PROVINCE OF THE EASTERN CAPE
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PROVINCIAL NOTICE

No. 16

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF EDUCATION

REGULATIONS RELATING TO THE ELECTION AND GOVERNANCE OF GOVERNING BODIES OF PUBLIC SCHOOLS

I, Mandla Makupula, Member of the Executive Council for Education in the Province of the Eastern Cape, acting in terms of sections 4(j) of the Eastern Cape Schools Act, 1999 (Act No. 1 of 1999) read with section 28 of the South African Schools Act, 1996 (Act No. 84 of 1996) intend to make Regulations on the election and governance of governing bodies of public schools as set out in the Schedule hereto.

Any person who wishes to comment on the said Regulations must submit such comments in writing within 7 days of publication hereof by fax or e-mail to:

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SCHEDULE

REGULATIONS RELATING TO THE ELECTION AND GOVERNANCE OF GOVERNING BODIES OF PUBLIC SCHOOLS

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DEFINITIONS AND APPLICATION OF REGULATIONS

1. Definitions

Unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act has the same meaning in these regulations and-

- (a) "combined school" means a school providing education in primary grades as well as secondary grades;
- (b) "Department" means the Department of Education in the province;
- (c) "EDO" means Education Development Officer which is the person appointed as a circuit manager in the District Office;
- (d) "educator" means any person (excluding a person who is appointed to exclusively perform extra-curricular duties), who teaches, educates or trains other persons or who provides professional therapy and education psychological services, at a school;
- (e) "educator member" means an educator employed at a school who has been elected to the governing body in terms of these regulations;
- (f) "IDS&G official" means an official appointed in the Institutional Development Support and Governance of the Department;
- (g) "HOD" means the Head of the Department of Education in the province;
- (h) "junior secondary school" means a school providing education up to but not exceeding grade 9 (nine);
- (i) "learner" means a learner in the eighth grade or higher at the school who are elected members of the Representative Council of Learners (RCL) or nominated by the RCL.
- (j) "learner member" means a learner officially enrolled at a school in grade 8 (eight) to12 (twelve) who has been elected to a governing body in terms of these regulations;
- (k) "MEC" means the Member of the Executive Council for Education in the province;
- (I) "member" means a member of a governing body elected in accordance with these regulations;
- (m) "nomination form" means any document which clearly records the fact that a candidate eligible to be elected as a member has been proposed and seconded by

- persons eligible to do so, and which is signed by the candidate, proposer and seconder:
- (n) "non- educator member" means a person other than an educator, employed at a school and who has been elected onto a governing body in terms of these regulations;
- (o) "parent" means
 - (i) The biological or adoptive parent or legal guardian of learner;
 - (ii) The person legally entitled to custody of a learner; or
 - (iii) The person who undertakes to fulfill the obligations of a person referred to in paragraphs (i) and (ii) towards the learner's education at school and usually has the care and control of a learner.
- (p) "primary school" means a school providing education up to but not exceeding grade 7 (seven);
- (q) "province" means the Eastern Cape Province;
- (r) "school" means an ordinary public school or a public school for learners with special education needs which enrolls learners in one or more grades from grade R (Reception) to grade 12;
- (s) "secondary school" means a school providing education from not lower than grade 8 (eight) and up to but not exceeding grade 12 (twelve);
- (t) "RCL" means the representative council of learners of a school;
- (u) "teacher liaison officer" means the teacher elected by all enrolled learners from grade 8 (eight) to 12 (twelve) of the school;
- (v) "the Act" means the South African Schools Act, 1996 (Act No.84 of 1996);
- (w) "these regulations" means the Regulations relating to the election and governance of governing bodies of ordinary public schools and special schools, 2012 and the Schedules thereto.

2. Application of regulations

These regulations apply to the governing bodies of all schools within the province.

COMPOSITION AND ELECTION OF GOVERNING BODIES NEEDS

3. Composition of governing bodies

- (1) The membership of a governing body of a school must comprise of the following members:-
 - (a) elected members
 - (b) the principal by virtue of his or her official capacity; and
 - (c) co-opted members.
- (2) The elected members of the School Governing Body referred to in regulation 1(a) above shall comprise of the following members:-
 - (a) Parents or guardians of learners at a school;
 - (b) Educators at the school;
 - (c) Learners in the eight grade or higher at the school from RCL or nominated by the RCL; and
 - (d) non-educator members.
- (3) The governing body of a public school for learners with special education needs must comprise of the persons referred to in regulation 2(a) to (d) as well as the following categories of members:-
 - (a) Representatives of:-
 - (i) organisations of parents of learners with special educational needs, if applicable
 - (ii) sponsoring bodies, if applicable; and
 - (iii) organisations of disabled persons, if applicable.
 - (b) Disabled persons, if applicable;
 - (c) Experts in relevant fields of special needs education.

(4) The number of parent members, educator members and learner members of a governing body must, depending on the type and grading of the school concerned, comply with Schedule A to these regulations.

4. Eligibility

- (1) A parent member of a governing body must be a parent of a learner officially enrolled at the school and who is not employed at the school.
- (2) A parent member who was eligible under sub-regulation (1) at the time of his or her election to the governing body ceases to be 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.
- (3) An educator member of a governing body must be an educator, other than the principal, employed at the school.
- (4) A learner member of a governing body:
 - (a) must be officially enrolled as a learner at the school in a grade not lower than grade 8 (eight);
 - (b) may be a minor; and
 - (c) must be a member of the RCL or nominated by the RCL.
- (5) A non-educator member of a governing body must be a person, other than an educator, employed at the school.
- (6) A person will not be eligible to be a member of a governing body if he or she:
 - (a) Is mentally ill and has been declared as such by a competent court;
 - (b) Is an unrehabilitated insolvent;
 - (c) Has been convicted of an offence and sentenced to imprisonment without the option of a fine for a period exceeding 6 (six) months or has not yet served his or her full period of imprisonment; or
 - (d) No longer falls within the category of members that he or she represented at the time of the election

5. Franchise

- (1) Every parent of a learner officially enrolled at a school is entitled to vote for parent members of the governing body and has 1 (one) vote in respect of each candidate with a maximum number of votes equal to the number of parent members to be elected.
- (2) Every educator, other than the principal, employed at a school is entitled to vote for educator members and has 1 (one) vote in respect of each candidate with a maximum number of votes equal to the number of educator members to be elected.
- (3) Every member of a RCL is entitled to vote for learner members and has 1 (one) vote in respect of each candidate with a maximum number of votes equal to the number of learner members to be elected.
- (4) Every non-educator member of staff is entitled to vote for a non-educator member and has 1 (one) vote.
- (5) If the school has only 1 (one) non-educator member on staff, that member is automatically elected.

6. Election officer

- (1) The HOD must appoint a provincial electoral officer to co-ordinate all electoral activities in the province.
- (2) The relevant District Director must appoint a Chief Education Specialist (Institutional Development Support and Governance) of the department as District Electoral Officer to co-ordinate all electoral activities in a district.
- (3) The Chief Education Specialist (Institutional Development Support and Governance) must appoint an Education Development Officer of the department as Circuit Electoral Officer to co-ordinate all electoral activities in a circuit.
- (4) The Circuit Electoral Officer must appoint a principal or a senior manager of a school to act as the school electoral officer for the electoral procedures at a school other than a school where he or she is employed.

- (5) The school electoral officer:
 - (a) may not be nominated or elected as a member of a governing body of a school for which he or she is the election officer;
 - (b) must draw the attention of all eligible voters to the provisions of the Act and of these regulations relevant to the election of members of a governing body;
 - (c) must exercise all other powers conferred upon him or her by these regulations and any other law.

7. Registration of voters

- (1) The principal and school management team of a school should develop the school's voters' roll for each of the different categories of voters in line with Schedule C, D, E and F, at least 14 (fourteen) days prior to the date determined in regulation 8(1)(a).
- (2) The principal and school management team should ensure that all parents complete the parent's voters' registration form in the format of Schedule B.
- (3) Should the parent's voters' registration form not be returned to the school, only the parents or guardians appearing in the school admissions register and SA-SAMS records will be included in the voters' roll and only parents and guardians on the voters' roll will be able to participate in the elections.
- (4) The school electoral officer must request a copy of the voters' roll from the principal or his or her delegate to determine who are eligible to vote before the election meeting.
- (5) All nominators, seconders and candidates must be people who are listed on the voters' roll.
- (6) The voters' roll for educators (Schedule D) should consist of all educators employed at the school, either by the department or by the governing body.
- (7) The voters' roll for non-educators (Schedule E) should consist of all non-educators employed at the school either by the department or by the governing body.
- (8) The voters' roll for learners (Schedule F) should consist of all learners elected into the RCL.

8. Duties of school electoral officer and principal towards nomination of members of the governing body

- (1) The school electoral officer must:
 - (a) determine a place where, and a date and time by which, nominations must be conducted:
 - (b) prepare a notice of nomination and election of parent members for a single nomination and election meeting in the form of Schedule H;
 - (c) at least 14 (fourteen) days in case of parents and 5 (five) days for other members prior to the date contemplated in paragraph (a), provide the principal with sufficient copies of such notice.
- (2) The principal must at least 14 (fourteen) days prior to the date contemplated in subregulation (1)(a) ensure that a written copy of the notice contemplated in subregulation (1)(b) is handed to every learner, with a verbal instruction to hand it to hand it to his or her parent.
- (3) The principal must at least 14 (fourteen) days prior to the date contemplated in subregulation (1)(a) ensure that a written copy of the notice contemplated in subregulation (1)(b) is distributed to all parents of all learners enrolled at the school.

9. Availability of admission register and SA-SAMS records

The school must make available to the school electoral officer the school admission register and SA-SAMS records containing the names of all eligible parents for the purposes of exercising control at the nomination meeting.

10. Nominations of parent members

- (1) A parent may be nominated or seconded as a parent member only by parents who are themselves eligible in terms of regulation 4.
- (2) Nominations may be made by lodging a nomination form as prescribed in Schedule G duly completed by the proposer, seconder and candidate with the school electoral officer at the place and by the date and time contemplated in regulation 8(1)(a).

- (3) After expiry of the allocated time, the school electoral officer must consider all nominations and reject those which do not comply with the requirements of theses regulations.
- (4) If the total number of valid nominations:
 - (a) is less than the required number of parent members, the school electoral officer must extend the period for the nomination of parent members by a further period, which date must be duly communicated to all parent members as set out in regulation 8(2) above;
 - is equal to the required number of parent members, the election officer must declare the nominated candidates to be duly elected;
 - (c) is more than the required number of parent members, the election officer must hold an election in accordance with regulation 11.

11. Election of parent members

- (1) The election meeting must be held at the date, time and place indicated in the notice referred to in regulation 8(1)(a) & (b).
- (2) A quorum at the election meeting is 15% (fifteen percent) of the total number of parents eligible to vote.
- (3) No proxy votes will be accepted for the election of parent members.
- (4) The election must be by secret ballot.
- (5) The school electoral officer must:
 - (a) issue 1 (one) officially marked ballot paper in the form of Schedule L to each person eligible to vote;
 - (b) reject any spoilt ballot papers before counting the votes recorded for every candidate;
 - (c) where the number of votes in favour of 2 (two) or more candidates is equal and it affects the result of the poll, draw lots to ascertain a result;
 - (d) decide all matters relating to the nomination of candidates and the election, and his or her decision is final.
 - (e) complete the election declaration form (Schedule Q)

- (6) Candidates may be present when the school electoral officer is rejecting spoilt ballot papers and counting the votes.
- (7) If a quorum is not reached at the election meeting referred to in sub-regulation (1):
 - (a) the school electoral officer must-
 - (i) determine a date, time and place for a second election meeting and inform the school in writing at least 7 (seven) days prior to the date of such meeting;
 - (ii) provide the school with sufficient copies of a notice which sets out the date, time and place of the second election meeting.
 - (b) the school must at least 5 (five) days prior to the date of the second election meeting use communication in writing and one other means of communication to distribute a copy of the notice of this meeting to all parents of all learners enrolled at the school.
 - (c) in the second election meeting no quorum is necessary and the election for parent members must proceed according to the provisions of sub-regulations (3) to (5).

12. Deviation from single election meeting

- (1) Schools must apply to the HOD for permission to deviate from the single election day meeting, at least 14 (fourteen) days prior to the nomination process as stipulated in regulation 11.
- (2) The HOD will consider these applications if the following documents are attached to the application:
 - (a) Notice convening the meeting;
 - (b) Attendance registers of meetings where the deviation was discussed;
 - (c) Minutes of the parents meeting where the process have been explained and motivated to assure the parents that their involvement in the process is not prejudiced; and
 - (d) The management plan of the deviation process.
- (3) If the HOD grants permission for the process:
 - (a) A quorum of 15% (fifteen percent) of voters is needed for the counting of votes

to proceed;

(b) If less than 15% (fifteen percent) voted, then the electoral officer must determine a new date for the voting and at this meeting no quorum is required.

13. Procedure after election of parent members

- (1) After the election of parent members:
 - (a) The school electoral officer must-
 - place all documents, including ballot papers used in the election in envelopes and seal such envelopes;
 - (ii) complete the counted ballot papers and declaration of number of counted voters form (Schedule P), the notification of all members elected to the governing body (Schedule R) and hand it, together with the election declaration form (Schedule Q) to the circuit manager a day after the election took place (if it is a working day);
 - (iii) hand the sealed envelopes and documents mentioned in (ii) to the circuit manager, who must keep the sealed envelopes and documents in safe custody for a period of at least 3 (three) months from the date of the election;
 - (b) the circuit manager must within 5 (five) working days:
 - (i) ensure that each elected member is notified in writing of his or her election; and
 - (ii) ensure that the schools are notified in writing of the names of the elected members.

14. Election of educator members

- (1) The school electoral officer must:
 - (a) determine a place where, and a date and time by which, nominations must be conducted, which date must be within 14 (fourteen) days before or after the nomination deadline for parent members;
 - (b) prepare a notice of nomination and election of educator members in the form of Schedule I and, at least 10 (ten) days before the date contemplated in subregulation (a) and distribute a copy of the notice to every educator at the school.

- (2) The HOD may, on good cause shown, allow deviations from the requirements of subregulation (1)(b), to the extent that he or she considers it justified.
- (3) An educator's vote may be exercised by a proxy voter who has the written authority of the educator; provided that the proxy voter may not exercise more than 1 (one) proxy vote and the educator has sound reason for not being present at the voting meeting.
- (4) In cases where there is only 1 (one) educator at the school, such a person may be regarded as duly elected.
- (5) The provisions of regulations 9 to 12 of these regulations apply with the changes required by the context to the election of educator members, and in such application a reference to a parent must be construed as a reference to an educator, and a reference to a parent member must be construed as a reference to an educator member.

15. Election of learner members

- (1) The teacher liaison officer shall act as the school electoral officer for all electoral procedures relating to the election of learner members at a particular school.
- (2) The teacher liaison officer must:
 - (a) be an educator;
 - (b) determine a place where, and a date and time by which, nominations must be conducted, which date must be within 14 (fourteen) days before the nomination deadline for parent members;
 - (c) prepare a notice of nomination and election of learner members in the form of Schedule K and, at least 10 (ten) days before the date contemplated in sub-regulation (b) cause a copy of the notice to be prominently displayed at the school.
- (3) A learner vote may be exercised by a proxy voter who has the written authority of the learner; provided that the proxy voter may not exercise more than 1 (one) proxy vote and the learner has sound reason for not being present at the voting meeting.

- (4) The provisions of regulations 9 to 12 of these regulations apply with the changes require by the context to the election of learner members, and in such application a reference to a parent must be construed as a reference to a learner member, provided that a learner member may be any member of the RCL, and may be nominated or seconded by any member of the RCL.
- (5) Any learner may attend the poll meeting at which learner members are elected, but only those learners who are entitled to vote in terms of regulation 5(3) may participate.
- (6) The HOD may, on good cause shown, allow deviations from the requirements of sub regulations (1) to (4), to the extent that he or she considers it justified.

16. Election of non-educator members

- (1) The school electoral officer must:
 - (a) Determine a place where, and a date and time by which, nominations must be conducted, which date must be within 14 (fourteen) days before the nomination deadline for parent members;
 - (b) Prepare a notice of nomination and elections of non-educator members in the form of Schedule J and, at least 10 (ten) days before the date contemplated in sub-regulations (a) distribute a copy of the notice to every non-teaching member of staff at the school.
- (2) The HOD may, on good cause shown, allow deviations from the requirements of subregulation (1), to the extent that he or she considers it justified.
- (3) A non-educator vote may be exercised by a proxy voter who has the written authority of the non-educator; provided that the proxy voter may not exercise more than 1 (one) proxy vote and the non-educator has sound reason for not being present at the voting meeting.
- (4) The provisions of regulations 9 to 12 of these regulations apply, with the changes required by the context, to the election of non-teaching members, and in such application a reference to a parent must be construed as a reference to a non-teaching member of staff, and a reference to a parent member must be construed as a reference to a non-teaching member.

(5) In cases where there is only 1 (one) non-educator at the school, such a person may be regarded as duly elected.

17. Co-option

- (1) The governing body of a school which provides education to learners with special needs must, where practically possible, co-opt a person or persons with expertise regarding the special education needs of such learners.
- (2) A governing body may co-opt a member or members of the community to assist it in discharging its functions.
- (3) A governing body of a school contemplated in section 14 of the Act may co-opt the owner of the property occupied by the school or the nominated representative of such owner.
- (4) Subject to sub-regulation (5), co-opted members do not have voting rights on the governing body.
- (5) If the number of parents at any stage is not more than the combined total of other members with voting rights, the governing body must temporarily co-opt parents with voting rights for a period not exceeding 90 (ninety) days.
- (6) If a parent is co-opted with voting rights as contemplated in sub-regulation (5), the co-option ceases when the vacancy has been filled through a by-election which must be held within 90 (ninety) days after the vacancy has occurred.

18. Vacation of office

An incidental vacancy occurs on a governing body whenever a member:

- (a) resigns in writing;
- (b) dies;
- (c) is removed from office in terms of the Act;
- is absent from 3 (three) consecutive meetings without reasonable explanation;or

(e) becomes ineligible in terms of regulation 4.

19. Filling of incidental vacancies

- (1) Whenever an incidental vacancy occurs:
 - (a) in the office of any member except a parent member, the vacancy must be filled in accordance with an election in terms of these regulations;
 - (b) in the office of a parent member, the vacancy must be filled at the discretion of the governing body, either in accordance with an election in terms of these regulations or by co-opting a member with voting rights; provided that the total number of parent members co-opted in terms of this sub-regulation may not exceed 40% (forty percent) of the total number of parent members of the governing body.
- (2) A member elected or co-opted in terms of sub-regulation (1)(b) remains a member for the unexpired term of office of his or her predecessor.
- (3) Should an incidental vacancy occur due to the departure of an elected member, a coopted member can be nominated and appointed to serve on the school governing body with voting rights for a period not exceeding 90 (ninety) days; provided that the co-option ceases when the vacancy has been filled through a by-election which must be held within 90 (ninety) days after the vacancy has occurred.

20. Resolution of disputes during the election process

- (1) The school electoral officer shall decide all matters connected with the nomination of candidates and the poll.
- (2) All disputes should be reported to the school electoral officer during the process of the elections.
- (3) The school electoral officer shall resolve all disputes in order to declare elections undisputed. His or her decision during the election is final.
- (4) If the school electoral officer is unable to resolve the dispute, the election should be

completed and the dispute can then be referred to the District Electoral Officer within 7 (seven) days after the election day. The District Electoral Officer shall inform the complainant in writing of his/her decision and the reasons therefore within 14 (fourteen) days of receipt of the complaint.

- (5) An appeal can be lodged with the MEC within 14 (fourteen) days, should the complainant not be satisfied with the decision taken by the district electoral officer.
- (6) The MEC must inform the complainant in writing of his or her decision and the reasons therefore within 14 (fourteen) days of receipt of the appeal.

OFFICE-BEARERS AND COMMITTEES OF GOVERNING BODIES

21. Duties to be executed during the first meeting of the governing body

- (1) The principal must convene and chair the first meeting of the governing body within 14 (fourteen) days after notification of the results of the election.
- (2) At this first meeting of the governing body, the members of the governing body with voting rights must, from among its members with voting rights, elect at least the following office-bearers of the governing body:
 - (a) chairperson;
 - (b) treasurer; and
 - (c) secretary.
- (3) The office-bearers elected in terms of sub-regulation (2) must perform such duties and functions as are contemplated in these regulations and any other law until their term of office ends.

(4) The principal must:

- (a) Ensure that the school governing body data form (Schedule S) and the notification of office bearers elected to the governing body (Schedule T) is duly completed;
- (b) submit the data form to the Education Development Officer and a copy thereof to the Chief Education Specialist (Institutional Development Support & Governance) within 7 (seven) days of the school governing body's first meeting and the Chief Education Specialist (Institutional Development Support & Governance) shall forward the data within 7 (seven) days of receipt thereof to the District Electoral Officer;
- (c) Inform the Education Development Officer of any changes of membership of the governing body within 14 (fourteen) days of those changes being effected;
- (d) Manage the handing over process to the new governing body;
- (e) Conduct an induction session for the new members.

- (5) The Education Development Officer must ensure that all school governing body data forms (Schedule S) are consolidated and submitted to the District Electoral Officer (using Schedule U) within 14 (fourteen) days after close of elections.
- (6) The District Electoral Officer must ensure that all consolidated school governing body data forms (Schedule U) are consolidated and submitted to the Provincial Electoral Officer (using Schedule V).

22. Provisions relating to office-bearers

- (1) The principal of a school represents the HOD in the governing body when acting in an official capacity as contemplated in section 16A(1)(a), 23(1)(b) and 24(1)(j) of the Act.
- (2) Not more than 2 (two) educator members may serve as office-bearers of the governing body.
- (3) No member of the governing body of a school may hold more than 1 (one) office in the governing body.
- (4) Only a parent member of a governing body who is not employed at the school may serve as the chairperson of the governing body and in the case of a special school deviation will only be allowed where it is not practicable.
- (5) Only a parent member may serve as the treasurer.
- (6) An office bearer of a governing body ceases to hold office if he or she ceases to be a member of the governing body.
- (7) The chairperson of a governing body must convene and chair the meetings of the governing body, and in his or her absence the members of the governing body must appoint a member to chair the meeting.
- (8) The secretary of a governing body must perform the duties contemplated in these regulations, and in his or her absence the members of the governing body must appoint a member to perform such duties.

23. Term of Office

- (1) The term of office of the governing body may not exceed 3 (three) years and dissolve automatically on the election of a new governing body at the end of its 3 (three) years term of office.
- (2) The term of office of the learner component may not exceed 1 (one) year.
- (3) An office-bearer remains in office for a term not exceeding 12 (twelve) months from the date of his or her election and may, after the expiry of his or her term of office be re-elected.

24. Vacation of office by office-bearers

Where, in terms of these regulations or for whatever other reason, the office of a member of the governing body becomes vacant, the members of the governing body with voting rights must, at the next meeting of the governing body, elect 1 (one) of its members with voting rights other than the principal to fill the vacancy in that office.

25. Composition of executive committees of governing bodies

- (1) The office-bearers elected in accordance with regulation 21 must be members of the executive committee of the governing body.
- (2) The principal must be a member of the executive committee but may not be an officebearer of the governing body.

26. Duties and functions of executive committees of governing bodies

- (1) The executive committee must:
 - (a) carry out the mandate of the governing body and is accountable to the governing body for all its actions;
 - (b) meet at least once per month, unless authorized to meet less frequently over any given 12 (twelve)-month period by the governing body.

- (2) A quorum of the executive committee is a majority of the members of the executive committee.
- (3) Subject to these regulations, the executive committee must determine its own rules in relation to meetings and procedures at its meetings.

27. Other committees of governing bodies

- (1) A governing body may appoint 1 (one) or more committees other than the executive committee to advise it and, subject to the instructions of the governing body, to perform such of its functions as the governing body may determine.
- (2) A governing body of an ordinary school which provides education to learners with special education needs must establish a committee on special education needs.
- (3) Every committee must be chaired by a member of the governing body.
- (4) A governing body may:
 - (a) appoint to a committee persons who are not members of the governing body;
 - (b) alter or invalidate any decision of a committee.

MEETINGS OF GOVERNING BODIES

28. Meetings of governing bodies

- (1) A governing body must meet at least once every three months.
- (2) A quorum of the governing body is 50% (fifty percent) of the members eligible to vote on the relevant business of the governing body plus 1 (one).
- (3) At least one week's notice of any ordinary meeting must be given by a governing body to the department.
- (4) The governing body may invite departmental officials to attend governing body meetings.
- (5) The department may with reasonable notice inform the governing body of its intentions to attend any governing body meetings for monitoring and support purpose. The date, time and venue of the meeting must be made available to the department on request.
- (6) Subject to these regulations, a governing body must determine its own rules and procedures relating to meetings referred to in this chapter.

29. Minutes of meetings

- (1) The secretary of a governing body must:
 - (a) keep minutes of the proceedings of every meeting of the governing body and its executive committee, and submit such minutes for approval at the next meeting of the governing body or its executive committee, as the case may be;
 - (b) ensure that minutes of the proceedings of every meeting of a committee of the governing body are kept and submitted for approval at the next meeting of such committee;

- (c) ensure that at an annual general meeting the minutes of all meetings referred to in regulations 29 and 30 held since and including the previous annual general meeting are available;
- (d) on request, provide the circuit manager with a copy of any minutes referred to in sub-regulations (a), (b) and (c).
- (2) Upon the expiry of the term of office of members, all minutes referred to in subregulations (1)(a), (b), (c), and (d) and other documents of the governing body must be handed over to the principal.

30. Annual general meeting of parents

- (1) A governing body must, between July and November of each year, convene in accordance with the provisions of these regulations an annual general meeting of parents at the school at which:
 - (a) the principal and the chairperson of the governing body must submit a joint written report or separate written reports on the school for the previous year;
 - (b) the latest audited financial statements of the school produced in terms of the Act must be made available;
 - (c) the budget of the school referred to in the Act must be presented;
 - (d) any matter relating to school fees as contemplated in the Act may be discussed; and
 - (e) any other matters relating to the school may be discussed.
- (2) The principal must at least 30 (thirty) days prior to the date of the annual general meeting use communication in writing and may use 1 (one) other means of communication to distribute a copy of such a notice to all parents of all learners enrolled at the school and the principal must ensure that the notice also informs the parents that the school's budget will be available for inspection 14 (fourteen) days prior to the meeting.
- (3) A quorum for this meeting shall not be less than 15% (fifteen percent) of the parents of enrolled learners at the school.
- (4) Should a quorum not be reached at this meeting, a second meeting will be arranged within 14 (fourteen) days. The principal must on the first school day following the date

of this meeting use communication in writing and may use 1 (one) other means of communication to distribute a copy of such a notice to all parents of all learners enrolled at the school.

(5) At this second meeting no quorum is necessary.

31. Special general meeting of parents

- (1) A governing body:
 - (a) may convene a special general meeting of parents at the school in accordance with the provisions of this regulation;
 - (b) must convene a special general meeting of parents at the school within 30 (thirty) days of receipt of a petition signed by at least 20% (twenty percent) of the parents of learners at the school calling for a special meeting.
- (2) The principal must at least 10 (ten) days prior to the date of the special general meeting use communication in writing and may use 1 (one) other means of communication to distribute a copy of such a notice to all parents of all learners enrolled at the school.
- (3) A special general meeting of parents may deal with any of the matters contemplated in regulation 29 if such a matter is related to the issues in the petition.
- (4) A quorum for this meeting is 15% (fifteen percent) of the parents of enrolled learners at the school who signed the petition.

GENERAL AND TRANSITIONAL PROVISIONS

32. Liability, reimbursement and financial benefit

- (1) A member of a governing body 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 authorization or with malicious intent, in which case he or she may be held responsible for such debt, damage or loss.
- (2) Necessary expenses incurred by a member of a governing body in the performance of his or her duties may be reimbursed by the governing body.
- (3) No member of a governing body or any relative of such member may derive financial benefit by virtue of his or her being a member of such governing body.
- (4) A member of a governing body must withdraw from a meeting of the governing body for the duration of the discussion and decision-making on any issue in which the member or any relative of that member has a financial interest.

33. Transitional provision relating to existing governing bodies

- (1) Where a governing body of a school was in existence immediately prior to the commencement of these regulations, its term of office must be 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.
- (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, continues in existence and perform all the functions it performed prior to the commencement of these regulations which it can lawfully perform.
- (3) The HOD must appoint a departmental official or officials 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, all the functions and duties which a governing body can lawfully perform.

34. Interim provisions relating to the constitution of governing bodies

- (1) Until such time as a governing body has drawn up a constitution and standing orders in accordance with the Act:
 - (a) an extraordinary meeting of the governing body may be convened by the chairperson of the governing body when he or she deems it necessary or when at least 4 (four) members submit to the chairperson a written request for such a meeting containing their reasons for this request;
 - (b) ordinary and extraordinary meeting of the governing body must take place after written notice of the meeting has been issued to all members at least 7 (seven) days prior to the meeting unless in the case of emergencies where a shorter period may apply;
 - (c) the notice of a meeting of the governing body must include a list of the matters to be discussed at the meeting;
 - (d) a meeting of the governing body must deal with matters of which prior notice has been given, and may deal with other matters provided that approval of the meeting is obtained;
 - (e) any person may attend and speak at a meeting of the governing body provided that approval of the meeting is obtained;
 - (f) each member of the governing body has 1 (one) vote, and, at the conclusion of voting, the chairperson of the governing body must exercise a casting vote if necessary;
 - (g) the minutes of any meeting must be read or taken as read at the opening of the next meeting, and if approved must be signed by the chairperson and the secretary;
 - (h) matters of standing orders and procedures at meetings which are not covered in the Act, in these regulations or in any other law must be decided by the chairperson; and
 - (i) if a member questions a decision referred to in paragraph (h), the matter must be submitted to a vote.

35. Repeal of regulations

The Governing Bodies of Public Schools Regulations, 2006 is hereby repealed.

36. Short title

These regulations are called the regulations relating to the election and governance of governing bodies of public schools, 2012.

SCHEDULE A

COMPOSITION OF GOVERNING BODY.

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

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

1	2	3	4	5	6	7	8
TYPE OF SCHOOL	NUMBER OF LEARNERS ENROLLED AT SCHOOL	PRINCIPAL	NUMBER OF EDUCATOR MEMBERS	NUMBER OF PARENT MEMBERS	NUMBER OF NON EDUCATOR MEMBERS	NUMBER OF LEARNER MEMBERS	TOTAL NUMBER OF MEMBERS
Primary School	1 to 159	1	1	4	1	0	7
Primary School	160 to 719	1	2	5	1	0	9
Primary School	720 or more	1	3	6	1	0	11
Secondary School	1 to 629	1	2	7	1	2	13
Secondary School	630 or more	1	3	9	1	3	17
Combined School	1 to 500	1	2	7	1	2	13
Combined School	500 or more	1	3	9	1	3	17

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

1	2	3	4	5	6	7	8
TYPE OF SCHOOL	NUMBER OF LEARNERS ENROLLED AT SCHOOL	PRINCIPAL	NUMBER OF EDUCATOR MEMBERS	NUMBER OF PARENT MEMBERS	NUMBER OF NON EDUCATOR MEMBERS	NUMBER OF LEARNER MEMBERS	TOTAL NUMBER OF MEMBERS
Primary School	1 to 149	1	2	6	1	0	10
Primary School	150 or more	1	3	7	1	0	12
Secondary School	1 to 149	1	2	7	1	1	12
Secondary School	150 or more	1	3	9	1	2	16
Combined School	1 to 149	1	3	9	1	2	16
Combined School	150 or more	1	2	8	1	2	14

In the case of a public school for learners with special educational needs, additional to the figures indicated above, the following categories must be represented by one member each:

- Organisations of parents of learners with special educational needs, if applicable;
- Sponsoring bodies, if applicable;
- Organisations of disable persons, if applicable;
- Disabled persons, if applicable;
- Experts in the relevant field of special needs education;

SCHEDULE B

In order to elect parents for the governing body, the school's admission register will be used as the basis for the electoral voter's roll.

A "parent" can mean:

- (a) the biological or adoptive parent or a legal guardian of a learner;
- (b) a person legally entitled to custody of a learner; or
- (c) the person who undertakes to fulfill the obligations of a person referred to in paragraphs (a) and (b) towards the learner's education at school and usually has the care and control of a learner.

Only two parents of a learner are eligible to vote.

NAME OF SCHOOL:	
NAME OF LEARNER (S):	GRADE:
1.	
2.	
3.	

PARENT 1

NAME OF THE PARENT		
ID. NUMBER OF PARENT		
ADDRESS OF PARENT		
SIGNATURE OF PARENT	-	

PARENT 2

NAME OF THE PARENT	
ID. NUMBER OF PARENT	
ADDRESS OF PARENT	
SIGNATURE OF PARENT	
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DATE:	Stamp

SCHEDULE	С

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NAME OF SCI	HOOL			
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SIGNATURE (OF PRINCIPAL			
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SCHEDULE G

ELECTION OF MEMBERS OF GOVERNING BODIES NOMINATION FORM

- N.B. 1. Distribute Nomination Form 14 (fourteen) days prior to the meeting.
 - 2. If Nomination and Election meeting is combined, then return the form 24 (twenty four) hours before nomination and election meeting.
 - 3. If not combined, return it to the school not less than a day before the election

NAME OF SCHOOL:	
PROPOSER	
I,	(full name)
of	(Residential Address) rent or guardian of a learner / an educator / non re mentioned school, hereby propose
governing body of the above-mentioned sch	Il name of the candidate) as a member of the ool
SIGNATURE OF THE PROPOSER	DATE
SECONDER	
l,	(Full name)
of	(Residential address)
Being (indicate correct response) a parent educator / a member of the RCL of the abov	or guardian of a learner / an educator / a non e mentioned school, hereby propose
governing body of the above-mentioned sch	ll name of the candidate) as a member of the ool.
SIGNATURE OF SECONDER	DATE
CANDIDATE	
l,	(full name)
of	(residential Address)

being a parent or a guardian of a learner/ an educator / a non educator / a member of RCL of 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 regulations relating to elections and governed of governing bodies.

Residential address:	
Postal address:	
OLONATURE OF THE CAMPIDATE	DATE
SIGNATURE OF THE CANDIDATE	DATE
ELECTORAL OFFICER	
The nomination is (indicate correct response) accepte	ed / rejected
SIGNATURE OF SCHOOL ELECTORAL OFFICER	DATE
SIGNATURE OF SCHOOL ELECTORAL OFFICER	DATE
ADDENDUM .	
l,	(full name)
declare that written proof to my satisfaction has been candidate, who is not present at the nomination	
nomination and election form, will be willing to serve a	
SIGNATURE OF THE SCHOOL ELECTORAL OFFIC	CER DATE
	Stamp

SCHEDULE H

NOTICE OF SGB ELECTIONS FOR MEMBERS WHO ARE PARENTS LOUARDIANS OF LEARNERS

Name of school:				
Notice is hereby given that a meeting for the nomination and election of candidates for election of (number in words) (number numerically) members of the governing body of the above- mentioned school, will be held on (date) (time). Candidates (who must be parents / guardians of learners at the school who are not employed at the school) may be nominated by lodging with the electoral office nomination form duly completed by the candidate and his / her proposer and seconder. Exproposer and seconder must be parents / guardians of learners at a school. The nomination must be returned to the school 24 hours before the day of nomination and electing.	ers at and er a Both tion			
Nominations will also be accepted at the nomination and election meeting. If candida cannot be present at the nomination, written proof must be submitted at the meeting to effect that 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 mention above.	the			
N.B. It is the responsibility of parents / guardians to ensure that their names are on the school's voters roll, which can be viewed at the school. Only parents whose names are on the school's voters roll will be entitled to participate in the election of school's governing body.				
SIGNATURE OF SCHOOL ELECTORAL OFFICER:				
TEL: DATE:				
ADDRESS:				
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SCHEDULE I

ELECTION OF MEMBERS OF GOVERNING BODIES	
	s
NOTICE OF SGB ELECTIONS FOR EDUCATOR MEMBERS OR STAFF	-
TNG11CE DESCRIPT FURGING FOR FIND A 10R ARRESTS FROM STAFF AT	

San Anna Company	
NAME OF DISTRICT	
NAME OF CIRCUIT OFFICE	
NAME OF SCHOOL	
Notice is hereby given that a meeting for the election of (number in words) governing body of the above mentioned school	(number numerically)members of the
Candidates (who must be educators at the se electoral officer a nomination form duly comp seconder, more than a day before the comme and the seconder must be educators at the sch	eleted by the candidate, the proposer and the neement of the above meeting. Both proposer
Nomination will also be accepted at the nor cannot be present at the nomination meeting, to the effect that the candidate is willing to serve	written proof must be submitted at the meeting
An election meeting will be held on the same d	ay as the nomination meeting mentioned above.
SIGNATURE OF SCHOOL ELECTORAL OFF	ICER:
DATE:	
TEL NO.:	
	Stamp

SCHEDULE J

NOFICE OF SCREEK TIONS FOR MEMBERS WHO ARE NON-EDUCATORS
Name of school:
Notice is hereby given that a meeting for the nomination and Election of candidates for the election of (number in words) (number numerically) members of the governing body of the above- mentioned school, will be held on (date) at (time). Candidates 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 educators at the school. The nomination form must be returned to the school 24 hours before the day of nomination and election meeting.
Nominations will also be accepted at the nomination and election meeting. If candidates cannot be present at the nomination, written proof must be submitted at the meeting to the effect that 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
N.B. It is the responsibility of non-educators to ensure that their names are on the school's voters roll, which can be viewed at the school. Only non-educators whose names are on the school's voters roll will be entitled to participate in the school's governing body.
SIGNATURE OF SCHOOL ELECTORAL OFFICER:
TEL NO.: DATE:
ADDRESS:
Stamp

SCHEDULE K

NOTICE OF MEMBERS V	SGRELECTIONS FOR WHO ARE LEARNERS
Name of school:	
election of (number in words) of the governing body of the above- men (time). Candidates may be nom nomination form duly completed by the car	the nomination and Election of candidates for the(number numerically) members tioned school, will be held on (date) at ninated by lodging with the electoral officer a ndidate and his / her proposer and seconder. Both is at the school. The nomination form must be day of nomination and election meeting.
cannot be present at the nomination, writt effect that candidate is willing to serve as a	e nomination and election meeting. If candidates ten proof must be submitted at the meeting to the a member of the governing body. The day as the nomination meeting mentioned above
	ensure that their names are on the school's voters. Only learners whose names are on the school's ne school's governing body.
SIGNATURE OF SCHOOL ELECTORAL	OFFICER:
TEL NO.:	DATE:
ADDRESS:	
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	Stamp

SCHEDULE L

PARENT BALLOT PAPER

NAME OF DISTRICT	
NAME OF CIRCUIT OFFICE	
NAME OF SCHOOL	

Choose candidate by placing a cross in the box next to the candidate/s of your choice e.g.

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SCHEDULE M

	EDUCATOR PARLOT PAPER				
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NAME	OF CIRCUIT OFFICE		_		
NAME	OF SCHOOL	-			
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10.25	NON-EDUCATO	R BALLOT PAPER	
NAME	OF DISTRICT		
NAME	OF CIRCUIT OFFICE		
NAME	OF SCHOOL		
			
Choose	e candidate by placing a cross in the box	x next to the candidate of your ch	oice e.g
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LEARNER BALLOT PAPER				
NAME	OF DISTRICT			
NAME	OF CIRCUIT OFFICE			
NAME	OF SCHOOL			
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SCHEDULE P

COUNTED BALLOT PAPERS

AND DECLARATION OF NUMBER OF VOTERS						
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NAME OF DIS	TRICT					
NAME OF CIR	CUIT OF	FICE				
NAME OF SC	HOOL				-	
DATE OF ELE	ECTION:			TYPE OF TH		LSEN
NUMBER	NAMES	OF CANDIDATES(Most to le	ast votes)	NUMBER VOTES	OF
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			J			
DATE:				Stamp		
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SCHEDULE Q

	ARATION BORM
NAME OF DISTRICT	
NAME OF CIRCUIT OFFICE	
NAME OF CLUSTER	-
NAME OF SCHOOL	
NAME OF ELECTORAL OFFICER	
DATE OF ELECTIONS FOR PARENT COMPONENT	
DATE OF ELECTIONS FOR EDUCATOR COMPONENT	
DATE OF ELECTIONS FOR NON- EDUCATOR COMPONENT	
DATE OF ELECTIONS FOR LEARNER COMPONENT	
Complete the relevant section.	
SECTION A: Undisputed Elections	
As the school electoral officer for the above-me	entioned elections I declare that the election of
all component/s was/ were undisputed.	
Signature:	Date:
·	Date:
Signature:	
Signature: SECTION B: Disputed Elections As the school electoral officer I declare that for election was/were disputed:	
Signature: SECTION B: Disputed Elections As the school electoral officer I declare that fe election was/were disputed: 1.	
SECTION B: Disputed Elections As the school electoral officer I declare that feelection was/were disputed: 1. 2.	
Signature: SECTION B: Disputed Elections As the school electoral officer I declare that feelection was/were disputed: 1	
Signature:	

PROVINCIAL GAZETTE E	XTRAORDINARY, 15 MARCH 2012	No. 2721
Signature:		
	Stamp	

NAME OF DISTRICT

SCHEDULE R

NOTIFICATION OF ALL MEMBERS ELECTED TO THE GOVERNING BODY

NAME (OF CIRCUIT OFFICE			
	OF CLUSTER			
NAME (OF SCHOOL			
ELECTI	ON DATE			
Surname	Names	Contact Details	Fax Number	E-mail
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PRINCIPAL				
PARENTS				
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3.				
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5.				
6.				
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9.				
EDUCATORS 1.				
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4.				
NON - EDUCAT	ORS			
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2.				
3.				
LEARNERS				
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3.				
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SIGNATURE: _			Stamp	
DATE:				
DATE:				

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Province: School-:	_					_	Dist	rict / C	ircuit Office	:						
	Gen	der	Race	_			Disab	ility	Education	Level		_	Previous SGB	Prev SGB		SGB Portfolion
Surname and Initials	F	М	Bla	Wh	Со	in	Yes	No	Primary	Secondary	Tertiary	None	Experience in years		No	
Principal			1			_	-						1			
Parents			1			<u> </u>										
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2.	†											1				
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SCHEDULE T

NOTIFICATION OF OFFICE BEARERS ELECTED TO THE GOVERNING BODY

NB. 1. To be completed by the school

DISTRICT CIRCUIT OFFI				
CIRCUII OFFI	CE			
MEETING DAT				
PORTFOLIO	SURNAME	NAMES	CONTACT	E-MAIL
Chairperson				
Secretary				
Treasurer				
	•	•		
Other Office B	earers			
1				
2				
3				
2 3 4 Chairpersons	of governing boo	dy sub-committ	ees (Specify)	
2 3 4 Chairpersons	of governing boo	dy sub-committ	ees (Specify)	
2 3 4 Chairpersons (of governing boo	dy sub-committ	ees (Specify)	
Chairpersons	of governing boo	dy sub-committ	ees (Specify)	
2 3 4 Chairpersons of 1 2 3	of governing boo	dy sub-committ	ees (Specify)	
2 3 4 Chairpersons (1 2 3 4	of governing boo	dy sub-committ	ees (Specify)	
2 3 4 Chairpersons (1 2 3 4 5 6	of governing boo	dy sub-committ	ees (Specify)	
2 3 4 Chairpersons of 1 2 3 4 5 6	of governing boo	dy sub-committ	ees (Specify)	
2 3 4 Chairpersons of 1 2 3 4 5 6 7	of governing boo	dy sub-committ	ees (Specify)	
Chairpersons	of governing boo	dy sub-committ	ees (Specify)	

SCHEDULE U

CONSOLI	WEDGERSU	EDATA 1	
NAME OF DISTRICT			
NAME OF CIRCUIT			
NUMBER OF SCHOOLS IN CIRCUIT	_		

TABLE 1. GENDER, DISABILITY, RACE

COMPONENT	GENDER		DISAE	BILITY		RACE				
	MALE	FEMALE	YES	NO	Α	W	С			
CHAIRPERSONS										
SECRETARIES										
RCL MEMBERS IN THE SGB			-							
ADDITIONAL MEMBERS										
ALL MEMBERS										
_										

TABLE 2. DEMOGRAPHICS OF LEARNERS IN THE SCHOOL

		RACE							
	Α	W C I							
MALE									
FEMALE									
TOTAL									

NAME OF COMP	PILER :	
SIGNATURE	:	DESIGNATION :
		Stamp

	SCHEDULE V									
A SAME OF THE SAME	CONSOLIDA	TED DISTRICT DATA								
NAME OF DISTRICT	I C IN DISTRICT									
NUMBER OF SCHOO	LS IN DISTRICT									
TABLE 1. GENDER, D	ISABILITY, RACE									
COMPONENT	GENDER	DISABILITY	RACE							

COMPONENT	GENDER		DISABILITY			RACE			
	MALE	FEMALE	YES	NO	Α	W	С	1	
CHAIRPERSONS									
SECRETARIES									
RCL MEMBERS IN THE									
SGB									
ADDITIONAL MEMBERS									
ALL MEMBERS									

TABLE 2. DEMOGRAPHICS OF LEARNERS IN THE SCHOOL

	RACE								
	Α	W C							
MALE	,								
FEMALE									
TOTAL									

NAME OF COMPILER :				
SIGNATURE	:	DESIGNATION:		
			Stamp	