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13 October 2014

DETERMINATION OF THE FUNCTIONS AND PROCEDURES FOR THE ESTABLISHMENT AND ELECTION OF REPRESENTATIVE COUNCILS OF LEARNERS AT PUBLIC SCHOOLS

The Provincial Minister responsible for education in the Western Cape, under section 48(2) of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), has determined the functions and procedures for the establishment and election of representative councils of learners at public schools as set out in the Schedule.

SCHEDULE

ARRANGEMENT

Paragraphs

Definitions

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

"days" means working days, including school holidays, and excludes Saturdays, Sundays and public holidays;

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

"education district office" means the headquarters of an education district;

"electoral officer" means an electoral officer contemplated in paragraph 11;

"executive" means the office-bearers of the representative council of learners;

"learner candidate" means a learner who is nominated successfully to serve on the representative council of learners in terms of paragraphs 12 or 13;

"learner member" means a member of the representative council of learners;

"representative council of learners" means a representative council of learners established in terms of section 48 of the Act;

"school" means a public school;

"school days" means days in a school term that are scheduled for providing education to learners enrolled at the school;

"teacher liaison officer" means a teacher liaison officer contemplated in paragraph 10;

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

Composition of representative council of learners

2. (1)   A representative council of learners established at a school shall consist of three learner members per grade, from grade 8 to grade 12.

   (2)   The Head of Department may approve the composition of a representative council of learners that differs from the composition in subparagraph (1) if—

   (a) the governing body of the school has applied in writing for a different composition, providing reasons therefor; and

   (b) the Head of Department is satisfied that the proposed composition is in the interests of education at the school.

   (3)   The Head of Department may at any time withdraw his or her approval of the composition of a representative council of learners that differs from subparagraph (1) and dissolve the representative council of learners, whereupon a new representative council of learners shall be elected in accordance with paragraph 8(2).

Disqualification from membership of representative council of learners

3. A learner may not be a member of a representative council of learners if he or she—

   (a)   has at any time been found guilty of serious misconduct at any school; or

   (b)   is not a registered learner, with a valid Central Education Management Information System number, and enrolled as a learner at the school concerned.

Term of office of members of representative council of learners

4. Subject to paragraphs 2(3), 8 and 9—

    (a) the term of office of a member of a representative council of learners is one academic year, effective from a date determined by the Head of Department; and

    (b) a member of a representative council of learners may be re-elected after the expiry of his or her term of office.

Vacancies in representative council of learners

5. (1) A vacancy occurs in a representative council of learners if a learner member—

    (a) resigns;

    (b) dies;

    (c) is absent from three consecutive meetings of the representative council of learners without the permission of the chairperson;

    (d) is disqualified as contemplated in paragraph 3; or

    (e) has been discharged in terms of paragraph 9.

(2) Whenever a vacancy arises in a representative council of learners, the vacancy shall be filled by means of a by-election in accordance with the nomination and election procedures set out in paragraphs 12, 13, 14 and 15 within 14 days of the vacancy arising.

(3) A learner member elected to fill a vacancy by means of a by-election serves for the unexpired period of the term of office of his or her predecessor.

Functions of representative council of learners

6. A representative council of learners shall—

    (a) draft its own constitution, or adopt the existing constitution with amendments, if necessary, and submit it to the governing body for approval within 30 days after the election as contemplated in paragraph 15;

    (b) advise the governing body on matters relating to education or the interests of learners referred to it by the governing body or which the representative council of learners wishes to bring to the attention of the governing body;

    (c) represent their fellow learners;

    (d) serve as a channel of communication among learners, and between learners and the school staff, the principal, parents and the school community;

    (e) assist in maintaining order in the school in accordance with the school's code of conduct;

    (f) set a positive example of discipline, loyalty, respect, punctuality, co-operation and active participation in school activities;

    (g) promote good relations among learners, and between learners and the school staff, the principal, parents and the school community;

    (h) promote responsibility and leadership;

     (i)   support the academic, cultural and sports educational programmes of the school;

     (j)   inculcate a spirit of community service and volunteerism, and encourage learners to render voluntary services for the benefit of the school and the community; and

     (k)   promote the best interests of the school.

Characteristics of members of representative council of learners

7. A member of a representative council of learners should aspire to display the following characteristics:

     (a)   trustworthiness;

     (b)   good communication skills;

     (c)   confidence;

     (d)   good interpersonal skills;

     (e)   commitment;

     (f)   a positive attitude;

     (g)   a desire to serve;

     (h)   integrity; and

     (i)   good leadership.

Dissolution of representative council of learners

8. (1) The Head of Department may dissolve a representative council of learners if the principal of the school concerned, after consultation with the teacher liaison officer, the governing body and the representative council of learners requests the Head of Department in writing to dissolve a representative council of learners, if the representative council of learners has failed to perform its functions satisfactorily or has acted in a manner which is not in the best interests of the school.

    (2) A representative council of learners dissolved under subparagraph (1) shall be recomposed in accordance with paragraphs 12, 13, 14 and 15.

Discharge of members of representative council of learners

9. (1) The principal may, after consultation with the teacher liaison officer, school management team and the chairperson of the representative council of learners, discharge a learner member from the representative council of learners if the learner member—

     (a)   commits an act which undermines the administration of the school, or encourages such an act to be committed by others;

     (b)   is disobedient or refuses to carry out a routine instruction given to him or her by any educator or a person in authority;

     (c)   is reluctant or refuses to fulfil duties;

     (d)   conducts himself or herself in an unbecoming or improper manner or is guilty of gross discourtesy towards another person; or

     (e)   has been found guilty of serious misconduct.

(2) A vacancy that occurs as a result of the application of subparagraph (1) shall be filled by a learner elected in accordance with paragraph 5(2) and (3).

Teacher liaison officer

10. (1) The teacher liaison officer shall be an educator nominated by educators of the school concerned to act as liaison between the school staff and the learners.

(2) The term of office of the teacher liaison officer may not exceed five years.

(3) The teacher liaison officer of a school shall—

 (a) ensure that there is a transfer of all documentation pertaining to the representative council of learners by the outgoing executive to the newly elected executive;

 (b) provide capacity building for learner members to enable them to undertake their functions;

 (c) liaise between the staff and the learners;

 (d) ensure that the representative council of learners remains functional;

 (e) ensure that the representative council of learners supports the mission and vision of the school;

 (f) ensure that the school community accepts the activities of the representative council of learners;

 (g) promote communication between himself or herself, the principal and staff, and the representative council of learners; and

 (h) assist learner members to organise the representative council of learners by inculcating a sense of responsibility among the members.

(4) If a vacancy occurs in the position of teacher liaison officer, it must be filled in the manner contemplated in subparagraph (1).

Electoral officer

11. The teacher liaison officer of a school—

 (a) shall act as electoral officer for the nomination and election of members of the representative council of learners of the school;

 (b) may appoint one or more educators to assist at a nomination meeting and election; and

 (c) shall preside at any meeting held for the purpose of an election of a representative council of learners.

Nomination of learners for representative council of learners

12. (1) Subject to paragraph 3, a learner enrolled in grade 8, 9, 10, 11 or 12 at a public school may be elected to the representative council of learners if he or she has been nominated in terms of subparagraph (2) and the nomination has been approved by the electoral officer in terms of subparagraph (8).

(2) To nominate a learner, a nomination form in the form of Annexure A shall be—

 (a) completed by a proposer, a seconder and the learner being nominated; and

 (b) submitted to the electoral officer during the nomination period.

(3) Every learner enrolled in grade 8, 9, 10, 11 or 12 at a school may on a nomination form—

    (a)   propose the nomination of a learner;

    (b)   second the nomination of a learner; or

    (c)   accept or decline his or her nomination by another learner,

who is in the same grade as himself or herself.

(4) A learner may not propose or second his or her own nomination.

(5) The electoral officer shall complete a notice in the form of Annexure B and ensure that both the notice and the nomination form is given to every learner enrolled in grade 8, 9, 10, 11 or 12 at the school before the start of the nomination period.

(6) The nomination period starts on the date indicated on the notice and continues for six school days, during which time the electoral officer shall receive completed nomination forms from learners.

(7) The electoral officer shall, prior to the nomination meeting contemplated in paragraph 13, consider each nomination form and reject a nomination—

    (a)   not completed and submitted as prescribed in subparagraph (2);

    (b)   proposed or seconded by a learner in a different grade than the nominee;

    (c)   proposed or seconded by the nominee; or

    (d)   of a learner who may not serve on the representative council of learners in terms of paragraph 3.

(8) If a nomination—

    (a)   was completed and submitted as prescribed in subparagraph (2); and

    (b)   was not rejected on a ground contemplated in subparagraph (7),

the electoral officer shall approve the nomination.

Nomination meeting

13. (1) In order to give learners in grades 8, 9, 10, 11 and 12 a further opportunity to nominate learners for the representative council of learners, a nomination meeting shall be held for these grades on the first school day after the six-day nomination period has expired.

(2) A quorum of learners in a particular grade—

    (a) must be present at a nomination meeting for the meeting to be held for that grade;

    (b) consists of one learner more than half of the total number of learners enrolled at the school in that grade, as illustrated in Annexure D.

(3) The nomination procedure contemplated in paragraph 12(2), (3) and (4) applies, with the necessary changes, to the nomination of learners at a nomination meeting.

(4) At the start of the nomination meeting, the electoral officer shall—

    (a) explain the nomination and election procedures to the learners;

    (b) make nomination forms available to all learners at the meeting; and

    (c) inform the learners of the time to be allowed for nominations at the meeting.

(5) The electoral officer shall receive completed nomination forms from learners during the time allowed for nominations at the meeting.

(6) The electoral officer shall at or after the meeting consider each nomination received and reject a nomination—

    (a)   not completed as prescribed in paragraph 12(2)*(a)* and submitted within the time allowed for nominations at the meeting;

    (b)   proposed or seconded by a learner in a different grade than the nominee;

    (c)   proposed or seconded by the nominee; or

    (d)   of a learner who may not serve on the representative council of learners in terms of paragraph 3.

(7) If a nomination—

    (a)   was completed as prescribed in paragraph 12(2)*(a)* and submitted within the allowed time at the meeting; and

    (b)   was not rejected on a ground contemplated in subparagraph (6),

the electoral officer shall approve the nomination.

Outcome of nominations

14. (1) The electoral officer shall announce per grade the names of all the learners whose nominations were approved, whereupon those learners are considered to be duly nominated learner candidates.

(2) If the number of learner candidates for a particular grade is less than the requisite number of learner members for that grade in terms of paragraph 2, a new meeting at which additional learner candidates may be nominated shall be convened for that grade in accordance with paragraph 13.

(3) If the number of learner candidates for a particular grade is equal to the requisite number of learner members for that grade, the electoral officer shall declare every learner candidate in that grade as a duly elected member of the representative council of learners for that grade.

(4) If the number of learner candidates for a particular grade is more than the requisite number of learner members for that grade, an election shall be held in accordance with paragraph 15 to elect the members of the representative council of learners for that grade.

Election of learner candidates to representative council of learners

15. (1) If an election of learner candidates to the representative council of learners needs to be held for a particular grade or grades in terms of paragraph 14(4), the electoral officer shall—

    (a) prepare a notice of an election in the form of Annexure C; and

    (b) distribute a copy of the notice to every learner in the relevant grade at least ten days before such election.

(2) A quorum of learners in a particular grade—

    (a) must be present at an election meeting for the election to take place in that grade;

    (b) consists of one learner more than half of the total number of learners enrolled at the school in that grade, as illustrated in Annexure D.

(3) Every learner enrolled at a school in a grade for which an election to the representative council of learners is held may vote at such election, and only those learners are to be admitted to the voting venue.

(4) At the start of the election, the electoral officer shall explain the election process to the learners and issue each learner who wishes to vote with the appropriate ballot paper bearing an official mark or stamp for the specific grade.

(5) To vote, a learner shall write on the ballot paper the names of the learner candidates whom he or she chooses as representatives of his or her grade.

(6) The learner—

(a)   may vote only for learners in the same grade as himself or herself;

(b)   may vote only once for a particular candidate, with a maximum number of three votes, or the number of votes equal to the requisite number of learners to be elected to the representative council of learners in that grade.

(7) The electoral officer shall reject a ballot paper—

(a)   that does not have the official mark or stamp for the specific grade on it;

(b)   on which the names of more learner candidates appear than may be elected in terms of subparagraph 6*(b)*;

(c)   on which a learner has voted for a learner candidate or learner candidates who are not in his or her grade; or

(d)   that is completed in such a way that it is, in the opinion of the electoral officer, uncertain for which learner candidates the voter voted.

(8) The electoral officer shall declare duly elected the three learner candidates, or the number as approved by the Head of Department as contemplated in paragraph 2(2), per grade, for whom the most number of votes were recorded.

(9) Where the number of votes recorded for the first four or more learner candidates is equal, the electoral officer shall repeat the election procedure once and shall declare the three learner candidates who then obtain a simple majority of votes duly elected.

(10) Where three learner candidates do not obtain a simple majority of votes as contemplated in subparagraph (9), the electoral officer shall by the drawing of lots determine who among the learner candidates are elected.

(11) Where there is a tie of votes between three or more learner candidates for the second and third position, the electoral officer shall determine who among them are elected by drawing lots.

Decision of electoral officer

16. (1) The electoral officer shall decide and settle all matters connected with the nomination and election of learners to the representative council of learners.

(2) A decision of the electoral officer during the nomination and election process is final.

(3) Should there be a matter that the electoral officer cannot settle, the elections shall go ahead.

(4) Any person who wishes to lodge an objection with regard to a matter referred to in subparagraphs (1) to (3) shall lodge the objection in writing, within seven days of the nomination or election, as the case may be, with the principal or his or her delegate, who decides thereon.

(5) The principal or his or her delegate shall consider the objection and make a determination in writing within seven days of receipt of the objection.

(6) If the person who lodged the objection is not satisfied with the decision of the principal or his or her delegate, or if the principal or his or her delegate fails to make a determination as contemplated in subparagraph (5), an appeal may be lodged in writing with the Head of Department within 14 days of the nomination or election, as the case may be.

(7) The Head of Department shall consider the appeal and make a determination in writing within 14 days of receipt of the appeal.

Procedure after election of representative council of learners

17. After the election of a representative council of learners, the electoral officer shall—

(a) place all documents used in the nomination and election of the representative council of learners, including all the completed ballot papers used in the election and all the nomination forms received, in envelopes per grade and seal the envelopes;

(b) keep those envelopes in safe custody for a period of at least one year from the date of the election;

(c) notify each elected member in writing of his or her election; and

(d) notify the Head of Department, within 14 days of the date of the nomination meeting or the election, as the case may be, in writing of the names and addresses of the elected learner members.

Election of office-bearers

18. (1) After the election of the representative council of learners—

(a) the teacher liaison officer shall convene the first meeting of the representative council of learners to take place within 14 days of the election; and

(b) the learner members shall elect from among themselves the office-bearers of the new representative council of learners, who shall include at least the chairperson, treasurer and secretary.

(2) The teacher liaison officer shall, after the meeting at which the office-bearers are elected in accordance with this paragraph, notify the Head of Department in writing within 14 days of the date of the meeting of the names and addresses of the elected office-bearers.

Duties of chairperson

19. The chairperson shall—

(a) chair all meetings of the representative council of learners and its executive;

(b) represent the representative council of learners at meetings with learner members of representative councils of learners of other schools and shall attend such meetings;

(c) promote a positive image of the school;

(d) be the spokesperson for the representative council of learners; and

(e) draw up an annual report on the activities and achievements of the representative council of learners for tabling at a meeting of the governing body.

Duties of treasurer

20. The treasurer shall—
- *(a)* be responsible for all fund-raising activities of the representative council of learners;
- *(b)* keep record of all income and expenditure;
- *(c)* hand over all monies received to the governing body;
- *(d)* report to the governing body on the expenditure of the representative council of learners; and
- *(e)* draw up an annual financial report and submit it to the chairperson of the representative council of learners.

Duties of secretary

21. The secretary shall—
- *(a)* take minutes of all meetings of the representative council of learners;
- *(b)* ensure that notices of meetings are dispatched to all members timeously; and
- *(c)* ensure that, after approval, all minutes of meetings of the representative council of learners and its executive are signed by both the chairperson and secretary and dated, and shall maintain a record thereof.

Election of learner members to serve on governing body

22. At the first meeting of the representative council of learners contemplated in paragraph 18(1)*(a)* the learner members shall elect from among themselves two members to serve on the governing body.

Meetings of representative council of learners

23. (1) The chairperson of a representative council of learners shall determine the date, time and place of a meeting, and the secretary of the council shall, at least 14 days before such meeting, notify each member in writing thereof.

(2) Where a matter requires urgent attention in the opinion of the chairperson, at least 24 hours' written notice of a meeting shall be given.

(3) The majority of the members of a representative council of learners constitutes a quorum for any meeting of the representative council of learners.

(4) A representative council of learners shall determine its own rules and procedures for meetings.

Committees of representative council of learners

24. (1) A representative council of learners may establish committees from among its members, including the following committees:
- *(a)* a social committee, to consult with school learners about their social needs;
- *(b)* a fundraising committee, to identify and co-ordinate fundraising events;
- *(c)* a peace education committee, to identify problem areas, such as bullying, and to assist with conflict resolution and the need for counselling;

   (d)   an interschool relations committee, to interact with learners from other schools;

   (e)   a compassion committee, to assist learners to cope with deaths in the family or other emotional problems.

(2) Subparagraph (1) does not preclude a representative council of learners from—

   (a)   establishing other committees; and

   (b)   co-opting learners who are not serving on the representative council of learners to serve on committees established in accordance with subparagraph (1) and (2), provided that the chairperson of such a committee shall be an elected member of the representative council of learners.

Minutes of proceedings of meetings

25. (1) The secretary of a representative council of learners shall keep minutes of the proceedings of every meeting of the representative council of learners and shall—

   (a)   provide the teacher liaison officer, each member of the representative council of learners and the principal or any person duly designated by the principal, with a copy of the minutes; and

   (b)   on request, and with the concurrence of the teacher liaison officer, provide a parent of a learner of the school or member of staff at that school with a copy of the minutes, provided that there is no violation of the rights of persons and that the parent or member of staff requires it for the exercise or protection of his or her rights or interests.

(2) The minutes of the proceedings of each meeting shall be submitted for approval to the representative council of learners at the next meeting.

(3) Upon the dissolution of a representative council of learners or the expiry of its term of office, all minutes and other documents of the representative council of learners shall be handed to the principal by the teacher liaison officer.

Repeal of measures

26. The following measures are repealed:

   (a)   measure 24 of the Measures relating to Governing Bodies and a Representative Council of Learners for Public Schools (excluding Public Schools for Learners with Special Education Needs), published as Provincial Notice 164/2008 in *Provincial Gazette Extraordinary* 6519 of 20 May 2008;

   (b)   measure 24 of the Measures relating to Governing Bodies and a Representative Council of Learners of Public Schools for Learners with Special Education Needs (including Public Schools for Learners Sent or Transferred thereto in terms of the Children's Act, 2005 (Act 38 of 2005); the Western Cape Provincial School Act, 1997 (Act 12 of 1997), and/or the Criminal Procedure Act, 1977 (Act 51 of 1977), as amended), published as Provincial Notice 278/2008 in *Provincial Gazette Extraordinary* 6554 of 12 September 2008; and

   (c)   measure 19 of the Measures relating to Governing Bodies and a Representative Council of Learners of Public Schools for Learners Sent or Transferred thereto in terms of the Children's Act, 2005 (Act 38 of 2005); the Western Cape Provincial School Act, 1997 (Act 12 of 1997), and/or the Criminal Procedure Act, 1977 (Act 51 of 1977), as amended, published as Provincial Notice 279/2008 in *Provincial Gazette Extraordinary* 6554 of 12 September 2008.

ANNEXURE A

NOMINATION FORM

Nomination of learners for the representative council of learners

(Paragraphs 3, 12, 13 and 14 of the Determination of the Functions and Procedures for the Establishment and Election of Representative Councils of Learners at Public Schools)

1.   **To be completed by the Proposer**
         (the learner making the nomination)

My name is ………………………………………………… *(name and surname)*.

I am a learner enrolled in grade …… at…………………………………………….

                                                                (name of school)
My home address is: ……………………………………………………………..………………

…………………………………………………………………………………………….

I nominate ……………………………………………, who is in the same grade as me,

for member of the representative council of learners of my school.

                                        …………………………………………
                                        Signature of Proposer

2.   **To be completed by the Seconder**
         (a learner who supports the nomination)

My name is ………………………………………………… *(name and surname)*.

I am a learner enrolled in grade……. at …………………………………………

                                                                (name of school)
My home address is:
 ……………………………………………..………………….………………

…………………………………………………………………………………..

I second this nomination.

…………………………...
Signature of Seconder

3.   To be completed by the Nominee
(the learner being nominated)

My name is …………………………………………………. *(name and surname).*
My home address is: …………………………………………………..……………………………

…………………………………………………………………………………..

I hereby declare that—

(a)   I **accept / decline** my nomination for member of the representative council of learners.
(delete the word that is not applicable)

(b)   I have not at any time been found guilty of serious misconduct at any school; and

(c)   I am a learner enrolled in grade ……. at ……………………………………
(name of school)

………………………………
Signature of Nominee

4.   To be completed by the electoral officer
(if the nominated learner is not present, where nominated at a nomination meeting)

I, ……………………………………………………………………….. *(full name of electoral officer),*
declare that proof to my satisfaction has been submitted that the nominee—

(a)   who is not present at the nomination and election meeting so as to complete the nomination form, is
willing to serve, if elected, as a member of the representative council of learners; and

(b)   is not disqualified in terms of paragraph 3 from being a member of the representative council of
learners.

5.   **To be completed by the electoral officer**

(delete the parts that are not applicable)

I,………………………………………………………………………….*(full name of electoral officer),* declare that—

(a)   this nomination form was completed **correctly / incorrectly** in terms of paragraph 12(8) or 13(7);

(b)   the learner is **not disqualified / disqualified** from being a member of the representative council of learners; and

(c)   this nomination is therefore—
        (i)   approved; or
        (ii)   rejected.

……………   ………………………………
   Date   Signature of electoral officer

ANNEXURE B

Notice of nomination of learners for the representative council of learners

(Paragraphs 12 and 13 of the Determination of the Functions and Procedures for the Establishment and Election of Representative Councils of Learners at Public Schools)

The nomination for members of the representative council of learners starts on ………………….......... *(start date; seven school days before nomination meeting)* and ends on ………………………………… at ………………….. *(closing date and time, one school day before the nomination meeting).*

During this period, learners in grade 8, 9, 10, 11 and 12 are invited to nominate learners in the same grade as themselves for election to the representative council of learners.

What is the representative council of learners?

The representative council of learners is a formal body of learners with various duties and responsibilities. Among other things, its members liaise with the governing body, represent fellow learners and act as a communication channel between learners, school staff, parents and the community. They help maintain order in the school, they set a positive example for learners and they promote the best interests of the school. Members of the representative council of learners should display trustworthiness, good communication and interpersonal skills, confidence, commitment, a positive attitude and a desire to serve.

Rules for nominations

Learners may only nominate learners in the same grade as themselves and may not nominate themselves.

To nominate a learner for the representative council of learners, a nomination form must be completed in full by—

      (1)   a learner in the same grade making the nomination;

      (2)   another learner in the same grade who seconds (supports) the nomination; and

      (3)   the nominee, who accepts or declines the nomination.

The completed nomination form must reach …………………………… *(name of electoral officer)* before or on ………………………………………. at ………… *(closing date and time for nominations).*

These rules must be followed for a nomination to be successful.

Learners who are not enrolled in the school in grade 8, 9, 10, 11 or 12 or who have been found guilty of serious misconduct at any school do not qualify for election to the council.

Nomination meeting

To give learners a further opportunity to nominate learners to the representative council of learners, a nomination meeting will be held in …………………… *(location)* on ………………………… at …………….. *(date and time)*.

Outcome of nominations

If the number of successful nominations in a particular grade is less than the number of learners required on the council in that grade, another nomination meeting will be held for that grade.

If the number of successful nominations in a particular grade is equal to the number of learners required on the council in that grade, the successful nominees are automatically elected to the council.

If the number of successful nominations in a particular grade is higher than the number of learners required on the council in that grade, an election will be held for those grades at a date to be announced by notice.

Make use of your opportunity to nominate learners in your grade to the representative council of learners by completing the attached nomination form.

ANNEXURE C

Notice of election of learner candidates to the representative council of learners

(Paragraph 15 of the Determination of the Functions and Procedures for the Establishment and Election of Representative Councils of Learners at Public Schools)

The election of learner candidates to the representative council of learners in grade(s) …………………….. will take place in …………………………………. *(place)* on …………………........ at ………… *(date and time of election)*.

What is the representative council of learners?

The representative council of learners is a formal body of learners with various duties and responsibilities. Among other things, its members liaise with the governing body, represent fellow learners and act as a communication channel between learners, school staff, parents and the community. They help maintain order in the school, they set a positive example to learners and they promote the best interests of the school. Members of the representative council of learners should display trustworthiness, good communication and interpersonal skills, confidence, commitment, a positive attitude and a desire to serve.

Election rules

Each learner who wants to vote will be given a ballot paper bearing an official mark or stamp.
To vote, write on the ballot paper the names and surnames of the learner candidates (the learners whose nomination was announced) whom you wish to have on the representative council of learners.
You may only vote for learners in the same grade as you.
You may not vote for more than …………… *(number of learner members required for the grade)* candidates and you may only vote once for a particular candidate.
Please write legibly for your vote to count.

ANNEXURE D

(Paragraphs 13(2) and 15(2) of the Determination of the Functions and Procedures for the Establishment and Election of Representative Councils of Learners at Public Schools)

A quorum for a particular grade at a nomination meeting or at an election consists of one learner more than half of the sum of all the learners enrolled at the school in the particular grade.

For example:

If 30 learners are enrolled in grade 8, a quorum for grade 8 would be 16.

If 20 learners are enrolled in grade 9, a quorum for grade 9 would be 11.

If 50 learners are enrolled in grade 10, a quorum for grade 10 would be 26.

If 60 learners are enrolled in grade 11, a quorum for grade 11 would be 31.

If 10 learners are enrolled in grade 12, a quorum for grade 12 would be 6.

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BEPALING VAN DIE WERKSAAMHEDE EN PROSEDURES VIR DIE INSTELLING EN VERKIESING VAN VERTEENWOORDIGENDE RADE VAN LEERDERS BY OPENBARE SKOLE

Die Provinsiale Minister verantwoordelik vir onderwys in die Wes-Kaap het kragtens artikel 48(2) van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), die werksaamhede en prosedures vir die instelling en verkiesing van verteenwoordigende rade van leerders by openbare skole, soos uiteengesit in die Bylae, bepaal.

BYLAE

INDELING

Paragrawe

Woordomskrywing

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

"dae" werksdae, met inbegrip van skoolvakansiedae, maar nie Saterdae, Sondae en openbare vakansiedae nie;

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

"kiesbeampte" 'n kiesbeampte beoog in paragraaf 11;

"leerderkandidaat" 'n leerder wat ingevolge paragraaf 12 of 13 suksesvol benoem is om in die verteenwoordigende raad van leerders te dien;

"leerderlid" 'n lid van die verteenwoordigende raad van leerders;

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

"onderwysdistrikskantoor" die hoofkwartier van 'n onderwysdistrik;

"onderwyserskakelbeampte" 'n onderwyserskakelbeampte beoog in paragraaf 10;

"skool" 'n openbare skool;

"skooldae" dae in 'n skoolkwartaal wat geskeduleer is vir die verskaffing van onderwys aan leerders ingeskryf by die skool;

"uitvoerende komitee" die ampsbekleërs van die verteenwoordigende raad van leerders;

"verteenwoordigende raad van leerders" 'n verteenwoordigende raad van leerders wat ingevolge artikel 48 van die Wet ingestel is.

Samestelling van verteenwoordigende raad van leerders

2. (1) 'n Verteenwoordigende raad van leerders ingestel by 'n skool moet uit drie leerderlede per graad bestaan, van graad 8 tot graad 12.

(2) Die Departementshoof kan die samestelling van 'n verteenwoordigende raad van leerders wat van die samestelling in subparagraaf (1) verskil, goedkeur indien—

   (a) die beheerliggaam van die skool skriftelik vir 'n verskillende samestelling aansoek gedoen het, met die aanvoering van redes daarvoor; en

   (b) die Departementshoof tevrede is dat die voorgestelde samestelling in die belang van onderwys by die skool is.

(3) Die Departementshoof kan sy of haar goedkeuring van die samestelling van 'n verteenwoordigende raad van leerders wat van subparagraaf (1) verskil te eniger tyd terugtrek en die verteenwoordigende raad van leerders ontbind, waarby 'n nuwe verteenwoordigende raad van leerders ooreenkomstig paragraaf 8(2) verkies moet word.

Diskwalifikasie van lidmaatskap van verteenwoordigende raad van leerders

3. 'n Leerder mag nie 'n lid van 'n verteenwoordigende raad van leerders wees indien hy of sy—

   (a)   te eniger tyd by enige skool aan ernstige wangedrag skuldig bevind is nie; of

   (b)   nie 'n geregistreerde leerder met 'n geldige Sentrale Onderwysbestuursinligtingstelsel-nommer is en as 'n leerder by die betrokke skool ingeskryf is nie.

Ampstermyn van lede van verteenwoordigende raad van leerders

4. Behoudens paragrawe 2(3), 8 en 9—

(a) is die ampstermyn van 'n lid van 'n verteenwoordigende raad van leerders een akademiese jaar, met ingang van 'n datum bepaal deur die Departementshoof; en

(b) kan 'n lid van 'n verteenwoordigende raad van leerders ná die verstryking van sy of haar ampstermyn herverkies word.

Vakatures in verteenwoordigende raad van leerders

5. (1) 'n Vakature vind plaas in 'n verteenwoordigende raad van leerders indien 'n leerderlid—

(a) bedank;

(b) sterf;

(c) vir drie agtereenvolgende vergaderings van die verteenwoordigende raad van leerders sonder die toestemming van die voorsitter afwesig is;

(d) soos beoog in paragraaf 3 gediskwalifiseer is; of

(e) ingevolge paragraaf 9 ontslaan is.

(2) Wanneer 'n vakature in 'n verteenwoordigende raad van leerders ontstaan, moet die vakature binne 14 dae van die ontstaan van die vakature deur middel van 'n tussenverkiesing gevul word, ooreenkomstig die benoemings- en verkiesingsprosedures uiteengesit in paragrawe 12, 13, 14 en 15.

(3) 'n Leerderlid wat deur middel van 'n tussenverkiesing verkies is om 'n vakature te vul, dien vir die onverstreke tydperk van die ampstermyn van sy of haar voorganger.

Werksaamhede van verteenwoordigende raad van leerders

6. 'n Verteenwoordigende raad van leerders moet—

(a) sy eie grondwet opstel of die bestaande grondwet aanvaar met wysigings, indien nodig, en dit binne 30 dae ná die verkiesing, soos beoog in paragraaf 15, aan die beheerliggaam voorlê vir goedkeuring;

(b) die beheerliggaam adviseer oor aangeleenthede rakende onderwys of die belange van leerders wat die beheerliggaam na die verteenwoordigende raad van leerders verwys of wat die verteenwoordigende raad van leerders onder die aandag van die beheerliggaam wil bring;

(c) hul medeleerders verteenwoordig;

(d) as 'n kommunikasiekanaal dien vir die leerders onder mekaar en tussen leerders en die skoolpersoneel, die prinsipaal, ouers en die skoolgemeenskap;

(e) help om orde te handhaaf in die skool ooreenkomstig die gedragskode van die skool;

(f) 'n positiewe voorbeeld stel van dissipline, getrouheid, respek, stiptelikheid, samewerking en aktiewe deelname aan skoolaktiwiteite;

(g) goeie verhoudings onder die leerders bevorder, en tussen leerders en die skoolpersoneel, die prinsipaal, ouers en die skoolgemeenskap;

(h) verantwoordelikheid en leierskap bevorder;

(i) die akademiese, kulturele en sportopvoedkundige programme van die skool ondersteun;

(j)   'n gees van gemeenskapsdiens en vrywillige werk kweek, en leerders aanmoedig om vrywillige dienste ten bate van die skool en die gemeenskap te lewer; en

(k)   die beste belange van die skool bevorder.

Eienskappe van lede van verteenwoordigende raad van leerders

7. 'n Lid van 'n verteenwoordigende raad van leerders behoort hul te beywer om die volgende eienskappe ten toon te stel:

(a)   betroubaarheid;

(b)   goeie kommunikasievaardighede;

(c)   selfvertroue;

(d)   goeie interpersoonlike vaardighede;

(e)   toewyding;

(f)   'n positiewe gesindheid;

(g)   'n begeerte om te dien;

(h)   integriteit; en

(i)   goeie leierskap.

Ontbinding van verteenwoordigende raad van leerders

8. (1) Die Departementshoof kan 'n verteenwoordigende raad van leerders ontbind indien die prinsipaal van die betrokke skool, na oorlegpleging met die onderwyserskakelbeampte, die beheerliggaam en die verteenwoordigende raad van leerders die Departementshoof skriftelik versoek om 'n verteenwoordigende raad van leerders te ontbind, indien die verteenwoordigende raad van leerders versuim het om sy werksaamhede voldoende te verrig of opgetree het op 'n wyse wat nie in die beste belang van die skool is nie.

(2) 'n Verteenwoordigende raad van leerders wat kragtens subparagraaf (1) ontbind is, moet weer ooreenkomstig paragrawe 12, 13, 14 en 15 saamgestel word.

Ontslag van lede van verteenwoordigende raad van leerders

9. (1) Die prinsipaal kan, na oorlegpleging met die onderwyserskakelbeampte, die skoolbestuurspan en die voorsitter van die verteenwoordigende raad van leerders, 'n leerderlid van die verteenwoordigende raad van leerders ontslaan indien die leerderlid—

(a) 'n daad pleeg wat die administrasie van die skool ondermyn, of ander aanmoedig om so 'n daad te pleeg;

(b) ongehoorsaam is of weier om 'n roetine-instruksie uit te voer wat enige opvoeder of gesagspersoon aan hom of haar gegee;

(c) traag is of weier om pligte na te kom;

(d) hom of haar gedra op 'n onbetaamlike of onbehoorlike wyse of skuldig is aan growwe onbeleefdheid teenoor 'n ander persoon; of

(e) aan ernstige wangedrag skuldig bevind is.

(2) 'n Vakature wat as gevolg van die toepassing van subparagraaf (1) ontstaan, moet deur 'n leerder gevul word wat ooreenkomstig paragraaf 5(2) en (3) verkies is.

Onderwyserskakelbeampte

10. (1) Die onderwyserskakelbeampte moet 'n opvoeder wees wat deur opvoeders van die betrokke skool benoem is om as skakel tussen die skoolpersoneel en die leerders op te tree.

(2) Die ampstermyn van die onderwyserskakelbeampte mag nie vyf jaar oorskry nie.

(3) Die onderwyserskakelbeampte van 'n skool moet—

(a) toesien dat alle dokumentasie met betrekking tot die verteenwoordigende raad van leerders oorgedra word deur die uittredende uitvoerende komitee na die nuut verkose uitvoerende komitee;

(b) kapasiteitsbou vir leerderlede verskaf om hulle in staat te stel om hul werksaamhede te onderneem;

(c) tussen die personeel en die leerders skakel;

(d) toesien dat die verteenwoordigende raad van leerders funksioneel bly;

(e) toesien dat die verteenwoordigende raad van leerders die missie en visie van die skool ondersteun;

(f) toesien dat die skoolgemeenskap die aktiwiteite van die verteenwoordigende raad van leerders aanvaar;

(g) kommunikasie tussen hom of haar, die prinsipaal en personeel, en die verteenwoordigende raad van leerders bevorder; en

(h) leerderlede help om die verteenwoordigende raad van leerders te organiseer deur 'n gevoel van verantwoordelikheid by die lede in te prent.

(4) Indien 'n vakature in die posisie van onderwyserskakelbeampte ontstaan, moet dit op die wyse beoog in subparagraaf (1) gevul word.

Kiesbeampte

11. Die onderwyserskakelbeampte van 'n skool—

(a) moet as kiesbeampte vir die benoeming en verkiesing van lede van die verteenwoordigende raad van leerders van die skool optree;

(b) kan een of meer opvoeders aanstel om met 'n benoemingsvergadering en verkiesing te help; en

(c) moet by enige vergadering wat 'n verkiesing van 'n verteenwoordigende raad van leerders ten doel het, voorsit.

Benoeming van leerders vir verteenwoordigende raad van leerders

12. (1) Behoudens paragraaf 3 kan 'n leerder ingeskryf in graad 8, 9, 10, 11 of 12 by 'n openbare skool tot die verteenwoordigende raad van leerders verkies word indien hy of sy ingevolge subparagraaf (2) benoem is en die benoeming ingevolge subparagraaf (8) deur die kiesbeampte goedgekeur is.

(2) Om 'n leerder te benoem moet 'n benoemingsvorm in die vorm van Aanhangsel A—

(a) deur 'n voorsteller, 'n sekondant en die leerder wat benoem word, voltooi word; en

(b) gedurende die benoemingstydperk by die kiesbeampte ingedien word.

(3) Elke leerder ingeskryf in graad 8, 9, 10, 11 of 12 by 'n skool kan op 'n benoemingsvorm—

(a) die benoeming van 'n leerder voorstel;

(b) die benoeming van 'n leerder sekondeer; of

(c) sy of haar benoeming aanvaar of weier, wat gemaak is deur 'n ander leerder,

wat in dieselfde graad as hy of sy is.

(4) 'n Leerder mag nie sy of haar eie benoeming voorstel of sekondeer nie.

(5) Die kiesbeampte moet 'n kennisgewing in die vorm van Aanhangsel B voltooi en toesien dat beide die kennisgewing en die benoemingsvorm voor die aanvang van die benoemingstydperk aan elke leerder ingeskryf in graad 8, 9, 10, 11 of 12 by die skool uitgedeel word.

(6) Die benoemingstydperk begin op die datum aangedui op die kennisgewing en duur voort vir ses skooldae, waartydens die kiesbeampte voltooide benoemingsvorms van leerders moet ontvang.

(7) Die kiesbeampte moet voor die benoemingsvergadering beoog in paragraaf 13 elke benoemingsvorm oorweeg en 'n benoeming verwerp wat—

  (a)   nie voltooi en ingedien is soos voorgeskryf in subparagraaf (2) nie;

  (b)   voorgestel of gesekondeer is deur 'n leerder in 'n ander graad as die benoemde;

  (c)   voorgestel of gesekondeer is deur die benoemde; of

  (d)   van 'n leerder is wat ingevolge paragraaf 3 nie op die verteenwoordigende raad van leerders mag dien nie.

(8) Indien 'n benoeming—

  (a)   voltooi en ingedien is soos voorgeskryf in subparagraaf (2); en

  (b)   nie op 'n grond beoog in subparagraaf (7) verwerp is nie,

moet die kiesbeampte die benoeming goedkeur.

Benoemingsvergadering

13. (1) Om leerders in graad 8, 9, 10, 11 en 12 'n verdere geleentheid te bied om leerders vir die verteenwoordigende raad van leerders te benoem, moet 'n benoemingsvergadering vir dié grade op die eerste skooldag na die verstryking van die sesdagbenoemingstydperk gehou word.

(2) 'n Kworum van leerders in 'n bepaalde graad—

  (a)   moet by die benoemingsvergadering teenwoordig wees vir die vergadering om vir daardie graad voort te gaan;

  (b)   bestaan uit een leerder meer as die helfte van die totale getal leerders in daardie graad ingeskryf by die skool, soos uitgebeeld in Aanhangsel D.

(3) Die benoemingsprosedure beoog in paragraaf 12(2), (3) en (4) is van toepassing, met die nodige veranderinge, op die benoeming van leerders by 'n benoemingsvergadering.

(4) Aan die begin van die benoemingsvergadering moet die kiesbeampte—

  (a)   die benoemings- en verkiesingsprosedures aan die leerders verduidelik;

  (b)   benoemingsvorms beskikbaar stel aan al die leerders by die vergadering; en

  (c)   die leerders in kennis stel van die tyd wat by die vergadering vir benoemings toegelaat sal word.

(5) Die kiesbeampte moet gedurende die toegelate tyd vir benoemings by die vergadering voltooide benoemingsvorms van leerders ontvang.

(6) Die kiesbeampte moet elke benoeming wat ontvang is, oorweeg by of na die vergadering en 'n benoeming verwerp wat—

  (a) nie soos voorgeskryf in paragraaf 12(2)*(a)* voltooi is en binne die toegelate tyd vir benoemings by die vergadering ingedien is nie;

  (b) deur 'n leerder in 'n ander graad as die benoemde voorgestel of gesekondeer is;

  (c) deur die benoemde voorgestel of gesekondeer is; of

(d) 'n leerder benoem wat ingevolge paragraaf 3 nie op die verteenwoordigende raad van leerders mag dien nie.

(7) Indien 'n benoeming—

(a) voltooi is soos voorgeskryf in paragraaf 12(2)*(a)* en binne die toegelate tyd by die vergadering ingedien is; en

(b) nie op 'n grond beoog in subparagraaf (6) verwerp is nie,

moet die kiesbeampte die benoeming goedkeur.

Uitkomste van benoemings

14. (1) Die kiesbeampte moet die name van alle leerders wie se benoemings goedgekeur is per graad afkondig, waarna daardie leerders geag word behoorlik benoemde leerderkandidate te wees.

(2) Indien die getal leerderkandidate vir 'n bepaalde graad ingevolge paragraaf 2 minder as die vereiste getal leerderlede vir daardie graad is, moet 'n nuwe vergadering waar bykomende leerderkandidate benoem kan word vir daardie graad ooreenkomstig paragraaf 13 belê word.

(3) Indien die getal leerderkandidate vir 'n bepaalde graad gelyk is aan die vereiste getal leerderlede vir daardie graad moet die kiesbeampte elke leerderkandidaat in daardie graad as 'n behoorlik verkose lid van die verteenwoordigende raad van leerders vir daardie graad verklaar.

(4) Indien die getal leerderkandidate vir 'n bepaalde graad meer is as die vereiste getal leerderlede vir daardie graad, moet 'n verkiesing ooreenkomstig paragraaf 15 gehou word om die lede van die verteenwoordigende raad van leerders vir daardie graad te verkies.

Verkiesing van leerderkandidate tot verteenwoordigende raad van leerders

15. (1) Indien daar 'n verkiesing van leerderkandidate tot die verteenwoordigende raad van leerders vir 'n bepaalde graad of grade ingevolge paragraaf 14(4) gehou moet word, moet die kiesbeampte—

(a) 'n kennisgewing van 'n verkiesing in die vorm van Aanhangsel C voorberei; en

(b) toesien dat 'n afskrif van die kennisgewing minstens tien dae voor sodanige verkiesing aan elke leerder in die betrokke graad uitgedeel word.

(2) 'n Kworum van leerders in 'n bepaalde graad—

(a) moet teenwoordig wees by 'n verkiesingsvergadering vir die verkiesing om in daardie graad voort te gaan;

(b) bestaan uit een leerder meer as die helfte van die totale getal leerders ingeskryf in daardie graad by die skool, soos uitgebeeld in Aanhangsel D.

(3) Elke leerder ingeskryf by 'n skool in 'n graad waarvoor 'n verkiesing tot die verteenwoordigende raad van leerders gehou word, kan by sodanige verkiesing stem en slegs daardie leerders mag by die stemlokaal binnegelaat word.

(4) Aan die begin van die verkiesing moet die kiesbeampte die verkiesingsproses aan die leerders verduidelik en aan elke leerder wat wil stem 'n toepaslike stembrief uitdeel waarop 'n amptelike merk of stempel vir die bepaalde graad aangebring is.

(5) Om te stem moet 'n leerder op die stembrief die name neerskryf van die leerderkandidate wat hy of sy as verteenwoordigers van sy of haar graad kies.

(6) Die leerder—

    (a)   mag slegs vir leerders stem wat in dieselfde graad as hy of sy is;

    (b)   mag slegs een keer vir 'n bepaalde kandidaat stem, met 'n maksimum getal van drie stemme, of die getal stemme gelyk aan die vereiste getal leerders wat in daardie graad tot die verteenwoordigende raad van leerders verkies staan te word.

(7) Die kiesbeampte moet 'n stembrief verwerp—

    (a)   wat nie die amptelike merk of stempel vir die bepaalde graad daarop het nie;

    (b)   wat die name van meer leerderkandidate bevat as wat ingevolge subparagraaf (6)*(b)* verkies kan word;

    (c)   waarop 'n leerder vir 'n leerderkandidaat of leerderkandidate gestem het wat nie in sy of haar graad is nie; of

    (d)   wat op so 'n wyse voltooi is dat dit, na die mening van die kiesbeampte, onseker is vir welke leerderkandidate die stemmer gestem het.

(8) Die kiesbeampte moet per graad die drie leerderkandidate, of die getal goedgekeur deur die Departementshoof soos beoog in paragraaf 2(2), vir wie die hoogste getal stemme aangeteken is behoorlik verkose verklaar.

(9) Waar die getal stemme aangeteken vir die eerste vier of meer leerderkandidate gelyk is, moet die kiesbeampte die verkiesingsprosedure eenmaal herhaal en dan die drie leerderkandidate wat 'n gewone meerderheid stemme behaal behoorlik verkose verklaar.

(10) Waar drie leerderkandidate nie soos beoog in subparagraaf (9) 'n eenvoudige meerderheid van stemme behaal nie, moet die kiesbeampte deur loting bepaal wie onder die leerderkandidate verkies is.

(11) Wanneer daar 'n gelyke hoeveelheid stemme tussen drie of meer leerderkandidate vir die tweede en derde posisie is, moet die kiesbeampte deur loting bepaal wie onder hulle verkies is.

Besluit van kiesbeampte

16. (1) Die kiesbeampte moet oor alle aangeleenthede wat met die benoeming en verkiesing van leerders tot die verteenwoordigende raad van leerders verband hou, besluit en beslis.

(2) 'n Besluit van die kiesbeampte gedurende die benoemings-en-verkiesingsproses is finaal.

(3) Sou daar 'n aangeleentheid wees wat die kiesbeampte nie kan beslis nie, moet die verkiesings voortgaan.

(4) Enige persoon wat beswaar wil aanteken ten opsigte van 'n aangeleentheid bedoel in subparagrawe (1) tot (3) moet die beswaar binne sewe dae vanaf die benoeming of verkiesing, na gelang van die geval, skriftelik by die prinsipaal of iemand deur hom of haar gedelegeer indien, wat daaroor besluit.

(5) Die prinsipaal of sy of haar gedelegeerde moet die beswaar oorweeg en binne sewe dae vanaf ontvangs van die beswaar skriftelik 'n bepaling daaroor maak.

(6) Indien die persoon wat die beswaar aangeteken het nie met die besluit van die prinsipaal of sy of haar gedelegeerde tevrede is nie, of indien die prinsipaal of sy of haar gedelegeerde versuim om 'n bepaling soos beoog in subparagraaf (5) te maak, kan 'n appèl binne 14 dae vanaf die benoeming of verkiesing, na gelang van die geval, skriftelik by die Departementshoof ingedien word.

(7) Die Departementshoof moet binne 14 dae vanaf ontvangs van die appèl die appèl oorweeg en skriftelik 'n bepaling daaroor maak.

Prosedure na verkiesing van verteenwoordigende raad van leerders

17. Ná die verkiesing van 'n verteenwoordigende raad van leerders moet die kiesbeampte—

(a) alle dokumente wat in die benoeming en verkiesing van die verteenwoordigende raad van leerders gebruik is, met inbegrip van alle voltooide stembriewe wat in die verkiesing gebruik is en alle benoemingsvorms ontvang, in koeverte per graad plaas en die koeverte verseël;

(b) daardie koeverte in veilige bewaring hou vir 'n tydperk van minstens een jaar vanaf die datum van die verkiesing;

(c) elke verkose lid skriftelik in kennis stel van sy of haar verkiesing; en

(d) die Departementshoof binne 14 dae vanaf die datum van die benoemingsvergadering of verkiesing, na gelang van die geval, skriftelik van die name en adresse van die verkose leerderlede in kennis stel.

Verkiesing van ampsbekleërs

18. (1) Ná die verkiesing van die verteenwoordigende raad van leerders—

(a) moet die onderwyserskakelbeampte die eerste vergadering van die verteenwoordigende raad van leerders belê om binne 14 dae vanaf die verkiesing plaas te vind; en

(b) moet die leerderlede uit hul geledere die ampsdraers van die nuwe verteenwoordigende raad van leerders verkies, wat minstens die voorsitter, tesourier en sekretaris moet insluit.

(2) Die onderwyserskakelbeampte moet ná die vergadering waar ampsdraers ooreenkomstig hierdie paragraaf verkies is, en binne 14 dae ná die datum van die vergadering die Departementshoof skriftelik van die name en adresse van die verkose ampsdraers in kennis stel.

Pligte van voorsitter

19. Die voorsitter moet—

(a) alle vergaderings van die verteenwoordigende raad van leerders en sy uitvoerende komitee voorsit;

(b) die verteenwoordigende raad van leerders verteenwoordig by vergaderings met leerderlede van verteenwoordigende rade van leerders van ander skole en moet sodanige vergaderings bywoon;

(c) 'n positiewe beeld van die skool bevorder;

(d) die woordvoerder van die verteenwoordigende raad van leerders wees; en

(e) 'n jaarverslag oor die aktiwiteite en prestasies van die verteenwoordigende raad van leerders opstel vir indiening by 'n vergadering van die beheerliggaam.

Pligte van tesourier

20. Die tesourier moet—

(a) verantwoordelik wees vir alle fondsinsamelingsaktiwiteite van die verteenwoordigende raad van leerders;

(b) rekord hou van alle inkomste en uitgawes;

(c) alle geld wat ontvang word aan die beheerliggaam oorhandig;

(d) aan die beheerliggaam verslag lewer oor die uitgawes van die verteenwoordigende raad van leerders; en

(e) 'n jaarverslag oor die stand van die finansies van die verteenwoordigende raad van leerders opstel en aan die voorsitter voorlê.

Pligte van sekretaris

21. Die sekretaris moet—

    (a) van alle vergaderings van die verteenwoordigende raad van leerders notule hou;

    (b) toesien dat kennisgewings van vergaderings betyds aan alle lede uitgestuur word; en

    (c) toesien dat, na goedkeuring, alle notules van vergaderings van die verteenwoordigende raad van leerders en sy uitvoerende komitee deur beide die voorsitter en sekretaris onderteken en gedateer word, en moet 'n rekord daarvan byhou.

Verkiesing van leerderlede om op beheerliggaam te dien

22. By die eerste vergadering van die verteenwoordigende raad van leerders soos beoog in paragraaf 18(1)*(a),* moet die leerderlede uit eie geledere ook twee lede verkies om in die beheerliggaam te dien.

Vergaderings van verteenwoordigende raad van leerders

23. (1) Die voorsitter van 'n verteenwoordigende raad van leerders moet die datum, tyd en plek van 'n vergadering bepaal en die sekretaris van die raad moet ten minste 14 dae voor sodanige vergadering elke lid skriftelik daarvan in kennis stel.

    (2) Waar 'n saak na die mening van die voorsitter dringende aandag benodig, moet minstens 24 uur skriftelike kennis van 'n vergadering gegee word.

    (3) Die meerderheid van die lede van 'n verteenwoordigende raad van leerders maak 'n kworum uit vir enige vergadering van die verteenwoordigende raad van leerders.

    (4) 'n Verteenwoordigende raad van leerders moet sy eie reëls en prosedures vir vergaderings bepaal.

Komitees van verteenwoordigende raad van leerders

24. (1) 'n Verteenwoordigende raad van leerders kan, bykomend tot die uitvoerende komitee, komitees onder sy lede instel, met inbegrip van die volgende komitees:

    (a) 'n sosiale komitee, om met skoolleerders oor hulle sosiale behoeftes te konsulteer;

    (b) 'n fondsinsamelingskomitee, om fondsinsamelingsgeleenthede te identifiseer en te koördineer;

    (c) 'n vredesopvoeding-komitee, om probleemareas te identifiseer, soos afknouery, en om bystand te verleen met konflikoplossing en die behoefte aan berading;

    (d) 'n interskoolbetrekkinge-komitee, om interaksie met leerders van ander skole te bewerkstellig;

    (e) 'n deerniskomitee, om leerders by te staan om familiesterftes of ander emosionele probleme te hanteer.

  (2) Subparagraaf (1) belet nie 'n verteenwoordigende raad van leerders om—

    (a) ander komitees in te stel nie; en

    (b) leerders te koöpteer wat nie op die verteenwoordigende raad van leerders dien, om op komitees te dien wat ooreenkomstig subparagraaf (1) en (2) aangestel is nie, op voorwaarde dat die voorsitter van so `n komitee `n verkose lid van die verteenwoordigende raad van leerders is.

Notules van prosedures van vergaderings

25. (1) Die sekretaris van 'n verteenwoordigende raad van leerders moet notule hou van die verrigtinge van elke vergadering van die verteenwoordigende raad van leerders en moet—

(a) die onderwyserskakelbeampte, elke lid van die verteenwoordigende raad van leerders en die prinsipaal of enige persoon behoorlik aangewys deur die prinsipaal van 'n afskrif van die notule voorsien; en

(b) op versoek, en met die instemming van die onderwyserskakelbeampte, 'n ouer van 'n leerder van die skool of 'n personeellid by die skool van 'n afskrif van die notule voorsien, mits daar geen skending van die regte van persone is nie en die ouer of personeellid dit benodig vir die uitoefening of beskerming van sy of haar regte of belange.

(2) Die notule van die verrigtinge van elke vergadering moet vir goedkeuring aan die verteenwoordigende raad van leerders by die volgende vergadering voorgelê word.

(3) By die ontbinding van 'n verteenwoordigende raad van leerders of die verstryking van sy ampstermyn moet alle notules en ander dokumente van die verteenwoordigende raad van leerders deur die onderwyserskakelbeampte aan die prinsipaal oorhandig word.

Herroeping van maatreëls

26. Die volgende maatreëls word herroep:

(a) maatreël 24 van die Maatreëls betreffende Beheerliggame en 'n Verteenwoordigende Raad van Leerders vir Openbare Skole (Uitgesondered Openbare Skole vir Leerders met Spesiale Onderwysbehoeftes), gepubliseer as Provinsiale Kennisgewing 164/2008 in *Buitengewone Provinsiale Koerant* 6519 van 20 Mei 2008;

(b) maatreël 24 van die Maatreëls betreffende Beheerliggame en 'n Verteenwoordigende Raad van Leerders van Openbare Skole vir Leerders met Spesiale Onderwysbehoeftes (Ingesluit Openbare Skole vir Leerders wat kragtens die Kinderwet, 2005 (Wet 38 van 2005); die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), en/of die Strafproseswet, 1977 (Wet 51 van 1977), soos gewysig, daarheen Verwys of Oorgeplaas is), gepubliseer as Provinsiale Kennisgewing 278/2008 in *Buitengewone Provinsiale Koerant* 6554 van 12 September 2008; en

(c) maatreël 19 van die Maatreëls betreffende Beheerliggame en 'n Verteenwoordigende Raad van Leerders van Openbare Skole vir Leerders wat kragtens die Kinderwet, 2005 (Wet 38 van 2005); die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), en/of die Strafproseswet, 1977 (Wet 51 van 1977), soos gewysig, daarheen Verwys of Oorgeplaas is, gepubliseer as Provinsiale Kennisgewing 279/2008 in *Buitengewone Provinsiale Koerant* 6554 van 12 September 2008.

AANHANGSEL A

BENOEMINGSVORM

Benoeming van leerders vir die verteenwoordigende raad van leerders

(Paragrawe 3, 12, 13 en 14 van die Bepaling van die Werksaamhede en Prosedures vir die Instelling en Verkiesing van Verteenwoordigende Rade van Leerders by Openbare Skole)

1.   **Moet deur die Voorsteller voltooi word**
          (die leerder wat die benoeming maak)

My naam is …………………………………………………………… *(naam en van)*.

Ek is 'n leerder ingeskryf in graad .... by ....
                                                                          (naam van skool)

My woonadres is:

....

....

Ek benoem …………………………………………., wat in dieselfde graad as ek is, tot lid van die verteenwoordigende raad van leerders by my skool.

                                                                          …………………………………………….
                                                                          Handtekening van Voorsteller

2.   **Moet deur die Sekondant voltooi word**
          ('n leerder wat die benoeming ondersteun)

My naam is …………………………… ……………………………………………… *(naam en van)*.

Ek is 'n leerder ingeskryf in graad .... by ....
                                                                          (naam van skool)

My woonadres is:

....

....

Ek sekondeer hierdie benoeming.

………………………………………….
Handtekening van Sekondant

3.   **Moet deur Benoemde voltooi word:**
     (die leerder wat benoem word)

My naam is …………………………………………………… *(volle naam en van)*.

My woonadres is:

....

....

Ek verklaar hiermee dat—

(a)   ek my benoeming vir lid van die verteenwoordigende raad van leerders **aanvaar / nie aanvaar nie**;
        (skrap woord(e) wat nie van toepassing is nie)

(b)   ek nie op enige tydstip skuldig bevind is aan ernstige wangedrag by enige skool nie; en

(c)   ek 'n leerder is wat ingeskryf is in graad .... by ....
        (naam van skool)

………………………………………………..
Handtekening van Benoemde

4.   **Moet deur die kiesbeampte voltooi word**
     (indien die benoemde leerder nie teenwoordig is nie, waar die benoeming by 'n benoemingsvergadering gemaak word)

Ek, …………………………………………………………………............…………… *(volle naam van kiesbeampte)*,
verklaar dat bewys tot my bevrediging gelewer is dat die benoemde—

(a)   wat nie by die benoemings- en verkiesingsvergadering teenwoordig is om die benoemingsvorm te voltooi nie,
        bereid is om, indien verkies, as 'n lid van die verteenwoordigende raad van leerders te dien; en

(b)   nie ingevolge paragraaf 3 gediskwalifiseer is om 'n lid van die verteenwoordigende raad van leerders te wees nie.

5.   **Moet deur die kiesbeampte voltooi word**
     (skrap die gedeeltes wat nie van toepassing is nie)

Ek, ..., *(volle naam van kiesbeampte)*
verklaar dat—

(a)	hierdie benoemingsvorm ingevolge paragraaf 12(8) of 13(7) **korrek / verkeerd** voltooi is;

(b)	die leerder **nie gediskwalifiseer is nie/ gediskwalifiseer is** om 'n lid van die verteenwoordigende raad van leerders te wees; en

(c)	hierdie benoeming derhalwe—
	(i)	goedgekeur is; of
	(ii)	verwerp is.

………………...	………………………………………………
Datum	Handtekening van kiesbeampte

AANHANGSEL B

Kennisgewing van benoeming van leerders vir die verteenwoordigende raad van leerders

(Paragrawe 12 en 13 van die Bepaling van die Werksaamhede en Prosedures vir die Instelling en Verkiesing van Verteenwoordigende Rade van Leerders by Openbare Skole)

Die benoeming vir lede van die verteenwoordigende raad van leerders begin op ………………….. *(begindatum; sewe skooldae voor die benoemingsvergadering)* en eindig op …………………….. om ……………………. *(sluitingsdatum en tyd, een skooldag voor die benoemingsvergadering).*

Gedurende hierdie tyd word leerders in graad 8, 9, 10, 11 en 12 uitgenooi om leerders in dieselfde graad as hulle te benoem vir verkiesing tot die verteenwoordigende raad van leerders.

Wat is die verteenwoordigende raad van leerders?

Die verteenwoordigende raad van leerders is 'n formele liggaam van leerders met verskeie pligte en verantwoordelikhede. Onder meer skakel die lede van die verteenwoordigende raad van leerders met die beheerliggaam, verteenwoordig hulle die leerders en tree hulle op as kommunikasiekanaal tussen leerders, skoolpersoneel, ouers en die gemeenskap. Hulle help om orde in die skool te handhaaf, hulle stel 'n positiewe voorbeeld vir leerders en hulle bevorder die beste belange van die skool. Lede van die verteenwoordigende raad van leerders behoort die volgende eienskappe uit te beeld: betroubaarheid, goeie kommunikasie- en interpersoonlike vaardighede, selfvertroue, toewyding, 'n positiewe gesindheid en 'n behoefte om te dien.

Reëls vir benoemings

Leerders mag slegs leerders in dieselfde graad as hulle benoem en mag nie hulself benoem nie.

Om 'n leerder vir die verteenwoordigende raad van leerders te benoem, moet 'n benoemingsvorm volledig ingevul word deur—

     (1)   'n leerder in dieselfde graad wat die benoeming maak;

     (2)   'n ander leerder in dieselfde graad wat die benoeming sekondeer (ondersteun); en

     (3)   die benoemde, wat die benoeming aanvaar of van die hand wys.

Die voltooide benoemingsvorm moet ……………………………………… *(naam van kiesbeampte)* bereik voor of op ……………………………………. om ……………. *(sluitingsdatum en afsnytyd vir benoemings).*

Vir 'n benoeming om te slaag, moet hierdie reëls gevolg word.

Leerders wat nie ingeskryf is in graad 8, 9, 10, 11 of 12 nie, of wat skuldig bevind is aan ernstige wangedrag by enige skool, kwalifiseer nie om tot die raad verkies te word nie.

Benoemingsvergadering

Om leerders 'n verdere geleentheid te bied om leerders tot die verteenwoordigende raad van leerders te benoem, sal 'n benoemingsvergadering gehou word te ……......…………… *(plek)* op ……………… om ………………….. *(dag en tyd)*.

Uitkomste van benoeming

Indien die getal suksesvolle benoemings in 'n bepaalde graad minder is as die getal leerders wat vir daardie graad op die raad benodig word, sal 'n benoemingsvergadering weer vir daardie graad gehou word.

Indien die hoeveelheid suksesvolle benoemings in 'n bepaalde graad gelyk is aan die getal leerders wat vir daardie graad op die raad benodig word, is die suksesvolle benoemdes outomaties verkies tot die raad.

Indien die getal suksesvolle benoemings in 'n bepaalde graad hoër is as die getal leerders wat vir daardie graad op die raad benodig word, sal 'n verkiesing vir daardie grade gehou word op 'n datum wat per kennisgewing aangekondig sal word.

Maak gebruik van jou geleentheid om leerders in jou graad tot die verteenwoordigende raad van leerders te verkies deur die aangehegte benoemingsvorm in te vul.

AANHANGSEL C

Kennisgewing van verkiesing van leerderkandidate tot die verteenwoordigende raad van leerders

(Paragraaf 15 van die Bepaling van die Werksaamhede en Prosedures vir die Instelling en Verkiesing van Verteenwoordigende Rade van Leerders by Openbare Skole)

Die verkiesing van kandidaatleerders tot die verteenwoordigende raad van leerders in graad/grade…………....................... vind plaas te ....…………………………… *(plek)* op ………………………… om .... *(datum en tyd van verkiesing)*.

Wat is die verteenwoordigende raad van leerders?

Die verteenwoordigende raad van leerders is 'n formele liggaam van leerders met verskeie pligte en verantwoordelikhede. Onder meer skakel die lede van die verteenwoordigende raad van leerders met die beheerliggaam, verteenwoordig hulle die leerders, en tree hulle op as kommunikasiekanaal tussen leerders, skoolpersoneel, ouers en die gemeenskap. Hulle help om orde in die skool te handhaaf, hulle stel 'n positiewe voorbeeld vir leerders en hulle bevorder die beste belange van die skool. Lede van die verteenwoordigende raad van leerders behoort die volgende eienskappe uit te beeld: betroubaarheid, goeie kommunikasie- en interpersoonlike vaardighede, selfvertroue, toewyding, 'n positiewe gesindheid en 'n behoefte om te dien.

Verkiesingsreëls

'n Stembrief met die amptelike stempel of merk daarop sal aan elke leerder wat wil stem gegee word.

Om te stem, skryf op die stembrief die name en vanne neer van die leerderkandidate (die leerders wie se benoeming afgekondig is) wat jy graag op die verteenwoordigende raad van leerders wil hê.

Jy mag net vir leerders stem wat in dieselfde graad as jy is.

Jy mag nie vir meer as ……… *(die getal leerderlede wat vir die graad benodig word)* kandidate stem nie en jy mag net een keer vir 'n bepaalde kandidaat stem.

Skryf asseblief in leesbare skrif vir jou stem om te tel.

AANHANGSEL D

(Paragrawe 13(2) en 15(2) van die Bepaling van die Werksaamhede en Prosedures vir die Instelling en Verkiesing van Verteenwoordigende Rade van Leerders by Openbare Skole)

'n Kworum vir 'n bepaalde graad by 'n benoemingsvergadering of 'n verkiesing bestaan uit een leerder meer as die helfte van die som van alle leerders wat in daardie graad by die skool ingeskryf is.

Byvoorbeeld:

Indien 30 leerders in graad 8 ingeskryf is, is 16 leerders 'n kworum vir graad 8.

Indien 20 leerders in graad 9 ingeskryf is, is 11 leerders 'n kworum vir graad 9.

Indien 50 leerders in graad 10 ingeskryf is, is 26 leerders 'n kworum vir graad 10.

Indien 60 leerders in graad 11 ingeskryf is, is 31 leerders 'n kworum vir graad 11.

Indien 10 leerders in graad 12 ingeskryf is, is 6 leerders 'n kworum vir graad 12.

UKUMISELWA KWEMISEBENZI NEENKQUBO ZOKUSEKWA NONYULO LWAMABHUNGA AMELE ABAFUNDI KWIZIKOLO ZIKARHULUMENTE

UMphathiswa wePhondo ophathiswe ezemfundo eNtshona Koloni, phantsi kwecandelo 48(2) soMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997), umisele imisebenzi neenkqubo zokusekwa nonyulo lwamabhunga amele abafundi kwizikolo zikarhulumente njengoko kucaciswe kule Shedyuli.

ISHEDYULI

ULANDELELWANISO

Imihlathi

Iingcaciso-magama

1. Kule mihlathi, ngophande kokuba kuthethwe okunye, naliphi na igama okanye ibinzana-magama elinikwe intsingiselo kulo Mthetho lihlala linaloo ntsingiselo inye yaye, ngaphandle kokuba umxholo ophethweyo walatha okunye;—

    "**iintsuku**" zithetha iintsuku zomsebenzi, ezibandakanya iiholide zezikolo yaye ayibandakanywa iMigqibelo, iiCawa neeholide zikawonke-wonke; ;

    "**isithili semfundo**" sithetha iyunithi yolawulo yeSebe leMfundo leNtshona Koloni;

    "**i-ofisi yesithili semfundo**" ithetha undlunkulu wesithili semfundo;

    "**igosa lonyulo**" lithetha igosa lonyulo elichatshazelwe kumhlathi 11;

    "**izikhulu**" zithetha ababambe izikhundla kwibhunga elimele abafundi;

    "**umgqatswa ongumfundi**" uthetha umfundi otyunjwe ngokuyimpumelelo ukuba abe kwibhunga elimele abafundi ngokwemihlathi 12 okanye 13;

    "**ilungu elingumfundi**" lithetha ilungu lebhunga elimele abafundi;

    "**ibhunga elimele abafundi**" lithetha ibhunga elimele abafundi elisekwe ngokwesiqendu 48 soMthetho;

    "**isikolo**" sithetha isikolo sikarhulumente

    "**iintsuku zesikolo**" zithetha iintsuku kwikota yesikolo ezilungiselelwe ukubonelelwa ngemfundo kwabafundi ababhalise esikolweni ;

    "**utitshala oligosa loqhagamshelwano**" uthetha utitshala oligosa loqhagamshelwano ochatshazelwe kumhlathi 10;

    "**lo Mthetho**" uthetha uMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997).

Ukwakhiwa kwebhunga elimele abafundi

2. (1)   Ibhunga elimele abafundi elisekwe esikolweni liya kwenziwa ngamalungu amathathu angabafundi kwibakala ngalinye, ukuqalela kwibakala 8 kuye kwibakala 12.

   (2)   INtloko yeSebe inokuvuma ukwakhiwa kwebhunga elimele abafundi elahlukileyo kwelo lakhiwe ngokomhlathana (1) ukuba—

         (a)   ibhunga lolawulo lesikolo lenze isicelo ngencwadi ebhaliweyo sokucela ukuba lakhiwe ngokwahlukileyo, linike nezizathu zoko; yaye

         (b)   iNtloko yeSebe yanelisekile ukuba ukwakhiwa okucetywayo kuya kulungiselela ngakumbi iimfuno zezemfundo zesikolo.

   (3)   INtloko yeSebe inokuthi nanini na iyirhoxise imvume yayo yokwakhiwa kwebhunga elimele abafundi elahlukileyo kwelo lakhiwe ngokomhlathana (1) ize ilichithe ibhunga elimele abafundi, ekuya kuthi ke ngoko kunyulwe ibhunga elimele abafundi elitsha ngokungqinelana nomhlathana 8(2).

Ukungafaneleki *(disqualification)* kubulungu kwibhunga elimele abafundi

3. Umfundi akanakuba lilungu kwibhunga elimele abafundi ukuba—

         (a)   uthe nanini na wafunyanwa enetyala lokuziphatha kakubi kakhulu nakwesiphi na isikolo; okanye

         (b)   akangomfundi obhalisiweyo, onenombolo esemthethweni ye-*Central Education Management Information System*, yaye akakho nakuluhlu lokuba ngumfundi wesikolo esichaphazelekayo.

Ithuba lokubasesikhundleni kwamalungu ebhunga elimele abafundi

4. Phantsi kwemihlathi 2(3), 8 no-9—

    (a) ithuba lokubasesikhundleni kwelungu lebhunga elimele abafundi ngunyaka wezifundo omnye, oqala ngomhla oya kumiselwa yiNtloko yeSebe; yaye

    (b) ilungu lebhunga elimele abafundi linokukhethwa kwakhona emva kokuphela kwethuba lokubasesikhundleni kwalo.

Izithuba ezivele kwibhunga elimele abafundi

5. (1) Isithuba kwibhunga elimele abafundi senzeka xa ilungu elingumfundi—

    (a) lirhoxa;

    (b) lisweleka;

    (c) lithi lingabikho kwiintlanganiso ezintathu ezilandelelanayo zebhunga elimele abafundi ngaphandle kwemvume kasihlalo;

    (d) alifanelekanga njengoko kuchatshazelwe kumhlathi 3; okanye

    (e) ligxothiwe kwibhunga elimele abafundi ngokomhlathi 9.

(2) Nanini na kuvela isithuba kwibhunga elimele abafundi, eso sithuba siya kuzaliswa ngonyulo lovalo-sikhewu, ngokungqinelana neenkqubo zokutyunjwa nokunyulwa ezicaciswe kwimihlathi 12, 13, 14 no-15 kwiintsuku eziyi-14 emva kokuvela kwesithuba.

(3) Ilungu elingumfundi elinyulelwe ukuvala isikhewu ngonyulo lovalo-sikhewu lisebenza okwelo thuba lingekapheli lokubasesikhundleni kwelo lungu belikweso sikhundla ngaphambi kwalo.

Imisebenzi yebhunga elimele abafundi

6. Ibhunga elimele abafundi liya—

    (a) kudrafta umgaqo-siseko walo okanye lamkele umgaqo-siseko okhoyo ofakelwe izilungiso, ukuba kuyimfuneko, lize liwungenise kwibhunga lolawulo lesikolo ngenjongo yokuba uvunywe zingaphelanga iintsuku eziyi-30 emva konyulo njengoko kuchatshazelwe kumhlathi 15;

    (b) kucebisa ibhunga lolawulo ngemibandela ephathelele kwimfundo okanye izinto ezinqwenelwa ngabafundi (*interests of learners*) ezithunyelwe kulo libhunga lolawulo okanye ezo zinto ibhunga elimele abafundi linqwenela ukwazisa ibhunga lolawulo ngazo ukuba zithathelwe ingqalelo;

    (c) kumela abanye abafundi;

    (d) kusebenza njengejelo loqhagamshelwano phakathi kwabafundi ngokwabo, phakathi kwabafundi nootitshala naphakathi kwabafundi nenqununu, nabazali kunye noluntu lwesikolo olulapho;

    (e) kuncedisa ekugcineni ucwangco esikolweni ngokungqinelana nemithetho yokuziphatha yesikolo;

    (f) kuba ngumzekelo omhle wokwazi ukuziphatha kakuhle, ukuthobela, ukubanembeko, ukufika ngexesha, ukuzimisela mpela ezifundweni, ukubanentsebenziswano nokuthatha inxaxheba ephambili kwizinto ezenziwa sisikolo;

    (g) kukhuthaza ubudlelane obuhle phakathi kwabafundi ngokwabo, naphakathi kwabafundi nootitshala naphakathi kwabafundi nenqununu, nabazali kunye noluntu lwesikolo olulapho;

    (h) kukhuthaza ukwazi ukuba noxanduva kwabafundi nobunkokeli;

    (i) kuxhasa inkqubo yezifundo iphela, iiprogram zezenkcubeko nezemidlalo zesikolo;

    (j) kukubethelela umoya wokwenzela inkonzo abahlali nokukhuthaza abafundi ukuba benze iinkonzo ngokuzithandela ngenjongo yokuba kuzuze isikolo nabahlali; yaye

    (k) kukhuthaza ezo zinto zilungiselela isikolo ngeyona ndlela ibhetele.

Iimpawu zamalungu ebhunga elimele abafundi

7.   Ilungu lebhunga elimele abafundi kufuneka lizame ukubonisa ezi mpawu zilandelayo:

(a)   ukuthembeka;

(b)   izakhono zonxibelelwano ezikumgangatho ophezulu;

(c)   ukuzithemba;

(d)   izakhono zokwazi ukusebenzisana kakuhle nabantu;

(e)   ukuzimisela;

(f)   umoya omhle;

(g)   umnqweno wokuthanda ukwenza inkonzo

(h)   ukugqibelela; kunye

(i)   nobunkokheli obusemgangathweni

Ukuchithwa kwebhunga elimele abafundi

8.   (1)   INtloko yeSebe inokulichitha ibhunga elimele abafundi ukuba inqun.nu yesikolo esichaphazelekayo, emva kokubhungisana notitshala oligosa loqhagamshelwano, nebhunga lolawulo lesikolo nebhunga elimele abafundi, icela iNtloko yeSebe ngencwadi ebhaliweyo ukuba ichithe ibhunga elimele abafundi, ukuba ibhunga elimele abafundi aliphumelelanga ukwenza imisebenzi yalo ngokwanelisayo, okanye lenze izinto ngendlela engeyiyo elungiselela ezona zinto zifunwa sisikolo.

(2)   Ibhunga elimele abafundi elichithwe phantsi komhlathana (1) liya kusekwa kwakhona ngokungqinelana nemhlathi 12, 13, 14 no-15.

Ukugxothwa kwamalungu ebhunga elimele abafundi

9.   (1)   Inqununu inokuthi, emva kokubhungisana notitshala oligosa loqhagamshelwano, ikomiti yolawulo yesikolo nosihlalo webhunga elimele abafundi, iligxothe ilungu elingumfundi kwibhunga elimele abafundi ukuba loo mfundi ulilungu—

(a)   wenza isenzo sokudelela ulawulo lwesikolo okanye ukhuthaza isenzo esilolo hlobo ukuba senziwe ngabanye;

(b)   akathobeli okanye uyala ukwenza umyalelo wesiqhelo awunikwa nguye nawuphi na utitshala okanye ngumntu onegunya;

(c)   akafuni okanye uyala ukwenza imisebenzi yakhe;

(d)   uziphethe kakubi okanye ngohlobo olungafanelekanga okanye uswele imbeko ngendlela exhomis'amehlo ngakuye nabani na; okanye

(e)   ufunyenwe enetyala lokuziphatha kakubi kakhulu.

(2)   Isithuba esenzeka ngenxa yokusebenza komhlathana (1) siya kuzaliswa ngumfundi onyulwe ngokungqinelana nomhlathana 5(2) no-(3).

Utitshala oligosa loqhamshelwano

10   (1)   Utitshala oligosa loqhagamshelwano uya kuba ngutitshala otyunjwe ngootitshala besikolo esichaphazelekayo ukuba abe ligosa loqhagamshelwano phakathi kootitshala besikolo nabafundi.

(2)   Ithuba lokubasesikhundleni sikatitshala oligosa loqhagamshelwano aliyi kuba ngaphezu kweminyaka emihlanu.

(3)   Utitshala oligosa loqhagamshelwano lesikolo uya—

(a)   kuqinisekisa ukuba kudluliselwa onke amaxwebhu aphathelelene nebhunga elimele abafundi sisigqeba esiphumayo kwisigqeba esisandula kunyulwa;

(b) kuba noxanduva lokuqeqesha nokuphuhlisa amalungu angabafundi ukwenzela ukuba akwazi ukwenza imisebenzi yawo;

(c) kuba likhonco phakathi kootitshala nabafundi;

(d) kuqinisekisa ukuba ibhunga elimele abafundi lihlala lisebenza ngokwenene;

(e) kuqinisekisa ukuba ibhunga elimele abafundi liyayixhasa injongo ephambili yesikolo nombono wesikolo;

(f) kuqinisekisa ukuba uluntu lwesikolo luyayamkela imisebenzi yebhunga elimele abafundi;

(g) kukhuthaza unxibelelwano phakathi kwalo, nenqununu nootitshala kunye nebhunga elimele abafundi;

(h) kuncedisa amalungu angabafundi ekuququzeleleni ibhunga elimele abafundi ngokuthi aphembelele umoya wokwazi ukubanoxanduva kwamalungu.

(4) Ukuba kuvela isithuba kwisikhundla sikatitshala oligosa loqhagamshelwano, masizaliswe ngohlobo oluchatshazelwe kumhlathana (1).

Igosa lonyulo

11. Utitshala oligosa loqhagamshelwano lesikolo —

(a) uya kusebenza njengegosa lonyulo xa kutyunjwa kwaye kunyulwa amalungu ebhunga elimele abafundi lesikolo;

(b) unokutyumba utitshala omnye okanye abangaphezu koko ukuba bancedise kwintlanganiso yokutyumba nonyulo; yaye

(c) uya kongamela kuyo nayiphi na intlanganiso ebanjelwa injongo yokunyula ibhunga elimele abafundi.

Ukutyunjwa kwabafundi abaza kuba kwibhunga elimele abafundi

12. **(**1) Phantsi komhlathi 3, umfundi obhaliswe kwibakala 8, 9, 10, 11 okanye 12 kwisikolo sikarhulumente unokutyunjelwa kwibhunga elimele abafundi ukuba utyunjwe ngokomhlathana (2) yaye kuvunyiwe ukutyunjwa kwakhe ligosa lonyulo ngokomhlathana (8).

(2) Ukutyumba umfundi, ifom yokutyumba eluhlobo lwesiHlomelo A iya—

(a) kuzaliswa ngumphakamisi, ngumxhasi nangumfundi otyunjwayo; yaye

(b) iya kungeniswa kwigosa lonyulo ngethuba lokutyunjwa komfundi.

(3) Umfundi ngamnye obhalise kwibakala 8, 9, 10, 11 okanye 12 esikolweni unako kwifom yokutyumba —

(a) ukuphakamisa igama lomfundi otyunjwayo;

(b) ukuxhasa ukutyunjwa komfundi; okanye

(c) ukuvuma okanye ukwala ukutyunjwa ngomnye umfundi,

okwelo bakala linye njengaye.

(4) Umfundi akanakuziphakamisa ngokwakhe okanye akanakuxhasa ukutyunjwa kwakhe ngokwakhe.

(5) Igosa lonyulo liya kuzalisa isaziso esiluhlobo lwesiHlomelo B yaye liqinisekise ukuba isaziso nefom yokutyumba inikwa umfundi ngamnye obhalise kwibakala 8, 9, 10, 11 okanye 12 esikolweni phambi kokuqala kwethuba lokutyumba.

(6) Ithuba lokutyumba liqala ngomhla onikwe kwisaziso yaye liqhubeka iintsuku zesikolo ezintandathu, nekuya kuthi ngelo thuba igosa lonyulo lifumene iifom ezizaliswe ngokupheleleyo ezivela kubafundi.

(7) Igosa lonyulo liya kuthi, phambi kwentlanganiso yokutyumba echatshazelweyo kumhlathi 13, liqwalasele ifom nganye yokutyumba yaye liyikhabe ifom yokutyumba ukuba —

(a) ayizaliswanga yaye ayingeniswanga njengoko kumiselwe kumhlathana (2);

(b) iphakanyiswe okanye ixhaswe ngumfundi kwibakala elahlukileyo kwelo lomtyunjwa;

(c) iphakanyiswe okanye ixhaswe ngumtyunjwa; okanye

(d) yeyomfundi ongenakunyulwa abe kwibhunga elimele abafundi ngokomhlathi 3.

(8) Ukuba ifom yokutyumba —

   (a) izaliswe yaye ingeniswe njengoko kumiselwe kumhlathana (2); yaye

   (b) ayikhatywanga ngenxa yesizathu esichatshazelwe kumhlathana (7),

   igosa lonyulo liya kulivuma igama lomtyunjwa.

Intlanganiso yokutyumba

13. (1) Ukwenzela ukunika abafundi kumabakala 8, 9, 10, 11 no-12 elinye ithuba lokutyumba abafundi abaza kuba kwibhunga elimele abafundi, intlanganiso yokutyumba iya kubanjwa kula mabakala ngosuku lokuqala lwesikolo emva kokuphela kwethuba lokutyumba leentsuku ezintandathu

(2) Ikhoram yabafundi kwibakala elithile —

   (a) mayibekho kwintlanganiso yokutyumba kuloo ntlanganiso iya kubanjwa kwelo bakala;

   (b) iya kwenziwa ngumfundi omnye ngaphezu kwesiqingatha senani lilonke labafundi ababhalise esikolweni kwelo bakala, njengoko kubonisiwe kwisiHlomelo D.

(3) Inkqubo yokutyumba echatshazelwe kumhlathi 12(2), (3) no-(4) isebenza nasekutyunjweni kwabafundi kwintlanganiso yokutyumba, ize itshintshwe nje apho kuyimfuneko.

(4) Ekuqaleni kwentlanganiso yokutyumba, igosa lonyulo liya—

   (a) kucacisela abafundi ngemigaqo yokutyumba nonyulo;

   (b) kwenza iifom zokutyumba zifumaneke kubo bonke abafundi entlanganisweni; yaye

   (c) kwazisa abafundi ngexesha eliza kuvumeleka ukuba kutyunjwe abafundi entlanganisweni.

(5) Igosa lonyulo liya kufumana iifom ezizaliswe ngokupheleleyo ezivela kubafundi ngelo thuba livumelekileyo lokuba kutyunjwe abafundi entlanganisweni.

(6) Igosa lonyulo liya kuthi kuloo ntlanganiso okanye emva kwayo, liqwalasele igama lomtyunjwa ngamnye elifunyenweyo lize liyale ifom yokutyumba —

   (a) engazaliswanga njengoko kumiselwe kumhlathana 12(2)(a) nengangeniswanga ngexesha elivunyelweyo lokutyumba amagama entlanganisweni;

   (b) ephakanyiswe okanye exhaswe ngumfundi okwibakala elahlukileyo kwelo lomtyunjwa;

   (c) ephakanyiswe okanye exhaswe ngumtyunjwa; okanye

   (d) yomfundi ongenakunyulwa abe kwibhunga elimele abafundi ngokomhlathi 3.

(7) Ukuba ifom yokutyumba —

   (a) izaliswe njengoko kumiselwe kumhlathana 12(2)(a) yaye ingeniswe ngexesha elivunyiweyo lokutyumba amagama entlanganisweni; kwaye

   (b) ayikhatywanga ngenxa yesizathu esichatshazelwe kumhlathana (6),

   igosa lonyulo liya kulivuma igama lomtyunjwa.

Iziphumo zotyunjwa kwamalungu

14. (1) Igosa lonyulo liya kubhengeza kwibakala ngalinye amagama abo bonke abafundi, ekuvunyiweyo ukutyunjwa kwabo, apho abo bafundi bathathwa njengabagqatswa abatyunjwe ngokusemthethweni.

(2) Ukuba inani labafundi abangabagqatswa kwibakala elithile lingaphantsi kunenani elifunekayo lamalungu angabafundi kwelo bakala ngokomhlathi 2, makubizwe intlanganiso entsha ekuya kuthi kuyo kube nokutyunjwa abafundi abangabagqatswa abongezelelweyo kwelo bakala ngokungqinelana nomhlathi 13.

(3) Ukuba inani labagqatswa abangabafundi kwelo bakala lithile liyalingana nenani elifunekayo lamalungu angabafundi kwelo bakala, igosa lonyulo liya kubhengeza ngamnye umgqatswa ongumfundi kwelo bakala njengelungu elinyulwe ngokufanelekileyo lebhunga elimele abafundi kwelo bakala.

(4)   Ukuba inani labagqatswa abangabafundi kwelo bakala lithile lingaphezu kwenani elifunekayo lamalungu angabafundi kwelo bakala, kuya kubanjwa unyulo ngokungqinelana nomhlathi 15 lokunyula amalungu ebhunga elimele abafundi kwelo bakala.

Ukunyulwa kwabagqatswa abangabafundi kwibhunga elimele abafundi

15.   (1)   Ukuba kufuneka kubanjwe unyulo lwabagqatswa abangabafundi kwibhunga elimele abafundi kwibakala elithile okanye kuloo mabakala athile ngokomhlathana (14(4)), igosa lonyulo liya—

    (a) kulungisa isaziso sonyulo esiluhlobo lwesiHlomelo C; yaye

    (b) kusasaza ikopi yesaziso eso linike umfundi ngamnye okwelo bakala lichaphazelekayo ubuncinane kwiintsuku ezilishumi phambi kolo nyulo.

(2)   Ikhoram yabafundi kwibakala elithile—

    (a)   mayibekho kwintlanganiso yonyulo ukuze unyulo lube nokuqhubeka kwelo bakala;

    (b)   yenziwa ngumfundi omnye ngaphezu kwesiqingatha sabafundi bebonke ababhalise esikolweni kwelo bakala njengoko kubonisiwe kwisiHlomelo D.

(3)   Umfundi ngamnye obhalise kwisikolo kwibakala ekubanjelwe lona unyulo lwebhunga elimele abafundi unokuvotela unyulo olulolu hlobo, yaye avotele kuphela abo bafundi baza kwamkelwa kwindawo yokuvotela.

(4)   Ekuqaleni kwentlanganiso yonyulo, igosa lonyulo liya kucacisa inkqubo yonyulo kubafundi yaye linike umfundi ngamnye onqwenela ukuvota iphepha lokuvota elifanelekileyo elinophawu olusemthethweni okanye istampu esisemthethweni sebakala lithile.

(5)   Ukuvota, umfundi uya kubhala kwiphepha lokuvota (*ballot paper*) amagama abagqatswa abangabafundi abakhethayo njengabameli bebakala lakhe.

(6)   Umfundi —

    (a)   unokuvotela kuphela abafundi abakwelo bakala akulo;

    (b)   unokuvota kube kanye qwaba avotele loo mgqatswa uthile, apho ezona voti zininzi ziya kuba ntathu, okanye zibe lelo nani leevoti lilingana nenani labameli babafundi ekufuneka banyulelwe kwibhunga elimele abafundi kwelo bakala.

(7)   Igosa lonyulo liya kulikhaba *(reject)* iphepha lokuvota—

    (a)   elingenalo uphawu olusemthethweni okanye istampu esisemthethweni kwelo bakala lithile;

    (b)   ekukho kulo amagama abafundi angaphezu kwabagqatswa abanokunyulwa ngokomhlathana 6*(b)*;

    (c)   umfundi avotele kulo umfundi ongumgqatswa okanye abafundi abangabagqatswa abangekho kwibakala lakhe*;* okanye

    (d)   elizaliswe ngohlobo lokokuba, ngokoluvo lwegosa lonyulo, kukho ukungaqiniseki ukuba ngabaphi na kanye abafundi abangabagqatswa umvoti abavoteleyo.

(8)   Igosa lonyulo liya kubhengeza abafundi abangabagqatswa abathathu njengabanyulwe ngokufanelekileyo okanye elo nani livunywe yiNtloko yeSebe njengoko kuchatshazelwe kumhlathi 2(2), kwibakala ngalinye, elifumene ezona voti zininzi.

(9)   Apho inani leevoti zokuvotela abafundi abangabagqatswa abane bokuqala okanye abangaphezu koko lilinganayo, igosa lonyulo liya kuphinda inkqubo yokuvota kube kanye yaye liya kubhengeza abafundi abangabagqatswa abathathu abafumene ngoko oko isininzi seevoti *(a simple majority of votes)* njengabanyulwe ngokufanelekileyo.

(10)   Apho abagqatswa abangabafundi abathathu bangafumani sininzi seevoti njengoko kuchatshazelwe kumhlathana (9), igosa lonyulo liya kumisela ngokwenza amaqashiso ukuba nguwuphi na phakathi kwabo abagqatswa abangabafundi oya kunyulwa ngokwenza amaqashiso

(11)   Apho kukho ukulingana twatsa kweevoti *(tie of votes)* phakathi kwabafundi abangabagqatswa abathathu okanye abangaphezu koko kwindawo yesibini neyesithathu, igosa lonyulo liya kumisela ukuba ngabaphi na phakathi kwabo abaya kunyulwa ngokwenza amaqashiso.

Isigqibo segosa lonyulo

16. (1)   Igosa lonyulo liya kuthi—

lenze isigqibo yaye liyisombulule yonke imibandela enxulumene nokutyunjwa nokunyulwa kwabafundi kwibhunga elimele abafundi.

(2)   Isigqibo segosa lonyulo ngethuba lenkqubo yokutyumba nonyulo sesokugqibela (*is final*);

(3)   Ukuba kuye kwakho umbandela olungenakusonjululwa ligosa lonyulo, luya kuqhubeka unyulo.

(4)   Nabani na ofuna ukuvakalisa inkcaso (*objection*) ngokumalunga nombandela ekubhekiselelwe kuwo kwimihlathana (1) kuye ku-(3) uya kuyenza loo nkcaso ngokuyibhala, zingekapheli iintsuku ezisixhenxe zokutyumba okanye zonyulo, ngokuxhomekeke kulo meko , kwinqununu nemayenze isigqibo malunga noko.

(5)   Inqununu okanye lowo idlulisele kuye amagunya uya kuqwalasela inkcaso leyo ize yenze isigqibo esibhaliweyo zingekapheli iintsuku ezisixhenxe zokufumana inkcaso leyo.

(6)   Ukuba umntu ovakalise inkcaso akanelisekanga sisigqibo senqununu okanye salowo idlulisele kuye amagunya, okanye ukuba inqununu okanye lowo idlulisele kuye amagunya akaphumeleli ukuthatha isigqibo njengoko kuchatshazelwe kumhlathana (5), unokwenza isibheno ngencwadi ebhaliweyo esiya kwiNtloko yeSebe zingekapheli iintsuku eziyi-14 zokutyumba nonyulo, ngokuxhomekeke kulo meko .

(7)   INtloko yeSebe iya kusiqwalasela isibheno ize ithathe isigqibo ngencwadi ebhaliweyo kwithuba leentsuku eziyi-14 sifunyenwe isibheno.

Inkqubo emva konyulo lwebhunga elimele abafundi

17.   Emva konyulo lwebhunga elimele abafundi, igosa lonyulo liya—

(a)   kufaka onke amaxwebhu asetyenziswe ekutyunjweni nakunyulo lwebhunga elimele abafundi kubandakanywa onke amaphepha okuvota asetyenziswe kunyulo kunye nazo zonke iifom zokutyunjwa kwamagama ezifunyenweyo, kwiimvulophu ngebakala ngalinye, lize lizitywine iimvulophu ezo;

(b)   kugcina ezo mvulophu kwindawo ekhuselekileyo ithuba elingangonyaka omnye ubuncinane ukususela kumhla wonyulo;

(c)   kwazisa ngalinye ilungu elinyuliweyo ngeleta ebhaliweyo ngokunyulwa kwalo; yaye

(d)   kwazisa iNtloko yeSebe ngeleta ebhaliweyo amagama needilesi zamalungu angabafundi anyuliweyo, zingekapheli iintsuku ezili-14 ukususela kumhla wentlanganiso ngokuxhomekeke kulo meko yokutyunjwa kwamagama okanye yonyulo, ngencwadi ebhaliweyo ngamagama needilesi zamalungu anyuliweyo angabafundi .

Unyulo lwababambe izikhundla

18. (1) Emva konyulo lwebhunga elimele abafundi—

(a)   utitshala oligosa loqhagamshelwano uya kubiza intlanganiso yokuqala yebhunga elimele abafundi ihlale zingekapheli iintsuku ezili-14 ukususela kumhla wonyulo; yaye

(b)   amalungu angabafundi aya kukhetha kwalapho phakathi kwawo abaza kubamba izikhundla bebhunga elimele abafundi elitsha abaya kubandakanya ubuncinane usihlalo, unondyebo nonobhala.

(2) Utitshala oligosa loqhagamshelwano uya kuthi, emva kwentlanganiso ekunyulwe kuyo ababambe izikhundla ngokungqinelana nalo mhlathi, azise iNtloko yeSebe ngeleta ebhaliweyo, zingekapheli iintsuku ezili-14 ukususela kumhla wentlanganiso, amagama needilesi zamalungu abambe izikhundla anyuliweyo.

Imisebenzi kasihlalo

19. Usihlalo uya —
  (a) kuba ngusihlalo kuzo zonke iintlanganiso zebhunga elimele abafundi nezesigqeba salo;
  (b)   kumela ibhunga elimele abafundi kwiintlanganiso namalungu angabafundi amabhunga amele abafundi ezinye izikolo yaye uya kubakho kwiintlanganiso ezilolu hlobo;
  (c) kukhuthaza umfanekiso omhle ngesikolo (*positive image*);
  (d) kuba sisithethi sebhunga elimele abafundi; yaye
  (e) kubhala ingxelo yonyaka ngemisebenzi nezinto ezibe yimpumelelo zebhunga elimele abafundi alungiselele ukuba loo ngxelo yandlalwe kwintlanganiso yebhunga lolawulo.

Imisebenzi kanondyebo

20. Unondyebo uya —
  (a) kuba noxanduva lwayo yonke imisebenzi yokunyusa ingxowa yebhunga elimele abafundi
  (b) kugcina irekhodi yayo yonke ingeniso nenkcitho;
  (c) kunikezela zonke iimali ezifunyenweyo kwibhunga lolawulo;
  (d) kwenza ingxelo kwibhunga lolawulo ngenkcitho yebhunga elimele abafundi; yaye
  (e) kubhala ingxelo yonyaka ngobume beemali zebhunga elimele abafundi aze ayingenise kusihlalo webhunga elimele abafundi.

Imisebenzi kanobhala

21. Unobhala uya —
  (a) kubhala imizuzu yazo zonke iintlanganiso zebhunga elimele abafundi;
  (b) kuqinisekisa ukuba izaziso zeentlanganiso zinikwa onke amalungu kwangexesha; yaye
  (c) kuqinisekisa ukuba, emva kokuvunywa, yonke imizuzu yeentlanganiso zebhunga elimele abafundi kunye nezesigqeba salo ziyasayinwa ngusihlalo nangunobhala zize zibhalwe umhla, yaye uya kugcina irekhodi yoko.

Ukunyulwa kamalungu angabafundi aza kuba kwibhunga lolawulo

22. Kwintlanganiso yokuqala yebhunga elimele abafundi echatshazelwe kumhlathi 18(1)*(a)* amalungu angabafundi aya kunyula phakathi kwawo amalungu amabini amakabe kwibhunga lolawulo.

Iintlanganiso zebhunga elimele abafundi

23. (1) Usihlalo webhunga elimele abafundi uya kumisela umhla, ixesha nendawo yentlanganiso, yaye unobhala webhunga uya kuthi, ubuncinane kwiintsuku eziyi-14 phambi kwentlanganiso elolu hlobo, azise ilungu ngalinye ngencwadi ebhaliweyo ngayo,
  (2) Apho umbandela ufuna uqwalaselo olungxamisekileyo ngokoluvo lukasihlalo, makunikwe   isaziso seeyure eziyi-24 ubuncinane.

(3)   Isininzi samalungu ebhunga elimele abafundi senza ikhoram yayo nayiphi na intlanganiso yebhunga elimele abafundi.

(4)   Ibhunga elimele abafundi liya kumisela imigaqo neenkqubo zeentlanganiso zalo.

Iikomiti zebhunga elimele abafundi

24. (1)   Ibhunga elimele abafundi linokuseka iikomiti phakathi kwakumalungu alo, kubandakanywa ezi komiti zilandelayo:

(a)   ikomiti yezentlalo (*social committee*), yokuthethana nabafundi esikolweni ngokumalunga neemfuno zabo zezentlalo;

(b)   ikomiti yokunyusa ingxowa-mali, yokukhetha nokuququzelela imisebenzi yonyuso-ngxowa;

(c)   ikomiti yezemfundo yoxolo (*peace education committee*), yokuqaphela izinto eziyingxaki, ezifana nokubhulisha (*bullying*), nokuncedisa ekusombululeni iingxabano kunye nemfuno yokunikwa iingcebiso nentuthuzelo (*need for counselling*);

(d)   ikomiti yobudlelane phakathi kwezikolo (*interschool relations committee)*, yokusebenzisana nabanye abafundi bezinye izikolo;

(e)   ikomiti yovelwano *(compassion committee)*, ukuncedisa abafundi bakwazi ukumelana nezehlo zokufa kwiintsapho zabo okanye bakwazi ukumelana nezinye iingxaki ezimalunga nokuxheleka emoyeni (*emotional problems*).

(2)   Umhlathana (1) awulivaleli ibhunga elimele abafundi ekubeni—

(a)   liseke ezinye iikomiti: yaye

(b)   linyule abafundi abangekhoyo kwibhunga elimele abafundi basebenze kwiikomiti ezisekwe ngokomhlathana (1) no-(2), yaye makuqondakale ukuthi usihlalo wekomiti elolu hlobo uya kuba lilungu elinyuliweyo lebhunga elimele abafundi.

Imizuzu yeengxoxo zeentlanganiso

25. (1)   Unobhala webhunga elimele abafundi uya kugcina imizuzu yeengxoxo zentlanganiso nganye yebhunga elimele abafundi yaye uya—

(a)   kunika utitshala oligosa loqhagamshelwano, ilungu ngalinye lebhunga elimele abafundi kunye nenqununu, inqununu, okanye nabani na ekudluliselwe kuye amagunya yinqununu, ikopi yale mizuzu; yaye

(b)   kwakwenziwa isicelo, nangokuvumelana notitshala oligosa loqhagamshelwano, anike umzali womfundi wesikolo okanye utitshala ikopi yale mizuzu, ngokuxhomekeka ekubeni akukho kunyashwa kwamalungelo abantu nokuba umzali okanye utitshala uyifunela ukuyisebenzisela okanye ukukhusela amalungelo akhe okanye izinto ezilungiselela yena.

(2)   Imizuzu yeengxoxo zentlanganiso nganye iya kungeniswa ukuba ivunywe kwibhunga elimele abafundi kwintlanganiso elandelayo.

(3)   Lakuba lichithiwe ibhunga elimele abafundi okanye kwakuphela ithuba lokubasesikhundleni kwalo, yonke imizuzu namanye amaxwebhu ebhunga elimele abafundi, aya kunikezelwa kwinqununu ngutitshala oligosa loqhagamshelwano.

Ukutshitshiswa kwemimiselo

26. Le mimiselo ilandelayo iyatshitshiswa—

(a) umlinganiselo 24 weMilinganiselo enxulumene namaBhunga oLawolo esikolo kunye neBhunga eliMele Abafundi kwiZikolo zikaRhulumente (excluding Public Schools for Learners with Special Education Needs), wapapashwa njengeSaziso sePhondo 164/2008 in kwi*Songezelelo kwiGazethi yePhondo* 6519 somhla 20 kwekaCanzibe 2008;

(b) umlinganiselo 24 weMilinganiselo enxulumene namaBhunga oLawolo esikolo kunye neBhunga eliMele Abafundi kwiZikolo zikaRhulumente eyenzelwe Abafundi abaneZidingo zeMfundo eziKhethekileyo (kuquka iZikolo zikaRhulumente eyenzelwe Abafundi abaThunyelweyo okanye abaDluliselweyo kweso sikolo ngokwemigaqo yoMthetho wabaNtwana (Children's Act, 2005) (uMthetho 38 ka-2005); uMthetho weZikolo wePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997), kunye/okanye uMthetho weNkqubo yoLwaphulo-mthetho (Criminal Procedure Act, 1977) (uMthetho 51 ka-1977), njengoko uhlaziyiwe), wapapashwa njengeSaziso sePhondo 278/2008 kwi*Songezelelo kwiGazethi yePhondo* 6554 somhla 12 kweyoMsintsi 2008; kunye

(c) nomlinganiselo 19 weMilinganiselo enxulumene namaBhunga oLawolo esikolo kunye neBhunga eliMele Abafundi kwiZikolo zikaRhulumente eyenzelwe Abafundi abaThunyelweyo okanye abaDluliselweyo kweso sikolo ngokwemigaqo yoMthetho wabaNtwana (Children's Act, 2005) (uMthetho 38 ka-2005); uMthetho weZikolo wePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997), kunye/okanye uMthetho weNkqubo yoLwaphulo-mthetho (Criminal Procedure Act, 1977) (uMthetho 51 ka-1977), njengoko uhlaziyiwe, wapapashwa njengeSaziso sePhondo 279/2008 kwi*Songezelelo kwiGazethi yePhondo* 6554 somhla 12 kweyoMsintsi 2008.

ISIHLOMELO A

IFOM YOKUTYUMBA

Ukutyunjwa kwabafundi njengamalungu ebhunga elimele abafundi

(Imihlathi 3, 12, 13 no-14 yoKumiselwa kweMisebenzi neeNkqubo zoKusekwa noNyulo lwaMabhunga aMele aBafundi kwiZikolo zikaRhulumente)

1.   **Mayizaliswe nguMphakamisi**
        (umfundi ophakamisa igama lomtyunjwa)

Igama lam ngu…………………………………………………… *(igama nefani)*

Ndingumfundi obhalise kwibakala ………… wase…………………………………………
                                        (igama lesikolo)

Idilesi yam yasekhaya yile:
……………………………………………………………………………………………
……………………………………………………………………………………………

Ndityumba u…………………………………okweli bakala ndikulo, abe lilungu lebhunga elimele abafundi lesikolo sam.

                                        …………………………………………..
                                        Isiginitsha yoMphakamisi

2.   **Mayizaliswe nguMxhasi**
        (umfundi oxhasa lowo utyunjwayo)

Igama lam ngu…………………………………………………… *(igama nefani*)

Ndingumfundi obhalise kwibakala ………… wase…………………………………………
                                        (igama lesikolo)

Idilesi yam yasekhaya yile:
……………………………………………………………………………………………
……………………………………………………………………………………………

Ndiyamxhasa lo utyunjwe apha ngentla.

                                        …………………………………………..
                                        Isiginitsha yoMxhasi

3.   **Mayizaliswe nguMtyunjwa**

          (umfundi otyunjwayo)

Igama lam ngu…………………………………………………………… *(igama nefani)*

Ndingumfundi obhalise kwibakala ………… wase-………………………………………………
          (igama lesikolo)

Idilesi yam yasekhaya yile:

………………………………………………………………………………………

………………………………………………………………………………………

Ngokwenjenje ndivakalisa ukuba —

 (a)   **Ndiyakwamkela/ndiyakukhaba** ukutyunjwa kwam njengelungu lebhunga elimele abafundi.
          (cima igama elingafanelekanga)

(b)   Andizange nanini na ndifunyanwe ndinetyala lokuziphatha kakubi kakhulu; yaye

 (c)   ndingumfundi obhalise kwibakala.………wase……………………………………..
          (igama lesikolo)

                              …………………………………………………..
                              Isiginitsha yoMtyunjwa

4.   **Mayizaliswe ligosa lonyulo**

          (*ukuba umfundi otyunjiweyo akakho apho atyunjwe kwintlanganiso yokutyumba*)

Mna,   ……………………………………………………...(*igama elipheleleyo legosa lonyulo),*
ndivakalisa ukuba ndibungenisile ubungqina obubhaliweyo nobundanelisayo bokuba umtyunjwa –

(a)   ongekhoyo apha kule ntlanganiso yokutyumba nonyulo ukuba azalise ifom yokutyumba, uyakuvuma, ukuba unyulwe, ukuba lilungu lebhunga elimele abafundi; nokuba

(b)   ukufanele ukuba lilungu lebhunga elimele abafundi ngokomhlathi 3 ekubeni lilungu lebhunga elimele abafundi.

5.   Mayizaliswe ligosa lonyulo.

(cima oko kungangeni ndawo)

Mna……………………………………………………..…………………………………………………….

(amagama apheleleyo egosa lonyulo), ndivakalisa ukuba –

(a)   le fom yokutyumba yazaliswa ngokuchanekileyo / ngokungachanekanga ngokomhlathi 12(8) okanye 13(7);

(b)   umfundi ufanelekile / akafanelekanga ukuba lilungu lebhunga elimele abafundi, yaye

(c)   oku kutyunjwa kwakhe ke ngoko-

    (i)   kwamkelwe; okanye

    (ii)   akwamkelwanga

………………...   ………………………………………………………………

Umhla   Isiginitsha yegosa lonyulo

ISIHLOMELO B

Isaziso sokutyunjwa kwabafundi abaza kuba kwibhunga elimele abafundi

(Imihlathi 12, no 13 yoKumiselwa kweMisebenzi neeNkqubo zoKusekwa noNyulo lwaMabhunga aMele aBafundi kwiZikolo zikaRhulumente)

Ukutyunjwa kwamalungu ebhunga elimele abafundi kuqala nge- ………...........……………...
(umhla wokuqala; ziintsuku ezisixhenxe phambi kwentlanganiso yokutyumba) yaye kuphela nge-....................................e.................
(umhla wokuvala nexesha, usuku olunye phambi kwentlanganiso yokutyumba).

Ngeli thuba, makucelwe abafundi abakumabakala 8, 9, 10, 11 no- 12 ukuba batyumbe abafundi abakwelo bakala bakulo abaza kunyulelwa kwibhunga elimele abafundi.

Yintoni ibhunga elimele abafundi?

Ibhunga elimele abafundi liqumrhu elimiselweyo labafundi abanemisebenzi neemfanelo ezahlukeneyo. Phakathi kwezinye izinto, amalungu alo aya kusebenzisana nebhunga lolawulo, amele abanye abafundi, yaye asebenze njengejelo loqhagamshelwano phakathi kwabafundi, nootitshala besikolo, nabazali kunye noluntu lwesikolo olulapho. Lincedisa ekugcineni ucwangco esikolweni, liba ngumzekelo omhle kwabanye abafundi wokwazi ukuziphatha kakuhle yaye lona likhuthaza ezo zinto zilungiselela isikolo ngeyona ndlela ibhetele. Amalungu ebhunga elimele abafundi kufuneka abonise ukuthembeka, izakhono zonxibelelwano ezikumgangatho ophezulu nokwazi ukusebenzisana kakuhle nabantu, ukuzithemba, ukuzimisela, umoya omhle, nokuba nomqweno wokuthanda ukwenza inkonzo.

Imigaqo yokutyumba

Abafundi banokutyumba kuphela abafundi abakwelo bakala bakulo nabo yaye abanakuzityumba bona ngokwabo.

Ukutyumba umfundi abe lilungu lebhunga elimele abafundi, makuzaliswe ifom ngokupheleleyo ngaba—
(1)   umfundi okwibakala elinye nelo lityumba abafundi;
(2)   omnye umfundi okwakwelo bakala linye oxhasa ukutyunjwa kwakhe; kunye
(3)   nomtyunjwa, okwamkelayo okanye okukhabayo ukutyunjwa kwakhe.

Ifom yokutyumba ezaliswe ngokupheleleyo mayifike ku-…………………………… *(igama legosa lonyulo)* phambi okanye ngowe-…………………………………………….e……………… *(umhla wokuvala nexesha lokutyumba)*.

Le migaqo mayilandelwe ngqo ukuze ukutyunjwa kube yimpumelelo.

Abafundi abangabhalisanga esikolweni kwibakala 8, 9, 10, 11 okanye 12 okanye abafunyenwe benetyala lokuziphatha kakubi gqitha nakwesiphi na isikolo, abakufanele ukunyulelwa kweli bhunga.

Intlanganiso yokutyumba

Ukunika abafundi elinye ithuba lokutyumba abafundi abaza kuba kwibhunga elimele abafundi, kuya kubanjwa intlanganiso yokutyumba e……............……*(indawo)* nge-………................… ngowe-…………………………. *(umhla nexesha)*.

Iziphumo zokutyunjwa

Ukuba inani lamagama aphumeleleyo ekutyunjweni kwibakala elithile lingaphantsi kwenani labafundi abafunekayo kwibhunga kwelo bakala, kuya kubanjwa enye intlanganiso yokutyumba yelo bakala.

Ukuba inani lamagama aphumeleleyo ekutyunjweni kwibakala elithile liyalingana nenani labafundi abafunekayo kwibhunga kwelo bakala, abatyunjwa abaphumeleleyo banyulwa bonke babe kwibhunga.

Ukuba inani lamagama aphumeleleyo ekutyunjweni kwibakala elithile lingaphezulu kwenani labafundi abafunekayo kwibhunga kwelo bakala, kuya kubanjwa unyulo kuloo mabakala ngomhla oya kubuye waziswe ngesaziso.

Lisebenzise ithuba lakho lokutyumba abafundi kwibakala lakho abaza kuba kwibhunga elimele abafundi ngokuzalisa ifom yokutyumba eqhotyoshelweyo.

ISIHLOMELO C

Isaziso sokunyulwa kwabagqatswa abaza kuba kwibhunga elimele abafundi

(Umhlathi 15 woKumiselwa kweMisebenzi neeNkqubo zoKusekwa noNyulo lwaMabhunga aMele aBafundi kwiZikolo zikaRhulumente)

Unyulo lwabagqatswa abangabafundi abaza kuba kwibhunga elimele abafundi kwibakala (kumabakala) ……. luya kuqhubeka e………………………………*(indawo)* nge-………………………… ngowe-………………………… *(umhla nexesha lonyulo).*

Yintoni ibhunga elimele abafundi?

Ibhunga elimele abafundi liqumrhu elimiselweyo labafundi abanemisebenzi neemfanelo ezahlukeneyo. Phakathi kwezinye izinto, amalungu alo aya kusebenzisana nebhunga lolawulo, amele abanye abafundi, yaye asebenze njengejelo loqhagamshelwano phakathi kwabafundi, nootitshala besikolo, nabazali kunye noluntu lwesikolo olulapho. Lincedisa ekugcineni ucwangco esikolweni, liba ngumzekelo omhle kwabanye abafundi wokwazi ukuziphatha kakuhle yaye lona likhuthaza ezo zinto zilungiselela isikolo ngeyona ndlela ibhetele. Amalungu ebhunga elimele abafundi kufuneka abonise ukuthembeka, izakhono zonxibelelwano ezikumgangatho ophezulu nokwazi ukusebenzisana kakuhle nabantu, ukuzithemba, ukuzimisela, umoya omhle, nokuba nomqweno wokuthanda ukwenza inkonzo.

Imigaqo yonyulo

Ngamnye umfundi ofuna ukuvota uya kunikwa iphepha lokuvota elinophawu okanye elinesitampu esisemthethweni.

Ukuvota, bhala kwiphepha lokuvota (*ballot paper*) amagama neefani zabagqatswa abangabafundi (abafundi ekupapashiweyo ukutyunjwa kwabo) abanqwenela ukuba babe kwibhunga elimele abafundi.

Unokuvotela kuphela abafundi abakwelo bakala okulo nawe.

Akunakuvotela abagqatswa abangaphezu ko-…………………..*(inani lamalungu abangabafundi elifunekayo kwibakala)*, yaye unokuvotela umgqatswa onye kube kanye kuphela.

Nceda ubhale ngokucacileyo ukuze ivoti yakho ibalwe.

ISIHLOMELO D

(Imihlathi 13 (2) no 15(2) yoKumiselwa kweMisebenzi neeNkqubo zoKusekwa noNyulo lwaMabhunga aMele aBafundi kwiZikolo zikaRhulumente)

Ikhoram yebakala elithile yentlanganiso yokutyumba, okanye yonyulo, yenziwa ngumfundi omnye ngaphezu kwesiqingatha sabafundi bebonke ababhalise esikolweni kwelo bakala lithile.

Umzekelo:

Ukuba ngabafundi abayi-30 ababhaliswe kwibakala 8, ikhoram yebakala 8 ingaba ngu-16.

Ukuba ngabafundi abayi-20 ababhaliswe kwibakala 9, ikhoram yebakala 9 ingaba ngu-11.

Ukuba ngabafundi abayi-50 ababhaliswe kwibakala 10, ikhoram yebakala 10 ingaba ngu-26.

Ukuba ngabafundi abayi-60 ababhaliswe kwibakala 11, ikhoram yebakala 11 ingaba ngu-31.

Ukuba ngabafundi abayi-10 ababhaliswe kwibakala 12, ikhoram yebakala 12 ingaba ngu-6.