

PROVINCIAL NOTICE

[No. 80 of 2001]

REGULATIONS REGARDING THE MERGER OF PUBLIC SCHOOLS

Under sections 13 and 72 of the Free State School Education Act, 2000 (Act No. 2 of 2000), I, DA Kganare, Member of Executive Council responsible for Education in the Free State Province, hereby make the Regulations contained in the Schedule.

SCHEDULE

Merger of public schools

1. Subject to the conditions referred to in section 13 of the Free State School Education Act, 2000 (Act No. 2 of 2000), public schools may merge when it is in the best interest of education on –
 - (a) initiative of the responsible Member; or
 - (b) the request of governing bodies concerned.

Criteria for merger of public schools

2. The following criteria must be considered in relation to the merging of two or more public schools:
 - (a) The physical conditions and distance of one or more of the schools;
 - (b) The crowding of one or more of the schools;
 - (c) Subject choices at the schools;
 - (d) The re-grading of the type of schools;
 - (e) The improvement of the utilisation of human resources;
 - (f) Financial management of the schools concerned.

Procedures for reasonable consultation

3. (1) Subject to section 13(2) of the Act, the responsible Member may only take a decision in relation to the merger of schools, after he or she –

- (a) has investigated the conditions related to the schools concerned;

- (b) has informed the governing bodies concerned in writing of his or her intention to merge the schools and the reasons therefor;
 - (c) has granted the governing bodies of the schools concerned the opportunity to consult with their respective school communities;
 - (d) has entered into negotiations with the governing bodies of the schools concerned;
 - (e) has conducted a public hearing to enable the communities concerned to make representations to him or her;
 - (f) has given due consideration to all representations received; and
 - (g) is satisfied that the employers of the staff at the public schools have complied with their obligations in terms of the applicable labour laws.
- (2) If the schools that are to be merged are public schools on private property –
- (a) subregulation (1) will apply with the necessary changes, to public schools on private property;
 - (b) the responsible Member must also negotiate with the owners of the private properties regarding the contractual obligations in terms of their agreements contemplated in section 12 of the Act; and
 - (c) the responsible Member must negotiate a new agreement in terms of section 12 of the Act.

Assets and liabilities of merged schools

- 4.
- (1) The responsible Member must, subject to the conditions of any donation, bequest or trust, negotiate with the governing bodies regarding the devolution of all assets and liabilities.
 - (2) A departmental audit report of assets and liabilities must be provided and be utilised in negotiations.
 - (3) The responsible Member takes the final decision regarding the devolution of assets and liabilities.