

OVERVIEW AND MERITS OF THE EXEMPLAR POLICIES

1. CONSTITUTIONAL MANDATE

The Constitution of the Republic of South Africa (Act 108 of 1996) is the highest law of the country, and its provisions establish the basic principles upon which all policy must be based; any law or conduct inconsistent with it is invalid. This includes policies made by school governing bodies. All educational policy must be firmly rooted in the precepts and imperatives of the Constitution.

2. LEGISLATIVE MANDATE

The following legislation both at National and Provincial level mandate Governing Body's to develop policies for implementation at school level.

Section 5(5) of the South African Schools Act (SASA), 1996, as amended, requires the governing body of a school to determine the **admission policy** of a public school subject to SASA and any applicable provincial law.

Regulation 2(2) of the REGULATIONS ON ADMISSION OF LEARNERS TO PUBLIC SCHOOLS, 2001, as amended requires a governing body to determine an admission policy of a school in terms of SASA and the regulations.

Section 6(2) of the South African Schools Act (SASA), 1996, as amended, requires the governing body of a public school to determine the **language policy** of the school subject to the Constitution, this Act and any applicable provincial law.

Section 18 A (1) of the Gauteng School Education Act, 1995, as amended, requires the governing body of a public school to determine the **language policy** of the school subject to the Constitution, the South African Schools Act, 1996 (Act 84 of 1996), this Act and any norms and standards for language policy in public schools as determined by the Minister in consultation with the Department.

Section 8(1) of the South African Schools Act (SASA), 1996, as amended, requires the governing body of a public school to adopt a **Code of Conduct for the learners** after consultation with the learners, parents and educators of the school.

Section 18(1) of the South African Schools Act (SASA), 1996, as amended, requires the governing body of a public school to function in terms of **a constitution** which complies with minimum requirements determined by the Member of the Executive Council by notice in the Provincial Gazette, subject to the Act and any applicable provincial law.

Regulation 45 (1) of the GOVERNING BODY REGULATIONS FOR PUBLIC SCHOOLS , 1997, as amended, requires a governing body to draw up its own **constitution and standing orders** which shall not be contrary to the Act, these regulations, or any other applicable law, and which shall comply with the minimum requirements established by the Member of the Executive Council by notice in the Provincial Gazette.

Section 61 of National Policy on Religion and Education requires School Governing Bodies to determine the nature and content of **religious observances** for teachers and pupils.

Section 21A of the Gauteng School Education Act, 1995, as amended, requires the governing body of a public school to determine the religious policy of the school subject to the Constitution, the South African Schools Act, 1996 (Act 84 of 1996), and this Act in consultation with the Department.

Section 25 of the Learner Attendance Policy, 2010 requires the Principal of a school to develop **a learner attendance policy** in consultation with school staff, RCL (where applicable) and School Governing Bodies.

Section 46 of the GOVERNING BODY REGULATIONS FOR PUBLIC SCHOOLS, 1997, as amended, requires a governing body to determine the a language policy, finance policy, issue rules in accordance to which religious observances may be conducted at schools, determine a learner attendance policy, a code of conduct for learners and a code of rights and responsibilities for all sectors of the school.

3. MERITS OF THE EXEMPLAR POLICIES

3.1 REGULATION OF THE SCHOOL ENVIRONMENT

The adopted policy helps the School Governing Body and School Management Team to put control mechanisms in place to reduce conflict and promote a harmonious school environment and further provides an accountability framework to consistently resolve any matters that are in conflict with the norms and values of education.

3.2 STRENGTHEN POLICY SUPPORT TO SCHOOLS

In an attempt to strengthen support to schools, the Gauteng Department of Education has developed exemplar policies. All the exemplar policies are aligned to the national and provincial regulations and serves as the basis for all School Governing Bodies to develop their policy. These policies assist the school and governing body to meet their legislative mandate.

3.3 STRUCTURE

The policy is presented in a uniform format adopted by the Gauteng Department of Education and standardises the policy format in the Province. The standardised policy format will enhance the image of the governing body and school.

3.4 USER FRIENDLY

The policy is simple to understand and implement in a school as it defines the terms used in the policy and identifies the key policy issues and puts in place suitable policy options.

3.5 TIME SAVING

The policy allows the governing body to put it forward as a discussion document at parents meeting to collect input and add on to it. For your convenience, the policy will be downloadable

from the GDE website in a word format so that you may add onto it, adopt it at a parents meeting and have it approved by the Department for implementation.

Through the use of these exemplars it is hoped that schools derive the benefits intended.

4. BENEFITS OF EACH EXEMPLAR POLICY

4.1 ADMISSIONS POLICY

All the relevant legislation has been analysed in the development of the admissions policy. The policy covers all the important aspects relating to admissions and if adopted it promotes efficiency in the admissions process and discourages discriminatory practices denying learners access to schools.

4.2 LANGUAGE POLICY

All relevant legislation has been analysed in the development of the language policy. The policy covers all the important aspects relating to languages and if adopted promotes a healthy respect for the different languages and adopts a multi-lingual approach to language choices and prohibits discrimination on the basis of languages at schools.

4.3 RELIGION IN EDUCATION POLICY

In the development of the Religion in Education policy all the relevant legislation was taken into consideration and all the major issues that impact on religion at schools were considered. The policy promotes a healthy respect for all religious groups and foregrounds religious observance of the major religious groups at schools in the country while taking cognisance of the minority religious groups. The policy prohibits any discrimination on the basis of religion.

4.4 CODE OF CONDUCT FOR LEARNERS

The Code of Conduct for Learners is based on an analysis of all the relevant legislation and the identification of major issues that impact on learner discipline. The Code of Conduct sets out clear school rules and puts in place proper disciplinary processes which if followed will promote a school environment that promotes discipline.

4.5 LEARNER ATTENDANCE POLICY

The Learner Attendance Policy takes cognisance of the relevant legislation and identification of major issues that impact on Learner Attendance at schools. It promotes the monitoring, recording and reporting of learner attendance and encourages the school to take all reasonable measures to find out why learners are absent from school. The adoption of the learner attendance policy will promote effective and efficient monitoring, recording and reporting of learner attendance.

4.6 SGB CONSTITUTION

The SGB Constitution is based on all the relevant legislation and identification of major issues that are pertinent to SGBs. It brings together in a single document all information that is relevant to members of the governing body and if adopted will promote efficiency and accountability at governance level.

4.7 SCHOOL SAFETY POLICY

The school safety policy while taking cognisance of the relevant legislation identifies major challenges experienced by schools and gives clear direction about what should be done before, during and after incidents occur. The policy encourages all stakeholders to participate in promoting a safe environment but to be aware with a view to identifying and neutralising problems before they actually occur. The policy also puts in place a co-ordinating structure at school level that will spread the responsibility of school safety within the school and community. The policy gives a step-by-step approach of what should be done by the Principal when certain situations arise.

4.8 EXEMPLAR DOMESTIC AND INTERNATIONAL TOURS POLICY (ANNEXURE C2)

All relevant legislation has been analysed in the development of the Exemplar Domestic and International Tours Policy. The policy covers all the important aspects relating to Domestic and International Tours as per regulations and if adopted will promote properly planned tours, stakeholder consultation and greater accountability at all levels.