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Available for free download at <https://bit.ly/2GNIaKM> a more detailed diagram of Appendix 1 (organisational structure of the South African schooling system)

Unless otherwise indicated, the cut-off date for inclusion of national legislation, policies, regulations and case law (Constitutional Court or Supreme Court of Appeal only) in this edition is 30 June 2017.

# INTRODUCTION

In the years since 1994, schooling in South Africa has been a busy, changeable and contested terrain, despite the apparently ordered setting out of its provision in the South African Constitution (1996), and the undoubted commitment of the nation to providing quality schooling for all learners. Unfortunately, it has also been a confusing landscape for many, including thousands of parents of school-going learners. There are a number of understandable reasons for its busy, complex and changing nature.

Firstly, various aspects of the Constitution that provide the foundation for the location of key powers and responsibilities have been vigorously contested and have had to be adjudicated by the courts, including the Constitutional Court itself. An obvious example of this is the constitutional allocation of concurrent powers for “education at all levels, excluding tertiary education” to the national government and, at the same time, to the provinces. In fact, it was only in 2009 that a separate Department of Higher Education and Training was created to emphasise the fact that tertiary education is an exclusive national competence, unlike education at schools.

Secondly, the high degree of autonomy given to public schools after 1996, and exercised by their governing bodies in terms of the South African Schools Act, resulted in tensions amongst schools, provincial education departments and parents. This was the case especially with regard to school policies on language, admissions, school uniforms, and funding. This legal contestation has in itself made it difficult for people to understand some of the policy positions they have had to manage or comply with.

Thirdly, the new system of public schooling that came out of the process of political change in South Africa was driven in part by a need to replace existing policies with new ones, either to help remove discriminatory practices or to modernise what many believed to be outdated thinking and practices. The results of this drive for change were particularly noticeable in the curriculum

and assessment areas, and there was a time when these areas became almost impossible to understand for many practitioners, and probably completely impossible to understand for the majority of parents. Fortunately, this situation has improved steadily since the revision of Curriculum 2005 and the development of the National Curriculum Statement (as the most recent and comprehensive Curriculum and Assessment Policy Statement). Nonetheless, the establishment of a new system has meant that a wide range of policies have had to be determined; many of these policies are complex and were not immediately clear enough to be easily understood by education professionals, officials, parents, civil society and the media.

Finally, the operation and outcomes of the South African school system have been the subject of a number of searching studies and evaluations – both nationally and internationally. Many of these studies have highlighted the real drivers of the system, in terms of both efficiency and outcomes, and adjustments have been made in line with these.

As a result, the overall public school system has taken a long time to adapt to and settle down. This settling down includes an emerging alignment between the national-level Department of Basic Education (DBE), the nine provincial education departments, and the various related statutory bodies, such as the South African Council for Educators, and the Council for Quality Assurance in General and Further Education and Training (Umalusi). With more than 420 000 educators in state posts, this process of settling down was also critical to a complex education labour environment – one in which the Head of Education in each province is the employer of the state educators in that province, and in which industrial action has severe implications for the delivery of schooling.

Now, however, the system has been in place long enough for a significant degree of clarity and definition to have emerged. It has therefore become both possible and

appropriate to make this dictionary. In fact, the increasing clarity of the system can be strengthened by the production of a clear list of commonly used terms. A similar resource exists in a number of public school systems. For instance, in Washington State in the USA, the Office of the Education Ombudsman publishes a *Family Dictionary of Education Terms*. In South Africa, a *Dictionary of Education Concepts and Terms* was developed by the DBE according to the National Education Information Policy, and was made available on the DBE website in 2011. It is essentially focused on research and informs the collection and management of education data.

In this dictionary, the authors have focused on schooling in all its forms, now a cohesive system compared with the diverse post-school system. We believe that this will enable this resource to be of great value to the large numbers of people who interact with the school system, especially with the public school system, in South Africa — from educators, learners, and parents, to public officials, civil society, academics and the media. The dictionary covers national legislation, policies, regulations and case law up to the end of June 2017 (unless otherwise indicated).

This dictionary features the following:

- An alphabetical listing of more than 750 terms drawn from all the identified up-to-date national legislation, regulations and policy that are relevant to the school system. If any legislation, regulations and policies have been omitted, updated or replaced, these will be reviewed and included in future editions of this publication.
- Information for each of the listed terms includes a clear definition, sources, cross-references to related terms, and explanatory usage notes where applicable.
- Case studies for 17 key legal actions,

acknowledging the significant role that the courts (and in particular, the Constitutional Court) have played in clarifying key schooling issues. Case studies range from the in-depth (cases in point) to the concise (case alerts), and appear at the end of the book in the Appendices section. Cases are drawn from either the Constitutional Court or the Supreme Court of Appeal.

- A variety of flow charts, tables and diagrams is included to help the user to navigate the complex legal framework for schooling in South Africa.

Although the dictionary includes source references and cross-references to related terms, it is simply a reference tool and we do not attempt to explain or interpret unresolved legal issues. This is the work of education departments, legislators, policymakers, school governing bodies and the courts.

It is the sincere hope of the authors that users of this dictionary will find it useful and a help in understanding the many terms and expressions that are used on a regular basis by politicians, officials, educators, civil society and the media, and that this greater understanding will enable all involved to contribute to quality schooling for all learners in South Africa.

The authors thank Oxford University Press for the confidence shown in them by accepting the proposal to publish this dictionary. Without the expert assistance and guidance of Megan Hall, Catherine Damerell, Niccola Perez and Phillip Louw, this publication would have been the poorer and its usefulness considerably reduced. The authors are under no illusion as to how much we owe to these dedicated professionals.

*Clive Roos and Michael Welter*  
July 2017

# DICTIONARY FEATURES

Sources are given in the notes where applicable.

Commonly used abbreviations are also listed alphabetically as headwords, with a reference to the full form given after the arrow.

The headword is shown in bold.

The definition follows the headword.

The source is given at the end of an entry, where applicable.

Notes offer further information or the explanation of the headword.

An explanation in brackets after the headword provides context where relevant.

## Aa

### ABET

→ Adult Basic Education and Training

**absent** (in terms of attendance by learners at a public school) how a learner at a public school, who is not present in class or participating in a school activity when the class register or period register is taken, is marked on a school day (excluding any school day on which the public school has been closed temporarily for religious commemorations, or for sporting or cultural events, with the prior approval of the Head of Department in the relevant province).

→ absent without a valid reason · attendance of a learner · class · class register · class registration period · compulsory school attendance · learner · learner absentee day · learner attendance policy · leave to study for examinations · period register · school activity · school day · valid reason for a learner to be absent

• **SOURCES** National Education Policy Act (27/1996), Policy on Learner Attendance (GenN 361, GG 33150, 4 May 2010), Paragraphs 12, 62 | South African Schools Act (84/1996), Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (GenN 776, GG 18900, 15 May 1998), Paragraphs 3.7, 5.2

**NOTE** According to the Policy on Learner Attendance (GN 361, GG 33150, 4 May 2010), all parents must ensure that their learner children attend school daily, on time and for the whole school day unless there is a valid reason for the learner being absent from school. The Policy provides that parents should notify a public school via the school principal or educator(s) concerned if learners are absent, expected to be absent or late for school, and must have a valid reason for the absence or lateness. Where a learner is absent from school without a valid reason, the learner's parent is expected to cooperate with the school in addressing the situation, and is expected to encourage and assist the learner to catch up any work that may be outstanding as a result of the learner being absent.

**absent without a valid reason** (in terms of attendance by learners at a public school)

when a learner at a public school is not present in class or participating in a school activity when the class register or period register is marked on a school day (excluding any school day on which the public school has been closed temporarily for religious commemorations, or for sporting or cultural events, with the prior approval of the

Head of Department in the province), and the learner's reason for not being present or participating does not constitute a valid reason in terms of national policy. If the learner continues to be absent despite appropriate interventions by the principal of the public school to ensure the learner's regular attendance at school according to national policy, the learner may be charged with a breach of the school's code of conduct for learners.

→ absent · attendance of a learner · class register · code of conduct for learners · continuous absence of a learner · record of attendance · school activity · truancy · truant learner · valid reason for a learner to be absent

• **SOURCE** National Education Policy Act (27/1996), Policy on Learner Attendance (GenN 361, GG 33150, 4 May 2010), Paragraphs 50–53

**NOTE** According to the Policy on Learner Attendance (GN 361, GG 33150, 4 May 2010), a class teacher at a public school must report the absence of a learner from school to the principal of the school where the learner is absent for three consecutive school days without explanation. In turn, the principal must take appropriate steps to address the matter with the learner's parent(s). Where the learner is absent from school for three consecutive school days without a valid reason (as determined in the Policy), the principal is required to inform the learner's parent(s) of the importance of regular attendance and the legal implications of continued absence from school, and request that the learner returns to school. The principal may seek support from the relevant district office and/or provincial education department in handling this sort of matter if necessary, and must keep a record of all communications with the parent(s) concerned.

**adequate achievement** the description of learning achievement at rating code 4 (50%–59%) in the seven national codes for recording and reporting learner performance (National Curriculum Statement Grades R–12).

→ scale of achievement

• **SOURCE** National Education Policy Act (27/1996), Approval of the National Curriculum Statement Grades R–12 as National Educational Policy (GN 722 and 723, GG 34600, 12 Sep 2011 and amended as GN 1115 and 1116, GG 36042, 28 Dec 2012); National Protocol for Assessment Grades R–12, Chapter 5

SEE Appendix 5.

References point users to the relevant appendix in the Resources section at the back of the dictionary.

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Terms consisting of two or more words are given **alphabetically** under the first letter of the first word in the term, irrespective of whether the first is the 'main' headword, e.g. a noun.

**Guidewords** at the top of each page show the first entry on that page.

A **virtual thumb index** helps you find the letter of the alphabet you want quickly.

3

admission age of a learner at a school

**admission age of a learner at a school** the minimum age that a learner must reach in the year that he or she is admitted to a public or independent school, in order to be admitted. For Grade R (Reception Year), the minimum age is four, turning five, by 30 June in the year of admission; and for Grade 1, the minimum age is five, turning six, by 30 June in the year of admission.

- age-appropriate · age-grade norm<sup>1</sup> · age-grade norm<sup>2</sup>
- compulsory school-going age · Grade R
- SOURCE South African Schools Act (84/1996), Sections 5(4), 45A(a)

**adoption and surrogacy leave** (for an educator in the service of the State)

- leave available to an educator: **E**

**Adult Basic Education and Training (or ABET)** all learning and training programmes for adults at Level 1, registered on the National Qualifications Framework.

- Adult Basic Education and Training centre · National Qualifications Framework · right to a basic education
- SOURCE Adult Basic Education and Training Act (52/2000), Definitions
- SEE Appendix 2.

**age-grade norm<sup>1</sup>** (of independent schools) the average age at which all learners are expected to be placed in a particular grade at an independent school. This average age is calculated by adding six to the grade number (e.g. Grade 1 + 6 = age 7).

- admission age of a learner at a school · age-grade norm<sup>2</sup>

• SOURCE National Education Policy Act (27/1996), *Age Requirements for Admission to an Independent School* (GenN 647, GG 29511, 18 Feb 2000, as corrected by GN 359, GG 21103, 14 Apr 2000), Paragraph 2

**age-grade norm<sup>2</sup>** (of public schools) the average age at which all learners are expected to be placed in a particular grade at a public school (calculated by adding six to the grade number, e.g. Grade 1 + 6 = age 7). This average age does not apply to learners who have repeated one or more years at school. Where a learner is three years older than the age-grade norm, the Head of Department in the relevant province must determine in which grade the learner should be placed.

- admission age of a learner at a school · age-appropriate · age-grade norm<sup>1</sup>

Headwords that **look the same, but have different meanings** or can be used in **different contexts** (as indicated by the explanations in brackets), are listed separately, and numbered.

- SOURCES National Education Policy Act (27/1996), *Admission Policy for Ordinary Public Schools* (GenN 2432, GG 19377, 19 Oct 1998), Paragraphs 26–27 | *South African Schools Act* (84/1996) and *National Education Policy Act* (27/1996), *Age Requirements for Admission to an Ordinary Public School* (GenN 2433, GG 19377, 19 Oct 1998)

**NOTE** According to the Admission Policy for Ordinary Public Schools (GenN 2432, GG 19377, 19 Oct 1998), learners should, in principle, progress with their age cohort and not repeat more than one grade per school phase. Ultimately, the educational interests of a learner should be served when determining in which grade he or she should be placed.

The Policy provides that a learner who is admitted to a public school at an age above the age norm for a grade must, as far as possible, be placed in a fast-track facility or with his or her peer group, unless it is not in the educational interests of the learner. Where it is not in the educational interests of the learner to be placed with his or her peer group, the Policy requires the learner to be placed in a suitable lower grade, and for an accelerated programme to be developed to enable the learner to catch up with his or her peer group as soon as possible.

**age requirement for admission of a learner to a school**

- admission age of a learner at a school

**appeal to the MEC**

*An appeal lodged with the MEC for Education in the relevant province against the following decisions:*

- 1 the decision of the Head of Department (HOD) or principal of a public school in the relevant province to refuse the admission of a learner to that school. This appeal must be lodged by the learner, or the parent of that learner.
- admission of a learner to a public school · admission policy of a public school
- SOURCE South African Schools Act (84/1996), Section 5(9)
- 2 the decision of the HOD in the relevant province to expel a learner who has been found guilty of serious misconduct, from the public school that learner attends. This appeal must be lodged by the learner, or the parent of that learner, within 14 days of receiving notice of the learner's expulsion.

- expulsion of a learner

• SOURCE South African Schools Act (84/1996), Sections 9(3), 9(6)–9(9), 9(11)

**Sources** usually consist of an Act (of Parliament), followed by its number and year, and then the relevant sections and/or related regulations and policy details.

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A **number after a colon** refers to the specific sense of the headword being referred to, e.g. here 'educator' sense 1.

**Common abbreviations** are given after the headword.

**Alternative terms** are given, but refer to the main entry for information.

**Headwords with many senses** have an introduction (in italics) that summarises the core meaning that overarches all the senses.

**Related entries** are given after an arrow.

# KEY TO SOURCES AND OTHER ABBREVIATIONS

In the Sources section of an entry, Acts of Parliament are given in full every time they appear. After the Act, the number of the Act and the year of the Act are given in the following way: (58/2001).

- The first number (58) is the number of the Act, while the second number (2001) is the year that the Act was passed by Parliament.  
(58/2001) = Act 58 of 2001
- National regulations and policies are typically published by the government in the *Government Gazette*. When a set of national regulations or a national policy is mentioned in the Sources section, further information is given in brackets to make it easy to find the relevant *Government Gazette*, e.g.: (GN 745, GG 38029, 29 Sep 2014).  
GN 745 = Government Notice number 745  
GG 38029 = *Government Gazette* number 38029  
29 Sep 2014 = the date of the *Government Gazette*

- Sometimes a further abbreviation is used, e.g.: (GenN 776, GG 18900, 15 May 1998).

GenN = General Notice number 776

- Unless otherwise indicated, any reference to an Act of Parliament, a set of national regulations or a national policy includes any amendments made up until 30 June 2017. Amendments after this date may be taken up in future editions of this dictionary.

Please see Appendix 6 (p. 141) for a note on the key legal developments within the South African schooling system since the finalisation of this edition of the dictionary.

# Aa

## ABET

→ Adult Basic Education and Training

**absent** (in terms of attendance by learners at a public school) how a learner at a public school, who is not present in class or participating in a school activity when the class register or period register is taken, is marked on a school day (excluding any school day on which the public school has been closed temporarily for religious commemorations, or for sporting or cultural events, with the prior approval of the Head of Department in the relevant province).

→ absent without a valid reason • attendance of a learner • class • class register • class registration period • compulsory school attendance • learner • learner absentee day • learner attendance policy • leave to study for examinations • period register • school activity • school day • valid reason for a learner to be absent

- SOURCES National Education Policy Act (27/1996), *Policy on Learner Attendance* (GenN 361, GG 33150, 4 May 2010), Paragraphs 12, 62 | South African Schools Act (84/1996), *Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners* (GenN 776, GG 18900, 15 May 1998), Paragraphs 3.7, 5.2

**NOTE** According to the Policy on Learner Attendance (GN 361, GG 33150, 4 May 2010), all parents must ensure that their learner children attend school daily, on time and for the whole school day unless there is a valid reason for the learner being absent from school. The Policy provides that parents should notify a public school via the school principal or educator(s) concerned if learners are absent, expected to be absent or late for school, and must have a valid reason for the absence or lateness. Where a learner is absent from school without a valid reason, the learner's parent is expected to cooperate with the school in addressing the situation, and is expected to encourage and assist the learner to catch up any work that may be outstanding as a result of the learner being absent.

**absent without a valid reason** (in terms of attendance by learners at a public school) when a learner at a public school is not present in class or participating in a school activity when the class register or period register is marked on a school day (excluding any school day on which the public school has been closed temporarily for religious commemorations, or for sporting or cultural events, with the prior approval of the

Head of Department in the province), and the learner's reason for not being present or participating does not constitute a valid reason in terms of national policy. If the learner continues to be absent despite appropriate interventions by the principal of the public school to ensure the learner's regular attendance at school according to national policy, the learner may be charged with a breach of the school's code of conduct for learners.

- absent • attendance of a learner • class register • code of conduct for learners • continuous absence of a learner • record of attendance • school activity • truancy • truant learner • valid reason for a learner to be absent
- SOURCE National Education Policy Act (27/1996), *Policy on Learner Attendance* (GenN 361, GG 33150, 4 May 2010), Paragraphs 50–53

**NOTE** According to the Policy on Learner Attendance (GN 361, GG 33150, 4 May 2010), a class teacher at a public school must report the absence of a learner from school to the principal of the school where the learner is absent for three consecutive school days without explanation. In turn, the principal must take appropriate steps to address the matter with the learner's parent(s). Where the learner is absent from school for three consecutive school days without a valid reason (as determined in the Policy), the principal is required to inform the learner's parent(s) of the importance of regular attendance and the legal implications of continued absence from school, and request that the learner returns to school. The principal may seek support from the relevant district office and/or provincial education department in handling this sort of matter if necessary, and must keep a record of all communications with the parent(s) concerned.

## academic performance improvement

**plan** the plan that is prepared, submitted for approval, and reported on to the Head of Department periodically by the principal of an underperforming public school, setting out how academic performance at the school will be improved.

→ underperforming public school

- SOURCE South African Schools Act (84/1996), Sections 16A(1)(c), 58B

## Accelerated Schools Infrastructure

**Delivery Initiative (or ASIDI)** a national programme, launched in 2011 and funded by the Schools Infrastructure Backlog Grant, intended to eradicate the infrastructure development backlog in public schools that do not have water, sanitation and electricity,

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**A** and to replace those public school buildings constructed from inappropriate materials (e.g. mud, wood, asbestos), in order to contribute towards conditions for optimum learning and teaching. This programme is being rolled out by the Department of Basic Education via a dedicated project support unit, and with the support and assistance of provincial education departments.

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**F** Implementing agents (including provincial education departments and other approved entities) have appointed professional service providers to carry out the necessary work.

→ **Department of Basic Education • norms and standards for public school infrastructure • Schools Infrastructure Backlog Grant**

- **SOURCES** Department of Basic Education, <http://www.education.gov.za/Programmes/ASIDI.aspx> (accessed 16 Jun 2016) | **Department of Basic Education, ASIDI Disbursement, Professional and Management Fee Policy and Procedure** (3 Jul 2015)

**accreditation** the recognition by the Council for Quality Assurance in General and Further Education and Training (Umalusi) of either: (i) the capacity of a private provider to offer a qualification on the General and Further Education and Training Qualifications Sub-Framework of the National Qualifications Framework, or the provider's implementation of the curriculum in support of that qualification at the required standard; or (ii) the capacity of a private assessment body to assess the qualification, and the quality and standard of the assessment services and providers offered by that private assessment body. This recognition is given as part of a quality assurance process.

→ **assessment • assessment body • Council for Quality Assurance in General and Further Education and Training • General and Further Education and Training • General and Further Education and Training Qualifications Sub-Framework • National Qualifications Framework • quality assurance • sub-framework**

- **SOURCES** General and Further Education and Training Quality Assurance Act (58/2001), Sections 1, 24 | **National Qualifications Framework Act (67/2008), Policy for the General and Further Education and Training Qualifications Sub-Framework: Umalusi** (GN 745, GG 38029, 29 Sep 2014), Definitions | **National Qualifications Framework Act (67/2008), Policy for Credit Accumulation, Exemption, Recognition and Transfer: Umalusi** (GenN 582, GG 38875, 15 Jun 2015), Definitions

**acting allowance** a sum of money payable to an educator in the service of the State who is appointed to act in a higher post, according to the Personnel Administrative Measures.

→ **acting in a higher post • allowance to an educator in the service of the State • Personnel Administrative Measures**

- **SOURCE** Employment of Educators Act (76/1998), Personnel Administrative Measures (PAM) (GN 222,

GG 19767, 18 Feb 1999, as amended and as consolidated in GN 170, GG 39684, 12 Feb 2016), Paragraph C.4

**acting in a higher post** when an educator in the service of the State is appointed to act in a post higher than his or her current post for a defined period of time, where the higher post is vacant and funded, or where the permanent incumbent of the higher post is absent due to maternity leave, sick leave, study leave, suspension, or secondment.

→ **acting allowance • allowance to an educator in the service of the State**

- **SOURCE** Employment of Educators Act (76/1998), Personnel Administrative Measures (PAM) (GN 222, GG 19767, 18 Feb 1999, as amended and as consolidated in GN 170, GG 39684, 12 Feb 2016), Paragraph C.4

**addiction** a condition in which the human body must have a drug to avoid physical and psychological withdrawal symptoms. The first stage of addiction is dependence, when a drug dominates a person's life, beyond his or her control.

→ **drug testing • illegal drug • search and seizure**

- **SOURCE** National Education Policy Act (27/1996), *Promulgation of National Policy on the Management of Drug Abuse by Learners in Public and Independent Schools and Further Education and Training Institutions* (GenN 3427, GG 24172, 13 Dec 2002), Glossary

**additional subject** a school subject developed by an accredited examination body other than the Department of Basic Education, and approved by the Minister of Basic Education. A candidate for the National Senior Certificate may take an additional subject (i.e. in addition to the compulsory seven subjects), as long as that subject meets all the internal assessment requirements of the Curriculum and Assessment Policy Statement, and is taken over all three years from Grade 10 to Grade 12.

→ **compulsory subject • National Senior Certificate • subject from other body**

- **SOURCES** National Education Policy Act (27/1996), *National Policy Regarding Further Education and Training Programmes: Approval of the Document: National Policy on the Conduct, Administration and Management of the National Senior Certificate: A Qualification at Level 4 on the National Qualifications Framework* (GN 564, GG 30048, 6 Jul 2007), amended by various GNs with the latest at the time of publication being GN 372 and 373, GG 37652, 16 May 2014), Chapter 4 | **National Education Policy Act (27/1996), National Policy Pertaining to the Conduct, Administration and Management of the National Senior Certificate Examination (GN 564, GG 30048, 6 Jul 2007 and as amended by various GNs with the latest notice at the time of publication being GN 372 and 373, GG 37652, 16 May 2014) | **National Education Policy Act (27/1996), Approval of the National Curriculum Statement Grades R–12 as National Educational Policy (GN 722 and 723, GG 34600, 12 Sep 2011 and amended as GN 1115 and 1116, GG 36042, 28 Dec 2012. GN 499 and 500, GG 36465, 17 May 2013): *National Policy Pertaining to the Programme and*****



*Promotion Requirements of the National Curriculum Statement Grades R–12, Chapter 6, Paragraph 8 | South African Schools Act (84/1996), Regulations Pertaining to the National Curriculum Statement Grades R–12 (GN 1114, GG 36041, 28 Dec 2012, as amended with the most recent amendment reflected in GN 1495, GG 40472, 2 Dec 2016), Regulation 14*

**additional support need** a need for education and other related support that arises from any factor that causes a barrier to learning.

→ barrier to learning

- SOURCE National Education Policy Act (27/1996), *Approval of the Policy on Screening, Identification, Assessment and Support (SIAS)* (GN 1044, GG 38356, 19 Dec 2014), Definitions

**adequate achievement** the description of learning achievement at rating code 4 (50%–59%) in the seven national codes for recording and reporting learner performance (National Curriculum Statement Grades R–12).

→ scale of achievement

- SOURCE National Education Policy Act (27/1996), *Approval of the National Curriculum Statement Grades R–12 as National Educational Policy* (GN 722 and 723, GG 34600, 12 Sep 2011 and amended as GN 1115 and 1116, GG 36042, 28 Dec 2012): National Protocol for Assessment Grades R–12, Chapter 5

SEE Appendix 5.

## ADHD

→ Attention Deficit (Hyperactivity) Disorder

**admission age of a learner at a school** the minimum age that a learner must reach in the year that he or she is admitted to a public or independent school, in order to be admitted. For Grade R (Reception Year), the minimum age is four, turning five, by 30 June in the year of admission; and for Grade 1, the minimum age is five, turning six, by 30 June in the year of admission.

→ age-appropriate • age-grade norm<sup>1</sup> • age-grade norm<sup>2</sup> • compulsory school-going age • Grade R

- SOURCE South African Schools Act (84/1996), Sections 5(4), 45A(a)

**NOTE** In exceptional circumstances, a learner who is under the required admission age may be admitted to a school. Special permission may be sought from the Head of Department in terms of Section 5(4) of the South African Schools Act (84/1996) for the admission to a public school of a learner who is under the required admission age. This permission may be granted, subject to the availability of suitable school places and other educational resources, where 'good cause' is shown, and if this complies with any criteria

and related age requirements determined by the Minister of Basic Education for this purpose.

Similarly, an independent school may admit a learner who is under the relevant admission age in terms of Section 45A of the South African Schools Act (84/1996) where 'good cause' is shown and if this complies with any criteria and related age requirements determined by the Minister of Basic Education for this purpose.

'Good cause' here means it can be shown that exceptional circumstances exist for the admission of an underage learner because admission would be in the best interests of the learner, and refusal to admit that learner would be detrimental to his or her development.

## admission of a learner to a public school

formally granting a learner the right to participate in the total school programme offered by a public school, according to the admission policy of that school and all applicable laws. The power to consider and grant or refuse an application for the admission of a learner to a public school vests in the Head of Department (HOD) in the relevant province, but is typically delegated to and exercised by the principal of the school concerned, acting under the authority of the relevant HOD.

- admission policy of a public school • appeal to the MEC • application for admission of a learner to a public school • documents required for admission of a learner • enrol • enrolment • fees charged unlawfully for admission purposes • preferential placement • register of admission • reintegration into an ordinary public school
- SOURCES South African Schools Act (84/1996), Sections 5(7), 16(3), 62(2)–62(3) | National Education Policy Act (27/1996), Paragraphs 6, 10

SEE Appendix 12.

## admission policy of an independent school

the policy of an independent school that sets out how and on what basis learners will be admitted to that school. The policy must be consistent with the Constitution of the Republic of South Africa, 1996, and determined by the owner of the independent school concerned according to the South African Schools Act (84/1996), applicable policy, and provincial law.

→ preferential placement

- SOURCE South African Schools Act (84/1996), Section 46

**admission policy of a public school** the policy of a public school that sets out how and on what basis learners will be formally

**A** admitted to that school. The policy must be consistent with the Constitution of the Republic of South Africa, 1996, and determined by the governing body of the public school according to the South African Schools Act (84/1996), applicable policy, and provincial law. The admission policy of a public school must also comply with any norms and standards determined by the Minister of Basic Education for school infrastructure, capacity in schools, and the provision of learning and teaching support material.

- admission of a learner to a public school • appeal to the MEC • application for admission of a learner to a public school • fees charged unlawfully for admission purposes • norms and standards for capacity • norms and standards for public school infrastructure • norms and standards for the provision of learning and teaching support material • preferential placement
- SOURCES South African Schools Act (84/1996), Sections 5(5), 5A(3), 5A(4) | National Education Policy Act (27/1996), *Admission Policy for Ordinary Public Schools* (GenN 2432, GG 19377, 19 Oct 1998)

SEE Appendix 12.

## admission register

- register of admission

## adoption and surrogacy leave (for an educator in the service of the State)

- leave available to an educator : 1

## Adult Basic Education and Training (or ABET) all learning and training programmes for adults at Level 1, registered on the National Qualifications Framework.

- Adult Basic Education and Training centre • National Qualifications Framework • right to a basic education
- SOURCE Adult Basic Education and Training Act (52/2000), Definitions

SEE Appendix 2.

## Adult Basic Education and Training centre

a public or private centre established for the purpose of delivering Adult Basic Education and Training (ABET). Public ABET centres are under the control of the provincial education department and offer basic education programmes to people of 16 years or older, who are not participating in any other formal education programmes.

- Adult Basic Education and Training • education institution • educator establishment • employment<sup>3</sup> • provincial education department
- SOURCES Adult Basic Education and Training Act (52/2000), Definitions | Employment of Educators Act (76/1998), Section 1

## Advanced Diploma in Education (or ADE) a postgraduate professional

qualification for practising educators to enhance an existing specialisation in a subject, or to develop a new role or practice to support teaching and learning in a school, or in the education sector broadly, e.g. Advanced Diploma in Special Needs Education; Advanced Diploma in School Librarianship; or Advanced Diploma in School Leadership and Management. The ADE is at Level 7 on the National Qualifications Framework, forms part of the Continuing Professional Teacher Development system, and is recognised by the South African Council for Educators.

- Continuing Professional Teacher Development • National Qualifications Framework • qualification
- SOURCE National Qualifications Framework Act (67/2008), *Revised Policy on the Minimum Requirements for Teacher Education Qualifications* (GN 111, GG 38487, 19 Feb 2015), Paragraph 13.14

SEE Appendix 2; 8.

**advanced standing** the status given to a learner for admission to studies at a higher level than the learner's prior formal studies would normally have allowed, including exemption where applicable.

- recognition of prior learning
- SOURCES National Qualifications Framework Act (67/2008), *National Policy for the Implementation of the Recognition of Prior Learning* (GN 779, GG 38075, 10 Oct 2014), Glossary | National Qualifications Framework Act (67/2008), *Revised Policy on the Minimum Requirements for Teacher Education Qualifications* (GN 111, GG 38487, 19 Feb 2015), Glossary

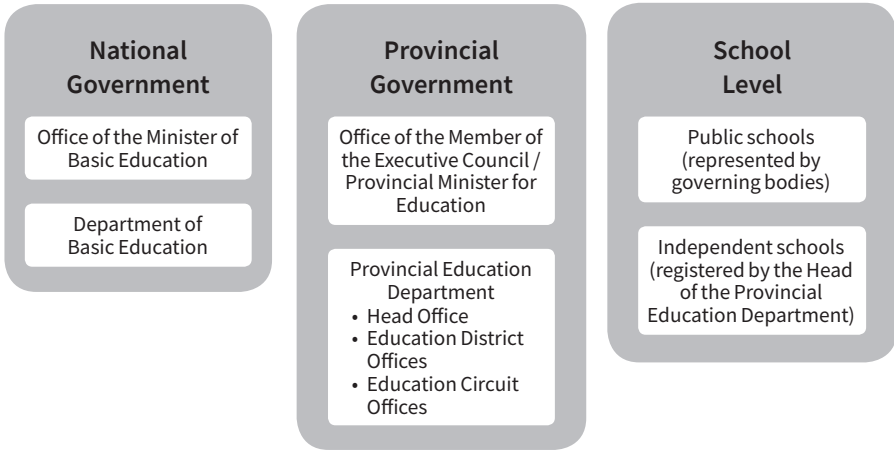
**advertising of a vacant educator post in the service of the State** giving notice to the public of a vacant state-funded post in the educator establishment of a public school, a provincial education department, or the Department of Basic Education, and inviting potential candidates who meet the relevant requirements for the vacant post to apply. The notice must comply with the applicable requirements of the Personnel Administrative Measures.

- educator establishment • Personnel Administrative Measures • post establishment • post requirements for appointment
- SOURCE Employment of Educators Act (76/1998), *Personnel Administrative Measures (PAM)* (GN 222, GG 19767, 18 Feb 1999, as amended and as consolidated in GN 170, GG 39684, 12 Feb 2016), Paragraph B.5.2

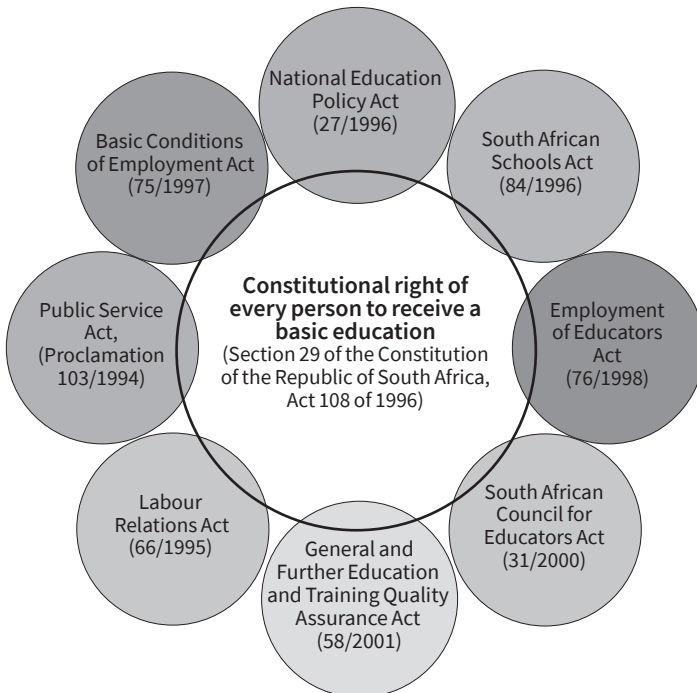
**age-appropriate** activities, skills or curriculum content that match the developmental stage of the learners involved.

- admission age of a learner at a school • age-grade norm<sup>1</sup> • age-grade norm<sup>2</sup>

## APPENDIX 1 Organisational structure of the South African schooling system



## Overview of the legal framework applicable to the South African schooling system



For more information on what each Act covers, and to see how they relate to one another, go to <https://bit.ly/2GNIaKM> and download a more detailed version of this diagram.

APPENDIX 2 South African National Qualifications Framework

The National Qualifications Framework (NQF) is a single integrated system for the “classification, registration, publication and articulation of quality assured national qualifications”, as provided for in the National Qualifications Framework Act (67/2008).

LEVELS		
Authority: Council on Higher Education (CHE) Qualifications Sub-Framework: Higher Education and Training		
<ul style="list-style-type: none"><li>• DOCTORAL DEGREE</li><li>• DOCTORAL DEGREE (PROFESSIONAL)</li></ul>	10	<ul style="list-style-type: none"><li>• Doctor of Education [360 credits]</li><li>• Doctor of Education (Professional) [360 credits]</li></ul>
<ul style="list-style-type: none"><li>• MASTER’S DEGREE</li><li>• MASTER’S DEGREE (PROFESSIONAL)</li></ul>	9	<ul style="list-style-type: none"><li>• Master of Education [180 credits]</li><li>• Master of Education (Professional) [180 credits]</li></ul>
<ul style="list-style-type: none"><li>• POSTGRADUATE DIPLOMA</li><li>• BACHELOR HONOURS DEGREE</li></ul>	8	<ul style="list-style-type: none"><li>• Postgraduate Diploma [120 credits]</li><li>• Bachelor of Education Honours [120 credits]</li></ul>
<ul style="list-style-type: none"><li>• BACHELOR’S DEGREE</li><li>• POSTGRADUATE CERTIFICATE</li><li>• ADVANCED DIPLOMA</li></ul>	7	<ul style="list-style-type: none"><li>• Bachelor of Education [480 credits]</li><li>• Postgraduate Certificate in Education [120 credits]</li><li>• Advanced Diploma [120 credits]</li></ul>
<ul style="list-style-type: none"><li>• DIPLOMA</li><li>• ADVANCED CERTIFICATE</li></ul>	6	<ul style="list-style-type: none"><li>• Diploma in Grade R Teaching [360 credits]</li><li>• Advanced Certificate [120 credits]</li></ul>
<ul style="list-style-type: none"><li>• HIGHER CERTIFICATE</li></ul>	5	
Authority: Umalusi Qualifications Sub-Framework: Further Education and Training		
<ul style="list-style-type: none"><li>• NATIONAL CERTIFICATE</li></ul>	4	
<ul style="list-style-type: none"><li>• INTERMEDIATE CERTIFICATE</li></ul>	3	
<ul style="list-style-type: none"><li>• ELEMENTARY CERTIFICATE</li></ul>	2	
Qualifications Sub-Framework: General Education and Training		
<ul style="list-style-type: none"><li>• GENERAL CERTIFICATE</li></ul>	1	

(Adapted from [www.saga.org.za](http://www.saga.org.za) to show school certificates and teaching qualifications only, and omitting the Occupational Qualifications Sub-Framework and related occupational certificates.)

### APPENDIX 3 Subject change by learners at public schools

Grade	Deadline for subject change	Subject change requirements
Grade 10	By the end of the second school term, but before 30 June of the Grade 10 year	<ul style="list-style-type: none"> <li>Requires the approval of the principal of the school where the learner is registered</li> </ul>
Grade 11	Before 31 March of the Grade 11 year	<ul style="list-style-type: none"> <li>A maximum of two subjects may be changed</li> <li>Requires the approval of the principal of the school where the learner is registered</li> </ul>
	Before 15 December of the Grade 11 year	<ul style="list-style-type: none"> <li>In exceptional cases, one additional subject may be changed</li> </ul>
Grade 12	By the deadline determined by the relevant assessment body	<ul style="list-style-type: none"> <li>Requires the approval of the head of the relevant assessment body (i.e. the Head of Examination at the Department of Basic Education, the HOD of the relevant provincial education department, or the head of an independent assessment body)</li> <li>Requires certain documentation to be provided, including a motivation letter from the learner's parent or guardian; a letter from the principal supporting or providing reasons for not supporting the change; and a letter from the relevant subject teacher outlining how the learner will be assisted to meet the relevant components of the new subject that were not covered in the previous grades</li> </ul>

**APPENDIX 4 Organising fields and subjects for the National Curriculum Statement**

The National Curriculum Statement lists 12 organising fields and the corresponding approved subjects for FET Grades 10 to 12, as follows:

No.	Organising fields of learning	Approved subjects
1	Agriculture and Nature Conservation	Agricultural Management Practices, Agricultural Sciences, Agricultural Technology
2	Culture and Arts	Dance Studies, Design, Dramatic Arts, Music, Visual Arts
3	Business, Commerce and Management Studies	Accounting, Business Studies, Economics
4	Communication Studies and Language	All official languages and approved non-official languages
5	Education, Training and Development	
6	Manufacturing, Engineering and Technology	Civil Technology, Electrical Technology, Mechanical Technology, Engineering Graphics and Design
7	Human and Social Studies	Religion Studies, Geography, History, Life Orientation
8	Law, Military Science and Security	
9	Health Sciences and Social Services	
10	Physical, Mathematical, Computer and Life Sciences	Computer Applications Technology, Information Technology, Life Sciences, Mathematical Literacy, Mathematics, Physical Sciences
11	Services	Consumer Studies, Hospitality Studies, Tourism
12	Physical Planning and Construction	

**APPENDIX 5 Scale of achievement codes for the Curriculum and Assessment Policy Statement (CAPS)**

Code	Description of achievement	Percentage %
7	Outstanding achievement	80–100
6	Meritorious achievement	70–79
5	Substantial achievement	60–69
4	Adequate achievement	50–59
3	Moderate achievement	40–49
2	Elementary achievement	30–39
1	Not achieved	0–29

## APPENDIX 10 Liability of the state for injuries suffered by an educator during or in relation to a school activity

The Supreme Court of Appeal has confirmed that in some circumstances the State may be held liable for injuries suffered by an educator employed in the service of the State at a public school during or in relation to a school activity.

In *Long and Another v Jacobs* [2012] ZASCA 58 (2 Apr 2012), a female educator employed by the Western Cape Education Department at Rhodes High School in Cape Town ("the educator") was physically assaulted with a hammer by a Grade 8 learner during school time.

Earlier in the school day on which the attack occurred, the educator was invigilating a test in her classroom. The learner had refused to write the test and instead was found by the educator drawing in his journal. During her interactions with the learner, the educator noticed that the learner had drawn an image of a death certificate in her name in his journal.

The educator immediately reported the matter to a senior educator at the school. The learner was called out of the classroom into the corridor to show the senior educator his journal but once outside the classroom, the learner refused to show the senior educator the journal.

The senior educator then took the learner to the school principal to report the matter. On the senior educator's suggestion, the educator returned to her classroom.

After being informed that 'death threats' had been made by the learner against the educator, the school principal advised the senior educator that he (the principal) would deal with the matter and, acting on the school principal's advice, the senior educator returned to her own class.

The school principal asked the learner to hand over the journal. The learner refused and the school principal had to wrestle with the learner to get the journal. The school principal then instructed the learner to sit on a chair outside his office while he considered the contents of the journal inside his office and called the

police. On returning to where the learner had been instructed to sit, the school principal found that the learner had left.

At this stage, the learner returned to his own classroom to collect his school bag. Since the class was in session, the educator did not pay much attention to him and presently saw him making his way out of the classroom. However, the learner suddenly turned back, took a hammer from his school bag and began hitting the educator multiple times with it.

A group of learners ran to the school principal's office to alert him to the attack. The school principal went to investigate the situation and found another educator struggling in the corridor with the learner who was still in possession of the hammer. The school principal then intervened and managed to remove the hammer from the learner.

The educator involved in the initial attack suffered head injuries, a fractured wrist and a swollen knee as a result of being hit with the hammer, and had to be hospitalised.

The matter came before the courts when the educator instituted action for damages.

When the matter was ultimately heard by the Supreme Court of Appeal, the Court confirmed the following:

- The school principal had acted negligently in the circumstances for the following reasons:
  - ♦ A reasonable person in the position of the school principal would have:
    - foreseen the reasonable possibility that injuries could be suffered by and cause loss to the educator in the circumstances; and
    - taken reasonable steps to prevent such injuries; which steps, the Court said, should have included ensuring adequate supervision of the learner until the police arrived, warning the educator that her life was in danger, and instituting suitable measures to ensure the educator's safety; and
  - ♦ The school principal failed to take such reasonable steps;
- Societal norms' demand that liability be imposed for the negligence of the school principal; and



- The MEC or Provincial Minister for Education, as the nominal representative of the department in which the school principal was employed at the time of the attack, can in these circumstances be held vicariously liable for loss resulting from injuries suffered by the educator where those injuries were sustained as a consequence of the wrongful and

negligent failure of the school principal to take reasonable steps to prevent those injuries.

**Case:** *Long and Another v Jacobs* [2012] ZASCA 58 (2 Apr 2012)

**Cross ref:** liability of the State in relation to a public school