Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

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Provincial Gazette Extraordinary

7176

Friday, 27 September 2013

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*(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)*

Provincial Notice

The following draft regulations are published for comment:

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Any person or organisation wishing to comment on these draft regulations is requested to lodge the comments in writing before or on 25 October 2013, by—

(a) posting the comments to:
Adv. Lynn Coleridge-Zils
Director: Policy Co-ordination
Western Cape Education Department
Private Bag X9114
Cape Town
8000

(b) e-mailing the comments to:
Lynn.Coleridge@westerncape.gov.za

(c) faxing the comments to:
fax no. 021 467 2900
(tel: 021 467 2055); or

(d) delivering the comments to:
Adv. Lynn Coleridge-Zils
Director: Policy Co-ordination
Western Cape Education Department
Room 18-26 (18th Floor)
Golden Acre Building
Adderley Street
Cape Town

PROVINSIE WES-KAAP

Buitengewone Provinsiale Koerant

7176

Vrydag, 27 September 2013

As 'n Nuusblad by die Poskantoor geregistreer

INHOUD

*(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)*

Provinsiale Kennisgewing

Die volgende konsepregulasies word vir kommentaar gepubliseer:

322 Konsepregulasies vir die Pligte van Skoolbesoekbeamptes 4

Enige persoon of organisasie wat op hierdie konsepregulasies kommentaar wil lewer, word versoek om sodanige kommentaar skriftelik voor of op 25 Oktober 2013 te lewer deur—

(a) die kommentaar te pos na:
Adv. Lynn Coleridge-Zils
Direkteur: Beleidskoördinering
Wes-Kaap Onderwysdepartement
Privaatsak X9114
Kaapstad
8000

(b) die kommentaar te e-pos na:
Lynn.Coleridge@westerncape.gov.za

(c) die kommentaar te faks na:
faksnr. 021 467 2900
(telnr. 021 467 2055); of

(d) die kommentaar af te lewer aan:
Adv. Lynn Coleridge-Zils
Direkteur: Beleidskoördinering
Wes-Kaap Onderwysdepartement
Kamer 18-26 (18de Vloer)
Goue Akker-gebou
Adderleystraat
Kaapstad

IPHONDO LENTSHONA KOLONI

Isongezelelo kwiGazethi yePhondo

7176

uLwesihlanu, 27 Septemba 2013

Ibhaliswe ePosini njengePhephandaba

IZIQULATHO

*(*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)*

Isaziso sePhondo

Le mimiselo yedrafti ilandelayo ipapashelwa ukuba uluntu luvakalise izimvo zalo:

322 iMimiselo eyiDrafti engeMisebenzi yamaGosa aJongene nokuHamba iSikolo kwaBafundi 6

Nabani na okanye nawuphi na umbutho onqwenela ukuvakalisa izimvo ngale mimiselo eyidrafti uyacelwa ukuba afake izimvo zakhe ezibhalile ungadlulanga umhla we 25 Oktobha 2013—

(a) ngokuzithumela ngeposi ku-:
Adv. Lynn Coleridge-Zils
Director: Policy Co-ordination
Western Cape Education Department
Private Bag X9114
Cape Town
8000

(b) ngokuzithumela nge-imeyili ku-:
Lynn.Coleridge@westerncape.gov.za

(c) ngokuzithumela ngefeksi:
kule nombolo yefeksi 021 467 2900
(inombolo yefoni 021 467 2055); okanye

(d) ngokuzizisa ngesandla ku-:
Adv. Lynn Coleridge-Zils
Director: Policy Co-ordination
Western Cape Education Department
Room 18-26 (18th Floor)
Golden Acre Building
Adderley Street
Cape Town

PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,
UMLAWULI-JIKELELE

iSakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N.322/2013 27 September 2013

DRAFT REGULATIONS ON THE DUTIES OF SCHOOL ATTENDANCE OFFICERS

The Provincial Minister for Education in the Western Cape, under section 63(1) of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), intends to make the regulations set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations, unless stated otherwise, a word or expression to which a meaning has been assigned in the Act has the same meaning and, unless the context indicates otherwise—

"district official" means an official of the Western Cape Education Department who works in an education district;

"education district" means an administrative unit of the Western Cape Education Department;

"medical practitioner" means a person registered as a medical practitioner in terms of the Health Professions Act, 1974 (Act 56 of 1974);

"midwife" means a person registered as a midwife in terms of the Nursing Act, 2005 (Act 33 of 2005);

"Policy on Learner Attendance" means the Policy on Learner Attendance of the Western Cape Education Department;

"school" means a public school;

"the Act" means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997);

"traditional health practitioner" means a person registered in terms of the Traditional Health Practitioners Act, 2007 (Act 22 of 2007);

"valid reason" means a valid reason as contemplated in regulation 3 of these regulations.

Duties of school attendance officers

2. (1) A school attendance officer must—

(a) work co-operatively with educators, principals, counsellors, social workers, parents and district officials to ensure compliance with section 3(1) of the South African Schools Act and the Policy on Learner Attendance;

(b) collate information provided by educators, the principal, counsellors, social workers, the parents and district officials relating to a learner who is repeatedly absent from school without a valid reason;

(c) on the instruction of the Head of Department, investigate the circumstances of a learner referred to in paragraph *(b)*;

(d) offer support and advice to the parents of a learner referred to in paragraph *(b)* to ensure that the learner attends school regularly;

(e) work with selected individual learners and groups of learners and their parents to develop positive attitudes towards school attendance and academic success;

(f) liaise with the provincial departments responsible for social development and health, and the South African Police Service, in the investigation of cases of repeated absence without a valid reason;

(g) keep written records of all contact with learners, parents, principals, counsellors, social workers and district officials relating to the school attendance of learners;

(h) submit quarterly written reports to the principal concerned on progress made with learners referred to in paragraph *(b)* or *(e)* and on compliance with the Policy on Learner Attendance; and

(i) at schools where quarterly school attendance does not comply with the expected attendance percentage, work with the relevant principals and district officials to develop strategies to improve the school attendance.

(2) Subregulation (1) does not exempt a school from carrying out its duties with regard to the Policy on Learner Attendance.

Valid reasons for absence

3. Any of the following is a valid reason for absence of a learner from school:

(a) physical or psychological illness of the learner, for which a principal may require communication from the parent that the learner is unable to attend school, or, if the illness lasts longer than three days, written confirmation of illness by a medical practitioner or a traditional health practitioner;

(b) religious or cultural observances approved by the governing body in terms of the National School Calendar Policy;

(c) death of a family member;

(d) acts of nature or other events beyond human control;

(e) study leave taken by a Grade 12 learner five days before the start of the National Senior Certificate examination at the end of the year;

(f) an appointment at court, social services or other public-service agency, for which a principal may require documentary proof;

(g) suspension by the governing body;

(h) giving birth, subject to written confirmation by a medical practitioner or a midwife; and

(i) exceptional circumstances for which, in the view of the principal, temporary absence from school is in the best interest of the learner or is unavoidable.

Written notice to parent

4. (1) A school attendance officer must inform the Head of Department when he or she is of the opinion that a written notice contemplated in section 3(5)*(c)* of the South African Schools Act should be issued to a parent.

(2) A written notice to a parent in terms of section 3(5)*(c)* of the South African Schools Act must include an account of—

(a) detailed dates of repeated absence of the learner without a valid reason;

(b) measures taken to remedy the situation;

(c) the period by which a parent must comply with the notice; and

(d) the consequences of failing to comply with the written notice, as contemplated in section 3(6) of the South African Schools Act.

(3) The written notice must be sent by registered post to the parent.

(4) A copy of the written notice must be kept in the learner's profile.

(5) If the parent fails without just cause to comply with the written notice within the period specified in the notice, the Head of Department must report the matter to the South African Police Service.

Short title

5. These regulations are called the Regulations on the Duties of School Attendance Officers, 2013.

PROVINSIALE KENNISGEWING

P.N.322/2013 27 September 2013

KONSEPREGULASIES VIR DIE PLIGTE VAN SKOOLBESOEKBEAMPTES

Die Provinsiale Minister vir Onderwys in die Wes-Kaap, kragtens artikel 63(1) van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), is van voorneme om die regulasies in die Bylae uiteengesit, te maak.

BYLAE

Woordomskrywing

1. In hierdie regulasies, tensy anders vermeld, het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg is dieselfde betekenis, en tensy dit uit die samehang anders blyk, beteken—

"die Wet" die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997);

"distriksbeampte" 'n beampte van die Wes-Kaap Onderwysdepartement wat in 'n onderwysdistrik werk;

"geldige rede" 'n geldige rede soos bedoel in regulasie 3 van hierdie regulasies;

"Leerderbywoningsbeleid" die Leerderbywoningsbeleid van die Wes-Kaap Onderwysdepartement;

"mediese praktisyn" 'n persoon wat ingevolge die Wet op Gesondheidsberoepe, 1974 (Wet 56 van 1974), as 'n mediese praktisyn geregistreer is;

"onderwysdistrik" 'n administratiewe eenheid van die Wes-Kaap Onderwysdepartement;

"skool" 'n openbare skool;

"tradisionele gesondheidspraktisyn" 'n persoon wat ingevolge die Wet op Tradisionele Gesondheidspraktisyns, 2007 (Wet 22 van 2007), geregistreer is;

"vroedvrou" 'n persoon wat ingevolge die "Nursing Act", 2005 (Wet 33 van 2005), as 'n "midwife" geregistreer is.

Pligte van skoolbesoekbeamptes

2. (1) 'n Skoolbesoekbeampte moet—

(a) met opvoeders, prinsipale, beraders, maatskaplike werkers, ouers en distriksbeamptes saamwerk om voldoening aan artikel 3(1) van die Suid-Afrikaanse Skolewet en die Leerderbywoningsbeleid te verseker;

(b) inligting byeenbring wat deur opvoeders, die prinsipaal, beraders, maatskaplike werkers, die ouers en distriksbeamptes verskaf word in verband met 'n leerder wat herhaaldelik sonder 'n geldige rede van skool afwesig is;

(c) in opdrag van die Departementshoof, die omstandighede van 'n leerder bedoel in paragraaf *(b)* ondersoek;

(d) ondersteuning en raad aan die ouers van 'n leerder bedoel in paragraaf *(b)* aanbied om toe te sien dat die leerder gereeld skool bywoon;

(e) saam met uitgesoekte individuele leerders en groepe leerders en hul ouers werk om positiewe gesindhede jeens skoolbywoning en akademiese sukses te ontwikkel;

(f) skakel met die provinsiale departemente verantwoordelik vir maatskaplike ontwikkeling en gesondheid, en die Suid-Afrikaanse Polisiediens, in die ondersoek van gevalle van herhaalde afwesigheid sonder 'n geldige rede;

(g) skriftelike rekords hou van alle kontak met leerders, ouers, prinsipale, beraders, maatskaplike werkers en distriksbeamptes in verband met die skoolbywoning van leerders;

(h) kwartaallikse skriftelike verslae aan die betrokke prinsipaal voorlê van vordering wat gemaak is met leerders bedoel in paragraaf *(b)* of *(e)* asook van voldoening aan die Leerderbywoningsbeleid; en

(i) by skole waar kwartaallikse skoolbywoning nie voldoen aan die verwagte bywoningspersentasie nie, met die betrokke prinsipale en distriksbeamptes werk om strategieë te ontwikkel om die skoolbywoning te verbeter.

(2) Subregulasie (1) stel nie 'n skool vry van die uitvoering van sy pligte ten opsigte van die Leerderbywoningsbeleid nie.

Geldige redes vir afwesigheid

3. Enige van die volgende is 'n geldige rede vir 'n leerder se afwesigheid van skool:

(a) fisiese of sielkundige siekte van die leerder, waarvoor 'n prinsipaal van die ouer kommunikasie kan vereis dat die leerder nie in staat is om skool by te woon nie, of, indien die siekte langer as drie dae duur, skriftelike bevestiging van siekte deur 'n mediese praktisyn of 'n tradisionele gesondheidspraktisyn;

(b) godsdienstige of kulturele vieringe wat deur die beheerliggaam goedgekeur is ingevolge die Nasionale Skoolkalenderbeleid;

(c) sterfte van 'n familielid;

(d) natuurrampe of ander gebeurtenisse buite menslike beheer;

(e) studieverlof wat deur 'n graad 12-leerder geneem word vyf dae voor die aanvang van die Nasionale Senior Sertifikaat-eksamen aan die einde van die jaar;

(f) 'n afspraak by die hof, maatskaplike dienste of ander staatsagentskap, waarvoor 'n prinsipaal dokumentêre bewys kan vereis;

(g) skorsing deur die beheerliggaam;

(h) geboorteskenking, onderhewig aan skriftelike bevestiging deur 'n mediese praktisyn of 'n vroedvrou; en

(i) buitengewone omstandighede waarvoor, na die mening van die prinsipaal, tydelike afwesigheid van skool in die beste belang van die leerder is of onvermydelik is.

Skriftelike kennisgewing aan ouer

4. (1) 'n Skoolbesoekbeampte moet die Departementshoof inlig wanneer hy of sy van mening is dat 'n skriftelike kennisgewing beoog in artikel 3(5)*(c)* van die Suid-Afrikaanse Skolewet aan 'n ouer uitgereik behoort te word.

(2) 'n Skriftelike kennisgewing aan 'n ouer ingevolge artikel 3(5)*(c)* van die Suid-Afrikaanse Skolewet moet die volgende insluit:

(a) gedetailleerde datums van herhaalde afwesigheid van die leerder sonder 'n geldige rede;

(b) maatreëls wat getref is om die situasie reg te stel;

(c) die periode waarbinne 'n ouer moet voldoen aan die kennisgewing; en

(d) die gevolge van versuim om aan die skriftelike kennisgewing te voldoen, soos beoog in artikel 3(6) van die Suid-Afrikaanse Skolewet.

(3) Die skriftelike kennisgewing moet per geregistreerde pos aan die ouer gestuur word.

(4) 'n Afskrif van die skriftelike kennisgewing moet in die leerder se profiel gehou word.

(5) Indien die ouer sonder grondige rede versuim om aan die skriftelike kennisgewing binne die periode vermeld in die kennisgewing te voldoen, moet die Departementshoof die saak by die Suid-Afrikaanse Polisiediens aanmeld.

Kort titel

5. Hierdie regulasies heet die Regulasies vir die Pligte van Skoolbesoekbeamptes, 2013.

ISAZISO SEPHONDO

I.S. 322/2013 27 Septemba 2013

IMIMISELO EYIDRAFTI ENGEMISEBENZI YAMAGOSA AJONGENE NOKUHAMBA ISIKOLO KWABAFUNDI

UMphathiswa wePhondo ophathiswe ezeMfundo eNtshona Koloni, phantsi kwecandelo 63(1) loMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997, (uMthetho 12 ka-1997), ufuna ukwenza le mimiselo ecaciswe kule shedyuli ilandelayo:

ISHEDYULI

Iingcaciso-magama

1. Kule mimiselo, igama okanye ibinzana-magama elinikwe intsingiselo kulo Mthetho, lihlala linaloo ntsingiselo liyinikiweyo yaye, ngaphandle kokuba umxholo ophethweyo walatha okunye;—

"igosa lesithili semfundo" kuthetha igosa leSebe leMfundo leNtshona Koloni elisebenza kwisithili semfundo;

"i-ofisi yesithili semfundo" kuthetha iyunithi yolawulo yeSebe leMfundo leNtshona Koloni;

"ugqirha" kuthetha umntu obhaliswe njengogqirha ngokwe-*Health Professions Act, 1974 (Act 56 of 1974);*

"umbelekisi" kuthetha umntu obhaliswe njengombelekisi ngokwe-*Nursing Act, 2005 (Act 33 of 2005);*

"UMgaqo-nkqubo wokuHamba iSikolo kwaBafundi" kuthetha UMgaqo-nkqubo wokuHamba iSikolo kwaBafundi weSebe leMfundo leNtshona Koloni;

"isikolo" kuthetha isikolo sikarhulumente;

"lo Mthetho" kuthetha uMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997);

"igqirha elisebenzisa amayeza esintu" kuthetha umntu obhaliswe ngokwe-*Traditional Health Practitioners Act, 2007 (Act 22 of 2007)*;

"isizathu esivakalayo" kuthetha isizathu esivakalayo njengoko kuchatshazelwe kummiselo 3 wale mimiselo.

Imisebenzi yamagosa ajongene nokuhamba isikolo kwabafundi

2. (1) Igosa elijongene nokuhamba isikolo kwabafundi—

(a) malisebenzisane nootitshala, neenqununu, nabacebisi, noonontlalontle, nabazali namagosa ezithili zemfundo ukuqinisekisa ukuthotyelwa kwesiqendu 3(1) soMthetho weZikolo zaseMzantsi Afrika , noMgaqo-nkqubo wokuHamba iSikolo kwaBafundi;

(b) maliqokelele yaye lihlanganise ingcaciso enikwa ngabafundisi-ntsapho, yinqununu, ngabacebisi, ngoonontlalontle, ngabazali kunye namagosa esithili emalunga nomfundi ongasihambi rhoqo isikolo ngaphandle kwesizathu esivakalayo;

(c) ngokwemiyalelo yeNtloko yeSebe, maliphande ngeemeko zomfundi ekubhekiselelwa kuye kumhlathi *(b)*;

(d) malinike inkxaso neengcebiso kubazali bomfundi ekubhekiselelwa kuye kumhlathi *(b)* ukuqinisekisa ukuba umfundi uhamba isikolo rhoqo;

(e) malisebenze nomfundi ngamnye kwabo bakhethiweyo libuye lisebenze nabo bengamaqela nabazali babo ukukhuthaza ukuthanda ukuhamba isikolo kwabafundi nokuqhuba kakuhle kwizifundo;

(f) malinxibelelane namasebe amaphondo awenza umsebenzi wophuhliso lwezentlalo nezempilo, kwakunye neNkonzo yamaPolisa oMzantsi Afrika, kuphando lweziganeko zokuphinda-phinda ukungahambi isikolo kwabafundi kungekho zizathu ezivakalayo;

(g) maligcine iirekhodi ezibhaliweyo zalo lonke uqhagamshelwano nabafundi, nabazali, neenqununu, nabacebisi, noonontlalontle namagosa ezithili zemfundo ngokunxulumene nokuhamba isikolo kwabafundi;

(h) malingenise iingxelo ezibhaliweyo zekota kwinqununu echaphazelekayo ezingenkqubela eyenziwe ngabafundi abakhankanywe kwimihlathi *(b)* okanye *(e)* nezingokuthotyelwa koMgaqo-nkqubo wokuHamba iSikolo kwaBafundi; yaye

(i) ezikolweni apho ukuhamba isikolo ngekota kungangqinelani nepesenti yokuhamba isikolo elindelekileyo, malisebenzisane neenqununu namagosa ezithili zemfundo afanelekileyo ukuqulunqa izicwangciso zokuphucula ukuhamba isikolo kwabafundi.

(2) Ummiselwana (1) awusixoleli isikolo ekwenzeni imisebenzi yaso ngokumalunga noMgaqo-nkqubo wokuHamba iSikolo kwaBafundi.

Izizathu ezivakalayo zokungasihambi sikolo

3. Nasiphi na isizathu kwezi zilandelayo sisizathu esivakalayo sokungabikho komfundi esikolweni:

(a) ukugula komfundi okusemzimbeni okanye okusengqondweni, inqununu inokuthi ifune imbalelwano evela kumzali malunga nokuba umfundi akanakho ukuya esikolweni, okanye, ukuba ugula ixesha elide kuneentsuku ezintathu, ileta ebubungqina bokugula ebhaliweyo evela kugqirha okanye kwigqirha elisebenzisa amayeza esintu;

(b) amaxesha okuqaphela ezenkolo okanye ezenkcubeko avunyiweyo libhunga lolawulo ngokoMgaqo-nkqubo weKhalenda yeZikolo kaZwelonke;

(c) ukusweleka kwelungu losapho;

(d) iziganeko zendalo okanye ezinye izehlo ezingaphaya kolawulo lomntu;

(e) umfundi weBakala 12 othathe ikhefu lokufunda kwiintsuku ezintlanu phambi kokuqala kweemviwo zeSatifikethi seMatriki sikaZwelonke ekupheleni konyaka;

(f) ukuya kwinkundla yamatyala, kwiinkonzo zezentlalo okanye kwenye i-arhente yeenkonzo zoluntu, inqununu inokufuna uxwebhu lobungqina boku;

(g) ukunqunyanyiswa libhunga lolawulo;

(h) ukubeleka, ngokuxhomekeke kubungqina obubhaliweyo ngugqirha okanye ngumbelekisi; kunye

(i) neemeko ezingaqhelekanga ekuthi, ngokoluvo lwenqununu, ukungabikho ithutyana esikolweni kube kokona kumlungiselela ngeyona ndlela ibhetele umfundi okanye kube sisenzo esingenakuthintelwa.

Isaziso esibhaliweyo esiya kumzali

4. (1) Igosa elijongene nokuhamba isikolo malazise iNtloko yeSebe xa linoluvo lokuba isaziso esibhaliweyo, esiboniswe kwicandelo 3(5)*(c)* loMthetho weZikolo zaseMzantsi Afrika, masinikwe umzali.

(2) Isaziso esibhaliweyo esiya kumzali, ngokwesiqendu 3(5)*(c)* soMthetho weZikolo zaseMzantsi Afrika, masibandakanye—

(a) imihla echaza iinkcukacha zokungabikho komfundi ephinda-phinda ngaphandle kwesizathu esivakalayo;

(b) amanyathelo athathiweyo ukulungisa le meko;

(c) ixesha apho umzali afanele ukusithobela isaziso; kunye

(d) neziphumo zokungaphumeleli ukuthobela isaziso ezibhaliweyo, njengoko kuchatshazelwe kwisiqendu 3(6) soMthetho weZikolo zaseMzantsi Afrika.

(3) Isaziso esibhaliweyo masithunyelwe kubazali ngeposi ebhaliswayo.

(4) Ikopi yesaziso esibhaliweyo mayigcinwe kwiprofayili yomfundi.

(5) Ukuba umzali akaphumeleli, ngaphandle kwesizathu esivakalayo, ukusithobela isaziso esibhaliweyo ngelo thuba licacisiweyo kwisaziso, iNtloko yeSebe mayinike ingxelo ngalo mbandela kwiNkonzo yamaPolisa oMzantsi Afrika.

Isihloko esifutshane

5. Le mimiselo ibizwa ngokuba yiMimiselo engeMisebenzi yamaGosa aJongene nokuHamba iSikolo kwaBafundi.

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