



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

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
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(*Copies are obtainable at Room M12, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

Provincial Notice

The following draft regulations are published for comment:

- 114 Regulations relating to the Management and Control of Hostels at Public Schools and the Control over the Immovable Property and Equipment under the Western Cape Education Department: Draft Amendment, 2020 2

Any person or organisation wishing to comment on these draft amendment regulations is requested to lodge the comments in writing before or on 5 January 2021—

- (a) by posting the comments to:

Adv. Lynn Coleridge-Zils
Director
Western Cape Education Department
Private Bag X9114
Cape Town 8000;

- (b) by hand delivering the comments to:

Adv. Lynn Coleridge-Zils
Director
Western Cape Education Department
Policy Coordination Directorate
18th Floor, Room 1826
Golden Acre Building
9 Adderley Street
Cape Town 8001; or

- (c) by emailing the comments to:

Thabo.Mofokeng@westerncape.gov.za

INHOUD

(*Afskrifte is verkrygbaar by Kamer M12, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

Provinsiale Kennisgewing

Die volgende konsepwysigingsregulasies word vir kommentaar uitgereik:

- 114 Regulasies betreffende die Bestuur en Beheer van Koshuise by Openbare Skole en die Beheer oor die Onroerende Eiendom en Toerusting onder die Wes-Kaapse Onderwys-departement: Konsepwysiging, 2020..... 10

Enige persoon of organisasie wat kommentaar oor hierdie konsepregulasies wil lewer, word versoek om die kommentaar voor of op 5 Januarie 2021 skriftelik voor te lê—

- (a) deur die kommentaar te pos aan:

Adv. Lynn Coleridge-Zils
Direkteur
Wes-Kaapse Onderwysdepartement
Privaat sak X9114
Kaapstad 8000;

- (b) deur die kommentaar af te lewer by:

Adv. Lynn Coleridge-Zils
Direkteur
Wes-Kaapse Onderwysdepartement
Direktoraat: Beleidskoördinerings
18de Vloer, Kamer 1826
Goue Akker-gebou
Adderleystraat 9
Kaapstad 8001; of

- (c) deur die kommentaar per e-pos te stuur na:

Thabo.Mofokeng@westerncape.gov.za

IZIQUATHO

(*Ushicilelo oLutsha lufumaneka kwigumbi M12, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)

ISaziso sePhondo

Le Migaqo iyidrafti ilandelayo ipapashelwa ukuba uluntu luvakalise izimvo zalo:

- 114 IMigaqo emalunga nokuLawulwa kwee-Hostele kwiZikolo zikaRhulumente nokuLawulwa kwePropathi eNgenakushenxiswa neziXhobo zokuSebenza zeSebe leMfundo eNtshona Koloni: iDrafti eFakelwe iZilungiso, 2020 18

Nawuphi na umntu okanye umbutho onqwenela ukuvakalisa izimvo malunga nale migaqo iyidrafti uyacelwa ukuba angenise izimvo zakhe ngencwadi ebhaliweyo phambi okanye ngowe-5 Januwari 2021—

- (a) ngokuzithumela ngeposi kulo:

Adv. Lynn Coleridge-Zils
Director
Western Cape Education Department
Private Bag X9114
Cape Town 8000;

- (b) ngokuzizisa ngesandla kulo:

Adv. Lynn Coleridge-Zils
Director
Western Cape Education Department
Policy Coordination Directorate
18th Floor, Room 1826
Golden Acre Building
9 Adderley Street
Cape Town 8001; okanye

- (c) ngokuzithumela nge-imeyili kulo:

Thabo.Mofokeng@westerncape.gov.za

PROVINCIAL NOTICE

The following Provincial Notice is published for comment.

DR H.C. MALILA,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

DR H.C. MALILA,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika izimvo.

GQIR H.C. MALILA,
MLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 114/2020

30 October 2020

**WESTERN CAPE PROVINCIAL SCHOOL EDUCATION ACT, 1997 (ACT 12 OF 1997)
REGULATIONS RELATING TO THE MANAGEMENT AND CONTROL OF HOSTELS AT
PUBLIC SCHOOLS AND THE CONTROL OVER THE IMMOVABLE PROPERTY AND
EQUIPMENT UNDER THE WESTERN CAPE EDUCATION DEPARTMENT: DRAFT
AMENDMENT, 2020**

The Provincial Minister of Education in the Western Cape, under section 63(1)(a) and (cE), read with sections 24(1)(a) and 45(9), of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), intends to make the regulations set out in the Schedule.

SCHEDULE**Definitions**

1. In these regulations “the Regulations” means the Regulations relating to the Management and Control of Hostels at Public Schools and the Control over the Immovable Property and Equipment under the Western Cape Education Department, as published under Provincial Notice 361/2012 dated 28 November 2012.

Amendment of Arrangement of Regulations

2. The Arrangement of Regulations before regulation 1 of the Regulations is amended by the insertion after the reference to the heading to regulation 1 of the following item:

“**1A.** Application of regulations”.

Amendment of regulation 1 of the Regulations

3. Regulation 1 of the Regulations is amended—

- (a) by the insertion before the definition of “district hostel coordinator” of the following definition:

“**‘disciplinary committee’** means a committee established by the governing body of a public school in terms of section 23 of the Act to deal with disciplinary matters;”;

- (b) by the insertion after the definition of “district hostel coordinator” of the following definition:

“**‘expulsion’** means the permanent prohibition of a hostel boarder by the Head of Department—

(a) from living in a hostel; or

(b) from living in a hostel and attending a school,

after following the process in terms of these regulations;”;

- (c) by the insertion after the definition of “provincial hostel coordinator” of the following definition:
“**‘Regulations relating to Disciplining, Suspension and Expulsion of Learners at Public Schools in the Western Cape’** means the Regulations relating to Disciplining, Suspension and Expulsion of Learners at Public Schools in the Western Cape, as published under Provincial Notice 365/2011 dated 15 December 2011, as may be amended from time to time;”;
- (d) by the deletion after the definition of “supervisor” of the word “and”; and
- (e) by the insertion after the definition of “supervisor” of the following definition:
“**‘suspension’** means the temporary prohibition of a hostel boarder by the governing body, disciplinary committee or Head of Department—
 - (a) from living in a hostel; or
 - (b) from living in a hostel and attending a school;”.

Insertion of regulation 1A of the Regulations

4. The following regulation is inserted in the Regulations after regulation 1:

“Application of regulations

- 1A.** These regulations apply to all hostels at public schools in the province.”.

Amendment of regulation 6 of the Regulations

5. Regulation 6 of the Regulations is amended by the addition of the following sub-regulation:
“(3) The Head of Department must perform all functions assigned to him or her by these regulations.”.

Amendment of regulation 8 of the Regulations

6. Regulation 8 of the Regulations is amended—
 - (a) by the deletion after paragraph (a) of sub-regulation (1) of the word “and”; and
 - (b) by the insertion after paragraph (a) of sub-regulation (1) of the following paragraph:
“(aA) perform all functions assigned to it by these regulations; and”.

Amendment of regulation 11 of the Regulations

7. Regulation 11 of the Regulations is amended by the insertion after paragraph (e) of sub-regulation (1) of the following paragraph:
“(eA) notify the principal as contemplated in regulation 18(2) of an allegation of serious misconduct against a hostel boarder, and may make recommendations to the principal and governing body on hostel discipline in general or a specific disciplinary matter;”.

Substitution of regulation 18 of the Regulations

8. The following regulation is substituted for regulation 18 of the Regulations:

“Hostel boarder behaviour and discipline at hostels

18. (1) Subject to the provisions of the South African Schools Act, a hostel boarder at a hostel who—

- (a) uses, threatens to use, has in his or her possession, sells or distributes a dangerous object;
- (b) uses, has in his or her possession, sells, distributes or, in the circumstances contemplated in section 45A(9) of the Act, tests positive for alcoholic liquor or illegal drugs;
- (c) commits an act of bullying, assault, theft, arson or malicious damage to property, or another criminal offence;
- (d) uses hate speech, makes himself or herself guilty of victimisation, intimidation, racism, sexism or sexual harassment, possesses or distributes pornographic material, or engages in any act of public indecency;
- (e) disrespects, violates the rights of, endangers the safety of, threatens or verbally abuses fellow hostel boarders, fellow learners, supervisors, educators, staff members or visitors;
- (f) vandalises, destroys or defaces hostel infrastructure;
- (g) commits an act of gross insubordination;
- (h) with the intention of enabling himself or herself or any other person to gain an unfair advantage, has in his or her possession, uses, distributes or trades any unauthorised copy of a test or examination question paper, cheats, or bribes or attempts to bribe any person in respect of any test or examination;
- (i) disrupts the hostel programme;
- (j) falsely identifies himself or herself, or knowingly and wilfully supplies false information or falsifies documentation to gain an unfair advantage at the hostel;
- (k) conducts or participates in any initiation practices against a fellow learner or a fellow hostel boarder;
- (l) contravenes any law while living in the hostel or attending the school;
- (m) contravenes the code of conduct of the school or the code of conduct of the hostel, if applicable; or
- (n) conducts himself or herself, in the opinion of the governing body, in a disgraceful, improper or unbecoming manner,

may be guilty of serious misconduct.

(2)(a) Where it is alleged that the conduct of a hostel boarder may constitute serious misconduct contemplated in sub-regulation (1), the chairperson of the hostel committee must notify the principal in writing.

(b) Once notified, the principal must, without delay—

- (i) investigate or cause an investigation to be carried out to determine whether there are grounds for a disciplinary hearing; and
- (ii) decide whether there is sufficient evidence to institute disciplinary action against the hostel boarder in respect of the serious misconduct and whether or not to report the matter to the governing body.

(3)(a) On receipt of a report by the principal, or out of its own volition, the governing body may, on reasonable grounds, and as a precautionary measure, suspend the hostel boarder suspected of serious misconduct—

- (i) from living in the hostel; or
- (ii) from living in the hostel and attending the school,

for a period not longer than seven school days.

(b) Reasonable grounds for precautionary suspension are as follows:

- (i) the presence of the hostel boarder at the hostel or the school is likely to compromise the safety of fellow hostel boarders, fellow learners, supervisors, educators, staff members or visitors;
- (ii) the presence of the hostel boarder at the hostel or the school is likely to result in damage to property;
- (iii) the presence of the hostel boarder at the hostel or the school is likely to cause disruption of the hostel programme or the school programme; or
- (iv) the hostel boarder is likely to interfere with witnesses or tamper with evidence.

(4) Before the governing body enforces the suspension in terms of sub-regulation (3), it must—

- (a) inform the hostel boarder and the parents of the hostel boarder of the intended suspension and the reasons therefor; and
- (b) afford the hostel boarder and the parents of the hostel boarder a reasonable opportunity to make representations orally or in writing to the governing body regarding the intended suspension.

(5) If the governing body suspends the hostel boarder as contemplated in sub-regulation (3)(a), it must report the decision of the suspension of the hostel boarder to the district director, who must keep a register of all suspensions.

(6)(a) Regulations 5 and 6(1), (2), (4) and (5) of the Regulations relating to Disciplining, Suspension and Expulsion of Learners at Public Schools in the Western Cape apply, with the necessary changes, to the disciplinary proceedings against a hostel boarder, and every reference to the learner must be construed as a reference to the hostel boarder.

(b) The disciplinary committee must be chaired by a member of the governing body, designated by the governing body, who is not an employee or staff member of the school or the hostel.

(c) If the governing body does not designate a disciplinary committee, all references to the disciplinary committee in these regulations must be construed as references to the governing body.

(7)(a) The governing body or disciplinary committee must conduct disciplinary proceedings in the manner contemplated in section 8(6) to (9) of the South African Schools Act against the hostel boarder—

- (i) within seven school days after the suspension of such hostel boarder as contemplated in sub-regulation (3)(a); and
- (ii) after five school days since notice of the disciplinary proceedings was given, as contemplated in regulation 5(1) of the Regulations relating to Disciplining, Suspension and Expulsion of Learners at Public Schools in the Western Cape.

(b) Every reference to a learner in section 8(6) to (9) of the South African Schools Act must be construed as a reference to the hostel boarder.

(c) If disciplinary proceedings are not conducted within seven school days after the suspension of the hostel boarder as contemplated in sub-regulation (3), the governing body

must obtain the approval of the Head of Department for the continuation of the suspension of the hostel boarder.

(8)(a) Regulation 7(1) to (4)(d), (4)(f), (5) to (6) and (8) to (9) of the Regulations relating to Disciplining, Suspension and Expulsion of Learners at Public Schools in the Western Cape applies, with the necessary changes, to the disciplinary proceedings against a hostel boarder, and every reference to the learner must be construed as a reference to the hostel boarder.

(b) If the hostel boarder pleads guilty to the charge of serious misconduct, the chairperson of the disciplinary committee must ensure that the disciplinary committee, after finding the hostel boarder guilty of serious misconduct, decides if—

- (i) the hostel boarder should as a correctional measure be suspended—
 - (aa) from living in the hostel; or
 - (bb) from living in the hostel and attending the school, for a period not longer than seven school days;
- (ii) the expulsion of the hostel boarder—
 - (aa) from the hostel; or
 - (bb) from the hostel and from the school, should be recommended to the Head of Department as contemplated in sub-regulation (10); or
- (iii) any other sanction contemplated for serious misconduct in the code of conduct of the school or the code of conduct of the hostel, if applicable, should be imposed on the hostel boarder.

(c) If the hostel boarder pleads not guilty to the charge of serious misconduct, the disciplinary committee must, if it finds the hostel boarder guilty of serious misconduct after following the process contemplated in regulation 7(5) of the Regulations relating to Disciplining, Suspension and Expulsion of Learners at Public Schools in the Western Cape, with the necessary changes, decide on an appropriate sanction contemplated in paragraph (b)(i) to (iii), taking all the evidence and representations into account.

(9)(a) The disciplinary committee must report all its decisions to the governing body, whereafter the decisions are deemed to be those of the governing body.

(b) The governing body must report all decisions to suspend and the nature of suspension to the district director, who must keep a register of all suspensions.

(10) If the disciplinary committee decided that expulsion is the appropriate sanction, the governing body must make a written recommendation to the Head of Department to expel such hostel boarder—

- (a) from the hostel; or
- (b) from the hostel and from the school.

(11)(a) Where the governing body makes a recommendation as contemplated in sub-regulation (10), it must notify the hostel boarder and the parents of the hostel boarder, in writing, of the decision to make such a recommendation.

(b) Pending a decision by the Head of Department, the governing body may suspend, or extend the suspension of, a hostel boarder—

- (i) from living in the hostel; or
- (ii) from living in the hostel and attending the school,

for a period not longer than 14 school days from the day the recommendation was submitted to the Head of Department.

(c) Where a governing body has recommended expulsion to the Head of Department, it must direct the principal to submit to the Head of Department, within three school days—

- (i) the minutes of the meetings at which the decision was taken;
- (ii) any written representations submitted by the hostel boarder, parents of the hostel boarder or representative; and
- (iii) the full record of the proceedings by the disciplinary committee or governing body.

(d) The combined period of suspension of a hostel boarder by the governing body in terms of sub-regulations (3), (8)(b)(i) and (11)(b) may for each disciplinary proceeding against such hostel boarder not exceed 21 school days, unless the governing body obtained the approval of the Head of Department for the continuation of the suspension of the hostel boarder as contemplated in sub-regulation (7)(c).

(12)(a) The Head of Department must consider the recommendation of the governing body and decide whether or not to expel a hostel boarder—

- (i) from the hostel; or
- (ii) from the hostel and from the school,

within 14 school days of receipt of the recommendation.

(b) If the governing body recommends that the hostel boarder be expelled from the hostel and the Head of Department decides against such expulsion, the Head of Department may, after consultation with the governing body, impose a suitable sanction on the hostel boarder, which must be implemented by the governing body.

(c) If the governing body recommends that the hostel boarder be expelled from the hostel and from the school, and the Head of Department decides against such expulsion from the hostel and from the school, the Head of Department may, after consultation with the governing body, expel the hostel boarder from the hostel only, or impose a suitable sanction on the hostel boarder, which must be implemented by the governing body.

(d) If the Head of Department decides not to impose a sanction on the hostel boarder, the Head of Department must refer the matter back to the governing body for an alternative sanction, other than expulsion, in terms of the code of conduct of the school and the code of conduct of the hostel, if applicable.

(e) The Head of Department must notify the governing body, the hostel boarder and the parents of the hostel boarder immediately, in writing, of his or her decision, with the reasons for such decision.

(f) If the Head of Department expels a hostel boarder—

- (i) from the hostel; or
- (ii) from the hostel and from the school,

the notice contemplated in paragraph (e) must include a reference to the right of appeal to the Provincial Minister.

(13)(a) A hostel boarder or the parents of a hostel boarder who has been expelled—

- (i) from the hostel; or
- (ii) from the hostel and from the school,

may appeal against the decision of the Head of Department by submitting a notice of appeal to the Provincial Minister within 14 school days of receipt of the notice of expulsion from the Head of Department.

(b) A copy of the notice of appeal contemplated in paragraph (a) must also be served on the office of the Head of Department and the chairperson of the governing body.

(c) If an appeal in terms of paragraph (a) is upheld by the Provincial Minister, the Provincial Minister must ensure that one of the following sanctions is imposed on the hostel boarder within 14 school days of the date on which the appeal was upheld:

- (i) if the Head of Department expelled the hostel boarder from the hostel and the Provincial Minister decides against such expulsion, the Provincial Minister may, after consultation with the governing body, impose a suitable sanction on the hostel boarder, which must be implemented by the governing body;
- (ii) if the Head of Department expelled the hostel boarder from the hostel and from the school, and the Provincial Minister decides against such expulsion from the hostel and from the school, the Provincial Minister may, after consultation with the governing body, expel the hostel boarder from the hostel only, or impose a suitable sanction on the hostel boarder, which must be implemented by the governing body;
- (iii) if the Provincial Minister decides not to impose a sanction on the hostel boarder, the Provincial Minister must refer the matter back to the governing body for an alternative sanction, other than expulsion, in terms of the code of conduct of the school and the code of conduct of the hostel, if applicable.

(14)(a) If a hostel boarder who is subject to compulsory school attendance in terms of section 42(1) of the Act is expelled—

- (i) from the hostel, and the expulsion will have the effect that the hostel boarder will not be able to attend the school; or
- (ii) from the hostel and from the school,

the Head of Department must make an alternative arrangement for the placement of the hostel boarder—

- (aa) at a public school; or
- (bb) at a public school and its hostel, if the school contemplated in item (aa) is not accessible to the hostel boarder.

(b) If a hostel boarder who is not subject to compulsory school attendance, is expelled—

- (i) from the hostel, and the expulsion will have the effect that the hostel boarder will not be able to attend the school; or
- (ii) from the hostel and from the school,

the parents of the hostel boarder may make an alternative arrangement for his or her placement—

- (aa) at a school; or
- (bb) at a school and its hostel,

and may request the assistance of the district director.

(c) If the hostel boarder is expelled—

- (i) from the hostel, and the expulsion will have the effect that the hostel boarder will not be able to attend the school; or
- (ii) from the hostel and from the school,

and the hostel boarder or the parents of the hostel boarder have appealed in the manner contemplated in sub-regulation (13), such hostel boarder must, pending the outcome of the appeal, be given access to education in the manner determined by the Head of Department after consultation with the principal.

(d) In determining an alternative arrangement for placement contemplated in paragraph (a), or the manner of access to education contemplated in paragraph (c), the Head of Department—

- (i) must take reasonable measures to protect the rights of supervisors, educators, staff members, visitors and other—
 - (aa) learners at the school concerned; and
 - (bb) hostel boarders at the hostel concerned, if applicable; and

(ii) may consider an alternative method of providing education to the hostel boarder, which may include—

- (aa) ensuring that the hostel boarder is admitted to another school within the province;
- (bb) ensuring that the hostel boarder is admitted to another school within the province and its hostel;
- (cc) requiring the hostel boarder to attend counselling at district level with Specialised Learner and Educator Support or School Psychological Support or School Social Work Support; and
- (dd) requesting regular progress reports in respect of the counselling contemplated in item (cc) from the relevant support component.

(e) Any hostel boarder who is expelled—

- (i) from the hostel, which expulsion will have the effect that the hostel boarder will not be able to attend the school; or
- (ii) from the hostel and from the school,

during the last term of a year, must be afforded the opportunity to write the final examinations of that school in that year, and the principal of the school may instruct the hostel boarder to write the examination in a venue separate from the learners of the school.

(15) If any conflict arises between this regulation and the Regulations relating to Disciplining, Suspension and Expulsion of Learners at Public Schools in the Western Cape, this regulation prevails where a hostel boarder is concerned.”.

Short title

9. These regulations are called the Regulations relating to the Management and Control of Hostels at Public Schools and the Control over the Immovable Property and Equipment under the Western Cape Education Department: Amendment, 2020.

PROVINSIALE KENNISGEWING

P.K. 114/2020

30 Oktober 2020

**WES-KAAPSE PROVINSIALE WET OP SKOOLONDERWYS, 1997 (WET 12 VAN 1997)
REGULASIES BETREFFENDE DIE BESTUUR EN BEHEER VAN KOSHUISE BY
OPENBARE SKOLE EN DIE BEHEER OOR DIE ONROERENDE EIENDOM EN
TOERUSTING ONDER DIE WES-KAAPSE ONDERWYSDEPARTEMENT:
KONSEPWYSIGING, 2020**

Die Provinsiale Minister van Onderwys in die Wes-Kaap is van voorneme om, ingevolge artikel 63(1)(a) en (cE), saamgelees met artikels 24(1)(a) en 45(9), van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), die regulasies uiteengesit in die Bylae te maak.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken “die Regulasies” die Regulasies betreffende die Bestuur en Beheer van Koshuise by Openbare Skole en die Beheer oor die Onroerende Eiendom en Toerusting onder die Wes-Kaapse Onderwysdepartement, soos gepubliseer onder Provinsiale Kennisgewing 361/2012 van 28 November 2012.

Wysiging van Indeling van Regulasies

2. Die Indeling van Regulasies voor regulasie 1 van die Regulasies word gewysig deur die volgende item ná die verwysing na die opskrif van regulasie 1 in te voeg:

“1A. Toepassing van regulasies”.

Wysiging van regulasie 1 van die Regulasies

3. Regulasie 1 van die Regulasies word gewysig—

- (a) deur die volgende woordomskrywing voor die woordomskrywing van “distrikskoshuiskoördineerder” in te voeg:

“**‘dissiplinêre komitee’** ’n komitee wat ingevolge artikel 23 van die Wet deur die beheerliggaam van ’n openbare skool gestig is om dissiplinêre sake te hanteer;”;

- (b) deur die volgende woordomskrywings ná die woordomskrywing van “provinsiale koshuiskoördineerder” in te voeg:

“**‘Regulasies betreffende Dissiplinerings, Skorsing en Uitsetting van Leerders in Openbare Skole in die Wes-Kaap’** die Regulasies betreffende Dissiplinerings, Skorsing en Uitsetting van Leerders in Openbare Skole in die Wes-Kaap, soos gepubliseer onder Provinsiale Kennisgewing 365/2011 van 15 Desember 2011, soos van tyd tot tyd gewysig mag word;

‘skorsing’ die tydelike verbod op ’n koshuisloseerder deur die beheerliggaam, dissiplinêre komitee of Departementshoof—

- (a) om in ’n koshuis te woon; of
- (b) om in ’n koshuis te woon en ’n skool by te woon;”;

- (c) deur die woord “en” ná die woordskrywing van “toesighouer” te skrap; en
- (d) deur die volgende woordskrywing ná die woordskrywing van “toesighouer” in te voeg:
 - “**‘uitsetting’** die permanente verbod op ’n koshuisloseerder deur die Departementshoof—
 - (a) om in ’n koshuis te woon; of
 - (b) om in ’n koshuis te woon en ’n skool by te woon,nadat die proses ingevolge hierdie regulasies gevolg is.”.

Invoeging van regulasie 1A by die Regulasies

4. Die volgende regulasie word ná regulasie 1 van die Regulasies ingevoeg:

“Toepassing van regulasies

1A. Hierdie regulasies is van toepassing op alle koshuise by openbare skole in die provinsie.”.

Wysiging van regulasie 6 van die Regulasies

5. Regulasie 6 van die Regulasies word gewysig deur die volgende subregulasie by te voeg:
“(3) Die Departementshoof moet alle funksies wat by hierdie regulasies aan hom of haar opgedra word, verrig.”.

Wysiging van regulasie 8 van die Regulasies

6. Regulasie 8 van die Regulasies word gewysig—
- (a) deur die woord “en” ná paragraaf (a) van subregulasie (1) te skrap; en
 - (b) deur die volgende paragraaf ná paragraaf (a) van subregulasie (1) in te voeg:
“(aA) alle funksies wat by hierdie regulasies aan hom opgedra word, verrig; en”.

Wysiging van regulasie 11 van die Regulasies

7. Regulasie 11 van die Regulasies word gewysig deur die volgende paragraaf ná paragraaf (e) van subregulasie (1) in te voeg:
“(eA) die prinsipaal in kennis stel soos beoog in regulasie 8(2) van ’n bewering van ernstige wangedrag teen ’n koshuisloseerder, en kan aanbevelings aan die prinsipaal en beheerliggaam maak oor algemene koshuisdissipline of ’n spesifieke dissiplinêre aangeleentheid;”.

Vervanging van regulasie 18 van die Regulasies

8. Regulasie 18 van die Regulasies word deur die volgende regulasie vervang:

“Gedrag van koshuisloseerders en dissipline by koshuise

18. (1) Behoudens die bepalings van die Suid-Afrikaanse Skolewet kan ’n koshuisloseerder by ’n koshuis wat—

- (a) ’n gevaarlike voorwerp gebruik, dreig om te gebruik, in sy of haar besit het, verkoop of versprei;
- (b) alkoholiese drank of onwettige dwelms gebruik, in sy of haar besit het, verkoop of versprei of, in die omstandighede beoog in artikel 45A(9) van die Wet, positief toets vir alkoholiese drank of onwettige dwelms;
- (c) ’n daad van afknouery, aanranding, diefstal, brandstigting, kwaadwillige beskadiging van eiendom of ander strafregtelike misdrywe pleeg;
- (d) haatspraak gebruik, homself of haarself skuldig maak aan viktimisasie, intimidasie, rassisme, seksisme of seksuele teistering, pornografiese materiaal besit of versprei, of aan enige daad van openbare onsedelikheid deelneem;
- (e) medekoshuisloseerders, medeleerders, toesighouers, opvoeders, personeellede of besoekers sonder respek behandel, hul regte skend, hulle aan gevaar blootstel, hulle dreig of verbaal mishandel;
- (f) koshuisinfrastruktuur vandaliseer, vernietig of ontsier;
- (g) ’n daad van growwe insubordinasie pleeg;
- (h) enige ongemagtigde afskrif van ’n toets of eksamen vraestel in sy of haar besit het, gebruik, versprei of uitruil met die doel om homself of haarself of enige ander persoon in die posisie te plaas om ’n onbillike voordeel te verkry, of ten opsigte van enige toets of eksamen kul, ’n persoon omkoop of poog om enige persoon om te koop;
- (i) die koshuisprogram ontwrig;
- (j) homself of haarself valslik identifiseer, of bewustelik en opsetlik valse inligting verskaf of dokumentasie vervals om ’n onregverdige voordeel by die koshuis te verkry;
- (k) enige ontgroeningspraktyke teen ’n medeleerder of medekoshuisloseerder lei of daaraan deelneem;
- (l) enige wet oortree terwyl hy of sy in die koshuis woon of die skool bywoon;
- (m) die gedragskode van die skool of die gedragskode van die koshuis, indien van toepassing, oortree; of
- (n) homself of haarself, na die mening van die beheerliggaam, op ’n skandelige, onvanpaste of onbetaamlike wyse gedra,

skuldig wees aan ernstige wangedrag.

(2)(a) Waar daar beweer word dat die gedrag van ’n koshuisloseerder moontlik ernstige wangedrag soos beoog in subregulasie (1) uitmaak, moet die voorsitter van die koshuiskomitee die prinsipaal skriftelik daarvan in kennis stel.

(b) Sodra die prinsipaal in kennis gestel is, moet hy of sy sonder uitstel—

- (i) ondersoek instel of ’n ondersoek van stapel stuur om vas te stel of daar gronde vir ’n dissiplinêre verhoor bestaan; en

- (ii) besluit of daar genoeg bewyse is om dissiplinêre stappe teen die koshuisloseerder te doen ten opsigte van die ernstige wangedrag en of die aangeleentheid by die beheerliggaam aangemeld moet word of nie.

(3)(a) By ontvangs van 'n verslag van die prinsipaal, of uit eie beweging, kan die beheerliggaam, op redelike gronde en as voorsorgmaatreël, die koshuisloseerder wat van ernstige wangedrag verdink word, vir 'n tydperk van hoogstens sewe skooldae skors uit—

- (i) koshuisinwoning; of
- (ii) koshuisinwoning en skoolbywoning.

(b) Redelike gronde vir skorsing as voorsorgmaatreël is die volgende:

- (i) die teenwoordigheid van die koshuisloseerder by die koshuis of die skool sal waarskynlik die veiligheid van medekoshuisloseerders, medeleerders, toesighouers, opvoeders, personeellede of besoekers in gevaar stel;
 - (ii) die teenwoordigheid van die koshuisloseerder by die koshuis of die skool sal waarskynlik die beskadiging van eiendom tot gevolg hê;
 - (iii) die teenwoordigheid van die koshuisloseerder by die koshuis of die skool sal waarskynlik ontwigting van die koshuisprogram of die skoolprogram veroorsaak; of
 - (iv) die koshuisloseerder sal waarskynlik met getuies inmeng of met bewyse peuter.
- (4) Voor die beheerliggaam die skorsing ingevolge subregulasie (3) afdwing, moet hy—
- (a) die koshuisloseerder en die ouers van die koshuisloseerder in kennis stel van die voorgenome skorsing en die redes daarvoor; en
 - (b) die koshuisloseerder en die ouers van die koshuisloseerder 'n redelike geleentheid bied om mondelinge of skriftelike verhoër aan die beheerliggaam oor die voorgenome skorsing te rig.

(5) Indien die beheerliggaam die koshuisloseerder soos beoog in subregulasie (3)(a) skors, moet hy die besluit om die koshuisloseerder te skors aan die distriksdirekteur aanmeld, wat 'n register van alle skorsings moet byhou.

(6)(a) Regulasies 5 en 6(1), (2), (4) en (5) van die Regulasies betreffende Dissiplinerings, Skorsing en Uitsetting van Leerders in Openbare Skole in die Wes-Kaap is van toepassing, met die nodige veranderinge, op die dissiplinêre prosedures teen 'n koshuisloseerder, en elke verwysing na die leerder in daardie regulasies moet as 'n verwysing na die koshuisloseerder vertolk word.

(b) Die dissiplinêre komitee moet onder voorsitterskap wees van 'n lid van die beheerliggaam wat deur die beheerliggaam aangewys is, en wat nie 'n werknemer of personeellid van die skool of koshuis is nie.

(c) Indien die beheerliggaam nie 'n dissiplinêre komitee aanstel nie, moet alle verwysings in hierdie regulasies na die dissiplinêre komitee vertolk word as verwysings na die beheerliggaam.

(7)(a) Die beheerliggaam of dissiplinêre komitee moet op die wyse beoog in artikel 8(6) tot (9) van die Suid-Afrikaanse Skolewet dissiplinêre prosedures teen die koshuisloseerder instel—

- (i) binne sewe skooldae ná die skorsing van die koshuisloseerder, soos in subregulasie (3)(a) beoog; en
- (ii) ná afloop van vyf skooldae nadat kennisgewing soos beoog in regulasie 5(1) van die Regulasies betreffende Dissiplinerings, Skorsing en Uitsetting van Leerders in Openbare Skole in die Wes-Kaap gegee is.

(b) Elke verwysing na 'n leerder in artikel 8(6) tot (9) van die Suid-Afrikaanse Skolewet moet vertolk word as 'n verwysing na die koshuisloseerder.

(c) Indien dissiplinêre prosedures nie binne sewe skooldae ná die skorsing van 'n koshuisloseerder beoog in subregulasie (3) ingestel is nie, moet die beheerliggaam die goedkeuring van die Departementshoof verkry om met die skorsing van die koshuisloseerder voort te gaan.

(8)(a) Regulasie 7(1) tot (4)(d), (4)(f), (5) tot (6) en (8) tot (9) van die Regulasies betreffende Dissiplinerings, Skorsing en Uitsetting van Leerders in Openbare Skole in die Wes-Kaap, is van toepassing, met die nodige veranderinge, op die dissiplinêre prosedures teen 'n koshuisloseerder, en elke verwysing na die leerder moet vertolk word as 'n verwysing na die koshuisloseerder.

(b) Indien die koshuisloseerder skuldig pleit op die aanklag van ernstige wangedrag, moet die voorsitter van die dissiplinêre komitee toesien dat die dissiplinêre komitee, nadat die koshuisloseerder aan ernstige wangedrag skuldig bevind is, besluit of—

- (i) die koshuisloseerder as 'n korrektiewe maatreeël geskors moet word—
 - (aa) uit koshuisinwoning; of
 - (bb) uit koshuisinwoning en uit skoolbywoning,vir 'n tydperk van hoogstens sewe skooldae;
- (ii) die uitsetting van die koshuisloseerder—
 - (aa) uit die koshuis; of
 - (bb) uit die koshuis en uit die skool,soos beoog in subregulasie (10) aan die Departementshoof aanbeveel moet word; of
- (iii) enige ander strafmaatreeël beoog vir ernstige wangedrag in die gedragskode van die skool of die gedragskode van die koshuis, indien van toepassing, op die koshuisloseerder opgelê moet word.

(c) Indien die koshuisloseerder onskuldig pleit op die aanklag van ernstige wangedrag, moet die dissiplinêre komitee, indien hy die koshuisloseerder aan ernstige wangedrag skuldig bevind nadat die proses beoog in regulasie 7(5) van die Regulasies betreffende Dissiplinerings, Skorsing en Uitsetting van Leerders in Openbare Skole in die Wes-Kaap, met die nodige veranderinge, gevolg is, op 'n gepaste strafmaatreeël besluit, soos beoog in paragraaf (b)(i) tot (iii), met inagneming van al die bewyse en verhoë.

(9)(a) Die dissiplinêre komitee moet aan die beheerliggaam verslag doen van al sy besluite, waarna die besluite as dié van die beheerliggaam geag word.

(b) Die beheerliggaam moet alle besluite om te skors en die aard van die skorsing aan die distriksdirekteur aanmeld, wat 'n register van alle skorsings moet byhou.

(10) Indien die dissiplinêre komitee besluit dat uitsetting die gepaste straf is, moet die beheerliggaam 'n skriftelike aanbeveling aan die Departementshoof maak om sodanige koshuisloseerder uit te sit—

- (a) uit die koshuis; of
- (b) uit die koshuis en uit die skool.

(11)(a) Waar die beheerliggaam 'n aanbeveling soos beoog in subregulasie (10) maak, moet die beheerliggaam die koshuisloseerder en die ouers van die koshuisloseerder skriftelik in kennis stel van die besluit om so 'n aanbeveling te maak.

(b) Hangende 'n besluit deur die Departementshoof kan die beheerliggaam 'n koshuisloseerder—

- (i) uit koshuisinwoning; of
- (ii) uit koshuisinwoning en uit skoolbywoning,

skors of die skorsing van die koshuisloseerder verleng, vir 'n tydperk van hoogstens 14 skooldae vanaf die dag waarop die aanbeveling aan die Departementshoof voorgelê is.

(c) Waar 'n beheerliggaam uitsetting by die Departementshoof aanbeveel het, moet die beheerliggaam die prinsipaal opdrag gee om die volgende binne drie skooldae aan die Departementshoof voor te lê:

- (i) die notules van die vergaderings waar die besluit geneem is;
- (ii) enige skriftelike verhoë wat deur die koshuisloseerder, ouers van die koshuisloseerder of verteenwoordiger voorgelê is; en
- (iii) die volledige rekord van die verrigtinge van die dissiplinêre komitee of beheerliggaam.

(d) Die gesamentlike tydperk van skorsing van 'n koshuisloseerder deur die beheerliggaam ingevolge subregulasies (3), (8)(b)(i) en (11)(b) mag vir elke dissiplinêre prosedure teen sodanige koshuisloseerder nie 21 skooldae oorskry nie, tensy die beheerliggaam die goedkeuring van die Departementshoof bekom het vir die voortsetting van die skorsing van die koshuisloseerder soos beoog in subregulasie (7)(c).

(12)(a) Die Departementshoof moet die aanbeveling van die beheerliggaam oorweeg en binne 14 skooldae vanaf ontvangs van die aanbeveling besluit of 'n koshuisloseerder—

- (i) uit die koshuis; of
- (ii) uit die koshuis en uit die skool,

gesit moet word al dan nie.

(b) Indien die beheerliggaam aanbeveel dat die koshuisloseerder uit die koshuis gesit moet word en die Departementshoof teen sodanige uitsetting besluit, kan die Departementshoof, ná oorleg met die beheerliggaam, 'n gepaste straf op die koshuisloseerder oplê, wat die beheerliggaam moet implementeer.

(c) Indien die beheerliggaam aanbeveel dat die koshuisloseerder uit die koshuis en uit die skool gesit moet word en die Departementshoof besluit teen sodanige uitsetting uit die koshuis en uit die skool, kan die Departementshoof, ná oorleg met die beheerliggaam, die koshuisloseerder slegs uit die koshuis sit of 'n gepaste straf wat deur die beheerliggaam geïmplementeer moet word, op die koshuisloseerder oplê.

(d) Indien die Departementshoof besluit om nie 'n straf op die koshuisloseerder op te lê nie, moet die Departementshoof die aangeleentheid terugverwys na die beheerliggaam vir 'n alternatiewe straf, uitsetting uitgesluit, ingevolge die gedragskode van die skool en die gedragskode van die koshuis, indien van toepassing.

(e) Die Departementshoof moet die beheerliggaam, die koshuisloseerder en die ouers van die koshuisloseerder onmiddellik skriftelik in kennis stel van sy of haar besluit, met die redes vir sodanige besluit.

(f) Indien die Departementshoof 'n koshuisloseerder uitsit—

- (i) uit die koshuis; of
- (ii) uit die koshuis en uit die skool,

moet die kennisgewing beoog in paragraaf (e) 'n verwysing insluit na die reg om by die Provinsiale Minister te appelleer.

(13)(a) 'n Koshuisloseerder of die ouers van 'n koshuisloseerder wat uitgesit is—

- (i) uit die koshuis; of
- (ii) uit die koshuis en uit die skool,

kan teen die besluit van die Departementshoof appelleer deur, binne 14 skooldae vanaf ontvangs van die uitsettingskennisgewing, 'n appèlkennisgewing by die Provinsiale Minister in te dien.

(b) 'n Afskrif van die appèlkennisgewing beoog in paragraaf (a) moet ook op die kantoor van die Departementshoof en die voorsitter van die beheerliggaam beteken word.

(c) Indien 'n appèl ingevolge paragraaf (a) deur die Provinsiale Minister gehandhaaf word, moet die Provinsiale Minister toesien dat daar binne 14 skooldae vanaf die datum waarop die appèl gehandhaaf is, een van die volgende strawwe op die koshuisloseerder opgelê word:

- (i) indien die Departementshoof die koshuisloseerder uit die koshuis gesit het en die Provinsiale Minister besluit teen sodanige uitsetting, kan die Provinsiale Minister, ná oorleg met die beheerliggaam, 'n gepaste straf wat deur die beheerliggaam geïmplementeer moet word, op die koshuisloseerder oplê;
- (ii) indien die Departementshoof die koshuisloseerder uit die koshuis en uit die skool gesit het, en die Provinsiale Minister besluit teen sodanige uitsetting uit die koshuis en uit die skool, mag die Provinsiale Minister, ná oorleg met die beheerliggaam, die koshuisloseerder slegs uit die koshuis uitsit of 'n gepaste straf wat deur die beheerliggaam geïmplementeer moet word, op die koshuisloseerder oplê;
- (iii) indien die Provinsiale Minister besluit om nie 'n straf op die koshuisloseerder op te lê nie, moet die Provinsiale Minister die aangeleentheid na die beheerliggaam terugverwys vir 'n alternatiewe straf, uitsetting uitgesluit, ingevolge die gedragskode van die skool en die gedragskode van die koshuis, indien van toepassing.

(14)(a) Indien 'n koshuisloseerder wat ingevolge artikel 42(1) van die Wet onderworpe is aan verpligte skoolbywoning, uitgesit word—

- (i) uit die koshuis, en die uitsetting sal veroorsaak dat die koshuisloseerder nie die skool kan bywoon nie; of
- (ii) uit die koshuis en uit die skool,

moet die Departementshoof 'n ander reëling vir die plasing van die koshuisloseerder tref—

- (aa) by 'n openbare skool; of
- (bb) by 'n openbare skool en die koshuis van die skool, indien die skool beoog in item (aa) nie vir die koshuisloseerder toeganklik is nie.

(b) Indien 'n koshuisloseerder wat nie aan verpligte skoolbywoning onderworpe is nie, uitgesit word—

- (i) uit die koshuis, en die uitsetting sal veroorsaak dat die koshuisloseerder nie die skool kan bywoon nie; of
- (ii) uit die koshuis en uit die skool,

kan die ouers van die koshuisloseerder 'n ander reëling tref vir sy of haar plasing—

- (aa) by 'n skool; of
- (bb) by 'n skool en die koshuis van die skool,

en kan hulle die hulp van die distriksdirekteur versoek.

(c) Indien 'n koshuisloseerder uitgesit word—

- (i) uit die koshuis, en die uitsetting sal veroorsaak dat die koshuisloseerder nie die skool kan bywoon nie; of
- (ii) uit die koshuis en uit die skool,

en die koshuisloseerder of die ouers van die koshuisloseerder het appèl aangeteken op die wyse beoog in sub-regulasie (13), moet sodanige koshuisloseerder, hangende die uitslag van die appèl, toegang gegee word tot onderrig op die wyse bepaal deur die Departementshoof ná oorleg met die prinsipaal.

(d) Wanneer die Departementshoof 'n ander reëling vir plasing beoog in paragraaf (a) bepaal of die wyse bepaal waarop toegang tot onderrig beoog in paragraaf (c) verkry kan word—

- (i) moet die Departementshoof redelike maatreëls tref om die regte te beskerm van toesighouers, opvoeders, personeellede, besoekers en ander—
 - (aa) leerders by die betrokke skool; en
 - (bb) koshuisloseerders by die betrokke koshuis, indien van toepassing; en
- (ii) kan die Departementshoof 'n ander metode oorweeg om onderrig aan die koshuisloseerder te verskaf, wat die volgende kan insluit:
 - (aa) toesien dat die koshuisloseerder by 'n ander skool in die provinsie toegelaat word;
 - (bb) toesien dat die koshuisloseerder by 'n ander skool in die provinsie en die koshuis van die skool toegelaat word;
 - (cc) van die koshuisloseerder vereis om berading op distriksvlak by te woon met Gespesialiseerde Leerder- en Opvoederondersteuning of Skoolsielkundige Ondersteuning of Maatskaplikewerk-skoolondersteuning; en
 - (dd) gereelde vorderingsverslae ten opsigte van die berading beoog in item (cc) van die betrokke ondersteuningskomponent aanvra.

(e) Enige koshuisloseerder wat uitgesit is—

- (i) uit die koshuis, welke uitsetting sal veroorsaak dat die koshuisloseerder nie die skool sal kan bywoon nie; of
- (ii) uit die koshuis en uit die skool,

gedurende die laaste kwartaal van 'n jaar, moet die geleentheid gegee word om die finale eksamens van daardie skool af te lê in daardie jaar, en die prinsipaal kan sodanige koshuisloseerder opdrag gee om die eksamen af te lê in 'n lokaal wat verwyderd is van die leerders van die skool.

(15) Indien enige teenstrydigheid ontstaan tussen hierdie regulasie en die Regulasies betreffende Dissiplinerings, Skorsing en Uitsetting van Leerders in Openbare Skole in die Wes-Kaap, geniet hierdie regulasie voorrang sover dit 'n koshuisloseerder betref.”.

Kort titel

9. Hierdie regulasies heet die Regulasies betreffende die Bestuur en Beheer van Koshuise by Openbare Skole en die Beheer oor die Onroerende Eiendom en Toerusting onder die Wes-Kaapse Onderwysdepartement: Konsepwysiging, 2020.

ISAZISO SEPHONDO

I.S. 114/2020

30 kweyeDwarha 2020

**UMTHETHO WEMFUNDO WEZIKOLO ZEPHONDO LENTSHONA KOLONI, 1997
(UMTHETHO 12 KA-1997) IMIGAQO EMALUNGA NOKULAWULWA KWEEHOSTELE
KWIZIKOLO ZIKARHULUMENTE NOKULAWULWA KWEPROPATHI
ENGENAKUSHENXISWA NEZIXHOBO ZOKUSEBENZA ZESEBE LEMFUNDO
LENTSHONA KOLONI: IZILUNGISO EZIYIDRAFTI, 2020**

UMphathiswa wezeMfundo wePhondo leNtshona Koloni, phantsi kwesiqendu 63(1)(a) no-(cE) neziqendu 24(1)(a) no-45(9) zoMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997), unenjongo yokwenza le migaqo icaciswe kwiShedyuli.

ISHEDYULI**Iingcaciso-magama**

1. Kule migaqo “iMigaqo” ithetha iMigaqo emalunga nokuLawulwa kweeHostele kwiZikolo zikaRhulumente nokuLawulwa kwePropathi eNgenakushenxiswa neziXhobo zokuSebenza zeSebe leMfundo leNtshona Koloni, njengoko yapapashwa kwiSaziso sePhondo 361/2012 somhla wama-28 Novemba 2012.

Ukufakelwa kwezilungiso kuLandelelwano lweMigaqo

2. Ulandelelwano lweMigaqo phambi komgaqo 1 weMigaqo lufakelwe izilungiso ngokufakelwa emva kwesalathiso kwisihloko semigaqo 1 kweengongoma zilandelayo:
“**1A.** Ukusetyenziswa kwemigaqo”.

Ukufakelwa kwezilungiso kumgaqo 1 weMigaqo

3. Umgaqo 1 weMigaqo ufakelwa izilungiso—

- (a) ngokufakelwa phambi kwale ngcaciso-gama “umququzeleli wehostele wesithili” le ngcaciso-gama ilandelayo:
“**‘ikomiti yoluleko’** kuthetha ikomiti emiselwe libhunga lolawulo lesikolo sikarhulumente ngokwesiqendu 23 soMthetho ukuba ijongane nemibandela yezoluleko;”;
- (b) ngokufakelwa emva kwengcaciso-gama ka-“umququzeleli wehostele wesithili” le ngcaciso-gama ilandelayo:
“**‘ukugxothwa’** kuthetha ukuthintelwa ngokupheleleyo ekuhambeni isikolo komfundi ohlala ehostele yiNtloko yeSebe—
 - (a) ekuhlaleni ehostele; okanye
 - (b) ekuhlaleni ehostele nasekuhambeni isikolo, emva kwale nkqubo ilandelayo ngokwale migaqo;”;
- (c) ngokufakelwa kwengcaciso-gama “umququzeleli wehostele wephondo” kwale ngcaciso-gama ilandelayo:

“‘**IMigaqo ephathelele kuLuleko, ukuNqumamisa noKugxotha aBafundi kwiZikolo zikaRhulumente eNtshona Koloni**’ ithetha iMigaqo ephathelele kuLuleko, ukuNqumamisa noKugxotha aBafundi kwiZikolo zikaRhulumente eNtshona Koloni, njengoko iyapapashwe kwiSaziso sePhondo 365/2011 somhla we-15 kweyoMnga, nanjengoko sinokufakelwa izilungiso kumaxesha ngamaxesha;”;

- (d) ngokucinywa emva kwengcaciso-gama “isuphavayiza” kwegama “yaye”; kunye
- (e) nangokufakelwa emva kwengcaciso-gama “isuphavayiza” kwale ngcaciso-gama ilandelayo:

“‘**ukunqunyanyiswa**’ kuthetha ukuthintelwa okwethutyana komfundi ohlala ehostele libhunga lolawulo, yikomiti yoluleko okanye yiNtloko yeSebe—

- (a) ekuhlaleni ehostele; okanye
- (b) ekuhlaleni ehostele nasekuhambeni isikolo;”.

Ukufakelwa komgaqo weMigaqo

4. Lo migaqo ulandelayo ufakelwa kwiMigaqo emva komgaqo 1:

“Ukusetyenziswa kwemigaqo

1A. Le migaqo isebenza kuzo zonke ihostele kwizikolo zikarhulumente kwiphondo.”.

Ukufakelwa kwezilungiso kumgaqo 6 weMigaqo

5. UMgaqo 6 weMigaqo ufakelwa izilungiso ngokufakelwa kwalo migaqo ulandelayo:

“(3) INtloko yeSebe mayenze yonke imisebenzi eyimiselwe yile migaqo.”.

Ukufakelwa kwezilungiso kumgaqo 8 weMigaqo

6. Umgaqo 8 weMigaqo ufakelwe izilungiso—

- (a) ngokucinywa emva komhlathi (a) kumgaqwana (1) kwegama “yaye”; kunye
- (b) nangokufakelwa emva komhlathi (a) kumgaqwana (1) kwalo mhlathi ulandelayo:
“(aA) ukwenza yonke imisebenzi emiselwe ngokwale migaqo; yaye”.

Ukufakelwa kwezilungiso kumgaqo 11 weMigaqo

7. Umgaqo 11 weMigaqo ufakelwa izilungiso ngokufakelwa emva komhlathi (e) kumgaqwana (1) kwalo mhlathi ulandelayo:

“(eA) yazise inqununu, njengoko kuchatshazelwe kumgaqwana 18(2), ngesityholo esixhomisa amehlo sokuziphatha kakubi komfundi ohlala ehostele, yaye mayinike iingcebiso kwinqununu nakwibhunga lolawulo malunga nendlela yokuziphatha ehostele ngokubanzi okanye ngomba wokuziphatha okhethekileyo;”.

Ukutshintshaniswa komgaqo 18 weMigaqo

8. Lo mgaqo ulandelayo utshintshaniswa nomgaqo 18 weMigaqo:

“Indlela yokuziphatha komfundi ohlala ehotele noluleko kwiihostele

18. (1) Ngokuxhomekeke kwimigqaliselo yomthetho othi uMthetho weZikolo zaseMzantsi Afrika umfundi ohlala ehotele—

- (a) othe wasebenzisa, wasongela ngokusebenzisa, wanaso kuye isixhobo, wathengisa okanye wahambisa isixhobo esiyingozi;
- (b) wasebenzisa, wanesixhobo kuye, wathengisa, wahambisa isixhobo kanye, kwiimeko ezichatshazelwe kwisiqendu 45A(9) salo Mthetho, wafunyaniswa esele utywala obunxilisa okanye esebenzise iziyobisi ezingekho mthethweni;
- (c) wenza isenzo sokubhulisha abanye, sokubetha, sokuba, sokutshisa ipropathi, okanye sokonakalisa ngolunya ipropathi, okanye esinye isenzo solwaphulo-mthetho;
- (d) wasebenzisa intetho ebonisa intiyo, wenza isenzo esenza abenetyala lokwenziwa ixhoba, loyikisa, lobandlululo ngokwesini okanye longcungcuthekiso ngokwezesondo, wanayo kuye okanye wasasaza imifanekiso nemathiriyeli yamanyala, okanye wenza nasipi na isenzo esilisikizi esidlangalaleni;
- (e) akawahlonipha, wawatyeshela amalungelo abafundi, wabeka engozini, ukhuseleko lwabanye abafundi, wasongela ngokwenzakalisa okanye wangcungcuthekisa ngamazwi abanye abafundi abahlala ehotele, abafundi abafunda naye, iisuphavayiza, ootitshala, abasebenzi abasesikolweni okanye iindwendwe;
- (f) wagxagxisa, watshabalalisa okanye wonakalisa iziseko zophuhliso;
- (g) wenza isenzo sokungathobeli abasemagunyeni ngokuxhomisa amehlo;
- (h) wanenjongo yokuba alungiselele yena okanye omnye umntu, wanayo kuye, wasebenzisa, wasasaza okanye warhweba ngekopi engagunyaziswanga yephepha loviwo okanye lovavanyo, wakopa, okanye wanyoba okanye wazama ukunyoba nawuphi na umntu ngokumalunga nalo naluphi na uviwo;
- (i) waphazamisana neprogram yehotele;
- (j) wazazisa yena exoka, okanye wathi esazi yaye nangabom wanikisa ngeenkukacha ezizibubuxoki okanye amaxwebhu abubuxoki ukwenzela ukulungiselela yena ehotele;
- (k) wenza yaye athathe inxaxheba kwizenzo zokukhwelwa kwabanye abafundi ngakumfundi afunda naye okanye umfundi ohlala naye ehotele;
- (l) wophula nawuphi na umthetho lo gama ahlala ehotele okanye ahamba isikolo;
- (m) wophula umgaqo wokuziphatha kwabafundi esikolweni okanye umgaqo wokuziphatha kwabafundi ehotele, ukuba kufanelekile oko; okanye
- (n) waziphatha kakubi kakhulu ngokwembono yebhunga lolawulo ngendlela elihlazo, engafanelekanga okanye yobundlavini,

unokufunyaniswa enetyala lokuziphatha kakubi kakhulu.

(2)(a) Apho kukho isityholo sokuba ukuziphatha komfundi ohlala ehotele kunokuba sisenzo sokuziphatha kakubi kakhulu esichatshazelwe kumgaqwana (1), usihlalo wekomiti yehotele makazise inqununu ngencwadi ebhaliweyo.

(b) Yakuba yazisiwe, inqununu kufuneka ngaphandle kokulibazisa—

- (i) iphande okanye ibangele ukuba kwenziwe uphando ukumisela ukuba ngaba kukho izizathu zokuba kuqaliswe inyathelo leengxoxo zoluleko; nokuba
- (ii) yenze isigqibo ngokuba ngaba kukho ubungqina obaneleyo bokuqalisa inyathelo loluleko ngakumfundi ohlala ehotele ngokumalunga nokuziphatha kakubi komfundi nokuba ngaba lo mbandela kunikwe ingxelo ngawo kwibhunga lolawulo.

(3)(a) Yakufunyanwa ingxelo yenqununu, okanye ingenzanga isigqibo ngokwayo, ibhunga lolawulo linokuthi ngezizathu ezivakalayo, nanjengenyathelo lokulumkisa, limnqumamisa umfundi ohlala ehotele orhaneleka ngokuziphatha kakubi kakhulu—

- (i) ekuhlaleni ehotele; okanye
- (ii) ekuhlaleni ehotele nasekuhambeni isikolo,

kangangelo thuba lingekho ngaphezu kweentsuku zesikolo ezisixhenxe.

(b) Izizathu ezamkelekileyo zokunqunyanyiswa komfundi njengenyathelo lokulumkisa zezi zilandelayo:

- (i) ukubakho komfundi ohlala ehotele okanye osesikolweni ngahle kubangela ukudleleleka kokhuseleko lwabanye abafundi abahlala ehotele, abafundi abafunda naye, iisuphavayiza, ootitshala, abasebenzi abasesikolweni okanye iindwendwe;
- (ii) ukubakho komfundi ohlala ehotele ehotele okanye esikolweni kungahle kube nesiphumo sokonakaliswa kweprothathi;
- (iii) ukubakho komfundi ohlala ehotele, ehotele okanye esikolweni kunokubangela ukuphazamiseka kweprogram yehotele okanye iprogram yesikolo; okanye
- (iv) umfundi ohlala ehotele ngahle kuphazamisane namangqina okanye aphazamisane nobungqina.

(4) Phambi kokuba ibhunga lolawulo linyanzelise ukunqunyanyiswa ngokomgaqwana (3), kufuneka—

- (a) lazise umfundi ohlala ehotele nabazali bomfundi ohlala ehotele ngokunqunyanyiswa okucetywayo nezizathu zako; kwaye
- (b) linike ithuba elifanekileyo umfundi ohlala ehotele nabazali bomfundi ohlala ehotele lokuveza izimvo zabo ngomlomo okanye ngencwadi ebhaliweyo kwibhunga lolawulo ngokumalunga nokunqunyanyiswa komfundi okucetywayo.

(5) Ukuba ibhunga lolawulo liyamnqumamisa umfundi ohlala ehotele njengoko kuchatshazelwe kumgaqwana (3)(a), malinike ingxelo ngesigqibo sokunqunyanyiswa komfundi ohlala ehotele kumlawuli wesithili, nomakagcine irejista yabo bonke abafundi abahlala ehotele abanqunyanyisiweyo.

(6)(a) Imigaqo 5 no-6(1), (2), (4) no-(5) weMigaqo emalunga noKululeka, uKunqumamisa, noKugxotha aBafundi kwiZikolo zikaRhulumente zePhondo leNtshona Koloni, isebenza kunye neenguqu eziyimfuneko, kwiingxoxo zoluleko ngakumfundi ohlala ehotele, yaye nayiphi na ingcaciso engomfundi mayiqondwe njengebhokiselele kumfundi ohlala ehotele.

(b) Ikomoti yoluleko mayichotshelwe lilungu lebhunga lolawulo elinyulwe libhunga lolawulo, elingenguye umqeshwa okanye elingenguye umsebenzi osesikolweni okanye ehotele.

(c) Ukuba ibhunga lolawulo aliyityumbi ikomiti yoluleko, zonke iinkcukacha ezibhekiselele kwikomiti yoluleko kule migaqo maziqondwe njengezibhekiselele kwibhunga lolawulo.

(7)(a) Ibhunga lolawulo okanye ikomiti yoluleko malisingathe iingxoxo zoluleko ngendlela echatshazelwe kwicandelo 8(6) ukuya ku-(9) loMthetho weZikolo zaseMzantsi Afrika ngakumfundi ohlala ehotele—

- (i) zingadlulanga iintsuku zesikolo ezisixhenxe emva kokunqunyanyiswa komfundi ohlala ehotele ololo hlobo njengoko kuchatshazelwe kumgaqwana (3)(a); kunye
- (ii) nasemva kweentsuku zesikolo ezintlanu ukususela ekukhutshweni kwesaziso sengxoxo zoluleko njengoko kuchatshazelwe kumgaqwana 5(1) weMigaqo emalunga noKululeka, uKunqumamisa, noKugxotha aBafundi kwiZikolo zikaRhulumente zePhondo leNtshona Koloni.

(b) Zonke iinkcukacha ezibhekiselele kumfundi kwicandelo 8(6) ukuya ku-(9) loMthetho weZikolo zaseMzantsi Afrika maziqondwe njengebhekiselele kumfundi ohlala ehotele.

(c) Ukuba iingxoxo zoluleko azisingathwanga zingadlulanga iintsuku zesikolo ezisixhenxe emva kokunqunyanyiswa komfundi ohlala ehotele kumgaqwana (3), ibhunga lolawulo malifumane imvume yeNtloko yeSebe yokuqhubeka kokunqunyanyiswa komfundi ohlala ehotele.

(8)(a) Umgaqo 7(1) ukuya (4)(d), (4)(f), (5) ukuya ku-(6) no-(8) ukuya ku-(9) weMigaqo emalunga noKululeka, uKunqumamisa, noKugxotha aBafundi kwiZikolo zikaRhulumente zePhondo leNtshona Koloni, isebenza kunye neenguqu eziyimfuneko, kwiingxoxo zoluleko ngakumfundi ohlala ehotele, yaye nayiphi ingcaciso engomfundi mayiqondwe njengebhekiselele kumfundi ohlala ehotele.

(b) Ukuba umfundi ohlala ehotele ufunyenwe enetyala lokuziphatha kakubi kakhulu, usihlalo wekomiti yoluleko makaqinisekise ukuba ikomiti yoluleko emva kokufunyaniswa komfundi ohlala ehotele enetyala lokuziphatha kakubi, ukuba wenza isigqibo ukuba—

- (i) umfundi ohlala ehotele umele ukugxothwa njengeniyathelo lokulungisa isimilo sakhe—
 - (aa) ehotele; okanye
 - (bb) ekuhlaleni ehotele nasekuhambeni isikolo, kangangethuba elingekho lide kuneentsuku zesikolo ezisixhenxe;
- (ii) ukugxothwa komfundi ohlala ehotele—
 - (aa) ehotele; okanye
 - (bb) ekuhlaleni ehotele nasekuhambeni isikolo, makunikwe iingcebiso kwiNtloko yeSebe njengoko kuchatshazelwe kumgaqwana (10); okanye
- (iii) nasiphi na isohlwayo sokuziphatha kakubi komfundi kakhulu esichatshelweyo kumgaqo wokuziphatha wesikolo okanye umgaqo wokuziphatha kakubi komfundi wehotele, ukuba kuya sebenza oko, simele ukuwiselwa umfundi ohlala ehotele.

(c) Ukuba umfundi ohlala ehotele akakuvumi ukubekwa ityala lokuziphatha kakubi, ikomiti yoluleko kufuneka ukuba imfumana umfundi ohlala ehotele enetyala lokuziphatha kakubi kakhulu emva kokulandela inkqubo echatshazelweyo kumgaqo 7(5) weMigaqo emalunga noKululeka, uKunqumamisa, noKugxotha aBafundi kwiZikolo zikaRhulumente zePhondo leNtshona Koloni, ifundwa neenguqu eziyimfuneko, kwenziwa isigqibo ngesohlwayo esifanelekileyo esichatshazelweyo kumhlathi (b)(i) ukuya ku-(iii), kuthathelwa ingqalelo ubungqina nezimvo ezivelisiweyo.

(9)(a) Ikomiti yoluleko mayenze ingxelo ngazo zonke izigqibo zayo kwibhunga lolawulo, eziya kuthi emva koko zithathwe njengezigqibo zelo bhunga lolawulo.

(b) Ibhunga lolawulo malinike ingxelo ibhunga ngazo zonke izigqibo zokumnqumamisa umfundi nohlobo lokumnqumamisa umfundi kumlawuli wesithili.

(c) Umlawuli wesithili makagcine irejista yabafundi abanqunyanyisiwe.

(10) Ukuba ikomiti yoluleko yenze isigqibo sokuba ukugxothwa sesona sohlwayo sifanelekileyo, ibhunga lolawulo malinike iingcebiso ngencwadi ebhaliweyo kwiNtloko yeSebe ukuba agxothwe umfundi ohlala ehotele ololu hlobo—

(a) ehotele; okanye

(b) ehotele nasekuhambeni isikolo.

(11)(a) Apho ibhunga lolawulo linike iingcebiso njengoko kuchatshazelwe kumgaqwana (10), kufuneka lazise umfundi ohlala ehotele nabazali bomfundi ohlala ehotele ngencwadi ebhaliweyo ngesigqibo sokunika iingcebiso ezilolu hlobo.

(b) Ngokuxhomekeke kwisigqibo seNtloko yeSebe, ibhunga lolawulo linokumnqumamisa umfundi ohlala ehotele okanye landise ixesha lokunqunyanyiswa kwakhe umfundi ohlala ehotele—

(i) ekuhlaleni ehotele; okanye

(ii) ekuhlaleni ehotele nasekuhambeni isikolo,

kangangethuba elingekho ngaphezu kweentsuku zesikolo eziyi-14 ukususela kusuku lokufumana iingcebiso ngencwadi ebhaliweyo engenise kwiNtloko yeSebe.

(c) Apho ibhunga lolawulo linike ingcebiso ngokuba agxothwe umfundi ohlala ehotele kwiNtloko yeSebe, maliyalele inqununu ingenise kwiNtloko yeSebe, zingadlulanga iintsuku zesikolo ezintathu—

(i) imizuzu yeentlanganisano ekuthathwe kuyo isigqibo;

(ii) naziphi na izimvo ezibhalwe phantsi ezingeniswe ngumfundi ohlala ehotele, ngabazali bomfundi okanye ngummeli womfundi ohlala ehotele; kunye

(iii) nerekhodi ephileleyo yeengxoxo zekomiti yoluleko okanye ezebhunga lolawulo.

(d) Ixesha elidibeneyo lokunqunyanyiswa komfundi ohlala ehotele libhunga lolawulo ngokomgaqwana (3), (8)(b)(i) no-(11)(b) kwimeko nganye yeengxoxo zoluleko ngomfundi ohlala ehotele malingaqithi kwiintsuku zesikolo eziyi-21, ngaphandle kokuba ibhunga lolawulo lifumene imvume yeNtloko yeSebe yokuqhubeka kokunqunyanyiswa komfundi ohlala ehotele njengoko kuchatshazelwe kumgaqwana (7)(c).

(12)(a) INtloko yeSebe mayithathele ingqalelo iingcebiso zebhunga lolawulo yaye yenze isigqibo sokungxotha okanye sokungamgxothe umfundi ohlala ehotele—

(i) ehotele; okanye

(ii) ehotele nasekuhambeni isikolo,

zingadlulanga iintsuku zesikolo eziyi-14 zokufunyanwa kweengcebiso.

(b) Ukuba ibhunga lolawulo linike iingcebiso ngokuba umfundi ohlala ehotele makagxothwe ehotele yaye iNtloko yeSebe iyasichasa isigqibo sokugxothwa komfundi ohlala ehotele, iNtloko yeSebe emva kokuthethana nebhunga lolawulo iwisela umfundi ohlala ehotele isohlwayo esiya kuphunyezwa libhunga lolawulo.

(c) Ukuba ibhunga lolawulo linike iingcebiso ngokuba umfundi ohlala ehotele makagxothwe ehotele nasesikolweni yaye iNtloko yeSebe iyasichasa isigqibo sokugxothwa komfundi ohlala ehotele nasesikolweni, iNtloko yeSebe emva kokuthethana nebhunga lolawulo iyamgxothe umfundi ohlala ehotele kuphela, okanye imwisele isohlwayo esifanelekileyo umfundi ohlala ehotele nemasiphunyezwe libhunga lolawulo.

(d) Ukuba iNtloko yeSebe yenza isigqibo sokungamwiseli isohlwayo umfundi ohlala ehotele, iNtloko yeSebe mayiwugqithisele lo mbandela kwakhona kwibhunga lolawulo ukwenzela olunye udidi lwesohlayo, ngaphandle kokungxotha umfundi, ngokwemigaqo yokuziphatha yehotele nangokwemigaqo yokuziphatha yehotele, ukuba ifanelekile.

(e) INtloko yeSebe mayazise ibhunga lolawulo, umfundi ohlala ehotele nabazali bomfundi ohlala ehotele ngokukhawuleza, ngencwadi ebhaliweyo, ngesigqibo sayo nezizathu zeso sigqibo silolu hlobo.

(f) Ukuba iNtloko yeSebe iyamgxotha umfundi ohlala ehotele—

- (i) ehotele; okanye
- (ii) ekuhlaleni ehotele nasesikolweni,

isaziso esichatshazelwe kumhlathi (e) masiquke isalathiso kwilungelo lokufaka isibheni kuMphathiswa wePhondo.

(13)(a) Umfundi ohlala ehotele okanye abazali bomfundi ohlala ehotele ogxothiweyo—

- (i) ehotele; okanye
- (ii) ehotele nasesikolweni,

unokufaka isibheni ngakwisigqibo seNtloko yeSebe ngokungenisa isaziso sokubhena kuMphathiswa wePhondo zingadlulanga iintsuku zesikolo eziyi-14 zokufunyanwa kwesaziso sokugxothwa komfundi kwiNtloko yeSebe.

(b) Ikopi yesaziso sesibheni esichatshazelwe kumhlathi (a) nayo mayinikwe igosa leNtloko yeSebe nosihlalo webhunga lolawulo.

(c) Ukuba isibheni ngokomhlathi (a) samkelwe nguMphathiswa wePhondo, uMphathiswa wePhondo makaqinisekise ukuba umfundi ohlala ehotele uwiselwa esinye kwezi zohlwayo zilandelayo zingadlulanga iintsuku zesikolo eziyi-14 zomhla ekwamkelwe ngawo isibheni:

- (i) ukuba iNtloko yeSebe imgxothile umfundi ohlala ehotele ekuhlaleni ehotele yaye uMphathiswa wePhondo wenza isigqibo esichasene nokugxothwa komfundi ohlala ehotele, uMphathiswa wePhondo unokuthi emva kokuthethana nebhunga lolawulo, anike isohlwayo esifanelekileyo umfundi ohlala ehotele, nemasiphunyezwe libhunga lolawulo;
- (ii) ukuba iNtloko yeSebe imgxothile umfundi ohlala ehotele ekuhlaleni ehotele nasesikolweni yaye uMphathiswa wePhondo wenza isigqibo esichasene nokugxothwa komfundi ohlala ehotele nasesikolweni, uMphathiswa wePhondo unokuthi emva kokuthethana nebhunga lolawulo, amnike isohlwayo esifanelekileyo umfundi ohlala ehotele, nemasiphunyezwe libhunga lolawulo;
- (iii) ukuba Ntloko yeSebe yenza isigqibo sokungamwiseli isohlwayo umfundi ohlala ehotele, iNtloko yeSebe mayiwugqithisele lo mbandela kwakhona kwibhunga lolawulo ukwenzela olunye udidi lwesohlayo, ngaphandle kokumgxotha umfundi, ngokwemigaqo yokuziphatha yehotele nangokwemigaqo yokuziphatha yehotele, ukuba ifanelekile.

(14)(a) Ukuba umfundi ohlala ehotele omele ukuthobela imigaqo yokuhamba isikolo ngokunyanzelekileyo ngokwecandelo 42(1) lo Mthetho ugxothiwe—

- (i) ehotele, yaye ukugxothwa kwakhe kuya kubanefuthe lokuba umfundi ohlala ehotele angabinako ukuhamba isikolo; okanye
- (ii) ehotele nasesikolweni,

iNtloko yeSebe mayenze amalungiselelo angamanye okufakwa kwenye indawo komfundi ohlala ehotele—

- (aa) kwisikolo sikarhulumente; okanye
- (bb) kwisikolo sikarhulumente nakwihostele yaso, ukuba isikolo esichatshazelwe kwingongoma (aa) asifikeleleki kumfundi ohlala ehotele.

(b) Ukuba umfundi ohlala ehotele onganyanzelekanga ukuba ahambe isikolo, uyagxothwa—

(i) ekuhlaleni ehotele, yaye ukugxothwa kwakhe kuya kubanefuthe lokuba umfundi ohlala ehotele angabinako ukuhamba isikolo; okanye

(ii) ehotele nasesikolweni,

abazali bomfundi ohlala ehotele banokwenza amalungiselelo angamanye okufakwa kwakhe kwenye indawo—

(aa) esikolweni; okanye

(bb) esikolweni nakwihotele yaso,

yaye unokucela uncedo lomlawuli wesithili.

(c) Ukuba ukugxothwa komfundi ohlala ehotele—

(i) ehotele kubangela ukuba umfundi ohlala ehotele angabinakho ukuhamba isikolo, okanye

(ii) ukusuka ehotele kunye nokusuka esikolweni, yaye

umfundi ohlala ehotele okanye abazali bomfundi ohlala ehotele bafake isibheni sokuchasa oko ngalo ndlela ichatshazelwe kumgaqwana (13), lo mfundi ololu hlobo makathi ngokuxhomekeke kwisiphumo sesibheni afake isibheni, anikwe ithuba lokufikelela kwimfundo ngendlela emiselwe yiNtloko yeSebe ngokuthethana nenqununu.

(d) Ekumiseleni amanye amalungiselelo okufakwa komfundi okuchatshazelwe kumhlathi (a), okanye indlela yokufikelela kwimfundo echatshazelwe kumhlathi (c), iNtloko yeSebe—

(i) mayithathe amanyathelo afanelekileyo okukhusela amalungelo eesuphavayiza, ootitshala, abasebenzi, eendwendwe nawabanye abantu—

(aa) abafundi abasesikolweni esichaphazelekayo; kunye

(bb) nabafundi abahlala ehotele abachaphazelekayo, ukuba kufanelekile; yaye

(ii) inokuthathela ingqalelo enye indlela yokubonelela ngemfundo komfundi ohlala ehotele, nenokubandakanya—

(aa) ukuqinisekisa ukuba umfundi ohlala ehotele wamkelwe kwesinye isikolo apha ngaphakathi kwiphondo;

(bb) ukuqinisekisa ukuba umfundi ohlala ehotele wamkelwe kwesinye isikolo apha ngaphakathi kwiphondo nakwihotele yaso;

(cc) ukufuna umfundi ukuba aye kwiingcebiso zoluleko lwengqondo kwisithili semfundo kwi-*Specialised Learner and Educator Support* okanye kwi-*School Psychological Support* okanye kwi-*School Social Work Support*; kunye

(dd) nokucela iingxelo zokuqhuba komfundi ngokumalunga neengcebiso azinikwayo ezichatshazelwe kwingongoma (cc) kwiqela elinika inkxaso efanelekileyo.

(e) Nawuphi na umfundi ohlala ehotele ogxothiweyo—

(i) ehotele, yaye ukugxothwa kwakhe kuya kubanefuthe lokuba umfundi ohlala ehotele angabinako ukuhamba isikolo; okanye

(ii) ehotele nasesikolweni,

ngethuba lekota yokugqibela yaloo nyaka, makanikwe ithuba lokubhala iimviwo zokuphela konyaka zeso sikolo, yaye inqununu yeso sikolo ingamyaqela umfundi ohlala ehotele ukuba abhale uviwo kwindawo eyahlukileyo kubafundi beso sikolo.

(15) Ukuba kukho imbambano evela phakathi kwalo mqaqo neMigaqo emalunga noKuziphatha kaKubi, ukuRhoxiswa nokuGxothwa kwaBafundi kwiZikolo zikaRhulumente kwiPhondo leNtshona Koloni, lo mqaqo uya kuhlala usebenza apho kukho umfundi ohlala ehostele ochaphazelekayo.”.

Isihloko esifutshane

9. Le migaqo ibizwa ngokuba yiMigaqo emalunga nokuLawulwa kweeHostele kwiZikolo zikaRhulumente nokuLawulwa kwePropathi eNgenakushenxiswa neziXhobo zokuSebenza zeSebe leMfundo eNtshona Koloni: iZilungiso, 2020.

