



GOVERNMENT GAZETTE

OF THE REPUBLIC OF NAMIBIA

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Government Notice

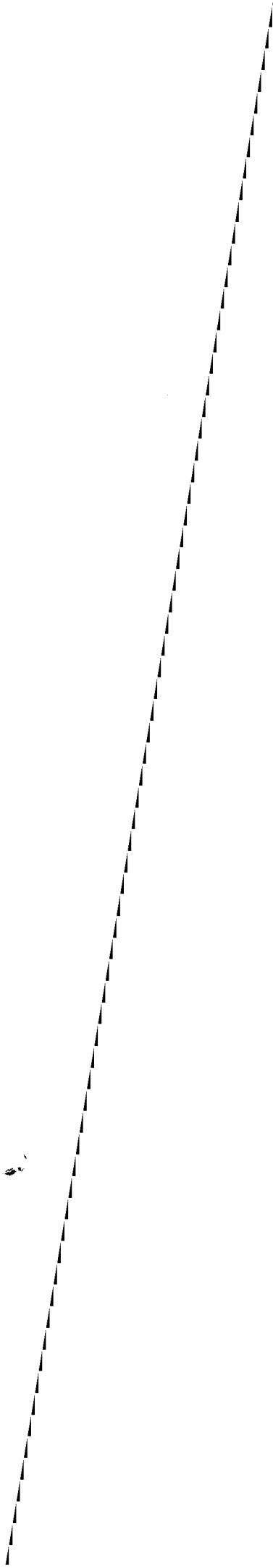
OFFICE OF THE PRIME MINISTER

No. 254 2001

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 16 of 2001: Education Act, 2001.



Act No. 16, 2001

EDUCATION ACT, 2001


 ACT

To provide for the provision of accessible, equitable, qualitative and democratic national education service; to provide for the establishment of the National Advisory Council on Education, National Examination Assessment and Certification Board, Regional Education Forums, School Boards, Education Development Fund; to provide for the establishment of schools and hostels; to provide for the establishment of the Teaching Service and the Teaching Service Committee; and to provide for incidental matters.

(Signed by the President on 19 December 2001)

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**SCHEDULE
LAWS REPEALED**

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:

PART I

PRELIMINARY PROVISIONS

Definitions

1. (1) In this Act, unless the context otherwise indicates -

“adult education” means basic education provided to adults, including minors over the age of 16 years;

“Advisory Council” means the National Advisory Council on Education established by section 3;

“auditor” means a person registered as an accountant and auditor in terms of section 23 of the Public Accountants’ and Auditors’ Act, 1951 (Act No. 51 of 1951);

“basic education” means the formal education which is provided from the level of the first grade to the level of the twelfth grade, and includes -

- (a) adult education;
- (b) special education; and
- (c) education of any other nature which the Minister under subsection (2) declares to be basic education;

“Board” means the National Examination, Assessment and Certification Board established by section 6;

“Commission” means the Public Service Commission established in pursuance of Article 112 of the Namibian Constitution, by section 2(1) of the Public Service Commission Act ;

“Forum” means a Regional Education Forum established under section 4;

“Fund” means the Education Development Fund established by section 26;

“hostel” means a hostel established under section 33 for the purpose of providing accommodation to learners in a state school;

“learner” means any person who is registered and receiving basic education or a course of study in terms of this Act;

“Learners” Representative Council” means a body of learners established in terms of section 60;

“local authority area” means a local authority area as defined in section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992);

“local authority council” means a local authority council as defined in section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992);

“Minister” means the Minister responsible for basic education;

“Ministry” means the Ministry charged with the administration of affairs relating to basic education;

“parent” means a natural or an adoptive parent or a guardian of any learner, and includes any person taking care of or who assumes responsibility for any learner’s education;

“Permanent Secretary” means the Permanent Secretary of the Ministry;

“prescribed” means prescribed by regulation made under section 80;

“primary education” means the basic education provided at primary school level;

“primary school” means a school or part of a school in which basic education from the level of the first grade to the level of the seventh grade is provided;

“principal”, in relation to a school, means a teacher who holds the post as the head of the school and includes an acting principal;

“private school” means a school which is established and maintained at the owner’s expense, and is registered in terms of section 42;

“Public Service Act” means the Public Service Act, 1995 (Act No.13 of 1995);

“Public Service Commission Act” means the Public Service Commission Act, 1990 (Act No. 2 of 1990);

“region” means a region as defined in section 1 of the Regional Councils Act, 1992 (Act No. 22 of 1992);

“regional council” means a regional council as defined in section 1 of the Regional Councils Act, 1992 (Act No. 22 of 1992);

“school” means an establishment or place or that part of an establishment or place in or at which basic education is provided;

“school board” means a school board established in terms of section 16;

“school development fund” means a school development fund established under section 25;

“school parent” means a parent of a learner of a school;

“secondary school” means a school or part of a school in which basic education from the level of the eighth grade to the level of the twelfth grade is provided;

“socio-economically disadvantaged learner” means a learner whose parent is, directly or indirectly, socially and economically disadvantaged as a consequence of social, economic, educational or employment imbalances;

“special education” means a basic education of a specialized nature provided to learners with special education needs;

“special school” means a school or part of a school in which special education is provided;

“staff member” means a staff member as defined in section 1 of the Public Service Act;

“state school” means a school established under section 33;

“teacher”, in relation to state schools, means a staff member who is professionally qualified to teach others in formal education and whose occupation is teaching, and includes a professionally unqualified person whose occupation is teaching; and

“this Act” includes the regulations made under section 80 and the rules made under section 15.

(2) If the Minister considers it necessary or expedient, for the purposes of this Act, the Minister may by notice in the *Gazette* declare any education of any nature to be basic education.

Determination of basic education policy and control of system and activities

2. (1) The Minister must-

- (a) determine the national policy on basic education and ensure that consultations with such consultative bodies established for this purpose in terms of this Act or any other law, or such organizations as the Minister may recognize for this purpose, are undertaken prior to the determination of policy;
- (b) secure the effective co-operation of all public and private bodies concerned with education in formulating and implementing the national policy on basic education in terms of this Act;
- (c) direct, co-ordinate, supervise and control the basic education system and related matters; and
- (d) promote basic education and the establishment and development of schools;

(2) Nothing in this section limits the Minister to consult whomsoever the Minister wishes for advice on the determination of education policy and related matters.

(3) The Minister must table the national policy on basic education in the National Assembly within 90 days after the determination of the policy, if the National Assembly is in session, or, if it is not in session, within 30 days after the commencement of its next session.

PART II

NATIONAL ADVISORY COUNCIL ON EDUCATION

National Advisory Council on Education

3. (1) There is established an advisory council to be known as the National Advisory Council on Education.

(2) The powers and functions of the Advisory Council are -

- (a) to advise the Minister on educational matters upon the Advisory Council's own initiative or any question referred to the Advisory Council by the Minister; and

(b) to exercise and perform such other powers and functions conferred or imposed by or under this Act.

(3) The Advisory Council consists of 24 members appointed by the Minister, and for the purposes of appointment, the Minister must select two staff members and one person each from amongst persons nominated under subsection (4).

(4) The Minister must, for the purposes of selecting persons for appointment, by notice in the *Gazette* invite the following bodies to nominate persons for appointment -

- (a) institutions of education higher than basic education;
- (b) each Forum;
- (c) non-governmental organizations;
- (d) national employers' organizations;
- (e) recognized associations and unions of teachers;
- (f) representative bodies of learners and students;
- (g) representative bodies of churches;
- (h) private schools;
- (i) the Council of Traditional Leaders established by section 2 of the Council of Traditional Leaders Act, 1997 (Act No. 13 of 1997); and
- (j) the national organization for persons with disabilities.

(5) The Minister must appoint two of the members from a list of four names selected by the members from amongst themselves to be the Chairperson and the Vice-Chairperson of the Advisory Council, respectively.

(6) A member of the Advisory Council holds office for a term of three years and is eligible for re-appointment at the expiry of that term.

(7) A member of the Advisory Council vacates office, if such member -

- (a) is convicted of an offence and sentenced to imprisonment without the option of a fine;
- (b) resigns from the Advisory Council after giving the Minister 30 days written notice of his or her intention to resign;
- (c) has been absent for three meetings of the Advisory Council in a year, without the permission of the Chairperson;
- (d) is withdrawn by the nominating body; or
- (e) is removed by the Minister under subsection (8).

(8) The Minister may remove a member of the Advisory Council, if such member -

- (a) is guilty of misconduct;
- (b) fails to comply with or contravenes this Act; or

- (c) is by reason of physical or mental illness or for any other reason incapable of acting as member.

(9) If a member of the advisory Council dies or vacates office, the vacancy must be filled for the unexpired portion of the term of office of that member in the manner contemplated in subsection (4).

(10) The Advisory Council must determine the Advisory Council's own rules and procedure governing meetings, but such rules and procedure may not be inconsistent with this Act.

(11) The expenses of the Advisory Council relating to the Advisory Council's functions must be defrayed out of money appropriated for this purpose by Parliament.

(12) The members of the Advisory Council who are not staff members may be paid such allowances as the Minister, with the concurrence of the Minister of Finance, may determine.

PART III

EDUCATION FORUMS AND OFFICES

Regional Education Forums

4. (1) The Minister must establish a Forum to be known as the Regional Education Forum for a region and local authority areas in the region.

- (2) The functions of a Forum are -

- (a) to advise the Minister, the regional council and local authority councils in that region on matters concerning education in the region and local authority areas in that region;
- (b) to advise school boards regarding educational matters and the functions of the school boards under this Act; and
- (c) to initiate and facilitate educational development in the region.

(3) A Forum advises upon any question referred to the Forum by the Minister, regional council, local authority council, school board or any interested person, or upon its own initiative as it may consider necessary.

- (4) A Forum consists of -

- (a) the regional director of education assigned to the region who is an *ex officio* member and has no right to vote; and
- (b) 20 members appointed by the Minister on the ground of special knowledge, skill and expertise in educational matters from persons nominated under subsection (5).

(5) For the purposes of appointment under subsection (4), the Minister, by notice in the *Gazette*, must invite the following bodies to nominate persons -

- (a) three persons representing the regional council and local authority councils in the region;
- (b) three persons representing the school boards in the region;

- (c) three persons representing the recognized associations or unions of teachers, employees and employers;
 - (d) three persons representing the bodies of learners in the region;
 - (e) two persons representing the private schools in the region;
 - (f) two persons representing the churches;
 - (g) two persons representing the Council of Traditional Leaders established by section 2 of the Council of Traditional Leaders Act, 1997 (Act No. 13 of 1997); and
 - (h) two persons representing the national organization for persons with disabilities.
- (6) The members of a Forum must elect two persons from amongst the members as chairperson and vice-chairperson, respectively, who must not be staff members of the Ministry.
- (7) Subject to subsection (8), a member of a Forum holds office for a term of three years and is eligible for re-appointment at the expiration of that term.
- (8) A member of a Forum vacates office, if such member -
- (a) is convicted of an offence and sentenced to imprisonment without the option of a fine;
 - (b) resigns from a Forum after giving the Minister 30 days written notice of such member's intention to resign;
 - (c) has been absent for three meetings of a Forum in a year without the permission of the chairperson of the Forum;
 - (d) is withdrawn by the nominating body; or
 - (e) is removed by the Minister under subsection (9).
- (9) The Minister may remove a member of a Forum, if such member -
- (a) is guilty of misconduct;
 - (b) fails to comply with or contravenes this Act; or
 - (c) is by reason of physical or mental illness or for any other reason incapable of acting as member of a Forum.
- (10) If a member of a Forum dies or vacates office, the vacancy must be filled for the unexpired portion of the term of office of that member in the manner contemplated in subsection (4).
- (11) A Forum must -
- (a) subject to this Act, determine its own rules governing meetings and procedure at meetings; and
 - (b) submit an annual report on its activities to the Advisory Council.

(12) The expenses of a Forum relating to the performance of its functions must be defrayed out of money appropriated for this purpose by Parliament.

(13) Members of a Forum who are non-staff members may be paid such allowances, including travel and subsistence allowances as the Minister, with the concurrence of the Minister of Finance, may determine.

Regional, local and district education offices

5. (1) The Minister must, on the recommendation of the Commission and after consultation with the Advisory Council and the regional council or a local authority council, as the case may be, establish a regional education office for each region and a local or district education office.

(2) A staff member designated as regional director of education and culture administers, manages and controls the regional education office, and performs such functions under the supervision and direction of the Permanent Secretary.

(3) The regional education office is responsible for the administration of the affairs relating to education and culture as may be assigned to the office by or under this Act or any other law, which may include the provision of secretariat services to the Forum.

PART IV

NATIONAL EXAMINATION, ASSESSMENT AND CERTIFICATION BOARD

Establishment of National Examination, Assessment and Certification Board

6. There is established a board to be known as the National Examination, Assessment and Certification Board.

Constitution of Board

7. (1) Subject to subsection (7), the Board consists of 28 members appointed by the Minister, as follows -

- (a) four persons selected by the Minister;
- (b) one person nominated by the Council of the University of Namibia referred to in section 9 of the University of Namibia Act, 1992 (Act No. 18 of 1992);
- (c) one person nominated by the Council of the Polytechnic of Namibia referred to in section 6 of the Polytechnic of Namibia Act, 1994 (Act No. 33 of 1994);
- (d) one person nominated by the Vocational Training Board established by section 5 of the National Vocational Training Act, 1994 (Act No. 18 of 1994);
- (e) one person nominated by the Board of Governors of the Namibian College of Open Learning referred to in section 7 of the Namibian College of Open Learning Act, 1997 (Act No. 1 of 1997);
- (f) one person nominated by the Council of the Namibia Qualifications Authority referred to in section 5 of the Namibia Qualifications Authority Act, 1996 (Act No. 29 of 1996);

- (g) one person nominated by recognized teachers' unions or associations;
- (h) one person nominated by the Colleges of Education;
- (i) 13 directors of regional education offices;
- (j) the Director and another staff member of the Directorate: National Examinations and Assessment of the Ministry;
- (k) the Director of the Directorate: National Institute for Educational Development of the Ministry; and
- (l) the Director of the Namibia Qualifications Authority referred to in section 10(1)(a) of the Namibia Qualifications Authority Act, 1996 (Act No. 29 of 1996).

(2) The Minister must, for the purposes of appointment of members of the Board in terms of subsection (1), in writing invite the bodies referred to in subsection (1)(b) to (h), inclusive, to nominate persons within a specified period.

(3) If a nomination referred to in subsection (2) is not received by the Minister within the period specified in the invitation, the Minister may appoint such person as the Minister thinks fit.

(4) The Minister must appoint two of the members referred to in paragraph (a) of subsection (1), and who must be staff members of the Ministry as chairperson and vice-chairperson of the Board, respectively.

(5) The Minister may, for each member of the Board, appoint an alternate member, and must, for the purposes of such appointment for the members contemplated in subsection (1)(b) to (h), inclusive, in writing invite the bodies referred to in subsection (1)(b) to (h), inclusive, to nominate persons within a specified period.

(6) If a nomination referred to in subsection (5) is not received by the Minister within the period specified in the invitation, the Minister may appoint such person as the Minister thinks fit.

(7) At least two of the persons referred to in paragraph (a) of subsection (1), must be females.

Term of office of member of Board

8. Subject to section 9, a member of the Board holds office for a term of three years and is eligible for re-appointment at the expiration of that term.

Vacation of office and filling of casual vacancies

9. (1) A member of the Board vacates office, if such member -
- (a) is convicted of an offence and sentenced to imprisonment without the option of a fine;
 - (b) resigns from the Board after giving the Minister 30 days written notice of such member's intention to resign;
 - (c) has been absent for three meetings of the Board in a year, without the permission of the chairperson of the Board;
 - (d) is withdrawn by the nominating body; or

- (e) is removed by the Minister under subsection (2).
- (2) The Minister may remove a member of the Board, if such member -
 - (a) is guilty of misconduct;
 - (b) fails to comply with or contravenes this Act; or
 - (c) is by reason of physical or mental illness or for any other reason incapable of acting as member of the Board.
- (3) If a member of the Board dies or vacates office, the vacancy must be filled for the unexpired portion of the term of office of that member in the manner contemplated in section 7.

Secretariat to Board

- 10.** (1) There must be a component in the Ministry to act as the secretariat to the Board, consisting of -
- (a) a staff member of the Ministry designated by the Permanent Secretary as the secretary to the Board; and
 - (b) such other staff members of the Ministry as the Permanent Secretary may designate, one of whom must be designated as the deputy-secretary to the Board.
- (2) The functions of the secretariat are -
- (a) to provide the required administrative and clerical assistance to the Board and any committee of the Board; and
 - (b) to provide all technical support required by the Board or any of the committees of the Board.
- (3) The secretary must attend the meetings of the Board but has no right to vote on any matter before the Board.
- (4) If the secretary is unable to attend any meeting of the Board or to act as secretary, the deputy-secretary may perform the functions of the secretary.

Committees of Board

- 11.** (1) The Board may establish one or more committees of the Board for the purpose of exercising and performing any power and function of the Board which the Board may delegate to the committee.
- (2) A committee established under subsection (1) must consist of such members of the Board, including alternate members, as the Board may appoint to the committee.
- (3) The Board may designate any member of a committee to be the chairperson of that committee.
- (4) The Board is not divested of any power and function which has been delegated by it to a committee and may amend or set aside any decision of such a committee.

Meetings and decisions of Board

12. (1) The first meeting of the Board must be held at a place and time as the chairperson of the Board may determine and, subject to subsection (3), any meeting of the Board thereafter must be held at a place and time as the Board may determine.

(2) If the Board has determined the place and time of a meeting and there cannot for any reason be a meeting held at that place or time, the secretary of the Board must, in consultation with the chairperson of the Board, determine the place and time of the next meeting of the Board.

(3) The chairperson of the Board may at any time convene a special meeting of the Board.

(4) The majority of the members of the Board forms a quorum for any meeting of the Board.

(5) The chairperson of the Board or, in the absence of the chairperson, the vice-chairperson, presides at all meetings of the Board.

(6) If both the chairperson and the vice-chairperson of the Board are absent from any meeting, the members present must elect a member to preside at that meeting and that member may perform all the functions and exercise all the powers of the chairperson.

(7) The decision of the majority of the members present at any meeting of the Board constitutes a decision of the Board, and in the event of any equality of votes the member presiding has a casting vote in addition to a deliberative vote.

(8) The Board may, subject to this Act, determine rules of the Board governing meetings and procedure at meetings.

(9) The expenses relating to the functions of the Board must be defrayed from money appropriated for this purpose by Parliament.

Payment of allowances to non-staff members

13. Members of the Board who are non-staff members must be paid such allowances, including travel and subsistence allowances as the Minister, with the concurrence of the Minister of Finance, may determine.

Functions of Board

14. In relation to basic education, the functions of the Board are -

(a) to determine, by notice in the *Gazette* -

- (i) minimum requirements and minimum standards to which the courses of study, curriculums and syllabuses under which such education is provided must comply;
- (ii) minimum requirements and minimum standards for the conduct of examinations;
- (iii) minimum requirements and minimum standards for assessments and promotions;
- (iv) the form and manner of the issuing of certificates and diplomas in respect of examinations; and

- (b) to exercise such powers and perform such functions as may be conferred or imposed upon the Board by or under this Act.

Rules by Board

15. Subject to this Act, the Board may, for the purpose of performing the Board's functions referred to in section 14, make rules relating to -

- (a) the conduct of examinations ;
- (b) the entering of candidates for examinations;
- (c) the conduct and discipline of candidates prior to, during and after examinations;
- (d) the issuing of certificates and diplomas;
- (e) the safeguarding of the security, confidentiality and validity of examinations and certificates and diplomas; and
- (f) the appointment, conduct, discipline, powers, duties and functions of examiners, moderators, invigilators and other persons whose services are necessary at examinations.

PART V

SCHOOL BOARDS

Establishment of school boards for state schools

16. (1) There is, for every state school, established a school board to administer the affairs and promote the development of the school and learners of the school.

(2) The Minister must, out of moneys appropriated for this purpose by Parliament, establish a program with the aim to promote accountability of, active participation, effective exercise of powers and performance of functions by, members of school boards.

Powers and functions of school board

17. Subject to this Act, the powers and functions of a school board are -

- (a) to develop the mission, goals and objectives of the school;
- (b) to advise the school's management on the extra-mural curriculum of the school;
- (c) to advise the regional director of education on educational needs and the curriculum of the school;
- (d) subject to the Public Service Act, to recommend to the Permanent Secretary the appointment of teachers and other staff members at the school;
- (e) subject to the restrictions imposed by the Permanent Secretary and upon conditions as the school board may determine, to allow the reasonable use of the school facilities for community purposes;

- (f) to consider any case of misconduct by a learner or staff member of the school with the aim to -
 - (i) ensure that such misconduct is properly investigated; and
 - (ii) recommend to the Permanent Secretary the appropriate disciplinary measures to be taken regarding serious misconduct of a learner; and
- (g) to exercise other powers and perform other duties and functions as may be authorized or imposed by or under this Act.

Constitution of school board

18. (1) A school board consists of the prescribed number of not less than five and not more than 13 voting members, who must be -

- (a) school parents who are not employed at the school;
- (b) teachers at the school;
- (c) the principal of the school; and
- (d) in the case of a secondary school, not more than two learners at the school nominated by the Learners' Representative Council.

(2) School parents must constitute the majority of members of a school board.

(3) The Minister may approve the constitution of a school board which differs from the constitution contemplated in subsection (1), if -

- (a) the school board has applied in writing to the Minister for a different constitution; and
- (b) the Minister is satisfied that such constitution is in the best interests of education at the school.

(4) If a member of a school board has a direct personal interest in any matter under discussion by the board, that member must not take part in any discussion or decision on the matter, or be present at a meeting at which the matter is being discussed.

Election of members of school board

19. (1) The election of parents and teachers to a school board must be conducted by a staff member designated by the Permanent Secretary and who is not employed at the school concerned.

(2) Elections conducted in terms of subsection (1), must be -

- (a) by secret ballot; or
- (b) where appropriate, with the approval of the Minister, by a show of hands.

(3) A school board must, from amongst its members, elect as office-bearers of the school board-

- (a) a chairperson;
- (b) a secretary; and

(c) a treasurer.

(4) A principal, teacher or learner of the school must not serve as chairperson of the school board.

(5) A member of a school board holds office for a term of three years and is eligible for re-election at the expiration of that term.

(6) A member of a school board must sign the prescribed oath of secrecy on the date of assumption of his or her duty as such member.

School board of special school and school providing special education

20. (1) A school board of a school which is not a special school but which provides special education, must -

- (a) subject to subsection (3), co-opt at least one person with expertise in special education as a member of the school board; and
- (b) establish a committee to advise the school board on the provision of special education at the school.

(2) Subject to subsection (3), a school board of a special school may, in addition to those persons elected in terms of section 19, co-opt one or more of the following persons -

- (a) a representative of a sponsoring body for the school;
- (b) a representative of organizations of parents of learners with special education needs;
- (c) a representative of organizations of persons with disabilities;
- (d) a person with disability.

(3) A co-opted member of a school board has no right to vote at any meeting of a school board.

Committees of school board

21. (1) A school board may establish one or more committees for the purpose of advising the school board on any matter which the school board may refer to the committee for advice.

(2) A school board may designate any member of a committee to be the chairperson of that committee.

Meetings and decisions of school board

22. (1) The majority of the voting members of a school board forms a quorum for any meeting of a school board.

(2) The chairperson of the school board presides at all meetings of the school board.

(3) If the chairperson is absent from any meeting, the members present must elect a member to preside at that meeting and that member may perform all the functions and all the powers of the chairperson.

(4) The decision of the majority of the members present at any meeting of the school board constitutes a decision of the school board, and in the event of any equality of votes the member presiding has a casting vote in addition to a deliberative vote.

(5) A chairperson of a school board -

- (a) must convene any meeting of the school board after consultation with the principal of the school; and
- (b) may at any time convene a special meeting of the school board.

(6) Subject to this Act, a school board may make rules of the school board governing meetings and procedure at meetings.

(7) A member of a school board who, in the performance of his or her functions under this Act, obtains any confidential information in relation to the affairs of the school board may not disclose such information to any person, except -

- (a) for the purpose of the performance of his or her functions under this Act; or
- (b) when he or she is required to do so by a competent court of law or by or under any law.

Vacation of office and filling of casual vacancies

23. (1) A member of the school board vacates office, if such member -

- (a) is convicted of an offence and sentenced to imprisonment without the option of a fine;
- (b) fails to comply with or contravenes this Act;
- (c) resigns from the school board after giving the chairperson 30 days written notice of such member's intention to resign;
- (d) has been absent for three meetings of the school board in a year without the permission of the chairperson of the school board;
- (e) being a learner -
 - (i) is removed as member by the Learners' Representative Council by whom the learner was nominated; or
 - (ii) ceases to be a learner at the school.
- (f) being a co-opted member, is relieved from office by the school board;
- (g) being a teacher, leaves the service of the school; or
- (h) is removed from office by the school board under subsection (3).

(2) Despite section 18(1)(a) and unless the school board otherwise decides, a parent member of a school board does not vacate office on the reason only that such parent's child has ceased to be a learner at the school.

(3) A school board may, after consultation with the school parents at a meeting convened by the school board by at least 30 days' notice to such parents, remove a member of the school board from office, if such member -

- (a) is guilty of misconduct or fails to comply with or contravenes this Act; or
- (b) is by reason of physical or mental illness or for any other reason incapable of acting as member.

(4) If a member of the school board dies or vacates office, the vacancy must be filled for the unexpired portion of the term of office of that member in the manner contemplated in section 18.

Dissolution of school board and appointment of administrators

24. (1) When in the opinion of the Minister a school board of a state school fails to exercise the school board's functions properly under this Act, the Minister may -

- (a) appoint a staff member to investigate into the affairs of the school board and provide a report with recommendations to the Minister within a period not exceeding two months from the date of the appointment; and
- (b) dissolve the school board, if on the staff member's report the Minister is satisfied that the school board cannot function properly.

(2) If a school board is not constituted at a state school or is dissolved under subsection (1), the Minister must -

- (a) appoint three persons to administer the affairs of the school for a period not exceeding three months;
- (b) cause an election of a school board to be held within the period of three months from the date of the appointment of the persons referred to in paragraph (a); and
- (c) if an election cannot be held within the period of three months, extend the appointment and the election referred to in paragraphs (a) and (b), respectively, by a further period not exceeding three months.

Establishment of school development fund by school board

25. (1) Subject to section 81(2), a school board may, with the approval of the majority vote of the school parents present and voting at a meeting convened by the school board by at least 30 days' notice to such parents, establish a school development fund with the aim -

- (a) to provide, develop and improve reasonable and necessary facilities at school; and
- (b) to uplift and improve educational, sport and cultural activities at school.

(2) A school development fund consists of -

- (a) moneys received in respect of contributions referred to in subsection (9)(a);
- (b) moneys received from donations, bequests or any other source; and
- (c) interest earned on investments of money standing to the credit of the fund.

(3) A school development fund must not be used -

- (a) for any purpose which does not directly benefit the learners or the school; or

