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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF BASIC EDUCATION

NOTICE 2409 OF 2024

MEMBER OF THE EXECUTIVE COUNCIL FOR EDUCATION AND YOUTH DEVELOPMENT

GAUTENG DEPARTMENT OF EDUCATION

GAUTENG SCHOOL EDUCATION ACT, 1995 (ACT NO. 6 OF 1995)

GENERAL NOTICE

GOVERNING BODY REGULATIONS FOR PUBLIC SCHOOLS, 1997

The Member of the Executive Council for Education and Youth has under section 31, read with sections 27(5), 28(3), 28(4) and 106, of the Gauteng School Education Act, 1995 (Act No. 6 of 1995), made amendments to the Governing Body Regulations for Public Schools, 1997, as contained in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

Amendment of regulation 1 of Regulations

1. Regulation 1 of the Governing Body Regulations for Public Schools, 1997 (hereinafter referred to as the "Regulations") is hereby amended—

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Subject to sub-regulation (2) and unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act shall have the same meaning in these **[regulations]**Regulations.";

(b) by the substitution in sub-regulation (2) for the words preceding the definition of "catchment area" of the following words:

"(2) In these **[regulations]**Regulations, unless the context indicates otherwise—";

(c) by the insertion before the definition of "catchment area" of the following definitions, respectively:

""**accredited external observer**" means a person (natural or juristic) that is authorised by the Head of Department to observe the election process of a school governing body in a public school;

"**appropriate field**" means a field of special needs education which is appropriate to a school for special education;";

(d) by deletion of the definition of "**catchment area**";

(e) by the insertion after the definition of "catchment area" of the following definition:

""**category of disability**" means a category of disability manifested amongst learners enrolled at a school for special education;";

(f) by the insertion after the definition of "days" of the following definition:

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

(g) by the insertion after definition of "educator member" of the following definition:

""**e-Election**" means a mode of election that is conducted electronically through virtual platforms;";

(h) by the substitution of the definition of "member of the community" of the following definition:

""**member of the community**" means any person resident in the **[catchment area]**feeder zone of the school, any person whose place of work is in the **[catchment area]**feeder zone of the school, or any **[alumnus]**former learner of the school;";

(i) by the insertion after the definition of "member of the community" of the following definition:

""**minor"** means a person who is below or under the age of 18 years old;";

(j) by the insertion after the definition of "non-teaching member" of the following definition:

""**online election system**" means the hardware, software and processes which use electronic means to make a choice between options in an election;"; and

(k) by the insertion after the definition of "ordinary school" of the following definitions, respectively:

""**organisations of persons with disabilities**" means civil society organisations where the majority of members of staff, volunteers and members are persons with disabilities, and the organisation is controlled and managed by persons with disabilities;

"**parent**" means—

(*a*) the biological or adoptive parent or legal guardian of a learner;

(*b*) the person who is entitled to legal custody of a learner; or

(*c*) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (*a*) and (*b*) towards the learner's education at school;".

Substitution of regulation 2 of Regulations

2. The following regulation is hereby substituted for regulation 2 of the Regulations—

"**2. Application of [regulations]Regulations**

These **[regulations shall]**Regulations apply to governing bodies of public schools within the Province.".

Amendment of regulation 3 of Regulations

3. Regulation 3 of the Regulations is hereby amended by the substitution for words preceding paragraph (*a*) of the following words:

"The following principles **[shall]** underpin the governance of schools in the **[province]**Province—".

Amendment of regulation 7 of Regulations

4. Regulation 7 of the Regulations is hereby amended—

(a) by the substitution in sub-regulation (1) for paragraph (*c*) of the following paragraph:

"(*c*) representatives of organisations of **[disabled]** persons with disabilities, if applicable;"; and

(b) by the substitution of sub-regulation (3) of the following sub-regulation:

"(3) **[The Member of the Executive Council shall by notice in the *Provincial Gazette* determine the number of members in each category referred to in sub-regulation (1)]**(*a*) The Member of the Executive Council must, within 30 days of commencement of these Regulations, and after consultation with a governing body of a school for learners with special education needs, determine in respect of that school, the number of—

(i) categories of disability; and

(ii) appropriate fields.

(*b*) The total number of members in the categories contemplated in paragraphs (*a*) to (*e*) of sub-regulation (1) must be at least one less than the total number of members contemplated in regulations 4, 5 and 6.

(*c*) A governing body of a school for leaners with special education needs must not be deemed to be improperly constituted if it is not reasonably practicable that a member in the categories contemplated in paragraphs (*a*) to (*e*) of sub-regulation (1) be so elected.".

Insertion of regulations 7A, 7B, 7C, 7D and 7E into Regulations

5. The following regulations are hereby inserted after regulation 7 of the Regulations:

"**7A. Appointment of members in school for learners with special education needs**

(1) An organisation may, in terms of paragraphs (*b*) or (*c*) of regulation 7(1), apply in writing to the Member of the Executive Council, within 30 days of commencement of these Regulations, to be represented in the governing body of a school for learners with special education needs.

(2) An application contemplated in regulation 7(1) and Schedule EB, must set out the reasons why the organisation believes it must be represented on the governing body of the school for learners with special education needs concerned. Schedule EA will be used to assess the application.

(3) Subject to regulation 7, the Member of the Executive Council must, within 30 days after the expiry of the period for applications contemplated in sub-regulation (1), and after consultation

with a governing body of the school for learners with special education needs concerned, grant or refuse the application in terms of Schedule EC.

(4) If the Member of the Executive Council refuses an application in terms of sub-regulation (3), the Member of the Executive Council must provide the applicant organisation with written reasons for doing so.

(5) If the Member of the Executive Council grants an application in terms of sub-regulation (3), the applicant organisation must be entitled to appoint its own representative on a governing body of the school for learners with special education needs concerned in accordance with its own internal procedures.

(6) After the appointment of a representative contemplated in sub-regulation (5)—

(*a*) the organisation must notify the principal in writing of the name of the representative appointed to the governing body of the school for learners with special education needs concerned; and

(*b*) the principal must notify the district electoral officer in writing of the name of that representative.

(7) A representative of the organisation who is appointed in these categories into the governing body for learners with special education needs concerned has voting rights.

7B Nomination of sponsoring bodies, persons with disabilities and experts in schools for learners with special education needs

(1) If there is a vacancy in a governing body of a school for learners with special education needs in respect of any category of disability or appropriate field, a member of the governing body may nominate a person in that category or field for election as a member of the governing body, as contemplated in regulation 7(1)(*a*), (*d*) or (*e*), by—

(*a*) lodging a nomination form with the principal not more than seven days and not less than one day before an ordinary meeting of the governing body, which form must be duly completed by the proposer and the candidate; or

(*b*) proposing a person as a member during the meeting contemplated in paragraph *(a)* and lodging with the Chairperson a nomination form duly completed by the proposer and the candidate.

(2) At the meeting contemplated in sub-regulation (1), the Chairperson must—

(*a*) notify the members of the governing body of the nomination or nominations;

(*b*) inform the members that an election will take place at the next ordinary meeting of the governing body; and

(*c*) invite the members to nominate additional candidates for election in accordance with the provisions of sub-regulation (3).

(3) A member may nominate an additional candidate for election by—

(*a*) lodging a nomination form with the principal not more than seven days and not less than one day before the next ordinary meeting following the meeting contemplated in sub-regulation (1), which form must be duly completed by the proposer and the candidate; or

(*b*) proposing a person as a member during the next ordinary meeting following the meeting contemplated in sub-regulation (1) and lodging with the Chairperson a nomination form duly completed by the proposer and the candidate.

7C The sponsorship bodies, persons with disabilities' members and expert members in schools for learners with special education needs:

(1) At the next ordinary meeting following the meeting contemplated in regulation 9(2), the members of the governing body of a school for learners with special education needs with voting rights must, by secret ballot and in separate rounds of voting, in respect of relevant category of disability or appropriate field, elect one member from the validly nominated candidates for the sponsoring body, relevant category of disability or appropriate field.

(2) Every voting member of the governing body is entitled to vote and has one vote in respect of each candidate, with a maximum number of votes equal to the number of members to be elected in each round of voting.

(3) After the election of members contemplated in sub-regulation (2)—

(*a*) the principal must notify each elected member in writing of that member's election as a member of the governing body;

(*b*) the principal must notify the district electoral officer in writing of the name of each elected member; and

(*c*) members elected in categories as contemplated in regulation 7(1) (*a*), (*d*) and (*e*) into the governing body do not have voting rights.

7D Filling of vacancies by organisations in schools for learners with special education needs

(1) If at any time after the expiry of the period contemplated in regulation (3), taking into account the number of members already appointed and the number of categories and fields determined in line with regulation 7(2)(*a*) and (*b*), regulation 7(3)(*a*) permits the election of further members to the governing body of a school for learners with special education needs.

(2) An organisation may apply in writing to the Member of the Executive Council to be represented in the governing body of a school for learners with special education needs, in terms of paragraph (*b*) and (*c*) of regulation 7(1).

(3) An application contemplated in sub-regulation (1) and Schedule EB must set out the reasons why the organisation believes it must be represented in the governing body of a school for learners

with special education needs concerned. Schedule EA will be used to assess the application.

(4) Subject to regulation 7(3)(*a*), the Member of the Executive Council must within 30 days after the expiry of the period of applications contemplated in sub-regulation (1) and after consultation with the governing body of a school for learners with special education needs concerned, grant or refuse application in terms of Schedule EC.

7E Composition of governing bodies of child and youth care centres and hospital schools

A governing body of a child or youth care centre, or a hospital school, must be represented by members of the staff at the institution after nomination and election meetings in consultation with the electoral officer.".

Amendment of regulation 9 of Regulations

6. Regulation 9 of the Regulations is hereby amended—

(a) by the substitution of sub-regulation (1) of the following sub-regulation:

"(1) A governing body may at any time during its term of office, in accordance with the procedure set out in regulations 28 and 29, co-opt a member or members of the community with the relevant expertise to assist in discharging its functions: Provided that the number of co-opted members of a governing body at any time may not exceed three.";

(b) by the substitution of sub-regulation (4) of the following sub-regulation:

"(4) If a governing body of a school acts under sub-regulation (3), and if there is more than one owner of the property on which the school is situated, such owners **[shall]**must nominate **[one of their number members, or]** a representative, to represent them on such governing body.".

Amendment of regulation 10 of Regulations

7. Regulation 10 of the Regulations is hereby amended—

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) The Member of the Executive Council may, by notice in the **[*Provincial*]**Provincial *Gazette*, determine that the governance of two or more schools [shall]must vest in a single governing body in terms of section 17 of the South African Schools Act, 1996 (Act No. 84 of 1996), if it is in the best interest of education at the schools in question.".

(b) by the substitution in sub-regulation (3) for paragraph (*a*) of the following paragraph:

"(*a*) given notice in the **[*Provincial*]**Provincial *Gazette* of his or her intention so to act.".

(c) by the substitution for sub-regulations (14) and (15) of the following sub-regulations, respectively:

"(14) The governing body established in **[subregulation]**sub-regulation (5) must be subject to all rules and regulations applicable to governing bodies.

(15) A quorum for any meeting of the combined governing body **[will be one half]**must be 50%+1 of the members representing each of the separate schools.".

Amendment of regulation 11 of Regulations

8. Regulation 11 of the Regulations is hereby amended by the substitution for sub-regulations (1), (2) and (3) of the following sub-regulations, respectively:

"(1) Subject to sub-regulation (3), no act of a governing body **[shall be]**is invalid merely because the governing body is not properly constituted in accordance with these **[regulations]**Regulations.

(2) Where a governing body is not properly constituted in accordance with these **[regulations]**Regulations, the Member of the Executive Council **[shall]**must give the governing body [**six months'**]90 days' notice to rectify the defect in its composition.

(3) If, after the expiry of the notice period contemplated in sub-regulation (2), the governing body is still not properly constituted in accordance with these **[regulations]**Regulations, until it is properly constituted, no acts which it performs **[shall be]**is valid.".

Amendment of regulation 12 of Regulations

9. Regulation 12 of the Regulations is hereby amended—

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Subject to these **[regulations]**Regulations, a member other than a learner member may hold office for a period not exceeding three years.".

(b) by the addition of the following sub-regulation:

"(4) Despite sub-regulations (1) or (2), a member holds office until a new governing body is constituted after the expiry of the term of office of the member.".

Amendment of regulation 13 of Regulations

10. Regulation 13 of the Regulations is hereby amended—

(a) by the substitution in sub-regulation (2) for subparagraph (i) of paragraph (*a*) of the following subparagraph:

"(i) informed the governing body and the member concerned of his or her intention, with written reasons, so to act **[and the reasons]** within seven working days;";

(b) by the substitution in paragraph (*b*) of sub-regulation (2) of the word "subsection" for the word "sub-regulation".

(c) by the substitution in sub-regulation (7) for paragraphs (*a*) and (*b*) of the following paragraphs, respectively:

"(*a*) not be **[re-elected into]**elected to any governing body **[for the current term of office during which he or she was removed]**within two years of the removal from office; and

(*b*) only stand for elections **[in future governing body elections after obtaining permission from]**after two years has lapsed, subject to the approval of the Head of Department.".

Amendment of regulation 15 of Regulations

11. Regulation 15 of the Regulations is hereby amended—

(a) by the substitution in sub-regulation (1) for paragraph (*b*) of the following paragraph:

"(*b*) in the office of a parent member, such vacancy **[shall]**must be filled **[at the discretion of the governing body, either]** in accordance with an election in terms of these **[regulations]**Regulations or by co-option: Provided that the total number of parent members co-opted in terms of this paragraph may not exceed 40% of the total number of parent members of the governing body."; and

(b) by the substitution for sub-regulations (1D) and (1E) of the following sub-regulations, respectively:

"(1D) The District Director must appoint **[an election officer for each by-election]**a district electoral officer for the term of office of a governing body to manage election processes.

(1E) A member co-opted in terms of sub-regulation (1B) **[shall cease]**ceases to be a member of a governing body when the vacancy is filled in terms of sub-regulation (1C) or at the end of 90 days, whichever comes first."; and

(c) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) A member co-opted in terms of sub-regulation (1)(*b*) or sub-regulation (1B) **[shall have]**has voting rights.".

(d) by the substitution in sub-regulation (3) for the words following immediately after paragraph (*b*) of the following words:

"**[shall remain]**remains a member for the unexpired term of office of his or her predecessor: Provided that he or she is still eligible to remain in office in terms of regulation 16.".

Amendment of regulation 16 of Regulations

12. Regulation 16 of the Regulations is hereby amended—

(a) by the substitution for sub-regulations (1) and (2) of the following sub-regulations, respectively:

"(1) A parent member **[shall]**must be a parent of a learner officially enrolled at the school as reflected in the admission register of the school; and **[shall]**must not be employed at the school.

(2) A parent member who is eligible under sub-regulation (1) at the time of his or her election to the governing body **[shall cease]**ceases to be eligible to remain a member if the learner in respect of whom he or she qualifies as a parent member ceases to be officially enrolled at the school during the term of office for which the parent member was elected.";

(b) by the substitution in sub-regulation (8A) for the words preceding paragraph (*a*) of the following words:

"(8A) A person **[shall not be]**is not eligible to be a member if **[he or she?]**—"; and

(c) by the addition of the following paragraph:

"*(h)* is an official of the Department with direct supervisory responsibility in the school where he or she is a parent.".

Substitution of regulation 18 of Regulations

13. The following regulation is hereby substituted for regulation 18 of the Regulations:

"The Member of the Executive Council may, by notice in the **[*Provincial*]**Provincial *Gazette*, establish guidelines and minimum requirements for the establishment, election and functions of Representative Councils of Learners.".

Amendment of regulation 19 of Regulations

14. Regulation 19 of the Regulations is hereby amended—

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) The District Director **[shall]**must appoint a **[District Electoral Officer]**district electoral officer**[, who shall be an officer of the Department,]** to coordinate all electoral activities in a district for the term of office of the governing bodies.".

(b) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) The District Director **[shall]**must appoint one, or more persons to act as **[an election]**school electoral officer for the electoral procedures at a particular school for the term of office of the governing body.".

(c) by the substitution for sub-regulation (3) of the following sub-regulation:

"(3) An **[election]**electoral officer **[shall]**must be an officer of the Departmen **[, a parent or an education]**or an educator."; and

(d) by the addition of the following sub-regulations, respectively:

"(7) The Head of Department must appoint a provincial electoral officer to coordinate all electoral activities in the province for the term of office of the governing bodies.

"(8) A person appointed as electoral officer may not delegate this responsibility to any other person.".

Amendment of regulation 19A of Regulations

15. Regulation 19A of the Regulations is hereby amended—

(a) by the insertion before the word “The” of the number "(1)" to make the provision thereof "sub-regulation (1)".

(b) by the substitution for the provision of the following provision:

"(1) The election process **[may]**must be monitored by election officials nominated by the Head of Department or an official delegated by the Head of Department.".

(c) by the addition of the following sub-regulations, respectively:

"(2) Officials appointed or delegated by the Head of Department—

(*a*) must monitor all the aspects of the election process;

(*b*) have access to all the information relating to the election process;

(*c*) have the authority to guide, where necessary; and

(*d*) must compile monitoring reports.

(3) External observers must be accredited by the Head of Department and may not interfere with the election process.

(4) Accredited external observer must have access to the election system and sign a declaration of confidentiality.

(5) One external observer per organisation, association or institution is permitted to be an observer at a school.".

Insertion of regulation 19C into Regulations

16. The following regulation is hereby inserted after regulation 19B of the Regulations:

"**19C Modes of elections**

(1) The Head of Department must determine the mode of election for schools per each electoral cycle.

(2) The modes of elections to be determined by Head of Department are—

(*a*) Ordinary elections;

(*b*) Full day elections; or

(*c*) e-Elections.

(3) (*a*) Ordinary elections occur when the nominations and elections take place on a specific day within a specified time period and it takes place as follows:

(i) verification of eligible voters on the voters roll;

(ii) opening and closing of the nomination meeting;

(iii) ensure 15% quorum of parents on the voters roll for the poll meeting to start;

(ii) handing out of stamped ballot papers containing the names of nominated candidates;

(iii) marking of ballot papers by parents secretly according to the expected number of parents to be elected;

(iv) placing the folded ballot paper in a sealed ballot box or container provided for this purpose; and

(v) closing the poll meeting and counting commences.

(*b*) Full day elections occur when voters physically come to the venue to cast their votes at any time within the allocated hours of the day without any meeting;

(*c*) Nomination for the full day election takes place prior to the election day which is not more than seven days and not less than three days prior elections day;

(*d*) The following takes place on the full day elections—

(i) verification of eligible voters on the voters roll;

(ii) handing out of stamped ballot papers containing the names of nominated candidates;

(iii) marking of ballot papers by parents secretly according to the expected number of parents to be elected; and

(iv) placing the folded ballot paper in a sealed ballot box or container provided for this purpose.

(*e*) Counting can only commence after it has been confirmed that the 15% quorum of votes have been cast.

(4) (*a*) In instances where the Head of Department determines that the mode of elections must be e-elections:

(i) schools are required to use the provincial online election system provided by the Department; and

(ii) the schools must inform parents about the online election system that will be used.

(*b*) The Department must provide the provincial online election system to be utilised by all schools.
(*c*) Voters' roll will be uploaded on the provincial online election system for parents to register prior to nominations and elections.
(*d*) Nomination is similar to the nomination procedures followed in full day elections in terms of regulation 19C(3), which takes place online.
(*e*) The completed nominations must be lodged with the electoral officer not more than seven days and not less than three days prior to the elections day.
(*f*) Parents will receive log on details with unique one-time pin to join elections.
(*g*) Online ballot paper will be made available to parents to cast their votes for the required number of parents to be voted for.
(*h*) The system determines the 15% quorum of votes that have been cast to determine the start of counting of votes, calculate and provide results once the election time has elapsed.
(*i*) The electoral officer must use all the available checks and balances to verify the authenticity of results and sign them off.".

(5) All election modes must comply with the 15% quorum requirement.

(6) Failure to attain the required quorum, the school electoral officer will reschedule the poll and must not require a quorum.".

Amendment of regulation 20 of Regulations

17. Regulation 20 of the Regulations is hereby amended by the substitution in sub-regulation (3) for paragraph (*b*) of the following paragraph:

"(*b*) **[post a copy of the notice to the parents of every learner at the school]**use any standard form of communication used by the school to communicate the notice to the parents of every learner at school.".

Amendment of regulation 21 of Regulations

18. Regulation 21 of the Regulations is hereby amended—

(a) by the substitution for sub-regulations (1) and (2) of the following sub-regulations, respectively:

"**[(1) The Principal shall make available to the school election officer a voters' roll for the purposes of exercising control at the nomination meeting.**

(2) The election officer shall ensure that the voters roll is closed 24 hours prior to the nomination meeting]

(1) A school must update the voter's roll as determined by the Head of Department prior to the commencement of the elections.

(2) The provisional voters' roll must be signed off by the principal on the last day of the month preceding the elections."; and

(b) by the addition of the following sub-regulations, respectively:

(3) The election officer must ensure that the voters roll is closed 24 hours prior to the nomination meeting.

(4) The principal must make available to the school election officer a voters' roll for the purposes of exercising control at the nomination meeting.".

Amendment of regulation 23 of Regulations

19. Regulation 23 of the Regulations is hereby amended—

(a) by the substitution in sub-regulation (10) for paragraph (*b*) of the following paragraph:

"(*b*) the election officer **[shall]**must provide the principal with **[sufficient copies]**a copy of a notice which sets out the date, time and place of the second poll meeting;";

(b) by the substitution in sub-regulation (10) for paragraph (*d*) of the following paragraph:

"(*d*) at the second poll meeting there **[shall]**must be no quorum requirement and the poll for parent members **[shall]**must proceed according to the provisions of sub-regulations (3) to (9).";

and

(c) by the addition of the following sub-regulations, respectively:

"(11) Parents must bring their valid identity documents, passport or other legally accepted form of identification to the nomination and election meetings.

(12) The date of elections signed off by the principal in consultation with the district electoral officer may be changed, subject to the approval of the provincial electoral officer.".

Amendment of regulation 23A of Regulations

20. Regulation 23A of the Regulations is hereby amended—

(a) by the substitution in sub-regulation (4) for paragraph (*b*) of the following paragraph:

"(*b*) nominations and polling must take place in the manner provided for in **[Regulations]**regulations 22 and 23;";

(b) by the substitution in sub-regulation (5) for the words preceding paragraph (*a*) of the following words:

"(5) For the purposes of this **[Regulation]**regulation—".

Amendment to regulation 24 of Regulations

21. Regulation 24 of the Regulations is hereby amended—

(a) by the substitution for paragraphs (*c*) and (*d*) of the following paragraphs, respectively:

"(*c*) the **[District Electoral Officer shall]**district electoral officer must ensure that—

(i) each elected member is notified in writing of his or her election; and

(ii) the principal and the District Director are notified in writing of the names of the elected members;";

(b) by substitution for paragraph (*d*) of the following paragraph:

"(*d*) **[the District Electoral Officer shall ensure that the principal and the District Director are notified in writing of the names of elected members]**in protecting the best interests of learners,

the Head of Department may vet elected members at any stage during their term of office.

(*c*) by the addition of the following paragraphs, respectively:

(*e*) where the member fails the vetting process, the provisions of regulation 13 of these Regulations applies; and

(*f*) any vacancy created as a result of paragraph (*e*) above must be filled in accordance with regulation 15 of these Regulations.".

Amendment to regulation 25 of Regulations

22. Regulation 25 of the Regulations is hereby amended by the substitution for sub-regulation (4) of the following sub-regulation:

"(4) The provisions of regulations 21 to 24 of these **[regulations shall apply *mutatis mutandis*]**Regulations apply with the necessary changes required by the context to the election of educator members, and in such application a reference to a parent **[shall]**must be construed as a reference to an educator member, and a reference to a parent member **[shall]**must be construed as a reference to an educator member.".

Amendment to regulation 26 of Regulations

23. Regulation 26 of the Regulations is hereby amended by the substitution for sub-regulation (5) of the following sub-regulation:

"(5) The provisions of regulations 21 to 24 of these **[regulations shall apply *mutatis mutandis*]**Regulations apply with the necessary changes required by the context to the election of learner members, and in such application a reference to a parent **[shall]**must be construed as a reference to a learner who is entitled to vote in terms of regulation 17(4), and a reference to a parent **[shall]**must be construed as a reference to a learner member: Provided that a learner member may be any learner, and may be nominated or seconded by any learner.".

Amendment to regulation 27 of Regulations

24. Regulation 27 of the Regulations is hereby amended by the substitution for sub-regulation (4) of the following sub-regulation:

"(4) The provisions of regulations 21 to 24 of these **[regulations shall apply *mutatis mutandis*]**Regulations apply with the necessary changes required by the context to the election of non-teaching members, and in such application a reference to a parent **[shall]**must be construed as a reference to a non-teaching member of staff, and a reference to a parent member **[shall]**must be construed as a reference to a non-teaching member.".

Amendment of regulation 30 of Regulations

25. Regulation 30 of the Regulations is hereby amended—

(a) by the substitution for the heading of the heading:

"**Election of [disabled] community members with disabilities**"; and

(b) by the substitution for sub-regulations (1), (2) and (3), respectively, of the following sub-regulation:

"**[(1) The Member of the Executive Council shall by notice in the *Provincial Gazette* determine the manner of election or appointment of members of a governing body of a school for learners with special education needs referred to in regulation 7.**

(2) A notice contemplated in sub-regulation (1) shall give interested parties an opportunity to make written submissions within a period of not less than 30 days.

(3) The Member of the Executive Council shall consider all such submissions, and thereafter may alter the notice contemplated in sub-regulation (1)]The election of community members with disability must be done in accordance with regulation 7B and 7C of these Regulations.".

Amendment to regulation 31 of Regulations

26. Regulation 31 of the Regulations is hereby amended by the substitution for sub-regulation (1) by the following sub-regulation:

"**[(1)]** At the first meeting of the governing body, which **[shall]**must be convened by the principal **[not less than 14 days and not more than 21 days]**within 14 days after the election of the parent members, the members of the governing body with voting rights **[shall]**must, from among the members of the governing body with voting rights, elect at least the following office-bearers—".

Amendment to regulation 33 of Regulations

27. Regulation 33 of the Regulations is hereby amended by the addition of the following sub-regulations, respectively:

"(7) A member may only serve as an office-bearer of the governing body in one school.

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

(9) A departmental official with direct supervisory responsibilities at a school at which the official is a parent may not serve on the governing body of that school.".

Amendment to regulation 37 of Regulations.

28. Regulation 37 of the Regulations is hereby amended—

(a) by the substitution for sub-regulation (5) of the following sub-regulation:

"(5) Subject to these **[regulations, an Executive Committee shall]**Regulations, an executive committee must determine its own rules in relation to meetings and procedures at its meetings.".

(b) by the addition of the following sub-regulation:

"(6) The secretary of a governing body must ensure that all records of the governing body are securely stored in a filing system as soon as they are approved.".

Amendment of regulation 39 of Regulations.

29. Regulation 39 of the Regulations is hereby amended by the substitution for sub-regulation (4) of the following sub-regulation:

"(4) Subject to these **[regulations]**Regulations, a governing body **[shall]**must determine its own rules relating to meetings referred to in this Chapter and procedures at such meetings.".

Amendment of regulation 40 of Regulations.

30. Regulation 40 of the Regulations is hereby amended by the substitution for sub-regulation 6 of the following sub-regulation:

"(6) Notwithstanding the provisions of regulation 54(*b*), the **[Secretary]**secretary of a governing body **[shall,]**must—

(*a*) on request, provide the District Director with a copy of any referred to in sub-regulations (1), (2), (3) and (4); and

(*b*) ensure that all records of the governing body are securely stored in the filing system as soon as they are approved.".

Amendment of regulation 41 of Regulations.

31. Regulation 41 of the Regulations is hereby amended by the substitution in sub-regulation (2) for paragraph (*b*) of the following paragraph:

"(*b*) **[post a copy of the notice for such meeting to the parents of every learner at the school]**use any standard form of communication used by the school to communicate the notice to the parents of every learner at school".

Amendment of regulation 42 of Regulations.

32. Regulation 42 of the Regulations is hereby amended by the substitution in sub-regulation (3) for paragraph (*b*) of the following paragraph:

"(*b*) **[post a copy of the notice for such meeting to the parents of every learner at the school]**use any standard form of communication used by the school to communicate the notice to the parents of every learner at school".

Amendment of regulation 43 of Regulations.

33. Regulation 43 of the Regulations is hereby amended by the substitution for sub-regulation 8 of the following sub-regulation:

"(8) A **[school]** governing body **[should]**must not enter into any contract that exceeds its three year term of office.".

Amendment of regulation 45 of Regulations.

34. Regulation 45 of the Regulations is hereby amended—

(a) by the substitution for the sub-regulation (1) of the following sub-regulation:

"(1) A governing body **[shall]**must draw up its own constitution and standing orders which **[shall]**must not be contrary to the Act, these **[regulations]**Regulations, or any other applicable law, and which **[shall]**must comply with the minimum requirements established by the Member of the Executive Council by notice in the **[*Provincial*]**Provincial *Gazette*.".

(b) by the substitution for sub-regulation (3) of the following sub-regulation:

"(3) Until the Head of Department has certified that the constitution and standing orders referred to in sub-regulation (2) are consistent with the provisions of the Act and these **[regulations]**Regulations, such constitution and standing orders **[shall]**must be of no force and effect.".

(c) by the substitution for sub-regulation (4) of the following sub-regulation:

"(4) The Member of the Executive Council **[shall]**must by notice in the **[*Provincial*]**Provincial *Gazette* publish a standard school constitution and standing orders referred to in sub-regulation (1).".

Amendment of regulation 46 of Regulations.

35. Regulation 46 of the Regulations is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

"(1) Subject to the Constitution, the South African Schools Act, 1996 (Act No. 84 of 1996, and its **[regulations]**Regulations, a governing body of a school **[shall]**must—.".

(b) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) Where there is a conflict between a policy, rule or code contemplated in sub-regulation (1) and adopted by a governing body with the South African Schools Act, 1996 (Act No. 84 of 1996), the Act, its **[regulations and,]**Regulations and the Constitution **[shall]** prevail.".

Amendments to regulation 48 of Regulations.

36. Regulation 48 of the Regulations is hereby amended by the addition of the following paragraph:

"(*f*) must conduct planning annually and produce the relevant governance documents to guide the school's functionality and accountability.".

Amendment of regulation 50 of Regulations.

37. Regulation 50 of the Regulations is hereby amended—

(a) by the substitution for the word preceding paragraph *(a)* of the following words:

"**50.** A governing body of a school **[shall]**must—.".

(b) by the addition of the following paragraph:

"(*c*) submit the school improvement plan for the ensuing year indicating the budget as approved in the annual general meeting to the District Director in the last term of each year.".

Substitution of regulation 55 of Regulations.

38. The following regulation is hereby substituted for regulation 55 of the Regulations:

"(1) A governing body of a school may recommend to the Head of Department the appointment of educators at the school, subject to the Educators' Employment Act, 1994 **[(Proclamation No. 138 of 1994)]**(Act No. 76 of 1998), and the Labour Relations Act, 1995 (Act No. 66 of 1995).

(2) A member of the governing body who is a learner may not take part in the recommendations for the appointment of educators or be involved in the appointment of educators.".

Amendment to regulation 56A of Regulations.

39. Regulation 56A of the Regulations is hereby amended—

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Before the end of its term, the **[school]** governing body of a school must prepare a handover report for the incoming **[school]** governing body and submit the report to the District Director."; and

(b) by the insertion in sub-regulation (2) after paragraph (*g*) of the following paragraphs:

"(*h*) the handover of actual documents must be made after the election of the incoming governing body in a meeting convened by the principal and attended by the members of the outgoing and incoming governing bodies; and

(*i*) the Department must provide a checklist for the handover process to ensure compliance (Schedule ED).".

Amendment of regulation 57 of Regulations

40. Regulation 57 of the Regulations is hereby amended by the substitution in sub-regulation (6) for the words preceding paragraph (*a*) of the following words:

"(6) The Member of the Executive Council may, by notice in the **[*Provincial*]**Provincial *Gazette*, determine that some governing bodies may exercise one or more functions without making an application contemplated in sub-regulation (1), if—".

Amendment of regulation 59 of Regulations

41. Regulation 59 of the Regulations is hereby amended by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) A member of a governing body **[shall not be]**is not liable for any debt, damage or loss incurred by the school as a result of his or her actions in his or her capacity as a member of the governing body unless he or she acted without authorisation or with malicious intent, in which case he or she may be held responsible for such debt, damage or loss.".

Amendment of regulation 60 of Regulations

42. Regulation 60 of the Regulations is hereby amended by the substitution for sub-regulations (1), (2) and (3) of the following sub-regulations, respectively:

"(1) Where a governing body of a school was in existence immediately prior to the commencement of these **[regulations]**Regulations, its terms of office **[shall]**is deemed to have ended on the day before the date on which a governing body for that school is elected in accordance with these **[regulations]**Regulations.

(2) Until the end of its term of office, a governing body of a school which was in existence immediately prior to the commencement of these **[regulations, shall continue]**Regulations continues in existence and **[shall]**must perform all the functions it performed prior to the commencement of these **[regulations]**Regulations which it can lawfully perform.

(3) The Head of Department **[shall]**must appoint a person or persons to perform, in the period between the end of the term of office of a governing body contemplated in sub-regulation (2) and the first meeting of the governing body elected in accordance with these **[regulations]**Regulations, all the functions and duties which a governing body can lawfully perform.".

Amendment of regulation 61 of Regulations

43. Regulation 61 of the Regulations is hereby amended by the substitution in sub-regulation (2) for paragraph (*h*) of the following paragraph:

"*(h)* matters of standing orders and procedures at meetings which are not covered in the Act, in these **[regulations]**Regulations or any other law **[shall]**must be decided by the **[Chairperson]**chairperson; and".

Amendment of regulation 62 of Regulations

44. Regulation 62 of the Regulations is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) All other regulations which are inconsistent with the Act and these **[regulations]**Regulations, are hereby repealed.".

Amendment of regulation 63 of Regulations

45. Regulation 63 of the Regulations is hereby amended by the substitution for the provision thereon of the following provision:

"These **[regulations shall be called]**Regulations are called the Gauteng Governing Body Regulations for Public Schools, 1997.".

Substitution of words

46. The Regulations are hereby amended—

(a) by the substitution for the expression "AGM" of the expression "Annual General Meeting";
(b) by the substitution for the word "Chairperson" of the word "chairperson";
(c) by the substitution for the expression "District Election Officer" of the expression "district election officer";
(d) by the substitution for the expression "Executive Committee" of the expression "executive committee";
(e) by the substitution for the expression "Executive Committees" of the expression "executive committees";
(f) by the substitution for the expression "MEC" of the expression "Member of the Executive Council";
(g) by the substitution for the word "Principal" of the word "principal";
(h) by the substitution for the expression "Provincial Election Officer" of the expression "provincial election officer";
(i) by the substitution for the word "Secretary" of the word "secretary";
(j) by the substitution for the expression "SGB" of the expression "governing body";
(k) by the substitution for the word "shall" of the word "must"; and
(l) by the substitution for the word "Treasurer" of the word "treasurer",

wherever the expression or word, as the case may be, appears or occurs, in the Regulations.

Substitution of Schedules A, B, C, D and E to Regulations

47. The following Schedules are hereby substituted for Schedules A, B, C, D and E of the Regulations, respectively:

"**SCHEDULE A**

STANDARD NOTICE OF NOMINATION MEETING AND POLL FOR THE ELECTION OF PARENT MEMBERS

SCHOOL LETTERHEAD

Notice is hereby given that a meeting for the nomination of candidates for the election of parent members of the governing body for the above-mentioned school will be held **[-]**as follows:

[on …….. (date)]Date: _____
[at …… (time)]Time: _____
[at …… (place)]Place: _____

Please attend the meetings to nominate and elect parent members of our governing body. The governing body decides policy and plans to improve our school and it is important to take part in the elections. Eligible parents of learners may nominate and vote for parent members of the governing body.

A candidate may be nominated in two ways**[-]**—

(a) by lodging a nomination form duly completed by the proposer, a seconder, and the candidate with the election officer not more than seven days and not less than a day before the nomination meeting; or

(b) by proposing a parent as a member during the nomination meeting provided that another parent present seconds the nomination and a nomination form duly completed by the proposer, a seconder and the candidate is lodged with the election officer within the time allotted in the nomination meeting by the election officer for this purpose.

If more candidates are nominated than the number of parent members to be elected, a poll will be held**[-]** as follows:

[on …… (date)]Date: _____
[at …… (time)]Time: _____
[at …… (place)]Place: _____

Two eligible parents, as registered in the school admission register, may vote per family**. [If you are the main person responsible for the child/children at the school, please make sure you will be able to vote by filling in the registration form and sending it back to the school so that your name will be on the voters roll.]**

Parents must confirm their eligibility by filling in the registration form(s) and submitting to the school to ensure that their names are on the voters roll. Please bring your ID, passport, or other legally accepted form of identification to the nomination and election meeting.

[Date ……..
Signature of Election Officer ……

Address of Election Officer …….]

NOMINATION FORM PARENTS

Name of School	

[Name of Candidate proposed]	

Full Name of Proposer	
ID/Passport Number	
Signature	
Date	

Full Name of Seconder	
ID/Passport Number	
Signature	
Date	

[Candidate:
I accept nomination as an SGB member]

Full Name of **[Candidate]**Nominee		
ID/Passport Number		
Accept nomination	Yes	No
Signature		
Date		

DECLARATION BY THE NOMINEE

I _____(full names) and _____(identity number) declare that I am eligible to stand as a member of the SGB and I—

(a) am not mentally ill and have not been declared as such by a court with competent jurisdiction;
(b) am not an unrehabilitated insolvent;
(c) have not been convicted of an offence and sentenced to imprisonment in a court of law in the Republic or another country, if the offence would have been declared an offence in terms of the laws of the Republic, for a period exceeding six months, without the option of a fine, or has not yet served his or her full period of imprisonment;
(d) have not been declared unsuitable to work with children, as provided for under the Children's Act, 2005 (Act No. 38 of 2005) or is listed in the register of people unsuitable to work with children in terms of the Criminal Law (Sexual Offenses and Related Matters) Amendment Act 32 of 2007;
(e) am not an official of the education department with direct supervisory responsibilities in the school where I am a parent.
(f) delete whichever is not applicable:
    (i) have not had my membership of the governing body terminated by the Head Department in terms of the Act; or
    (ii) have my membership of the governing body terminated and currently

pardon by the Head of Department to serve as a governing body member if elected. (Attach proof).

_____

FOR OFFICE USE ONLY: NOMINATION ACCEPTED BY ELECTORAL OFFICER

Name of **[School]** Electoral Officer	
[ID/Passport]Persal number	
Signature	
Date	

[PARENT REGISTRATION FORM FOR VOTERS ROLL

A parent means-

(a) the biological or adoptive or legal guardian of a learner;
(b) the person legally entitled to custody of a learner; or the person who undertakes to fulfil the obligations of a person in
(c) paragraphs (a) and (b) towards the learners education at school. (SASA Act No. 84 of 1996, as amended)

Only two parent members may vote per family. If you a parent of a learner currently enrolled at the school and your name is not on the school admission register and you want to vote or stand for SGB elections, please fill in the form below and return it to the principal at least 24 hours before the nomination and election meeting. Please note that a person is not eligible to stand for elections if he or she—

(a) is mentally ill and has been declared as such by a court with competent jurisdiction;
(b) is an unrehabilitated insolvent;
(c) has been convicted of an offence and sentenced to imprisonment in a court of law in South Africa or in an another country, if the offence would have been declared an offence in terms of the laws of the Republic, for a period exceeding six months, without the option of a fine, or has not yet served his or her full period of imprisonment;
(d) has been declared unsuitable to work with children, as provided for under the Children's Act, 2005 (Act No. 38 of 2005) or is listed in the register of people unsuitable to work with children in terms of the Criminal Law (Sexual Offenses and Related Matters) Amendment Act 32 of 2007;
(e) does not fall within one of the categories of members who make up a governing body;
(f) no longer falls within the category of members that he or she represented at the time of his or her election; or
(g) has had his or her governing body membership terminated by the Head of Department in terms of the Act.

Name of school _____
Name of learner (if more than one, use oldest learner) _____
Class of learner _____
Name of parent 1 _____ Signed _____
Address _____
Name of parent 2 _____ Signed _____

Address _____
Date]

SCHEDULE B

STANDARD NOTICE OF NOMINATION MEETING AND POLL FOR THE ELECTION OF EDUCATOR MEMBERS

Name of school _____

Notice is hereby given that a meeting for the nomination of candidates for the election of educator member(s) of the governing body for the above-mentioned school will be held**[-]** as follows:

[on ..... (date)]Date: _____
[at ..... (time)]Time: _____
[at ..... (place)]Place: _____

A candidate may be nominated in two ways—

(a) by lodging a nomination form duly completed by the proposer, a seconder, and the candidate with the election officer not more than seven days and not less than a day before the nomination meeting; or

(b) by proposing an educator as a member during the nomination meeting provided that another educator present seconds the nomination and a nomination form duly completed by the proposer, a seconder and the candidate is lodged with the election officer within the time allotted in the nomination meeting by the election officer for this purpose.

If more candidates are nominated than the number of educator members to be elected, a poll will be held**[-]** as follows:

[on ..... (date)]Date: _____
[at ..... (time)]Time: _____
[at ..... (place)]Place: _____

[Date .....
Signature of Election Officer .....
Address of Election Officer .....]

NOMINATION FORM EDUCATORS

Name of School	

Full Name of Proposer	
ID/Passport Number	
Signature	
Date	

Full Name of seconder	
ID/Passport Number	
Signature	
Date	

Full Name of nominee		
ID/Passport Number		
Accept nomination	Yes	No
Signature		
Date		

DECLARATION BY THE NOMINEE

I (full names) and (identity number) declare that I am eligible to stand as a member of the SGB and I—

(a) am not mentally ill and have not been declared as such by a court with competent jurisdiction;

(b) am not an unrehabilitated insolvent;

(c) have not been convicted of an offence and sentenced to imprisonment in a court of law in the Republic or another country, if the offence would have been declared an offence in terms of the laws of the Republic, for a period exceeding six months, without the option of a fine, or has not yet served his or her full period of imprisonment;

(d) have not been declared unsuitable to work with children, as provided for under the Children's Act, 2005 (Act No. 38 of 2005) or is listed in the register of people unsuitable to work with children in terms of the Criminal Law (Sexual Offenses and Related Matters) Amendment Act 32 of 2007;

(e) delete whichever is not applicable:

(i) have not had my membership of the governing body terminated by the Head Department in terms of the Act; or

(ii) have my membership of the governing body terminated and currently pardon by the Head of Department to serve as a governing body member if elected. (Attach proof).

FOR OFFICE USE ONLY: NOMINATION ACCEPTED BY ELECTORAL OFFICER

Name of the electoral officer	
Persal number	
Signature	
Date	

SCHEDULE C

STANDARD NOTICE OF NOMINATION MEETING AND POLL FOR THE ELECTION OF LEARNER MEMBERS

Name of school _____

Notice is hereby given that a meeting for the nomination of candidates for the election of learner member(s) of the governing body for the above-mentioned school will be held**[-]** as follows:

[on ..... (date)]Date: _____
[at ..... (time)]Time: _____
[at ..... (place)]Place: _____

In terms of regulation 26(5), a candidate may be nominated by any learner officially enrolled at the school in a grade not lower than the eighth grade up to but not exceeding the twelfth grade. Nominations may be made in two ways—

(a) by lodging a nomination form duly completed by the proposer, a seconder and the candidate with the election officer not more than seven days and not less than one day before the nomination meeting; or
(b) by proposing a learner as a member during the nomination meeting provided that another learner present seconds the nomination and a nomination form duly completed by the proposer, a seconder and the candidate is lodged with the election officer within the time allotted in the nomination meeting by the election officer for this purpose.

If more candidates are nominated than the number of learner members to be elected, a poll will be held, at which members of the Representative Council of Learners will be entitled to vote in terms of regulation 17(4). The poll will be held**[-]** as follows:

[on ..... (date)]Date: _____
[at ..... (time)]Time: _____
[at ..... (place)]Place: _____

[Date .....
Signature of Election Officer .....
Address of Election Officer .....]

_____

FOR OFFICE USE ONLY: NOMINATION ACCEPTED BY ELECTORAL OFFICER

Name of the electoral officer	
Persal number	
Signature	
Date	

_____

SCHEDULE D

STANDARD NOTICE OF NOMINATION MEETING AND POLL FOR THE ELECTION OF NON-TEACHING MEMBERS

Name of school _____

Notice is hereby given that a meeting for the nomination of candidates for the election of non-teaching member(s) of the governing body for the above-mentioned school will be held**[-]** as follows:

[on ..... (date)]Date: _____
[at ..... (time)]Time: _____
[at ..... (place)]Place: _____

A candidate may be nominated in two ways—

(a) by lodging a nomination form duly completed by the proposer, a seconder, and the candidate with the election officer not more than seven days and not less than a day before the nomination meeting; or

(b) by proposing a non-teaching member during the nomination meeting provided that another non-teaching member present seconds the nomination and a nomination form duly completed by the proposer, a seconder and the candidate is lodged with the election officer within the time allotted in the nomination meeting by the election officer for this purpose.

If more candidates are nominated than the number of non-teaching member/s to be elected, a poll will be held**[-]** as follows:

[on ..... (date)]Date: _____
[at ..... (time)]Time: _____
[at ..... (place)]Place: _____

[Date .....
Signature of Election Officer .....
Address of Election Officer .....]

_____

NOMINATION FORM NON-TEACHING MEMBER(S)

Name of School	

Full Name of Proposer	
ID/Passport Number	
Signature	
Date	

Full Name of seconder	
ID/Passport Number	
Signature	
Date	

Full Name of nominee		
ID/Passport Number		
Accept nomination	Yes	No
Signature		
Date		

DECLARATION BY THE NOMINEE

I (full names) and (identity number) declare that I am eligible to stand as a member of the SGB and I—

(a) am not mentally ill and have not been declared as such by a court with competent jurisdiction;
(b) am not an unrehabilitated insolvent;
(c) have not been convicted of an offence and sentenced to imprisonment in a court of law in the Republic or another country, if the offence would have been declared an offence in terms of the laws of the Republic, for a period exceeding six months, without the option of a fine, or has not yet served his or her full period of imprisonment;
(d) have not been declared unsuitable to work with children, as provided for under the Children's Act, 2005 (Act No. 38 of 2005) or is listed in the register of people unsuitable to work with children in terms of the Criminal Law (Sexual Offenses and Related Matters) Amendment Act 32 of 2007;
(e) delete whichever is not applicable:
    (i) have not had my membership of the governing body terminated by the Head Department in terms of the Act; or
    (ii) have my membership of the governing body terminated and currently pardon by the Head of Department to serve as a governing body member if elected. (Attach proof).

FOR OFFICE USE ONLY: NOMINATION ACCEPTED BY ELECTORAL OFFICER

Name of Electoral Officer	
Persal number	
Signature	
Date	

SCHEDULE E

COMPOSITION OF GOVERNING BODIES BY TYPE AND GRADING OF SCHOOL

1. The number of members of a governing body of a school are set out for each category of membership in the table below.
2. The number of members in each category will vary, in terms of regulation 8, according to the type of school and it's grading as set out in columns 1 and 2.
3. In a school which does not have non-teaching staff, the number of parents

set out in column 4 shall be reduced by one and the total number of members set out in column 10 shall be reduced by two.

4. The governing body of a Combined Ordinary School will have the same composition as a Secondary Ordinary School.

1. Type of school	*2. Grading of school*	*3. Number of learners enrolled*	*4. Number parent members*	*5. Number educator members*	*6. Number learner members*	*7. Number non-teaching members*	*8. Principal*	*9. Total number of members*
Primary Ordinary Schools	P1 and P2	1-159	4	1	0	1	1	7
	P 3	160-719	5	2	0	1	1	9
	P 4	720+	6	3	0	1	1	1 1
Secondary Ordinary Schools	S3	<630	7	2	2	1	1	1 3
	S4	630+	9	3	3	1	1	1 7
Compre-hensive Schools	S 3	<<500	7	2	2	1	1	1 3
	S4	500+	9	3	3	1	1	1 7
Special Schools	P1-P5	1-159	4(6)	1	2 (where practicably possible)	1	1	7(9)
		160-719	5(7)	2	2 (where practicably possible)	1	1	9(11)
		720+	6(8)	3	2 (where practicably possible)	1	1	11(13)"

Insertion of Schedules EA, EB, EC and ED into Regulations

48. The following Schedules are hereby inserted after Schedule E to the Regulations, respectively:

"**SCHEDULE EA**

CRITERIA FOR APPOINTMENT OF ORGANISATIONS INTO ~~G~~GOVERNING BODY OF SPECIAL SCHOOLS

(*Section 24 of the South African Schools Act 84 of 1996*)

1. Is your organisation registered and does it have a recognised registration number? (Provide the organisation registration number)
2. Is there proof of SARS compliance?
3. Provide a detailed organisation profile with clear membership and valid identification documents for the board members. (Provide the valid identification documents for board members: Note that the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), will be adhered to)

4. Provide the constitution and profile of the organisation.
5. Provide evidence that the organisation has been supporting the school for at least three years.
6. Indicate that the services offered or rendered by the organisation are relevant to the school based on the categories of disabilities manifested.
7. Does your organisation have the capacity to delegate a member to represent it in the governing body of the school?

SCHEDULE EB

APPLICATION FORM

ORGANISATION TO SERVE ON GOVERNING BODY OF SCHOOL FOR LEARNERS WITH SPECIAL EDUCATION NEEDS

SECTION A: DETAILS OF ORGANISATION	
Official Name of your organisation	
Is your organisation registered as a public benefit organisation or non-profit organisation? YES or NO, please specify	
Your organisation's registration number (*Attach certified copy of registration certificate, not older than three months*)	
Is your organization tax compliant? *(Attach certified copy of tax clearance certificate, not older than three months)*	
Website address	
E-mail address	
Description of your organisation *(You may attach additional information if any)*	
Management structure of your organisation *(You may attach additional information if any)*	
Activities	
SECTION B: DETAILS OF SCHOOL	
Name of the school	
Physical address of school	
School telephone number	

Principal telephone number			
School e-mail address			
Principal e-mail address			
Activities offered by the organisation at the school			
SECTION C: PROFILE OF ORGANISATION			
Provide details of the membership of the organisation and identification numbers. (*Attach certified copies of the ID of each member, not older than three months. Protection of Personal Information Act, 2013 (Act No. 4 of 2013) will be adhered to*)			
Provide a detailed profile and constitution of the organisation. A detailed profile of the organisation must entail the following: (a) a brief history and evolution of the organisation (b) the performance history of the organisation and its anticipated future performance (c) details regarding the reputation of the organisation (d) details of the services offered or rendered by the organisation in terms of the school based on the categories of disabilities manifested			
Provide authentic documentary evidence that the organisation has been supporting the school in the past three years			
SECTION D: CONTACT DETAILS OF ORGANISATION Senior contact for your organisation (i.e., for official organisation correspondence)			
Name			
Position			
Address:			
Contact number			
E-mail address			
Name and surname of applicant		Name and Surname of Witness	
Designation		Designation	
Signature		Signature	
Date		Date	

FOR OFFICE USE ONLY: ACKNOWLEDGEMENT OF RECEIPT

	Name of recipient	Date received	Signature
School			
District Office			
Head Office (ISS Directorate)			
MEC's Office			

SCHEDULE EC

RESPONSE TO APPLICATION

Dear ……..

APPLICATION TO SERVE AS AN ORGANISATION ON THE GOVERNING BODY OF …… *(Name of the school)*

In response to your application dated ……

School Governing Bodies of Public schools for Learners with Special Education Needs:

The Member of the Executive Council acknowledges your application of being a member of the governing body of the school representing the categories contemplated in section 24 of the South African Schools Act, 1996 (Act No. 84 of 1996). The Department has scrutinised and approved the categories of disabilities and appropriate fields of special needs education for the above-mentioned school.

Having considered your application to serve on the governing body of (Name of the school) ……....., your application has been:

Approved / Not approved.

If **approved**, according to paragraphs 3 (4), (5), (6) and (7) of the Provincial *Gazette*, each of the approved organisations must appoint its own representative on the governing body of the school, according to its own internal procedures, and notify the Principal in writing of the name of the representative appointed.

If **not approved,** the reasons for non-approval are as follows:
……
……
……
……

MEC FOR EDUCATION AND YOUTH DEVELOPMENT
DATE: ……

SCHEDULE ED

CHECKLIST OF HANDOVER PROCESS

DOCUMENTS FROM OUTGOING CHAIRPERSON OF THE GOVERNING BODY TO NEWLY ELECTED CHAIRPERSON OF THE GOVERNING BODY

(These documents are the property of the school and must be kept safely by the principal of the school)

SCHOOL: EMIS NO: DISTRICT:

I, (full names), the newly elected chairperson of the school governing body of (school's name) hereby certify that the following documents / e-copies have been handed over to the incoming SGB by the outgoing chairperson and/or to be held in safe keeping at the school:

1. Legislation

Item	Mark with an X		Item
	Yes	No	
1.1 The South African School Act, 1996 (Act No. 84 of 1996)			
1.2 Provincial Education Act			
1.3 Provincial Regulations related to the governing bodies of public schools			
1.4 National norms and standards for school funding (General Notice 869 of 2006)			
1.5 Provincial Regulations regarding the misconduct of learners at public schools and disciplinary proceedings			
1.6 National regulation for exemption of parents from the payment of school fees (General Notice 1149 of 2006)			

2. Policies

Item	Mark with an X		Item
	Yes	No	
2.1 Admission policy			
2.2 Policy regarding school sport and cultural activities			
2.3 Policy regarding use of school buildings and facilities by non-school community members			

2.4 Policy on occupational health and safety			
2.5 Religion observance policy			
2.6 Language policy			
2.7 HIV and AIDS policy			
2.8 Code of conduct for learners			
2.9 School's policy regarding payment of school fees and the school's sliding scale for determining school fees exemption (where applicable).			
2.10 Constitution of the governing body of the school			
2.11 Provincial code of conduct for the governing body of the school			
2.12 The vision and mission statement of the school			

3. Financial resources

Copies should cover the term of office of the governing body of the school

Item	**Mark with an X**		**Comment**
	Yes	**No**	
3.1 Minute book (for financial committee.)			
3.2 Copy of assets register of school			
3.3 Cash book			
3.4 Receipt book (current) (Serial number: _____)			
3.5 Receipt book(s) (completed) (serial numbers:)			
3.6 Petty cash (Amount: _____)			
3.7 Bank statements for period 1 January to 30 June of currentfinancial year			
3.8 Documentary proof of investment (if any) e.g., MEC permission.			
3.9 List of non-government organisations / partners approved by district and operating inschools			
3.10 Copy of 10th school day statistics			
3.11 Copies of contracts of all staff employed by the public school			
3.12 Audited financial statements for the period 1 January to 31 December of previous year			
3.13 Financial policy of the school			
3.14 Approved budget of the school for current financial year			
3.15 Resolution to charge school fees – if			

applicable			

4. Learner performance

Item	Mark with an X		Comment
	Yes	No	
4.1 Copies of analysis of results of previous three years (all grades)			
4.2 Strategy to improve learner performance			
4.3 Improvement Plan of the school – current year			

Outgoing chairperson of the governing body of the school:

Name Signature: Date:

Newly elected chairperson of the governing body of the school:

Name Signature: Date:

NB. All governing body of the school related documents must cover their term of office (three years).".

Short title

49. These Regulations are called the Gauteng Governing Body Amendment Regulations for Public Schools, 2024.

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