



THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

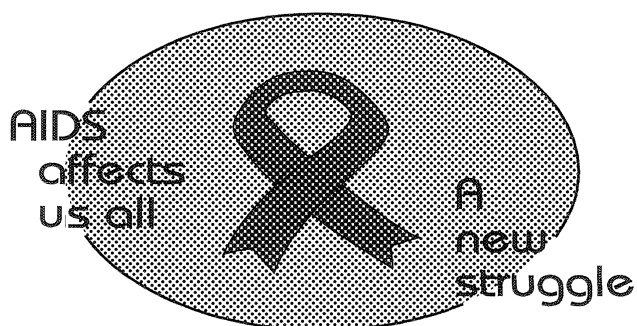
*(Registered as a newspaper) • (As 'n nuusblad geregistreer)*

Vol. 21

NELSPRUIT, 12 DECEMBER  
DESEMBER 2014

No. 2398

**We all have the power to prevent AIDS**



**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

*N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes*



**IMPORTANT NOTICE**

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

---

**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
	<b>GENERAL NOTICE</b>		
672	South African Schools Act (84/1996): Election of the School Governing Bodies of Public Schools in the Mpumalanga Province .....	3	2398

---

---

## GENERAL NOTICE

---

### NOTICE 672 OF 2014

I, Makgabo Reginah Mhaule, Member of the Executive Council for Education in the Mpumalanga Province, acting in terms of section 28 of the South African Schools Act, 1996, (Act N0 84 of 1996) hereby publish in the Schedule hereto Regulations for the Election of the School Governing Bodies of Public Schools in the Mpumalanga Province.

#### MAKGABO REGINAH MHAULE MEMBER OF THE EXECUTIVE COUNCIL SCHEDULE

##### 1. Definitions

In these Regulations 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 a senior district official 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 educational psychological services , at a public school ;

**"Head of Department "** means the Head of Department in the Province;

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

**"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 fulfill the obligations of a person referred to in paragraphs (a) and (b) towards the learner's education at the school ;

**"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

**“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 or 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 or senior manager of another school .An educator or member of staff who has received training by the Independent Electoral Commission (IEC) as an Electoral Officer may serve as a School Electoral Officer of a school where he or she is not employed ;

**"the Act"** means the South African Schools Act, 1996 ( Act N0 84 of 1996 ) as amended .

## **2. Application**

These regulations shall apply to all public schools including schools with special needs in the Mpumalanga Province and shall come into operation upon publication in the Provincial Gazette.

## **3. Size of School Governing Bodies**

The number of parent, educator and learner members of a governing body shall vary according to the type and grading of the school.

## **4. Composition of Governing Bodies of Ordinary Public Schools**

- (1) A governing body of an ordinary public school shall comprise of the following members:
  - (a) elected members;
  - (b) the principal by virtue of his or her office; and
  - (c) co-opted members.
- (2) elected members of the governing body shall comprise a member or members of each of the following categories:
  - (a) parents of the learners admitted to the school;

- (b) educators employed at the school;
- (c) non-educator members of staff employed at the school; and
- (d) learners in the eighth grade or higher admitted at the school.

## **5. Composition of Governing Bodies of Public Schools for Learners with Special education needs**

- (1) The governing body of a public school for learners with special education needs should be composed as follows:
  - (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 sub-regulation (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 Schedule A to the paragraph

- (4) Parents must elect the members referred to in sub-regulation (1) (a).
- (5) Educators employed at the school concerned must elect the members referred to in sub-regulation (1)(b) .
- (6) Members of staff at the school concerned who are not educators must elect the members referred to in sub-regulation (1)(c) .
- (7) The Representative Council of Learners must elect the members referred to in sub-paragraph (1) (d).
- (8) Members of categories referred to in sub-regulation (1) (e), (f), (g) and (h) must be elected or appointed as determined by the Member of the Executive Council.
- (9) The person referred to in sub regulation (1) (i) shall be appointed as determined by the Member of the Executive Council.

## **6. Profile of a School Governing Body**

The particulars of each member of a school governing body shall be recorded in a prescribed manner.

## **7. Co-opted Membership**

- (1) A school governing body may at any time during its term of office co-opt two types of co-opted members those with voting rights and those without voting rights to serve on the school governing body in the discharging of its functions.
- (2) Subject to regulation 9(2) members co-opted in terms of sub-regulation (1) shall have voting rights.
- (3) A school governing body of a public school which provides education to learners with special needs, shall, where practicably possible, co-opt a person or persons with expertise in the field of the relevant education needs of such learners as provided in terms of regulation 5.
- (4) A school governing body of a public school situated on private property may co-

opt the owner of the property occupied by the school or the nominated representative of such owner.

- (5) If a school governing body of a public school acts under sub-regulation (4), and there is more than one owner of the property on which the school is situated, such owners shall nominate one of their member, or a representative to represent them in the school governing body.

## **8. Term of Office**

- (1) The term of office of a member of a school governing body other than a learner shall be three years calculated from the date of elections.
- (2) The term of office of a learner member shall be one year.
- (3) A member or office-bearer of a school governing body may be re-elected or co-opted, as the case may be after the expiry of his or her term of office.
- (4) The term of office of an office bearer of school governing body may not exceed one year.

## **9. Vacation of Office and Filling of Vacancies**

- (1) Incidental vacancies shall occur whenever a member-
  - (a) resigns in writing;
  - (b) dies;
  - (c) is removed from office in terms of section 18A read with Section 25 of the Act;
  - (d) becomes ineligible in terms of regulation 8 or read in conjunction with regulation 10; or
  - (e) is absent from three (3) consecutive official meetings without reasonable explanation .
- (2) Should a vacancy exists as contemplated in sub-regulation (1) in respect of an elected parent member, a school governing body may co-opt a parent to serve as a member with voting rights for a period not exceeding 90 days
- (3) Should a vacancy exists as contemplated in sub-regulation (1) the principal of the school shall in writing and within 14 days, inform the Circuit Manager of the

existence of such a vacancy.

- (4) In the event of a vacancy in the categories of membership referred to in regulation 1 (b), (c) and (d) of sub-regulation (2) of regulation 4, eligible members of the category concerned shall, within 90 days, hold a by- election to fill the vacancy as contemplated in regulation 23.
- (5) The appointment of the co-opted member referred to in sub-regulation (2) shall take place within 14 days of the existence of the vacancy.
- (6) Within the 90 days referred to in sub-regulation (2), a by-election as prescribed in regulation 28 to elect a new member must be held.
- (7) A member elected in terms of sub-regulation (4) read with sub-regulation (5), shall remain a member for the unexpired term of office of his or her predecessor.

## **10. Eligibility**

- (1) A person shall be ineligible to be a member of a school governing body if he or she:
  - (a) is mentally ill and has been so declared by a competent court;
  - (b) is an un-rehabilitated insolvent;
  - (c) has been convicted of an offence and sentenced to imprisonment without an option of a fine for a period exceeding six months or has not yet served his or her full period of imprisonment; or
  - (d) has been declared to be unsuitable to work with children as contemplated in terms of the Children's Act , 2005 (Act 38 of 2005) ; or
  - (e) no longer falls within one of the categories of members who make up the governing body ; or
  - (f) no longer falls within the category of members that he or she represented at the time of his or her election .
  - (g) Has had his/her membership terminated by the HOD in terms of SASA.
- (2) If a person elected as a member of a governing body ceases to fall within the category for which they were nominated and elected, he or she shall cease to be a member of the governing body.
- (3) A parent who is employed at a school may not be elected as a parent member of



a school governing body at the school.

- (4) A principal of a school may not be elected as an educator member of a school governing body at the school.
- (5) No learner may be elected to a school governing body of an ordinary public school unless he or she is admitted to the eighth grade or higher and he or she is an elected member of the representative council of learners at the school concerned.
- (6) In the case of learners with special education needs learners in the eighth grade or higher may be elected, only if it is reasonably practicable.
- (7) A parent shall be entitled to vote only for a parent member of the school governing body and shall have one vote in respect of each parent candidate.
- (8) An educator, other than the principal employed at a public school shall be entitled to vote only for educator members and shall have one vote in respect of each educator candidate.
- (9) A non-educator member of staff shall be entitled to vote only for non-educator members and shall have one vote in respect of each non-educator candidate.
- (10) Every member of the representative council of learners shall be entitled to vote only for a learner member, and shall have one vote in respect of each learner candidate.

## **11. Registration of Voters**

- (1) The school voter's roll should be developed by the school principal containing the names of eligible parents, educators, members of staff and learners.
- (2) The school admission register must be used as a basis for the voter's roll.
- (3) Eligible voters are those people appearing in the admissions register as parents or guardians or who show proof that they are parents as defined in the Act, including educators, members of staff who are not educators and learners.

## **12. Voters' Rolls for Governing Body Elections**

- (1) There shall be a voters' roll in respect of each of the categories of membership

for people eligible to vote.

(2) The principal shall provide the school electoral officer with a copy of the voters' rolls upon request.

(4) The voters' rolls shall be open to eligible voters in respect of each categories of membership

### **13. Electoral Officers**

(1) The Head of Department shall appoint an official of the department as the provincial electoral co-ordinator.

(2) 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) Develop materials and procedures for the training of Districts and School Electoral Officers and Teams, and to ensure that this 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.

(3) The District Electoral Officer shall be the District Director of the district concerned.

The District Electoral Officer and his or her team must;

- 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 the provincial regulations;
- d) Ensure that each school has an Electoral Officer in line with provincial regulations, 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 the provincial election regulations 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 addresses of the persons elected to governing bodies are submitted within a week of the elections taking place;
- j) Ensure that they receive the prescribed form (data form) from the School Principal; and submit it to the district within 14 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; and
- m) Compile a written district report on elections and submit it to the Provincial Coordinator.

(4) The provincial and district electoral officer shall not be nominated or elected as a member of a governing body of a school in the province.

(5) There shall be a school electoral officer appointed in a school where he or she is not

employed who will be the principal or senior manager of another school, an educator or non-educator who has undergone or been subjected to training as an Electoral Officer, and the responsibilities of the School Electoral Officer shall be as follows:

- (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/election meeting;
- (c) Ensure that the School Election Team knows the electoral process to be followed and complies with relevant legislation;
- (d) Intervene in and resolve any disputes on the day of election; and
- (e) Submit election results to the district office

#### **14. Election Procedure for the Parent Component of the Governing Body**

- (1) The school electoral officer shall prepare notices of the combined nomination and election meeting in which the date, time, and place of the nomination and election meeting shall be stated. The date, time and venue should be considered that will allow for maximum parent participation in the election.
- (2) Notices of the date time and venue of the nomination and election should be distributed and displayed in prominent places in the school and community at least 14 days prior to the date of the nomination and election meeting.
- (3) The principal of the school must ensure that:
  - (a) a hard copy of the notice is handed to every learner at least 14 days prior to the proposed nomination and election meeting with clear oral instruction to the learner to hand it to his or her parent; or
  - (b) a copy of the notice is sent to the parents of every learner at the school by post at least 14 days prior to the date of the nomination and election meeting for parent members; or
  - (c) use a combination of the two notification methods above, supplemented with any other method that works for the school community, as long as it in no way disadvantages any member of the school community.

## 15. Quorum

- (1) A quorum of 15%, of parents' on the voters roll is needed for the 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 regulation 16 shall be repeated. The notice of the second election meeting should clearly state that no quorum is required for that meeting.

## 16. Nominations and Elections

- (1) The school electoral officer will determine the time and duration of the nomination process.
- (2) The nomination of a candidate shall take place when the parent making the nomination:
  - (a) lodges with the school electoral officer, not more than 7 days and not less than 24 hours prior to the commencement of the nomination and election meeting, a nomination form duly completed and signed by the parent making the nomination, a supporter of the nomination and the candidate nominated, or
  - (b) makes the nomination during the time allowed for nomination in the nomination meeting: Provided that such nomination shall be supported by another parent and a nomination form referred to in paragraph (a) is duly completed, and is lodged with the electoral officer in the meeting.
- (3) After the nomination time has expired the school electoral officer must:
  - (a) consider the nominations and reject the nomination of any candidate who:
    - (i) has not been nominated in accordance with the procedure set out in these regulations;
    - (ii) is not eligible to serve in the school governing body as a member or
    - (iii) has not completed the said nomination form as required in these regulations.

- (b) announce the names of the candidates whose nominations have been accepted.
- (4) If the total number of candidates whose nominations have been accepted:
  - (a) is lower than the number of members allowed for the category of the school concerned , a new meeting shall be convened within 14 days for new candidates to be nominated .
  - (b) is equal to the number of the members referred to in sub regulation 4 (a), the school electoral officer shall declare all the nominees duly elected to the governing body; or
  - (c) is greater than the number of the members determined in respect of the category concerned ,an election shall be held by secret ballot .

### **17. Casting of Votes**

- 1) The election shall be held on the date, time and place indicated in the notice of the nomination meeting.
- 2) The school electoral officer shall explain the procedure that will be followed in the meeting and must at least stipulate that every nominated candidate will have the opportunity to state:
  - a) his or her name;
  - b) the names and grades of his or her children in the school;
  - c) briefly explain his or her vision for the governance of the school.
- 3) The election shall be by secret ballot. Before the ballot papers are distributed, the school electoral officer must ensure that every ballot paper has the school stamp on it, or some other distinguishing feature that prevents the ballot papers from being tampered with.
- 4) The school electoral officer must explain the voting process, the minimum and maximum number of candidates to be voted for as well as how to record the vote.
- 5) Before the election meeting the school electoral officer shall:
  - (a) prepare papers with numbers on them and making sure that once nominated each nominee is assigned a number corresponding to the number on the ballot paper;

- (b) prepare papers with the names of all nominees on them in alphabetical order; and
  - (c) distribute blank ballot papers wherein voters shall list the names or numbers of their chosen candidates in order of preference.
- 6) A voter shall, in secrecy, record his or her vote on the ballot paper and then deposit the folded ballot paper in a box or other closed container provided for the purpose.
- 7) An illiterate voter or a voter who suffers from a physical disability may, at their own request, be assisted by the school electoral officer or member of the electoral team in the presence of a witness identified by the voter.
- 8) The school electoral officer shall reject any spoiled paper before counting the votes recorded for every candidate.
- 9) The ballot paper on which the official mark or stamp does not appear shall be rejected.
- 10) Ballot papers on which more votes are recorded than the number of members to be elected shall be rejected.
- 11) A vote which is completed in such a way that it is, in the opinion of the electoral officer, uncertain for which candidate or candidates a vote was recorded shall also be rejected.
- 12) After the rejection of spoilt papers, the school electoral officer must-
- (a) count the votes in the presence of every candidate who wishes to be present;
  - (b) announce to the whole meeting the name of each candidate and the number of votes cast for each; and
  - (c) complete the counted ballot papers form in order of the most votes to the least votes; and declare who has been duly elected
- 13) The school electoral officer must announce the candidates who have been elected, in the descending order of the number of votes obtained.
- 14) Where there is a tie in the number of votes obtained by two or more candidates and this affects the result of the election, the school electoral officer shall draw lots to ascertain a result. The school electoral officer shall decide all matters relating to

the nominations and election.

15) There shall be no vote by proxy.

#### **18. Decision of the Electoral Officer in the case of Dispute Resolution**

- (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 regulation 17(4) and 17(6) will then apply.
- (6) An appeal can be lodged with the MEC within 30 (thirty) 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 (thirty) days of receipt of the appeal.

#### **19. Procedure after Elections of Governing Body**

- (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 14 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; and
  - (f) Submit an undisputed election declaration where this was the case, or a declaration detailing any disputes.
- (2) The Principal must ensure that the Data Form as provided in the provincial guidelines for School Governing Body elections is completed by every member of the newly elected governing body. The data form must be submitted to the district within 14 days after notification of the results of the election.
- (3) The Principal is required to inform the provincial Department of Education of any changes in membership of the school governing body within 14 days of those changes being effected, to ensure that the database is up to date.

## **20. Election of Office-Bearers**

- (1) 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.
- (2) The principal of the school shall convene the first meeting of the governing body within 14 days after publication of the results of the elections,
- (3) At the first meeting of the school governing body such body shall, from amongst its members, elect office bearers who must include at least a chairperson, a

treasurer and a secretary: Provided that the chairperson shall be a parent member of the school governing body who is not employed at the school concerned.

- (4) Where for any reason the office of any office-bearer becomes vacant, the governing body shall, subject to the above provisions, 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.
- (5) The principal of the school shall preside at the meetings referred to in sub-regulations (1) and (3) above if both the offices of chairperson and vice-chairperson are vacant, otherwise the chairperson, or if he or she is not available, the vice-chairperson should preside. For every subsequent meetings of the school governing bodies, the chairperson of the school governing body shall preside over such meetings.
- (6) In the case of a public school for learners with special education needs any member may serve as a chairperson of the school governing body in terms of Section 24(1) (a) (e) (f) (g) (h) and (i).
- (7) There shall be no more than two educator members serving as office-bearers of the school governing body.
- (8) No member of a governing body may hold more than one office at the same time in the school governing body;
- (9) The principal must, after a meeting at which any office-bearer has been elected in accordance with these regulations, forthwith notify in writing the district director concerned of the date of the meeting and of the name, address and office of the persons elected or nominated.

## **21. Deviation from Prescribed Procedures**

- (1) Schools must apply to the HOD for permission to deviate from the single election 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 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.

## **22. Registration of Governing Body Members and Hand-over Procedure**

- (1) At the first meeting referred to in sub-regulation (2) of regulation 20, the school principal must ensure that the particulars of every member of the new governing body appear in the list to be submitted to the district office. The principal must, within 14 days of the meeting, submit the list of new members of the school governing body to the district electoral officer.
- (2) The principal must inform the district director of any changes to the membership of the governing body within 14 days of those changes.
- (3) The school principal must, as ex officio member, manage the transition process to ensure that the records of the outgoing school governing body are handed over to the newly elected school governing body.

## **23. By-Elections**

- (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 school governing body falls to a number equal to or less than the total of the other members of the school 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 school 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 terms of regulation 9 read with regulation 10 of these regulations
- (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 read with Section 25 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 sub paragraph (3), 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 regulation 23 of these regulations.

- (7) A member elected remains in office for the unexpired term of office of his or her predecessor providing they are still eligible.

## **24. Monitoring of Elections**

- (1) The Head of Department shall appoint any number of persons to monitor all processes during elections.
- (2) A person appointed as a monitor shall have reasonable access to any proceeding relevant to the elections.
- (3) A monitor may not interfere with the duties of the electoral officers relating to the elections of the school governing body.
- (4) A monitor shall compile a written report of his observations and submit it to the provincial electoral officer within 14 days of the conclusion of the elections.

## **25. Order of Elections**

- (1) The election of the parent component of the governing body shall be preceded by the election of the educator, non-educator staff and learner members of the school governing body.

## **26. Election Procedure for Educator Members of the Governing Body**

- (1) The principal of a school shall provide the school electoral officer with a voters' roll for educators.
- (2) The school electoral officer will determine the date, time, and place for the nomination and election meeting for educator members: Provided that the meeting shall be held at least 7 days prior to the election of the parent members.
- (3) The school electoral officer must give every educator at the school, notice of the nomination meeting at least 14 days before the day of the meeting. The nomination of an educator shall be done by the submission of a nomination form duly completed and signed by the educator making the nomination, one supporter of the nomination and the candidate, to the school electoral officer before the election meeting.
- (4) In the event that the nomination is done at the meeting referred to in sub-regulation (3), the procedure described in sub-regulation (4) shall apply: Provided

that the submission shall be done within the time the school electoral officer has allowed for this purpose.

- (5) In the event that the total number of valid nominations is equal to the number allowed for educator members on the governing body, the nominated candidates shall be declared to be duly elected, and the electoral officer shall sign a declaration indicating that members were not elected by secret ballot, and that he or she allowed an opportunity for more nominations.
- (6) In the event that the total number of nominations is lower than the number allowed for educator members on the governing body, the school electoral officer must convene another meeting before the parents' election meeting.
- (7) In the event that the number of the nominated candidates is greater than the number allowed for educator members on the governing body, the school electoral officer must conduct the elections by secret ballot as described in regulation 16. Where a school has only two educators on its staff the school electoral officer may draw lots to determine who of the two will serve on the school governing body.

#### **27. Election Procedure for Non-Educator Members of Staff**

- (1) The procedure prescribed in regulation 26 shall apply to the nomination and election of non-educator members of staff:
- (2) In cases where there is no non-educator member of staff at a school, the position will be left open.
- (3) Where there is one non-educator member of staff he or she shall be regarded as duly elected to the school governing body.

#### **28. Election Procedure for the Learner Members of the Governing Body**

- (1) The procedure prescribed in regulation 26 shall apply to the nomination and election of members of the representative council of learners to the school governing body:

**29. Removal of Governing Body Members from Office**

A member of the governing body of a public school may be removed from office in terms of section 18A and read with Section 25 of the Act.

**30. Short Title**

These Regulations shall be known as the Regulations for the Constitution and Election of the School Governing Bodies in Public Schools in the Mpumalanga Province, and shall come into effect on publication in the Provincial Gazette.

**Schedule A****COMPOSITION OF SCHOOL GOVERNING BODY OF ORDINARY PUBLIC SCHOOLS BY TYPE AND LEARNER ENROLMENT**

- (1) The numbers of a governing body of a school are set out for each category of membership in the table below.
- (2) 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.
- (3) In a school which does not have 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 NON EDUCATOR MEMBERS	NUMBER OF LEARNER MEMBER S	TOTAL NUMBER OF MEMBER S
Primary School	1 to 159	1	1	4	1	0	7
Primary School	160 to 700	1	2	5	1	0	9
Primary School	701 and more	1	3	6	1	0	11
Secondary School	1 to 650	1	2	7	1	2	13
Secondary School	651 and more	1	3	9	1	3	17
Combined School	1 to 500	1	2	7	1	2	13
Combined School	501 and more	1	3	9	1	3	17

**COMPOSITION OF GOVERNING BODY OF PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATIONAL NEEDS BY TYPE AND LEARNER ENROLMENT**

TYPE OF SCHOOL	NUMBER OF LEARNERS ENROLLED AT SCHOOL	PRINCIPAL	NUMBER OF EDUCATOR MEMBERS	NUMBER OF PARENT MEMBERS	NUMBER OF NON EDUCATOR MEMBERS	NUMBER OF LEARNER MEMBER S	TOTAL NUMBER OF MEMBER S
Primary School	1 to 149	1	2	6	1	0	10
Primary School	150 and more	1	3	7	1	0	12
Secondary School	1 to 149	1	2	7	1	1	12
Secondary School	150 and more	1	3	9	1	2	16
Combined School	1 to 149	1	2	8	1	2	13
Combined School	150 and more	1	3	9	1	2	16