P.N. 164/2008 20 May 2008

MEASURES RELATING TO GOVERNING BODIES AND A REPRESENTATIVE COUNCIL OF LEARNERS FOR PUBLIC SCHOOLS (EXCLUDING PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS)

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

SCHEDULE

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1. Definitions

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 excluding Saturdays, Sundays and public holidays;

"district electoral officer" means a senior district official at a district office responsible to oversee and manage the election process in the district;

"educator" means any person, excluding a person who is appointed to exclusively perform extra-curricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at a school;

"electoral officer" means an electoral officer contemplated in measure 7;

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

"member" means a member of the governing body;

"member of staff" means a person appointed according to the Public Service Act who is not an educator at a school including those appointed by the 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 Minister of Education;
"officer" means an employee of the Western Cape Education Department appointed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998) 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 the school;

"principal" means an educator appointed or acting in a post established 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 an ordinary public school;

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

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

2. Composition of Governing Body

(1) Subject to submeasure (11), a governing body established for a school in terms of section 23 of the Act, shall consist of—

(a) seven parents who are not employed at the school and, in the case where learner members referred to in submeasure (1)(d) do not serve on the governing body, five parents;
(b) two educators at the school;
(c) one member of staff at the school who is not an educator;
(d) two learners in the eighth grade or higher;
(e) the principal;
(f) the owner of the property occupied by the school or his or her nominee if co-opted on the governing body of the school, without voting rights; and
(g) such member or members of the community to be co-opted by the governing body to assist in fulfilling specified responsibilities: Provided that no more than six such members be co-opted, which member or members do not have voting rights on the governing body.

(2) Subject to submeasure (4), co-opted members do not have voting rights on the governing body.

(3) Parents must comprise the majority of members of a governing body who have voting rights.

(4) If the number of parents at any stage is not more than the combined total of other members with voting rights, the governing body must temporarily co-opt parents with voting rights.

(5) If a parent is co-opted with voting rights as contemplated in submeasure (4), the co-option ceases when the vacancy has been filled through a by-election, which must be held in accordance with the procedures for the election of parent members detailed in these measures, within 90 days after the vacancy has occurred. If the by-election did not take place within 90 days, or a quorum could not be obtained at a by-election meeting, the governing body can co-opt a parent for a further 90 days. The nomination and election meeting must be
rescheduled in terms of existing measures.

(6) Parents must elect the parent members referred to in submeasure (1)(a).

(7) Educators employed at the school concerned must elect the educator members referred to in submeasure (1)(b).

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

(9) The representative council of learners must elect the learners referred to in submeasure (1)(d).

(10) The governing body of a school which provides education to learners with special education needs must—

(a) co-opt one or more persons, without voting rights, who have expertise regarding the special education needs of those learners; and

(b) establish a committee on special education needs in terms of section 30 of the Act

(11) The Member of the Executive Council may approve the composition of a governing body at a school which differs from the composition contemplated in submeasure (1) if—

(a) the governing body of the school has applied in writing for such different composition providing reasons therefor; and

(b) the Member of the Executive Council is satisfied that such composition is in the interest of education at the school

(12) The Member of the Executive Council may at any time in his or her discretion, withdraw the permission referred to in submeasure (11) and dissolve the governing body composed under submeasure (11)(a) whereupon a new governing body shall be composed in accordance with submeasure (1)

(13) If the principal of the school is of the opinion that 50% of the parents of learners of a school reside so far outside the immediate vicinity of the school that the election of a governing body by the parents is not feasible he or she shall obtain written approval from the Head of Department to nominate suitable persons for appointment.

(14) For the purpose of the appointment of the required number of parent members contemplated in submeasures (11) and (13) the principal shall submit the names and particulars of three more than the required number in order of preference to enable the Head of Department to exercise a choice.

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, for a period exceeding six months, or has not yet served his or her full period of imprisonment, 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 Bodies
Subject to the provisions of measures 5 and 22, the term of office of a member of a governing body who is not a learner shall be three years effective from a date determined by the Head of Department: Provided that the term of office of a member who is a learner shall be 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.

If a person elected as a member of a governing body as contemplated in measure 2(1) ceases to fall within the category referred to in that measure in respect of which he or she was elected as a member he or she ceases to be a member of the governing body.

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.

Subject to the provisions of submeasures (1) and (2) and measures 5 and 22 the members of a governing body shall, notwithstanding the expiry of their terms of office referred to in submeasure (1) keep their membership until a new governing body is composed in accordance with measure 2.

5. **Dissolution and Re-composition of Governing Bodies**

(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 schools or school concerned after such re-organisation;

   (b) such governing body has failed to discharge its functions satisfactorily or has acted in a manner which is not in the best interest 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 least 60% of all parents entitled to vote under measure 6(1) at the election of members of a governing body of a school, should, at a parents’ meeting convened for this purpose with at least 14 days' prior written notice which shall be sent by post to such parents, or be handed to each learner with the oral instruction to hand it to his or her parents, vote in favour of a motion of no confidence in the governing body concerned.

(2) The chairperson of a governing body shall convene a parents’ meeting referred to in submeasure (1)(d), within 21 days after he or she has been requested thereto in writing by not less than 30% of the parents entitled to vote, referred to in that submeasure.

(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 sufficient 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.

(5) The Head of Department may extend the period referred to in submeasure (4) by further periods not exceeding three months each, but the total period shall not exceed one year.

(6) A governing body must be elected under these measures within a year after the appointment of the 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 the 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, 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 appoints a principal of a school or other officer in writing as the electoral officer to conduct the nomination and election, as the case may be, of parent, educator and non-educator members 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 determines a date, time and place for a nomination and election meeting and inform the principal in writing thereof. The election of parent members is preceded by the election of other components of the governing body.

(2) In the case of a new school, the nomination and election meeting shall be held not later than 30 days after the establishment of such a school.

(3) The Member of the Executive Council may allow deviations from the requirement of submeasure (2), to the extent that it is reasonably required in the circumstances of a given case.

9. **Notice of a Nomination and Election Meeting of Parent Members**

(1) The electoral officer shall prepare a notice in the form of Annexure A, of 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 with the notice referred to in submeasure (1)—

   (a) send a copy to the parents of every learner by post at least 21 days prior to the date of the nomination and election meeting for parents, if he or she deems it expedient: or

   (b) hand a copy thereof to every learner of the school concerned with the oral instruction to hand it to his or her parent(s) at least 14 days prior to the date of the nomination and election meeting.

10. **Making School Register available**

The principal shall place the register containing the names and addresses of the parents of learners of the school concerned, at the disposal of the electoral officer for purposes of control before the nomination and election meeting. All nominators, seconders and candidates must be people who are listed on the voters' roll.

11. **Nomination of Parent Members**

(1) A parent candidate must be nominated by the parent of a learner of the school concerned—
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 (Annexure B) 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, within the time referred to in submeasure (2), lodged with the electoral officer.

(2) If a quorum as referred to in measure 12(2) is present, 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) If a quorum as referred to in measure 12(2) is not met the meeting must be rescheduled for another day and the same procedures as in measure 8 and 9 must be repeated. Notice of the second meeting should clearly state that no quorum is required for the second meeting.

(4) A parent candidate may not nominate him- or herself.

(5) 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 as contemplated in measure 3;

(c) in the case of a nomination referred to in submeasure (1)(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 (2), that such parent candidate will be 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.

(6) (a) If the total number of parent candidates whose nominations have been accepted as contemplated in submeasure (5), is less than the number of members determined in terms of measure 2(1)(a) in respect of the governing body concerned, a new meeting at which new parent candidates must be nominated must be convened in accordance with the provisions of these measures.

(b) If the number of thus accepted parent candidates who are parents of learners of the school concerned—

(i) 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 every thus accepted parent candidate to be a duly elected member of the governing body; or

(ii) 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 accordance with measure 12.

12. **Poll**

(1) The poll referred to in measure 11(6)(b)(ii) shall be held on the date and at the time and place determined in accordance with measure 9(1).
A quorum for the poll referred to in submeasure (1) shall be equal to 15% of the total number of enrolled learners of the school and is determined as follows:

Total enrolled learners = 500
Quorum = 500 x 15%
= 75 parents

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.

A parent referred to in measure 6(1) shall record his or her vote on the ballot paper referred to in submeasure (3): Provided that if such parent is on account of ignorance, 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.

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 accordance with 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.

After the rejection of the ballot paper referred to in submeasure (5), the electoral officer shall—

(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 determined in terms of measure 2(l) (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 every parent candidate.

If 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 drawing lots.

No proxy votes will be accepted for school governing body elections.

13. Nomination and Election Meeting of Educator Members

The electoral officer shall determine a date, time and place for a meeting for the nomination and election of educator members, which shall be held at least 7 days before the nomination and election meeting for parent members.

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 educator 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 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, within the time referred to in submeasure...
If a quorum as referred to in measure 14(2) is present, 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.

An educator candidate may not nominate him- or herself.

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.

If the total number of educator candidates whose nominations have been accepted as contemplated in submeasure (5), is less than the number of members (two) determined in terms of measure 2(1)(b) in respect of the governing body concerned, a new meeting at which new educator candidates may be nominated shall be convened in accordance with the provisions of these measures.

If the number of thus accepted educator candidates who are educators of the school concerned—

(i) is equal to the number of the members determined in terms of 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 determined in terms of measure 2(1)(b) in respect of the governing body concerned, a poll shall be held in accordance with measure 14.

If there are 10 or less educators on the establishment of a school, the procedure for the nomination of educator members is not followed, but proceeded directly to the procedure for the poll referred to in measure 14.
15. **Nomination and Election of a Non-educator Member**

The procedure for the nomination and election of educator members 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. The procedure for the nomination and election of educator members as prescribed at measures 13(1) to (6) and 14 shall apply to the nomination and election of the learner members referred to in submeasure (1).

3. For the purpose of the procedure for the nomination and election of educator members, a reference in the said procedure to an electoral officer shall be construed as a reference to the principal of the school concerned for the nomination and election of learner members referred to in submeasure (2).

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 respectively. All disputes should be reported to the officiating electoral officer during the election process. The electoral officer is mandated to resolve all disputes in order to declare elections undisputed. His or her decision during the election is final. Should there be a dispute that the electoral officer is unable to resolve, the elections must go ahead.

18. **District electoral officer**

1. Any person(s) who wishes to lodge an objection with regard to the matters referred to in measure (17), must lodge such an objection in writing within 7 days after the election of members in a specific category with the district electoral officer, who decides thereon.

2. The district electoral officer must consider the objection and respond in writing within 7 days of receipt of the objection.

3. An appeal may be lodged with the Member of the Executive Council within 30 days after the elections, if the person(s) is/are not satisfied with the decision of the district electoral officer.

19. **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(6)(b)(i), in writing of his or her election; and

(d) notify the principal 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 including the names and addresses of the persons declared elected in accordance with measure 11(6)(b)(i).

20. **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.

(3) Subject to the provisions of submeasure (2) only:

(i) a parent member of a governing body who is not employed at the school may serve as chairperson of the governing body;

(ii) an educator, non-educator or parent member may serve as secretary; and

(iii) a non-educator or parent member may serve as treasurer.

(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 or co-opted 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 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.

21. **Meetings of Governing Bodies**

(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) The majority of the enfranchised members of a governing body 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.

22. Minutes of Proceedings of Meetings

(1) The secretary of a governing body shall keep minutes of the proceedings of every meeting and shall provide the Head of Department, or any officer duly designated by him or her, and each member with a copy of such minutes.

(2) The secretary of a governing body shall provide, on request, a parent of a learner at that school, or member of staff at that school, with a copy of such minutes: Provided that there will be no violation of the rights of persons and that the applicant requires it for the exercising or protection of his or her rights or interest.

(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 safekeeping.

23. Casual Vacancies in Governing Bodies

(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 referred to in measures 3(a), (b) and (c) and 4(2); 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 measures 2(11) and (13), 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—

(i) a parent member vacancy, in accordance with the provisions of measure 2(4) and (5); and

(ii) a vacancy other than a parent member vacancy, through a by-election within 14 days after the occurrence of the vacancy, in accordance with the election procedures in terms of these measures.

(3) A member appointed in accordance with submeasure (2)(a) or elected to fill a vacancy by means of a by-election in accordance with submeasure (2)(b), obtains membership for the unexpired period of the term of office of his or her predecessor subject to the provisions of measure 4.

(4) If a vacancy has been filled—
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) A member elected to fill a vacancy by means of a by-election as contemplated in
submeasure (2)(b). shall have voting rights.

24. Representative Council of Learners

(1) Composition of representative council of learners.

A representative council of learners consists of 3 representatives for each
grade from the eighth grade and higher, and such council is the only recognised
and legitimate representative learner body at the school.

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

(a) The representatives for each grade referred to in submeasure (I)
are elected separately by the learners in the grade concerned;

(b) The procedure for the nomination and election of educator members
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 paragraph (a).

(c) For the purpose of the procedure for the nomination and election of
educator members a reference in the said procedure to an electoral
officer shall be construed as a reference to the principal of the
school concerned for the nomination and election of representatives
referred to in paragraph (b).

(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 among learners themselves,
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 among learners themselves, between
learners and staff, the school and the community and the school
and parents;

(g) promote responsibility, learnership and leadership;
25. **Commencement**

These measures come into operation immediately and repeal in its totality the Measures relating to Governing Bodies for Public Schools (excluding Public Schools for Learners with Special Education Needs) as published in Provincial Gazette Extraordinary 5946 of 31 January 2003 at Provincial Notice 370/2002.

**ANNEXURE A**

**Notice of Nomination and Election Meeting**

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

**(MEASURES 9, 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
ADDRESS:

SIGNATURE OF ELECTORAL OFFICER

INFORMATION IN CONNECTION WITH ELECTION

(To accompany notice of nomination and election meeting)

1. COMPOSITION OF GOVERNING BODY

(a) The governing body shall consist of—

(i) seven parents who are not employed at the school and in the case where learner members referred to in subparagraph (a)(iv) do not serve on the governing body, five parents, elected by parents of learners at the school concerned:

(ii) two educators at the school, elected by educators employed at the school concerned;

(iii) one non-educator at the school, elected by members of staff employed at the school concerned who are not educators;

(iv) two learners in the eighth grade or higher elected by the representative council of learners from its own ranks;

(v) the principal;

(vi) the owner of the property occupied by the school or his or her nominee if co-opted on the governing body of a school, without voting rights; and

(vii) such member or members, without voting rights, of the community (maximum of six members) to be co-opted by the governing body

(b) The majority of the members of the governing body shall be parents who have voting rights.

2. NOMINATIONS 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.
3. DISQUALIFICATION OF MEMBERS

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 for a period exceeding six months, or if he or she has not yet served his or her full period of imprisonment, 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;

(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 roll 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 paragraph 4(a) have been lawfully placed, is entitled to vote at such an election, and only such parents will be admitted to the voting hall.

(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 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 paragraphs (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/Educators/Non-Educator/Parents of Learners as Members of Governing Body
(MEASURES 11, 13, 14, 15 AND 16)

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

NAME OF SCHOOL:

PROPOSER:

I

 of

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

(Full Name of Candidate)

of

(Residential Address)

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

SIGNATURE OF PROPOSER

SECONDER:

I

 of

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

SIGNATURE OF SECONDER

CANDIDATE:

I,

 of

hereby declare that I—

(a) accept the above-mentioned nomination; and

(b) am not ineligible to be a member of a governing body referred to in paragraph 3 of the "Information in Connection with Election" (see Annexure A).

SIGNATURE OF CANDIDATE

OR

(IF PROPOSED AT NOMINATION AND ELECTION MEETING)

I

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, will, if elected, be willing to serve as a member of the governing body; and

(b) is not ineligible to be a member of a governing body referred to in measure 3 of the Measures relating to Governing Bodies for Public Schools (excluding Public Schools for Learners with Special Education needs).

SIGNATURE OF ELECTORAL OFFICER

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

DATE

SIGNATURE OF ELECTORAL OFFICER

*Delete which is not applicable.

SOUTH AFRICA FIRST -

BUY SOUTH AFRICAN

http://www.mylexisnexis.co.za/ndgateway.dll/g62x/48d3/w0e3/d6r3/1lb7a/z6feb/56feb/gkgeb?f=templates$fn=default.htm$vid=mylnb:10.1048/enu