



**FREE STATE PROVINCE**

# **PROVINCIAL GAZETTE**

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# **PROVINSIALE KOERANT**

**PROVINSIE VRYSTAAT**

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**BLOEMFONTEIN, 10 DECEMBER 2010**

**BLOEMFONTEIN, 10 DESEMBER 2010**

<b>OFFICE OF THE PREMIER</b>	<b>KANTOOR VAN DIE PREMIER</b>
<b>No. 7</b>	<b>No. 7</b>
<b>10 December 2010</b>	<b>10 Desember 2010</b>
It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:-	Hierby word bekend gemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby ter algemene inligting gepubliseer word:-
<b>No. 7 of 2010 : Education Laws Amendment Act, 2010</b>	<b>No. 7 van 2010 : Wysigingswet op Onderwyswette, 2010</b>

# ACT

**To repeal certain laws; to amend certain laws; and to provide for matter incidental thereto.**

**BE IT ENACTED** by the Provincial Legislature of the Free State Province as follows:-

*(Afrikaans text assented to and signed by the Premier.)*

## **Repeal and amendment of laws**

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1. (1) The laws mentioned in Schedule 1 are hereby repealed to the extent set out in the third column of the Schedule.
- (2) The laws mentioned in Schedule 2 are amended to the extent set out in the third column of the Schedule. 10

## **Short title**

2. This Act is called the Education Laws Amendment Act, 2010.

# WET

**Om sekere wette te herroep; om sekere wette te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.**

**DAAR WORD BEPAAL** deur die Provinsiale Wetgewer van die Provinsie Vrystaat soos volg:-

*(Afrikaanse teks deur die Premier bekragtig en geteken.)*

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## **Herroeping en wysiging van wette**

1. (1) Die wette genoem in Bylae 1 word hierby herroep in die mate soos uiteengesit in die derde kolom van die Bylae.
- 10 (2) Die wette genoem in Bylae 2 word gewysig in die mate soos uiteengesit in die derde kolom van die Bylae.

## **Kort titel**

2. Hierdie Wet heet die Wysigingswet op Onderwyswette, 2010.

## SCHEDULE 1

### Laws repealed

<b>Title</b>	<b>No. and year of law</b>	<b>Extent of repeal</b>
Robertson Bursary Trust Ordinance, 1966	No. 19 of 1966	The whole
Free State School Education Act, 2000	No. 2 of 2000	Section 74
Provincial Board of Further Education and Training Act, 2003	No. 6 of 2003	The whole

**BYLAE 1****Wette wat herroep is**

<b>Titel</b>	<b>Nr. en jaar van Wet</b>	<b>Omvang van herroeping</b>
Ordonnansie op Robertson Beurstrust, 1966	Nr. 19 van 1966	In geheel
Wet op Vrystaat Skoolonderwys, 2000	Nr. 2 van 2000	Artikel 74
Wet op die Provinsiale Raad van Verdere Onderwys en Opleiding, 2003	Nr. 6 van 2003	In geheel

## SCHEDULE 2

### Laws amended

Title	No. and year of law	Extent of amendment
Free State School Education Act, 2000	No. 2 of 2000	<ol style="list-style-type: none"> <li data-bbox="707 555 1415 667">1. The definition of “<b>Constitution</b>” in section 1 is amended by the deletion of the words [(Act No. 108 of 1996)].</li> <li data-bbox="707 701 1415 1059">2. The definition of “reform school” in section 1 is substituted with the definition “secure care” as contained in section 1 of the Children’s Amendment Act, 2007 (Act No. 41 of 2007). “secure care” means the physical containment in a safe and healthy environment -               <ol style="list-style-type: none"> <li data-bbox="746 954 1415 1021">(a) of children with behavioral and emotional difficulties; and</li> <li data-bbox="746 1025 1224 1059">(b) of children in conflict with the law.</li> </ol> </li> <li data-bbox="707 1099 1415 1888">3. Section 17 of the Free State School Education Act, 2000 is amended by the addition after subsection (3) of the following subsections:               <p data-bbox="746 1245 1415 1417">“(4A) The governing body of a public school may determine the language policy of the public school, subject to the Constitution, the South African Schools Act, 1996 (Act No. 84 of 1996) and the approval of the Head of Education.</p> <p data-bbox="746 1458 1415 1570">(4B) The language policy of a public school shall be developed within the framework of the following principles:</p> <ol style="list-style-type: none"> <li data-bbox="820 1603 1415 1742">(a) The education process should aim at the development of a national democratic culture with respect for the country’s diverse language communities;</li> <li data-bbox="820 1783 1415 1888">(b) Where reasonably practicable, a learner shall have the right to language choice in education;</li> </ol> </li> </ol>

**BYLAE 2**

**Wette wat gewysig is**

Titel	Nr. en jaar van Wet	Omvang van wysiging
Wet op Vrystaat Skoolonderwys, 2000	Nr. 2 van 2000	<ol style="list-style-type: none"> <li>1. Die omskrywing van <b>“Grondwet”</b> in artikel 1 word gewysig deur die skraping van die woorde [(Wet Nr. 108 van 1996)]</li> <li>2. Die omskrywing van <b>“verbeteringskool”</b> in artikel 1 word vervang met die omskrywing <b>“veilige sorg”</b> soos vervat in artikel 1 van die Kinderwysigingswet, 2007 (Wet Nr. 41 van 2007) <b>“veilige sorg”</b> beteken die fisiese inperking in ‘n veilige en gesonde omgewing -             <ol style="list-style-type: none"> <li>(a) van kinders met gedrags- en emosionele probleme; en</li> <li>(b) van kinders wat met die gereg bots.</li> </ol> </li> <li>3. Artikel 17 van die Wet op Vrystaat Skoolonderwys, 2000 word gewysig deur die byvoeging na subartikel (3) van die volgende subartikels:             <p>“(4A) Die beheerliggaam van ‘n openbare skool kan die taalbeleid van die openbare skool vasstel, onderhewig aan die Grondwet, die Suid-Afrikaanse Skolewet, 1996 (Wet Nr. 84 van 1996) en die goedkeuring van die Hoof van Onderwys.</p> <p>(4B) Die taalbeleid van ‘n openbare skool moet ontwikkel word binne die raamwerk van die volgende beginsels:</p> <ol style="list-style-type: none"> <li>(a) Die onderwysproses moet mik na die ontwikkeling van ‘n nasionale demokratiese kultuur wat die land se onderskeie taalgemeenskappe respekteer;</li> <li>(b) Waar redelikerwys doenlik is, is leerlinge geregtig op ‘n taalkeuse in die onderwys;</li> </ol> </li> </ol>

Title	No. and year of law	Extent of amendment
Free State School Education Act, 2000	No. 2 of 2000	<ul style="list-style-type: none"><li>(c) School language policy shall be designed to facilitate the maximum participation of learners in the learning process;</li><li>(d) Special measures shall be taken by the governing body to enable a learner to become competent in the language of teaching of their choice and where reasonably practicable if there is a place available in the relevant grade the public school must admit the learner;</li><li>(e) Where no public school in a district offers the desired language as a medium of learning and teaching, the Department upon request, may make provision for instruction in the chosen language;</li><li>(f) On completion of the ninth grade of education a learner should have acquired satisfactory levels of competence in at least two of the official languages;</li><li>(g) Special measures shall be taken by the governing body to promote the status and use of official languages that have previously been neglected or discriminated against by education authorities in the Province;</li><li>(h) There shall be a duty on all public schools and on the governing body and the Department that educators must acquire the special skills necessary for teaching in a multilingual education environment; and</li><li>(i) Special measures shall be taken by the governing body to stipulate how the public school will promote multilingualism through using more than one language of learning and teaching and approved by the Head of Education.</li></ul>



Titel	Nr. en jaar van Wet	Omvang van wysiging
<p>Wet op Vrystaat Skoolonderwys, 2000</p>	<p>Nr. 2 van 2000</p>	<ul style="list-style-type: none"> <li>(c) Die taalbeleid in skole moet ontwerp word om maksimum deelname van leerders in die leerproses te vergemaklik;</li> <li>(d) Spesiale maatreëls moet getref word deur die beheerliggaam om leerders in staat te stel om vaardig te raak in die taal van onderrig van hul keuse en waar dit redelikerwys prakties moontlik is moet openbare skool die leerder toelaat indien daar plek beskikbaar is in die toepaslike graad.</li> <li>(e) As daar geen openbare skool in die distrik is wat die verlangde taal as medium van onderrig aanbied nie, kan die Departement op versoek voorsiening maak vir onderrig in die gekose taal.</li> <li>(f) By voltooiing van die negende graad van onderwys behoort 'n leerder bevredigende vlakke van vaardigheid in minstens twee van die amptelike tale bereik het.</li> <li>(g) Spesiale maatreëls moet getref word deur die beheerliggaam om die status en gebruik van amptelike tale te bevorder wat voorheen verwaarloos en waarteen teen gediskrimineer was deur die onderwysowerhede in die Provinsie.</li> <li>(h) 'n Plig berus op alle openbare skole, beheerliggame en die Departement om te verseker dat leerkragte spesiale vaardighede moet bekom wat nodig is vir onderrig in 'n meertalige onderwysomgewing; en</li> <li>(i) Spesiale maatreëls moet getref word deur die beheerliggaam om uit te stippel hoe die openbare skool meertaligheid gaan bevorder deur meer as een leer- en onderrigtaal te gebruik wat deur die Hoof van Onderwys goedgekeur is.</li> </ul>

Title	No. and year of law	Extent of amendment
Free State School Education Act, 2000	No. 2 of 2000	<p>(4C) If, at any time, the Head of Education has reason to believe that the language policy of a public school does not comply with the principles set out in subsection (2), the Head of Education may, after consultation with the district council and the governing body of the public school concerned, direct the governing body of the public school to reformulate the language policy of the public school in accordance with the provisions of subsections (1) and (2).”</p> <p>4. Section 41 of the Free State School Education Act, 2000 is amended by the substitution for subsection (10) of the following subsection:</p> <p>“(10) Despite section [74] <u>60 of the South African Schools Act, 1996 (Act No. 84 of 1996)</u>, the State is not liable for any act or omission by the public school relating to its contractual responsibility as the employer in respect of staff employed in terms of subsections (4) and (5)”.</p>

Titel	Nr. en jaar van Wet	Omvang van wysiging
Wet op Vrystaat Skoolonderwys, 2000	Nr. 2 van 2000	<p>(4C) Indien, te eniger tyd, die Hoof van Onderwys rede het om te glo dat die taalbeleid van 'n openbare skool nie voldoen aan die beginsels soos uiteengesit in subartikel (2), kan die Hoof van Onderwys, na oorleg met die distrikraad en die beheerliggaam van die openbare skool, gelas dat die beheerliggaam van van die openbare skool die taalbeleid van die openbare skool herformuleer ooreenkomstig die bepalings van subartikels (1) en (2).”.</p> <p>4. Artikel 41 van die Wet op Vrystaat Skoolonderwys, 2000, word gewysig deur subartikel (10) met die volgende subartikel te vervang:</p> <p>“(10) Ondanks artikel [74] 60 van die die Suid-Afrikaanse Skolewet, 1996 (Wet Nr. 84 van 1996) is die Staat nie aanspreeklik vir enige handeling of late by 'n openbare skool wat voortspruit uit sy kontraktuele verantwoordelikheid as werkgever teenoor die personeel aangestel ingevolge subartikels (4) en (5) nie.”.</p>