

The policy framework for teacher education qualifications in South Africa: Where does Education Law fit in?

Drs Lynette Jacobs & Mariette Reyneke,
University of the Free State, South Africa



Background

- After many forms of oppressive ruling (British Colonialism & Apartheid) South Africa came under democratic ruling in 1994
- Profound legislative and policy changes toward transformation in all spheres



Curriculum changes

- 1998 – Curriculum 2005 – ambitious and sophisticated
 - Not sufficient preparation and training
 - Lack of resources and infrastructure
- 2003 – Moved away from the C2005 to the more structured National Curriculum Statement (NCS)
- 2012 – Curriculum and Assessment Policy (CAPS)



Teacher Education

- *Higher Education Act* 101 of 1997
 - Council for Higher Education (CHE)
 - setting up of a higher education qualification framework
 - merging & closing of certain higher education institutions
- Colleges of Education were closed down at the turn of the century
- Teacher education became the sole responsibility of universities



Teacher Education Policies

- 2000 – *Norms and Standards for Educators*.
 - Aligned with a progressive outcomes-based approach, Curriculum 2005 (implemented from 1998)
 - Emphasise the Seven Roles of an Educator



Seven Roles of an Educators

- Learning mediator
- Interpreter and designer of learning programmes and materials
- Leader, administrator and manager
- Scholar, researcher and life-long learner
- Community, citizenship and pastoral role
- Assessor
- Learning area/subject/discipline/phase specialist



- National Policy Framework for Teacher Education and Development in South Africa (2007)
 - Moved back to the term “Teacher” instead of “Educator”
 - Seven tasks being interpreted rather as functions that collectively have to be carried out by the teaching corps at a school
- Revised policy on the Minimum Requirements for Teacher Education Qualifications (MRTEQ) (2015)



MRTEQ

- The types of learning identified:
 - disciplinary learning
 - Disciplinary subject matter learning
 - pedagogical learning
 - study of the principles, practices and methods of teaching
 - practical learning
 - learning from and in practice – authentic and simulated classroom environment
 - fundamental learning
 - Language of communication, ICT skills, academic literacy
 - situational learning
 - knowledge of the varied learning situations, contexts and environments, including policy, political and organisational contexts.
- Specific mixes of these five types of learning and knowledge depend on the purpose of the qualification



School governance

- South African Schools Act (1996)
 - School governance is vested in School Governing Bodies, comprising representatives from teaching staff, non-teaching staff, learners older than 12, the school principal and parents (majority on the SGB)
 - SGB act on behalf of the school in related matters
 - Management is responsibility of Principal, Deputy Principal and Heads of Departments at school, under authority of the Provincial Departments of Education
 - Provincial Head of Department act on behalf of the school in related matters
 - Separation of powers



Statement of the problem

- Increase in litigation between schools, parents and the Department of Basic Education
 - Affluent schools can afford legal representation, poorer schools not
 - Litigation an unnecessary expense to government
- Often due to the ignorance in terms of EduLaw on the part of officials, and clearly, there is a need to empower teachers and education officials in this regard.
- Opportunities to study Education Law should be available in different formats to role-players
- *What is the potential to include Education Law in teacher qualifications at various levels?*



Current state of EduLaw in South Africa

- 26 State funded Higher Education Institution
 - Traditional Universities
 - Universities of Technology
 - Comprehensive Universities
- Most offer Teacher Education Programmes, albeit not all focused on all levels



Classification of Educational Subject Matter (CESM) (2014)

- Subject matter is classified under categories
 - Education Law falls under 12 (Law)
 - *A field of study concerned with identifying and elaborating the principles and procedures laid down by legislation, the common law and judicial precedent and enforced by institutions of government with a view to the preservation of the social order.*
 - Education Law is described as *The study of the development of education law with specific reference to constitutional aspects and the rights of learners, parents and educators; management and governance of public schools and higher education institutions, and private aspects of education.*
 - Different fields of Education fall under category 07 (Education)
 - *A broad area of study concerned with the science and practice of educating the population.*



Current status of EduLaw

- CESH that Education law is classified under the Law field and not under the Education field
- Sources of the law, which is the Constitution, legislation, case law and common law are the primary focus
- *Context* is education – (also consider medical law, environmental law, mining law or cyber law)
- Assumption is that the primary experts in this field should be lawyers



Practice in South Africa

- Taught in Faculties of Ed, by Education experts
- History of EduLaw in SA
 - Initially part of Comparative Education
 - Moved to Education Management and Policy studies
 - Adoption of the Constitution of SA, sparked interest



Current status

- South African Education Law and Policy Association (SAELPA) - later only SAELA
- Establishment of the Inter-University Centre for Education Law and Policy (CELP)
- Beckman (2015) indicates that only **seven** of the higher education and training institutions in South Africa offers education law as a module which severely impedes the development of Education Law as a subject field
- Lack of inclusion of Education Law as a module in the training of law students



Other organisations

- Since universities are to a large extent failing to provide adequate - non-governmental organisations
 - Fedsas
 - provides training to member schools on school governance
 - assist schools in litigation
 - published a number of textbooks that explains the basic provisions of the law in unpretentious language.
 - Equal Education, Section 27 & the Centre for Child Law
 - Different ground breaking and president setting litigation
 - Contributed significantly to the production of a critical mass of legal precedents for the education sector.



At our institution

- Centre for Human Rights developed an inter-disciplinary structured Masters in Human Rights
- Provides students without a legal background & access to specialised training in human rights. Education Law is one of the elective modules that students can choose.
- The module will touch on topics such as access to education, religious rights in education, balancing the rights of children with the rights of adults, Free Higher education, the position of pregnant learners, the continued use of corporal punishment and other forms of violence in schools.
- Similar to a module presented in the current PGDip, offered by the Faculty of Education



PGDip (Post Graduate Diploma in Education)

- Serves to strengthen and deepen educators' knowledge in a particular field of education
- *Purpose - enable working professional educators to involve themselves in advanced reflection and development by means of a systematic survey of current thinking, practice and research methods in an area of specialisation in their profession, or in a sub-field of education*
- demands a *high level of theoretical engagement and intellectual independence*
- *may include conducting and reporting on research under supervision*



Conceptualisation of the PGDip in Education Policy

- Based on the challenges faced in education in South Africa and steered by the guidelines supplied in the documents discussed above (and the drafts that preceded them), we asked the question:
 - *What programme can we design that will build research capacity, professionally develop educators and educator officials towards policy making and at the same time bring about change in students' work contexts?*



Programme outcome

- *On completion of the PGDip in Education Policy Studies, graduates will be able to critically read, interpret and deliberate national and provincial education legislation and policy. Informed by democratic values, they will apply knowledge, practice skills and demonstrate attitudes that will enable them to follow policy processes to bring about socially responsive piecemeal transformation within their work contexts.*

(The term piecemeal coined by Karl Popper in his *The Open Society and Its Enemies*, first printed in London by Routledge in 1945, and represents something being done piece by piece or in small steps)



Generic modules

- Education theory
 - How to use education theory when researching education issues
- Research methodology
- Capstone project
 - Research their own practice towards change



Coursework

- Aimed to progress from the general to the particular.
- We started with international education systems, then to the education system of the student's country and finally to the student's own context. The coursework modules comprise the following:
 - Comparative and International Education
 - Foundations of education law and policy
 - Legislative and policy framework for education in South Africa
 - Professional context: policy for transformed practice in education
 - Policy and management processes for responsive transformation in education



Challenges

- Overemphasis on Human Rights, foundations of Law often lacking
- Not perceived as having the same status as B Ed Hons (even if it is on the same level)
- Postgraduate scholarships not available, only for B Ed Hons students
- No financial support from Education Departments
- EduLaw books mostly written by Education Specialists and not Law Specialists



To conclude

- Qualification framework allows for EduLaw
- Need for Law experts to be involved in Education programmes
- Education Law should be more prominent in Law qualification programmes
- There needs to be a political will to empower teachers in terms of EduLaw (e.g. scholarships)





Thank you

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