

Editors Note:- At the time of going to press, it is understood that this notice has been withdrawn by the KZN Minister of Education. However, it was not replaced but a draft notice, including a list of schools to which it would be applicable, was published. It invited comment prior to final issue. The original notice is thus retained for historical purposes and for record and later replacement.

KWAZULU-NATAL SCHOOL EDUCATION ACT, 1996 (ACT NO. 3 OF 1996)

**REGULATIONS RELATING TO GOVERNING BODIES OF PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS
(EXCLUDING INDUSTRIAL SCHOOLS AND REFORM SCHOOLS)**

The Minister of Education and Culture for KwaZulu-Natal has under sections 18 and 28 of the South African Schools Act, 1996 (Act No. 84 of 1996) and 72 of the KwaZulu-Natal School Education Act, 1996 (Act No. 3 of 1996) made the regulations in the Schedule.

SCHEDULE

Definitions

- 1 In these regulations any word or expression has the meaning so assigned to it in the KwaZulu-Natal School Education Act, 1996 (Act No. 3 of 1996) unless the context otherwise indicates:
- "assistant electoral officer" includes electoral officer;
 - "educator" means a person appointed in terms of the Educators' Employment Act, 1994 (Proclamation 138 of 1994) to teach at a school;
 - "governing body" means any management council, management body or a governing body referred to in the KwaZulu-Natal School Education Act, 1996 (Act No. 3 of 1996);
 - "other staff" refers to employees employed in terms of the Public Service Act, 1994 (Proclamation 103 of 1994), stationed at a school;
 - "regional chief director" means the head of a region;
 - "school" means a public school for learners with special education needs.

Membership of governing bodies

2. (1) The membership of a governing body is determined by the Minister and consists

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of -

- (a) the principal;
 - (b) one educator elected by the educators employed at the school for which a governing body is being elected if no more than five educators are employed at the school concerned and two educators if there are more than five educators employed at the school concerned;
 - (c) one non-educator elected by the non-educators employed at the school for which a governing body is being elected;
 - (d) one more parent than the combined total of members with voting rights elected by parents having one or more children enrolled as learners at the school concerned: provided that the Secretary may dispense with this requirement if it is not reasonably practicable;
 - (e) in the case of a school with learners of the eighth grade and higher, two learners nominated by the representative council of learners enrolled at the school: provided that the Secretary may dispense with this requirement if it is not reasonably practicable;
 - (f) one representative nominated by the sponsoring body or bodies, if applicable;
 - (g) one representative of an organisation or organisations of parents of learners with special education needs nominated by such organisation or organisations: provided that the Secretary may dispense with this requirement if it is not reasonably practicable.
 - (h) one representative of an organisation or organisations of relevant disabled persons, nominated by such organisation or organisations: provided that the Secretary may dispense with this requirement if it is not reasonably practicable;
 - (i) one disabled person nominated by the governing body: provided that the Secretary may dispense with this requirement if it is not reasonably practicable;
 - (j) one expert in an appropriate field, appointed by the Secretary;
 - (k) two members of the community with special interests in the school nominated by the governing body and appointed by the Secretary.
- (2) In the event of one governing body being established for two or three schools, the membership of the governing body must be in accordance with a directive issued by the Secretary after consultation with the principals of the schools concerned.
- (3) The governing body may co-opt members of the community, including donors, to assist it in the performance of its functions. Such members have no voting rights.

- (4) A governing body of a public school contemplated in section 14 of the South African Schools Act, 1996 (Act No. 84 of 1996) may co-opt the owner or a person or persons nominated by the owner of land on which the school is situated.
- (5) The number of persons co-opted in terms of subregulation (4) may not exceed two.

Term of office

- 3. (1) Subject to the provisions contained in regulations 7(2) and 27 all members, excluding learners nominated by a representative council of learners in terms of regulation 2(1)(e), are elected for a term of three years.
- (2) The term of office of a member who is a learner nominated in terms of regulation 2(1)(e) is one year.
- (3) Subject to the provisions of subregulation (1) and regulations 7(2) and 27 the members of a governing body hold office until a new governing body is constituted in accordance with regulation 2 after the expiration of their term of office referred to in subregulation (1).
- (4) A member of a governing body may be re-elected or co-opted, as the case may be, after the expiry of his or her term of office.

Duties of governing bodies

- 4. (1) A governing body of a school must -
 - (a) promote the best interests of the school and strive to ensure its development through the provision of quality education for learners at the school;
 - (b) adopt a constitution with a two-thirds majority and submit a copy thereof to the Secretary within 90 days of its first election;
 - (c) develop a mission statement for the school;
 - (d) adopt a code of conduct for learners at the school;
 - (e) support the principal, educators and other staff of the school in the performance of their professional functions;
 - (f) determine times of the school day consistent with any applicable conditions of employment of staff at the school and minimum length of school days determined by the Minister;
 - (g) administer and control the school property and buildings and ground, occupied by the school including school hostels, if applicable;
 - (h) encourage parents, learners, educators and other staff at the school to render voluntary services to the school;
 - (i) recommend the appointment of educators to the Secretary, subject to the Educators' Employment Act, 1994 (Proclamation 138 of 1994) and the Labour Relations Act, 1995 (Act No. 66 of 1995);

- (j) recommend the appointment of non-educator staff to the Secretary, subject to the Public Service Act, 1994 (Proclamation 103 of 1994) and the Labour Relations Act, 1995 (Act No. 66 of 1995);
 - (k) at the request of the Secretary, allow the reasonable use under fair conditions of the facilities of the school for educational programmes not conducted by the school;
 - (l) meet at least every three months;
 - (m) keep minutes of its meetings;
 - (n) on request, make the minutes of its meetings available for inspection by the Secretary;
 - (o) prepare an annual budget;
 - (p) establish and administer a school fund into which all money received by the school must be paid;
 - (q) raise revenues including voluntary contributions to the school in cash or kind;
 - (r) open and maintain a banking account;
 - (s) prepare annual financial statements, in accordance with guidelines determined by the Secretary;
 - (t) on request by an interested party, make annual financial statements available for inspection;
 - (u) annually report to parents, learners, educators and other staff at the school;
 - (v) convene an annual meeting with parents, educators and other staff at the school;
 - (w) perform all other functions imposed upon the governing body by or under these regulations or applicable legislation.
- (2) A governing body or a member of a governing body in his or her capacity as member of a governing body, may not interfere with the professional work of an educator in the performance of his or her duties.
- (3) A governing body must submit to the Secretary, within six months of the end of each financial year a copy of the audited and certified annual financial statements.
- (4) A governing or a member of a governing body must report any irregularities which may come to its or the members' attention, to the Secretary.

Powers of governing bodies

5. (1) The governing bodies of all public schools may-
- (a) determine the admission policy of the school with the concurrence of the Minister;
 - (b) determine the language policy of the school with the concurrence of the Minister;
 - (c) determine the policy for religious observances at the school;

- (d) determine, charge and enforce the payment of any school fees payable by parents of learners at the school, in accordance with the provisions of the South African Schools Act, 1996 (Act No. 84 of 1996);
 - (e) join voluntary associations representing governing bodies of public schools;
 - (f) allow the reasonable use of the facilities of the school for community, social and school fund-raising purposes, subject to such reasonable and equitable conditions as the governing body may determine, which may include the charging of a fee or tariff which accrues to the school;
 - (g) administer the hostel, if any exists, by purchasing provisions, securing services, determining, collecting and enforcing the payment of hostel fees; and
 - (h) discharge other responsibilities determined by the Minister by notice in the Provincial Gazette;
- (2) Subject to the South African Schools Act, 1996 (No. 84 of 1996), governing bodies may apply to the Secretary in writing to be allocated any of the following functions:
- (a) to maintain and improve the school property and buildings and grounds occupied by a school, including school hostels, if applicable;
 - (b) to determine the extramural curriculum of the school and the choice of subject options in terms of provincial curriculum policy;
 - (c) to purchase textbooks, educational materials or equipment for the school
 - (d) to pay for services to the school;
 - (e) any other function consistent with the Act and the South African Schools Act, 1996 (Act No. 84 of 1996).
- (3) The Secretary may refuse an application referred to in subregulation (2) only if the governing body concerned does not have the capacity to perform such functions effectively.
- (4) The Minister may by notice in the Provincial Gazette, determine that some or all governing bodies may, exercise certain functions listed in subregulation (1) without making an application in terms of subregulation (2), if there is a reasonable and equitable basis for such determination.
- (5) Any person aggrieved by a decision of the Secretary in terms of this regulation may appeal against such decision to the Minister.

Withdrawal of functions from governing bodies

6. (1) The Secretary, may, on reasonable grounds, withdraw a function of a governing body.

- (2) The Secretary may, not take action under subregulation (1) unless he or she has -
- (a) informed the governing body of the school of his or her intention to do so and the reasons therefor;
 - (b) granted the governing body concerned a reasonable opportunity to make representations to him or her relating to such intentions and
 - (c) given due consideration to any such representations received.
- (3) In cases of urgency, the Secretary may act in terms of subregulation (1) without prior communication to such governing body, if the Secretary thereafter -
- (a) furnishes the governing body with written reasons for his or her action;
 - (b) gives it a reasonable opportunity to make representations relating to such actions; and
 - (c) duly considers any such representations received.
- (4) The Secretary may for sufficient reasons reverse or suspend his or her actions taken in terms of subregulation (1) or (3).
- (5) Any person aggrieved by a decision of the Secretary in terms of this regulation may appeal against such decision to the Minister.

Eligibility as members of a governing body

7. (1) No person may be elected as a governing-body member if he or she-
- (a) has been convicted of an offence and sentenced to more than twelve months imprisonment without the option of a fine either in the Republic or outside the Republic if the conduct constituting the offence would have been an offence in the Republic, but no one may be regarded as having been sentenced until an appeal against the conviction or sentence has been determined or until the time for an appeal has expired: provided that a disqualification under this paragraph ends five years after the sentence has been completed;
 - (b) is of unsound mind and has been declared so by a competent court;
 - (c) is an unrehabilitated insolvent;
 - (d) is in the service of the department stationed at the school, except for persons elected in terms of regulations 2(1)(a), (b) and (c),,
 - (e) is not a South African citizen or not in possession of a permanent resident permit unless permitted by the Secretary.
- (2) A member vacates his or her office if he or she -
- (a) no longer meets the requirements set out in the above subregulation;
 - (b) resigns;
 - (c) is a member elected in terms of regulation 2(1)(b) or (c) and his or her employment is terminated or he or she is transferred or seconded away from the school concerned;

- (d) is a member nominated in terms of regulation 2(1)(e) and he or she no longer attends the school concerned:
- (e) has been absent without leave from two consecutive ordinary meetings of the governing body.

Electoral officers

8. (1) The Secretary must designate in writing an officer or educator of the department to act as an electoral officer for the election of parents, and educators and other staff members as members of a governing body.
- (2) The electoral officer may appoint one or more officers or educators in the service of the department to assist at the election as assistant electoral officers.
- (3) The electoral officer must preside at any meeting held for the purposes of an election of parent members of a governing body.
- (4) The electoral officer and assistant electoral officers may not be candidates or a proposer or seconder of a candidate.
- (5) The electoral officer and assistant electoral officer must sign an oath or affirmation of secrecy in a form determined by the Secretary before he or she may act as such.

Notice of an election meeting for parents

9. (1) The electoral officer must determine a date, time and place for an election meeting.
- (2) A first election meeting is held within sixty days of-
- (i) the establishment of a new school; or
 - (ii) the date on which these regulations are published in the Provincial Gazette in the case of all existing schools.
- (3) Subsequent election meetings are held not earlier than thirty days prior to, and not later than thirty days after, the expiry of the period of office of members of such governing body.
- (4) At least twenty days before the day of the proposed meeting, the electoral officer, if he or she is not the principal, must hand a notice of the election meeting, setting out the date, time and place of the meeting, to the principal for distribution.

- (5) At least fourteen days prior to the date of the election meeting the principal must -
- (a) hand a copy of the notice referred to in subregulation (4) to every learner of the school concerned with an oral instruction to hand it to his or her parent or parents; or
 - (b) send a copy of such notice to the parents by post; and
 - (c) cause a copy of such notice to be posted up in a conspicuous place at the school concerned and, if he or she deems it expedient, at any other suitable and prominent place.
- (6) The principal, if not appointed as electoral officer, must place a register containing the names and addresses of parents of learners of the school concerned at the disposal of the electoral officer for purposes of control at the election meeting.
- (7) Separate election meetings for the election of parents, educators and other staff are held.

Decision on eligibility as voter or candidate

10. (1) The electoral officer must not allow persons who are not qualified as voters to attend a meeting or allow the election of persons who are not qualified as candidates in terms of regulation 7.
- (2) The electoral officer, if he or she is not the principal of the school, must decide, after consultation with the principal whether -
- (i) a person is qualified to vote in terms of regulation 2(1)(b) or (c) for a representative elected in terms of the said regulations;
 - (ii) a person is qualified to vote in terms of regulation 2(1)(d) for a representative elected in terms of the said regulation; and
 - (iii) a person qualifies as a candidate in terms of regulation 7.

Election meetings

11. (1) The electoral officer must designate an assistant electoral officer to act as secretary to the meetings and record the minutes of the proceedings.
- (2) Before proceeding with the election of members of a governing body, the electoral officer must direct the attention of the voters to the following:
- (a) it is a closed meeting and no persons other than -
 - (i) parents and persons appointed as either electoral or assistant electoral officers in terms of regulation 8 may be present if it is a meeting for the election of representatives in terms of subregulation 2(1)(d); or

- (ii) staff members employed at the school and persons appointed as either electoral or assistant electoral officers in terms of regulation 8 may be present if it is a meeting for the election of representatives in terms of subregulation 2(1)(b) and (c);
- (b) only parents of learners enrolled at or educators employed at the school or schools concerned, as the case may be, are entitled to vote;
- (c) only parents of learners enrolled at or staff members employed at the school or schools concerned, as the case may be, may be elected as members of the governing body in terms of subregulation 2(1)(b), (c) and (d);
- (d) factors listed in regulation 7 which render a person ineligible for membership of a governing body;
- (e) the number of persons to be elected;
- (f) parents or staff members employed at the school, as the case may be, who are entitled to vote may nominate as many candidates as there are vacancies to be filled:
- (g) every nomination must be seconded by a parent, educator or non-educator, as the case may be, who is entitled to vote;
- (h) a voter has one vote for each vacancy to be filled;
- (i) voting is by secret ballot.

Nominations

12. (1) A candidate may be nominated by a parent of a learner enrolled at the school for a vacancy in terms of regulation 2(1)(d), an educator employed at the school concerned for a vacancy in terms of regulation 2(1)(b) or a Staff member employed at the school concerned for a vacancy in terms of regulation 2(1)(c), as the case may be, by verbal proposal during the election meeting, provided that another parent, educator or staff member, as the case may be, seconds the proposal and the person nominated indicates to the meeting verbally or in writing, if he or she is absent, to the meeting that he or she is prepared to serve as a member of the governing body, if elected.
- (2) The electoral officer must determine the time allowed for the nomination of candidates during the nomination meeting, and must inform the meeting thereof.
- (3) After the expiry of the time referred to in subregulation (2), the electoral officer must consider the nominations and reject the nomination of any candidate who-
 - (a) has not been nominated in accordance with subregulation (1);
 - (b) is ineligible in terms of regulation 7.
- (4) If the number of persons nominated is equal to the number of members who have to be elected, the electoral officer must declare the nominated persons duly elected.

- (5) If the number of persons nominated exceeds the number of persons to be elected, the electoral officer must immediately after the closing of the nominations write down the names of the candidates on a suitable board so that it may be clear to the meeting who has been nominated.
- (6) An electoral officer must allow a person nominated or seconded a candidate an opportunity to introduce the candidate to the meeting.

Voting

- 13. (1) Each voter has one vote for each position to be filled on the governing body.
- (2) The electoral officer must request the voters present to write down the names of the designated number of candidates preferred by them on the ballot papers provided by him or her or the number appearing next to the nominee's names as per regulation 12(5).
- (3) A person who is unable to record his or her vote in writing may verbally request an assistant electoral officer to record his or her vote on a ballot paper. The request for assistance and the completion of the ballot paper in accordance with the request must be made in private in an area identified by the electoral officer for that purpose but within the area in which the voting is taking place.
- (4) The electoral officer must reject ballot papers with-
 - (i) more names than the number of vacancies on the governing body: or
 - (ii) the name of a person or persons not nominated.
- (5) After all the voters have cast their votes, the electoral officer and the assistant electoral officers must count the votes in the presence of three observers elected by those attending the meeting to observe the counting process.
- (6) In the case of an equality of votes for two or more candidates for the last place or places on the list of candidates, the electoral officer must request the voters to indicate the preferred candidate following the procedure set out above.
- (7) The electoral officer must announce the result and declare the candidates who secured the most votes as the elected members of the governing body.

Alternative voting method

- 14. (1) Notwithstanding the provisions of regulation 13(2), (3) and (4) above, the method of voting set out in this regulation may be applied by the electoral officer if he or she is of the opinion that it would be more convenient for the voters.

- (2) The electoral offices must issue each voter with the number of ballot papers for which vacancies exists, each bearing the official stamp of his or her office.
- (3) The electoral officer must, in respect of each candidate, mark a separate ballot box by affixing the name, symbols or colours of the candidates on the respective ballot boxes, which ballot boxes must be placed in an area to which only the electoral officer and one voter at a time may be admitted and which must be screened from the view of all other persons.
- (4) Without writing anything on the ballot paper, a voter must cast his or her vote by dropping each ballot paper into the ballot box marked with the names, symbols or colours of the candidates for whom he or she wishes to vote.
- (5) The electoral officer must supervise the casting of votes by ensuring that each voter personally places only one ballot paper, bearing the stamp referred to in subregulation (2), in a ballot box.
- (6) The electoral officer must reject any ballot paper not issued by him or her in accordance with subregulation (2).

Election of educators and non-educators as members of a governing body

15. (1) The electoral office must determine a date, time and place for separate election meetings of educators and non-educators in terms of regulation 2(1)(b) and (c).
- (2) The dates must be on the same day or within seven days either before or after the election meeting referred to in regulation 9.
- (3) All members of staff employed at the school concerned are eligible for election provided they meet the requirements set out in regulations 7(1)(a), (b) and (c).
- (4) At least fourteen days before the day of the election meeting the electoral officer, if he or she is not the principal, must hand a notice of the election meeting setting out the date, time and place of the meeting, to the principal for distribution.
- (5) At least seven days before the day of the election meeting the Principal must provide, where practicable personally, a copy of the notice referred to in subregulation (4) to each member of the staff of the school concerned.
- (6) Voting takes place in compliance with regulations 2(1), 12, 13 and 14.
- (7) Educators may only nominate and vote for educators and non-educators may only nominate and vote for non-educators.

Election of learner representatives to the governing body

16. (1) The electoral officer must determine a date, time and place for a meeting of the representative council of learners for the purpose of electing learner representatives in terms of regulation 2(1)(c).
- (2) The date must be within seven days of the election of a representative council of learners.
- (3) All members of the representative council of learners are eligible for election to the governing body.
- (4) Notice of the meeting referred to in subregulation (1) above must be in writing.
- (5) Voting takes place in compliance with regulations 2(1)(e), 12 and 13.

Procedure after the election of members of a governing body

17. After the election of members of a governing body the electoral officer must -
- (a) place all documents, including ballot papers, used at such elections in envelopes and seal the envelopes;
- (b) keep the 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 and nominated member, in writing, of his or her election;
- (d) notify the principal, if the electoral officer is not the principal, and the regional chief director forthwith in writing of the date or dates of the election, as the case may be, giving their names, identity numbers, telephone numbers, fax numbers and addresses, where available, of those elected.

First meeting of a governing body

18. The principal must convene the first meeting of the governing body within twenty-one days of its election. The regional chief director may approve the holding of the first meeting at a later date if he or she is satisfied that there are good reasons for not holding the meeting within the prescribed time limit.

Appeals

19. (1) Any person who is entitled to vote for a representative to a governing body may appeal in writing to the Secretary if the prescribed procedures were not followed.
- (2) Such an appeal must be lodged within twenty-one days of the date on which the election took place.

- (3) The Secretary may, after investigation, declare an election invalid and call for a re-election if he or she is satisfied that -
 - (a) the prescribed procedures were not followed; and
 - (b) the outcome of the election would have been different had the prescribed procedures been followed.

Office-bearers

20. (1) At the first meeting of a governing body the meeting elects -
 - (a) a chairperson;
 - (b) a vice-chairperson;
 - (c) a treasurer; and
 - (d) a secretary.
- (2) The principal, staff members and learner representatives are not eligible for election as chairperson or vice-chairperson.
- (3) The principal may designate a member of his or her staff to assist the treasurer and secretary to the governing body.
- (4) Where for any reason the office of one of the office-bearers becomes vacant, the governing body, at the first meeting after the vacancy has occurred, elects one of its members to fill the vacancy for the unexpired period of office of his or her predecessor.
- (5) The principal presides at any meeting convened for the election of a chairperson.
- (6) The principal must inform the department of a change in office-bearers, providing information as per regulation 17(d).

Ordinary meetings of governing body

21. (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 council must, at least fourteen 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 thereat.

Urgent meetings

22. (1) A chairperson may call a meeting to discuss urgent matters.

- (2) The secretary must give at least twenty-four hours' written notice of a meeting called in terms of the above subregulation.
- (3) The only business which may be transacted at an urgent meeting is the business for which the meeting was called.

Extraordinary meetings

23. (1) A 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) from the Secretary or regional chief director setting out the business to be transacted at the meeting.
 - (3) The secretary must give notice in terms of regulation 21(3) of any meeting called in terms of subregulation (1) above.
 - (4) The only business which may be transacted at an extraordinary meeting is the business for which the meeting was called.

Proceedings at meetings

24. (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 must 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) The majority of the number of members of a governing body constituted in accordance with regulation 2 constitute a quorum for any meeting of the governing body.
 - (4) 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 KwaZulu-Natal School Education Act, 1996 (Act No. 3 of 1996), the South African Schools Act, 1996 (Act No. 84 of 1996), these regulations and directives issued by the Secretary.

- (5) Where a matter affecting the personal interests of a member is discussed, the member must withdraw from the discussion and leave the meeting for the duration of the discussion. If the secretary is required to leave the meeting, the members nominate a member to act as secretary for the duration of the discussion.
- (6) The non-receipt of a notice, duly despatched, 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 subregulation (3) are met.

Meetings at short notice

25. Any meeting may be held at shorter notice than provided for in these regulations: Provided -
- (a) all members agree in writing to a particular meeting being held despite the lack of sufficient notice in terms of these regulations; or
 - (b) all members are present at a meeting called at short notice and pass a motion condoning the lack of adequate notice in terms of the regulations.

Minutes

26. (1) The secretary of the governing body must record the minutes of every meeting in the language determined by it, 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 the members who are present and who are absent, stating whether such absence is with or without leave;
 - (b) the decisions taken by the meeting; and
 - (c) discussions which took place at the meeting if required to do so 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 after being corrected as decided by the meeting, following any amendments which may have been made thereto.
- (5) The approved minutes are confirmed by the signature of the chairperson and the date of confirmation.
- (6) The minutes of meetings must at all reasonable times be open for inspection by the members, the regional chief director or the Secretary.

- (7) At the closure of a school the principal must hand in all minutes and other documents of the governing body or any committee thereof to the regional chief director concerned for safekeeping.

Vacancies in governing body

27. (1) If a vacancy arises as a result of the departure of a member elected in terms of regulation 2(1)(b), the principal must act as electoral officer to officiate at the election of an educator to replace the departing member.
- (2) The electoral officer shall arrange an election meeting as soon as possible and in compliance with the provisions of regulations 15(1), (3), (5), (6) and (7).
- (3) If a vacancy arises less than six months before the expiry of the term of office of a governing body as a result of the departure of a member elected in terms of regulation 2(1)(d) and the remaining members are sufficient to form a quorum, the remaining members elect, by majority vote, a person or persons to fill the vacancy or vacancies for the remainder of the period of office of the governing body.
- (4) If a vacancy or vacancies arise more than six months before the expiry of the term of office of a member elected in terms of regulation 1(1)(d), the Secretary, must appoint an electoral officer to arrange a meeting for the election of members in terms of the provisions of regulations 8 to 14 to hold office for the unexpired portion of the term.
- (5) If a vacancy arises of a member elected in terms of regulation 2(1)(b). (c) or (c) the principal of the school must arrange a meeting in terms of the relevant provisions of these regulations for the election of members to hold office for the unexpired portion of the term.

Quorum

28. (1) The majority of the members of the governing body form a quorum.
- (2) If a quorum is not present at a properly convened meeting, the meeting shall be adjourned for at least eight days but not more than fourteen days.
- (3) The secretary must give 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.

Committees

29. (1) A governing body may appoint as many committees as it deems necessary.
- (2) A governing body appoints the convenor of each committee.
- (3) A governing body may appoint persons who are not governing body members as members of a committee.
- (4) A chairperson of a committee, who must be a member of the governing body, reports to the governing body at each meeting.

Parents meetings

30. (1) The chairperson must call a general meeting of parents at least once a year.
- (2) Parents must be given at least fourteen days' notice of a meeting.
- (3) The chairperson is obliged to call a meeting on the receipt of a written request signed by at least fifteen per cent of parents setting out the business to be transacted at the meeting.

Access to books and documents

31. The Secretary, or an officer authorised thereto by him or her, has access to any books, minutes and documents of any governing body.

Dissolution of a Governing body

32. (1) The Minister may dissolve a governing body by notice in the Provincial Gazette if -
- (a) the school is closed or partly disestablished in terms of sections 15, 26(1) or 27(5) of the KwaZulu-Natal School Education Act, 1996 (Act No. 3 of 1996);
- (b) owing to the amalgamation of schools or the division of a school or other reorganisation of school facilities, he or she is of the opinion that the governing body is no longer representative of the community for which a school has been established; or
- (c) such governing body has failed to carry out its duties; provided that the Minister, prior to exercising his or her discretion in terms of this regulation, must afford such governing body, an opportunity to make representation to him or her concerning the intended dissolution.
- (2) A governing body is dissolved upon the acceptance of a Motion of no confidence in the governing body at a general meeting of parents.

Failure by governing body to perform functions

33. (1) If a governing body has ceased to perform its functions, the Secretary must appoint sufficient persons to perform those functions for a period not exceeding three months.
- (2) The Secretary may extend the period referred to in subregulation (1) by further periods not exceeding three months each, but the total period may not exceed one year.
- (3) The Secretary must ensure that a governing body is elected in terms of these regulations within one year of the appointment of persons contemplated in subregulation (1).

Reimbursement of members of governing body

34. (1) Necessary expenses incurred by a member of a governing body in the performance of his or her duties may be reimbursed from school funds.
- (2) No member of a governing body may be remunerated in any way for the performance of his or her duties.

Status of minors on governing bodies

35. (1) A member of a governing body who is a minor may not contract on behalf of a school.
- (2) A member of a governing body who is a minor may not vote on resolutions of a governing body which impose liabilities on third parties or on the school.
- (3) A member of a governing body who is a minor incurs no personal liability for any consequence of his or her membership of the governing body.

Delegation of powers

36. The Minister, Secretary and regional chief director have authority to delegate the powers bestowed on them in terms of these regulations to an official in the employ of the department.

Repeal of regulations

37. The regulations governing management councils, governing bodies, school committees or like bodies to state and community schools set out in the Schedule hereto, are hereby repealed.

SCHEDULE

Name of act	Regulation	Date	Repealed portion
KwaZulu-Natal School Education Act, 1996 (Act No. 3 of 1996) and the South African Schools Act, 1996 (Act No. 84 of 1996)	No. 150	1997-08-21	The whole

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