

REPUBLIC OF SOUTH AFRICA

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***(DRAFT)* POLICY ON HOME EDUCATION**

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DEPARTMENT OF BASIC EDUCATION

**GOVERNMENT NOTICE**

**DEPARTMENT OF BASIC EDUCATION**

No. \_\_\_\_\_

**SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)**  
**NATIONAL EDUCATION POLICY ACT, 1996 (ACT NO. 27 OF 1996)**

***(DRAFT)* POLICY ON HOME EDUCATION**

**DRAFT**

# SCHEDULE

## ARRANGEMENT OF SECTIONS

### CHAPTER 1 INTERPRETATION

1. Definitions
2. The objects of the policy on home education
3. The application and scope of the policy on home education
4. The nature of basic education
5. The legal framework for home education in South Africa
6. The legal background and context of home education in South Africa
  - 6.1 Constitution
  - 6.2 Legislation
7. Section 51 of the South African Schools Act
8. The scope, character and rationale for home education in South Africa
  - 8.1 The Schneider case
  - 8.2 The scope of home education in South Africa
  - 8.3 The character of home education
  - 8.4 Rationale and motivation for home education
9. General principles of home education
10. Responsibilities and roles
  - 10.1 Responsibilities and roles of the parent
  - 10.2 Responsibilities and roles of the PEDs
11. Exemption from compulsory school attendance

### CHAPTER 2 REGISTRATION

12. Application for registration of a learner for home education
13. Conditions for registration of a learner for home education
14. The registration of a learner for home education
15. The duration of registration of a learner for home education
16. Protection of personal information

### CHAPTER 3 IMPLEMENTATION

17. Home education site
18. Curriculum
  - 18.1 Curriculum choice
  - 18.2 Planning
  - 18.3 Teaching and learning
  - 18.4 The scope of tutoring a learner registered to receive education at home
  - 18.5 Assessment

- 18.6 Recording and reporting
- 18.7 Promotion and retention
- 19. Barriers to learning
- 20. Monitoring
- 21. Resources and funding
- 22. Extra-curricular activities
- 23. Social inclusion

**CHAPTER 4  
TERMINATION**

- 24. Withdrawal
- 25. Admission or re-admission to a school
- 26. Appeal

**CHAPTER 5  
GENERAL PROVISIONS**

- 27. Repeal
- 28. Short title and commencement

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## CHAPTER 1 INTERPRETATION

### 1. Definitions

In this policy, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in section 1 of the South African Schools Act, 1996 (Act No. 84 of 1996), must bear the meaning so assigned, and -

**“competent assessor”** means a qualified 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), or a person or body registered with the South African Qualifications Authority in accordance with the National Qualifications Framework Act, 2008 (Act No. 67 of 2008);

**“Constitution”** means the Constitution of the Republic of South Africa, 1996;

**“education programme”** means an organised set of learning activities designed to enable a learner to develop knowledge, understanding, skills, attitudes and values relevant to the learner’s individual needs;

**“grade”** means that part of an educational programme which a learner may complete in one school year, or any other education programme which the Member of the Executive Council may deem to be equivalent thereto;

**“Head of Department”** means the head of a Provincial Education Department; and **“HOD”** shall bear the same meaning;

**“home education”** means a purposeful programme of education for a learner, alternative to school attendance, which -

- (a) is provided under the direction and supervision 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; and
- (c) meets the requirements for registration of a learner for home education contemplated in section 51 of the Act;

**“home education site”** means the home of a registered learner whose parent was granted approval to teach her or him at home as contemplated in section 51 of the Act and **“Site”** shall bear the same meaning;

**“illegal independent educational institution”** means a variety of independent educational institutions operating like schools such as cottage school, tutor centre, home school centres, tutorial centre whilst not registered with a PED in terms of the Act;

**“independent school”** means a school registered or deemed to be registered in terms of section 46 of the South African Schools Act, 1996;

**“learner”** means any person receiving basic education or obliged to receive basic education in terms of the Act;

**“Member of the Executive Council”** means the Member of the Executive Council of a province who is responsible for education in that province and **“MEC”** shall bear the same meaning;

**“Minister”** means the Minister of Basic Education;

**“monitoring”** means checking for compliance with the Act and the policy established pursuant to section 51 of the Act;

**“National Curriculum Statement (NCS) Grades R-12”** means the policy statement for learning and teaching in South African schools and comprises the following:

- (a) Curriculum and Assessment Policy Statements for each approved school subject as listed in the policy document *National policy pertaining to the programme and promotion requirements of the National Curriculum Statement Grades R – 12*;
- (b) The policy document *National policy pertaining to the programme and promotion requirements of the National Curriculum Statement (NCS) Grades R – 12* which describes the number of subjects to be offered by learners in each grade and the promotion requirements to be obtained; and
- (c) The policy document *National Protocol for Assessment Grades R – 12* which standardises the recording and reporting processes for Grades R – 12 within the framework.

**“parent”** means -

- (a) the biological or adoptive parent or legal guardian of a learner;
- (b) the person legally entitled to 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;

**“Provincial Education Department”** means the department established in terms of section 7 (2), read with schedule 2, of the Public Service Act, 1994 (Proclamation No. 103 of 1994), which is responsible for education in a province and **“PED”** shall bear the same meaning;

**“public school”** means a school contemplated in Chapter 3 of the South African Schools Act, 1996;

**“school”** means a public school or a registered independent school which enrolls learners in one or more grades from grade R (Reception) to grade twelve;

**“the Act”** means The South African Schools Act, 1996 (Act No. 84 of 1996) and all regulations promulgated thereunder;

**“tutor”** means a qualified educator providing supplementary support services on parts of the curriculum.

## **2. The objects of the policy on home education**

The objects of this policy are to:

- (1) protect, promote and ensure the rights of learners to basic education;
- (2) recognise parents’ prior right to choose the kind of education that shall be given to their children as enshrined in the Universal Declaration of Human Rights;
- (3) provide for registration, implementation and monitoring of home education in accordance with section 51 of the Act and to provide for matters incidental thereto;
- (4) repeal the Policy for the Registration of Learners for Home Education, 1999; and
- (5) provide uniform and manageable procedures for home education in provinces.

## **3. The application and scope of the policy on home education**

- (1) This policy applies to home education as contemplated in section 51 of the Act.
- (2) This policy must be interpreted and applied in a manner that gives effect to the Constitution and relevant sections of the Act including section 3 and 51 of the Act.
- (3) This policy applies uniformly to all Provincial Education Departments (PED) as national norms and standards pertaining to home education.

#### 4. The nature of basic education

- (1) In *Juma Masjid*<sup>1</sup>, the court considered the meaning and ambit of the right to basic education and said that this right:
  - (a) unlike some of the other socio-economic rights is immediately realisable;
  - (b) may only be limited in terms of law of general application which is ‘reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom’; and
  - (c) is distinct from the right to further education provided for in section 29 (1) (b) of the Constitution.

#### 5. The legal framework for home education in South Africa

- (1) Home education in South Africa has basis in the following sources of law:
  - (a) Constitution of the Republic of South Africa, 1996
  - (b) Children’s Act, 2005 (Act No. 38 of 2005)
  - (c) South African Schools Act, 1996 (Act No. 84 of 1996)

#### 6. The legal background and context of home education in South Africa

##### 6.1 Constitution

- (1) The aims of the Constitution relevant to home education include the following:
  - (a) improve the quality of life of all citizens and free the potential of each person;
  - (b) democratic and open society;
  - (c) equal protection by law of every citizen;
  - (d) democratic values, social justice and fundamental human rights;
  - (e) human dignity, equality, non-racialism, non-sexism and the rule of law; and
  - (f) supremacy of the Constitution.
- (2) The Constitution is the supreme law of the Republic, law or conduct inconsistent with it is invalid and the obligations imposed by it must be fulfilled.<sup>2</sup>
- (3) The Constitution provides for a Bill of Rights.<sup>3</sup> The Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.<sup>4</sup>
- (4) The Bill of Rights provides that-
  - (a) the state must respect, protect, promote and fulfil the rights in the Bill of Rights<sup>5</sup>.
  - (b) a child's best interests are of paramount importance in every matter concerning the child<sup>6</sup>.
  - (c) everyone has the right to a basic education<sup>7</sup>.

##### 6.2 Legislation

- (1) The **Children’s Act** provides that-
  - (a) In all matters concerning the care, protection and well-being of a child the standard that the child's best interest is of paramount importance, must be applied.
  - (b) A person may have either full or specific parental responsibilities and rights in respect of a child.
  - (c) The parental responsibilities and rights that a person may have in respect of a child, include the responsibility and the right-
    - (i) to care for the child;
    - (ii) to maintain contact with the child;

<sup>1</sup> *Governing Body of the Juma Masjid Primary School & Others v Essay N.O. and Others* (CCT 29/10) [2011] ZACC 13; 2011 (8) BCLR 761 (CC) (11 April 2011)

<sup>2</sup> Section 2 of the Constitution

<sup>3</sup> Section 7- 39 of the Constitution

<sup>4</sup> Section 7 (1) of the Constitution

<sup>5</sup> Section 7 (2) of the Constitution

<sup>6</sup> Section 28 (2) of the Constitution

<sup>7</sup> Section 29 (1) (a) of the Constitution

- (iii) to act as guardian of the child; and
- (iv) to contribute to the maintenance of the child.

- (d) 'care', in relation to a child, includes, where appropriate-
  - (i) guiding, directing and securing the child's education and upbringing, including religious and cultural education and upbringing, in a manner appropriate to the child's age, maturity and stage of development; and
  - (ii) generally, ensuring that the best interests of the child is the paramount concern in all matters affecting the child.

**(2) The South African Schools Act provides as follows-**

- (a) Section 3 (1) of the Act provides that-

(1) 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.

- (b) Section 3 (5) provides that-

(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 (HOD) 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).

- (c) Section 3 (6) provides that-

(6) Subject to this Act and any other applicable law-

- (a) any parent who, without just cause and after a written notice from the HOD, 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.

**7. Section 51 of the South African Schools Act**

**(1) The Act, in terms of section 51, provides for registration of learner for home education as follows:**

**51 Registration of learner for education at home**

- (1) A parent may apply to the HOD for the registration of a learner to receive education at the learner's home.
- (2) The HOD must register a learner as contemplated in subsection (1) if he or she is satisfied that-
  - (a) the registration is in the interests of the learner;
  - (b) the education likely to be received by the learner at home-
    - (i) will meet the minimum requirements of the curriculum at public schools; and
    - (ii) will be of a standard not inferior to the standard of education provided at public schools; and
  - (c) the parent will comply with any other reasonable conditions set by the HOD.
- (3) The HOD may, subject to subsection (4), withdraw the registration referred to in subsection (1).
- (4) The HOD may not withdraw the registration until he or she-
  - (a) has informed the parent of his or her intention so to act and the reasons therefor;
  - (b) has granted the parent an opportunity to make representations to him or her in relation to such action; and
  - (c) has duly considered any such representations received.

- (5) A parent may appeal to the Member of the Executive Council (MEC) against the withdrawal of a registration or a refusal to register a learner in terms of this Act.

## **8. The scope, character and rationale for home education in South Africa**

### **8.1 The Schneider case<sup>8</sup>**

- (1) In the Schneider case, the court provided clarity that parents who want to home educate their children have to comply with the relevant legislation, particularly ss3 (1) and 51 of the Act.
- (2) The court shall not sanction a breach of the Act with regards to compliance with it by a parent who requires to home educate her or his child.

### **8.2 The scope of home education in South Africa**

- (1) Home education as contemplated in section 51 of the Act is –
  - (a) an alternative to attendance at a public or an independent school;
  - (b) a programme of education that:
    - (i) a parent may provide to her or his child at their own home; and
    - (ii) in addition, the parent may, if necessary, enlist the specific services of a tutor for specific areas of the curriculum;
  - (c) a purposeful programme of education for a *learner*;
  - (d) provided under the direction and supervision of the learner's parent primarily in the environment of the learner's home; and
  - (e) meets the requirements for registration of a *learner* for *home education* contemplated in section 51 of the Act.
- (2) An illegal independent educational institution i.e. unregistered with the state in terms of the Act such as certain institutions that have become commonly known as tutorial centres, cottage schools and micro schools do not form part of the scope of home education.

### **8.3 The character of home education**

- (1) Home education is the oldest form of child education, which precedes formal school education in all cultures.
- (2) Home education honours and represents a parent's preference or wish to facilitate the education of their children themselves, based in the family home.
- (3) Home education encompasses exposure of the young learner to the knowledge, skills and values required by an active community member and citizen of the modern world and for admission to further education, higher education or employment.
- (4) Home education practitioners tend to place a high premium on resource-rich learning (exploiting ever-widening learning opportunities in print, DVDs and the Internet), and encourage holistic learning from the child's family, social, cultural, religious and physical environments.
- (5) Parents have access to a varied array of public amenities (like libraries and museums), commercially available learning programmes (online and otherwise) and tutorial assistance.
- (6) A parent may organise a variety of social, cultural, sporting and academic opportunities for her or his child, which sometimes include participation in school programmes through arrangement with a school.
- (7) Home educators network in order to exchange experiences and provide mutual encouragement and support.
- (8) Home education allows for flexibility of learning provision, guided self-study and the use of a variety of media.

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<sup>8</sup> Schneider NO and Others v Aspeling and Another (8675/09) [2010] ZAWCHC 3; 2010 (5) SA 203 (WCC) ; [2010] 3 All SA 332 (WCC) (8 January 2010)

#### 8.4 Rationale and motivation for home education

- (1) Parents express many reasons for wishing to educate their children at home. The following are among the reasons most commonly mentioned by parents.
  - (a) Belief that education of a child at home under parental guidance fulfils a parent's prime responsibility for the upbringing of the child within the family;
  - (b) Belief that a child's education must be embedded in the parent's religious world view and values, in contrast with secular school education;
  - (c) Socio-economic, health and psycho-social issues;
  - (d) Belief that home education offers optimum conditions for a child's learning;
  - (e) Provision of a nurturing learning environment for a child with physical or learning disabilities;
  - (f) Belief that home education provides a more affordable option for parents than school enrolment;
  - (g) Preference for home education rather than boarding school when suitable schools are too distant from home;
  - (h) Enabling itinerant families to maintain the continuity of a child's education by educating the child at home rather than transferring from school to school;
  - (i) Flexibility in accessing educational resources such as field trips, visit to museums, nature reserves, libraries; and
  - (j) Geographical location.

#### 9. General principles of home education

- (1) The principles for home education include that-
  - (a) parents have a right to choose a child's home as a suitable educational environment for their children;
  - (b) there is a diversity of religious and educational philosophies held by parents providing home education for their children;
  - (c) the diversity of educational philosophies reflects the diversity of preferences of parents for particular forms of education for their children; and
  - (d) home education is committed to-
    - (i) offering a broad range of opportunities that foster in each child the development of the child's unique spiritual, emotional, physical, social and intellectual being;
    - (ii) valuing the individual needs, interests and aptitudes of each child; and
    - (iii) preparing each child to become an independent and effective local and global citizen.

#### 10. Responsibilities and roles

##### 10.1 Responsibilities and roles of the parent

- (1) The responsibilities and roles of the parent shall include but not limited to-
  - (a) apply to the HOD for the registration of a learner to receive education at the learner's home;
  - (b) provide access to information;
  - (c) control, direct and manage the learner's home education;
  - (d) assume responsibility for the education of the learner registered to receive education at the learner's home;
  - (e) comply with any reasonable conditions set by the HOD;
  - (f) provide and facilitate education in the manner that is consistent with the law;
  - (g) keep a record of attendance of a learner and a suitable time table;
  - (h) understand the curriculum;
  - (i) inform the HOD in writing of the decision to withdraw from home education and requesting the HOD to terminate the learner's registration for home education for the learner of age or grade that is subject to compulsory attendance as determined in the Act. Such learner should be enrolled in a school, unless s/he is exempted from compulsory attendance by the HOD in terms of the Act; and
  - (j) familiarise herself or himself with the policy on home education.
  - (k) The parent may not:
    - (i) outsource her or his role to provide education to the learner to another person or institution;
    - (ii) facilitate home education such that it does not take place primarily at the learner's home taking into consideration that the parent is allowed to take the learner to extra-curricular

activities or to areas such as museums, libraries and heritage sites to support the education programme.

- (iii) associate herself or himself or cause the child to be associated with any illegal independent educational institution in respect of the home education provision. Such an association in violation of the Act, is not in the best interests of the learner, and shall amount to a reason upon which the HOD may investigate and which may lead to withdrawal of the registration of a learner to receive education at home.

### **10.2 Responsibilities and roles of the PEDs**

- (1) The responsibilities and roles of the PED shall include, but are not limited to the following:
  - (a) registration of a learner for home education;
  - (b) protection of personal information;
  - (c) monitoring of home education;
  - (d) withdrawal of the registration of a learner; and
  - (e) development and maintenance of data on home education.
- (2) The HOD is responsible for the administration of the registration of learners to receive education at home and for the monitoring thereof.
- (3) The HOD may delegate to a district or to any official of the PED any of the powers or responsibilities given to or imposed on her or him by the Act in respect of registration of a learner to receive education at home.

### **11. Exemption from compulsory school attendance**

- (1) A learner who is registered for home education is exempted from compulsory school attendance in terms of the Act.

## **CHAPTER 2 REGISTRATION**

### **12. Application for registration of a learner for home education**

- (1) No person purporting to provide a learner of compulsory school age with an exemption from attendance at a school pursuant to section 51 of the Act shall implement home education without approval by the HOD.
- (2) A parent of a learner who is subject to compulsory attendance who chooses to have her or his child educated at home in terms of section 51 of the Act must:
  - (a) submit a written application and necessary documentation to the HOD;
  - (b) submit the application by September of the year preceding the year in which home education is to commence for the learner. The HOD may allow a deviation from this if the parent can provide sound reasons for the delay in registering the learner for home education;
  - (c) ensure that the application is for one of the following phases: Foundation Phase (Grades 1-3), Intermediate Phase (Grades 4-6), or Senior Phase (Grades 7-9); and
  - (d) ensure that after completion of each phase, the proof that the minimum outcomes have been met are submitted by the parent(s) with the application for the registration of the next phase.
- (3) A parent of a learner who wishes to continue with home education after the learner has completed the Senior Phase (Grades 7-9) or reached the age of 15 whichever comes first, is not required to register for home education.

- (4) The provision of education beyond the scope of this policy is provided *in the Regulations Pertaining to the Conduct Administration and Management of the NCS examination.*<sup>9</sup>

### **13. Conditions for registration of a learner for home education**

- (1) In terms of the Act, the HOD must register a learner if she or he is satisfied that-
- (a) the registration is in the interests of the *learner*;
  - (b) the education likely to be received by the *learner* at home—
    - (i) will meet the minimum requirements of the curriculum at public schools; and
    - (ii) will be of a standard not inferior to the standard of education provided at public schools; and
  - (c) the parent will comply with any other reasonable conditions set by the HOD.
- (2) The conditions for the registration of a learner for home education include that :
- (a) education at home and registration as such is in the interests of the learner;
  - (b) the parent understands home education and accepts full responsibility for the implementation of home education for the learner;
  - (c) the proposed education programme-
    - (i) is suitable for the learner's age, grade level and ability;
    - (ii) covers the acquisition of content and skills at least comparable to the relevant national curriculum outcomes as determined by the Minister; and
    - (iii) is approved by the HOD.
  - (d) the site should be inspected by the PED and approved as conducive for the implementation of the programme. Should a parent move premises, such new premises should also be approved.
  - (e) the parent undertakes to—
    - (i) make suitable educational resources available to support the learner's learning;
    - (ii) monitor the learner's learning;
    - (iii) arrange for the learner's educational attainment to be assessed annually by a competent assessor, at the parent's own expense, who will apply a standard that is not inferior to that which is determined in the NCS ; and
    - (iv) provide the HOD with the learner's assessment report signed by the competent assessor as evidence at the end of each phase.

### **14. The registration of a learner for home education**

- (1) The HOD shall keep a register of learners registered for home education.
- (2) The HOD shall register the learner for home education if satisfied that the conditions for registration will be complied with.
- (3) If the HOD approves the registration of a learner for home education, the HOD shall within 30 days after approval:
- (a) enter the child on the register; and
  - (b) provide the parent with a certificate of registration for the child.
- (4) If the HOD declines the application to register the learner for home education, she or he shall in writing, inform the parent:
- (a) stating the reason(s) for declining the application; and
  - (b) of the right to appeal to the MEC within 14 days of receiving the notice.
- (5) The MEC shall respond to the appeal within 21 days of receipt thereof.

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<sup>9</sup> GN No. R872 in Gazette No. 31337 of 29 August 2008 (as amended)

### **15. The duration of registration of a learner for home education**

- (1) The period of registration must be stated in the certificate of registration reflecting the phase applied for.

### **16. Protection of personal information**

- (1) The PED, parent, and any relevant person are bound by the Protection of Personal Information Act, 2013<sup>10</sup> with regards to the processing of personal information of the learner and her or his family.

## **CHAPTER 3 IMPLEMENTATION**

### **17. Home education site**

- (1) A parent shall determine a teaching and learning space for her or his child receiving education at home.
- (2) A learning space shall include the following as basic minimum requirements for implementing home education -
  - (a) a suitable demarcated area in the home environment that is conducive for the learner to complete her or his education programme; and
  - (b) an area for and/or access to an area for physical education or social play within the surroundings of the home or community.

### **18. Curriculum**

#### **18.1 Curriculum choice**

- (1) The parent may choose to offer any curriculum that meets the minimum outcomes and assessment standards prescribed in the NCS.

#### **18.2 Planning**

- (1) A parent should keep evidence of planned activities and tasks to be completed by a learner in accordance to the curriculum followed by the parent.

#### **18.3 Teaching and learning**

- (1) A parent should organise teaching, learning and assessment in a manner that a learner is able to achieve the minimum outcomes and assessment standards prescribed in the NCS.

#### **18.4 The scope of tutoring a learner registered to receive education at home**

- (1) The parent may, if necessary, enlist specific services of a tutor for specific areas of the curriculum.
- (2) The tutor in providing her or his service-
  - (a) may not replace the prime responsibility of the parent; and
  - (b) may not fulfil or replace a role of a school.

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<sup>10</sup> Act No 4 of 2013

### **18.5 Assessment**

- (1) A parent should ensure validity and reliability of each and every assessment task or examination through necessary control measures including invigilation.
- (2) A parent should use the services of a competent assessor to assess the progress of her or his child against the minimum outcomes and standards at the end of grades 3, 6 and 9.

### **18.6 Recording and reporting**

- (1) A parent shall -
  - (a) monitor the progress of the learner between Grades 1 to 9 and keep the record which should be available on request;
  - (b) submit the reports from the competent assessor at the end of grades 3, 6 and 9 to the HOD.
- (2) The report from a competent assessor shall provide grounds for a review of a learner for home education where by such a report shows that a learner is not meeting minimum outcomes and standards of a phase prior to assessment.
- (3) Should a learner not meet the minimum requirements, the HOD may conduct an investigation to determine whether or not to withdraw the registration of a learner.
- (4) A parent shall maintain a portfolio of evidence that must contain:
  - (a) samples of writing, worksheets, workbooks and creative materials used or produced by the learner; and
  - (b) a summative record or assessment schedule recording the achievement of the learner.
- (5) A parent shall keep-
  - (a) the portfolio of evidence for at least three (3) years; and
  - (b) a summative record or assessment schedule for three years after the home education programme is terminated.

### **18.7 Promotion and retention**

- (1) A parent may set her or his own promotion and retention requirements provided these are equal to or exceed the standard or requirements set according to the national promotion criteria.

## **19. Barriers to learning**

- (1) The Policy on Screening, Identification, Assessment and Support (SIAS), 2014 should be used as a tool for early intervention to help practitioners assess learners' needs at an early stage, work with families, alongside other practitioners and service providers, to meet those needs. SIAS should be used to manage and support teaching and learning processes for learners who experience barriers to learning within the framework of the *National Curriculum Statement Grades R–12*.
- (2) In case where a learner experiences barriers to learning and assessment:
  - (a) the parent should approach the nearest office of the PED for assistance in the referral of the learner to a relevant practitioner or service provider, at the parent's own cost, in order to ensure that the learner receives the necessary support in terms of the Policy on Screening, Identification, Assessment and Support (SIAS), 2014.
  - (b) learners who are experiencing barriers to learning should approach the relevant PED for advice on access to support services provided by the Department of Social Development, Department of Health and programmes of Non-Profit Organisations and Disabled People organisations.

- (c) learner who experiences barriers to learning and assessment can apply for accommodations and concessions in terms of the National Policy Pertaining to the Conduct, Administration and Management of Examinations and assessment with the relevant PED.

## **20. Monitoring**

- (1) The PED shall, as far as it is practicable, monitor the implementation of home education.
- (2) The PED shall not be compelled to provide individualised professional support to each and every home education site.
- (3) The PED may request for, and the parent is required to provide, access to any records used for home education of the learner.

## **21. Resources and funding**

- (1) The state shall not be required to use public funds to subsidise a parent's option to educate her or his child at home.
- (2) The PED may, if requested by a parent, provide where it is practicable, textbooks, other learning resource material and information to a parent for use in the NCS programme for the purpose of enhancing and enriching the education programme in special circumstances such as those of learners with special education needs.
- (3) A parent shall have a right to purchase textbooks and instructional material of her or his choice but these shall be relevant to the education of the learner.
- (4) A parent may make use of resource centres such as libraries, museums and other resources to enrich the learning experience of a learner.
- (5) A parent may acquire teaching and learning resources from an independent curriculum service provider.

## **22. Extra-curricular activities**

- (1) A learner may make use of available facilities to participate in extra-curricular activities.
- (2) Approval to participate in extra-curricular activities of a school may be granted by a governing body under conditions set out by it.

## **23. Social inclusion**

- (1) The parent should-
  - (a) nurture the learner and prepare her or him to play a positive role in a democratic South Africa which is founded on the values of human dignity, the achievement of equality and advancement of human rights and freedoms;<sup>11</sup>
  - (b) prepare the learner for global citizenship;
  - (c) prepare a learner for an inclusive society based on non-sexism, non-racialism<sup>12</sup>, equality, and non-discrimination<sup>13</sup> which includes non-discrimination on the basis of race, colour, gender, etc
  - (d) enhance the learner's understanding of human rights;
  - (e) respect the learner's right to human dignity.
  - (f) enable social inclusion in the home education programme by exposing the child to learning in and around the child's environment and by promoting integration, human rights, unity in diversity and inclusivity.

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<sup>11</sup> Section 1(a) of the Constitution

<sup>12</sup> Section 1(b) of the Constitution

<sup>13</sup> Section 9 of the Constitution

## CHAPTER 4

### TERMINATION

#### 24. Withdrawal

- (1) If a parent wishes to withdraw a learner of compulsory school going age from a home education programme and such learner is admitted or readmitted to a school, the parent must inform the HOD in writing, accompanied by documentary proof of admission of the learner to a school, and request the HOD to terminate the learner's registration for education at home.
- (2) The HOD must withdraw a learner's registration for home education if, after enquiry, the HOD is satisfied that:
  - (a) any information contained in the application is false;
  - (b) any criteria or conditions are not complied with; or
  - (c) home education is no longer in the educational interest of the learner.
- (3) The HOD may not withdraw the registration of a learner for home education before-
  - (a) informing the parent of his or her intention so to act and the reasons therefor;
  - (b) granting the parent reasonable opportunity to make representations to her or him relating to such intention; and
  - (c) giving due consideration to any such representations received.

#### 25. Admission or re-admission to a school

- (1) A school that admits a learner previously educated at home shall use its admission policy in order to enrol the learner into the school.

#### 26. Appeal

- (1) A parent may appeal to the MEC, within 14 days of receiving notice, if the HOD withdraws a learner's registration for home education.
- (2) The MEC must respond to the appeal within 30 days of receiving the appeal.

## CHAPTER 5

### GENERAL PROVISIONS

#### 27. Repeal

- (1) The Policy for the Registration of Learners for Home Education, 1999 (Notice No. 1411, 23 November 1999) is hereby repealed.

#### 28. Short title and commencement

- (1) This policy is called the Policy on Home Education, 2017 and takes effect on the date of promulgation in the Government Gazette.