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<b>MEASURES RELATING TO ELECTIONS OF SCHOOL GOVERNING BODIES OF SPECIAL PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS</b>			

## PROVINCIAL NOTICE

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**[No. 142 of 2014]**

### **MEASURES RELATING TO ELECTIONS OF SCHOOL GOVERNING BODIES OF SPECIAL PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS**

Under section 24 of the South African Schools Act, 1996 (Act No. 84 of 1996) read with section 40 of the Free State School Education Act, 2000 (Act No. 2 of 2000), I, PHI Makgoe, Member of the Executive Council responsible for Education, hereby invite all interested parties to make written submissions within a period of 30 days from the date of publication of this Notice in the *Provincial Gazette*.

Written submissions must be submitted to:

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## Definitions

1. In these Measures any word or expression to which a meaning has been assigned in the Act, bears the meaning assigned to it and, unless the context otherwise indicates –

**"days"** means calendar days including Saturdays, Sundays and public holidays;

**"district electoral officer"** means the District Director at a district office responsible to oversee and manage the election process in the district;

**"educator"** means any person, excluding a person who is appointed to exclusively perform extra-curricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at a special school;

**"Free State Act"** means the Free State School Education Act, 2000 (Act No. 2 of 2000);

**"Head of Department"** means the head of the education department in the Province;

**"Measures"** means the Measures relating to Elections of School Governing Bodies of Special Public Schools for Learners with Special Education Needs;

**"member"** means a member of the governing body;

**"member of staff"** means a person appointed according to the Public Service Act, 1994 (Proclamation No. 103 of 1994) or the South African Schools Act, 1996 (Act No. 84 of 1996), who is not an educator at a school;

**"Member of the Executive Council"** means the Member of the Executive Council who is responsible for education in the Province;

**"parent"** means –

- (a) the biological or adoptive parent or legal guardian of a learner;
- (b) the person legally entitled to custody of a learner; or
- (c) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learner's education at school;

**"prescribed form"** means the templates attached to these Measures;

**"principal"** means an educator appointed or acting in a post established as the head of a school;

**"provincial elections co-ordinator"** means a senior provincial official at a provincial office responsible to oversee and manage the election process in the province;

**"public school"** is a public school for learners with special education needs;

**"representative council of learners"** means a representative council of learners established in terms of section 11 of the Act;

**"school"** means a public school for learners with special education needs which enrolls learners in one or more grades from grade R to grade 12;

**"school electoral officer"** means the Principal of another school; and

**"the Act"** means the South African Schools Act, 1996 (Act No. 84 of 1996), as amended.

### **Composition of governing bodies for public special schools**

2. (1) The membership of the governing body of a public school comprises of the following members:
- (a) Elected members;
  - (b) The Principal by virtue of his or her official capacity; and
  - (c) Co-opted members - co-opt a person or persons with expertise regarding the provision of special education needs as per section 24(5) of the Act and section 40 of the Free State Act.
- (2) The elected members of the governing body referred to in subparagraph 2(1)(a) of these Measures comprise of the following members:
- (a) Parents of learners at the school;
  - (b) Educators at the school;
  - (c) Members of staff who are not educators;
  - (d) Learners in the eighth grade or higher at the school elected from the RCL, if applicable.
- (3) The number of parent members, educator members, staff members who are not educators and learner members of a governing body must, depending on the type and grading of the special school concerned, comply with the table below in subparagraph 23(3).

- (4) The number of members in a category will vary according to the type of school and learner enrolment set out in columns 1 and 2.
- (5) In a school which does not have a member of staff (non educators), the number of parents set out in column 5 shall be reduced by one and the total number of members set out in column 8 shall be reduced by one.

### **Eligibility**

3. A person will not be eligible to be a member of a governing body if he or she:
  - (a) Is mentally ill and has been declared as such by a competent court;
  - (b) Is an unrehabilitated insolvent;
  - (c) Has been convicted of an offence and sentenced to imprisonment without the option of a fine for a period exceeding six months or has not yet served his or her full period of imprisonment;
  - (d) Has been declared to be unsuitable to work with children as stipulated in terms of the Children's Act, 2005 (Act No. 38 of 2005);
  - (e) Is listed in the register of people unsuitable to work with children in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007);
  - (f) Does not fall within one of the categories of members who make up a governing body;
  - (g) No longer falls within the category of members that he or she represented at the time of his/her election; or
  - (h) Has had his/her membership terminated by the HoD in terms of the Act.

### **Provincial Elections Co-ordinator**

4. The duties of a Provincial Election Coordinator are amongst others to:
  - (a) Ensure that there is adequate advocacy concerning the election date;
  - (b) Ensure compliance with procedures with regard to elections;
  - (c) Coordinate the resources to conduct efficient and fair governing body elections;

- (d) Ensure that materials and procedures for the training of Districts and School Electoral Officers and Teams are in place and training takes place as planned;
- (e) Develop and provide templates of all documents required for the elections;
- (f) Resolve disputes related to the elections which could not be resolved at school or district levels;
- (g) Monitor and evaluate the election process in the province; and
- (h) Consolidate a database of governing bodies on taking office.

### **District Electoral Officer**

5. The duties of a District Electoral Officer are amongst others to:

- (a) Co-ordinate the election processes in the district;
- (b) Advise the district on the proposed strategy and implementation of the election in the district and see to it that the process is conducted as agreed;
- (c) Compile a management plan to implement these Measures;
- (d) Ensure that each school has an Electoral Officer in line with these Measures, and that the School Election Teams are established;
- (e) Ensure that all election officials working at school level are adequately trained and are aware of what their role entails;
- (f) Ensure that all Electoral Officers receive these Measures and other documents in good time;
- (g) Ensure that election advocacy is conducted as planned;
- (h) Ensure that the entire election process is monitored;
- (i) Ensure that the names and contact details of the persons elected to governing bodies (refer to Template 1: Notification of all Members Elected to the Governing Body) are submitted within a week of the elections taking place;

- (j) Ensure that they receive the Data Form (refer to Template 2: Governing body Data Form) from the School Electoral Officer; and submit it to the district within 7 days of the meeting at which the office bearers are elected;
- (k) Resolve disputes related to the decisions which could not be resolved at school level;
- (l) Develop a database of newly elected governing bodies and submit to the provincial election co-ordinator;
- (m) Compile a written district report on elections and submit it to the Provincial Coordinator;
- (n) Submit a district plan showing the name of the electoral officer, the date on which the electoral officer will be trained, name of the monitors dates of pre-elections monitoring, elections;
- (o) Ensure that schools establish school electoral task teams; and
- (p) Ensuring that schools have nominations and elections on one day for all components and schools who want to deviate must get written approval from the District Director.

### **School Electoral Officer**

6. The duties of a School Electoral Officer are amongst others to:

- (1) Before the elections
  - (a) Prepare a notice giving details of the date, time and venue of the nomination and election meeting;
  - (b) Ensure that there is a suitable venue for the nomination and election meeting;
  - (c) Ensure that eligible voters receive notice of the nomination and elections meeting in time (i.e. at least 14 days before the elections);
  - (d) Ensure that nomination forms are available at the principals' office and during the nomination meeting;
  - (e) Ensure that there is a voter's roll which the school should prepare and that is accurate; and



- (f) Ensure that the school election team knows what process to be followed, and that resources that will be needed will be available such as the box for casting the votes, a board to write names of nominees, paper for voting (ballot papers), etc.

(2) During the elections

- (a) Explain the procedures for nominations and elections;
- (b) Let the nominees introduce themselves orally or in writing;
- (c) Manage the election process; and
- (d) Intervene and resolve any disputes.

(3) After the elections

- (a) Submit the governing body data to the district director within 7 days of the elections in order for the district director to issue letters of acknowledgement;
- (b) Place all documents, including ballot papers, used at such election in envelopes and seal the envelopes;
- (c) Keep those envelopes in safe custody for a period of at least three months from the date of the election of the governing body concerned;
- (d) Notify each elected member in writing of his or her election;
- (e) Notify the Principal of the school in writing of the names and addresses of the persons elected as members, and inform the Principal that he or she must notify the parents of the election results within 7 days of the meeting;
- (f) Ensure that the District Director is informed in writing of the names and addresses of the persons elected as governing members (refer to Template 1: Notification of all Members Elected to the governing body); and
- (g) Submit an undisputed election declaration where this was the case, or a declaration detailing any disputes (refer to Template 9: Election Declaration Form).

**Code of conduct for Electoral Officers (District and School)****7. An Electoral Officer shall:**

- (a) Act honestly and with dignity;
- (b) Act in an unbiased way;
- (c) Be familiar with the election process and applicable legislation;
- (d) Carry out the election in terms of the provincial prescripts;
- (e) Co-operate with school managers and line management;
- (f) Manage the voting process in a fair and just manner;
- (g) Deal with difficulties that may arise with courtesy;
- (h) Be polite and diligent; and
- (i) Not exceed his or her mandate.

**The voters' roll**

- 8. (1)** A voters' roll for each of the categories must be available containing the names of all eligible parents, educators, members of staff and learners as follows:
- (a) The voters' roll for parents must be based on the school admission register. Eligible voters are those persons appearing in the admissions register as parents or who can show proof that they are parents as defined in the Act. Only two parents per learner are eligible to vote;
  - (b) The voters' roll for educators must consist of all educators employed at the school;
  - (c) The voters' roll for members of staff (public service appointments, ie non educators) must consist of all members of staff employed at the school; and
  - (d) The voters' roll for learners must consist of all members of the Representative Council of Learners (RCL).

- (2) The principal must at least 14 days prior to the date of the election for parent members inform the parents of the availability of the voters roll at the school and put it at the disposal of eligible voters and the school electoral officer.
- (3) All nominators, seconders and nominees must be people who are listed on the voters' roll.
- (4) Electoral officers should follow the principle of inclusion, transparency and democracy, rather than excluding potential voters.

### **Franchise**

9. (1) Every parent of a learner officially enrolled at a school is entitled to vote for parent members of the governing body and has one vote in respect of each nominee with a maximum number of votes equal to the number of parent members to be elected.
- (2) Every educator, including the principal, employed at a school is entitled to vote for educator members and has one vote in respect of each nominee with a maximum number of votes equal to the number of educator members to be elected.
- (3) Every member of a RCL is entitled to vote for learner members and has one vote in respect of each nominee with a maximum number of votes equal to the number of learner members to be elected.
- (4) Every member of staff (non educators) is entitled to vote for a member of staff and has one vote. If the school has only one member of staff, that member is automatically elected.
- (5) Proxy votes are not allowed.

### **Date, Time and Place of the Nomination and Election Meeting of Parent Members**

10. (1) The school electoral officer must prepare notices (Template 5) in the prescribed form, in which the date, time and place of the nomination and election meeting must be stated. The nomination and election of members must be in one meeting. Written permission must be obtained from the District Director for deviation from holding the nomination and election on one day.

- (2) The school electoral officer must ensure that the notices regarding the nominations and elections are distributed and displayed in prominent places at the school and in the community at least 14 days prior to date of the nominations and elections and hand the notice prior thereto to the principal.
- (3) The principal must –
  - (a) at least 14 days prior to the date of the nomination and election meeting for parent members hand a copy of the notice to every learner of the school concerned with the oral instruction to hand it to his or her parents; or
  - (b) any other method that works for the school community, as long as it in no way disadvantages any members of the school community.
- (4) Whatever method is used as mentioned in subparagraph (3), the notices must be in the language of the school's instruction, and where practical, in the home language of learners.

#### **Nomination of Parent Members**

11. (1) A parent must be nominated (refer to Template 6: Nomination Form) and seconded only by a parent of a learner of the school concerned, by –
  - (a) lodging with the school electoral officer, not more than seven days and not less than 24 hours prior to the commencement of the nomination meeting, a nomination form duly completed by the proposer, seconder and nominee;
  - (b) nominating a parent who must be proposed and seconded on the nomination form completed by the proposer during the nomination part of the meeting; or
  - (c) ensuring that the nominee must meet the requirements of paragraph 3 of these Measures and append his/her signature.
- (2) The electoral officer of the school must determine the time to be allowed for the nominations at the commencement of the nomination meeting, and must inform the meeting thereof.
- (3) After expiry of the time for nomination referred to in subparagraph 11(2) of these Measures, the electoral officer must –

- (a) consider the nominations and reject the nomination of any nominee who –
    - (i) has not been nominated in accordance with subparagraph 11(1) of these Measures;
    - (ii) is not eligible to serve on the SGB; or
    - (iii) In the case of a nomination referred to in subparagraph 11(1)(b) of these Measures, has not completed the said nomination form, unless written proof to the satisfaction of the electoral officer of the school is submitted before the expiry of the time referred to in subparagraph 11(2) of these Measures, that such nominee will be willing to serve as a member of the governing body;
  - (b) announce the names of the nominees whose nominations have been accepted.
- (4) If the total number of nominees whose nominations have been accepted –
- (a) is less than the number of members required in respect of the category concerned, a new meeting at which new nominees must be nominated shall be convened within 14 days;
  - (b) is equal to the number of members required in respect of the category concerned, the electoral officer must declare every accepted nominee to be an elected member of the governing body; or
  - (c) is more than the number of members required in respect of the category concerned, an election must be held in accordance with paragraph 13 of these Measures.

### **Quorum**

12. (1) A quorum of 15%, of parents' on the voters roll, is needed for the nomination and election meeting to proceed.
- (2) If the quorum is not met at the first election meeting, the election must be rescheduled within 14 days in which event the procedure prescribed in paragraph 11 of these Measures shall be repeated. The notice of the second election meeting should clearly state that no quorum is required for that meeting.

- (3) Proxy votes are not allowed and will therefore not be considered when calculating the quorum.

### **Election of Parent Members**

13. (1) The election of the parent component of the governing body shall be preceded by the election of the other components.
- (2) The election meeting must be held on the date and at the time and place as determined by the school electoral officer.
- (3) The Electoral Officer must explain the proceedings to be followed and must stipulate that every nominee will have the opportunity to briefly state at least:
  - (a) His or her name;
  - (b) The names and grades of his or her children in the school;
  - (c) Occupation and experience or skills; and
  - (d) Vision for the school.
- (4) Before the ballot papers (refer to Template 7: Ballot Paper for Parent Members) are distributed, the Electoral Officer must:
  - (a) Ensure that every ballot paper has the school stamp on it, or some other distinguishing feature which prevents the ballot papers from being tampered with; and
  - (b) Explain the voting process, the minimum and maximum number of nominees to be voted for, as well as how to record the voting either by using numbers or by writing names or both.
- (5) The ballot paper must indicate the names of all accepted nominees in alphabetical order based on their surnames. Each name must have a number corresponding to a number on the ballot paper.
- (6) If the total number of valid nominations is equal to the required number of parent members, those nominated are declared to be duly elected, and the School Electoral Officer must sign a declaration indicating that members were not elected by secret ballot, and that he or she allowed sufficient opportunity for more nominations.
- (7) A person with a right to vote must record his or her vote on the ballot paper in secrecy and deposit the folded ballot paper in a box or other closed container provided for the purpose.

- (8) An illiterate person or a person not able to vote because of a physical disability may, at his or her own request, be assisted by the School Electoral Officer and a witness identified by the person.
- (9) The Electoral Officer must reject a ballot paper:
  - (a) Which is without the school stamp or distinguishing feature as contemplated in subparagraph 13(4)(a) of these Measures;
  - (b) With more votes recorded than the number of members to be elected; and
  - (c) Which is completed in such a way that it is uncertain as to which nominee or nominees a vote was recorded for.
- (10) After the rejection of any spoilt ballot papers, the Electoral Officer must:
  - (a) Count the votes in the presence of nominees who wish to be present;
  - (b) Announce to the election meeting the name of each nominee and the number of votes cast for each;
  - (c) Complete the counted ballot papers form (refer to Template 8: Counted Ballot Papers and Declaration of Number of Voters) in order of the most votes to the least votes; and
  - (d) Declare who has been duly elected. The person with the most votes is named or listed first and the one with least votes is named or listed last.
- (11) Where the number of votes recorded for two or more nominees is equal and it affects the result of the poll, the Electoral Officer must ascertain the result with regard to the said nominees by drawing lots or by using some other method that allows for a random selection between the tied nominees. This must be done openly and by agreement of the nominees.

#### **Nomination and Election Meeting of Educator members**

14. (1) The School Electoral Officer will decide on a date, time and place for the nomination and election meeting for educator members. This meeting must be held at least 24 hours before the election of the parent member component.

- (2) The Principal must give the School Electoral Officer a list of all educators at the school. This will serve as the voters' roll.
- (3) The School Electoral Officer must ensure that each educator at the school receives a copy of the notice of the nomination meeting (refer to Template 5: Notice of Nomination Meeting for Educator Members of Staff) at least 14 days before the date of the meeting.
- (4) An educator can only be nominated and seconded (refer to Template 6: Nomination Form) by another educator employed at the school.
- (5) The completed nomination forms must be lodged with the School Electoral Officer not more than seven days and not less than 24 hours prior to the commencement of the nomination meeting.
- (6) Educators nominated at the meeting will need another educator present to second the nomination, and the nomination form will have to be properly completed and handed in to the School Electoral Officer within the time that the Electoral Officer allows for this purpose.
- (7) If the total number of valid nominations is equal to the required number of educator members, those nominated are declared to be duly elected, and the School Electoral Officer must sign a declaration indicating that members were not elected by secret ballot, and that he or she allowed sufficient opportunity for further nominations.
- (8) If nominations are less than the number required for the educator component of the governing body, the School Electoral Officer must convene another meeting before the parent members' election meeting.
- (9) If the nominations are more than the required number of educators, elections are conducted by secret ballot (refer to Template 7: Ballot Paper for Educator Members), using the same procedure as described for the parent members' election.

#### **Nomination and Election Meeting of a Member of Staff (non educator)**

15. The procedure for the election of the member of staff (non educators) to the governing body is as follows:
  - (a) The procedure as set out for the nomination and election of the educator component applies, with the necessary changes, to this category of the governing body;
  - (b) In cases where there is no member of staff (non educator) at the school, the position will be left unfilled;



- (c) Where there is one member of staff, that person is regarded as duly elected to the governing body;
- (d) Where there are two members of staff (non educators) at a school, the electoral officer of a school may draw lots (with the permission of the non educators) to determine who must be appointed as a member of the governing body;
- (e) In cases where there are more than two members of staff (non educators), a democratic election must be held to determine who should be appointed to the governing body.

### **Nomination and Election of Learner Members**

16. (1) The Representative Council of Learners shall elect from its ranks learners who shall be members of the governing body.
- (2) The procedure for the nomination and election of learner members shall be as prescribed for educator members in these Measures.
- (3) The number of learners elected to the governing body should be in line with the formulae for the calculation of members of the governing body as per category indicated in the table in subparagraph 23(3) of these Measures.
- (4) The learners must be made aware of section 32 of the Act, which outlines the status of minors on the governing body.

### **Deviation from a single election and nomination meeting**

17. (1) Schools must apply to the District Director for permission to deviate from the single day election and nomination meeting. After permission has been granted in writing, the school must communicate such to the electoral officer before notices are sent out to parents.
- (2) The HoD amongst other matters will consider such an application if he or she is satisfied that:
- (a) The deviation will promote the best interests of the school community and the school and will allow for maximum participation of voters in the voting process;
  - (b) The deviation will not discriminate unfairly against any potential voter or group of voters;
  - (c) Sufficient provision is made for the nomination process.

- (3) If it is decided that the school deviates from the single election and nomination meeting a quorum of 15% of voters is needed for the counting of votes to proceed.
- (4) If less than 15% voted, then the electoral officer must determine a new date for the voting and at this voting process no quorum is required.

#### **Decision of School Electoral Officer**

18. (1) The School Electoral officer shall decide all matters concerned with the nomination and election of nominees in terms of all the categories.
- (2) All disputes should be reported to the School Electoral Officer during the process of the elections.
- (3) The School Electoral Officer shall resolve all disputes in order to declare elections undisputed. His or her decision during the election is final.
- (4) If the School Electoral Officer is unable to resolve the dispute, the election should be completed and the dispute can then be referred to the District Electoral officer within seven days after the election day. The District Electoral officer shall inform the complainant in writing of his/her decision and the reasons therefore within 14 days of receipt of the complaint.
- (5) In the event that knowledge of any alleged irregularity only became available after completion of the election process, a dispute can be referred to the District Electoral officer. The provisions of subparagraph 18(4) and (6) of these Measures will then apply.
- (6) Thereafter, an appeal can be lodged with the MEC within 7 days, should the complainant not be satisfied with the decision taken by the District Electoral officer.
- (7) The MEC must inform the complainant in writing of his or her decision and the reasons therefore within 30 days of receipt of the appeal.

#### **Procedure after Election of Governing body**

19. (1) After the election of a governing body the School Electoral Officer must:
  - (a) Place all documents, including ballot papers, used at such election in envelopes and seal the envelopes;

- (b) Keep those envelopes in safe custody for a period of at least three months from the date of the election of the governing body concerned;
  - (c) Notify each elected member in writing of his or her election;
  - (d) Notify the Principal of the school in writing of the names and addresses of the persons elected as members, and inform the Principal that he or she must notify the parents of the election results within 7 days of the meeting;
  - (e) Ensure that the District Director is informed in writing of the names and addresses of the persons elected as governing members (refer to Template 1: Notification of all Members Elected to the governing body); and
  - (f) Submit an undisputed election declaration where this was the case, or a declaration detailing any disputes (refer to Template 9: Election Declaration Form).
- (2) The Principal must ensure that the Data Form (Template 2: Governing Body Data Form) is completed by every member of the newly elected governing body. This form must be submitted to the district within 7 days after notification of the results of the election.
- (3) The Principal is required to inform the District Director of any changes in membership of the Governing Body within 14 days of those changes being effected, to ensure that the database is up to date.

### **Hand over**

20. (1) The Principal, as a member of the outgoing and the newly elected governing body, should manage the handing-over process within 14 days after the elections by:
- (a) Officially handing over all governing body files to the newly elected governing body;
  - (b) Conducting an introductory training session for the newly elected members; and
  - (c) Answering any questions that the newly elected governing body may have.
- (2) A list indicating the minimum documents that need to be handed over to the incoming governing body is included (Template 10: Handover guide).

**Election and term of Office-bearers of Members of Governing Body**

- 21.** (1) The principal shall convene the first meeting of the governing body within 14 days after he or she has been notified in writing of the names and addresses of all the members of the governing body.
- (2) Prior to the election of office-bearers the principal shall make the members of the governing body aware of their responsibilities and the need to ensure that office-bearers are as representative of gender and racial diversity of the school as possible.
- (3) At the first meeting of the governing body such body must, from amongst its members, elect office-bearers, who must include at least a chairperson, a treasurer and a secretary. The Principal shall preside at the election of the Chair of the School Governing Body who shall then officially preside over the meeting.
- (4) The office-bearers, with the exception of the learner component, shall remain in office for one year from the date of their election.
- (5) An office bearer of a governing body may be re-elected or co-opted after the expiry of his or her term of office.
- (6) If for any reason the office of an office-bearer becomes vacant, the governing body shall, at the first meeting after that vacancy has occurred, elect one of its members to fill that vacancy for the unexpired period of office of his or her predecessor.
- (7) The principal shall, after a meeting at which any office-bearer has been elected notify the Head of Department forthwith in writing of the date of the meeting and of the name, address and office of the person elected.

**By-elections due to vacancies in the governing body**

- 22.** (1) The chairperson of the governing body in consultation with the principal must inform the District Director of any vacancies and arrangements for a by-election.
- (2) An electoral officer of a school must be appointed for each by-election.
- (3) A by-election must be held whenever –
- (a) the number of parent members of a governing body falls to a number equal to or less than the total of the other members of the governing body;

- (b) the number of members who, at the constitution of a governing body, were elected, or declared elected, falls to a number equal to or less than the quorum referred to in the constitution of a fully constituted governing body; or
  - (c) a member of the category of members of a governing body referred to in section 23 or 24 of the Act is no longer represented on a governing body.
- (4) A vacancy shall occur in a governing body if a member –
  - (a) Resigns;
  - (b) Dies;
  - (c) Becomes disqualified as contemplated in paragraph 3 of these Measures;
  - (d) Absents himself or herself from two or more consecutive meetings of the governing body without the authorisation of the governing body to do so;
  - (e) Is removed from office in accordance with provisions contained in a code of conduct contemplated in section 18A of the Act; or
  - (f) No longer falls within the category of members that he or she represented at the time of the election.
- (5) Whenever a vacancy occurs as envisaged in subparagraph 22(3) of these Measures, a by-election must be held within 90 days of the occurrence of such vacancy.
- (6) The by-election must be held in accordance with paragraph 11 to 17, of these Measures, depending on the category.
- (7) A member elected in accordance with paragraph 11 to 17 of these Measures remains in office for the unexpired term of office of his or her predecessor provided they are still eligible.

### **Membership of Governing Bodies of Public Schools for Learners with Special Education Needs**

- 23. (1)** The governing body of a public school for learners with special education needs should be composed as follows as per section 24(1) of the Act:
- (a) Parents of learners enrolled at the school, if reasonably practicable;
  - (b) Educators at the school;
  - (c) Members of staff at the school who are not educators;
  - (d) Learners in Grade 8 or higher, if reasonably practicable;
  - (e) Representatives of sponsoring bodies, if applicable;
  - (f) Representatives of organisations of parents of learners with special education needs, if applicable;
  - (g) Representatives of organisations of disabled persons, if applicable;
  - (h) Disabled persons, if applicable;
  - (i) Experts in relevant fields of special needs education; and
  - (j) The Principal by virtue of his or her official capacity.
- (2) The chairperson of the governing body in the case of a public school for learners with special education needs can be any member of the governing body elected from the persons referred to in subparagraph 23(1)(a), (e), (f), (g), (h), and (i).
- (3) The number of parent members, educator members and learner members of a governing body must, depending on the type and grading of the school concerned, comply with the table below:

Type of school	No of learners enrolled at school	Principal	No of educator members	No of parent members if reasonably practical	No of members of staff (non educator)	No of learner members if reasonably practical	Elect ed members	Co-opted members per disability and organisations	Co-opted experts in relevant fields of special needs education	Co-opted Representatives of organisations of parents of learners with special education needs	Co-opted representatives of sponsoring bodies	Total no of members. Plus Members appointed per applicable category
Primary	1 to 149	1	2	5	1	0	9	1	1	1	1	13
Primary	150 and more	1	3	8	1	0	11	1	1	1	1	15
Secondary	1 to 149	1	2	8	1	1	11	1	1	1	1	15
Secondary	150 and more	1	3	8	1	2	15	1	1	1	1	19
Combined	1 to 149	1	2	7	1	2	13	1	1	1	1	17
Combined	150 and more	1	3	8	1	2	15	2	1	1	1	20

- (4) Parents must elect the members referred to in subparagraph 23(1)(a) in accordance with paragraph 13 of these Measures.
- (5) Educators employed at the school concerned must elect the members referred to in subparagraph 23(1)(b) of these Measures in accordance with paragraph 14 of these Measures.
- (6) Members of staff at the school concerned who are not educators must elect the members referred to in subparagraph 23(1)(c) in accordance with paragraph 15 of these Measures.
- (7) The Representative Council of Learners must elect the members referred to in subparagraph 23(1)(d) in accordance with paragraph 16 of these Measures.
- (8) Members of categories referred to in subparagraph 23(1)(e), (f), (g) and (h) will be co-opted by the School Governing Body.
- (9) The person referred to in subparagraph 23(1)(i) shall be co-opted by the School Governing Body elected.
- (10) The person referred to in subparagraph 23(1)(j) is the principal of the relevant school.

**Repeal**

24. The Provincial Notice No. 182 of 2006 is hereby repealed.

**Short title**

25. These Measures are called Measures relating to Elections of School Governing Bodies of Special Public Schools for Learners with Special Education Needs, 2015.



## 26. Templates

<b>Number</b>	<b>Template notation</b>
1	Notification of All Members Elected to the Governing Body
2	Governing Body Data Form
3	Parents Voters' Roll
4	Voter's Roll
5	Notice of Nomination and Election Meeting
6	Nomination Form
7	Ballot Paper
8	Counted Ballot Papers and Declaration of Number of Voters
9	Election Declaration Form
10	Handover Documents
11	Election Monitoring Instrument (Election Day)
12	Governing Body Election Schedule

**Template 1**

**NOTIFICATION OF ALL MEMBERS ELECTED TO THE GOVERNING BODY**

SCHOOL: \_\_\_\_\_  
 DISTRICT: \_\_\_\_\_  
 ELECTION DATE: \_\_\_\_\_

SURNAME	NAMES	TEL NUMBER	CELL NUMBER	FAX NUMBER	EMAIL	ADDRESSES
<b>Principal</b>						
<b>Parents</b>						
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
<b>Educators</b>						
1.						
2.						
3.						
<b>Members of staff</b>						
1.						
<b>Learners</b>						
1.						
2.						
3.						

SURNAME AND FULL NAME OF ELECTORAL OFFICER: \_\_\_\_\_

PERSAL NUMBER:

SIGNATURE: \_\_\_\_\_

DATE:

**Template 2 : GOVERNING BODY DATA FORM**

<b>PROVINCE:</b> _____	<b>SCHOOL NAME:</b> _____	<b>EMIS</b> _____
------------------------	---------------------------	-------------------

Surname & initials	Gender		Race				Disability		Education level				Previous SGB experience in years	Previous SGB training		SGB portfolio
	F	M	A	W	C	I	Yes	No	Primary	Secondary	Tertiary	None		Yes	No	
<b>Principal</b>																
<b>Parents</b>																
1.																Chairperson
2.																
3.																
4.																
5.																
6.																
7.																
8.																
9.																
<b>Educators</b>																
1.																
2.																
3.																
<b>Members of staff</b>																
1.																
<b>Learners</b>																
1.																
2.																
<b>Appointed members (LSEN schools)</b>																
1.																
2.																

<b>NUMBER OF LEARNERS ENROLLED AT THE SCHOOL</b>	<b>African</b>	<b>White</b>	<b>Coloured</b>	<b>Indian</b>	<b>Total</b>



**Template 4**

**VOTERS' ROLL**

**SCHOOL:** \_\_\_\_\_

**DISTRICT:** \_\_\_\_\_

**COMPONENT:**

<b>Educators</b>	<b>Member of staff</b>	<b>Learners</b>
------------------	------------------------	-----------------

<b>NO.</b>	<b>SURNAME</b>	<b>NAME</b>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		

**Template 5**

**NOTICE OF NOMINATION AND ELECTION MEETING**

**NAME OF SCHOOL:**

\_\_\_\_\_

**COMPONENT:**

<b>Parents</b>	<b>Educators</b>	<b>Member of staff</b>	<b>Learners</b>
----------------	------------------	------------------------	-----------------

Notice is hereby given that a meeting for the nomination and election of nominees for ..... ( ) members of the governing body of the above-mentioned school, will be held on ..... (date) at ..... (time) at..... (place).

For parents nominees, the proposer and the seconder must be parents of learners at the school who are not employed at the school. For each category: the nominee, the proposer and the seconder must come from the membership of that category.

The nomination form must be returned to the school at least one day before the elections are conducted.

Nominations will also be accepted at the nomination and election meeting.

**NB: It is the responsibility of the nominee and the voter to ensure that their names are on the school's voters' roll, which can be viewed at the school.**

\_\_\_\_\_  
**NAME OF SCHOOL ELECTORAL OFFICER**

\_\_\_\_\_  
**SIGNATURE OF SCHOOL ELECTORAL OFFICER**

**DATE**

**Tel:** .....

Template 6

**NOMINATION FORM**

**NAME OF SCHOOL:** .....

**COMPONENT:**

Parents	Educators	Member of staff	Learners
---------	-----------	-----------------	----------

**PROPOSER:**

I, .....  
(full name)

being (a parent of a learner / an educator / a member of staff / a member of the Representative Council of Learners of the above-mentioned school), hereby propose:

.....  
(full name of nominee)

as a member of the governing body of the above-mentioned school.

\_\_\_\_\_  
**SIGNATURE OF PROPOSER**

\_\_\_\_\_  
**DATE**

**SECONDER**

I, .....  
(full name)

being (a parent of a learner / an educator / a member of staff / a member of the Representative Council of Learners of the above-mentioned school), hereby second:

.....  
(full name of nominee)

as a member of the governing body of the above-mentioned school.

\_\_\_\_\_  
**SIGNATURE OF SECONDER**

\_\_\_\_\_  
**DATE**

**DECLARATION BY NOMINEE:**

I, the nominee.....(Full names) accept the nomination and declare that I am not/have not:

- (a) mentally ill and have not been declared as such by a competent court;
- (b) an un-rehabilitated insolvent;
- (c) been convicted of an offence and sentenced to imprisonment without the option of a fine for a period exceeding six months or have not yet served a full period of imprisonment; and
- (d) been declared to be unsuitable to work with children as stipulated in terms of the Children's Act, 2005 (Act No. 38 of 2005).
- (e) Is listed in the register of people unsuitable to work with children in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007);
- (f) Does not fall within one of the categories of members who make up a governing body; or
- (g) No longer falls within the category of members that he or she represented at the time of his/her election
- (h) had my membership terminated by the HoD in terms of SASA.

Signed at.....on .....

Signature:..... Date:.....

**Template 7**

<b>BALLOT PAPER</b>
---------------------

**SCHOOL:** \_\_\_\_\_

**DISTRICT:** \_\_\_\_\_

**COMPONENT:**

<b>Educators</b>	<b>Member of staff</b>	<b>Learners</b>
------------------	------------------------	-----------------

---

VOTE BY PLACING A CROSS IN THE BOX NEXT TO THE NOMINEE(S) OF YOUR CHOICE, e.g.

	Name	Vote by a X
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		



**Template 8**

**COUNTED BALLOT PAPERS AND DECLARATION OF NUMBER OF VOTES**

**DISTRICT:**.....

**SCHOOL:**.....

**COMPONENT:**

Parent	Educators	Member of staff	Learners
--------	-----------	-----------------	----------

<b>DATE OF ELECTION</b>		<b>TYPE OF SCHOOL</b>	<b>PRIM</b>	<b>SEC</b>	<b>COMB</b>	<b>LSEN</b>
-------------------------	--	-----------------------	-------------	------------	-------------	-------------

Number	Names of nominees (Most to least votes)	Number of votes
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

**TOTAL NUMBER OF ELIGIBLE VOTERS:** \_\_\_\_\_

**TOTAL NUMBER OF VOTES CAST:** \_\_\_\_\_

**SPOILT PAPERS:** \_\_\_\_\_

**NAME OF SCHOOL ELECTORAL OFFICER:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

Template 9

<b>ELECTION DECLARATION FORM</b>
----------------------------------

**NAME OF SCHOOL:** .....  
**NAME OF DISTRICT:** .....  
**NAME OF SCHOOL ELECTORAL OFFICER:**.....  
**DATE OF ELECTIONS FOR COMPONENTS:**

Parent	Educators	Member of staff	Learners

---

**Complete the relevant section**

---

**SECTION A Undisputed Elections**

As the School Electoral Officer for the above-mentioned elections I declare that the election of all components were undisputed.

Signature :..... Date: .....

**SECTION B Disputed Elections**

As the School Electoral Officer for the above-mentioned I declare that the following component/s of the election was/were disputed

.....  
.....

And hereby provide the detail of the said dispute/s.

.....  
.....  
.....  
.....

---

**NAME OF SCHOOL ELECTORAL OFFICER**

---

**SIGNATURE OF SCHOOL ELECTORAL OFFICER**

---

**DATE**

**Tel:** .....

## Template 10

### HANDOVER DOCUMENTS

(These documents are the property of the school and must be kept safely by the School Principal.)

SCHOOL : \_\_\_\_\_ EMIS  
NO: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

I, \_\_\_\_\_ (full names), the newly elected chairperson of the school governing body of \_\_\_\_\_ (school's name) hereby certify the following documents / e-copies have been handed over to the incoming SGB by the outgoing chairperson:

KEY AREA	ITEM	Mark with a cross (X) where applicable	
		YES	NO
<b>1. LEGISLATION</b>	1.1 The South African School Act (SASA), 1996 (Act No. 84 of 1996)		
	1.2 Provincial Education Act		
	1.3 Regulations related to the governing bodies of public schools		
	1.4 National norms and standards for school funding (General Notice 869 of 2006)		
	1.5 Provincial Regulations Regarding the misconduct of learners at public schools and disciplinary proceedings		
	1.6 Regulation for Exemption of parents from the payment of school fees (General Notice 1149 of 2006)		
<b>OTHER DOCUMENTATION</b>	1.7 The Constitution of the School Governing Body		
	1.8 The vision and mission statement of the school		
	1.9 Action plans for the following year based on the school development plan		
<b>2. POLICIES</b>	2.1 Admission policy		
	2.2 Policy regarding school sport and cultural Activities		

KEY AREA	ITEM	Mark with a cross (X) where applicable	
		YES	NO
	2.3 Policy regarding use of school buildings and facilities by non-school community members		
	2.4 Policy on occupational health and safety		
	2.5 Religious policy		
	2.6 Language policy		
	2.7 HIV and AIDS policy		
	2.8 Code of conduct for learners		
	2.9 School's policy regarding payment of school fees and the school's sliding scale for determining partial exemption		
<b>3. FINANCIAL RESOURCES</b>	3.1 Minute book		
	3.2 Copy of assets register of school		
	3.3 Cash book		
	3.4 Receipt book (current) (Serial number: )		
	3.5 Receipt book/s (completed) (Serial numbers: )		
	3.6 Cheque book (current) (Serial number: )		
	3.7 Cheque book/s (used) (Serial numbers: )		
	3.8 Petty cash (Amount: )		
	3.9 Bank statements for period 1 January to 30 June of current financial year		
	3.10 Documentary proof of investment (if any) e.g. MEC permission.		
	3.11 List of NGOs/partners approved by district and operating in schools		
	3.12 Copy of 10th school day statistics		
	3.13 Copies of contracts of all staff employed by the Public School		
	3.14 Audited Financial Statements for period 1 January to 31 December of previous Year		
	3.15 School's financial policy		

KEY AREA	ITEM	Mark with a cross (X) where applicable	
		YES	NO
	3.16 School budget for current financial year		
	3.17 Resolution to Charge School Fees – If applicable		
<b>4. LEARNER PERFORMANCE</b>	4.1 Copies of analysis of results of previous three years (grades 1 to 12)		
	4.2 Strategy to improve learner performance		
	4.3 The school's development plan -2012		
	4.4 The School Improvement Plan – current year		

Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Date:

\_\_\_\_\_  
Newly elected SGB Chairperson

Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Date:

\_\_\_\_\_  
Outgoing SGB chairperson

**Template 11**

**ELECTION MONITORING INSTRUMENT (ELECTION DAY)**

**1. General Information**

1.1 Name and type of school	
1.2 Province	
1.3 District office	
1.4 Provincial official (name and designation)	
1.5 District official (name and designation)	
1.6 School Electoral Officer (name and designation)	
1.7 Election dates:	<ul style="list-style-type: none"> <li>• Learners.....</li> <li>• Educators.....</li> <li>• Member of staff.....</li> <li>• Parents.....</li> </ul>
1.8 Number of parents on the voters' roll	
1.9 Total number of learners at the school	
1.10 Demographics of learners at the school (e.g. 60% African, 20% White, 10% Indian and 10% Coloured)	
1.11 Demographics of voters at the meeting (e.g. 60% African, 20% White, 10% Indian and 10% Coloured)	
1.12 Number of parents present at the meeting?	
1.13 Total number of parents nominated:	
• Gender (e.g. 9 men and 12 women)	
• Racial breakdown	
• People with disabilities	
1.14 Total number of parents elected:	
• Gender (e.g. 4 men and 6 women)	
• Racial breakdown	
• People with disabilities	
1.15 How long before the election were nomination and election notices received?	

**2. Nomination and election process**

2.2 Observations about the venue (e.g. space, furniture and lighting).	
--	--

2.3 Was the quorum of 15% met? If not, when is the next election date?	
2.4 Were the voters checked against the voters' roll?	
2.5 Did the Electoral Officer clearly explain the nomination process?	
2.6 Did he/she invite further nominations? Explain the process	
2.7 Were the nomination forms properly completed?	
2.12 Were the nominees allowed the opportunity to introduce themselves?	
2.9 Did the Electoral Officer clearly explain the election process?	
2.11 Did the election officer verify that the ballot boxes were empty prior to voting?	
2.13 Did the voting booths allow for secret voting?	
2.14 Were there any disputes lodged? Explain the nature of disputes and how they were resolved.	
2.15 Was the counting process observed? If so, who observed the process?	
2.16 Were the election results announced at the meeting?	
2.17 Were there any irregularities? (Specify.)	

**Comments/additional information/concerns**

.....  
.....  
.....  
.....  
.....  
.....

School Electoral Officer:.....

Signature : .....Date: .....

Department of Basic Education Official: .....

Signature: .....Date: .....

