Education in South Africa

Public Schools

Independent Schools

POLICY ON HOME EDUCATION



basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA

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GOVERNMENT NOTICE

DEPARTMENT OF BASIC EDUCATION

No. 1239, 16 November 2018

SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)

NATIONAL EDUCATION POLICY ACT, 1996 (ACT NO. 27 OF 1996)

POLICY ON HOME EDUCATION

I, Angelina Matsie Motshekga, Minister of Basic Education, after consultation with members of the Council of Education Ministers, hereby give notice, in terms of section 3 of the National Education Policy Act, 1996 (Act No. 27 of 1996), of the Policy on Home Education as set out in the schedule. This policy must be read with section 3 and 51 of the South African Schools Act, 1996 (Act No. 84 of 1996).

FOREWORD



It is my pleasure to introduce the Policy on Home Education to all South African education officials, home education sites, schools, educators, learners, parents and education stakeholders.

The Constitution of the Republic of South Africa, 1996 (Act 108 of 1999) provides for a Bill of Rights which 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. This Policy is anchored on the Bill of Rights, which provides that best interests of a child are of paramount importance in every matter concerning the child, and that everyone has the right to basic education. Therefore, the parent's decision to opt for home education should be based on the fact that home education is indeed in the best interest of the child.

The Policy on Home Education aims to protect, promote and ensure the rights of learners to basic education; recognise parents' right to choose the kind of education that shall be provided to their children; provide for registration, implementation and monitoring of home education in accordance with section 51 of the South African Schools Act 84 of 1996 (SASA) and to provide for matters incidental thereto; and provide uniform and manageable procedures for home education in provinces.

Through a rigorous process of four years of consultation with home education communities, including representatives of homeschooling associations, individual parents, education officials as well as organisations with interest in home education, the policy was developed. Amongst other topics, the policy introduces responsibilities and roles of officials and parents in curriculum provisioning and delivery, assessment, registration of learners, monitoring, social inclusion, education for learners experiencing barriers to learning and other key issues in policy implementation.

I have great hope that, through the measures that we put forward in this policy, we will be able to account for all the learners of school-going age, who are not registered in the system, but have a constitutional right to receive basic education. Through this policy, the Department of Basic Education seeks to ensure that systems are put in place to ensure access to education for children whose parents have chosen home education.

The development of this policy would not have been possible without the hard work and dedication of the Working Group and the contribution of hundreds of individuals and organisations who participated since 2014. I wish to take this opportunity to invite all our social partners, members of the public and interested organisations to join us in ensuring that the right of every learner to basic education is upheld.



ANGELINA MATSIE MOTSHEKGA,
MP MINISTER OF BASIC EDUCATION
PRETORIA, SOUTH AFRICA

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CHAPTER 1
INTERPRETATION

Acronyms and abbreviations

CAPS	Curriculum and Assessment Policy Statements
DBE	Department of Basic Education
DoH	Department of Health
DOJ&CD	Department of Justice and Constitutional Development
DPO's	Disabled People's Organisation
DSD	Department of Social Development
HOD	Head of Department
MEC	Member of the Executive Council
NCS	National Curriculum Statement
NCPR	National Child Protection Register
NPPPR	National Policy Pertaining to the Programme and Promotion Requirements
NPO	Non-Profit Organisation
NQF	National Qualifications Framework
NSC	National Senior Certificate
NRSO	National Register for Sex Offenders
PED	Provincial Education Department
POPIA	Protection of Personal Information Act
SASA	South African Schools Act
SACE	South African Council for Educators
SIAS	Screening, Identification, Assessment and Support

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 an educator registered with the South African Council for Educators (SACE) as defined in the South African Council for Educators Act, 2000 (Act No. 31 of 2000), or a person or body registered with National Qualifications Framework 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;

"Department of Basic Education" means the department established in terms of section 7 (2), read with schedule (1), of the Public Service Act, 1994 (Proclamation No. 103 of 1994), which is responsible for basic education and **"DBE"** bears the same meaning;

"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"** bears 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 followed by the learner; 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 learner who is registered for home education in accordance with section 51 of the Act;

"illegal independent educational institution" means an educational institution such as a cottage school, tutor centre, home school centre and micro schools operating like an independent school whilst unregistered 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 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"** bears the same meaning;

"Minimum outcomes and standards" means the minimum level at which a learner must attain the content and assessment requirements for all subjects listed in the National Curriculum Statement Grades R – 12 as specified in the Curriculum and Assessment Policy Statements (CAPS). It also includes the programme and promotion requirements for Grades R-12 as stipulated in the policy document, *National policy pertaining to the programme and promotion requirements (NPPPR) of the National Curriculum Statement Grades R – 12* and in the *Curriculum and Assessment Policy Statements* of all approved subjects;

"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* (NPPPR) *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.

"National Senior Certificate" (NSC) means a qualification at Level 4 on the National Qualifications Framework (NQF) which is awarded to Grade 12 candidates who comply with the national policy requirements set out in the policy document, National policy pertaining to the programme and promotion requirements of the National Curriculum Statement Grades R – 12;

"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"** bears 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 an independent school which enrols 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 competent skilled person teaching in the interest of the child guided by the requirements of the curriculum followed by the learner; and

"Umalusi" means the Quality Council for General and Further Education and Training.

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;[1]

(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 should 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 (PEDs) as national norms and standards pertaining to home education.

4. The nature of basic education

(1) In Juma Masjid[2], the court considered the meaning and ambit of the right to basic education and said that this right:

(a) 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[3]

(c) South African Schools Act, 1996[4] (SASA)

1 UN General Assembly. (1948). "Universal declaration of human rights" (217 [III] A). Paris. Retrieved from http://www.un.org/en/universal-declaration-human-rights/

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

3 Act No. 38 of 2005

4 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) improving 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.[5]

(3) The Constitution provides for a Bill of Rights.[6] 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.[7]

(4) The Bill of Rights provides that:

(a) the state must respect, protect, promote and fulfil the rights in the Bill of Rights[8].

(b) a child's best interests are of paramount importance in every matter concerning the child[9].

(c) everyone has the right to basic education[10].

5 Section 2 of the Constitution
6 Section 7- 39 of the Constitution
7 Section 7 (1) of the Constitution
8 Section 7 (2) of the Constitution
9 Section 28 (2) of the Constitution
10 Section 29 (1) (a) of the Constitution

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;

(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) 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 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 best 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.

The HOD may, subject to subsection (4), withdraw the registration referred to in subsection (1).

(3) 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.

(4) 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[11]

(1) In the Schneider case, the court clarified that:

(a) a parent who wants to home educate her or his child has to comply with the relevant legislation, particularly ss3 (1) and 51 of the Act; and

(b) 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.

11 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)

8.2 The scope of home education in South Africa

(1) Home education as contemplated in section 51 of the Act is:

(a) an education programme for the learner that takes place primarily in the environment of the learner's home;

(b) an alternative to attendance at a public or an independent school;

(c) conducted in accordance with the requirements for the registration of a learner for home education provided for in the Act.

(2) An illegal independent educational institution such as an institution operating like an independent school whilst unregistered with the state in terms of the Act, also commonly known as a tutor centre, cottage school, home school centre and micro school, does not form part of the scope of home education.

8.3 The character of home education

(1) Home Education:

(a) is the oldest form of child education;

(b) precedes formal school education in all cultures;

(c) represents and honours a preference or wish of a parent to personally facilitate the education of her or his child in the family home.

(d) exposes the learner to the knowledge, skills and values required for:

(i) admission to further education and training, higher education and/or employment; and

(ii) life as an active community member and citizen of the modern world.

(e) allows for:

(i) flexibility of learning provision, guided self-study and the use of a variety of media.

(ii) access to a varied array of public amenities (like libraries and museums), commercially available learning programmes (online and otherwise) and tutorial assistance.

(iii) networking amongst parents for the sharing of experiences, mutual encouragement and support.

(2) Parents who home educate their children place high premium on resource-rich learning e.g.:

(a) experimentation with the ever-widening learning opportunities in the environment,

(b) use of resources in print, DVDs and the Internet, and

(c) encouraging holistic learning from the child's family, social, cultural, religious and physical environments.

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) 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) 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) 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) 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 citizen including global citizenship.

10. Responsibilities and roles

10.1 Responsibilities and roles of the parent

(1) The responsibilities and roles of the parent include but are not limited to the following:

(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) guide, assist, manage and support 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) choose the curriculum to be followed by the learner and ensure familiarity and competence in delivering the chosen curriculum;

(i) inform the HOD in writing of the decision to withdraw the learner from receiving education at home and requesting the HOD to terminate the learner's registration for home education where the learner is of the age or grade that is subject to compulsory attendance as determined in the Act. Ensuring that such a learner is 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) facilitate home education such that it does not take place primarily at the learner's home taking into consideration that the parent may take the learner to extra-curricular activities or to areas such as museums, libraries and heritage sites to support the education programme.

(ii) 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 is in violation of the Act, is not in the best interests of the learner, and may amount to a reason upon which the HOD may investigate if the education received by the learner at home is in her or his educational interests and which may lead to withdrawal of the registration of a learner to receive education at home.

(2) For the safety and security of the learner, when enlisting the services of a tutor and/or competent assessor, or any other person, the parent is advised to take the necessary precautions e.g.:

(a) requesting a police clearance certificate; and

(b) visiting the following registers to determine if the person that s/he is considering is not listed therein as such people should not be permitted to work with children:

(i) the National Register for Sex Offenders (NRSO) administered by the Department of Justice and Constitutional Development (DOJ&CD); and

(ii) the National Child Protection Register (NCPR)[12] administered by the Department of Social Development (DSD).

Responsibilities and roles of the PEDs

(1) The responsibilities and roles of the PED 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 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.

12 Also commonly referred to a Child Protection Register (CPR)

CHAPTER 2
REGISTRATION

12. Application for registration of a learner for home education

(1) No person purporting to provide a learner of compulsory school attendance with an exemption from attendance at a school pursuant to section 51 of the Act may 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.

13. Conditions for registration of a learner to receive education at home

(1) The conditions for registration of a learner to receive education at her or his home are set out in section 51 of the Act. These conditions include that:

(a) the parent understands home education, accepts full responsibility for the implementation of home education for her or his child; and undertakes to:

(i) make suitable educational resources available to support the learner's learning;

(ii) monitor the learner's academic progress;

(iii) arrange for the learner's educational attainment to be assessed at 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.

(b) 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.

(2) The PED shall conduct a pre-registration home education site visit to verify information and provide support where necessary. The parent must notify the PED should there be a change in the location of the home education site.

14. The registration of a learner for home education

(1) The HOD should keep a register of learners registered for home education.

(2) The HOD shall, in accordance with the Act, register the learner for home education if satisfied that the conditions for registration will be complied with.

(3) The HOD must take all reasonable steps to respond within 30 days after receipt of the application on the prescribed form.

(4) As part of the approval process the HOD should:

(a) enter the child on the register; and

(b) provide the parent with a certificate of registration for the child.

(5) If the HOD declines the application to register the learner for home education, s/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.

(6) The MEC should take all reasonable steps to respond to the appeal within 30 days of receipt thereof.

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

(1) The certificate of registration should reflect the period of registration and the relevant phase for which the learner is registered for home education.

16. Protection of personal information

(1) The PED, parent and any relevant person are bound by the Protection of Personal Information Act, 2013[13] (POPIA)[14] with regards to the processing of personal information of the learner and her or his family.

13 Act No 4 of 2013

14 Also commonly known as POPI or PPI Act

CHAPTER 3
IMPLEMENTATION

17. Home education site

(1) A parent should determine an appropriate teaching and learning space within the home wherein her or his child will receive education.

(2) Such a teaching and learning space should include the following as basic minimum requirements for implementing home education:

(a) an 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 will be of a standard not inferior to the standard of education provided at public schools.

18.2 Planning

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

18.3 Teaching and learning

(1) A parent should organise teaching, learning and assessment such that a learner is able to achieve the minimum outcomes and 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 services in respect of specific areas of the curriculum:

(a) may not replace the primary responsibility of the parent in respect of providing home education to the child; and

(b) may not attempt to play the role of a school under the pretext of providing a tutoring service to the learner, e.g. taking over the full responsibility for delivery of the curriculum at the learner's home or at another place away from the home education site.

18.5 Assessment

(1) A parent should ensure that the results of assessment tasks such as tests and examinations are valid and reliable through implementing measures such as invigilation of the learner during the process of completion of such tasks.

(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) A report from a competent assessor which shows that a learner has not met the minimum outcomes and standards at the end of the phase assessed by the competent assessor may provide grounds for a review of a learner's registration for home education by the HOD. The HOD may conduct an investigation to determine whether or not to withdraw the registration of a learner.

(3) A parent should 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.

(4) A parent must 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 in the National Policy Pertaining to the Programme and Promotion Requirements of the National Curriculum Statement (NCS) Grades R – 12.

19. Barriers to learning

(1) The White Paper 6[15] provides for an education system that promotes the full participation and inclusion of children with disabilities in a manner that maximises their personal development and enables their ongoing participation and inclusion in the society.

(2) The SIAS Policy[16] could be used:

(a) to manage and support teaching and learning processes for a learner who experiences barriers to learning within the framework of the National Curriculum Statement; and

(b) as a tool for early intervention to help practitioners to:

(i) assess the needs of the learner at an early stage, and

(ii) work with families together with other practitioners and service providers to meet the identified needs of the learner.

15 Education White Paper 6: Special Needs Education Building an Inclusive Education and Training System
16 Policy on Screening, Identification, Assessment and Support (SIAS), 2014

(3) Where the learner experiences barriers to learning and assessment, the parent should approach the nearest office of the PED for:

(a) assistance with the referral of the learner to a relevant practitioner or service provider, to ensure that the learner receives the necessary support in terms of the SIAS Policy;

(b) advice on access to support services provided by the DSD and DoH; and

(c) information on programmes run by Non-Profit Organisations (NPOs) and Disabled People's Organisation (DPO's).

(4) The learner experiencing barriers to learning and assessment can apply for accommodations and concessions in line with the National Policy Pertaining to the Conduct, Administration and Management of Examinations and Assessment for the National Senior Certificate[17] with the relevant PED.

20. Monitoring

(1) The PED should, as far as it is practicable, monitor the implementation of home education.

(2) The PED may not be compelled to provide individualised professional support to each home education site.

(3) The PED may request for, and the parent should provide, access to any records used for home education of the learner.

21. Resources

(1) 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 enhancing and enriching the education programme in special circumstances such as those of learners with special education needs.

(2) A parent has a right to purchase textbooks and instructional material of her or his choice but these should be relevant to the education of the learner.

(3) A parent may make use of resource centres such as libraries, museums and other resources to enrich the learning experience of a learner.

(4) The Curriculum and Assessment Policy Statements (CAPS) and workbooks are publicly available and may be accessed from the website of the Department of Basic Education (DBE).

17 Government Gazette, No. 37652, 16 May 2014

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;[18]

(b) prepare the learner for global citizenship;

(c) prepare a learner for an inclusive society based on non-sexism, non-racialism[19], equality, and non-discrimination[20] 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; and

(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.

18 Section 1(a) of the Constitution
19 Section 1(b) of the Constitution
20 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, then the parent:

(a) must inform the HOD in writing accompanied by documentary proof of admission of the learner to a school; and

(b) 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) information contained in the application for registration has been misrepresented;

(b) any criteria or conditions are not complied with; or

(c) home education is no longer in the educational interest of the learner.

(3) In terms of the Act, the HOD may not withdraw the registration of a learner for home education before:

(a) informing the parent of her or his 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) If a learner is within compulsory school attendance when the registration contemplated in section 51 is withdrawn or terminated, such a learner must attend a school. Such a learner should be admitted or re-admitted in accordance with the admission policy of 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 should take all reasonable steps to respond to the appeal within 30 days of receiving the appeal.

CHAPTER 5
FURTHER EDUCATION AND TRAINING

27. Home education post compulsory attendance

(1) 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 apply for registration for home education as such a learner is no longer of compulsory attendance contemplated in section 3 of the Act.

(2) A learner who has completed the Senior Phase (Grades 7-9) may choose to continue with her or his education at home or enrol at a public or independent school.

28. Exit examinations

(1) A learner who chooses to continue with her or his education at home post compulsory school attendance is free to choose her or his own exit examinations relevant to her or his chosen curriculum under an examination body of her or his choice. This includes exercising a right to write an international examination which does not fall under the authority of Umalusi.

(2) A learner who chooses to write an exit exam other than the NSC needs to determine the status of such an exam for admission to higher education institution(s) of her or his choice.

(3) A learner who chooses to write an NSC exam needs to ensure that s/he complies with the requirements for admission of a candidate as stipulated in section 7 of the NSC Regulations[21] including the following:

(4A) A learner receiving home education must register with an education provider registered with the assessment body responsible for the conduct of the final National Senior Certificate examination to ensure that he or she complies with-

(i) *the programme requirements for Grades 10, 11 and 12 separately;*

(ii) *the School-Based Assessment, Practical Assessment Task and Language Oral Assessment requirements for Grades 10, 11 and 12; and*

(iii) *the external assessment requirements of Grade 12 as contemplated in the Curriculum and Assessment Policy Statements of the various subjects.*

21 GN No. R872 in Gazette No. 31337 of 29 August 2008 (as amended)

CHAPTER 6
GENERAL PROVISIONS

29. Repeal

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

30. Short title and commencement

(1) This policy is called the Policy on Home Education, 2018 and takes effect on the date of promulgation in the Government Gazette.

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