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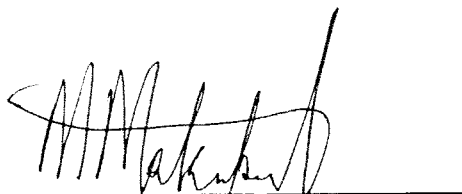
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PROVINCIAL NOTICE 226 OF 2017

**EASTERN CAPE REGULATIONS FOR THE
ELECTIONS OF SCHOOL GOVERNING
BODIES
FOR
PUBLIC SCHOOLS**

SOUTH AFRICAN SCHOOLS ACT, 84 OF 1996 as amended**REGULATIONS FOR THE ELECTIONS OF SCHOOL GOVERNING BODIES FOR
PUBLIC SCHOOLS**

I, the undersigned Mr M Makupula Member of the Executive Council for Education in the Eastern Cape Province, acting in terms of Section 28 of the South African Schools, 1996 (read with section 25 of the Eastern Cape Schools Education Act 1999), hereby publish in the Schedule hereto, the minimum requirements to which the Election of School Governing Bodies of Public Schools must comply with.



MR M MAKUPULA, MPL

MEC: EDUCATION – EASTERN CAPE

DATE

SCHEDULE

1 Definitions

(1) In these regulations, any word or expression to which a meaning has been assigned in the Act, bears the meaning assigned to it and, unless the context indicates otherwise—

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

"District Director" means an official appointed or acting in a post established as the head of the education district;

"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 public school;

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

"Member" means a member of the governing body;

"Non - educator member of staff" means a person appointed according to the Public Service Act or the South African Schools Act who is not an educator at a school;

"Member of the Executive Council" means the Member of the Executive council who is responsible for education in the Province;

"Parent" means –

- (a) The biological or adoptive parent or legal 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 (a) and (b) above towards the learner's education at school;

"Principal" means an educator appointed or acting in a post established as the head of a school;

"Provincial elections co-ordinator" means a senior provincial official at a provincial office responsible to oversee and manage the election process in the province;

"Public school" means—

- (a) an ordinary public school or
- (b) a public school for learners with special education needs; or

(c) a public school that provides education with a specialised focus on talent, including sport, performing arts or creative arts.

"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 or a public school for learners with special education needs which enrolls learners in one or more grades from grade R to grade 12;

"School electoral officer" means the Principal or a senior manager of another school. An educator or member of staff who has received training by the Independent Electoral Commission (IEC) as an Electoral Officer may serve as a School Electoral Officer of a school where he or she is not employed;

"The Act" means the South African Schools Act, 1996 (Act 84 of 1996), as amended.

2. Application of Regulations

These Regulations shall apply to the elections of school governing bodies for public schools within the Eastern Cape Province.

3. Composition of governing bodies for public schools

(1) The membership of the governing body of a public school comprises the following members:

- (a) Elected members;
- (b) The Principal, by virtue of his or her official capacity; and
- (c) Co-opted members.

(2) The elected members of the governing body referred to in sub regulation (1)

(a) comprise of the following members:

- (a) Parents of learners at the school;
- (b) Educators at the school;
- (c) Members of staff who are not educators;
- (d) Learners in grade 8 or higher at the school drawn from the
representative council of learners or nominated by the representative
council of learners, if applicable.

(3) The number of parent members, educator members, staff members who
are not educators and learner members of a governing body must,
depending on the type and grading of the school concerned, comply with
Schedule A of these regulations

4. Eligibility

A person shall not be eligible to be a member of a governing body if he or
she:

- (a) Is mentally ill and has been declared as such by a competent court;
- (b) Is an unrehabilitated insolvent;

- (c) Has been convicted of an offence and 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;
- (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);
- (e) Does not fall within one of the categories of members who make up a governing body;
- (f) No longer falls within the category of members that he or she represented at the time of his/her election, or
- (g) Has had his/her membership terminated by the Head of Department in terms of the Act.

5. Provincial Elections Co-ordinator

The duties of a Provincial Election Coordinator are amongst others to:

- (a) Ensure that there is adequate advocacy concerning the election date;
- (b) Compile a governing body election schedule;
- (c) Ensure compliance with procedures with regard to elections;
- (d) Coordinate the resources to conduct efficient and fair governing body elections;
- (e) Ensure that materials and procedures for the training of Districts and School Electoral Officers and Teams are in place and training takes place as planned;
- (f) Develop and provide templates of all documents required for the elections;
- (g) Resolve disputes related to the elections which could not be resolved at school or district levels;

- (h) Monitor and evaluate the election process in the province; and
- (i) Consolidate a database of governing bodies on taking office.

6. District Electoral Officer

The duties of a District Electoral Officer are amongst others to:

- (a) Co-ordinate the election processes in the district;
- (b) Advise the district on the proposed strategy and implementation of the election in the district and see to it that the process is conducted as agreed;
- (c) Compile a management plan to implement the provincial regulations;
- (d) Ensure that each school has an Electoral Officer in line with provincial regulations, and that the School Election Teams are established;
- (e) Ensure that all election officials working at school level are adequately trained and are aware of what their role entails;
- (f) Ensure that all Electoral Officers receive the provincial election regulations and other documents in timeously;
- (g) Ensure that election advocacy is conducted as planned;
- (h) Ensure that the entire election process at school is monitored;
- (i) Ensure that the names and contact details of the persons elected to governing bodies (refer to Template 1: Notification of all Members Elected to the Governing Body) are submitted within a week of the elections taking place;
- (j) Ensure that they receive the Data Form (refer to Template 2: Governing body Data Form) from the School Principal; and submit it to

the district within 14 days of the meeting at which the office bearers are elected;

- (k) Resolve disputes related to the decisions which could not be resolved at school level;
- (l) Develop a database of newly elected governing bodies and submit to the provincial election co-ordinator; and
- (m) Compile a written district report on elections and submit it to the Provincial Coordinator.

7. School Electoral Officer

The duties of a School Electoral Officer are amongst others to:

- (a) Prepare a notice giving details of the date, time and venue of the nomination and election meeting;
- (b) Ensure that there is a suitable venue for the nomination/election meeting;
- (c) Ensure that the School Election Team knows the electoral process to be followed and complies with relevant legislation;
- (d) Intervene in and resolve any disputes on the day of election; and
- (e) Submit election results to the district office.

8. Code of conduct for Electoral Officers (District and School)

An Electoral Officer, shall:

- (a) Act honestly and with dignity;
- (b) Act in an unbiased way;
- (c) Be familiar with the election process and applicable legislation;
- (d) Conduct the election in terms of the provincial prescripts;

- (e) Co-operate with school managers and line management;
- (f) Manage the voting process in a fair and just manner;
- (g) Deal with difficulties that may arise with courtesy;
- (h) Be polite and diligent; and
- (i) Not exceed his or her mandate.

9. The voters' roll

- (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 follows:
 - (a) The voters' roll for parents must be based on the school admission register. Eligible voters are those persons appearing in the admissions register as parents or who can show proof that they are parents as defined in the Act. Only two parents per learner are eligible to vote.
 - (b) The voters' roll for educators must consist of all educators employed at the school;
 - (c) The voters' roll for non – educators members of staff must consist of all members of staff employed at the school;
 - (d) The voters' roll for learners must consist of all members of the Representative Council of Learners (RCL).
 - (e) Voters' roll should be closed 48 hours before elections.
- (2) The electoral officer must at least 14 days prior to the date of the election for parent members inform the parents of the availability of the voters roll at the school.

- (3) All nominators, seconders and nominees must be people who are listed on the voters' roll.
- (4) Electoral officers should follow the principle of inclusion, transparency and democracy, rather than that of excluding potential voters.

10. Franchise

- (1) For purposes of school governing body elections there is a restriction of two parents per child.
- (2) Parents with more than one child enrolled at the school will be recorded against the name of the eldest child.
- (3) Every parent of a learner officially enrolled at a school is entitled to vote for parent members of the governing body and has one vote in respect of each nominee with a maximum number of votes equal to the number of parent members to be elected.
- (4) Every educator, employed at the school, including the principal, is entitled to vote for educator members and has one vote in respect of each nominee with a maximum number of votes equal to the number of educator members to be elected.
- (5) Every member of the representative council of learners is entitled to vote for learner members and has one vote in respect of each nominee with a maximum number of votes equal to the number of learner members to be elected.
- (6) Every non – educator member of staff is entitled to vote for a non – educator member of staff and has one vote. If the school has only one member of staff, that member is automatically elected.

(7) Proxy votes are not allowed.

11. Date, Time and Place of the Nomination and Election Meeting of Parent Members

(1) The school electoral officer must prepare notices in the prescribed form (Schedule F), in which the date, time and place of the nomination and election meeting must be stated. The nomination and election of members must be in one meeting.

(2) The school electoral officer must ensure that the notices regarding the nominations and elections are distributed and displayed in prominent places at the school and in the community at least 14 days prior to date of the nominations and elections and must submit such notice to the principal prior to the distribution and display of the notice.

(3) The principal must –

- (a) at least 14 days prior to the date of the nomination and election meeting for parent members hand a copy of the notice to every learner of the school concerned with a verbal instruction to hand it to his or her parents; or
- (b) use any other method that works for the school community, if it in no way disadvantages any members of the school community.

(4) Whatever method is used as mentioned in sub regulation (3) (b) above, the notices must be in the language of the school's instruction, and where practical, in the home language of learners.

12. Nomination of Parent Members

- (1) A parent must be nominated on the prescribed Nomination Form (Schedule G) and seconded only by a parent of a learner of the school concerned, by -
- (a) lodging with the school electoral officer, not more than seven days and not less than 24 hours prior to the commencement of the nomination meeting, a nomination form duly completed by the proposer, seconder and nominee;
 - (b) nominating a parent who must be proposed and seconded on the nomination form completed by the proposer during the nomination part of the meeting; or
 - (c) ensuring that the nominee must meet the requirements of regulation 4 and append his/her signature.
- (2) The electoral officer of the school must determine the time to be allowed for the nominations at the commencement of the nomination meeting, and must inform the meeting thereof.
- (3) After expiry of the time for nomination referred to in sub regulation (2) above, the electoral officer must -
- (a) consider the nominations and reject the nomination of any nominee who —
 - (i) has not been nominated in accordance with sub regulation (1) above;
 - (ii) is not eligible to serve on the SGB; or

- (iii) in the case of a nomination referred to in sub regulation (1)(b) above, has not completed the said nomination form, unless written proof to the satisfaction of the electoral officer of the school is submitted before the expiry of the time referred to in sub regulation (2), that such nominee will be willing to serve as a member of the governing body;
- (b) announce the names of the nominees whose nominations have been accepted.
- (4) If the total number of nominees whose nominations have been accepted -
 - (a) is less than the number of members required in respect of the category concerned, a new meeting at which new nominees must be nominated shall be convened within 14 days;
 - (b) is equal to the number of members required in respect of the category concerned, the electoral officer must declare every accepted nominee to be an elected member of the governing body; or
 - (c) is more than the number of members required in respect of the category concerned, an election must be held in accordance with regulation 14.

13. Quorum

- (1) A quorum of 15%, of parents on the voter's roll, is needed for the nomination and election meeting to proceed.
- (2) Nomination and election should be one meeting.
- (3) If the quorum is not met at the first election meeting, the election must be rescheduled within 7-14 days in which event the procedure prescribed in

regulation 12 shall be repeated. The notice of the second election meeting should clearly state that no quorum is required for that meeting.

(4) No proxy votes will be considered when calculating the quorum.

14. Election of Parent Members

(1) The election of the parent component of the governing body shall be preceded by the election of the other components.

(2) The election meeting must be held on the date and at the time and place as determined by the school electoral officer.

(3) The Electoral Officer must explain the proceedings to be followed and must stipulate that every nominee will have the opportunity to briefly state at least:

(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) Vision for the school.

(4) Before the ballot papers (Schedule H: Ballot Paper for Parent Members) are distributed, the Electoral Officer must:

(a) Ensure that every ballot paper has the school stamp on it, or some other distinguishing feature which prevents the ballot papers from being tampered with; and

(b) Explain the voting process, the minimum and maximum number of nominees to be voted for, as well as how to record the voting either by using numbers or by writing names or both.

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- (5) The ballot paper must indicate the names of all accepted nominees in alphabetical order based on their surnames. Each name must have a number corresponding to a number on the ballot paper.
- (6) If the total number of valid nominations is equal to the required number of parent members, those nominated are declared to be duly elected, and the School Electoral Officer must sign a declaration indicating that members were not elected by secret ballot, and that he or she allowed sufficient opportunity for more nominations
- (7) A person with a right to vote must record his or her vote on the ballot paper in secrecy and deposit the folded ballot paper in a box or other closed container provided for the purpose.
- (8) An illiterate person or a person not able to vote because of a physical disability may, at his or her own request, be assisted by the School Electoral Officer and a witness identified by the person.
- (9) The Electoral Officer must reject a ballot paper:
- (a) Which is without the school stamp or distinguishing feature as contemplated in sub regulation (4)(a);
 - (b) With more votes recorded than the number of members to be elected; and
 - (c) Which is completed in such a way that it is uncertain as to which nominee or nominees a vote was recorded for.
- (10) After the rejection of any spoilt ballot papers, the Electoral Officer must:
- (a) Count the votes in the presence of nominees who wish to be present;

- (b) Announce to the election meeting the name of each nominee and the number of votes cast for each;
 - (c) Complete the counted ballot papers form (Schedule I: Counted Ballot Papers and Declaration of Number of Voters) in order of the most votes to the least votes; and
 - (d) Declare who has been duly elected. The person with the most votes is named or listed first and the one with least votes is named or listed last.
- (11) Where the number of votes recorded for two or more nominees is equal and it affects the result of the poll, the Electoral Officer must ascertain the result with regard to the said nominees by drawing lots or by using some other method that allows for a random selection between the tied nominees. This must be done openly and by agreement of the nominees.

15. Nomination and Election Meeting of Educator members

- (1) The School Electoral Officer will decide on a date, time and place for the nomination and election meeting for educator members. This meeting must be held at least 24 hours before the election of the parent member component.
- (2) The Principal must give the School Electoral Officer a list of all educators at the school. This will serve as the voters' roll.
- (3) The School Electoral Officer must ensure that each educator at the school receives a copy of the notice of the nomination meeting (Schedule F: Notice of Nomination and Election Meeting) at least 14 days before the date of the meeting.

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- (4) An educator can only be nominated and seconded (Schedule G: Nomination Form) by another educator employed at the school.
- (5) The completed nomination forms must be lodged with the School Electoral Officer not more than seven days and not less than 24 hours prior to the commencement of the nomination meeting.
- (6) Educators nominated at the meeting will need another educator present to second the nomination, and the nomination form will have to be properly completed and handed in to the School Electoral Officer within the time that the Electoral Officer allows for this purpose.
- (7) If the total number of valid nominations is equal to the required number of educator members, those nominated are declared to be duly elected, and the School Electoral Officer must sign a declaration indicating that members were not elected by secret ballot, and that he or she allowed sufficient opportunity for further nominations.
- (8) If nominations are less than the number required for the educator component of the governing body, the School Electoral Officer must convene another meeting before the parent members' election meeting.
- (9) If the nominations are more than the required number of educators, elections are conducted by secret ballot (Schedule H: Ballot Paper for Educator Members), using the same procedure as described for the parent members' election.

16. Nomination and Election Meeting of a Non - Educator Member of Staff

(1) The procedure for the election of the member of staff to the governing body is as follows:

- (a) The procedure as set out for the nomination and election of the educator component applies, with the necessary changes, to this category of the governing body;
- (b) Where there is no non - educator member of staff at the school, the position will be left unfilled;
- (c) Where there is one non – educator member of staff, that person is regarded as duly elected to the governing body;
- (d) In cases where there are three or more members of staff at a school, a democratic election must be held to determine who should be appointed to the governing body (refer to Schedule F: Notice of Nomination and Election Meeting). The Electoral Officer may, with the approval of the non – educator member of staff, draw lots as an alternative method to appoint a non – educator member of staff if there are two non – educator members of staff on the school staff.

17. Nomination and Election of Learner Members

- (1) The Representative Council of Learners shall elect from its ranks learners who shall be members of the governing body.
- (2) The procedure for the nomination and election of learner members shall be as prescribed for educator members in regulation 15.
- (3) The number of learners elected to the governing body should be in line with the formulae for the calculation of members of the governing body as per category indicated in Schedule A.

- (4) The learners must be made aware of section 32 of the Act, which outlines the status of minors on the governing body.

18. Deviation from a single election meeting

- (1) Schools must apply to the HOD for permission to deviate from the single election meeting. After permission has been granted in writing, the school must communicate such to the electoral officer before notices are sent out to parents.
- (2) The HOD amongst other matters will consider such an application if he or she is satisfied that:
- (a) The deviation will promote the best interests of the school community and the school and will allow for maximum participation of voters in the voting process;
 - (b) The deviation will not discriminate unfairly against any potential voter or group of voters;
 - (c) Sufficient provision is made for the nomination process.
- (3) If it is decided that the school may deviate from the single election meeting a quorum of 15% of voters is needed for the counting of votes to proceed.
- (4) If less than 15% voted, then the electoral officer must determine a new date for the voting and at this voting process no quorum is required.

19. Decision of School Electoral Officer

- (1) The School Electoral officer shall decide all matters concerned with the nomination and election of nominees in terms of all the categories.

- (2) All disputes should be reported to the School Electoral Officer during the process of the elections.
- (3) The School Electoral Officer shall resolve all disputes in order to declare elections undisputed. His or her decision during the election is final.
- (4) If the School Electoral Officer is unable to resolve the dispute, the election should be completed and the dispute can then be referred to the District Electoral officer within seven days after the election day. The District Electoral officer shall inform the complainant in writing of his/her decision and the reasons therefore within 14 days of receipt of the complaint.
- (5) In the event that knowledge of any alleged irregularity only becomes available after completion of the election process, a dispute can be referred to the District Electoral officer. The provisions of sub regulations 19(4) and 19(6) will then apply.
- (6) An appeal may be lodged with the MEC within 07 (seven) days, should the complainant not be satisfied with the decision taken by the District Electoral officer.
- (7) The MEC must inform the complainant in writing of his or her decision and the reasons therefore within 30 (thirty) days of receipt of the appeal.

20. Procedure after Election of Governing body

- (1) After the election of a governing body the School Electoral Officer must:
 - (a) Place all documents used at such election, including ballot papers, in envelopes and seal the envelopes;

- (b) Keep such 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 in writing of his or her election;
 - (d) Notify the Principal of the school in writing of the names and addresses of the persons elected as members, and inform the Principal that he or she must notify the parents of the election results within 14 days of the meeting;
 - (e) Ensure that the District Director is informed in writing of the names and addresses of the persons elected as governing members (Schedule B: Notification of all Members Elected to the governing body); and
 - (f) Submit an undisputed election declaration where this was the case, or a declaration detailing any disputes (Schedule J: Election Declaration Form).
- (2) The Principal must ensure that the Data Form (Schedule C: Governing Body Data Form) is completed by every member of the newly elected governing body. This form must be submitted to the district within 14 days after notification of the results of the election.
- (3) The Principal is required to inform the provincial Department of Education of any changes in membership of the Governing Body within 14 days of those changes being effected, to ensure that the database is up to date.

21. Hand over

- (1) The Principal, as a member of the outgoing and the newly elected governing body, should manage the handing-over process 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.
- (2) A list indicating the minimum documents that need to be handed over to the incoming governing body is included (Schedule K: Handover documents).

22. Election and term 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 names and addresses of all the members of the governing body.
- (2) Prior to the election of office-bearers, the principal shall inform the members of the governing body of their responsibilities and the need to ensure that office-bearers are as representative of gender and racial diversity of the school as possible.
- (3) 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. The Principal shall preside at the election of the Chair of the School Governing Body who shall then officially preside over the meeting.

- (4) The office-bearers, apart from the learner component, shall remain in office for one year 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, 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, after a meeting at which any office-bearer has been elected 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.

23. By-elections due to vacancies in the governing body

- (1) The chairperson of the governing body in consultation with the principal must inform the District Director of any vacancies and arrangements for a by-election.
- (2) An electoral officer of a school must be appointed for each by-election.
- (3) A by-election must be held whenever —
 - (a) the number of parent 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.
- (4) A vacancy shall occur in a governing body if a member -
 - (a) Resigns;
 - (b) Dies;
 - (c) Becomes disqualified as contemplated in regulation 4;
 - (d) Absents himself or herself from two or more consecutive meetings of the governing body without the authorisation 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; or
 - (f) No longer falls within the category of members that he or she represented at the time of the election.
- (5) Whenever a vacancy occurs as envisaged in sub regulation (4), a by-election must be held within 90 days of the occurrence of such vacancy.
- (6) The by-election must be held in accordance with regulation 10 to 16, depending on the category.
- (7) A member elected in accordance with this regulation remains in office for the unexpired term of office of his or her predecessor providing they are still eligible.

24. Membership of Governing Bodies of Public Schools for Learners with Special Education Needs

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- (1) These regulations will apply mutatis mutandis to governing bodies of public schools for learners with special education needs unless indicated otherwise.
 - (2) The governing body of a public school for learners with special education needs should be comprise the following:
 - (a) Parents of learners enrolled at the school, if reasonably practicable;
 - (b) Educators at the school;
 - (c) Members of staff at the school who are not educators;
 - (d) Learners in Grade 8 or higher, if reasonably practicable;
 - (e) Representatives of sponsoring bodies, if applicable;
 - (f) Representatives of organisations of parents of learners with special education needs, if applicable;
 - (g) Representatives of organisations of disabled persons, if applicable;
 - (h) Persons with disabilities, if applicable;
 - (i) Experts in relevant fields of special needs education; and
 - (j) The Principal by virtue of his or her official capacity.
 - (3) The chairperson of the governing body in the case of a public school for learners with special education needs can be any member of the governing body elected from the persons referred to in sub regulation (2)(a), (e), (f), (g), (h), and (i).
 - (4) The number of parent members, educator members and learner members of a governing body must, depending on the type and grading of the school concerned, comply with Schedule A to the regulations.

- (5) Parents must elect the members referred to in sub regulation (2) (a) in accordance with regulation 14.
- (6) Educators employed at the school concerned must elect the members referred to in sub regulation (2) (b) in accordance with regulation 15.
- (7) Non – educator members of staff at the school concerned who are not educators must elect the members referred to in sub regulation (2) (c) in accordance with regulation 16.
- (8) The Representative Council of Learners must elect the members referred to in sub regulation (2) (d) in accordance with regulation 17.
- (9) Members of categories referred to in sub regulation (2) (e), (f), (g) and (h) must furnish the Head of Department with appointment letters from their organisation for the duration of the Governing Body term of office within 14 days after the school's election.
- (10) Any member of the governing body elected or appointed in terms of sub regulation 24 (2) (a) (e) (f) (g) (h) and (i) may serve as the chairperson of the governing body.

25. Repeal

All other Regulations which are inconsistent with the Act and these Regulations are hereby repealed.

26. Short title

These regulations shall be called Relating to the Election of Governing Bodies of Public Schools.

Number	Template notation
A	Composition of governing body of ordinary public schools by type and learner enrolment
B	Notification of All Members Elected to the Governing Body
C	Governing Body Data Form
D	Parents Voters' Roll
E	Voter's Roll
F	Notice of Nomination and Election Meeting
G	Nomination Form
H	Ballot Paper
I	Counted Ballot Papers and Declaration of Number of Voters
J	Election Declaration Form
K	Handover Documents
L	Election Monitoring Instrument (Election Day)
M	Pre-election monitoring
N	Governing Body Election Schedule

SCHEDULE A**COMPOSITION OF GOVERNING BODY OF ORDINARY PUBLIC SCHOOLS BY TYPE AND LEARNER ENROLMENT**

- (1) The numbers of a governing body of a school are set out for each category of membership in the table below.
- (2) The number of members in a category will vary according to the type of school and learner enrolment set out in columns 1 and 2.
- (3) In a school which does not have a member of staff, the number of parents set out in column 4 shall be reduced by one and the total number of members set out in column 8 shall be reduced by one.

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	TOTAL NUMBER OF MEMBERS
Primary School	1 to 159	1	1	4	1	0	7
Primary School	160 to 700	1	2	5	1	0	9
Primary School	701 and more	1	3	6	1	0	11
Secondary School	1 to 649	1	2	7	1	2	13
Secondary School	650 and more	1	3	9	1	3	17
Combined School	1 to 499	1	2	7	1	2	13
Combined School	500 and more	1	3	9	1	3	17

COMPOSITION OF GOVERNING BODY OF PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATIONAL NEEDS BY TYPE AND LEARNER ENROLMENT

One member per applicable category. The table does not have the numbers for categories that are for appointment.

TYPE OF SCHOOL	NUMBER OF LEARNERS ENROLLED AT SCHOOL	PRINCIPAL	NUMBER OF EDUCATOR MEMBERS	NUMBER OF PARENT MEMBERS If reasonably practical	NUMBER OF NON EDUCATOR MEMBERS	NUMBER OF LEARNER MEMBERS If reasonably practical	Elected members	Total number of members
Primary School	1 to 149	1	2	5	1	0	9	Plus members appointed per applicable category
Primary School	150 and more	1	3	6	1	0	11	
Secondary School	1 to 149	1	2	6	1	1	11	
Secondary School	150 and more	1	3	8	1	2	15	
Combined School	1 to 149	1	2	7	1	2	13	
Combined	150 and	1	3	8	1	2	14	

School	more							
--------	------	--	--	--	--	--	--	--

SCHEDULE B**NOTIFICATION OF ALL MEMBERS ELECTED TO THE GOVERNING BODY**

SCHOOL: _____

DISTRICT: _____

ELECTION DATE: _____

SURNAME	NAMES	TEL NUMBER	CELL NUMBER	FAX NUMBER	EMAIL
Principal					
Parents					
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
Educators					
1.					
2.					
3.					
Members of staff					
1.					
Learners					
1.					
2.					
3.					

FULL NAME OF ELECTORAL OFFICER: _____

SIGNATURE: _____

DATE: _____

SCHEDULE C

GOVERNING BODY DATA FORM

PROVINCE: _____ SCHOOL NAME: _____ EMIS

NO.

Surname and initials	Gender		Race			Disability		Education level			Previous SGB experience in years	Previous SGB training		SGB portfolio	
	F	M	A	W	C	I	Yes	No	Primary	Secondary		Tertiary	None		Yes
Principal															
Parents															
1.															
2.															
3.															
4.															
5.															
6.															
7.															
8.															
9.															
Educators															
1.															
2.															
3.															
Members of staff															
1.															
Learners															
1.															
2.															
Appointed members (LSEN schools)															
1.															
2.															
NUMBER OF LEARNERS ENROLLED AT THE SCHOOL															
											African	White	Coloured	Indian	Total

Chairperson

NUMBER OF LEARNERS ENROLLED AT THE SCHOOL

Figure 1: A schematic diagram of the experimental setup. It shows a participant seated at a table, looking at a monitor. The monitor displays a 3D virtual environment with a building and a red dot indicating a target location. The participant is holding a controller. The setup is labeled 'Figure 1'.

SCHEDULE D**PARENTS VOTERS' ROLL****SCHOOL:** _____**DISTRICT:** _____**NB:** Only one child per family should appear on the voters' roll

SURNAME	NAME(S)	NAME OF THE CHILD	GRADE OF THE CHILD

SCHEDULE E**VOTERS' ROLL**

SCHOOL: _____

DISTRICT: _____

COMPONENT:

Educators	Member of staff	Learners
-----------	-----------------	----------

NO.	SURNAME	NAME
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		

SCHEDULE F**NOTICE OF NOMINATION AND ELECTION MEETING****NAME OF SCHOOL:**

COMPONENT:

Parents	Educators	Member of staff	Learners
----------------	------------------	------------------------	-----------------

Notice is hereby given that a meeting for the nomination and election of nominees for
 () members of the governing body of the above-mentioned
 school, will be held on (Date) at
 (Time) at (Place).

For parents nominees, the proposer and the seconder must be parents of learners at the school. Nominees must be parents that are not employed at the school. For each category: the nominee, the proposer and the seconder must come from the membership of that category.

The nomination form must be returned to the school at least one day before the elections are conducted.

Nominations will also be accepted at the nomination and election meeting.

NB: It is the responsibility of the nominee and the voter to ensure that their names are on the school's voters' roll, which can be viewed at the school.

NAME OF SCHOOL ELECTORAL OFFICER

SIGNATURE OF SCHOOL ELECTORAL OFFICER

DATE

Tel:

SCHEDULE G**NOMINATION FORM**

NAME OF SCHOOL:

COMPONENT:

Parents	Educators	Member of staff	Learners
---------	-----------	-----------------	----------

PROPOSER:I,
(full name)

being (a parent of a learner / an educator / a member of staff / a member of the Representative Council of Learners of the above-mentioned school), hereby propose:

.....
(full name of nominee)

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

SIGNATURE OF PROPOSER_____
DATE**SECONDER**I,
(full name)

being (a parent of a learner / an educator / a member of staff / a member of the Representative Council of Learners of the above-mentioned school), hereby second:

.....
(full name of nominee)

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

SIGNATURE OF SECONDER_____
DATE**DECLARATION BY NOMINEE:**

I, the nominee.....(Full names) 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; and
- been declared to be unsuitable to work with children as stipulated in terms of the Children's Act, 2005 (Act 38 of 2005).
- had my membership terminated by the HOD in terms of SASA.

Signed at.....on

Signature:..... Date:.....

SCHEDULE H**BALLOT PAPER**

SCHOOL: _____

DISTRICT: _____

COMPONENT:

Parents

Educators

Member of staff

Learners

VOTE BY PLACING A CROSS IN THE BOX NEXT TO THE NOMINEE(S) OF YOUR CHOICE, e.g. ☒

	Name	Vote by a X
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

SCHEDULE I

COUNTED BALLOT PAPERS AND DECLARATION OF NUMBER OF VOTES

DISTRICT:

SCHOOL:

COMPONENT:

Parent	Educators	Member of staff	Learners
--------	-----------	-----------------	----------

DATE OF ELECTION

TYPE OF
SCHOOL

PRIM

SEC

COMB

LSEN

Number	Names of nominees (Most to least votes)	Number of votes
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

TOTAL NUMBER OF ELIGIBLE VOTERS: _____

TOTAL NUMBER OF VOTES CAST: _____

SPOILT PAPERS: _____

NAME OF SCHOOL ELECTORAL OFFICER:

SIGNATURE: _____

DATE: _____

SCHEDULE J**ELECTION DECLARATION FORM**

NAME OF SCHOOL:

NAME OF DISTRICT:

NAME OF SCHOOL ELECTORAL OFFICER:.....

DATE OF ELECTIONS FOR COMPONENTS:

Parent	Educators	Member of staff	Learners

Complete the relevant section**SECTION A Undisputed Elections**

As the School 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 School 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.

.....

 NAME OF SCHOOL ELECTORAL OFFICER

 SIGNATURE OF SCHOOL ELECTORAL OFFICER

DATE

Tel:

SCHEDULE K**DOCUMENT FROM OUTGOING GOVERNING BODY CHAIRPERSON TO NEWLY ELECTED GOVERNING BODY CHAIRPERSON**

(These documents are the property of the school and must be kept safely by the School Principal.)

SCHOOL : _____ EMIS
NO: _____ DISTRICT: _____

I, _____ (full names), the newly elected chairperson of the school governing body of _____ (school's name) hereby certify the following documents / e-copies have been handed over to the incoming SGB by 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 Provincial Education Act		
	1.3 Regulations related to the governing bodies of public schools		
	1.4 National norms and standards for school funding (General Notice 869 of 2006)		
	1.5 Provincial Regulations Regarding the misconduct of learners at public schools and disciplinary proceedings		
	1.6 Regulation for Exemption of parents from the payment of school fees (General Notice 1149 of 2006)		
OTHER DOCUMENTATION	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. POLICIES	2.1 Admission policy		
	2.2 Policy regarding school sport and cultural Activities		

KEY AREA	ITEM	Mark with a cross (X) where applicable	
		YES	NO
3. FINANCIAL RESOURCES	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 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 (if any) e.g. MEC permission.		
	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 Public School		
	3.14 Audited Financial Statements for period 1 January to 31 December of previous Year		
	3.15 School's financial policy		

KEY AREA	ITEM	Mark with a cross (X) where applicable	
		YES	NO
4. LEARNER PERFORMANCE	3.16 School budget for current financial year		
	3.17 Resolution to Charge School Fees – if applicable		
	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 -2012		
	4.4 The School Improvement Plan – current year		

Name: _____

Signed: _____

Date: _____

Newly elected SGB Chairperson

Name: _____

Signed: _____

Date: _____

Outgoing SGB chairperson

SCHEDULE L

ELECTION MONITORING INSTRUMENT (ELECTION DAY)

1. General information

1.1 Name and type of school	
1.2 Province	
1.3 District office	
1.4 Provincial official (name and designation)	
1.5 District official (name and designation)	
1.6 School Electoral Officer (name and designation)	
1.7 Election dates:	<ul style="list-style-type: none"> • Learners..... • Educators..... • Member of staff..... • Parents.....
1.8 Number of parents on the voters' roll	
1.9 Total number of learners at the school	
1.10 Demographics of learners at the school (e.g. 60% African, 20% White, 10% Indian and 10% Coloured)	
1.11 Demographics of voters at the meeting (e.g. 60% African, 20% White, 10% Indian and 10% Coloured)	
1.12 Number of parents present at the meeting?	
1.13 Total number of parents nominated:	
• Gender (e.g. 9 men and 12 women)	
• Racial breakdown	
• People with disabilities	
1.14 Total number of parents elected:	
• Gender (e.g. 4 men and 6 women)	
• Racial breakdown	
• People with disabilities	
1.15 How long before the election were nomination and election notices received?	

2. Nomination and election process

2.2 Observations about the venue (e.g. space,	
---	--

furniture and lighting).	
2.3 Was the quorum of 15% met? If not, when is the next election date?	
2.4 Were the voters checked against the voters' roll?	
2.5 Did the Electoral Officer clearly explain the nomination process?	
2.6 Did he/she invite further nominations? Explain the process	
2.7 Were the nomination forms properly completed?	
2.12 Were the nominees allowed the opportunity to introduce themselves?	
2.9 Did the Electoral Officer clearly explain the election process?	
2.11 Did the election officer verify that the ballot boxes were empty prior to voting?	
2.13 Did the voting booths allow for secret voting?	
2.14 Were there any disputes lodged? Explain the nature of disputes and how they were resolved.	
2.15 Was the counting process observed? If so, who observed the process?	
2.16 Were the election results announced at the meeting?	
2.17 Were there any irregularities? (Specify.)	

Comments/additional information/concerns

.....

.....

.....

.....

.....

.....

School Electoral Officer:.....

Signature :Date:

Department of Basic Education Official:

Signature: Date:

SCHEDULE M

PRE-ELECTION MONITORING INSTRUMENT

1. General information

1.1 Province	
1.2 Period of election	
1.3 Provincial official	Name: Tel: Cell:

2. Advocacy

2.1. Which radio stations are you planning to use?	
2.2 How long will the messages be aired?	
2.3 What are the key messages?	
2.4 Which newspapers are you planning to use?	
2.5 What are the key messages?	
2.6 Are you going to use the posters and flyers?	
2.7 What are the key messages of the posters and flyers?	
2.8 What other forms of advocacy are you intending to use (e.g. road shows)?	
2.9 What was the most effective mode of advocacy in the previous elections?	
2.10 Why was it the most effective in your view?	
2.11 How and when is the MEC going to launch the elections?	

3. Election budget

3.1 Election budget	
3.2 Source of budget	

4. List of documents

NB: If some of the following documents are not available, please indicate when they will be developed:

Are the following in place?

4.1 Provincial regulations for SGBs	
4.2 Code of conduct for SGB members	
4.3 Samples of all templates to be used in the elections	
4.4 Documents for the training of electoral officers	
4.5 SGB elections management plan	
4.6 Circulars to the districts on the SGB elections matters	
4.7 SGB election schedules from schools	
4.8 Provincial monitoring tools relating to SGB elections	

5. Election teams

NB: If some of the following tasks have not yet been carried out, please indicate when they will be done:

5.1 Is a provincial election task team (including all stakeholders) established?	
5.2 Have the District Electoral Officers been officially appointed in writing?	
5.3 Are district election teams established?	
5.4 Are school election teams established?	
5.5 Have all schools been paired?	
5.6 Have all election teams trained?	
5.7 Who will provide the training?	

6. Monitoring and evaluation

6.1 Is there a plan in place to monitor the elections?	
6.2 How will it be ensured that monitoring of the elections takes place?	
6.3 How will it be ensured that data on newly elected governing bodies is captured?	
6.4 Who will be responsible for the development of the election	

report?	
6.5 Will an external evaluation of the election process be conducted? If so by who?	

7. Physical resources

7.1 What type of venues are going to be used for governing body elections (e.g. school hall)?	
7.2 Do all schools have suitable venues for the purpose (in terms of space, furniture, ventilation, etc.)?	
7.3 Are plans in place for availability of resources in schools (e.g. prepare ballot boxes and voting booths)?	
7.4 Will some of the physical resources be outsourced? Please specify.	
7.5 If resources are going to be outsourced, who will be potential providers?	

Comments/additional information

.....

.....

.....

.....

.....

.....

.....

.....

.....

Provincial Electoral Officer:

Signature: Date:

Department of Basic Education Official:

Signature: Date:

GOVERNING BODY ELECTION SCHEDULE

Year of election:

[illegible]