



SUBMISSION

to the

PORTFOLIO COMMITTEE ON BASIC EDUCATION

on the

BASIC EDUCATION LAWS AMENDMENT BILL
[B36 – 2010]

11 JANUARY 2010

Attention Mr. L A Brown
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The SACBC Parliamentary Liaison Office welcomes this opportunity to engage with the Portfolio Committee on Basic Education on this Bill. While we support the Bill in broad terms, we do have some specific comments and concerns.

1. Clause 6 – Language policy

We support this proposed amendment in so far as it will help to ensure that none of the 11 official languages will be prejudiced against. However, we note with concern that the task of enforcing these provisions falls upon the governing body, which may not be adequately knowledgeable to make such decisions. Furthermore, the amendment needs to clarify what is meant by the term 'same level' as used in 6(b), because it can be interpreted in different ways. Does it refer to lesson plans or to the qualifications of the personnel teaching these languages? Or merely to the teaching time allocated to them?

We recommend that the governing body be assisted by teaching staff when fulfilling its duties as proposed by this clause.

2. Clause 7 – Expulsion

While we welcome the proposed amendment we are still concerned about the lengthy process of expulsion appeals and the damage to both learner and school. Mechanisms must be found to expedite the expulsion appeals process.

Furthermore, it has been the experience that after a learner's expulsion appeal has been upheld, tensions exist between the school community and the learner. We would recommend that the Member of the Executive Council, after upholding an expulsion appeal, must provide the school with suitable assistance or interventions in order to repair relations between the school community and the learner concerned. In this regard we suggest the following wording for subsection (11)

“(11) (a) If an appeal in terms of subsection (4) by a *learner* who has been expelled from a *public school* is upheld by the *Member of the Executive Council*, the *Member of the Executive Council* must ensure that a suitable sanction is then 25 imposed on the *learner*; and

(b) provide the public school, on its request, with appropriate mediation, counselling or similar assistance to ensure that a satisfactory relationship between the learner concerned and the school community is restored.

3. Clause 9 – Financial matters

While we understand the need for the principal to assist the school governing body with financial matters and to play a financial monitoring role, our concern with the proposed amendment relates to the fact that the amendment is based on the assumption that *all* principals are adequately knowledgeable and skilled to manage and deal with financial matters. However, experience has shown that a large number of principals struggle to get to grips with the management of finances at most schools.

Financial management is a burden which should ideally be shared between a school's management and its governing body. We would recommend that all principals and governing bodies be given adequate training to manage the additional role imposed upon them by the proposed amendment.

4. Clause 10 – Norms and standards for school funding

We welcome this amendment as it is an improvement on Section 19 of the South African Schools Act, 1996, which was limited in its scope.

5. Clause 11 – Prohibition of party-political activities

We support this positive move to ensure that the primary focus of schools, that of providing educational activities for the learners during school time, is not disrupted by political activities. We question, however, whether the list of prohibited activities is broad enough. It is all too easy for party office-bearers, especially those who may also hold executive positions in provincial or local government, to blur the distinction between legitimate visits to schools for professional purposes on the one hand, and campaigning on the other.

There have also been instances of politicians visiting schools ostensibly to make ‘donations’ of equipment or school-bags, for example, when the clear purpose was campaigning or simply the promotion of their own or their organisation’s profile. While it may not be possible to cover every such eventuality in the legislation itself, the following clause, added to s 33A(2), may help to avoid such activities:

(e) the donation of equipment, sporting goods, learning materials or other gifts supplied by or through a political party or its associated bodies.

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