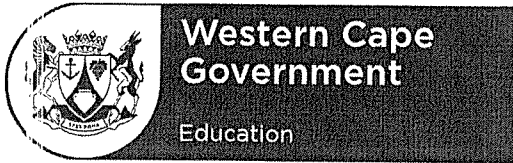


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Reference: 20100909-0037

Enquiries: Mr M Wilter

Mr L van Oostrum
Executive Officer
Pestalozzi Trust
PO Box 12332
Queenswood
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0121

Dear Mr van Oostrum

REQUEST FOR INFORMATION ON HOME SCHOOLING AND INDEPENDENT SCHOOL EDUCATION

Thank you for your enquiry and for affording me the opportunity to respond to the concerns you have raised about home schooling and independent school education. The Western Cape Education Department (WCED) apologizes for not responding to you in writing soon after your meeting with Mr Pietersen in 2010.

My response regarding the content of the notices is as follows:

A. Know the facts about Education at Home

1. In terms of Section 51 of the South African Schools Act (SASA), 1996 (Act 84 of 1996), a parent may apply to the Head of Department (HOD) for the registration of a learner to receive education at the learner's home. The Policy for the Registration of Learners for Home Education, published in Government Gazette 20659 of 23 November 1999, stipulates in Regulation 5 that the parent of a learner of compulsory school-going age (seven years of age until the last school day of the year in which such learner reaches the age of fifteen years or the ninth grade) must apply to the HOD to register that learner to receive education at home for the compulsory learning phases of education. Furthermore, it stipulates that a parent of a learner who is no longer of

compulsory school-going age or grade need not apply for registration for home education. In terms of Regulation 8 of the regulations, the HCD must obtain certain information from the parent before setting conditions and considering registration.

2. It is thus clear that the parent must apply for the registration for home education and the HOD must consider and approve the application for registration of the education of such learners between 7 and 15 years or up to Grade 9, whichever comes first. The policy then stipulates that, as soon as a learner is no longer of school-going age, the parent need not apply for home education. This does not prevent a parent from providing home education to a child in Grades 10-12. However, the state does not have an obligation towards these learners if they are not in a public school, and thus applying for home schooling becomes irrelevant.
3. However, if Grades 10-12 learners wish to enrol for and write the National Senior Certificate examinations, then the requirements of the following legislation are applicable and must be adhered to:
 - i) *The National Senior Certificate: A Qualification at Level 4 on the National Qualifications Framework (NQF)*, published in Government Gazette 27819 of 20 July 2005 as amended (NSC Policy)
 - ii) *Regulations Pertaining to the Conduct, Administration and Management of Assessment for the National Senior Certificate*, published in Government Gazette 31337 of 29 August 2008 as amended (NSC Regulations)
- 3.1. Paragraph 2(2) of the NSC Policy stipulates that, subject to Regulation 59(4) of the NSC Regulations, **only full-time learners and repeat candidates will offer, for the National Senior Certificate, the subjects listed in Annexure A of the NSC Policy.** For this purpose full-time learners and repeat candidates are defined as follows:
 - 3.1.1 **A full-time learner is a learner who has enrolled for tuition and who offers a *National Curriculum Statement Grades 10-12* programme in a full-time capacity at a public or independent school or any other registered institution** and who presents seven (7) subjects in terms of the National Curriculum Statement Grades 10-12 programme requirements. Such a candidate must fulfil all internal assessment requirements of the *National Curriculum Statement Grades 10-12*, including oral and practical requirements where applicable.
 - 3.1.2 **A repeat candidate is a candidate who has failed the National Senior Certificate examination and who wants to repeat his or her Grade 12 year as a full-time candidate.**
- 3.2 Regulation 7(1) of the NSC Regulations stipulates that **a candidate in Grade 12, who registers for the National Senior Certificate examination**, must comply with the following requirements:
 - (a) He or she **must register for tuition at a public or an independent school offering a National Senior Certificate course of study.**

- (b) He or she must register for the minimum required number of subjects as stipulated in *paragraph 9* and Annexure C of the policy document, *National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF)*.
- (c) He or she must comply with all internal assessment, oral and practical assessment task requirements, where applicable.
- (d) He or she must have complied with the promotion requirements for Grades 10 and 11 as contemplated in the policy document, *National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF)*.

3.3 Regulation 59 of the NSC Regulations, which deals with transitional arrangements, stipulates that the following candidates **will be given an opportunity to complete outstanding requirements for the Senior Certificate until May-June 2014:**

- (a) Unsuccessful candidates in the Senior Certificate examination of 2007
- (b) Part-time candidates who are already enrolled for the Senior Certificate
- (c) Candidates who have passed Grade 11 in previous years
- (d) Other special cases where the heads of provincial and independent assessment bodies may use their discretionary powers to allow such candidates admission to the May-June Senior Certificate examinations

3.4 In terms of National education policy pertaining to part-time candidates, as stipulated in the policy document, *National policy on the conduct, administration and management of the National Senior Certificate: A qualification at Level 4 on the National Qualifications Framework (NQF)*, will continue to exist until such a date as determined by the Minister of Basic Education. In terms of paragraph 8(3) of the mentioned National policy, a **part-time learner is a learner who has enrolled at an institution that does not offer tuition on a full-time basis.**

3.5 In terms of the above, it is clear that learners in Grades 10-12 who wish to obtain the National Senior Certificate must be registered with an institution of learning (public or independent). The transitional arrangements for full-time learners and repeat candidates were valid only until May-June 2011. If these learners are home schooled for Grades 10 and 11 and now wish to write the National Senior Certificate, they will not be accepted for registration since they will not have completed the NSC Grades 10 and 11. If they are home schooled and not offering the NSC, then the WCED has no authority to deal with them.

4. The registering of a learner for home education should commence at the beginning of a school year. Although the due date of 30 September for submission of applications to the WCED is not prescribed in the policy documents, the WCED needs to process the applications for registration of learners timeously, and it is for operational and administrative reasons that this notice was placed in the community newspapers for the attention of those wanting to apply for registration.

5. Finally, with regard to the statement "An approved curriculum, in line with the National Curriculum Statement, must be followed" in the notice, I refer you to Regulation 8(a)(ii) and (b) of the Policy for the Registration of Learners for Home Education, which stipulates the following:

8.(a) The Head of Department, before setting conditions and considering registration in terms of section 51(2) of the Act, must obtain at least the following information from the parent ...

ii) the proposed curriculum to be used for home education for approval.

(b) The learner programme must suit the age and ability of the learner. It will comply with the minimum requirements of the curriculum in public schools of the province and will not be inferior to the standard of education provided at public schools. The curriculum must comply with the language policy and the outcomes (standards) specified for each of the phases."

According to the above, the HOD has the responsibility to administer national policy in respect of education at home.

B. Establishment and registration of an independent school

- 1) In terms of Section 46(1) of SASA, no person may establish or maintain an independent school unless it is registered by the HOD. Furthermore, in terms of Section 46(2) the Member of the Executive Council must, by notice in the Provincial Gazette, determine the grounds on which the registration of an independent school may be granted or withdrawn by the HOD.
- 2) The "grounds on which the registration of an independent school may be granted or withdrawn" were published as the *Regulations relating to the Registration of and Subsidies to Independent Schools (excluding independent pre-primary schools)* in Provincial Gazette 6932 of 6 December 2011. The information on independent schools, as published in the notice in the newspaper, is all covered by these regulations.

The content of our published notice is based on the policy documents quoted above. The gazettes referred to are available on the relevant websites of the Government and Province.

The provision of education is a state function and, where the state has granted permission in terms of due process as prescribed, it must support and monitor the provision of private and home education.

Thank you for your interest in this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Grant'.

DONALD GRANT, MPP
MINISTER OF EDUCATION, WESTERN CAPE
DATE: *17 October 2012.*