# Provincial Gazette

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## PROVINCIAL NOTICE

**[No. 98 of 2010]**

## REGULATIONS IN TERMS OF THE FREE STATE EDUCATION ACT, 2000 (Act No. 2 of 2000)

## ADMISSION OF LEARNERS TO PUBLIC SCHOOL HOSTELS

Under section 72 read with sections 41(g) and 42(a) of the Free State Education Act, 2000 (Act No. 2 of 2000), I, PHI Makgoe, Member of the Executive Council responsible for Education in the Province, intend to publish the regulations as set out in the Schedule.

All interested persons are invited to furnish any comments thereon or any representations which they may wish to make in regard thereto. Such comments or representations must be submitted in writing to the following person not later than 30 days after publication of this notice:

The Director: Legal Services
15th Floor, Room No. 1509 Free State Provincial Government Building
BLOEMFONTEIN

Tel: (051) 404 8456
Fax: (051) 404 8510 or 0866 974 811

Please note that any comments or representations that are received after the due date shall be disregarded.

## SCHEDULE

### Definitions

**1.** In these regulation any word or expression to which a meaning has been assigned in the Act, shall have the meaning assigned to it and unless the context indicates otherwise -

"**exemption**" means total, partial or conditional exemption of parents who are unable to pay hostel fees from the payment of such fees and has a corresponding meaning to that in section 1 of the South African Schools Act, 1996 (Act No. 84 of 1996);

"**hostel**" means an institution attached to a school for the residential accommodation of learners;

"**hostel master**" means the person who is in charge of the daily administration of the hostel and it includes the matron;

"**governing body**" means a governing body of a public school established in terms of this Act;

"**MEC**" means the Member of the Executive Council who is responsible for education in the Province;

# PROVINSIALE KENNISGEWING

**[Nr. 98 van 2010]**

## REGULASIES INGEVOLGE DIE WET OP VRYSTAAT SKOOLONDERWYS, 2000 (Wet. Nr 2 van 2000)

## TOELATING VAN LEERDERS TOT KOSHUISE BY OPENBARE SKOLE

Kragtens artikel 72 saamgelees met artikels 41(g) en 42(a) van die Wet op Vrystaat Skoolonderwys, 2000 (Wet nr. 2 van 2000) is ek, PHI Makgoe, Lid van die Uitvoerende Raad verantwoordelik vir Onderwys, van voorneme om die regulasies soos uiteengesit in die Bylae te publiseer.

Alle belanghebbendes word uitgenooi om kommentaar daaroor te lewer of vertoë te rig met betrekking daartoe. Sodanige kommentaar of vertoë moet skriftelik nie later as 30 dae na publikasie van hierdie kennisgewing by die volgende persoon ingedien word.

Die Direkteur: Regsdienste
15de Vloer, Kamer Nr. 1509 "Free State Provincial Government Building"
BLOEMFONTEIN

Tel: (051) 404 8456
Faks: (051) 404 8510 or 0866 974 811

Neem asseblief kennis dat enige vertoë of kommentaar wat na die sluitingsdatum ontvang word, nie in ag geneem sal word nie.

## BYLAE

### Woordomskrywings

1. In hierdie regulasies, tensy die samehang anders aandui, sal enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg word, daardie betekenis dra wat aan dit geheg is -

"**beheerliggaam**" beteken 'n beheerliggaam van 'n openbare skool wat ingevolge hierdie Wet ingestel is;

"**behoefte aanwyser**" beteken die kwalifiserende maatstawwe vir kategorieë van leerders wat kwalifiseer vir vrystelling van skoolgelde soos in die Wet uiteengesit;

"**die Wet**" beteken die Suid-Afrikaanse Skolewet, 1996 (Wet Nr. 84 van 1996);

"**hierdie Regulasies**" beteken die toelating van leerders tot koshuise by openbare skole;

"**koshuis**" beteken 'n instelling verbonde aan 'n skool vir woonakkommodasie van leerders;

"**koshuisopsigter**" beteken die persoon wat in beheer is van die daaglikse administrasie van die koshuis en dit sluit die matrone in;

**"need indicator"** means the qualifying criteria for categories of learners who qualify for school fees exemption as set out in the Act;

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

**"these Regulations"** means the admission of learners to public school hostels.

**Purpose**

**2.** The purpose of these Regulations is to set requirements for admission of learners at hostels and the control of hostels and matters related thereto.

**Requirements for admission at hostels**

**3.** (1) Preference for admission to public school hostels shall be given to –

(a) poor or needy learners who live more than 5 kilometers from school;

(b) poor or needy learners whose parents fail or are unable to look after them during school calendar days;

(c) poor or needy or disabled learners whose financial and physical conditions require them to be near the school premises most of the time; and

(d) poor or needy farms learners, excluding farm owners' children.

(2) The governing body of the public school may admit a learner to a hostel if it is in the best interest of the learner to be admitted to a hostel.

**Target list**

**4.** Need indicator should refer to the proportion of learners who are currently at farm schools, excluding learners of farm owners and preference should be given to areas where -

(a) farms schools lack basic services and facilities, e.g. water, toilets, electricity and amenities;

(b) multi-graded teaching is experienced which hampers effective teaching;

(c) unsafe structures at a farm school, such as pits, kraals and dams;

(d) no proper monitoring and control of learners is possible;

(e) learner transport is unreliable or is unsafe; and

(f) migration or nomadic lifestyle of parents affect the learning process of a leaner.

**"LUR"** die Lid van die Uitvoerende Raad verantwoordelik vir onderwys in die Provinsie; en

**"vrystelling"** beteken algehele, gedeeltelike of voorwaardelike vrystelling van ouers wat nie in staat is om koshuisgelde te betaal van die betaling van sodanige gelde en stem dit ooreen met dit wat staan in artikel 1 van die Suid-Afrikaanse Skolewet, 1996 (Wet Nr. 84 van 1996).

## Doel

**2.** Die doel van hierdie Regulasies is om vereistes te stel vir die toelating van leerders by koshuise en die beheer van koshuise en sake wat daarmee verband hou.

## Vereistes vir toelating by koshuise

**3.** (1) Voorkeur vir toelating tot koshuise by openbare skole sal verleen word aan -

(a) arm of behoeftige leerders wat verder as 5 km van die skool af woon;

(b) arm of behoeftige leerders wie se ouers nalaat of nie in staat is om hulle te versorg gedurende skoolkalenderdae;

(c) arm of behoeftige of gestremde leerders wie se finansiële en fisiese toestand dit vereis dat hulle die meeste van die tyd naby die skoolperseel moet wees; en

(d) arm of behoeftige leerders op plase, behalwe die plaaseienaar se eie kinders.

(2) Die beheerliggaam van die openbare skool mag 'n leerder tot die koshuis toelaat indien dit in die beste belang van die leerder is om tot die koshuis toegelaat te word.

## Teikenlys

**4.** Die behoefte aanwyser behoort te verwys na die persentasie leerders wat tans by plaasskole is, met uitsondering van die plaaseienaar se kinders, en voorkeur sal gegee word aan gebiede waar -

(a) plaasskole nie beskik oor basiese dienste en geriewe, soos water, toilette, elektrisiteit en ander geriewe;

(b) multi-gegradeerde onderrig ondervind word wat doelmatige onderwys bemoeilik;

(c) onveilige strukture by 'n plaasskool, soos putte, krale en damme;

(d) geen behoorlike monitering en beheer oor leerders moontlik is nie;

(e) leerdervervoer onbetroubaar of onveilig is; en

(f) migrasie of nomadiese leefwyse van ouers die leerproses van 'n leerder affekteer.

## Payment of hostels

**5.** (1) Learners should not be refused admission to a hostel on the grounds that his or her parent is unable to pay hostel fees determined by the governing body.

(2) Poor or needy learners living on the farms, excluding learners or children of farm owners, must be exempted from paying hostel fees.

(3) The governing body may exempt particular learners from hostel fees and the criteria applied in the school fees exemption should be applicable.

(4) Outstanding hostel fees may not be used as a reason to prevent a learner from writing examinations or to withhold the learner's examination results.

(5) If, at any time, the Member of the Executive Council has reason to believe that the hostel admission policy of a public school does not comply with the principles set out above, the MEC may, after consultation with the relevant district and the governing body of the school concerned, direct that admission of learners to hostels be implemented accordingly.

## Conduct of learners staying at public school hostels

**6.** (1) Learners accommodated at public school hostels must –

(a) abide by the hostel rules or applicable code of conduct of the hostel;

(b) not bring unauthorized materials, weapons, drugs or alcoholic beverages into the hostel premises;

(c) not allow non-hostel residents in their rooms without the permission of the hostel master or matron; and

(d) not to endanger safety of property of the hostel or residents or to cause nuisance to other residents.

(2) A learner who resides at a hostel commits a misconduct if he or she commits the prohibited conducts that are stated in regulation 6(1).

(3) An enquiry into the learner's misconduct may be conducted and if it is found that the learner is guilty, he or she may be given –

(a) a written warning;

(b) a final written warning;

(c) a fine;

(d) one month suspension from the hostel; or

(e) expulsion from the hostel.

**Betaling aan koshuise**

**5.** (1) Leerders moet nie toelating by 'n koshuis geweier word op grond daarvan dat sy of haar ouer nie in staat is om koshuisgelde te betaal soos deur die beheerliggaam vasgestel nie.

(2) Arm of behoeftige leerders op plase, met uitsondering van die kinders van plaaseienaars, moet vrygestel word van die betaling van koshuisgelde.

(3) Die beheerliggaam mag sekere leerders van koshuisgelde vrystel en die maatstawwe wat van toepassing is by die vrystelling van skoolgelde kan hier van toepassing wees.

(4) Uitstaande koshuisgelde moet nie as 'n rede aangevoer word om 'n leerder te verhoed om eksamen te skryf of om die leerder se eksamenuitslae te weerhou nie.

(5) Indien, te eniger tyd, die Lid van die Uitvoerende Raad rede het om te glo dat die koshuistoelatingsbeleid van 'n openbare skool nie die beginsels nakom soos hierbo uiteengesit nie, kan die LUR, na raadpleging met die toepaslike distrik en die beheerliggaam van die betrokke skool, opdrag gee dat die toelating van leerders na koshuise dienooreenkomstig geïmplementeer word.

**Gedrag van leerders wat inwoon by koshuise van openbare skole**

**6.** (1) Leerders wat gehuisves word by koshuise by openbare skole moet -

(a) die koshuisreëls of toepaslike gedragskode van die koshuis nakom;

(b) nie ongemagtige materiaal, wapens, dwelms of alkoholiese drank op die koshuisperseel bring nie;

(c) nie toelaat dat nie-koshuis inwoners hul kamers ingelaat word sonder die toestemming van die koshuisopsigter of matrone nie; en

(d) nie die veiligheid of eiendom van die koshuis of inwoners in gevaar stel of 'n steurnis vir ander inwoners veroorsaak nie.

(2) 'n Leerder by 'n koshuis is skuldig aan wangedrag indien hy of sy enige van die verbode gedragsoptredes pleeg wat in regulasie 6(1) vermeld word.

(3) 'n Ondersoek na 'n leerder se wangedrag kan ondersoek word en as dit bevind word dat die leerder skuldig is, kan hy of sy die volgende opgelê word:

(a) 'n skriftelike waarskuwing;

(b) 'n finale skriftelike waarskuwing;

(c) 'n boete;

(d) een maand se skorsing uit die koshuis; of

(e) uitsetting uit koshuis.

(4) Before the learner is suspended in terms of section 3(d) or is expelled in terms of section 3(e), the requirements of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) ("PAJA") will be observed and the learner will be given an opportunity to give reasons why he or she must not be suspended or expelled from the hostel.

**Short title**

**7.** These Regulations are called the Admission of Learners to Public School Hostels Regulations, 2009.

(4) Voordat die leerder geskors word ingevolge artikel 3(d) of uitgesit word ingevolge artikel 3(e), sal die vereistes van die Wet op die Bevordering van Administratiewe Geregtigheid (Wet Nr. 3 van 2000) (PAIA) in ag geneem word en die leerder 'n geleentheid gebied word om redes te verskaf oor waarom hy of sy nie uit die koshuis geskors of uitgesit moet word nie.

**Korttitel**

**7.** Hierdie Regulasies heet die Regulasies oor die Toelating van Leerders tot Openbare Skoolkoshuise, 2009.