

**REGULATION IN TERMS OF THE
SOUTH AFRICAN SCHOOLS ACT
NO. 84 OF 1996**

[PROVINCIAL NOTICE NO. 98 OF 2009]
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NOTICE RELATING TO THE MINIMUM REQUIREMENTS OF A CONSTITUTION OF GOVERNING BODIES OF PUBLIC
SCHOOLS

REGULATIONS

I, EDWARD SENZO MCHUNU, Member of the Executive Council responsible for Education in the Province of KwaZulu-Natal have, in terms of section 18 of the South African Schools Act, 1996 (Act No. 84 of 1996), determined minimum requirements of Constitutions of governing bodies as it appears in this Schedule.

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SCHEDULE

1. Definitions.—In this notice any word or expression to which a meaning has been assigned in the Act shall have that meaning unless the context indicates otherwise—

“**Act**” means the South African Schools Act, 1996 (Act No. 84 of 1996);

“**chairperson**” means the chairperson of a governing body;

“**governing body**” means the duly elected governing body of a public school comprising of elected and co-opted members;

“**non-educator**” means any other member of staff other than an educator; “**school**” means a public school which enrolls learners in one or more grades from grade R (reception) to grade 12;

“**secretary**” means the person elected as secretary of the governing body or the person who acts in the absence of the elected secretary;

“**Superintendent General**” means the Head of Department of the Department of Education in the Province of KwaZulu-Natal.

2. Ordinary meetings of a governing body.—(1) A governing body meets at least once during a school term.

(2) The chairperson of a governing body determines the date, time and place of a meeting.

(3) The secretary of a governing body shall, at least 14 days prior to the meeting, notify each member in writing—

(a) of the date, time and place of a meeting; and

(b) the business to be transacted at that meeting.

3. Urgent meetings.—(1) The chairperson may call a meeting to discuss urgent matters.

(2) The secretary must give at least 24 hours written notice of an urgent meeting.

(3) The only business which may be transacted at an urgent meeting is the business for which the meeting was called.

4. Extraordinary meetings.—(1) The chairperson may call extraordinary meetings.

(2) The chairperson is obliged to call an extraordinary meeting on the receipt of a written request—

(a) signed by at least three elected members of the governing body setting out the business to be transacted at the meeting; or

(b) of the Superintendent General or his or her delegate setting out the business to be transacted at the meeting.

(3) The secretary of a governing body shall, at least 14 days prior to the meeting, notify each member in writing—

(a) of the date, time and place of a meeting; and

(b) the business to be transacted at that meeting.

(4) The only business which may be transacted at an extra-ordinary meeting is the business for which the meeting was called.

5. Meetings at short notice.—(1) Except for urgent meetings, a meeting may be held at a shorter notice than 14 days:

Provided that—

(a) all members at the meeting agree in writing to a meeting being held despite the lack of sufficient notice; or

(b) the majority of the members present at a meeting called on short notice, pass a motion condoning the lack of adequate notice.

6. Annual meetings.—(1) The governing body must at least once a year hold separate meetings with—

(a) parents;

(b) learners;

(c) educators; and

(d) non-educators.

(2) The chairperson shall call the annual meeting and shall determine the dates, time and place of each meeting.

(3) The secretary shall, at least 14 days prior to each meeting, notify in writing the parents, learners, educators and non-educators as the case may be of—

(a) the date, time and place of the meeting; and

(b) the business to be transacted thereat.

(4) The purpose of the annual meetings is for the chairperson to provide a report on the activities of the governing body during the reporting year and report on any other matters which may be raised by the participants in that meeting.

7. Proceedings at meetings.—(1) Any person, on the invitation of the governing body, may be present at a meeting of the governing body and take part in the discussion, but may not vote and shall leave the meeting when the governing body so decides.

(2) A governing body may require any staff member of the school concerned to attend a meeting in connection with any matter relating to the functions of the governing body.

(3) A governing body must determine its own rules relating to its meetings and procedures at meetings. Such rules must not be in conflict with the provisions of the Act, and directives issued by the Superintendent General.

(4) Where a member has a personal interest in any matter under discussion, he or she must recuse himself or herself from the discussion and leave the meeting for the duration of the discussion. If the secretary is required to leave the meeting, the members must nominate a member to act as secretary for the duration of the discussion.

(5) The non-receipt of a notice, duly dispatched, and the consequent absence of a member from a meeting does not affect the validity of proceedings at such a meeting, provided that the requirements of clause 8 are met.

8. Quorum.—(1) The quorum of a meeting is constituted when 50 percent plus 1 member of the governing body with voting powers is present at any meeting.

(2) If a quorum is not constituted at a properly convened meeting, the meeting shall be adjourned for at least seven days but not more than 14 days.

(3) The secretary must give at least seven days notice of the adjourned meeting.

(4) A governing body is entitled to deal with all business on the agenda of an adjourned meeting on the day to which the meeting was adjourned, irrespective of whether a quorum is present or not.

9. Minutes.—(1) The secretary of a governing body must record the minutes of every meeting in the language determined by the meeting, in a bound book with fixed numbered pages used exclusively for that purpose.

(2) The secretary of a governing body must record the following in the minutes of every meeting—

(a) the names of members present;

(b) the names of members who are absent and whether such absence is with or without

(c) the core discussions which took place at the meeting; and

(d) the decisions taken by the meeting.

(3) After an ordinary meeting has been constituted, the secretary must read the minutes of the previous ordinary meeting, as well as the minutes of any extraordinary meeting or meetings which took place in the interim.

(4) A meeting adopts the minutes with amendments, if any, as decided by the meeting.

(5) The approved minutes are confirmed by the signature of the chairperson and by him or her dating the minutes accordingly.

(6) The minutes of meetings must at all reasonable times be open for inspection by the members, the district manager or the Superintendent General or his or her delegate.

(7) A principal of a school which has been closed in terms of section 33 of the Act, must within 14 days of closure, hand in all minutes and other documents of the governing body to the district manager concerned for safe-keeping.

10. Taking of decisions.—(1) The decisions of the governing body shall be by consensus.

(2) In instances where there is no consensus and there are divergent views on an issue under discussion the issue must be referred to a vote.

(3) Where a decision is taken by a majority vote such decision shall be binding on all members of the governing body.

(4) Where a matter is put to the vote and there is a tie, the chairperson shall have a casting vote.

11. Access to books and documents.—The Superintendent General, or an official authorised thereto by him or her shall at all times have access to any books, minutes and documents of any governing body.

12. Delegation of powers.—The Superintendent General may delegate the powers bestowed on him or her in terms of this regulation to an official in the employ of the Department.

ES MCHUNU

Member of the Executive Council of the Province of KwaZulu-Natal responsible for education