



Brigantine Avenue Sun Valley 7975
Tel: 021 785 2722 Fax: 021 785 2176 Email: info@sunvalleygroup.co.za



Constitution

1. Definitions

1.1 In this Constitution, unless the context indicates otherwise, the following terminology relates in each case to the accompanying definitions. Therefore:

“Education” means instruction, teaching or training provided to learners in terms of the provision of section 18 of the S.A. Schools Act, 1996 (Act # 84 of 1996).

1.2 **“Governing Body”** means the Governing Body of Sun Valley Primary School referred to in section 16 (1) of the Act:

1.3 **“Head of Department,”** means the head of the education department in the province of the Western Cape.

1.4 **“Measures”** means the measures relating to the governing bodies of ordinary public schools (excluding public schools for learners with special education needs): or the measures relating to governing bodies of public schools for learners with special education needs including public schools for learners sent or transferred thereto in terms of the Child Care Act, 1983 (Act 74 of 1983), and/or the Criminal Procedures Act 1977 (Act 51 of 1977)

1.5 **“Member of the Executive Council”** means the Member of the Executive Council responsible for the education in the Province of the Western Cape;

1.6 **“Sponsoring body”** means a body or group of persons approved by the governing body who is prepared to assist the school financially;

1.7 **“The Act”** means the South African Schools Act, 1996 (Act 84 of 1996), and the measures published thereunder; and

1.8 **“This Constitution”** means the Constitution of the Governing Body of Sun Valley Primary School. (hereinafter referred to as “the school”)

2. Name of school:

Sun Valley Primary School (hereafter referred to as "the school").

3. Street address of school:

Brigantine Avenue, Sun Valley, 7975.

4. Postal address of school:

Brigantine Avenue, Sun Valley, 7975.

5. Status of the school:

The school is a juristic person with legal capacity to perform its functions in terms of the Act.

6. Governance and Professional Management

- 6.1 Subject to the Act, the governance of the school is vested in its governing body: Provided that the governing body or a member thereof, in his or her capacity as a member, may not interfere with the professional functions of an educator in the performance of his or her duties.
- 6.2 The Governing Body stands in a position of trust towards the school.
- 6.3 Subject to the Act and this Constitution, the professional management of the school must be undertaken by the principal under the authority of the Head of Department.

7. Objectives of the School

- 7.1 To provide education to learners. To admit learners, subject to the provision of section 5 of the Act. To provide for their educational needs without discriminating unfairly in any way.
- 7.2 To allow no form of "racial discrimination" whatsoever in the execution of the language policy of the school, subject to the provisions of section 6 of the Act.
- 7.3 To allow religious observances at the school to be conducted on an equitable basis and attendance at them by learners and members of staff to be free and voluntary, subject to the provisions of section 7 of the Act.
- 7.4 To use the school fund, all proceeds thereof and any other assets of the school only in accordance with the provision of section 37 of the Act.
- 7.5 To function financially in such a way that the school will fulfil its commitments.
- 7.6 To serve the community by preparing learners in such a way that they will take their place in the community as well-educated people.
- 7.7 To provide the opportunity to all staff of the school to grow professionally, to attain work fulfilment and to deliver education of the highest quality.
- 7.8 To make a contribution to the promotion of sport and culture in general, and to use sport and culture activities as educational opportunities to benefit the learners of the school.

8. Feeder Area

- 8.1 The school traditionally serves the following areas:

Sun Valley, Noordhoek and Fish Hoek valley.

9. Functions and Allocated functions of the Governing Body

- 9.1 The governing body performs the functions which fall within its powers and which are necessary for the welfare of the school, subject to the provisions of section 20 and 21 of the Act.
- 9.2 The governing body uses the school fund and assets of the school in accordance with the provisions of section 37 of the Act.
- 9.3 The governing body uses the funds in accordance with the provisions of the Act and this Constitution, for the purpose of realising the above-mentioned objectives.
- 9.4 The governing body must provide services and facilities in the interest of the learners and of education, in accordance with the provisions of the Act and this Constitution.

- 9.5 The governing body must appoint auditors in accordance with the provisions of section 43 of the Act, to audit the financial records and statements of the school.
- 9.6 The governing body must adopt a code of conduct for the learners, after consultation with the parents, educators and learners of the school in accordance with the provisions of section 8 of the Act.
- 9.7 The governing body must suspend and / or recommend the expulsion of learners who transgress the code of conduct in accordance with the provisions of section 9 of the Act
- 9.8 The governing body must see to it that school fees are levied and may force the payment thereof in accordance with the provisions of section 39,40 and 41 of the Act.
- 9.9 The governing body drafts the Core Values and the Mission of the school. The Core Values and Mission must form part of this Constitution.

10. Liability of Members of the Governing Body

A member of the governing body is not liable for any debt, damage or loss incurred by the school unless he or she acted without authorisation, with malicious intent or negligently and can therefore be held responsible for debt, damage or loss.

11. Composition of the Governing Body

The governing body of the school is composed in accordance with the provisions of measure 2 of the measures.

12. Term of Office of Members of the Governing Body.

The term of office of a member of the governing body who is not a learner shall be as determined by measure 4 of the measures.

13. Quorum

At least one more than half of the members of the governing body composed in accordance with the provisions of measures 2(1) of the measure, shall constitute a quorum at any meeting.

14. Election of Office-Bearer of the Governing Body

Subject to the provision of the measures, the governing body elects from its ranks, at the first meeting of the governing body, office-bearers who will include at least a chairperson, a treasurer and a secretary.

15. Term of Office- Bearers

- 15.1 Subject to the provisions of the measures, the term of office of the office-bearers shall be twelve months from the date of their election.
- 15.2 An office-bearer may be re-elected after the expiry of his or her term of office.

16. Apology for Absence of Members of the Governing Body.

The governing body accepts leave of absence of a member or members for a period determined by the governing body.

17. Casual Vacancies in the Governing Body.

A casual vacancy occurs and is filled in accordance with the provisions of the measures.

18. Committees

- 18.1 The governing body may, in accordance with the provisions of section 30 of the Act, appoint one or more committees to advise it, and, subject to the instruction of the Governing body, in order to perform such functions as the governing body may determine.

18.2 The governing body may alter or invalidate any decision of a committee-as described in paragraph 18.1.

19. Meetings.

- 19.1 The governing body shall meet at least once every school term.
- 19.2 The governing body shall meet with learners, parents, educators, and other staff at the school, at least once a year.
- 19.3 The governing body shall render a report on its activities to parents, educators, learners and other staff of the school at least once a year and shall circulate an annual financial report to parents.
- 19.4 Meetings of the governing body are held in accordance with provisions of the measures.
- 19.5 An extraordinary meeting shall be convened by the chairperson when he or she deems it necessary or when at least **five (5)** members of the Governing Body submit a written request and reasons for such a meeting.
- 19.6 Each member of the governing body has one vote. At the conclusion of voting, the chairperson shall, in addition to his or her deliberative vote, have a casting vote.
- 19.7 A member of the 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 has a personal interest.

20. Minutes of Proceedings of Meetings

The minutes of the proceedings of meetings of the governing body shall be dealt with in accordance with the provisions of the measures.

21. Bank Account.

- 21.1 The governing body must open and maintain a banking account.
- 21.2 Subject to paragraph 21.1 all school fees must be paid into the school fund.

22. Closing of the Financial Year

The financial year commences on the first day of January and ends on the last day of December. The records and statements of the school must be audited thereafter in accordance with the provisions of section 43 of the Act.

23. Submission of Financial Statements.

The governing body must submit a copy of the annual audited financial statements to the Head of Department, within six months after the end of each financial year.

24. Amendment of Constitution.

A decision to amend this Constitution requires a **two-thirds majority** of the total membership of the governing body after all members have been informed of the proposed amendments at least two months in advance.

If too few members are present at the meeting convened for this purpose, a second meeting must be called exclusively for this purpose at least two weeks after the first meeting.

The above CONSTITUTION must be read in conjunction with:

- **The Government Gazette #17579 (S.A. Schools Act of 1996)**
- **The Provincial Gazette Extraordinary #: 5136 dated Friday, 16 May 1997.**
- **The Provincial Gazette Extraordinary #: 5212 dated 9 December 1997**

- **The Government Gazette # 18480 - as well as:**
- **The Sun Valley Primary School Policy Documents**

Signed: _____

Phil Cunningham

Chairperson of the Board of Governors

July 2014