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PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF EDUCATION

**EASTERN CAPE SCHOOLS EDUCATION ACT, 1999 (ACT NO. 1 OF 1999) : DETERMINATION TO
USE NATIONAL GUIDE FOR ELECTION OF SCHOOL GOVERNING BODIES IN THE PROVINCE**

I, MKHANGELA MATOMELA, Member of the Executive Council Responsible for education in the Province of the Eastern Cape, acting in terms of section 4 (i) and (j) of the Eastern Cape Education Schools Act, 1999 (Act No. 1 of 1999) read with section 28 of the South African Schools Act, 1996 (Act No. 84 of 1996), hereby determine that the National Guidelines as set out in the Schedule hereto shall be used for the election of governing bodies in the Province.

(Signed)

MKHANGELI MATOMELA
MEC FOR EDUCATION

22/06/2006

(Logo)

NATIONAL GUIDELINES FOR SCHOOL GOVERNING BODY ELECTIONS

September 2005

DRAFT NATIONAL GUIDELINES FOR SCHOOL GOVERNING BODY ELECTIONS

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DRAFT NATIONAL GUIDELINES FOR SCHOOL GOVERNING BODY ELECTIONS

1

INTRODUCTION

Preamble

The election of School Governing Bodies (SGBs) every three years is one of the more important activities that the Department of Education engages in. The elections see well over a million parents voting for their peers to fill over 100,000 places. For many people, after the national and local elections, these are the most important engagement they have with the democratic process. As a result of these elections more people take public office than in all the other national election processes combined. The importance of these elections in the more than 27,000 school sites cannot be overstated.

The development of National Guidelines for School Governing Body Elections is a necessary step. It is in the spirit of the South African Schools Act (No. 84 of 1996): to provide for a uniform system for the organization and governance of all schools; to redress past injustices in ensuring equitable and democratic transformation in education; to develop our people's talents and capabilities; and, to facilitate community involvement in the education of their children.

School Governing Bodies (SGBs) are statutory bodies, according to the South African Schools Act (SASA), and the governing body stands in a position of trust towards the school.

The provincial Member of the Executive Council (MEC) for Education determines election procedures within the framework created by SASA. As a result every province has its own specific regulations for

SGB elections which are approved by provincial legislatures. The result is that SGB elections are not uniform, or truly national. HEDCOM determined on 17th May 2005 that the 2006 SGB elections would be governed by *national guidelines*, and that each MEC for Education, with his/her provincial department of education, would adapt his/her election regulations based on these national guidelines.

This will help ensure that the election process is truly national with serious provincial differences ended.

2

BACKGROUND

The Report on the 2003 School Governing Body Elections (Department of Education, 2004) and the Report of the Ministerial Review of School Governance, 2004, indicated the need to address the lack of uniformity in the management and conducting of SGB elections and the staggered nature of these elections which in 2003 stretched from March to October.

The purpose of the National Guidelines for School Governing Body Elections, hereafter referred to as national guidelines, is to provide a national framework for the interpretation of SASA to ensure that SGB elections are in line with SASA, occur at the same time nationally, are free and fair, illustrate sound democratic practice and allow for community participation. The guidelines also indicate good practice to guide the elections.

Democratic SGB elections are aimed at the creation of legitimate SGBs in every school. Such democratically elected SGBs are critical to:

- improve the quality of education;
- ensure good governance;
- advance the democratic transformation of our society;
- ensure that schools serve the interests of the community and meet the expectations of parents;
- assist in spreading the cost of education across users and society as a whole;
- combat racism, sexism and all other forms of unfair discrimination and intolerance;
- contribute toward the eradication of poverty, and toward the economic well-being of our society.

It is therefore necessary to set uniform standards for the organization and governance of our schools. To that end these guidelines will apply to all public schools in South Africa.

The national guidelines should be seen as an enabling mechanism to ensure the election of legitimate and properly constituted SGBs elected through a democratic and fair process, rather than a prescription.

3

PRINCIPLES UNDERLYING FREE AND FAIR ELECTIONS

Elections must be conducted in accordance with the:

- Constitution of the Republic of South Africa, Act 108 of 1996;

- National Education Policy Act, Act 27 of 1996;
- South African Schools Act, Act 84 of 1996; and
- Applicable provincial laws.

The following principles must be applied when conducting SGB elections:

- The right to equality (equal treatment, freedom from unfair discrimination);
- The right to freedom and security of the person;
- The right to freedom of association;
- The right to reasonable and fair administrative action.

Election procedures should aim at:

- Meeting the statutory requirements of the relevant legislation;
- Ensuring the broadest representation of identified stakeholders in school governance;
- Advancing and promoting the fundamental rights of every person by eliminating the past inequality of access to involvement in school governance through making provision for those previously marginalized;
- Conducting elections which are managed efficiently while being fair, democratic and transparent.

4

KEY ROLE PLAYERS

Different role players at all levels of the Department of Education have important roles to play in the election of SGBs. It is crucial that officials responsible for the elections at each level of the Department know exactly what is expected of them.

4.1

National

The national Department of Education will, in consultation with the Provincial Departments of Education:

- Provide the National Guidelines for SGB elections;
- Determine national timeframes for elections to take place;
- Support provinces through national advocacy campaigns;

- Monitor and evaluate the election process;
- Produce a national report on each triennial SGB election;
- Appoint an election co-ordinator from the Directorate: Education Management and Governance Development.

4.2

Provincial

Each Provincial Department of Education is responsible for the:

- Promulgation of provincial election regulations by the MEC by notice in the Provincial Gazette, determining the number of members in each category of the SGB and the manner of election or appointment of such members at every public school in his/her province;
- Development of provincial guidelines for the management and conduct of the triennial SGB election, based on the provincial election regulations and these national guidelines;
- Provision of a budget for all aspects of the election process in the province, including, but not limited to, the advocacy campaign, training of election officials, monitoring of the election, certification for outgoing and incoming members of SGBs, and the creation and maintenance of a data-base of SGB members;
- Appointment of a provincial election co-ordinator, who will report to the provincial Head of the Education Department during the election period. His/her duties must be to:
 - o Ensure that there is adequate publicity of the election date;
 - o Ensure compliance with national guidelines and provincial procedures with regard to elections;
 - o Co-ordinate the election and make sure that the province makes available the necessary human, material and financial resources to conduct efficient and fair SGB elections.
- Development of materials and procedures for the training of District and School Electoral officers and teams, and make sure this training takes place as planned;
- Development and provision of templates of all documents required for the elections in the province, in line with the national guidelines;
- Resolution of disputes related to the election which have not been resolved at school or district levels;
- Monitoring and evaluation of the election process in the province;

- Development of a database of SGBs on taking office.

4.3 District/Region

It is the responsibility of every district to:

- Appoint, in line with provincial election regulations, a district electoral officer who is a senior district official and a district election team to oversee the election process in the district;
- Administer the appointment of a school electoral officer at each school level in line with the national guidelines which state that an official cannot serve as an electoral officer at a school where he/she is employed;
- Provide training to Electoral Officers using the provincial training course and materials;
- Draft and publicise a district election schedule for all schools in their District;
- Ensure every school has a valid voters' roll based on the school admissions register in advance of the election;
- Handle and resolve disputes not resolved by the school electoral officer;
- Ensure all schools advertise the elections in line with the national guidelines and provincial regulations and guidelines;
- Provide monitoring staff to visit schools during the elections and ensure that elections are in line with national and provincial election regulations and guidelines;
- Develop and administer the database of all newly appointed SGB members in the district and to make the data available to the provincial and national departments when required;
- Send all new SGB members on the data-base letters of congratulation on their election, and letters of thanks or certificate of service to outgoing SGB members.

4.4 School

It is the responsibility of every school to:

- Have in place an electoral officer who is the principal or senior manager of another school;
- Set up the school election team made up of educators and non-educators employed at the school. Parents and learners may participate in a school election team;
- Prepare a voters' roll of all eligible voters in the school (according to different components of the SGB) and have it available at all election meetings;

- Notify in writing all eligible voters not less than 21 days before the date of the election meeting of the date, time and venue of the election meetings;
- Ensure that SGB elections are well advertised by distributing and displaying advocacy materials provided by the Department;
- Provide appropriate venues for the elections;
- Provide staff to assist the electoral officer where there is a need for support.

It is the responsibility of the parents to:

- Familiarize themselves with provincial SGB regulations;
- Publicise the upcoming elections in their community;
- Identify and nominate suitable SGB candidates;
- Attend the election meeting and elect the most suitable candidates as SGB members.

It is the responsibility of the learners to:

- Ensure effective communication between school and home;
- Participate in the RCL elections.

Please Note: The principal of a school may not be the electoral officer or be involved in conducting elections in his/her own school. As an ex-officio member the principal has an interest in the outcome of the election and therefore his/her direct involvement in the election of his/her school's SGB would be counter to free and fair election practices.

5

DUTIES OF ELECTORAL OFFICERS

5.1

District Electoral Officer

The district electoral officer and his/her team shall:

- Co-ordinate the election processes in the district;
- Advise the district on the proposed strategy and implementation of the election in the district and then see that the agreed process is conducted as agreed;
- Compile a management plan to operationalise the national guidelines, the provincial regulations and provincial guidelines;
-

Ensure that each school has an electoral officer in line with provincial regulations and that the school election teams are established;

- Ensure that each election official working at school level is adequately trained and is aware of what his/her role entails;
- Ensure that all electoral officers receive the provincial election regulations and other documents in good time;
- Ensure that election advocacy is conducted as planned;
- Monitor the election process by visiting a number of schools during the election;
- Ensure that the school electoral officers have informed the district/regional office in writing of the dates of the election and of the names and addresses of the persons elected to SGBs (refer to Template 1: Notification of all members elected to the SGB);
- Ensure that they receive the data form (Refer to Template 2: SGB data form) from the school principal with information which covers aspects such as gender, race, disability, education level of parent component and SGB portfolio held, on the new SGB members and is handed to the district within 14 days of the registration meeting
- Compile a district report on elections and submit it to the provincial co-ordinator.

5.2

School Electoral Officer

The school electoral officer shall be the principal, or senior manager of another school. An educator or non-educator who has received IEC training as an electoral officer may serve as a school electoral officer of a school where he/she is not employed. He/she shall, in advance of the election:

- Prepare a notice giving details of the date, time and venue of the election meeting;
- Ensure that eligible voters receive notice of the meeting in time as stipulated in the provincial regulations;
- Ensure that nomination forms are available at the principal's office and during the election meeting;
- Ensure that there is a suitable venue for the election meeting;
- Ensure that there is a voters' roll, which the school should prepare, and that it is accurate;
- Ensure that the election team knows what process will be followed, and that all the resources that will be needed are available, such as the box for votes, a board to write names of nominees, paper for voting etc.

During the election meeting:

- Explain the procedure for nominations and elections to the voters;
- Let the nominees introduce themselves in accordance with the national guidelines (see page 21);
- Manage the election process;
- Intervene and resolve any disputes on the election day;
- Submit election results and voters' roll to the District office;
- Submit the SGB data to the district office within 30 days for districts to issue letters of recognition of election to new SGB members within 90 days of the poll.

5.3

Code of conduct of an Electoral Officer

As an Electoral Office, I Shall:

- Behave with honesty and dignity;
- Behave in an unbiased way;
- Be familiar with election regulations;
- Carry out the election in terms of the measures;
- Liaise in a cooperative manner with school managers and line management;
- Explain the nomination and election procedures clearly to all participants;
- Make sure that all forms, ballot papers and registers are available;
- Manage the voting process in an effective manner;
- Deal with difficulties that may arise with tact and clear direction;
- Be polite and answer questions effectively; and
- Not exceed my powers.

6

MEMBERSHIP OF GOVERNING BODY OF ORDINARY PUBLIC SCHOOL

6.1

Components

A school governing body is made up of:

- Elected members;
- The principal by virtue of his/her official capacity; and
- Co-opted members.

Elected members of the SGB shall comprise the following members:

6.1.1

Parents/guardians of learners at the school

A parent means the biological parent or guardian of a learner or the person legally entitled to custody of a learner. A parent also means the person who undertakes to fulfil the obligations of a parent or guardian, or the person legally entitled to custody of a learner. When conducting SGB elections, electoral officers should be guided by the school's admission register to determine parents/guardians who are eligible to vote.

A parent who is employed at the school may not represent parents on the governing body.

6.1.2

Educators at the school

A person who teaches, educates, trains other persons, or who provides professional educational services, including professional therapy and educational psychological services, at an institution. This includes an educator employed by the school.

6.1.3

Learners in the eighth grade or higher at the school

Only the learners from Grade 8 and above who are elected members of the Representative Council of Learners (RCL) can serve on the SGB. In the case of learners with special education needs, learners in the eighth grade or higher can be elected, if this is reasonably practicable.

6.1.4

Member of staff at the school who is not an educator

Any institutional staff member appointed according to the Public Service Act who is not an educator at the institution, including those employed by the school.

6.2

Eligibility

A person shall be ineligible to be a member of a governing body if he or she:

- Is mentally ill and has been so declared by a competent court;
- Is an unrehabilitated insolvent;
- Has been convicted of an offence and sentenced to imprisonment without an option of a fine for a period exceeding six months or has not yet served his/her full period of imprisonment; or

- No longer falls within the category of members which he or she represented at the time of the election.

6.3

Size of the SGB

The number of parent members must comprise one more than the combined total of other members of a governing body who have voting rights.

Each province must prepare a schedule determining the number of members in each component of the SGB based on this criterion and on the learner enrollment of the school, and include it in the provincial regulations.

6.4

Office Bearers

A governing body shall, from amongst its members, elect office bearers, who must include at least a chairperson, a treasurer and a secretary. These appointments must be made at the registration meeting which must be held less than 30 days after the election of the parent component of the SGB. There are certain restrictions on who can hold office within an SGB. These are:

- Only a parent member of a governing body who is not employed at the school may serve as the chairperson of the SGB;
- An educator, non-educator or parent member may serve as the secretary;
- A non-educator or parent member may serve as the treasurer, but not an educator or the principal.

6.5

Co-opted members

Two types of co-opted members can serve on the governing body: co-opted members with voting rights, and those without voting rights.

Co-opted members without voting rights are those members recruited by the SGB because of their expertise in areas that may benefit the SGB and the entire school.

Should a vacancy be created due to the departure of an elected member, a co-opted member can be nominated and appointed to serve on the SGB with voting rights for a period not exceeding 90 days. During this 90 days the vacancy must be filled with a formally elected member who has been elected through a by-election.

6.6

Term of Office

The term of office of the SGB, with the exception of the learner component, may not exceed 3 years. However, the term of office of the learner component is 1 year. SGB office bearers should hold that office for 1 year only. The office holders may stand for re-election based on performance.

7

MEMBERSHIP OF GOVERNING BODY OF PUBLIC SCHOOL FOR LEARNERS WITH SPECIAL EDUCATION NEEDS

7.1

Components

The school governing body of a special school should be composed of the following:

- Parents of learners enrolled at the school, if reasonably practicable;
- Educators at the school;
- Members of staff at the school who are not educators;
- Learners in the 8th grade or higher, if reasonably practicable;
- Representatives of:
 - o Organizations of parents of learners with special education needs, if applicable;
 - o Sponsoring bodies, if applicable; o Organizations of disabled persons, if applicable;
- Disabled persons, if applicable;
- Experts in relevant fields of special needs education;
- The principal by virtue of his or her official capacity.

7.2

Office bearers

The SGB must elect the office bearers as in ordinary public schools: the chairperson, treasurer and secretary from members of the SGB.

8

REGISTRATION OF VOTERS

The school's Voters' Roll (refer to Template 3: School's Voters' Role) should be developed by the school election team in order to register voters properly. The school admissions register must be used as the basis for the voters' roll. Eligible voters are those people appearing in the admissions register as parents or guardians. Other people may be allowed to vote provided that they can prove that they qualify to be guardians in terms of SASA. Provincial regulations should follow the principle of inclusion, transparency and democracy rather than of excluding potential voters.

There must be a voters' rolls for the each of the different categories of voters. The school election team should adapt Template 3 to suit the different categories of voters and develop their voters' roll from that template. Such voters' rolls containing the names of all eligible parents, educators, non-educators and learners, must be made available for public scrutiny.

The Electoral Officer for the school should request a copy of the voters' roll from the principal to determine who are eligible to vote before the election meeting. All nominators, seconders and candidates must be people who are listed on the voters' roll.

8.1

Voters' Roll for Parents

School principals must ensure that all parents complete the parent's voters' registration form (Refer to Template 4: Parent Voters' Registration Form) to be returned to the school. The parent's voters' registration form must be used for the compilation of the voters' roll.

Should a parent's voters' registration form **not** be returned to the school, only the parents or guardians appearing in the school admissions register will be included in the voters' roll and only parents and guardians on the voters' roll will be able to participate in elections.

8.2

Voters' Roll for Educators and Non-educators

The voters' roll for educators should consist of all educators employed at the school.

The voters' roll for non-educators should consist of all non-educators employed at the school.

8.3

Voters' Roll for Learners

The class register based on the school admission register will be used as the voters' roll for learner elections.

9

ELECTION PROCEDURE FOR THE PARENT COMPONENT OF THE GOVERNING BODY

Every electoral officer should familiarize himself/herself with the important stages of conducting elections in order to promote free and fair elections. The election of the parent component of the SGB is preceded by the election of other components (educators, members of the staff who are not educators and the learners).

9.1

Notice of Nomination and Election Process

In order to promote uniform, effective, free and fair elections the national guidelines prescribe the election nomination and election process based on good practice. Provincial regulations must include the stipulated procedure to optimize parent participation with the least impact on cost and travel.

The electoral officer shall prepare notices of the nomination process, and the combined nomination and election meeting in which the date, time and place of the nomination and election meeting shall be stated. A date and time should be considered which allows for school activities, fund raising initiatives, handing out of pupil reports which could maximize parent participation (Refer to Template 5: Notice of Nomination Meeting for Parents). These should be distributed and displayed in prominent places in the school and community at least 30 days prior to the date of the nomination and election meeting.

9.2

Nominations

The principal must ensure that:

- A hard copy of the notice (Refer to Template 5: Notice of Nomination for Parents) is handed to every learner at least 14 days prior to the proposed nomination and election meeting with the oral instruction to hand it to his or her parent; or
- A copy of the notice is sent to the parents of every learner at the school by post at least 21 days prior to the date of the nomination and election meeting for parent members; or
-

Use a combination of the two notification methods above, supplemented with any other method that works for the school community, as long as it in no way disadvantages any members of the school community.

Whatever method is used the notification must be in the school's language of instruction and in the home language(s) of learners, where possible, to ensure maximum participation.

A candidate may be nominated and seconded (Refer to Template 6: Nomination Form) only by a person belonging to the same SGB membership category to which the candidate belongs by:

- Lodging with the electoral officer, not more than seven days and not less than 24 hours prior to the commencement of the nomination and election meeting, a nomination form duly completed by the proposer, seconder and candidate.
- Proposing a member during the nomination section of the election meeting, provided that another person from the category concerned seconds the proposal and a nomination form is duly completed by the proposer, the seconder and the candidate, and is lodged with the electoral officer. The electoral officer will determine the time and duration for the nomination process in the nomination and election meeting.

After the nomination time has expired the electoral officer must:

- Consider the nominations and reject the nomination of any candidate who:
 - (i) has not been nominated in accordance with the process set out in these guidelines;
 - (ii) is not eligible to vote as set out in these guidelines; or
 - (iii) has not completed the said nomination form as required in these guidelines.
- Announce the names of the candidates whose nominations have been accepted.

If the total number of candidates whose nominations have been accepted:

- Is fewer than the number of SGB members stipulated through provincial regulations for the school, a new meeting at which new candidates must be nominated shall be convened within 21 days, where no quorum is required;
- Is equal to the number of SGB members stipulated through provincial regulations for the school, the electoral officer shall declare all the nominees as duly elected to the SGB; or
- Is more than the number of members determined in respect of the category concerned, an election meeting as the second part of the proceedings will be held by secret ballot.

Please note: it is the responsibility of the electoral officer to ensure that anyone who wants to be nominated can be freely nominated. There must be no attempt to try to organize the process such that only the required number of office bearers are nominated so as to avoid the election process.

9.3

Quorum

For the nomination and election meeting a quorum of 15% based on the number of parents on the voters' roll is needed for the meeting to go ahead. The quorum provision means that if your school has 500 learners then a minimum of 75 parents must attend the election meeting.

If the quorum is not met at the meeting the meeting must be re-scheduled for another day and the same process described above must be repeated. Notice of the second election meeting should clearly state that no quorum is required for this meeting.

No proxy votes will be accepted for SGB elections. This means that no parent can cast the vote of another parent who is absent during the election meeting.

9.3.1

Deviation from Single Election Meeting

Schools must apply to the Head of Department for permission to deviate from the single nomination and election day process stipulated in these guidelines. Any deviation must, in no way, prejudice the involvement of any parents, and must be clearly explained and motivated to the school community so all understand the process to be followed. These conditions must be clearly laid out in the application to the Head of Department.

9.4

Casting of Votes

The electoral officer shall explain the proceedings to be followed and must at least stipulate:

That every nominated candidate will have the opportunity to state:

- His/her name;
- Names and grades of children in the school;
- Occupation and experience or skills;
- Vision for the school (this should be brief and not include promises)

Before the ballot papers (Refer to template 7: Parent Ballot paper) are distributed the electoral officer must:

- 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;
- Explain the voting process, the minimum and maximum number of candidates to be voted for as well as how to record the voting either by using numbers or by writing names or both options, as indicated below.

Before the election meeting the electoral officer shall determine what is written on the ballot paper to enable every person with the right to vote to record his/her vote, by:

- Preparing papers with numbers on them and making sure once nominated each nominee has a number corresponding to a number on the ballot paper;
-

Preparing papers with the names of all the known nominees on it in alphabetic order based on surnames (those who were nominated before the meeting) and then allow the voters to add in the names of extra nominees which come from the floor during the meeting;

- Distributing blank paper and the voters list the names or number of their choice in order.

Whichever method is chosen, the guiding principle must be that it allows for maximum participation and is easy to manage.

A person with a right to vote 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.

An illiterate person or a person not able to vote because of a physical disability may, at their own request, be assisted by the electoral officer together with a witness identified by the person.

The electoral officer shall reject a ballot paper:

- On which the official mark or stamp does not appear;
- On which more votes are recorded than the number of members to be elected; or
- 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.

After the rejection of any 'spoilt' ballot papers, the electoral officer must:

- Count the votes in the presence of every candidate who wishes to be present;
- State to the whole meeting the name of each candidate and the number of votes cast for each. Complete the counted ballot papers form (Refer to template 8: Counted ballot papers and declaration of number of voters form) This is best done in order of the most votes to the least votes;
- Declare who has been duly elected. The one with the most votes is elected first, the second most, second, until all the seats in the SGB are filled. Those who got too few votes to be elected onto the SGB are told that they were not elected and are thanked and excused.

Where the number of votes recorded for two or more candidates is equal and it affects the result of the poll, the electoral officer shall ascertain the result with regard to the said candidates by drawing lots or some other method that allows for a random selection between the tied candidates. This must be done openly and with agreement of the candidates that it is a fair process.

9.5

Decision of the Electoral Officer in the Case of Dispute

The electoral officer shall decide all matters connected with the nomination of candidates and the poll. All disputes should be reported to the officiating electoral officer during the process of the elections. The electoral officer is mandated to resolve all disputes in order to declare elections undisputed. His or her decision during the election is final.

Should there be a dispute that the electoral officer is unable to resolve the election should be completed. In case of such a dispute that cannot be resolved an appeal process should be followed after the elections have been completed.

If the complainant is not satisfied, the matter can be referred to the District Electoral Officer within 7 days after the election day. An appeal can be lodged with the MEC within 30 days, should the complainant not be satisfied with the decision taken by the District Electoral Officer.

9.6

Procedure after Election of Governing Body

After the election of a governing body the electoral officer must:

- Place all documents, including ballot papers, used at such election in envelopes and seal the envelopes;
- Keep those envelopes in safe custody for a period of at least three months from the date of the election of the governing body concerned;
- Notify each elected member in writing of his or her election;
- Notify the principal of the school in writing of the date of the election and of the names and addresses of the persons elected as members, informing the principal that he or she must inform the parents of the election results within 14 days of the meeting;
- Ensure that the electoral officers have informed the local district manager in writing of the date of the election and of the names and addresses of the persons elected as members (Refer to Template 1: Notification of all Members Elected to the SGB);
- Include an undisputed election declaration where it was the case, or a declaration detailing any disputes. (Refer to Template 15: Elections declaration form).

9.7

Election of Office-bearers

- The school's principal shall convene the first meeting of the governing body within 14 days after notification of the results of the election.
- 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. The chairperson will be a parent member of the governing body who is not employed at the school concerned.
- 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.
- The principal shall preside at meetings referred to above if both the offices of chairperson and vice-chairperson are vacant. Otherwise the chairperson, or if he or she is not available, the vice-chairperson should preside.
- The principal must, after a meeting at which any office-bearer has been elected in accordance with this measure, notify the district manager concerned forthwith in

writing of the date of the meeting and of the name, address and office of the persons elected or nominated. (Refer to Template 9: Notification of Office Bearers Elected to the SGB)

- The principals should make the SGB aware, before choosing office-bearers, of their responsibilities and the need to ensure that office-bearers are representative, where possible, of the gender and racial diversity of the school.

9.8

Registration of School Governing Body Members and Handing-over Process

The first meeting of the newly elected SGB must be convened less than 30 days after the election of the parent component. This registration meeting must elect the office bearers, as described in 9.7 of these guidelines. The school's principal must ensure that the data form (Template 2: SGB Data Form) is filled in by every member of the new SGB. This form must be handed to the district within 14 days of the registration meeting.

The principal of the school (on behalf of the outgoing chair) must submit the data form to the District Electoral Officer within 14 days of the SGB's first meeting.

The principal is required to inform the Provincial Department of Education of any changes of membership of the SGB within 14 days of those changes being effected to ensure the database is up to date.

The school principal, as a member of the old and new SGB, should manage the handing-over process to:

- Hand over all SGB files officially to the new SGB;
- Conduct an induction session for the new members;
- Answer any questions that the new SGB may have.

9.9

By-elections

By-elections must take place within 90 days of a SGB vacancy being open through death, resignation, dismissal, or a member no longer having a child at the school. The chairperson the SGB should inform the school's electoral officer of such vacancies, and invite him/her to conduct the by-election. An electoral officer must be appointed for each by-election.

10

ELECTION PROCEDURE FOR THE EDUCATOR COMPONENT OF THE GOVERNING BODY

The election of the educator component of the SGB should take place as follows:

- The Electoral Officer will decide a date, time and place for the nomination and election meeting for educator members. This meeting must be held at least 7 days before the election of the parent members.
- The principal must give the Electoral Officer a list of all educators in the school. This will serve as the voters' roll.
-

The Electoral Officer must give every educator at the school, a copy of the notice (Refer to template 10: Notice to educator members of staff) of the nomination meeting at least 14 days before the day of the meeting.

- An educator can be only nominated and seconded (Refer to template 6 Nomination form) by another educator employed at the school.
- Educators can be nominated by the proposer handing in a completed nomination form to the Electoral Officer directly or through the school's principal before the election day.
- Educators being nominated at the meeting will need another educator present to second (support) the nomination, and the nomination form will have to be properly completed and handed in to the Electoral Officer within the time that the Electoral Officer has allowed for this purpose.
- If the total number of valid nominations is equal to the required number of educator members, the nominated candidates are declared to be duly elected, and the Electoral Officer must sign a declaration indicating that members were not elected by secret ballot, and that he/she allowed an opportunity for more nominations.
- If nominations are fewer than the number required for the educator component of the SGB the Electoral Officer must convene another meeting before the parents' election meeting.
- If the nominated candidates are more than the required number of educators, elections are conducted by secret ballot (Refer to template 11: Ballot paper for educator member) using the same process as described for the parental election.

11

ELECTION PROCEDURE FOR MEMBERS OF STAFF AT THE SCHOOL WHO ARE NOT EDUCATORS

The procedure for the election of the non-educator school staff members of the SGB is as follows:

- The procedure for the nomination and election of the educator component should be adapted to apply to this category of the SGB. (Refer to Template 12: Nomination of Non-educator Members of Staff).
- In cases where there is no non-educator at the school, the position will be left unfilled.
- Where there is one non-educator that person is regarded as duly elected onto the SGB.
- Where there are two or more non-educators at a school a democratic process must be used to determine who should sit on the SGB. The electoral officer may draw lots as an alternative method to appoint a non-educator, if there are two non-educators on the school staff.

12

ELECTION PROCEDURE FOR THE LEARNER COMPONENT OF THE GOVERNING BODY

12.1

The status of Representative Council of Learners (RCL)

The Representative Council of Learners is constituted in accordance with the South African Schools Act and is the only legitimate structure representing the learners at a school. It is made up of learners from the 8th grade and higher, elected by their fellow learners to represent them, in order to enable learners to contribute towards the improvement of the culture of learning and teaching.

12.2

Election Procedure

The RCL elections are to be conducted in the following way:

- The electoral officer shall be an educator nominated by the school's staff, and shall be known as the teacher liaison officer (TLO);
- Notice of a nomination meeting for learners shall be given at least 14 days before the meeting (Refer to Template 13: Notice of a Learner Nomination Meeting);
- Elections shall be conducted by secret ballot (Refer to Template 14: Learner Ballot Paper);
- Each class of learners in the school shall elect at least one representative to the RCL;
- The RCL shall elect the following office bearers from among themselves:
 - o A Chairperson;
 - o A Treasurer; and
 - o A Secretary.
- The RCL shall elect from its elected members representatives to serve on the SGB. The number of RCL representatives on the SGB is determined by provincial regulations.

12.3

Duties of Teacher Liaison Officer (Guardian Educator)

A Teacher Liaison Officer is an educator who is nominated by educators of the school concerned to act as the liaison between the staff and the learners. The district manager appoints the above-mentioned educator to act as the electoral officer for all the electoral procedures relating to the RCL.

The Teacher Liaison Officer shall be an educator at the school concerned. He/she must be a reliable and sympathetic educator and must create a sincere and trusting relationship with the RCL.

He/she must promote spontaneous communication between himself/herself, the principal, staff and the RCL, while helping the learners organise the RCL and in inculcating a sense of leadership in the members of the RCL.

TEMPLATES

Number	Template Notation
1	Notification of all members elected to the SGB
2	SGB data form
3	Parent voters' role
4	Parent registration form
5	Notice of SGB elections for parent members
6	Nomination form
7	Parent Ballot paper
8	Counted ballot papers and declaration of number of voters form
9	Notification of office bearers elected to the SGB
10	Notice of SGB elections for educator members of staff
11	Ballot paper for educator member
12	Notice of SGB elections for non-educator members of staff
13	Notice of RCL elections
14	Learner ballot paper
15	Elections declaration form

Template 1

NOTIFICATION OF ALL MEMBERS ELECTED TO THE GOVERNING BODY

DISTRICT:

SCHOOL

ELECTION DATE:

SURNAME	NAMES	TEL NUMBER	CELL NUMBER	FAX NUMBER	E-MAIL
Principal					
Parents					
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
Educators					
1.					
2.					
3.					
4.					
Non-Educators					
1.					
2.					
3.					
Learners					
1.					
2.					
3.					

ELECTORAL OFFICER: DATE:

SIGNATURE:

Template 2

SGB DATA FORM

PROVINCE:
SCHOOL:

DISTRICT:
TOTAL NO. OF SGB MEMBERS:

Surname and Initials	Gender		Race				Disability		Education Level				Previous SGB Experience in years	Previous SGB Training		SGB Portfolio
	F	M	Bla	Wh	Co	In	Yes	No	Primary	Secondary	Tertiary	None		Yes	No	
Principal																
Parents																
1.																Chairperson
2.																Secretary
3.																Treasurer
4.																
5.																
6.																
7.																
8.																
9.																
Educators																
1.																
2.																
3.																
4.																
Non-Educators																
1.																
2.																
3.																
Learners																
1.																
2.																
3.																
NUMBER OF LEARNERS ENROLLED AT THE SCHOOL										Black	White	Coloured	Indian	Total		

Template 3

PARENTS' VOTERS ROLL

DISTRICT:

SCHOOL:

NB: Only one child per family should appear on the voters' roll

SURNAME	NAME(S)	IDENTITY NUMBER	ADDRESS	NAME OF THE CHILD

Template 4

PARENT REGISTRATION FORM

In order to elect parents for the school governing body, the school's admissions register will be used as the basis for the electoral voters' roll. A 'parent' can mean:

- The parent or guardian of a learner in the school
- The person legally entitled to custody of a learner in the school
- A person who fulfills the role of a parent or custodian with regard to the learner's education at school

Only two parents of any learner are eligible to vote

Please complete the following form and return to the school principal as soon as possible. If you are not on the school admissions register you will not be able to vote or stand as a school governor.

NAME OF SCHOOL:

NAME OF LEARNER:

CLASS OF LEARNER:

PARENT 1	
Name of parent 1	
Address of parent 1	
Signature of parent 1	
PARENT 2	
Name of parent 2	
Address of parent 2	
Signature of parent 2	

Date:

Template 5

ELECTION OF MEMBERS OF GOVERNING BODIES NOTICE OF SGB ELECTIONS FOR MEMBERS WHO ARE PARENTS OF LEARNERS

NAME OF SCHOOL:

Notice is hereby given that a meeting for the nomination and election of candidates for the election of () members of the governing body of the above-mentioned school, will be held on (date) at (time) at (place).

Candidates (who must be parents/guardians of learners at the school and who are not employed at the school) may be nominated by lodging with the electoral officer a nomination form duly completed by the candidate and his/her proposer and seconder. Both proposer and seconder must be parents/guardians of learners at the school. The nomination form must be returned to the school at least a day before the commencement of the above meeting

Nominations will also be accepted at the nomination and election meeting. If candidates cannot be present at the nomination meeting, written proof must be submitted at the meeting to the effect that the candidate is willing to serve as a member of the governing body.

An election meeting will be held on the same day as the nomination meeting mentioned above.

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. Only parents whose names

are on the school's admission register will be entitled to participate in the school's governing body election.

SIGNATURE OF ELECTORAL OFFICER

DATE

Tel:

Address:

Template 6

ELECTION OF MEMBERS OF GOVERNING BODIES NOMINATION FORM

NAME OF SCHOOL:

PROPOSER:

I,

(full name)

of

(residential address)

being (indicate correct response) a parent or guardian of a learner/ an educator/ a non-educator/ a member of the Representative Council of Learners 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 PROPOSER

DATE

SECONDER

I,

(full name)

of

(residential address)

being (indicate correct response) a parent or guardian of a learner/ an educator/ a non-educator/ a member of the Representative Council of Learners 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 SECONDER

DATE

CANDIDATE

I,

(full name)

of

(residential address)

being a parent or guardian of a learner/ an educator/ a non-educator/ a member of the Representative Council of Learners of the above-mentioned school, hereby declare that I: -

a)

Accept the above-mentioned nomination; and

b)

Am eligible to be a member of a governing body as contemplated in the provincial election regulations.

Residential address:

Postal address:

SIGNATURE OF CANDIDATE

DATE

ELECTORAL OFFICER

The nomination is (indicate correct response) accepted/rejected

SIGNATURE OF ELECTORAL OFFICER

DATE

ADDENDUM

I,

(full name)

declare that written proof to my satisfaction has been submitted that the above-mentioned candidate, who is not present at the nomination and election meeting to complete the nomination and election form, will be willing to serve as a member of the governing body.

SIGNATURE OF ELECTORAL OFFICE

DATE

Template 7

PARENT BALLOT PAPER

NAME OF DISTRICT:

NAME OF CIRCUIT:

NAME OF SCHOOL:

CHOOSE CANDIDATES BY PLACING A CROSS IN THE BOX NEXT TO THE CANDIDATE(S) OF YOUR CHOICE, e.g. **[X]**

1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
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11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

Template 8

COUNTED BALLOT PAPERS AND DECLARATION OF NUMBER OF

TYPE OF ELECTION **PARENT EDUCATOR** **LEARNER NON-EDUCATOR**

DISTRICT:
SCHOOL:

DATE OF ELECTION		TYPE OF SCHOOL	PRIM	SEC	COMB	LSEN
Number	Names of candidates (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:

ELECTORAL OFFICER:

SIGNATURE:

DATE:

Template 9

NOTIFICATION OF OFFICE BEARERS ELECTED TO THE GOVERNING BODY

DISTRICT: **SCHOOL:**
MEETING DATE:

PORTFOLIO	SURNAMES	NAMES	TEL NO.	CELL NO.	FAX NO.	E-MAIL
1. Chairperson						
2. Secretary						
3. Treasurer						
Other Office Bearers						
1.						
2.						
3.						
4.						
Chairpersons of Governing Body Sub-committees (Specify)						
1.						
2.						
3.						
4.						
5.						
6.						
7.						

8.						
9.						
10.						

SGB CHAIRPERSON:
SIGNATURE:

DATE:

Template 10

**ELECTION OF MEMBERS OF GOVERNING BODIES
NOTICE OF SGB ELECTIONS FOR EDUCATOR MEMBERS OF STAFF**

NAME OF SCHOOL:

Notice is hereby given that a meeting for the nomination and election of candidates for the election of () members of the governing body of the above-mentioned school, will be held on (date) at (time) at (place).

Candidates (who must be educators at the school) may be nominated by lodging with the electoral officer a nomination form duly completed by the candidate, the proposer and the seconder, more than a day before the commencement of the above meeting. Both proposer and seconder must be educators at the school.

Nominations will also be accepted at the nomination and election meeting. If candidates cannot be present at the nomination meeting, written proof must be submitted at the meeting to the effect that the candidate is willing to serve as a member of the governing body.

An election meeting will be held on the same day as the nomination meeting mentioned above.

SIGNATURE OF ELECTORAL OFFICER

DATE

Tel:

Address:

Template 11

EDUCATOR MEMBER BALLOT PAPER

NAME OF DISTRICT/REGION:

NAME OF CIRCUIT:

NAME OF SCHOOL:

CHOOSE CANDIDATES BY PLACING A CROSS IN THE BOX NEXT TO THE CANDIDATE(S) OF YOUR CHOICE, e.g. **[X]**

1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
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12.		
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14.		
15.		
16.		

17.		
18.		
19.		
20.		

Template 12

**ELECTION OF MEMBERS OF GOVERNING BODIES
NOTICE OF SGB ELECTIONS FOR NON-EDUCATOR MEMBERS OF STAFF**

NAME OF SCHOOL:

Notice is hereby given that a meeting for the nomination and election of candidates for the election of () members of the governing body of the above-mentioned school, will be held on (date) at (time) at (place).

Candidates (who must be non-educators at the school) may be nominated by lodging with the electoral officer a nomination form duly completed by the candidate, the proposer and the seconder more than a day before the commencement of the above meeting. Both proposer and seconder must be non-educators at the school (See paragraph 11).

Nominations will also be accepted at the nomination and election meeting. If candidates cannot be present at the nomination meeting, written proof must be submitted at the meeting to the effect that the candidate is willing to serve as a member of the governing body.

An election meeting will be held on the same day as the nomination meeting mentioned above.

SIGNATURE OF ELECTORAL OFFICER

DATE

Tel:

Address:

Template 13

**ELECTION OF MEMBERS OF GOVERNING BODIES
NOTICE OF ELECTIONS FOR LEARNER MEMBERS OF THE SCHOOL**

NAME OF SCHOOL:

Notice is hereby given that a meeting for the nomination and election of candidates for the election of () members of the governing body of the above-mentioned school, will be held on (date) at (time) at (place).

Candidates (who must be members of the Representative Council of Learners of the school) may be nominated by lodging with the electoral officer a nomination form duly completed by the candidate, the proposer and the seconder more than a day before the above meeting. Both proposer and seconder must be members of the Representative Council of Learners of the school.

Nominations will also be accepted at the nomination and election meeting. If candidates cannot be present at the nomination meeting, written proof must be submitted at the meeting to the effect that the candidate is willing to serve as a member of the governing body.

An election meeting will be held on the same day as the nomination meeting mentioned above.

SIGNATURE OF ELECTORAL OFFICER

DATE

Tel:

Address:

Template 14

LEARNER BALLOT PAPE

NAME OF DISTRICT/REGION:

NAME OF CIRCUIT:

NAME OF SCHOOL:

CHOOSE CANDIDATES BY PLACING A CROSS IN THE BOX NEXT TO THE CANDIDATES (S) OF YOUR CHOICE, e.g. [**X**]

1.		
2.		
3.		
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16.		
17.		
18.		
19.		
20.		

Template 15

ELECTIONS 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 I declare that the following component/s of the above mentioned election was/were disputed

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

Signature:

Date:

ANNEXURE

Numbers and types of members on school governing bodies and ballot form reference number

	Principal	Educator	Parents	Non-Teaching	Learners	Total
I Primary School with <u>1 less than 160 pupils</u>	1	1	4	1	0	7
Ballot Form		Temp.11	Temp.7	Temp.12	Temp. 14	
Primary School with <u>1160 to 719 pupils</u>	1	2	5	1	0	9
Ballot Form		Temp.11	Temp.7	Temp.12	Temp.14	
Primary School with <u>1 720 pupils or more</u>	1	3	6	1	0	11
Ballot Form		Temp.11	Temp.7	Temp.12	Temp.14	
Secondary School with less than 630 <u>pupils</u>	1	2	7	1	2	13
Ballot Form		Temp.11	Temp.7	Temp.12	Temp.14	
Secondary School with 630 or more <u>pupils</u>	1	3	9	1	3	17
Ballot Form		Temp.11	Temp.7	Temp.12	Temp.14	
Comprehensive or Combined school with less than 500 <u>pupils</u>	1	2	7	1	2	13
Ballot Form		Temp.11	Temp.7	Temp.12	Temp.14	
Comprehensive or Combined school with 500 or more <u>pupils</u>	1	3	9	1	3	17
Ballot Form		Temp.11	Temp.7	Temp.12	Temp.14	

Note: if a governing body serves more than one school, the total number of pupils at both schools together will be used to decide the number of members of the governing body. If the school does not have a non-teaching member of staff the number of parents governors must be reduced by one (so the total number of governors will be reduced by 2)