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NOORDELIKE PROVINSIE  
XIFUNDZANKULU XA N'WALUNGU  
PROFENSE YA LEBOA  
VUNDU LA DE VHULA

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**PIETERSBURG,**

**Vol. 7  
Extraordinary**

**Ku katsa na Tigazete to  
Hlawuleka hinkwato**

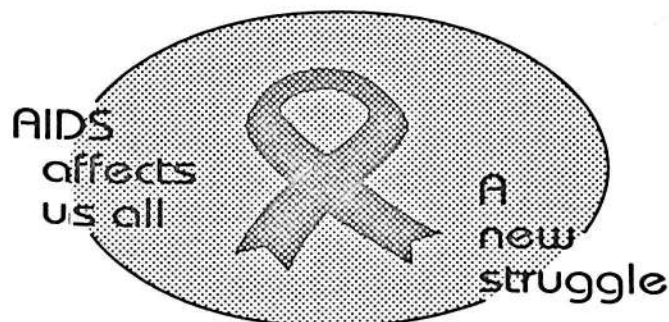
19 MAY 2000  
19 MEI 2000  
19 MUDYAXIHI 2000  
19 MEI 2000  
19 SHUNDUNTHULE 2000

**No. 530**

**Buitengewoon**

**Hu tshi katelwa na  
Gazethe dza Nyingo**

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



**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

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## General Notices

**NOTICE 135 OF 2000****GENERAL PROVISION****Date of commencement**

1. These Amended Regulations shall come into effect on a date to be determined by the Member of the Executive Council by notice in the *Provincial Gazette*.

**Date of elections and Institution of School Governing Bodies**

2. (1) The elections of School Governing Bodies in the Northern Province shall be held between May and July.

(2) The induction of School Governing Bodies in the Northern Province shall be held between September and October.

3. The chairperson(s) of Association(s) of School Governing Bodies shall furnish the Head of the Department with the updated record of their membership annually.

**Period of Induction of Representative Council of Learners**

4. (1) The newly elected Representative Council of Learners shall be inducted in the month of March every year.

**NOTICE 140 OF 2000****NORTHERN PROVINCE DEPARTMENT OF EDUCATION****NOTICE OF DETERMINATION OF GUIDELINES FOR ESTABLISHMENT, ELECTION AND FUNCTIONS OF REPRESENTATIVES COUNCIL OF LEARNERS**

I, Charlie Edgar Mushwana, Member of Executive Council for Education, hereby gives notice in terms of section 11(2) of the South African Schools Act, 1996 (Act No. 84 of 1996), that I have determined guidelines for the establishment, election and functions of Representative Council of Learners including minimum requirements with which Representative Council of Learners in public schools within the Northern Province must comply in their Constitution and Standing Orders, as set out in the Schedule hereto.

**C. E. MUSHWANA**

Member of the Executive Council

**SCHEDULE****Definitions**

1. Unless the context indicates otherwise, the definitions set out in section 1 of the South African Schools Act, Act No. 84 of 1996, and as stipulated in Education Laws Amendment Act, 1999, shall apply throughout this Schedule.

**GUIDELINES FOR ESTABLISHMENT OF REPRESENTATIVES COUNCIL OF LEARNERS (RCL)****Minimum requirements of Constitution and Standing Orders of a Representative Council of Learners**

2. (1) The Constitution of the SGBs will indicate clearly the name of the institution/school in which the Representatives Council of Learners is established.

(2) The Constitution will set out clearly such information as is necessary to ensure effective communication with the Representative Council of Learners.

(3) The Constitution will set out such aims and objectives of the RCL as are feasible and which fall within the framework established by law.

(4) The Constitution will indicate which activities the Representative Council of Learners shall perform in the furtherance of its aims and the achievement of its objectives and which fall within the framework established by the South African Schools Act and the Regulations.

(5) The Constitution will set out procedures for meetings of the Representative Council of Learners and its Executive Committee.

(6) The Constitution will stipulate that members of the Representative Council of Learners may hold office for a period not exceeding one year.

(7) The Constitution will stipulate that a decision to amend the Constitution shall require a two-thirds majority of the total membership of the Representative Council of Learners after all members have been informed to such proposed amendments in writing, at least two months in advance.

(8) The Constitution will stipulate that if fewer members are present at the meeting contemplated in paragraph (7) above, a second meeting shall be called exclusively for this purpose at least two weeks after the first meeting. The Constitution will stipulate that if two-thirds of the members are not present at this second meeting, the proposed amendments may be approved by two-thirds of the members present.

#### **Elections of members of the Representative Council of Learners**

3. (1) Each class of learners in a school shall elect at least two representatives (male and female) to a Representative Council of Learners, which shall be composed of all such elected representatives, unless if the class is composed of single learners where at least one representative shall be elected.

(2) The election officer for such elections shall be the educator appointed by the Head of Department and shall be known as the Teacher Liaison Officer.

(3) The Election Officer shall appoint class educators as Electoral Assistants.

(4) An officially enrolled learner, in a level not lower than the eighth grade, may be a member of a Representative Council of Learners (RCL).

(5) A learner who has been expelled from a particular school for misconduct, may not serve as a member of its RCL while his/her judgment is pending.

#### **Nomination of candidates**

4. (1) Prior to the election of learner representatives referred to in paragraph 3 (1) above, a seven working days notice shall be given in writing and prominently displayed in the classroom by the classroom officer.

(2) Each candidate shall be nominated and seconded verbally or in writing by class members, and consent of all candidates shall be obtained.

(3) The total number of nomination shall not be more than four times the number of vacancies.

(4) Nominations made at the meeting must be recorded in the appropriate nomination forms and be checked by the Electoral Assistant against the appropriate register for eligibility.

(5) At the close of the nomination the Electoral Assistant will draw up a list of all candidates and display it prominently.

#### **Election of Learner Representatives**

5. (1) Every learner in a level not lower than the eighth grade, is entitled to vote and to be voted to the RCL.

(2) When the Electoral Assistant has prominently displayed a list of candidates, one ballot paper may be issued to each eligible candidate.

(3) Voters will be checked against the appropriate register which will serve as a voters' roll.

(4) The election of learner representatives shall be by secret ballot.

(5) Every learner shall have one vote in respect of each candidate in the election.

#### **Election of RCL Executive Committee**

6. (1) The Election Officer shall call and preside at the first meeting of the duly elected class representatives, to elect office bearers of Representative Council of Learners, who shall constitute the Executive Committee of Representative Council of Learners composing of—

- (a) president;
- (b) Deputy President;
- (c) Secretary;
- (d) Deputy Secretary;
- (e) Treasurer.

(2) No member of the Representative Council of Learners must hold more than one office in the Executive Committee of Representative Council of Learners.

(3) The following must also be elected;

- Education Officer.
- Media Officer.
- Sport and Culture Officer, and any other subcommittee as may be deemed necessary.

#### **Functions of Representative Council of Learners**

7. The functions of a Representative Council of Learners shall be—

- (a) to build unity among learners in the school;
- (b) to address the needs of all learners in the school;
- (c) to keep learners informed about events in the school and the school community;

- (d) to encourage good relationship within the school between educators and parents of learners; and learners and non-teaching members of staff;
- (e) to encourage good relationship within the school between educators and parents of learners; and
- (f) to establish for the benefit of learners in the school, fruitful links with Representative Council of Learners in the other schools, and with student/learner organisations;
- (g) to encourage learners to render voluntary services for the benefit of the school;
- (h) to encourage and maintain due observance of the code of conduct adopted for the school by the SGB.

**Election of Learner Representative into School Governing Body**

8. (1) A learner who is a member of the Representative Council of Learners and duly elected by the RCL may serve on the School Governing Body of that school.

(2) The Election Officer shall assist the RCL to conduct election of a learner representatives into the School Governing Body during the meeting referred to in paragraph 6 (1) above, soon after the inauguration of the RCL.

(3) The election in paragraph 8 (1) above shall be by secret ballot.

(4) Only elected members of the RCL executive committee are legible for election to the SGB of the school; i.e. President, Secretary or any other member of the executive of the RCL.

(5) The RCL may duly substitute on elected members on the SGB in the event of his/her early removal or disqualification on the SGB.

NAME OR NUMBER OF CLASS.....

**ELECTIONS FOR MEMBERS OF A REPRESENTATIVE COUNCIL OF LEARNERS**

A nomination and election meeting for your representatives on the RCL will be held in this classroom on (day) ..... at (time) .....

This class may elect one/two (delete which not applicable) representatives to the RCL. The election will be by secret ballot and each learner will have one vote for each representative from this class.

Nominations for representatives may be made verbally at the meeting, and must be seconded and the person being nominated must agree to being on the RCL.

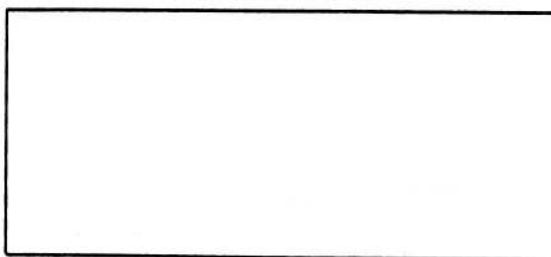
NAME OF ELECTORAL OFFICER (CLASS TEACHER). .....

NAME OF SCHOOL. ....

SIGNATURE. ....

DATE. ....

**SCHOOL STAMP**



DATE. ....







**NOTICE 141 OF 2000****NORTHERN PROVINCE DEPARTMENT OF EDUCATION****SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT No. 84 OF 1996)****REGULATIONS RELATING TO GOVERNING BODIES OF PUBLIC SCHOOLS**

I, Charlie Edgar Mushwana, Member of the Executive Council for Education, hereby give notice in terms of section 28 of the South African Schools Act, 1996 (Act No. 84 of 1996), that I have determined regulations for establishment of governing bodies in ordinary Public Schools in the Province.

**C. E. MUSHWANA**

**Member of the Executive Council**

**CHAPTER 1****COMPOSITION OF A GOVERNING BODY**

1. (1) A governing body of a school consists of the following members:
  - (a) The principal of the school;
  - (b) parents of learners at the school, elected in terms of section 23 (3) of SASA;
  - (c) educators at the school elected in terms of regulation 18;
  - (d) member of staff at the school who is not an educator; elected in terms of regulation 21;
  - (e) learners attending the eighth grade and higher, elected in terms of paragraph 8 of regulations relating to learners and regulation 20;
  - (f) an owner or a representative of the owner of the property on which the school is situated co-opted in terms of regulation 24; and
  - (g) co-opted member of the community served by the school in terms of regulation 24.
- (2) (a) A parent who is employed at the school may not represent parents on a school governing body in terms of regulation (1) (b).
- (b) The number of parent members contemplated in regulation 1 (1) (b) must comprise one more than the combined total of other members of a school governing body with voting rights.
- (c) Members of the governing body contemplated in regulation 1 (1) (f) and (g) shall not have voting rights on the governing body.
- (3) The number of parent members, educator members, non-educator members and learner members of a governing body shall vary according to the type and grading of the school, as set out in Schedule A hereto.

**GOVERNING BODIES SERVING TWO OR MORE SCHOOLS**

2. (1) The Member of the Executive Council may determine that the governance of two or more schools shall vest in a single school governing body if it is in the best interest of education at the schools in question.
- (2) The schools referred to in regulation 2 (1) shall for the purpose of these regulations be treated as one school; Provided that the principals of all schools in question shall be members of the governing body and such principal nominated from among their number one principal to perform the duties and functions of a principal which are provided for in these regulations.
- (3) The Member of the Executive Council may not act under regulation 2 (1) unless he or she has—
  - (a) given notice in the *Provincial Gazette* of his or her intentions so to act;
  - (b) given interested parties an opportunity to make written submissions within a period of not less than 30 days; and
  - (c) considered all such submissions.
- (4) The Head of department may approve a composition of a governing body of a school which differs from the composition contemplated in regulation 1.

**MERGER OF PUBLIC SCHOOLS**

3. (1) The Member of the Executive Council may, by notice in the *Provincial Gazette*, merge two or more public schools into a single school, subject to regulation 3 (2).
- (2) Before merging two or more public schools the Member of the Executive Council must—
  - (a) give written notice to the schools in question of the intention to merge them;
  - (b) publish a notice giving the reason for the proposed merger in one or more newspapers circulating in the area where the schools in question are situated;



- (c) give the school governing bodies in question and any other interested persons an opportunity to make representations within a period of not less than 90 days;
  - (d) consider such representations; and
  - (e) be satisfied that the employers of staff at the public schools have complied with their obligations in terms of the applicable labour law.
- (3) If one or more of the schools that are to be merged in terms of regulation 3 (1) are public schools on private property the Member of the Executive Council must also—
- (a) notify the owners of these private properties of his or her intention to merge the schools in question;
  - (b) consider his or her contractual obligations in terms of the existing agreement contemplated in section 14 of Act No. 84 of 1996;
  - (c) renegotiate his or her obligations in terms of the existing agreement if necessary; and
  - (d) negotiate a new agreement in terms of section 14 of Act No. 84 of 1996, if the single school contemplated in regulation 3 (1) is to be situated on private property.
- (4) The single school contemplated in regulation 3 (1) must be regarded as a public school on private property.
- (5) All assets, liabilities, rights and obligations of the schools that are merged, must, subject to the conditions of any donation, bequest or trust contemplated in section 37 (4) of Act No. 84 of 1996, vest in the single school.
- (6) (a) The School Governing Bodies that are merged must have a meeting before the merger to constitute a single interim school governing body comprising of all members of the governing bodies concerned.
- (b) The interim school governing body must decide on the budget and differences in code of conduct and school fees, as well as any issue that is relevant to the merger or which is prescribed, until a new school governing body is constituted in terms of these regulations and sections 23 and 28 of Act No. 84 of 1996.
- (7) The school governing body of a public school to be merged, may appeal to the Minister against the decision as contemplated in regulation 3 (1).
4. A member of a school governing body who is a minor—
- (1) may not contract on behalf of a public school;
  - (2) may not vote on resolutions of a school governing body which impose liabilities on third parties or on the school;
  - (3) incurs no personal liability for any consequences of his or her membership of the school governing body.

#### SCHOOL GOVERNING BODY OF A NEWLY ESTABLISHED SCHOOL

5. (1) The Head of the Department shall appoint three or more members of community served by the school to constitute an interim school governing body.
- (2) The Head of Department shall designate an official from the department to serve in the interim school governing body of a newly established public school.
- (3) Functions and period of an interim school governing body:
- (a) The interim school governing body must decide on the budget and differences in the code of conduct and school fees, as well as any issue which is prescribed, until a new school governing is constituted in terms of these regulations and sections 11 (1) 23 and 28 of Act No. 84 of 1996.
  - (b) The interim school governing body shall perform those functions for a period not exceeding three months.
  - (c) The Head of the Department may extend the period referred to in regulation 5 (3) (b) by further periods not exceeding three months each, but the total period may not exceed one year.
  - (d) The Head of the Department must ensure that a school governing body is elected in terms this regulation within a year after the appointment of persons contemplated in regulation 5 (1)

#### RECUSAL BY MEMBERS OF A GOVERNING BODY

6. A member of a school governing body must withdraw from a meeting of school governing body for the duration of discussion and decision-making on any issue in which the member has a personal interest and/or where impartiality may be questioned.

#### TERMS OF OFFICE OF GOVERNING BODY

7. (1) Subject to these regulations—
- (a) a member other than a learner member shall hold office for a period of three (3) years;
  - (b) a learner member shall hold office for a period of one (1) year;
  - (c) the term of office of an office-bearer of a governing body may not exceed one year;

- (2) A member of a governing body whose terms of office has expired—
- (a) may be re-elected as a member of the governing body; or
  - (b) may again be co-opted as a member by the governing body.
8. (1) The Head of Department may remove a governing body from office if he or she is of the opinion that such removal is in the best interest of the school.
- (2) The Head of Department shall not take action under subsection (1) unless he or she has—
- (a) informed that member of the governing body of the school of his or her intention so to act and his or her reasons therefor; and
  - (b) granted that member of the governing body of the school a reasonable opportunity to make representations to him or her in relation to such action.

#### POWERS AND FUNCTIONS OF GOVERNING BODIES

##### *Functions of all governing body of a public school*

9. (1) Subject to the Act, the governing body of a public school must—
- (a) promote the best interest of the school and strive to ensure its development through the provision of quality education for all learners at the school;
  - (b) adopt a constitution;
  - (c) develop the mission statement of the school;
  - (d) adopt a code of conduct for learners at the school;
  - (e) support the principal, educators and other staff of the school in the performance of their professional functions;
  - (f) determine times of the school day consistent with any applicable condition of employment of staff at the school;
  - (g) administer and control the school's property, and buildings and grounds occupied by the school, including school hostels, if applicable;
  - (h) encourage parents, learners, educators and other staff at the school to render voluntary services to the school;
  - (i) recommend to the Head of Department the appointment and transfer of educators at the school, subject to the Employment of Educators Act, No. 76 of 1998, and the Labour Relations Act, 1995 (Act No. 66 of 1995);
  - (j) recommend to the Head of Department the appointment of non-educators staff at the school, subject to the Public Service Act, 1994 (Proclamation No. 103 of 1994), and Labour Relations Act, 1995 (Act No. 66 of 1995);
  - (k) at the request of the Head of Department, allow the reasonable use under fair conditions of the facilities of the school for educational programmes not conducted by the school;
  - (l) discharge other functions imposed upon the governing body by or under this Act; and
  - (m) discharge other functions consistent with this Act as determined by the Minister by notice in the *Government Gazette*, or by the Member of the Executive Council by notice in the *Provincial Gazette*.
- (2) The governing body may allow the reasonable use of the facilities of the school for community, social and school fund-raising purposes, subject to such reasonable and equitable conditions as the governing body may determine, which may include the charging of a fee or tariff which accrues to the school.
- (3) The governing body may join a voluntary association representing governing bodies of public schools.

##### *Allocated functions of governing bodies*

10. (1) Subject to this Act, a governing body may apply in terms of section 21 to the Head of Department in writing to be allocated any of the following functions:
- (a) To maintain and improve the school's property, and buildings and grounds occupied by the school, including school hostels, if applicable;
  - (b) to determine the extra-mural curriculum of the school and the choice of subject options in terms of provincial curriculum policy;
  - (c) to purchase textbooks, educational materials or equipment for the school;
  - (d) to pay for services to the school;
  - (e) to provide an adult basic education and training class or centre subject to any applicable law; or
  - (f) other functions consistent with this Act and any applicable provincial law.
- (2) The Head of Department may refuse an application contemplated in regulation 9 (1) only if the governing body concerned does not have capacity to perform such function effectively.
- (3) The Head of Department may approve such application unconditionally or subject to conditions.
- (4) The decision of the Head of Department on such application must be conveyed in writing to the governing body concerned, giving reasons.

(5) Any person aggrieved by a decision of the Head of Department in terms of this section may appeal to the Member of the Executive Council.

(6) The Member of the Executive Council may, by notice in the *Provincial Gazette*, determine that some school governing body may exercise one or more functions without making an application contemplated in regulation 9 (1) if—

- (a) he or she is satisfied that the governing body concerned have the capacity to perform such function effectively; and
- (b) there is a reasonable and equitable basis for doing so.

#### WITHDRAWAL OF FUNCTIONS FROM GOVERNING BODY

11. (1) The Head of Department may, on reasonable grounds, withdraw a function of a governing body.

(2) The head of Department may not take action under regulation 10 (1) unless he or she has—

- (a) informed the governing body of his or her intention so to act and the reasons therefor;
- (b) granted the governing a reasonable opportunity to make representations to him or her relating to such intention; and
- (c) given due consideration to any such representations received.

(3) In cases of urgency body the Head of Department may act in terms of regulation 10 (1) without prior communication to such governing body, if the Head of Department thereafter—

- (a) furnishes the governing body with reasons for his or her actions;
- (b) gives the governing body a reasonable opportunity to make representations relating to such actions; and
- (c) duly considers any such representations received.

(4) The Head of Department may for sufficient reasons reverse or suspend his or her action in terms of regulation 10 (3).

(5) Any person aggrieved by a decision of the Head of Department in terms of this regulation may appeal against the decision to the Member of the Executive Council.

#### LIABILITY OF STATE AND SCHOOL GOVERNING BODY

12. (1) The State is liable for any damage or loss caused as a result of any act or omission in connection with any educational activity conducted by a public school and for which such public school would have been liable but for the provisions of this section.

(2) The provisions of the state liability Act, 1957 (Act No. 20 of 1957), apply to any claim under regulations 12 (1).

(3) Any claim for damage or loss contemplated in regulation 12 (1) must be instituted against the Member of the Executive Council concerned.

(4) Despite the provisions of regulation 12 (1), the State is not liable for any damage or loss caused as a result of any act or omission in connection with any enterprise or business operated under the authority of a public school for purposes of supplementing the resources of the school as contemplated in section 36 of Act No. 84, 1996, including the offering of practical educational activities relating to that enterprise or business.

(5) Any legal proceedings against a public school for any damage or loss contemplated in regulation 12 (4), or in respect of any act or omission relating to its contractual responsibility as employer as contemplated in regulation 9, may only be instituted after written notice of the intention to institute proceedings against the school has been given to the Head of Department for his or her information.

### CHAPTER 2

#### ELECTION OF MEMBERS OF SCHOOL GOVERNING BODY

##### *Election officer*

13. (1) (a) The Head of Department shall appoint an educator to act as an election officer for all electoral procedures other than his or her component at a particular school.

(b) The Head of Department shall also appoint the Principal as an election officer for the electoral procedures of educator components.

(3) The election officer contemplated in regulation 13 (1) may appoint person(s) to assist him/her in the election process.

(4) The election officer shall preside over all matters relating to the nomination and election of candidates and his/her decision shall be final.

(5) The election officer shall exercise all other powers conferred upon him or her by these regulations or any other law.

##### *Eligibility of parent members*

14. Every parent of a learner at a school shall be entitled to—

- (a) stand for election as a parent member of the school governing body of the school;
- (b) vote in an election of parent members of the school governing body and shall have one (1) vote in respect of each candidate in the election with maximum number of votes equal to the number of parent members to be elected.



**NOMINATION OF PARENT MEMBER**

15. (1) The election officer shall determine a date, time and place for a meeting of parents of learners—
- (a) at the school at which parents of learners may be nominated for election and elected to the school governing body.
  - (b) which shall be held a month prior the expiry date of the term of office of parent members of the governing body; and
  - (c) shall notify the principal of the school thereof.
- (2) The principal of the school shall notify the parents of the learners at the school of the date, time and place of the meeting referred to in regulation 15 (1) at least fourteen (14) days prior to the date of the meeting.
- (3) The principal shall make available to the Election Officer the Voters roll for parents (schedule G) for the purposes of exercising control at the meeting.
- (4) (a) At the meeting referred to in regulation 15 (1), a parent contemplated in regulation 14 (a) who intends standing for election of the governing body must be nominated and seconded by parents who are themselves eligible to stand for election.
- (b) One parent shall nominate such a parent as a candidate and another parent shall second such a nomination.
- (5) The election officer shall record the names of persons nominated for election and the names of the proposers and seconders of those persons as per Schedule C.
- (6) If the total number of nominations made at the meeting is—
- (a) less than the required number of parent members of a school governing body, the election officer shall dissolve the meeting and convene a new meeting within fourteen (14) days, at which nominations will be called for;
  - (b) equal to the required number of parent members, the election officer shall declare the nominated candidates duly elected; or
  - (c) more than the required number of parent members, the election officer shall hold elections in accordance with regulation 16.
- (7) A parent's vote may be exercised by a proxy voter who has the written authority of the parent, in terms of Schedule G. Provided that the proxy voter may not exercise more than two proxy votes.

**ELECTION OF PARENT MEMBERS**

16. (1) The election of parent members of a governing body shall be by secret ballot.
- (2) The election officer shall issue one officially marked ballot paper, as per Schedule G to each parent or a proxy voter entitled to vote.
- (3) The election officer shall reject any spoilt ballot paper before counting the votes recorded for each candidate.
- (4) Candidates be present while the election offer is rejecting spoilt ballot papers and counting the votes.
- (5) A parent for whom the greatest number of votes have been recorded, shall be declared by the election officer to be elected member of the governing body.
- (6) If the number of votes in favour of two or more candidates is equal and it affects the results of the election, the election officer shall draw lots to determine the results.

**ELIGIBILITY OF EDUCATOR MEMBERS OF GOVERNING BODY**

17. Every educator at a school shall be entitled to—

- (a) stand for election as an educator member of the governing body of the school;
- (b) vote in an election for educator members of a governing body and shall have one vote in respect of each candidate in the election with a maximum number of votes equal to the number of educator members to be elected.

**NOMINATION AND ELECTION OF EDUCATOR MEMBERS**

18. (1) The provisions of regulations 15 and 16 shall apply to the nomination and election of educator members of a school governing body.

(2) An educator attached to a particular school may not stand for election to its SGB as part of the parent component even if his/her child is a learner attending at that school; provided that he/she may so qualify as part in the educator component.

**ELIGIBILITY OF LEARNER MEMBERS**

19. (1) Every learner attending the eighth grade or higher shall be entitled to stand for and vote in the election of the Representative Council of Learners.

- (2) The RCL shall elect from its members someone to represent it on the school governing body in terms of Schedule A.
- (3) A learner may only serve on the RCL of the school which he/she attends.

(4) A learner who has been suspended from school for a misconduct may not stand or vote for the RCL.

(5) An RCL member who has been expelled from his school loses his membership of the RCL from the date of the appeal which she/he may have noted.

#### NOMINATION AND ELECTION OF LEARNER MEMBERS

20. (1) The Representative Council of Learners must elect its executive committee from among the members of the Representative Council of Learners.

(2) The chairperson and the secretary of the RCL shall automatically form part of the school governing body.

#### ELIGIBILITY OF NON-EDUCATOR MEMBER OF A SCHOOL GOVERNING BODY

21. Every non-educator at a school shall be entitled to—

- (a) stand for election as a non-educator member of the school governing body and each candidate in the election with maximum number of votes equal to the number of members to be elected;
- (b) vote in an election for non-educator members of a school governing body.

#### NOMINATION AND ELECTION OF NON-EDUCATOR MEMBERS

22. The provisions of regulations 15 and 16 shall apply to the nomination and election of non-educator members of a school governing body.

#### PROCEDURE AFTER ELECTION OF MEMBERS OF A SCHOOL GOVERNING BODY

23. After the election of members of a school governing body, the election officer shall—

- (a) Keep all documents, including ballot papers, used in the election in safe custody for a period of three months from the date of the election;
- (b) notify each elected member of the school governing body in writing of his or her election within two weeks;
- (c) notify the principal and the Head of Department in writing of the names of the members of the school governing body within a period of two weeks.

#### CO-OPTION OF MEMBERS OF SCHOOL GOVERNING BODY

24. (1) A school governing body, at the meeting referred to in regulation 26 and where a

- (a) shall, by a two-thirds (2/3) majority co-opt persons referred to in section 23 (1) (c) of 1996, and amended), as members of school governing body;
- (b) the secretary of the school governing body shall notify persons co-opted in writing of their election;
- (c) the principal of the school shall notify the Head of the Department in writing of the names of the members of school governing body

(2) Co-opted members shall be treated in terms of regulation 1 (1) (f) and (g), and regulation 2 of the School Governance Regulations of 1996.

#### PUBLIC SCHOOLS WITH LESS THAN FIFTY (50) LEARNERS

25. (a) The Head of the Department may appoint three or more members of community to constitute a school governing body of schools with less than fifty learners or two educators.

(b) Schools mentioned in regulation 25 (a), may also conduct elections in terms of these regulations if the Head of the Department is satisfied that the conditions in a school are such that elections could be conducted.

(c) The appointed school governing body contemplated in 25 (a) shall execute all functions of a school governing body in terms of the School Governance Regulations of 1996, as amended, and the Provincial Regulations of the Department.

(d) Parents of learners or educators of learners may appeal to the MEC against the appointment of members of a school governing body contemplated in regulation 25 (a).

### CHAPTER 3

#### OFFICE-BEARERS, MEETINGS AND PROCEDURES OF SCHOOL GOVERNING BODIES

##### *Election of office-bearers*

26. (1) The Electoral officer shall convene the first meeting of the school governing body after the completion of the election of the members of the school governing body.

(2) At this meeting the members shall elect the following office bearers who shall form the executive committee of the school governing body:



- (a) A Chairperson;
- (b) A Vice-Chairperson;
- (c) A Treasurer;
- (d) A Secretary;
- (e) A Vice Secretary.

(3) SGB may establish any other sub-committees as may be deemed necessary.

**Meetings of school governing body**

27. (1) A school governing body may hold the following type of meetings:

- (a) Executive committee meeting(s);
- (b) general meetings of school governing body;
- (c) special meeting;
- (d) ordinary meeting;
- (e) annual general meeting.

(2) Executive committee meeting:

- (a) The executive committee shall meet once per month or at such other intervals determined by the governing body.
- (b) A quorum of the executive committee shall be a simple majority of the members of the executive committee.
- (c) An employee of the department, designated for this purpose by the Head of Department, may attend any meeting of the executive committee of a school governing body.
- (d) The school governing body shall determine the rules and procedures relating to meetings of the executive committee or any other sub-committees.

(3) Annual general meeting:

- (a) A school governing body shall, in the fourth quarter each year, convene a General Meeting of parents of learners at the school at which—
  - (i) the latest audited financial statements required under the Act No. 84 of 1996, as amended, will be tabled and discussed;
  - (ii) a proposed budget for the following year is tabled for consideration and approval by a majority of parents present;
  - (iii) the school governing body through principal submits a written report on the performance of learners and educators for the previous year;
  - (iv) any other matter relating to the school is discussed
- (b) At least thirty (30) days notice of AGM, to be given to parents of learners
- (c) The school governing body submits a composite written report which includes activities of the school governing body, for the year.
- (d) The school governing body presents introduces the newly elected executive committee of school governing body as required by section 31 (3) and (4) of Act No. 84, 1996, as amended.

(4) Special meeting:

- (a) A school governing body shall convene a special meeting of parents of learners at the school within thirty (30) days of receipt of a petition signed by at least twenty five per cent (25%) of parents of learners at the school, requesting that such a special meeting be held.

(5) Ordinary meeting: The school governing body shall meet at least once every school term, or once every 3 months to carry out the functions of the SGB.

(6) Other general meetings:

- (a) A school governing body may convene other general meetings of parents of learners at the school, during the course of the year.

(7) Meeting procedures of school governing body:

- (a) A quorum of a school governing body shall be a simple majority of members eligible to participate in the relevant business of the school governing body;
- (b) an employee of the department designated for this purpose by the Head of the Department, shall be entitled to attend any meeting of a school governing body;
- (c) subject to these regulations a school governing body shall determine its own rules relating to meetings and procedures at those meetings.

(8) Minutes of meetings:

- (a) The secretary of a school governing body shall keep minutes of the proceedings of every meeting of the school governing body which minutes shall be submitted for approval at the next meeting of the school governing body;
- (b) the secretary shall, on request by the Head of Department, provide him or her with a copy of any minutes of a meeting of the school governing body;
- (c) upon the expiry of the term of office of members, all minutes and other documents of the governing body shall be handed over to the principal for safe keeping;
- (d) the School Governing Body must make information available for inspection by any person, in so far as information is required for the exercise and protection of such person's rights.

**Casual vacancy**

28. (1) A casual vacancy on a governing body shall occur when a member—

- (i) resigns in writing;
- (ii) dies;
- (iii) is removed from the office of the Head of Department, because of a serious misconduct levelled against him or her after a fair hearing, provided that such a member may appeal to a Member of the Executive Council.
- (iv) is absent from three (3) consecutive meetings without apology from the school governing body; and
- (v) if a person elected as a member of a school governing body as contemplated in regulation 1 (1) ceases to fall within the category referred to in that regulation in respect of which he or she was elected as a member, he or she ceases to be a member of the school governing body;
- (vi) becomes ineligible in terms of these regulations.

(2) Whenever a casual vacancy occurs:

- (a) and if the number of parents at any stage is less than the combined total of other members with voting rights, the school governing body must temporarily co-opt parent member(s) with voting rights. If a parent with voting rights is co-opted, the co-option ceases when the vacancy has been filled through a by-election which must be held according to a procedure determined in terms of regulation 16 within ninety (90) days after the vacancy has been;
- (b) a School Governing Body may apply to the Head of the Department for an extension of the period of co-option contemplated in regulation 28 (2) fourteen (14) days before the lapse of the 90 days;
- (c) the Head of the Department may extend the period referred to in regulation 28 (2) (c), by further a period not exceeding three months.

(3) A member elected or co-opted in terms of this regulation shall hold office for the unexpired term of his or her predecessor unless he/she is earlier removed in terms of regulation 28.

**CONSTITUTION AND STANDING ORDERS**

29. (1) A school governing body shall draw its own constitution and standing orders which shall not be contrary to Act No. 84 of 1996, as amended, these regulations or any applicable law, and which shall comply with the minimum requirements determined by the Member of the Executive Council and/or the National Minister of Education.

(2) A school governing body shall submit a copy of its constitution to the Head of the Department within ninety (90) of its operation.

(3) A copy of the said constitution shall be made accessible to all any interested person for perusal.

**DISSOLUTION AND RECONSTITUTION OF SCHOOL GOVERNING BODY**

30. (1) If at least sixty per cent (60%) of parents of learners at the school, at a meeting of parents convened for this purpose, vote for a motion of no confidence in the school governing body, the chairperson of the school governing body shall within seven (7) days, call a meeting of the SGB to dissolve it formally.

(2) If a school governing body is dissolved under regulation 30(1) it shall be reconstituted within one (1) month in accordance with these regulations.

(3) The powers and functions of a school governing body shall be exercised and performed, during the period from the dissolution of the school governing body until the reconstitution of the school governing body, by two or more persons appointed by the Head of Department.

(4) Any member of the SGB who exercises such powers during the non existence of the SGB, shall be held personally liable for the consequences thereof.

## TRANSITIONAL PROVISIONS

31. (1) The old governing body will cease to exist in the first meeting of the new governing body.

(2) The new governing body will, after its first meeting, review the constitution and the code of conduct developed by the old governing body for adoption.

## CHAPTER 4

32. (1) Subject to regulation 31 (2) and unless the context indicates otherwise, a word which is defined in the Act No. 84, 1996 as amended, shall have the same meaning in these regulations.

(2) In these regulations, unless the context indicates otherwise—

**"educator"** refers to a person who is appointed to exclusively perform extra-curricular duties, who teaches, educates and trains learners and attached to a school, but does not include Principal;

**"member"** means a member of a school governing school;

**"simple majority"** means fifty percent (50%) plus one (1);

**"school"** means an ordinary public school and excludes public schools for learners with special needs and independent schools;

**"spoilt ballot paper"** means a ballot paper without an official mark or stamp; or on which more votes are recorded/crossed than the number of candidates to be elected; or completed in such a way that it is uncertain as to which candidate(s) a vote was recorded;

**"RCL"** means a duly elected RCL in respect of a school with at least grade 8 class;

**"Act"** means South African Schools Act, No. 84 of 1996, as amended;

**"SGB"** School Governing Body;

**"Department"** Refers to the Northern Province Department of Education.

## SCHEDULE A

## 36. NUMBER OF MEMBERS OF SCHOOL GOVERNING BODIES ACCORDING TO TYPE AND SIZE

## 1. PUBLIC SCHOOLS WITH ALL COMPONENTS

## (a) PRIMARY SCHOOL

Number of learners	Parents	Educators	Non-educators	Principal	Total
<80 .....	4	1	1	1	7
81-159 .....	5	2	1	1	9
160-319 .....	5	2	1	1	9
320-719 .....	5	2	1	1	9
720 + .....	6	3	1	1	11

## (b) SECONDARY SCHOOL

Number of learners	Parents	Educators	Non-educator	Learner	Principal	Total
<80 .....	5	1	1	1	1	9
81-159 .....	7	2	1	2	1	13
160-319 .....	7	2	1	2	1	13
320-719 .....	7	2	1	2	1	13
720 + .....	9	3	1	3	1	17

## (c) MIDDLE SCHOOL (COMBINATION OF PRIMARY SCHOOL AND SECONDARY SCHOOL)

Number of learners	Parents	Educators	Non-educator	Learner	Principal	Total
<80 .....	5	1	1	1	1	9
81-159 .....	7	2	1	2	1	13
160-319 .....	7	2	1	2	1	13
320-719 .....	7	2	1	2	1	13
720 + .....	9	3	1	3	1	17

**SCHEDULE A****2. SCHOOL WITHOUT NON-EDUCATORS****(a) PRIMARY SCHOOL**

Number of learners	Parents	Educators	Principal	Total
<80 .....	3	1	1	5
81-159 .....	4	2	1	7
160-319 .....	4	2	1	7
320-719 .....	4	2	1	7
720 + .....	5	3	1	9

**(b) MIDDLE AND SECONDARY SCHOOL**

Number of learners	Parents	Educators	Learner	Principal	Total
<80 .....	4	1	1	1	7
81-159 .....	6	2	2	1	11
160-319 .....	6	2	2	1	11
320-719 .....	6	2	2	1	11
720 + .....	8	3	3	1	15

**3. SCHOOLS WITH LOWER ENROLMENT****(a) SECONDARY AND MIDDLE SCHOOLS**

Number of learners	Parents	Educators	Non-educator	Learner	Principal	Total
- 50 .....	3			1	1	5
- 50 .....	4	1		1	1	7
720 + .....	5	1	1	1	1	9

**(b) PRIMARY SCHOOL**

Number of learners	Parents	Educators	Non-Educator	Principal	Total
- 50 .....	3	1		1	5
- 50 .....	4			1	5
- 50 .....	4	1	1	1	7

**SCHEDULE B*****Amendment of Northern Province Regulation No. 257 of 1997***

37. To amend Northern Province Regulation No. 257 of 1997, and other previous legislation so as to substitute certain definitions; to delete others and to insert new definitions; to provide additional functions of a school governing body and Head of the Department and to insert new regulations.

Title, number and year of regulation	Extend of repeal
Coloured Persons Education Act, 1963 (Act No. 47 of 1963) Regulation No. 1898 of 4 December 1963	Chapter F
Indian Education Act, 1965 (Act No. 61 of 1965) Regulation No. 459 of 25 March 1977	The whole
Education and Training Act, 179 (Act No. 90 of 1979) Regulation No. 828 of 30 April 1982 (as amended by Regulations No. 672 of 31 March 1983, Regulation No. 2365 and 2366 of 25 November 1988 and Regulation No. 331 of 3 March 1989)	The whole

Title, number and year of regulation	Extend of repeal
Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988) Regulation No. 700 and 701 of 30 March 1990 and Regulation No. 2932 of 6 December 1991)	The whole
GaZankulu Education Act, 1990, and Regulation No. 27 of 31 December 1976	The whole
Lebowa Education Act, 1974 (Act No. 6 of 1974) Regulation No. 257 of 15 September 1978	Chapter 2

**SCHEDULE C****NOMINATION FORM FOR THE PARENT MEMBER****NORTHERN PROVINCE****DEPARTMENT OF EDUCATION****SCHOOL STAMP**

REGION .....

AREA .....

CIRCUIT .....

SCHOOL .....

SCHOOL ADDRESS .....

.....

.....

.....

PERSON PROPOSED .....

(please print name and surname)

PROPOSER:

*Name of parent/guardian*

*Signature*

*School*

I, .....(full names), being a parent/guardian of a learner officially enrolled at the school, accept nomination as a candidate for election as a parent member of the school governing body of the above-mentioned school.

SIGNATURE .....

(Nominee)

DATE .....

SIGNATURE .....

(Election Officer)

DATE .....

**SCHEDULE D****NOMINATION FORM FOR THE EDUCATOR MEMBER****NORTHERN PROVINCE****DEPARTMENT OF EDUCATION****SCHOOL STAMP**

REGION .....

AREA .....

CIRCUIT .....

SCHOOL .....

SCHOOL ADDRESS .....

.....



PERSON PROPOSED .....

(please print name and surname)

PROPOSER:

*Name of parent/guardian*

*Signature*

*School*

I, .....(full names), being an educator employed at the school, accept nomination as a candidate for election as an educator member of the school governing body of the above-mentioned school.

SIGNATURE .....

DATE .....

(Nominee)

SIGNATURE .....

DATE .....

(Election Officer)

### SCHEDULE E

#### NOMINATION FORM FOR THE NON-EDUCATOR MEMBER

#### NORTHERN PROVINCE

#### DEPARTMENT OF EDUCATION

#### SCHOOL STAMP

REGION .....

AREA .....

CIRCUIT .....

SCHOOL .....

SCHOOL ADDRESS .....

.....

.....

PERSON PROPOSED .....

(please print name and surname)

PROPOSER:

*Name of parent/guardian*

*Signature*

*School*

I, .....(full names), being a non-educator staff member at the school, accept nomination as a candidate for election as a non-educator member of the school governing body of the above-mentioned school.

SIGNATURE .....

DATE .....

(Nominee)

SIGNATURE .....

DATE .....

(Election Officer)

## SCHEDULE F

## NOMINATION FORM FOR THE LEARNER MEMBER

## NORTHERN PROVINCE

## DEPARTMENT OF EDUCATION

## SCHOOL STAMP

REGION .....

AREA .....

CIRCUIT .....

SCHOOL .....

SCHOOL ADDRESS .....

.....

.....

.....

PERSON PROPOSED .....

(please print name and surname)

PROPOSER:

*Name of parent/guardian**Signature**School*

.....

I, .....(full names), being a learner officially enrolled at the school, accept nomination as a candidate for election as a learner member of the school governing body of the above-mentioned school.

SIGNATURE .....

*(Nominee)*

DATE .....

SIGNATURE .....

*(Election Officer)*

DATE .....

## SCHEDULE G

## PROXY FORM FOR ELECTIONS

## NORTHERN PROVINCE

## DEPARTMENT OF EDUCATION

## SCHOOL STAMP

REGION .....

AREA .....

CIRCUIT .....

SCHOOL .....

SCHOOL ADDRESS .....

.....

.....

.....

I, the undersigned, being duly authorised by regulation 15 (7) hereby appoint Mr/Mrs/Dr/Prof./Rev.....  
..... as my proxy to represent me at the election of parent  
members to the school governing body to be held on:

DATE .....

VENUE .....

I, hereby authorise him/her to cast my vote for candidate(s) for election as parent member(s) of the school governing body.

FULL NAME OF PARENT .....

ADDRESS .....

Signature

Date

**SCHEDULE G**

**BALLOT FORM FOR ALL COMPONENTS**

**NORTHERN PROVINCE**

**DEPARTMENT OF EDUCATION**

**SCHOOL STAMP**

REGION .....

AREA .....

CIRCUIT .....

SCHOOL .....

SCHOOL ADDRESS .....

CHOOSE CANDIDATE(S) ONLY MAKE A CROSS OR A MARK NEXT TO THE CANDIDATE OF YOUR CHOICE OR WRITE  
NAME(S) OF CANDIDATE(S) OF YOUR CHOICE

Name of candidates	Reference number	X or √
.....	1. ....	.....
.....	2. ....	.....
.....	3. ....	.....
.....	4. ....	.....
.....	5. ....	.....
.....	6. ....	.....
.....	7. ....	.....
.....	8. ....	.....
.....	9. ....	.....
.....	10. ....	.....
.....	11. ....	.....

Name of candidates	Reference number	X or $\checkmark$
	12. ....	.....
	13. ....	.....
	14. ....	.....
	15. ....	.....
	16. ....	.....

**SCHEDULE H**  
**VOTERS ROLL FOR PARENTS**  
**NORTHERN PROVINCE**  
**DEPARTMENT OF EDUCATION**

**SCHOOL STAMP**

REGION.....  
AREA.....  
CIRCUIT.....  
SCHOOL ADDRESS.....  
.....  
.....  
.....

[illegible]

SIGNATURE OF SCHOOL PRINCIPAL.....

DATE.....





**SCHOOL STAMP**

[illegible]

DATE .....

DATE .....

SIGNATURE OF SCHOOL PRINCIPAL.....

SIGNATURE OF ELECTION OFFICER.....

