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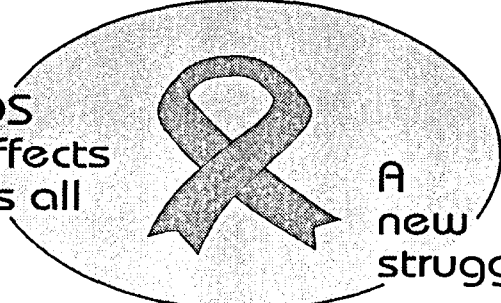


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Vol. 10 PRETORIA, 25 JUNE 2004 No. 248

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GENERAL NOTICE

NOTICE 2011 OF 2004

SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)

NOTICE REGARDING THE REGISTRATION AND WITHDRAWAL OF REGISTRATION OF INDEPENDENT SCHOOLS

I, Angelina Motshekga, Member of the Executive Council for Education in Gauteng, acting under sections 46 (2) and 47 of the South African Schools Act 1996 (Act 84 of 1996), hereby make the following determination in the Schedule: -

Angelina Motshekga
Member of the Executive Council for Education

Schedule

Definitions

1. (1) Subject to sub-section (2) and unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Act has the same meaning in this Notice.

(2) In this Notice, unless the context indicates otherwise: -

“Act” means the South African Schools Act, 1996 (Act No.84 of 1996);

“application” means an application to the Head of Department for the registration of an independent school as prescribed in this Notice;

“Department” means the Gauteng Department of Education;

“Head of Department” means the Head of the Gauteng Department of Education;

“person” means a natural or a juristic person; and

“published” means published in the *Gauteng Provincial Gazette*.

Purpose

2. The purpose of this Notice is to:

- (a) determine the procedure for application for registration of independent schools;
- (b) determine the grounds for the registration of independent schools;
- (c) provide for requirements for registration of independent schools;
- (d) provide for appeal to the Member of the Executive Council against the refusal or withdrawal of registration of an independent school;
- (e) determine post-registration obligations of independent schools;
- (f) determine the grounds on which the registration of independent schools may be withdrawn by the Head of Department and procedures to be followed; and
- (g) provide for application for re-registration of independent schools after registration has been withdrawn.

Procedure for application for registration of independent schools

3. (1) The following requirements apply to an application:

- (a) it must be made in writing to the Head of Department; and
- (b) it must be lodged with the district office in which the proposed independent school is to be established by not later than 31

August of the year preceding the year of the proposed opening of the independent school and forwarded by the district office to the Head of Department within 14 days.

- (2) The application must be accompanied by:
- (a) a constitution for the independent school covering all matters relating to the control of the independent school including its ownership, character, aims, governance, funding and admission policy;
 - (b) a floor and site plan, which shall in the case of a multi-storied building include a floor plan for each floor to be occupied, in accordance with departmental guidelines;
 - (c) details of the facilities, which will be made available for the implementation of the curriculum and for co-curricular and extra-curricular activities;
 - (d) details of the facilities which will be made available to serve the needs of learners with disabilities;
 - (e) proof of security of tenure over the proposed school buildings and grounds for a minimum of one year from the date of registration of the independent school;
 - (f) a certified copy of a certificate from the relevant health authorities confirming that the proposed facilities at the independent school will meet the minimum health requirements;
 - (g) a certified copy of a certificate from the relevant municipality confirming that the proposed facilities will meet the requirements of the municipal by-laws;
 - (h) proof in the form of a legally binding surety that the independent school will be financially viable for a minimum period of 12 months after registration;
 - (i) in the case of an independent school owned by a natural person-
 - (i) a certified copy of the owner's identity document; or

- (ii) if the owner is not a South African citizen or permanent resident, certified copies of his or her passport and work permit;
 - (j) in the case of an independent school owned by a juristic person, certified copies of the constitutive instruments of the relevant juristic person; and
 - (k) a list of the educators proposed to be employed at the independent school as well as their South African Council of Educators registration numbers.
- (3) The Head of Department may refuse to consider an application, which does not comply with the requirements of sub-paragraphs (1) and (2).

Grounds for Registration

- 4. The Head of Department must grant registration to an independent school if he or she is satisfied that-
 - (a) the application meets the requirements of paragraphs 3 (1) and (2);
 - (b) an educator will be employed in a full-time capacity as the principal of the independent school, and will be responsible for the management, organisation, supervision and control of conduct at such school; and
 - (c) the independent school will meet the management standards required of independent schools by the Department.

Registration of independent schools

- 5. (1) Any person may apply to register an independent school with the Department.
- (2) On receipt of an application, the Head of Department must within 90 days-
 - (a) register the independent school, and issue a registration certificate to the applicant, if the Head of Department is of the opinion that the school complies with the requirements for registration as specified in paragraph 4; or

- (b) decline to register the independent school, if the Head of Department is of the opinion that the school does not comply with the requirements for registration as specified in paragraph 4, and notify the applicant in writing within 30 days of the decision and the reasons therefore.

Appeal to the Member of the Executive Council against the refusal of registration of an independent school

6. (1) An applicant who is aggrieved by the decision of the Head of the Department to refuse the registration of an independent school may, within 30 days of receiving notice as envisaged in paragraph 5(2)(b), appeal to the Member of the Executive Council in writing, setting out the grounds of the appeal.
 - (2) The Member of the Executive Council must consider the appeal and must confirm or set aside the decision of the Head of the Department within 30 days of receiving the appeal and must:
 - (a) notify the appellant of his or her decision; and
 - (b) provide the appellant with written reasons for his or her decision.

Post-registration obligations of independent schools

7. (1) An independent school must, within 21 days of any change of ownership of the independent school, provide written notification to the Head of the Department of such change of ownership.
 - (2) An independent school must provide at least three calendar months' written notice to parents, staff, learners and the Head of Department of an intention to close or suspend the operation of a school.
 - (3) An independent school must notify the Head of Department in writing of any proposed change in premises three months prior to relocation.
 - (4) An independent school must maintain security of tenure over the school buildings and grounds.
 - (5) The Head of Department must grant approval of the proposed relocation within 30 days of the application provided that the independent school provides the following information:

- (a) the address of the proposed new location for the independent school; and
 - (b) all documentation necessary to satisfy the Head of Department that, notwithstanding any new circumstances caused by the change of address, the independent school complies with all requirements contemplated by paragraph 3 (2).
- (6) An independent school must:
- (a) comply with the national curriculum statements indicating the minimum outcomes or standards and comply with a national process and procedure for the assessment of learner achievement as determined by the Minister in terms of section 6A of the Act;
 - (b) ensure that the hours allocated to each Learning Area are adequately observed and approved by the Head of Department;
 - (c) apply for new registration should it wish to add or remove grades with the effect that it changes from one type of school contemplated by the Act to another type of school contemplated by the Act;
 - (d) must disclose all educational and management related information as requested by the Head of Department or Member of the Executive Council; and
 - (e) allow reasonable access at agreed times to Departmental officials or persons authorized by the Department to inspect information as contemplated in section 59 (2) of the Act and to monitor compliance with the registration requirements.

Grounds on which the registration of independent schools may be withdrawn by the Head of Department and procedures to be followed

8. (1) The Head of Department may withdraw the registration of an independent school at any time if he or she is satisfied, after a full and proper investigation, that the school is not complying with the requirements as set out in paragraphs 4 and 7.

- (2) The written representations referred to in section 47(1)(b) of the Act must reach the Head of the Department within 30 days of the receipt of the notice contemplated in section 47(1)(a) of the Act.
- (3) The Head of the Department must inform the owner of the independent school of his or her decision within 30 days of receiving the written representations contemplated in section 47 (1)(b) of the Act.
- (4) If the Head of Department withdraws an application for registration of an independent school, he or she must notify the owner of the independent school of his or her decision and the reasons therefore.

Appeal to the Member of the Executive Council against the withdrawal of registration of an independent school.

9. (1) An owner of an independent school who is aggrieved by the decision of the Head of the Department to withdraw the registration of an independent school may, within 30 days of receiving notice as envisaged in paragraph 8(4), appeal to the Member of the Executive Council in writing, setting out the grounds of the appeal.
- (2) The Member of the Executive Council must consider the appeal and must confirm or set aside the decision of the Head of the Department within 30 days of receiving the appeal and must-
 - (a) notify the appellant of his or her decision; and
 - (b) provide the appellant with written reasons for his or her decision.
- (3) While the Member of the Executive Council is adjudicating the appeal the independent school will continue to function until the Member of the Executive Council notifies the appellant of his or her decision.

Application for re-registration after registration has been withdrawn

10. The owner of an independent school may apply for re-registration after registration has been withdrawn.

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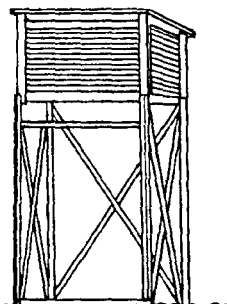
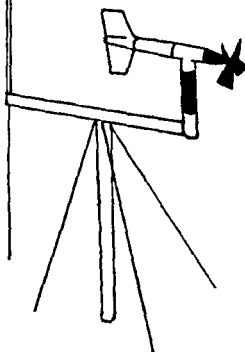
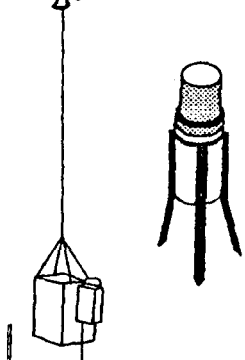
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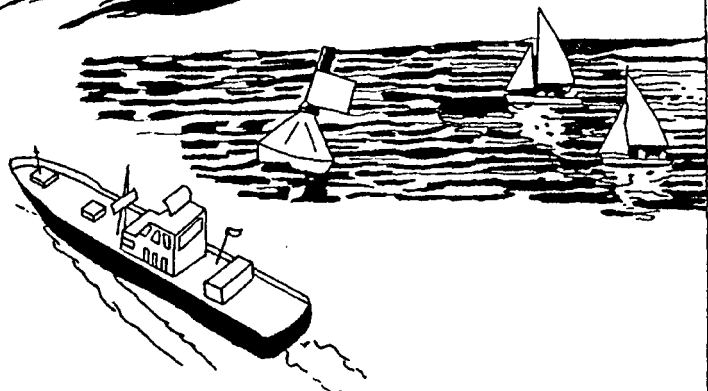
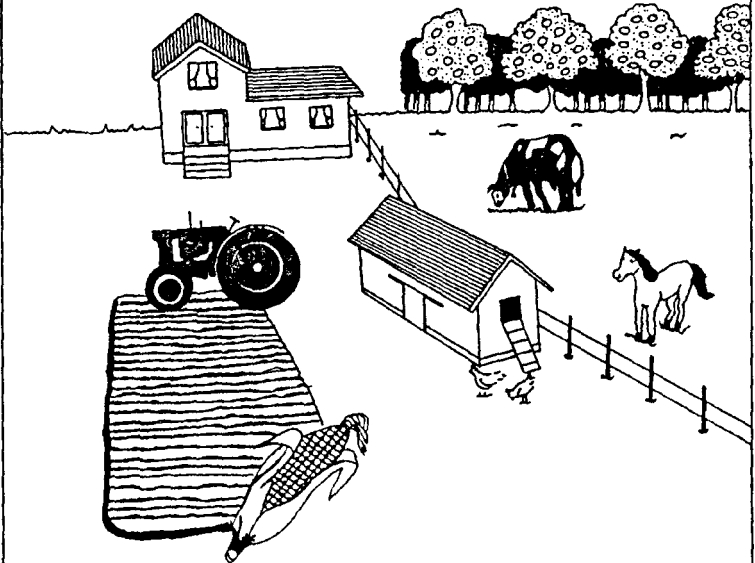
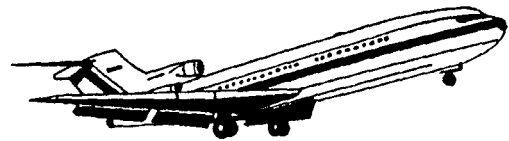
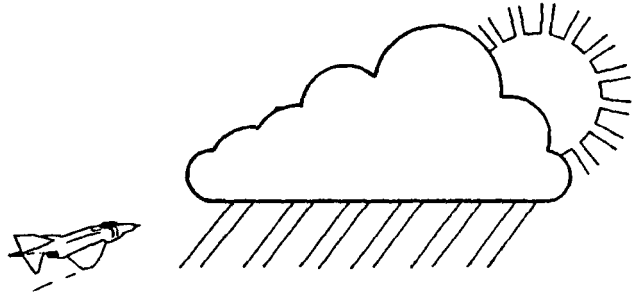
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THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

IMPORTANT NOTICE

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HENNIE MALAN

Director: Financial Management
Office of the Premier (Gauteng)

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