



Home Ed Highlights: *A Quick Reference Guide of Clauses that will make the most impact on Home Schooling*

Competent Assessors: Four types of people or organisations can be competent assessors:

- a) *A SACE registered educator*
- b) *A body registered to perform assessments (while such bodies are registered to administer the National Senior Certificate i.e. Matric, no bodies are registered, to the best of our knowledge, to assess Grade R to 9)*
- c) *An assessor who has passed the relevant course.*
- d) *A recognised professional body in the field of education (no one is certain what is meant by this.)*

Using SACE registered educators and registered assessors are the easiest ways to obtain end of phase assessments. Some organisations can provide these because they can do so in the name of their SACE registered educators or assessors.

Clause 1

‘competent assessor’ means an educator registered with the South African Council for Educators as defined in the South African Council for Educators Act, 2000 (Act No. 31 of 2000), a recognised professional body in the field of education, or a person or body registered with the South African Qualifications Authority as defined in the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);

What is Home Education?

- a) Home Education takes place mainly at home;
- b) the parent directs the education.

Point for concern: Some officials of the DBE argue that tutors cannot be used for all subjects.

Clause 1

“‘home education’ means a purposeful programme of education for a learner, alternative to school attendance, which—

(a) is provided under the direction of the learner’s parent, primarily in the environment of the learner’s home;
(b) may include tutorial or other educational support, if necessary, secured by the parent on specific areas of the curriculum followed by the learner; and
(c) meets the requirements for home education contemplated in section 51 of this Act;”;

Increase of penalty

The penalty for not registering is increased to 12 months.

The DBE has, however, stated this will not be used against home schoolers. This should be reflected in the clause though.

Clause 2 (amending Section 3)

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 12 months, or to both a fine and such imprisonment; or

(b) any other person who, without just cause, prevents a learner who is subject to compulsory attendance from attending school is guilty of an offence and liable, on conviction, to a fine or to imprisonment for a period not exceeding 12 months, or to both a fine and such imprisonment.”; and

Registration made compulsory

This clause clears up any uncertainty that may have existed over the registration requirement. The clause has changed from saying that parents “may” apply to “must” apply.

Clause 35

“Home education

51. (1) If the parent of a learner who is subject to compulsory attendance as contemplated in section 3(1) chooses to educate the learner at home, such parent must apply to the Head of Department for the registration of the learner to receive home education.

Must I do CAPS?

This clause is vague. NCS/CAPS may have to be followed. The DBE has promised that home schoolers will have freedom of curriculum choice. This needs to be clarified in the National Council of Provinces and hopefully the final bill.

Clause 35

51. (2) (a) (iii) the proposed home education programme is suitable for the learner's age, grade level and ability and predominantly covers the acquisition of content and skills at least comparable to the relevant national curriculum determined by the Minister; and

Learner must be assessed

Assessment must be done:

- by a competent assessor.
- Three times during the child's education i.e. at the end of each phase (i.e. at the end of Grade 3, 6 and 9)
- The report must be sent to the section of the provincial education department that deals with home schooling

Clause 35

51. (2) (b) (iii) arrange for the learner's educational attainment to be assessed by a competent assessor—

(aa) at the end of each phase, up to the end of the year in which the learner reaches the age of 15 years or completes grade 9, whichever occurs first; and

(bb) against a standard that is not inferior to the standard determined in the National Curriculum Statement; and

(iv) submit to the Head of Department, at the end of each phase and as evidence of the learner's educational attainment, the learner's assessment report, signed by the competent assessor.

No home visits

Home visits have been removed from the Bill. If the provincial education department wants to interview you they can only do this if:

- a) It is to check information in your application. You don't have to agree to any check-up or check-in visits after you are registered.
- b) You have been notified of the need for the consultation, and,
- c) Reasons have been given why they want to consult with you.

This consultation can take place at a venue other than your home.

Clause 35

51. (3) In considering the application, the Head of Department may, on just cause shown and after notification to the parent, require a delegated official to conduct a pre-registration consultation with the parents and learner to verify the information supplied in

the application documentation and to provide support, where necessary, with the application process.

30 days to register

When the Bill comes into force you will have 30 days to submit a registration application.

Clause 35

51. (5) If a parent educates a learner at home, and that learner has, at the time of the commencement of this section, not been registered as contemplated in this section, the parent must, within 30 days after the commencement of this section, apply to the Head of Department for the registration of the learner to receive home education.

'Automatic' registration

If the provincial education department does not process your application within 60 days you will be automatically approved.

You must, however, have proof that you applied.

Clause 35

51. (6) If the Head of Department does not respond within 60 days of receipt of an application for home education as contemplated in subsections (1) and (5), the application shall be deemed to have been approved, on condition that the applicant must be able, on request, to produce proof that an application for registration to receive home education was submitted.

Exempted from compulsory schooling

A learner who is registered, is exempted from having to attend school.

Clause 35

51. (7) A learner who is registered to receive home education is exempted from school attendance as contemplated in section 3.

Register once notify three times

Home schoolers only need to register once.

After that at the end of the phase (Grade 3, 6 and Grade 9) they just need to notify the provincial education department if they wish continue home schooling. This doesn't really make sense at the end of Grade 9 (but the DBE has explained it will help them to plan for demand in high schools for Grade 10 -12 when home schoolers decide not to continue with home schooling and want to go to school for those grades.)

Clause 35

51. (8) The parent of a learner who has been registered as contemplated in subsection (1) or (5) must notify the Head of Department at the end of the—
(a) Foundation Phase (grades R to 3);
(b) Intermediate Phase (grades 4 to 6); and
(c) Senior Phase (grades 7 to 9),
of his or her intention to continue educating the learner at home.

Regulations

The Minister can make regulations. The Pestalozzi Trust, provincial associations and other organisations are working with the DBE and provincial education departments in a National Task Team to write these.

Clause 35

51. (16) The Minister may make regulations relating to registration for, and the administration of, home education.''