil	Nil	Nil	Nil	Nil	1	1	1	6+7=13
Golden Steps Skole	8	2	2	Nil	1	Nil	Nil	Nil	1	1	Nil	8+7=15
Ethembeni Spesiale Skool	9	2	2	Nil	1	Nil	1	Nil	1	1	Nil	9+8=17

Distrik/Skool	Ouers van leerders	Opvoeders by skool sluit in twee (Indien vyf of meer)	Nie-opvoeders sluit in twee (Indien vyf of meer)	Leerders wat Graad 8 of hoër bywoon (twee leerders)	Verteenwoordiger van borg-liggame, indien toepaslik	Verteenwoordiger van organisasies van ouers met leerders met spesiale behoeftes	Verteenwoordiger van organisasies van gestremdes, indien toepaslik	Gestremde persone, indien toepaslik	Kundiges in toepaslike velde van spesiale behoeftes onderwys	Skoolhoof	Eienaar/ Verteenwoordiger van eienaar, indien toepaslik	TOTAAL
A.M. Moola Spesiale Skool	9	2	2	Nil	1	Nil	Nil	1	1	1	Nil	9+8=17
The Browns Spesiale Skool	6	2	1	Nil	Nil	Nil	Nil	Nil	1	1	Nil	6+5=11
Fulton Skool	8	1	1	1	Nil	Nil	1	Nil	1	1	1	7+8=15
UGU												
Schola Amoris	9	2	2	Nil	1	Nil	Nil	Nil	1	1	1	9+8=17
Harding Spesiale Skool	6	2	2	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	6+5=11
St Martin de Porres Spesiale Skool	9	2	2	2	Nil	Nil	Nil	Nil	Nil	1	1	8+9=17
Umgungundlovu												

Distrik/Skool	Ouers van leerders	Opvoeders by skool sluit in twee (Indien vyf of meer)	Nie-opvoeders sluit in twee (Indien vyf of meer)	Leerders wat Graad 8 of hoër bywoon (twee leerders)	Verteenwoordiger van borgliggame, indien toepaslik	Verteenwoordiger van organisasies van ouers met leerders met spesiale behoeftes	Verteenwoordiger van organisasies van gestremdes, indien toepaslik	Gestremde persone, indien toepaslik	Kundiges in toepaslike velde van spesiale behoeftes onderwys	Skool-hoof	Eienaar / Verteen-woordiger van eienaar, indien toepaslik	TOTAAL
Arthur Blaxal Skool vir die Blindes	13	2	2	2	1	Nil	1	1	1	1	1	13+12=25
Newton Hoërskool	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Peter Pan Opleiding-sentrum	6	2	1	Nil	Nil	Nil	Nil	Nil	1	1	Nil	6+5=11
St Christopher	7	2	1	Nil	Nil	Nil	Nil	Nil	2	1	Nil	7+6=13
Open Gate Spesiale Skole	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Ekukhanyeni LSOB Skool	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Entokozweni	6	2	2	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	6+5=11
HS Ebrahim Skool	8	2	2	Nil	Nil	Nil	Nil	Nil	1	1	1	7+8=15

Distrik/Skool	Ouers van leerders	Opvoeders by skool sluit in twee (Indien vyf of meer)	Nie-opvoeders sluit in twee (Indien vyf of meer)	Leerders wat Graad 8 of hoër bywoon (twee leerders)	Verteenwoordiger van borg liggame, indien toepaslik	Verteenwoordiger van organisasies van ouers met leerders met spesiale behoeftes	Verteenwoordiger van organisasies van gestremdes, indien toepaslik	Gestremde persone, indien toepaslik	Kundiges in toepaslike velde van spesiale behoeftes onderwys	Skool-hoof	Eienaar/Verteenwoordiger van eienaar, indien toepaslik	TOTAL
Indaleni Skool vir die Dowes	11	2	2	2	Nil	1	Nil	1	1	1	Nil	11+10= 21
UMLAZI												
Inanda Spesiale Skool	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Golden Hours Skool	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Reunion Skool vir Serebraal Gestremde Kinders	9	2	2	Nil	1	Nil	1	Nil	1	1	Nil	9+8=17
Golden Gateway Skool	9	2	2	Nil	1	Nil	Nil	Nil	1	1	1	8+9=17
Durban Skool vir Hardhorendes	10	2	2	1	1	Nil	1	Nil	1	1	Nil	10+9= 19
V.N. Naik Skool vir die Dowes	10	2	2	2	Nil	Nil	Nil	Nil	1	1	1	10+9= 19

Distrik/Skool	Ouers van leerders	Opvoeders by skool sluit in twee (Indien vyf of meer)	Nie-opvoeders sluit in twee (Indien vyf of meer)	Leerders wat Graad 8 of hoër bywoon (twee leerders)	Verteenwoordiger van borg-liggame, indien toepaslik	Verteenwoordiger van organisasies van ouers met leerders met spesiale behoeftes	Verteenwoordiger van organisasies van gestremdes, indien toepaslik	Gestremde persone, indien toepaslik	Kundiges in toepaslike velde van spesiale behoeftes onderwys	Skool-hoof	Eienaar / Verteenwoordig-er van eienaar, indien toepaslik	TOTAAL
Kwavulindle Skool vir die Dowes	6	1	1	Nil	1	Nil	Nil	Nil	1	1	Nil	6+5=11
Day Dawn Opleiding-sentrum	6	2	1	Nil	Nil	Nil	Nil	Nil	1	1	Nil	6+5=11
Ekuthuleni Spesiale Skool	8	2	2	Nil	Nil	1	Nil	Nil	1	1	Nil	8+7=15
Die Kenmont Skool	8	1	2	Nil	1	Nil	1	Nil	1	1	Nil	8+7=15
Livingstone Primêre Skool	9	4	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	9+8=17
West Park LSOB Skool	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Mason Lincoln Spesiale Skool	9	1	1	2	Nil	Nil	1	Nil	2	1	Nil	9+8=17
Khulangolwazi Skool	7	2	2	Nil	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13

Distrik/Skool	Ouers van leerders	Opvoeders by skool sluit in twee (Indien vyf of meer)	Nie-opvoeders sluit in twee (Indien vyf of meer)	Leerders wat Graad 8 of hoër bywoon (twee leerders)	Verteenwoordiger van borg-liggame, indien toepaslik	Verteenwoordiger van organisasies van ouers met leerders met spesiale behoeftes	Verteenwoordiger van organisasies van gestremdes, indien toepaslik	Gestremde persone, indien toepaslik	Kundiges in toepaslike velde van spesiale behoeftes onderwys	Skool-hoof	Eienaar / Verteenwoordiger van eienaar, indien toepaslik	TOTAAL
Ekuthuthukeni Spesiale Skool	7	2	1	1	Nil	Nil	Nil	Nil	1	1	Nil	7+6=13
Open Air Skool	8	2	2	Nil	1	Nil	Nil	Nil	1	1	Nil	8+7=15
Ningizimu Spesiale Skool	10	2	1	Nil	Nil	1	1	1	2	1	Nil	10+9=19
Damarosa Voorberoeps-opleiding Skool	9	2	2	2	Nil	Nil	Nil	Nil	1	1	Nil	9+8=17
R.P. Moodley Spesiale Skool	7	1	2	Nil	Nil	Nil	Nil	Nil	2	1	Nil	7+6=13
UMZINYATHI												
Ukukhanya Ko-Msinga Spesiale Skool	7	1	1	Nil	1	Nil	Nil	1	1	1	Nil	7+6=13
SISONKE												

Distrik/Skool	Ouers van leerders	Opvoeders by skool sluit in twee (Indien vyf of meer)	Nie-opvoeders sluit in twee (Indien vyf of meer)	Leerders wat Graad 8 of hoër bywoon (twee leerders)	Verteenwoordiger van borg-liggame, indien toepaslik	Verteenwoordiger van organisasies van ouers met leerders met spesiale behoeftes	Verteenwoordiger van organisasies van gestremdes, indien toepaslik	Gestremde persone, indien toepaslik	Kundiges in toepaslike velde van spesiale behoeftes onderwys	Skool-hoof	Eienaar / Verteenwoordiger van eienaar, indien toepaslik	TOTAAL
Vulekani Spesiale Skool	6	2	1	Nil	Nil	Nil	Nil	Nil	1	1	Nil	6+5=11
OBONJENI												
Intuthuko Spesiale Skool	10	2	1	Nil	1	1	1	1	1	1	Nil	10+9=19
Khulani Spesiale Skool	8	1	1	Nil	1	1	1	Nil	1	1	Nil	8+7=15
Bumbisizwe	8	2	2	Nil	Nil	Nil	1	1	Nil	1	Nil	8+7=15
VRYHEID												
Inkanyiso Spesiale Skool	11	2	2	Nil	1	1	1	1	1	1	Nil	11+10=21
Zamimpilo LSOB	8	2	2	Nil	Nil	Nil	Nil	1	2	1	Nil	9+8=17
Pro Nobis	7	1	2	Nil	Nil	Nil	Nil	Nil	2	1	Nil	6+7=14

UMTHETHO WEZIKOLE WASENINGIZIMU AFRIKA, 1996
(UMTHETHO NO. 84 KA 1996)

UKWAKHEKA NOKUKHETHWA KWEZIGUNGU EZILAWULAYO ZEZIKOLE ZIKAHULUMENI ZABAFUNDI ABANEZIDINGO EZIKHETHEKILE

Mina, EDWARD SENZO MCHUNU, iLungu loMkhandlu oPhethe elibhekele ezeMfundo esiFundazweni saKwaZulu-Natali, senginqume ngezindaba eziphathelene nezigungu zezikole ngokwezigaba 24 no 28 soMthetho weziKole waseNingizimu Afrika, 1996 (uMthetho No. 84 ka 1996), njengoba uchitshiyelwe nanjengoba kuhlongozwe kulolu Hlelo.

UHLELO

Izincazelo

1. Kulesi saziso noma yiliphi igama noma isisho esinikwe incazelo kulo Mthetho siyokuba naleyo ncazelo ngaphandle uma ingqikithi isho okwehlukile –

"**uMthetho**" kushiwo uMthetho weziKole waseNingizimu Afrika, 1996 (uMthetho No. 84 ka 1996) njengoba uchitshiyelwe;

"**umhlangano ovalekile**" kushiwo umhlangano ovuleleke kuphela –

(a) kubazali uma kukhethwa abazali;

(b) kothisha uma kukhethwa othisha;

(c) kwabangesibona othisha uma kukhethwa abangesibona othisha; kanye

(d) nakubafundi abasemkhandlwini omele abafundi; uma ekhona

"**amalungu engeziwe**" kushiwo amalungu –

(a) angenawo amandla okuvota engezwe ngokobungcweti bawo; kanye

(b) anamandla okuvota engezwe ezikhundleni zamalungu ashiye singakapheli isikhathi sawo sokuba sezikhundleni;

"**usuku**" kushiwo usuku lwekhalenda;

uMnyango" kushiwo uMnyango wezeMfundo waKwaZulu-Natali;

"usuku lokhetho" kushiwo usuku olubekwe isigungu esilawulayo sesikole ngenhloso yokubamba ukhetho lwesigungu esilawulayo sesikole esikhundleni sokuthi kubanjwe umhlangano wokhetho;

"umhlangano wokhetho" kushiwo –

    (a) imihlangano emine eyahlukene ebanjelwa ukuthi kuphakanyiswe futhi kuqokwe abazali bodwa, othisha bodwa, abangesibona othisha bodwa kanye nabafundi bomkhandlu omele abafundi bodwa, njengoba kungaba njalo; kanye

    (b) nomhlangano wokhetho lokuchibiyela;

"abaqaphi bokhetho" kushiwo izikhulu noma nabambiqhaza abaqokwe yithimba lesifundazwe noma lesifunda elibhekele ukhetho abagunyazwe iNhloko yoMnyango njengabaqaphi, njengezinduna noma njengababhekele ukhetho;

"ungoti" kushiwo umuntu onekhono lomsebenzi noma umuntu onamakhono ayisipesheli emkhakheni wemfundo ekhethekile;

"umhlangano wokuqala" kushiwo umhlangano obanjelwe kuphela ukuthi kuqokwe abazobamba izikhundla;

"iNhloko yoMnyango" kushiwo iNhloko yoMnyango wezeMfundo esiFundazweni saKwaZulu-Natali;

"iLungu loMkhandlu oPhethe" kushiwo iLungu loMkhandlu oPhethe elibhekele ezeMfundo esiFundazweni saKwaZulu-Natali;

"ongesiyena uthisha" kushiwo noma yimuphi umsebenzi oqashwe esikoleni ongesiyena uthisha;

"umnikazi" kushiwo umnikazi wendawo ezimele isikole esakhiwe kuyo obhaliswe ngokwesigaba 14 soMthetho;

"isikole" kushiwo isikole sikahulumeni esifundisa abafundi abanezidingo ezikhethekile kusukela eBangeni R kuya eBangeni le-12;

"isikhulu sokhetho sesikole" kushiwo uthishanhloko, ibamba likathishanhloko noma isikhulu esingaqashiwe esikoleni, esiqokwe yiNhloko yoMnyango ukuqhuba ukhetho lwesigungu esilawulayo sesikole;

"isigungu sabaxhasa ngezimali" kushiwo iqeqeba labantu noma inhlangano ehlinzeka ngezimali zokuxhasa isikole;

"iNhloko yoMnyango" kushiwo iNhloko yoMnyango wezeMfundo esiFundazweni saKwaZulu-Natali; futhi

"umvoti" kushiwo umzali emkhakheni wabazali, uthisha emkhakheni wothisha, ongesiyena uthisha emkhakheni wabangesibona othisha kanye nomfundi emkhakheni womkhandlu omele abafundi, uma ukhona.

Ubulungu esigungwini esilawulayo sesikole

2. Isigungu esilawulayo sesikole sabafundi abanezidingo zemfundo ezikhethekile, ngaphandle uma kubekwe ngokunye kwisiThasiselo A, kumele sakhiwe –

(a) abazali babafundi abafunda esikoleni lapho okukhethwa khona isigungu esilawulayo, esakhiwe amalungu eqe ngelungu elilodwa noma ngaphezulu esibalweni samalungu anelungelo lokuvota okukhulunywe ngawo ezigatshaneni zomthetho (b) kuya ku (j) ngaphandle uma kunqume iLungu loMkhandlu oPhethe;

(b) uthisha oyedwa okhethwe othisha abaqashwe esikoleni okuqokwa kuso isigungu esilawulayo uma kunothisha abahlanu noma ngaphezulu abaqashwe kuleso sikole,

(c) oyedwa ongesiyena uthisha okhethwe abangesibo othisha abaqashwe esikoleni esithintekayo;

(d) uma kuyisikole esinabafundi bebanga lesishiyagalombili noma ngaphezulu, abafundi ababili abakhethwe emkhandlwini omele abafundi esikoleni, uma ukhona;

(e) oyedwa oqokwe isigungu sabaxhasi noma izigungu zabaxhasi ezixhasa isikole ngezimali kungakhathaleki ukuthi zingaki izigungu zabaxhasi ezikhona, uma zikhona;

(f) oyedwa oqokwe inhlangano noma izinhlangano zabazali babafundi abanezidingo zemfundo ezikhethekile kungakhathaleki ukuthi zingaki izinhlangano ezikhona, uma zikhona;

(g) oyedwa oqokwe inhlangano noma izinhlangano zabantu abakhubazekile kungakhathaleki ukuthi zingaki izinhlangano zabakhubazekile ezikhona, uma zikhona;

(h) oyedwa okhubazekile oqokwe abantu abakhubazekile emphakathini, uma bekhona;

(i) ungoti oyedwa oqokwe abanye ongoti abasemkhakheni obhekele abafundi abanezidingo ezikhethekile uma bebane noma bengaphansi kwalokho, noma ongoti ababili uma bebahlanu kuya phezulu ongoti abahambele umhlangano obizwe isikhulu sokhetho;

(j) umnikazi wendawo ezimele isikole sikahulumeni esakhiwe kuyo, uma ekhona; kanye

(k) nothishanhloko wesikole ngokwesikhundla sakhe.

Isikhathi sokuba sesikhundleni

3.(1) Isigungu esilawulayo sikhethelwa iminyaka emithathu ngaphandle uma iLungu loMkhandlu oPhethe linqume ngokunye.

(2) ILungu loMkhandlu oPhethe liyonquma isikhathi sokuba sesikhundleni nesikhathi okuzobanjwa ngaso ukhetho kuzo zonke izikole.

(3) Uma isigungu esilawulayo –

(a) sinezinyanga eziyisithupha noma ngaphansi ezisele ngaphambi kokuba kuphele isikhathi saso sokuba sesikhundleni, iLungu loMkhandlu oPhethe, uma lingahambisani nokulinda leso sikhathi, lingayalela ukuba kubanjwe ukhetho ngosuku olunqunywe yilona; noma

(b) sinezinyanga ezingaphezulu kweziyisithupha ngaphambi kokuba kuphele isikhathi saso sokuba sesikhundleni, iLungu loMkhandlu oPhethe, uma linezizathu ezizwakalayo futhi ngemuva kokubonisana naleso sigungu esilawulayo esithintekayo, linganquma usuku okumele kubanjwe ngalo ukhetho uma lingahambisani nokulinda isikhathi esisasele sokuba sesikhundleni kwaleso sigungu.

(4) Kuncike ezigabeni zomthetho 3(3) no 4(2), wonke amalungu, ngaphandle kwabafundi abakhethwe emkhandlwini omele abafundi ngokwesigaba somthetho 2(d) akhethelwa isikhathi esiyiminyaka emithathu.

(5) Isikhathi sokuba sesikhundleni selungu lesigungu esilawulayo elingumfundi elikhethwe ngokwesigaba somthetho 2(d) siwunyaka owodwa.

(6) Ilungu lesigungu esilawulayo libamba leso sikhundla kuze kuphele isikhathi sokuba sesikhundleni kwesigungu esilawulayo ngokuncike ezigabeni zomthetho 3, 4 no 19.

(7) Uma iNhloko yoMnyango ngezizathu ezizwakalayo inquma ukuthi isigungu esilawulayo asisayenzi imisebenzi esasijutshelwe yona ngokoMthetho noma sehlulekile ukwenza umsebenzi owodwa noma leyo misebenzi, iNhloko yoMnyango ingayihoxisa imisebenzi yaso futhi –

(a) iqoke abantu abenele abazokwenza yonke leyo misebenzi noma owodwa noma ngaphezulu waleyo misebenzi yesigungu esilawulayo isikhathi esingeqile ezinyangeni ezintathu;

(b) ingelula isikhathi okukhulunywe ngaso esigatshaneni somthetho (7)(a) isikhathi esingeqile ezinyangeni ezintathu isikhawu ngasinye kodwa kungeqi onyakeni owodwa uma sezihlanganisiwe; futhi

(c) kumele iqinisekise ukuthi isigungu esilawulayo sikhethwa onyakeni owodwa ngemva kokuqokwa komuntu okukhulunywe ngaye esigatshaneni somthetho 7(a).

(8) Kuncike esigabeni somthetho 4, ilungu lesigungu esilawulayo lingaphinde likhethwe noma lengezwe, njengoba kungaba njalo, uma sekuphele isikhathi salo sokuba sesikhundleni.

Ukwakheka kanye nokufaneleka

4.(1) Laba abalandelayo bayoba ngabafanelekile ukuba bakhethwe njengamalungu esigungu esilawulayo –

(a) abazali babafundi bakuleso sikole, uma kungenzeka;

(b) othisha abaqashwe kuleso sikole;

(c) okungesibona othisha abaqashwe kuleso sikole; kanye

(d) nabafundi abasemkhandlwini omele abafundi abasebangeni lesishiyagalombili kuya phezulu kuleso sikole, uma bekhona.

(2) Laba abalandelayo bayoba ngabafanelekile ukuba baqokwe njengamalungu esigungu esilawulayo uma –

(a) beyizithunywa zesigungu noma zezigungu zabaxhasa ngezimali, uma bekhona;

(b) beyizithunywa zenhlangano zona zezinhlangano zabazali babafundi abanezidingo zemfundo ezikhethekile, uma bekhona;

(c) beyizithunywa zezinhlangano zabakhubazekile, uma zikhona;

(d) umuntu oyedwa okhubazekile okhethwe abantu abakhubazekile emphakathini, uma ekhona;

(e) ungoti oyedwa osemkhakheni obhekele abafundi abanezidingo zemfundo ezikhethekile.

(3) Akekho umuntu oyokhethwa njengelungu lesigungu esilawulayo uma –

(a) eke watholakala enecala wagwetshwa izinyanga ezingaphezu kwe-12 ebhadla ejele ngaphandle kokubonelelwa ngokuthi akhokhe inhlawulo okungaba kwiRiphabhulikhi noma ngaphandle kweRiphabhulikhi, uma lelo cala lakhe beliyokuba yicala kwiRiphabhulikhi: Kuncike ekutheni akekho oyothathwa njengosegwetshiwe kuze kube –

(i) uyakhalaza ngokuthweswa kwakhe icala noma ngesigwebo sakhe; noma

(ii) isikhathi sakhe sokukhalaza sesiphelile,

kuncike ekutheni ukuhoxiswa ngaphansi kwale ndima kuyophela eminyakeni emihlanu ngemuva kokuphothulwa kwesigwebo;

(b) emenyezelwe yinkantolo esemthethweni njengongaphilile kahle engqondweni;

(c) ecwile ezikweletini ngokungenakuhlengeka;

(d) engumzali kodwa engesona isakhamuzi saseNingizimu Afrika futhi engenayo imvume yokuhlala kuleli ngaphandle uma egunyazwe iNhloko yoMnyango;

(e)　engumzali kodwa engasenayo ingane efunda kuleso sikole; noma

(f) engumfundi kodwa engesilona ilungu lomkhandlu omele abafundi, uma ukhona;

(g) etholwe enecala lokuziphatha budlabha ngesikhathi sokuqondiswa kwezigwegwe.

(4) Ilungu liyasishiya isikhundla salo uma –

　　　(a)　lingahlangabezani nezidingo ezibekwe kwisigaba somthetho 4(1) no (2);

　　　(b)　lesula noma lixoshwa;

　　　(c)　liyilungu eliqokwe ngokwesigaba somthetho 2(a) futhi lingasenayo ingane efunda kuleso sikole;

　　　(d)　liyilungu eliqokwe ngokwesigaba somthetho 2(b) noma (c) futhi selixoshiwe, noma uma lidluliselwe noma lisiselwe kude naleso sikole;

　　　(e)　lishona;

　　　(f)　liyilungu eliqokwe ngokwesigaba somthetho 2(d) futhi lingasafundi kuleso

　　　sikole noma kuleso sikhungo sokunakekela izingane nentsha esithintekayo;

　　　(g) lephulile emihlanganweni emibili ejwayelekile yesigungu esilawulayo ngaphandle kokuletha incwadi yokubika; noma

　　(h) lingeselona ilungu lomkhandlu omele abafundi; futhi

　　　(i) litholwe linecala lokuziphatha budlabha ngesikhathi sokuqondiswa kwezigwegwe.

Ukuqokwa kwezikhulu zokhetho zesiFundazwe

5.(1)　INhloko yoMnyango kumele iqoke ngencwadi isikhulu sokhetho sesiFundazwe, isekela lesikhulu sokhetho sesiFundazwe kanye nabasizi bezikhulu zokhetho.

(2) Isikhulu sokhetho sesiFundazwe kumele –

　　　(a)　siqinisekise ukuthi ukhetho lukhangiswa ngokwanele;

　　　(b)　siqoke isikhulu esisodwa noma ngaphezulu esisebenza eMnyangweni esizokwelekelela okhethweni njengomsizi wezikhulu zokhetho zesiFundazwe;

　　　(c) siqinisekise ukuthi umthetho wesifundazwe mayelana nokubanjwa kokhetho uyalandelwa;

　　　(d)　sakhe uhlelo lokhetho lwazo zonke izikole esiFundazweni;

　　　(e)　siqaphe ukufundiswa kwamalungu amasha esigungu esilawulayo; futhi

　　　(f)　siqhube uphenyo njengokuyalelwa iNhloko yoMnyango.

(3) Usekela wesikhulu sokhetho sesifundazwe kanye nabasizi bezikhulu zokhetho besifundazwe basiza isikhulu sokhetho sesifundazwe ekwenzeni imisebenzi yaso.

Ukuqokwa kwezikhulu zokhetho zezifunda

6.(1) INhloko yoMnyango kumele iqoke ngencwadi isikhulu sokhetho sesifunda, isekela lesikhulu sokhetho sesifunda kanye nabasizi bezikhulu zokhetho zezifunda.

(2) Isikhulu sokhetho sesifunda kumele –

(a) siqoke isikhulu esisodwa noma ngaphezulu esisebenza eMnyangweni ukwelekelela okhethweni njengomsizi wesikhulu sokhetho sesifunda;

(b) siqoke izikhulu zokhetho zezikole;

(c) sihlinzeke umphakathi ngohlelo lokhetho lwazo zonke izikole esifundeni;

(d) siqinisekise kulandelwa kohlelo lokhetho;

(e) siqinisekise ukuthi zonke izikole zinohlu olusemthethweni lwabavoti;

(f) sisungule futhi sigcine ibhuku lohlu lwamalungu amasha aqokelwe ezigungwini zokulawula esifundeni futhi sihlinzeke umnyango ngaleyo mininingwane;

(g) siqinisekise ukuthi amalungu amasha akhethelwe esigungwini esilawulayo afundisiwe ngomsebenzi esikhathini esiyizinyanga ezintathu ekhethiwe; futhi

(h) sixazulule izinkinga ezimayelana nokhetho lwesigungu esilawulayo sesikole njengoba kuhlongozwe esigabeni somthetho 17.

(3) Isekela lesikhulu sokhetho sesifunda kanye nabasizi bezikhulu zokhetho zezifunda bayosiza isikhulu sokhetho sesifunda ekwenzeni yonke eminye imisebenzi yaso.

(4) Isekela lesikhulu sokhetho sesifunda kanye nomsizi wesikhulu sokhetho bezifunda bangeluleka isikhulu sokhetho sesifunda mayelana nanoma yiluphi udaba olumayelana nokhetho.

Ukuqokwa kwezikhulu zokhetho zezikole

7.(1) INhloko yoMnyango kumele iqoke, ngencwadi, isikhulu soMnyango njengesikhulu sokhetho sesikole uma kukhethwa abazali, othisha, abangesibona othisha kanye nabafundi abasemkhandlwini omele abafundi njengamalungu esigungu esilawulayo.

(2) Uthishanhloko angeke aqokelwe ukuba yisikhulu sokhetho sesikole esikoleni lapho eqashwe khona.

(3) Isikhulu sokhetho sesikole kumele siqoke, ngencwadi, isikhulu esisodwa noma ngaphezulu noma othisha abasebenzela uMnyango noma abaqashwe yisigungu esilawulayo ukwelekelela okhethweni njengabasizi bezikhulu zokhetho.

(4) Isikhulu sokhetho sesikole siyokwengamela kuyo yonke imihlangano yokhetho kuhlanganisa nokhetho lokuchibiyela kanye nokhetho lwabaqashwe ezikhundleni yisigungu esilawulayo.

(5) Isikhulu sokhetho sesikole kanye nomsizi wesikhulu sokhetho sesikole angeke bangenele ukhetho, baphakamise noma bancome abaphakanyisiwe.

Isifungo noma isibopho nokugcinwa kwezimfihlo

8. Zonke izikhulu zokhetho kumele zisayine isifungo noma isibopho sokugcina izimfihlo kwifomu elinqunywe iNhloko yoMnyango ngaphambi kokuthi zisebenze kulezo zikhundla.

Isaziso somhlangano wokhetho

9.(1) Uthishanhloko wesikole esizobamba umhlangano wokhetho kumele –

(a) anqume usuku, isikhathi nendawo okuyobanjelwa kuyo umhlangano wokhetho; futhi

(a) enze isaziso esibeka usuku, isikhathi kanye nendawo yomhlangano wokhetho.

(2) Okungenani kusasele izinsuku ezingama-21 kufike usuku lomhlangano wokhetho, uthishanhloko wesikole esithintekayo kumele –

(a) anikeze bonke abafundi esikoleni ikhophi yesaziso somhlangano wokhetho futhi abatshele ngomlomo ukuba bahambise izaziso kubazali babo; noma

(b) athumele leyo khophi yesaziso kubazali ngeposi; futhi

(c) anikeze othisha nalabo abangesibona othisha ikhophi yaleso saziso;

(d) anamathisele ikhophi yaleso saziso endaweni esobala kuleso sikole esithintekayo nakunoma iyiphi enye indawo efanele nesobala; futhi

(e) anikeze ilungu ngalinye lomkhandlu omele abafundi ikhophi.

(3) Uma kuyisikole esisha, ukhetho kumele lubanjwe ezinsukwini ezingama-60 kuvulwe leso sikole noma leso sikhungo.

Uhlu lwabavoti

10.(1) Uthishanhloko kumele alungise uhlu lwabavoti ngalunye –

(a) lwabazali;

(a) lothisha;

(b) lwabangesibona othisha; kanye

(c) nolwabafundi abasemkhandlwini omele abafundi.

(2) Uthishanhloko kumele alungise uhlu lwabavoti esebenzisa –

    (a) incwadi yokubhslisa abafundi kubazali;

    (b) incwadi yokuqoshwa kwesikhathi kothisha;

    (c) incwadi yokuqoshwa kwesikhathi yabangesibona othisha; kanye

    (d) nerejista yabafundi abasemkhandlwini omele abafundi.

(3) Uthishanhloko okungenani kusasele izinsuku ezingama-21 kufike umhlangano wokhetho, ayalele ukuba kuthunyelwe incwadi nefomu eligunyazwe uMnyango kubazali babafundi ngenhloso yokumema abazali ukuba bavuselele imininingwane yabo esesikoleni.

(4) Okungenani kusasele izinsuku eziyi-14 ngaphambi kokuthi kubanjwe umhlangano wokuvota, uthishanhloko kumele avumele labo abazovota ukuba bahlole uhlu lwabavoti.

(5) Noma yisiphi isikhalo esimayelana nohlu lwabavoti kumele sibhekiswe kuthishanhloko kusasele okungenani izinsuku eziyisikhombisa kubanjwe ukhetho.

Imihlangano yokhetho

11.(1) Ngaphandle uma kunezizathu ezizwakalayo zokuphambuka kulokho, zonke izikole kumele zibambe ukhetho lwesigungu esilawulayo ngokwenza umhlangano wokhetho kanye nemihlangano eyehlukile yokhetho –

    (a) lwabazali

    (b) lothisha;

    (c) lwabangesibona othisha; kanye

    (d) nolwabafundi abasemkhandlwini omele abafundi.

(2) Isikhulu sokhetho sesikole kumele siqoke umsizi wesikhulu sokhetho sesikole ukuba asebenze njengonobhala emihlanganweni futhi aqophe amaminithi emihlangano.

(3) Isikhulu sokhetho sesikole akumele sivumele noma imuphi umuntu ongesiyena umvoti ukuba ethamele umhlangano noma sivumele ukuba kukhethwe umuntu ongalungenelanga ukhetho ngokwesigaba somthetho 4.

(4) Isikhulu sokhetho sesikole kumele sinxuse abavoti ukuba baveze ubufakazi bokuthi bangobani ngokuthi baveze omazisi babo baseNingizimu Afrika noma amaphasiphothi asemthethweni.

(5) Ngaphambi kokuqhubeka nokhetho lwamalungu esigungu esilawulayo, isikhulu sokhetho sesikole kumele sazise abavoti ukuthi –

(a) isikhathi sokuba sesikhundleni samalungu esigungu esilawulayo sesiphelile futhi amalungu asazisiwe ngokusemthethweni;

(b) umhlangano wokhetho ungumhlangano ovalekile;

(c) izinhlinzeko zesigaba somthetho 4 eziveza umuntu ongafanelekile ukuba yilungu lesigungu esilawulayo;

(d) isibalo sabantu okumele bakhethwe;

(e) isiphakamiso ngasinye kumele sesekwe umzali, uthisha, ongesiyena uthisha, umfundi osemkhandlwini omele abafundi, njengoba kungaba njalo, ofanelekile ukuba avote;

(f) ngesikhathi sokuphakanyiswa kwabantu, abavoti kumele babhekelele ukumeleleka futhi kumele baqinisekise ukuthi iziphakamiso zabo zimele ubulili, ubuhlanga futhi kumele zibandakanya ukuphakanyiswa kwabantu abakhubazekile;

(g) umvoti ngamunye unevoti elilodwa esikhaleni somsebenzi okumele sigcwaliswe;

(h) kuvotwa ngephepha lokuvota eliyimfihlo; futhi

(i) ikhona inqubo yokukhalaza kulabo abangenelisekanga ngenqubo kanye nomphumela wokhetho.

Isibalo esivumelekile sabangabamba umhlangano wokhetho

12.(1) Kumele kube nesibalo esingama-15% sabavoti abasohlwini lokuvota ngaphambi kokuthi kubanjwe noma yiluphi ukhetho.

(2) Uma isibalo okukhulunywe ngaso kwisigatshana somthetho (1) singahlangani, umhlangano kumele uhlehliselwe okungenani ezinsukwini eziyi-14 kodwa kungeqi ezinsukwini ezingama-21.

(3) Uma umhlangano wokhetho uhlehliswa njengoba kuhlongozwe esigabeni somthetho 12(2), isikhulu sokhetho sesikole kumele siqhubeke nomhlangano olandelayo kungakhathaleki ukuthi isibalo esivumelekile somhlangano siyahlangana noma asihlangani.

Ukuphakanyiswa kwabantu emhlanganweni wokhetho

13.(1) Isikhulu sokhetho sesikole esibambe umhlangano wokhetho kumele –

(a) sinqume futhi sibeke isikhathi sokuphakanyiswa kwabantu;

(b) sibeke isikhathi esanele sokuphakanyiswa kwabantu ngesigaba sokuphakanyiswa kwabantu; futhi

(c) sazise abavoti ngesikhathi esibekiwe.

(2) Umuntu angaphakanyiswa noma engekho kuncike ekutheni –

(a) umuntu omphakamisayo nalowo ovuna leso siphakamiso bakhona emhlanganweni; futhi

(b) umuntu ophakanyiswayo uthumela incwadi yokwamukela ukuphakanyiswa kwakhe.

(3) Emhlanganweni wokhetho, umuntu ongenela ukhetho angaphakanyiswa ngencwadi noma ngomlomo –

(a) ngumzali womfundi ofunda kuleso sikole ukuba asebenze ngokwesigaba somthetho 2(a);

(b) nguthisha oqashwe kuleso sikole ukuba asebenze ngokwesigaba somthetho 2(b);

(c) ongesiyena uthisha kodwa oqashwe kuleso sikole ukuba asebenze ngokwesigaba somthetho 2(c); noma

(d) ngumfundi osemkhandlwini omele abafundi ngokwesigaba somthetho 2(d),

kuncike ekutheni omunye umzali, uthisha, ongesiyena uthisha noma umfundi osemkhandlwini omele abafundi, njengoba kungaba njalo, uyasivuna isiphakamiso futhi umuntu ophakanyiswayo uyakuveza emhlanganweni ngomlomo noma ngencwadi uma engekho, ukuthi uzimisele ukusebenza njengelungu lesigungu esilawulayo, uma ekhethiwe.

(4) Ngaphandle kohlu lwabantu abaphakanyisiwe ngaphambi komhlangano wokhetho, isikhulu sokhetho sesikole kumele sivumele ukuba kuphakanyiswe ngomlomo abantu abazongenela ukhetho futhi sivule ithuba elanele lokuphakanyiwa kwabantu ngomlomo.

(5) Ophakamisa ozongenela ukhetho nalowo ovunayo kumele babe khona emhlanganweni wokhetho futhi bagcwalise ifomu yokuphakamisa abantu.

(6) Isikhulu sokhetho sesikole kumele –

(a) sinike umuntu ophakamise ozongenela ukhetho ithuba lokuthi ethule lowo amphakamisile emhlanganweni futhi anikeze izizathu zokumphakamisa kwakhe; noma

(b) sivumele umuntu ophakanyisiwe ukuba azethule yena ngokwakhe emhlanganweni.

(7) Ngesikhathi sokuphakanyiswa kwabantu, isikhulu sokhetho sesikole kumele semukele iziphakamiso futhi sichithe ukuphakanyiswa kwanoma yimuphi umuntu ozongenela ukhetho –

(a) ongakhethwanga ngokwesigaba somthetho 13(2) no (3); noma

(b) ongavumelekile ngokwesigaba somthetho 4.

(8) Uma isibalo sabantu abaphakanyisiwe seqa isibalo sezikhala zomsebenzi, isikhulu sokhetho sesikole kumele ngokushesha ngemuva kokuvala ithuba leziphakamiso, sibhale phansi amagama abaphakanyisiwe ebhodini elifanele noma kunoma iyiphi indawo ecacile futhi ebonakalayo kuwo wonke umuntu owethamele umhlangano.

(9) Uma isibalo sabantu abakhethiwe silingana nezikhala zomsebenzi, isikhulu sokhetho sesikole kumele simemezele abantu abaphakanyisiwe njengasebekhethiwe.

(10) Ukuqhutshwa kokukhethwa kwabaphakanyiswayo kumele kuvalwe isikhulu sokhetho sesikole.

Ukuvota emhlanganweni wokhetho
14.(1) Umvoti ngamunye unevoti elilodwa esikhundleni ngasinye okumele sigcwaliswe esigungwini esilawulayo.

(2) Isikhulu sokhetho sesikole kumele siyalele abavoti abakhona ukuba bafake uphawu lwesiphambano (x) maqondana namagama abantu ababakhethayo emaphepheni okuvota ayohlinzekwa yisikhulu sokhetho sesikole.

(3) Umuntu ongakwazi ukufaka uphawu lwevoti lakhe ephepheni lokuvota njengoba kuhlongozwe esigabeni somthetho 14(2) angafaka isicelo ngomlomo sokuthi asizwe esikhulwini sokhetho sesikole noma kumsizi wesikhulu sokhetho ukuze afake uphawu eceleni kwalowo muntu amkhethayo ephepheni lokuvota.

(4) Isikhulu sokhetho sesikole siyosiza noma yimuphi umuntu okhubazekile.

(5) Isicelo sokusizwa kanye nokugcwalisa iphepha lokuvota njengoba kuhlongozwe esigabeni somthetho 14(3) siyokwenziwa ngasese endaweni ehlonzwe yisikhulu sokhetho sesikole ngenxa yaleyo nhloso kodwa kube sendaweni okubanjelwe kuyona ukhetho.

(6) Isikhulu sokhetho sesikole kumele singawemukeli amaphepha okuvota –
     (a) afakwe iziphambano (x) eziningi ngaphezu kwezikhala ezikhona esigungwini esilawulayo; noma
     (b) anegama lomuntu noma anamagama abantu abangaphakanyisiwe.

(7) Uma bonke abavoti sebewafakile amavoti abo, isikhulu sokhetho sesikole kanye nomsizi wesikhulu sokhetho sesikole kumele babale amavoti akhona bekanye nabaqaphi abathathu abaqokwe yilabo abethamele umhlangano, ukuba baqaphe uhlelo lokubalwa kwamavoti.

(8) Uma kuba nokulingana kwamavoti phakathi kwababili noma ngaphezulu abaphakanyisiwe endaweni noma ezindaweni ezisekugcineni ohlwini lwabaphakanyisiwe, isikhulu sokhetho sesikole kumele sigingqe uhlamvu lwemali ophumelele aqokwe ngokuthi uhlamvu luhlale ngaluphi uhlangothi.

(9) Isikhulu sokhetho sesikole kumele simemezele imiphumela emhlanganweni wokhetho bese sidalula abaphakanyisiwe abathole amavoti amaningi njengamalungu aseqokelwe esigungwini esilawulayo.

(10) Isibalo samavoti atholwe umuntu okhethweni angeke sisetshenziswe ukunquma umphumela wokhetho kwabazobamba izikhundla.

Ukuqokwa kwamalungu

15.(1) Uthishanhloko ngaphambi kwezinsuku ezingama-21 kube ukhetho kumele, athumelele incwadi yesimemo –

(a) izigungu zabaxhasa ngezimali;

(b) izinhlangano zabantu abakhubazekile;

(c) abantu abakhubazekile abasemphakathini;

(d) ongoti; futhi

(e) inhlangano ngayinye inelungelo lokumela isigungu esilawulayo ngokwesigaba somthetho 4(2),

esibamemela emhlanganweni wokuqoka amalungu ezithunywa ngokwesigaba somthetho 2(1)(e) kuya ku (i).

(2) Isikhulu sokhetho sesikole kumele sibize umhlangano siphinde sengamele umhlangano okukhulunywe ngawo esigatshaneni somthetho 15(1).

(3) Emhlanganweni, isikhulu sokhetho sesikole kumele sikhiphe umyalelo wokuthi izinhlangothi ezithintekayo okukhulunywe ngazo esigatshaneni somthetho 15(1) kumele siqoke izithunywa ngokubhalwe phansi phakathi kwabo kufanele bahlinzeke ngemininingwane yalowo muntu noma yalabo bantu abaqokiwe kuhlanganisa amagama, amakheli, izinombolo zezingcingo kanye nama-imeyli.

(4) Umhlangano okukhulunywe ngawo esigatshaneni somthetho 15(1) kumele ulandelwe umhlangano wokhetho lwabazali.

(5) Uma sithola amagama abaqokiwe esigatshaneni somthetho 15(1), emva kokuzanelisa ngokuthi oqokiwe usekwamukele ukuqokwa kwakhe njengelungu lesigungu esilawulayo, isikhulu sokhetho sesikole kumele siqhubeke sibhalele abaqokiwe sibazise ngokuqokwa kwabo njengelungu lesigungu esilawulayo.

Ukhetho lwabazobamba izikhundla

16.(1) Isikhulu sokhetho sesikole, ngosuku lomhlangano wokhetho lwabazali, singabiza umhlangano ngenhloso yokuqoka abazobamba izikhundla uma –

(a) ukhetho lothisha, lwabangesibona othisha nolwabafundi lubanjwe ngaphambi kokhetho lwabazali;

(b) isaziso sezinsuku ezingama-21 njengoba kuhlongozwe esigabeni somthetho 9(2) sanikezelwa kubazali, kothisha, kwabangesibona othisha kanye nakubafundi abasemkhandlwini omele abafundi ukubazisa ukuthi umhlangano wokhetho lwabazobamba izikhundla uzobanjwa ngosuku lomhlangano wokhetho lwabazali; futhi

(c) kuhanjiswene nezidingo zokuba khona kwesibalo esenele sabantu esingabamba umhlangano.

(2) Uma umhlangano wokuqoka wabazongena ezikhundleni ungabanjwanga ngokwesigaba somthetho 16(1), isikhulu sokhetho sesikole kumele sibize umhlangano wokuqala wesigungu esilawulayo ezinsukwini ezingama-21 kusuka osukwini lokubanjwa kokhetho lwabazali.

(3) Isikhulu sokhetho sesikole sengamela noma imuphi umhlangano obizelwe ukhetho lwabazobamba izikhundla.

(4) Emhlanganweni wokuqala wesigungu esilawulayo amalungu kumele akhethe ngokusebenzisa iphepha lokuvota eliyimfihlo –

(a) usihlalo;

(b) usekela kasihlalo;

(c) umgcinimafa; kanye

(d) nonobhala.

(5) Nanoma yiliphi ilungu lesigungu esilawulayo elikhethwe emikhakheni eyehlukene yabantu okukhulunywe ngabo esigabeni somthetho 2(a), (e), (f), (g), (h) no (i) lingaba usihlalo wesigungu esilawulayo.

(6) Isikhathi sokuba sesikhundleni kwabazobamba izikhundla siwunyaka owodwa.

(7) Uthishanhloko angaqoka ilungu kubasebenzi bakhe ukulekelela umgcinimafa kanye nonobhala wesigungu esilawulayo.

(8) Uma, nganoma yisiphi isizathu, kuba nesikhala sozobamba isikhundla, isigungu esilawulayo, emhlanganweni wokuqala ngemva kokuvela kwesikhala, kumele sikhethe oyedwa phakathi kwamalungu aso ozogcwalisa leso sikhala esikhathini esisasele salowo oshiyile.

(9)   Ozobamba isikhundla angaphinde aqokwe kabusha uma kuphela isikhathi sakhe
sokuba sesikhundleni.

(10) Uthishanhloko ezinsukwini eziyi-14 emva kokhetho kumele azise iNhloko yoMnyango nganoma yiluphi uguquko lwabazobamba izikhundla futhi kumele amhlinzeke ngemininingwane yalabo abazobamba izikhundla kubandakanya amagama, izinombolo zomazisi, izinombolo zezingcingo, izinombolo zefeksi namakheli kanye nama-imeyli.

(11) Ezinsukwini eziyi-14 zokhetho lwabazobamba izikhundla zesigungu esilawulayo sesikole asebezoshiya kumele banikezele kwabasha abangene ezikhundleni yonke imibhalo emayelana nesigungu esilawulayo sesikole futhi kumele babanikeze isitifiketi esigunyaziwe esisayinwe abaphathizihlalo bezinhlangothi zombili.

Ukuxazululwa kokungaboni ngaso linye

17.(1) Umvoti noma umuntu obephakanyisiwe ngesikhathi kukhethwa isigungu esilawulayo angafaka isikhalo sakhe ngokubhalwe phansi esikhulwini sokhetho sesifunda ezinsukwini eziyisikhombisa ngemuva kokhetho uma izinqubo ezibekiwe zingazange zilandelwe ngesikhathi kunomhlangano wokhetho.

(2) Noma yimuphi umuntu onolwazi oluthile nganoma yikuphi okungazange kuhambe ngendlela mayelana nokhetho angazisa isikhulu sokhetho sesifunda ngokubhalwe phansi ngalokho okungahambanga ngendlela ezinsukwini eziyisikhombisa kubanjwe ukhetho.

(3) Uma semukela isikhalo noma ulwazi olumayelana nokungazange kuhanjiswe ngendlela efanele, isikhulu sokhetho sesifunda siyoqoka usekela waso noma umsizi wesikhulu sokhetho sesifunda ukuba siphenye futhi sense zincomo.

(4) Isikhulu sokhetho sesifunda ngemva kophenyo, singamemezela ukhetho njengolungekho emthethweni futhi singamema ukuba kukhethwe kabusha uma senelisekile ukuthi –

      (a) inqubo ebekiwe ayizange ilandelwe;

      (b) okungahambanga ngendlela kwenziwa ngesikhathi kuqhutshwa ukhetho; futhi

      (c) umphumela wokhetho ubuyokwehluka ukube inqubo ebekiwe ibilandeliwe.

(5) Noma yimuphi umuntu ongenelisekile ngesinqumo sesikhulu sokhetho sesifunda angakhalaza mayelana naleso sinqumo kwiNhloko yoMnyango ezinsukwini eziyi-14 kwemukelwe isinqumo esivela esikhulwini sokhetho sesifunda.

(6) INhloko yoMnyango kumele –

     (a) ezinsukwini eziyisikhombisa yemukele isikhalo isidlulisele esikhulwini sokhetho sesiFundazwe;

     (b) icele isikhulu sokhetho sesiFundazwe ukuba siphenye futhi silungise umbiko kanye nezincomo ezinsukwini eziyi-14 kudluliselwe isikhalo esikhulwini sokhetho sesifundazwe;

     (c) ibheke umbiko okukhulunywe ngawo ku-6(b), ithole isixazululo futhi ibonisane ngokubhalwe phansi mayelana nesinqumo sayo nalowo ofake isikhalo kanye nesikhulu sokhetho sesifunda ezinsukwini eziyi-14 kwemukelwe umbiko ovela esikhulwini sokhetho sesifundazwe.

(7) Isinqumo seNhloko yoMnyango siyokuba ngujuqu.

(8) Ngesikhathi kusalindwe umphumela wokuxazululwa kokungaboni ngaso linye, iNhloko yoMnyango kumele iqoke abantu abafanele ukwenza imisebenzi yesigungu esilawulayo isikhathi esingeqile ezinyangeni ezintathu.

Inqubo ngemva kokhetho

18. Ngemva kokhetho lwamalungu esigungu esilawulayo, isikhulu sokhetho sesikole kumele –

     (a) sazise ngokubhalela ilungu ngalinye elikhethiwe ngokukhethwa kwalo futhi leso saziso kumele sithunyelwe ngefeksi, ngeposi, nge-imeyili noma sihanjiswe ngesandla;

     (b) sazise isikhulu sokhetho sesifunda ngokubhaliwe mayelana nemininingwane yokhetho kubandakanya usuku lokhetho, amagama, izinombolo zomazisi, izinombolo zezingcingo, izinombolo zamafeksi kanye namakheli awo wonke amalungu akhethiwe;

     (c) sigcine zonke izincwadi, kubandakanya amaphepha okuvota asetshenzisiwe kulolo khetho ezimvilophini futhi sivale izimvilophu;

     (d) ngaphambi kwezinsuku eziyi-5 emva kokhetho sinikeze uthishanhloko yonke imibhalo emayelana nokhetho ukuze ayigcine kahle.

Ukhetho lokuchibiyela

19.(1) Uma kuvela isikhala ngenxa yokushiya kwanoma yiliphi ilungu esigungwini esilawulayo singakapheli isikhathi salo sokuba sesikhundleni, isikhulu sokhetho sesikole kumele sigunyaze ukhetho lwelungu elisha elizongena esikhundleni selungu elishiyile.

(2) Uma isikhala sivela kusasele izinyanga ezingaphezu kweziyisithupha ngaphambi kokuthi kuphele isikhathi sokuba sesikhundleni kwesigungu esilawulayo, isikhulu sokhetho sesikole kumele sibambe ukhetho lokuchibiyela ngokulandela izinqubo ezibekwe esigabeni somthetho 9 kuya ku 14.

(3) Isikhulu sokhetho sesikole kumele sihlele umhlangano wokhetho ezinsukwini ezingama-90 kuvele leso sikhala futhi ngesikhathi kusalindwe ukhetho lokuchibiyela, isigungu esilawulayo singengeza amalungu.

(4) Uma isikhala sivela ngenxa yokushiya kwelungu sekusele ngaphansi kwezinyanga eziyisithupha kuphele isikhathi sokuba sesikhundleni kwesigungu esilawulayo, amalungu asele kumele –

(a) engeze, ngevoti leningi, umuntu noma abantu abazogcwalisa isikhala noma izikhala kuleso sikhathi esisasele sokusebenza kwesigungu esilawulayo; futhi

(b) umkhakha wabazali, wothisha, wabangesibona uthisha kanye nowabamfundi kumele wenze izincomo ngamagama abantu okungenani abathathu abafanelekile abangakwazi ukwengezwa esigungwini esilawulayo futhi isigungu esilawulayo kumele sengeze kulawo magama anconyiwe.

(5) Ilungu elengeziwe okukhulunywe ngalo ezigatshaneni zomthetho (3) no (4) liqhubeka emalungelweni elungu elishiyayo okuvota, uma likhona.

Isigungu esilawulayo esisebenza phakathi kwezikole ezimbili noma ngaphezulu

20.(1) Isigungu esengamele izikole ezimbili noma ngaphezulu kumele siqukathe amalungu alandelayo –

(a) abazali abaqokwe ngabazali babafundi abafunda kwezinye zalezi zikole isigungu esilawulayo esikhethwe kuzo, esinomzali oyedwa ngaphezu kwesibalo esihlanganisiwe seziphakanyiswa ezikhethelwe esigungwini esilawulayo;

(b) uthisha oyedwa oqokwe abanye othisha abaqashwe kwezinye zalezi zikole isigungu esilawulayo esikhethwe kuzo;

(c) oyedwa ongesiyena uthisha oqokwe abangesibona othisha abaqashwe kwezinye zalezi zikole isigungu esilawulayo esikhethwe kuzo;

(d) abafundi ababili abaqokwe phakathi kwabafundi abasemkhandlwini omele abafundi esikoleni ngasinye kusukela ebanga lesi-8 noma ngaphezulu;

(e) uthishanhloko ngamunye walezi zikole ngokwesikhundla sakhe esisemthethweni;

(f) amalungu engeziwe, uma ekhona;

(g) amalungu aqokwe njengoba kuhlongozwe ezigabeni zomthetho 4(2) no 15.

(2) Isibalo sabantu abengeziwe njengaba kuhlongozwe esigabeni somthetho (1)(f) angeke seqe kwabahlanu.

(3) Ukhetho lwabazobamba izikhundla esigungwini esilawulayo sesikole esengamele izikole ezimbili noma ngaphezulu kumele lulawulwe isikhulu sokhetho sesikole esikhulu.

(4) Isikhulu sokhetho sesikole kumele sibambe umhlangano wokhetho lwabazobamba izikhundla emva kwezinsuku ezingama-21 isikole sokugcina (sezinye izikole) sibe nomhlangano wokhetho lwabazali.

(5) Zonke izindaba eziphathelene nokhetho lwesigungu sesikole njengalokhu ziqukethwe kulesi saziso, ziyosetshenziswa esigungwini esilawulayo esengamele izikole ezimbili noma ngaphezulu.

Usuku lokhetho

21.(1) Isikole ngokunquma kwesigungu saso esilawulayo singabamba ukhetho ngosuku lokhetho esikhundleni sokubamba umhlangano wokhetho uma kunezizathu eziphoqayo.

(2) Uma isigungu esilawulayo sesikole sinquma usuku lokhetho, uthishanhloko wesikole kumele –

    (a) okungenani kusasele izinsuku ezingama-21 akhiphe isaziso sokhetho, afake isicelo esikhulwini sokhetho sesifunda acele kuso imvume yokunquma usuku lokhetho;

    (b) anikeze izizathu ezisemqoka ngesinqumo sokungenela ukhetho oluzothatha usuku lonke esikhundleni sokubamba umhlangano wokhetho;

    (c) anikeze isiqiniseko sokuthi kuzoba khona abaqaphi kanye nethimba lezokhetho usuku lonke;

    (d) anikeze isiqiniseko sokuthi zonke izinto ezisetshenziselwa uhlelo lokwenza iziphakamiso kanye nokhetho zizotholakala;

    (e) anikeze isiqiniseko sokuthi uhlelo lokufunda nokufundisa esikoleni angeke luphazamiseke ngenxa yokhetho oluzobanjwa usuku lonke.

(3) Ngaphambi kokunikeza noma isiphi isikole imvume yokubamba ukhetho usuku lonke, isikhulu sokhetho sesifunda kumele sidlinze ngezinhlinzeko zesigaba somthetho 21(2) futhi sigculiseke ukuthi isikole sihlangabezene nalezo zinhlinzeko.

(4) Isinqumo esithathwe isikhulu sokhetho sesifunda kumele sidluliselwe esikoleni okungenani ezinsukwini eziyi-14 isikole sifake isicelo.

(5) Isikhulu sokhetho sesikole kumele ngaphambi kosuku lokhetho siqinisekise ukuthi –

(a) isikole sinencwadi yemvume yokuqhuba ukhetho ephuma ehhovisi lokhetho lesifunda;

(b) uhlelo losuku lokhetho lumi ngomumo;

(c) bonke abaphakanyisiwe bayithumele imininingwane yabo esikoleni ukuze ibekwe obala esikhungweni sokuvota;

(d) isikhathi sokuvala sizovumela ukuthi ababhekele ukugcinwa komthetho kanye nethimba lokhetho bagoduke bephephile;

(e) uma sekuvalwa, isikole sizobe sinaye umuntu okhona lapho kuvotelwa khona ukuze agcine yonke imibhalo ebisetshenziselwa ukhetho iphephile.

Iziphakamiso zosuku lokhetho

22.(1) Izikole ezinqume ukuba nosuku lokhetho esikhundleni sokubamba umhlangano wokhetho kumele zilandele lolu hlelo lokwenza iziphakamiso –

(a) isikhulu sokhetho sesikole kumele sibhale izaziso zomhlangano wokwenza iziphakamiso futhi kumele sinqume usuku, indawo kanye nesikhathi somhlangano;

(b) isaziso somhlangano wokwenza iziphakamiso wabazali kufanele sikhishwe futhi sibekwe ezindaweni ezisobala esikoleni nasezindaweni zomphakathi okungenani kusasele izinsuku ezingama-21 ngaphambi kosuku lokhetho.

(2) Uthishanhloko kumele aqinisekise ukuthi –

(a) isaziso somhlangano wokwenza iziphakamiso kanye nefomu yabantu abaphakanyisiwe kunikezwa bonke abafundi okungenani kusasele izinsuku ezingama-21 ngaphambi kosuku lokhetho oluhlongoziwe, uyalela ngomlomo abafundi ukuthi banikeze abazali isaziso kanye nefomu;

(b) uma kungenjalo, isaziso kanye nefomu yabantu abaphakanyisiwe kuthunyelelwa kobo bonke abazali babafundi ngeposi okungenani kusasele izinsuku ezingama-21 ngaphambi kosuku lokhetho; noma

(c) kusetshenziswa zombili lezi zindlela: Inqobo nje uma zingeke zibeke abazali kanye namalungu omphakathi engcupheni;futhi

(d) isaziso kanye nefomu yabantu abaphakanyisiwe uma kunokwenzeka ibhalwe ngolimi umfundi alusebenzisa esikoleni nangolimi alusebenzisa ekhaya ukuqinisekisa ukuthi kutholakala isibalo esigcwele sabazobambiqhaza.

(3) Isaziso kumele sazise abazali ngokuthi ifomu yabantu aphakanyisiwe kufanele

igcwaliswe futhi isayinwe ngozongenela ukhetho, ophakamisayo kanye nomvuni bese ibuyiselwa esikoleni okungenani kusasele izinsuku eziyi-14 ngaphambi komhlangano wokwenza iziphakamiso futhi kumele ibe nemininingwane ehlongozwe esigabeni somthetho 22(6).

(4) Ngesikhathi somhlangano wokwenza iziphakamiso, isikhulu sokhetho sesikole kumele sigxile ohlelweni lweziphakamiso oluhlongozwe esigabeni somthetho 13(1), (2), (3) no (4).

(5) Ongenele ukhetho angaphakanyiswa kuphela futhi avunwe ngumuntu osohlangothini olufanayo nalolo ayilungu kulo.

(6) Isikhulu sokhetho sesikole kumele siqinisekise ukuthi nanoma yimuphi umuntu ofanelekile ukuphakanyiswa futhi ofuna ukuphakanyiswa, ukhululekile ukubambiqhaza ohlelweni lweziphakamiso futhi lowo muntu kumele alethe imininingwane yakhe –

    (a) enesibongo negama lakhe;

    (b) enamagama kanye namabanga ezingane zakhe ezifunda esikoleni;

    (c) echaza ngomsebenzi awenzayo nesipiliyoni noma amakhono omsebenzi anawo;

    (d) enesitatimende esibeka ukuthi ungofanelekile ukuba yilungu lesigungu esilawulayo njengoba kuhlongozwe esigabeni somthetho 4; kanye

    (e) nesitatimende esibeka kafishane umbono anawo ngesikole.

(7) Emhlanganweni wokwenza iziphakamiso, isikhulu sokhetho sesikole kumele sicele bonke abaphakanyisiwe ukuthi balethe yonke imininingwane yabo.

(8) Emva kokuphakanyiswa kwabantu, isikhulu sokhetho sesikole kumele sicubungule iziphakamiso futhi sichithe ukuphakanyiswa kwanoma ngubani ongenele ukhetho –

    (a) ongazange aphakanyiswe;

    (b) ongafanelekile ukungenela ukhetho; futhi

    (c) ongazange agcwalise futhi athumele ifomu yeziphakamiso kanye nemininingwane edingekayo.

(9) Uma isibalo sonke sabantu abaphakanyisiwe singaphansi kwesibalo samalungu adingeka esigungwini esilawulayo, kumele kuthunyelwe isaziso kubazali sokuthi bacelwe ukuthi baphinde baphakamise amagama abanye abantu.

(10) Uma isibalo sabantu abaphakanyisiwe silingana nesibalo samalungu adingeka esigungwini esilawulayo, isikhulu sokhetho sesikole kumele simemezele ukuthi bonke abantu abaphakanyisiwe sebengamalungu afanelekile nokuthi asisekho isidingo sokuba nosuku lokhetho.

(11) Uthishanhloko okungenani kusasele izinsuku eziyi-7 emva kohlelo lweziphakamiso kumele abhalele abazali abazise ngemiphumela yokhetho njengoba kuhlongozwe kuleso sigaba somthetho.

(12)   Uma isibalo sabantu abaphakanyisiwe singaphezulu kwesibalo esidingekayo esigungwini esilawulayo, uthishanhloko kumele abhalele abazali abazise ngamagama nangemininingwane yabantu iziphakamiso zabo ezamukeliwe nangosuku lokhetho okuyovotwa ngalo ngephepha lokuvota eliyimfihlo.

(13) Uthishanhloko kumele avezele abazali imininingwane yabaphakanyisiwe okungenani kusasele izinsuku eziyi-7 ngaphambi kosuku lokhetho.

(14)   Akekho umuntu oyozama ukuhlela uhlelo lweziphakamiso ngendlela yokuthi kuphakanyiswe isibalo sabantu abadingekayo kuphela ukuze ukhetho lungabe lusabanjwa futhi lowo mzamo uyothathwa njengokungahambisani nomthetho wezokhetho njengoba kuhlongozwe esigabeni somthetho 17.

Ukuvota ngosuku lokhetho

23.(1) Kuyovotwa ngephepha lokuvota eliyimfihlo futhi lolu hlelo lokuvota olulandelayo kumele lusetshenziswe:

(a) yibona bonke abavoti abafanelekile amagama abo atholakala ohlwini lwabavoti kanti ayesulwa ohlwini uma sebevotile;

(b) umvoti ofanelekile onakho konke okudingekayo futhi ongadingi ukusizwa, kumele avote aqede emizuzwini emihlanu noma engaphansi kwalokho;

(c) abavoti abadinga usizo oluyisipesheli, njengabantu abadala, abakhubazekile noma abesifazane abakhulelwe basizwa ngaphandle kokubandlulula abanye abavoti;

(d) abavoti amagama abo angaveli ohlwini lwabavoti lwaleso sikole angeke bavunyelwe ukuthi bavote;

(e) yonke imisebenzi ephathelene nokuvota yenzelwa bonke abavoti abafanelekile abafike esikhungweni sokuvota (isibonelo: igama lomvoti liyesulwa ohlwini uma esevotile);

(f) akekho umvoti ovumeleke ukuvota uma ngesikhathi sokuhlolwa kwezinto eziphathelene nokuvota kutholakale ukuthi ungumuntu ongafanelekile;

(g) bonke abavoti banikezwa iphepha lokuvota elifanele;

(h) izikhalo noma ukungeneliseki mayelana nosizo oluhlinzekwa abavoti abangakwazi ukufunda nokubhala noma abangaboni zibhekwa ngokushesha;

(i) uhlelo lokuvota kanye nabasebenzi luqashwe ngendlela yokuthi luhlinzeke ngolwazi oluyilo ngokugcina amarekhodi ukuze kungenelelwe uma kunesidingo;

(h) ukungeneliseki okuvela kubavoti kuyaqoshwa futhi kuthathwe izinqumo

ngokulandela inqubo yokuxazulula ukungaboni ngaso linye;

(k) ukuxoxisana nabavoti, abasebenzi kanye nababambe iqhaza, nalabo abangalibambile iqhaza, ukuhlonishwa kwesithunzi sabantu nokugqugquzela ukubekezelelana;

(l) izinkinga ezikhona nezingabakhona ziyahlonzwa ziphinde zicutshungulwe ukuthi zingaba nomthelela ongakanani ohlelweni lokuvota kubhekwe nezisombululo ezingasetshenziswa;

(m) ukuxazululwa kwezinkinga kuncike ezimweni futhi kuyasiza ukubhekana ngqo nezinkinga ngendlela efanele;

(n) indlela yokuxazulula izinkinga igqugquzela ukusebenza kahle kwesikhungo sokuvota, iqinisa imigomo yokhetho olukhululekile nolungachemile futhi noma ngayiphi indlela inika umvoti ofanelekile ithuba lokuvota;futhi

(o) uhlelo lokuvota kanye nezinqubo ezisetshenziswayo zivulelekile kubagcini bomthetho abazoqapha uhlelo lokuvota ngaphandle kokuphazamisa ukhetho.

(2) Isikhulu sokhetho sesikole singakwazi ukuthola elinye ibhokisi lokufaka amavoti uma lingekho ibhokisi elisemthethweni lokufaka amaphepha okuvota, kodwa ibhokisi kumele livalwe thaqa ngemva kokuthi ababhekele ukugcinwa komthetho sebenelisekile ukuthi alinalutho phakathi.

Ukubalwa kwamavoti kanye nesibalo esivumelekile

24.(1) Isikhulu sokhetho sesikole kumele sinqume isikhathi okuzobalwa ngaso amavoti kepha ukubala kumele ukuba kwenziwe ngosuku lokhetho kancane nje emva kokuvala ukuvota.

(2) Isikhulu sokhetho sesikole kumele siqinisekise ukuthi amaphepha okuvota afinyelela esibalweni esiyi-15 lamaphesenti ukuze kuqale ukubala, uma kungenjalo, ukubala kufanele kumiswe kubekwe olunye usuku lokuvota futhi kumele leso sinqumo sithathwe ngokuhlanganyela nothishanhloko wesikole futhi lolo suku kumele ludluliselwe esigungwini sabazali ngaphambi kwezinsuku eziyisikhombisa.

(3) Uma isibalo esivumelekile njengoba kuhlongozwe esigabeni somthetho 12 kungafinyelelwa kusona uthishanhloko kumele anqume usuku okuzobanjwa ngalo ukhetho ukuze kuqhutshekwe nokubala emva kokuvalwa kokuvota, noma ngabe isibalo esivumelekile siyahlangana noma asihlangani.

(4) Uma amavoti efinyelela esibalweni esiyi-15 samaphesenti, isikhulu sokhetho sesikole kumele siqinisekise ukuthi —

(a) uhlelo lokubala luvulelekile kwababhekele ukugcinwa komthetho nakulabo abangenele ukhetho;

(b)   konke ukunganeliseki ngohlelo lokubala kuqoshwa ngokucophelela;

(c)   igama lomuntu ngamunye ongenele ukhetho kanye nesibalo samavoti

omuntu ngamunye ayamenyezelwa kwababhekele ukugcinwa komthetho;

(d)   ifomu lokuvota eselibaliwe liyagcwalisa; futhi

(e)   isiliphu semiphumela yokhetho sisayiniwe.

(5) Uma isibalo samavoti abantu abangenele ukhetho ababili noma ngaphezulu silingana siphazamisa imiphumela yokuvota, isikhulu sokhetho sesikole kufanele sithathe isinqumo sokuphonsa uhlamvu lwemali bese odle umhlanganiso aqokwe ngokuthi uhlamve lwemali luhlale ngaluphi uhlangathoni. Lokhu kumele kwenziwe ngendlela evulelekile nangokuvumelana kwabantu abangenele ukhetho.

(6) Isikhulu sokhetho sesikole kumele silichithe iphepha lokuvota –

(a)   elingenaso isigxivizo sesikole;

(b)   elinamavoti amaningi arekhodwe ngaphezu kwesibalo sabantu abangenele ukhetho;futhi

(c)   uma ligcwaliswe ngendlela yokuthi akusacaci ukuthi belivotele bani

kubantu abangenele ukhetho.

(7) Uma isikhulu sokhetho sesikole sichithe iphepha lokuvota njengoba kuhlongozwe esigabeni somthetho 24(6) kumele sichazele bonke abantu abangenele ukhetho abakhona lapho futhi siphinde sinikeze ithuba abangenele ukhetho lokuthi babeke uvo lwabo ngokuchithwa kwephepha lokuvota uma befisa ukwenze njalo.

(8) Nanoma yimuphi umvoti okhona lapho kumele anikezwe ithuba lokuphikisa isinqumo sesikhulu sokhetho sesikole ngesikhathi sibala noma sichitha iphepha lokuvota kodwa lokho kungeneliseki angeke kuze kuguqule isinqumo esithathwe isikhulu sokhetho sesikole.

(9)   Irekhodi lalokho kungeneliseki kumele ukuba libhalwe ngemva kwalelo phepha lokuvota, nasembikweni wokhetho owenziwa isikhulu sokhetho sesikole.

(10)   Uma kwenzeka kuba nokungaboni ngaso linye isikhulu sokhetho sesikole esehluleka ukukuxazulula, kumele kulandelelwe inqubo yokuxazulula ukungaboni ngaso linye njengoba kuhlongozwe esigabeni somthetho 16.

(11) Zonke izimvilophi, amabhokisi kanye namabhokisi okufaka amavoti kumele abhalwe ngamagama amakhulu isikhulu sokhetho sesikole futhi siphinde sibhale usuku lokhetho kanye nacho konke okuphakathi.

Ukusebenza kwalesi saziso

25.(1)   Ngaphandle uma kuhlinzekwe ngokunye kulesi saziso, zonke ezinye izindaba ezihlinzekwe kulesi saziso eziphathelene nokhetho lwezigungu ezilawulayo kufanele zisebenze ezikoleni ezinqume ukuba nosuku lokhetho.

Ukuhlakazwa kwesigungu esilawulayo

26.(1)   ILungu loMkhandlu oPhethe lingahlakaza isigungu esilawulayo uma –

(a) isikole singasebenzi, sivaliwe, ingxenye yaso ihlakazwa, sibeka engozini impilo noma ukuphepha kwanoma yimuphi umuntu kuleso sikole;

(b) isikole sihlangana, sivalwa, sihlukana noma sihlelwa kabusha;

(c) linombono wokuthi isigungu esilawulayo asisawumele umphakathi okusungulwe kuwona isikole;

(d) ukungaphathwa kahle kwesikole kudala ukuthi kungasebenzeki futhi ukufunda nokufundisa kungeke kusenzeka esikoleni.

(2) Uma kuba nokuvumelana kokungasethembi isigungu esilawulayo kwesibalo esingekho ngaphansi kwamaphesenti ayi-15 sabazali abasohlwini lwabazali abavotayo emhlanganweni wabazali, iLungu loMkhandlu oPhethe lingasihlakaza isigungu esilawulayo.

(3) ILungu loMkhandlu oPhethe lingahlakaza nanoma yisiphi isigungu esilawulayo sesikole esenza ukuba isikole singalawuleki, singasebenzi ngendlela efanele nanganoma isiphi isizathu asibona sifanele nangokukhathalela ezemfundo esiFundazweni.

(4) ILungu loMkhandlu oPhethe angeke lisihlakaze isigungu esilawulayo ngaphandle kokwazisa isigungu esilawulayo sesikole ngelihlose ukukwenza, ngaphandle kokunikeza isigungu esilawulayo sesikole ithuba lokuziphendulela liphinde futhi likucubungule ngokucophelela lokho kuziphendulela.

Ukudluliselwa kwamandla

27. INhloko yoMnyango ingadlulisela amandla enikezwe wona ngokwalesi saziso kunoma isiphi isikhulu esiqashwe uMnyango.

Ukuchithwa kwesaziso

28. ISaziso sesiFundazwe No. 94 sika 2009 esashicilelwa mhla zingama-24 kuNhlangulana 2010 *kwiGazethi* eyiSipesheli yesiFundazwe saKwaZulu-Natali ngalokhu siyachithwa.

ES MCHUNU

iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali

elibhekele ezeMfundo

ISITHASISELO

UBULUNGU KWISIGUNGU ESILAWULAYO SESIKOLE SIKAHULUMENI SABAFUNDI ABANEZIDINGO ZEMFUNDO EZIKHETHEKILE

Isifunda/Isikole	Abazali babafundi	Othisha ababili (uma bebahlanu noma ngaphezulu)	Abangesi bona othisha ababili (uma bebahlanu noma ngaphezulu)	Abafundi beBanga lesi-8 noma ngaphezulu (abafundi ababili)	Abamele imigwamanda yabaxhasi, uma bekhona	Abamele izinhlangano zabazali babafundi abanezidingo zemfundo ezikhethekile	Abamele izinhlangano zabantu abakhubazekile, uma zikhona	Abantu abakhubazekile, uma bekhona	Ongoti emikhakheni yemfundo yabafundi abanezidingo ezikhethekile	Uthishomkhulu	Umnikazi/Omele umnikazi, uma ekhona	ISAMBA
AMAJUBA												
YWCA Special School	10	2	2	Abekho	1	Abekho	Abekho	1	1	1	1	9+10= 19
Bumbisizwe Special School	6	2	1	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	6+5= 11
Vumisabelo Special School	6	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	Abekho	1	Abekho	6+5= 11
Madadeni Special School	6	1	1	Abekho	1	Abekho	Abekho	Abekho	1	1	Abekho	6+5= 11
Tugela Pre-vocational School	6	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	Abekho	1	Abekho	6+5= 11
Bergsig LSEN	8	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	2	1	Abekho	8+7=1 5
Tugela High School	7	2	1	Abekho	Abekho	Abekho	Abekho	Abekho	2	1	Abekho	7+6=1 3

Isifunda/ Isikole	Abazali babafundi	Othisha esikoleni ababili (uma bebahlanu noma ngaphezulu)	Abangesi bona othisha ababili (uma bebahlanu noma ngaphezulu)	Abafundi beBanga lesi-8 noma ngaphezulu (abafundi ababili)	Abamele imigwamanda yabaxhasi, uma bekhona	Abamele izinhlangano zabazali babafundi abanezidingo zemfundo ezikhethekile	Abamele izinhlangano zabantu abakhubazekile, uma zikhona	Abantu abakhubazeki uma bekhona	Ongoti emikhakheni yemfundo yabafundi abanezidingo ezikhethekile	Uthishomkhulu	Umnikazi/Omele umnikazi, uma ekhona	ISAMBA
EMPANGENI												
Masisizane LSEN School	7	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	7+6=13
Sthandiwe LSEN School	9	2	2	Abekho	Abekho	Abekho	1	1	1	1	Abekho	9+8=17
Vuleka School	10	2	2	2	Abekho	1	Abekho	Abekho	1	1	Abekho	10+9=19
Thuthukani LSEN School	8	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	2	1	Abekho	8+7=15
Zululand Remedial School	7	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	7+6=13
iLEMBE												
Stanger Training Centre	8	2	2	Abekho	1	Abekho	Abekho	Abekho	1	1	Abekho	8+7=15
Ethel Mthiyane Special School	7	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	7+6=13
OTHUKELA												

Isifunda/ Isikole	Abazali babafundi	Othisha esikoleni ababili (uma bebahlanu noma ngaphezulu)	Abangesi bona othisha ababili (uma bebahlanu noma ngaphezulu)	Abafundi beBanga lesi-8 noma ngaphezulu (abafundi ababili)	Abamele imigwamanda yabaxhasi, uma bekhona	Abamele izinhlangano zabazali babafundi abanezidingo zemfundo ezikhethekile	Abamele izinhlangano zabantu abakhubazekile, uma zikhona	Abantu abakhubazeki uma bekhona	Ongoti emikhakheni yemfundo yabafundi abanezidingo ezikhethekile	Uthishomkhulu	Umnikazi/Omele umnikazi, uma ekhona	ISAMBA
Inkanyezi Training Centre	5	1	1	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	5+4=9
KwaZamokuhle School	6	1	1	Abekho	1	Abekho	Abekho	Abekho	1	1	Abekho	6+5=11
PINETOWN												
Kwa-Thintwa School for the Deaf	12	2	2	2	1	Abekho	1	Abekho	1	1	1	11+12=23
Khalipha Special School	7	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	7+6=13
S. Dass School	8	2	2	Abekho	1	Abekho	Abekho	Abekho	1	1	Abekho	8+7=15
Sunfield Home School	7	1	2			Abekho	Abekho	Abekho	1	1	1	6+7=13
Golden Steps Schools	8	2	2	Abekho	1	Abekho	Abekho	Abekho	1	1	Abekho	8+7=15
Ethembeni Special School	9	2	2	Abekho	1	Abekho	1	Abekho	1	1	Abekho	9+8=17
A.M. Moola Special School	9	2	2	Abekho	1	Abekho	Abekho	1	1	1	Abekho	9+8=17

Isifunda/ Isikole	Abazali babafundi	Othisha esikoleni ababili (uma bebahlanu noma ngaphezulu)	Abangesi bona othisha ababili (uma bebahlanu noma ngaphezulu)	Abafundi beBanga lesi-8 noma ngaphezulu (abafundi ababili)	Abamele imigwamanda yabaxhasi, uma bekhona	Abamele izinhlangano zabazali babafundi abanezidingo zemfundo ezikhethekile	Abamele izinhlangano zabantu abakhubazekile, uma zikhona	Abantu abakhubazekile uma bekhona	Ongoti emikhakheni yemfundo yabafundi abanezidingo ezikhethekile	Uthi-shom-khulu	Umnikazi /Omele umnika-zi, uma ekhona	ISAMBA
The Browns Special School	6	2	1	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	6+5=1 1
Fulton School	8	1	1	1	Abekho	Abekho	1	Abekho	1	1	1	7+8=1 5
UGU												
Schola Amoris	9	2	2	Abekho	1	Abekho	Abekho	Abekho	1	1	1	9+8=1 7
Harding Special School	6	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	Abekho	1	Abekho	6+5=1 1
St Martin de Porres Special School	9	2	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	8+9=1 7
UMGUNGUN-DLOVU												
Arthur Blaxall School for the Blind	13	2	2	2	1	Abekho	1	1	1	1	1	13+12 +25
Newton High School	7	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	7+6=1 3
Peter Pan Training Centre	6	2	1	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	6+5=1 1

Isifunda/Isikole	Abazali babafundi	Othisha esikoleni ababili (uma bebahlanu noma ngaphezulu)	Abangesi bona othisha ababili (uma bebahlanu noma ngaphezulu)	Abafundi beBanga lesi-8 noma ngaphezulu (abafundi ababili)	Abamele imigwamanda yabaxhasi, uma bekhona	Abamele izinhlangano zabazali babafundi abanezidingo zemfundo ezikhethekile	Abamele izinhlangano zabantu abakhubazekile, uma zikhona	Abantu abakhubazeki uma bekhona	Ongoti emikhakheni yemfundo yabafundi abanezidingo ezikhethekile	Uthishomkhulu	Umnikazi/Omele umnikazi, uma ekhona	ISAMBA
St Christopher	7	2	1	Abekho	Abekho	Abekho	Abekho	Abekho	2	1	Abekho	7+6=13
Open Gate Special Schools	7	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	7+6=13
Ekukhanyeni LSEN School	7	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	7+6=13
Entokozweni	6	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	Abekho	1	Abekho	6+5=11
H.S. Ebrahim School	8	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	1	7+8=15
Indaleni School for the Deaf	11	2	2	2	Abekho	1	Abekho	1	1	1	Abekho	11+10=21
UMLAZI		1										
Inanda Special School	7	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	7+6=13
Golden Hours School	7	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	7+6=13

Isifunda/ Isikole	Abazali babafundi	Othisha esikoleni ababili (uma bebahlanu noma ngaphezulu)	Abangesi bona othisha ababili (uma bebahlanu noma ngaphezulu)	Abafundi beBanga lesi-8 noma ngaphezulu (abafundi ababili)	Abamele imigwamanda yabaxhasi, uma bekhona	Abamele izinhlangano zabazali babafundi abanezidingo zemfundo ezikhethekile	Abamele izinhlangano zabantu abakhubazekile, uma zikhona	Abantu abakhubazeki uma bekhona	Ongoti emikhakheni yemfundo yabafundi abanezidingo ezikhethekile	Uthishomkhulu	Umnikazi/Omele umnikazi, uma ekhona	ISAMBA
Reunion School for Cerebral Palsied Children	9	2	2	Abekho	1	Abekho	1	Abekho	1	1	Abekho	9+8=17
Golden Gateway School	9	2	2	Abekho	1	Abekho	Abekho	Abekho	1	1	1	8+9=17
Durban School for the Hearing Impaired	10	2	2	1	1	Abekho	1	Abekho	1	1	Abekho	10+9=19
V.N. Naik School for the Deaf	10	2	2	2	Abekho	Abekho	Abekho	Abekho	1	1	1	10+9=19
Kwavulindlebe School for the Deaf	6	1	1	Abekho	1	Abekho	Abekho	Abekho	1	1	Abekho	6+5=11
Day Dawn Training Centre	6	2	1	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	6+5=11
Ekuthuleni Special School	8	2	2	Abekho	Abekho	1	Abekho	Abekho	1	1	Abekho	8+7=15
The Kenmont School	8	1	2	Abekho	1	Abekho	1	Abekho	1	1	Abekho	8+7=15

Isifunda/ Isikole	Abazali babafundi	Othisha esikoleni ababili (uma bebahlanu noma ngaphezulu)	Abangesibona othisha ababili (uma bebahlanu noma ngaphezulu)	Abafundi beBanga lesi-8 noma ngaphezulu (abafundi ababili)	Abamele imigwamanda yabaxhasi, uma bekhona	Abamele izinhlangano zabazali babafundi abanezidingo zemfundo ezikhethekile	Abamele izinhlangano zabantu abakhubazekile, uma zikhona	Abantu abakhubazeki uma bekhona	Ongoti emikhakheni yemfundo yabafundi abanezidingo ezikhethekile	Uthishomkhulu	Umnikazi /Omele umnikazi, uma ekhona	ISAMBA
Livingstone Primary School	9	4	2	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	9+8=17
West Park LSEN School	7	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	7+6=13
Mason Lincoln Special School	9	1	1	2	Abekho	Abekho	1	Abekho	2	1	Abekho	9+8=17
Khulangolwazi School	7	2	2	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	7+6=13
Ekuthuthukeni Special School	7	2	1	1	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	7+6=13
Open Air School	8	2	2	Abekho	1	Abekho	Abekho	Abekho	1	1	Abekho	8+7=15
Ningizimu Special School	10	2	1	Abekho	Abekho	1	1	1	2	1	Abekho	10+9=19
Damarosa Prevocational School	9	2	2	2	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	9+8=17
R.P. Moodley Special School	7	1	2	Abekho	Abekho	Abekho	Abekho	Abekho	2	1	Abekho	7+6=13

Isifunda/ Isikole	Abazali babafundi	Othisha esikoleni ababili (uma bebahlanu noma ngaphezulu)	Abangesibona othisha ababili (uma bebahlanu noma ngaphezulu)	Abafundi beBanga lesi-8 noma ngaphezulu (abafundi ababili)	Abamele imigwamanda yabaxhasi, uma bekhona	Abamele izinhlangano zabazali babafundi abanezidingo zemfundo ezikhethekile	Abamele izinhlangano zabantu abakhubazekile, uma zikhona	Abantu abakhubazeki uma bekhona	Ongoti emikhakheni yemfundo yabafundi abanezidingo ezikhethekile	Uthishomkhulu	Umnikazi /Omele umnikazi, uma ekhona	ISAMBA
UMZINYATHI												
Ukukhanya Ko-Msinga Special School	7	1	1	Abekho	1	Abekho	Abekho	1	1	1	Abekho	7+6=13
SISONKE												
Vulekani Special School	6	2	1	Abekho	Abekho	Abekho	Abekho	Abekho	1	1	Abekho	6+5=11
OBONJENI												
Inthuthuko Special School	10	2	1	Abekho	1	1	1	1	1	1	Abekho	10+9=19
Khulani Special School	8	1	1	Abekho	1	1	1	Abekho	1	1	Abekho	8+7=15
Bumbisizwe	8	2	2	Abekho	Abekho	Abekho	1	1	Abekho	1	Abekho	8+7=15
VRYHEID												
Inkanyiso Special School	11	2	2	Abekho	1	1	1	1	1	1	Abekho	11+10=21

Isifunda/ Isikole	Abazali babafundi	Othisha esikoleni ababili (uma bebahla-nu noma ngaphe-zulu)	Abangesi bona othisha ababili (uma bebahlan u noma ngaphe-zulu)	Abafundi beBanga lesi-8 noma ngaphe-zulu (abafundi ababili)	Abamele imigwa-manda yabaxhasi, uma bekhona	Abamele izinhlang-ano zabazali babafundi abanezidi-ngo zemfundo ezikhethe-kile	Abamele izinhlan-gano zabantu abakhu-bazekile, uma zikhona	Abantu ab khubazeki uma bekhona	Ongoti emikha-kheni yem-fundo yabafundi abanez-idingo ezi-khethekile	Uthi-shom-khulu	Umnikazi /Omele umnika-zi, uma ekhona	ISAMBA
Zamimpilo LSEN	8	2	2	Abekho	Abekho	1	Abekho	1	2	1	Abekho	9+8=1 7
Pro Nobis	7	1	2	Abekho	Abekho	Abekho	Abekho	Abekho	2	1	Abekho	6+7=1 3