

HOME SCHOOLING – RIGHTS AND OBLIGATIONS OF THE SCHOOL



For a brief overview of the opinion: [CLICK HERE](#)

Parents have a legal obligation to see to it that their children attend school.

Section 3 of the South African Schools Act 84 of 1996 determines as follows:

(1) Subject to this Act and any applicable provincial law, every parent must cause every learner for whom he or she is responsible to attend a school from the first school day of the year in which such learner reaches the age of seven years until the last school day of the year in which such learner reaches the age of fifteen years or the ninth grade, whichever occurs first.

Parents who fail to comply with this section, will be guilty of an offence. The Head of the Department may investigate the circumstances of the learners' absence from school and may take appropriate measures to remedy the situation (Sec 3(5)).

Sec 51 of SASA determines that a parent may apply to the Head of Department for the registration of a learner to receive education at the learner's home.

The Head of Department must register the learner for home schooling if he/she is satisfied that:

- The registration is in the interest of the learner;
- The education likely to be received by the learner at home:

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- will meet the minimum requirements of the curriculum at public schools; and
 - will be of a standard not inferior to the standard of education provided at public schools.
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- The parent will comply with any other reasonable conditions set by the Head of Department.

Parents who opt home schooling and later wish to re-enrol their children at a public or private school, should keep the following in mind:

1. Parents must inform the school that the learner will receive home schooling in the future. Par 55 of the National Learner Attendance Policy stipulates that a learner's record in a class register must be cancelled once the school receives the notification by the parent that the learner will not return to school (Art 55 (d)). If the learners is later readmitted to the school, a new entry must be made for the learner in the class register (par 59).
2. Parents must register learner with a curriculum provider. Non-registration with a curriculum provider means that the learner will have no proof of the year's learning and that no formal certificate will be issued for the year.
3. Any public school will have the right to evaluate the standard of the home schooling, regardless of whether a certificate has been issued or not.
4. A school can only readmit a learner, if there is sufficient space available in the specific grade.
5. The school can do a placement assessment to determine whether the learner has the necessary knowledge / skill to be placed in the next grade.
6. It is cannot be assumed that the learner will be promoted along with his/her age group to the next grade unless there is a formal certification to confirm that the previous grade's curriculum is well mastered.

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7. The possibility exists for the learner to repeat the same grade.

What schools should know in addition to the above:

1. The school cannot refuse a parent who wants to home school his/her child.
2. The school must remove the learner's record from the class register.
3. Neither the school nor any staff member is under the obligation to support or assist a learner who is registered for home schooling.
4. School fees that have already been paid in advance, must be reimbursed to the parent pro-rata, from the date that the school received notice that the learner will receive home schooling.

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