

## Management & Leadership

POLICY

LEADERSHIP

MANAGEMENT

GOVERNANCE

*for South African Schools*

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### SM&L

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### The Curriculum and the Constitutional Court

Much of this issue is devoted to the recommendations of the *Final Report of the Task Team for the Review of the Implementation of the NCS*. This is an important report and is likely to have a significant impact, we hope for the better, on the way in which schools and classrooms function in this country. The Minister has accepted the final report and has already provided some guidelines to schools on which of the recommendations will be implemented with immediate effect. The fact that from the start of next year pupils and teachers will no longer be required to maintain portfolios of work will bring immediate relief to schools as will the decision to limit the number of projects required for formal assessment to one per year.

We are pleased to note that the role of subject advisors is to be redefined in a way that will limit their scope and say on curriculum matters. They will no longer be able to modify the prescriptions of curriculum documents to serve their own ends or make additional administrative demands on teachers in the way work is assessed and marks are collated. They will also be restricted to arranging just one cluster meetings each year. These meetings may be used for the sole purpose of "sharing information and considering other schools' examination papers and memoranda. The Minister, in her briefing of parliament on the report also made it abundantly clear cluster meetings and meetings for the professional development of teachers may not take place during school hours. I have already had a call in this regard from a principal in KZN who wanted clarity on the matter because the Subject Advisor for Drama from her district had already informed the school of a two-day workshop planned for the start of the new year. Principals need to take a strong stand on these kinds of demand and must refuse to allow teachers to attend any meetings called during school hours. They also need to take a principled stand themselves and should refuse to attend any meetings they may be called to by the department or unions during school hours.

In an effort to help schools plan for the implementation of these recommendations we have taken the trouble to unpack and order them according to their proposed date of implementation. This implementation timeline can be found on page 2. A second article on the recommendations, their implications for schools and the things that schools should do to ensure that there is a smooth and effective uptake of these changes can be found on page 4. We hope you will find it helpful in preparing your school for the adoption of these changes.

In this issue we also carry an interesting and informative piece by Christo van der Rheede, CEO of the Stigting vir Bemagtiging deur Afrikaans, on an education-related judgement recently handed down by the Constitutional Court. The matter involves the Language Policies of schools, and the respective rights and

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## Curriculum

# Time-line for implementation of task team recommendations

The recommendations contained in the report of the Ministerial Task Team for the Review of the NCS include proposed dates for the implementation of its recommendations. We have developed the time-line below based on these dates to assist schools in the planning for the introduction of these changes.

The final report of the Ministerial Task Team for the Review of the Implementation of the National Curriculum Statement (NCS) has now been released and one must assume that its contents and recommendations have been sanctioned by the Minister and have the support of her department. The final report is not significantly different from the draft, most of the recommendations of which we carried in the most recent edition (Vol. 3 No. 7) of **SM&L**. One difference is that the dates in the draft were identified as being “recommended dates for implementation” while in the final report the dates are indicated as “implementation dates”. We assume that this means that the DoE plans to implement the recommendations on the basis of these dates and deadlines.

Some of the recommendations have important implications for schools as they prepare for their 2010 academic year. It is for this reason that we first distributed this information in the form of **SM&L Update** (Vol 3 No.2) which is distributed electronically to our subscribers as an e-mail attachment. We have included this same information here because many of our subscribers do not have the facility to send and receive e-mails and therefore will not have access to this information.

Thorough planning now will help ease the administrative burden of teachers next year and ensure that there is a smooth transition between the current system and the changes that this new curricular model will bring. Having studied the recommendations and considered how they may affect schools, we are confident that they can reduce the administrative load of teachers and principals and that they will simplify and clarify the requirements for lesson planning and assessment. This will make it possible for teachers to devote more time to lesson planning and to simple and meaningful forms of assessment - to the ultimate benefit of their pupils. This is in line with evidence from research, which shows that the quality of classroom teaching is the factor that has the biggest single influence on pupil performance.

We have used the recommendations and the proposed implementation dates to produce a time line to illustrate the phased implementation of the

recommendations. We hope that this will assist schools with their planning.

One of the recommendations of the task team is that the word “subject” be used consistently through all grades in future and that it should replace the terms “learning area” and “learning programme”. We have followed that recommendation in what is listed below. It appears that “teacher” is also set to replace “educator”. We support this decision, which is, in any event, part of our own editorial policy.

## Timeline for the implementation of the recommendations

### September 2009

- When required, changes to the national curriculum, including assessment policies, will be issued not later than September for implementation in the following year. Only one such policy statement will be issued each year. All changes will need to be approved by the Council of Education Ministers (CEM) and the Committee of Heads of Education (HEDCOM).

### October 2009

The DoE will begin the process of developing a “coherent, clear, simple five year plan to improve teaching and learning across the schooling system”.

### End 2009

- The role of Subject Advisors as “school-based” subject experts needs to be “affirmed”. Job descriptions will be developed for Subject Advisors which emphasise their primary task as the implementation, delivery and moderation of the curriculum. They are, in addition, expected to provide subject specific support for teachers.

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This article was first published in **School Management & Leadership Update** and distributed to subscribers electronically.



- School level moderation will become the responsibility of Subject Advisors
- Cluster meetings for moderation purposes will be limited to one per year. The primary purpose of these meetings will be to provide teachers with an opportunity to share information and to consider the examination papers and memoranda of other schools.

### **January 2010**

- Learner portfolios (“as separate, formal compilations of student assessment tasks”) must be discontinued.
- Pupils must keep their work in books or files and these must be brought to school for moderation purposes when required.
- The three level model of subject planning must be replaced with a simpler model and there must be no duplication of work or material. Teachers need only to keep a single “Teacher file” for planning purposes. This file will need to include the following:
  - An annual work schedule indicating the sequence and content of the work that they intend to cover during the course of the year. Although not specified, one must assume that there should be a schedule for each subject or grade that the teacher teaches. Planning will need to indicate sequence, pace and coverage. Teachers should be encouraged to base their plan on the work sequence and lesson plans provided in good textbooks and associated teachers’ guides;
  - An assessment plan;
  - The formal assessment tasks with memoranda, planned for the year;
  - The textbook(s) to be used;
  - A record of each pupil’s mark for each assessment task.
- Schools will need to compile a comprehensive academic year plan which combines the subject and teacher work and assessment schedules. Schools will also need to maintain a consolidated record of pupil marks from the marks provided by teachers.
- The percentages and codes currently used for Grades 7 – 12 must be used for Grades 4 – 12.
- Projects, as an assessment requirement, must be limited to 1 project per subject per year. The DoE must provide a “range of projects... carefully

scaffolded” to assist teachers. We assume that “carefully scaffolded” means that guidelines will be provided on the specifics of the tasks that the pupils will be expected to undertake in terms of the project, the resources that they will need, where they can access the information and resources that they may need to complete the project, and the criteria that will be used to assess the project.

- Marks: The balance between year marks and examination marks must be 50% year-mark and 50% examination-mark for Grades 4 – 9 and 25% year-mark and 75% examination-mark for Grades 10 – 12.
- The directives contained in the Foundations for Learning campaign must be implemented in all schools in 2010.

### **September 2010**

The National Curriculum Statement documents must be rationalised and replaced by a single document for each subject in a phase (i.e. there will be one document per subject per phase). These documents must be prepared by September 2010 so that they are available for schools - one must assume meaning distributed to schools in time for them to prepare for their implementation at the start of 2011. The documents will be called the “Curriculum and Assessment Policy” for that subject and phase. The recommendation is that they be based on the “Foundations for Learning” documents and the FET “Subject Assessment Guidelines”. The recommendations stress the need for coherence within a subject so that there is continuity from grade to grade and phase to phase. The recommendation is that one person oversees the development of all of the documents for a given subject from Grades R – 12 to ensure that this happens.

### **October 2010**

- Curriculum and Assessment policy documents become policy. The recommendation is that a campaign be launched at the time to emphasise the status of these documents as policy. They are to replace all previous curriculum documents.
- Directives to be issued to those involved in curriculum matters at every level in the department (national, provincial, district) to emphasise that the Curriculum and Assessment Policy documents may not be “re-interpreted”.

### **2011**

- Systemic testing of Mathematics and Home Language in Grades 3 and 6 to be extended to

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include First Additional Language (“English”) for all pupils in these grades.

- CTAs to be replaced by annual national testing of all Grade 9 pupils in Mathematics, Home Language and First Additional Language (“English”). Progression from Grade 9 to Grade 10 will require, as at present, a minimum of a 40% pass in Home Language, 40% pass in English First Additional Language and 50% pass in Mathematics. (This requirement may have a profound effect on the pass rates at Grade 9 level across the country as it will be the first time that the performance of this cohort of pupils will be assessed by means of a nationally set and benchmarked examination in these three critical subjects, with the results used to determine whether or not they meet the requirements for progression to Grade 10. Ed.)
- Promotion and progression requirements for all grades must be clarified and aligned with those of the Curriculum and Assessment Policy documents.

### **Other recommendations**

Listed below are some of the other recommendations. These recommendations had no date for implementation and we assume that this is because the Minister and DoE feel that they required further investigation before decisions can be made about their adoption and implementation. The Minister provided some insights into the reason for the delay when she briefed the Education Portfolio Committee on the Task Team report on 17 November. In response to a question by one of the members of the committee about the reduction in the number of learning areas, the Minister indicated that although she was committed to reducing the number of learning areas, issues such as the implications for teacher deployment and of textbooks would first need to be fully investigated. She intimated that a reduction in the learning areas was unlikely to happen before 2011 because of this.

- Changes to the Foundation Phase Learning Programme

The Task Team recommended that the Foundation Phase Learning Programme be changed to 4 subjects to accommodate the teaching of English as a “separate and important part of the teaching timetable”. The recommended 4 subjects and weekly allocations of teaching time are:

- Home Language: 6 hours
- First Additional Language: 5 hours
- Mathematics: 5 hours
- General Studies: 6 hours

General Studies is to be constituted from the following components:

- Beginning knowledge (1 hour)
- Arts and Crafts (2 hours)
- Physical Education (2 hours)
- Health Education (1 hour)

*Total: 22 hours per week*

- Reduction in Intermediate Phase Learning Areas

The Task Team recommended that the number of learning areas in the Intermediate Phase be reduced to 6 subjects. The 6 subjects and the weekly allocation of are:

- Home Language: 6 hours
- First Additional Language: 5.5 hours
- Mathematics: 6 hours
- Natural Science (to include aspects of Technology): 2 hours
- Social Sciences: 2 hours
- General Studies: 5 hours

The recommendation is that General Studies includes the following components:

- Creative Arts (2 hours)
- Physical Education (2 hours)
- Religious and Moral Education (1 hour)

*Total 26.5 hours per week.*

We have include elsewhere in this edition (pp. 6 - 8) some suggestions on the steps that principals and their leadership teams can take to ensure that these changes promote a sustained improvement in the quality of teaching and learning in their schools and, in so doing, raise pupil performance. ■

Provincial Education Departments have been asked by the DoE to provide specific guidelines to school on the implementation of these recommendations from the start of 2010. On page 16 we have included an extract from the circular on this matter which was distributed to all schools in the Western Cape by the WCED.

## News

# What the Minister said...

What the Minister said, in her own words, when she briefed Parliament on 5 November on the report and recommendations of the Task Team for the Review on the Implementation of the National Curriculum Statement. (Based on the unrevised version of *Hansard*.)

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The team was tasked to develop a set of recommendations designed to improve implementation. I asked the team to focus specifically on curriculum policy and guideline documents, the transition between grades and phases, and assessment - particularly continuous assessment. During the hearings they decided to include a consideration of learning and teaching-support materials and teacher support and training. A report has now been presented to me, which I have accepted, and I have started a process of implementing its recommendations.

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The question on everyone's lips is why we do not, as Mamphela Ramphela always wants us to do, declare the death certificate of outcomes-based education, OBE? I must say that we have, to all intents and purposes, done so. So if anybody asks us if we are going to continue with OBE, we say that there is no longer OBE. We have completely done away with it. [Applause.]

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I do not wish to be drawn into simplistic ideological debates on this issue and forced into a disavowal of our goals. The question is how we can disentangle our goals from the outcomes in which they are expressed, and the very concept of outcomes.

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In the process of their consultations - that they undertook across the country - there was a remarkable consensus amongst teachers and unions about what the problems were. The team also reports that there was an overwhelming sense of the overall commitment of teachers across the country to try to improve learner performance.

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Because there was a very strange anomaly in our system in which the importance of textbooks in curriculum delivery was no longer appreciated. The department has noted teachers' concerns that the development of learning materials is best placed in the hands of experts, because it is only people who are experts in their fields of study that are best placed to develop textbooks and learning materials. In this review teachers said that the development of learning materials is not the core business of teachers. It also erodes their teaching time. Therefore, textbooks are going to be used as an effective tool to ensure consistency, coverage, appropriate pacing and better quality in terms of instruction and content.

Targeted in-service training that will be subject specific and targeted only where needed will be provided for teachers from 2010. This in-service training will not, however, under any circumstances be allowed to disrupt teaching and learning.

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We are going to be implementing the Foundations for Learning Programme from 2010. The programme establishes the non-negotiables of resources, teacher planning and effective teaching. The focus is on reading, writing and mental maths each day, and on regular, standardised assessments of learner performance. The Department of Basic Education has developed extensive learning and teaching packages for Grades R to 6 teachers to assist with planning, teaching and learning. These packs will be distributed to all primary schools at the start of the school year in 2010.

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All learners from Grade 4 to 12 will receive their own textbooks for every learning area. The department will issue guidelines for textbooks and distribution, and the selection will be done nationally. [The indication was that this would be from 2011 (Ed.)]

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The department will develop a set of simple, coherent curriculum documents per subject per phase from Grades R to 12. This will simply describe the content, the concepts and the skills that are supposed to be taught. Anyone who has taught before will know what we are talking about: the syllabi, which spells out what your aims, your objectives, your learning areas, your methodology and your assessments are in very simple and clear terms.

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In addition to these reforms being monitored by the Presidency, the department is developing its own monitoring tools through the establishment of the National Educational Evaluation Development Unit. Through this unit, the department will not only evaluate schools and teachers, but also evaluate the entire system.

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I am encouraged by the undeniable dedication of our educators to improving learner performance. I wish to reaffirm that teachers are key to the realisation of quality education. I want to wish all stakeholders well in our joint efforts to overcome the challenges, which we have all collectively identified. ■

# Curriculum

## What schools should do

The Minister's acceptance of the final *Report of the Task Team for the Review of the Implementation of the NCS* has important implications for schools. We make some suggestion on the things schools can do to prepare themselves for the implementation of these recommendations.

### 1 Make a thorough study of the Foundations for Learning Campaign documents

The guidelines and directives contained in *The Foundations for Learning Campaign* documents and the *FET Subject Assessment Guidelines* should form the basis all academic/subject planning until such time as the Curriculum Assessment Policy documents for each subject and phase are distributed to schools. The Curriculum Assessment Policy documents are scheduled for release by September 2010.

### 2 Use the terms teacher and subject rather than educator and learning area in line with the recommendations of the task team.

### 3 Select and use good textbooks

Select textbooks from the same publisher for a subject for each of the years of a school phase. Publishers usually use the same author or group of authors for their textbook series for a subject and phase to ensure continuity and coherence in approach and in the development of concepts. The authors of the textbooks produced by most of the well-established publishers are well-qualified, experienced and expert teachers. The way in which they cover the subject and the guidelines that they provide in how best to approach the teaching of the subject should be followed. Teachers need to provide sound reasons to justify any deviation from the approach and sequence adopted by the textbooks they use. Most established publishers also provide training - some of it free - based on their textbooks and using either the textbook authors themselves or specially-trained subject experts.

### 4 Take good care of your textbook stock

Keep the same textbooks from year to year and develop a rigorous system for ensuring that all textbooks are collected from pupils at the end of each year. Staying with the same textbooks will not only save the school money, it will also help teachers to become familiar with the content, approach and work sequence of the textbook, allowing them to devote more time to improving the quality of their classroom practice.

### 5 Develop a Teaching and Assessment Policy Document for your school

Prepare a school Teaching and Assessment policy document which sets out the kinds of planning that the school expects from its teachers in terms of

academic planning. This should include a list of all items that teachers should include in the Teaching File that all teachers are required to maintain in terms of the recommendations. The Teacher File is expected to include the following in terms of the recommendations:

- An annual work schedule: Insist that this document is the product of a cooperative effort of all of the teachers who will be teaching that subject in each of the grades of a particular school phase. In the Foundation Phase it should be a cooperative effort of everyone who teaches Grade R – 3. The document should show not only the content and sequence of teaching but also how and when the pupils in each grade will be assessed, and the nature of the assessment task. Teachers who teach more than one subject and/or in more than one grade will need a separate work schedule for each subject and grade.
- An assessment plan: This could form part of the work schedule and should provide specific details of what is to be assessed, when it is to be assessed and who (which teacher) will be responsible for preparing the test or assessment task and the marking memorandum or rubric which will be used to guide the marking of the task.
- The textbooks to be used.
- Mark sheets listing the names of the pupils in each of the classes or groups that the teacher teaches and marks scored by each pupil in formal assessment tasks.

In addition to the above it would be useful for teachers to include the following:

- Their individual weekly timetable showing which classes they are teaching and when
- The school year-plan of events. This should include the dates of examinations and the deadline for the setting and marking of pupil examination scripts.

### 6 Prepare a school year plan.

The recommendations include the stipulation that the school puts together a year-plan based on the teachers' work schemes and assessment plans. This is essentially a management planning exercise for the

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principal and SMT. If the school has a Teaching and Assessment Policy in place as suggested in item 5, this should form the basis of the school year plan. Essentially the year plan is a planning document and should be based on the calendar for the school year. It should show all of the weeks of each school term and the public holidays that fall within the school terms. The dates of the school examinations, the deadlines for the setting and marking of papers, and the completion of the quarterly pupil reports for parents should also all be entered on the plan as a first step. Once these dates are fixed for the year, this information can be passed on to the teachers so that they can work with their phase and subject heads in developing their work schemes for the year. They need this information in order to calculate the number of days of actual teaching that they have to teach each term. This information can then be used to plan how much of the syllabus they will need to cover each week in order to complete the curriculum for the year. Once teachers, phase and subject teams have completed their planning and entered this information on their programme of work for the year, copies of these can be handed to the principal and affixed to the school year plan. This document can then serve as a basic academic year plan for the school.

To be more effective, the school year plan should - in addition to the above - include all of the main events scheduled for the school year.

In well-managed schools, these year plans are prepared well before the end of the previous year, with copies posted in offices and the staffroom so that everyone is aware of what is happening and when it will happen. Summarised versions of the year plan showing those dates which are of relevance for parents and pupils, such as the dates of examinations and of parents' meetings, are duplicated and distributed to parents and governors. In some of the better-resourced schools, every pupil is provided with a school diary which includes this and other useful information.

### **7 Introduce the use of marks, percentages and the codes used in Grades 7 - 12 for all formal assessments.**

Pupils should be provided with a mark each time an item of work is assessed if that item is to be included as part of the formal assessment for the year. The mark need not necessarily be a mark out of 100 but these marks are easier to work with if they are multiples of 10. The simplest way to calculate the 50% year mark to 50% examination mark for the year is to make sure in your planning that the sum of the year marks for the year in each subject is 50 and the sum of the marks in

the examination(s) for the subject is also 50. In Grades 7 - 9, it may work better to allocate 100 marks for year-marks and 100 marks for examination marks. For those who are not familiar with the marks and codes for Grades 7 - 12, these are given in an adjacent box.

### **8 Limit the kinds of assessment tasks pupils are set**

The task team made a number of interesting and critical comments about the extent to which the implementation of Curriculum 2005 distorted the way pupils were taught and assessed. Teaching as facilitation of learning was seen to be desirable or good, while teaching as instruction was seen to be bad - and to be avoided. Similarly, group work was emphasised at the expense of individual work while projects, presentations and posters were seen as being more important as and of more value than the more traditional methods involving rote learning, drill, tests and examinations. As a consequence, the majority of pupils have been leaving primary school without the basic knowledge and skills they need to progress beyond Grade 9.

Getting the basics right should be the priority of schooling and in the Foundation and Intermediate Phase it is essential that pupils are drilled in the basic skills and knowledge they need to be able to be literate and numerate. Teaching these skills and testing them on a regular basis at an individual level is essential.

Paper and pencil tests and examinations are probably the simplest, most effective and least onerous ways of testing basic knowledge and skills. Principals need to make sure therefore, that their teachers use these tried and tested methods of assessment on a regular basis. This does not mean that other methods of assessment should not be used. All methods of assessment have their place. What is important is that teachers choose the approach to teaching and assessment which is most appropriate for the particular context in which they work. Factors which should influence these decisions will include the basic knowledge and skills of the pupils, their socio-economic status, class size and the resources that are available.

We would recommend that for most subjects, at least 50% of formal assessment tasks used to contribute to the year-mark should be paper and pencil type tests. The remaining 50% should involve a range of other forms of assessment selected because of their appropriateness for the particular subject and because they can assess skills and competencies that cannot easily be measured with paper and pencil type tests.

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## 9 Write examinations at least twice each year

There is a certain discipline required in preparing for examinations that teaches children skills that will be useful to them later in adult life. To do well, pupils need to be well organised in their work habits and their thinking. It is through revision of work and in grappling with problems that are only half-understood that their deeper understanding of subject content is developed. It is this mastery of the basics that they need if they are to progress through the higher grades of schooling and on to post-school and tertiary studies. There is one caution about mid-year examinations, however. Schedule them for the shortest possible time. Up to the end of Grade 9, one week should be ample for mid-year examinations.

## 10 Devote enough time to the basics in the Foundation and Intermediate Phase

Although the new time allocation for the various subjects in the Foundation and Intermediate Phase is due for implementation only from 2011, it does provide clear guidelines about the amount of time that should be devoted to Home Language, Mathematics and First Additional Language, if this is the Language of Learning and Teaching of the school. While the Minister has expressed reservations about the feasibility of introducing these changes any earlier, her reservations are based on operational and administrative concerns rather than on educational principles. We would recommend that, where schools have the qualified staff and resources they need to implement these changes, they do so as soon as possible. All the evidence suggests that competence (speaking, reading and writing) in one's home language is a pre-requisite for school success. The next most important thing is to be numerate – to be able to add, subtract, multiply and divide and to understand how numbers can be used to represent ideas are key. For children who will be required to learn through a language other than their home language, it is important that they master this second language (First Additional Language) as early as possible. Evidence from research suggests, however, that pupils who have mastered their home language acquire second language skills faster than those who have not.

## 11 Monitor teaching and learning

Principals should make class visits to monitor teaching and learning part of their daily routine. Ensuring that teachers are in class doing what is expected of them is probably the single most important duty of a school principal. Principals should not be reluctant to visit classes or to check the books of pupils and the Teacher files of their teachers, because in doing so they are simply doing what is expected of them. As

the most senior representative of the department of education on the school site, their primary task is to ensure that the department's policies and procedures are adhered to and that teachers do what they are paid to do. Schools exist for the education of children and if they are not getting the education that is their right, then it is the principal, first and foremost, who must be held accountable for this.

## 12 Insist that teachers spend their full working day at school and teach the required number of hours each week.

Teachers are required to spend a minimum of 7 hours at school each day or 35 hours each week. The actual teaching hours vary from phase to phase but those 35 hours are not all of the working hours that teachers are required to devote to their work each week. The 35 hours a week translate into 1 400 hours of work for the 40 weeks of the normal school year. In terms of their conditions of service, teachers are required to account for at least 1 800 hours of work each school year. 80 of these can be devoted to in-service training which, to be counted, must take place outside of the normal 7-hour school day. This leaves 320 hours unaccounted for which translates into, on average, 8 additional hours each week that teachers should be devoting to their work. Principals have the authority to insist that teachers work at school for some or even all of these hours where this may be required.

A significant part of this time should be devoted to the following school based activities:

- Subject and phase-based planning meetings with a focus on lesson planning and effective teaching strategies. These should take place weekly.
- Extra lessons for struggling pupils, particularly those who are weak in literacy and numeracy. These should take place daily or weekly.
- Staff meetings involving all members of the teaching staff to discuss pupil progress and to identify those pupils who are underperforming. These should take place at least quarterly.
- Extra-curricular activities including sport and cultural activities. These should take place 3 or 4 times each week.
- Lesson planning, marking and other organisational and administrative tasks. This should take place daily. ■



## Education Law

# Constitutional court ruling a double-edged sword!

The ruling by the Constitutional court in the case involving the right of the SGB of Ermelo High School to determine the school's language policy is a double edged sword suggests Christo van der Rheede, CEO of the Stigting vir Bemagting deur Afrikaans.

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The Ermelo High School judgement is certainly one the most important in the history of the Constitutional Court. This well-argued and pedagogically sound judgment investigated several critical questions about the roles and functions of the Department of Education and governing bodies in terms of determining language policy and consequently sets new parameters in terms of access, redress and accountability.

In the case of Ermelo High School, the governing body refused to adhere to an instruction by the Head of Department (HOD) of the Mpumalanga Education Department to alter its language policy to provide instruction in Afrikaans as well as English. At the time of this intervention the school was an Afrikaans-only medium school and learners, regardless of their ethnic backgrounds, were admitted on the understanding that they accepted tuition through the medium of Afrikaans only.

The school's governing body was stripped of its powers by the HOD and replaced by an interim governing body which then altered the school's language policy to admit a few learners who wanted to be taught in English, but who could not find accommodation at any of the other schools in the area where English was supposed to be the medium of instruction.

The previous governing body declared a dispute and approached the courts for legal remedy, because according to them their right to determine language policy was confirmed by the South African Schools Act. The Constitutional Court then had to interpret the juristic boundaries of this right and in addition had to decide whether the HOD could revoke this power if it is found that such a policy restricted access to education and whether this action undermined the ethos of the Constitution.

With regard to the right of the HOD to revoke the power of the governing body, the court ruling was clear that such drastic intervention is justifiable only if the governing body becomes totally dysfunctional and consequently fails in the execution of its powers or functions as prescribed in the South African Schools Act. The Court ruled that the HOD may not revoke the powers of a functioning school

governing body just because he or she does not agree with its decision about the language policy of the school. In the case of Ermelo High School, the governing body was functioning effectively. This means that the HOD had exceeded his powers in revoking the powers of the governing body.

The court therefore found that the action of the HOD and also the decisions of the interim governing body appointed by him were invalid. The HOD does not have the legislative authority to force schools to admit learners at short notice just because there is insufficient accommodation available for them in other schools. The HOD may also not force schools to amend their admission and language policies without following due process.

Furthermore, the order contained in the judgement makes it clear that the provision of adequate accommodation is the responsibility of the Education Department and that it should undertake a thorough accommodation needs assessment and continuously conduct in-depth studies to determine migration patterns, possible overcrowding, shift in language preference and the availability of resources and educators who are capable of teaching effectively in the preferred language of learners.

This is vital to prevent chaos at the beginning of the school year and to ensure that learners and parents make informed choices about the language of instruction rather than on the basis of popularity. The future of learners is at stake here and issues relating to school accommodation therefore need to be managed professionally.

*Continued on page 10*

The Stigting vir Bemagting deur Afrikaans (SBA) is an NGO established in 1991 to empower communities through the medium of Afrikaans with a focus on literacy and skills programmes. The SBA also facilitates workshops for senior school management teams about school leadership, governance and management. Schools are welcome to contact Christine Francke at 021 446 1375 for more information.

The same reasoning and moral imperative apply to the determination of language policy and the choice of the language of instruction. Schools cannot randomly decide on the language of instruction without duly considering how this will affect the interest of learners. Factors such as the language competency of the learners, educators, parents and the broader community, and the availability of reading and other learning and teaching support materials need to be considered. Other factors that need to be taken into account are the availability of educators who are competent in the language of instruction, the effectiveness of literacy advancement strategies and the constitutional right to receive mother tongue education if practically possible. Where these rights exist, they need to be endorsed and not undermined.

In view of the above, the court re-affirmed the right of a school governing body to formulate its own language policy by stating the following: "Ordinarily, the representatives of parents of learners and of the local community are better qualified to determine the medium best suited to impart education and all the formative, utilitarian and cultural goodness that come from it". This right cannot be tampered with and according to the judgement a lot more must be done by Education Departments to ensure that primary and high schools make provision for education in especially the other official African languages.

The Court ruled, however, that this right is not limited to the educational interests of a specific school only, but rather those of the entire community. Factors promoting or limiting these rights must be taken into consideration when formulating a school's language policy. In the ruling this is described as follows: "The governing body...is entrusted with a public resource which must be managed not only in the interests of those who happen to be learners and parents at the time but also in the interests of the broader community in which the school is located and in the light of the values of our Constitution". It therefore instructed the Ermelo High School Governing Body to revise its language policy in the light of the declining student numbers over the past years, the dire shortage of classrooms in neighbouring schools and the school's lack of space to accommodate parallel medium instruction, i.e. education through the medium of both Afrikaans and English.

This assumption that schools serve the broader school community has far-reaching implications for schooling in South Africa, because every school has a constitutional imperative to uphold and promote the values embodied in the Constitution.

Schools also need to consider the economic, social, cultural, political and spiritual well-being of the entire community by ensuring that all its strategic and operational plans are focused on unlocking the potential of all learners

in the interest of the well-being of the entire community. Due consideration must be given to the role of mother tongue in this regard and the important responsibility of parents in determining language policy of a school because, the judges suggest, it is parents who know what is best for their children. The Education Department, however, needs to help parents to make an informed choice and provide them with the necessary support to provide schooling, including examinations in their mother tongue and in a language other than the mother tongue, if there is a need for this and where it is practically possible.

The rulings of this judgement cannot be the responsibilities of former Model C schools alone. The Ermelo judgement needs to be interpreted as juristic affirmation that the responsibility of providing quality education and equality of access is a shared responsibility of every school in our country – including those which are dysfunctional!

Such schools, in the delivery of the curricular and extra-curricular functions, must remain conscious of their broader responsibility, because dysfunctional educational institutions impact negatively on the entire community. Rampant crime, a majority of illiterate and unskilled workers, high levels of poverty and a reliance on government grants are evidence of an educational system that is failing this country. In this respect, the Ermelo judgement is indeed a victory for all parents, learners and interest groups who are fed up with the state of education in South Africa and it is certainly not a victory for the National Education Department as it claims on its website.

What a presumptuous claim it is! Not only does the Ermelo ruling open the door for civil society to take legal action against schools who fail to adhere to time on task, teachers who are mostly absent, ineffective curriculum delivery and bad management but class action can also be lodged against the Education Department by interest groups representing the educational interests of parents and learners who are affected by poor education because it seems incapable of calling such schools to order. Similar action could possibly be taken against teacher unions who, as a result of the actions of certain sections of their membership, undermine the provision of quality education.

Class action suits have led to social reform in a number of countries. They have helped to remedy inequities in education and health, and have helped to ensure due process is followed. Such legal action is very real possibility and to my mind the only way to prevent it, is for the Education Department and unions to agree to declare education an essential service in this country. Because in searching for the right answers the Ermelo judgement has handed us a double-edged sword. ■

## Education Law

# What the Ermelo judgement said

The Constitutional Court provided a media summary of its judgement in this case as an “explanatory note” to assist the media in reporting on it. Because of the significance of this case for schools we have reproduced what we consider to be the most important elements of this statement.

Moseneke DCJ noted that there is a great need to ensure that the constitutional rights to education and to be taught in an official language of one’s choice are properly protected. He emphasised that education is the engine for a better life for all and that the most stubborn and disempowering legacy of our apartheid past is the inequality which was spawned by unequal resources afforded to white and black public schools. He also expressed dismay at the failure of the provincial Department of Education, Mpumalanga to ensure that there are enough public schools in the Ermelo area to ensure that every grade 8 learner attends school as required by the Schools Act.

The Court emphasised that procuring enough school places implies pro-active and timely steps by the Department. The steps should be taken well ahead of the beginning of an academic year. On all accounts, it is highly probable that there will be an increased demand for grade 8 school places at the beginning of the year 2010. And in any event, there is an unacceptably high level of crowding in high schools in Ermelo other than at Hoërskool Ermelo. Additional places at Hoërskool Ermelo will afford only partial alleviation.

The Court concluded that it was just and equitable to make an order requiring the HoD to file within a fixed period of time a report to this Court setting out the likely demand for grade 8 English places at the beginning of 2010 and setting out the steps that the Department has taken to satisfy this likely demand for an English or parallel medium high school in the circuit of Ermelo.

In relation to the school’s exclusively Afrikaans language policy, Moseneke DCJ observed that there are at least two reasons why the governing body of the school should revisit its language policy. First, the school argued that it is entitled to determine a language policy having regard only to the interests of its learners and of the school without considering the interests of the community in which the school is located and the needs of other learners. That approach, the

Court held, is not consistent with provisions of the Constitution and the Schools Act. A school is obliged to exercise its power to select a language policy in a manner that takes on board the provisions of section 29(2) of the Constitution, and of section 6(2) of the Schools Act and of the norms and standards prescribed by the Minister.

Second, whilst the adoption of the language policy by the interim committee was unlawful, the underlying challenge relating to the scarcity of classroom places for learners who want to be taught in English in Ermelo remains and is likely to resurface in January 2010. At the very least, in reassessing its language policy, the school governing body must have regard to its dwindling enrolment numbers. It must act, recognising that there is a great demand for the admission of grade 8 learners who prefer the English medium of instruction.

A further relevant consideration is that the Department bears a constitutional and statutory duty to provide basic education in an official language of choice to everyone, where it is reasonably practical and just. It is accordingly duty bound to take lawful steps to achieve this constitutional obligation.

For these reasons, the Court has made an order that requires the school governing body and the school to report to this Court within a specified period of time on the reasonable steps it has taken in reviewing its language policy and on the outcome of the review process. The Court’s order directs the school by not later than Monday 16 November 2009 to lodge with this Court an affidavit setting out the process that was followed to review its language policy and a copy of the language policy.

The Court also ordered the HoD to report back to the Court on the steps that are being taken to ensure that there are enough places for grade 8 English learners at the start of 2010. ■

### CONSTITUTIONAL COURT OF SOUTH AFRICA

**Head of Department:  
Mpumalanga Department of  
Education and Another v  
Hoërskool Ermelo & Others**

**Date of Judgement:  
14 October 2009**

## School and community libraries – Millions go unspent

If you were looking for reasons why South Africa is not the reading nation that it needs to be, you need look no further than the information provided by Dr Graham Dominy, Chief Director: Archives, Libraries and Heraldry of the Department of Arts and Culture (DAC), in his briefing of the Arts & Culture Portfolio Committee in September this year.

In his briefing he noted that the provision of adequate funding for the building and stocking of libraries was problematic because libraries were excluded from Schedule 5 of the Constitution. (We suspect that this is an error and that they meant Section 4 which deals with the powers of the different spheres of government while Schedule 5 with procedure for the election of the president. Ed.) In order to address this problem, the National Treasury was providing Conditional Grants to the provinces and in support of Local Government, to be used to fund the building and recapitalisation of libraries and for the provision of library facilities and services. These were to be targeted at previously disadvantaged communities.

What was most disturbing about the presentation was the seeming failure of the provinces and municipality to

spend the allocated funds. The adjacent table shows just how little of the allocated funds had been spent by the provinces at the end of the 1<sup>st</sup> quarter.

Expenditure for 2009/2010 (1st Quarter April '09 - June '09)				
Province	Budget R'000	Transfer: National Office R'000	Spent by Province R'000	% Spent: Total Available %
Eastern Cape	55,515	11,674	3,785	6.8
Free State	40,315	5,335	4,459	11.3
Gauteng	46,043	29,355	665	1.4
Kwazulu-Natal	34,147	3,977	3,626	10.6
Limpopo	55,956	20,181	4,772	8.5
Mpumalanga	55,956	4,375	3,202	5.7
Northern Cape	58,820	7,550	7,302	12.4
North West	52,872	8,986	3,800	7.2
Western Cape	40,976	1,896	385	0.9
<b>Total</b>	<b>440,600</b>	<b>93,329</b>	<b>32,076</b>	<b>7.3</b>

The following extract from the official summary the meeting provides some insights into why the allocated funds are not being spent:

“Delivery was not taking place at grassroots levels. In certain instances libraries were built but remained non-operational or were closed down because of mismanagement. Members pointed out that the presentation had also been silent on the issue of libraries in schools. A lack of books published in indigenous SA languages was identified as part of the problem why South Africa was not considered to be a reading nation.”

considered to be a reading nation.”

The following statement by Mr Themba Wakashe Director-General in the Department of Arts and Culture, as captured in the minutes, may explain what lies at the root of the problem:

“Many library projects were hampered because of political issues. It was unfortunately the reality as political egos played a huge part”. (Enough said. Ed.) ■

[Continued from page 1](#)

### The Curriculum and the Constitutional Court

responsibilities of schools, the communities that they serve, school governing bodies and provincial education departments. The judgement is the penultimate stage of a long-standing battle between the SGB of Hoërskool Ermelo and the Mpumalanga Department of Education. Although the court has handed down its judgement,

the matter is still not final as the Court has instructed both parties to consider the judgement and to return to court to explain how they planned to amend their policies, systems and procedures in the light of the judgement. We hope we will be able to bring you what transpired in a future issue. ■

# Strategies for School Improvement (4)

## The Strategic Planning Process

The practical steps involved in putting together a simple and coherent strategic plan that will help you to achieve the goals that you have set for your school

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In the previous article in this series we provided an outline of the strategic planning process based on a model for schools developed by the Department of Education and Early Childhood Development of the state of Victoria, Australia<sup>1</sup>. Their suggested planning process involves 4 steps:

**1 Preliminary processes:** This is when you decide who should be included in the planning team, how and from whom you will gather information for the process, and the timeframes and deadlines for completing the process.

**2 Information gathering:** This is a process of gathering the information that you need to develop your plan.

**3 Devising the plan:** In this stage of the process you collate, analyse and interpret the information that you have gathered. This information is then used to decide on the things that will need to be done to support the achievement of the school's goals. You will need to set specific targets and decide on the timeframes and deadlines for the achievement of these targets.

**4 Finalising and formalising the plan:** This is the phase when you invite those are to be involved in the process or who will be affected by it, including the staff, parents, pupils and the SGB, for their comment and input. This input is then used to amend and refine the plan until you feel that it is workable, that the targets are challenging but achievable, and that the plan has the support of the majority of members of the wider school community.

**5 Endorsing the plan:** This is the final phase of the process and involves presenting the final version of the plan to the SGB for their formal approval.

The table on the facing page is based on the "Summary Structure" for a strategic plan provided in the Australian guidelines document<sup>2</sup>. It is a good model of the type of matrix schools should consider using as they develop their own strategic plans. What is helpful is the way it displays the different elements and their relationships to one another, making it simple to understand what is planned and how it will be achieved.

It is interesting to compare this with the strategic plan recently distributed to schools by the Western Cape Education Department and which provides a good practical example of the kinds of specifics that should be included in a strategic plan. We have reproduced some elements elsewhere in this edition because we think may be helpful to those of our subscribers who will not have seen the document because their schools are located outside of the Western Cape.

It is easy in the strategic planning process to get caught up in the more esoteric processes of reviewing the school's "Purpose", "Values", and "Vision" and "Mission" statements. We have assumed that most schools have done this exercise and that they already have a vision and mission statement in place and that their goals are in line with these. Schools also need to ensure that their strategic goals are in line with and supportive of the goals of the DoE and of those of their respective Provincial Education Departments. The Minister made it quite clear in some of her recent statements that the goals stated in the *Foundations for Learning Campaign* should be the drivers of school improvement initiatives, and schools need to abide by - and be supportive of - these. These apply particularly to primary schools. For secondary schools, the *FET: National Curriculum Statement* documents should be used.

Our recommendation for schools that have been identified as underperforming schools and/or schools that are unhappy with the results of their pupils in the systemic evaluation tests and the NSC examinations is that they focus their improvement efforts on the following key elements. (These are elements which research has shown to be critical to effective schools and good classroom practice.) Our own engagement with principals, teachers and departmental officials of both effective and less successful schools has made us aware of the significance of these factors in determining pupil performance and of school success. We are also convinced that one of the key determinants of school success is the quality of execution - not so much what is done but how well it is done. It is about the care and diligence and commitment of the principal and teachers.

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## An example of a Strategic Plan Summary Matrix

This one is based on an example provided in the *Guidelines for School Strategic Planning 2009* published by the Australian Department of Education and Early Childhood Development.

Elements of Strategic Plan	Questions to focus strategic thinking and discussion	Informed by: (The source of the information used)
<b>1 School Profile:</b> (This is a description of the school as an organisation and the educational and socio-economic environment in which it operates)		
Purpose	Why does the school exist? What is its purpose?	Focussed discussion involving all members of the school community.
Values	What does the school stand for and how would it like to operate? Examples should include such things as respect, honesty, commitment, cooperation, and self-discipline.	All members of the school community. The government's priorities for education.
Environmental Context	What outside influences are likely to affect your school over the next 3 to 5 years?	Socio-economic factors that may affect the community within which the school operates such as crime and the economy. Changes to education policy and the curriculum. The availability of teachers.
<b>2 Strategic Intent:</b> (What you hope to achieve)		
Goals	What outcomes in terms of pupil performance are we trying to achieve in the next 3 - 5 years? What changes do we hope to bring about in terms of the health and wellbeing of our pupils, and their attitude to the school and to learning?	School self-evaluation questionnaire. Pupil performance data from systemic evaluation tests and the NSC examinations. WSE reports. Information and advice from the District Office.
Targets	How will we know whether we are making progress towards the achievement our goals? Are our actions moving us in the right direction?	The past performance of pupils in systemic evaluation tests and the NSC examinations. Comparisons with other schools operating in similar socio-economic contexts.
Key Improvement Strategies	What is it that we must do to achieve the outcomes that we desire? Focus on 3 to 5 actions that you think will make the greatest difference.	Research on effective schools and on best practice. Education guidelines such as those provided in the Foundations for Learning documents.
<b>3. Indicative Planner:</b> (The things that you plan to do to achieve your goals.)		
Actions	A clear plan listing all the steps that you must take and the people who will be involved for each improvement strategies that you plan to implement.	Advice from expert teachers and experienced principals. Research into effective schools. and school turn-around strategies.
Achievement Milestones	How will you measure your success? What changes do you expect to see if your Key Improvement Strategies are successfully implemented?	Research into effective schools. Pupil performance and behaviour

## Key elements for school improvement

### Strong leadership:

Good leaders have a very clear idea about what they are trying to achieve for their schools and do not tolerate poor performance or inefficiency. Those members of the school community who are negligent or lazy, or who through their behaviour seek to undermine or disrupt the school programme or the achievement of its goals, are swiftly dealt with. Good leaders do not shy away from difficult and challenging tasks, neither do they delegate them to their subordinates. This is because they understand the importance of demonstrating their commitment to the long-term good of the school to those whom they lead.

### A disciplined and orderly school environment:

This is characterised by:

- Low levels of absenteeism for both teachers and pupils;
- The school day and all lessons starting and ending on time;
- Class time focused on active engagement in the teaching and learning process by both teachers and pupils;
- The protection of teaching time which is never interrupted by announcements, visitors, administrative, sporting, cultural or other activities.

### A co-operative approach to planning and monitoring:

- For the principal and SMT this means regular weekly meetings, held outside of the formal school day, which focus on three areas:
  - Planning for the week(s) ahead to ensure that the school runs smoothly and that all members of staff are aware of the school programme for the coming weeks and what is expected of them.
  - A review of the past week to identify any short-coming or problems and to ensure that these have been adequately addressed. Where necessary, systems are modified to ensure that similar problems are prevented in the future.
  - The monitoring of progress in the implementation of Key Improvement Strategies of the school's improvement plan.
- For subject and phase heads this means regular weekly meetings outside of formal teaching time to discuss the following (Note that in high schools this should include all the teachers from across the grades that teach a specific subject):
  - The teaching and assessment programme for the coming week/fortnight. This discussion should include discussion on good classroom practice and the sharing of LTSMS

Continued on page 16

High			High
Impact on goal achievement	<b>High Impact and easy to implement</b> These should be your first priority tasks. These are the strategies and tasks which produce the best results for the least effort. Tackle these tasks first.	<b>High impact but challenging</b> These should be your second priority tasks. They may require careful planning and hard work if you are to succeed with them. Start working on these immediately.	
	<b>Bells and Whistles</b> Easy to do but make little contribution to the achievement of goals. Don't waste your time on these.	<b>Frustration builders</b> These are tasks and strategies which are difficult to implement and which have little impact on the achievement of goals. Avoid these.	
Low	Degree of Difficulty		Low

### Difficulty Impact Grid

You can use a grid of this kind to help you identify those strategies which will provide the greatest impact in terms of your targets and goals for the least amount of effort.

- The setting and marking of assessment tasks
- Pupil performance and the strategies and support that need to be put in place for

**Extract from a WCED circular providing guidelines for the start of 2010 which was distributed to all schools in the Western Cape.**

We have included this information here because we are aware of the fact that the communication network of some Provincial Education Departments is poor.

“The national Department of Education has requested provincial education departments to send the attached document to all principals and teachers.

The document sets out measures to reduce the administrative tasks related to implementation of the National Curriculum Statement.

Please note that there are no changes to the National Curriculum Statement for 2010.

**Grade R:** Use the NCS documents. All classrooms will be provided with a comprehensive Grade R kit to support teaching. This will be delivered in Term 1 of 2010.

**Foundation Phase:** Use the Foundations for Learning Programme. All Grades 1 – 3 learners will receive literacy and numeracy workbooks at the beginning of the second term.

**Intermediate Phase:** Use the Foundations for Learning Programme for Language and Mathematics. Use the documents you are currently using for the remaining six learning areas. All Grades 4 – 6 learners will receive literacy and numeracy workbooks at the beginning of the second term.

**Senior Phase:** Use the curriculum documents and textbooks you are currently using. The WCED has produced work schedules you may wish to use. These are guidelines, and should be used as such.

**Grades 10 – 12:** Use the documents and textbooks you are currently using.”

struggling and underperforming pupils.

- Weekly staff meetings for the entire teaching staff, outside of the formal school day which focus on:
  - The school programme for the following fortnight
  - Problems and short-comings that have arisen over the past week and how these have been addressed
  - Progress in implementing Key Improvement Strategies
  - Pupil performance and behaviour and the monitoring of teaching and learning.
- Quarterly staff meetings devoted solely to a class by class review and analysis of pupil performance. This meeting should be used to develop clear and specific strategies for dealing with and providing support for underperforming pupils. ■

**References**

<sup>1</sup> *Guidelines for School Strategic Planning 2009*, School Workforce Reform and School Improvement Division, Department of Education and Early Childhood Development (Melbourne, Australia 2005)

<sup>2</sup> *ibid*

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