

SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT 84 of 1996)
DRAFT REGULATIONS ON HOME EDUCATION

Interpretation

1. Any expression to which a meaning has been assigned in the South African Schools Act, 1996 (Act. 84 of 1996) (hereafter referred to as "the Act") has that meaning.

Definitions

2. In these regulations, depending on the context, the term –

‘applicant’ means a parent who submits an application;

‘application’ means an application to register a learner for home education in terms of the Act;

‘application form’ means the application form prescribed in the schedule;

‘assessor’ means an educator who is registered with SACE or registered as an assessor with the ETDP SETA;

‘CAPS’ means the Curriculum and Assessment Policy Statement determined by the Minister;

‘ETDP SETA’ means the Education, Training and Development Practices Sector Education and Training Authority established in terms of the Skills Development Act, 1998 (Act 97 of 1998);

‘home education unit’ means a section of a department of education to which the Head of Department has allocated responsibility for the administration of home education matters;

‘LURITS’ means the Learner Unit Record Information Tracking System maintained by the Department of Basic Education;

‘registered assessor’ means an assessor registered with ETDP SETA;

'registered learner' means a learner who is registered for home education in terms of the Act;

'registration' means registration of a learner for home education in terms of the Act;

'SACE' means the South African Council for Educators established by the South African Council for Educators Act, 2000 (Act 31 of 2000); and

'the Act' means the South African Schools Act, 1996 (Act 84 of 1996).

Application

3. These regulations apply uniformly in all departments of education to the registration of learners for home education who are of compulsory school attendance age.

Information and advice

4. The PED must provide a parent on request with –
 - (a) information on registration in terms of the Act;
 - (b) an application form as provided in the schedule;
 - (c) a copy of sections 4-4E of the Act relating to compulsory attendance and home education;
 - (d) a copy of these regulations;
 - (e) information on how to access the CAPS document;
 - (f) contact details for Umalusi;
 - (g) contact details of home education associations in the province;
 - (h) such information or advice on education matters as a parent may request and the PED is able to provide.

Application for registration

5. A parent must submit an application to the PED by 30 June of the year preceding the year home education is to commence.
6. A PED may vary the date contemplated in regulation 5 if the educational interests of the learner require it.

7. An application must include
 - (a) a completed application form; and
 - (b) all supporting documents as required by the application form.
8. When a PED receives an application form and supporting documents from a parent the PED, without unreasonable delay, must –
 - (a) acknowledge receipt; and
 - (b) request the applicant to provide any missing information or document.

Registration

9. A Head of Department must decide upon an application in terms of the Act without unreasonable delay.
10. If an application is approved the Head of Department must –
 - (a) enter the learner's name on the register contemplated in section 4(2) of the Act, with the notation "home education";
 - (b) provide the applicant with a letter certifying that the learner is registered for home education and is exempt from compulsory school attendance subject to the Act;
 - (c) assign a LURITS number to the learner; and
 - (d) enter the learner's data on a home education learner database maintained by the PED.
11. If an application is declined the Head of Department must –
 - (a) inform the applicant in writing, with reasons; and
 - (b) advise that the applicant may appeal in writing to the Member of the Executive Council.

Monitoring of learner's progress

12. A parent of a registered learner is responsible for monitoring the learner's educational progress and to that end the parent must –

- (a) ensure that a portfolio or other record is maintained as evidence of learning undertaken and assessed during the year; and
 - (b) engage the services of an assessor, either by private contract or by arrangement with a school, to conduct an annual assessment of the learner's attainment in relation to the CAPS standards appropriate to the learner's age, grade level or ability.
13. A parent of a registered learner must, by 31 December each year, provide the PED with a copy of the learner's annual assessment signed by the assessor.

Maintenance of registration

14. A parent who wishes to maintain a learner's registration in the following calendar year must –
- (a) notify the Head of Department in writing by 31 December; and
 - (b) inform the Head of Department of any changes to the information provided in the application.
15. On receipt of the notification contemplated in regulation 14(a) the PED must update the database referred to in regulation 10(d).

Cancellation of registration

16. A Head of Department must cancel the registration of a learner if –
- (a) a parent makes a written request to the Head of Department to cancel the registration;
 - (b) a parent fails to notify the Head of Department as contemplated in regulation 14(a);
 - (c) having reviewed the learner's assessments and made a diligent enquiry, which must include consultations with the parent and the assessor, the Head of Department is satisfied that –
 - (i) home education is no longer in the educational interest of the learner as contemplated in section 4A(2) of the Act; or

- (ii) a condition contemplated in section 4A(3) of the Act is not complied with.

17. Before cancelling the registration in terms of regulation 16(b) or (c) the Head of Department must –

- (a) inform the parent in writing with reasons;
- (b) grant the parent an opportunity to make representations; and
- (c) consider any such representations.

18. If a Head of Department cancels the registration in terms of regulation 17(b) or (c) the parent must be –

- (a) informed in writing, with reasons; and
- (b) advised that the parent may appeal in writing to the Member of the Executive Council.

19. The parent of a learner whose registration is cancelled in terms of regulation 16 must comply with section 3(1) of the Act unless the learner is no longer subject to compulsory school attendance in terms of the Act.

Appeal to Member of the Executive Council

20. The Member of the Executive Council must determine an appeal in terms of section 4E of the Act within sixty days of the appeal being received.

21. The Head of Department must without unreasonable delay inform the parent of the result of the appeal.

Short title and commencement

22. These regulations are the Regulations on Registration for Home Education.

23. The regulations come into effect on the date of publication in the *Government Gazette*.