

PROVINCIAL NOTICE No. 157 of 2001
REGULATIONS RELATING TO EXAMINATION BOARD

Under sections 6 and 72 of the Free State School Education Act, 2000 (Act No. 2 of 2000), I, DA Kganare, Member of the Executive Council responsible for Education, hereby -

- (a) establish a Provincial Examination Board; and
- (b) determine the Regulations contained in the Schedule.

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned to it and, unless the context indicates otherwise, and -

"**ABET**" means Adult Basic Education and Training as envisaged in the Adult Basic Education and Training Act, 2000 (Act No. 52 of 2000);

"**ELRC**" means the Education Labour Relations Council;

"**ELSEN**" means Education for Learners with Special Education Needs;

"**SAFCERT**" means the South African Certification Council established in terms of the South African Certification Council Act, 1986 (Act No 85 of 1986);

"the Act" means the Free State School Education Act, 2000 (Act No. 2 of 2000).

Composition of the Examination Board

2. (1) The Board shall consist of the following persons appointed by the responsible Member -

- (a) The Head of Education as the chairperson who shall not have a vote, or a person nominated by the Head of Education,;
- (b) The Chief Director in the Department responsible for examinations;
- (c) Three officials from the Department involved in examinations nominated by the Head of Education;
- (d) A representative of the Provincial Principals' Council;
- (e) One person representing the universities in the Free State;
- (f) One person from each union represented in the ELRC;
- (g) One person representing the technikons in the Free State;
- (h) One person designated by the responsible Member representing public further education and training in the Free State;
- (i) One representative of SAFCERT;
- (j) One representative of the independent schools in the Free State;
- (k) One person designated by the responsible Member on account of that person's knowledge of ELSEN;
- (l) One person designated by the responsible Member representing ABET centres in the Free State;
- (m) Two persons nominated by the Provincial Education and Training Council; and
- (n) One person designated by the responsible Member representing parents in the Province.

(2) The responsible Member may appoint additional members if he or she deems it necessary.

Powers and duties of the Board

3. The Examination Board must -

- (a) facilitate the process of policy formulation on examinations and related matters;
- (b) advise the Head of Education on all matters relating to examinations, including but not limited to -
 - (i) the administration of examinations;
 - (ii) the appointment, discipline, conduct, powers and duties of examination officials;
 - (iii) norms and standards concerning examinations as determined by national policy;
 - (iv) certification of examinations;
- (c) analyse examination results.

Term of Office of Board members

4. (1) The term of office of Board members is 3 years.

(2) Any person whose period of office has expired may, subject to the provisions of regulations 2 and 5, be re-appointed.

Termination of office of Board members

5. (1) A member of the Board shall vacate his or her office if he or she -

- (a) resigns in writing;
- (b) is declared to be of unsound mind by a court order;
- (c) does no longer fall within the category or members which he or she represented at the time of the appointment;
- (d) is removed from office in terms of subregulation (2);
- (e) is absent from three consecutive meetings of the Board without the consent of the chairperson.

(2) The responsible Member may at any time remove a Board member from office on good cause shown.

(3) If a member ceases to hold office, the vacancy must as soon as possible be filled subject to the provisions of regulation 2.

(4) The responsible Member may at any time dissolve and reconstitute the Board in accordance with the provisions of regulation 2, if he or she has reason to believe that the Board cannot perform its duties or that it ceased to function.

(5) The members of the Board appointed in terms of this regulation shall hold office for the unexpired term of office of his or her predecessor.

Meetings of the Board

6. (1) The Board must annually hold two ordinary meetings on dates and at places determined by the chairperson.

(2) The chairperson shall convene a special meeting -

(a) when he or she deems it necessary; or

(b) upon written request of not less than ten members of the Board

(3) The secretary of the Board must in writing notify the members of the Board at least -

(a) 14 days prior to an ordinary meeting; and

(b) 7 days prior to a special meeting and stipulate the matter to be dealt with at the special meeting.

(4) In the absence of the chairperson the deputy chairperson must act as chairperson of the Board.

(5) A majority of the members of the Board shall constitute a quorum for any meeting of

the Board.

(6) The secretary of the Board must keep minutes of the proceedings at meetings

(7) The secretary must submit the minutes for confirmation at the next meeting and if confirmed, the person presiding at the meeting must sign it.

(8) All matters dealt with by the Board must be decided by a majority vote of the voting members present.

(9) The decision of the chairperson on any question of order or procedure is binding, unless challenged immediately by a member in which case it shall be put without discussion to the meeting for a final decision.

(10) A member may not without consent of the chairperson comment on any motion or amendment to the motion more than once, but the proposer of a motion or an amendment has the right to reply.

(11) The Board must follow normal procedures for meetings.

(12) A decision of the Board may not be changed or recalled within fifteen months except by a decision supported by a majority of two thirds of the members present.

Administrative functions of the Board and its committees

7. (1) The administrative functions of the Board and any of its committees are performed by officials of the Department who are designated by the Head of Education for that purpose.

(2) The Head of Education must designate a secretary, under whose direction the other officials must perform their functions.

Committees of the Board

8. (1) The Board may institute committees to advise the Board on any matter.

(2) The Board must institute an Irregularities Committee to -

- (a) identify possible irregularities before, during and after examinations;
- (b) investigate examination irregularities and gather evidence;
- (c) recommend to the Head of Education which action to take with regard to examination irregularities;
- (d) establish investigation units.

(3) Any committee other than the executive committee may include persons who are not members of the Board.

(4) Members of the committees may be appointed for such period as the Board determine.

(5) The Board may institute an executive committee which consists of -

- (a) the chairperson of the Board; and
- (b) members as determined by the Board.

(6) The Board may determine the functions of the executive committee.

(7) The Board may not delegate all or a substantial number of its functions to the Executive Committee.

Office-bearers

9. The deputy chairperson must be elected by the members of the Board.

Compensation and allowances of Board members and committees

10. (1) Persons in the employ of the State serving as members of the Board or

committees may be paid subsistence and other expenses in terms of the relevant legislative provisions and collective agreements.

(2) Persons who are not in the employ of the State may be paid such compensation to cover the member's reasonable subsistence and traveling expenses when attending a meeting of the Board or committee thereof.