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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF BASIC EDUCATION**

NO. 1495

02 DECEMBER 2016

**SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)****APPROVAL OF AMENDMENT TO THE REGULATIONS PERTAINING TO  
THE NATIONAL CURRICULUM STATEMENT GRADES R-12****SCHEDULE 1****DEFINITIONS**

1. In these regulations “the Regulations” means the regulations published as *Government Notice 1114* in *Government Gazette No. 36041* of 28 December 2012 as amended as-

*Government Notice 564* in *Government Gazette, No. 37840* dated 18 July 2014;

*Government Notices 625 and 626* in *Government Gazette, No. 37910* dated 13 August 2014;

*Government Notice 235* in *Government Gazette, No. 38589* dated 20 March 2015;

*Government Notice No. 1162* in *Government Gazette, Vol.605, No. 39435* dated 20 November 2015.

**Amendment of Regulation 6 of the Regulations**

2. Regulation 6 is hereby amended by-

(a) the insertion, after sub-regulation (4)(c) of the following sub-regulations-  
“(cA) The norm for repetition, namely that a learner may not be retained in the Further Education and Training Phase for a period not exceeding four years will, subject to *sub-regulation (cB)*, only be applied in cases where it is considered as in the best interest of learners to be progressed to the next grade. Considering this, progression to either Grade 10 or Grade 11, is subject to the following criteria-

(i) the learner must have failed either Grade 10 or Grade 11, and repeated either Grade 10 or Grade 11 by means of one of the following scenarios-

(aa) must have repeated Grade 10 and was unable in meeting the promotion requirements at the end of the second year in Grade 10; or

(bb) must have met Grade 10 promotion requirements,

but was unsuccessful in meeting the Grade 11 promotion requirements after a period of two years; or

(cc) must have been unsuccessful in meeting Grade 10 promotion requirements at the end of the first year, was progressed to Grade 11 the following year but was unable in meeting the Grade 11 promotion requirements at the end of the first year in Grade 11; and

(ii) pass four of the seven subjects, offered for the National Senior Certificate, comprising-

(aa) the Language of Learning and Teaching (LoLT)  
and

(bb) three other approved subjects, including Life Orientation, selected from Groups A and/or B in Annexure B as contemplated in Regulation 4B(a) and (b);

(iii) attended school on a regular basis. Absenteeism in excess of 20 days, without a valid reason, will disqualify the learner from being progressed. If the learner has been absent for more than 20 days, without a valid reason, this constitutes irregular attendance; and

(iv) complied with the prescribed School-Based Assessment (SBA) requirements for all subjects offered, including the failed subjects for that academic year as contemplated in *Regulations 7 and 8*;

“(cB) To establish whether a learner should be retained in the Further Education and Training Phase or progressed to the next grade, the following procedure must be followed-

(i) the school must convene a special meeting of relevant subject staff to evaluate each learner holistically that has not met the promotion requirements more than once in Grade 10 or 11;

(ii) if there is consensus among all subject teachers during the promotion/progression meeting that the learner should be retained in the current grade, then a meeting must be held with the parent/guardian so that the advice is carefully and clearly explained by the school and understood by the parent/guardian before the learner’s school report is handed to them;

(iii) the decision reached at the meeting contemplated in *sub-regulation (ii)* must be reflected on the learner’s report card. If the learner is retained, this must be confirmed in writing by the parent; and

“(cC) A parent/guardian has a right to appeal the final decision made by the school to progress or retain a learner and must follow the following process-

(i) to appeal a progression or retention decision, the parent/guardian must submit a written request, not later than three (3) days after the official opening of schools, to the school principal specifying the reasons why the progression or retention decision is being contested;

(ii) within fourteen (14) working days of receiving a request to appeal, the Head of Department or his/her designee shall make a final determination in this regard; and

(iii) the onus shall be on the parent as the appealing party to show why the progression or retention decision should be overruled.”

“(cD) Districts and schools must have clearly articulated intervention strategies that include an early identification of low achievers or at-risk learners so that the school, district and province can develop and implement additional learning opportunities.”

“(cE) The Provincial Education Department must monitor the implementation of the Progression Policy across all schools to ensure compliance with it.”;

(b) the substitution for sub-regulation (4)(e) of the following sub-regulation-

“(4)(e) Progression in Grades 10-12 does not guarantee the final certification of a learner in Grade 12 and such a learner must comply with the certification requirements as contemplated in *paragraph 37(1)(a)* of the policy document, *National policy pertaining to the programme and promotion requirements of the National Curriculum Statement Grades R – 12* to enable him or her to obtain a National Senior Certificate. Progressed learners will, however, be allowed multiple examination option, which implies that the learner writes a limited number of subjects in the first sitting of the examination as set out in Regulation 41A of the Regulation document, *Regulations pertaining to the Conduct, Administration and Management of the National Senior Certificate examination*, published as *Government Regulation Notice No. R872 in Government Regulation Gazette No. 31337 of 29 August 2008* and be allowed to write the remaining subjects in a subsequent examination”.

### **3. SHORT TITLE AND COMMENCEMENT**

These Regulations may be cited as the *Regulations Pertaining to the National Curriculum Statement Grades R – 12* and will commence on the day of the promulgation thereof.

**THE SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)****APPROVAL OF AMENDMENT TO THE REGULATIONS PERTAINING TO  
THE CONDUCT, ADMINISTRATION AND MANAGEMENT OF THE  
NATIONAL SENIOR CERTIFICATE EXAMINATION****SCHEDULE 2****DEFINITIONS**

1. In these regulations, “regulations” mean the regulations published as *Regulations pertaining to the Conduct, Administration and Management of the National Senior Certificate examination*, published as *Government Regulation Notice No. R872 in Government Regulation Gazette No. 31337* of 29 August 2008 and amended as:

*Government Notices No. 1327 and 1328 in Government Gazette, Vol. 522, No.31680* dated 12 December 2008;

*Government Notices No. 1041 and 1042 in Government Gazette, Vol.533, No.32678* dated 3 November 2009.

*Regulation Notice No. 188 in Government Gazette No. 35103* dated 2 March 2012.

*Regulation Notice No. 444 in Government Gazette No. 35429* dated 7 June 2012.

*Regulation Notice No. 371 in Government Gazette No. 37651* dated 16 May 2014;

*Government Notice No. 1162 in Government Gazette, Vol.605, No. 39435* dated 20 November 2015.

**Amendment of Regulation 2 of the Regulations**

2. Regulation 1 is hereby amended by-
- (a) the insertion, after the definition of “processes and procedures for the assessment of learner achievement”, of the following definition-

“progression” – means the advancement of a learner from one grade to the next, excluding Grade R, in spite of the learner not having complied with all the promotion requirements. Progression can be used to prevent a learner from being retained in a phase for a period exceeding four years as stipulated in the *Admission policy for ordinary public schools* as published as *Government Notice 2432, Government Gazette, Vol. 400, No. 19377* of 19 October 1998, provided that the underperformance of the learner in the previous grade is addressed in the grade to which the learner has been promoted”;

### **Amendment of Regulation 7 of the Regulations**

3. Regulation 7 is hereby amended by the insertion, after sub-regulation (1) of the following sub-regulation-

“(1A) Learners who have been progressed to Grade 12 in terms of *Regulation*

*6(4)(cA)* of the *Regulations pertaining to the National Curriculum Statement Grades R-12*, published as *Government Notice 1114 in Government Gazette No. 36041* of 28 December 2012 must, however, comply with the promotion and certification requirements as contemplated in *Regulations 6(4) and 20* of the said *Regulations*, in order to obtain a National Senior Certificate qualification.

(a) learners that are progressed into Grade 12, should be allowed to follow the multiple examination option, which implies that the learner writes a limited number of subjects in the first sitting of the National Senior Certificate examination and will be allowed to write the remaining subjects in a subsequent examination in order to allow them to satisfy their outstanding requirements.

(b) The performance of progressed learners must be monitored in the Grade 12 year, and based on a consultative process with the parent, the learners will-

(i) be advised to write the examination in a limited number of subjects in the first sitting of the end-of-year examination;

(ii) be allowed to sit for a limited number of subjects in the examination based strictly on the performance of the learners in the said examination and preceding tests in the Grade 12 year;

(iii) be allowed to write the examination in all six subjects, provided they have demonstrated acceptable achievement levels in all six subjects, and

(iv) be allowed to write in the June examination the remaining limited number of subjects, subject to the following-

(aa) only a limited number of subjects will be examined and progressed candidates may only enrol for those subjects indicated on the list of selected subjects for examination; and

(bb) should a learner be unsuccessful in meeting the outstanding requirements in the June examination, he or she will be regarded as a part-time repeater candidate as contemplated in sub-regulation (3).”

### **Insertion of Regulation 41A of the Regulations**

4. The Regulations are hereby amended by the insertion, after Regulation 41 of the following Regulation-

#### **“41A Reporting of results**

The national and provincial pass rates will be presented as follows-

- (a) pass percentage of all learners, including progressed learners;
- (b) pass percentage of progressed learners; and
- (c) pass percentage of learners, excluding progressed learners”.

### **Short Title and Commencement**

5. These Regulations may be cited as the *Regulations Pertaining to the Conduct, Administration and Management of the National Senior Certificate examination* and will come into effect on the date of publication in the *Government Gazette*.