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**PROVINCIAL NOTICE**

223 For comment: 2

**Measures relating to elections of School Governing Bodies of Ordinary Public Schools and Public Schools for Learners with Special Education Needs**

## PROVINCIAL NOTICE

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[No. 223 of 2017]

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

Under sections 24 and 28 of the South African Schools Act, 1996 (Act No. 84 of 1996) read with sections 40 and 46 of the Free State School Education Act, 2000 (Act No. 2 of 2000), I, PHH Makgoe, Member of the Executive Council responsible for Education, hereby intend to determine the following Measures as set out in the Schedule.

All interested persons are invited to submit comments or representations. Such comments or representations must be submitted in writing to the following person not later than 30 days from publication of this notice:

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Please note that any comments or representations that are received after the due date shall be disregarded.

## SCHEDULE

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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 public 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**” mean the Measures relating to Elections of School Governing Bodies of Ordinary Public Schools and 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 learner;
- (b) the person legally entitled to custody of a learner; or
- (c) the person who undertakes to fulfill 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 coordinator**” means a senior provincial official at a provincial office responsible to oversee and manage the election process in the province;

“**public school**” may be -

- (a) an ordinary public school; or
- (b) a public school that provides education with a specialized focus on talent, including sport, performing arts or creative arts;

“**representative council of learners**” means a representative council of learners established in terms of Section 11 of the Act;

“**school**” means an ordinary public school which enrolls learners in one or more grades from grade R to grade 12, a public school that provides education with a specialized focus on talent, including sport, performing arts or creative arts, as well as a public school for learners with special education needs;

“**school electoral officer**” means the Principal or a senior manager of another school who is to oversee and manage the election process in the school; and

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

#### **Composition of governing bodies for ordinary public 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 (if the ordinary public school provides education for learners with special education needs, the Governing Body must - where practically possible - co-opt a person or persons with expertise regarding the provision of special education needs as per section 23(5) of the Act and section 39(1)(c) of the Free State Act.
- (2) The elected members of the governing body referred to in subparagraph (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; and
  - (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 ordinary public school concerned, comply with the table below.
- (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, 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.

Type of school:	Number of learners enrolled at school	Principal	Number of educator members	Number of parent members	Number of staff members (non-educators)	Number of learner members	Total number of members
Ordinary Primary	1 to 159	1	1	4	1	0	7
Ordinary Primary	160 to 700	1	2	5	1	0	9
Ordinary Primary	701 and more	1	3	6	1	0	11
Ordinary Secondary	1 to 649	1	2	7	1	2	13
Ordinary Secondary	650 and more	1	3	9	1	3	17
Ordinary Combined	1 to 499	1	2	7	1	2	13
Ordinary Combined	500 and more	1	3	9	1	3	17

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

3. (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:
- Parents of learners enrolled at the school, if reasonably practicable;
  - Educator at the school;
  - Members of staff at the school who are not educators;
  - Learners in Grade 8 or higher, if reasonably practicable;
  - Representatives of sponsoring bodies, if applicable;
  - Representative of organization of parents of learners with special education needs, if applicable;
  - Representatives of organization of disabled persons, if applicable;
  - Disabled person, if applicable;
  - 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 of the governing body elected from the persons referred to in subparagraph (1), (a), (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 parents members if reasonably practicable	No of members of staff (non educator)	No of learner members if reasonably practicable	Elected members	Appointed members per disability if applicable (maximum 2)	Appointed members per organisation of disabled persons if applicable (maximum 2)	Appointed representatives of organisations of parents of learners if applicable (maximum 2)	Appointed representatives of sponsoring bodies if applicable (maximum 2)	Appointed experts in relevant fields in special needs of education if applicable (maximum 2)	Total No of members plus members appointed per applicable category
Primary	1 to 149	1	2	5	1	0	9						
Primary	150 and more	1	3	6	1	0	11						
Secondary	149	1	2	6	1	1	11						
Secondary	150 and more	1	3	8	1	1	15						
Combined	1 to 149	1	2	7	1	1	13						
Combined	150 and more	1	3	8	1	1	15						

- (4) Parents must elect the members referred to in subparagraph (1)(a) in accordance with paragraph 14 of these Measures.
- (5) Educators employed at the school concerned must elect the members referred to in subparagraphs (1)(b) in accordance with paragraph 15 of these Measures.

- (6) Members of staff at the school concerned who are not educators must elect the members referred to in subparagraph (1)(c) in accordance with paragraph 16 of these Measures.
- (7) The Representatives Council of Learners, when practically possible, must elect the members referred to in subparagraph (1)(d) in accordance with paragraph 17 of these Measures.
- (8) Members of categories referred to in subparagraph (1)(e) to (i) must be elected or appointed as set out in paragraph 18 of these Measures.
- (9) The person referred to in subparagraph (1)(j) is the principal of the relevant school.
- (10) The Measures apply *mutatis mutandis* to the election of governing bodies of public schools with special needs, unless determined otherwise.

### Eligibility

- 4. 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 un-rehabilitated insolvent;
  - (c) Has been convicted of an offence and sentenced to imprisonment in a court of law in South Africa or in a foreign country, 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 Coordinator

- 5. 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 sources 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 body members once they are elected.

### **District Electoral Officer**

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

- (a) Coordinate the election processes in the district;
- (b) Advise the district on the proposed strategy and implementation of the election in the district and set out that the process is conducted agreed;
- (c) Compile 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 goodtime;
- (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 (by School Electoral Officers) of the elections taking place;
- (j) Ensure that the District Office receives the Data Form (refer to Template 2: Governing body Data Form) from the School Electoral Officer; 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 Coordinator;
- (m) Compile a written district report on elections and submit it to the Provincial Election Coordinator;
- (n) Submit a district plan showing for each school the name of the electoral officer, the date on which the electoral officer will be trained, name of the monitors that will monitor pre-elections readiness and the elections as well as the date for the elections and dates of pre-elections monitoring;
- (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 that want to deviate must get written approval from the District Director.

### School Electoral Officer

7. 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 is 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) Within 7 days of the elections inform the District Director in writing of the names and addresses of the persons elected as governing body members (refer to Template 1: Notification of all Members Elected to the governing body);
- (b) Within 7 days of the elections, 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 receiving the information;
- (c) Not If a selected member in writing of his or her election;
- (d) Submit an undisputed election declaration form where this was the case, or a declaration detailing any disputes (refer to Template 9: Election Declaration Form);
- (e) Place all documents, including ballot papers, used at the election in envelopes and seal the envelopes; and
- (f) 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.

**Code of conduct for Electoral Officers (District and School)**

8. 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

9. (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 (i.e. non educators) must consist of all members of staff (non educators) 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, secondary and nominees must be persons who are listed on the voters' roll for their respective constituency of representation on the school governing body.
- (4) Electoral officers should follow the principle of inclusion, transparency and democracy, rather than excluding potential voters.

### Franchise

10. (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 educator) 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**

11. (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**

12. (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 nominations referred to in subparagraph (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 paragraph 11(1) of these Measures;
    - (ii) is not eligible to serve on the school governing body; or
    - (iii) in the case of a nomination referred to in subparagraph (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 (2) of these Measures, that such nominee will be willing to serve as a member of the governing body and meets the eligibility requirements;
  - (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

13. (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 not less than 7 days, but not more than 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

14. (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, which has a school stamp or a distinguishing feature.
- (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) A person who is unable to read or write 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 (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 spoiled 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 listed first and the one with least votes is listed last.
- (11) Where the number of votes recorded for two or more nominees is equal and it affects the results 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**

15. (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 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 11: 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)**

16. 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**

17. (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 paragraph 14 of 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 paragraph 2(5) 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.

#### **Appointment of certain categories of members of public schools with special needs**

18. (1) A maximum of two members per category appointed in terms of section 24(1)(e), (f), (g), (h) and (i) of the Act.
  - (2) The Principal of the school must invite in writing relevant categories stated in subparagraph (1).
  - (3) The Principal must submit in writing all the nominations referred to in subparagraphs (1) and (2) to the Head of Department.
  - (4) The Head of Department must within 14 days of receipt of the nominations
    - (a) appoint a subsequent number of members per category;
    - (b) notify each appointed member in writing of his or her appointment; and
    - (c) notify the principal concerned of his or her decision.
  - (5) The Head of Department shall inform the District Director concerned in writing of the names and addresses of the appointed members.

#### **Deviation from holding the nominations and elections on one day**

19. (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 District Director 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 day 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 clearly state that at this voting process no quorum is required.

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

- 20.
- (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 paragraphs 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**

- 21.
- (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) Inform the District Director 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**

22. (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 he or she has been notified in writing of the names and addresses of all the members of the governing body 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**

23. (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**

24. (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 authorization 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 paragraph 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 paragraphs 11 to 17, of these Measures, depending on the category.
- (7) A member elected in accordance with paragraphs 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.

### Repeal

25. Provincial Notice No. 143 published in *Provincial Gazette* No. 99 of 3 February 2015 and Provincial Notice No. 155 published in *Provincial Gazette* 112 of 5 March 2015 are hereby repealed.

### Short title

26. These Measures are called Measures Relating to Elections of School Governing Bodies, 2018.

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## 18 Templates

Number	Template notation
1	Notification of All Members Elected to the Governing Body
2	Governing Body Data Form
3	Parents Voters' Roll
4	Voters 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: \_\_\_\_\_ ELECTIONDATE: \_\_\_\_\_

SURNAME	NAMES	TEL NUMBER	CELL NUMBER	FAX NUMBER	EMAIL	ADDRESSES
Principal						
Parents						
1.						
2.						
3.						
4.						
5.						
6.						



7.							
8.							
9.							
<b>Educators</b>							
1.							
2.							
3.							
<b>Members of staff (non educator)</b>							
1.							
<b>Learners</b>							
1.							
2.							
3.							

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

PERSONAL NUMBER:

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

DATE:



9												
Educators												
1.												
2.												
3.												
Members of staff (non educators)												
1.												
Learners												
1.												
2.												
Appointed Members (LSEN Schools)												
1.												
2.												

**NUMBER OF LEARNERS ENROLLED AT THE SCHOOL**

African	White	Colored	Indian	Total



VOTERS' ROLL

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

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

COMPONENT: \_\_\_\_\_

Educators

Member of staff (non educators)

Learners

NO.	SURNAME	NAME
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		

Template 5

20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		

**NOTICE OF NOMINATION AND ELECTION MEETING**

---

**NAME OF SCHOOL:** \_\_\_\_\_

**COMPONENT:**

---

**Parents   Educators   Member of staff (non educators)   Learners**

---

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

The nomination form must be returned to the school at least one day (24 hours) 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:** \_\_\_\_\_

---

**NOMINATION FORMS**

---

**NAME OF SCHOOL:**

**COMPONENT:**

Parents	Educators	Member of staff(non educator)	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 OFSECONDER

\_\_\_\_\_  
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 incompetent court;
- (b) an un-rehabilitate dissolvent;
- (c) been convicted of an offence and sentenced to imprisonment in South Africa or a foreign country without the option of a fine for a period exceeding six months or have not yet served a full period of imprisonment;
- (d) been declared to be unsuitable to work with children as stipulated in terms of the Children's Act, 2005 (Act 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 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:.....

---

**BALLOT PAPER**

---

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

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

COMPONENT: \_\_\_\_\_

---

Parents

Educators Member of staff (non educators)

Learners

---

VOTE BY PLACING A CROSS IN THE BOX NEXT TO THE NOMINEE(S) OF YOUR

CHOICE, e.g.

	Surname and Initials	Vote by a X
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

11.		
12.		
13.		
14.		

Template 8

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

DISTRICT: .....

SCHOOL: .....

COMPONENT:

Parent	Educators	Members of Staff	Learners
--------	-----------	------------------	----------

DAYE OF ELECTION	TYPE OF SCHOOL	PRIM	SEC	COMB	LSEN
------------------	----------------	------	-----	------	------

Number	Names of Nominees	Number of Votes
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

## Template 9

TOTAL NUMBER OF LEGIBLE VOTES: \_\_\_\_\_

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

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

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

**Template**

---

**ELECTION DECLARATION FORM**

---

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

**NAME OF DISTRICT:**.....

**NAME OF SCHOOL ELECTORAL OFFICER:**.....

**DATE OF ELECTIONS FOR COMPONENTS:**

Parent	Educators	Member of staff (non educators)

---

**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.



**Template**

---

**NAME OF SCHOOL ELECTORAL OFFICER**

---

**SIGNATURE OF SCHOOL ELECTORAL OFFICER**

---

**DATE**

**TEL: .....**

**HANDING OVER OF 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 chair person of

The school governing body of \_\_\_\_\_ (school's name)

Here by certify the following documents / e-copies have been handed over to the incoming SGB by the outgoing chairperson:

KEYAREA	ITEM	Mark with a cross (X) where applicable	
		YES	NO
<b>1. LEGISLATION</b>	1.1 The South African School Act (SASA), 1996 (Act 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		
	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 School Policy regarding payment of school fees and the school's sliding scale for determining partial exemption		
	2.9 Code of Conduct for Learners		

KEY AREA	ITEM	Mark with a cross (X) where applicable	
		YES	NO
	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 no:.....)		
	3.5 Receipt book/s (completed) (Serial no: .....		
	3.6 Cheque book (current) (Serial no: .....		
	3.7 Cheque book/s (used) (Serial no: .....		
	3.8 Petty cash (Amount: .....		
	3.9 Bank statements for period 1 January to .....of current financial year		
	3.10 Documentary proof of investment (if any) and proof of 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		
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		
	4.4 The School Improvement Plan - current year		

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

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

Date: \_\_\_\_\_

Newly elected SGB Chairperson

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

Date: \_\_\_\_\_

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

Outgoing SGB Chairperson



**ELECTION MONITORING INSTRUMENT (ELECTION DAY)**

1. General Information	
Item	Response
1.1 Name and type of school	
1.2 Province	
1.3 District office	
1.4 Provincial official (name & designation)	
1.5 District official (name and designation)	
1.6 School Electoral Officer (surname, name & PERSAL number.	
1.7 Election dates:	Learners.....  Educators.....  Member of staff (non educators).....  Parents.....
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% Indianand10%Coloured)	
1.11 Demographics of voters at the meeting (e.g.60%African,20%White,10% Indianand10%Coloured)	
1.12 Number of parents present at the	

Meeting?	
Total number of parents nominated:	
<ul style="list-style-type: none"> <li>• Gender(e.g.9men&amp;12women)</li> </ul>	
<ul style="list-style-type: none"> <li>• Racial breakdown</li> </ul>	
<ul style="list-style-type: none"> <li>• People with disabilities</li> </ul>	

1.General Information	
Item	Response
1.14 Total Number of Parents Nominated:	
<ul style="list-style-type: none"> <li>• Gender(e.g.4men&amp;6women)</li> </ul>	
<ul style="list-style-type: none"> <li>• Racial breakdown</li> </ul>	
<ul style="list-style-type: none"> <li>• People with disabilities</li> </ul>	
1.15. Total Number of Parents Elected	
<ul style="list-style-type: none"> <li>• Gender(e.g.4men&amp;6women)</li> </ul>	
<ul style="list-style-type: none"> <li>• Racial breakdown</li> </ul>	
<ul style="list-style-type: none"> <li>• People with disabilities</li> </ul>	
1.16 How long before the election were nomination and election notices received?	
1.17 What is the required quorum for the election	
1.18 Were members duly elected	

2. Nomination and Election Process	
Item	Response
2.1 Observations about the venue (e.g. space, furniture and lighting).	
2.2 Was the quorum of 15% met? If not, When is the next election date?	
2.3 Werethevoterscheckedagainststhe voters 'roll?	



2.4 Did the Electoral Officer clearly explain the nomination process?	
2.5 Did he/she invite further nominations? Explain the process	
2.6 Were the nomination forms properly completed?	
2.7 Were the nominees allowed the Opportunity to introduce themselves?	
2.8 Did the Electoral Officer clearly explain the election process?	
2.9 Did the election officer verify that the Ballot boxes were empty prior to voting?	
2.10 Did the voting booths allow for secret voting?	
2.14 Were there any disputes lodged? If yes, 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.)	

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

School Electoral Officer: ..... PERSAL.....

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

Department of Education Official: .....PERSAL: .....

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

PRE-ELECTION MONITORING INSTRUMENT

1. General information

1.1 Province	
1.2 Period of election	
1.3 Provincial official	Name:
	Tel: Cel

2. Advocacy

2.1. Which radio stations are you planning to use?	
2.2 How long will the messages be aired?	
2.3 What are the key messages?	
2.4 Which newspapers are you planning to use?	
2.5 What are the key messages?	
2.6 Are you going to use the posters and flyers?	
2.7 What are the key messages of the posters and flyers?	
2.8 What other forms of advocacy are you intending to use (e.g. road	
2.9 What was the most effective mode of advocacy in the previous	
2.10 Why was it the most effective in your view?	
2.11 How and when is the MEC going to launch the elections?	

## Election budget

3.1 Election budget	
3.2 Source of budget	

## ☑ List of documents

NB: If some of the following documents are not available, please indicate when they will be developed:

### Are the following in place?

4.1 Provincial regulations for SGBs	
4.2 Code of conduct for SGB members	
4.3 Samples of all templates to be used in the elections	
4.4 Documents for the training of electoral officers	
4.5 SGB elections management plan	
4.6 Circulars to the districts on the SGB elections matters	
4.7 SGB election schedules from schools	
4.8 Provincial monitoring tools relating to SGB elections	

## ☑ Election teams

NB: If some of the following tasks have not yet been carried out, please indicate when they will be done:

5.1 Is a provincial election task team (including all stakeholders) established?	
5.2 Have the District Electoral Officers been officially appointed in writing?	
5.3 Are district election teams established?	
5.4 Are school election teams established?	
5.5 Have all schools been paired?	
5.6 Have all election teams trained?	
5.7 Who will provide the training?	

## Monitoring and evaluation

6.1 Is there a plan in place to monitor the elections?	
6.2 How will it be ensured that monitoring of the elections takes place?	
6.3 How will it be ensured that data on newly elected governing bodies is captured?	
6.4 Who will be responsible for the development of the election	
6.5 Will an external evaluation of the election process be conducted? If so by who?	

## Physical resources

7.1 What type of venues are going to be used for governing body elections (e.g. school hall)?	
7.2 Do all schools have suitable venues for the purpose (in terms of	
7.3 Are plans in place for availability of resources in schools (e.g. prepare ballot boxes and voting	
7.4 Will some of the physical resources be outsourced? Please specify.	
7.5 If resources are going to be outsourced, who will be potential providers?	

## Comments/additional information

.....

.....

.....

.....

.....

.....

.....

Provincial Electoral Officer: .....

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

Department of Basic Education Official: .....

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



## INTRODUCTION BY NOMINEES.

Each nominee should be given an opportunity to declare verbally in front of his or her constituency that he/she:

- a) Is not mentally ill or declared as such by a competent court
- b) Is not an un-rehabilitated insolvent person
- c) Has not been convicted of an offence and sentenced to imprisonment in a court of law in South Africa or in a foreign country, 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 not been declared to be unsuitable to work with children as stipulated in terms of the Children's Act, 2005 (Act 35 OF 2005)
- e) Has not had his/her membership terminated by the HoD in terms of SASA; and
- f) Falls within the category of the nomination.







**PROVINCIAL GAZETTE**  
(Published every Friday)

**PROVINSIALE KOERANT**  
(Verskynende Vrydag)

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---

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**NUMBERING OF PROVINCIAL GAZETTE**

**NOMMERING VAN PROVINSIALE KOERANT**

You are hereby informed that the numbering of the Provincial Gazette  
/TenderBulletinandnoticenumberswillfrom2010coincidewiththe relevantfinancialyear. Inotherwords,thechronologicalnumbering startingfromonewillcommenceonorafter1Aprilofeveryyear.

U word hiermeein kennisgesteldat die nommering van die ProvinsialeKoerant / Tender Bulletin en kennisgewingnummers vanaf2010metdiebetrokkeboekjaarsaloooreenstem.Metander woorde,diekronologiesenommeringbeginnendemeteen,salopof na1Aprilvanelkejaarbegin.

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