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## GENERAL NOTICE

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NOTICE 3097 OF 2008

DEPARTMENT OF EDUCATION

SOUTH AFRICAN SCHOOLS ACT 84 OF 1996

**CALL FOR COMMENTS ON GUIDELINES AND CRITERIA TO REGISTER LEARNERS FOR HOME EDUCATION**

I, Angelina Motshekga, Member of the Executive Council responsible for education in the Province of Gauteng, under section 7 (2) of the Public Service Act, 103 of 1994, hereby give notice in terms of section 4 (3) of the Promotion of Administrative Justice Act 3 of 2000 as read with the Preamble to the South African Schools Act, 84 of 1996, of the Guidelines and Criteria to register learners for Home Education, as set out in the Schedule.

All interested persons and organisations are invited to submit their comments to the department not later than 30 September 2008.

Comments should be directed to the attention of Ms Gugu Kgare, Acting Director, GET Directorate, CES Systems & Resource Policy, or Ms Mmule Madonsela (Chief Education Specialist), tel: (011) 355 0871/ 0661, fax: (011) 355 0640, e-mail: [mmulem@epg.gov.za](mailto:mmulem@epg.gov.za); 13<sup>th</sup> Floor, 111 Commissioner Street, GDE, Johannesburg.

Kindly provide the name, address, telephone number and fax number and e-mail address of the person or organisation responsible for submitting comments.

  
ANGELINA MOTSHEKGA  
MEC: GAUTENG DEPARTMENT OF EDUCATION  
DATE: 18.08.08



## **GUIDELINES AND CRITERIA TO REGISTER LEARNERS FOR HOME EDUCATION**

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# Draft Criteria to Register a Learner for Home Education

## 1. DEFINITIONS

**'Education Department'** means the department established by section 7(2) of the Public Service Act, 1994 (Proclamation 103 of 1994), which is responsible for education in a province;

**'Educator'** means any person, excluding a person who is appointed to exclusively perform extracurricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at a school;

**'Head of Department'** means the head of an education department;

**'Learner'** means any person receiving or obliged to receive education in terms of the South African Schools Act

**'Parent'** means

- (a) The parent or guardian of a learner;
- (b) The person legally entitled to the custody of a learner; or
- (c) The person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learner's education at school;

**'Tutor'** means a teacher or instructor who will give instructions to a home learner on a specific learning area

## 2. ACRONYMS

**CASS-** *Continuous Assessment*

**CTA-** *Common Task for Assessment*

**GET-** *General Education and Training band.*

**HOD** –*Head of Department*

**MEC** – *Member of the Executive Council*

**NCS-** *National Curriculum Statements*

**SACE-***South African Council of Educators*

**SASA-** *South African Schools Act*

**SAQA-** *South African Qualification Authority*

### 3. PURPOSE

The purpose of this document is to:

- (i) provide criteria for parents and the Department to register and withdraw registration of learners educated at home;
- (ii) provide the minimum qualification requirements for parents to provide quality education at home;
- (iii) provide a process to monitor curriculum delivery within the home education sector;
- (iv) provide the Department with guidelines to determine whether the learning environment at home is conducive;
- (v) determine the criteria for the assessment and promotion of home learners;
- (vi) outline requirements for the re-application process.

### 4. SCOPE

The criteria apply to parents residing within the borders of Gauteng province. It is applicable to learners in the compulsory phases of education viz.: Foundation phase (Grades 1-3), Intermediate phase (Grades 4-6) and Senior phase (Grades 7-9). The learner must be between the ages of 7 and 15.

### 5. LEGISLATIVE FRAMEWORK

- (i) The Constitution of the Republic of South Africa, Act 108 of 1996 Chapter 2, section 29(3) (c) *“every one has the right to establish and maintain, at Their own expense, institutions that maintain standards that are not inferior to standards at comparable public education institutions.*
- (ii) The National Education Policy Act no 27 of 1996, sections 41 and 42, determine that the Head of Department will register a learner applying for home education if he/she is satisfied with the conditions stipulated in section 51 of the South African Schools Act 84 of 1996.
- (iii) The amendment to the National Education Policy Act no 27 of 1996, Notice 1473, Government Gazette 20692, outlines the Instructional Time for School Subjects.
- (iv) The amendment to the National Education Policy Act no 27 of 1996, Notice 1411, Government Gazette 20659, outlines the policy for the registration of learners for home education.
- (v) The South African Schools Act no 84. of 1996, provides the Head of Department with the mandate to register learners for home education.
- (vi) The Amendment to the South African Schools Act 84 no. of 1996, Gazette; 29626, the National Policy on Assessment and qualifications for schools in the General Education and Training (GET) band outlines a framework for assessment and promotion of learners registered in the GET band.

## 6. CRITERIA TO REGISTER LEARNERS FOR HOME EDUCATION

**Please Note: Every parent has the obligation by law to ensure that learners of compulsory school-going age (i.e. seven to fifteen years) receive education in an institution as outlined in the SASA. In order to register a learner for home education, the parent of a learner must:**

- (i) Apply to the Head of Department for registration by completing in full an application form and provide certified copies of all documentation outlined in section 7 below. The application form is available from the:

**Office of the Director: GET: IDS  
13<sup>th</sup> Floor  
111 Commissioner Street  
Johannesburg 2000**

- (ii) Ensure that the educator is in possession of a minimum teaching qualification (three year teaching diploma) and be registered with the South African Council of Educators (SACE). By adhering to the minimum requirements set by SACE, the Head of Department will, in the interest of the learner, ensure that education received by the learner is of a quality which is comparable to the education received by a learner in a public school.
- (iii) Ensure that the learner is registered and provided with a registration number prior to being educated at home. Keeping the child at home prior to obtaining authorisation from the Head of Department is deemed illegal by law and will be dealt with in terms of Chapter 2, section 3 (Compulsory Attendance) of SASA.

*3(1) Subject to this Act and any applicable provincial law, every parent must cause every learner for whom he or she is responsible to attend a school from the first school day of the year in which such learner reaches the age of seven years until the last school day of the year in which such learner reaches the age of fifteen years or the ninth grade, whichever occurs first.*

*And*

*3(5) If a learner who is subject to compulsory attendance in terms of subsection (1) is not enrolled at or fails to attend a school, the Head of Department may –*

- (a) investigate the circumstances of the learner's absence from school;*
- (b) take appropriate measures to remedy the situation; and*
- (c) failing such a remedy, issue a written notice to the parent of the learner requiring compliance with subsection (1).*

*And*

*3(6) Subject to this Act and any other applicable law –*

- (a) any parent who, without just cause and after a written notice from the Head of Department, fails to comply with subsection (1), is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months; or*

*(b) any other person who, without just cause, prevents a learner who is subject to compulsory attendance from attending a school, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.*

- (iv) Use the National Curriculum Statements for all Learning Areas in all Grades. The learning programme must address the learning outcomes and the assessment standards per phase. All eight learning areas must be offered in the intermediate and senior phases and teaching must be compliant to the notional time as outlined in Gazettes 20692 and 29626 (refer to section 5 for details) .
- (v) Keep a record of the level of learner performance in specific assessment tasks and the learner achievement of the outcome prescribed by the National Curriculum Statements (NCS). Records of learner performance should provide evidence of the learner's conceptual progression within the current grade.
- (vi) Sign a declaration (in the presence of a commissioner of oaths) committing to allowing visits by the designated departmental officials to monitor the quality of curriculum delivery.
- (vii) All applications for home education must reach Head Office (GET Directorate) at the address provided in (i) above on or before **30 May** each year for registration in the following year. This will allow the department enough time to process the applications and to ensure compliance.

## **7. DOCUMENTS REQUIRED WHEN APPLYING FOR HOME EDUCATION**

**A parent applying to register a learner for home education must provide the head of department with all the documents listed below:**

- (i) A completed and signed GDE home education application form;
- (ii) A certified copy of a SACE certificate;
- (iii) Certified copies of a birth certificate and a clinic card;
- (iv) Certified copies of the parents' identity documents;
- (v) A report from the previous school attended outlining meetings held with the Principal and the Head of Department of a particular phase, regarding the reasons for the request to withdraw the learner from the school.  
In an event the learner has learning difficulties, the school must indicate steps it has undertaken to assist the parent and learner in dealing with the problem;
- (vi) An original report card for the last grade attended and an original transfer card with a school stamp;
- (vii) A report from the District Director supporting or not supporting the reasons provided by the school;

- (viii) A detailed statement from the curriculum service provider outlining the:
  - a. learning programme;
  - b. proof of accreditation of the programme by SAQA;
  - c. alignment to the National Curriculum Statements and
  - d. profile of the service provider with full contact details and physical address.
- (ix) The name and qualifications of the tutor, the specific learning areas the tutor will be responsible for and the hours per day/week that the tutor will teach;
- (x) A copy of the time table indicating the hours of the day and the minimum days per year during which teaching will take place, if services of a tutor will be used;
- (xi) A proposed learning programme that the learner will be following including co-curricula and extra curricular programmes;
- (xii) An annual assessment plan, indicating how the performance of a learner will be measured against the assessment standards of the learning outcomes in a grade. This plan must also be provided with the submission of every re-application form.
- (xiii) A list of schools (Public and Independent schools) that are within a 5 km radius of the home and reasons for not enrolling the child in the schools.

## **8. LEARNER PROGRESSION AND ASSESSMENT**

- (i) The parent must keep a portfolio of work as evidence of work completed and mastered by the learner for all official monitoring and reporting purposes;
- (ii) The parent must annually report the overall progress of the learner before the 10<sup>th</sup> of December to the HOD;
- (iii) Independent assessment must be conducted at the end of grades 3 and 6 and the report forwarded to the HOD for evaluation to ensure that the learner has reached satisfactory levels of learning and has mastered the programme;
- (IV) Grade 9 learners must register with the district office for the General Education and Training Certificate. Learner assessment will comprise of a 75 % CASS and 25 % CTA. Moderation by an independent assessor for both the CASS and CTA component should be arranged at parental expense and the report submitted to the HoD.
- (v) Continuous assessment for grades R – 8 will comprise of 100% assessment programme.

## 9. MONITORING THE QUALITY OF CURRICULUM DELIVERY

The district curriculum specialists will monitor home education sites twice a year to ensure that teaching and learning is in line with the curriculum outcomes outlined in the NCS.

The officials must also monitor compliance with prescribed assessment procedures.

## 10. REGISTRATION BY THE DEPARTMENT

- (i) All re-applications will be assessed individually. On the basis of merit for each individual case, a decision will be taken whether or not to approve such re-application.
- (ii) Once all requirements are complied with, the HOD will authorise the registration of a learner.
- (ii) The parent will receive communication confirming the decision by the HOD and providing her/him with a registration number.
- (iii) Registration as contemplated in this document will be valid only for a year. Should parents intend to continue with home education, a re-application form provided by the Department, must be completed and submitted to the relevant line manager for processing by the 31 October of that year.
- (iv) The re-application form must be accompanied by an assessment or progress report and a report from the service provider who provides the parent with a learning programme and support.
- (v) A learner will be registered on condition that the parent complies with the criteria as outlined above. Upon receipt of all required documents the Department will visit the learning site to verify information and assess whether the environment is conducive to teaching and learning.
- (vi) The applications that comply with the criteria will be processed and learners will be registered by the Head of Department. The parent will then receive a letter with a departmental registration number confirming registration. The Head of Department will make the final decision to register or not to register a learner.

## 11. WITHDRAWAL OF REGISTRATION

Learners will be deregistered should the parent not comply with the criteria. Registration is valid for **A YEAR** and the Department will **DEREGISTER** all learners whose parents do not submit re-registration forms at the end of the academic year.

Parents have the obligation to inform the HOD should learners be placed back into mainstream education.

***Please note:*** In terms of section 51 (4) of SASA, a parent may appeal to the Member of the Executive Council (MEC) should the application to register a learner for home education be unsuccessful.

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