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OFFICIAL NOTICE

OFFICIAL NOTICE 2 OF 2009

SOUTH AFRICAN SCHOOLS ACT (ACT 84 OF 1996)

REGULATIONS RELATING TO THE GOVERNING BODIES OF PUBLIC SCHOOLS

I, Oabetswe Johannes Tselapedi, The Member of the Executive Council for Education in North West Province in terms of section 11 and 28 of the South African Schools Act, 1996 (Act No.84 of 1996) hereby publish Regulations Relating to the Governing Bodies of Public Schools as set out in the schedule.

Oabetswe Johannes Tselapedi
MEC for Education, North West Province

GOVERNING BODIES OF PUBLIC SCHOOLS REGULATIONS

The Member of the Executive Council responsible for Education in the North West Province has in terms of section 11 and 28 of the South African Schools Act, 1996 (Act 84 of 1996), as amended made the regulations contained in the Schedule

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CHAPTER 1

DEFINITIONS AND APPLICATION OF REGULATIONS

1. Definitions

- (1) Unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act has the same meaning in these regulations and-
- (a) **“combined school”** means a school providing education in primary grades as well as secondary grades;
 - (b) **“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 school;
 - (c) **“educator member”** means an educator employed at a school who has been elected to the governing body in terms of these regulations;
 - (d) **“learner”** means a learner who is officially enrolled at a school in a grade from grade 8 up to grade 12;
 - (e) **“learner member”** means a learner officially enrolled at a school who has been elected to a governing body in terms of these regulations;
 - (f) **“member”** means a member of a governing body elected in accordance with these regulations;
 - (g) **“nomination form”** means any document which clearly records the fact that a candidate eligible to be elected as a member has been proposed and seconded by persons eligible to do so, and which is signed by the candidate, proposer and seconder;
 - (h) **“non-educator member”** means a person other than an educator, employed at a school and who has been elected onto a governing body in terms of these regulations;
 - (i) **“parent”** means
 - (i) a parent or guardian of a learner;
 - (ii) a person legally entitled to custody of a learner; or
 - (iii) a person who usually has the care and control of a learnerand for the purposes of this definition, learner refers to any learner officially enrolled at a school, and not only those learners who are officially enrolled at a school in a grade from grade 8 up to grade 12;
 - (j) **“primary school”** means a school providing education up to but not exceeding grade 7;
 - (k) **“province”** means the North West Province.
 - (l) **“school”** means a public ordinary school as contemplated in section 3 of the Act and includes a farm or rural school;
 - (m) **“secondary school”** means a school providing education from not lower than grade 8 up to but not exceeding grade 12;
 - (n) **“Representative Council of Learners”** (RCL) means the representative council of learners of a school, duly constituted in accordance with a constitution which satisfies the minimum requirements established by the Member of the Executive Council by notice in the *Provincial Gazette*;
 - (o) **“teacher liaison officer”** means the teacher elected by all enrolled learners of the school to take charge of their activities;
 - (p) **“the Act”** means the South African Schools Act 84 of 1996;
 - (q) **“these regulations”** means the Governing Bodies of Public Schools Regulations, 2009 and the Schedules thereto.

2. Application of regulations

These regulations apply to the governing bodies of schools within the Province.

CHAPTER 2

COMPOSITION AND ELECTION OF GOVERNING BODIES

3. Composition of governing bodies

- (1) The composition of a governing body of a school must comply with the requirements of the Act.
- (2) 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 these regulations.

4. Eligibility

- (1) A parent member of a governing body must be a parent of a learner officially enrolled at the school and who is not employed at the school.
- (2) A parent member who was eligible under sub regulation (1) at the time of his or her election to the governing body ceases to be a member if the learner in respect of whom he or she qualifies as a parent member ceases to be officially enrolled at the school during the term of office for which the parent member was elected.
- (3) An educator member of a governing body must be an educator, other than the principal, employed at the school.
- (4) A learner member of a governing body:
 - (a) must be officially enrolled as a learner at the school in a grade not lower than grade 8;
 - (b) may be a minor; and
 - (c) must be a member of the Representative Council of Learners..
- (5) A non-educator member of a governing body must be a person, other than an educator, employed at the school.

5. Franchise

- (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 candidate with a maximum number of votes equal to the number of parent members to be elected.
- (2) Every educator, other than the principal, employed at a school is entitled to vote for educator members and has one vote in respect of each candidate with a maximum number of votes equal to the number of educator members to be elected.
- (3) Every member of a Representative Council of Learners entitled to vote for learner members and has one vote in respect of each candidate with a maximum number of votes equal to the number of learner members to be elected.
- (4) Every non-educator member of staff is entitled to vote for a non-educator member and has one vote.
- (5) If the school has only one non-educator member on staff, that member is automatically elected.

6. Election officer

- (1) The Head of the Department must appoint a Provincial Electoral Officer to co-ordinate all electoral activities in the province.
- (2) The Executive District Manager must appoint an officer of the Department as District Electoral Officer to co-ordinate all electoral activities in a district.
- (3) The Executive District Manager must appoint a principal of another school to act as the school electoral officer for the electoral procedures at a particular school.
- (4) The school electoral officer-
 - (a) may not be nominated or elected as a member of a governing body of a school for which he or she is the election officer;
 - (b) must draw the attention of all eligible voters to the provisions of the Act and of these regulations relevant to the election of members of a governing body;
 - (c) must exercise all other powers conferred upon him or her by these regulations and any other law.

7. Registration of voters

- (1) The principal and school management team of a school should develop the school's voters' roll for each of the different categories of voters in line with Schedule B, D, E and F, at least thirty days prior to the date determined in section 8(1)(a).
- (2) The principal and school management team should ensure that all parents complete the parent's voters' registration form in the format of Schedule C.
- (3) Should the parent's voters' registration form not be returned to the school, only the parents or guardians appearing in the school admissions register will be included in the voters' roll and only parents and guardians on the voters' roll will be able to participate in the elections.
- (4) The School Electoral Officer must request a copy of the voters' roll from the principal to determine who are eligible to vote before the election meeting.
- (5) All nominators, seconders and candidates must be people who are listed on the voters' roll.
- (6) The voters' roll for educators (Schedule D) should consist of all educators employed at the school, either by the Department or by the governing body.
- (7) The voters' roll for non-educators (Schedule E) should consist of all non-educators employed at the school either by the Department or by the governing body.
- (8) The voters' roll for learners (Schedule F) should consist of all learners elected into the RCL in terms of section 11 of the South African Schools Act 84 of 1996.

8. Duties of School Electoral Officer and principal towards nomination of parent members of the school governing body

- (1) The school electoral officer must
 - (a) determine a place where, and a date and time by which, nominations must be lodged;

- (b) prepare a notice of nomination and election of parent members for a single nomination and election meeting in the form of Schedule G;
 - (c) at least 20 days prior to the date contemplated in paragraph (a), provide the principal with sufficient copies of such notice.
- (2) The principal must at least 14 days prior to the date contemplated in sub regulation (1)(a)
- (a) distribute a copy of the notice to every learner present at the school with an instruction to hand it to his or her parents; and
 - (b) communicate the notice to the parents of every absent learner at the school during the process mentioned in (2)(a) above.

9. Availability of Admission Register

The school must make available to the school electoral officer the school admission register containing the names of all eligible parents for the purposes of exercising control at the nomination meeting.

10. Nominations of parent members

- (1) A parent may be nominated or seconded as a parent member only by parents who are themselves eligible in terms of regulation 4.
- (2) Nominations may be made by lodging a nomination form as prescribed in Schedule H duly completed by the proposer, seconder and candidate with the school electoral officer at the place and by the date and time contemplated in regulation 8(1)(a).
- (3) After the allotted time, the school electoral officer must consider all nominations and reject those which do not comply with the requirements of this regulation.
- (4) If the total number of valid nominations-
 - (a) is less than the required number of parent members, the school electoral officer must extend the period for the nomination of parent members by a further period, which date must be duly communicated to all parent members as set out in section 8(2) above;
 - (b) is equal to the required number of parent members, the election officer must declare the nominated candidates to be duly elected;
 - (c) is more than the required number of parent members, the election officer must hold an election in accordance with regulation 11.

11. Election of parent members

- (1) The election meeting must be held at the date, time and place indicated in the notice referred to in regulation 8(1)(b).
- (2) A quorum at the election meeting is 15% of the total number of parents eligible to vote.
- (3) No proxy votes will be accepted for the election of parent members.
- (4) The election must be by secret ballot.
- (5) The school electoral officer must-
 - (a) issue one officially marked ballot paper in the form of either Schedule I, J, K and L to each person eligible to vote;
 - (b) reject any spoiled ballot papers before counting the votes recorded for every candidate;

- (c) where the number of votes in favour of two or more candidates is equal and it affects the result of the poll, draw lots to ascertain a result;
 - (d) decide all matters relating to the nomination of candidates and the election, and his or her decision is final.
 - (e) complete the election declaration form (Schedule M)
- (6) Candidates may be present when the school electoral officer is rejecting spoilt ballot papers and counting the votes.
- (7) If a quorum is not reached at the election meeting referred to in sub regulation (1)-
- (a) the school electoral officer must-
 - (i) determine a date, time and place for a second election meeting and inform the school in writing at least 10 days prior to the date of such meeting;
 - (ii) provide the school with sufficient copies of a notice which sets out the date, time and place of the second election meeting.
 - (b) the school must-
 - (i) at least 5 days prior to the date of the second election meeting distribute a copy of the notice to every learner present at the school with an instruction to hand it over to his or her parents; or
 - (ii) communicate the notice to the parents of every absent learner at the school during the process mentioned in (8)(b)(i) above.
 - (c) in the second election meeting no quorum is necessary and the election for parent members must proceed according to the provisions of sub regulations (3) to (5).

12. Deviation from Single Election Meeting

- (1) Schools must apply to the Head of Department for permission to deviate from the single election day meeting, at least 14 days prior to the nomination process as stipulated in section 8.
- (2) The Head of Department will consider these applications if the following documents are attached to the application:
- (a) Minutes of the parents meeting where the process have been explained and motivated to ensure the parents that their involvement in the process are not prejudiced; and
 - (b) The management plan of the deviation process.
- (3) If the Head of Department grants permission for the process-
- (a) A quorum of 20% of voters is needed for the counting of votes to proceed;
 - (b) If less than 20% voted, then the electoral officer must determine a new date for the voting and at this meeting no quorum is required.

13. Procedure after election of parent members

- (1) After the election of parent members-
- (a) The school electoral officer must-
 - (i) place all documents, including ballot papers used in the election in envelopes and seal such envelopes;
 - (ii) complete the Counted Ballot papers & Declaration of Number of Counted Voters form (Schedule N), the notification of all members elected to the governing body in terms of Schedule O and hand it, together with the election declaration form to the Area Project Manager;

- (iii) hand the sealed envelopes and documents mentioned in (ii) to the Area Project Manager, who must keep the sealed envelopes and documents in safe custody for a period of at least three months from the date of the election;
- (b) the Area Project Manager must-
 - (i) ensure that each elected member is notified in writing of his or her election; and
 - (ii) ensure that the schools are notified in writing of the names of the elected members.

14. Election of educator members

- (1) The school electoral officer must-
 - (a) determine a place where, and a date and time by which, nominations must be lodged, which date must be within 14 days before or after the nomination deadline for parent members;
 - (b) prepare a notice of nomination and election of educator members in the form of Schedule O and, at least 10 days before the date contemplated in paragraph (a) and distribute a copy of the notice to every educator at the school.
- (2) The Head of Department may, on good cause shown, allow deviations from the requirements of sub regulation (1) (b), to the extent that he or she considers it justified.
- (3) An educator's vote may be exercised by a proxy voter who has the written authority of the educator; provided that the proxy voter may not exercise more than two proxy votes and the educator has sound reason for not being present at the voting meeting
- (4) The provisions of regulations 9 to 12 of these regulations apply with the changes required by the context to the election of educator members, and in such application a reference to a parent must be construed as a reference to an educator, and a reference to a parent member must be construed as a reference to an educator member.

15. Election of learner members

- (1) The Teacher Liaison Officer shall act as the school electoral officer for all electoral procedures relating to the election of learner members at a particular school
- (2) The Teacher Liaison Officer must-
 - a. must be an educator
 - b. determine a place where, and a date and time by which, nominations must be lodged, which date must be within 14 days before or after the nomination deadline for parent members;
 - c. prepare a notice of nomination and election of learner members in the form of Schedule R and, at least 10 days before the date contemplated in paragraph (b) cause a copy of the notice to be prominently displayed at the school
- (3) The provisions of regulations 9 to 12 of these regulations apply with the changes require by the context to the election of learner members, and in such application a reference to a parent must be construed as a reference to a learner member, provided that a learner member may be any member of the RCL, and may be nominated or seconded by any member of the RCL.
- (4) Any learner may attend the election meeting at which learner members are elected, but only those learners who are entitled to vote in terms of regulation 5(3) may participate.

- (5) The Head of Department may, on good cause shown, allow deviations from the requirements of sub regulations (1) to (4), to the extent that he or she considers it justified.

16. Election of non-educator members

- (1) The school electoral officer must-
- (a) Determine a place where, and a date and time by which, nominations must be lodged, which date must be within 14 days before or after the nomination deadline for parent members;
 - (b) Prepare a notice of nomination and elections of non-educator members in the form of Schedule Q and, at least 10 days before the date contemplated in paragraph (a) distribute a copy of the notice to every non-teaching member of staff at the school.
- (2) The Head of Department may, on good cause shown, allow deviations from the requirements of sub regulation (1), to the extent that he or she considers it justified.
- (3) The provisions of regulations 9 to 12 of these regulations apply, with the changes required by the context, to the election of non-teaching members, and in such application a reference to a parent must be construed as a reference to a non-teaching member of staff, and a reference to a parent member must be construed as a reference to a non-teaching member.

17. Co-option

- (1) The governing body of an ordinary public school which provides education to learners with special needs must, where practically possible, co-opt a person or persons with expertise regarding the special education needs of such learners.
- (2) A governing body may co-opt a member or members of the community to assist it in discharging its functions.
- (3) A governing body of a public school contemplated in section 14 of the Act may co-opt the owner of the property occupied by the school or the nominated representative of such owner.
- (4) Subject to sub-section (5), co-opted members do not have voting rights on the governing body.
- (5) If the number of parents at any stage is not more than the combined total of other members with voting rights, the governing body must temporarily co-opt parents with voting rights.
- (6) If a parent is co-opted with voting rights as contemplated in subsection (5), the co-option ceases when the vacancy has been filled through a by-election which must be held within 90 days after the vacancy has occurred.

18. Vacation of office

An incidental vacancy occurs on a governing body whenever a member-

- (a) resigns in writing;
- (b) dies;
- (c) is removed from office in terms of the Act;

- (d) is absent from three consecutive meetings without reasonable explanation; or
- (e) becomes ineligible in terms of regulation 4.

19. Filling of incidental vacancies

- (1) Whenever an incidental vacancy occurs-
 - (a) in the office of any member except a parent member, the vacancy must be filled in accordance with an election in terms of these regulations;
 - (b) in the office of a parent member, the vacancy must be filled at the discretion of the governing body, either in accordance with an election in terms of these regulations or by co-opting a member with or without voting rights; provided that the total number of parent members co-opted in terms of this sub regulation may not exceed 40% of the total number of parent members of the governing body.
- (2) A parent member co-opted in terms of sub regulation (1)(b) remains a member for the unexpired term of office of his or her predecessor.
- (3) A member elected or co-opted in terms of sub regulation (1)(b) remains a member for the unexpired term of office of his or her predecessor.
- (4) Should an incidental vacancy occur due to the departure of an elected member, a co-opted member can be nominated and appointed to serve on the school governing body with voting rights for a period not exceeding 90 days; provided that the vacancy is filled with a formally elected member who has been elected through a bi-election

20. Resolution of Disputes during the election process

- (1) The school electoral officer shall decide all matters connected with the nomination of candidates and the poll.
- (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 7 (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 (fourteen) days of receipt of the complaint.
- (5) An appeal can be lodged with the MEC within 30 days, should the complainant not be satisfied with the decision taken by the District Electoral Officer.
- (6) 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.

CHAPTER 3

OFFICE-BEARERS AND COMMITTEES OF GOVERNING BODIES

21. Duties to be executed during the first meeting of the governing body

- (1) The principal must convene the first meeting of the governing body not less than 14 days and not more than 21 days after the election of the parent members.
- (2) At this first meeting of the governing body, the members of the governing body with voting rights must, from among its members with voting rights, elect at least the following office-bearers of the governing body-
 - (a) Chairperson;
 - (b) Treasurer; and
 - (c) Secretary.
- (3) The office-bearers elected in terms of sub regulation (1) must perform such duties and functions as are contemplated in these regulations and any other law until their term of office ends.
- (4) The principal must:
 - (a) Ensure that the school governing body data form (Schedule S) and the Notification of all Members elected to the governing body (Schedule T) is duly completed;
 - (b) submit the data form to the Area Project Manager within 14 days of the school governing body's first meeting and the Area Project Manager shall forward the data within 7 (seven) days of receipt thereof to the District Electoral Officer;
 - (c) inform the Area Project Manager of any changes of membership of the school governing body within 14 days of those changes being effected;
 - (d) must manage the handing over process to the new school governing body.

22. Provisions relating to office-bearers

- (1) The principal of a school represents the Head of Department in the governing body when acting in an official capacity as contemplated in section 23(1)(b) and 24(1)(j) of the Act.
- (2) Not more than two educator members may serve as office-bearers of the governing body.
- (3) No member of the governing body of a school may hold more than one office in the governing body.
- (4) Only a parent member of a governing body who is not employed at the school may serve as the Chairperson of the governing body.
- (5) Only a parent member may serve as the Treasurer.
- (6) An office bearer of a governing body ceases to hold office such if he or she ceases to be a member of the governing body.
- (7) The Chairperson of a governing body must convene and chair the meetings of the governing body, and in his or her absence the members of the governing body must appoint a member to chair the meeting.

- (8) The Secretary of a governing body must perform the duties contemplated in these regulations, and in his or her absence the members of the governing body must appoint a member to perform such duties.

23. Term of Office

- (1) The term of office of the school governing body may not exceed three years.
- (2) The term of office of the learner component may not exceed one year.
- (3) An office-bearer remains in office for a term not exceeding 12 months from the date of his or her election and may, after the expiry of his or her term of office be re-elected.

24. Vacation of office by office-bearers

Where, in terms of these regulations or for whatever other reason, the office of a member of the governing body becomes vacant, the members of the governing body with voting rights must, at the next meeting of the governing body, elect one of its members with voting rights other than the principal to fill the vacancy in that office.

25. Composition of Executive Committees of governing bodies

- (1) The office-bearers elected in accordance with regulation 20 must be members of the Executive Committee of the governing body.
- (2) The principal must be a member of the Executive Committee but may not be an office-bearer of the governing body.

26. Duties and functions of Executive Committees of governing bodies

- (1) The Executive Committee must-
- (a) carry out the mandate of the governing body and is accountable to the governing body for all its actions;
 - (b) meet at least once per month, unless authorized to meet less frequently over any given 12-month period by the governing body.
- (2) A quorum of the Executive Committee is a majority of the members of the Executive Committee.
- (3) The Area Project Manager may request and be furnished with information regarding the time and venue of any meeting of the Executive Committee, and to attend but not to vote at such meeting.
- (4) Subject to these regulations, the Executive Committee must determine its own rules in relation to meetings and procedures at its meetings.

27. Other committees of governing bodies

- (1) A governing body may appoint one or more committees other than the Executive Committee to advise it and, subject to the instructions of the governing body, to perform such of its functions as the governing body may determine.
- (2) A governing body of an ordinary school which provides education to learners with special education needs must establish a committee on special education needs.

- (3) Every committee must be chaired by a member of the governing body.
- (4) A governing body may
 - (a) appoint to a committee persons who are not members of the governing body;
 - (b) alter or invalidate any decision of a committee.

CHAPTER 4**MEETINGS OF GOVERNING BODIES****28. Meetings of governing bodies**

- (1) A governing body must meet at least once per school term.
- (2) A quorum of the governing body is 50% of the members eligible to vote on the relevant business of the governing body plus one.
- (3) At least one week's notice of any ordinary meeting must be given by a governing body to the Department.
- (4) The governing body may invite departmental officials to attend governing body meetings.
- (5) The Department may request the governing body that departmental officials may attend governing body meetings.
- (6) Subject to these regulations, a governing body must determine its own rules relating to meetings referred to in this Chapter and procedures at such meetings.

29. Minutes of meetings

- (1) The Secretary of a governing body must-
 - (a) keep minutes of the proceedings of every meeting of the governing body and its Executive Committee, and submit such minutes for approval at the next meeting of the governing body or its Executive Committee, as the case may be;
 - (b) ensure that minutes of the proceedings of every meeting of a committee of the governing body are kept and submitted for approval at the next meeting of such committee;
 - (c) ensure that minutes of the proceedings of a committee of a governing body once approved, are submitted to the next meeting of the governing body;
 - (d) keep minutes of the proceedings of every meeting of parents referred to in regulations 29 and 30, and submit such minutes for approval at the next meeting of parents;
 - (e) ensure that at an Annual General Meeting the minutes of all meetings referred to in regulations 29 and 30 held since and including the previous Annual General Meeting are available;
 - (f) on request, provide the Area Project Manager with a copy of any minutes referred to in sub regulations (a), (b), (c), (d) and (e).
- (2) Upon the expiry of the term of office of members, all minutes referred to in sub regulations (1)(a), (1)(b), (1)(c), (1)(d) and (1)(e) and other documents of the governing body must be handed over to the principal.

30. Annual General Meeting of parents

- (1) A governing body must, between July and November of each year, convene in accordance with the provisions of this regulation an Annual General Meeting of parents at the school at which-
 - (a) the principal and the Chairperson of the governing body must submit a joint written report or separate written reports on the school for the previous year;
 - (b) the latest audited financial statements of the school produced in terms of the Act must be made available;

- (c) the budget of the school referred to in the Act must be presented;
 - (d) any matter relating to school fees as contemplated in the Act may be discussed; and
 - (e) any other matters relating to the school may be discussed.
- (2) The principal must at least 30 days prior to the date of the Annual General Meeting-
- (a) distribute a copy of the notice for such meeting to every learner at the school with an instruction to hand it to his or her parents; and,
 - (b) communicate the notice for such meeting to the parent of every absent learner at the school;
 - (c) the notice must also inform the parents that the school's budget will be available for inspection 14 (fourteen) days prior to the meeting.
- (3) A quorum for this meeting will be 15% (fifteen percent) of the parents of enrolled learners at the school.
- (4) Should a quorum not be reached at this meeting, a second meeting will be arranged within 14 days. The principal must on the first school day following the date of this meeting –
- (a) distribute a copy of the notice for such meeting to every learner at the school with an instruction to hand it to his or her parents; and,
 - (b) communicate the notice for such meeting to the parent of every absent learner at the school.
- (5) At this second meeting no quorum is necessary.

31. Special General Meeting of parents

- (1) A governing body-
- (a) may convene a Special General Meeting of parents at the school in accordance with the provisions of this regulation;
 - (b) must convene a Special General Meeting of parents at the school within 30 days of receipt of a petition signed by at least 20% of the parents of learners at the school calling for a special meeting.
- (2) The principal must at least 10 days prior to the date of the Special General Meeting-
- (a) distribute a copy of the notice for such meeting to every learner at the school with an instruction to hand it to his or her parents; or
 - (b) communicate the notice for such meeting to the parents of every absent learner at the school.
- (3) A Special General Meeting of parents may deal with any of the matters contemplated in regulation 29
- (4) A quorum for this meeting is 20% (twenty percent) of the parents of enrolled learners at the school.

CHAPTER 5

GENERAL AND TRANSITIONAL PROVISIONS

32. Liability, reimbursement and financial benefit

- (1) A member of a governing body is not liable for any debt, damage or loss incurred by the school as a result of his or her actions in his or her capacity as a member of the governing body unless he or she acted without authorization or with malicious intent, in which case he or she may be held responsible for such debt, damage or loss.
- (2) Necessary expenses incurred by a member of a governing body in the performance of his or her duties may be reimbursed by the governing body.
- (3) No member of a governing body or any relative of such member may derive financial benefit by virtue of his or her being a member of such governing body.
- (4) A member of a governing body must withdraw from a meeting of the governing body for the duration of the discussion and decision-making on any issue in which the member or any relative of that member has a financial interest.

33. Transitional provision relating to existing governing bodies

- (1) Where a governing body of a school was in existence immediately prior to the commencement of these regulations, its term of office must be deemed to have ended on the day before the date on which a governing body for that school is elected in accordance with these regulations.
- (2) Until the end of its term of office, a governing body of a school which was in existence immediately prior to the commencement of these regulations, continues in existence and perform all the functions it performed prior to the commencement of these regulations which it can lawfully perform.
- (3) The Head of Department must appoint a departmental official or officials to perform, in the period between the end of the term of office of a governing body contemplated in sub regulation (2) and the first meeting of the governing body elected in accordance with these regulations, all the functions and duties which a governing body can lawfully perform.

34. Interim provision relating to constitution of governing bodies

- (1) Until such time as a governing body has drawn up a constitution and standing orders in accordance with the Act, the Treasurer and two other members of the governing body selected for that purpose by majority vote of the governing body must give their written approval for any payment made out of the school fund.
- (2) Until such time as a governing body has drawn up a constitution and standing orders in accordance with the Act-
 - (a) an extraordinary meeting of the governing body may be convened by the Chairperson of the governing body when he or she deems it necessary or when at least four members submit to the Chairperson a written request for such a meeting containing their reasons for this request;

- (b) ordinary and extraordinary meeting of the governing body must take place after written notice of the meeting has been issued to all members at least seven days prior to the meeting;
- (c) the notice of a meeting of the governing body must include a list of the matters to be discussed at the meeting;
- (d) a meeting of the governing body must deal with matters of which prior notice has been given, and may deal with other matters provided that approval of the meeting is obtained;
- (e) any person may attend and speak at a meeting of the governing body provided that approval of the meeting is obtained;
- (f) each member of the governing body has one vote, and, at the conclusion of voting, the Chairperson of the governing body must exercise a casting vote if necessary;
- (g) the minutes of any meeting must be read or taken as read at the opening of the next meeting, and if approved must be signed by the Chairperson and the Secretary;
- (h) matters of standing orders and procedures at meetings which are not covered in the Act, in these regulations or in any other law must be decided by the Chairperson; and
- (i) if an member questions a decision referred to in paragraph (h), the matter must be submitted to a vote.

35. Repeal of regulations

The Governing Body Regulations for Public Schools, 1997 are hereby repealed.

36. Short title

These regulations are called the Governing Bodies of Public Schools Regulations, 2009.

SCHEDULE C

PARENTS' REGISTRATION FORM

In order to elect parents for the governing body, the school's admission register will be used as the basis for the electoral voter's roll.

A "parent" can mean:

- The person or guardian of a learner in the school
- The person legally entitle to the custody of a learner in school
- A person who fulfills the role of a parent or a custodian

Only two parents of a learner are legible to vote

Please complete the following form and return to the school principal by _____ (date). If you are not on the school admission register you will not be able to vote or stand as a governor unless you complete and return this form to the school

NAME OF SCHOOL:

NAME OF A LEARNER(S): 1. _____
 2. _____
 3. _____

GRADE: 1. _____
 2. _____
 3. _____

PARENT 1

NAME OF THE PARENT	
ID. NUMBER OF PARENT	
ADDRESS OF PARENT	
SIGNATURE OF PARENT	

PARENT 2

NAME OF THE PARENT	
ID. NUMBER OF PARENT	
ADDRESS OF PARENT	
SIGNATURE OF PARENT	

DATE: -----

Stamp

SCHEDULE G

**NOTICE OF SGB ELECTIONS FOR
MEMBERS WHO ARE PARENTS / GUARDIANS OF LEARNERS**

Name of school: _____

Notice is hereby given that a meeting for the nomination and Election of candidates for the election of (number in words) _____ (number numerically) _____ members of the governing body of the above- mentioned school, will be held on (date) _____ at _____ (time). Candidates (who must be parents / guardians of learners at the school and who are not employed at the school) may be nominated by lodging with the electoral officer a nomination form duly completed by the candidate and his / her proposer and seconder. Both proposer and seconder must be parents / guardians of learners at a school. The nomination form must be returned to the school 24 hours before the day of nomination and election meeting.

Nominations will also be accepted at the nomination and election meeting. If candidates cannot be present at the nomination, written proof must be submitted at the meeting to the effect that candidate is willing to serve as a member of the governing body. An election meeting will be held on the same day as the nomination meeting mentioned above.

N.B. It is the responsibility of parents / guardians to ensure that their names are on the school's voter's roll, which can be viewed at the school. Only parents whose names are on the school's voter's roll will be entitled to participate in the school's governing body.

SIGNATURE OF SCHOOL ELECTORAL OFFICER: -----

TEL: -----

DATE: -----

ADDRESS: -----

Stamp

SCHEDULE H

**ELECTION OF MEMBERS OF GOVERNING BODIES
NOMINATION FORM**

- N.B. 1. Distribute Nomination Form 14 days prior to the meeting.
 2. If Nomination and Election meeting is combined, then return the form 24 hours before nomination and election meeting.
 3. If not combined, return it to the school not less than a day before the election.

NAME OF SCHOOL:

PROPOSER

I, _____ (full name)

of _____ (Residential Address),
 being (indicate the correct response) a parent or guardian of a learner / an educator / non educator / a member of the Representative council of learners of the above mentioned school, hereby propose

_____ (full name of the candidate)
 as a member of the governing body of the above-mentioned school

SIGNATURE OF THE PROPOSER: _____ **DATE:** _____

SECONDER

I, _____ (Full name)

of _____ (Residential address)

Being (indicate correct response) a parent or guardian of a learner / an educator / a non educator / a member of the Representative council of learners of the above mentioned school, hereby propose

_____ (full name of the candidate)
 as a member of the governing body of the above-mentioned school

SIGNATURE OF SECONDER: _____ **DATE:** _____

Stamp

CANDIDATE

I, _____ (full name)

of _____ (residential Address)
being a parent or a guardian of a learner/ an educator / a non educator / a member of
Representative Council of learners of above-mentioned school, hereby declare that I:

- a. Accept the above mentioned nomination, and
- b. Am eligible to be a member of a governing body as contemplated in the provincial election regulations

Residential address:
Postal address:

SIGNATURE OF THE CANDIDATE

DATE:

ELECTORAL OFFICER

The nomination is (indicate correct response) accepted / rejected

SIGNATURE OF SCHOOL ELECTORAL OFFICER:

DATE:

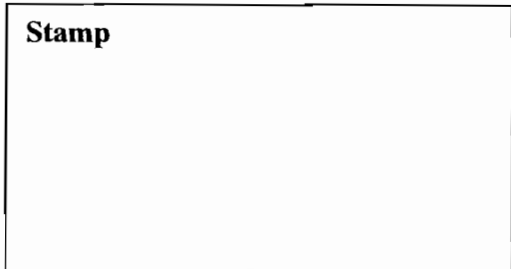
ADDENDUM

I, _____ (full name)

declare that written proof to my satisfaction has been submitted that the above –
mentioned candidate, who is not present at the nomination and election meeting to
complete the nomination and election form, will be willing to serve as a member of the
governing body.

SIGNATURE OF THE SCHOOL ELECTORAL OFFICER: -----

DATE: -----



SCHEDULE I

PARENT BALLOT PAPER

NAME OF THE DISTRICT:-----

NAME OF THE PROJECT OFFICE:

NAME OF THE SCHOOL:

Choose candidates by placing a cross in the box next to the candidate of your choice e.g

1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
1.		
13		
14		
15		
16		
17		
19		
20		

Stamp

SCHEDULE J

EDUCATOR BALLOT PAPER

NAME OF THE DISTRICT:-----

NAME OF THE PROJECT OFFICE:

NAME OF THE SCHOOL:

Choose candidate by placing a cross in the box next to the candidate of your choice e.g.

1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
2.		
13		
14		
15		
16		
17		
19		
20		

Stamp

SCHEDULE K

NON-EDUCATOR BALLOT PAPER

NAME OF THE DISTRICT:-----

NAME OF THE PROJECT OFFICE:

NAME OF THE SCHOOL:

Choose candidate by placing a cross in the box next to the candidate of your choice e.g. X

1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
3.		
13		
14		
15		
16		
17		
19		
20		

Stamp

SCHEDULE L

LEARNER BALLOT PAPER

NAME OF THE DISTRICT:-----

NAME OF THE PROJECT OFFICE:

NAME OF THE SCHOOL:

Choose candidate by placing a cross in the box next to the candidate of your choice e.g.

1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
4.		
13		
14		
15		
16		
17		
19.		
20		

Stamp

SCHEDULE M

ELECTION DECLARATION FORM

NAME OF THE DISTRICT:

NAME OF THE AREA PROJECT OFFICE:

NAME OF THE SCHOOL:

NAME OF THE ELECTORAL OFFICER:.....

DATE OF ELECTIONS FOR::

Parent component:

Educator component:

Non-Educator component:

Learner component:

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 component/s was/ were undisputed.

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

SECTION B: Disputed Elections

As the school electoral officer I declare that following component/s of the above mentioned election was/were disputed.
And hereby provide details of the said dispute/s

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

Stamp

SCHEDULE N

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

TYPE OF ELECTION

**PARENT
EDUCATOR**

**LEARNER
NON-EDUCATOR**

DISTRICT:-----

AREA PROJECT OFFICE:-----

SCHOOL:-----

DATE OF ELECTION:

--

TYPE OF THE SCHOOL

PRIM	SEC	COM	LSEN
-------------	------------	------------	-------------

NUMBER	NAMES OF CANDIDATES(Most to least votes)	NUMBER OF VOTES
1.		
2		
3		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

TOTAL NUMBER OF ELIGIBLE VOTERS:-----

TOTAL NUMBER OF VOTES CAST:-----

TOTAL SPOILT PAPERS:-----

SCHOOL ELCTORAL OFFICER:-----

SIGNATURE:-----

DATE:-----

Stamp

SCHEDULE O

NOTIFICATION OF ALL MEMBERS ELECTED TO THE GOVERNING BODY

DISTRICT:

SCHOOL:

PRINCIPAL:

ELECTION DATE:

PARENTS INFORMATION				
Surname	First Names	Contact details	Fax number	e-mail
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
EDUCATORS INFORMATION				
Surname	First Names	Contact details	Fax number	e-mail
1.				
2.				
3.				
NON-EDUCATORS INFORMATION				
Surname	First Names	Contact details	Fax number	e-mail
1.				
LEARNERS INFORMATION				
Surname	First Names	Contact details	Fax number	e-mail
1.				
2.				
3.				

ELECTORAL OFFICER:

DATE:.....

SIGNATURE:

Stamp

SCHEDULE P

**ELECTION OF MEMBERS OF GOVERNING BODIES
NOTICE OF SGB ELECTIONS FOR EDUCATOR MEMBERS OF STAFF**

NAME OF THE DISTRICT:

NAME OF THE AREA PROJECT OFFICE: -----

NAME OF THE SCHOOL:

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

Candidates (who must be educators at the school) may be nominated by lodging with the electoral officer a nomination form duly completed by the candidate, the proposer and the seconder, more than a day before the commencement of the above meeting. Both proposer and the seconder must be educators at the school.

Nomination will also be accepted at the nomination and election meeting. If candidates cannot be present at the nomination meeting, written proof must be submitted at the meeting to the effect that the candidate is willing to serve as a member of the governing body.

An election meeting will be held on the same day as the nomination meeting mentioned above.

SIGNATURE OF SCHOOL ELECTORAL OFFICER:

DATE:

Tel:

Stamp

SCHEDULE Q

NOTICE OF SGB ELECTIONS FOR MEMBERS WHO ARE NON-EDUCATORS

Name of school:.....

Notice is hereby given that a meeting for the nomination and Election of candidates for the election of (number in words)_____ (number numerically)_____ members of the governing body of the above- mentioned school, will be held on (date) _____ at _____(time). Candidates may be nominated by lodging with the electoral officer a nomination form duly completed by the candidate and his / her proposer and seconder. Both proposer and seconder must be educators at the school. The nomination form must be returned to the school 24 hours before the day of nomination and election meeting.

Nominations will also be accepted at the nomination and election meeting. If candidates cannot be present at the nomination, written proof must be submitted at the meeting to the effect that candidate is willing to serve as a member of the governing body. An election meeting will be held on the same day as the nomination meeting mentioned above.

N.B. It is the responsibility of non-educators to ensure that their names are on the school's voters roll, which can be viewed at the school. Only educators whose names are on the school's voters roll will be entitled to participate in the school's governing body.

SIGNATURE OF SCHOOL ELECTORAL OFFICER: -----

TEL: -----

DATE: -----

ADDRESS: -----

Stamp

SCHEDULE R

NOTICE OF SGB ELECTIONS FOR MEMBERS WHO ARE LEARNERS

Name of school:.....

Notice is hereby given that a meeting for the nomination and Election of candidates for the election of (number in words)_____ (number numerically)_____ members of the governing body of the above- mentioned school, will be held on (date) _____ at _____(time). Candidates may be nominated by lodging with the electoral officer a nomination form duly completed by the candidate and his / her proposer and seconder. Both proposer and seconder must be learners at the school. The nomination form must be returned to the school 24 hours before the day of nomination and election meeting.

Nominations will also be accepted at the nomination and election meeting. If candidates cannot be present at the nomination, written proof must be submitted at the meeting to the effect that candidate is willing to serve as a member of the governing body. An election meeting will be held on the same day as the nomination meeting mentioned above.

N.B. It is the responsibility of learners to ensure that their names are on the school's voters roll, which can be viewed at the school. Only learners whose names are on the school's voters roll will be entitled to participate in the school's governing body.

SIGNATURE OF SCHOOL ELECTORAL OFFICER:

TEL:

DATE:

ADDRESS:

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

Stamp

SCHEDULE S

SGB DATA FORM

Province: _____ District / Area: _____
 School: _____ Total no. of SGB members: _____

Surname and Initials	Gender		Race				Disability		Education				Previous SGB Experience in years	Previous SGB		SGB Portfolio / Designation		
	F	M	Bla	Wh	Co	In	Yes	No	Primary	Secondary	Tertiary	None		Yes	No			
Principal																		
Parents																		
1.																		
2.																		
3.																		
4.																		
5.																		
6.																		
7.																		
8.																		
9.																		
Educators																		
1.																		
2.																		
3.																		
Non-Educators																		
1.																		
Learners																		
1.																		
2.																		
3.																		
Number of learners enrolled at the school									Black		White		Coloured		Indian		Total	

Signature by officials: _____

SCHOOL STAMP & DATE

SCHEDULE T

NOTIFICATION OF OFFICE BEARERS ELECTED TO THE GOVERNING BODY

NB. 1. To be completed by the school

2. One copy to be submitted to Area Project Office

DISTRICT: _____

MEETING DATE: _____

PORTFOLIO	SURNAME	NAMES	CONTACT DETAILS	E-MAIL/ OTHER
Chairperson				
Vice chairperson				
Secretary				
Treasurer				

Other Office Bearers

1				
2				
3				
4				

Chairpersons of governing body sub-committees (Specify)

1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

SGB CHAIRPERSON: _____

DATE: _____

SIGNATURE: _____

