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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF BASIC EDUCATION**NOTICE 411 OF 2020****DISASTER MANAGEMENT ACT, 2002****AMENDMENT OF DIRECTIONS ISSUED IN TERMS OF REGULATION 4(3) OF THE REGULATIONS MADE UNDER THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002) REGARDING THE RE-OPENING OF SCHOOLS AND MEASURES TO ADDRESS, PREVENT AND COMBAT THE SPREAD OF COVID-19 IN THE NATIONAL DEPARTMENT OF BASIC EDUCATION, ALL PROVINCIAL DEPARTMENTS OF EDUCATION, ALL EDUCATION DISTRICT OFFICES AND ALL SCHOOLS IN THE REPUBLIC OF SOUTH AFRICA**

I, Angelina Matsie Motshekga, Minister of Basic Education, in terms of regulation 4(3) of the Regulations made under the Disaster Management Act, 2002 (Act No. 57 of 2002), as published under Government Notice No. R.480, in Government *Gazette* No. 43258 of 29 April 2020, as amended under Government Notice No. R.608, published in Government *Gazette* No. 43364 of 28 May 2020, under Government Notice No. 714, published in Government *Gazette* No. 43476 of 25 June 2020, under Government Notice No. 773, published in Government *Gazette* No. 43521 of 12 July 2020 and under Government Notice No. 846, published in Government *Gazette* No. 43577 of 31 July 2020, hereby amend the Directions regarding the re-opening of schools and measures to address, prevent and combat the spread of COVID-19 in the National Department of Basic Education, and all Provincial Departments of Education, all education district offices and all schools in the Republic of South Africa, as published under Government Notice No. 343, in Government *Gazette* No. 43465 of 23 June 2020.

**MRS AM MOTSHEKGA, MP****MINISTER OF BASIC EDUCATION****DATE: 02 AUGUST 2020**

SCHEDULE

Definition

1. In this Schedule the “Directions” means the Directions regarding the re-opening of schools and measures to address, prevent and combat the spread of COVID-19 in the National Department of Basic Education, and Provincial Departments of Education, and all schools in the Republic of South Africa, as published under Government Notice No. 343, in Government *Gazette* No. 43465 of 23 June 2020 and further amended under Government Notice No. 357, published in Government *Gazette* No. 43488 of 29 June 2020, Government Notice No. 370, published in Government *Gazette* No. 43510 of 7 July 2020 and Government Notice No. 371, published in Government *Gazette* No. 43511 of 8 July 2020.

Amendment of direction 1 of Directions

2. Direction 1 of the directions is hereby amended by the substitution for the definition of “Regulations” of the following definition:

“**Regulations**” means the Regulations made under section 27(2) of the Disaster Management Act and published under Government Notice No.R.480, in Government *Gazette* No. 43258 of 29 April 2020, as amended under—

- (a) Government Notice No. 608, published in Government *Gazette* No. 43364 of 28 May 2020;
- (b) Government Notice No. 714, published in Government *Gazette* No. 43476 of 25 June 2020;
- (c) Government Notice No. 763, published in Government *Gazette* No. 43521 of 12 July 2020; and
- (d) Government Notice No. 846, published in Government *Gazette* No. 43577 of 31 July 2020;”.

Amendment of direction 5 of Directions

3. Direction 5 of the Directions is hereby amended by the insertion after sub-direction (8) of the following sub-direction:

“(8A) The Head of Department must ensure that the schools continue to conduct assessments of learners and provide feedback to the learners or parents.”.

Insertion of direction 5A in Directions

4. The following Direction is hereby inserted in the Directions after direction 5:

“5A. School break and arrangements after break

(1) All public schools will break from 27 July 2020 and the school arrangements after the break are as follows:

Week	Date	School arrangements after break
Week 1	27 – 31 July 2020	• The principal and the School Management Team will determine the staffing requirements to ensure compliance with the health, safety and social distancing requirements and to assist with the distribution of learning material and the roll out of the daily school feeding programme for all qualifying learners. • The principal and the School Management Team must be on duty to

		make arrangements for the receipt of the learners anticipated in the weeks ahead. • Schools will remain open for feeding of qualifying learners in terms of the National School Nutrition Programme.
Week 2	3 – 7 August 2020	• Grade 12 and Schools of Skill: Year 4 learners will return to school on 3 August 2020. • Grade 12 and Schools of Skill: Year 4 teachers (and teacher support staff) will return to school on 3 August 2020. • The principal and the School Management Team (as required) will be in attendance at school. • Officials (as identified by the principal and the School Management Team) will return to school on 3 August 2020, to assist in ensuring compliance with the health, safety and social distancing requirements and to assist in the distribution of learning material and the roll-out of the daily school feeding programme for all qualifying learners.
Week 3	11–14 August 2020	• Grade 7 learners will return to school on 11 August 2020. • Grade 7 officials (and teacher support staff) will return to school on 11 August 2020. • The principal and the School Management Team (as required) will be in attendance at school.

		• Officials, who are at school, will assist in ensuring compliance with the health, safety and social distancing requirements and to assist in the distribution of learning material and the roll-out of the daily school feeding programme for all qualifying learners.
Week 4	17– 21 August 2020	• All officials will report for duty on 17 August 2020 to prepare for the return of learners in the remaining grades. • Grade 7; Grade 12; and Schools of Skill: Year 4 learners and officials will already be at school. • Officials who are already at school will assist in ensuring compliance with the health, safety and social distancing requirements and to assist in the distribution of learning material and the roll-out of the daily school feeding programme for all qualifying learners.
Week 5	24 August 2020	(a) Learners in the following grades, years or schools will return to school on 24 August 2020: • Grade R; Grade 1; Grade 2; Grade 3; Grade 4; and Grade 6; • Grade 9; Grade 10; and Grade 11; • Schools of Skill: Year 1; Year 2; and Year 3;

		• Schools with Learners with Severe and Profound Intellectual Disabilities ("LSPID"): Year 1; Year 2; and Year 3; • Schools for Learners with Severe Intellectual Disabilities ("SID"): Grade R; Grade 1; Grade 2; Grade 3; and final year (Occupational); and • Schools with autistic learners: Junior group (below 13 years); Senior Group (13 years and above); and final year (18 years and above). (b) The school must ensure compliance with the health, safety and social distancing requirements in accommodating this group of learners.
Week 6	31 August 2020	Learners in the following grades or schools will return to school on 31 August 2020: • Grade 5 and Grade 8; and • Schools for Learners with Severe Intellectual Disabilities ("SID"): Grade 4 and Grade 5.

- (2) Despite sub-direction (1) in relation to the arrangements after the school break, the phased return of learners and officials to school will be in accordance with direction 5(1)(a).
- (3) Upon the return of learners and officials to school after the school break, the school must comply with the social distancing and timetable models, as contemplated in direction 15 of the Directions.
- (4) Despite the arrangements set out in sub-direction (1), all public schools that have been permitted, in terms of direction 7, on or before 27 July 2020, to deviate from the phased return to school, may

- continue with the deviation, without providing further notification to the Head of Department.
- (5) All public schools that have not applied, before 27 July 2020, for deviation from the phased return to school, must apply in terms of direction 7 for deviation.
 - (6) Although the schools are on break, all officials are considered to be on duty and may be required to assist with official duties as and when required or determined by the principal and the School Management Team.
 - (7) All officials must report to school on 17 August 2020.
 - (8) The principal and the School Management Team must determine and implement a rotational leave plan to ensure that the principal and each member of the School Management Team, respectively, are allowed at least a five day break during the first three weeks of the break.
 - (9) The School Management Team must use the first week of the break, which is from 27 to 31 July 2020, to make all the necessary arrangements for the return of the respective grades, as contemplated in sub-direction (1).
 - (10) All officials responsible for the education of the respective grades that are returning to school, must return to school as contemplated in sub-direction (1) or as otherwise determined by the School Management Team.
 - (11) The Head of Department must ensure that the national school nutrition programme is made accessible to every qualifying learner.
 - (12) The Head of Department, or a person duly authorised by him or her, must make reasonable arrangements with schools to ensure that the provision of learning material, therapeutic support and continued teaching to learners occur during the school break.”.

Substitution of direction 6 of Directions

5. The following direction is hereby substituted for direction 6 of the Directions:

“6. School attendance

- (1) A parent, caregiver or a designated family member may choose not to send a learner to school for reasons that may include—
 - (a) any medical condition of the learner, including comorbidities;
 - (b) anxiety and fear related to COVID-19, concern for family members that are over the age of 60 or concern for family members with comorbidities;
 - (c) a preference for the learner receiving learning and teaching instruction through the online or virtual platforms provided by an independent institution which is not related to the school that the child is registered at;
 - (d) a preference for the learner receiving learning and teaching instruction through the online or virtual platforms provided by the school; or
 - (e) an application for home education and deregistration of a learner from the school.
- (2)
 - (a) A parent, caregiver or a designated family member who chooses not to send a learner to school for any of the reasons contemplated in sub-direction (1)(a), (b) or (c) must apply, through the school that the learner attends, in terms of section 4 of the South African Schools Act, to the Head of Department, or a person duly authorised by him or her, for the full or partial exemption of a learner from compulsory school attendance for the duration of national state of disaster.
 - (b) The application contemplated in paragraph (a)—
 - (i) must be on a form substantially similar to Annexure E1, stating the reasons for the application for exemption, which should include evidence of a medical

- condition, in instances where the reason relate to a medical condition or comorbidity;
- (ii) must be accompanied by a form substantially similar to Annexure E2, declaring the commitment for taking responsibility for the learners continued learning at home, which outlines the conditions that need to be adhered to by the parent, caregiver or a designated family member; and
 - (iii) may be subject to conditions.
- (c) The Head of Department, or a person duly authorised by him or her, must make arrangements with the schools, to ensure that the school consults with parents, caregivers or designated family members to receive the learning material for learners who are granted full or partial exemption from attending school, to ensure that continued learning takes place.
- (d) A parent, caregiver or a designated family member who chooses not to send a learner to school must ensure that teaching and learning material are collected or accessed, as per arrangement with the school, to ensure that continued learning takes place.
- (3) A parent, caregiver or a designated family member who chooses not to send a learner to school for the reason contemplated in sub-direction (1)(d), is not required to apply for exemption from compulsory school attendance.
- (4) (a) A parent, caregiver or a designated family member who chooses to deregister their child from the school and apply for a learner to be enrolled for home education, as contemplated in in sub-direction (1)(e), must comply with the legal requirements for the provision of home education, as contemplated in section 51 of the South African Schools Act.
- (b) A learner who is deregistered from a school will have to reapply for admission and adhere to the admission requirements if they wish to return to a public school.

- (5) Where a learner is self-isolated or quarantined due to being in contact with a person who has tested positive or is displaying symptoms of COVID-19, or is isolated following testing positive for COVID-19—
 - (a) the parent, caregiver or a designated family member must inform the school as soon as possible of the learner's condition; and
 - (b) the school must inform the Head of Department of the incident through the district office.
- (6) Where a learner tested positive for COVID-19 through the processes at the school and the school is aware of the results, the school must, as soon as possible—
 - (a) inform the parent, caregiver or a designated family member of the of the learner's condition and—
 - (i) request them to fetch the learner from school;
 - (ii) advise them to refer the learner to a medical practitioner; and
 - (iii) advise them keep the learner self-isolated or quarantined at home; and
 - (b) inform the Head of Department of the incident through the district office.
- (7) The application process for exemption as contemplated in direction 6 also apply to learners registered at a school but who fall outside compulsory school attendance as regulated in section 3 of the South African Schools Act.
- (8) Learners who have already applied for the full or partial exemption from compulsory school attendance for any of the reasons contemplated in sub-direction (1), must not re-apply for exemption.
- (9) The principal of the school, or the person duly authorised by him or her, must, with the consent of a parent, caregiver or a designated family member make arrangements for a learner who is registered at the school to receive psychosocial support services, where required.”.

Insertion of directions 6A and 6B in Directions

6. The following directions are hereby inserted in the Directions after direction 6:

“6A. Administering application for exemption

- (1) Where a parent, caregiver or a designated family member of a learner applied to the Head of Department, or a person duly authorised by him or her, for full or partial exemption of the learner from compulsory school attendance, as contemplated in direction 6, the Head of Department must exempt the learner, as contemplated in direction 6, if he or she is satisfied that—
 - (a) the exemption is in the interest of the learner;
 - (b) the parent, caregiver or a designated family member will take responsibility to oversee the learning of the learner at home; and
 - (c) the parent, caregiver or a designated family member will comply with any reasonable conditions set by the Head of Department for the full or partial exemption.
- (2) Where a parent, caregiver or a designated family member of a learner has applied for exemption of a learner from compulsory school attendance, as contemplated in direction 6, the learner is exempted from attending school until such time as the Head of Department has considered and responded to the application for exemption.
- (3) The Head of Department must consider and finalise the application for exemption within 30 days of receipt of the application.
- (4) Subject to sub-direction (5), the Head of Department may withdraw the exemption referred to in sub-direction (1).
- (5) The Head of Department may not withdraw the registration until he or she—

- (a) has informed the parent, in writing, of his or her intention to do so and the reasons therefor;
 - (b) has granted the parent an opportunity to make representations to him or her in relation to such decision; and
 - (c) has duly considered any such representations received.
- (6) A parent, caregiver or a designated family member who is aggrieved by the decision of the Head of Department to withdraw an exemption of a learner from compulsory school attendance in terms of sub-direction (4), may lodge an appeal, in writing, to the Member of the Executive Council against the decision to withdraw the exemption.

6B. Registration status of learner and marking of attendance register

- (1) In the event that a learner is granted an exemption from compulsory school attendance, as contemplated in direction 6, or is unable to attend school as contemplated in direction 5(7)—
 - (a) nothing in these Directions purports to alter the registration status of a learner at the specific school where the learner is registered; and
 - (b) the learner continues to be registered with their school.
- (2) A school must maintain accurate daily attendance registers of learners.
- (3) A learner must be marked absent in the attendance register when the learner is not physically present at school.
- (4) The school must maintain records of—
 - (a) all learners who are unable to attend school for reasons contemplated in direction 5(7); and
 - (b) all exemptions granted in terms of direction 6.”.

Amendment of direction 12 of Directions

7. Direction 12 of the Directions is hereby amended by the insertion after sub-direction (1) of the following sub-directions:

- “(1A) To ensure the sufficient supply of cloth face masks, in compliance with regulation 5(3)(c) of the Regulations, the principal of a public school, must request the Provincial Department of Education, in writing, through the district office, to procure cloth face masks required by a public school.
- (1B) The District Director must process the request by the principal timeously and forward it to the Provincial Department of Education, without delay.
- (1C) The Provincial Department of Education must ensure that the procurement of cloth face masks is finalised and that the cloth face masks are delivered to public schools timeously.”.

Amendment of direction 14 of Directions

8. Direction 14 of the Directions is hereby amended by the substitution in sub-direction (4), for paragraph (a) of the following paragraph:

- “(a) provide each official and learner at public schools, with two cloth face masks or face shields; and”.

Addition of Annexures E1 and E2 to Directions

9. The following Annexures are hereby added to the Directions after Annexure D2:

“ANNEXURE E1

APPLICATION FOR EXEMPTION OF LEARNER TO ATTEND SCHOOL

[Application in terms of direction 6(1)(a),6(1)(b) and 6(1)(c)]

(To be completed by the parent/caregiver/designated family member)

I, _____ (Name and surname), the parent, caregiver or a designated family member (*delete whichever is not applicable*) of _____ (Name of learner) who is in Grade _____ at _____ (Name of school), hereby apply to the Head of Department to exempt the learner from compulsory school attendance, in terms of section 4 of the South African Schools Act, 1996 (Act No. 84 of 1996), for the period of the national state of disaster.

I do so, and take full responsibility, to oversee the learning of the learner at home as indicated in the signed agreement (Annexure E2). The reasons for my application for exemption are as follows:

Reason	Further Details
Underlying health condition and/or comorbidity of the learner or a close family member	
General concern over the risk of transmission of COVID-19	

In respect of a learner contemplated in direction 6(1)(a): Evidence of medical condition of learner is **attached/ not attached** (*please select*)

Signed at _____ on this _____ day of _____ 2020.

Parent/Caregiver/Designated family member

Full Name

Contact number: _____

ANNEXURE E2**PARENT ACCEPTANCE FORM: TO ADHERE TO CONDITIONS FOR EXEMPTION
FROM COMPULSORY SCHOOL ATTENDANCE**

[Application in terms of direction 6(1)(a), 6(1)(b) and 6(1)(c)]

(To be completed by the parent/caregiver/designated family member)

I, _____ (Name and surname),
 the parent, caregiver or a designated family member *(delete whichever is not applicable)*
 of _____ (Name of learner) who is in
 Grade _____ at _____ (Name of school), hereby
 accept the following conditions for the exemption of the learner from compulsory school
 attendance for the duration of national state of disaster:

- (1) I accept and agree that I will take responsibility—
 - (a) to oversee the daily learning of the learner at home, including the daily work and assessments;
 - (b) to ensure that the learner is informed of the work that must be learned and the work that must be completed on a daily basis; and
 - (c) to ensure that all work and assignments are collected or accessed and returned to school, in accordance with the arrangements made with the school.
- (2) I accept and agree that, if the conditions in this Annexure are not met, the exemption from compulsory school attendance may be withdrawn.
- (3) I accept and understand that, if I am unable to accept these conditions and the associated responsibilities, then the learner should continue to attend school.

Signed at _____ on this _____ day of _____ 2020.

 Parent/Caregiver/Designated family member

 Full Name

Contact number: _____".

Validation of acts or decisions before commencement

10. Every act done or decision made by the Minister, the Head of Department, a principal, the School Management Team or officials before the commencement of these directions that would have been lawful and valid if these directions had been in force at the time when it was done, is hereby validated and declared to have been lawfully and validly done by the Minister, the Head of Department, a principal, the School Management Team or officials.

Commencement

11. These amendment directions come into operation on the date of publication thereof in the *Government Gazette*.

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