

REPUBLIC OF SOUTH AFRICA

PORTFOLIO COMMITTEE PROPOSED AMENDMENTS

TO

BASIC EDUCATION LAWS AMENDMENT BILL

[B 2-2022]

(Portfolio Committee on Basic Education)

[B 2A-2022]

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BASIC EDUCATION LAWS AMENDMENT BILL

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CLAUSE 1

1. On page 4, in line 9, to omit "means" and to substitute "includes".
2. On page 4, in line 23, after "(Act No. 31 of 2000)." to insert "a recognised professional body in the field of education.".
3. On page 4, in line 42, to omit "exercise" and to substitute "exercises which are not in accordance with the curriculum applicable to the child".
4. On page 6, after line 27, to add the following paragraph:

"by the insertion in subsection (1) after the definition of "*school fees*" of the following definition:

'special education needs' means education designed to facilitate the learning of individuals who, for a wide variety of reasons, require additional support and adaptive pedagogical methods in order to

participate and meet learning objectives in an educational programme;".

CLAUSE 2

1. On page 6, from line 37, to omit "Provided that a *learner* who will turn six after 30 June must start attending *grade R* the following year".
2. On page 6, in line 53, to omit "*school activity*" and to substitute "official educational activity of a school".
3. On page 6, in line 54, after "*school's*" to insert "official educational".

CLAUSE 4

1. On page 7, from line 24, to omit paragraph (b) and to substitute the following paragraph:

"(b) by the insertion after subsection (1) of the following subsections:

'(1A) Any *learner* whose *parent* or guardian has not provided any *required documents*, whether of the *learner* or such adult person acting on behalf of the *learner*, during the application for admission, shall nonetheless be allowed to attend *school*.

(1B) The principal of the school must advise the parent or guardian to secure the required documents.' "

2. On page 8, in line 17, after "school" to insert "in line with the Constitution and relevant legislation".
3. On page 8, from line 18, to omit paragraph (a) and to renumber paragraphs (b) to (e) accordingly.
4. On page 8, from line 25, to omit ", or may return it to the governing body with such recommendations as may be necessary in the circumstances, together with reasons for such recommendations".
5. On page 8, after line 41, to add the following paragraph:

"(d) the Head of Department, after consultation with the governing body of the school, has the final authority, subject to subsection (9), to admit a learner to a public school; and".

CLAUSE 5

1. On page 9, from line 45, to omit ", or may return it to the governing body with such recommendations as may be necessary in the circumstances, together with reasons for such recommendations".

CLAUSE 8

1. On page 12, in line 29, to omit "(a)".
2. On page 12, from line 33, to omit paragraphs (b) to (g).

CLAUSE 9

1. On page 14, from line 17, to omit subsection (1)(a) and to substitute the following subsection:

"(1) (a) The *governing body* may, on reasonable grounds and as a precautionary measure, suspend a *learner* who is **[suspected]** accused of serious misconduct from attending *school*, but may **[only]** enforce such suspension only after the *learner* has been granted a reasonable opportunity to make representations to it in relation to such suspension."

CLAUSE 14

1. Clause deleted.

CLAUSE 15

1. Clause deleted.

CLAUSE 22

1. On page 20, in line 26, after "personal" to insert "and financial".

CLAUSE 30

1. On page 24, from line 4, to omit paragraph (b) and to substitute the following paragraph:

"(b) the *parents* must be informed that the document and the budget will be available for inspection at the *school* at least [~~14~~] 30 days prior to the meeting."

2. On page 24, in line 16, to omit "14" and to substitute "30".
3. On page 24, in line 24, to omit "14" and to substitute "30".
4. On page 24, in line 30, to omit "14" and to substitute "30".

CLAUSE 37

1. On page 27, in line 3, to omit "annually" and to substitute "at the end of each phase".

2. On page 27, in line 12, after "may" to insert ", on just cause shown and after notification to the parent,".
3. On page 27, from line 13, to omit "home education site visit and".

CLAUSE 41

1. On page 30, in line 4, to omit "subsection" and to substitute "subsections".
2. On page 30, after line 10, to add the following subsection:

"(3) Any regulation made under subsection (1)(aA) and (aB) must, before publication in the *Gazette*, be tabled in Parliament."