

REPUBLIC OF SOUTH SUDAN
Ministry of General Education and Instruction
Office of the Minister

Our Ref: RSS/MoGE&I/OM/J/33/3-

Date: 31st October 2017

Ministerial Order No. 21/2017

Subject: School Governance in the Republic of South Sudan

In accordance with the powers conferred upon me under Article 114 (1) of *The Transitional Constitution of the Republic of South Sudan, 2011, (Amended 2016)*, and Section 34, read together with Section 29(a) (iv) and Section 8(1)(a) of *The General Education Act, 2012*, I, Deng Deng Hoc Yai, Minister of General Education and Instruction, Republic of South Sudan, do hereby issue this Ministerial Order No. 21/2017 on School Governance in the Republic of South Sudan with effect from the date of the signing of this Ministerial Order as follows:

1. Title and Commencement

This Ministerial Order shall be cited as The Ministerial Order on School Governance or Ministerial Order No. 21/2017 and shall come into force on the date of its signature by the Minister.

2. Repeal and Saving

Any existing rules and regulations in the Republic of South Sudan that govern the same matters as set forth in this Ministerial Order are hereby repealed save those who are in conformity with the Order.

3. Purpose

The purpose of the Ministerial Order is to provide for a detailed legal framework for the proper governance of schools in the Republic of South Sudan. The Order provides for the minimum quality standards that shall be met by all schools.

4. Authority and Application

The Ministerial Order is issued in accordance with Section 34, read together with Section 29(a) (iv) and Section 8(1)(a) of *The General Education Act, 2012*.

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5. Interpretations

In this Ministerial Order, unless the context otherwise requires:

- (a) Annual General Meeting: means an annual general meeting referred to in regulation 12 (b) of this Ministerial Order.
- (b) Board of Governors: means a governing body of a school constituted or elected by the stakeholders in accordance with this Ministerial Order.
- (c) School Management Committee (SMC): means management committee elected by the stakeholders.
- (d) Chairperson: means the member of a Governing Body who presides at a Governing Body meeting and includes a person for the time being presiding over meetings of the Governing Body.
- (e) Vice Chairperson: means the person appointed or elected to that post under this Ministerial Order.
- (f) Financial year: means financial year of a school where this Ministerial Order apply.
- (g) Founding body: means the authority or person(s) who established the school or in the event of change of ownership of that school, the authority or the person(s) to which or to whom the ownership of the school is legally transferred belongs.
- (h) Member: means a member of the Governing Body of a school.
- (i) Director: means the director responsible for schools (i.e. ECDE, primary, AES, secondary, TVET) at national or state level, under which the school falls.
- (j) Learner: means any student/pupil in a school under this Ministerial Order.
- (k) School: means an educational institution to which this Ministerial Order apply.

6. Functions of the Governing Body

1. The Governing Body is generally responsible for setting the strategic direction of the school, for ensuring proper financial management and accountability and for monitoring and evaluation of the school performance.
2. In pursuance of the main role stipulated in sub-section (1) above, the Governing Body shall have the following functions:
 - (a) Overall school management and leadership;
 - (b) Lead the school development planning process;



- (c) Develop annual school development plan and budget;
- (d) Manage school funds, including external grants and cash transfer;
- (e) Undertake the planning and implementation of actions to improve teaching and learning as recommended by the Head-teacher;
- (f) Monitoring of students' enrolment, attendance and achievement;
- (g) Mobilize parents, guardians and community engagement for school development;
- (h) Provide for the welfare and discipline of learners and Teachers;
- (i) Decide on fees or parents' contributions and other charges as appropriate; and
- (j) Perform any other functions that the Governing Body may be assigned to it by law.

7. Composition of the Governing Body

1. The Board of Governors shall comprise of not more than 13 members as stated below:
 - (a) Head-teacher;
 - (b) Deputy Head-teacher;
 - (c) 1 School Officer;
 - (d) 1 Male Teacher from the school;
 - (e) 1 Female Teacher from the school;
 - (f) 2 Female representatives of Parents;
 - (g) 2 Male Representative of Parents;
 - (h) 1 Representative from religious, traditional leader or from women associations;
 - (i) 1 Representative from professional bodies;
 - (j) Head-Girl; and
 - (k) Head-Boy.
2. The composition of the Board of Governors shall be conscious of and responsive to gender equity.
3. A person shall not hold office as the Chairperson, Vice Chairperson of the Board of Governors if he or she is a member of more than two Boards at the same time.
4. The Chairperson and Vice Chairperson of the Governing Body shall be elected persons from 4(a) above, immediately after constituting the body.
5. The Head-teacher of the institution for which the Board of Governors is constituted shall be the Secretary.

8. Committees of the Governing Body

1. The Governing Body or the Board of Governors shall appoint the following Committees to properly carryout its functions:
 - (a) Academic Committee;
 - (b) Disciplinary Committee;

- (c) Co-curricular Committee;
 - (d) Welfare committee; and
 - (e) Finance Committee.
2. The Governing Body may appoint any other Committee in addition to those mentioned in sub-section (1), above.
 3. As their names suggest, each of the above Committees of BoG shall perform a specific function. For example, the academic committee oversees all matters relating to curriculum delivery and students' achievement. The minimum membership of each Committee shall be three.
 4. A committee of the Governing Body may co-opt a member(s) from the parents or staff with specified terms of reference.
 5. The functions and mandates of the Committees are stated in the Ministry's School Governance Handbook. Only aspects of the functions of the school disciplinary Committee are covered in this Ministerial Order, Section (9), below.

9. School Disciplinary Committee

1. The Governing Body shall form a disciplinary committee with high social standing in matters of social conduct in and outside the school community.
2. Key roles of the committees are to execute disciplinary actions for any breach of school regulations in the school.
3. The committee shall recommend suspension of students for a period not exceeding two weeks subject to the approval of the Governing Body.
4. The Head-teacher shall summon a Teacher for advice if the Teacher fails to perform his/her duties as required.
5. The Head-teacher shall not suspend a Teacher without the recommendation of the Board. However, if the Head-teacher thinks the presence of the Teacher in the school is detrimental to the school, he/she can suspend the Teacher for a period not exceeding one month. Thereafter, he/she shall notify the Disciplinary Sub-committee which shall look into the matter and ensure a ruling of or forward it to the Board.
6. The Teacher shall be referred to appear before the disciplinary sub-committee after at least two warnings by the Head-teacher.



7. The committee on discipline shall report to the general Board meeting on the ruling in period not exceeding two weeks from the date of the ruling for review and final decision.
8. If the suspension of a Teacher is later approved by the Board general meeting as unfair, they shall recover his/her lost benefits.
9. The Head-Teacher shall be relieved of his/her duties of discipline if he/she persistently fails to adhere to at least three warnings of the Board. The Board shall communicate its decisions to the responsible director of education within seven days.

10. Proceedings of the Committees

1. A Committee of the Board shall:
 - (a) Elect one of their members to be the Chairperson of the Committee;
 - (b) Elect one of the Teachers of the school from among its members to be the Secretary;
 - (c) Regulate its own procedures subject to this Ministerial Order and the direction of the Board;
 - (d) Meet as often as the Chairperson of the Committee deems it necessary to conduct any business delegated to it by the Board; and
 - (e) All meetings of the Committee shall be convened by its Chairperson;
 - (f) In the absence of the Chairperson in a Committee meeting, members of the Committee shall elect one of their members to preside over the meeting;
 - (g) Matters before the Committee shall be decided by consensus and, failing to reach a consensus, by a simple majority vote; the Chairperson of the Committee or any other person presiding over the meeting shall have a second or a casting vote;
 - (h) The quorum at any meeting of a Committee shall be one third of its members; and
 - (i) A decision of the sub-committee shall be subject to confirmation by the Board.

11. Disqualification of Membership

1. A person may at any time be removed from membership if the Governing Body is satisfied that such a member is:
 - (a) Incapacitated by physical or mental illness;
 - (b) Has been absent without approval of the Governing Body for more than three consecutive meetings of the Governing Body;
 - (c) Has been convicted of an offence involving fraud, dishonesty or any other criminal offense; and
 - (d) Unable or unfit to discharge his/her duties/function(s).



2. A position becomes vacant:
 - (a) On death of a member;
 - (b) Upon the acceptance of voluntary resignation of a member communicated in writing to the Governing Body Chairperson; and
 - (c) Disqualification or removal of a member by competent and lawful authority.

12. Filling of Vacancies in the Board of Governors

1. Where a vacancy occurs among members of the Governing Body, whether by resignation, death or otherwise, the vacancy shall be filled within one month of the occurrence in the same manner in which the predecessor was elected.
2. A person elected to fill a vacant office shall only hold office for the unexpired term of office of his/her predecessor. On the expiry of that term he or she shall be eligible for re-election as the case may be.

13. Term of Office of Members of the Board of Governors

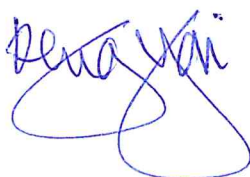
1. Subject to the provisions of this Ministerial Order, a member shall hold office for a period not exceeding three years as specified in this Ministerial Order but may be eligible for re-election for up to 2 terms (maximum 6 years).
2. A Chairperson may serve on a Governing Body as the Chairperson for a period not exceeding three years as specified in this Ministerial Order but may be eligible for re-election for up to 2 terms (maximum 6 years).
3. For the purpose of this Ministerial Order, the period of three years referred to in sub-section (1) above, shall, in the case of a member of an existing or reconstituted Governing Body, be deemed to have commenced with effect from the date of this Ministerial Order come to force.

14. Remuneration of the Members of the Governing Body

1. Members of the Governing Body shall not receive any remuneration for the services they render to the school as members of the Governing Body or Board of Governors.
2. The Governing Body may, however, do the following:
 - (a) Reimburse any member or a member of any of its Committees in respect of any expenses incurred by him/her attending to the business of the Governing Body; and
 - (b) Pay any member or any members of its Committee(s) such allowances as the Governing Body may approve.

15. Convening the Meeting of the Governing Body

1. The first meeting of the Governing Body shall be convened by the (Governing Body) Chairperson at such time and place as may be specified by him/her by giving seven days' notice to each member of the Governing Body).



2. The Governing Body may ordinarily meet at least four (4) times in a year at intervals not exceeding four (3) months. The last meeting of the academic calendar shall be designated as the Annual General Meeting.
3. A meeting of the Governing Body shall be held at such place and time as the chairperson may determine, however, at least one meeting of the Board in each year shall be held at the premises of the school.
4. The Chairperson at any time may convene a special meeting of the Governing Body to consider any special subject in case of any urgency.
5. The Chairperson shall, if requested in writing signed by not less than half of the members of the Governing Body, convene a special meeting of the Board to consider specific subjects stated in the request and the meeting shall be convened by him/her within fourteen days after the date when he/she receives the request.
6. Notice of the time, place and agenda of every meeting of the Governing Body shall be served in accordance with the regulations and shall:
 - (a) In case of an ordinary meeting, give not less than seven days' notice; and
 - (b) In the case of an emergency meeting, give not less than 24-hour notice.
7. Subject to the provisions of this Ministerial Order, a Governing Body may regulate its own procedures including the manner in which matters may be determined on behalf of the Governing Body.

16. Procedures at the Meeting of the Governing Body

1. The Chairperson shall preside at all meetings of the Governing Body and in his or her absence the vice chairperson shall preside and in absence of both of them, the members present shall elect one of their members to preside at the meeting.
2. Any matter before the Governing Body at any meeting shall be decided by the votes of majority of the members present and in case of a tie in votes, the person presiding shall have a casting vote.
3. The person presiding over any meeting of a Governing Body may exclude from any part of the proceeding at that meeting any Teachers' representative if in his or her opinion his or her presence is likely to prejudice the discussion of a particular matter.

17. Quorum at Meetings of the Governing Body

1. In case of a minor issue, a minimum of 7 members of the Governing Body shall constitute a quorum.



2. In the case of a major issue, the presence of minimum of 9 members shall constitute a quorum.
3. The term “major” in sub-section (2) above, shall be construed to mean a big issue such as the expulsion or discipline of a student or a member of a staff, revision of fees, dues and levies, the closure of a school or any financial matter.

18. Secretariat of the Governing Body

1. The Head-teacher of the school which is establishing the Governing Body shall be the Secretary to the Governing Body at any meeting of the Governing Body.
2. The Deputy Head-teacher of the school shall be the Deputy Secretary of the Governing Body or the Board.

19. Attendance of the Governing Body Meetings by the Staff

1. A member of staff other than the Head-teacher, deputy and the 2 representatives of the staff on the Governing Body may be invited by the chairperson to attend a particular meeting of the Governing Body but shall not vote on any matter discussed at the meeting.
2. Teachers’ representatives can attend all the meetings of the Governing Body but may be excluded from any part of the proceedings by the chairperson where any matter concerning them is to be discussed and in the opinion of the Governing Body their presence may influence the decision.

20. Declaration of Interest by Members of the Board and the Committees

1. No member of the Governing Body shall have any interest directly or indirectly in any property under the discussion by or subject to the decision of the Board.
2. A person referred to in sub-section (24 a) of this regulation who has direct or indirect pecuniary interest or special interest directly or indirectly in matter before the Board or a committee or in any contract and is present and interest at the meeting of the Board of committee at which the matter or contract is subject of discussion shall disclose the fact and declare his/her interest at such meeting and shall not take part in the discussion or vote on the matter or contract and shall if the chairperson so directs withdraw from the meeting during the discussion

21. Minutes of the Meetings of the Governing Body

1. The Governing Body shall ensure that the minutes of the proceedings of the Governing Body at its meeting are recorded and entered in a book kept for that purpose by the secretary.



2. The minutes of each meeting shall be confirmed at the next subsequent meeting and when confirmed, copies of them shall be forwarded by the secretary within seven (7) working days.

22. Functions of the Head-teacher in the Governing Body

1. The Head-teacher of the school is the first-in line of school governance, supported by the Deputy Head-teacher where there is such post-holder, or a School Officer. Their functions include but not limited to:
 - (a) Be the academic and administrative head of the school and the custodian of and be responsible for all books, deeds, records, documents and all other assets of the school both movable and immovable.
 - (b) Exercise such powers of the function of the Board as may be delegated to him/her to the general directives of the Board and act done or omitted to be done by him/her in the exercise of those functions shall be deemed to have done or omitted to be done by the Board.
 - (c) Be personally answerable to Payam supervisor in the case of primary education and county director for secondary for the academic, social and conduct of the school.
 - (d) Implement the curriculum and co-curricular activities of the school as per the directives of the Ministry or the State ministries of education.
 - (e) Administer and supervise the admission of students to the school in accordance to the directives issued by the Department of General education or AES from time to time.
 - (f) When considered expedient in the interest of the school exclude, suspend or expel a student from attendance at school and shall immediately report such any exclusion to the school Board and other appropriate education authorities.
 - (g) Be responsible for the day to day financial expenditures of the school and present statement of such account to the Board from time to time as required by it.
 - (h) Present financial statement at every ordinary meeting of the Board and a final balance sheet and the auditors' report for the annual accounts at every annual general meeting.
 - (i) Report to the state director for secondary any disciplinary measure to be taken against a member of staff.



- (j) Advise the Board on technical matters when required to do so, but if the Board rejects his/her advice, he/she may then require the Board to notify the State director of his/her advice and the Boards' rejection of it and the Board shall comply with the request.
- (k) At least once a year furnish the Board with a report on his conduct of the affairs of the school and such other information as the State director may require to be furnished to the Board, the director and the inspector.
- (l) Through school religious activities or any other means ensure moral values are taught and upheld in the school.
- (m) Ensure that the school strives to meet the basic minimum requirements and standards as stipulated by the Ministry.

23. Sources of School Funds

The Board may receive funds on behalf of a school through:

- (a) Government grants;
- (b) Parents' voluntary contributions;
- (c) Donations or gifts or endowments from any other source; and
- (d) Fundraising.

24. Use of School Funds

1. All school funds shall be allocated for activities outlined in the School Improvement Plan.
2. The use and management of school funds shall be guided by the principles of prudence, value for money, professionalism and accountability.
3. Writing of the School Improvement Plan and the budget shall be the responsibility of Governing Body.
4. All schools shall have Bank Accounts.
5. The Head-teacher and two other signatories (must be members of the Board of Governors) shall run the bank account and access the school funds.
6. School funds shall be kept in a Bank Account and shall be safeguarded by the Treasurer of the Governing Body.
7. The Head-teacher together with the Board of Governors has the responsibility to spend the money according to the School Improvement Plan and budget.



8. Keeping an accurate record of financial transactions shall be the responsibility of the Head-teacher and the Treasurer.
9. The Head-teacher and the Treasurer shall have the responsibility to report on the accounts to the Board, the school community and the County Education Department.
10. Audited school accounts shall be presented at the school's Annual General Meeting.

25. Borrowing Powers of The Board

1. Public schools shall not borrow funds and incur debts or liabilities. Therefore, the Board of Governors shall not approve borrowing of funds by a public school.
2. However, Private Schools, as private investments, shall be free to borrow funds following the usual legal channels.
3. If the Board of Governors is responsible for a private school, the Board may approve borrowing of funds provided such funds shall be used solely or mainly for the purpose of:
 - (a) Implementation of the School Improvement Plan;
 - (b) Covering a shortfall in the regular expenditures of the private school; and/or
 - (c) Meeting costs of emergency response or any other emergency expenditure of the school.

26. Accounts of the School

1. At the end of each academic year and in respect of proceedings of the financial year, the Board shall prepare an income and expenditure account and balance sheet.
2. The accounts of the Board shall be audited by a qualified auditor.
3. The Governing Body in collaboration with Payam Education Supervisor (for primary schools) and County Education Inspectors (for secondary schools) and national inspectors for national schools shall appoint the auditors.
4. The Auditor shall have access to all books of accounts, vouchers and other financial records of the school and may require any explanation he/she thinks fit from any person associated with the accounts of the school.
5. The Auditor shall make and submit to the Board a report on completion of the audit. The report shall state whether in his/her opinion:
 - (a) Proper books of the accounts have been kept.
 - (b) The financial statement:
 - (i) Has been prepared on the basis consistent with that of the proceedings year and is in agreement with the books of accounts;



- (ii) Gives a true and fair view of the income and expenditure account for the school for the financial year; and
- (iii) The Chairperson shall sent a copy of the accounts report to the relevant education authorities not later than four weeks after the date of the Board meeting at which the accounts of the school were adopted.

6. A member of staff of school acting in good faith on the direction of the Board in the execution of his duties shall be indemnified by the Board in respect of any liability arising out of any act matter or thing or omitted to be done in the execution of his/her duties.

27. Co-option to the Board of Governors

1. A Board may co-opt any person with special skills or knowledge to assist in the transaction of its business at any meeting of the Board or at any meeting of a Committee.
2. A person co-opted under sub regulation (24a) of this regulation may attend and take part in the proceedings of the meeting to which he/she is co-opted but is not entitled to vote on any matter at that meeting.

28. Service of Notice

Where, under this Ministerial Order, a notice is required or permitted to be served on any person, the notice may be served by the Board by:

- (a) Delivering it personally to the person to be served;
- (b) Leaving it at the usual or last known place of residence or business of the person to be served;
- (c) Sending it through the e-mail or the post addressed to the person to be served at the usual or last known place of residence or business of that person; and
- (d) Serving it in such any other manner as a court or competent jurisdiction may decide or apply.

29. Powers of the Minister

1. The Minister shall have the power to address any other matter related to governance of schools that is not sufficiently covered or not covered in this Ministerial Order.
2. The Minister shall have the power to deal with any appeals arising from this Ministerial Order.
3. The Minister shall have the power to provide the correct legal interpretation of this Ministerial Order to any party who requests it in writing or for the purpose of arbitration between schools and any other stakeholders.
4. The Minister shall have the power to amend or repeal this Ministerial Order and make new regulations if deemed necessary.



30. Powers of the State Minister

The State Minister responsible for education may make regulations on the matters governed by this Ministerial Order provided such regulations are in conformity with the Ministerial Order.

31. Delegation of Powers

1. In accordance with Section 8 (g) of The General Education Act, 2012, the Minister may delegate one or more of the powers conferred upon him or her by the Ministerial Order to a State Minister responsible for Education.
2. In case the Minister delegates the power referred to in Sub-section (1) above to the State Minister responsible for education, he or she may also state the terms and conditions for use of the delegated power.

32. Implementation of the Ministerial Order

The Undersecretary of Ministry of General Education and Instruction, Director General of Basic and Secondary Education and the State Ministries of Education are hereby directed to ensure implementation of this Ministerial Order is implemented in the Schools.

33. Signature of the Minister

Signed under my hand and seal at the Ministry of General Education and Instruction in Juba this 31st day of the month of October in the year 2017 AD.



Hon. Deng Deng Hoc Yai
Minister of General Education and Instruction