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GENERAL NOTICE

NOTICE 1176 OF 2013

**DEPARTMENT OF BASIC EDUCATION
NATIONAL EDUCATION POLICY ACT, 1996 (ACT NO 27 OF 1996)
PROPOSED AMENDED NATIONAL POLICY FOR DETERMINING SCHOOL
CALENDARS FOR PUBLIC SCHOOLS IN SOUTH AFRICA**

I, Angelina Matsie Motshekga, Minister of Basic Education, after consultation with the Council of Education Ministers, hereby, in terms of section 3(4)(k) of the National Education Policy Act, 1996 (Act No. 27 of 1996), publish the proposed amended National Policy for Determining School Calendars for Public Schools in South Africa set out in the Schedule.

All interested persons and organisations are invited to comment on the proposed amended Policy, in writing, and direct the comments to the Acting Director-General, Private Bag X895, Pretoria, 0001, for attention: Mr S Mlambo, tel. 012 357 3451/3, fax 012 328 3532 email: Mlambo.s@dbe.gov.za.

Kindly provide the name, address, telephone number, fax number and email address of the person or organisation submitting the comment.

All comments must reach the Department of Basic Education not later than two months after the publication of this notice.


**ANGELINA MATSIE MOTSHEKGA, MP
MINISTER OF BASIC EDUCATION
DATE: 21 Nov - 2013**

**PROPOSED AMENDED NATIONAL POLICY FOR DETERMINING SCHOOL CALENDARS
FOR PUBLIC SCHOOLS IN SOUTH AFRICA**

SCHEDULE

1. BACKGROUND

- 1.1 Over the past few years, various stakeholders and the general public have made recommendations which have made it necessary to amend the policy.
- 1.2 A school calendar structures the total number of days allocated for teaching and learning in a year according to a unique pattern. It lays down the dates of commencement and termination of the school terms and the length of school holidays. The process of determining the school calendar is guided by general principles and a set of specifications.

2. PURPOSE OF THE POLICY

The purpose of the policy is to regulate how a school calendar will be determined for ordinary public schools in South Africa.

This document contains the following:

- (a) background
- (b) purpose of the policy;
- (c) definitions of key terms;
- (d) the broad principles that should be taken into account when the school calendar is determined;
- (e) specific criteria that need to be taken into account in determining the calendar for any specific year;
- (f) sample time-frame for determining the calendar for any particular year; and
- (g) list of the national legislation that applies to matters relating to the school calendar.

3. DEFINITIONS

For the purpose of this policy, the following terms and expressions have the following meanings:

"allocated time" means the amount of time learners should spend at school, in years, days or hours;

"breaking time" means the amount of time taken during the school day for recreation and meals;

"Constitution" means the Constitution of the Republic of South Africa, (Act No 108 of 1996);

"cluster" means the grouping of provinces according to geographic situational similarities. It conforms to the same school calendar;

"Council of Education Ministers" means the Council of Education Ministers established by the National Education Policy Act, 96 (Act No. 27 of 1996);

"Department of Basic Education"

"Heads of Education Departments Committee" means the Heads of Education Departments Committee established by the National Education Policy Act, 96 (Act No. 27 of 1996);

"HEDCOM Subcommittee on school calendars" means a subcommittee of the Heads of Education Departments Committee on School Calendars;

"Minister" means the Minister of Basic Education;

"SASA" means the South African Schools Act, 1996 (Act No. 84 of 1996);

"school calendar" means the annual plan that allocates the total number of days in a school year in a specific pattern, in accordance with the published regulations;

"school day" means a day on which, for a specific number of hours, learners have to be at school;

"school governing body" means a governing body defined in section 1 and contemplated in section 16(1) of the SASA;

"school holiday" means time allowing learners and teachers to recuperate and to engage in education-related activities such as conferences, the professional development of teachers, and sport competitions;

"school term" means the basic subunit of time into which the school year is subdivided. In the four-term system, this amounts to approximately 50 days;

"school year" means an academic year consisting of a specific number of school days;

"staggering" refers to the planning technique of ensuring that the closing and opening dates of school terms of provinces in different clusters are separated by one to five days;

"stakeholder" means an organisation or body with a direct and continuing interest in the education institution, programme, phase or sector in question.

4. PRINCIPLES ACCORDING TO WHICH THE SCHOOL CALENDAR SHOULD BE DETERMINED

4.1 Education requirements

Determining the school calendar involves taking into account the sometimes conflicting needs and interests of various stakeholders and interest groups, although it is not possible always to accommodate the needs of all stakeholders. Whatever the various stakeholders' needs may be teaching and learning interests must always take precedence.

4.2 Consultation and participation

4.2.1 Wide consultation must take place with stakeholders and role-players at the district, provincial and national levels.

4.2.2 The organised teaching profession and other relevant personnel engaged in Basic Education must be consulted when the school calendar is planned.

4.2.3 The provincial education departments shall do their best to ensure that as many stakeholders and role players as possible take part in school-calendar-related meetings held in the provinces. The Department of Basic Education requires that the provincial education departments ensure that they are represented at all meetings of the Subcommittee.

4.3 Transport and travel infrastructure

When the school calendar is planned, it should be remembered that the timing of school holidays could have an effect on traffic flow, which, in turn, has potential road safety implications. Even though road safety is of great concern to the Department of Basic Education, the Department of Transport should take responsibility for managing road traffic flows and reducing loss of life on the roads during school and public holidays.

4.4 Consistency

The school holiday schedule of each provincial education department should be kept reasonably constant, to make it easier for the tourism industry, the private sector, the road traffic authorities, parents and learners to plan for holiday seasons.

4.5 Advance planning essential

4.5.1 To enable all affected parties and stakeholders to do their planning properly, the calendar for a particular year must be available at least 18 (eighteen) months before the year to which it pertains.

4.5.2 Provinces with proportionally higher numbers of rural schools have expressed concern over late changes to the calendar, because it is often difficult to communicate with outlying schools, and changes cause confusion. Therefore, unless the circumstances are exceptional, the calendar should not be changed after it has been approved by all affected parties.

4.6 Process of communicating with Provincial Education Departments in regard to calendar

When the draft calendar is sent to the provincial education departments for consultation, it should be accompanied by a document setting out any explanations that may be needed for a good understanding of the choices made in regard to the calendar.

4.7 Invitation to the public to comment on the proposed calendar

The public must be invited to submit comments on the calendar through the Government Gazette and National Newspapers. The public should be given at least one month to submit comments.

5. SPECIFICATIONS ACCORDING TO WHICH SCHOOL CALENDARS MUST BE DETERMINED

5.1 Allocation of time in the calendar

5.1.1 Required number of school days per year.

- (a) The number of school days provided for in the calendar must allow sufficient time for the education programmes to be completed – that is, **approximately 200 school days per**

year.

- (b) The number of days of teaching and learning, for teachers and learners, respectively, must be the same in all provinces.

5.1.2 Number of terms

The South African school calendar assumes a four-term structure.

5.1.3 Length of terms

The length of terms should as far as possible be equal. It is however, desirable for educational reasons that the third term should be longer than the fourth term.

5.1.4 Length of school holidays

School holidays should provide learners and teachers with sufficient opportunity to rest. At the same time, holidays should not be so long as to adversely affect learning retention.

5.1.5 Duration of school holidays

(a) Term 1

In the first term inland provinces shall open in the second week of January and close for two weeks at the end of the term.

Coastal provinces shall open in the third week of January and close for one week at the of the term.

(b) Term 2

Winter holidays shall be three weeks long in all provinces.

(c) Term 3

The spring holidays shall be one week long in all provinces.

(d) Term 4

The fourth term must end no later than the second week of December. The last school day for learners must be on a Wednesday and for teachers it must be on a Friday of the same week.

The summer holidays shall be four weeks long for the inland provinces, and five weeks long for the coastal provinces

5.1.6 Days for administration and planning

At the beginning of the year, teachers shall start work two days before the learners start school to finalise preparations for that school year. Similarly, teachers shall stay on two days after the learners have left at the end of the year in order to engage in administrative tasks and plan for the following school year.

5.1.7 Religious holidays

- (a) Section 15 of the Bill of Rights of the Constitution, 1996, of the Republic of South Africa, entrenches the right to religious belief or practice. In accordance with the above constitutional imperative, the SASA protects and promotes freedom of conscience and religion at public schools.

- (b) Section 7 of the SASA provides as follows:

"Subject to the Constitution and any applicable provincial law, religious observances may be conducted at a public school under rules issued by the governing body if such observances are conducted on an equitable basis and attendance at them by learners and members of staff is free and voluntary."

- (c) The SASA does not provide for possibility of the temporary closure of a school for reasons of religious observance. However, consonant with the spirit of the Constitution, a school governing body may exercise the right to apply for the closure of a school for religious commemorations – but only where the majority of pupils are members of a particular faith.

- (d) Closure of schools for religious observance is subject to the following conditions:

- (i) A school may not close for religious observance on more than two days per year, and such days must be taken in lieu of the two days allocated for sport and culture in paragraph 5.1.8 below.
- (ii) Schools must decide very carefully on how to use the two days a year allocated for religious observance, sport or culture, because no more than two days may be used for those three purposes.
- (iii) The school governing body must apply to the Head of Department for permission to close on a particular day for religious observance and must give details with respect to the size (in percentage and numbers) of the religious

majority in the school; the day(s) being applied for, Individual schools that apply for closure on religious grounds should under no circumstances have fewer school days, in total, than the rest of the schools in the same province.

- (iv) Simultaneously, the prescription of the Constitution that cultural or linguistic communities should respect the rights of others must also be affirmed through ensuring that minority religious groups within a school community are not disadvantaged or discriminated against in any way. Members of world views or religions that form a minority of learners in schools may be given permission to take two recognised religious days off school.
- (v) Learners of minority religious groups who do not attend school on such school day(s) should not be marked absent for the day(s) in question. Such learners should not be academically disadvantaged as a result of their absence. For example, assessments such as examinations or tests must not be administered on days on which such learners are absent.

5.1.8 Sporting and cultural days

A maximum of two days per year may be allocated to schools for this purpose. The school governing body must apply to the Head of Department for permission to utilise such days for school sporting and cultural events. In regard to each school, district offices must keep records, to be sent to the provincial department once a year, which includes,

- (a) the number of applications submitted for such days;
- (b) the reasons given for the applications; and
- (c) the number of applications granted

5.2 CLUSTERS AND STAGGERING

5.2.1 Determination of Clusters

The nine provinces are divided into two clusters. The grouping of clusters takes into account the principle that, in high population density areas, neighbouring provinces should, where possible, be allocated to the same cluster. The grouping also takes into account peak season traffic flows and the requirements of the tourism and hospitality industries. The two clusters are:

- (a) Inland provinces: Free State, Gauteng, Limpopo, Mpumalanga and North West.
- (b) Coastal provinces: Eastern Cape, KwaZulu-Natal, Northern Cape and Western Cape.

5.2.2 Staggered closing and opening times

5.2.2.1 In the first term, one cluster shall not open its schools on the same date as the other cluster. Schools in the two clusters shall also not close on the same date – the dates shall be staggered by five days.

5.2.2.2 The structure of the school calendar has to take account of traffic flow. In particular, the aim is to allocate different dates to the two clusters in the first term so that peak traffic density before the opening of schools is kept within acceptable levels.

5.2.2.3 School terms for learners shall not begin on a Monday. This reduces traffic flows on a Sunday. Opening on a Monday does not provide time for school hostel staff to prepare for the return of learners.

5.2.3 Criteria for the scheduling of school terms

5.2.3.1 The inland schools must open in the second week of January, while coastal schools must open in the third week of January.

All possible steps must be taken to avoid a late start of the school year, that is, in the fourth week of January, as this pushes back all the terms.

5.2.3.2 First day of the school year

In January, the school term will start on a Wednesday to reduce traffic flow on the last Sunday of the school holidays. Teachers must report for work on the preceding Monday and Tuesday to engage in planning for the new academic year.

5.2.3.3 Last day of the school year

The fourth school term must end in the second week of December. The last school day for learners must be on a Wednesday and the last working day for teachers, on a Friday.

5.2.4 Scheduling of school terms with reference to public holidays

5.2.4.1 Easter holidays

Since the dates of the Easter weekend differ from year to year, an effort should be made, where possible, to have the Easter weekend fall within the school holiday in order to prevent disruption of the teaching and learning programme.

5.2.4.2 Scheduling dates of school holidays in relation to public holidays

If a long weekend begins on a public holiday that falls on a Friday, and such weekend coincides with the beginning of the school holidays, schools will close on the Wednesday and not the Thursday. If a public holiday falls on the first

Monday of the school holidays, schools will close not later than the previous Thursday.

5.2.4.3 Scheduling dates of school terms in relation to public holidays

When the calendar is planned, every effort must be made to ensure that there is no public holiday in the first or last week of a school term. Public holidays that occur in the first or last week of a school term disrupt the academic work of the school.

5.2.4.4 Public holidays falling on Tuesdays or Thursdays

Where public holidays fall on Tuesdays or Thursdays, the intervening Monday or Friday will be declared a school holiday.

5.2.4.5 Public holidays in April

If it happens that, owing to public holidays in April, a week has only two consecutive school days, those two days shall be declared school holidays to avoid disruption of the teaching and learning cycle.

5.3 Additional specifications

5.3.1 Climate

Extreme climatic conditions that make school attendance unproductive, uncomfortable, and even possibly injurious to health need to be taken into account. Even more important is the relationship between temperature and humidity. High heat and humidity are a seasonal feature of tropical coastal regions such as along the KwaZulu-Natal seaboard. School governing bodies of schools located in areas where high heat and humidity conditions occur should be aware of the conditions that could put learners at risk and should know on what basis they can decide to apply for permission to close their schools. This should be done in consultation with the Provincial Education Departments.

5.3.2 Discretion of the head of the provincial education department

Due to their unique needs certain types of schools, such as schools for learners with special education needs, may require calendar arrangements that differ slightly from those of the majority of ordinary schools. In such cases, the Head of Department has the discretion to approve a different calendar.

6. Time frame for determining the school calendar for two years later

- (a) The Department of Basic Education designs a draft calendar and sends it to the provincial education departments for comments.
- (b) The HEDCOM Subcommittee meets to consider comments received from the Provincial Education Departments.
- (c) The proposed calendar is then submitted to the Minister for inviting public comments.
- (d) The HEDCOM Subcommittee meets to consider comments received from the public.
- (e) The proposed calendar is then submitted to HEDCOM for consideration and recommendation to CEM (date of such submission to be guided by the HEDCOM meeting dates).
- (f) The proposed calendar is then submitted to the CEM for consideration and adoption and for the Minister's approval.
- (g) Finally, the Minister publishes the approved calendar for notice.
- (h) Immediately after the calendar has been published for notice, the process starts again for the next school calendar.

7. National legislation that applies to matters relating to the school calendar (only the relevant portions are quoted)

7.1 South African Schools Act, No. 84 of 1996

- (a) **Section 7: Freedom of conscience and religion at public schools**
Subject to the Constitution and any applicable provincial law, religious observances may be conducted at a public school under rules issued by the governing body if such observances are conducted on an equitable basis and attendance at them by learners and members of staff is free and voluntary
- (b) **Section 20: Functions of school governing bodies**
Subject to this Act, the governing body of a public school must determine the times of the school day consistent with any applicable conditions of employment of staff at the school.
- (c) **Section 21: Allocated functions of school governing bodies**
Subject to this Act, a governing body may apply to the Head of Department in writing to be allocated any of the following functions:
 - (i) to determine the extra-mural curriculum of the school and the choice of subject

-
- options in terms of provincial curriculum policy;
(ii) other functions consistent with this Act and any applicable provincial law.
- 7.2 Constitution of the Republic of South Africa, 1996
- (a) Chapter 2: Bill of Rights Section 15
- (1) Everyone has the right to freedom of conscience, religion, thought, belief and opinion.
- (2) Religious observances may be conducted at state or state-aided institutions, provided that—
- (a) those observances follow rules made by the appropriate public authorities,
- (b) they are conducted on an equitable basis, and
- (c) attendance at them is free and voluntary.
- (b) Chapter 2: Bill of Rights Section 28
- (1) Every child has the right:
- (e) to be protected from exploitative labour practices
- (f) not to be required or permitted to perform work or provide services that –
- (i) are inappropriate for a person of that child's age; or
- (ii) place at risk the child's well-being, education, physical or mental health or spiritual or moral or social development;
- (2) A child's best interests are of paramount importance in every matter concerning the child.
- (3) In this section "child" means a person under the age of 18 years.
- 7.3 Terms and conditions of employment of educators determined in terms of section 4 of the Employment of Educators Act, 1998 (Government Notice 222 of 18 February 1999)
- Item 3.1(e): The expectation is that every educator must be able to account for 1800 actual working hours per annum
- Item 3.2(a): Workload per educator – All educators should be at school during the formal school day, which should not be less than 7 hours per day, except for special reasons and with the prior permission of the Principal. The Principal will exercise his/her discretion in this regard based upon provincial policy. The 7 hour day includes the breaks and the period(s) in which the learners are not at school.
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