PROVINCE OF WESTERN CAPE

Provincial Gazette Extraordinary

6616

Friday, 27 March 2009

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6616

Vrydag, 27 Maart 2009

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

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PROVINCIAL NOTICE

The following Provincial Notices are published for general information.

V. L. PETERSEN (Ms),
DIRECTOR-GENERAL

Provincial Building,
Wale Street
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

V. L. PETERSEN (Me),
DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat
Kaapstad.

P.N. 111/2009 27 March 2009

GENERAL NOTICE IN TERMS OF THE WESTERN CAPE PROVINCIAL SHOOL EDUCATION ACT, 1997 (ACT 12 OF 1997)

CALL FOR COMMENT ON DRAFT POLICY: LEARNER TRANSPORT FOR ORDINARY PUBLIC SCHOOLS

The Member of the Executive Council responsible for Education in the Western Cape, in terms of the authority vested in him by Section 3 (1) of the Western Cape Provincial School Education Act, 12 of 1997, hereby wishes to announce his intention to determine policy with regard to Learner Transport to Public Ordinary Schools of the Western Cape.

Any person or organisation in the Western Cape Province who wishes to comment on the proposed policy is requested to submit such comment in writing **not later than 30 May 2009** by

(1) posting it to:
The Head: Education
(Attention: Mrs E Louw)
Dir: Institutional Management and Governance Planning
Western Cape Education Department
Private Bag X9114
CAPE TOWN
8000

(2) Faxing it to:
(021) 467-9385 at the above address.

(3) E-mail it to:
Elouw@pgwc.gov.za

Dated at Cape Town this day of 2009.

YOUSUF GABRU, MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR EDUCATION: WESTERN CAPE

WESTERN CAPE
Education Department
Provincial Government of the Western Cape

WCED LEARNER TRANSPORT POLICY FOR PUBLIC ORDINARY SCHOOLS

Introduction

The Western Cape Education Department [WCED] aims to provide access to schooling to all the learners in the province. To reach this goal, it is essential that the WCED endeavours to improve the access that learners, especially poor learners in rural areas, have to schooling.

Budgetary constraints severely impact on the provision of transport to learners in two ways, as it restricts the provision of transport to learners who really need it and it determines the minimum distance needed between a school and the residence of a learner to qualify for transport. Although the WCED has undertaken several cost analyses and studied various cost options, it could not reduce the minimum distance of 5 km from the school. It is difficult to determine the time it takes for a learner to walk 5 km, as smaller learners may take a longer time, however, the average walking time over 5 km is estimated to be 1 to 1½ hours.

It is thus the aim of the WCED, through this policy, to assist those learners who can not access schooling, because they live too far away from the school closest to their residence and would require a long time to walk to school.

Purpose

The purpose of this policy is to provide clear criteria for the transportation of learners attending public ordinary schools of the WCED.

Scope:

As from 1 January 2009, this policy shall have bearing on all public ordinary schools and be applicable to learners attending such schools in the WCED.

Applications for learner transport shall be considered subject to the availability of funding.

The transportation of learners from areas that do not qualify for learner transport, and transportation of learners who do not qualify for learner transport in terms of the criteria in this policy, shall be terminated during 2009.

Legal Framework

The Constitution of the Republic of South Africa (Act 108 of 1996) provides in the Bill of Rights that everyone has a right to a basic education, which the state, through reasonable measures, must make progressively available and accessible.

The National Education Policy Act (Act 27 of 1996) is directed to the advancement and protection of the fundamental right of a person to a basic education and equal access to education institutions.

The South African Schools Act (Act 84 of 1996) provides in Section 3 (3) that the Member of the Executive Council [MEC] of a province must ensure that there are enough school places so that every child [of compulsory school-attendance age] in his or her province can attend school.

Section 3 (4) provides that the MEC must take steps to remedy the lack of capacity if there are not enough school places in the province.

Section 5 provides that all learners have a right of access to quality education without unfair discrimination.

Relevant policies

This policy should be read and applied in conjunction with the WCED's Learner Admission Policy.

Definitions

Public transport is transport, for use by the general public, provided via road and rail or water, including trains, buses, taxis, boats and ferries, and for which a fare is charged.

Learner transport is the transportation of learners to and from school, usually by bus, arranged and paid for by the WCED.

Appropriate school is a public ordinary school in which a learner should be enrolled that offers the relevant language of instruction and the level [grade] of instruction. An appropriate school is not a school that offers the preferred subject that a learner may wish to take.

Parental or learner choice of school

Where an appropriate school is available near the residence of a learner and the parents or learner choose to attend another school that is 5 kilometres or more from the residence of the learner, the parent or learner is responsible for and shall bear the cost for the transport to that school of choice.

Transport schemes

A transport scheme will be instituted only for 10 or more learners.

Qualifying areas:

Rural Districts:

Peripheral and outlying areas, which are 5 km or more from the nearest appropriate school and where no public transport is available

Metropolitan Districts:

Peripheral and outlying areas immediately adjacent to the Cape Town metropolitan area, or to a town, which are 5 km or more from the nearest appropriate school and where no public transport is available

Non-qualifying areas:

Rural Districts:

- All towns where public transport is readily available
- All towns where sufficient classroom space or an appropriate school is available

Metropolitan Districts:

The Cape Town metropolitan area where public transport is available

Criteria to qualify for learner transport:

Learners attending FET Colleges are excluded from the use of WCED learner transport.

All school excursions do not qualify for WCED learner transport.

Schools that arrange and manage their own learner transport do not qualify for WCED learner transport.

Only learners registered as learners on the WCED CEMIS shall be transported on WCED learner transport.

Learners who live in other provinces and who cross borders to attend Western Cape schools shall not be accommodated on learner transport schemes provided by the WCED.

To determine whether a learner qualifies for WCED learner transport, the following criteria shall be applied in all areas and to all cases:

1. Learner transport to public schools of the WCED shall only be considered by the WCED on condition that
   - the residence of the learner is in an area that qualifies for learner transport, **and**
   - the distance by road between the residence of the learner and the nearest appropriate public school is five kilometres or more;

   and
   - there is no public transport available that the learner can use to attend a school,
   - no hostel facilities exist at the school the learner needs to attend, **and**
   - the learner does not receive a transport bursary or a boarding bursary.

2. In areas without sufficient classroom space or an appropriate school, transportation or subsidising of learners to attend school shall only be provided temporarily and to the nearest appropriate public school, as determined by the WCED.

   Where additional classroom space is provided in an area that has insufficient classroom space, the learners from that area who are being transported to schools outside the area must receive preference when applying for admission to schools in the area that have received additional classrooms.

NOTE: ***Five kilometres*** is measured along the shortest passable route that the learner has to walk from his/her residence to the school.

Grade R learners

Grade R learners who qualify for transport and who live in an area that qualifies for learner transport shall be accommodated on WCED transport **if**

- the Gr R learners are part of the enrolment of the public school, **and**
- a learner transport scheme to the relevant school is in operation.

Due to the difference in school times, every effort should be made for learners in Grades R – 2 who qualify for learner transport to be transported on a transport scheme separate to that used for the older learners.

FET Focus School learners

A learner attending an FET focus school, a Dinaledi school, or an agricultural or technical school and who resides **more than** 5 km from the school may be transported **only if** a transport scheme going to or past the school is already in operation.

Physically disabled learners

A physically disabled learner who attends a public ordinary school and who resides **less than** 5 km from the school may be transported **if** a transport scheme to the school is already in operation and it is practicable.

Exceptional circumstances

The provision of transport to, or applications from learners who under ordinary circumstances would not qualify for transport or a subsidy may be considered in exceptional circumstances at the discretion of the HoD.

Dangerous conditions

Consideration will be given to transporting learners or to providing learners with a subsidy if the safety of the learner can be proven to be seriously at risk. The onus rests on the learner or parent or guardian to provide proof that a situation exists that would seriously endanger the life of the learner. The HoD may request that confirmation from a relevant authority is presented of such an unsafe situation or condition.

The following dangerous conditions may be considered IF there is no public transport available and IF the situation is continuous:

- the crossing of a very busy main road or railway line where there are no traffic controls or adult supervision available
- the crossing of a deep or very strong flowing river where no bridge is available
- passing through areas that are inhabited by dangerous animals and where no alternative route exists
- passing through areas that are frequented by individuals with criminal intend and where no alternative route exists

Transport and subsidy options

Transport:

The mode of transport may include the following:

🚌 Transportation by **bus** for groups of more than 10 learners per route, who live 5 kilometres and more from the nearest appropriate school.

Subsidies:

The WCED, at the discretion of the HoD, may consider subsidised support to a learner instead of learner transport

💰 by means of a **transport subsidy** payable to the school. The school or parents shall be responsible for the transport [or mode of transport] of such learners.

(Please also see School-managed transport schemes.)

by means of a **boarding subsidy:**

- for **hostel accommodation –** payable to the school [hostel]
- for **private boarding** - payable to the school. The school and parents shall be responsible for payment to the person providing boarding for the learner.

NOTE: The age, vulnerability and travel circumstances of a learner, especially learners in Gr R - 2, must be considered before a transport or boarding subsidy is allocated.

School-managed transport schemes

All schools that transport learners themselves, or organise any type of learner transport, must ensure that all the required transport regulations are consistently complied with. Vehicles must also be checked regularly [at least every six months] for roadworthiness and safety. A vehicle checklist may be obtained from the Vehicle Inspector at Education District Metro East.

Appeal procedures

Where a learner or his/her parents or guardians do not agree with the decision by the Head of Department, the learner or his/her parents or guardians may appeal in writing against the decision of the Head of Department to the Member of the Executive Council [MEC] within 21 days of receiving notice of the Head of Department's decision.

Compliance

Where a school does not comply with this policy, the circuit team manager shall ensure that the school is supported and assisted until compliance with the policy is reached.

Document compiled by the Directorate: IMGP - Schools

P.K. 111/2009 27 Maart 2009

ALGEMENE KENNISGEWING INGEVOLGE DIE WES-KAAPSE PROVINSIALE SKOOLONDERWYSWET, 1997 (WET 12 VAN 1997)

OPROEP VIR KOMMENTAAR OP DIE KONSEPBELEID: LEERDER-VERVOER VIR GEWONE OPENBARE SKOLE

Die Lid van die Uitvoerende Raad verantwoordelik vir Onderwys in die Wes-Kaap, volgens die mag aan hom verleen ingevolge artikel 3 (1) van die Wes-Kaapse Provinsiale Skoolonderwyswet, 12 van 1997, wens hiermee sy voorneme bekend te maak om beleid oor Leerdervervoer na Gewone Openbare Skole in die Wes-Kaap te bepaal.

Enige persoon of organisasie wat oor genoemde konsepbeleid kommentaar wil lewer, word versoek om sodanige kommentaar skriftelik in te dien **nie later nie as 30 Mei 2009** deur dit

(1) te pos aan:
Die Hoof: Onderwys
(Aandag: Mev E Louw)
Dir: Inrigtingsbestuur en Beheerbeplanning
Wes-Kaap Onderwysdepartement
Privaatsak X9114
KAAPSTAD
8000

(2) te faks na:
(021) 467 9385 by bostaande adres.

(3) te epos aan:
Elouw@pgwc.gov.za

Gedateer te Kaapstad op hierdie dag van 2009.

YOUSUF GABRU, LID VAN DIE UITVOERENDE RAAD VERANTWOORDELIK VIR ONDERWYS: WES-KAAP

WES-KAAP
Onderwysdepartement
Provinsiale Regering van die Wes-Kaap

WKOD-LEERDERVERVOERBELEID VIR GEWONE OPENBARE SKOLE

Inleiding

Die Wes-Kaap Onderwysdepartement [WKOD] strewe daarna om toegang tot skoolonderrig aan al die leerders van die provinsie te verskaf. Om dit te bereik is dit noodsaaklik dat die WKOD sal probeer om die toegang te verbeter wat leerders en veral arm leerders in landelike gebiede tot skoolonderrig het.

Die beperkte begroting het 'n ernstige uitwerking op die voorsiening van leerdervervoer en wel op twee maniere; dit beperk die voorsiening van vervoer aan leerders wat dit werklik nodig het en dit bepaal die minimum afstand wat nodig is tussen die leerder se woning en die skool waarvoor hy of sy moet kwalifiseer. Alhoewel die WKOD verskeie kosteontledings gedoen het en verskillende kosteopsies bestudeer het, kon dit nie die minimum afstand van 5 km vanaf die skool verander nie. Dit is moeilik om te bepaal hoe lank dit vir 'n leerder neem om 5 km te stap, aangesien kleiner leerders langer mag neem, maar die gemiddelde looptyd vir 5 km word geskat op 1 tot 1½ uur.

Dit is dus die oogmerk van die WKOD om via hierdie beleid bystand te verleen aan daardie leerders wat nie toegang tot die skool het nie omdat hulle te ver bly van die skool wat naaste aan hulle woning is en 'n lang tyd nodig sou hê om na die skool te stap.

Doel

Die doel van hierdie beleid is om duidelike kriteria te voorsien vir die vervoer van leerders wat openbare gewone skole van die Wes-Kaap Onderwysdepartement (WKOD) bywoon.

Omvang:

Vanaf 1 Januarie 2010 sal hierdie beleid van toepassing wees op alle openbare gewone skole en op alle leerders wat sodanige skole van die WKOD bywoon.

Oorweging van aansoeke om leerdervervoer sal onderhewig wees aan die beskikbaarheid van fondse

Die vervoer van leerders vanaf areas wat nie vir leerdervervoer in aanmerking kom nie en vervoer van leerders wat ingevolge die kriteria van hierdie beleid nie vir leerdervervoer in aanmerking kom nie, sal gedurende 2009 beëindig word.

Wetlike Raamwerk

Die Grondwet van die Republiek van Suid-Afrika (Wet 108 van 1996) bepaal in the Handves van Regte dat elkeen die reg het op basiese onderwys, wat die staat deur redelike maatreëls progressief beskikbaar en toeganklik moet maak.

Die Nasionale Onderwysbeleidswet (Wet 27 van 1996) is gerig op die bevordering en beskerming van die fundamentele reg van ‘n persoon op basiese onderwys en gelyke toegang tot onderwysinrigtings.

In artikel 3 (3) van die Suid-Afrikaanse Skolewet (Wet 84 van 1996), word daar gestipuleer dat die Lid van die Uitvoerende Raad [LUR] van 'n provinsie moet verseker dat daar genoeg skoolakkommodasie is sodat elke leerder [van skoolpligtige ouderdom] in sy/haar provinsie, skool kan bywoon.

In artikel 3 (4) word daar gestipuleer dat die LUR stappe moet doen om die gebrek aan kapasiteit reg te stel indien daar nie genoeg skoolakkommodasie in die provinsie beskikbaar is nie.

Artikel 5 bepaal dat alle leerders die reg het tot toegang van gehalte onderwys sonder onregverdige diskriminasie.

Definisies

Openbare vervoer is vervoer, vir gebruik deur die algemene publiek, wat per pad, spoor of water voorsien word, insluitend treine, busse en taxi's en waarvoor 'n tarief gehef word.

Leerdervervoer is die vervoer van leerders van en na 'n skool, gewoonlik per bus, wat die WKOD reël en betaal.

Geskikte skool is 'n gewone openbare skool waarby 'n leerder ingeskryf moet wees, waar die toepaslike taal van onderrig en die vlak [graad] van onderrig voorsien word. ‘n Toepaslike skool is nie ‘n skool wat die vak aanbied wat die leerder by voorkeur wil neem nie.

Ouer- of leerderkeuse van skool

Waar 'n toepaslike skool naby aan die woning van 'n leerder geleë is en die leerder of die ouers kies 'n ander skool wat 5 kilometer of verder van die woning van die leerder geleë is, is die ouer of leerder verantwoordelik vir sodanige keuse en sal hulle die koste verbonde aan vervoer van en na die skool wat gekies is, dra.

Vervoerskemas

'n Vervoerskema sal slegs vir 10 of meer leerders ingestel word.

Kwalifiserende gebiede:

Landelike distrikte:

Randgebiede en afgeleë gebiede wat 5 km of verder van die naaste geskikte skool geleë is en waar geen openbare vervoer beskibaar is nie

Metropool-distrikte:

Randgebiedee en afgeleë gebiede wat direk langs die Kaapstadse metropool of 'n dorp geleë is, wat 5 km of verder van die naaste geskikte skool af is en waar geen openbare vervoer beskibaar is nie

Niekwalifiserende gebiede:

Landelike distrikte:

- Alle dorpe waar openbare vervoer geredelik beskikbaar is
- Alle dorpe waar genoeg klasruimte of 'n geskikte skool beskikbaar is

Metropool-distrikte:

Die Kaapstadse metropool waar openbare vervoer beskikbaar is.

Kriteria om vir leerdervervoer in aanmerking te kom:

Leerders wat VOO-kolleges bywoon mag nie van WKOD-leerdervervoer gebruik maak nie.

Alle skooluitstappies kwalifiseer nie vir WKOD-leerdervervoer nie.

Skole wat hulle eie leerdervervoer reël en bestuur kwalifiseer nie vir WKOD-leerdervervoer nie.

Slegs leerders wat op die WKOD SOBIS geregistreer is kwalifiseer vir WKOD-leerdervervoer.

Leerders wat in ander provinsies woonagtig is en die grens oorsteek om skole van die Wes-Kaap by te woon sal nie gebruik mag maak van leerdervervoerskemas wat deur die WKOD verskaf word nie.

Die volgende kriteria sal in alle gebiede en in alle gevalle toegepas word om te bepaal of 'n leerder vir WKOD-leerdervervoer in aanmerking kom:

1. Leerdervervoer na openbare skole van die WKOD sal slegs deur die WKOD oorweeg word op voorwaarde dat
   - die woning van die leerder in 'n area is wat vir leerdervervoer in aanmerking kom, **en**
   - die afstand per pad van die leerder se woning en die naaste geskikte openbare skool vyf kilometer of verder is;

   en
   - daar geen openbare vervoer beskikbaar is wat die leerder kan gebruik om 'n skool by te woon nie,
   - geen koshuisgeriewe bestaan by die skool wat die leerder moet bywoon nie, **en**
   - die leerder nie 'n vervoer- of koshuisbeurs ontvang nie.

2. In gebiede sonder genoeg klasruimte of 'n toepaslike skool, sal vervoer van leerders slegs oorweeg word tot by die naaste toepaslike skool, soos bepaal deur die WKOD.

   Waar addisionele klaskamerruimte voorsien is in ‘n gebied wat onvoldoende klaskamerruimte het, moet die leerders van daardie gebied wat na skole buite daardie gebied vervoer word, voorkeur kry by die aansoek om toelating tot die skole in die gebied wat addisionele klaskamers gekry het.

LET WEL: ***Vyf kilometer*** word gemeet volgens die kortste moontlike roete wat die leerder van sy/haar woning tot by die skool moet stap.

Graad R-leerders

Graad R-leerders wat vir vervoer in aanmerking kom en in ‘n gebied woon wat vir leerdervervoer kwalifiseer, sal **slegs** op WKOD-vervoer geakkommodeer word **indien**

- die graad R-leerders deel is van die inskrywings van die openbare skool, **en**
- 'n leerdervervoerskema na die betrokke skool reeds in bedryf is.

VOO-fokusskool-leerders

'n Leerder wat 'n VOO-fokusskool, ‘n Dinaledi-skool of ‘n landbou- of tegniese skool bywoon en wat **verder as** 5 km van die skool af woon, mag vervoer word **slegs** as 'n vervoerskema wat na die skool gaan of by die skool verby beweeg, reeds in bedryf is.

Fisies gestremde leerders

'n Fisies gestremde leerder wat 'n openbare gewone skool bywoon en wat **minder as** 5 km van die skool af woon, mag vervoer word **as** 'n vervoerskema wat by die skool verby beweeg, reeds in bedryf is.

Buitengewone omstandighede

Aansoeke van leerders wat onder normale omstandighede nie vir vervoer of 'n subsidie in aanmerking kom nie, sal in uitsonderlike gevalle na goeddunke van die HvD oorweeg word.

Gevaarlike Toestand

Oorweging sal geskenk word aan die vervoer van leerders of aan die toekenning van ‘n subsidie indien bewys kan word dat die veiligheid van die leerder ‘n ernstige risiko is. Die onus lê op die leerder, ouer of voog om bewys te lewer dat ‘n situasie bestaan wat die leerder se lewe ernstig kan bedreig. Die HvD kan versoek dat bevestiging van ‘n betrokke gesag van sodanige onveilige situasie of toestand voorgelê word.

Die volgende gevaarlike toestande kan oorweeg word INDIEN daar geen openbare vervoer beskikbaar is nie en INDIEN die toestand onveranderd bly.

- Die oorsteek van ‘n baie besige hoofpad of treinoorgang waar geen verkeerskontrole of volwasse toesig beskikbaar is nie.
- Die oorsteek van ‘n diep of sterk-vloeiende rivier waar daar geen brug is nie
- Deurgang oor gebiede wat deur gevaarlike diere bewoon word en waar geen alternatiewe roete bestaan nie.
- Deurgang oor gebiede wat besoek word deur individue met kriminele bedoelings en waar geen alternatiewe roete bestaan nie.

Vervoer en subsidie moontlikhede

Transport:

Die modus van vervoer kan die volgende insluit:

- Vervoer per **bus** vir groepe van 10 of meer leerders per roete, wat 5 km en verder van die naaste geskikte skool af woon.

Subsidies:

Die WKOD kan, na goeddunke van die DH, gesubsidieerde ondersteuning aan 'n leerder in plaas van leerdervervoer oorweeg

deur middel van 'n **vervoersubsidie** betaalbaar aan die skool. Die skool of ouers sal verantwoordelik wees vir die vervoer [of modus van vervoer] van sulke leerders.

(Sien asb Vervoerskemas wat deur die skool bestuur word.)

deur middel van 'n **koshuissubsidie:**

- vir **koshuisverblyf –** betaalbaar aan die skool [koshuis]
- vir **privaatlosies** – betaalbaar aan die skool. Die skool en ouers sal verantwoordelik wees vir betaling van die persoon by wie die leerder loseer.

LET WEL: Die ouderdomskwesbaarheid en reisomstandighede van 'n leerder, veral leerders in gr R – 2, moet oorweeg word voordat 'n reis- of verblyfsubsidie vir die leerder voorsien word.

Vervoerskemas wat deur die skool bestuur word

Alle skole wat leerders self vervoer, of wat enige soort leerdervervoer organiseer, moet seker maak dat daar deurlopend aan al die vereiste vervoerregulasies voldoen word. Voertuie moet ook gereeld nagegaan word [ten minste elke ses maande] vir padwaardigheid en veiligheid. 'n Voertuigkontrolelys en meer inligting kan van die Voertuiginspekteur by Onderwysdistrik Metro-Oos verkry word.

Appèlprosedures

Waar 'n leerder of sy/haar ouers of voogde nie met die besluit van die Hoof van die Departement saamstem nie, mag die leerder of sy/haar ouers of voogde binne 21 dae na ontvangs van die kennisgewing skriftelik teen die besluit van die Hoof van die Departement by die Lid van die Uitvoerende Raad [LUR] appèl aanteken.

Nakoming

Waar 'n skool nie hierdie beleid nakom nie, sal die IBB-adviseur seker maak dat die skool ondersteun en gehelp word totdat nakoming van die beleid bereik word.

Hierdie dokument is opgestel deur die Direktoraat: IBBP - Skole

Printed by Shumani