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DEPARTMENT OF EDUCATION

NO. 34

25 June 1999

MEASURES RELATING TO THE GOVERNING BODIES FOR PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS

The Member of the Executive Council responsible for Education in the Province of the Eastern Cape has in terms of section 28 of the South African Schools Act, 1996 (Act No. 34 of 1996) promulgated the measures set out in the Schedule.

S. M. MAMATULA, Member of the Executive Council responsible for Education, Province of the Eastern Cape

SCHEDULE

MEASURES RELATING TO GOVERNING BODIES FOR PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS

1. DEFINITIONS

In these Measures any word or any expression to which a meaning has been assigned in the Act, bears the meaning assigned to it, unless the context otherwise indicates-

"Department" means the department responsible for education in the Province of the Eastern Cape;

"educator" means an educator as defined in the Educators Employment Act, 1994 (Proclamation No. 138 of 1994);

"electoral officer" means an electoral officer referred to in the Section 17;

"governing body" means a governing body contemplated in terms of section 16 (1) of the Act;

"Head of Department" means the Permanent Secretary;

"Interested party" means a parent of an enrolled learner at a school or a representative of a sponsoring body or a person duly authorized by the Head of Department;

"member" means a member of the governing body;

"member of staff" means a person employed at a school;

"Member of the Executive Council" means the member of the Executive Council who is responsible for education in the Province of the Eastern Cape;

"Minister" means the minister as defined in section 1 of the Act;

"non-educator member" means a person employed at the school in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994);

"officer" means an employee or an educator of the Department appointed in terms of the Educators Employment Act, 1994 (Proclamation No. 138 of 1994) or the Public Service Act, 1994 (Proclamation No. 103 of 1994);

"parent" means-

- (a) the parent or guardian of a learner with special education needs;
- (b) the person legally entitled to custody of a learner with special education needs; or
- (c) the person who undertakes to fulfill the obligations of a person referred to in paragraphs (a) and (b) towards the learner's education at school;

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

"Representative Council of Learners" means a Representative Council of Learners established in terms of section 11 of the Act;

"school" means a public school for learners with special education needs as contemplated in section 12 of the Act; and

"the Act" means the South African Schools Act, 1996 (Act No. 84 of 1996).

2. COMPOSITION OF GOVERNING BODY

(1) A governing body established for a public school for learners with special education needs in terms of section 24 of the Act, shall subject to subsections (2) and (3) as appropriate, consist of-

(a) Elected members-

- (i) parents of learners at the school, if reasonably practicable;
- (ii) educators at the school;
- (iii) one member of staff at the school who is not an educator;
- (iv) learners in the eighth grade or higher, if reasonably practicable;

- (v) the principal in his or her official capacity;
- (vi) representatives of sponsoring bodies, if applicable; and

(b) Co-opted members-

- (i) representatives of organisations of parents of learners with special education needs, if applicable;
- (ii) representatives of organisations of disabled persons, if applicable;
- (iii) disabled persons, if applicable; and
- (iv) experts in appropriate fields of special needs education, in accordance with the number shown in Annexure E as appropriate.

(2) A Representative Council of Learners must elect the learners referred to in sub-section 2 (1) (a) (iv).

(3) The head of Department shall, if a governing body does not exist at a public school for learners with special education needs, or has ceased to function, appoint at least 3 persons in the service of the Department to perform duties and discharge the functions of a governing body at the school for a period not exceeding 3 months.

(4) The head of Department may extend the period referred to in subsection (3) by further periods not exceeding 3 months each, but the total period shall not exceed one year.

(5) A governing body must be elected under these measures within a year after the appointment of persons referred to in subsection (3).

4. DISQUALIFICATION OR REMOVAL OF A MEMBER OF GOVERNING BODY

A person shall be disqualified from being a member of a governing body if he or she-

- (a) has at any time been convicted of an offence for which he or she is sentenced to imprisonment without the option of a fine, unless he or she has received a free pardon or the period of his or her imprisonment has expired at least 3 years prior to the date of his or her election as a member of such body;
- (b) is mentally ill and has been so declared by a competent court;
- (c) is an unrehabilitated insolvent; or
- (d) in the case of a parent member, does not have a child enrolled as a learner with special education needs at the school concerned.

(2) the procedure for the disqualification or removal of a member of the governing body shall be as follows:

- (a) The head of Department or his or her duly appointed representative, shall by notice in writing, inform such member of the governing body, of the allegations raised against such member, and of the reasons why it is desired to disqualify or remove him or her, as a member of the governing body concerned.
- (b) Such notice shall require the member of the governing body concerned, to either confirm or deny the allegations raised, within 14 days of receipt of the notice referred to in section 4(1).

- (c) If the member of the governing body concerned admits the allegations, or should be or she fail to respond within the prescribed 14 days, he or she shall be deemed to be guilty of the allegations raised and the head of Department may in writing, advise such member that he or she is disqualified as a member of the governing body and that his or her removal from such governing body is effective as from a date decided by the head of Department.
- (d) If the member concerned denies the allegations raised, the head of Department, or his or her duly appointed representative, shall constitute a tribunal to hear the allegations raised against the member.
- (e) The members of the tribunal shall be composed as follows:
- (i) The chairperson shall be appointed by the head of Department, or his or her duly appointed representative;
 - (ii) one member shall be appointed by the governing body concerned; and
 - (iii) one member shall be appointed by the member concerned.
- (f) The chairperson of the tribunal, shall after consultation with the member concerned, fix a time and venue of the enquiry and provide all parties concerned with a written notification of the time and place so fixed.
- (g) At the hearing, the member concerned, shall have the right to be present, to be assisted or represented by any other person, to give evidence and either personally or through a representative-
- (i) to be heard;
 - (ii) to call witnesses; and
 - (iii) to inspect documents submitted in evidence.
- (h) The failure without good cause shown of the member concerned to attend the hearing, shall not invalidate the proceedings.
- (i) After the conclusion of the hearing, the tribunal shall by majority decision determine whether sufficient reason exists for the disqualification or removal of the member of the governing body concerned.
- (j) The chairperson of the tribunal shall within 7 days thereafter notify the member concerned of the finding of the tribunal and report the outcome of the inquiry of the head of Department.

4. TERMS OF OFFICE OF MEMBERS OF GOVERNING BODY

- (1) Subject to the provisions of sections 5 and 29 of the Act-
- (a) a member of a governing body who is not a learner with special education needs shall hold office for a period of 3 years from the date determined by the head of Department;
 - (b) a member who is a learner with special education needs shall hold office for term of one year: Provided that the head of Department may at any time remove a member from office for reasons he or she deems to be sufficient after giving such member an opportunity to make any representations he or she may wish to take.
- (2) A member of a governing body may be re-elected or co-opted, as the

case may be, after the expiry of his or her term of office, with more than 150 learners

(3) Subject to the provisions of subsection (1) and provisions of sections 5 and 29 of the Act, the members of the governing body shall, notwithstanding the expiration of their term of office referred to in subsection (1), hold office for an extended period until a new governing body is constituted in accordance with section 2: Provided that such extended period shall not exceed 3 months.

5. DISSOLUTION AND RECONSTITUTION OF GOVERNING BODY

(1) If-

(a) at any stage only half or fewer of the members who, at the constitution of the governing body were elected, or declared elected in accordance with section 16(4); (b) (a) are still in office at any stage; or

(b) a meeting of at least 50% of parents entitled to vote under section 11(1) is convened in accordance with subsection (2) and at that meeting at least 60% of the parents attending the meeting vote on a motion of no confidence in the governing body concerned,

the Member of the Executive Council shall by notice in the Provincial Gazette dissolve such governing body with effect from the date mentioned in the notice, whereupon a governing body shall be reconstituted in accordance with section 2.

(2) The meeting referred to in subsection (1) (b) shall be convened-

(a) by the chairperson of a governing body within 21 days after he or she has been requested thereto in writing by not less than 10% of the parents entitled to vote as there provided; and

(b) on 14 days prior written notice sent by post to such parents or handed to each learner with oral instructions to hand it to his or her parents.

(3) If the Member of the Executive Council is satisfied that a governing body has failed to perform any of the duties imposed upon it by the law or these measures, he or she may direct such governing body in writing to perform such duties in a period specified in such writ and, if such a governing body still does not perform such duties within such period to the satisfaction of the Member of the Executive Council, he or she may by notice in the Provincial Gazette dissolve the governing body with effect from the date mentioned in the notice, where-after a governing body shall be reconstituted in accordance with section 2.

(4) The members of a governing body reconstituted in accordance with this section read with section 2, shall hold office for the unexpired term of office of the members of the dissolved governing body.

6. FAILURE BY GOVERNING BODY TO PERFORM FUNCTIONS

If a governing body has ceased to perform its functions, the matter shall be dealt with in accordance with section 29 of the Act.

7. RECUSAL BY MEMBER OF GOVERNING BODY

A member of a governing body must withdraw from a meeting of the governing body for the duration of the discussion and decision-making on any issue in which the member has a personal interest.

8. REIMBURSEMENT OF MEMBER OF GOVERNING BODY

(1) Necessary expenses incurred by a member of a governing body in the performance of his or her duties may be reimbursed by the governing body.

(2) No member of a governing body may be remunerated in any way for the performance of his or her duties.

9. FRANCHISE

(1) Every parent having one or more learners with special education needs enrolled at a school, shall be entitled to vote at an election of the parent members of the governing body of such school and only such parents will be admitted to the polling roll.

(2) Any person who is under subsection (1) entitled to vote, shall have one vote in respect of each candidate, with a maximum number of votes equal to the number of members to be elected in accordance with section 2.

(3) A parent's vote may be exercised by a proxy who has the written authority of the parent, provided that a proxy voter may not exercise more than 2 proxy votes.

10. ELECTORAL OFFICER

(1) The head of Department shall appoint a principal of a school or other officer in writing as an electoral officer to conduct the nomination and election as the case may be of parent, educator and non-educator members referred to in section 2(1) to a governing body: Provided that a principal may not act as an electoral officer for the designation or election of members of the governing body at his or her particular school.

(2) The educators at the school at the request of the electoral officer may elect deputy electoral officers. Other electoral assistants may be appointed by the electoral officer and/or deputy electoral officer as required.

(3) The electoral officer shall preside at any meeting for the purpose of an election of a governing body during a particular election.

11. DATE, TIME AND PLACE OF NOMINATION AND ELECTION MEETING OF PARENTS

(1) The electoral officer shall determine the date, time and place for a nomination and election meeting and shall inform the principal in writing thereof.

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

(3) In the case of an existing governing body, the nomination and election meeting will be held not later than 30 days after the expiry of the period of office of such a governing body.

(4) The Member of the Executive Council may, on good cause shown, allow deviation from the requirements of subsections (2) and (3), to the extent that he or she considers it justified.

12. NOTICE OF A NOMINATION AND ELECTION MEETING OF PARENTS

(1) The electoral officer shall prepare a notice in the form of Annexure A, of the nomination and election meeting referred to in section 13 in which the date, time and place of such meeting shall be stated and shall, at least 10 days prior to the date of nomination and election meeting, provide the principal with a sufficient number of copies of such notice in order that the provisions of subsection 2 may be carried into

effect.

(2) The principal shall at least 14 days prior to the date of the nomination and election meeting-

- (a) hand a copy of the notice referred to in sub-section (1) to every learner of the school concerned with the oral instruction to hand it to his or her parents, a notice so served shall be deemed to have been received by the parent or parents concerned, or
- (b) send a copy of such notice to the parents by post, if he or she deems it expedient.

13. MAKING SCHOOL REGISTER AVAILABLE

The principal shall place the register containing the names and addresses of parents of the learners with special education needs of the school concerned, at the disposal of the electoral officer for purposes of control before the nomination and election meeting.

14. NOMINATION OF PARENT MEMBERS

(1) A candidate can be nominated by a parent of a learner with special education needs of the school concerned-

- (a) by lodging with the electoral officer, not more than 7 days, and not less than 24 hours, prior to the commencement of the nomination and election meeting, a nomination form duly completed by the proposer, seconder and candidate; or
- (b) by being proposed as a member of the governing body during the nomination and election meeting, provided that another parent seconds the proposal and the nomination form duly completed by the proposer, the seconder and, at present, the candidate is, within the time referred to in sub-section (2) lodged with the electoral officer.

(2) The electoral officer shall determine the time to be allowed for the nomination of candidates during the nomination and election meeting, and shall inform the meeting thereof.

(3) After expiry of the time referred to in sub-section (2), the electoral officer shall consider the nomination and reject the nomination of any candidate who-

- (a) has not been nominated in accordance with sub-section (1);
- (b) is ineligible as contemplated in section 3; or
- (c) in the case of a nomination referred to in subsection (1) (b), has not completed the said nomination form, unless written proof to the satisfaction of the electoral officer is submitted before the expiry of the time referred to in subsection (2) that such candidate will be willing to serve as a member of the governing body, and thereupon the electoral officer shall announce the names of the candidates whose nominations have been accepted.

(4) (a) If the total number of candidates whose nominations have been accepted as contemplated in subsection (3), is less than the number of members determined in terms of section 2 (1) in respect of the governing body concerned, a new meeting at which new candidates may be nominated shall be convened in accordance with the provisions of these sections.

(b) If the number of thus accepted candidates who are parents of learners with special education needs of the school concerned-

(i) is equal to the number of the members determined in terms of section 2 (1) in respect of the governing body concerned, the electoral officer shall declare every candidate thus accepted to be a duly elected member of the governing body; or

(ii) is more than the number of members determined in terms of section 2 (1) in respect of the governing body concerned, a poll shall be held in accordance with section 15.

(c) The nominations shall be deemed closed when double the number of vacancies to be filled has been reached.

15. POLL FOR PARENT MEMBERS OF GOVERNING BODY

(1) The poll referred to in section 14 (4) (b) (ii) shall be held on the date, time and the place determined in accordance with section 12 (1).

(2) The electoral officer shall issue every parent referred to in section 9 (1) who wishes to vote, with an approved ballot paper on which an official mark or stamp appears.

(3) A parent referred to in section 9 (1) shall record his or her vote on the ballot paper referred to in subsection 2; Provided that if such parent is on account of illiteracy, blindness or any other physical disability unable thus to record his or her vote, the electoral officer may, at the request of the said parent and in the presence of a witness named by the parent concerned, record the vote of such parent on the ballot paper referred to in subsection (2) for the candidate indicated by the parent concerned.

(4) The electoral officer shall reject a ballot paper-

(a) on which the official mark or stamp referred to in subsection (2) does not appear;

(b) on which more votes are recorded than the number of members to be elected in accordance with section 2; or

(c) which is completed in such a way that it is in the opinion of the electoral officer uncertain for which candidate a vote was recorded.

(5) After a rejection of the ballot paper referred to in subsection (4), the electoral officer shall-

(a) in the presence of every candidate who wishes to be present, count the votes recorded for every candidate; and

(b) excluding a governing body referred to in section 2 (4), declare the number of parents determined in terms of section 2 (1) in respect of the governing body concerned, for whom the greatest number of votes have been recorded to be duly elected members of the governing body concerned and state the number of votes recorded for every candidate.

(6) Where the number of votes recorded for 2 or more candidate is equal and it affects the results of the poll, the electoral officer shall ascertain the result with regard to the said candidates by lot.

16. ELECTION OF EDUCATOR MEMBERS

(1) The electoral officer shall determine the date, time and place of the meeting for the election of educator members, which shall be held within 5 days of the nomination and election meeting for parent members.

(2) The electoral officer shall prepare a notice of the election meeting and at least 10 days before such meeting distribute a copy of the notice to every educator on the establishment of the school.

(3) A quorum at the poll shall consist of one more than half of the total number of educators on the establishment of the school.

(4) The electoral officer shall issue each educator who wishes to cast his or her vote with an approved ballot paper on which an official mark or stamp appears.

(5) An educator referred to in subsection (2) shall, cast his or her vote by writing the names of the applicable number of candidates as per Annexure E on the ballot paper contemplated in subsection (4).

(6) The electoral officer shall reject a ballot paper-

(a) on which the official mark or stamp referred to in subsection (4), does not appear;

(b) on which the names of more than the applicable number of candidates appears; or

(c) 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.

(7) The applicable number of candidates, for whom the greatest number of votes have been recorded, shall be declared as duly elected by the electoral officer.

(8) Where the number of votes recorded for the first 3 or more candidates is equal, the electoral officer shall repeat the electoral procedure until the applicable number of candidates recorded a simple majority of the votes: Provided that if one or two candidates, as the case may be, recorded a simple majority of votes, but the number of votes recorded for the other candidates in the second position is equal, the electoral procedure will be repeated with regard to the other candidates until one or two of the other candidates, as the case may be, recorded a simple majority of the votes.

17. ELECTION OF LEARNER MEMBERS

A Representative Council of Learners established in terms of the guidelines laid down in terms of section 11 (2) of the Act, shall elect from its own number, the number of learners indicated per Annexure E, one of whom shall be a boy and one a girl, where applicable, from the eighth grade and higher who shall be members of the governing body, in accordance with its own procedures.

18. ELECTION OF NON-EDUCATOR MEMBERS

The procedure for the election of educator members shall apply with the necessary adaptation to the election of non-educator members.

19. ELECTION OF SPONSORING BODY MEMBERS

A representative of a sponsoring body shall be elected from its own number according to its constitution or procedures.

20. DECISION OF ELECTORAL OFFICER

The electoral officer shall decide all matters connected with the nomination of candidates and the poll referred to in sections 14 and 15

respectively. In the case of a dispute or grievance arising, aggrieved parties shall be entitled to appeal to the head of Department.

21. PROCEDURE AFTER ELECTION OF GOVERNING BODY

After the election of a governing body the electoral officer shall:-

- (a) place all documents, including ballot papers, used at such election in envelopes and seal such envelopes;
- (b) keep those envelopes in safe custody for a period of at least 3 months from the date of the election of the governing body concerned;
- (c) notify each elected member, including a member referred to in section 14 (4) (b) (i), in writing, of his or her election; and
- (d) notify the principal who in turn shall notify the head of Department forthwith in writing of the date of the election and of the names and addresses of the persons elected as members including the names and addresses of the persons declared elected in accordance with section 14 (4) (b) (ii).

22. ELECTION OF OFFICE BEARERS

(1) The principal shall convene the first meeting of the governing body within 14 school days after he or she was notified in accordance with section 21 (d) of the names and addresses of the members of the governing body.

(2) At the first meeting of the governing body such body must, from amongst its members, elect office bearers, who must include at least a chairperson, a treasurer and a secretary.

(3) Only a parent member of the governing body who is not employed at the school may serve as the chairperson of the governing body.

(4) Subject to the provisions of sub section (6), the office bearers shall remain in office for a term of 12 months from the date of their election.

(5) An office bearer of a governing body may be re-elected or co-opted after the expiry of his or her term of office.

(6) Where for any reason the office of an office bearer becomes vacant, the governing body shall, subject to the provisions of subsection (3), at the first meeting after the vacancy has occurred, elect one of its members to fill that vacancy for the unexpired period of office of that office bearer.

(7) The principal shall preside at the elections referred to in subsections (2) and (6).

(8) The principal shall, after a meeting at which any office bearer has been elected in accordance with this section, 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 MEETING OF GOVERNING BODY

(1) A governing body shall meet at least once each school term.

(2) The chairperson of a governing body shall determine the date, time and place of the meeting and the secretary of such body shall at least 14 days prior to such meeting, notify each member in writing thereof. Provided

that in the case of a matter requiring urgent handling in the opinion of the chairperson of the governing body at least 24 hours notice may be given.

(3) Any person may, on the invitation of the governing body, be present at a meeting of such a body and take part in the discussion, but shall have no vote and shall leave the meeting when the governing body so decides.

(4) A governing body may require any staff member of the school concerned to attend a meeting of such body in connection with any matter relating to the functions of the governing body.

(5) At least one more than half of the members of a governing body constituted in accordance with section 2 (1), shall constitute a quorum for any meeting of the governing body.

(6) A governing body shall determine its own rules relating to its meetings and procedures at those meetings.

24. MINUTES OF PROCEEDINGS OF MEETINGS

(1) The secretary of a governing body shall keep minutes of the proceedings of every meeting and shall on request provide the head of Department, or any officer duly authorized therein by him or her, a parent of a learner with specific education needs at that school, or member of staff of the school with a copy of such minutes: Provided that there will be no violation of the rights of persons and that the applicant requires it for the exercising or protection of his or her rights.

(2) The minutes of the proceedings of every meeting of a governing body or committee thereof-

- (a) shall at the next ensuing meeting of the governing body or committee thereof, as the case may be, be submitted for approval; and
- (b) shall at all reasonable times be open for inspection by the members and the head of Department or any officer duly instructed by him or her, a parent, or member of staff of the school.

(3) Upon the dissolution of a governing body or the expiry of its term of office, all minutes and other documents of such body or any committee thereof shall be handed to the principal concerned.

(4) Upon the disestablishment of a school the principal shall hand in all minutes and other documents of the governing body or any committee thereof to the Department for safe-keeping.

25. INCIDENTAL VACANCIES IN GOVERNING BODY

(1) An incidental vacancy shall occur in a governing body if a member-

- (a) resigns;
- (b) dies;
- (c) is absent from 3 consecutive meetings without the permission of the governing body;
- (d) becomes ineligible as contemplated in section 3 (b), (c), and (d); or
- (e) was removed from office in terms of section 4 (1).

(2) Whenever an incidental vacancy occurs-

(a) in a governing body constituted in terms of section 2 (4), the head of Department shall forthwith appoint an eligible person in the vacancy; and

(b) in a governing body constituted in accordance with section 2 (1), the governing body shall fill such vacancy by means of co-option at its next meeting.

(3) A member or members appointed or co-opted in accordance with subsection (2) shall remain in office for the unexpired period of term of office of his or her predecessor.

(4) Where a vacancy has been filled-

(a) in accordance with subsection (2) (a) the head of Department shall, and

(b) in accordance with subsection (2) (b) the secretary of the governing body concerned shall, forthwith notify the principal, in writing, of the name of the person who is no longer a member of the governing body and the name and address of his or her successor.

(5) Where a member is co-opted to fill a vacancy of an elected member, such a member shall have voting rights.

26. MEMBERS OF GOVERNING BODY AND COMMITTEES DO NOT RECEIVE PAYMENT

No member of a governing body or a committee shall receive any payment, direct or indirect, pecuniary or otherwise for, or in connection with his or her services as such member.

ANNEXURE A

NOTICE OF NOMINATION AND ELECTION MEETING

Election of Learners with Special Education Needs/Educators/Non-Educator/Parents of Learners with Special Education Needs as Members of Governing Body

(SECTIONS 14, 17, 18, 19 AND 20)

NAME OF SCHOOL

Notice is hereby given that a meeting for the nomination and election of candidates for the election of LEARNERS with Special Education Needs/EDUCATORS/NON-EDUCATORS/PARENTS

As members of the Governing body for the above-mentioned school will be held on.....(date) at.....(time) at(place).

A candidate may also be nominated by lodging with the electoral officer, not more than seven days, and not less than 24 hours, prior to the commencement of the above meeting, a nomination form duly completed by the proposer, seconder and candidate. (Nomination forms are obtainable from the principal.)

If more candidates are nominated than the number of members to be elected, a poll will be conducted immediately.

Date

Signature of Electoral Officer

Address.....

Information in Connection with Election

(To accompany notice of nomination and election meeting and poll)

1. CONSTITUTION OF GOVERNING BODY

- (i) parents of learners with special education needs at the school, if reasonably practicable;
- (ii) educators at the school;
- (iii) members of staff at the school who are not educators;
- (iv) learners with special education needs in the eighth grade or higher, if reasonably practicable;
- (v) the principal;
- (vi) representatives of sponsoring bodies, if practicable; (vii) representatives of organisations of parents of learners with special education needs, if practicable; (viii) representatives of organisations of disabled persons, if practicable;
- (ix) disabled persons if practicable.
- (x) experts in appropriate fields of special needs education.

2. NOMINATION OF PARENT MEMBERS

- (a) Each candidate shall be proposed by an enfranchiser referred to in paragraph 4 and seconded by another enfranchiser. An enfranchiser who propose or seconds a candidate shall satisfy himself or herself that the candidate is eligible to be elected as a member.
- (b) A nomination form shall be completed in respect of every candidate. These forms are obtainable from the principal before the meeting and will also be available at the meeting.

3. DISQUALIFICATION OF MEMBERS

A candidate shall be ineligible to be a member if he or she-

- (a) has been convicted of any offence for which he or she was sentenced to imprisonment without the option of a fine, unless he or she has received a free pardon or the period of his or her imprisonment ended at least three years prior to the date of his or her election;
- (b) is mentally ill and has been so declared by a competent court;
- (c) is an unrepaid insolvent; or
- (d) in the case of a parent member, does not have a child enrolled as a learner with special education needs at the school concerned.

FRANCHISE

- (a) Every parent of one or more learners on the roll of a school at the time of the election of members of a governing body for such a school shall be entitled to vote at such an election.

- (b) A person who is not the natural parent but who is a person in whose custody one or more learners referred to in paragraph (a) have been lawfully placed, is entitled to vote at such an election.
- (c) A person who is entitled to vote shall have one vote in respect of any particular candidate; provided that the total number of votes of such person shall not exceed the number of members to be elected.

ANNEXURE B

NOMINATION FORM

Election of (Learners with Special Education Needs/Educator/Non-Educators/Parents of Learners with Special Education Needs) as Members of Governing Body.

Name of School

PROPOSER

I, (Full name) of (Residential address)

being a learner with special education needs/educator/non-educator/parent of a learner with special education needs of the above school, hereby propose

(Full name of candidate)

Signature of Candidate

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

Signature of Proposer

SECONDER:

I, (Full name) of (Residential address)

being a learner with special education needs/educator/non-educator/parent of a learner with special education needs of the above school, hereby second the above-mentioned proposal.

ANNEXURE C

Minimum requirements of Constitution and Standing Orders of a Representative Council of Learners with Special Education Needs.

Election of class representatives

1.1 Each class in the school will have the opportunity annually to elect one representative to the Representative Council of Learners, which will be constituted of all such elected representatives.

1.2 Elections will be conducted by the class teacher who was appointed as a deputy electoral officer for this purpose.

1.3 In such elections, for which one week's notice will be given in writing and prominently displayed in each classroom, candidates will be nominated and seconded verbally by class members, and the consent of candidates will be obtained. Thereafter, election will be by secret ballot.

each class member having one vote only.

Election of executive committee

The duly elected representatives will elect from among their ranks at least the following members of an Executive Committee-

1. A Chairperson;
2. A Treasurer;
3. A Secretary.

ANNEXURE D

BALLOT FORM

For the election of (Learner with Special Education Needs/Educators/ Non-Educators/Parents of Learners with Special Education Needs) as members of a governing body:

(delete the inapplicable)

Nominees	Mark Choice with an X in this column
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	

INSTRUCTIONS

A voting paper shall be rejected if-

- (a) does not contain an official mark or stamp;
- (b) more votes are recorded than the number of members; and
- (c) it contains votes (crosses) for more than there are members to be elected.

ANNEXURE E

Numbers and types of members on School Governing Bodies and ballot from reference numbers

School	Principal	Educators	Parents	Non Educator Staff	Learners of Care Worker	Sponsoring Body	Total
--------	-----------	-----------	---------	--------------------------	-------------------------------	--------------------	-------

Primary Schools with less than 150 learners

1	2	6	1	0	1	11
---	---	---	---	---	---	----

Ballot form

1	E2	P5	NT3
---	----	----	-----

Primary Schools with more than 150

1	3	7	1	0	1	13
---	---	---	---	---	---	----

Ballot form

E3	P6	NT3
----	----	-----

Secondary Schools with less than 150 Learners

1	2	7	1	1	1	13
---	---	---	---	---	---	----

Ballot form

E3	P8	NT3	L3
----	----	-----	----

Secondary Schools with more than 150 Learners

1	3	9	1	2	1	17
---	---	---	---	---	---	----

Ballot form

E3	P9	NT3	L3
----	----	-----	----

Comprehensive or Combined Schools with less than 150 learners

1	2	8	1	2	1	15
---	---	---	---	---	---	----

Ballot form

E3	P8	NT3	L3
----	----	-----	----

Comprehensive or Combined Schools with more than 150 learners

1	3	9	1	2	1	17
---	---	---	---	---	---	----

Ballot form

E3	P9	NT3	L3
----	----	-----	----

Place of Safety

1	1	1	1	1	5
---	---	---	---	---	---

Note: If a governing body serves more than one school, the total number of learners at both schools together will be used to decide the number of the governing body. If the school does not have a non-teaching member staff the number of parent governors must be reduced by one (so the total number

of governors will be reduced by 2).



results



email mark-
ed items



print
display



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