Isalathiso: 20200219-4684
Inombolo yefayili: 12/2/8/2
Imibuzo: DD Louw

ISetyhula: 0048/2020
Umhla wokuphelelwa: Awukho

Iya: KumaSekela Balawuli-Jikelele, kuBalawuli aBaziiNtloko, kuBalawuli (kwaNdlunkulu nakwii-ofisi zeZithili), kuBaphathi beeSekethe, kwiiNqununu zezikolo zikarhulumente nakooSihlalo bamabhunga olawulo

Isishwankathelo esifutshane: *Ukuthathelwa ingqalelo kwezicelo zokuxolelwa ekuhlawuleni iifizi zesikolo ngamabhunga olawulo ngokumalunga nabafundi beBakala R kwizikolo zikarhulumente*

Isihloko: Ukuxolelwa kwabazali ekuhlawuleni iifizi zesikolo ngokumalunga nabafundi beBakala R kwizikolo zikarhulumente

1. Le setyhula isisongezelelo yaye imele ukufundwa kunye neSetyhula 0020/2019, yomhla we-26 Apreli 2019.

2. Ngokwesiqendu 3(1) soMthetho weZikolo zaseMzantsi Afrika (*South African Schools Act (SASA)*, 1996 (uMthetho 84 ka-1996), ukuhamba isikolo okunyanzelekileyo kusebenza ukususela kusuku lwesikolo lokuqala kunyaka umfundi afikelela ngawo kubudala beminyaka esixhenxe kude kube lusuku lokugqibela lwesikolo lonyaka umfundi afikelele ngawo kubudala obuyiminyaka elishumi elinesihlanu okanye iBakala 9, nokuba yeyiphi na eyenzeka kuqala kwezi.

3. Nakuba kunjalo, ngenxa yokuba i-*SASA* inganiki nkcazelo ngegama elithi "iprogram" nangebinza "iprogram yesikolo sikarhulumente", imigqaliselo ye*SASA* icacile ukuba xa isikolo sisingethe inkqubo yokumisela "iifizi zesikolo" kwisikolo sikarhulumente emayisetyenziswe kunyaka-mali omtsha, mazithathele ingqalelo iimeko zabazali

babafundi abahamba isikolo okanye abathatha inxaxheba " kwiprogram yesikolo sikarhulumente". Abazali babafundi abalolu hlobo mabathathelwe ingqalelo xa kumiselwa inkqubo "yokuxolelwa kwabazali abangenako ukuhlawula iifizi zesikolo".

4. Ngenxa yokuba ingeyoSASA yaye ingeyiyo neMimiselo *Regulations relating to the exemption of parents from the payment of school fees in public schools*, *eyapapashwa kwiGazethi kaRhulumente* No. 29311 yowe-18 Oktobha 2006, eyahlukanisa phakathi kweBakala R nabafundi abahamba isikolo ngokunyanzelekileyo, kumelwe ukuba kugxininiswe ekubeni ngaba isikolo sikarhulumente esithile siquka neBakala R kwi-"program yesikolo sikarhulumente". Izikolo zikarhulumente ezahlukileyo ziya kuba "neeprogram", ezahlukeneyo ezilindelekileyo yaye ke ngoko kubalulekile ukugxininisa ukuba ngaba isikolo sikarhulumente sifuna ukunyusa ingxowa-mali "yefizi zesikolo" ngokumalunga nokuhamba isikolo kwabafundi okanye ngokuthatha inxaxheba kwiBakala R.

5. Kubalulekile ukuba inkcazelo ethi "eqhutywa bucala *(privately conducted*)" mayicaciswe njengoko izikolo zinako, ukusuka ngabom okanye ngenxa yokungaqondi, ziyithathe ifasilithi yeBakala R ekumasango esikolo njengeqhutywa bucala naxa kungenjalo. Ngokwenkcazelo, ukuba naziphi na iikhrayitheriya ezingezantsi azisebenzi, ifasilithi yeBakala R kwisikolo sikarhulumente iya kuthathwa njengefasilithi engeyiyo eyabucala. Ukwenzela ukucacisa ifasilithi yabucala *(private facility*), ezi khrayitheriya zilandelayo mazibekho:
   (a) Kukho imvumelwano yengqeshiso *(rental agreement*) phakathi kwesikolo nabanini beziko labucala elisebenza kwifasilithi yeBakala R ekumasango esikolo sikarhulumente.
   (b) Akukho mali kaRhulumente isetyenziselwa ukuxhasa ngezimali ifasilithi yeBakala R.
   (c) Akukho bantu baqeshwe nguRhulumente basetyenziselwa ukufundisa okanye ukulawula kwiziko labucala.

6. Ngenxa yoko, kungaba sisinyanzelo kumabhunga olawulo azo zonke izikolo zikarhulumente apho iBakala R belithathwa njengenxalenye "yeprogram yesikolo sikarhulumente" yaye eso sikolo silolu hlobo simele ukunyanzelisa "iifizi zesikolo" ngokumalunga neprogram elolu hlobo", ukuthathela ingqalelo ukusebenzisa iMimiselo ekhankanyiweyo ngokumalunga nabafundi beBakala R nabazali babo. Izikolo

zikarhulumente apho iBakala R belingathathwa njengenxalenye "yeprogram yesikolo sikarhulumente" o.k.t. ukuba beliqhutywa bucala kodwa kumasango esikolo, ngokuxhomekeke kwicandelo 20(1)(k) le*SASA*, bezingenakusebenzisa iMimiselo ekhankanyiweyo ngokumalunga neBakala R njengeprogram yezemfundo" ethe ngqo. Kucelwa kuqatshelwe ukuba esi sigqibo sisebenza ukususela kumhla wale setyhula.

7. Kucelwa iinqununu zazise ngokuqulethwe yile setyhula kubo bonke abachaphazelekayo ukuze bakuthathele ingqalelo.

ISAYINWE: NGU-BK SCHREUDER
INTLOKO: YESEBE LEMFUNDO
UMHLA: 2020-10-22