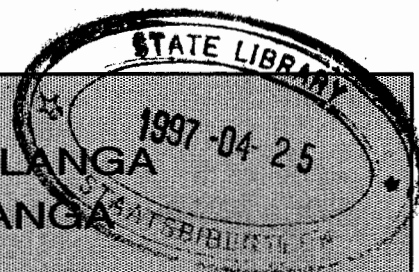


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OFFICIAL NOTICES

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MPUMALANGA DEPARTMENT OF EDUCATION

NOTICE OF DETERMINATION OF GUIDELINES FOR ESTABLISHMENT, ELECTION AND FUNCTIONS OF REPRESENTATIVE COUNCIL OF LEARNERS

I, David Dabede Mabuza, Member of the Executive Council for Education, hereby give notice in terms of section 11(2) of the South African Schools Act, 1996 (Act No. 84 van 1996), that I have determined guidelines for the establishment, election and functions of representative council of learners in ordinary public schools within the Province of Mpumalanga with which such representative councils must comply in their constitution and standing orders, as set out in the Schedule hereto.

D. D. MABUZA

Member of the Executive Council for Education

SCHEDULE

DEFINITIONS AND APPLICATION OF GUIDELINES

Definitions

1. In these guidelines any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise:

- (i) **“circuit manager”** means an officer of the department who is in control of education in any educational circuit determined by the Member of the Executive Council;
- (ii) **“department”** means the department established by section 7(2) of the Public Service Act, 1994 (Proclamation No.103 of 1994), which is responsible for education in the Province;
- (iii) **“district head”** means the officer of the Department responsible for the administration of education in a particular educational district;
- (iv) **“learner”** means a learner officially enrolled at a public school;
- (v) **“member”** means a learner formally elected to take part in the proceedings of the representative council of learners;
- (vi) **“Member of the Executive Council”** means the Member of the Executive Council of the Province who is responsible for education;
- (vii) **“nomination form”** means any document which clearly records the fact that a candidate eligible to be elected as a member has been proposed and seconded by persons eligible to do so, and which is signed by the candidate, proposer and seconder;
- (viii) **“ordinary school”** means a public school other than a public school for learners with special education needs;
- (ix) **“principal”** means an educator appointed or acting as the head of a school;
- (x) **“Province”** means the Province of Mpumalanga referred to in section 103 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

- (xi) **“representative council of learners”** means the representative council of learners of a school, duly constituted in accordance with these guidelines.
- (xii) **“school”** means a public school;
- (xiii) **“secondary school”** means a school providing education from not lower than the eighth grade up to but not exceeding the twelfth grade;
- (xiv) **“teacher liaison officer”** means an educator nominated by educators of the school concerned, to act as the electoral officer for all the electoral procedures relating to the representative council of learners; and
- (xv) **“the Act”** means the South African Schools Act, 1996 (Act No. 84 of 1996).

Application of guidelines

2. These guidelines shall apply to representative councils of learners of ordinary public schools enrolling learners from eighth grade and higher in the Province.

Principles underpinning governance of schools

3. The following principles shall underpin the governance of schools in the Province:

- (a) every person shall have the right to basic education and to equal access to schools and centres of learning;
- (b) no learner shall be unfairly discriminated against by the department or by a school on the grounds of race, colour, sex, sexual orientation, gender, class, disability, belief, conscience, religion, culture or language;
- (c) all learners shall be protected from all forms of abuse at school;
- (d) every learner shall have the right to freedom of conscience, religion, thought, belief, opinion, speech and expression and the education process shall promote a culture of tolerance;
- (e) every learner shall have the right to freedom of association and to assemble, demonstrate and present petitions peacefully and unarmed, without infringing on the rights of others;
- (f) every learner shall abide by the code of conduct of the school;
- (g) in setting up representative councils of learners, consideration shall be given to addressing gender inequality and racial imbalances so as to reflect that of the school community;
- (h) the powers of the representative councils of learners shall reflect their capacity to promote a healthy and conducive climate for effective learning and teaching;
- (i) the professional administration of a school falls within the ambit of the principal and his or her staff.

Composition of representative council learners

4. The representative council of learners shall be composed of two elected representatives from each class in a school that enrolls learners from eighth grade and higher: Provided that the said representatives may not be of the same gender except if the learners in the class concerned consist of only one gender.

Teacher liaison officer

5.(1) The circuit manager shall appoint a teacher liaison officer, who shall be nominated by the educators of the school concerned, to act as the electoral officer for all the electoral procedures relating to the representative council of learners.

(2) The teacher liaison officer shall be an educator.

Office bearers of the representative council of learners

6. At the first meeting of the representative council of learners, convened by the teacher liaison officer, the members of the council shall elect at least the following office bearers:

- (a) a chairperson;
- (b) a deputy chairperson;
- (c) a secretary; and
- (d) a treasurer.

Term of office for office bearers and members of the representative council of learners

7. (1) An office bearer shall remain in office for a term not exceeding 12 months from the date of his or her election and may, after the expiry of his or her term of office, be re-elected.

(2) A member shall remain in office for a term not exceeding 12 months from the date of his or her election and may, after the expiry of his or her term of office be re-elected.

(3) A member or office bearer shall vacate his or her office if -

- (a) he or she dies;
- (b) he or she ceases to be a learner of the school concerned;
- (c) he or she lost the confidence of the majority of learners who elected him or her to office, which loss of confidence shall be indicated to the executive committee in the form of a signed petition by the said learners; or
- (d) he or she resigns in writing, which resignation shall be submitted to the executive committee who will inform the principal promptly of the said resignation, in which instance a re-election in accordance with the procedure set out in guidelines 8 and 9 will be held: Provided that a learner referred to in paragraph (c) or (d) will not be eligible for re-election during that year.

Nomination of class representatives

- 8.(1) The teacher liaison officer after consultation with the principal shall determine a date and time for the nomination of class representatives.
- (2) The teacher liaison officer shall prepare a notice of the nomination and election meeting at least seven days before the meeting and shall cause a copy of the notice to be prominently displayed in each classroom.
- (3) The teacher liaison officer shall on the date referred to in subguideline (1), call for nominations of candidates which nominations shall be verbally seconded by class members and candidates may accept or refuse such nominations.
- (4) The names of all the candidates shall be visibly displayed on the chalkboard; if -
 - (a) the total number of candidates is equal to the required number of class representatives, the electoral officer shall declare such candidates as duly elected members; and
 - (b) the total number of candidates exceeds the required number of class representatives, a poll shall be held in the manner referred to in guideline 9.

Poll for class representatives.

- 9.(1) The poll shall be held on the same day as the nomination and election meeting referred to in guideline 8.
- (2) The poll shall be by secret ballot.
- (3) The teacher liaison officer shall issue to each learner officially registered in a class concerned, a ballot paper on which only an official school stamp appears.
- (4) The teacher liaison officer shall determine the form of such ballot paper in a manner that shall enable the learner to indicate only the full names of the one candidate for whom he or she votes.
- (5) The teacher liaison officer shall reject a ballot paper :
 - (a) on which the official school stamp referred to in subguideline (3) does not appear;
 - (b) which is completed in such a way that is in the opinion of the teacher liaison officer uncertain for which candidate a vote was recorded.
- (6) After rejection of the ballot papers as contemplated in subguideline (5), the teacher liaison officer shall -
 - (a) in the presence of every learner officially registered in the class concerned count the votes recorded for every candidate; and

- (b) declare the candidates for whom the greatest number of votes have been recorded to be duly elected members representing the class concerned in the representative council of learners and state the number of votes recorded for every candidate.
- (7) Where the number of votes recorded for two or more candidates are equal and it affects the result of the poll, the teacher liaison officer shall decide the result with regard to the said candidates by lot to be drawn in such manner as the electoral officer may direct.

Procedure after election of class representatives

10. After the election of class representatives -

- (a) the teacher liaison officer shall place all ballot papers for each class in a separate marked envelope and seal such envelope;
- (b) the teacher liaison officer shall complete a summary of election in respect of each class;
- (c) the teacher liaison officer shall also complete a list of all members elected into the representative council of learners of that school and provide the principal with a copy thereof;
- (d) the teacher liaison officer shall hand the sealed envelopes with ballot papers to the principal who shall keep the sealed envelopes in safe custody for at least three months;
- (e) the principal shall within seven days after the election, announce and congratulate the elected members at a general meeting of learners.

The election of the executive committee

11.(1) The teacher liaison officer shall, within seven days after the election, convene a meeting of the representative council of learners to elect the executive committee, after consultation with the principal.

(2) At such a meeting referred to in subguideline (1), the teacher liaison officer shall call for nominations for at least chairperson, deputy chairperson, secretary and treasurer.

(3) The poll shall be by secret ballot.

(4) The provisions of guideline 9 shall apply *mutatis mutandis* to the election of the executive committee, and in such application a reference to a learner shall be construed as a reference to a member of the representative council of learners.

(5) No member of the representative council of learners may hold more than one office in the executive committee of the representative council of learners.

MEETINGS OF THE REPRESENTATIVE COUNCIL OF LEARNERS

Convening of meetings of representative council of learners

13. The first meeting of any representative council of learners, after the election of the executive

committee, shall be convened by the teacher liaison officer within seven days after the date of the commencement of the terms of office of the members: Provided that the holding of the first meeting on a later date may be approved by the principal if he or she sees fit to do so.

First meeting of the representative council of learners

14.(1) At its first meeting a representative council of learners shall -

- (a) constitute an executive committee in accordance with guideline 11;
- (b) decide on the length of the period of notice that shall be given for an extraordinary meeting; and
- (c) determine the procedure to be followed in connection with notices concerning any extraordinary meeting.

(2) The principal shall inform the circuit manager in writing of the names and addresses of the persons elected as office bearers.

Meetings of the representative council of learners

15.(1) Ordinary meetings of a representative council of learners shall be held at least quarterly.

(2) Executive committee meetings shall be held at least once a month.

(3) The notices of meetings shall explicitly state the date, time and venue of the meeting and shall be accompanied by an agenda.

(4) Notices of meetings shall be in writing and shall be personally handed to the members by the secretary of the representative council of learners on the authority of the chairperson, so as to be in their possession at least seven days before the date of the meeting concerned.

(5) Should the chairperson for any reason neglect or fail to convene at least one general council meeting during a quarter, the majority of the members of the representative council of learners may at the expiration of a quarter during which no such meeting was held, direct the secretary of the representative council of learners in writing to convene a meeting and to issue notices to all the members in which the date, time and venue of the meeting are stated.

(6) The chairperson may at any time convene an extraordinary meeting if, in his or her opinion, circumstances necessitate such a meeting: Provided that such a meeting shall be convened if a majority of the executive committee requests it.

(7) The chairperson shall convene a meeting of the representative council of learners or of the executive committee of the representative council of learners if the principal, circuit manager or district head concerned requests him or her to do so.

Minutes

16.(1) The minutes of every meeting of a representative council of learners shall be recorded, in the language determined by the representative council of learners, by the secretary of the representative council of learners in a book or file which shall be used exclusively for that purpose and which shall be retained in safe custody at the school by the secretary.

(2) The secretary of a representative council of learners shall record the names of the members who are present and who are absent, stating whether such absence is with or without leave, in the minutes of every meeting.

(3) After an ordinary meeting has been constituted, the minutes of the previous ordinary meeting as well as the minutes of any subsequent extraordinary meeting shall be read and confirmed by the signature of the chairperson: Provided that objections to the minutes shall be raised and dealt with before the minutes are confirmed.

(4) The minutes of a representative council of learners shall be open to inspection at the school at all reasonable times to a member of such council and the circuit manager concerned or any officer authorised thereto by him or her: Provided that the circuit manager may request that a copy of the minutes of any meeting be made available to him or her.

Quorum

17.(1) The quorum for any meeting of a representative council of learners shall be at least 50% of the members plus one.

(2) If there is no quorum present at any properly convened meeting, such meeting shall be postponed for at least seven days, but not more than twelve days from the date on which such meeting was convened, and on the day so determined, the meeting which shall be convened in accordance with subguidelines 15(3) and (4), shall deal with the agenda, irrespective of whether there is a quorum.

Objectives of representative council of learners

18. The objectives of the representative council of learners shall be -

- (a) to foster unity among learners in the school;
- (b) to address the needs of all learners in the school;
- (c) to promote the culture of learning;
- (d) to encourage good relationships within the school between learners and educators, as well as between learners and non-educator members of staff;
- (e) to encourage good relationships within the school between educators and parents of learners;
- (f) to establish, for the benefit of learners in the school, productive links with representative council of learners in other schools, as well as with youth organisations;
- (g) to represent learners in the governing body of the school;

- (h) to keep learners informed of events at the school and in the community; and
- (i) to promote sport and cultural activities in conjunction with the school management and governing body of the school.

Transitional provision

19. Where a representative council of learners or similar body was in existence immediately prior to the publication of this Notice, its term of office shall be deemed to have ended on the day before the date on which a representative council of learners is elected in accordance with this Notice.

Minimum requirements of constitution and standing orders of a representative council of learners

20. (1) The constitution will indicate clearly the name by which the representative council of learners wishes to be known.
- (2) The constitution will clearly set out such information as is necessary to ensure effective communication with the representative council of learners by interested parties.
- (3) The constitution will set out such aims and objectives as are feasible and which fall within the framework established by law.
- (4) The constitution will indicate which activities the representative council of learners shall perform in the furtherance of its aims and the achievement of its objectives and which fall within the framework established by law.
- (5) The constitution will set out procedures for meetings of the representative council of learners and its executive committee.
- (6) The constitution will stipulate that members of the representative council of learners and members of its executive committee shall hold office for a period not exceeding one year.
- (7) The constitution will stipulate that a decision to amend the constitution shall require a two thirds majority of the total membership of the representative council of learners after all members have been informed of such proposed amendments in writing at least two months in advance.
- (8) The constitution will stipulate that if too few members are present at the meeting contemplated in subguideline (7) above, a second meeting shall be convened exclusively for this purpose at least two weeks after the first meeting.
- (9) The constitution will stipulate that if two-thirds of the members are not present at the second meeting referred to in subguideline (8), the proposed amendments may be effected by two-thirds of the members present.
- (10) The constitution will stipulate that all amendments to the constitution shall be submitted to the Head of Department for confirmation that they are consistent with the provisions of the School Education Act, (Mpumalanga), 1995 (Act No. 8 of 1995), and that until such confirmation is

received, no amendment to the constitution shall be valid.

Availability of Notice

21. The Principal of an ordinary public school shall ensure that this Notice shall at all reasonable times on request be available for inspection at all ordinary public schools within the Province.