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one INTRODUCTION

In the past, school governance in South Africa was characterised by a top-down approach. Educators, learners, parents and communities were excluded from making important decisions about schools. Principals and inspectors were the main decision makers for the schools. The racially based system of education gave white parents decision-making powers. This was not the case in schools serving black communities. Many communities, though, formed Parent, Teacher, Student Associations (PTSAs). As part of efforts to make schools democratic, the South African Schools Act (SASA) was passed in 1996. An important provision in the Act was the establishment of democratically elected school governing bodies (SGBs).

Two important principles of the South African Schools Act are concerned with *inclusivity* and *decentralisation.** *Inclusivity* means the participation of parents, educators, non-teaching staff, learners, and other people who are willing and able to make a contribution to the school. *Decentralisation* means that decisions ought to be made by people who are closest to the situation. In the case of schooling this means that instead of the National Department of Education making all the decisions, many decisions are made by the Provincial Department of Education, which in turn gives education district officials and individual school governing bodies the power to make some decisions.

Bringing decision making closer to the people is desirable but this by itself will not solve all the problems and challenges faced by school governing bodies. Research has shown that school governing bodies face many problems despite the fact that decisions are made by people who are closest to the situation. School governing bodies are sometimes used by individuals and organised groups to discriminate against learners.

Some SGBs are not working properly because they are do not have the necessary skills and they are not sure about their roles and responsibilities. This mostly happens in poorer communities,

* Words that are italicised will be explained at the end of the booklet

where people have few resources and many cannot read and write. The situation is made worse by the fact that some of the schools do not get enough money, support and training from the government.

In 2003, the Minister of Education appointed a *task team* to investigate how school governing bodies are working and to make recommendations about how they can work better. This shows that the government realises and accepts that school governing bodies face serious problems in their day-to-day working.

WHAT IS SCHOOL GOVERNANCE?

School governance is about creating, implementing, supervising and evaluating policies and rules, which guide and govern the actions of the school and its members. In other words, school governance is concerned with the creation of policies for the school and making sure that the school is run according to the set policies. School governance is also about raising money for the school. Parents or caregivers must form a majority of members of a school governing body because according to the South African Schools Act they are the ones who have the primary responsibility for ensuring that the school is run well.

What is the difference between school governance and school management?

School management is about the day to day running of the school. In other words, school management is about the organisation of the teaching and learning in a school and related activities (e.g. managing staff, detailed planning of the curriculum, assessing learners and educators). The principal together with the *School Management Team* (SMT) is responsible for school management.

While school governance and school management are not the same, it is important to understand that some of the responsibilities of school governance overlap with those of school management.

School governors and school managers are equally responsible for protecting the rights of all learners to education, for maintaining discipline and for financial management.

It is therefore important that school governors and school managers work together and respect each other's areas of responsibility. This will not only make their work easier, but it will also reduce conflict between the school governors and the school managers and will benefit the school.

three WHAT IS A SCHOOL GOVERNING BODY?

A school governing body is a government of the school, established in terms of the South African Schools Act. It is *mandated* to set policies and rules that govern the school, and to monitor the implementation of the rules. The SGB gets its *mandate* from the different members (learners, parents, teaching and non-teaching staff) of the school community. These members of the school community elect the SGB. The elected members of the school governing body represent the school community.

Once it is put in place, the SGB acts on behalf of the school because the school is a *juristic person*. This means that the school can enter into a legal contract and the school governing body acts on its behalf. The school governing body can therefore sue or be sued. The SGB exists independently of its members, which means that even if all members resign, the school governing body may be held responsible for all the legal contracts entered into on behalf of the school.

What are the categories of membership to a School Governing Body?

The South African Schools Act specifies the following three categories of membership to a school governing body:

- Elected members
- The principal in his official capacity (here the membership is automatic), and
- *Co-opted members*

4 Who Can be Elected to a School Governing Body?

The South African School Act states that the following groups of people can be elected to a school governing body of an ordinary public school:

1. The *parents* of learners at the school.
2. The staff members who are not educators (for example the gardener and the secretary).
3. The educators.
4. The learners who are in grade eight or higher (this means that only high schools can have learners as members of the school governing body). Learners' representatives on the school governing body are to be elected by learners themselves not appointed by the principal, the educators or the *parents*. Each school is also required to have its own Representative Council of Learners (RCL). For more information on RCLs see appendix A at the end of the booklet.

Note that a *parent* who is employed at the school may not represent parents – meaning that parents who are employed at the school can only participate in the school governing body as representatives of educators or members of staff who are not educators.

Parents must form the majority of members on the school governing body. The South African Schools Act states that the number of *parents* in any school governing body must be at least half plus one of the total combined number of members with voting rights. If, for instance, a school governing body is made up of a total of 11 members, then at least six of the members should be *parents*. In the case of a public school for learners with special needs, the South African Schools Act makes participation of other representatives in the school governing body possible.

five MEMBERSHIP OF AN SGB OF A PUBLIC SCHOOL FOR LEARNERS WITH SPECIAL EDUCATION NEEDS

In addition to *parents* of learners, educators at the school, non-teaching members of staff, learners in grade eight or higher, the South African School Act makes possible the election or co-option of the following people in a special school:

1. Representatives of *parents* of learners with special education needs (voting)
2. Representatives of organisations of disabled persons (non voting)
3. Disabled persons (voting)
4. Experts in appropriate fields of special needs education. (non voting)
5. Representatives of sponsoring organisations (non voting)

Who can be co-opted to a school governing body?

Anyone who has an interest in education or has special knowledge or skills that could be of use to the school can be co-opted onto the SGB. *Co-opted members* of a school governing body do not have voting rights – meaning that they can participate in the activities of the school governing body, but they cannot vote when decisions are made. The *co-opted members* could volunteer to participate in the SGB or they could be invited to participate.

6 THE *OFFICE BEARERS* OF A SCHOOL GOVERNING BODY

Members of an elected school governing body are required to elect *office bearers* amongst themselves. The *office bearers* must at least include a chairperson, a treasurer and a secretary. Each school governing body must elect at least three *office bearers* specified above. The members of the school governing body may decide to have additional *office bearers* – for example, a vice-chairperson. The school governing body may also establish committees, including an executive committee and other committees made up of experts (for example, a financial committee).

A voting member of a school governing body must chair all committees of the SGB – *co-opted members* of the school governing body may not chair committees established by the school governing body.

Who can be a chairperson of a school governing body?

The South African Schools Act states that only a *parent* who is not employed at the school can be a chairperson of a school governing body. The other members (educators, the principal, non-teaching staff, co-opted members and learners) of the school governing body are not allowed to hold the position of a chairperson of a school governing body.

How long can SGB members serve?

Representatives of *parents*, educators and non-teaching staff of the school may serve on the SGB for a period of not more than three years. After their three-year term is complete, they can stand for re-election or they can accept to be *co-opted*. Unlike the other three categories of membership to the SGB, learner representatives can only serve on the SGB for a period of one year.

As with the other members of the SGB, learner representatives are allowed by the law to stand for re-election after their one-year term is finished. There is no limit on the number of times that a person can serve on the school governing body, either as an elected member or a *co-opted member*.

How long can SGB office bearers serve?

All the *office bearers* of the SGB (Chairperson, Secretary, Treasurer and any additional *office bearers*) cannot serve for a period of more than one year without re-election. The law allows them to seek re-election after one year if they wish to continue as *office bearers* of the school governing body. The South African Schools Act does not put a limit on the number of times that a person can serve as an *office bearer* of a school governing body.

seven WHAT ARE THE FUNCTIONS OF A SCHOOL GOVERNING BODY?

The functions of the school governing bodies are divided into *ordinary functions*, which all school governing bodies must perform, and *allocated functions*, which are performed by schools that have been granted permission by the *Head of Department* (HOD) to perform them. The following are the *ordinary functions* of school governing bodies:

Admission Policy

1. The school governing body is required by the South African Schools Act to decide the admission policy of the school. Such an admission policy cannot unfairly discriminate on the basis of sex, 'race', religion, language or social class (wealth, income, profession). The admission policy should not use any means to exclude any learner(s) from a school, for example, schools are not allowed to test learners for purposes of selecting them for admission. (*See ERP booklet on admission policy*).

Language of Policy

2. The school governing body must decide the language of policy of the school. Such a language policy must promote *multilingualism* in the school as required by the South African Constitution and the education language policy (*See ERP booklet on language policy*).

Religious Policy

3. The school governing body must establish the religious policy, which is in line with the Constitution and other relevant laws of the country. The policy should not unfairly discriminate against any religion or anyone and it should treat all religions equally. Religious observances must be fair and they must be done freely and voluntarily. This means that the school governing body or anybody in the school cannot force or pressure any member of the school to participate in any religious observances (*See ERP booklet on religious policy*).

Code of Conduct

4. The school governing body must *adopt* (agree to and accept) a school *code of conduct* in consultation with learners, parents and educators. The *code of conduct* cannot be in opposition to the Constitution or any law passed by the national or provincial government, which protects the rights of learners, parents or educators. This means, for instance, the school cannot decide that it will practice corporal punishment or that pregnant learners will not be allowed to continue with their education.

The aim of the *code of conduct* is not only to regulate the behaviour of learners, but also to regulate relations between learners and educators, educators and *parents*, and between learners and learners in a school. The *code of conduct* must state clearly which behaviour is acceptable and which behaviour is unacceptable in the school. It must also state how persons who break the rules will be dealt with. The aim of a *code of conduct* is to create a safe, supportive and productive school environment and the SGB must be guided by these aims when establishing a *code of conduct (See ERP booklet on bullying, corporal punishment and discipline in schools)*.

Adopt a Constitution

5. The school governing body must *adopt* a *constitution*, which is not in opposition to the Constitution and laws of the country. The actions of the school governing body will then be governed and guided by this *constitution*. The South African Schools Act states that the *constitution* of a school governing body should provide for the following:

   a) A meeting of the school governing body that should take place at least once every school term.
   b) Meeting of the school governing body with *parents*, learners, educators and other staff at the school, respectively, at least once a year.
   c) Recording and keeping of *minutes* of school governing body meetings.
   d) Making the *minutes* available to the *Head of Department* as and when it is necessary.
   e) Reporting to *parents*, learners, educators and other staff of the school on its activities at least once a year.

At a minimum, the *constitutions* of all school governing bodies should include all of the above. The South African Schools Act states that the school governing body should submit a copy of its *constitution* to the *Head of Department* within 90 days of its election.

School Development

6. The governing body must promote the interests of the school and strive for the development of the school. Members of a school governing body must actively work to improve the school and avoid any actions that will undermine the school. For instance, the school governing body must make sure that the school fund is used correctly and that the school community is informed about how the school fund is used.

Mission Statement

7. The school governing body must develop a *mission statement*. This means that the school governing body with the participation of the school community should put in writing what they consider to be the direction, the purpose and the values of the school. Here the school governing body should strive to make the *mission statement* representative of the views of the school community so that the *mission statement* can hold the school community together.

School Functioning

8. The school governing body must support the principal, the educators and other staff of the school in performing their duties. The school governing body exists to make sure that the school functions properly.

The School Day

9. The school governing body must decide the times of the school day. Such times should not be in opposition to the labour laws and any other relevant law of the country. This means that the school governing body may not force educators or any employee of the school to work outside the times stated in the labour laws or any relevant laws of the country. Should the school governing body want an employee of the school to work outside working hours determined by the law, then it should negotiate this with the concerned employee.

Property Administration

10. The school governing body must administer and control the school's property, buildings and grounds occupied by the school. This means that the school governing body must look after these facilities. Unless, the school governing body has been granted permission to perform *allocated functions* it cannot make physical alterations and additions to the existing school property. Alterations can only be done by the Provincial Department of Education in consultation with the school governing body.

Voluntary Service

11. The SGB must encourage *parents*, learners, educators and other staff members of the school to render voluntary service to the school. For example, the school governing body can ask parents to help with the organisation of fund-raising events for the school or the school governing body could ask learners to participate in fund-raising activities. What is important here is that no one should be forced or be pressured to perform any duty for the school.

Appointment of Educators

12. The SGB must recommend to the *Head of Department* the appointment of educators at the school. The recommendation should comply with the relevant laws. The school governing body interviews candidates for a particular post in the school and then recommends to the HOD the candidate it considers most suitable for the post. This applies only to the posts that are funded by the government – for additional posts that are funded by the school governing body, the decision to employ or not employ a candidate is taken by the school governing body.

    The HOD can either employ a candidate recommended by the school governing body or reject the recommendation. If s/he decides to reject the recommendation then s/he should refer the selection process back to the school governing body. Then the school governing body has to restart the process of interviewing and selecting a suitable candidate and then make another recommendation to the *Head of Department*.

13. **Appointment of Non-Educator Staff**

The SGB must recommend to the *Head of Department* the appointment of non-educator staff at the school. This means that the school governing body is responsible for interviewing the candidates for non-teaching posts in the school and to recommend to the HOD the candidates they consider suitable for the posts.

14. **More Duties**

Carry out other duties determined by the minister in a government gazette. These duties must be consistent with the South African Schools Act and other laws of the country. The Minister of Education can add more responsibilities to the existing responsibilities of the school governing bodies.

15. **Opening School Facilities to the Community**

Determine the conditions under which school facilities are made available to the community. If the school governing body intends to allow the community to use the school property (e.g. grounds, classrooms, school hall), then the school governing body should clearly state the conditions that will apply. For instance, the amount of time that a school hall can be used and when it can be used or what factors should be considered before permission to use any of the school facilities is granted to anybody. The value of allowing the community to use the school facilities is that the school will be able to strengthen ties with the community.

8 THE SGBS AND THE SCHOOL FUND

1. The South African Schools Act states that the SGBs may have to find additional resources to improve the quality of education. This places a responsibility on the SGB to raise extra money for the school. The school governing body may organise fund-raising activities including asking for donations from the public or business people to supplement the money provided by the government and the money raised through school fees.

2. The school governing body must **establish a school fund.** Any money received by the school should be paid into this fund. The money should be used for educational purposes at the school or to help another school and for the performing the functions of the school governing body (for example paying for travelling costs of SGB members while carrying out their SGB functions). This means that money raised by the school governing body cannot be used for purposes other than the ones stated above.

3. The SGB must open and **maintain a bank account** on behalf of the school. This means that the school governing body will decide who can withdraw money from the school's bank account and when can money be withdrawn. It also means that the school governing body must track all the money that comes in and out of the school's bank account.

   In addition, the school governing body has a responsibility of making sure that the ***financial statements*** of the school are *audited* and to submit audited reports to the HOD within six months after the end of every *financial year*.

4. The school governing body is required to prepare an **annual *budget*** which shows the estimated *income* and *expenditure* of the school for the following year. The South African Schools Act states that the *Member of the Executive Council (MEC)* should provide school governing bodies with guidelines for preparing the *budget*. This means that the SGB can demand the *budget* guidelines from the MEC. The majority of the *parents* must agree with the *budget* at a general meeting organised by the school

governing body. The *parents*' agreement with the *budget* will be shown by the votes of parents present at the general meeting. *Parents* must be given a minimum of 30 days notice before the general meeting is held.

5. The school governing body must call a **general meeting of parents** where parents should discuss and decide whether they want to charge school fees or not. The decision to charge or not charge school fees is made by vote. If the parents decide to charge school fees then the parents must agree on the amount to be charged. The school governing body must inform all parents of their right to apply to pay only part of the school fees or to pay nothing at all if they cannot afford to pay. This is what is called *exemption* in the South African Schools Act. There are separate regulations which deal with *exemptions* from school fees (See ERP *booklet on the cost of schooling*).

6. **School governing bodies can take parents to court** if they do not pay the agreed fees and if they do not qualify for *exemption* from paying school fees. Before taking any parent to court the SGB must satisfy itself that the school fees were decided lawfully; the parent/s knew of the right to apply for an exemption and that the school offered to assist the parent to apply for an exemption. The ERP discourages the practice of taking parents to court. (*See ERP booklet on the cost of schooling*).

In addition to the above functions, a school governing body can make an application to the *Head of Department*, under section 21 of the South African Schools Act, to carry out *allocated functions*. The schools that are granted permission to perform *allocated functions* are called section 21 schools (after section 21 of the South African Schools Act).

The *Head of Department* allows the school governing body to perform *allocated functions* if s/he is convinced that the school governing body has the skills, the experience and the resources to carry out the functions. It is up to the school governing body to show that it has the capacity to carry out *allocated functions*.

In other words, the SGB must convince the HOD that it has the ability to carry out functions specified as *allocated functions*. If the HOD decides not to grant permission to a school governing body to carry out *allocated functions*, s/he must give reasons for that decision. The school governing body may *appeal* against the decision of the *Head of Department* if s/he decides not to allow it to perform *allocated functions*. The *appeal* should be addressed to the *Member of the Executive Council*.

nine WHAT ARE THE ALLOCATED FUNCTIONS OF THE SCHOOL GOVERNING BODIES?

1. To maintain and **improve the school's property and grounds**. Here the school governing body could build additional classrooms or make any alterations to the existing property of the school. The school governing body decides how much money can be used for this purpose and pays whoever is involved in the additions or alterations. In cases where the school governing body has not been granted permission to perform *allocated functions*, the government decides how much money can be used for alterations or additions to the school property and pays those who are involved.

2. To determine the **extra-mural curriculum** of the school and the **choice of subject** options according to provincial curriculum policy.

3. **To buy textbooks, educational materials or equipment for the school**. In cases where the school has not been given permission to perform *allocated functions*, the government is responsible for buying textbooks and educational materials for the school.

4. **To pay for services to the school**. In cases where school governing bodies do not have permission to pay for services (for example water, electricity, and removal of rubbish) the government pays for these services.

10 What is the Difference Between Section 21 Schools and Non-Section 21 Schools?

Section 21 schools (named after Section 21 of the South African Schools Act) are those that qualify to carry out *allocated functions* and non-section 21 are those that do not qualify to perform *allocated functions*. The advantage of section 21 schools over non-section 21 schools is that section 21 schools have more control over their *budgets*, and they can increase the number and type of subjects that learners can take at the school.

eleven Can the School Governing Body Suspend or Expel a Learner?

The school governing body can only *suspend* a learner in consultation with the HOD for a period of one week in response to an offence that a learner has committed. The law states that it is only the HOD who can expel a learner from a school. Expulsion of a learner may be considered in a serious case (for example, if a learner is found guilty of assault). If the HOD decides to expel a learner from school, the learner can *appeal* to the MEC. The learner should be given a fair hearing before s/he can be suspended or expelled from school. A learner charged with committing an offence has the right to be represented in a disciplinary hearing (See ERP booklet on school discipline).

Limitations on the functions of the school governing bodies

1. A member of a school governing body who is a minor (that is under the age of 18) cannot enter into contracts on behalf of the school governing body. In addition, a member of the SGB who is a minor cannot vote on issues that result in a legally binding contract between the SGB and another body or organisation.
2. Any member of a school governing body who has a personal interest in a matter discussed at a meeting of the school governing body, must leave the meeting when the matter is discussed and a decision is made. For example, if a member of an SGB wants to take part in the feeding scheme programme s/he cannot be part of a meeting that discusses suppliers for the scheme.

When can the functions of a school governing body be withdrawn?

The *Head of Department* may withdraw the functions of a school governing body when the school governing body does not act in the best interest of the school – e.g. uses the school fund for personal gain or steals from the school. The HOD will then first inform the school governing body of his/her intention to withdraw the functions of the SGB before s/he actually withdraws the functions. The school governing body is given a chance to respond to the *Head of Department's* intention to withdraw its functions. The HOD is required by the law to consider the SGB's response before s/he takes any action. In cases of urgency the *Head of Department* may withdraw the functions of the school governing body without giving reasons. S/he could give reasons after the action has been taken.

For example, when there are serious differences between members of the school governing body which in the HOD's judgement could threaten the lives of some members of the SGB. The school governing body may *appeal* against the *Head of Department*'s decision to withdraw its functions if it feels that the decision is not fair or reasonable. The *appeal* is made to the MEC.

What happens if a school governing body fails to perform its functions?

If for any reason a school governing body fails to carry out its functions, the HOD must appoint people to perform the functions of the SGB. The HOD can only appoint people for this purpose for three months, which can be extended by another three months up to a maximum of one year. The South African Schools Act states that the HOD must make sure that a new school governing body is elected within one year.

12 What Support Can SGBs Expect from the Department of Education?

Section 19 of the South African Schools Act states that the Provincial Department of Education is responsible for providing training to the school governing bodies. The Department has a duty to provide the actual training or the resources for the school governing body to get trained. This means that the school governing bodies can demand training from the Provincial Department of Education.

The school governing body must take the initiative in identifying areas in which it needs training (for example financial management or how to chair a meeting). What should a school governing body do if no training is provided? The SGB can approach its district office for training or any support the SGB may need.

In addition, the *Head of Department* has a responsibility to make sure that the principal and other officers of the Department of Education assist the school governing bodies. This suggests an active role for the HOD in ensuring that enough support is given to the school governing bodies – meaning that even if the HOD is not approached for help by the school governing body, s/he should put in place means to support the smooth working of all SGBs.

thirteen Can a School Governing body Join an Association of School Governing Bodies?

Yes. A school governing body can voluntarily join an association that represents school governing bodies. The decision to join a voluntary organisation rests with the school governing body. As with all the activities and actions of the school governing body, joining a voluntary association must be done in the best interests of the school.

14 Can a School Pay Members of the SGBs for Their Services?

No. The South African Schools Act states that SGB members can only claim for costs incurred in carrying out their duties. For example, if a member of a school governing body travels to a meeting with a district official on behalf of the school governing body, then that SGB member should be paid money for travelling, but s/he cannot be paid for the time s/he spent in the meeting.

fifteen Can a School Governing Body Employ Additional Educators?

Yes. Additional educators employed by the SGB will be paid directly from the school fund. The government will not pay the additional educators employed by the school governing body and cannot be held responsible for their payment.

Can an SGB pay extra money to educators employed by the government?

Yes. The school governing body can pay extra money (for example, money for extra work done by an educator) to educators employed by the government provided that the SGB gets permission from the *Head of Department* to pay extra money to the educators. The law requires that extra monies paid to educators by the SGB be reflected in the *financial statement* of the school.

16 Proposed Changes to the Law

The National Department of Education proposes changes to the South African Schools Act and the Employment of Educators Act. These changes will have a direct impact on the functions of school governing bodies. The government is currently considering the proposed changes. Some of the changes are likely to be made in the first quarter of 2006. The following is a summary of the proposed changes:

- At the moment school governing bodies can ***suspend*** a learner from school in consultation with the HOD. The proposed changes require that the HOD agree with the SGB before a learner is suspended. This means that the power of the SGB to *suspend* a learner from school will be reduced and that the HOD has a final say in the suspension of learners.

- The school *quintiles* (categories), which determine **allocation of state funds** to schools, will now be decided by the national Minister of Education. At the moment they are decided by the provinces. The intention behind this change is that schools that fall into the same quintile should receive the same amount of funding regardless of the province in which they are located. The law might also stop schools that fall into certain *quintiles* (categories) from either charging school fees or will limit the charging of school fees.

- The law will make it clearer that it is **illegal to force parents** who qualify for exemption **to pay school fees**. In the case of those who qualify for partial *exemption*, the school governing body can only use the law to recover the part that the parent owes.

- In cases where a home of a parent is taken to recover outstanding school fees, the proposed law makes provision for the parent involved to be provided with **alternative accommodation**.

- The law further makes it **illegal for a school to exclude learners** from certain activities of the school because they have not paid compulsory school fees. The Department of Education points out that despite the provisions of the South African Schools Act, which says that learners cannot be discriminated against, schools still use illegal means (like refusing learners who owe school fees to go on educational trips of the school) to discriminate against learners who have not paid compulsory school fees. The proposed change seeks to tighten the current clauses.

- School governing bodies will be expected to take into account the effect of exemptions when they work out *budgets*. This means that the SGB must first look at the number of learners who qualify for *exemption* and the number of those who do not qualify for *exemption*. After this the SGB must work out a ***budget*** showing the amount of money they expect to raise through school fees. This amount of money should include learners who do not qualify for *exemption* and it should also include the portion payable by those who qualify for partial *exemption.*

- The laws will also make it clearer that the charging of **registration fees**, administration fees or any fee (except compulsory school fees) is **illegal**. This is aimed at stopping the practice of making parents pay registration or other fees before their children are considered for admission at certain schools or before they are given textbooks.

- The law also makes it **illegal to charge different compulsory school fees** based on the fact that learners are doing different subjects. For example learners in a science programme (which requires more facilities) cannot be charged higher fees than learners in a social science programme.

- The school governing body will be required to ask for permission from the HOD before it can **dispose of certain school assets**. The aim of this proposed change to the law is to protect the assets of the school from abuse by school governing bodies or any member of the school.

- The proposed change to the **Employment of Educators Act** deals with the appointment of educators recommended by the SGB. At present SGBs recommend a candidate for appointment to the HOD, and if the HOD does not agree with the SGB's recommendation s/he can ask the SGB to repeat the process of selecting a suitable candidate. SGBs must now recommend three candidates for appointment. The SGB must indicate the candidates in order of preference. The proposed change to the law will make it possible for the HOD to appoint any educator from the three top candidates on the list of educators recommended by the SGB.

seventeen WORD LIST

(explanations of italicised words)

Adopt – This means to agree to a document and accept it as a guide for action or behaviour.

Allocated functions – These are functions specified in the South African Schools Act (SASA) which can be carried out only by qualifying SGBs. The school governing bodies have to apply for permission from HOD to perform these functions.

Appeal – This is a formal request for a decision to be changed. Normally the formal request is made to a higher body or person than the one that made the decision.

Audit – To audit financial statements means to officially examine the statements to make sure that they are prepared correctly. A qualified and independent accountant does the examination.

Budget – A financial plan drawn up by the school governing body stating how much money it intends to raise and how much money it intends to spend.

Code of conduct – Is a document that sets out rules and responsibilities within which members of the school are required to act and what actions will be taken against those who break them.

Co-opted Members – Members of the SGB who were not elected to the school governing body and do not have a vote. These members participate in the school governing body by invitation.

Constitution – A constitution is a document that sets out basic rules and principles of an organisation. It sets out the aims, how they will be achieved, how decisions are made and how disagreements will be resolved.

Decentralisation – to decentralise government or a large organisation means to give greater responsibility and authority to the local departments or local population.

Exempted – To be exempted from a rule or a responsibility means that one is not bound by that rule or that responsibility. In the case of exemption from school fees it means that those who qualify for full exemption are not required to pay school fees and those that qualify for partial exemption pay only a portion of the total school fees charged by the school.

Expenditure – This is the money that the SGB spends on the school and in performing the functions of the SGB.

Financial Year – A financial year is a twelve months period used for reporting about the use of money by a school governing body or an organisation. It can start in any month of the year, in the case of the school governing body, SASA states that it should start in January of each year.

Financial statement – This is a statement that shows how much was received and how much was used by the school governing body and what it was used for.

Head of Department (HOD) – In the South African Schools Act the Head of the Department is the head of a provincial Department of Education.

Inclusivity – Means that an organisation or a body (in this case a school governing body) works according to the principle of non-discrimination.

Income – This is the money that the SGB receives (including government subsidies, school fees and money from fund raising activities).

Juristic person – this is a status in law which enables an institution like a school to be able to have rights and obligations like a natural person (human being). The school can enter into a contract because it has this legal status – meaning that it can sue and be sued.

Mandate – If a school governing body has a mandate, it means that it has the authority to carry out tasks or policies because it has been voted in for that purpose.

Member of the Executive Council (MEC) – The MEC is the provincial minister of education and s/he is assisted by the HOD in implementing the education programmes of the province.

Minutes – An official record of a meeting.

Mission statement – A brief statement that describes the aims and values of the school.

Multilingualism – A person is multilingual if s/he is able to communicate in more than two languages.

Office bearers – These are persons entrusted with official duties in an organisation or body (in this case a school governing body). They are often called the executive committee of an organisation.

Ordinary functions – These are functions that all school governing bodies must perform.

Parent – A parent in this context means a parent, guardian or a caregiver of a learner.

Quintiles – Are five categories into which South African public schools are grouped for purposes of deciding how much money schools will receive. In general, the 'poorer' the school community the more money the school will receive and the 'richer' the school community the less money it will receive from the government.

School Management Team – The team is made up of the principal, the deputy principal and the heads of departments in the school. The team is responsible for day-to-day management of the school.

Suspend – This means that a learner is stopped from attending school for a period of time in response to a serious offence the learner is suspected of having committed.

Task Team – is a group of people appointed or elected to carry out a time-bound activity or activities (in most cases they are appointed by governments).

18 USEFUL CONTACTS

Associations of School Governing Bodies

Federation of Associations of Governing Bodies of South African Schools
(FEDSAS)
National – Tel: (051) 522 6903

National Association of School Governing Bodies
National – Tel: (011) 403 6131

Government

National Department of Education
School Governance Hotline
(Toll free)
0800 202 933

Provincial Co-ordinators

Education Management Development and School Governance

Eastern Cape
Tel: (040) 606 4205
Private Bag X0032
Bisho
5608

Free State
Tel: (051) 407 4041 or
(051) 4003
Swarts Building
55 Elizabeth Street
Bloemfontein
9300

Gauteng
Tel: (011) 355 0511 or
(011) 355 0476
111 Commissioner Street
Johannesburg
2000

KwaZulu-Natal
Tel: (0358) 874 3594 or
(0341) 32200
PO Box
Dundee
4001

Limpopo
Tel: (015) 297 0895
Private Bag X9489
Polokwane
0700

Mpumalanga
Tel: (013) 297 633
The Oaks Building
Long Street
Middelburg
1050

North West
Tel: (0140) 873 428/9
Private Bag X2044
Mmabatho

Northern Cape
Tel: (0152) 970 895
Private Bag X5041
Kimberley
8306

Western Cape
Tel: (021) 403 6236
Private Bag X45
Parow
7500

Training Organisations

Khanya College
Tel: (011) 832 2447 or
(011) 834 1609
PO Box 5977
Johannesburg
2000

Management of Schools Training Programme
Tel: (011) 403 1614
Po Box 633
Auckland Park
2006

Institute of Training and Education for Capacity building (ITEC)
Tel: (043) 743 8333
8 Park Avenue
P.O. Box 549
East London
5200

Matthew Goniwe School of Leadership and Governance
Tel: (011) 830-2200
Postnet Suite no.161
Private Bag X9
Melville
2109

National Centre for Human Rights Education and Training (NACHRET)
Tel: (011) 484 8300
Private Bag 2700
Houghton
Johannesburg
2041

Schools Development Unit (SDU)
Tel: (021) 650 3276
School of Education
University of Cape Town

APPENDIX A: THE REPRESENTATIVE COUNCIL OF LEARNERS (RCL)

1. What is the purpose of a RCL?

Learners are an important part of any school and it is customary that they are informed and are listened to when a school makes major decisions that may affect their education.

Through RCLs learners can make suggestions about the **curriculum** of the school, about **discipline and a code of conduct**, and about **sporting and cultural** events of the school.

2. Who can be a member of a RCL?

Any learner who is **elected** by his or her peers in grade 8 to grade 12. RCLs are **Not** appointed by the principal, educators, parents or the school governing body.

3. What are the duties of an RCL?

The duties of RCLs are many. They will vary from school to school, depending on what the learners who elect the RCL want the RCL to do.

The most common duties of RCLs include representing learners in disciplinary hearings, representing learners who are threatened with exclusion from the school because their parents or caregivers have not paid school fees, and to protect girl learners from sexual harassment and violence.

5. What is the relationship between the RCL and Educators?

RCLs are **not** created to fight with educators, principals or School Governing Bodies. They are created to assist educators, principals and parents to run the school.

This does not mean that RCLs are a tool of educators, parents, or principals. RCLs are an independent body in their own right.

6. RCLs and other learner organisations?

An RCL is the **legally sanctioned** organisation of students at the school. This does **not** mean that any other learner organisations are not important or that they are illegal.

7. RCLs and democracy

RCLs are often accused of not carrying out their duties and that they make decisions without consulting learners.

The solution to this problem is to organise as many learners as possible to have an RCL that is undemocratic replaced by a democratic one.

The important point to remember is that often democratically elected people are as good or as bad as the people who elected them. This means that when an RCL calls a meeting learners must attend the meeting, participate in the meeting (listen to reports, debate the reports and make suggestions).