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EASTERN CAPE PROVINCIAL LEGISLATURE

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PORTFOLIO COMMITTEE ON EDUCATION

Negotiating mandate of the Education Laws Amendment Bill (B33B-2007)

1. *Terms of reference*

The Education Laws Amendment Bill (B33B-2007), hereinafter referred to as the Bill, was referred to the Portfolio Committee on the Office on Education by the NCOP Business Committee for consideration.

2. *Consideration of the Bill*

The Portfolio Committee was briefed on the content and effect of the Bill by the Permanent Delegate. The Committee conducted public hearings on the Bill on 25, 26, 29 and 31 of October 2007.

3. *Negotiating mandate of the Committee*

The Committee resolved to confer the following negotiating mandate:



3.1 Clause 3

It is noticed that the Bill provides that the Minister may by regulation establish a body to be known as the National Education and Training Council (NETC). It is proposed that the word "may" in section 11(1) of clause 3 must be amended to read as "must" in order to make the establishment of the NETC mandatory rather than discretionary. The creation of other advisory bodies must be left at the discretion of the Minister. - *retain it as stands in the Bill*

3.2 Clause 5

The quarter system for learner support material must be addressed in the Bill or at least in the Regulations. There must be clear criteria to allocate schools to quintiles. On clause 5A(2)(C) (ii), add the words, "based on school needs", after "learning material". *added*

39/40 School Act

3.3 Clause 7

Clause 7 of the Bill deals with random search and seizure and drug testing at schools and provides that the principal or his/her delegate may conduct search, seizure and drug testing at schools. This is problematic as the principal and/or delegate are not trained in policing. This may also be subject to abuse and victimisation of learners by those assigned with the task to conduct random search, seizure or testing. It is proposed that the random search, seizure and drug testing be left in the hands of police or security personnel. ✓

Clause 14 provides that no criminal proceedings may be instituted by the school against a learner even in circumstances where a dangerous object or illegal drug was found or the drug test came out positive. It is proposed that educators should also be allowed to institute criminal proceedings. X

3.3 Clause 8

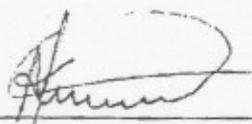
The principal as *ex officio* member of the School Governing Body (SGB) should form part of the SGB even when the SGB has a case against the department and must be allowed to testify against the department. In view of the responsibilities that are

given to the principal, the Bill must clarify whether the principal will remain the educator and in this regard the shortage of educators must be taken into account.

3.5 Clause 14

The National Student Financial Aid Scheme should also address the funding of student registration for eligible students.

4. The Portfolio Committee further resolve that Hon B Tunyiswa represents the Province of the Eastern Cape in a meeting to consider the mandate.



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SPEAKER EASTERN CAPE PROVINCIAL LEGISLATURE