

PROVINSIE WES-KAAP

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Provincial Gazette Extraordinary

5161

5161

Vrydag, 8 Augustus 1997

Friday, 8 August 1997

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

INHOUD

(*Herdrukke is verkrygbaar by Kamer 4-94, Provinsiale-gebou, Waalstraat, Kaapstad 8001.)

P.K. 263/1997

Bladsy

Provinsiale Kennisgewing

Maatreëls betreffende beheerliggame van openbare skole vir leerders met spesiale onderwysbehoeftes

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(*Reprints are obtainable at Room 4-94, Provincial Building, Wale Street, Cape Town 8001.)

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PROVINSIALE KENNISGEWING

No. 263/1997

8 Augustus 1997

MAATREËLS BETREFFENDE BEHEERLIGGAME VAN OPENBARE SKOLE VIR LEERDERS MET SPESIALE ONDERWYSBEHOEFTE (INGESLUIT OPENBARE SKOLE VIR LEERDERS WAT KRAGTENS DIE WET OP KINDERSORG, 1983 (WET 74 VAN 1983), EN/OF DIE STRAFPROSESWET, 1977 (WET 51 VAN 1977), DAARHEEN VERWYS OF OORGEPLAAS IS)

Die Lid van die Uitvoerende Raad verantwoordelik vir Onderwys in die Provinsie Wes-Kaap het kragtens artikels 11, 24 en 28 van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), en met die instemming van die finansiële hoof, die maatreëls in die Bylae uitgevaardig.

BYLAE

(A) MAATREËLS BETREFFENDE BEHEERLIGGAME VAN OPENBARE SKOLE VIR LEERDERS MET SPESIALE ONDERWYSBEHOEFTE (UITGESONDERD OPENBARE SKOLE VIR LEERDERS WAT KRAGTENS DIE WET OP KINDERSORG, 1983 (WET 74 VAN 1983), EN/OF DIE STRAFPROSESWET, 1977 (WET 51 VAN 1977), DAARHEEN VERWYS OF OORGEPLAAS IS)

WOORDOMSKRYWING

1. In hierdie Maatreëls het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken —

"beampte" 'n werknemer van 'n departement van onderwys wat aangestel is kragtens die Wet op die Indiensneming van Opvoeders, 1994 (Proklamasie 138 van 1994) of die Staatsdienswet, 1994 (Proklamasie 103 van 1994);

"dae" werksdae, insluitend Saterdag, Sondag en openbare vakansiedae;

"Departementshoof" die hoof van die Departement van Onderwys in die provinsie Wes-Kaap;

"die Wet" die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996);

"kiesbeampte" 'n kiesbeampte in maatregel 7 beoog;

"leerder met spesiale onderwysbehoefte" 'n leerder met bykomende onderwysbehoefte vir wie daar binne skole vir leerders met spesiale onderwysbehoefte, voorsiening gemaak word;

"lid" 'n lid van die beheerliggaam;

"Lid van die Uitvoerende Raad" die Lid van die Uitvoerende Raad wat verantwoordelik is vir onderwys in die provinsie Wes-Kaap;

"Minister" die Minister soos omskryf in artikel 1 van die Wet;

"opvoeder" 'n opvoeder soos omskryf in die Wet op die Indiensneming van Opvoeders, 1994 (Proklamasie 138 van 1994);

"ouer" —

(a) die ouer of voog van 'n leerder;

(b) die persoon met wettige aanspraak op sorg vir 'n leerder; of

(c) die persoon wat onderneem om die verpligtinge van 'n persoon in paragrafe (a) en (b) ten opsigte van die leerder se opvoeding op skool na te kom;

"personeellid" 'n persoon wat by 'n skool in diens is;

"prinsipaal" 'n opvoeder wat as hoof van die skool aangestel is of waameem;

"skool" 'n openbare skool vir leerders met spesiale onderwysbehoefte;

"verteenwoordigende raad van leerders" 'n verteenwoordigende raad van leerders ingestel kragtens artikel 11 van die Wet; en

"Wes-Kaap Onderwysdepartement" die departement verantwoordelik vir onderwys in die provinsie Wes-Kaap.

2. SAMESTELLING VAN BEHEERLIGGAAM

(1) 'n Beheerliggaam ingevolge artikel 24 van die Wet vir 'n skool ingestel, bestaan uit —

PROVINCIAL NOTICE

No. 263/1997

8 August 1997

MEASURES RELATING TO GOVERNING BODIES OF PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS (INCLUDING PUBLIC SCHOOLS FOR LEARNERS SENT OR TRANSFERRED THERETO IN TERMS OF THE CHILD CARE ACT, 1983 (ACT 74 OF 1983), AND/OR THE CRIMINAL PROCEDURE ACT, 1977 (ACT 51 OF 1977))

The Member of the Executive Council responsible for education in the Province of the Western Cape has, in terms of sections 11, 24 and 28 of the South African Schools Act, 1996 (Act 84 of 1996), and with the concurrence of the financial head, promulgated the measures set out in the Schedule.

SCHEDULE

(A) MEASURES RELATING TO GOVERNING BODIES OF PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS (EXCLUDING PUBLIC SCHOOLS FOR LEARNERS SENT OR TRANSFERRED THERETO IN TERMS OF THE CHILD CARE ACT, 1983 (ACT 74 OF 1983), AND/OR THE CRIMINAL PROCEDURE ACT, 1977 (ACT 51 OF 1977))

DEFINITIONS

1. In these Measures any word or expression to which a meaning has been assigned in the Act, bears the meaning assigned to it and, unless the context otherwise indicates —

"days" means working days including Saturdays, Sundays and public holidays;

"educator" means an educator as defined in the Educators' Employment Act, 1994 (Proclamation 138 of 1994);

"electoral officer" means an electoral officer referred to in measure 7;

"Head of Department" means the head of the education department in the Province of the Western Cape;

"learner with special education needs" means a learner with additional education needs for whom provision is made in schools for learners with special education needs;

"member" means a member of the governing body;

"member of staff" means a person employed at a school;

"Member of the Executive Council" means the Member of the Executive Council responsible for education in the Province of the Western Cape;

"Minister" means the Minister as defined in section 1 of the Act;

"officer" means an employee of the education department appointed in terms of the Educators' Employment Act, 1994 (Proclamation 138 of 1994) or the Public Service Act, 1994 (Proclamation 103 of 1994);

"parent" means —

(a) the parent or guardian of a learner;

(b) the 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;

"principal" means an educator appointed or acting as the head of a school;

"representative council of learners" means a representative council of learners established in terms of section 11 of the Act;

"school" means a public school for learners with special education needs;

"the Act" means the South African Schools Act, 1996 (Act 84 of 1996); and

"Western Cape Education Department" means the department responsible for education in the Province of the Western Cape.

2. COMPOSITION OF GOVERNING BODY

(1) A governing body established for a school in terms of section 24 of the Act, shall consist of —

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| <p>(a) sewe ouers van leerders by die skool wat nie by die skool in diens is nie, vir sover dit redelikerwys uitvoerbaar is;</p> <p>(b) twee opvoeders by die skool, waarvan een die prinsipaal moet wees;</p> <p>(c) een personeellid van die skool wat nie 'n opvoeder is nie;</p> <p>(d) twee leerders in die agste graad of hoër, indien redelik uitvoerbaar;</p> <p>(e) een lid as verteenwoordiger van alle borgliggame, indien toepaslik;</p> <p>(f) een lid as verteenwoordiger van alle organisasies van ouers van leerders met spesiale onderwysbehoefes, indien toepaslik;</p> <p>(g) een lid as verteenwoordiger van alle organisasies vir gestremde persone, indien toepaslik;</p> <p>(h) een gestremde persoon, indien toepaslik; en</p> <p>(i) een deskundige in 'n toepaslike veld van spesiale onderwysbehoefes.</p> <p>(2) Ouers moet die lede bedoel in submaatreeël (1)(a) verkies.</p> <p>(3) Opvoeders in diens by die betrokke skool moet die lid bedoel in submaatreeël (1)(b) verkies.</p> <p>(4) Personeellede in diens by die skool wat nie opvoeders is nie, moet die lid bedoel in submaatreeël (1)(c) verkies.</p> <p>(5) Die verteenwoordigende raad van leerders moet die leerders bedoel in submaatreeël (1)(d) verkies.</p> <p>(6) Die borgliggame in submaatreeël (1)(e) bedoel, moet ten minste drie name vir die aanstelling van die lid in submaatreeël (1)(e) bedoel, in volgorde van voorkeur aan die Lid van die Uitvoerende Raad via die prinsipaal van die skool voorgelê.</p> <p>(7) Die persoon in submaatreeël (1)(f) bedoel, moet deur die Lid van die Uitvoerende Raad aangestel word uit 'n lys van drie kandidate wat in volgorde van voorkeur via die prinsipaal van die skool voorgelê is.</p> <p>(8) Die persoon in submaatreeël (1)(g) bedoel, moet deur die Lid van die Uitvoerende Raad aangestel word uit 'n lys van drie kandidate wat in volgorde van voorkeur via die prinsipaal van die skool voorgelê is.</p> <p>(9) Die persoon in submaatreeël (1)(h) bedoel, moet deur die Lid van die Uitvoerende Raad aangestel word uit 'n lys van drie kandidate wat in volgorde van voorkeur via die prinsipaal van die skool voorgelê is.</p> <p>(10) Die persoon in submaatreeël (1)(i) bedoel, moet deur die Departementshoof aangewys word.</p> <p>(11) Die lede in submaatreeël (1) bedoel, word deur die Lid van die Uitvoerende Raad aangestel, waar paslik.</p> <p>(12) 'n Besluit van die beheerliggaam is nie ongeldig nie, indien enige van die lede in submaatreeël (1) bedoel, om een of ander rede nie op die beheerliggaam verteenwoordig word nie.</p> | <p>(a) seven parents of learners at the school who are not employed at the school, insofar as it is reasonably practicable;</p> <p>(b) two educators at the school, of which one must be the principal;</p> <p>(c) one member of staff at the school who is not an educator;</p> <p>(d) two learners in the eighth grade or higher, if reasonably practicable;</p> <p>(e) one member representing all sponsoring bodies, if applicable;</p> <p>(f) one member representing all organisations of parents of learners with special education needs, if applicable;</p> <p>(g) one member representing all organisations for disabled persons, if applicable;</p> <p>(h) one disabled person, if applicable; and</p> <p>(i) one expert in an appropriate field of special education needs.</p> <p>(2) Parents must elect the members referred to in submeasure (1)(a).</p> <p>(3) Educators employed at the school concerned must elect the member referred to in submeasure (1)(b).</p> <p>(4) Members of staff at the school who are not educators must elect the member of staff referred to in submeasure (1)(c).</p> <p>(5) A representative council of learners must elect the learners referred to in submeasure (1)(d).</p> <p>(6) The sponsoring bodies referred to in submeasure (1)(e) must submit at least three nominations in order of preference to the Member of the Executive Council via the principal of the school for the appointment of the member referred to in submeasure (1)(e).</p> <p>(7) The person referred to in submeasure (1)(f), shall be appointed by the Member of the Executive Council from a list of three candidates in order of preference submitted via the principal of the school.</p> <p>(8) The person referred to in submeasure (1)(g), shall be appointed by the Member of the Executive Council from a list of three candidates in order of preference submitted via the principal of the school.</p> <p>(9) The person referred to in submeasure (1)(h) shall be appointed by the Member of the Executive Council from a list of three candidates in order of preference submitted by the principal of the school.</p> <p>(10) The person referred to in submeasure (1)(i) shall be designated by the Head of Department.</p> <p>(11) The members referred to in submeasure (1) shall, where appropriate, be appointed by the Member of the Executive Council.</p> <p>(12) A resolution of the governing body is not invalid, if, for any reason, any of the members referred to in submeasure (1), are not represented on the governing body.</p> |
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3. DISKwalIFIKASIE VAN LEDE VAN 'N BEHEERLIGGAAM

Iemand is onbevoeg om as lid van 'n beheerliggaam verkies of aangestel te word, indien hy of sy —

- (a) te eniger tyd skuldig bevind is aan 'n misdryf waarvoor hy of sy tot gevangenisstraf sonder die keuse van 'n boete gevonnis is, tensy algehele kwytskelding aan hom of haar verleen is of die termyn van sy of haar gevangenisstraf minstens drie jaar voor die datum van sy of haar verkiesing as lid van so 'n liggaam verstryk het;
- (b) geestesongesteld is en deur 'n bevoegde hof aldus verklaar is;
- (c) 'n ongerehabiliteerde insolvent is; of
- (d) in die geval van 'n ouerlid, nie 'n kind as ingeskrewe leerder by die betrokke skool het nie.

4. AMPSTERMYN VAN LEDE VAN BEHEERLIGGAAM

- (1) Behoudens die bepalings van maatreëls 5 en 22 beklee 'n lid van 'n beheerliggaam, sy of haar amp vir 'n termyn van drie jaar en vanaf 'n datum deur die Departementshoof bepaal. Met dien verstande dat 'n lid wat 'n leerder is sy of haar amp vir 'n termyn van een jaar beklee. Met dien verstande voorts dat die Departementshoof te eniger tyd 'n lid van sy of haar amp kan onthef om redes deur hom of haar as voldoende geag.
- (2) 'n Lid van 'n beheerliggaam kan herverkies of heraan gestel word, na gelang van die geval, ná verstryking van sy of haar ampstermy.
- (3) Behoudens die bepalings van submaatreël (1) en die bepalings van maatreëls 5 en 22, beklee die lede van 'n beheerliggaam, ondanks die verstryking van hul ampstermyne bedoel in submaatreël (1), hul ampte tot 'n nuwe beheerliggaam ooreenkomstig maatreël 2 saamgestel word.
- (4) Indien 'n ouerlid van die beheerliggaam nie meer 'n ingeskrewe leerder by die betrokke skool het nie, bly sodanige ouer aan as lid van die beheerliggaam vir die onverstreke gedeelte van die ampstermy van sodanige beheerliggaam.

5. ONTBINDING EN HERSAMESTELLING VAN BEHEERLIGGAAM

- (1) Die Lid van die Uitvoerende Raad kan 'n beheerliggaam ontbind, indien —
 - (a) hy of sy meen dat, weens die amalgamasie van skole of die verdeling van 'n skool of ander herorganisasie van skoolgeriewe, dit nodig is om aan ouers 'n geleentheid te gee vir die verkiesing van lede van 'n nuwe beheerliggaam wat behoorlik verteenwoordigend sal wees van die ouers van leerders wat na sodanige herorganisasie die betrokke skool of skole bywoon;
 - (b) sodanige beheerliggaam in gebreke gebly het om sy werksaamhede bevredigend uit te voer, of op 'n wyse opgetree het wat nie in die beste belang van die betrokke skool is nie;
 - (c) die getal lede van 'n beheerliggaam om enige rede daal tot minder as die kworum bedoel in maatreël 20(4);
 - (d) slegs die helfte of minder as die helfte van die lede wat by die samestelling van 'n beheerliggaam verkies of ooreenkomstig maatreël 11(5)(b)(i) verkose verklaar is, nog in enige stadium op die beheerliggaam dien; of

3. DISQUALIFICATION OF MEMBERS OF A GOVERNING BODY

A person shall be ineligible to be elected or appointed as a member of a governing body if he or she —

- (a) has at any time been convicted of an offence for which he or she was sentenced to imprisonment without the option of a fine, unless he or she has received a free pardon or the period of his or her imprisonment has expired at least three years prior to the date of his or her election as a member of such body;
- (b) is mentally ill and has been so declared by a competent court;
- (c) is an unrehabilitated insolvent; or
- (d) in the case of a parent member, does not have a child enrolled as a learner at the school concerned.

4. TERM OF OFFICE OF MEMBERS OF GOVERNING BODY

- (1) Subject to the provisions of measures 5 and 22 a member of a governing body shall hold office for a term of three years from a date to be determined by the Head of Department. Provided that a member who is a learner shall hold office for a term of one year. Provided also that the Head of Department may at any time remove a member from office for reasons he or she deems to be sufficient.
- (2) A member of a governing body may be re-elected or re-appointed, as the case may be, after the expiry of his or her term of office.
- (3) Subject to the provisions of submeasure (1) and the provisions of measures 5 and 22, the members of a governing body shall, notwithstanding the expiry of their terms of office referred to in submeasure (1), hold office until a new governing body is composed in accordance with measure 2.
- (4) If a parent member of the governing body no longer has a learner enrolled at the school concerned, such a parent shall remain a member of the governing body for the unexpired period of the term of office of such governing body.

5. DISSOLUTION AND RECOMPOSITION OF GOVERNING BODY

- (1) The Member of the Executive Council may dissolve a governing body if —
 - (a) he or she is of the opinion that, owing to the amalgamation of schools or the division of a school or other reorganisation of school facilities, it is necessary to afford parents an opportunity to elect members of a new governing body which will be properly representative of the parents of learners attending the school or schools concerned after such reorganisation;
 - (b) such governing body has failed to discharge its functions satisfactorily or has acted in a manner which is not in the best interests of the school concerned;
 - (c) for any reason the number of members of a governing body falls below the quorum referred to in measure 20(4);
 - (d) at any stage only half or fewer of the members who, at the composition of a governing body, were elected or declared elected in accordance with measure 11(5)(b)(i), are still in office at any stage; or

(e) minstens 60% van alle ouers wat kragtens maatreeël 6(1) geregtig is om by 'n verkiesing van lede van 'n beheerliggaam van 'n skool te stem, ten gunste van 'n mosie van wantroue in die betrokke beheerliggaam stem: Met dien verstande dat 'n ouervergadering vir dié doel belê word, met minstens 14 dae skriftelike kennisgewing wat aan bedoelde ouers per pos versend moet word of aan elke leerder oorhandig moet word met die mondelinge opdrag om dit aan sy of haar ouers te oorhandig.

- (2) Die voorsitter van 'n beheerliggaam moet 'n ouervergadering soos in submaatreeël (1)(e) beoog, belê binne 21 dae nadat hy of sy skriftelik daartoe versoek is deur minstens 30% van die stemgeregtigde ouers.
- (3) Wanneer 'n beheerliggaam kragtens submaatreeël (1) ontbind is, hou dit op om te funksioneer op 'n datum wat die Lid van die Uitvoerende Raad vasstel.
- (4) Indien die beheerliggaam opgehou het om te funksioneer, stel die Departementshoof voldoende persone aan uit 'n lys van name van geskikte persone deur die prinsipaal in volgorde van voorkeur voorgelê, om die werksaamhede van die beheerliggaam van die skool vir 'n tydperk van hoogstens drie maande uit te voer.
- (5) Die Departementshoof kan die tydperk bedoel in submaatreeël (4) met verdere tydperke van drie maande verleng, maar die totale tydperk mag nie een jaar oorskry nie.
- (6) 'n Beheerliggaam moet binne een jaar na die aanstelling van persone in submaatreeël (4) bedoel, saamgestel word.
- (7) Die Departementshoof moet die prinsipaal onverwyld skriftelik in kennis stel van die name en adresse van die lede van 'n beheerliggaam ingevolge submaatreeël (4) aangestel.

6. STEMREG

- (1) Elke ouer wat een of meer ingeskrewe leerders by 'n skool het, is geregtig om by 'n verkiesing van die ouerlede van die beheerliggaam vir daardie skool te stem en slegs sodanige ouers sal tot die stemlokaal toegelaat word.
- (2) Iemand wat kragtens submaatreeël (1) geregtig is om te stem, het een stem ten opsigte van elke ouer-kandidaat met 'n maksimum getal stemme gelyk aan die getal ouerlede wat verkies moet word.

7. KIESBEAMPTE

- (1) Die Departementshoof moet 'n prinsipaal of 'n ander beampte skriftelik as die kiesbeampte aanstel om die nominasie en verkiesing van die ouer-, opvoeder- en nie-opvoederlede, na gelang van die geval, bedoel in maatreeël 2(1)(a), (b) en (c) op 'n beheerliggaam te behartig: Met dien verstande dat 'n prinsipaal nie as kiesbeampte kan optree by die benoeming of verkiesing van lede van die beheerliggaam van die skool waarvan hy of sy die prinsipaal is nie.
- (2) Die kiesbeampte kan een of meer persone aanstel om by 'n verkiesing behulpsaam te wees.
- (3) Die kiesbeampte tree op as voorsitter van enige vergadering wat met die oog op 'n verkiesing van 'n beheerliggaam gehou word.

8. DATUM, TYD EN PLEK VAN NOMINASIE- EN VERKIESINGSVERGADERING VAN OUERLEDE

- (1) Die kiesbeampte moet 'n datum, tyd en plek vir 'n nominasie- en verkiesingsvergadering bepaal en dit skriftelik aan die prinsipaal bekend maak.

(e) at least 60% of all parents entitled to vote under measure 6(1) at the election of members of a governing body of a school, vote in favour of a motion of no confidence in the governing body concerned: Provided that a parents' meeting shall be convened for this purpose with at least 14 days' prior written notice which shall be sent to such parents, by post or handed to each learner with the oral instruction to hand it to his or her parents.

- (2) The chairperson of a governing body shall convene a parents' meeting as contemplated in submeasure (1)(e), within 21 days after he or she has been requested thereto in writing by not less than 30% of the parents entitled to vote.
- (3) Where a governing body has been dissolved under submeasure (1), it shall cease to function on a date to be fixed by the Member of the Executive Council.
- (4) The Head of Department shall, if a governing body has ceased to function, appoint sufficient persons from a list of names of suitable persons submitted to him or her in order of preference by the principal to discharge the functions of a governing body at the school for a period not exceeding three months.
- (5) The Head of Department may extend the period referred to in submeasure (4) by further periods of three months, but not exceeding a total period of one year.
- (6) A governing body must be composed within a year after the appointment of persons referred to in submeasure (4).
- (7) The Head of Department shall notify the principal forthwith in writing of the names and addresses of the members of a governing body appointed in terms of submeasure (4).

6. FRANCHISE

- (1) Every parent having one or more learners enrolled at a school, shall be entitled to vote at an election of the parent members of the governing body of such school and only such parents will be admitted to the voting hall.
- (2) Any person who is entitled to vote under submeasure (1), shall have one vote in respect of each parent candidate, with a maximum number of votes equal to the number of parent members to be elected.

7. ELECTORAL OFFICER

- (1) The Head of Department shall designate in writing a principal or other officer as the electoral officer to conduct the nomination and election of parent, educator and non-educator members, as the case may be, referred to in measure 2(1)(a), (b) and (c) to a governing body: Provided that a principal may not act as electoral officer for the nomination or election of members of the governing body of the school of which he or she is the principal.
- (2) The electoral officer may appoint one or more persons to assist at an election.
- (3) The electoral officer shall preside at any meeting held for the purpose of an election of a governing body.

8. DATE, TIME AND PLACE OF NOMINATION AND ELECTION MEETING OF PARENT MEMBERS

- (1) The electoral officer shall determine a date, time and place for a nomination and election meeting and shall inform the principal in writing thereof.

- (2) In die geval van 'n nuwe skool word die nominasie- en verkiesingsvergadering so spoedig moontlik belê, maar nie later nie as 90 dae nadat die skool ingestel is.
- (3) Die Lid van die Uitvoerende Raad kan afwykings toelaat van die vereistes van submaatreël (2) tot die mate wat dit in die omstandighede van 'n gegewe geval redelikerwys nodig is.

9. KENNISGEWING VAN 'N NOMINASIE- EN VERKIESINGS-VERGADERING VAN OUERLEDE

- (1) Die kiesbeampte stel 'n kennisgewing van die nominasie- en verkiesingsvergadering bedoel in maatreël 8 in die vorm van Bylae A op waarin die datum, tyd en plek van sodanige vergadering aangedui word en voorsien die prinsipaal minstens 20 dae voor die datum van die nominasie- en verkiesingsvergadering van voldoende afskrifte van sodanige kennisgewing sodat aan die bepalinge van submaatreël (2) uitvoering gegee kan word.
- (2) Die prinsipaal moet minstens 14 dae voor die datum van die nominasie- en verkiesingsvergadering 'n afskrif van die kennisgewing in submaatreël (1) bedoel —
 - (a) aan elke leerder van die betrokke skool oorhandig met die mondelinge opdrag om dit aan sy of haar ouers te oorhandig; of
 - (b) aan die ouers van elke sodanige leerder per pos versend, indien hy of sy dit dienstig ag.

10. BESKIKBAARSTELLING VAN SKOOLREGISTER

Die prinsipaal stel die register met die name en adresse van die ouers van leerders van die betrokke skool aan die kiesbeampte beskikbaar vir kontrole-doeleindes voor die nominasie- en verkiesingsvergadering.

11. NOMINASIE VAN OUERLEDE

- (1) 'n Ouer-kandidaat moet deur 'n ouer van 'n leerder van die betrokke skool genomineer word —
 - (a) deur 'n nominasievorm (Bylae B) wat behoorlik deur die voorsteller, sekondant en ouer-kandidaat voltooi is, nie meer nie as sewe dae, en nie minder nie as 24 uur, voor die aanvang van die nominasie- en verkiesingsvergadering by die kiesbeampte in te dien; of
 - (b) deur 'n ouer tydens die nominasie- en verkiesingsvergadering as 'n lid van die beheerliggaam voor te stel, mits 'n ander ouer die voorstel sekondeer en 'n nominasievorm wat behoorlik deur die voorsteller, die sekondant en, indien teenwoordig, die ouer-kandidaat voltooi is, by die kiesbeampte ingedien word, binne die tyd in submaatreël (2) bedoel.
- (2) Die kiesbeampte bepaal die tyd wat tydens die nominasie- en verkiesingsvergadering vir die nominasie van ouer-kandidate toegelaat sal word, en stel die vergadering daarvan in kennis.
- (3) 'n Ouer-kandidaat mag nie homself of haarself nomineer nie.
- (4) Na verstryking van die tyd in submaatreël (2) bedoel, oorweeg die kiesbeampte die nominasies en verwerp die nominasie van enige ouer-kandidaat wat —
 - (a) nie ooreenkomstig submaatreël (1) genomineer is nie;
 - (b) onbevoeg is soos in maatreël 3 bedoel;
 - (c) in die geval van 'n nominasie in submaatreël (1)(b) bedoel, nie die bedoelde nominasievorm voltooi het nie,

- (2) In the case of a new school a nomination and election meeting will be held as soon as possible, but not later than 90 days after the establishment of such a school.
- (3) The Member of the Executive Council may allow deviations from the requirements of submeasure (2) to the extent that it is reasonably necessary in the circumstances of a given case.

9. NOTICE OF A NOMINATION AND ELECTION MEETING OF PARENTS

- (1) The electoral officer shall prepare a notice in the form of Annexure A, for the nomination and election meeting referred to in measure 8 in which the date, time and place of such meeting shall be stated and shall, at least 20 days prior to the date of the nomination and election meeting, provide the principal with a sufficient number of copies of such notice in order that the provisions of submeasure (2) may be carried into effect.
- (2) The principal shall at least 14 days prior to the date of the nomination and election meeting —
 - (a) hand a copy of the notice referred to in submeasure (1) to every learner of the school concerned with the oral instruction to hand it to his or her parents; or
 - (b) send a copy of such notice to the parents by post, if he or she deems it expedient.

10. MAKING SCHOOL REGISTER AVAILABLE

The principal shall place the register containing the names and addresses of the parents of learners at the school concerned, at the disposal of the electoral officer for purposes of control before the nomination and election meeting.

11. NOMINATIONS OF PARENT MEMBERS

- (1) A parent candidate must be nominated by a parent of a learner at the school concerned —
 - (a) by lodging with the electoral officer, not more than seven days, and not less than 24 hours, prior to the commencement of the nomination and election meeting, a nomination form duly completed by the proposer, seconder and parent candidate; or
 - (b) by proposing a parent as a member of the governing body during the nomination and election meeting: Provided that another parent seconds the proposal and a nomination form, duly completed by the proposer, the seconder and, if present, the parent candidate, is, lodged with the electoral officer within the time referred to in submeasure (2).
- (2) The electoral officer shall determine the time to be allowed for the nomination of parent candidates during the nomination and election meeting, and shall inform the meeting thereof.
- (3) A parent candidate may not nominate him- or herself.
- (4) After expiry of the time referred to in submeasure (2) the electoral officer shall consider the nominations and reject the nomination of any parent candidate who —
 - (a) has not been nominated in accordance with submeasure (1);
 - (b) is ineligible in terms of measure 3;
 - (c) in the case of a nomination referred to in submeasure (1)(b), has not completed the said nomination form,

tensy skriftelike bewys tot die bevrediging van die kiesbeampte voor die verstryking van die tyd in submaatreël (2) bedoel, voorgelê word dat so 'n ouer-kandidaat bereid is om as lid van die beheerliggaam te dien; of

(d) homself of haarself genomineer het,

en daarna maak die kiesbeampte die name van die ouer-kandidate wie se nominasies aanvaar is, bekend.

- (5) (a) Indien die totale getal ouer-kandidate wie se nominasies aanvaar is minder is as die getal lede wat ingevolge maatreël 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, moet 'n nuwe vergadering ooreenkomstig die bepalinge van hierdie maatreëls belê word waarop nuwe ouer-kandidate aldus genomineer kan word.
- (b) Indien die getal aldus aanvaarde ouer-kandidate wat ouers van leerders van die betrokke skool is —
- (i) gelyk is aan die getal lede wat ingevolge maatreël 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, verklaar die kiesbeampte elke aldus aanvaarde ouer-kandidaat tot 'n behoorlik verkose lid van die beheerliggaam; of
- (ii) meer is as die getal lede wat ingevolge maatreël 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, word 'n stemming ingevolge maatreël 12 gehou.

12. STEMMING

- (1) Die stemming in maatreël 11(5)(b)(ii) bedoel, word op die datum, tyd en plek ooreenkomstig maatreël 9(1) bepaal, gehou.
- (2) 'n Korum vir die stemming in submaatreël (1) bedoel, sal gelyk wees aan 10% van die totale getal ingeskrewe leerders van die skool en word soos volg bepaal:

Totale ingeskrewe leerders	= 800
Korum	= $800 \times 10\%$
	= 80 ouers

- (3) Die kiesbeampte reik aan elke ouer in maatreël 6(1) bedoel, wat sy of haar stem wil uitbring, 'n goedgekeurde stembrief waarop 'n amptelike merk of stempel voorkom, uit.
- (4) 'n Ouer in maatreël 6(1) bedoel, bring sy of haar geheime stem op die stembrief bedoel in submaatreël (3) uit: Met dien verstande dat indien so 'n ouer weens ongeletterdheid, blindheid of 'n ander liggaamsgebrek nie in staat is om sy of haar stem aldus uit te bring nie, die kiesbeampte, op versoek van bedoelde ouer en in die teenwoordigheid van 'n getuie deur die betrokke ouer benoem, die stem van sodanige ouer op die ouer-kandidaat of ouer-kandidate op die stembrief uitbring.
- (5) Die kiesbeampte verwerp 'n stembrief —
- (a) waarop die amptelike merk of stempel in submaatreël (3) bedoel, nie voorkom nie;
- (b) waarop meer stemme uitgebring is as die getal lede wat ooreenkomstig maatreël 2 verkies moet word; of
- (c) wat so voltooi is dat dit volgens die oordeel van die kiesbeampte onseker is op watter ouer-kandidaat of ouer-kandidate 'n stem uitgebring is.
- (6) Na die verwerping van die stembriewe in submaatreël (5) bedoel, moet die kiesbeampte —

unless written proof to the satisfaction of the electoral officer is submitted before the expiry of the time referred to in submeasure (2), that such parent candidate is willing to serve as a member of the governing body; or

(d) has nominated him- or herself,

and thereafter the electoral officer shall announce the names of the parent candidates whose nominations have been accepted.

- (5) (a) If the total number of parent candidates whose nominations have been accepted, is less than the number of members provided in measure 2(1)(a) in respect of the governing body concerned, a new meeting at which new parent candidates may be nominated, shall be convened in accordance with the provisions of these measures.
- (b) If the number of thus accepted parent candidates who are parents of learners at the school concerned —
- (i) is equal to the number of the members provided in measure 2(1)(a) in respect of the governing body concerned, the electoral officer shall declare every thus accepted parent candidate to be a duly elected member of the governing body; or
- (ii) is more than the number of members provided in measure 2(1)(a) in respect of the governing body concerned, a poll shall be held in terms of measure 12.

12. POLL

- (1) The poll referred to in measure 11(5)(b)(ii) shall be held on the date and at the time and the place provided in measure 9(1).
- (2) A quorum for the poll referred to in submeasure (1) shall be equal to 10% of the total number of enrolled learners at the school and which is determined as follows:

Total enrolled learners	= 800
Quorum	= $800 \times 10\%$
	= 80 parents

- (3) The electoral officer shall issue every parent referred to in measure 6(1) who wishes to vote, with an approved ballot paper on which an official mark or stamp appears.
- (4) A parent referred to in measure 6(1) shall record his or her secret vote on the ballot paper referred to in submeasure (3): Provided that if such parent is on account of illiteracy, blindness or any other physical defect unable thus to record his or her vote, the electoral officer may, at the request of the said parent and in the presence of a witness named by the parent concerned, record the vote of such parent on the ballot paper referred to in submeasure (3) for the parent candidate or parent candidates indicated by the parent concerned.
- (5) The electoral officer shall reject a ballot paper —
- (a) on which the official mark or stamp referred to in submeasure (3) does not appear;
- (b) on which more votes are recorded than the number of members to be elected in terms of measure 2; or
- (c) which is completed in such a way that it is in the opinion of the electoral officer uncertain for which parent candidate or parent candidates a vote was recorded.
- (6) After the rejection of the ballot papers referred to in submeasure (5), the electoral officer shall —

- (a) in die teenwoordigheid van elke ouer-kandidaat wat teenwoordig wil wees die stemme wat op elke ouer-kandidaat uitgebring is, tel; en
 - (b) die getal ouers wat ingevolge maatreef 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, op wie die meeste stemme uitgebring is tot behoorlik verkose lede van die betrokke beheerliggaam verklaar en die getal stemme wat op elke ouer-kandidaat uitgebring is, vermeld.
- (7) Waar die getal stemme wat op twee of meer ouer-kandidate uitgebring is, gelyk is en dit die uitslag van die stemming raak, stel die kiesbeampte die uitslag met betrekking tot bedoelde ouer-kandidate deur loting vas.

13. NOMINASIE- EN VERKIESINGSVERGADERING VAN OPVOEDERLID

- (1) Die kiesbeampte bepaal 'n datum, tyd en plek vir 'n vergadering vir die nominasie en verkiesing van die opvoederlid, welke vergadering binne vyf dae vanaf die nominasie- en verkiesingsvergadering vir ouerlede gehou moet word.
- (2) 'n Opvoeder-kandidaat op die diensstaat van 'n skool moet op die volgende wyse genomineer word indien daar meer as tien (10) opvoeders is:
 - (a) 'n nominasievorm (Bylae B) wat behoorlik deur die voorsteller, sekondant en kandidaat voltooi is, word nie meer nie as sewe dae, en nie minder nie as 24 uur, voor die aanvang van die nominasie- en verkiesingsvergadering by die kiesbeampte ingedien; of
 - (b) 'n opvoeder-kandidaat word tydens die nominasie- en verkiesingsvergadering as 'n lid van die beheerliggaam voorgestel: Met dien verstande dat 'n ander opvoeder die voorstel sekondeer en 'n nominasievorm wat behoorlik deur die voorsteller, die sekondant en, indien teenwoordig, die opvoeder-kandidaat voltooi is, by die kiesbeampte indien binne die tyd in submaatreef (3) bedoel.
- (3) Die kiesbeampte bepaal die tyd wat tydens die nominasie- en verkiesingsvergadering vir die nominasie van 'n opvoeder-kandidaat toegelaat sal word en stel die vergadering daarvan in kennis.
- (4) 'n Opvoeder-kandidaat mag nie homself of haarself nomineer nie.
- (5) Na verstryking van die tyd in submaatreef (3) bedoel, oorweeg die kiesbeampte die nominasies en verwerp die nominasie van enige opvoeder-kandidaat wat —
 - (a) nie ooreenkomstig submaatreef (2) genomineer is nie;
 - (b) in die geval van 'n nominasie in submaatreef (2)(b) bedoel, nie bedoelde nominasievorm voltooi het nie, tensy skriftelike bewys tot die bevrediging van die kiesbeampte voor die verstryking van die tyd in submaatreef (3) bedoel, voorgelê word dat so 'n opvoeder-kandidaat bereid is om as lid van die beheerliggaam te dien; of
 - (c) homself of haarself genomineer het.

en daarna maak die kiesbeampte die name van die opvoeder-kandidate wie se nominasies aanvaar is, bekend.
- (6) (a) Indien daar geen opvoeder-kandidate is nie wie se

- (a) in the presence of every parent candidate who wishes to be present, count the votes recorded for every parent candidate; and
 - (b) declare the number of parents provided in measure 2(1)(a) in respect of the governing body concerned, for whom the greatest number of votes have been recorded, to be duly elected members of the governing body concerned and state the number of votes recorded for each parent candidate.
- (7) Where the number of votes recorded for two or more parent candidates is equal and it affects the result of the poll, the electoral officer shall ascertain the result with regard to the said parent candidates by lot.

13. NOMINATION AND ELECTION MEETING OF EDUCATOR MEMBER

- (1) The electoral officer shall determine a date, time and place for a meeting for the election of the educator member, which shall be held within five days of the nomination and election meeting for parent members.
- (2) An educator candidate on the establishment of a school where there are more than ten (10) educators on the establishment of a school, must be nominated as follows:
 - (a) A nomination form (Annexure B) duly completed by the proposer, seconder and candidate shall be lodged with the electoral officer not more than seven days, and not less than 24 hours, prior to the commencement of the nomination and election meeting; or
 - (b) An educator candidate may be proposed as a member of the governing body during the nomination and election meeting: Provided that another educator seconds the proposal and a nomination form duly completed by the proposer, the seconder and, if present, the educator candidate, is, lodged with the electoral officer within the time referred to in submeasure (3).
- (3) The electoral officer shall determine the time to be allowed for the nomination of an educator candidate during the nomination and election meeting, and shall inform the meeting thereof.
- (4) An educator candidate may not nominate him- or herself.
- (5) After expiry of the time referred to in submeasure (3) the electoral officer shall consider the nominations and reject the nomination of any educator candidate who —
 - (a) has not been nominated in accordance with submeasure (2);
 - (b) in the case of a nomination referred to in submeasure (2)(b), has not completed the said nomination form, unless written proof to the satisfaction of the electoral officer is submitted before the expiry of the time referred to in submeasure (3), that such educator candidate will be willing to serve as a member of the governing body; or
 - (c) has nominated him- or herself,

and thereafter the electoral officer shall announce the names of the educator candidates whose nominations have been accepted.
- (6) (a) If no nominations have been accepted as contemplated in

nominasies ingevolge submaatreeël (5) aanvaar is, moet 'n nuwe vergadering ooreenkomstig die bepalinge van hierdie maatreëls belê word waarop nuwe opvoederkandidate aldus genomineer kan word.

- (b) Indien die getal aldus aanvaarde opvoederkandidate wat opvoeders by die betrokke skool is —

(i) gelyk is aan die getal lede wat ingevolge maatreeël 2(1)(b) ten opsigte van die betrokke beheerliggaam bepaal is, verklaar die kiesbeampte die aldus aanvaarde opvoederkandidaat tot 'n behoorlik verkose lid van die beheerliggaam; of

(ii) meer is as die getal lede wat ingevolge maatreeël 2(1)(b) ten opsigte van die betrokke beheerliggaam bepaal is, word 'n stemming ooreenkomstig die bepalinge van maatreeël 14 gehou.

- (7) Indien daar 10 of minder opvoeders op die diensstaat van 'n skool is, word die prosedure soos bepaal in maatreeël 14, gevolg.

14. STEMMING BY VERKIESING VAN OPVOEDERLID

- (1) Die kiesbeampte berei 'n kennisgewing ten opsigte van die verkiesingsvergadering voor, en besorg ten minste 10 dae voor sodanige vergadering 'n afskrif van hierdie kennisgewing aan elke opvoeder op die diensstaat van die skool.
- (2) 'n Korum tydens die stemming sal een meer as die helfte van die totale getal opvoeders op die diensstaat van die skool wees.
- (3) Die kiesbeampte reik aan elke opvoeder wat sy of haar stem wil uitbring 'n goedgekeurde stembrief, waarop 'n amptelike merk of stempel voorkom, uit.
- (4) 'n Opvoeder in submaatreeël (1) bedoel, bring sy of haar geheime stem uit op die stembrief in submaatreeël (3) beoog, deur die naam van een kandidaat daarop aan te bring.
- (5) Die kiesbeampte verwerp 'n stembrief —
 - (a) waarop die amptelike merk of stempel in submaatreeël (3) bedoel, nie voorkom nie;
 - (b) waarop die name van meer as een kandidaat verskyn; of
 - (c) wat so voltooi is dat dit volgens die oordeel van die kiesbeampte onseker is op watter opvoederkandidaat 'n stem uitgebring is.
- (6) Die opvoederkandidaat op wie die meeste stemme uitgebring is, word deur die kiesbeampte as behoorlik verkose verklaar.
- (7) In geval van 'n staking van stemme moet die kiesbeampte die stemprosedure herhaal totdat een opvoederkandidaat 'n gewone meerderheid stemme op hom of haar verenig.

15. NOMINASIE EN VERKIESING VAN NIE-OPVOEDERLID

Die prosedure vir die nominasie en verkiesing van 'n opvoederlid is *mutatis mutandis* van toepassing op die nominasie en verkiesing van 'n nie-opvoederlid.

16. NOMINASIE EN VERKIESING VAN LEERDERLEDE

- (1) Die verteenwoordigende raad van leerders soos in maatreeël 23 bedoel, moet uit sy eie geledere twee leerders wat lede van die beheerliggaam moet wees, verkies.

submeasure (5), a new meeting at which new educator candidates may be nominated shall be convened in accordance with the provisions of these measures.

- (b) If the number of thus accepted educator candidates who are educators at the school concerned —

(i) is equal to the number of members provided in measure 2(1)(b) in respect of the governing body concerned, the electoral officer shall declare every thus accepted educator candidate to be a duly elected member of the governing body; or

(ii) is more than the number of members provided in measure 2(1)(b) in respect of the governing body concerned, a poll shall be held in accordance with the provisions of measure 14.

- (7) If there are 10 or less educators on the establishment of a school, the procedure for the nomination of an educator member shall be as provided in measure 14.

14. POLL AT THE ELECTION OF EDUCATOR MEMBER

- (1) The electoral officer shall prepare a notice of the election meeting and, at least 10 days before such meeting, shall distribute a copy of the notice to every educator on the establishment of the school.
- (2) A quorum at the poll shall consist of one more than half of the total number of educators on the establishment of the school.
- (3) The electoral officer issues each educator who wishes to cast his or her vote with an approved ballot paper on which an official mark or stamp appears.
- (4) An educator referred to in submeasure (1), cast his or her secret vote by writing the name of one candidate on the ballot paper contemplated in submeasure (3).
- (5) The electoral officer shall reject a ballot paper —
 - (a) on which the official mark or stamp referred to in submeasure (3) does not appear;
 - (b) on which the names of more than one candidate appear; or
 - (c) which is completed in such a way that it is in the opinion of the electoral officer uncertain for which candidate a vote was recorded.
- (6) The educator candidate for whom the greatest number of votes have been recorded, shall be declared as duly elected by the electoral officer.
- (7) In the case of a tie of votes the electoral officer shall repeat the polling procedure until one of the educator candidates records a simple majority of the votes.

15. NOMINATION AND ELECTION OF NON-EDUCATOR MEMBER

The procedure for the nomination and election of an educator member shall *mutatis mutandis* apply to the nomination and election of a non-educator member.

16. NOMINATION AND ELECTION OF LEARNER MEMBERS

- (1) The representative council of learners referred to in measure 23 shall elect from its ranks two learners who shall be members of the governing body.

- (2) Die prosedure vir die nominasie en verkiesing van 'n opvoederlid soos bepaal ingevolge maatreëls 13(1) tot (6) en 14 is van toepassing op die nominasie en verkiesing van die leerderlede.
- (3) Vir die doel van dié maatreël, beteken "kiesbeampte" die prinsipaal van die betrokke skool.

17. BESLISSING VAN KIESBEAMPTTE

Die kiesbeampte beslis oor alle aangeleenthede wat met die nominasie van kandidate en stemming bedoel in maatreëls 11, 12, 13, 14 en 15 verband hou, en sy of haar beslissing is final.

18. PROSEDURE NA VERKIESING VAN BEHEERLIGGAAM

Na die verkiesing van 'n beheerliggaam moet die kiesbeampte —

- (a) alle dokumente, met inbegrip van stembriewe, wat by so 'n verkiesing gebruik is in koeverte plaas en die koeverte verseël;
- (b) daardie koeverte in veilige bewaring hou vir 'n tydperk van minstens drie maande vanaf die datum van die verkiesing van die betrokke beheerliggaam;
- (c) elke verkose lid, met inbegrip van 'n lid in maatreël 11(5)(b)(i) bedoel, skriftelik in kennis stel van sy of haar verkiesing; en
- (d) die prinsipaal en die Departementshoof onverwyld skriftelik in kennis stel van die datum van die verkiesing en van die name en adresse van die persone wat tot lede verkies is met inbegrip van die name en die adresse van die persone wat ingevolge maatreël 11(5)(b)(i) verkies is.

19. VERKIESING VAN AMPSDRAERS

- (1) Die prinsipaal belê die eerste vergadering van die beheerliggaam binne 14 dae nadat hy of sy skriftelik in kennis gestel is van die datums van die verkiesings en van al die name en adresse van die lede van die beheerliggaam.
- (2) Op die eerste vergadering van die beheerliggaam verkies so 'n liggaam uit sy geledere ampsdraers wat minstens 'n voorsitter, 'n tesourier en 'n sekretaris insluit.
- (3) Indien ouerlede wat nie werksaam is by die skool nie ingevolge maatreëls 11 en 12 tot 'n beheerliggaam verkies is, moet die voorsitter van die beheerliggaam uit die geledere van sodanige ouerlede verkies word.
- (4) Behoudens die bepalinge van submaatreël (6) beklee die ampsdraers hul ampte vir 'n termyn van 12 maande vanaf die datum van hul verkiesing.
- (5) 'n Ampsdraer van 'n beheerliggaam kan, ná verstryking van sy of haar ampstermyn herverkies word.
- (6) Waar die amp van 'n ampsdraer om enige rede vakant raak, verkies die beheerliggaam op die eerste vergadering nadat daardie vakature ontstaan het, behoudens die bepalinge van submaatreël (3), een van sy lede om daardie vakature vir die oorblywende gedeelte van die ampstermyn van sy of haar voorganger te vul.
- (7) Die prinsipaal sit voor by 'n verkiesing bedoel in submaatreël (2), asook by 'n verkiesing bedoel in submaatreël (6).
- (8) Die prinsipaal moet na 'n vergadering waarop enige ampsdraer ooreenkomstig hierdie maatreël verkies is, die Departementshoof onverwyld skriftelik in kennis stel van die datum van die vergadering en van die naam, adres en amp van die persoon wat verkies is.

- (2) The procedure for the nomination and election of an educator member as provided in measures 13(1) to (6) and 14 shall apply to the nomination and election of the learner members.
- (3) For the purpose of this measure, "electoral officer" shall mean the principal of the school concerned.

17. DECISION OF ELECTORAL OFFICER

The electoral officer shall decide all matters connected with the nomination of candidates and the poll referred to in measures 11, 12, 13, 14 and 15, and his or her decision shall be final.

18. PROCEDURE AFTER ELECTION OF GOVERNING BODY

After the election of a governing body the electoral officer shall —

- (a) place all documents, including ballot papers, used at such election in envelopes and seal the envelopes;
- (b) keep those envelopes in safe custody for a period of at least three months from the date of the election of the governing body concerned;
- (c) notify each elected member, including a member referred to in measure 11(5)(b)(i), in writing of his or her election; and
- (d) notify the principal and the Head of Department immediately in writing of the date of the election and of the names and addresses of the persons elected as members, including the names and addresses of the persons elected in terms of measure 11(5)(b)(i).

19. ELECTION OF OFFICE-BEARERS

- (1) The principal shall convene the first meeting of the governing body within 14 days after he or she was notified in writing of the dates of the elections and of the names and addresses of all the members of the governing body.
- (2) At the first meeting of the governing body such body must, from amongst its members, elect office-bearers, who must include at least a chairperson, a treasurer and a secretary.
- (3) If parent members, who are not employed at the school, are elected on the governing body in terms of measures 11 and 12, the chairperson shall be elected from the ranks of such parent members.
- (4) Subject to the provisions of submeasure (6), the office-bearers shall remain in office for a term of 12 months from the date of their election.
- (5) An office-bearer of a governing body may be re-elected, after the expiry of his or her term of office.
- (6) If, for any reason, the office of an office-bearer becomes vacant, the governing body shall, subject to the provisions of submeasure (3), at the first meeting after that vacancy has occurred, elect one of its members to fill that vacancy for the unexpired period of the term of office of his or her predecessor.
- (7) The principal shall preside at an election referred to in submeasure (2), and also an election referred to in submeasure (6).
- (8) The principal shall, after a meeting at which any office-bearer has been elected in accordance with this measure, notify the Head of Department forthwith in writing of the date of the meeting and of the name, address and office of the person elected.

20. VERGADERINGS VAN BEHEERLIGGAAM

- (1) Die voorsitter van 'n beheerliggaam bepaal die datum, tyd en plek van 'n vergadering en die sekretaris van so 'n liggaam stel elke lid minstens 14 dae voor sodanige vergadering skriftelik daarvan in kennis: Met dien verstande dat in die geval van 'n saak wat na die oordeel van die voorsitter van die beheerliggaam spoedeisend gehanteer moet word, minstens 24 uur kennis gegee kan word.
- (2) Enigiemand kan op uitnodiging van die beheerliggaam by 'n vergadering van so 'n liggaam teenwoordig wees en aan die besprekings deelneem, maar het nie stemreg nie en moet die vergadering verlaat wanneer die beheerliggaam aldus besluit.
- (3) 'n Beheerliggaam kan vereis dat enige personeellid van die betrokke skool 'n vergadering van so 'n liggaam moet bywoon in verband met enige aangelcentheid wat op die werksaamhede van die beheerliggaam betrekking het.
- (4) Minstens een meer as die helfte van die lede van 'n beheerliggaam saamgestel ingevolge maatregel 2(1), vorm 'n kworum vir enige vergadering.
- (5) 'n Beheerliggaam bepaal sy eie reëls betreffende sy vergaderings en prosedures op daardie vergaderings.

21. NOTULES VAN VERRIGTINGE VAN VERGADERINGS

- (1) Die sekretaris van 'n beheerliggaam hou notule van die verrigtinge van elke vergadering en voorsien, nie later nie as 14 dae na sodanige vergadering, die Departementshoof of enige beampte deur hom of haar aangewys en elke lid van die beheerliggaam van 'n afskrif van sodanige notule.
- (2) Die sekretaris van 'n beheerliggaam voorsien, op versoek, 'n ouer van 'n leerder by daardie skool, of personeellid van die skool van 'n afskrif van die notule waar die aanvrager dit benodig vir die uitoefening of beskerming van sy of haar regte of belange: Met dien verstande dat die regte van enige ander persoon nie aangetas word nie.
- (3) Die notule van die verrigtinge van elke vergadering van 'n beheerliggaam of komitee daarvan moet op die eersvolgende vergadering van die beheerliggaam of komitee daarvan, na gelang van die geval, vir goedkeuring voorgelê word.
- (4) By die ontbinding van 'n beheerliggaam of die verstryking van sy ampstermyn moet alle notules en ander dokumente van so 'n liggaam of enige komitee daarvan aan die betrokke prinsipaal oorhandig word.
- (5) By die sluiting van 'n skool moet die prinsipaal alle notules en ander dokumente van die beheerliggaam of enige komitee daarvan by die Wes-Kaap Onderwysdepartement vir veilige bewaring indien.

22. TOEVALLIGE VAKATURES IN BEHEERLIGGAAM

- (1) 'n Toevallige vakature in 'n beheerliggaam ontstaan, indien 'n lid —
 - (a) bedank;
 - (b) te sterwe kom;
 - (c) sonder die voorafverkreë toestemming van die beheerliggaam van drie agtereenvolgende vergaderings afwesig is;
 - (d) onbevoeg word soos in maatregel 3(a), (b) en (c) bedoel; of
 - (e) ingevolge maatregel 4(1) van sy of haar amp onthef is.

20. MEETINGS OF GOVERNING BODY

- (1) The chairperson of a governing body shall determine the date, time and place of a meeting and the secretary of such body shall at least 14 days prior to such meeting, notify each member in writing thereof: Provided that in the case of a matter requiring urgent attention in the opinion of the chairperson of the governing body, at least 24 hours' notice may be given.
- (2) Any person may, on the invitation of the governing body, be present at a meeting of such body and take part in the discussion, but shall have no vote and shall leave the meeting when the governing body so decides.
- (3) A governing body may require any staff member of the school concerned to attend a meeting of such body in connection with any matter relating to the functions of the governing body.
- (4) At least one more than half of the members of a governing body composed in terms of measure 2(1), shall constitute a quorum for any meeting of the governing body.
- (5) A governing body shall determine its own rules relating to its meetings and procedures at those meetings.

21. MINUTES OF PROCEEDINGS OF MEETINGS

- (1) The secretary of a governing body shall keep minutes of the proceedings of every meeting and shall, not later than 14 days after such meeting, provide the Head of Department, or any officer duly designated by him or her, and each member of the governing body with a copy of such minutes.
- (2) The secretary of a governing body shall provide, on request, a parent of a learner at the school, or a member of staff at the school, with a copy of such minutes where the applicant requires it for the exercise or protection of his or her rights or interests: Provided that it does not violate the rights of any other person.
- (3) The minutes of the proceedings of every meeting of a governing body or committee thereof shall at the next ensuing meeting of the governing body or committee thereof, as the case may be, be submitted for approval.
- (4) Upon the dissolution of a governing body or the expiry of its term of office, all minutes and other documents of such body or any committee thereof shall be handed to the principal concerned.
- (5) At the closure of a school the principal shall hand in all minutes and other documents of the governing body or any committee thereof at the Western Cape Education Department for safe-keeping.

22. CASUAL VACANCIES IN GOVERNING BODY

- (1) A casual vacancy shall occur in a governing body if a member —
 - (a) resigns;
 - (b) dies;
 - (c) is absent from three consecutive meetings without the permission of the governing body;
 - (d) becomes ineligible as contemplated in measure 3(a), (b) and (c); or
 - (e) has been removed from office in terms of measure 4(1).

(2) Wanneer 'n toevallige vakature ontstaan —

- (a) in 'n beheerliggaam saamgestel ingevolge maatreef 5(4), stel die Departementshoof onverwyld 'n bevoegde persoon in die vakature aan;
- (b) in die geval van 'n ouerlid, in 'n beheerliggaam saamgestel ingevolge maatreef 2(1) moet die beheerliggaam by sy eersvolgende vergadering so 'n vakature by wyse van koöptering vul; en
- (c) in 'n beheerliggaam saamgestel ingevolge maatreef 2(1), moet die beheerliggaam so 'n vakature, uitgesonderd die vakature in subparagraaf (b) bedoel, op die voorgeskrewe wyse vul.

(3) 'n Lid of lede wat ooreenkomstig submaatreef (2) aangestel, gekoöpteer of verkies is, beklee sy of haar amp vir die oorblywende gedeelte van die ampstermyn van sy of haar voorganger.

(4) Waar 'n vakature gevul is —

- (a) ingevolge submaatreef (2)(a) moet die Departementshoof; en
- (b) ingevolge submaatreef (2)(b) en (c), moet die sekretaris van die betrokke beheerliggaam,

die prinsipaal onverwyld skriftelik in kennis stel van die naam van die persoon wat nie meer lid van die beheerliggaam is nie en van die naam en adres van sy of haar opvolger.

(5) Waar 'n vakature gevul is ingevolge submaatreef (2)(b), het sodanige lid stemreg.

23. VERTEENWOORDIGENDE RAAD VAN LEERDERS

(1) Samestelling van verteenwoordigende raad van leerders

'n Verteenwoordigende raad van leerders bestaan uit drie verteenwoordigers vir elke graad vanaf die agste graad en hoër.

(2) Nominasie en verkiesing van lede van verteenwoordigende raad van leerders

- (a) Die verteenwoordigers vir elke graad in submaatreef (1) bedoel, word verkies deur die leerders in die betrokke graad.
- (b) Die prosedure vir die nominasie en verkiesing van die opvoederlid soos bepaal ingevolge maatreefs 13(1) tot (6) en 14 is van toepassing op die nominasie en verkiesing van die verteenwoordigers soos bedoel in subparagraaf (a).
- (c) Vir die doel van dié maatreef, beteken "kiesbeampte" die prinsipaal van die betrokke skool.

(3) Verkiesing van ampsdraers van verteenwoordigende raad van leerders

- (a) Die prinsipaal belê die eerste vergadering van die verteenwoordigende raad van leerders en sit voor tydens die vergadering.
- (b) Op die eerste vergadering verkies die verteenwoordigers uit eie geledere ampsdraers wat minstens 'n voorsitter, 'n ondervoorsitter en 'n sekretaris insluit.

(4) Funksies van verteenwoordigende raad van leerders

Die verteenwoordigende raad van leerders moet —

(2) Whenever a casual vacancy occurs —

- (a) in a governing body composed in terms of measure 5(4), the Head of Department shall forthwith appoint an eligible person in the vacancy;
- (b) in the case of a parent member, in a governing body composed in terms of measure 2(1), the governing body shall fill such vacancy by means of co-option at its next meeting; and
- (c) in a governing body composed in terms of measure 2(1), the governing body shall fill such vacancy, excluding a vacancy referred to in subparagraph (b), in the prescribed manner.

(3) A member or members appointed, co-opted or elected in accordance with submeasure (2), shall remain in office for the unexpired period of term of office of his or her predecessor.

(4) If a vacancy has been filled —

- (a) in terms of submeasure (2)(a), the Head of Department shall; and
- (b) in terms of submeasure (2)(b) and (c), the secretary of the governing body shall,

forthwith notify the principal in writing of the name of the person who is no longer a member of the governing body and of the name and address of his or her successor.

(5) If a vacancy has been filled in accordance with submeasure (2)(b), such a member shall have voting rights.

23. REPRESENTATIVE COUNCIL OF LEARNERS

(1) Composition of representative council of learners

A representative council of learners consists of three representatives for each grade from the eighth grade and higher.

(2) Nomination and election of members of representative council of learners

- (a) The representatives for each grade referred to in submeasure (1) are elected by the learners from that grade.
- (b) The procedure for the nomination and election of the educator member as prescribed at measures 13(1) to (6) and 14 shall apply to the nomination and election of the representatives for each grade referred to in subparagraph (a).
- (c) For the purpose of this measure, "electoral officer" shall mean the principal of the school concerned.

(3) Election of office-bearers of representative council of learners

- (a) The principal shall convene the first meeting of the representative council of learners and shall preside at such meeting.
- (b) At the first meeting the representatives shall elect from their ranks at least a chairperson, a vice-chairperson and a secretary.

(4) Functions of representative council of learners

The representative council of learners must —

- | | |
|---|---|
| <p>(a) 'n grondwet opstel en aan die beheerliggaam voorlê vir goedkeuring;</p> <p>(b) as verteenwoordigers van hulle mede-leerders optree;</p> <p>(c) as kommunikasiekanaal tussen leerders onderling, leerders en personeel, en leerders en die prinsipaal dien;</p> <p>(d) bydra tot die handhawing van die goeie orde in die skool ooreenkomstig die goedgekeurde skoolreëls;</p> <p>(e) 'n positiewe voorbeeld stel ten opsigte van dissipline, lojaliteit, respek, stiptelikheid, akademiese deeglikheid, moraliteit, samewerking en aktiewe deelname aan skoolbedrywighede;</p> <p>(f) goeie verhoudinge tussen leerders onderling, leerders en personeel, die skool en die gemeenskap, en die skool en ouers bevorder;</p> <p>(g) verantwoordelikheid, leerderskap en leierskap bevorder;</p> <p>(h) die totale opvoedkundige program van die skool (akademies, sport, en in die mate wat dit op hulle van toepassing is, godsdienstig en kultureel) ondersteun; en</p> <p>(i) die tradisies van die skool handhaaf en verfyn.</p> <p>(5) Ontbinding van verteenwoordigende raad van leerders</p> <p>(a) Die prinsipaal van die betrokke skool kan, na oorlegpleging met die beheerliggaam, 'n verteenwoordigende raad van leerders ontbind, indien sodanige verteenwoordigende raad van leerders in gebreke gebly het om sy werksaamhede bevredigend uit te voer, of op 'n wyse opgetree het wat nie in die beste belang van die betrokke skool is nie.</p> <p>(b) 'n Verteenwoordigende raad van leerders wat kragtens submaatreeël (5)(a) ontbind is, moet ingevolge hierdie maatreeël hersaamgestel word.</p> <p>(6) Onthefing van individuele lede van verteenwoordigende raad van leerders</p> <p>(a) Die prinsipaal kan, na oorlegpleging met die beheerliggaam, die personeel en die verteenwoordigende raad van leerders, 'n lid van die verteenwoordigende raad van leerders van die raad onthef, indien hy of sy —</p> <p>(i) 'n daad wat die administrasie van die skool ondermyn, pleeg of ander aanmoedig om dit te pleeg;</p> <p>(ii) ongehoorsaam is of weier om redelike instruksies wat aan hom of haar deur enige opvoeder of persoon in bevel gegee is, uit te voer;</p> <p>(iii) nalatig of traag is om pligte wat aan hom of haar opgelê is, uit te voer;</p> <p>(iv) hom of haar op 'n skandelige, onbehoorlike of onbetaamlike wyse gedra of hom of haar aan growwe onbeleefdheid teenoor 'n ander persoon skuldig maak;</p> <p>(v) by skuldigbevinding aan 'n misdryf gevonnis word tot gevangenisstraf sonder die keuse van 'n boete;</p> <p>(vi) van die skool af wegbly sonder 'n geldige rede of oorsaak;</p> <p>(vii) versuim om drie opeenvolgende vergaderings by te woon sonder om vooraf toestemming van die raad te verkry;</p> | <p>(a) draft a constitution and submit it to the governing body for approval;</p> <p>(b) act as representatives of their fellow learners;</p> <p>(c) serve as a channel of communication between learners, between learners and staff, and between learners and principal;</p> <p>(d) assist in maintaining order in the school in accordance with approved school rules;</p> <p>(e) set a positive example of discipline, loyalty, respect, punctuality, academic thoroughness, morality, co-operation and active participation in school activities;</p> <p>(f) promote good relations between learners, between learners and staff, the school and the community, and the school and parents;</p> <p>(g) promote responsibility, learnership and leadership;</p> <p>(h) support the total educational programme of the school (academic, sports, and to the extent that it applies to them, religious and cultural events); and</p> <p>(i) maintain and refine school traditions.</p> <p>(5) Dissolution of representative council of learners</p> <p>(a) The principal of the school concerned may, after consultation with the governing body, dissolve a representative council of learners if such representative council of learners has failed to discharge its functions satisfactorily or has acted in a manner which is not in the best interests of the school concerned.</p> <p>(b) A representative council of learners dissolved in terms of submeasure (5)(a), must be recomposed in accordance with this measure.</p> <p>(6) Discharge of individual members of representative council of learners</p> <p>(a) The principal may, after consultation with the governing body, the staff and the representative council of learners, discharge a member of the representative council of learners from the council if he or she —</p> <p>(i) commits an act which undermines the administration of the school, or encourages such acts to be committed by others;</p> <p>(ii) is disobedient or refuses to carry out reasonable instructions given to him or her by any educator or a person in charge;</p> <p>(iii) is loath or refuses to fulfil ascribed duties;</p> <p>(iv) conducts himself or herself in a disgraceful, improper or unbecoming manner or is guilty of gross discourtesy towards another person;</p> <p>(v) is found guilty of an offence and is sentenced to imprisonment without the option of a fine;</p> <p>(vi) absents him- or herself from school without reason or valid cause;</p> <p>(vii) fails to attend three consecutive meetings without the prior permission of the council;</p> |
|---|---|

(viii) die skool permanent verlaat; of

(ix) geskors is.

- (b) 'n Vakature wat as gevolg van die toepassing van submaatreeël (6)(a) ontstaan, moet gevul word deur 'n lid wat ooreenkomstig hierdie maatreeël verkies is.

BYLAE A

KENNISGEWING VAN NOMINASIE- EN VERKIESINGSVERGADERING

Verkiesing van Leerders/Opvoeder/Nie-Opvoeder/Ouers van Leerders as Lede van Beheerliggaam

(MAATREËLS 9, 11, 12, 13, 14, 15 EN 16)

NAAM VAN SKOOL:

Kennis geskied hiermee dat 'n vergadering vir die nominasie van kandidate vir die verkiesing van as lede van die beheerliggaam vir bogenoemde skool, op (datum) om (tyd) by (plek) gehou sal word. Daar sal om (tyd) op die aand van die nominasie- en verkiesingsvergadering bepaal word of 'n kworum stemgeregtigde ouers teenwoordig is. Ouers word dus versoek om voor (tyd) teenwoordig te wees.

'n Kandidaat kan ook genomineer word deur 'n nominasievorm, behoorlik voltooi deur die voorsteller, sekondant en kandidaat, nie meer nie as sewe dae, en nie minder nie as 24 uur, voor die aanvang van bogenoemde vergadering by die kiesbeampste in te dien. Nominasies sal vir hierdie doel vanaf (datum) tot (tyd) op (datum) by die skool aanvaar word. (Nominasievorms is by die prinsipaal verkrygbaar.)

Indien meer kandidate genomineer word as die getal lede wat verkies moet word, sal daar onmiddellik tot stemming oorgegaan word.

.....
DATUM

.....
HANDTEKENING VAN KIESBEAMPSTE

.....
ADRES:

INLIGTING IN VERBAND MET VERKIESING

(Moet kennisgewing van nominasie- en verkiesingsvergadering vergesel)

1. SAMESTELLING VAN BEHEERLIGGAAM

(1) Die beheerliggaam bestaan uit —

- (a) sewe ouers van leerders by die skool wat nie by die skool in diens is nie, vir sover dit redelikervys uitvoerbaar is;
- (b) twee opvoeders by die skool, waarvan een die prinsipaal moet wees;
- (c) een personeellid van die skool wat nie 'n opvoeder is nie;
- (d) twee leerders in die agste graad of hoër, indien redelik uitvoerbaar;
- (e) een lid as verteenwoordiger van alle borgliggame, indien toepaslik;
- (f) een lid as verteenwoordiger van alle organisasies van ouers van leerders met spesiale onderwysbehoeftes, indien toepaslik;
- (g) een lid as verteenwoordiger van alle organisasies vir gestremde persone, indien toepaslik;

(viii) leaves the school permanently; or

(ix) has been suspended.

- (b) A vacancy that occurs as a result of the application of submeasure (6)(a), must be filled by a member elected in accordance with measure 23.

ANNEXURE A

NOTICE OF NOMINATION AND ELECTION MEETING

Election of Learners/Educator/Non-Educator/Parents of Learners as Members of Governing Body

(MEASURES 9, 11, 12, 13, 14, 15 AND 16)

NAME OF SCHOOL:

Notice is hereby given that a meeting for the nomination and election of candidates for the election of as members of the governing body for the above-mentioned school will be held on (date) at (time) at (place). It shall be determined at (time) on the evening of the nomination and election meeting whether a quorum of enfranchised parents is present. Parents are thus requested to be present before (time).

A candidate may also be nominated by lodging with the electoral officer, not more than seven days and not less than 24 hours prior to the commencement of the above meeting, a nomination form duly completed by the proposer, seconder and candidate. For this purpose nominations will be accepted at the school from (date) until (time) on (date). (Nomination forms are obtainable from the principal.)

If more candidates are nominated than the number of members to be elected, a poll will be conducted immediately.

.....
DATE

.....
SIGNATURE OF ELECTORAL OFFICER

.....
ADDRESS:

INFORMATION IN CONNECTION WITH ELECTION

(To accompany notice of nomination and election meeting)

1. COMPOSITION OF GOVERNING BODY

(1) The governing body shall consist of —

- (a) seven parents of learners at the school who are not employed at the school, insofar as it is reasonably practicable;
- (b) two educators at the school, of which one must be the principal;
- (c) one member of staff at the school who is not an educator;
- (d) two learners in the eighth grade or higher, if reasonably practicable;
- (e) one member representing all sponsoring bodies, if applicable;
- (f) one member representing all organisations of parents of learners with special education needs, if applicable;
- (g) one member representing all organisations for disabled persons, if applicable;

- (h) een gestremde persoon, indien toepaslik, en
- (i) een deskundige in 'n toepaslike veld van die spesiale onderwysbehoeftes.
- (2) Ouers moet die lede bedoel in subparagraaf (1)(a) verkies.
- (3) Opvoeders in diens by die betrokke skool moet die lid bedoel in subparagraaf (1)(b) verkies.
- (4) Personeellede in diens by die skool wat nie opvoeders is nie, moet die lid bedoel in subparagraaf (1)(c) verkies.
- (5) Die verteenwoordigende raad van leerders moet die leerders bedoel in subparagraaf (1)(d) verkies.
- (6) Die borgliggame in subparagraaf (1)(e) bedoel, moet ten minste drie name vir die aanstelling van die lid in subparagraaf (1)(e) bedoel in volgorde van voorkeur aan die Lid van die Uitvoerende Raad via die prinsipaal van die skool voorgelê.
- (7) Die persoon in subparagraaf (1)(f) bedoel, moet deur die Lid van die Uitvoerende Raad aangestel word uit 'n lys van drie kandidate wat in volgorde van voorkeur via die prinsipaal van die skool voorgelê is.
- (8) Die persoon in subparagraaf (1)(g) bedoel, moet deur die Lid van die Uitvoerende Raad aangestel word uit 'n lys van drie kandidate wat in volgorde van voorkeur via die prinsipaal van die skool voorgelê is.
- (9) Die persoon in subparagraaf (1)(h) bedoel, moet deur die Lid van die Uitvoerende Raad aangestel word uit 'n lys van drie kandidate wat in volgorde van voorkeur via die prinsipaal van die skool voorgelê is.
- (10) Die persoon in subparagraaf (1)(i) bedoel, moet deur die Departementshoof aangewys word.

2. NOMINASIE VAN OUERLEDE

- (a) Elke kandidaat moet deur 'n stemgeregtigde in paragraaf 4 bedoel, voorgestel en deur 'n ander stemgeregtigde geseondeer word. 'n Stemgeregtigde wat 'n kandidaat voorstel of seondeer, moet homself of haarself oortuig dat die kandidaat bevoeg is om tot lid verkies te word.
- (b) 'n Nominasievorm moet ten opsigte van elke kandidaat voltooi word. Hierdie vorms is voor die vergadering by die prinsipaal verkrygbaar en sal ook by die vergadering beskikbaar wees.
- (c) Die kiesbeampste bepaal die tyd wat tydens die nominasie- en verkiesingsvergadering vir die nominasie van kandidate toegelaat word en stel die vergadering daarvan in kennis.
- (d) 'n Ouer-kandidaat mag nie homself of haarself nomineer nie.

3. DISKWALIFIKASIE VAN LEDE VAN BEHEERLIGGAAM

'n Kandidaat is onbevoeg om as lid van 'n beheerliggaam verkies of aangestel te word, indien hy of sy —

- (a) aan enige misdryf skuldig bevind is waarvoor hy of sy tot gevangenisstraf sonder die keuse van 'n boete gevonnis is,

- (h) one disabled person, if applicable; and
- (i) one expert in an appropriate field of special education needs.
- (2) Parents must elect the members referred to in subparagraph (1)(a).
- (3) Educators employed at the school concerned must elect the member referred to in subparagraph (1)(b).
- (4) Members of staff at the school who are not educators must elect the member referred to in subparagraph (1)(c).
- (5) A representative council of learners must elect the learners referred to in subparagraph (1)(d).
- (6) The sponsoring bodies referred to in subparagraph (1)(e) must submit at least three nominations in order of preference to the Member of the Executive Council via the principal of the school, for the appointment of the member referred to in subparagraph (1)(e).
- (7) The person referred to in subparagraph (1)(f), is appointed by the Member of the Executive Council from a list of three candidates in order of preference submitted via the principal of the school.
- (8) The person referred to in subparagraph (1)(g), is appointed by the Member of the Executive Council from a list of three candidates in order of preference submitted via the principal of the school.
- (9) The person referred to in subparagraph (1)(h), is appointed by the Member of the Executive Council from a list of three candidates in order of preference submitted via the principal of the school.
- (10) The person referred to in subparagraph (1)(i), is designated by the Head of Department.

2. NOMINATION OF PARENT MEMBERS

- (a) Each candidate shall be proposed by a voter referred to in paragraph 4 and seconded by another voter. A voter who proposes or seconds a candidate shall satisfy himself or herself that the candidate is eligible to be elected as a member.
- (b) A nomination form shall be completed in respect of every candidate. These forms are obtainable from the principal before the meeting and will also be available at the meeting.
- (c) The electoral officer shall determine the time to be allowed for the nomination of candidates during the nomination and election meeting, and shall inform the meeting thereof.
- (d) A parent candidate may not nominate him- or herself.

3. DISQUALIFICATION OF MEMBERS OF GOVERNING BODY

A candidate shall be ineligible to be elected or appointed as a member of a governing body if he or she —

- (a) has been convicted of any offence for which he or she was sentenced to imprisonment without the option of a fine, unless

tensy algehele kwytsekleding aan hom of haar verleen is of die termyn van sy of haar gevangenisstraf minstens drie jaar voor die datum van sy of haar verkiesing verstryk het;

- (b) geestesongesteld is en deur 'n bevoegde hof aldus verklaar is;
- (c) 'n ongerehabiliteerde insolvent is; of
- (d) in die geval van 'n ouerlid, nie 'n kind as ingeskrewe leerder by die betrokke skool het nie.

4. STEMREG

- (a) Elke ouer van een of meer ingeskrewe leerders by 'n skool ten tyde van die verkiesing van lede van 'n beheerliggaam vir die skool, is geregtig om by sodanige verkiesing te stem.
- (b) Iemand wat nie die natuurlike ouer is nie, maar 'n persoon is in wie se sorg een of meer leerders in subparagraaf (a) bedoel, wettig geplaas is, is geregtig om by sodanige verkiesing te stem.
- (c) Iemand wat geregtig is om te stem, het een stem ten opsigte van enige besondere kandidaat: Met dien verstande dat die totale getal stemme van so 'n persoon nie die getal lede wat verkies moet word, oorskry nie.

5. ALGEMEEN

Die prinsipaal kan sodanige bykomende inligting by hierdie bylae insluit wat hy of sy nodig mag ag vir die gladde verloop van die verkiesing, soos byvoorbeeld die belangrikheid van ouerdeelname.

VERKLARING DEUR OUER VAN LEERDER (MOET DEUR OUER BY STEMLOKAAL GETOON WORD)

Ek,
(Volle Naam)

van
(Woonadres)

verklaar hierby dat ek — (*)

- (a) die ouer/voog is van;
- (b) die persoon is met wettige aanspraak op sorg vir; of
- (c) die persoon is wat onderneem om die verpligtinge van 'n persoon by (a) en (b) genoem na te kom met betrekking tot die opvoeding op skool van

.....
(Leerder(s) se Volle Naam/Name)

HANDTEKENING VAN OUER DATUM

((*) Skrap wat nie van toepassing is nie)

BYLAE B

NOMINASIEVORM

Verkiesing van Leerders/Opvoeder/Nie-opvoeder/Ouers van Leerders as Lede van Beheerliggaam

(MAATREËLS 11, 13, 15 EN 16)

(Kragtens artikel 28(e) van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), moet daar tydens die nominasie en verkiesing van lede van beheerliggame na die hoogste praktiese vlak van verteenwoordigendheid van lede van 'n beheerliggaam gestreef word.)

NAAM VAN SKOOL:
VOORSTELLER:

Ek,
(Volle Naam)

he or she has received a free pardon or the period of his or her imprisonment ended at least three years prior to the date of his or her election;

- (b) is mentally ill and has been so declared by a competent court;
- (c) is an unrehabilitated insolvent; or
- (d) in the case of a parent member, does not have a child enrolled as a learner at the school concerned.

4. FRANCHISE

- (a) Every parent of one or more learners on the register of a school at the time of the election of members of a governing body for such school, shall be entitled to vote at such election.
- (b) A person who is not the natural parent but who is a person in whose custody one or more learners referred to in subparagraph (a) have been lawfully placed, is entitled to vote at such an election.
- (c) A person who is entitled to vote, shall have one vote in respect of any particular candidate: Provided that the total number of votes of such a person shall not exceed the number of members to be elected.

5. GENERAL

The principal may include such additional information to this annexure as he or she may deem necessary for the smooth progress of the election, for example, the importance of parent participation.

DECLARATION BY PARENT OF LEARNER (MUST BE PRODUCED BY PARENT AT VOTING HALL)

I,
(Full Name)

of
(Residential Address)

declare hereby that I am — (*)

- (a) the parent/guardian of;
- (b) the person legally entitled to custody of; or
- (c) the person who undertakes to fulfil the obligations of a person referred to in (a) and (b) towards the education at school of

.....
(Full Name(s) of Learner(s))

SIGNATURE OF PARENT DATE

((*) Delete which is not applicable)

ANNEXURE B

NOMINATION FORM

Election of Learners/Educator/Non-Educator/Parents of Learners as Members of Governing body

(MEASURES 11, 13, 15 AND 16)

(In terms of section 28(e) of the South African Schools Act, 1996 (Act 84 of 1996), there shall be strived towards the achievement of the highest practicable level of representivity in the nomination and election of members of the governing body.)

NAME OF SCHOOL:
PROPOSER:

I,
(Full Name)

van
(Woonadres)

synde 'n leerder/opvoeder/nie-opvoeder/ouer van 'n leerder van
genoemde skool, stel hiermee

(Volle Naam van Kandidaat)

as lid van die beheerliggaam van bogenoemde skool voor.

.....
HANDTEKENING VAN VOORSTELLER

SEKONDANT:

Ek,
(Volle Naam)

van
(Woonadres)

synde 'n leerder/opvoeder/nie-opvoeder/ouer van 'n leerder van
genoemde skool, sekondeer hiermee bogenoemde voorstel.

.....
HANDTEKENING VAN SEKONDANT

KANDIDAAT:

Ek,
(Volle Naam)

van
(Woonadres)

verklaar hierby dat ek —

- (a) bogenoemde nominasie aanvaar; en
- (b) nie onbevoeg is om 'n lid van 'n beheerliggaam te wees nie soos bedoel in paragraaf 3 van die "Inligting in verband met die Verkiesing" (by Bylae A aangeheg).

.....
HANDTEKENING VAN KANDIDAAT

OF

(INDIEN OP NOMINASIE- EN VERKIESINGSVERGADERING
VOORGESTEL)

Ek,
(Volle Naam)

verklaar dat skriftelike bewys tot my bevrediging voorgelê is dat
bogenoemde kandidaat —

- (a) wat nie by die nominasie- en verkiesingsvergadering teenwoordig is om die nominasievorm te voltooi nie, indien verkies, bereid is om as lid van die beheerliggaam te dien; en
- (b) nie onbevoeg is om 'n lid van 'n beheerliggaam te wees nie soos beoog in maatregel 3 van die maatreëls betreffende Beheerliggame vir Openbare Skole vir Leerders met Spesiale Onderwysbehoefes (uitgesonderd openbare skole vir leerders wat kragtens die Wet op Kindersorg, 1983 (Wet 74 van 1983), en/of die Strafproseswet, 1977 (Wet 51 van 1977), daarheen verwys of oorgeplaas is).

.....
HANDTEKENING VAN KIESBEAMPTE

Kragtens maatregel 11 (4) word hierdie nominasie *aanvaar/verwerp.

.....
DATUM HANDTEKENING VAN KIESBEAMPTE

*Skrap wat nie van toepassing is nie.

of
(Residential Address)

being a learner/educator/non-educator/parent of a learner of the above
school, hereby propose

(Full Name of Candidate)

as a member of the governing body of the above-mentioned school

.....
SIGNATURE OF PROPOSER

SECONDER:

I,
(Full Name)

of
(Residential Address)

being a learner/educator/non-educator/parent of a learner of the above
school, hereby second the above-mentioned proposal.

.....
SIGNATURE OF SECONDER

CANDIDATE

I,
(Full Name)

of
(Residential Address)

hereby declare that I —

- (a) accept the above-mentioned nomination; and
- (b) am not ineligible to be a member of a governing body as contemplated in paragraph 3 of the "Information in Connection with Election" (Attached to Annexure A).

.....
SIGNATURE OF CANDIDATE

OR

(IF PROPOSED AT NOMINATION AND ELECTION
MEETING)

I,
(Full Name)

declare that written proof to my satisfaction has been submitted that
the above-mentioned candidate —

- (a) who is not present at the nomination and election meeting to complete the nomination form, is, if elected, willing to serve as a member of the governing body; and
- (b) is not ineligible to be a member of a governing body as contemplated in measure 3 of the Measures relating to Governing Bodies for Public Schools for Learners with Special Education Needs (excluding public schools for learners sent or transferred thereto in terms of the Child Care Act, 1983 (Act 74 of 1983), and/or the Criminal Procedure Act, 1977 (Act 51 of 1977).

.....
SIGNATURE OF ELECTORAL OFFICER

Under measure 11(4) this nomination is *accepted/rejected.

.....
DATE SIGNATURE OF ELECTORAL OFFICER

*Delete whichever is not applicable.

(B) MAATREËLS BETREFFENDE BEHEERLIGGAME VAN OPENBARE SKOLE VIR LEERDERS WAT KRAGTENS DIE WET OP KINDERSORG, 1983 (WET 74 VAN 1983), EN/OF DIE STRAFPROSESWET, 1977 (WET 51 VAN 1977), DAARHEEN VERWYS OF OORGEPLAAS IS

WOORDOMSKRYWING

1. In hierdie maatreëls het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken —

“beampte” ’n werknemer van ’n departement van onderwys wat aangestel is kragtens die Wet op die Indiënsneming van Opvoeders, 1994 (Proklamasie 138 van 1994), of die Staatsdienswet, 1994 (Proklamasie 103 van 1994);

“dae” werksdae, insluitend Saterdag, Sondag en openbare vakansiedae;

“Departementshoof” die hoof van die Departement van Onderwys in die provinsie Wes-Kaap;

“die Wet” die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996);

“kiesbeampte” ’n kiesbeampte in maatreël 7 beoog;

“leerder met spesiale onderwysbehoefes” ’n leerder met bykomende onderwysbehoefes vir wie daar binne skole vir leerders met spesiale onderwysbehoefes, voorsiening gemaak word;

“lid” ’n lid van die beheerliggaam;

“Lid van die Uitvoerende Raad” die Lid van die Uitvoerende Raad verantwoordelik vir onderwys in die provinsie Wes-Kaap;

“Minister” die Minister soos omskryf in artikel 1 van die Wet;

“opvoeder” ’n opvoeder soos omskryf in die Wet op die Indiënsneming van Opvoeders, 1994 (Proklamasie 138 van 1994);

“personeellid” ’n persoon wat by ’n skool in diens is;

“prinsipaal” ’n opvoeder wat as hoof van die skool aangestel is of waarneem;

“sielkundige” ’n opvoeder wat as sielkundige by ’n skool aangestel is of waarneem;

“skool” ’n openbare skool vir leerders met spesiale onderwysbehoefes;

“verteenwoordigende raad van leerders” ’n verteenwoordigende raad van leerders ingestel kragtens artikel 11 van die Wet; en

“Wes-Kaap Onderwysdepartement” die departement verantwoordelik vir onderwys in die provinsie Wes-Kaap.

2. SAMESTELLING VAN BEHEERLIGGAAM

- (1) ’n Beheerliggaam ingevolge artikel 24 van die Wet vir ’n skool ingestel, bestaan uit —
 - (a) twee opvoeders by die skool, waarvan een die prinsipaal van die skool moet wees;
 - (b) een personeellid van die skool wat nie ’n opvoeder is nie;
 - (c) twee leerders in die agste graad of hoër, indien redelik uitvoerbaar; en
 - (d) minstens vier maar hoogstens ses deskundiges in toepaslike velde van die spesiale onderwysbehoefes van die leerders van die skool, welke deskundiges nie betrekings by die betrokke skool mag beklee nie; en —

(B) MEASURES RELATING TO GOVERNING BODIES OF PUBLIC SCHOOLS FOR LEARNERS SENT OR TRANSFERRED THERETO IN TERMS OF THE CHILD CARE ACT, 1983 (ACT NO. 74 OF 1983), AND/OR THE CRIMINAL PROCEDURE ACT, 1977 (ACT NO. 51 OF 1977)

DEFINITIONS

1. In these Measures any word or expression to which a meaning has been assigned in the Act, bears the meaning assigned to it and, unless the context otherwise indicates —

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

“educator” means an educator as defined in the Educators’ Employment Act, 1994 (Proclamation 138 of 1994);

“electoral officer” means an electoral officer referred to in measure 7;

“Head of Department” means the head of the education department in the Province of the Western Cape;

“learner with special education needs” means a learner with additional education needs for whom provision is made in schools for learners with special education needs;

“member” means a member of the governing body;

“member of staff” means a person employed at a school;

“Member of the Executive Council” means the Member of the Executive Council who is responsible for education in the Province of the Western Cape;

“Minister” means the Minister as defined in section 1 of the Act;

“officer” means an employee of the education department appointed in terms of the Educators’ Employment Act, 1994 (Proclamation 138 of 1994) or the Public Service Act, 1994 (Proclamation 103 of 1994);

“principal” means an educator appointed or acting as the head of a school;

“psychologist” means an educator appointed in a post or acting as psychologist at the school;

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

“school” means a public school for learners with special education needs;

“the Act” means the South African Schools Act, 1996 (Act 84 of 1996); and

“Western Cape Education Department” means the department responsible for education in the Province of the Western Cape.

2. COMPOSITION OF GOVERNING BODY

- (1) A governing body established for a school in terms of section 24 of the Act, shall consist of —
 - (a) two educators at the school, of which one must be the principal of the school;
 - (b) one member of staff at the school who is not an educator;
 - (c) two learners in the eighth grade or higher, if reasonably practicable;
 - (d) at least four but not more than six experts in appropriate fields of special education needs, which experts shall not occupy posts at the school concerned: Provided that such experts must include —

(i) 'n kommissaris van kindersorg vir die distrik waarin die skool geleë is en deur die Departement van Justisie aangewys; en

(ii) 'n maatskaplike werker van die Departement van Welsyn, aangewys deur daardie Departement,

moet insluit; en

(c) 'n sielkundige van die skool.

(2) Opvoeders in diens by die betrokke skool moet die opvoederlid bedoel in submaatreeël (1)(a) verkies.

(3) Personele in diens by die skool wat nie opvoeders is, moet die personeellid bedoel in submaatreeël (1)(b) verkies.

(4) Die verteenwoordigende raad van leerders moet die leerders bedoel in submaatreeël (1)(c) verkies.

(5) Die lede in submaatreeël (1)(d) bedoel, uitgesonderd dié in submaatreeël (1)(d)(i) en (ii), word aangestel uit 'n lys wat deur die Departementshoof aan die Lid van die Uitvoerende Raad voorgelê word en waarin die name in volgorde van voorkur vervat is van minstens twee meer kandidate as die getal persone wat aangestel moet word.

(6) Elke lid in submaatreeël (1) bedoel word deur die Lid van die Uitvoerende Raad aangestel, waar paslik.

3. DISKWALIFIKASIE VAN LEDE VAN 'N BEHEERLIGGAAM

Iemand is onbevoeg om as lid van 'n beheerliggaam verkies of aangestel te word, indien hy of sy —

(a) te eniger tyd skuldig bevind is aan 'n misdryf waarvoor hy of sy tot gevangenisstraf sonder die keuse van 'n boete gevonnis is, tensy algehele kwytskelding aan hom of haar verleen is of die termyn van sy of haar gevangenisstraf minstens drie jaar voor die datum van sy of haar verkiesing as lid van so 'n liggaam verstryk het;

(b) geestesongesteld is en deur 'n bevoegde hof aldus verklaar is; of

(c) 'n ongerehabiliteerde insolvent is.

4. AMPSTERMYN VAN LEDE VAN BEHEERLIGGAAM

(1) Behoudens die bepalings van maatreeëls 5 en 17 beklee 'n lid van 'n beheerliggaam wat nie 'n leerder is nie, sy of haar amp vir 'n termyn van drie jaar en vanaf 'n datum deur die Departementshoof bepaal: Met dien verstande dat 'n lid wat 'n leerder is, sy of haar amp beklee vir 'n termyn van een jaar: Met dien verstande voorts dat die Departementshoof te eniger tyd 'n lid van sy of haar amp kan onthef om redes deur hom of haar as voldoende geag.

(2) 'n Lid van 'n beheerliggaam kan herverkies of heraangestel word, na gelang van die geval, ná verstryking van sy of haar ampstermyn.

(3) Behoudens die bepalings van submaatreeël (1) en die bepalings van maatreeëls 5 en 17, beklee die lede van 'n beheerliggaam, ondanks die verstryking van hul ampstermyne, hul ampte tot 'n nuwe beheerliggaam ingevolge maatreeël 2 saamgestel word.

5. ONTBINDING EN HERSAMESTELLING VAN BEHEERLIGGAAM

(1) Die Lid van die Uitvoerende Raad kan 'n beheerliggaam ontbind, indien —

(i) a commissioner for child welfare for the district in which the school is situated, designated by the Department of Justice; and

(ii) a social worker of the Department of Welfare, designated by that Department; and

(c) a psychologist at the school.

(2) Educators employed at the school concerned must elect the educator member referred to in submeasure (1)(a).

(3) Members of staff at the school who are not educators must elect the member of staff referred to in submeasure (1)(b).

(4) A representative council of learners must elect the learners referred to in submeasure (1)(c).

(5) The members referred to in submeasure (1)(d), excluding submeasure (1)(d)(i) and (ii), shall be appointed from a list submitted to the Member of the Executive Council by the Head of Department, containing the names in order of preference of at least two more than the number of persons to be appointed.

(6) Every member referred to in submeasure (1) shall, where appropriate, be appointed by the Member of the Executive Council.

3. DISQUALIFICATION OF MEMBERS OF GOVERNING BODY

A person shall be ineligible to be elected or appointed as a member of a governing body if he or she —

(a) has at any time been convicted of an offence for which he or she was sentenced to imprisonment without the option of a fine, unless he or she has received a free pardon or the period of his or her imprisonment has expired at least three years prior to the date of his or her election as a member of such body;

(b) is mentally ill and has been so declared by a competent court; or

(c) is an unrehabilitated insolvent.

4. TERMS OF OFFICE OF MEMBERS OF GOVERNING BODY

(1) Subject to the provisions of measures 5 and 17, a member of a governing body who is not a learner, shall hold office for a term of three years and from a date determined by the Head of Department: Provided that a member who is a learner shall hold office for a term of one year: Provided further that the Head of Department may at any time remove a member from office for reasons he or she deems to be sufficient.

(2) A member of a governing body may be re-elected or re-appointed, as the case may be, after the expiry of his or her term of office.

(3) Subject to the provisions of submeasure (1) and the provisions of measures 5 and 17, the members of a governing body shall, notwithstanding the expiry of their terms of office, hold office until a new governing body is composed in accordance with measure 2.

5. DISSOLUTION AND RECOMPOSITION OF GOVERNING BODY

(1) The Member of the Executive Council may dissolve a governing body if —

- (a) hy of sy meen dat, weens die amalgamasie van skole of die verdeling van 'n skool of ander herorganisasie van skoolgeriewe, dit nodig is vir die aanstelling van lede van 'n nuwe beheerliggaam wat behoorlik verteenwoordigend sal wees van die betrokke skool of skole na sodanige herorganisasie;
- (b) sodanige beheerliggaam in gebreke gebly het om sy werksaamhede bevredigend uit te voer, of op 'n wyse opgetree het wat nie in die beste belang van die betrokke skool is nie;
- (c) die getal lede van 'n beheerliggaam om enige rede daal tot minder as die kworum bedoel in maatreef 15(4); of
- (d) slegs die helfte of minder as die helfte van die lede wat by die samestelling van 'n beheerliggaam aangestel is, nog in enige stadium op die beheerliggaam dien.

- (2) Wanneer 'n beheerliggaam kragtens submaatreef (1) ontbind is, hou dit op om te funksioneer op 'n datum wat die Lid van die Uitvoerende Raad vasstel.
- (3) Indien die beheerliggaam opgehou het om te funksioneer, stel die Departementshoof voldoende persone aan uit 'n lys van name van geskikte persone deur die prinsipaal in volgorde van voorkeur voorgelê, om die werksaamhede van die beheerliggaam van die skool vir 'n tydperk van hoogstens drie maande uit te voer.
- (4) Die Departementshoof kan die tydperk bedoel in submaatreef (3) met verdere tydperke van drie maande verleng, maar die totale tydperk mag nie een jaar oorskry nie.
- (5) 'n Beheerliggaam moet kragtens hierdie maatreefs binne een jaar na die aanstelling van persone in submaatreef (3) bedoel, saamgestel word.
- (6) Die Departementshoof moet die prinsipaal onverwyld skriftelik in kennis stel van die name en adresse van die lede van 'n beheerliggaam ingevolge submaatreef (3) aangestel.

6. STEMREG

Iemand wat geregtig is om te stem, het een stem ten opsigte van elke kandidaat met 'n maksimum getal stemme gelyk aan die getal lede wat ooreenkomstig maatreef 2 verkies moet word.

7. KIESBEAMPTTE

- (1) Die Departementshoof moet 'n prinsipaal of 'n ander beampte skriftelik as die kiesbeampte aanstel om die nominasie en verkiesing van die opvoeder- en nie-opvoederlid na gelang van die geval, bedoel in maatreef 2(1)(a) en (b) op 'n beheerliggaam te behartig. Met dien verstande dat 'n prinsipaal nie as kiesbeampte kan optree by die benoeming of verkiesing van lede van die beheerliggaam van die skool waarvan hy of sy die prinsipaal is nie.
- (2) Die kiesbeampte kan een of meer persone aanstel om by 'n verkiesing behulpsaam te wees.
- (3) Die kiesbeampte tree op as voorsitter van enige vergadering wat met die oog op 'n verkiesing van 'n beheerliggaam gehou word.

8. NOMINASIE- EN VERKIESINGSVERGADERING VAN OPVOEDERLID

- (1) Die kiesbeampte moet 'n datum, tyd en plek vir 'n vergadering vir die nominasie en verkiesing van die opvoederlid, bepaal.

- (a) he or she is of the opinion that owing to the amalgamation of schools or the division of a school or other reorganization of school facilities, it is necessary to appoint members of a new governing body which will be properly representative of the school or schools concerned after such reorganization;
- (b) such governing body has failed to discharge its functions satisfactorily or has acted in a manner which is not in the best interests of the school concerned;
- (c) for any reason the number of members of a governing body falls below the quorum referred to in measure 15(4); or
- (d) only half or fewer of the members who, at the composition of a governing body, were appointed, are still in office at any stage.

- (2) If a governing body has been dissolved under submeasure (1), it shall cease to function on a date to be fixed by the Member of the Executive Council.
- (3) The Head of the Department shall, if a governing body has ceased to function, appoint sufficient persons from a list of names of suitable persons in order of preference submitted to him or her by the principal to discharge the functions of a governing body at the school for a period not exceeding three months.
- (4) The Head of Department may extend the period referred to in submeasure (3) by such further periods of three months, but not exceeding a total period of one year.
- (5) A governing body must be composed under these measures within a year after the appointment of persons referred to in submeasure (3).
- (6) The Head of Department shall notify the principal forthwith in writing of the names and addresses of the members of a governing body appointed in terms of submeasure (3).

6. FRANCHISE

Any person who is entitled to vote, shall have one vote in respect of each candidate, with a maximum number of votes equal to the number of members to be elected in accordance with measure 2.

7. ELECTORAL OFFICER

- (1) The Head of Department shall appoint a principal of a school or other officer in writing as the electoral officer to conduct the nomination and election of educator and non-educator members, as the case may be, referred to in measure 2(1)(a) and (b) to a governing body: Provided that a principal may not act as electoral officer for the nomination or election of members of the governing body of the school of which he or she is the principal.
- (2) The electoral officer may appoint one or more persons to assist at an election.
- (3) The electoral officer shall preside at any meeting held for the purpose of an election of a governing body.

8. NOMINATION AND ELECTION MEETING OF EDUCATOR MEMBER

- (1) The electoral officer shall determine a date, time and place for a meeting for the election of the educator member.

- (2) 'n Opvoeder-kandidaat op die diensstaat van 'n skool moet op die volgende wyse genomineer word, indien daar meer as tien (10) opvoeders is:
- 'n nominasievorm (Bylae B) wat behoorlik deur die voorsteller, sekondant en kandidaat voltooi is, word nie meer nie as sewe dae, en nie minder nie as 24 uur, voor die aanvang van die nominasie- en verkiesingsvergadering by die kiesbeampte ingedien; of
 - 'n opvoeder-kandidaat word tydens die nominasie- en verkiesingsvergadering as 'n lid van die beheerliggaam voorgestel: Met dien verstande dat 'n ander opvoeder die voorstel sekondeer en 'n nominasievorm wat behoorlik deur die voorsteller, die sekondant en, indien teenwoordig, die opvoeder-kandidaat voltooi is, by die kiesbeampte indien, binne die tyd in submaatreeël (3) bedoel.
- (3) Die kiesbeampte bepaal die tyd wat tydens die nominasie- en verkiesingsvergadering vir die nominasie van opvoeder-kandidate toegelaat sal word, en stel die vergadering daarvan in kennis.
- (4) 'n Opvoeder-kandidaat mag nie homself of haarself nomineer nie.
- (5) Na verstryking van die tyd in submaatreeël (3) bedoel, oorweeg die kiesbeampte die nominasies en verwerp die nominasie van enige opvoeder-kandidaat wat —
- nie ooreenkomstig submaatreeël (2) genomineer is nie;
 - in die geval van 'n nominasie in submaatreeël (2)(b) bedoel, nie bedoelde nominasievorm voltooi het nie, tensy skriftelike bewys tot die bevrediging van die kiesbeampte voor die verstryking van die tyd in submaatreeël (3) bedoel, voorgelê word dat so 'n kandidaat bereid is om as lid van die beheerliggaam te dien; of
 - homself of haarself genomineer het.
- en daarna maak die kiesbeampte die name van die kandidate wie se nominasies aanvaar is, bekend.
- (6) (a) Indien daar geen kandidate is nie wie se nominasies ingevolge submaatreeël (5) aanvaar is, moet 'n nuwe vergadering ooreenkomstig die bepalinge van hierdie maatreeëls belê word waarop nuwe kandidate aldus genomineer kan word.
- (b) Indien die getal aldus aanvaarde kandidate wat opvoeders van die betrokke skool is —
- gelyk is aan die getal lede wat ingevolge maatreeël 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, verklaar die kiesbeampte die aldus aanvaarde opvoeder-kandidaat tot 'n behoorlik verkose lid van die beheerliggaam; of
 - meer is as die getal lede wat ingevolge maatreeël 2(1)(a) ten opsigte van die betrokke beheerliggaam bepaal is, word 'n stemming ingevolge maatreeël 9 gehou.
- (7) Indien daar 10 en minder opvoeders op die diensstaat van 'n skool is, word die prosedure vir die nominasie van 'n lid, soos bepaal in maatreeël 9, gevolg.
- (2) An educator candidate on the establishment of a school where there are more than ten (10) educators must be nominated as follows:
- A nomination form (Annexure B) duly completed by the proposer, seconder and candidate shall be lodged with the electoral officer not more than seven days, and not less than 24 hours, prior to the commencement of the nomination and election meeting; or
 - An educator candidate may be proposed as a member of the governing body during the nomination and election meeting: Provided that another educator seconds the proposal and a nomination form duly completed by the proposer, seconder and, if present, the educator candidate, is lodged with the electoral officer, within the time referred to in submeasure (3).
- (3) The electoral officer shall determine the time to be allowed for the nomination of educator candidates during the nomination and election meeting, and shall inform the meeting thereof.
- (4) An educator candidate may not nominate him- or herself.
- (5) After expiry of the time referred to in submeasure (3), the electoral officer shall consider the nominations and reject the nomination of any educator candidate who —
- has not been nominated in accordance with submeasure (2);
 - in the case of a nomination referred to in submeasure (2)(b), has not completed the said nomination form, unless written proof to the satisfaction of the electoral officer is submitted before the expiry of the time referred to in submeasure (3), that such educator candidate is willing to serve as a member of the governing body; or
 - has nominated him- or herself.
- and thereafter the electoral officer shall announce the names of the educator candidates whose nominations have been accepted.
- (6) (a) If there are no educator candidates whose nominations have been accepted in terms of submeasure (5), a new meeting at which new educator candidates may be nominated, shall be convened in accordance with the provisions of these measures.
- (b) If the number of thus accepted educator candidates who are parents of learners of the school concerned —
- is equal to the number of the members determined in terms of measure 2(1)(a) in respect of the governing body concerned, the electoral officer shall declare the thus accepted educator candidate to be a duly elected member of the governing body; or
 - is more than the number of members determined in terms of measure 2(1)(a) in respect of the governing body concerned, a poll shall be held in terms of measure 9.
- (7) If there are 10 or less educators on the establishment of a school, the procedure for the nomination of an educator member shall be as provided in measure 9.

9. STEMMING BY VERKIESING VAN OPVOEDERLID

- (1) Die kiesbeampte berei 'n kennisgewing ten opsigte van die verkiesingsvergadering voor, en besorg ten minste 10 dae voor sodanige vergadering 'n afskrif van hierdie kennisgewing aan elke opvoeder op die diensstaat van die skool.
- (2) 'n Kworum tydens die stemming sal een meer as die helfte van die totale getal opvoeders op die diensstaat van die skool wees.
- (3) Die kiesbeampte reik aan elke opvoeder wat sy of haar stem wil uitbring 'n goedgekeurde stembrief, waarop 'n amptelike merk of stempel voorkom, uit.
- (4) 'n Opvoeder in submaatreeël (1) bedoel, bring sy of haar geheime stem uit op die stembrief in submaatreeël (3) beoog deur die naam van een opvoeder-kandidaat daarop aan te bring.
- (5) Die kiesbeampte verwerp 'n stembrief —
 - (a) waarop die amptelike merk of stempel in submaatreeël (3) beoog, nie voorkom nie;
 - (b) waarop die name van meer as een opvoeder-kandidaat verskyn; of
 - (c) wat so voltooi is dat dit volgens die oordeel van die kiesbeampte onseker is op watter opvoeder-kandidaat 'n stem uitgebring is.
- (6) Die opvoeder-kandidaat op wie die meeste stemme uitgebring is, word deur die kiesbeampte as behoorlik verkose verklaar.
- (7) In geval van 'n staking van stemme moet die kiesbeampte die stemprosedure herhaal totdat een opvoeder-kandidaat 'n gewone meerderheid stemme op hom of haar verenig.

10. NOMINASIE EN VERKIESING VAN NIE-OPVOEDERLID

Die prosedure vir die nominasie en verkiesing van die opvoederlid is *mutatis mutandis* van toepassing by die nominasie en verkiesing van die nie-opvoederlid.

11. NOMINASIE EN VERKIESING VAN LEERDERLEDE

- (1) Die verteenwoordigende raad van leerders soos in maatreeël 18 bedoel, moet uit sy eie geledere twee leerders wat lede van die beheerliggaam moet wees, verkies.
- (2) Die prosedure vir die nominasie en verkiesing van 'n opvoederlid soos bepaal ingevolge maatreeëls 8(1) tot (6) en 9 is van toepassing by die nominasie en verkiesing van die leerderlede soos in submaatreeël (1) bedoel.
- (3) Vir die doel van dié maatreeël beteken "kiesbeampte" die prinsipaal van die betrokke skool.

12. BESLISSING VAN KIESBEAMPTTE

Die kiesbeampte beslis oor alle aangeleenthede wat met die nominasie van kandidate en stemming bedoel in maatreeëls 8, 9 en 10 verband hou, en sy of haar beslissing is finaal.

13. PROSEDURE NA SAMESTELLING VAN BEHEERLIGGAAM

- (1) Na die verkiesing van die lede in maatreeël 2(1)(a) en (b) bedoel, moet die kiesbeampte —
 - (a) alle dokumente, met inbegrip van stembriewe, wat by so 'n verkiesing gebruik is in koeverte plaas en die koeverte verseël;

9. POLL AT THE ELECTION OF EDUCATOR MEMBER

- (1) The electoral officer shall prepare a notice of the election meeting and at least 10 days before such meeting shall distribute a copy of the notice to every educator on the establishment of the school.
- (2) A quorum at the poll shall consist of one more than half of the total number of educators on the establishment of the school.
- (3) The electoral officer issues each educator who wishes to cast his or her vote with an approved ballot paper on which an official mark or stamp appears.
- (4) An educator referred to in submeasure (1), casts his or her secret vote by writing the name of one educator candidate on the ballot paper contemplated in submeasure (3).
- (5) The electoral officer shall reject a ballot paper —
 - (a) on which the official mark or stamp contemplated in submeasure (3), does not appear;
 - (b) on which the name of more than one educator candidate appear; or
 - (c) which is completed in such a way that it is in the opinion of the electoral officer uncertain for which educator candidate a vote was recorded.
- (6) The educator candidate for whom the greatest number of votes have been recorded, shall be declared as duly elected by the electoral officer.
- (7) In the case of a tie of votes, the electoral officer shall repeat the polling procedure until one of the educator candidates records a simple majority of the votes.

10. NOMINATION AND ELECTION OF NON-EDUCATOR MEMBER

The procedure for the nomination and election of the educator member shall *mutatis mutandis* apply to the nomination and election of the non-educator member.

11. NOMINATION AND ELECTION OF LEARNER MEMBERS

- (1) The representative council of learners referred to in measure 18 shall elect from its ranks two learners who shall be members of the governing body.
- (2) The procedure for the nomination and election of an educator member as prescribed in measures 8(1) to (6) and 9 shall apply to the nomination and election of the learner members referred to in submeasure (1).
- (3) For the purpose of this measure, "electoral officer" shall mean the principal of the school concerned.

12. DECISION OF ELECTORAL OFFICER

The electoral officer shall decide all matters connected with the nomination of candidates and the poll referred to in measures 8, 9 and 10, and his or her decision shall be final.

13. PROCEDURE AFTER COMPOSITION OF GOVERNING BODY

- (1) After the election of the members referred to in measure 2(1)(a) and (b), the electoral officer shall —
 - (a) place all documents, including ballot papers, used at such election in envelopes and seal the envelopes;

- (b) daardie koeverte in veilige bewaring hou vir 'n tydperk van minstens drie maande vanaf die datum van die verkiesing van die betrokke beheerliggaam;
 - (c) elke verkose lid, skriftelik in kennis stel van sy of haar verkiesing; en
 - (d) die prinsipaal van die betrokke skool en die Departementshoof onverwyld skriftelik in kennis stel van die datum van die verkiesing en van die name en adresse van die persone wat tot lede verkies is.
- (2) Na die aanstelling van die lede in maatreël 2(1)(d) bedoel, deur die Lid van die Uitvoerende Raad, moet die Departementshoof die prinsipaal onverwyld skriftelik in kennis stel van die name en adresse van die betrokke persone.

14.4. VERKIESING VAN AMPSDRAERS

- (1) Die prinsipaal belê die eerste vergadering van die beheerliggaam binne 14 dae nadat hy of sy skriftelik in kennis gestel is van die datums van die verkiesings en van al die name en adresse van die lede van die beheerliggaam.
- (2) Op die eerste vergadering van die beheerliggaam verkies so 'n liggaam uit sy geledere ampsdraers wat minstens 'n voorsitter, 'n tesourier en 'n sekretaris insluit: Met dien verstande dat die voorsitter uit die lede in maatreël 2(1)(d) bedoel, verkies moet word.
- (3) Behoudens die bepalinge van submaatreël (5) beklee die ampsdraers hul ampte vir 'n termyn van 12 maande vanaf die datum van hul verkiesing.
- (4) 'n Ampsdrager van 'n beheerliggaam kan, ná verstryking van sy of haar ampstermyn herverkies word.
- (5) Waar die amp van 'n ampsdrager om enige rede vakant raak, verkies die beheerliggaam op die eerste vergadering nadat daardie vakature ontstaan het, een van sy lede om daardie vakature vir die oorblywende gedeelte van die ampstermyn van sy of haar voorganger te vul.
- (6) Die prinsipaal sit voor by 'n verkiesing bedoel in submaatreël (2), asook by 'n verkiesing bedoel in submaatreël (5).
- (7) Die prinsipaal moet na 'n vergadering waarop enige ampsdrager ingevolge hierdie maatreël verkies is, die Departementshoof onverwyld skriftelik in kennis stel van die datum van die vergadering en van die naam, adres en amp van die persoon wat verkies is.

15. VERGADERINGS VAN BEHEERLIGGAAM

- (1) Die voorsitter van 'n beheerliggaam bepaal die datum, tyd en plek van 'n vergadering en die sekretaris van so 'n liggaam stel elke lid minstens 14 dae voor sodanige vergadering skriftelik daarvan in kennis: Met dien verstande dat in die geval van 'n saak wat na die oordeel van die voorsitter van die beheerliggaam spoedeisend gehanteer moet word, minstens 24 uur kennis gegee kan word.
- (2) Enigiemand kan op uitnodiging van die beheerliggaam by 'n vergadering van so 'n liggaam teenwoordig wees en aan die besprekings deelneem, maar het nie stemreg nie en moet die vergadering verlaat wanneer die beheerliggaam aldus besluit.
- (3) 'n Beheerliggaam kan vereis dat enige personeelid van die betrokke skool 'n vergadering van so 'n liggaam moet bywoon in verband met enige aangeleentheid wat op die werksaamhede van die beheerliggaam betrekking het.
- (4) Minstens een meer as die helfte van die lede van 'n beheerliggaam saamgestel ooreenkomstig maatreël 2(1), vorm 'n kworum vir enige vergadering.

- (b) keep those envelopes in safe custody for a period of at least three months from the date of the election of the governing body concerned;
- (c) notify each elected member in writing of his or her election; and
- (d) notify the principal of the school concerned and the Head of Department forthwith in writing of the date of the election and of the names and addresses of the persons elected as members.

- (2) After the appointment of the members referred to in measure 2(1)(d) by the Member of the Executive Council, the Head of Department shall notify the principal of the school concerned forthwith in writing of the names and addresses of the persons concerned.

14. ELECTION OF OFFICE-BEARERS

- (1) The principal shall convene the first meeting of the governing body within 14 days after he or she has been notified in writing of the dates of the elections and of the names and addresses of all the members of the governing body.
- (2) At the first meeting of the governing body such body must, from amongst its members, elect office-bearers, who must include at least a chairperson, a treasurer and a secretary: Provided that the chairperson must be elected from the members referred to in measure 2(1)(d).
- (3) Subject to the provisions of submeasure (5), the office-bearers shall remain in office for a term of 12 months from the date of their election.
- (4) An office-bearer of a governing body may be re-elected after the expiry of his or her term of office.
- (5) If for any reason the office of an office-bearer becomes vacant, the governing body shall, at the first meeting after that vacancy has occurred, elect one of its members to fill that vacancy for the unexpired period of office of his or her predecessor.
- (6) The principal shall preside at an election referred to in submeasure (2), and also an election referred to in submeasure (5).
- (7) The principal shall, after a meeting at which any office-bearer has been elected in accordance with this measure, notify the Head of Department forthwith in writing of the date of the meeting and of the name, address and office of the person elected.

15. MEETINGS OF GOVERNING BODY

- (1) The chairperson of a governing body shall determine the date, time and place of a meeting and the secretary of such body shall at least 14 days prior to such meeting, notify each member in writing thereof: Provided that in the case of a matter requiring urgent attention in the opinion of the chairperson of the governing body, at least 24 hours' notice may be given.
- (2) Any person may, on the invitation of the governing body, be present at a meeting of such body and take part in the discussion, but shall have no vote and shall leave the meeting when the governing body so decides.
- (3) A governing body may require any staff member of the school concerned to attend a meeting of such body in connection with any matter relating to the functions of the governing body.
- (4) At least one more than half of the members of a governing body composed in accordance with measure 2(1), shall constitute a quorum for any meeting of the governing body.

- (5) 'n Beheerliggaam bepaal sy eie reëls betreffende sy vergaderings en prosedures op daardie vergaderings.

16. NOTULES VAN VERRIGTINGE VAN VERGADERINGS

- (1) Die sekretaris van 'n beheerliggaam hou notule van die verrigtinge van elke vergadering en voorsien, nie later nie as 14 dae na sodanige vergadering, die Departementshoof of enige beamepte deur hom of haar aangewys en elke lid van die beheerliggaam van 'n afskrif van sodanige notule.
- (2) Die sekretaris van 'n beheerliggaam voorsien, op versoek 'n personeellid van die skool van 'n afskrif van so 'n notule, waar die aanvrager dit benodig vir die uitoefening of beskerming van sy of haar regte of belange: Met dien verstande dat die regte van persone nie aangetas word nie.
- (3) Die notule van die verrigtinge van elke vergadering van 'n beheerliggaam of komitee daarvan moet op die eersvolgende vergadering van die beheerliggaam of komitee daarvan, na gelang van die geval, vir goedkeuring voorgelê word.
- (4) By die ontbinding van 'n beheerliggaam of die verstryking van sy ampstermyn moet alle notules en ander dokumente van so 'n liggaam of enige komitee daarvan aan die betrokke prinsipaal oorhandig word.
- (5) By die sluiting van 'n skool moet die prinsipaal alle notules en ander dokumente van die beheerliggaam of enige komitee daarvan by die Wes-Kaap Onderwysdepartement vir veilige bewaring indien.

17. TOEVALLIGE VAKATURES IN BEHEERLIGGAAM

- (1) 'n Toevallige vakature in 'n beheerliggaam ontstaan, indien 'n lid —
 - (a) bedank;
 - (b) te sterwe kom;
 - (c) sonder die voorafverkreë toestemming van die beheerliggaam van drie agtereenvolgende vergaderings afwesig is;
 - (d) onbevoeg word soos in maatregel 3 bedoel; of
 - (e) ingevolge maatregel 4(1) van sy of haar amp onthef is.
- (2) Wanneer 'n toevallige vakature ontstaan —
 - (a) in 'n beheerliggaam saamgestel ingevolge maatregel 5(3), stel die Departementshoof onverwyld 'n bevoegde persoon in die vakature aan; en
 - (b) in 'n beheerliggaam saamgestel ingevolge maatregel 2(1), moet die beheerliggaam so 'n vakature op die voorgeskrewe wyse vul.
- (3) 'n Lid of lede wat ingevolge submaatregel (2) aangestel of verkies is, beklee sy of haar amp vir die oorblywende gedeelte van die ampstermyn van sy of haar voorganger.
- (4) Waar 'n vakature gevul is —
 - (a) ingevolge submaatregel (2)(a), moet die Departementshoof; en
 - (b) ingevolge submaatregel (2)(b), moet die sekretaris van die betrokke beheerliggaam,

die prinsipaal onverwyld skriftelik in kennis stel van die naam van die persoon wat nie meer lid van die beheerliggaam is nie en van die naam en adres van sy of haar opvolger.

- (5) A governing body shall determine its own rules relating to its meetings and procedures at those meetings.

16. MINUTES OF PROCEEDINGS OF MEETINGS

- (1) The secretary of a governing body shall keep minutes of the proceedings of every meeting and shall not later than 14 days after such meeting, provide the Head of Department, or any officer duly designated by him or her, and each member of the governing body with a copy of such minutes.
- (2) The secretary of a governing body shall provide, on request, a member of staff at the school, with a copy of such minutes where the applicant requires it for the exercise or protection of his or her rights or interests: Provided that it does not violate the rights of other persons.
- (3) The minutes of the proceedings of every meeting of a governing body or committee thereof, shall at the next ensuing meeting of the governing body or committee thereof, as the case may be, be submitted for approval.
- (4) Upon the dissolution of a governing body or the expiry of its term of office, all minutes and other documents of such body or any committee thereof shall be handed to the principal concerned.
- (5) At the closure of a school the principal shall hand in all minutes and other documents of the governing body or any committee thereof at the Western Cape Education Department for safe-keeping.

17. CASUAL VACANCIES IN GOVERNING BODY

- (1) A casual vacancy shall occur in a governing body if a member —
 - (a) resigns;
 - (b) dies;
 - (c) is absent from three consecutive meetings without the prior permission of the governing body;
 - (d) becomes ineligible as contemplated in measure 3; or
 - (e) has been removed from office in terms of measure 4(1).
- (2) Whenever a casual vacancy occurs —
 - (a) in a governing body composed in terms of measure 5(3), the Head of Department shall forthwith appoint an eligible person in the vacancy; and
 - (b) in a governing body composed in accordance with measure 2(1), the governing body shall fill such vacancy in the prescribed manner.
- (3) A member or members appointed or elected in terms of submeasure (2), shall remain in office for the unexpired period of the term of office of his or her predecessor.
- (4) If a vacancy has been filled —
 - (a) in terms of submeasure (2)(a), the Head of Department shall; and
 - (b) in terms of submeasure (2)(b), the secretary of the governing body shall;

forthwith notify the principal, in writing, of the name of the person who is no longer a member of the governing body and of the name and address of his or her successor.

18. VERTEENWOORDIGENDE RAAD VAN LEERDERS

(1) Samestelling van verteenwoordigende raad van leerders

'n Verteenwoordigende raad van leerders bestaan uit drie verteenwoordigers vir elke graad vanaf die agste graad en hoër.

(2) Nominasie en verkiesing van lede van verteenwoordigende raad van leerders

(a) Die verteenwoordigers vir elke graad in submaatreël (1) bedoel, word verkies deur die leerders in die betrokke graad.

(b) Die prosedure vir die nominasie en verkiesing van die opvoederlid soos bepaal ingevolge maatreëls 8(1) tot (6) en 9 is van toepassing op die nominasie en verkiesing van die verteenwoordigers soos bedoel in subparagraaf(a).

(c) Vir die doel van dié maatreël, beteken "kiesbeampte" die prinsipaal van die betrokke skool.

(3) Verkiesing van ampsdraers van verteenwoordigende raad van leerders

(a) Die prinsipaal belê die eerste vergadering van die verteenwoordigende raad van leerders en sit voor tydens die vergadering.

(b) Op die eerste vergadering verkies die verteenwoordigers uit eie geledere ampsdraers wat minstens 'n voorsitter, 'n ondervoorsitter en 'n sekretaris insluit.

(4) Funksies van verteenwoordigende raad van leerders

Die verteenwoordigende raad van leerders moet —

(a) 'n grondwet opstel en aan die beheerliggaam voorlê vir goedkeuring;

(b) as verteenwoordigers van hulle medeleerders optree;

(c) as kommunikasiekanaal tussen leerders onderling, leerders en personeel, en leerders en die prinsipaal dien;

(d) bydra tot die handhawing van die goeie orde in die skool ooreenkomstig die goedgekeurde skoolreëls;

(e) 'n positiewe voorbeeld stel ten opsigte van dissipline, loyaliteit, respek, stiptelikheid, akademiese deeglikheid, moraliteit, samewerking en aktiewe deelname aan skoolbedrywighede;

(f) goeie verhoudinge tussen leerders onderling, leerders en personeel, die skool en die gemeenskap, en die skool en ouers bevorder;

(g) verantwoordelikheid, leerderskap en leierskap bevorder;

(h) die totale opvoedkundige program van die skool (akademies, sport, en in die mate wat dit op hulle van toepassing is, godsdienstig en kultureel) ondersteun; en

(i) die tradisies van die skool handhaaf en verfyn.

(5) Ontbinding van verteenwoordigende raad van leerders

(a) Die prinsipaal van die betrokke skool kan, na oorlegpleging met die beheerliggaam, 'n verteenwoordigende raad van leerders ontbind, indien sodanige verteenwoordigende raad van leerders in gebreke gebly

18. REPRESENTATIVE COUNCIL OF LEARNERS

(1) Composition of representative council of learners

A representative council of learners consists of three representatives for each grade from the eighth grade and higher.

(2) Nomination and election of members of representative council of learners

(a) The representatives for each grade referred to in submeasure (1) are elected by the learners from that grade.

(b) The procedure for the nomination and election of the educator member as prescribed in measures 8(1) to (6) and 9 shall apply to the nomination and election of the representatives for each grade referred to in subparagraph (a).

(c) For the purpose of this measure, "electoral officer" shall mean the principal of the school concerned.

(3) Election of office-bearers of representative council of learners

(a) The principal shall convene the first meeting of the representative council of learners and shall preside at such meeting.

(b) At the first meeting the representatives shall elect from their ranks at least a chairperson, a vice-chairperson and a secretary.

(4) Functions of representative council of learners

The representative council of learners must —

(a) draft a constitution and submit it to the governing body for approval;

(b) act as representatives of their fellow learners;

(c) serve as a channel of communication between learners, between learners and staff, and between learners and principal;

(d) assist in maintaining order in the school in accordance with approved school rules;

(e) set a positive example of discipline, loyalty, respect, punctuality, academic thoroughness, morality, co-operation and active participation in school activities;

(f) promote good relations between learners, between learners and staff, the school and the community, and the school and parents;

(g) promote responsibility, learnership and leadership;

(h) support the total educational programme of the school (academic, sports and to the extent that it applies to them, religious and cultural events); and

(i) maintain and refine school traditions.

(5) Dissolution of representative council of learners

(a) The principal of the school concerned may, after consultation with the governing body, dissolve a representative council of learners if such representative council of learners has failed to discharge its functions satisfactorily

het om sy werksaamhede bevredigend uit te voer, of op 'n wyse opgetree het wat nie in die beste belang van die betrokke skool is nie.

- (b) 'n Verteenwoordigende raad van leerders wat kragtens submaatreeël (5)(a) onthind is, moet ingevolge hierdie maatreeël hersaamgestel word.

(6) Ontheffing van individuele lede van verteenwoordigende raad van leerders

- (a) Die prinsipaal kan, na oorlegpleging met die beheerliggaam, die personeel en die verteenwoordigende raad van leerders, 'n lid van die verteenwoordigende raad van leerders van die raad onthef, indien hy of sy —

- (i) 'n daad wat die administrasie van die skool ondermyn, pleeg of ander aanmoedig om dit te pleeg;
 - (ii) ongehoorsaam is of weier om redelike instruksies wat aan hom of haar deur enige opvoeder of persoon in bevel gegee is, uit te voer;
 - (iii) nalatig of traag is om pligte wat aan hom of haar opgelê is, uit te voer;
 - (iv) hom of haar op 'n skandelijke, onbehoorlike of onbetaamlike wyse gedra of hom of haar aan growwe onbeleefdheid teenoor 'n ander persoon skuldig maak;
 - (v) by skuldigbevinding aan 'n misdryf gevonnis word tot gevangenisstraf sonder die keuse van 'n boete;
 - (vi) van die skool af wegbly sonder 'n geldige rede of oorsaak;
 - (vii) versuim om drie opeenvolgende vergaderings by te woon, sonder om vooraf toestemming van die raad te verkry;
 - (viii) die skool permanent verlaat; of
 - (ix) geskors is.
- (b) 'n Vakature wat as gevolg van die toepassing van submaatreeël (6)(a) ontstaan, moet gevul word deur 'n lid wat ooreenkomstig hierdie maatreeël verkies is.

BYLAE A

KENNISGEWING VAN NOMINASIE- EN VERKIESINGSVERGADERING

Verkiesing van Leerders/Opvoeder/Nie-opvoeder as Lede van Beheerliggaam

(MAATREEËLS 8, 9, 10 EN 11)

NAAM VAN SKOOL:
Kennis geskied hiermee dat 'n vergadering vir die nominasie van kandidate vir die verkiesing van as lede van die beheerliggaam vir bogenoemde skool, op (datum) om (tyd) by (plek) gehou sal word. 'n Kandidaat kan ook genomineer word deur 'n nominasievorm, behoorlik voltooi deur die voorsteller, sekondant en kandidaat, nie meer nie as sewe dae, en nie minder nie as 24 uur, voor die aanvang van bogenoemde vergadering by die kiesbeampste in te dien. Nominasies sal vir hierdie doel vanaf (datum) tot (tyd) op (datum) by die skool aanvaar word. (Nominasievorms is by die prinsipaal verkrygbaar.)

Indien meer kandidate genomineer word as die getal lede wat verkies moet word, sal daar onmiddellik tot stemming oorgegaan word.

or has acted in a manner which is not in the best interests of the school concerned.

- (b) A representative council of learners dissolved in terms of subparagraph (a), must be recomposed in accordance with this measure.

(6) Discharge of individual members of representative council of learners

- (a) The principal may, after consultation with the governing body, the staff and the representative council of learners, discharge a member of the representative council of learners from the council if he or she —

- (i) commits an act which undermines the administration of the school, or encourages such acts to be committed by others;
 - (ii) is disobedient or refuses to carry out reasonable instructions given to him or her by any educator or a person in charge;
 - (iii) is loath or refuses to fulfil ascribed duties;
 - (iv) conducts himself or herself in a disgraceful, improper or unbecoming manner or is guilty of gross discourtesy towards another person;
 - (v) is found guilty of an offence and is sentenced to imprisonment without the option of a fine;
 - (vi) absents him or herself from school without reason or valid cause;
 - (vii) fails to attend three consecutive meetings, without the prior permission of the council;
 - (viii) leaves the school permanently; or
 - (ix) has been suspended.
- (b) A vacancy that occurs as a result of the application of subparagraph (a), must be filled by a member elected in terms of measure 18.

ANNEXURE A

NOTICE OF NOMINATION AND ELECTION MEETING

Election of Learners/Educator/Non-Educator as Members of Governing Body

(MEASURES 8, 9, 10 AND 11)

NAME OF SCHOOL:
Notice is hereby given that a meeting for the nomination and election of candidates for the election of as members of the governing body for the above-mentioned school will be held on (date) at (time) at (place). A candidate may also be nominated by lodging with the electoral officer, not more than seven days and not less than 24 hours prior to the commencement of the above meeting, a nomination form duly completed by the proposer, seconder and candidate. For this purpose nominations will be accepted at the school from (date) until (time) on (date). (Nomination forms are obtainable from the principal.)

If more candidates are nominated than the number of members to be elected, a poll will be conducted immediately.

DATUM

HANDTEKENING VAN KIESBEAMPTTE

ADRES:

.....

.....

.....

INLIGTING IN VERBAND MET VERKIESING

(Meet kennisgewing van nominasie- en verkiesingsvergadering vergesel)

1. SAMESTELLING VAN BEHEERLIGGAAM

(1) Die beheerliggaam bestaan uit —

- (a) twee opvoeders by die skool, waarvan een die prinsipaal van die skool moet wees;
- (b) een personeellid van die skool wat nie 'n opvoeder is nie;
- (c) twee leerders in die agste graad of hoër, indien redelik uitvoerbaar;
- (d) minstens vier maar hoogstens ses deskundiges, welke deskundiges nie betrekkings by die betrokke skool mag beklee nie; en —

(i) 'n kommissaris van kindersorg vir die distrik waarin die skool geleë is en deur die Departement van Justisie aangewys; en

(ii) 'n maatskaplike werker van die Departement van Welsyn, aangewys deur daardie Departement,

moet insluit; en

(e) 'n sielkundige van die skool.

(2) Opvoeders in diens by die betrokke skool moet die opvoederlid bedoel in subparagraaf (1)(b) verkies.

(3) Personeellede in diens by die skool wat nie opvoeders is nie moet die personeellid bedoel in subparagraaf (1)(b) verkies.

(4) Die verteenwoordigende raad van leerders moet die leerders bedoel in subparagraaf (1)(c) verkies.

(5) Die lede in subparagraaf (1)(d) bedoel, uitgesonderd dié in subparagraaf (1)(d)(i) en (ii), word aangestel uit 'n lys wat deur die Departementshoof aan die Lid van die Uitvoerende Raad voorgelê word en waarin die name in volgorde van voorkeur vervat is van minstens twee kandidate meer as die getal persone wat aangestel moet word.

2. DISKWALIFIKASIE VAN LEDE VAN BEHEERLIGGAAM

'n Kandidaat is onbevoeg om as lid van 'n beheerliggaam verkies of aangestel te word, indien hy of sy —

(a) aan enige misdryf skuldig bevind is waarvoor hy of sy tot gevangenisstraf sonder die keuse van 'n boete gevonnis is, tensy algehele kwytskelding aan hom of haar verleen is of die termyn van sy of haar gevangenisstraf minstens drie jaar voor die datum van sy of haar verkiesing verstryk het;

(b) geestesongesteld is en deur 'n bevoegde hof aldus verklaar is; of

(c) 'n ongerehabiliteerde insolvent is.

DATE

SIGNATURE OF ELECTORAL OFFICER

ADDRESS:

.....

.....

.....

INFORMATION IN CONNECTION WITH ELECTION

(To accompany notice of nomination and election meeting)

1. COMPOSITION OF GOVERNING BODY

(1) The governing body shall consist of —

- (a) two educators at the school, of which one must be the principal of the school;
- (b) one member of staff at the school who is not an educator;
- (c) two learners in the eighth grade or higher, if reasonably practicable;
- (d) at least four but not more than six experts in appropriate fields of special education needs, which experts shall not occupy posts at the school concerned: Provided that such experts must include —

(i) a commissioner for child welfare for the district in which the school is situated, designated by the Department of Justice; and

(ii) a social worker of the Department of Welfare, designated by that Department; and

(e) a psychologist at the school.

(2) Educators employed at the school concerned must elect the educator member referred to in subparagraph (1)(a).

(3) Members of staff at the school who are not educators must elect the member of staff referred to in subparagraph (1)(b).

(4) A representative council of learners must elect the learners referred to in subparagraph (1)(c), if reasonably practicable.

(5) The members referred to in subparagraph (1)(d), excluding subparagraph (1)(d)(i) and (ii), shall be appointed from a list submitted to the Member of the Executive Council by the Head of Department, containing the names in order of preference of at least two more than the number of persons to be appointed.

2. DISQUALIFICATION OF MEMBERS OF A GOVERNING BODY

A candidate shall be ineligible to be elected or appointed as a member of a governing body if he or she —

(a) has been convicted of an offence for which he or she was sentenced to imprisonment without the option of a fine, unless he or she has received a free pardon or the period of his or her imprisonment ended at least three years prior to the date of his or her election;

(b) is mentally ill and has been so declared by a competent court; or

(c) is an unrehabilitated insolvent.

3. STEMREG

Iemand wat geregtig is om te stem, het een stem ten opsigte van enige besondere kandidaat: Met dien verstande dat die totale getal stemme van so iemand nie die getal lede wat verkies moet word, oorskry nie.

4. ALGEMEEN

Die prinsipaal kan sodanige bykomende inligting by hierdie bylae insluit wat hy of sy nodig mag ag vir die gladde verloop van die verkiesing, soos byvoorbeeld die belangrikheid van deelname.

BYLAE B**NOMINASIEVORM**

Verkiesing van Leerders/Opvoeder/Nie-opvoeder as Lede van Beheerliggaam

(MAATREËLS 8, 10 EN 11)

(Kragtens artikel 28(e) van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), moet daar tydens die nominasie en verkiesing van lede van beheerliggame na die hoogste praktiese vlak van verteenwoordigendheid van lede van 'n beheerliggaam gestreef word.)

NAAM VAN SKOOL:
VOORSTELLER:

Ek,
(Volle Naam)

van
(Woonadres)

synde 'n leerder/opvoeder/nie-opvoeder van genoemde skool, stel hiermee

.....
(Volle Naam van Kandidaat)

as lid van die beheerliggaam van bogenoemde skool voor.

.....
HANDTEKENING VAN VOORSTELLER

SEKONDANT:

Ek,
(Volle Naam)

van
(Woonadres)

synde 'n leerder/opvoeder/nie-opvoeder van genoemde skool, sekondeer hiermee bogenoemde voorstel.

.....
HANDTEKENING VAN SEKONDANT

KANDIDAAT:

Ek,
(Volle Naam)

van
(Woonadres)

verklaar hierby dat ek —

- (a) bogenoemde nominasie aanvaar; en
- (b) nie onbevoeg is om 'n lid van 'n beheerliggaam te wees nie, soos bedoel in paragraaf 2 van die "Inligting in verband met die Verkiesing" (by Bylae A aangeheg).

.....
HANDTEKENING VAN KANDIDAAT

3. FRANCHISE

A person who is entitled to vote, shall have one vote in respect of any particular candidate: Provided that the total number of votes of such a person shall not exceed the number of members to be elected.

4. GENERAL

The principal may include such additional information to this annexure as he or she may deem necessary for the smooth progress of the election, for example, the importance of participation.

ANNEXURE B**NOMINATION FORM**

Election of Learners/Educator/Non-Educator as Members of Governing body

(MEASURES 8, 10 AND 11)

(In terms of section 28(e) of the South African Schools Act, 1996 (Act 84 of 1996), there shall be strived towards the achievement of the highest practicable level of representivity in the nomination and election of members of the governing body.)

NAME OF SCHOOL:
PROPOSER:

I,
(Full Name)

of
(Residential Address)

being a learner/educator/non-educator of the above school, hereby propose

.....
(Full Name of Candidate)

as a member of the governing body of the above-mentioned school.

.....
SIGNATURE OF PROPOSER

SECONDER:

I,
(Full Name)

of
(Residential Address)

being a learner/educator/non-educator of the above school, hereby second the above-mentioned proposal.

.....
SIGNATURE OF SECONDER

CANDIDATE

I,
(Full Name)

of
(Residential Address)

hereby declare that I —

- (a) accept the above-mentioned nomination; and
- (b) am not ineligible to be a member of a governing body as contemplated in paragraph 2 of the "Information in Connection with Election" (Attached to Annexure A).

.....
SIGNATURE OF CANDIDATE

OF

(INDIEN OP NOMINASIE- EN VERKIESINGSVERGADERING
VOORGESTEL)Ek,
(Volle Naam)verklaar dat skriftelike bewys tot my bevrediging voorgelê is dat
bogenoemde kandidaat —

- (a) wat nie by die nominasie- en verkiesingsvergadering teenwoordig is om die nominasievorm te voltooi nie, indien verkies, bereid is om as lid van die beheerliggaam te dien; en
- (b) nie onbevoeg is om 'n lid van 'n beheerliggaam te wees nie soos bedoel in maatreeël 3 van die Maatreeëls betreffende Beheerliggame vir Openbare Skole vir leerders wat kragtens die Wet op Kindersorg, 1983 (Wet 74 van 1983), en/of die Strafproseswet, 1977 (Wet 51 van 1977), daarheen verwys of oorgeplaas is.

.....
HANDTEKENING VAN KIESBEAMPTE

Kragtens maatreeël 9(5) word hierdie nominasie *aanvaar/verwerp.

.....
DATUM.....
HANDTEKENING VAN KIESBEAMPTE

*Skrap wat nie van toepassing is nie.

OR

(IF PROPOSED AT NOMINATION AND ELECTION
MEETING)I,
(Full Name)declare that written proof to my satisfaction has been submitted that
the above-mentioned candidate —

- (a) who is not present at the nomination and election meeting to complete the nomination form, is, if elected, willing to serve as a member of the governing body; and
- (b) is not ineligible to be a member of a governing body as contemplated in measure 3 of the Measures relating to Governing Bodies for Public Schools for learners sent or transferred thereto in terms of the Child Care Act, 1983 (Act 74 of 1983), and/or the Criminal Procedure Act, 1977 (Act 51 of 1977).

.....
SIGNATURE OF ELECTORAL OFFICER

Under measure 9(5) this nomination is *accepted/rejected.

.....
DATE.....
SIGNATURE OF ELECTORAL OFFICER

*Delete whichever is not applicable.

