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SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT No. 84 OF 1996)

NORMS AND STANDARDS FOR LANGUAGE POLICY IN PUBLIC SCHOOLS

I, Sibusiso Mandlenkosi Emmanuel Bengu, Minister of Education, after consulting the Council of Education Ministers, hereby determine norms and standards for language policy in public schools, in terms of section 6 (1) of the South African Schools Act, 1996 (Act No. 84 of 1996). The norms and standards for language policy in public schools is as published in the following Schedule.

S. M. E. BENGU
Minister of Education

November 1997.

SCHEDULE

DEPARTMENT OF EDUCATION

LANGUAGE IN EDUCATION POLICY 14 JULY 1997

I. The language in education policy documents which follow have been the subject of discussions and debate with a wide range of education stakeholders and role-players. They have also been the subject of formal public comment following their publication on 9 May 1997 (Government Notice No. 383, Vol. 17997).

II. Two policies are announced herewith, namely, the LANGUAGE IN EDUCATION POLICY IN TERMS OF SECTION 3 (4) (m) OF THE NATIONAL EDUCATION POLICY ACT, 1996 (ACT No. 27 OF 1996), and the NORMS AND STANDARDS REGARDING LANGUAGE POLICY PUBLISHED IN TERMS OF SECTION 6 (1) OF THE SOUTH AFRICAN SCHOOLS ACT, 1996. While these two policies have different objectives, they complement each other and should at all times be read together rather than separately.

III. Section 4.4 of the Language in Education Policy relates to the current situation. The new curriculum, which will be implemented from 1998, onwards, will necessitate new measures which will be announced in due course.

IV. LANGUAGE IN EDUCATION POLICY IN TERMS OF SECTION 3 (4) (m) OF THE NATIONAL EDUCATION POLICY ACT, 1996 (ACT No. 27 OF 1996)

A. PREAMBLE

This Language-in-Education Policy Document should be seen as part of a continuous process by which policy for language in education is being developed as part of a national language plan encompassing all sectors of society, including the deaf community. As such, it operates within the following paradigm:

1. In terms of the new Constitution of the Republic of South Africa,

the government, and thus the Department of Education, recognises that our cultural diversity is a valuable national asset and hence is tasked, amongst other things, to promote multilingualism, the development of the official languages, and respect of all languages used in the country, including South African Sign Language and the languages referred to in the South African Constitution.

2. The inherited language-in-education policy in South Africa has been fraught with tensions, contradictions and sensitivities, and underpinned by racial and linguistic discrimination. A number of these discriminatory policies have affected either the access of the learners to the education system or their success within it.
3. The new language in education policy is conceived of as an integral and necessary aspect of the new government's strategy of building a non-racial nation in South Africa. It is meant to facilitate communication across the barriers of colour, language and region, while at the same time creating an environment in which respect for languages other than one's own would be encouraged.
4. This approach is in line with the fact that both societal and individual multilingualism are the global norm today, especially on the African continent. As such, it assumes that the learning of more than one language should be general practice and principle in our society. That is to say, being multilingual should be a defining characteristic of being South African. It is constructed also to counter any particularistic ethnic chauvinism or separatism through mutual understanding.
5. A wide spectrum of opinions exists as to the locally viable approaches towards multilingual education, ranging from arguments in favour of the cognitive benefits and cost-effectiveness of teaching through one medium (home language) and learning additional language(s) as subjects, to those drawing on comparative international experience demonstrating that, under appropriate conditions, most learners benefit cognitively and emotionally from the type of structured bilingual education found in dual-medium (also known as two-way immersion) programmes. Whichever route is followed, the underlying principle is to maintain home language(s) while providing access to and the effective acquisition of additional language(s). Hence, the Department's position that an additive approach to bilingualism is to be seen as the normal orientation of our language-in-education policy. With regard to the delivery system, policy will progressively be guided by the results of comparative research, both locally and internationally.
6. The right to choose the language of learning and teaching is vested in the individual. This right has, however, to be exercised within the overall framework of the obligation on the education system to promote multilingualism.

B. This paradigm also presupposes a more fluid relationship between languages and culture than is generally understood in the Eurocentric model which we have inherited in South Africa. It accepts a priori that there is no contradiction in a multicultural society between a core of common cultural traits, beliefs, practices, etc., and particular sectional or communal cultures. Indeed, the relationship between the two can and should be mutually reinforcing and, if properly managed, should give rise to and sustain genuine respect for the variability of the communities that constitute our emerging nation.

C. AIMS

The main aims of the Ministry of Education's policy for language in education are-

1. to promote full participation in society and the economy through equitable and meaningful access to education;
2. to pursue the language policy most supportive of general conceptual growth amongst learners, and hence to establish additive

multilingualism as an approach to language in education;

3. to promote and develop all the official languages;
4. to support the teaching and learning of all other languages required by learners or used by communities in South Africa, including languages used for religious purposes, languages which are important for international trade and communication, and South African Sign Language, as well as Alternative and Augmentative Communication(1);

1 Alternative and Augmentative Communication facilitate communication for learners with limited or no speaking skills.

5. to counter disadvantages resulting from different kinds of mismatches between home languages and languages of learning and teaching;
6. to develop programmes for the redress of previously disadvantaged languages.

D. POLICY: LANGUAGES AS SUBJECTS

1. All learners shall offer at least one approved language as a subject in Grade 1 and Grade 2.
2. From grade 3 (Std 1) onwards, all learners shall offer their language of learning and teaching and at least one additional approved (2) language as subjects.

2 The term "approved languages" indicates that valid syllabuses at first or second language level have been submitted, and have been approved by the Minister as national policy. All official languages are "approved" languages, while German First Language is also an "approved" language for non-immigrant candidates. A syllabus at first or second language level, for any language, may be submitted for approval by the Minister.

3. All language subjects shall receive equitable time and resources allocation.
4. The following promotion requirements apply to language subjects:
 - (a) In Grade 1 to Grade 4 (Std 2) promotion is based on performance in one language and Mathematics.
 - (b) From Grade 5 (Std 3) onwards, one language must be passed.
 - (c) From Grade 10 to Grade 12 two languages must be passed, one on first language level, and the other on at least second language level. At least one of these languages must be an official language.
 - (d) Subject to national norms and standards as determined by the Minister of Education, the level of achievement required for promotion shall be determined by the provincial education departments.

E. POLICY: LANGUAGE OF LEARNING AND TEACHING

The language(s) of learning and teaching in a public school must be (an) official language(s).

V. NORMS AND STANDARDS REGARDING LANGUAGE POLICY PUBLISHED IN TERMS OF SECTION 6 (1) OF THE SOUTH AFRICAN SCHOOLS ACT, 1996

A. INTRODUCTION

1. Aim of these norms and standards

- (a) Recognising that diversity is a valuable asset, which the state is required to respect, the aim of these norms and standards is the promotion, fulfilment and development of the state's overarching language goals in school education in compliance with the Constitution, namely:
- (1) The protection, promotion, fulfilment and extension of the individual's language rights and means of communication in education;
 - (2) the facilitation of national and international communication through promotion of bi- or multilingualism through cost-efficient and effective mechanisms; and
 - (3) to redress the neglect of the historically disadvantaged language in school education.

2. Definitions

In these norms and standards, unless the context otherwise indicates, words and expressions contained in the definitions in the Act shall have corresponding meanings; and the following words and phrases shall have the following meanings:

- (a) "the Act" means the South African Schools Act, Act No. 84 of 1996;
- (b) "the Constitution" means the Constitution of the Republic of South Africa, Act No. 108 of 1996;
- (c) "school district" means a geographical unit as determined by the relevant provincial legislation, or prevailing provincial practice;
- (d) "language" means all official languages recognised in the Constitution, and also South African Sign Language, as well as Alternative and Augmentative Communication.

B. THE PROTECTION OF INDIVIDUAL RIGHTS

1. The parent exercises the minor learner's language rights on behalf of the minor learner. Learners who come of age, are hereafter referred to as the learner, which concept will include also the parent in the case of minor learners.
2. The learner must choose the language of teaching upon application for admission to a particular school.
3. Where a school uses the language of learning and teaching chosen by the learner, and where there is a place available in the relevant grade, the school must admit the learner.
4. Where no school in a school district offers the desired language as a medium of learning and teaching, the learner may request the provincial education department to make provision for instruction in the chosen language, and section 5.3.2 must apply. The provincial education department must make copies of the request available to all schools in the relevant school district.

C. THE RIGHTS AND DUTIES OF THE SCHOOL

- (1) Subject to any law dealing with language in education and the Constitutional rights of learners, in determining the language policy of the school, the governing body must stipulate how the school will promote multilingualism through using more than one language of learning and teaching, and/or by offering additional languages as fully-fledged subjects, and/or applying special immersion or language maintenance programmes, or through other means approved by the head of the provincial education department. (This does not apply to learners who are seriously challenged with regard to language development, intellectual development, as determined by the provincial department of education.)

(2) Where there are less than 403 requests in Grades 1 to 6, or less than 35 requests in Grades 7 to 12 for instruction in a language in a given grade not already offered by a school in a particular school district, the head of the provincial department of education will determine how the needs of those learners will be met, taking into account-

- (a) the duty of the state and the right of the learners in terms of the Constitution, including;
- (b) the need to achieve equity;
- (c) the need to redress the results of past racially discriminatory laws and practices;
- (d) practicability; and
- (e) the advice of the governing bodies and principals of the public schools concerned.

D. THE RIGHTS AND DUTIES OF THE PROVINCIAL EDUCATION DEPARTMENTS

1. The provincial education department must keep a register of requests by learners for teaching in a language medium which cannot be accommodated by schools.

2. In the case of a new school, the governing body of the school in consultation with the relevant provincial authority determines the language policy of the new school in accordance with the regulations promulgated in terms of section 6 (1) of the South African Schools Act, 1996.

3. It is reasonably practicable to provide education in a particular language of learning and teaching if at least 40 in Grades 1 to 6 or 35 in Grades 7 to 12 learners in a particular grade request it in a particular school.

4. The provincial department must explore ways and means of sharing scarce human resources. It must also explore ways and means of providing alternative language maintenance programmes in schools and or school districts which cannot be provided with and or offer additional languages of teaching in the home language(s) of learners.

E. FURTHER STEPS

1. Any interested learner, or governing body that is dissatisfied with any decision by the head of the provincial department of education, may appeal to the MEC within a period of 60 days.

2. Any interested learner, or governing body that is dissatisfied with any decision by the MEC, may approach the Pan South African Language Board to give advice on the constitutionality and/or legality of the decision taken, or may dispute the MEC'S decision by referring the matter to the Arbitration Foundation of South Africa.

3. A dispute to the Arbitration Foundation of South Africa must be finally resolved in accordance with the Rules of the Arbitration Foundation of Southern Africa by an arbitrator or arbitrators appointed by the Foundation.

3 The numbers 40 and 35 are informed by inter alia the following: The learner teacher ratio.
The cost-effective use of education funds.

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