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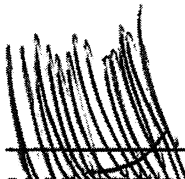
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GENERAL NOTICE

NOTICE 79 OF 2015

REGULATIONS RELATING TO THE ELECTION OF SCHOOL GOVERNING BODIES AND GOVERNANCE OF PUBLIC SCHOOLS IN THE NORTH WEST PROVINCE.

I, Maphefo Wendy Matsemela, the Member of the Executive Council for Education and Sport Development in the North West Province has in terms of section 27 of the North West Schools Act, 1998 (Act No. 3 of 1998) read with sections 18A and 28 of the South African Schools Act, 1996 (Act No. 84 of 1996) as amended promulgated the regulations as set out in the Schedule.



21/01/2015

MAPHEFO WENDY MATSEMELA

MEMBER OF THE EXECUTIVE COUNCIL

**NORTH WEST DEPARTMENT OF EDUCATION AND SPORT
DEVELOPMENT**

REGULATIONS RELATING TO THE ELECTION OF SCHOOL GOVERNING BODIES AND GOVERNANCE OF PUBLIC SCHOOLS IN THE NORTH WEST PROVINCE

Published under

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INTRODUCTION

The School Governing Bodies (SGB) are an important key feature in our schools as per the prescripts of South African Schools Act (SASA), 84 of 1996, as amended. SASA recognises the rights and responsibilities of all stakeholders involved in schools and compel every school to have a school governing body which is effective and functional. Since the election of school governing bodies is a democratic process, it has made them to attract more competent people, young parents, heightened community involvement and interest.

The governing body of every school have a legal status and its main objective is to promote the welfare of the school, this force its members to represent the school and its community but not individuals. Therefore people elected into the SGB should have the learners' interest at heart by ensuring safe schools with a learning environment that will enhance the provision of quality learning and teaching.

The SGB elections are the third biggest elections after national and local government elections looking at the number of people to be elected into SGB structures in all public schools. They call for maximised advocacy to the parents and communities to encourage full participation and support. These elections require diligent and committed officials at all levels, including School Governing Body Association members to ensure that the elections are inclusive, successful, free, transparent and fair.

All parents as defined in the South African Schools Act, 84 of 1996 with children enrolled at our public schools should participate by allowing themselves to be voted in and vote for other parents. Teachers, non-teaching staff members and learners should comply, take part during this process and allow the smooth running of the elections. Eligible voters are encouraged to elect competent, knowledgeable, capable and people with good standing in their communities into the school governing bodies of their schools.

PURPOSE

- To regularise the School Governing Body election process in the province
- To give effect to provincial SGB election regulations regarding governance in our schools
- To provide information on the participants during the school governing bodies elections
- To clearly outline the composition of the SGBs
- To eradicate the challenge of personal interest by the community
- To ensure that processes outlined in these regulations are implemented in a fair and just manner through monitoring the process
- To guide the electoral officers and all involved during the election process

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CHAPTER 1

DEFINITIONS AND APPLICATION OF REGULATIONS

1 Definitions

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.

- (a) **“Circuit Manager”** refers to an official responsible for the management of a circuit;
- (b) **“co-opted member”** means a parent of a learner at the school or a member of the community co-opted onto the governing body in terms of regulation 2(19);
- (c) **“comprehensive school”** refers to a technical, combined and mega farm schools;
- (d) **“days”** means calendar days including Saturdays, Sundays and public holidays;
- (e) **“Department”** means the Department of Education and Sport Development in the province;
- (f) **“District Electoral Officer”** means a senior district official at a district office responsible to oversee and manage the election process in the district;
- (g) **“educator”** means any person, excluding a person who is appointed to exclusively perform extra-curricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at a public school;
- (h) **“EMGD official”** means an official appointed in the Education Management and Governance Development section of the Department;
- (i) **“HOD”** means the Head of the Department of Education and Sport Development in the province;
- (j) **“learner”** means a learner who is officially enrolled at a school from grade R to grade 12 (twelve);
- (k) **“MEC”** means the Member of the Executive Council who is responsible for education and sport development in the province;
- (l) **“member”** means a member of a governing body;
- (m) **“non teaching staff member”** means a person appointed at the school and who is not an educator at a school;
- (n) **“parent”** means
 - (i) The biological or adoptive parent or legal guardian of a learner;
 - (ii) The person legally entitled to custody of a learner; or
 - (iii) The person who undertakes to fulfil the obligations of a person referred to in paragraphs (i) and (ii) towards the learner’s education at school.

- (o) **“principal”** means an educator appointed or acting in a post established as the head of a school;
- (p) **“province”** means the North West Province;
- (q) **“Provincial Elections Co-ordinator”** means a senior provincial official at a provincial office responsible to oversee and manage the election process in the province;
- (r) **“public school”** may be—
 - i. an ordinary public school; or
 - ii. a public school for learners with special education needs; or
 - i. a public school that provides education with a specialised focus on talent, including sport, performing arts or creative arts.
- (s) **“Representative Council of Learners”** means the representative council of learners established in terms of section 11 of the South African Schools Act, 1996 (Act No 84 of 1996);
- (t) **“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 12;
- (u) **“School Electoral Officer”** means the principal or acting principal of another school who has received training from the EMGD officials and conducting elections of another school;
- (v) **“Teacher Liaison Officer”** means the teacher elected by all enrolled learners from grade 8 (eight) to 12 (twelve) of the school;
- (w) **“the Act”** means the South African Schools Act, 1996 (Act 84 of 1996), as amended;
- (x) **“These regulations”** means the “Regulations relating to the election and governance of governing bodies of public schools, 2015” and the Schedules thereto;
- (y) **“voters roll”** means a register of all parents of learners enrolled at a school and those who are eligible to vote at a governing body election.

2. Application of regulations

These regulations apply to and bind the governing bodies of all public schools including special schools within the North West province.

CHAPTER 2

COMPOSITION AND ELECTION OF GOVERNING BODIES

2. Composition of governing bodies of schools

- (1) The composition of a governing body of a school must comply with the requirements of the Act and these regulations.
- (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 of these regulations.
- (3) The membership of the governing body of a public school comprises of the following members:
 - (a) Elected members;
 - (b) The Principal by virtue of his or her official capacity; and
 - (c) Co-opted members.
- (4) The elected members of the governing body referred to in sub paragraph (3)(a) comprise of the following members:
 - (a) Parents of learners at the school;
 - (b) Educators at the school;
 - (c) Members of non – teaching staff who are not educators;
 - (d) Learners in the eighth grade or higher at the school drawn from the RCL or nominated by the RCL, if applicable.

3. Membership of Governing Bodies of Public Schools for Learners with Special Education needs

- (1) These regulations apply to governing bodies of public schools for learners with special education needs unless indicated otherwise.
- (2) 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.
- (3) The chairperson of the governing body in the case of a public school for learners with special education needs can be any member of the governing body elected from the persons referred to in sub-regulation (2) (a), (e), (f), (g), (h), and (i).
 - (4) The number of parent members, educator members and learner members of a governing body must, depending on the type and grading of the school concerned, comply with Schedule A to the paragraph.
 - (5) Parents must elect the members referred to in sub-regulation (2)(a) in accordance with regulations 12 and 14.
 - (6) Educators employed at the school concerned must elect the members referred to in sub-regulation (2) (b)
 - (7) Members of non-teaching staff at the school concerned who are not educators must elect the members referred to in sub-regulation (2)(c)
 - (8) The Representative Council of Learners must elect the members referred to in sub-regulation (2) (d).
 - (9) Members of categories referred to in sub-regulation (2) (e), (f), (g) and (h) must be elected or appointed as determined by the Member of the Executive Council.
 - (10) The person referred to in sub-regulation (2) (i) shall be appointed as determined by the *Member of the Executive Council*.

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 (2) (a) 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. The educator who has a child in the school can only be elected as an educator component in the SGB but not as a parent.
- (4) A non-teaching staff member of a governing body must be a person, other than an educator, employed at the school.
- (5) A learner member of a governing body must be a member of the Representative Council of Learners (RCL).
- (6) A person will not be eligible to be a member of a governing body if he or she:
 - (a) Is mentally ill and has been declared as such by a competent court;
 - (b) Is an unrehabilitated insolvent;
 - (c) Has been convicted of an offence and sentenced to imprisonment without the option of a fine for a period exceeding 6 (six) months or has not yet served his or her full period of imprisonment; or
 - (d) Has been declared to be unsuitable to work with children as stipulated in terms of the Children's Act, 2005 (Act 38 of 2005) or is listed in the register of people unsuitable to work with children in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007;
 - (e) Does not fall within one of the categories of members who make up a governing body; or
 - (f) No longer falls within the category of members he/she represented at the time of the election.
 - (g) Has had his/her membership terminated by the HOD in terms of SASA, section 18A.

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 1 (one) vote in respect of each nominee with a maximum number of votes equal to the number of parent members to be elected.
- (2) Every educator, including the principal, employed at a school is entitled to vote for educator members and has 1 (one) vote in respect of each nominee with a maximum number of votes equal to the number of educator members to be elected.
- (3) Every member of a RCL is entitled to vote for learner members and has 1 (one) vote in respect of each nominee with a maximum number of votes equal to the number of learner members to be elected.

- (4) Every non-educator member of staff is entitled to vote for a non-educator member and has 1 (one) vote. If the school has only 1 (one) non-educator member on staff, that member is automatically elected.
- (5) No proxy votes are allowed for parents.

6. Election Officers

- (1) The HOD must appoint a Provincial Electoral Officer to co-ordinate all electoral activities in the province. His or her duties include amongst others the following:
 - (a) Ensure that there is adequate advocacy concerning the election date;
 - (b) Ensure compliance with procedures with regard to elections;
 - (c) Coordinate the resources to conduct efficient and fair governing body elections;
 - (d) Ensure that materials and procedures for the training of Districts and School Electoral Officers and Teams are in place and training takes place as planned;
 - (e) Develop and provide templates of all documents required for the elections;
 - (f) Resolve disputes related to the elections which could not be resolved at school or district levels;
 - (g) Monitor and evaluate the election process in the province; and
 - (h) Consolidate a database of governing bodies on taking office.
- (2) The District Manager must appoint a District Electoral Officer to co-ordinate all electoral activities in a district. His or her duties include amongst others the following:
 - (a) Co-ordinate the election processes in the district;
 - (b) Advise the district on the proposed strategy and implementation of the election in the district and see to it that the process is conducted as agreed;
 - (c) Compile a management plan to implement the provincial regulations;
 - (d) Ensure that each school has an Electoral Officer in line with provincial regulations, and that the School Election Teams are established;
 - (e) Ensure that all election officials working at school level are adequately trained and are aware of what their role entails;
 - (f) Ensure that all Electoral Officers receive the provincial election regulations and other documents in good time;
 - (g) Ensure that election advocacy is conducted as planned;
 - (h) Ensure that the entire election process at is monitored;
 - (i) Ensure that the names and contact details of the persons elected to governing bodies (Schedule J: Notification of all Members Elected to the Governing Body) are submitted within a week of the elections taking place;

- (j) Ensure that they receive the Data Form (Schedule K: Governing body Data Form) from the School Principal; and submit it to the district within 14 days of the meeting at which the office bearers are elected;
 - (k) Resolve disputes related to the decisions which could not be resolved at school level;
 - (l) Develop a database of newly elected governing bodies and submit to the provincial election co-ordinator; and
 - (m) Compile a written district report on elections and submit it to the Provincial Coordinator.
- (3) The District Electoral Officer must appoint a principal of another school to act as the School Electoral Officer for the electoral procedures at a particular school. The duties of a School Electoral Officer are amongst others to:
- (a) Prepare a notice giving details of the date, time and venue of the nomination and election meeting;
 - (b) Ensure that there is a suitable venue for the nomination/election meeting;
 - (c) Ensure that the School Election Team knows the electoral process to be followed and complies with relevant legislation;
 - (d) 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; the School Electoral Officer should declare interest.
 - (e) 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;
 - (f) Must exercise all other powers conferred upon him or her by these regulations and any other law.
 - (g) Intervene and resolve any disputes on the day of election; and
 - (h) Submit election results to the Area Office.

7. Code of conduct for Electoral Officers

An Electoral Officer shall:

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

8. The Voters Roll

- (1) The principal and school management team should ensure that all parents complete the parents' voters' registration form.
- (2) Eligible voters are those parents appearing in the admissions register and/or SA-SAMS records as parents or who can show proof that they are parents as defined in the Act. Only two parents per learner are eligible to vote. The parent should register for the child in the lowest grade of the school.
- (3) Should the parent's voters' registration form not be returned to the school, only the parents or guardians appearing in the school's admission register and/or SA-SAMS records 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 SA-SAMS records must not be used as a voters roll.
- (5) The School Election Teams must ensure that all parents' voters comply with the definition of a parent as prescribed in SASA and these regulations, verify and confirm parents claiming to be taking care of children.
- (6) No names should be added to the voters roll on the day of the nomination and election meeting.
- (7) All guardians must produce documentary proof during registrations.
- (8) 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.
- (9) The electoral officer must at least 14 days prior to the date of the election for parent members inform the parents of the availability of the voters roll at the school.
- (10) All nominators, seconders and nominees must be parents who are listed on the voters' roll.
- (11) The principal must calculate the expected quorum of 15% of the parents on the voters roll before the election date and indicate this in the voters roll.
- (12) The voters' roll for educators must consist of all educators employed at the school.
- (13) The voters' roll for non – teaching members of staff must consist of all members of staff employed at the school;
- (14) The voters' roll for learners must consist of all members of the Representative Council of Learners (RCL).
- (15) Electoral officers should follow the principle of inclusion, transparency and democracy, rather than excluding potential voters.

9. Duties of principal towards elections of the governing body members

- (1) The principal must at least 14 (fourteen) days prior to the date use communication in writing and other means of communication to distribute a copy of the notice to all parents of all learners enrolled at the school.
- (2) Must establish and capacitate a School Election Team comprising of teachers, SMT members, TLO & non - teaching staff members. A member of the SMT must lead this team.
- (3) Must ensure that the details of parents are updated in the admission registers or SA-SAMS system.
- (4) Must ensure that all necessary documents are available and there is access to offices for reproduction of election materials.
- (5) Must ensure that the logistical arrangements are taken care of.
- (6) Must inform the departmental officials and the School Electoral Officer of any change or identified problem/s.
- (7) The principal must not take part during the election process at his or her school and allow the School Electoral Officer to run elections.

10. Date, Time and Place of the Nomination and Election Meeting of Parent Members

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

11. Nomination of Parent Members

- (1) A parent must be nominated (Schedule E: Nomination Form) and seconded only by a parent of a learner of the school concerned by –
 - (a) lodging with the school electoral officer, not more than seven days and not less than 24 hours prior to the commencement of the nomination meeting, a nomination form duly completed by the proposer, seconder and nominee; 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 3(4) and append his/her signature.
- (2) The electoral officer of the school must determine the time to be allowed for the nominations at the commencement of the nomination meeting, and must inform the meeting thereof.
- (3) After expiry of the time for nomination, the electoral officer must –
 - (a) consider the nominations and reject the nomination of any nominee who —
 - (i) has not been nominated in accordance with these regulations;
 - (ii) is not eligible to serve on the SGB; or
 - (iii) 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, that such nominee will be willing to serve as a member of the governing body;
 - (b) announce the names of the nominees whose nominations have been accepted.
- (4) If the total number of nominees whose nominations have been accepted –
 - (a) is less than the number of members required in respect of the category concerned, a new meeting at which new nominees must be nominated shall be convened within 14 days;
 - (b) is equal to the number of members required in respect of the category concerned, the electoral officer must declare every accepted nominee to be an elected member of the governing body;
 - (c) or is more than the number of members required in respect of the category concerned, an election must be held in accordance with regulation 14.

12. Quorum

- (1) A quorum of 15%, of parents' on the voters roll, is needed for the nomination and election meeting to proceed.
- (2) If the quorum is not met at the first election meeting, the election must be rescheduled within 14 days in which event the procedure prescribed in regulation 12 shall be repeated. In the second election meeting election no quorum is needed.

13. Election of Parent Members

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

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

14. Nomination and 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 (fourteen) 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 F and, at least 10 (ten) days before the date contemplated in sub-regulation (a) and distribute a copy of the notice to every educator at the school.
- (2) The HOD may, on good cause shown, allow deviations from single nomination and election meeting if she or he 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 1 (one) proxy vote and the educator has sound reason for not being present at the voting meeting.

- (4) In cases where there is only 1 (one) educator at the school, such a person may be regarded as duly elected.
- (5) The provisions of these regulations apply with the changes required by the context to the election of educator members, and in such an 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. Nomination and election meeting of a non – teaching staff members

- (1) The procedure for the election of the member non – teaching 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) In cases where there are two or more members of staff at a school, a democratic election must be held to determine who should be appointed to the governing body (Schedule F: Notice of nomination and election meeting). The Electoral Officer may, with the approval of the member of staff, draw lots as an alternative method to appoint a member of staff if there are two members of staff on the school staff.

16. Nomination and election of learner members

- (1) The Teacher Liaison Officer (TLO) 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) 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 (fourteen) days before or after the nomination deadline for parent members;

- (c) prepare a notice of nomination and election meeting of learner members in the form of Schedule F and, at least 10 (ten) days before the date contemplated in sub-regulation (2) (b) cause a copy of the notice to be prominently displayed at the school.
- (3) A learner vote may be exercised by a proxy voter who has the written authority of the learner; provided that the proxy voter may not exercise more than 1 (one) proxy vote and the learner has sound reason for not being present at the voting meeting.
- (4) The provisions 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.
- (5) Any learner may attend the poll meeting at which learner members are elected, but only those learners who are entitled to vote in terms of regulation 3(4)(d) may participate.
- (6) The HOD may, on good cause shown allow deviations from the single nomination and election meeting requirements, to the extent that he or she considers it justified.

17. Deviation from single election meeting

- (1) Schools must apply to the HOD for permission to deviate from the single election day meeting, at least 30 (thirty) days prior to the election meeting;
- (2) If the school did not apply for deviation and approval granted the elections will be nullified;
- (3) The HOD / delegated official will consider these applications if the following documents are attached to the application and respond within 7 days after receiving the application:
 - (a) Notice convening parents meeting;
 - (b) Attendance registers of meetings were the deviation was discussed;
 - (c) Minutes of the parents meeting where the process have been explained and motivated to assure the parents that their involvement in the process is not prejudiced; and
 - (d) The management plan of the deviation process.
- (4) Schools must apply to the HOD for permission to deviate from the single election meeting. After permission has been granted in writing, the school must communicate such to the electoral officer before notices are sent out to parents.
- (5) The HOD amongst other matters will consider such an application if he or she is satisfied that:

- (a) The deviation will promote the best interests of the school community and the school and will allow for maximum participation of voters in the voting process;
 - (b) The deviation will not discriminate unfairly against any potential voter or group of voters;
 - (c) Sufficient provision is made for the nomination process.
- (6) If the HOD grants permission for the process:
- (a) A quorum of 15% (fifteen percent) of voters is needed for the counting of votes to proceed;
 - (b) If less than 15% (fifteen percent) voted, then the electoral officer must determine a new date for the voting and at this meeting no quorum is required.

18. 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 and declaration of number of counted voters form (Schedule H), the notification of all members elected to the governing body (Schedule I) and hand it, together with the election declaration form (Schedule J) to the area and circuit manager a day after the election took place (if it is a working day);
 - (iii) hand the sealed envelopes and documents mentioned in (ii) to the Circuit Manager in the Area Office, who must keep the sealed envelopes and documents in safe custody for a period of at least 3 (three) months from the date of the election;
- (2) The Principal must ensure that the Data Form (Schedule K: Data Form) is completed by every member of the newly elected governing body. This form must be submitted to the Area Office within 14 days after notification of the results of the election.
- (3) The Principal is required to inform the Area Office of any changes in membership of the Governing Body within 14 days of those changes being effected, to ensure that the database is up to date.

19. Co-option

- (1) The governing body of a 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 with expertise needed by the school to assist it in discharging its functions: Provided that the number of co-opted members of the governing body at any time may not exceed three.
- (3) A governing body of a school may co-opt the owner of the property occupied by the school or the nominated representative of such owner.
- (4) Subject to sub-regulation 20(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 for a period not exceeding 90 (ninety) days.
- (6) If a parent is co-opted with voting rights as contemplated in sub-regulation 20(5), the co-option ceases when the vacancy has been filled through a by-election which must be held within 90 (ninety) days after the vacancy has occurred.
- (7) The governing body shall at all times strive to co-opt those members whose membership will ensure fair representation of the community.

20. Filling of incidental vacancies

- (1) An incidental vacancy occurs on a governing body whenever a member:
 - (a) resigns in writing;
 - (b) dies;
 - (c) relocation of parents
 - (d) is removed from office in terms of the Act;
 - (e) is absent from 3 (three) consecutive meetings without reasonable explanation; or
 - (f) no longer falls within the category of members that he/she represented at the time of the elections.
- (2) 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 voting rights; provided that the total number of parent members co-opted in terms of this sub-regulation may not exceed 40% (forty percent) of the total number of parent members of the governing body.

- (3) 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 (ninety) days; provided that the co-option ceases when the vacancy has been filled through a by-election which must be held within 90 (ninety) days after the vacancy has occurred.

21. 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 (thirty) 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 (thirty) days of receipt of the appeal.

22. Handover process

- (1) The Principal, as a member of the outgoing and the newly elected governing body, should manage the handing-over process by:
- (a) Presenting academic performance report and other professionally related matters including RCLs;
 - (b) Allowing the outgoing chairperson, treasurer and secretary to make presentations on matters relating to their offices;
 - (c) Officially handing over all governing body files to the newly elected governing body;

- (d) Conducting induction and orientation sessions for the newly elected members;
 - (e) Explaining the roles and responsibilities of the Office – Bearers; and
 - (f) Answering any questions that the newly elected governing body may have.
- (2) A list indicating the minimum documents that need to be handed over to the incoming governing body is included (Schedule M: Handover Checklist)
- (3) Signing of the Handover Certificate by relevant people

CHAPTER 3

OFFICE-BEARERS OF GOVERNING BODIES

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

- (1) The principal must convene and chair the first meeting of the governing body within 14 (fourteen) days after notification of the results of the election. The principal must also conduct an induction and orientation session for the new members during this meeting.
- (2) At this first meeting of the governing body, the members of the governing body with voting rights must 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 (3.1.2) must perform such duties and functions as 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 K) and the notification of office bearers elected to the governing body (Schedule L) are duly completed;
 - (b) Submit the data form to EMGD officials within 14 (fourteen) days of the school governing body's first meeting and the EMGD official shall forward the consolidated data within 7 (seven) days of receipt thereof to the district electoral officer;
 - (c) Inform the EMGD official of any changes of membership of the governing body within 14 (fourteen) days of those changes being effected;
 - (d) Manage the handing over process to the new governing body.

24. Provisions relating to Office – Bearers

- (1) The principal of a school represents the HOD in the governing body when acting in an official capacity as contemplated in section 16A(1)(a), 23(1)(b) and 24(1)(j) of the SASA.
- (2) Not more than 2 (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 1 (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 of an ordinary public school. In the case of a public school for learners with special education needs any member of the governing body elected from the categories of persons referred to in section 24 (1) (a), (e), (f), (g), (h) and (i) of the Act may serve as the chairperson of that governing body.
- (5) A parent member is recommended to serve as a treasurer.
- (8) An office bearer of a governing body ceases to hold office if he or she ceases to be a member of the governing body.
- (9) 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.
- (9) 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.

25. Term of office

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

26. 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 1 (one) of its members with voting rights other than the principal to fill the vacancy in that office.

CHAPTER 4**MEETINGS OF GOVERNING BODIES****27. Meetings of governing bodies**

- (1) Subject to the Act and any other applicable provisional law the governing body of a public school must function in terms of the constitution which complies with the minimum requirements determined by the *Member of the Executive Council*. The constitution must provide for the following matters:
- (a) A governing body must meet at least once per school term. These meetings are convened by chairperson of the SGB in collaboration with the principal.
 - (b) A quorum of the governing body is 50% (fifty percent) of the members eligible to vote on the relevant business of the governing body plus 1 (one).
 - (c) At least one week's notice of any ordinary meeting must be given by a governing body to the department.
 - (d) The governing body may invite departmental officials to attend governing body meetings.

28. 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 all meetings of the governing body are kept at the school and submitted for approval at the next meeting;
 - (c) on request, make available such minutes referred to in sub-regulation 1 (a) and (b) for inspection by the HOD.

- (2) Upon the expiry of the term of office of members, all minutes referred to in sub-regulations 1(a) and (b) and other documents of the governing body must be handed over to the principal.
- (3) All minute books and other documents must be kept at the school.

29. Annual General Meeting of parents

- (1) A governing body must convene the AGM between July and December of each year in accordance with the provisions of these regulations at which:
 - (a) the principal and the chairperson of the governing body must submit written reports about the school for the current 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 for the next year referred to in the Act must be presented. The approval of the budget shall be by a majority of parents present and voting.
 - (d) any matter relating to school fees as contemplated in the Act must be discussed; and any other matters relating to the school.
- (2) The principal must at least 30 (thirty) days prior to the date of the Annual General Meeting use communication in writing and other means of communication to distribute a copy of such a notice to all parents of all learners enrolled at the school and the principal must ensure that the notice also inform the parents that the school's budget will be available for inspection 14 (fourteen) days prior to the meeting.
- (3) A quorum of the Annual General Meeting shall be 15% of the total number of parents of the school.
- (4) If the quorum is not reached at the Annual General Meeting referred to in sub-regulation (3)-
 - (a) the Chairperson of the SGB shall determine a date, time and place for a second AGM and inform the parents in writing at least 30 days prior to the date of such meeting;
 - (b) the principal shall at least 15 days before the date of the second AGM distribute a copy of the notice to every learner at the school with an instruction to hand same over to the learner's parents; and
 - (c) at the second AGM there shall be no quorum requirement and the meeting shall proceed according to the provisions of sub-regulation (1).

30. Special general meeting of parents

- (1) A governing body may convene a special general meeting of parents at the school when there is a need or there is a matter of urgency to be discussed.
- (2) A quorum of the special general meeting shall be 15% of the parents of the school.

31. 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 interest.
- (5) A school governing body should not enter into any contract that exceeds its three year term of office.

CHAPTER 5

GENERAL AND TRANSITIONAL PROVISIONS

32. Transitional provision relating to existing governing bodies

- (1) Where a governing body of a school was in existence prior to the elections 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 elections continues to perform all the functions it performed prior to the elections which it can lawfully perform until the first meeting of the newly elected SGB is convened by the principal and signatories have changed.

33. Repeal of regulations

The Governing Bodies of Public Schools Regulations, 2012 is hereby repealed.

34. Short Title

These regulations are called the "Regulations relating to the election of school governing bodies and governance of public schools in the North West Province, 2015" and shall come into operation on the date of publication in the Provincial Gazette.

SCHEDULE A**COMPOSITION OF GOVERNING BODY BY TYPE AND LEARNER ENROLLMENT OF SCHOOL**

1. The numbers of a governing of a school are set out for each category of membership in table below.
2. The number of members in a category will vary according to the type of school and learner enrolment as set out in columns 1 and 2.
3. In a school which does not have non-educator staff, the number of parents set out in column 3 shall be reduced by one and the total number of members set in column 8 shall be reduced by 2.
4. The governing body of Comprehensive School will have the same composition as Secondary School.

1	2	3	4	5	6	7	8
Type of school	Learner enrolment	Number of parent members	Number of educator members	Number of learner members	Number of non-teaching staff members	Principal	Total number of members
Primary School	1-159	4	1	0	1	1	7
	160-719	5	2	0	1	1	9
	720+	6	3	0	1	1	11
Secondary School	< 630	7	2	2	1		13
	631+	9	3	3	1	1	17
Comprehensive School	<500	7	2	2	1	1	13
	501+	9	3	3	1	1	17
Special Schools	1-100	4	2	2	1	1	10
	101+	5	2	2	2	1	12

- The total number of SGB members for special schools will include members appointed per applicable category
- Representative Council of Learners will be included in the SGB if practically possible

SCHEDULE B

PARENTS' REGISTRATION FORM

In order to elect parents for the governing body, the school's admission register, SASAMS records and information from registration forms will be used as the basis for the electoral voter's roll.

A "parent" can mean:

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

NB: Documented proof is needed for all people who are not biological parents and officials will verify and confirm parents in (C).

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 LEARNER (S):	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 C

PARENTS' VOTERS ROLL

NAME OF DISTRICT	
NAME OF AREA OFFICE	
NAME OF SCHOOL	

NB: Only one child on the lowest grade per family should appear on the voters' roll. The voters roll should be according to grade and class.

SURNAME	NAME/S	IDENTITY NUMBER	NAME OF CHILD	GRADE

Calculated 15% quorum for the school =

NAME OF THE PRINCIPAL

SIGNATURE OF PRINCIPAL

DATE

Stamp

SCHEDULE D

VOTERS ROLL

NAME OF DISTRICT	
NAME OF AREA OFFICE	
NAME OF SCHOOL	

Educators		Non – Teaching Staff		Learners	
-----------	--	----------------------	--	----------	--

SURNAME	NAME

NAME OF THE PRINCIPAL

SIGNATURE OF PRINCIPAL

DATE

Stamp

SCHEDULE E**NOMINATION FORM**

- N.B. 1. Distribute Nomination Form 14 (fourteen) days prior to the meeting.
 2. If Nomination and Election meeting is combined, then return the form 24 (twenty four) 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:

COMPONENT:

Parents		Educator		Non-Teaching Staff members		Learner	
---------	--	----------	--	----------------------------	--	---------	--

PROPOSER:

I, _____
 (full name)

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

_____ full name of the nominee
 as a member of the governing body of the above-mentioned school.

SIGNATURE OF THE PROPOSER

DATE

SECONDER:

I, _____
 full name

being (indicate correct response) a parent or guardian of a learner / non-teaching staff member / a member of the Representative Council of Learners of the above mentioned school, hereby second:

_____ full name of the nominee
 as a member of the governing body of the above-mentioned school.

SIGNATURE OF SECONDER
DECLARATION BY NOMINEE:

DATE

CANDIDATE

I, the nominee _____
 full name

accept the nomination and declare that I am eligible to be a member of a governing body as contemplated in these regulations relating to elections and governed of governing bodies.

SIGNATURE OF THE NOMINEE

DATE

SCHOOL ELECTORAL OFFICER

The nomination is accepted / rejected

SIGNATURE
SCHOOL ELECTORAL OFFICER

DATE

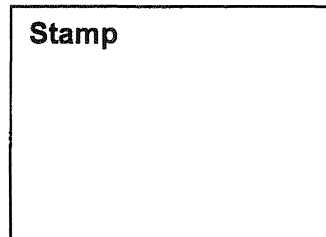
ADDENDUM

I, _____
 full name

declare that written proof has been submitted that the above – mentioned nominee, who completed the nomination form but is not present at the nomination and election meeting, is willing to serve as a member of the governing body.

SIGNATURE
SCHOOL ELECTORAL OFFICER

DATE



SCHEDULE F

NOTICE OF NOMINATION AND ELECTION MEETING FOR SGB ELECTIONS OF MEMBERS WHO ARE PARENTS / GUARDIANS OF LEARNER
--

NAME OF SCHOOL: _____

COMPONENT:

Parents	Educators	Non – Teaching Staff Member	Learners
---------	-----------	-----------------------------	----------

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

Nominees (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 nominee and his / her proposer and seconder. For each category: the nominee, the proposer and the seconder must come from the membership of that category.

The nomination form must be returned to the school 24 hours before the day of nomination and election meeting.

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

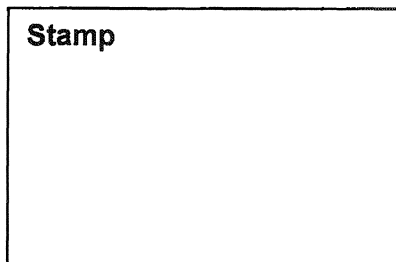
N.B: It is the responsibility of parents / guardians to ensure that their names are on the school's voters' roll, which can be viewed at the school. Only parents whose names are on the school's voters' roll will be entitled to participate in the election of school's governing body.

NAME OF SCHOOL ELECTORAL OFFICE: -----

SIGNATURE OF SCHOOL ELECTORAL OFFICER: -----

DATE: -----

CONTACT No: -----



SCHEDULE G

BALLOT PAPER

NAME OF DISTRICT	
NAME OF AREA OFFICE	
NAME OF SCHOOL	

COMPONENT:

Parents		Educator		Non-Teaching Staff members		Learner	
---------	--	----------	--	----------------------------	--	---------	--

Vote by placing a cross in the box next to the nominee/s of your choice e.g.

No.	Name	Vote by a X
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		

Stamp

SCHEDULE H

COUNTED BALLOT PAPERS AND DECLARATION OF NUMBER OF VOTERS

NAME OF DISTRICT	
NAME OF AREA OFFICE	
NAME OF SCHOOL	

COMPONENT:

Parents		Educator		Non-Teaching Staff members		Learner	
---------	--	----------	--	----------------------------	--	---------	--

DATE OF ELECTION:

TYPE OF THE SCHOOL

PRIM	SEC	COM	LSN
------	-----	-----	-----

NUMBER	NAMES OF NOMINEES (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 OF VOTERS	
TOTAL NUMBER OF VOTES CAST	
TOTAL SPOILT PAPERS	

NAME OF SCHOOL ELECTORAL OFFICER: _____

SIGNATURE SCHOOL ELECTORAL OFFICER: _____

DATE: _____

Stamp

SCHEDULE I

ELECTION DECLARATION FORM

NAME OF DISTRICT	
NAME OF AREA OFFICE	
NAME OF SCHOOL	
NAME OF SCHOOL ELECTORAL OFFICER	
DATE OF ELECTIONS FOR PARENT COMPONENT	
DATE OF ELECTIONS FOR EDUCATOR COMPONENT	
DATE OF ELECTIONS FOR NON-EDUCATOR COMPONENT	
DATE OF ELECTIONS FOR 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 components were undisputed.

Signature: _____

Date: _____

SECTION B: Disputed Elections

As the school electoral officer I declare that the following component/s of the above mentioned election was/were disputed:

1. _____
2. _____
3. _____
4. _____

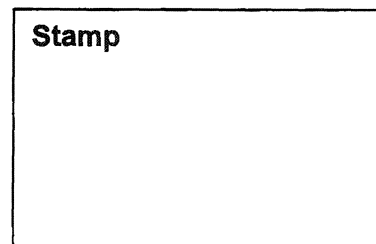
And hereby provide details of the disputes:

NAME OF SCHOOL ELECTORAL OFFICER: _____

SIGNATURE SCHOOL ELECTORAL OFFICER: _____

DATE: _____

CONTACT No.: _____



SCHEDULE J

NOTIFICATION OF ALL MEMBERS ELECTED TO THE GOVERNING BODY

NAME OF DISTRICT	
NAME OF AREA OFFICE	
NAME OF SCHOOL	
ELECTION DATE	

SURNAME	NAMES	TEL NUMBERS	CELL NUMBER	FAX NUMBER	E-MAIL
----------------	--------------	--------------------	--------------------	-------------------	---------------

PRINCIPAL

--	--	--	--	--	--

PARENTS

1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					

EDUCATORS

1.					
2.					
3.					

NON – TEACHING STAFF MEMBERS

1.					
2.					

LEARNERS

1.					
2.					
3.					

NAME OF SCHOOL ELECTORAL OFFICER: _____

SIGNATURE SCHOOL ELECTORAL OFFICER: _____

DATE: _____

Stamp

IMPORTANT Reminder from Government Printing Works

Dear Valued Customers,

As part of our preparation for eGazette Go Live on 9 March 2015, we will be suspending the following existing email addresses and fax numbers from **Friday, 6 February**.

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