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EVALUATION OF THE EXTENT TO WHICH GOVERNING BODIES UNDERSTAND AND MEET THE LEGAL REQUIREMENTS IN MANAGING THE STATE-AIDED SCHOOL.

Questionnaire No:

			(1-3)
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Card No:

1	(4)
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QUESTIONNAIRE

Please do not write your name or that of your school on any of the forms; the information is required for research purposes only.

Answer all the questions by making a cross in the applicable block.

SECTION A: BIOGRAPHICAL DATA

1. Age?			
1.1	Younger than 30		1
1.2	30 -35 years		2
1.3	36 -40 years		3
1.4	41 - 45 years		4
1.5	46 -50 years		5
1.6	Older than 51 years		6
			(5)

2. Sex?			
2.1	Male		1
2.2	Female		2
			(6)

3. Position?			
3.1	Chairman of the Governing Body		1
3.2	Principal		2
3.3	Other (please specify)_____		3
			(7)

4. Years of experience in the position?				
4.1	0 - 3 years		1	(8)
4.2	4 - 7 years		2	
4.3	8 - 11 years		3	
4.4	12 -15 years		4	
4.5	16 - 20 years		5	
4.5	21 years and more		6	

5. <u>Highest</u> academic qualification?				
5.1	No academic qualification		1	(9)
5.2	Bachelor's degree		2	
5.3	Honours degree		3	
5.4	Post graduate degree (eg. B.Ed.)		4	
5.5	Masters degree		5	
5.6	Doctorate		6	
5.7	Other (please specify) _____		7	

6. <u>Highest</u> professional teaching diploma?				
6.1	Not applicable		1	(10)
6.2	H.E.D.		2	
6.3	T.H.E.D.		3	
6.4	Other (please specify) _____		4	

7. Training in Education Law			
	Yes	NO	
7.1 As a subject in Education Law at a university.	1	2	(11)
7.2 As a subject in Education Law at the S.A. College for Further Training	1	2	(12)
7.3 A departmental symposium on Education Law	1	2	(13)
7.4 Attending an Education Law seminar	1	2	(14)
7.5 Attending a course in Education Law	1	2	(15)
7.6 None	1	2	(16)

**SECTION B: DEMOGRAPHIC DATA**

8. Medium of instruction of the school?			
8.1 English		1	(17)
8.2 Afrikaans		2	
8.3 Dual medium		3	

9. Grading of the school?			
9.1 SI		1	(18)
9.2 SII		2	
9.3 G.S.		3	

10. Composition of the school?			
10.1 Mixed (Boys and Girls)		1	(19)
10.2 Girls only		2	
10.3 Boys only		3	

SECTION C : ASSESS

Use the following scale to assess each of the points. Evaluate each point and indicate with a cross the number of your choice.

- 1 = No knowledge/understanding  
 2 = Superficial knowledge/understanding  
 3 = Relevant knowledge/understanding  
 4 = Thorough knowledge/understanding

11. What is your evaluation of your Governing Body's <u>knowledge</u> of each of the following?						
11.1	The National Policy Act for General Educational Matters (Act 76 of 1984).	1	2	3	4	(20)
11.2	The Education Policy Act (Act 39 of 1967).	1	2	3	4	(21)
11.3	The Education Affairs Act (House of Assembly (Act 70 of 1988).	1	2	3	4	(22)
11.4	The Machinery and Occupational Safety Act (Act 6 of 1983).	1	2	3	4	(23)
11.5	The Fund Raising Act (Act 107 of 1978).	1	2	3	4	(24)
11.6	The Income Tax Act (Act 58 of 1962).	1	2	3	4	(25)
11.7	The Public Accountants and Auditor's Act (Act 51 of 1951).	1	2	3	4	(26)
11.8	The Companies Act (Act 61 of 1973).	1	2	3	4	(27)
11.9	The Regulations made in terms of the Education Affairs Act (House of Assembly) 70 of 1988.	1	2	3	4	(28)
11.10	The Workmen's Compensation Act (Act 30 of 1941).	1	2	3	4	(29)

12. What is your evaluation of your Governing Body's <u>understanding</u> of each of the following?						
12.1	The legal responsibilities vested in the Governing Body in terms of the relevant sections contained in the Education Affairs Act 70 of 1988 and the Regulations made in terms of the Act.	1	2	3	4	(30)
12.2	The Governing Body's overall responsibility and legal liability towards the pupils and parents of the school in exercising proper control and management of the school.	1	2	3	4	(31)
12.3	That in terms of certain sections of the Education Affairs Act 70 of 1988 there are certain other role players/bodies involved in the management process, and who have to be considered when making decision.	1	2	3	4	(32)
12.4	The term "juristic person".	1	2	3	4	(33)
12.5	The legal authority vested in the Governing Body by relevant sections of the Education Affairs Act 70 of 1988.	1	2	3	4	(34)
12.6	The legal authority vested in the Governing Body by relevant regulations of the Regulations made in terms of the Education Affairs Act 70 of 1988.	1	2	3	4	(35)

**SECTION D: ASSESS**

Indicate by means of a cross in the applicable blocks the situation in your school with regard to the following:

13. Did your governing body consult the following sources when determining the criteria for the <u>admission of pupils</u> to your school? (please answer each point).				
	Yes	No	Un- cer- tain	
13.1 The Education Affairs Act (House of Assembly) 70 of 1988.	1	2	3	(36)
13.2 The Regulations made in terms of the Education Affairs Act 70 of 1988.	1	2	3	(37)
13.3 The Manual for State-aided Schools (Blue Book).	1	2	3	(38)
13.4 The parent community.	1	2	3	(39)
13.5 Departmental circulars.	1	2	3	(40)
13.6 Other sources (specify) _____	1	2	3	(41)

14. Has your governing body made a specific study of the following: (please answer each part)				
	Yes	No	Un-certain	
14.1 The conditions and procedures relating to the suspension and expulsion of pupils.	1	2	3	(42)
14.2 The conditions of service for teachers.	1	2	3	(43)
14.3 Procedures in connection with injury to <u>teachers</u> while on duty.	1	2	3	(44)
14.4 The conditions of service of persons <u>other</u> than teachers.	1	2	3	(45)
14.5 The conditions of the State subsidy to state-aided schools.	1	2	3	(46)
14.6 Regulations relating to governing bodies of state-aided schools.	1	2	3	(47)
14.7 Procedures in connection with a charge of inefficiency against a teacher.	1	2	3	(48)
14.8 The procedures for dealing with casual vacancies that may occur on the governing body.	1	2	3	(49)
14.9 The regulations governing the administering of corporal punishment.	1	2	3	(50)
14.10 Procedures relating to teachers who are engaged in remunerative outside work.	1	2	3	(51)
14.11 Matters relating to labour relations which concern general assistants at schools.	1	2	3	(52)

14.12	Conditions and procedures in connection with the employment of teachers by the governing body in non-subsidized (additional) posts.	1	2	3	(53)
14.13	The rights of the governing body concerning the immovable property of the school.	1	2	3	(54)
14.14	Conditions relating to the reversion of property to the school.	1	2	3	(55)

15. When dealing with intended building extensions or alterations at your school, indicate in each of the following cases whose permission (in your opinion) must be obtained before proceeding (please answer each point):					
		Yes	No	Un-cer-tain	
15.1	The schools' parents association committee.	1	2	3	(56)
15.2	The Superintendent of Education (circuit).	1	2	3	(57)
15.3	The School Board Secretary.	1	2	3	(58)
15.4	The Executive Director of Education.	1	2	3	(59)
15.5	The Minister of Education.	1	2	3	(60)

16. The Act, as interpreted, states that in the case of a charge of misconduct against a teacher, the Chairman of the Governing Body may appoint a committee of preliminary investigation consisting of persons "in the employ of the state-aided school concerned". Indicate in each of the following cases who should be selected as a member of such a committee. (Please answer each point).

	Yes	No	Un- cer- tain	
16.1 The Superintendent of Education (circuit).	1	2	3	(61)
16.2 The Regional Director of Education.	1	2	3	(62)
16.3 A Head of Department at the school.	1	2	3	(63)
16.4 Another teacher at the school.	1	2	3	(64)
16.5 The Principal.	1	2	3	(65)
16.6 The Chairman of the Governing Body.	1	2	3	(66)

17. If a teacher is found guilty on a charge of misconduct, who would take the final decision to discharge that teacher? (Please answer each point).

	Yes	No	Un- cer- tain	
17.1 The Chairman of the Governing Body.	1	2	3	(67)
17.2 The Principal	1	2	3	(68)
17.3 The Executive Director of Education.	1	2	3	(69)
17.4 The Minister of Education.	1	2	3	(70)
17.5 The Superintendent of Education (Circuit).	1	2	3	(71)

18. When dealing with the procedures for appointing a sponsoring body for your school, indicate in each of the following cases which documents should be consulted. (Please answer each point).

	Yes	No	Un- cer- tain	
18.1 The Regulations made in terms of the Act 70 of 1988.	1	2	3	(72)
18.2 Relevant Departmental circulars.	1	2	3	(73)
18.3 The Manual of General School Organisation.	1	2	3	(74)
18.4 The Fund Raising Act 107 of 1978.	1	2	3	(75)
18.5 Other (please specify) _____	1	2	3	(76)

Card No.

2 (1)

**SECTION E : ASSESS**

Indicate by means of a cross in the applicable block the situation in your school with regard to each of the following points:

19. Has your Governing Body got the following?				
	Yes	No	Un- cer- tain	
19.1 A governing body constitution.	1	2	3	(2)
19.2 An admissions policy document.	1	2	3	(3)
19.3 A register of pupils enrolled at the school.	1	2	3	(4)
19.4 An official book for recording all cases of corporal punishment administered.	1	2	3	(5)
19.5 An official book for recording the business of governing body meetings.	1	2	3	(6)
19.6 A standard contract entered into between the governing body and a teacher appointed in a non-subsidized post (additional posts).	1	2	3	(7)
19.7 A policy document on the handling and control of school money.	1	2	3	(8)
19.8 A standard contract entered into between the governing body and the parent of a pupil at the school.	1	2	3	(9)
19.9 A published set of school rules.	1	2	3	(10)

19.10 An approved copy of the constitution of the parents association.	1	2	3	(11)
<b>19. Has your Governing Body got the following</b>				
	<b>Yes</b>	<b>No</b>	<b>Un- cer- tain</b>	
19.11 An emergency plan.	1	2	3	(12)
19.12 A written policy for safety measures and procedures with regards to the safety of pupils and other persons.	1	2	3	(13)
19.13 An official book for recording all accidents in which injury is incurred.	1	2	3	(14)
19.14 An official auditor.	1	2	3	(15)
19.15 A legal advisor	1	2	3	(16)
19.16 An insurance broker	1	2	3	(17)

## SECTION F : ASSESS

Use the following scale to assess each of the statements below. Evaluate each statement and indicate with a cross the number of your choice.

- 1 = Do not agree at all  
 2 = Agree to a lesser extent/partially agree  
 3 = Agree to a greater extent  
 4 = Agree wholeheartedly

20. The Education Affairs Act (House of Assembly) 70 of 1988 sets out the extent of the governing body's authority.	1	2	3	4	(18)
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21. The State-aided school is a juristic person.	1	2	3	4	(19)
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22. The governing body of a State-aided school is a legal personality.	1	2	3	4	(20)
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23. The state-aided school is a statutory body.	1	2	3	4	(21)
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24. The status of the State-aided school could be withdrawn by the Minister if the school does not fulfil it's educational function.	1	2	3	4	(22)
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25. The governing body is vested with the management, control and executive power of the State-aided school.	1	2	3	4	(23)
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26. A member of the Governing Body may also act as the Auditor of the state-aided schools' financial matters.	1	2	3	4	(24)
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27. The governing body must consult the parent community before determining the criteria for admitting pupils to the school.	1	2	3	4	(25)
28. A pupil from a foreign country must be in possession of a study permit before being admitted to a state-aided school.	1	2	3	4	(26)
29. The governing body has the right to insist that a parent signs a contract before the pupils is admitted to the school.	1	2	3	4	(27)
30. The governing body is restricted by the Act as well as the Regulations in determining the conditions of a contract with parents.	1	2	3	4	(28)
31. A pupil may be suspended pending an inquiry into his parents failure to pay school fees.	1	2	3	4	(29)
32. The Minister of National Education may withdraw the State subsidy to a school if the governing body levies excessively high school fees after failing to inform parents of the amount of the school fees.	1	2	3	4	(30)
33. The governing body may decide to exclude certain subjects from the curriculum of the state-aided school (eg. Physical Education).	1	2	3	4	(31)

34. It is an offence for a person to collect funds on behalf of a school without having written authorization from the governing body to collect such funds.	1	2	3	4	(32)
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35. The governing body may act as the sponsoring body of the state-aided school.	1	2	3	4	(33)
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36. Pupils at a state-aided school fall within the provisions of the Machinery and Occupational Safety Act (Act 6 of 1983).	1	2	3	4	(34)
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37. Legal liability of the school for injury to a pupil at school is closely linked to proving negligence on the part of the supervisor.	1	2	3	4	(35)
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38. The governing body is liable for claims made by a parent even if the parent has signed an indemnity form.	1	2	3	4	(36)
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39. The governing body is empowered by the Education Affairs Act 70 of 1988 to intervene in the curricular programme of the school.	1	2	3	4	(37)
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40. The principal shall under normal circumstances bring to the attention of a teacher any unfavourable remark about that teacher contained in a written communication.	1	2	3	4	(38)
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41. The governing body is responsible for paying a teacher's travelling and subsistence expenses in connection with school activities.	1	2	3	4	(39)
42. A teacher must first obtain the permission of the governing body before accepting any outside work for remuneration.	1	2	3	4	(40)
43. The governing body may request a teacher found guilty of inefficiency, to resign.	1	2	3	4	(41)
44. The governing body may discharge a teacher on the grounds of proven misconduct.	1	2	3	4	(42)
45. Parents are entitled to tax deductions on their payments for school fees.	1	2	3	4	(43)
46. The governing body must notify the teacher's association (eg. TTA) of an investigation of misconduct against a member of the association.	1	2	3	4	(44)
47. The administrative finalization of a teacher's appointment in a subsidized post is done by the department.	1	2	3	4	(45)
48. The governing body should enter into a contract with teachers it employs in non-subsidized (additional) posts.	1	2	3	4	(46)

49. In cases of the secondment of teachers the governing body of the school concerned must liaise in writing with the Superintendent of Education (Circuit).	1	2	3	4	(47)
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EVALUERING VAN BEHEERRADE SE BEGRIPSOMVANG VAN EN VOLDOENING AAN  
DIE WETLIKE VEREISTES GESTEL AAN DIE BESTUUR VAN  
STAATSONDERSTEUNDE SKOLE

VRAELYS NR.

			(1-3)
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KAART NO.

1	(4)
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VRAELYS:

Moet asseblief nie u eie naam of u skool se naam op enige van die vorms verstrek nie. Die inligting is slegs vir navorsingdoeleindes.

Beantwoord asseblief die vrae deur slegs 'n kruisie in die toepaslike blokkie te trek.

AFDELING A: BIOGRAFIESE GEGEWENS

1. Ouderdom?			
1.1 Jonger as 30		1	(5)
1.2 30 -35 jaar		2	
1.3 36 -40 jaar		3	
1.4 41 - 45 jaar		4	
1.5 46 -50 jaar		5	
1.6 Ouer as 51 jaar		6	

2. Geslag?			
2.1 Manlik		1	(6)
2.2 Vroulik		2	

3. Amp?			
3.1 Voorsitter van Bestuursliggaam		1	(7)
3.2 Hoof		2	
3.3 Ander (spesifiseer) _____		3	

4. Jare ondervinding in hierdie amp?				
4.1	0 - 3 jaar		1	(8)
4.2	4 - 7 jaar		2	
4.3	8 - 11 jaar		3	
4.4	12 - 15 jaar		4	
4.5	16 - 20 jaar		5	
4.6	21 jaar en meer		6	

5. <u>Hoogste</u> akademiese kwalifikasies?				
5.1	Geen akademiese kwalifikasie		1	(9)
5.2	Baccalaureusgraad		2	
5.3	Honneursgraad		3	
5.4	Nagraadse kwalifikasie (bv. B.Ed)		4	
5.5	Meestersgraad		5	
5.6	Doktorsgraad		6	
5.7	Ander (spesifiseer) _____		7	

6. <u>Hoogste</u> professionele onderwyskwalifikasie?				
6.1	Nie van toepassing nie		1	(10)
6.2	H.O.D.		2	
6.3	T.H.O.D.		3	
6.4	Ander (spesifiseer) _____		4	

7. Opleiding in Onderwysreg			
	JA	NEE	
7.1 As 'n vak in Onderwysreg aan 'n Universiteit.	1	2	(11)
7.2 As 'n vak in Onderwysreg aan die S.A. Kollege vir Verdere Opleiding.	1	2	(12)
7.3 'n Departementele simposium in Onderwysreg.	1	2	(13)
7.4 Bywoning van 'n seminar oor Onderwysreg.	1	2	(14)
7.5 Bywoning van 'n kursus oor Onderwysreg.	1	2	(15)
7.6 Geen.	1	2	(16)

**AFDELING B: DEMOGRAFIESE GEGEWENS**

8. Voertaal van skool?			
8.1 Engels		1	(17)
8.2 Afrikaans		2	
8.3 Dubbelmedium		3	

9. Gradering van skool?			
9.1 SI		1	(18)
9.2 SII		2	
9.3 G.S.		3	

10. Samestelling van skool?			
10.1 Gemeng (seuns en dogters)		1	(19)
10.2 Slegs dogters		2	
10.3 Slegs seuns		3	

**AFDELING C: EVALUEER**

Gebruik die volgende skaal om elk van die punte te evalueer. U moet asseblief elke punt evalueer en 'n kruisie by die nommer van u keuse trek.

- 1 = Geen kennis/begrip  
 2 = 'n Oppervlakkige kennis/begrip  
 3 = 'n Toepaslike kennis/begrip  
 4 = 'n Deeglike kennis/begrip

11. Hoe evalueer u u bestuursliggaam se kennis van elk van die volgende?					
11.1 Die Wet op Nasionale Beleid vir Algemene Onderwys sake (Wet 76 van 1984).	1	2	3	4	(20)
11.2 Die Wet op die Nasionale Onderwysbeleid (Wet 39 van 1967).	1	2	3	4	(21)
11.3 Die Wet op Onderwysaangeleenthede (Volksraad) Wet 70 van 1988).	1	2	3	4	(22)
11.4 Die Wet op Masjinerie en Beroepsveiligheid (Wet 6 van 1983).	1	2	3	4	(23)
11.5 Die Wet op Fondsin-sameling (Wet 107 van 1978).	1	2	3	4	(24)
11.6 Die Inkomstebelastingswet (Wet 58 van 1962).	1	2	3	4	(25)
11.7 Die Wet op Openbare Rekenmeesters en Ouditeure (Wet 51 van 1951).	1	2	3	4	(26)
11.8 Die Maatskappywet (Wet 61 van 1973).	1	2	3	4	(27)
11.9 Regulasies uitgevaardig ingevolge die Wet op Onderwysaangeleenthede (Volksraad) (Wet 70 van 1988).	1	2	3	4	(28)
11.10 Die Ongevallewet (Wet 30 van 1941).	1	2	3	4	(29)

12. Hoe evalueer u u bestuursliggaam se <u>begrip</u> van elk van die volgende?					
12.1 Die wetlike verantwoordelikhede ingevolge die Wet op Onderwysgeleenthede, nr. 70 van 1988, wat op die bestuursliggaam berus.	1	2	3	4	(30)
12.2 Die globale verantwoordelikheid en geregtelike aanspreeklikheid van die bestuursliggaam rakende die behoorlike uitvoer van die beheer en bestuur van die skool.	1	2	3	4	(31)
12.3 Dat, kragtens sekere artikels van die Wet op Onderwysaangeleenthede, (nr. 70 van 1988), daar ander onderwysvennote is wat betrokke is by die bestuursproses en in aggeneem moet word by besluitneming.	1	2	3	4	(32)
12.4 Die term "regspersoon" en die implikasie daarvan.	1	2	3	4	(33)
12.5 Die wetlike gesag wat by die bestuursliggaam berus kragtens sekere artikels van die Wet op Onderwysaangeleenthede, nr. 70 van 1988.	1	2	3	4	(34)
12.6 Die wetlike gesag wat by die bestuursliggaam berus kragtens sekere regulasies van die Regulasies ingevolge die Wet op Onderwysaangeleenthede 70 van 1988.	1	2	3	4	(35)

**AFDELING D: EVALUEER**

Dui die situasie in u skool rakende die volgende aan deur 'n kruisie in die toepaslike blokkie te trek.

13. Het u bestuursliggaam die volgende bronne geraadpleeg by die opstel van u skool se toelatingskriteria (rakende leerlinge). (Beantwoord asseblief elke vraag).				
	Ja	Nee	Onseker	
13.1 Die Wet op Onderwysaangeleenthede (Volksraad) 70 van 1988.	1	2	3	(36)
13.2 Die Regulasies kragtens die Wet op Onderwysaangeleenthede 70 van 1988.	1	2	3	(37)
13.3 Die Handleiding vir Staatsondersteunde (Model C) Skole (Blouboek).	1	2	3	(38)
13.4 Die ouergemeenskap.	1	2	3	(39)
13.5 Departementele omsendskrywes.	1	2	3	(40)
13.6 Ander (spesifiseer) _____	1	2	3	(41)

14. Het u bestuursliggaam 'n doelgerigte studie gemaak van die volgende: (Beantwoord asseblief elke vraag).				
	Ja	Nee	Onseker	
14.1 Die voorwaardes en prosedures rakende die skorsing en uitsetting van 'n leerling.	1	2	3	(42)
14.2 Die diensvoorwaardes van onderwysers.	1	2	3	(43)
14.3 Prosedures rakende beserings opgedoen deur <u>onderwysers</u> tydens 'n ongeluk terwyl op diens.	1	2	3	(44)
14.4 Die diensvoorwaardes van nie-onderwyspersoneel buiten onderwysers.	1	2	3	(45)
14.5 Die voorwaardes rakende staatsubsidies aan staatsondersteunende skole.	1	2	3	(46)
14.6 Regulasies rakende bestuursliggame van staatsondersteunende skole.	1	2	3	(47)
14.7 Prosedures rakende 'n klag van onbekwaamheid teen 'n onderwyser.	1	2	3	(48)
14.8 Die hantering van toevallige vakatures in die bestuursliggaam.	1	2	3	(49)
14.9 Die regulasies rakende die toediening van lyfstraf.	1	2	3	(50)
14.10 Die prosedures rakende besoldigende werk buite sy diens in die onderwysprofessie deur die onderwyser.	1	2	3	(51)

14.11	Sake rakende die arbeidsverhoudinge wat van toepassing is op algemene assistente by skole.	1	2	3	(52)
14.12	Voorwaardes en prosedures rakende die indiensneming deur die bestuursliggaam van onderwysers in nie-gesubsidieerde (by-komende) poste.	1	2	3	(53)
14.13	Die regte van die bestuursliggaam rakende onroerende skoleiendom.	1	2	3	(54)
14.14	Omstandighede waar- onder eiendomsreg aan die staat gesedeer kan word.	1	2	3	(55)

15. Toon aan wie se toestemming telkens verkry moet word voordat daar met beplande aanbouings of veranderinge aan die bestaande skoolgebou voortgegaan kan word. (Beantwoord asseblief elke vraag)					
		Ja	Nee	Onse-ker	
15.1	Die ouervereniging van die skool.	1	2	3	(56)
15.2	Die Superintendent van Onderwys (Kring).	1	2	3	(57)
15.3	Die Skoolraad sekretaris.	1	2	3	(58)
15.4	Die Uitvoerende Direkteur van Onderwys.	1	2	3	(59)
15.5	Die Minister van Onderwyser.	1	2	3	(60)

16. Soos vertolk, dui die Wet op Onderwysaangeleenthede daarop, dat die voorsitter van die bestuursliggaam 'n komitee van voorlopige ondersoek, bestaande uit "persone in diens van die betrokke staatsondersteunde skool", mag aanstel indien 'n onderwyser van wangedrag beskuldig word. Dui aan wie telkens as lid van so 'n komitee aangewys behoort te word. (Beantwoord asseblief elke vraag).

	Ja	Nee	Onseker	
16.1 Die Superintendent van Onderwys (Kring).	1	2	3	(61)
16.2 Die Direkteur van Onderwys: Streek.	1	2	3	(62)
16.3 'n Departementshoof van die betrokke skool.	1	2	3	(63)
16.4 'n Ander onderwyser van die betrokke skool.	1	2	3	(64)
16.5 Die skoolhoof.	1	2	3	(65)
16.6 Die voorsitter van die bestuursliggaam.	1	2	3	(66)

17. Wie moet die finale besluit oor die ontslag van 'n onderwyser wat skuldig bevind word aan wangedrag, neem? (Beantwoord asseblief elke vraag).

	Ja	Nee	Onseker	
17.1 Die voorsitter van die bestuursliggaam.	1	2	3	(67)
17.2 Die skoolhoof.	1	2	3	(68)
17.3 Die Uitvoerende Direkteur van Onderwys.	1	2	3	(69)
17.4 Die Minister van Onderwys.	1	2	3	(70)
17.5 Die Superintendent van Onderwys (Kring).	1	2	3	(71)

18. Dui telkens aan watter bron rakende prosedurebepaling geraadpleeg moet word, indien die aanstel van 'n borgliggaam vir u skool beoog word. (Beantwoord asseblief elke vraag).				
	Ja	Nee	Onse- ker	
18.1 Die Regulasies rakende Wet 70 van 1988.	1	2	3	(72)
18.2 Toepaslike departementele omsendskrywes.	1	2	3	(73)
18.3 Die Handleiding vir Algemene Skool Organisasie.	1	2	3	(74)
18.4 Die Wet op Fondsin- sameling (Wet 107 van 1978).	1	2	3	(75)
18.5 Ander (spesifiseer) _____	1	2	3	(76)

2	(1)
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**AFDELING E: EVALUEER**

Dui aan wat die situasie in u skool rakende elk van die volgende aspekte is. Trek slegs 'n kruisie in die toepaslike blokkie:

19. Het u bestuursliggaam die volgende?				
	Ja	Nee	Onseker	
19.1 'n Bestuursliggaamkonstitusie.	1	2	3	(2)
19.2 Beleid vir toelatingsvereistes.	1	2	3	(3)
19.3 'n Register van al die leerlinge wat by u skool ingeskryf is.	1	2	3	(4)
19.4 'n Amptelike boek waarin elke geval van die toediening van lyfstraf aangeteken word.	1	2	3	(5)
19.5 'n Amptelike boek vir die notules van bestuursliggaamvergaderings.	1	2	3	(6)
19.6 'n Gestandaardiseerde skriftelike kontrak tussen die bestuursliggaam en 'n onderwyser wat in 'n nie-gesubsidieerde (bykomende) pos aangestel is.	1	2	3	(7)
19.7 'n Beleidsdokument oor die hantering van skoolgelde.	1	2	3	(8)
19.8 'n Gestandaardiseerde kontrak tussen die bestuursliggaam en die ouer van 'n leerling by die skool.	1	2	3	(9)
19.9 'n Gepubliseerde stel skoolreëls.	1	2	3	(10)

19.10	'n Goedgekeurde afskrif van die konstitusie van die ouervereniging.	1	2	3	(11)
19.11	'n Noodplan.	1	2	3	(12)
19.12	'n Veiligheidsbeleid waarin veiligheidsmaatreëls en -prosedures uiteengesit word met betrekking tot die veiligheid van leerlinge en ander persone.	1	2	3	(13)

19. Het u bestuursliggaam die volgende?					
		Ja	Nee	Onseker	
19.13	'n Amptelike leer vir die aantekening van ongelukke wat besering tot gevolg het.	1	2	3	(14)
19.14	'n Amptelike ouditeur	1	2	3	(15)
19.15	'n Regsadviseur.	1	2	3	(16)
19.16	'n Versekeringsmakelaar	1	2	3	(17)

**AFDELING F : EVALUEER**

Gebruik die volgende skaal om elk van die onderstaande stellings te evalueer. Maak 'n kruisie in die blokkie van u keuse.

- 1 = Stem glad nie saam nie  
 2 = Stem in 'n geringe mate saam  
 3 = Stem tot 'n groot mate saam  
 4 = Stem heelhartig saam

20. Die Wet op Onderwysaangeleenthede 70 van 1988, bepaal die omvang van die gesagsterrein van die bestuursliggaam.	1	2	3	4	(18)
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21. Die staatsondersteunde skool is 'n regs persoon.	1	2	3	4	(19)
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22. Die bestuursliggaam van die staatsondersteunde skool het 'n regs persoonlikheid.	1	2	3	4	(20)
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23. Die staatsondersteunde skool is 'n statutêre liggaam.	1	2	3	4	(21)
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24. Die status van die staatsondersteunde skool kan teruggetrek word deur die Minister as die skool nie aan sy opvoedkundige funksie voldoen nie.	1	2	3	4	(22)
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25. Die bestuur, beheer en uitvoerende mag berus by die bestuursliggaam van die staatsondersteunde skool.	1	2	3	4	(23)
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26. 'n Lid van die bestuursliggaam mag optree as ouditeur van die staatsondersteunde skool se boeke.	1	2	3	4	(24)
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27. Die bestuursliggaam moet die ouergemeenskap raadpleeg by die opstel van 'n toelatingsbeleid vir die skool.	1	2	3	4	(25)
28. 'n Immigrante leerling moet in besit van 'n studie-permit wees alvorens toelating tot 'n staatsondersteunde skool oorweeg kan word.	1	2	3	4	(26)
29. Die bestuursliggaam het die reg om daarop aan te dring dat die ouer 'n kontrak onderteken voor die leerling tot die skool toegelaat word.	1	2	3	4	(27)
30. Die bestuursliggaam word deur die Wet asook deur die Regulasies beperk rakende die voorwaardes vervat in sodanige kontrak met die ouers.	1	2	3	4	(28)
31. 'n Leerling wie se ouers versuim om die skoolgelde te betaal mag geskors word tot na 'n ondersoek geloads is.	1	2	3	4	(29)
32. Die Minister van Nasionale Onderwys mag die staat-subsidie staak as die bestuursliggaam onrealistiese hoë skoolgelde hef en as daar versuim word om die bedrag wat die skoolgelde beloop aan die ouers bekend te maak.	1	2	3	4	(30)
33. Die bestuursliggaam mag besluit om sekere vakke uit die kurrikulum weg te laat (bv. Liggaamlike Opvoeding).	1	2	3	4	(31)

34. Dit is 'n oortreding indien 'n persoon sonder die bestuursliggaam se skriftelike toestemming fondse namens die skool insamel.	1	2	3	4	(32)
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35. Die bestuursliggaam mag as die borgliggaam van die staatsondersteunde skool optree.	1	2	3	4	(33)
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36. Leerlinge aan 'n staats- ondersteunde skool val binne die bepalinge van die Wet op Masjinerie en Beroepsveiligheid (Wet 6 van 1983).	1	2	3	4	(34)
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37. In 'n geval waar 'n leerling by die skool beseer word, is die regs aanspreeklikheid van die skool nou verbonde aan die bewys van die toesig- houer se nalatigheid.	1	2	3	4	(35)
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38. Die bestuursliggaam is aanspreeklik vir enige eise van 'n ouer al het die ouer 'n vrywaringsvorm onderteken.	1	2	3	4	(36)
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39. Die bestuursliggaam word deur die Wet gemagtig om by die kurrikulêre program van die skool in te meng.	1	2	3	4	(37)
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40. Die skoolhoof sal onder normale omstandighede enige ongustige opmerking oor 'n onderwyser vervat in 'n skriftelike mededeling onder die aandag van die onderwyser bring.	1	2	3	4	(38)
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41. Die bestuursliggaam is verantwoordelik vir die reis- en verblyfonkoste van 'n onderwyser rakende skoolaangeleenthede.	1	2	3	4	(39)
42. 'n Onderwyser moet eers die toestemming van die bestuursliggaam verkry voordat enige ander besoldigde werk aanvaar word.	1	2	3	4	(40)
43. Die bestuursliggaam mag 'n onderwyser wat skuldig bevind is aan onbekwaamheid vra om te bedank.	1	2	3	4	(41)
44. Die bestuursliggaam mag 'n onderwyser ontslaan op grond van bewese wangedrag.	1	2	3	4	(42)
45. Ouers kan skoolfondsbydraes as aftrekbaar van inkomstebelasting beskou.	1	2	3	4	(43)
46. Die bestuursliggaam moet die onderwysersvereniging (bv. T.O.) in kennis stel wanneer 'n ondersoek van wangedrag teen 'n lid van die betrokke vereniging geloods word.	1	2	3	4	(44)
47. Die administratiewe finalisering van die aanstelling van 'n onderwyser in 'n gesubsidieerde pos word deur die Departement behartig.	1	2	3	4	(45)
48. Die bestuursliggaam behoort 'n kontrak met 'n onderwyser in 'n gesubsidieerde (bykomende) pos aan te gaan.	1	2	3	4	(46)

49. Indien onderwysers gesekondeer word, moet die bestuursligaam skriftelik met die Superintendent van Onderwys (Kring) skakel.	1	2	3	4	(47)
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DEPARTEMENT VAN ONDERWYS EN KULTUUR  
DEPARTMENT OF EDUCATION AND CULTURE

ADMINISTRASIE: VOLKSRAAD  
ADMINISTRATION: HOUSE OF ASSEMBLY

TRANSVAALSE ONDERWYSDEPARTEMENT  
TRANSVAAL EDUCATION DEPARTMENT  
EDUCATION RESEARCH BUREAU

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PRETORIA 0001

15 September 1993

Mr G.B. Giles  
Private Bag X04  
BIRCHLEIGH  
1621

Dear Mr Giles

**THE LEGAL RESPONSIBILITIES OF THE GOVERNING BODY OF THE STATE-AIDED SCHOOL AS JURISTIC PERSON**

Your letter, dated 1993-09-18, as well as a telephone conversation with you on 1993-09-14, have reference.

The Transvaal Education Department has granted you permission to submit the enclosed questionnaire during the third term of 1993 to Principals and Chairmen of Governing Bodies of 155 selected English-medium and Afrikaans-medium state-aided secondary schools (cf. attached folio) in the Transvaal.

The permission is subject to the following conditions:

- . You should obtain the goodwill and co-operation of the Principals and Chairmen of Governing Bodies concerned.
- . You must show this letter to Principals and Chairmen of Governing Bodies as proof that you have received the Department's consent to carry out the research as detailed above. Their own decisions regarding the matter must, however, be honoured.
- . A letter to the Principals and Chairmen of Governing Bodies explaining the purpose of the research must accompany this letter.



- . The suggested amendments must be made, as indicated on the questionnaire. Only those pages of the questionnaire on which amendments were made, are included for your attention.
- . The names of the schools, Principals and Chairmen of Governing Bodies may not be mentioned in your research report.

Please provide the Transvaal Education Department with a bound copy of your dissertation upon its completion. It will be appreciated if you would present an article based on your research for possible publication in the Education Bulletin.

The TOA reference number which appears on your letter must please be mentioned in all future correspondence concerning this matter with the Transvaal Education Department.

We wish you every success with your research.

Yours sincerely



for EXECUTIVE DIRECTOR: EDUCATION

POWERS, VESTED IN GOVERNING BODY ACCORDING TO THE ACT	GOVERNING BODY	OTHERS NAMED IN ACT	OTHER PERSONS/ REMARKS	SECTION OF ACT
17. Charge of misconduct against a <u>teacher</u>	Yes	-	All cases - liaise with Education Department (Recommendation)	S 88
18. Appointing a board in inquiry	Yes	-	Regional Ed. Office, Superintendent (Recommendation)	S 89
19. Appeal by <u>teacher</u> found guilty of misconduct	Yes	-	Consult Education Dept, Regional Ed. Office (Recommendation)	S 91
20. Appointing a board of appeal	Yes	T.F.C.	T.F.C. to nominate one member of board	S 92
21. Action against <u>teacher</u> found guilty of misconduct	Yes	Minister	All cases - liaise with Ed. Dept, and Regional Ed. Office (Recommendation). Final decision by Minister	S 93
22. Submission of records to T.F.C.	Yes	T.F.C.	All documents to T.F.C.	S 94
23. Performing other work by persons employed at school. Permission required	Yes		Person to apply to governing body for permission	S100(1)
24. Person employed at school who is ordered to temporarily undertake other duties	Yes	Principal	Only after consultation with principal, superintendent	S100(2)

POWERS OF THE GOVERNING BODY OF THE STATE-AIDED SCHOOL  
ACCORDING TO THE REGULATIONS MADE IN TERMS OF THE EDUCATION AFFAIRS ACT (NO 70 OF 1988)

REGULATIONS RELATING TO GOVERNING BODIES OF STATE-AIDED SCHOOLS  
(Juta Ref. P2-104B)

<i>RESPONSIBILITIES OF THE GOVERNING BODY IN TERMS OF THESE REGULATIONS</i>	<i>GOVERNING BODY</i>	<i>OTHERS NAMED IN REGULATIONS</i>	<i>OTHER PERSONS /REMARKS</i>	<i>REG. NO.</i>
1. Managing the property of the school and exercising control over school's activities	Yes	The Act	Manage and control subject to the provisions of the Act	R 6(1)
2. Appointing committees to advise and assist governing body	Yes	-	Consult with parents and community (Recommendations)	R 6(2) 6(3)
3. Controlling decisions of committees (as in R. 6(2)(3))	Yes	-	Supervision of committees	R 6(4)
4. Determining admissions criteria of pupils	Yes	Parents	Consult with parents, community, principal. Subject to Regulations	R 6(5)
5. Levying school fees and enforcing payment thereof	Yes	-	Consult parents (budget) and get legal advice	R 6(6)
6. Employing teachers/persons in non-subsidized posts	Yes	Prof. teachers bodies/ association	Subject to provisions of the Education Policy Act. Administered by Education Dept, Regional Education Office	R 6(7)
7. Casual vacancies on governing body: co-option	Yes	-	Notify Executive Direction via returning officer	R 22 (2)(b)

POWERS OF THE GOVERNING BODY OF THE STATE-AIDED SCHOOLS  
ACCORDING TO THE REGULATIONS MADE IN TERMS OF THE EDUCATION AFFAIRS ACT (NO. 70 OF 1988)

REGULATIONS RELATING TO CONDITIONS OF SERVICE OF TEACHERS IN STATE-AIDED SCHOOLS

<i>RESPONSIBILITIES OF THE GOVERNING BODY IN TERMS OF THESE REGULATIONS</i>	<i>GOVERNING BODY</i>	<i>OTHERS NAMED IN REGULATIONS</i>	<i>OTHER PERSONS/REMARKS</i>	<i>REG. NO</i>
1. Unauthorized remuneration of teacher: Recovering or waiving of debt	Yes	Minister	Teacher may appeal to Minister. Liability implications	R 5
2. Cession of emoluments (salary/allowance) of teacher: Written consent	Yes	-	Governing Body must approve in writing	R 7
3. Unfavourable remarks about teachers: decide on course of action	Yes	Principal	Decision of principal may be reviewed by Governing Body	R 8
4. Leave: granting of	Yes	Executive Director	Governing Body to approve leave applications and notify Department	R 11
5. Paying of travelling and subsistence allowance and transport costs	Yes		Subject to other relevant Acts	R 12

POWERS OF THE GOVERNING BODY OF THE STATE-AIDED SCHOOL

ACCORDING TO THE REGULATIONS MADE IN TERMS OF THE EDUCATION AFFAIRS ACT (NO. 70 OF 1988)

REGULATIONS RELATING TO CONDITIONS OF SERVICE OF PERSONS OTHER THAN TEACHERS IN STATE-AIDED SCHOOLS

<i>RESPONSIBILITIES OF THE GOVERNING BODY IN TERMS OF THESE REGULATIONS</i>	<i>GOVERNING BODY</i>	<i>OTHERS NAMED IN REGULATIONS</i>	<i>OTHER PERSONS/REMARKS</i>	<i>REG. NO.</i>
1. Wrongly granted remuneration: Correcting the error	Yes	Treasury	Governing Body responsibility to correct the error	R 4
2. Unauthorized remuneration: Recovery or waiving of debt	Yes	Minister	Person may appeal to Minister. Liability implications	R 5
3. Cession of emoluments (salary/allowance): written consent	Yes		Governing Body must approve in writing	R 7
4. Adverse remarks concerning employees: decide on course of action	Yes	Principal	Decision of principal may be reviewed by Governing Body	R 8
5. Leave of employees: granting of	Yes		Governing Body to approve applications and notify Department	R 10
6. Leave during school vacations: general assistants	Yes		Governing Body to approve and control	R 12
7. Payment of travelling and subsistence allowances and transport costs	Yes		Subject to other relevant Acts	R 14

POWERS OF THE GOVERNING BODY OF THE STATE-AIDED SCHOOL  
ACCORDING TO THE REGULATIONS MADE IN TERMS OF THE EDUCATION AFFAIRS ACT (NO. 70 OF 1988)

REGULATIONS RELATING TO INVESTIGATIONS INTO INEFFICIENCY AND MISCONDUCT AND RELATED MATTERS

<i>RESPONSIBILITIES OF THE GOVERNING BODY IN TERMS OF THESE REGULATIONS</i>	<i>GOVERNING BODY</i>	<i>OTHERS NAMED IN REGULATIONS</i>	<i>OTHER PERSONS/ REMARKS</i>	<i>REG. NO</i>
1. Authorization of any person to attend inquiry	Yes		Purpose of giving evidence as required by the Chairman	R 2(1)(c)
2. Procedures for noting an appeal: persons other than teachers; and teachers. Decision to appeal	Yes		Procedures to be followed if person/ teacher decides to appeal	R 4 R 5

POWERS OF OTHER ROLE-PLAYERS WHO ARE OF INTEREST TO THE  
GOVERNING BODY OF THE STATE-AIDED SCHOOLS

1. POWERS ACCORDING TO THE EDUCATION AFFAIRS ACT (NO 70 OF 1988)

<i>POWERS ACCORDING TO THE ACT (70/1988)</i>	PERSON	SECTION OF ACT
1. <u>Appropriation of moneys</u> for the establishment and maintenance of centres, provision of equipment, erection of buildings, provision of educational auxiliary services and assistance to pupils	Minister	S 5(1)
2. <u>Closure of centres of hostels</u> or discontinuing an auxiliary service	Minister	S 5(2)
3. <u>Approving of educational programmes</u> for pupils	Head of Education	S 6(1)(a)
4. <u>Approving of course</u> for the provision of education	Head of Education	S 6(1)(d)
5. <u>Determining syllabi</u> of and admission to such courses as in 6(1)(d)	Head of Education	S 6(1)(e)
6. <u>Examinations</u> in such courses and the issuing of certificates	Head of Education	S 6(1)(f)
7. <u>Determining the school calendar</u> , school holidays, and length of school day	Head of Education	S 6(1)(g)
8. <u>Submission of information</u> by schools (including the annual auditors report)	Head of Education	S 8 S 36(4)
9. <u>Inspection</u> of schools and hostels	Head of Education	S 9
10. <u>Appointment</u> of school attendance officers	Head of Education	S 10
11. <u>Compulsory school attendance</u> control and investigation	School attendance	S 11
12. <u>Terms and conditions</u> regarding transfer of ownership of movable and immovable property to State-aided school.	Minister	S 31A

<i>POWERS ACCORDING TO THE ACT (70/1988)</i>	PERSON	SECTION OF ACT
13. <u>Subsidies granted</u> on basis of and subject to conditions determined for a subsidy	Minister	S 32
14. <u>Loan granted</u> to a state-aided school	Minister	S 33
15. <u>Withdrawal of declaration</u> as state-aided school	Minister	S 37
16. <u>Closure</u> of State-aided school	Minister	S 37A
17. <u>Declaration</u> of state-aided school as a public school	Minister	S 38
18. <u>Age requirements</u> in respect of schools	Head of Education	S 50
19. <u>Exemption from compulsory school attendance</u>	Head of Education	S 54
20. <u>Determination of mother tongue</u> of a child admitted for the first time to a school	Principal	S 55
21. <u>Appeal against</u> determination of mother tongue of a child	Head of Education	S 56
22. <u>Determination of level of an official language</u> other than the mother tongue, offer as a subject to a child	Head of Education	S 59(2)
23. Medium of instruction for <u>foreign languages</u> as subjects	Principal	S 60
24. <u>Exemption from</u> provisions relating to teaching in <u>official languages</u> in respect of a child	Minister	S 61
25. <u>Subpoena</u> of a person to appear before an inquiry into misconduct of a person <u>other</u> than a teacher	Investigating Officer	S 79
26. <u>Subpoena</u> of a person to appear before a committee of inquiry into misconduct of a <u>teacher</u> and further actions	Committee	S 85 S 86
27. <u>Finding of a board of inquiry</u> into misconduct and other procedures	Board of Inquiry	S 90
28. <u>Establishment of subsidized posts</u> at state-aided schools	Minister	S97(1) (a)
29. <u>Determining of salaries</u> , salary scales, allowances, leave privileges and other conditions of service	Minister	S97(2) (a)

2. POWERS ACCORDING TO THE REGULATIONS RELATING TO THE CONDITIONS OF ADMISSION OF PUPILS TO THE STATE-AIDED SCHOOL

POWERS ACCORDING TO THE ABOVE REGULATIONS	PERSON	REG NO.
1. <u>Acceptance of an application for admission</u> of a child to a state-aided school	Principal	R 2 R 3
2. <u>Admission of immigrant children</u> (subject to regulation 2)	Principal	R 4
3. <u>Refusal to admit a child to a school</u> who was <u>expelled</u> from any other school	Principal (Executive Director)	R 5(1)
4. <u>Dealing with an appeal</u> against the (above) decision of the principal	Head of Education	R 5(3)
5. <u>Admitting part-time pupils</u>	Principal Head of Education	R 9

3. POWERS ACCORDING TO THE REGULATIONS RELATING TO THE CONTROL, SUSPENSION, EXPULSION AND METING OUT OF OTHER PUNISHMENTS TO PUPILS

<i>POWERS ACCORDING TO THE ABOVE REGULATIONS</i>	PERSON	REG NO.
1. <u>Drawing up school rules</u> (in consultation with the governing body)	Principal	R 3
2. <u>Corporal punishment</u>	Principal	R 4
3. <u>Suspension of a pupil</u> from the school or hostel (after consultation with the governing body)	Principal	R 5
4. <u>Expulsion of a pupil</u> from the school or hostel (following on R 5)	Governing Body (Principal)	R 6 R 7