

Notice No. 341, 2001
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**REGULATIONS RELATING TO THE REGISTRATION OF LEARNERS TO RECEIVE
EDUCATION AT HOME AND MATTERS RELATED THERETO**

THE Minister of Education and Culture, KwaZulu-Natal, has under section 72 of the KwaZulu-Natal School Education Act, 1996 (Act No. 3 of 1 1996) made the regulations set out in the Schedule.

SCHEDULE

1. Definitions

In these regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned to it and, unless the context indicates otherwise-

"Act" means the KwaZulu-Natal School Education Act, 1996 (Act No. 3 of 1996).

"compulsory phase" means a period of three years encompassing grades one to three, grades four to six or grades seven to nine;

"Constitution" means the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996);

"learner" for the purposes of the regulation means a person of compulsory school-going age who receives education in terms of the KwaZulu-Natal School Education Act, 1996 (Act No. 3 of 1996);

"liaison school" means a school that-

- (i) agrees to render services in terms of regulation 4(5);
- (ii) offers tuition at the appropriate level; and
- (iii) is approved by the Secretary to render services in terms of regulation 4(5);

"parent" bears the meaning assigned to it in the South African Schools Act, 1996 (Act No. 84 of 1996);

"transfer certificate" means a certificate issued by a school on the departure of a learner to another school recording the name of the learner,

personal particulars and particulars regarding the school grade passed by the learner concerned, and

"**year**" means calendar year.

2. Application for registration

(1) Only a parent may apply for registration to instruct a learner or learners in his or her home.

(2) Before a learner is allowed to receive education at his or her home, registration shall be obtained from the Secretary.

(3) An application for registration to allow a learner to receive education at home shall be made in the manner determined by the Secretary.

(4) Separate registration shall be obtained to instruct learners at home in respect of each compulsory school phase.

(5) An application for registration to instruct learners shall be accompanied by-

(a) a written motivation stating why it is in the interests of the learner to be instructed at home and not at school;

(b) a written undertaking by the parent that-

(i) subject to the provisions of regulation 3(3), he or she personally undertakes to educate the learner;

(ii) the learner's education at home will take place during normal school hours;

(iii) all educational instruction will be in accordance with the objectives of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

(iv) the parent will keep a record of attendance;

(v) the parent will keep an up-to-date portfolio of the learner's work and records of progression and that these will be made available for inspection by a duly authorised official of the department;

(vii) the parent will keep suitable evidence of continuous assessment of the learner's work which reflects his or her progress towards achieving the outcomes of the learning; and

(viii) the parent will keep all assessment results for a period of three years;

(c) the name of the liaison school with a written undertaking by the principal of the liaison school that the progress of the learner will be monitored and evaluated;

(d) the last school report of the learner (if applicable);

(e) particulars of-

(i) the hours during which educational instruction will take place;

(ii) the educational qualifications of the parent who will be responsible for the instruction of the learner;

(ii) the instructional methods and resource materials to be used;

(iv) the educational programme to be followed in the instruction of the learner concerned; and

(v) the methods of assessment to be used, the frequency of assessment and the method of evaluation to be followed; and

(f) the birth certificate of the learner.

(6) The Secretary may call for further information and documentation in order to decide whether or not to grant the application.

(7) The Secretary must take all reasonable steps to respond within 30 days after receipt of the application.

3. Registration

(1) The Secretary shall, if all the requirements for registration has been complied with, grant registration to the parent to educate a learner or learners at home and provide him or her with a registration certificate.

(2) The Secretary shall maintain a register of all learners who are registered as learners who are being educated at home.

(3) Registration to educate a learner at home is granted in respect of a particular learner to follow a particular school programme during a particular school phase under the

guidance of a particular parent.

(4) No deviation from the approved programme may be made unless prior written approval by the Secretary has been obtained.

(5) The Secretary may permit a parent to enlist the services of a tutor approved by him or her for specified areas of the curriculum.

(6) The parent of a learner who is educated at home shall present to the liaison school a transfer certificate, if applicable.

(7) Registration granted to a parent to educate a learner or learners at home is always subject to the parent complying with all existing laws, regulations and notices applicable to the education of learners.

4. Liaison school

(1) No registration to instruct a learner at home may be granted without a school having agreed to assume the duties of a liaison school as set out in these Regulations.

(2) A school that agrees to assume the duties of a liaison school may charge a fee, determined by its governing body, for the provision of such service to the applicant.

(3) A school that agrees to assume duties of a liaison school may be required to provide information pertaining to the provincial curriculum for the school phase of the learner.

(4) A liaison school shall-

(a) evaluate a learner quarterly to determine if the learner is making satisfactory academic progress;

(b) provide annual reports to the Secretary on a form determined by him or her;

(c) forward copies of all reports to the parent of the learner concerned.

5. Home visits by departmental officials

(1) An official of the department may visit the home of a parent who is registered to provide education at home at any time during official hours of school attendance, without prior notice, to evaluate if education is taking place in accordance with the registration granted to the parent.

(2) An official who conducts a home visit, is required to produce a certificate, signed by the Secretary, authorising the official concerned to make home visits in accordance with

Regulation 5(1).

(3) An official who made a visit shall report within 14 days to the Secretary on the findings and provide the parent with a copy of the report.

(4) A parent may respond to the Secretary regarding the findings of the official concerned.

6. Revocation of registration to educate a learner at home

(1) The Secretary may revoke any registration granted to a parent to educate a learner or learners at home by withdrawing the registration, if-

(a) such education is, in the opinion of the Secretary, no longer in the interests of the learner concerned;

(b) the parent failed to inform the Secretary of a change in his or her residential or postal address within 14 days after such change was made;

(c) the parent provided false information in support of his or her application for registration;

(d) the parent failed to abide by any applicable law or regulation;

(e) the parent failed to honour his or her obligations in terms of any undertaking made by him or her regarding the education of a learner.

(2) Before revoking registration granted to a parent to educate a learner at home, the Secretary shall forward a written notice to the parent. The notice shall give the parent concerned at least 14 days to give reasons why registration granted to educate a learner at home should not be withdrawn.

(3) A parent may apply at any stage for the admission of a learner to a school. After admission the parent shall inform the Secretary of the names and address of the school. Registration granted to a parent to educate a learner at home automatically falls away on the admission of such learner to a school.

7. Delegation

(1) The Secretary, subject to such conditions as he or she may determine, may delegate his or her powers in terms of these Regulations to a person employed by the Department.

(2) A delegation in terms of Regulation 7(1) shall not prevent the Secretary from exercising such power, or performing such duty, as the case may be.

