



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

**Provincial Gazette
Provinsiale Koerant**

EXTRAORDINARY • BUITENGEWOON

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

Vol. 24

NELSPRUIT
30 NOVEMBER 2017
30 NOVEMBER 2017

No. 2880

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ISSN 1682-4518



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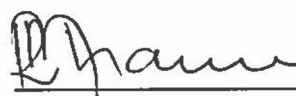
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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 140 OF 2017

Regulations for the Election of School Governing Bodies of Public Schools in the Mpumalanga Province.

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 No 84 of 1996) hereby publish in the schedule hereto Regulations for the Election of School Governing Bodies of Public Schools in the Mpumalanga Province.



Mrs MR MHAULE, MPL
MEC: EDUCATION

SCHEDULE

To provide for a uniform system for the organization and elections of school governing bodies; to amend and repeal certain regulations relating to schools and to provide for matters connected therewith.

1. DEFINITIONS

Any word or expressions to which a meaning has been attached in the Act shall have the same meaning in these regulations.

In these regulations, unless the context indicates otherwise-

“combined school” means a public school providing education in grades falling in the foundation, intermediate and senior phases of curriculum;

“educator” means any person, excluding a person who is appointed to exclusively perform extracurricular 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;

“parent” means:

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

“principal” means an educator appointed or acting in a post established as a head of a school;

“head of department” means the head: education in the province;

“election process” means the nomination and election meeting of all components including the election of office bearers;

“days” means calendar days including Saturdays, Sundays and public holidays;

“department” means the Mpumalanga Educational Department;

“district director” means any official of the department appointed as director or acting director of the education district in which a public school is situated;

“district electoral officer” means a senior district official at a district office responsible to oversee and manage the election process in the district;

“representative council of learners” (RCL) means a representative council of learners established in terms of section 11 of the Act;

“member” means a member of the governing body who has been elected in terms of these regulations;

“member of Staff” means a person appointed at a public school according to the Public Service Act or the South African Schools Act and is not an educator at a school;

“ordinary public school” means a public school other than a public school for learners with special educational needs;

“primary school” means a public school that offers grade R – 7 or offer learning within that range;

“provincial elections coordinator” means a senior provincial at a provincial office responsible to oversee and manage the election process in the province;

“school” means an ordinary public school or a public school for learners with special education needs which enrolls learners in one or more grades from grade R to grade 12;

“public school for learners with special education needs” means a public school for learners who experience barriers to learning and development;

“SASAMS” means the South African Schools Administration and Management System, which must be used by schools to upload and update their learner information including details of parents linked to each learner;

“secondary school” means a public school providing education from the eighth grade to the twelfth grade;

“school electoral officer” means the principal or a senior manager of another school. An educator or member of staff who has been trained as an electoral officer *by the province or the Independent Electoral Commission (IEC)* 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, 84 of 1996, as amended;

“Voters Roll” means the school admission register as per the latest uploaded SASAMS database;

“sgb elections diary” booklet used to record all elections activities.

2. APPLICATION

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

3. SIZE OF THE 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

4.1 A governing body of an ordinary public school shall consist of:

- (a) Elected members
- (b) The principal by virtue of his or her official capacity; and
- (c) Co-opted members.

4.2 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 at the school drawn from the RCL or nominated by the RCL if applicable.

5. COMPOSITION OF GOVERNING BODIES OF PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS

5.1 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.
- 5.2 The chairperson of the school 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).
- 5.3 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.
- 5.4 Parents must elect the members referred to in sub regulation (1) (a).
- 5.5 Educators employed at the school concerned must elect the members referred to in sub regulation (1)(b) .
- 5.6 Members of staff at the school concerned who are not educators must elect the members referred to in sub regulation (1)(c) .
- 5.7 The Representative Council of Learners must elect the members referred to in sub regulation (1) (d).
- 5.8 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.
- 5.9 The person referred to in sub regulation (1) (i) shall be appointed as determined by the Member of the Executive Council.

6. CRITERIA FOR REPRESENTATION IN PUBLIC SCHOOLS

- 6.1 Criteria for the achievement of the highest practicable level of representativity of members of the governing body as prescribed in Section 28 (e) of the Act.

Representativity shall refer to the following aspects:

- (a) Race;
 - (b) Gender; and
 - (c) Disability;
- 6.2 In the case of by-election and co-option, adults below the age 35 shall be taken into account if reasonably practicable, excluding the co-option of experts.
- 6.3 The school Governing Body shall discuss as part of its meetings and with parents the aspect of representativity in preparing for the tri annual School Governing Body Elections and by elections.
- 6.4 Nominations shall reflect the aspect of representativity where practical or possible.
- 6.5 Prior to the election of office-bearers the principal shall make the members of the governing body aware of their responsibilities.

7. PROFILE OF A GOVERNING BODY

- (a) The particulars of each member of a SGB must be recorded in the SGB Data Form and be captured in the SASAMS
- (b) The same SGB data must be updated when a by – election occurred or during the election of office bearers annually.

8. CO-OPTED MEMBERS

- 8.1 A school governing body may at any time during its term of office co-opt two types of co-opted members with voting rights and non-voting rights to serve on the school governing body in the discharging of its functions.
- 8.2 Subject to regulation 30(4) members co-opted in terms of regulation 30 (5) shall have voting rights.
- 8.3 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 regulations 5.
- 8.4 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.

8.5 If a 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 on the school governing body.

9. TERM OF OFFICE OF MEMBERS AND OFFICE-BEARERS OF GOVERNING BODIES.

9.1 The term of office of a member of a school governing school other than a learner shall be three years calculated from the date of elections.

9.2 The term of office of a learner member shall be one year.

9.3 A member or office-bearers 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.

9.4 The term of office of an office bearer of school governing body may not exceed one year.

10. ELIGIBILITY

10.1 A person shall be ineligible to be a member of a 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 a 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 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; or
- (e) Does not fall within one of the categories of members who make up a governing body;
- (f) No longer falls within the category of members that he or she represented at the time of his /her election.
- (g) Has been found guilty on an act of misconduct, in respect of his or her performance of governing body functions in terms of the Provincial Code of Conduct for members of Governing Bodies in public schools.

- (h) Has had his/her membership terminated by the Head: Education in terms of SASA
- 10.2 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.
- 10.3 A parent who is employed at a school may not be elected as a parent member of a governing body at the school.
- 10.4 A principal of a school may not be elected as an educator member of a governing body at the school.
- 10.5 No learner may be elected to a governing body of an ordinary public school unless he or she is admitted to eighth grade or higher and he or she is an elected member of the representative council of learners at the school concerned.
- 10.6 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.
- 10.7 A parent shall be entitled to vote only for a parent member of the governing body and shall have one vote in respect of each parent candidate.
- 10.8 An educator employed at a public school shall be entitled to vote only for educator members and shall have only one vote in respect of each educator candidate.
- 10.9 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.
- 10.10 Every member of the representative council of learners shall be entitled to vote only for a learner member, and shall have only one vote in respect of each learner candidate.
- 10.11 It is the responsibility of the person who alleges to have complied with the definition of a parent to inform the principal on the change of personal details.
- 10.12 The Provincial Election Coordinator, District Electoral Officer and School Electoral officer may not be nominated, elected or co-opted as members of any governing body of any school in the province.

11. ELECTORAL CODE OF CONDUCT

- 11.1 No registered candidate shall-
- (a) use language or act in a way that may provoke;
 - (b) Interruption/violence during an election; or

- (c) the intimidation of candidates, or voters;
- (d) Discriminate on the grounds of race, ethnicity, sex, gender, class or religion in connection with an election;
- (e) Abuse a position of power, privilege or influence, including parental, or employment authority to influence the conduct or outcome of an election.

11.2 Undue influence;

- (a) Subject to these regulations, no person may prevent anyone from exercising a right conferred by these regulations.
- (b) No person, knowing that another person is not entitled to be registered as a parent/guardian, shall-
 - (i) Persuade that other person that other person is entitled to be registered as a parent/guardian; or
 - (ii) Represent to anyone else that other person is entitled to be registered as a parent/guardian;

11.3 No person, knowing that another person is entitled to vote, shall-

- (a) Assist, compel or persuade that other person to vote; or
- (b) Represent to anyone that the other person is entitled to vote.

12. PROVINCIAL ELECTION COORDINATOR

12.1 The Head of Education shall appoint an official of the department as the Provincial Election Coordinator.

12.2 The duties of the Provincial Election Coordinator are amongst others to:

- (a) Monitor the nomination and election process in the province;
- (b) Adapt the templates to suit provincial monitoring objectives;
- (c) Support the District Electoral Officers;
- (d) Liaise between the Head: Education and the districts;
- (e) Appoint District Electoral Officers in consultation with the District Directors;
- (f) Ensure that there is adequate advocacy concerning the election date;
- (g) Ensure compliance with national guidelines and provincial procedures with regard to elections;

- (h) Develop materials and procedures for the training of District and School Electoral Officers and teams, and ensuring that this training takes place as planned;
- (i) Adjudicate on all appeals resulting from the nomination and election process;
- (j) Monitor and evaluate the election process in the province;
- (k) Consolidate a database of SGBs (SASAMS) on taking office; and
- (l) Investigate and address any matter brought under his/her attention by a member of the public which are not in line with these regulations.

13. ELECTORAL OFFICERS

The shall be two (2) Electoral Officers namely District and School Electoral Officer

13.1 District Electoral Officer

(13.1.1) The Provincial Election Coordinator shall, in consultation with the District Director, appoint a District Electoral Officer who shall be a senior district official of the district concerned.

13.2 The District Electoral Officer shall:

- (a) Capacitate school electoral officers to be able to manage the school election process;
- (b) Appoint a district electoral team;
- (c) Co-ordinate the election process in the district;
- (d) Advise the provincial electoral officer on any matter relating to the elections and shall ensure the implementation of these regulations in the district;
- (e) Compile a management plan to implement these regulations;
- (f) Designate school electoral officers for each school in the district and also ensure that each school has established a school electoral team;
- (g) Ensure that each electoral official working at a school in the district is adequately trained to support the elections;
- (h) Ensure that all school electoral officers receive the provincial election regulations and other documents in good time;
- (i) Ensure that election advocacy is conducted in the district in terms of a provincial plan;
- (j) Monitor the election process by visiting schools during elections;
- (k) Compile election dates for all schools in the district based on submissions from schools;

- (l) Ensure that the School Electoral Officers have informed the district office in writing of the dates of the election and the names and contact numbers of the persons elected to SGBs;
- (m) Ensure that they receive the Data Forms for Ordinary Public Schools including Public Schools of Learners with Special Educational Needs from the School Principals;
- (n) Provide the Provincial Election coordinator with a composite SGB Data form, within seven (7) days of the final election date;
- (o) Compile a district report on the elections and submit it to the provincial electoral officer within 30 days of the final election date;
- (p) Prepare recognition letters of newly elected governing body members for the signature of the District Director and distribute to schools.

13.3 COMPOSITION OF THE DISTRICT ELECTORAL TEAM:

13.3.1 The District Electoral Team comprises of the following officials from:

- (a) Teacher Development and Governance;
- (b) Labour Relations;
- (c) Circuit Coordination;
- (d) Curriculum Management;
- (e) Inclusive Education and Curriculum Enrichment;
- (f) Communications.

13.4 The District Election Team Shall:

- (a) Assist the district electoral officer with all election duties;
- (b) Be responsible for an advocacy strategy to ensure that SGB elections are well advertised amongst all stakeholders in the district.

14. SCHOOL ELECTORAL OFFICER AND PRINCIPAL

14.1 The functions of the school electoral officer before the election meeting shall be to:

- (a) Consult with the principal and prepare notices giving details to the date, time and venue of the election and nomination meeting.

14.2 The responsibilities and functions of the principal before the elections shall be to:

- (a) Distribute notices of the elections of the following eligible voters: parents, educators, non-educators and learners not less than twenty one (21) days before the election date;

- (b) Ensure that nomination forms are available during the nomination and election meeting;
- (c) Ensure that there is a suitable venue for the election meeting;
- (d) Prepare and sign off that an accurate voter rolls have been compiled;
- (e) Ensure that school election team is established, operational and supported by staff members;
- (f) Ensure that the school election team understands the procedures that are applicable, and that all the resources that will be needed for the elections are available.

14.3 During the election meeting the school electoral officer shall:

- (a) Explain the procedure for nomination and elections to the voters;
- (b) Draw the attention of the voters to the provisions of the Act and of these regulations;
- (c) Manage the election process;
- (d) Intervene and resolve any disputes on the day of election;
- (e) Submit election results, voters roll and SGB data to the district officer within five (5) days after the elections have concluded

15. COMPOSITION OF THE SCHOOL ELECTION TEAM

15.1 The school election team shall consist of:

- (a) The deputy principal of the school or a person delegated by the principal;
- (b) The admin clerk to assist with administrative duties including the compiling of the voters roll;
- (c) Number of educators determined by the principal.

15.2 Duties of the school election team

- (a) Assist the principal and school electoral officer with all their duties;
- (b) Be responsible for an advocacy strategy to ensure that SGB elections are well advertised amongst all stakeholders;
- (c) Assist with the attendance register and minutes of the nomination and election meeting.

16. MONITORING OF ELECTIONS

16.1 The Provincial Election Coordinator/District Electoral Officer shall appoint any number of persons to monitor all the SGB elections. Such a person/s shall:

- (a) Have access to any proceeding relevant to the elections as far as reasonably possible;
- (b) Not interfere with any process relating to the elections;

- (c) Compile a written report of his/her observations and submit it to the provincial electoral officer/district electoral officer within seven (7) days of the conclusion of the elections.

17. THE REGISTRATION OF VOTERS

- 17.1 A voter's roll for each of the categories must be available containing the names of all eligible parents, educators, members of staff and the learners;
- (a) It is the responsibility of the principal to ensure that parents and learners update their particulars when there are changes to their details. All updates and changes to the Admission Book must be verified and approved by the school principal on a monthly basis prior to the completion of the voters roll being sent to the Circuit Office;
 - (b) The voters' roll for educators must consist of all educators employed at the school (Grade R to 12) including the SGB posts;
 - (c) The voter's roll for non-educators must consist of all non-educators employed at the school including the SGB posts;
 - (d) The voters' roll for learners must consist of all registered learners in grade eight (8) or higher at the school;
- 17.2 The principal must issue a seven (7) day notice inviting parents to verify their details on the voters roll. The verification and updating process must be completed fourteen (14) days prior to the date of the nomination and the election meeting.
- 17.3 Parents who fail to verify and update their details on the school admission register during the verification period will not be eligible to participate in the school's nomination and election meeting.
- 17.4 The details of the final verified and updated voters roll must be recorded and signed off by both the principal and school electoral officer as a true record of all registered parents, the voters roll shall close 24h – 48h hours before the voting day
- 17.5 All nominations, seconders and nominees must be people who are listed on the voters' roll.

18. FRANCHISE

- (a) 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.
- (b) 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.

- (c) 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.
- (d) Every member of staff 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.
- (e) Proxy votes are not allowed.

19. QUORUM

- 19.1 A quorum of 15 % of the total number of parents on the voters roll required for the nomination and election meeting to proceed.
- 19.2 If the quorum is not met at the first election meeting the election must be rescheduled not less than 7 or more than 14 days in which event the procedure in regulation 23 shall be repeated.
- 19.3 Candidates nominated prior to the rescheduling of the nomination and election meeting will remain nominated for election at the rescheduled meeting but further nomination may still be lodged and accepted.
- 19.4 Notice of the second election meeting should clearly state that no quorum is required for that meeting.

20. NOMINATION AND ELECTION MEETING OF EDUCATOR MEMBERS

- 20.1 The School Electoral Officer will decide on a date, time and place for the nomination and election meeting for educator members. This meeting must be held at least 24 hours before the election of the parent member component.
- 20.2 The Principal must give the School Electoral Officer a list of all educators at the school. This will serve as the voters' roll.
- 20.3 The School Electoral Officer must ensure that each educator at the school receives a copy of the notice of the nomination meeting at least 14 days before the date of the meeting.
- 20.4 An educator can only be nominated and seconded by another educator employed at the school.
- 20.5 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.
- 20.6 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.

20.7 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.

20.8 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.

20.9 If the nominations are more than the required number of educators, elections must be conducted by secret ballot.

21. NOMINATION AND ELECTION MEETING OF A MEMBER OF STAFF

21.1 The procedure for the election of the member of staff 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 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) If the nominations are more than the required number of member of staff, elections must be conducted by secret ballot.

22. NOMINATION AND ELECTION OF LEARNER MEMBERS

22.1 The Representative Council of Learners (RCL) shall elect from its ranks learners who shall be members of the school governing body.

22.2 The procedure for the nomination and election of learner members shall be the same as prescribed for educator members in the regulations.

22.3 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 Schedule A.

22.4 The learners must be made aware of section 32 of the Act, which outlines the status of minors on the school governing body.

22.5 If the nominations are more than the required number of learner members, elections are conducted by secret ballot.

23. NOMINATION OF PARENT MEMBERS

23.1 A parent must be nominated 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; or
- (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.
- (c) Ensuring that the nominee must meet the requirements of regulation 10 and append his/her signature.

23.2 The school electoral officer must determine the time to be allowed for the nominations at the commencement of the nomination meeting, and must inform the meeting thereof.

23.3 After expiry of the time for nomination referred to in regulations 24 (2), the electoral officer must -

- (a) consider the nominations and reject the nomination of any nominee who —
 - (i) Has not been nominated in accordance with sub-regulations (1)
 - (ii) is not eligible to serve on the SGB; or
 - (iii) In the case of a nomination referred to in sub-regulations (1)(b), 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 sub-regulations (2), that such nominee will be willing to serve as a member of the governing body and meets the eligibility requirements;
 - (iv) Announce the names of the nominees whose nominations have been accepted.

23.4 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 not less than seven (7) or more than fourteen (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 regulations 24(7).

24. ELECTION OF PARENT MEMBERS

- 24.1 The election of the parent component of the governing body shall be conducted after the election of the other components.
- 24.2 The election meeting must be held on the date and at the time and place as determined by the school electoral officer.
- 24.3 The School 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.
- 24.4 Before the ballot papers are distributed, the School 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.
- 24.5 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.
- 24.6 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
- 24.7 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.

24.8 An illiterate person or a person not able to vote because of a physical disability may, at his or her own request, be assisted by the School Electoral Officer and a witness identified by the person.

24.9 The School Electoral Officer must reject a ballot paper:

- (a) Which is without the school stamp or distinguishing feature as contemplated in regulation 24 (4)(a);
- (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.

24.10 After the rejection of any spoilt ballot papers, the School 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 in order of the most votes to the least votes; and
- (d) Declare who has been duly elected. The person with the most votes is named or listed first and the one with least votes is named or listed last.

24.11 Where the number of votes recorded for two or more nominees is equal and it affects the result of the poll, the School 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.

25. DEVIATION FROM A SINGLE ELECTION MEETING

25.1 Schools must apply to the Head: Education for permission to deviate from the single election meeting. After permission has been granted in writing, the school must communicate such to the School Electoral Officer before notices are sent out to parents.

25.2 The Head of Education 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.

25.3 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.

25.4 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.

26. ORDER OF ELECTIONS

26.1 The election of the parent component of the governing body shall be held after the nominations and elections of the educator, non-educator and learner members of the governing body.

27. CASTING OF VOTES

27.1 Prohibited conduct at voting station:

No candidate within the boundaries of a voting station may attempt induce, influence or persuade a person to vote or not to vote.

27.2 The election shall be held on the date, time and place indicated in the notice of the nomination meeting.

27.3 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 verbally in the meeting;

- (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) His or her vision of the governance of the school, for parents to make an informed decision during the election process.

27.4 The election shall be conducted by secret ballot.

27.5 Ballot papers issued should not be taken outside the voting station.

27.6 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.

- 27.7 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.
- 27.8 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; or
 - (b) Prepare papers with names of all nominees on them in alphabetical order based on surnames; or
 - (c) Distribute blank ballot papers wherein voters shall list the names or numbers of their chose candidates in order of preference.
- 27.9 Deposit the folded ballot paper in a box or other closed container provided for the purpose.
- 27.10 An illiterate voter or a voter who suffers from physical impaired may, at their own request, be assisted by the school electoral officer or member of the electoral team in presence of a witness identified by the voter.
- 27.11 The school electoral officer shall reject any spoiled paper before counting the votes recorded for every candidate if;
- (a) The ballot paper on which the official mark or stamp does not appear;
 - (b) Ballot papers on which more votes are recognised than the number of members to be elected;
 - (c) 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 for.
- 27.12 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
- 27.13 The school electoral officer must announce the candidates who have been elected, in the descending order of the number of votes obtained.
- 27.14 Where there is a tie the number of votes obtained by two or more candidates and this affects the result of the election, the school electoral officer draws lots to ascertain a result or use other method that allows for

a random selection between the tied nominees. This must be done openly and by agreement of the nominees.

27.15 The school electoral officer shall decide all matters relating to the nominations and elections.

27.16 The school electoral officer shall complete an election declaration form after the parents' election and submit to the district electoral officer.

28. DISPUTE RESOLUTION

28.1 The School Electoral officer shall decide all matters concerned with the nomination and election of nominees in terms of all the categories.

28.2 All disputes should be reported to the School Electoral Officer during the process of the elections.

28.3 The School Electoral Officer shall resolve all disputes in order to declare elections undisputed. His or her decision during the election is final.

28.4 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 (7) days after the Election Day. The District Electoral officer shall inform the complainant in writing of his/her decision and the reasons therefore within fourteen (14) days of receipt of the complaint.

28.5 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.

28.6 An appeal can be lodged with the MEC within seven (7) days, should the complainant not be satisfied with the decision taken by the District Electoral officer.

28.7 The MEC must inform the complainant in writing of his or her decision and the reasons therefore within thirty (30) days of receipt of the appeal.

29. ELECTION AND TERM OF OFFICE-BEARERS

29.1 The principal shall convene the first meeting of the governing body within fourteen (14) days after he or she has been notified in writing of the names and addresses of all the members of the governing body.

29.2 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.

29.3 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.

- 29.4 shall remain in office for one year from the date of their election.
- 29.5 An office bearer of a governing body may be re-elected or co-opted after the expiry of his or her term of office.
- 29.6 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.
- 29.7 The principal shall, after a meeting at which any office-bearer has been elected notify the Head of Education forthwith in writing of the date of the meeting and of the name, address and office of the person elected.

30. BY-ELECTIONS DUE TO VACANCIES IN THE GOVERNING BODY

- 30.1 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.
- 30.2 A school electoral officer must be appointed for each by-election.
- 30.3 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.
- 30.4 A vacancy shall occur in a governing body if a member –
- (a) Resigns;
 - (b) Dies;
 - (c) Becomes disqualified as contemplated in regulation 10.
 - (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 had falls within the category of members had that he or she represented at the time of the election.

- 30.5 Whenever a vacancy occurs as envisaged in regulation 30, by-election must be held within 90 days of the occurrence of such vacancy.
- 30.6 The by-election must be held in accordance with regulation 10, depending on the category.
- 30.7 The procedure described in regulation 20 to 28 shall apply to the by-elections.
- 30.8 A member elected in accordance with this regulation remains in office for the unexpired term of office of his or her predecessor providing they are still eligible.

31. PROCEDURE AFTER THE ELECTIONS

- 31.1 After the election of a governing body the school electoral officer must place all documents, including election diary, ballot papers, used at such election in envelope and seal the envelope and hand them over to the school principal within 5 days of the election meeting.
- 31.2 The Principal, as a member of the outgoing and the newly elected governing body member. Should manage the handing – over process by;
- (a) Officially handing over all governing body files to the newly elected governing body;
 - (b) Conducting an induction session for the newly elected members and;
 - (c) Answering any questions that the newly elected governing body may have.

32. CONSTITUTION OF SCHOOL GOVERNING BODY

- 32.1 The governing body must submit a copy of its constitution to the Head of Education within 90 days of its election.
- 32.2 The Constitution of School Governing Body (SGB) of a public school shall reflect the following;
- a) The vision and mission statement of the school
 - b) Duties of office bearers
 - c) Establishment of committees with clear functions
 - d) Meeting procedures and frequency
 - e) Procedure to manage amendments to the constitution.

33. FUNCTION OF THE NEW GOVERNING BODY

- 33.1 The newly elected school governing body must start function immediately after the successful completion on the election process.

34. FREEDOM OF ASSOCIATION

- 34.1 The governing body may join voluntary association representing governing bodies of public school.

35. REMOVAL OR SUSPENSION OF GOVERNING BODY MEMBERS FROM OFFICE

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

36. WITHDRAWAL OF THE FUNCTIONS

- 36.1 The of Department may, on reasonable grounds, withdraw the functions of a governing body, in terms of section 22 of the Act.

37. REVIEW OF REGULATIONS

- 37.1 These regulations may be reviewed at any given time

38. REPEAL OF REGULATIONS

- 38.1 The Governing Body Regulations for Public Schools contained in Notice No. 2398 of 2014, and published in the Extraordinary Provincial Gazette of 12 December 2014, are hereby repealed.

39. SHORT TITLE

- 39.1 These Regulations shall be known as Regulations for the Constitution and Election of Governing Bodies in Public School in Mpumalanga, 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 school 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 4 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 MEMBERS	TOTAL NUMBER OF MEMBERS
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 649	1	2	7	1	2	13
Secondary School	650 and more	1	3	9	1	3	17
Combined School	1 to 499	1	2	7	1	2	13
Combined School	500 and more	1	3	9	1	3	17

COMPOSITION OF SCHOOL 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 MEMBERS	ELECTED MEMBERS	TOTAL NUMBER OF MEMBERS
Primary School	1 to 149	1	2	5	1	0	9	PLUS MEMBERS APPOINTED PER APPLICABLE CATEGORY
Primary School	150 and more	1	3	6	1	0	11	
Secondary School	1 to 149	1	2	6	1	1	11	
Secondary School	150 and more	1	3	8	1	2	15	
Combined School	1 to 149	1	2	7	1	2	13	
Combined School	150 and more	1	3	8	1	2	14	

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Also available at the **Provincial Legislature: Mpumalanga**, Private Bag X11289, Room 114, Civic Centre Building,
Nel Street, Nelspruit, 1200. Tel. (01311) 5-2133.