

NOTICE 35 OF 2017

SOUTH AFRICAN SCHOOLS ACT, 84 OF 1996 as amended

REGULATIONS FOR THE ELECTIONS OF AND DETERMINATION FOR THE CONSTITUTION OF A SCHOOL GOVERNING BODY

I, the undersigned Ms. M.B Bartlett Member of the Executive Council for Education in the Northern Cape Province, acting in terms of Section 28 of the South African Schools Act, 1996 (read with section 31 of the Northern Cape School Education Act, 1996), and Section 18 (1) of the South African Schools Act 1996, hereby publish in the Schedule hereto, the Northern Cape Regulations for the Election of School Governing, and the minimum requirements to which the Constitution of the School Governing Body of Public Schools must comply.

(signed)
Ms. MARTHA BARTLETT, MPL
MEC: EDUCATION

SCHEDULE

To provide for a uniform system for the organisation and elections of school governing bodies; to amend and repeal certain regulations relating to schools and to provide for matters connected therewith.

1. Definitions

Any word or expression to which a meaning has been attached in the Act shall have the same meaning in these regulations.

In these regulations, unless the context indicates otherwise-

"Combined school" means a public school providing education in grades falling in the foundation, intermediate and senior phases of curriculum;

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

"Parent" means:

- a) the biological or adoptive *parent* or legal guardian of a *learner*, or
- 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 *school*;

"Election process" means the nomination and election meeting of all components including the election of office bearers;

"Day" means calendar days including Saturdays, Sundays and public holidays;

"Department" means the Northern Cape Education Department;

"District Director" means any official of the department appointed as director or acting director of the education district in which a public school is situated;

"District Electoral Officer" means any district departmental official appointed by the Provincial Electoral Officer to manage the election process in the education district;

"Learner member" means a learner officially enrolled in a secondary public school and who has been elected to the governing body in terms of these regulations;

"Memoer" means a member of the governing body who has been elected in terms of these regulations;

"Member of staff" means a person appointed at a public school according to the Public Service Act or the South African Schools Act and is not an educator at a school;

"Ordinary public school" means a public school other than a public school for learners with special educational needs;

"Primary school" means a public school that offers grade R -7 or offer learning within that range;

"Provincial electoral officer" means any official appointed by the Head of Department to manage the election process in the province;

"Public school for learners with special education needs" means a public school for learners who experience barriers to learning and development;

"SASAMS" means the South African Schools Administration and Management System, which must be used by schools to upload and update their learner information including details of parents linked to each learner;

"Secondary school" means a public school providing education from the eighth grade to the twelfth grade;

"School Electoral Officer" means the Principal or a senior manager of another school or a departmental official appointed by the District Electoral Officer to manage the election process in a public school;

"The Act" means the South African Schools Act, 84 of 1996;

"Voters roll" means the school admission register as per the latest updated SASAMS database;

2. Application

These regulations shall apply to all public schools in the Northern Cape Province and shall come into operation upon publication in the Provincial Gazette.

3. Composition of School Governing Bodies

The number of parent, educator and learner members of a governing body shall vary according to the type and grading of the school, as appears more fully in **Annexure "A" (i) and (ii)**.

4. Composition of Governing Bodies of Ordinary Public Schools

4.1 A governing body of an ordinary public school shall consist of:

- a) elected members;
- b) the principal, in his or her official capacity;
- c) co-opted members.

4.2 Elected members of the governing body shall comprise a member or members of each of the following categories:

- a) parents of the learners admitted to the school;
- b) educators employed at the school;
- c) non-educator members of staff employed at the school; and
- d) learners in the eighth grade or higher admitted at the school

5. Composition of Governing Bodies of Public Schools for Learners with Special Education Needs

The School Governing Body (SGB) of a public school for learners with special education needs shall be constituted as prescribed in section 24 (a) - (j) of the Act.

5.1 The number of members per category for parents of learners at the school, if reasonably practicable, educators, members of staff at the school who is not educators and learners attending grade eight and higher, if reasonably practicable, will be as per **Annexure "A" (ii):** Composition of Governing Bodies of Public Schools for Learners with Special Education Needs. The procedure described in regulations 17-22 shall apply to the elections of these categories.

5.2 Members of each category referred to in Section 24 (e - i) of the Act must furnish the Head of Department with appointment letters from their organization for the duration of the Governing Body term of office within 14 days after the school's election.

5.3 Any member of the governing body elected or appointed from the categories of persons referred to in the Act, Section 24 (1) (a), (e), (f), (g), (h), and (i) may serve as the chairperson.

6. Criteria for representation in public schools

6.1 Criteria for the achievement of the highest practicable level of representativity of members of the governing body as prescribed in Section 28 (e) of the Act.

6.2 Representativity shall refer to the following aspects:

- a) Race;
- b) Gender;
- c) Disability

6.3 The School Governing Body shall discuss as part of its meetings and with parents the aspect of representativity in preparing for the tri annual School Governing Body Elections and by elections.

6.4 Nominations shall reflect the aspect of representativity where practical or possible.

6.5 Prior to the election of office-bearers the principal shall make the members of the governing body aware of their responsibilities.

7. Profile of a Governing Body

The particulars of each member of a SGB must be recorded as per **Annexure "H1"** for ordinary public schools or

Annexure "H2" for public schools for Learners with Special Education Needs and submitted to the district office. This data must be updated when a by - election occurred or during the election of office bearers annually.

8. Co-opted Membership

- 8.1** The governing body of an ordinary public school which provides education to learners with special needs must, where practically possible, co-opt a person or persons with expertise regarding the special education needs of such learners.
- 8.2** A governing body may co-opt a member or members of the community to assist it in discharging its functions.
- 8.3** The governing body of a public school contemplated in section 14 may co-opt the owner of the property occupied by the school or the nominated representative of such owner.
- 8.4** Subject to regulation (8.6), co-opted members do not have voting rights on the Governing body.
- 8.5** If the number of parents at any stage is not more than the combined total of other members with voting rights, governing body must temporarily co-opt parents with voting rights.
- 8.6** If a parent is co - opted with voting rights the co-option ceases when the vacancy has been filled through a by- election which must be held within 90 days after the vacancy has occurred.

9. Term of office of members and office-bearers of governing bodies.-

- 9.1** The term of office of a member of a governing body other than a learner may not exceed three years.
- 9.2** The term of office of a member of a governing body who is a learner may not exceed one year.
- 9.3** The term of office of an office-bearer of a governing body may not exceed one year.
- 9.4** A member or office-bearer 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.

10. Eligibility

- 10.1** A person shall be ineligible to be a member of a governing body if he or she:
- a) is mentally ill and has been so declared by a competent court;
 - b) is an un-rehabilitated insolvent;
 - c) has been convicted of a criminal offence;
 - d) has been declared to be unsuitable to work with children as stipulated in terms of the Children's Act, 2005 (Act 38 of 2005)the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007; or
 - e) has been found guilty on an act of misconduct in respect of his or her performance of governing body functions in terms of the Provincial Code of Conduct for members of Governing Bodies in public schools.
- 10.2** If a person elected as a member of a governing body ceases to fall within the category for which they were nominated and elected, he or she shall cease to be a member of the governing body.
- 10.3** A parent who is employed at a school may not be elected as a parent member of a governing body at the school.
- 10.4** A principal of a school may not be elected as an educator member of a governing body at the school.
- 10.5** No learner may be elected to a governing body of an ordinary public school unless he or she is admitted to the eighth grade or higher and he or she is an elected member of the Representative Council of Learners at the school concerned.
- 10.6** In the case of learners with special education needs learners in the eighth grade or higher may be elected, only if it is reasonably practicable.
- 10.7** A parent shall be entitled to vote only for a parent member of the governing body and shall have one vote in respect of each parent candidate.
- 10.8** An educator employed at a public school shall be entitled to vote only for educator members and shall have one vote in respect of each educator candidate.
- 10.9** A non-educator member of staff shall be entitled to vote only for non-educator members and shall have one vote in respect of each non-educator candidate.
- 10.10** Every member of the representative council of learners shall be entitled to vote only for a learner member, and shall have one vote in respect of each nominated learner candidate on the RCL.
- 10.11** It is the responsibility of the person who alleges to have complied with the definition of a parent to inform the principal on the change of personal details.

11. Electoral Officers

11.1 Provincial Electoral Officer

11.1.1 The Head of Department shall appoint an official of the department as the Provincial Electoral Officer.

11.1.2 The duties of the Provincial Electoral Officer will be to:

- a) monitor the nomination and election process in the province;
- b) adapt the templates to suit provincial monitoring objectives;
- c) support the district electoral officers;
- d) liaise between the Head of Department and the districts;
- e) appoint district electoral officers in consultation with the District Directors;
- f) ensure that there is adequate notification of the election date;
- g) ensure compliance with national guidelines and provincial procedures with regard to elections;
- h) develop materials and procedures for the training of district and school Electoral Officers and teams, and ensuring that this training takes place as planned;
- i) adjudicate on all appeals resulting from the nomination and election process;
- j) monitor and evaluate the election process in the province;
- k) develop a database of SGBs on taking office; and
- l) within 30 days of receipt of the report of the district electoral officers and the election monitors compile a report on the elections to the Head of Department and MEC, and in such report shall take into account the reports of the election monitors;
- m) Investigate and address any matter brought under his/her attention by a member of the public which are not in line with these Regulations.

11.2 District Electoral Officer

11.2.1 The Provincial Electoral Officer shall, in consultation with the District Director, appoint a District Electoral Officer who shall be a senior district official of the district concerned.

11.2.2 The district electoral officer shall:

- a) appoint a district electoral team;
- b) co-ordinate the election processes in the district;
- c) advise the provincial electoral officer on any matter relating to the elections and shall ensure the implementation of these regulations in the district;
- d) compile a management plan to implement these regulations;
- e) designate school electoral officers for each school in the district and also ensure that each school has established a school election team;
- f) ensure that each election official working at a school in the district is adequately trained to support the elections;
- g) ensure that all school electoral officers receive the provincial election regulations and other documents in good time;
- h) ensure that election advocacy is conducted in the district in terms of a provincial plan;
- i) monitor the election process by visiting schools during elections;
- j) compile election dates for all schools in the district as per **Annexure "B"**;
- k) ensure that the School Electoral Officers have informed the district office in writing of the dates of the election and of the names and contact numbers of the persons elected to SGBs;
- l) ensure that they receive the Data Form as per **Annexure "H1"** for Ordinary Public Schools or **Annexure "H2"** for Public Schools of Learners With Special Educational Needs from the School Principal; and submit it to the district within 30 days of the school election meeting;
- m) provide the Provincial Electoral Officer with a composite SGB Data form within 30 days of the final election date;
- n) compile a district report on the elections and submit it to the provincial electoral officer within 30 days of the final election date;
- o) capacitate school electoral officers to be able to manage the school election process;

- p) prepare recognition letters of newly elected governing body members for the signature of the District Director and distribute to schools.

11.2.3 The district election team shall consist of:

- a) The District Electoral Officer or a person delegated by the District Director;
- b) The Institutional Management Governance Development Unit in providing secretariat services;
- c) Chief Educator Specialist: Circuit Coordination, Circuit Managers and district officials monitoring and supporting schools.

11.2.4 The district election team shall:

- a) Assist the district electoral officer with all election duties;
- b) Be responsible for an advocacy strategy to ensure that SGB elections are well advertised amongst all stakeholders in the district.

11.2.5 The provincial and district electoral officers may not be nominated, elected or co-opted as members of any governing body of any school in the province.

11.3 School Electoral Officer and Principal

11.3.1 The functions of the school electoral officer before the election meeting shall be to:

- a) Consult with the principal and prepare notices giving details of the date, time and venue of the election and nomination meeting. The format of the notice must be as per **Annexure "C"**.

11.3.2 The responsibilities and functions of the principal before the elections:

- a) distributes notices of the elections to the following eligible voters: parents, educators, non-educators and learners not less than 21 days before the election date;
- b) ensure that nomination forms are available during the nomination and election meeting. The format of the nomination form must be as per Annexure "D";
- c) ensure that there is a suitable venue for the election meeting;
- d) monitor and sign off that an accurate voters rolls have been compiled;
- e) ensure that school election team is established, operational and supported by staff members;
- f) ensure that the school election team understands the procedures that are applicable, and that all the resources that will be needed for the elections are available.

11.3.3 A school electoral officer shall not be nominated or elected as a member of a governing body of a school for which he or she is the electoral officer.

11.3.4 During the election meeting the school electoral officer shall:

- a) explain the procedure for nominations and elections to the voters;
- b) let the nominees introduce themselves in accordance with these regulations;
- c) draw the attention of the voters to the provisions of the Act and of these regulations;
- d) manage the election process;
- e) Intervene and resolve any disputes on the day of election;
- f) submit election results, voters roll and SGB data to the district electoral officer within 5 days after the elections have been conducted.

11.3.5 The school election team shall consist of:

- a) The deputy principal of the school or a person delegated by the principal;
- b) The admin clerk to assist with administrative duties including the compiling of the voters roll;
- c) Number of educators determined by the principal.

11.3.6 The school election team shall:

- a) Assist the principal and school electoral officer with all their duties;
- b) Be responsible for an advocacy strategy to ensure that SGB elections are well advertised amongst all stakeholders;
- c) Assist with the attendance register and minutes of the nomination and election meeting.

12 Prohibited Conduct

- (a) No Electoral Officer or Election Team Member may -

Abuse a position of power, privilege or influence, including parental, or employment authority to influence the conduct or outcome of an election.

13 Monitoring of Elections

13.1 The Provincial Electoral Officer/District Electoral Officer shall appoint any number of persons to monitor all processes during all the SGB elections.

13.2 Such a person/s shall:

- a) have access to any proceeding relevant to the elections as far as reasonably possible;
- b) not interfere with any process relating to the elections;
- c) compile a written report of his observations and submit it to the provincial electoral officer/district electoral officer within 14 days of the conclusion of the elections.

14 The registration of voters

14.1 A voters' roll for each of the categories must be available containing the names of all eligible parents, educators, members of staff and learners as per **Annexure "K"**.

- a) It is the responsibility of the principal to ensure that parents; Learners and Educators update their particulars when there are changes to their details. All updates and changes to the SASAMS database **must** be verified and approved by the school principal on a quarterly basis prior to the database being sent to the District EMIS Unit;
- b) The voters' roll for educators must consist of all educators employed at the school;
- c) The voters' roll for members of staff must consist of all staff members employed at the school;
- d) The voters roll for learners must consist of all elected RCL members at the school;
- e) The voters roll for Learners; Educators; Non- educators and Parents must be based on the approved updated SASAMS database of the school.

14.2 The principal must issue a 7 day notice inviting parents to verify their details on the voters roll. The verification and updating process must be completed 14 days prior to the date of the nomination and election meeting. The verification period as well as regulation 13.3 must be clearly stated in the school's notice to parents.

14.3 Parents who fail to verify and update their details on the school admission register during the period referred to in regulation 14.2, will not be eligible to participate in the school's nomination and election meeting.

14.4 The details of the final verified and updated voters roll must be recorded on '**Annexure J**' and signed off by both the principal and school electoral officer as a true record of all registered parents.

14.5 All nominations, seconders and nominees must be people who are listed on the voters' roll.

15 Order of Elections

15.1 The electoral officer should follow the principle of inclusion, transparency and democracy.

15.2 The election of the parent component of the governing body shall be held after the nominations and elections of the educator, non-educator staff and learner members of the governing body.

16 Nomination and Election meeting of Educator Members

16.1 The principal of a school shall provide the school electoral officer with a voters roll for educators.

16.2 The school electoral officer must in consultation with the school principal determine the date, time, and place for the nomination and election meeting for educator members.

16.3 The school electoral officer must give every educator at the school notice of the nomination meeting at least 21 days before the day of the meeting. The format of the notice and the ballot paper must be as per **Annexure "C"** and **"E"**, respectively.

16.4 The nomination of an educator shall be done by the submission of a nomination form duly completed and signed by an educator employed at the school making the nomination, one educator employed at the school supporting the nomination and the candidate, to the school electoral officer at the nomination and election meeting.

16.5 In the event that the nomination is done at the meeting referred to in regulation 16.3, the procedure described in regulation 15.4 shall apply; and that the submission shall be done within the time the school electoral officer has allowed for this purpose.

- 16.6** If the total number of candidates whose nominations have been accepted:
- a) is less than the number of members allowed for the category of the school concerned as set out in **Annexure "A"**,
 - I. The nomination time shall be extended by a period not exceeding 30 minutes, if the nominations are still lower than the required number allowed for the category the meeting shall adjourn and the school electoral officer must convene another meeting within a period not exceeding 7 days before the parents' nomination and election meeting. Members nominated prior to the rescheduling of the meeting, will remain nominated for election at the rescheduled election but further nomination may still be lodged and accepted.
 - II. If after the second nomination meeting held in terms of regulation 16.6 (a) the total number of valid nominations is still lower than the required number of educator members, the school electoral officer shall declare the nominated candidates to be duly elected and the provisions of regulation 8 shall apply: provided that by-elections shall be conducted within 90 days after the day of such election.
 - b) is equal to the number of the members referred to in regulations.6 (a), the school electoral officer shall declare all the nominees duly elected to the governing body; or
 - c) Is greater than the number of the members referred to in regulation 16.6 (a), an election shall be held by secret ballot.

16.7 Where a school has only two educators on its staff, the school electoral officer may draw lots or use some other method that allows for a random selection between the tied nominees. This must be done openly and by agreement of the nominees.

17 Nomination and Election meeting of Non-Educator Members of Staff

17.1 The procedure described prescribed in regulation 16 shall apply to the nomination and election of non-educator members of staff: provided that the format of the notice of the meeting and the ballot paper must be as per **Annexure "C"** and **"E"**, respectively.

17.2 In cases where there is no non-educator member of staff at a school, the position will be left unfilled.

17.3 Where there is one non-educator member of staff he or she shall be regarded as duly elected to the governing body.

17.4 Where there are two non-educators at a school, the school electoral officer will draw a lot or use some other method that allows for a random selection between the tied nominees. In the case of more than two non -educators a democratic election must be held to determine who should be elected to the governing body

18 Nomination and Election meeting of Learner Members

18.1 The nomination and election of Representative Council of Learners on to the SGB must be as per Annexure 'A3" (notice of the meeting), "B3" (nomination form) and "C2" (ballot paper) as prescribed in Notice 110 of 2016 (The Establishment, Election and Functioning of Representative Councils of Learners in Public Schools in the Northern Cape).

18.2 The learners must be made aware of Section 32 of the Act, which outlines the status of minors on the governing body.

19 Nomination and Election meeting for Parent Members

19.1 The school electoral officer must in consultation with the principal prepare notices of the combined nomination and election meeting in which the date, time, and place of the nomination and election meeting shall be stated. The format of the notice and the ballot paper must be as per **Annexure "C"** and **"E"**, respectively.

19.2 The date, time and venue should be considered that will allow for maximum parent participation in the election.

19.3 Notices of the date time and venue of the nomination and election should be distributed and displayed in prominent places in the school and community at least 21 days prior to the date of the nomination and election meeting.

19.4 The principal of the school must ensure that:

- a) a hard copy of the notice is handed to every learner at least 21 days prior to the proposed nomination and election meeting with clear verbal instruction to the learner to hand it to his or her parent; and
- b) Any other communication method that works for the school community, as long as it in no way disadvantages any member of the school community;
- c) The notification must be in the school's language of instruction and where practical, in the

home language of learners.

20 Quorum

- 20.1** A quorum of 10% of the total number of parents on the voters roll is required for the nomination and election meeting to proceed.
- 20.2** If at the first nomination and election meeting a quorum is not reached, the meeting must be re-scheduled for another day not exceeding 7 days, and the same process described above must be repeated.
- 20.3** Candidates nominated prior to the rescheduling of the nomination and election meeting will remain nominated for election at the rescheduled meeting but further nomination may still be lodged and accepted.
- 20.4** Notice of the second election meeting should clearly state that no quorum is required for this meeting.

21 Nominations and Elections

- 21.1** The school election team must verify voters' credentials and proof as an eligible voter shall be a green barcode identity document or card, passport or valid driver's licence.
- 21.2** The school electoral officer will determine the time and duration of the nomination process: provided the time allocated is not less than 30 minutes and not more than 1 hour.
- 21.3** The nomination of a candidate shall take place during the nomination and election meeting giving the following process:
- a) A nomination is made during the time allowed for nomination provided that such nomination shall be supported by another parent and a nomination form is duly completed by the proposer, the seconder and the candidate, and is lodged with the electoral officer in the meeting. The proposer, seconder and candidate must be present in the nomination meeting.
 - b) No proxy votes will be allowed.
- 21.4** After the nomination time has expired the school electoral officer must:
- a) consider the nominations and reject the nomination of any candidate who:
 - I. has not been nominated in accordance with the procedure set out in these regulations;
 - II. is not eligible to be nominated and elected in terms of these regulations;
 - b) announce the names of the candidates whose nominations have been accepted.
- 21.5** If the total number of candidates whose nominations have been accepted:
- a) is less than the number of members allowed for the category of the school concerned as set out in **Annexure "A"**,
 - I. the nomination time shall be extended by a period not exceeding 30 minutes, if the nominations are still lower than the required number allowed for the category the meeting shall adjourn and the school electoral officer must convene another meeting for a period not exceeding 7 days. Members nominated prior to the rescheduling of the meeting, will remain nominated for election at the rescheduled election but further nomination may still be lodged and accepted.
 - II. If after the second nomination meeting held and the total number of valid nominations is still lower than the required number of parent members, the school electoral officer shall declare the nominated candidates to be duly elected and the provisions of regulation 8.5 and 8.6 shall apply: provided that by - elections shall be conducted within 90 days after the day of such election.
 - b) is equal to the number of the members referred the school electoral officer shall declare all the nominees duly elected to the governing body; or
 - c) is greater than the number of the members referred to in paragraph an election shall be held by secret ballot.

22 Casting of Votes

- 22.1** Prohibited conduct at voting station
- No candidate within the boundaries of a voting station may attempt to induce, influence or persuade a person to vote or not to vote.
- 22.2** The election shall be held on the date, time and place indicated in the notice of the nomination meeting.
- 22.3** The school electoral officer shall explain the procedure that will be followed in the meeting and must at

least stipulate that every nominated candidate will have the opportunity to state verbally in the meeting:

- a) his or her name;
- b) the names and grades of his or her children in the school;
- c) occupation and experience or skills; and
- d) his or her vision for the governance of the school, for parents to make an informed decision during the election process.

22.4 The election shall be by secret ballot. The format of the ballot paper must be as per **Annexure "E"**. Ballot papers issued should not be taken outside the voting station.

22.5 Before the ballot papers are distributed, the school electoral officer must ensure that every ballot paper has the school stamp on it, or some other distinguishing feature that prevents the ballot papers from being tampered with.

22.6 The school electoral officer must explain the voting process, the minimum and maximum number of candidates to be voted for as well as how to record the vote

22.7 Before the election meeting the school electoral officer shall:

- a) prepare papers with numbers on them and making sure that once nominated each nominee is assigned a number corresponding to the number on the ballot paper; or
- b) prepare papers with the names of all nominees on them in alphabetical order based on surnames; or
- c) distribute blank ballot papers wherein voters shall list the names or numbers of their chosen candidates in order of preference.

22.8 A voter shall, in secrecy, record his or her vote on the ballot paper and then deposit the folded ballot paper in a box or other closed container provided for the purpose.

22.9 An illiterate voter or a voter who suffers from a physical disability may, at their own request, be assisted by the school electoral officer or member of the electoral team in the presence of a witness identified by the voter.

22.10 The school electoral officer shall reject any spoiled paper before counting the votes recorded for every candidate if:

- a) The ballot paper on which the official mark or stamp does not appear;
- b) Ballot papers on which more votes are recorded than the number of members to be elected;
- c) A vote which is completed in such a way that it is, in the opinion of the electoral officer, uncertain for which candidate or candidates a vote was recorded for.

22.11 After the rejection of spoil papers, the school electoral officer must:

- a) count the votes in the presence of every candidate who wishes to be present;
- b) announce to the whole meeting the name of each candidate and the number of votes cast for each; and
- c) complete the form as per Annexure "F" indicating the number of votes each candidate obtained.

22.12 The school electoral officer must announce the candidates who have been elected, in the descending order of the number of votes obtained.

22.13 Where there is a tie in the number of votes obtained by two or more candidates and this affects the result of the election, the school electoral officer shall draw lots to ascertain a result or use some other method that allows for a random selection between the tied nominees. This must be done openly and by agreement of the nominees.

22.14 The school electoral officer shall decide all matters relating to the nominations and election.

22.15 The school electoral officer shall complete an election declaration form as per Annexure "G" after the parents' election and submit to the district electoral officer.

23 Dispute Resolution

23.1 The school electoral officer shall decide all matters connected with the nomination of candidates and the poll.

23.2 All disputes shall be reported to the school electoral officer during the elections.

23.3 The school electoral officer is authorised to attempt to resolve all disputes and, as far as possible, ensure that the elections are free and fair.

- 23.4** Should the school electoral officer, for any reason, be unable to resolve a dispute, he or she must allow the election to be completed and thereafter refer the dispute to the district electoral officer within 7 days of the election.
- 23.5** If a complainant is not satisfied with the decision of the School Electoral Officer he or she may refer a dispute to the district electoral officer within 7 days of receiving written notice of the final decision of the School Electoral Officer.
- 23.6** Should a complainant be dissatisfied with the decision of the district electoral officer he or she may lodge an appeal with the provincial electoral officer within 7 days of receiving written notice of the final decision of the decision of the district electoral officer.
- 23.7** The decisions referred to in 22.4, 22.5 and 22.6 must be made within 30 days of the receipt of referral.
- 23.8** Any dispute lodged after the processes referred to in regulations 22.7 will be regarded as a complaint and regulation 11.1.2 (m) will take effect.

24 Procedure after the elections

- 24.1** After the election of a governing body the school electoral officer must place all documents, including ballot papers, used at such election in envelopes and seal the envelopes and hand them over to the district electoral officer within 5 days of the election meeting.
- 24.2** The Principal, as a member of the outgoing and the newly elected governing body member, should manage the handing - over process as per **Annexure "I"** by:
- a) Officially handing over all governing body files to the newly elected governing body;
 - b) Conducting an induction session for the newly elected members and;
 - c) Answering any questions that the newly elected governing body may have.
- 24.3** The district electoral officer must:
- a) keep the envelopes in safe custody;
 - b) issue a declaration as per **Annexure "G"**, as to whether or not the election was undisputed, and in the event that it was, issue declaration detailing any disputes which may have arisen.
- 24.4** The school electoral officer must notify the principal in writing of the names and contact numbers of the persons elected as members, and in such notice direct the principal to inform all parents of the school of the election results within 5 days of the elections.
- ## **25 Election of Office-Bearers**
- 25.1** Prior to the election of office-bearers the principal shall make the members of the governing body aware of their responsibilities and the need to ensure that office-bearers are as representative of gender and racial diversity of the school as possible.
- 25.2** The principal shall convene the first meeting of the governing body within 7days after publication of the results of the elections.
- 25.3** At the first meeting of the governing body such body shall, from amongst its members, elect office bearers who must include at least a chairperson, a treasurer and a secretary: provided that the chairperson shall be a parent member of the governing body who is not employed at the school concerned.
- 25.4** Where for any reason the office of any office-bearer becomes vacant, the governing body shall, subject to the above provisions, 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.
- 25.5** The principal shall preside at the meeting if both the offices of chairperson and vice-chairperson are vacant.
- 25.6** It is advisable not to have more than two educator members serving as office bearers of the governing body;
- 25.7** Governing body members are advised not to hold more than one office at the same time on the governing body;
- 25.8** The principal must, after a meeting at which any office-bearer has been elected in accordance with these regulations, forthwith notify in writing the district director concerned of the date and names of the persons elected. **Annexure "H"** must be completed and submitted to the district director within 5 days after the meeting.
- 25.9** A governing body may-
- (1) (a) establish committees, including an executive committee; and
 - (b) appoint persons who are not members of the governing body to such committees on grounds of expertise, but a member of the governing body must

chair each committee.

- (2) A governing body of an ordinary public school which provides education to *learners* with special education needs must establish a committee on special education needs.

26 Deviation from Prescribed Procedures

26.1 The school electoral officer may after consultation with the district electoral officer and within 30 days prior to the election and nomination meeting, apply to the Head of Department for permission to deviate from the requirement of a single nomination and election meeting.

26.2 The Head of Department will consider such application if he or she is satisfied that:

- I. The deviation will promote the best interest of the school community and the school and will allow for the maximum participation of voters in the voting process;
- II. The deviation will not discriminate unfairly against any potential voter or group of voters;
- III. Sufficient provision is made to bring the information regarding nominees to parent's attention.

26.3 The Head of Department shall decide on the application within 14 days of the receipt thereof.

26.4 The Head of Department may, on good cause shown, allow any other deviation from the requirements in these regulations if, in his opinion, such deviation is justified.

27 Registration of Governing Body Members and Hand-over Procedure

27.1 At the first meeting the school principal must ensure that the particulars of every member of the new governing body appear on the data form referred to in regulation 7.

27.2 The principal must, within 5 days of the election of office bearers meeting, submit the data form to the district electoral officer.

27.3 The principal must inform the District Director of any changes to the membership of the governing body within 14 days of those changes.

27.4 The principal must plan and facilitate the Hand - over procedure in accordance with **Annexure "I"**.

28 Constitution of School Governing Body

28.1 The Constitution of a School Governing Body (SGB) of a public school shall reflect but not be limited to the following :

- a) The vision and mission statement of the school
- b) Duties of office bearers
- c) Establishment of committees with clear functions
- d) Meeting procedures and frequency
- e) Procedure to manage amendments to the constitution

29 By-Elections due to vacancies in the governing body

29.1 The principal of the governing body must inform the District Director of any vacancies, and request him or her to arrange for a by - election.

29.2 A school electoral officer must be appointed for each by - election.

29.3 A by - election must be held whenever:

- a) the number of parents members of a governing body falls to a number equal to or less than the total of the other members of the governing body;
- b) the number of members who, at the constitution of a governing body, were elected, or declared elected, falls to a number equal to or less than the quorum referred to in the constitution of a fully constituted governing body; or
- c) a member of the category of members of a governing body referred to in section 23 or 24 of the Act is no longer represented on a governing body

29.4 A vacancy shall occur whenever a member:

- a) Resigns in writing;
- b) Becomes deceased;
- c) Becomes disqualified as contemplated in regulation 10
- d) Absents him or herself from two or more consecutive meetings of the governing body

without the authorization of the governing body to do so;

- e) Is removed from office in accordance with provisions contained in a code of conduct contemplated in Section 18A of the Act;
- f) No longer falls within the category of members that he or she represented at the time of the election;
- g) If at any point, through an investigation by an electoral officer is found that an irregularity occurred during the election of such a member.

29.5 Whenever a vacancy occurs as envisaged in regulation 30 .4a by election must be held within 90 days of occurrence of such vacancy.

29.6 The procedure described in regulations 17- 22 shall apply to the by - elections.

29.7 A member elected in accordance with this paragraph remains in office for the unexpired term of office of his or her predecessor.

29.8 Should a vacancy contemplated in regulation 29.4 occur in respect of an elected parent member, a school governing body must temporarily co-opt a parent to serve as a member with full voting rights for a period not exceeding 90 days.

29.9 Should a vacancy contemplated in regulation 29.4 exist, the principal of the school must in writing and within 14 days, inform the District Director of the existence of such vacancy.

29.10 In the event of a vacancy in the categories of membership referred to in regulation 4.2 (b), (c) and (d) eligible members of the category concerned shall, within 60 days, hold an election to fill the vacancy.

29.11 The appointment of the co-opted parent referred to in regulation 29.8 shall take place within 21 days.

29.12 A governing body member with a child in the exit grade (7 or 12) must inform in writing the governing body chairperson and principal three months in advance before the end of the academic year.

29.13 If the Head of Department determines on reasonable grounds that a governing body has ceased to perform functions allocated to it in terms of the Act or has failed to perform one or more functions, he or she must follow procedure as set out in Section 22 and 25 of the Act.

29.14 Functioning of the new governing body

The newly elected governing body must start to function immediately after the successful completion of the election process.

30 Removal or suspension of Governing Body Members from Office

A member of the governing body of a public school may be removed from office in terms of section 18A of the South African Schools Act.

31 Electoral code of conduct

- (1) No registered candidate may-
 - (a) use a language or act in a way that may provoke: Interruption/violence during an election; or
 - (b) the intimidation of candidates, or voters;
 - (c) influence parents on the voters roll to attend or not to attend an election meeting; or
 - (f) to vote or not to vote, or to vote or not to vote in any particular way; or
 - (g) to refuse a nomination as a candidate or to withdraw as a candidate; or
 - (h) abuse a position of power, privilege or influence, including parental, or employment authority to influence the conduct or outcome of an election.

32 General provisions

32.1 Undue influence:

- (1) Subject to these regulations, no person may prevent anyone from exercising a right conferred by these regulations.
- (2) No person, knowing that another person is not entitled to be registered as a parent/guardian, may-
 - (a) persuade that other person that that other person is entitled to be registered as a parent/guardian; or
 - (b) represent to anyone else that that other person is entitled to be registered as a parent/guardian.

- (3) No person, knowing that another person is not entitled to vote, may-
- (a) assist, compel or persuade that other person to vote; or
- (b) represent to anyone else that that other person is entitled to vote.

33 Review of Regulations

These Regulations may be reviewed at any given time.

34 Repeal of Regulations

The Governing Body Regulations for Public Schools contained in Notice No. 1860 of 2014, and published in the Extraordinary Provincial Gazette of 03 December 2014, are hereby repealed.

35 Short Title

These Regulations shall be known as the Regulations for the Constitution and Election of Governing Bodies in Public Schools in the Northern Cape, and shall come into effect on publication in the Provincial Gazette.

TEMPLATES

Annexure	Template notation
A	Composition of governing bodies by type and grading of school
B	SGB Election Schedule
C	Election of governing body members Notice of SGB elections
D	Nomination Form
E	Ballot Paper
F	Counted Ballot Papers and Declaration of Number of Voters
G	Election Declaration Form
H1	SGB Composition Data Form for Ordinary Public Schools
H2	SGB Composition Data Form for Public School for Learners with Special Educational Needs
I	Handover Certificate
J	Declaration on the verification and updating Of the parents details voters roll
K	School governing body elections parents voters roll

ANNEXURE "A" (I)

COMPOSITION OF GOVERNING BODIES OF PUBLIC ORDINARY SCHOOL

- The number of members of a governing body of a public school is set out for each category of membership in the table below.
- The number of members in each category will vary in terms of regulation 4 (2), according to the type of school and it's grading as set out in column 1 and 2 below.
- In a school which does not have non-teaching staff, the number of parents set out in column 4 below shall be reduced by one and the total number of members set out shall be reduced by two.
- The governing body of a public combined ordinary school or comprehensive public school will have the same composition as a public secondary ordinary school.

1 Type of school	2 Grading of school	3 No. of Learners enrolled	4 No. of parent members	5 No. of educator members	6 No. of learner members	7 No. of non-teaching member	8 Principal	9 Total no of members
1. Primary Ordinary Schools	P1	<80	4	1	0	1	1	7
	P2	80-159	4	1	0	1	1	7
	P3	160-719	5	2	0	1	1	9
	P4	720+	6	3	0	1	1	11
2. Secondary Ordinary Schools	S3	<630	7	2	2	1	1	13
	S4	630+	9	3	3	1	1	17
3. Combined Schools	S3	<500	7	2	2	1	1	13
	S4	500+	9	3	3	1	1	17

ANNEXURE "A" (II) Composition of Governing Bodies of Public Schools for Learners with Special Education

Needs - Number of members appointed must be included within 14 days after the school's election.

- The number of members of a governing body of a public school for learners with special education needs is set out for each category of membership in the table below.
- The number of members in each category will vary in terms of regulation 5 (1), according to the type of school and it's grading as set out in column 1 and 2 below. Schools with more than 30 non educator members may elect 2 representatives.
- In a school which does not have learner members, the number of parents set out in column 5 below

shall be reduced by three.

8. Any member of the governing body elected or appointed from the categories of persons referred to in the Act, Section 24 (1) (a), (e), (f), (g), (h), and (i) may serve as the chairperson.

TYPE OF SCHOOL	NUMBER OF LEARNERS ENROLLED AT SCHOOL	PRINCIPAL	NUMBER OF EDUCATOR MEMBERS	NUMBER OF PARENT MEMBERS	NUMBER OF NON EDUCATOR MEMBERS	NUMBER OF LEARNER MEMBERS	NUMBER OF ELECTED MEMBERS
Primary School	1 to 149	1	1	5	1		8
Combined School	150 and more	1	2	5	1		9
Combined School	150 and more	1	2	8	1	2	14
The following categories of persons must be represented on a governing body of a public school for learners with special education needs							
Categories							
(e) representatives of sponsoring bodies, if applicable;							
(f) representatives of organisations of <i>parents of learners</i> with special education needs, if applicable;							
(g) representatives of organisations of disabled persons, if applicable;							
(h) disabled persons, if applicable; and							
(i) experts in appropriate fields of special needs education.							
Total number including appointed members:							



Annexure C

ELECTION OF GOVERNING BODY MEMBERS NOTICE OF SGB ELECTIONS

NAME OF SCHOOL: _____

Component: (Please tick with an X in the appropriate box)

EDUCATOR:

NON-EDUCATOR:

PARENT:

Notice is hereby given that a meeting for the nomination/election of candidates for the election of members of the governing body of the above-mentioned school, will be held

on _____ at _____ at _____
(date) (time) (place)

Candidates (who must be parents of learners at the school and who are not employed at the school/educators at the school/non-educators at the school/learners at the school) may be nominated during the nomination and election meeting by lodging with the electoral officer a nomination form duly completed by the candidates and his / her proposer and seconder. Both proposer and seconder must be illegible voters at the school.

Nominations will only be accepted at the nomination and election meeting. The proposer, seconder and candidate **MUST** be present in the nomination meeting.

An election and/or nomination meeting will be held on the date(s) as mentioned above. Proof of identification will be required to participate in the nomination and election processes (green barcode identity document or card, passport or valid driver's licence; valid residence/work permit).

NB. It is the responsibility of parents/guardians to ensure that their names are on the school's admission register, which can be viewed at the school.

For the meeting to proceed it must quorate, in the event of no quorum, the next nomination and election meeting must be held within 7days.

.....
SIGNATURE OF ELECTORAL OFFICER

.....
DATE



ANNEXURE D

ELECTION OF GOVERNING BODY MEMBERS NOMINATION FORM

COMPONENT (Please tick with an X in the appropriate box)

EDUCATOR:

NON-EDUCATOR:

PARENT:

NAME OF SCHOOL: _____

PROPOSER: I _____

(full name and surname)

of _____

(residential address)

being (indicate correct response) a parent or guardian of a learner,
an educator, non-educator, of the above-mentioned school, hereby propose:

(full name of candidate)

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

SIGNATURE OF THE PROPOSER **DATE**

SECONDER: I _____

(full name and surname)

of _____

(residential address)

being (indicate correct response) a parent or guardian of a learner,
an educator non-educator of the above-mentioned school, hereby
propose:

(full name of candidate)

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

SIGNATURE OF THE SECONDER **DATE**

NOMINEE:

I _____

(full name and surname)

of _____

(residential address)

Being a parent or guardian of a learner, an educator a non-educator of the above-mentioned

school, hereby accept the nomination and declare that I am not/have not:

- ? mentally ill and have not been declared as such by a competent court;
- ? an un-rehabilitated insolvent;
- ? been convicted of an offence and sentenced to imprisonment without the option of a fine for a period exceeding six months or have not yet served a full period of imprisonment;
- ? been declared to be unsuitable to work with children as stipulated in terms of the Children's Act, 2005 (Act 38 of 2005) or the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007.
- ? had my membership terminated by the HOD in terms of SASA.

SIGNATURE OF NOMINEE **DATE**

The nomination is (indicate correct response) accepted / rejected

FULL NAMES OF ELECTORAL OFFICER

.....
SIGNATURE OF ELECTORAL OFFICER **DATE**



BALLOT PAPER

NAME OF DISTRICT: _____

NAME OF SCHOOL: _____

COMPONENT (Please tick with an (X) in the appropriate box)

EDUCATOR

NON-EDUCATOR

PARENT

CHOOSE CANDIDATES BY PLACING A CROSS IN THE BOX NEXT TO THE CANDIDATE(S) OF YOUR CHOICE

e.g.

No	Names of Candidates	Place your (X) in this column
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

SIGNATURE OF ELECTORAL OFFICER

DATE



ANNEXURE F

COUNTED BALLOT PAPERS AND DECLARATION OF NUMBER OF VOTES

NAME OF DISTRICT: _____

NAME OF SCHOOL: _____

COMPONENT (Please tick with an (X) in the appropriate box)

EDUCATOR

NON-EDUCATOR

PARENT

DATE OF ELECTIONS NOMINATION:.....

No	Names of candidates (Most to least votes)	Total no.of votes
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

TOTAL NUMBER OF ELIGIBLE VOTERS:.....

TOTAL NUMBER OF VOTERS CAST:.....

SPOILED PAPERS:.....

FULL NAMES OF ELECTORAL OFFICER

SIGNATURE OF ELECTORAL OFFICER

DATE



ANNEXURE G

ELECTION DECLARATION FORM

NAME OF DISTRICT:

NAME OF CIRCUIT:

NAME OF SCHOOL:

NAME OF ELECTORAL OFFICER:

DATE OF ELECTIONS FOR:

Parent component: _____

Educator component: _____

Non-Educator component: _____

Learner component: _____

Complete the relevant section

SECTION A: Undisputed Elections

As the Electoral Officer for the above-mentioned elections I declare that the election of all components were undisputed.

Signature: _____ **Date:** _____

SECTION B: Disputed Elections

As the Electoral Officer for the above-mentioned I declare that the following component/s of the election was/were disputed

And hereby provide the detail of the said dispute/s.

Signature: _____ **Date:** _____



ANNEXURE I

HANDOVER DOCUMENT FROM OUTGOING SGB CHAIRPERSON TO NEWLY ELECTED SGB CHAIRPERSON

(A copy of this document must be submitted to the District Office 5 days after the Hand- Over process)

SCHOOL :__

DISTRICT :__

REGISTRATION NO:.

I, _____ (full names), the newly elected chairperson of the School Governing Body of _____ (school's name) hereby certify that I have received the following documents from the outgoing chairperson:

KEY AREA	ITEM	Mark with a cross (X) where applicable	
		YES	NO
1. LEGISLATION	1.1 The South African School Act (SASA), 1996 (Act 84 of 1996)		
	1.2 Policy for the consideration of governing bodies in adopting a code of conduct for learners (General Notice of 15 May 1998)		
	1.3 Amended National norms and standards		

for school funding (General Notice no. 646 of 27 August 2012)

1.4 Circular 74/2009-conducting disciplinary hearing against learners.

1.5 Office Notice 10 of 2007- Notice determining conduct that constitutes serious misconduct in public schools in the Northern Cape and related matters.

1.6 Official Notice 27 of 2005 - code of conduct for members of governing bodies in public schools.

1.7 The Constitution of the School Governing Body

1.8 The vision and mission statement of the school

1.9 Action plans for the following year based on the school development plan

2.1 Admission policy

2.2 Policy regarding school sport and cultural activities

2.3 Policy regarding use of school buildings and facilities by non-school community members

2.4 Policy on occupational health and Safety

2.5 Religious policy

2.6 Language policy

2.7 HIV and AIDS policy

2.8 Code of conduct for learners

2.9 School's policy regarding payment of school fees and the school's sliding scale for determining partial exemption

3.1 Finance Com minute book

3.2 Copy of assets register of school

3.3 Cash book

3.4 Receipt book (current) (Serial number:..)

3.5 Receipt book/s (completed) (Serial numbers :...)

3.6 Cheque book (current) (Serial number:..)

3.7 Cheque book/s (used) (Serial numbers :..)

3.8 Petty cash (Amount:...)

3.9 Bank statements for period 1 January to 30 June of current financial year

3.10 Documentary proof of investment(s) (if any)

3.11 List of NGOs/partners approved by district and operating in schools

3.12 Copy of 10th school day statistics

3.13 Copies of contracts of all staff employed by the SGB

3.14 Audited Financial Statements for period 1 January to 31 December of previous year

3.15 School's financial policy

3.16 School budget for current financial Year

4.1 Copies of analysis of results of previous three years (grades 1 to 12)

4.2 Strategy to improve learner performance

4.3 The school's development plan

2. POLICIES

3. FINANCIAL RESOURCES

4. LEARNER PERFORMANCE

5. Any other document(s)

Outgoing
Chairperson:
Name:
Signed:.
Date:

SCHOOL STAMP

Elected Chairperson:

Name:

Signed:

Date:

6.																				
7.																				
8.																				
Educators																				
1.																				
2.																				
3.																				
Non-Educators																				
1.																				
2.																				
Learners																				
1.																				
2.																				
3.																				
Governing body members Appointed from the categories of persons referred to in the Act, Section 24 (1) (a), (e), (f), (g), (h), and (i) (LSEN schools)																				
Co-opted Members (indicate the area of expertise beneath the name)																				

NB: Where persons referred to in Section 24 (a), (e), (f), (g) and (i) of the Act have been Appointed, Please attach copies of

Official letters from their organisation/sponsoring body appointing them to serve as representatives on the Governing Body.

NUMBER OF LEARNERS ENROLLED AT THE SCHOOL	African	White	Coloured	Indian	Total
--	----------------	--------------	-----------------	---------------	--------------

NO. OF SGB MEMBERS (Including the Principal): _____

CIRCUIT: _____ **CIRCUIT MANAGER:** _____

SCHOOL STAMP

Name of SGB Chairperson:.....

Signature:.....

Date:.....



NB: This form must be submitted after the school's election and everytime a vacancy is filled through a by election by the School Principal

ANNEXUREB

SGB ELECTION SCHEDULE

Province:..... **District:**..... **Circuit:**.....

Year of election:.....

School name	Physical address	Town/City	Principal	Contact no.	Electoral Officer	Contact no.	Election dates				Second election date (if applicable)
							E	PSA	L	P	





ANNEXURE K

SCHOOL GOVERNING BODY ELECTIONS PARENTS VOTERS ROLL

DATE (LAST UPDATED):..... DATE PRINTED:.....

Learner Details						Parental Details						
Surname	Name(s)	ID Number	Admission Date	Accession Number	Present Grade	Surname	Name(s)	ID / Permit Number	Relationship to Learner	Contact Details		
										Residential Address	Tel / Cell Number	Fax no. Email

Declaration:

I; (Name and Surname), in my capacity as school principal hereby declare and confirm that:

- ? The voters' roll for parents is based on the school admission register as per the updated data on SASAMS;
- ? I have verified and updated all the data/information on the school's SASAMS database prior to the printing of this official parents voters roll.

Signature of the Principal	Date
-----------------------------------	-------------