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DEPARTMENT OF BASIC EDUCATION

NO. 682 **03 JUNE 2016**

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

CALL FOR WRITTEN SUBMISSIONS FROM STAKEHOLDER BODIES AND MEMBERS OF THE PUBLIC ON THE DRAFT AMENDMENT REGULATIONS PERTAINING TO THE NATIONAL CURRICULUM STATEMENT GRADES R-12

GENERAL EXPLANATORY NOTE

[.....] Words in bold in square brackets indicate omissions from the existing policy.
_____ Words underlined with a solid line indicate insertions into the existing policy.

SCHEDULE 1

DEFINITIONS

1. In these regulations "the Regulations" means the regulations published as *Government Notice 1114* in *Government Gazette No. 36041* of 28 December 2012 as amended as-

Government Notice 564 in *Government Gazette, No. 37840* dated 18 July 2014;
Government Notices 625 and 626 in *Government Gazette, No. 37910* dated 13 August 2014;
Government Notice 235 in *Government Gazette, No. 38589* dated 20 March 2015;
Government Notice No. 1162 in *Government Gazette, Vol.605, No. 39435* dated 20 November 2015.

Amendment of Regulation 6 of the Regulations

2. Regulation 6 is hereby amended by-

(a) the insertion, after sub-regulation (4)(c) of the following sub-regulations-

"(cA) The norm for repetition, namely that a learner may not be retained in the Further Education and Training Phase for a period not exceeding four years will, subject to *sub-regulation (cB)*, only be applied in cases where it is considered as in the best interest of learners to be progressed to the next grade. Considering this, progression to either Grade 10 or Grade 11, is subject to the following criteria-

(i) the learner must have failed either Grade 10 or Grade 11, and repeated either Grade 10 or Grade 11 by means of one of the following scenarios-

(aa) must have repeated Grade 10 and was unable in meeting the promotion requirements at the end of the second year in Grade 10; or

(bb) must have met Grade 10 promotion requirements, but was unsuccessful in meeting the Grade 11 promotion requirements after a period of two years; or

(cc) must have been unsuccessful in meeting Grade 10 promotion requirements at the end of the first year, was progressed to Grade 11 the following year but was unable in meeting the Grade 11 promotion requirements at the end of the first year in Grade 11; and

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(ii) pass four of the seven subjects, offered for the National Senior Certificate, comprising-

(aa) the Language of Learning and Teaching (LoLT) and

(bb) three other approved subjects, including Life Orientation, selected from Groups A and/or B in Annexure B as contemplated in Regulation 4B*(a) and (b)*;

(iii) attended school on a regular basis. Absenteeism in excess of 20 days, without a valid reason, will disqualify the learner from being progressed. If the learner has been absent for more than 20 days, without a valid reason, this constitutes irregular attendance; and

(iv) complied with the prescribed School-Based Assessment (SBA) requirements for all subjects offered, including the failed subjects for that academic year as contemplated in *Regulations 7* and *8*;"

"(cB) To establish whether a learner should be retained in the Further Education and Training Phase or progressed to the next grade, the following procedure must be followed-

(i) the school must convene a special meeting of relevant subject staff to evaluate each learner holistically that has not met the promotion requirements more than once in Grade 10 or 11;

(ii) if there is consensus among all subject teachers during the promotion/progression meeting that the learner should be retained in the current grade, then a meeting must be held with the parent/guardian so that the advice is carefully and clearly explained by the school and understood by the parent/guardian before the learner's school report is handed to them;

(iii) the decision reached at the meeting contemplated in *sub-regulation (ii)* must be reflected on the learner's report card. If the learner is retained, this must be confirmed in writing by the parent; and

"(cC) A parent/guardian has a right to appeal the final decision made by the school to progress or retain a child and must follow the following process-.

(i) to appeal a progression or retention decision, the parent/guardian must submit a written request, not later than three (3) days after the official opening of schools, to the school principal specifying the reasons why the progression or retention decision is being contested;

(ii) within fourteen (14) working days of receiving a request to appeal, the Head of Department or his/her designee shall make a final determination in this regard; and

(iii) the onus shall be on the parent as the appealing party to show why the progression or retention decision should be overruled."

"(cD) Districts and schools must have clearly articulated intervention strategies that include an early identification of low achievers or at-risk learners so that the school, district and province can develop and implement additional learning opportunities."

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"(cE) The Provincial Education Department must monitor the implementation of the Progression Policy across all schools to ensure compliance with it.";"

(b) the substitution for sub-regulation (4)(e) of the following sub-regulation-

"(4)(e) Progression in Grades 10-12 does not guarantee the final certification of a learner in Grade 12 and such a learner must comply with the certification requirements as contemplated in *paragraph 37(1)(a)* of the policy document, *National policy pertaining to the programme and promotion requirements of the National Curriculum Statement Grades R – 12* to enable him or her to obtain a National Senior Certificate. Progressed learners will, however, be allowed multiple examination option, which implies that the learner writes a limited number of subjects in the first sitting of the examination as set out in Regulation 41A of the Regulation document, *Regulations pertaining to the Conduct, Administration and Management of the National Senior Certificate examination*, published as *Government Regulation Notice No. R872* in *Government Regulation Gazette No. 31337* of 29 August 2008 and be allowed to write the remaining subjects in a subsequent examination".

3. SHORT TITLE AND COMMENCEMENT

These Regulations may be cited as the *Regulations Pertaining to the National Curriculum Statement Grades R – 12* and will commence on the day of the promulgation thereof.